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INSIDE THE MACHINE

TWO YEARS

IN THE

BOARD of ALDERMEN

1898 - 1899

P. TECUMSEH SHERMAN

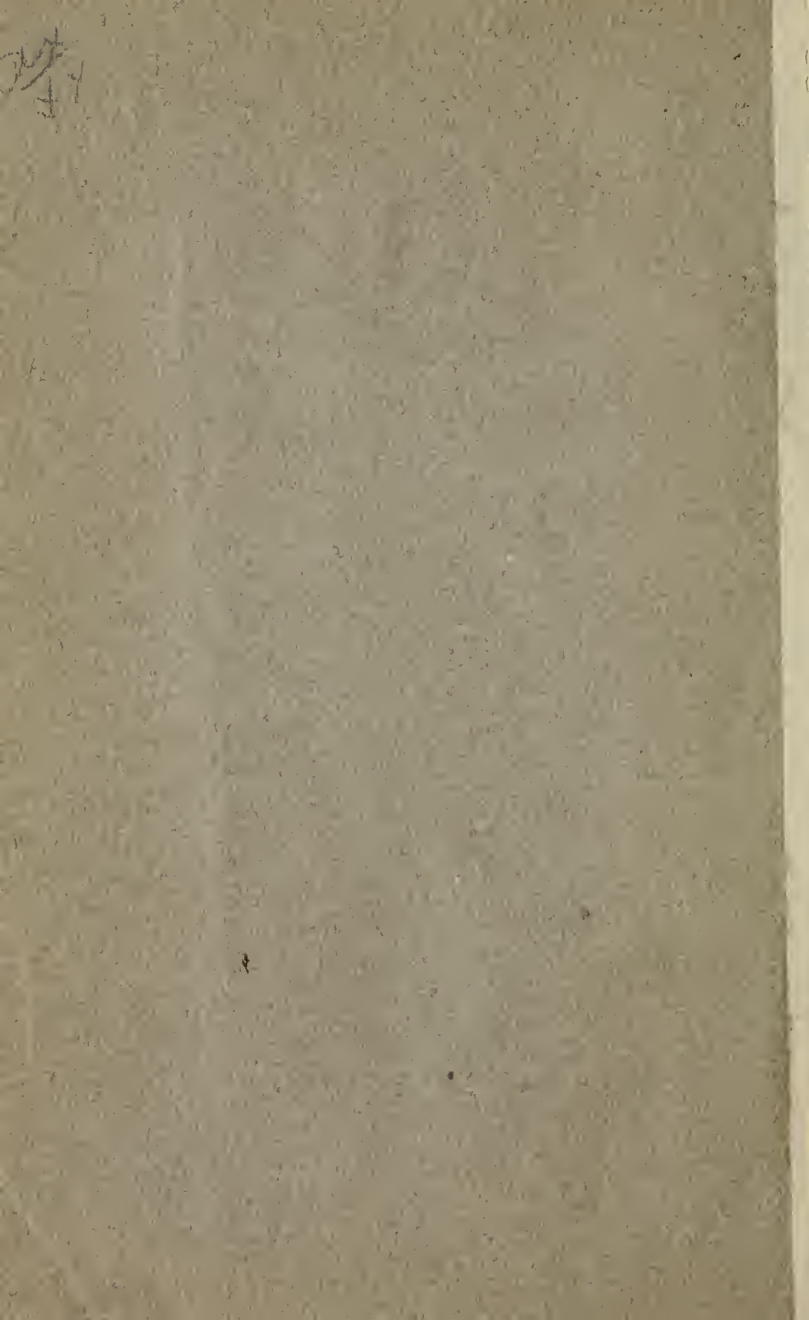


1901

COOKE & FRY

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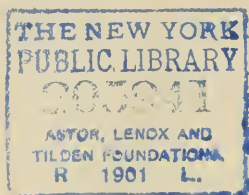
1898—1899

A STUDY OF THE LEGISLATIVE FEATURES OF THE CITY GOVERNMENT
OF NEW YORK CITY UNDER THE GREATER
NEW YORK CHARTER

P. TECUMSEH SHERMAN

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INTRODUCTORY.

In the early part of 1897 there was enacted by the State of New York a law known as "The Greater New York Charter." This statute was drawn by a commission composed of such men as Gen. Benj. F. Tracy, Judge John F. Dillon, Seth Low, Gen. Stewart L. Woodford, Mayor William L. Strong, and some ten others. And while it had been severely condemned by the Bar Association of New York City, and severely criticised at the public hearings held before the Mayor of that city, and only forced through the Legislature over his veto under extreme pressure as a Republican party measure, yet it was generally hoped that it would greatly promote the welfare of all the municipalities embraced in the new city, and mark a distinct advance in the science of city government in America. By this Charter there were annexed to the former City of New York, Brooklyn, Long Island City, with the adjoining territory on Long Island constituting the present County of Queens, and all of Richmond County or Staten Island. By this change, the population of the city was increased from about 2,019,000 to about 3,393,000; and its area was enlarged from 38,000 to 196,000 acres. For this new city was framed a system of government based in its minor details on that of the former city, but in its principles entirely dif-

ferent. And in its government were vested powers far more extensive than those possessed by the former city. The principal additional powers conferred were: to establish ferries and bridges over public waters within the city; to build docks and to improve the harbor; to construct parks, school-houses and public buildings; to open and extend streets; to provide water; and to grant franchises. These powers were conferred upon the city in response to a general demand for a larger measure of home rule, so that constant applications to the State Legislature for the above enumerated purposes would no longer be necessary. This new government, by the terms of the Charter, went into effect on January 1st, 1898, and the first election for city officers under it was held in November, 1897.

That election was one of the most bitterly contested in the history of the city. The Republicans nominated General Tracy for Mayor upon the platform that city governments should be administered upon national party principles; a new independent organization, known as the Citizens' Union, nominated Seth Low, President of Columbia College, upon the platform that national parties should take no part in city politics; the Jeffersonian Democracy nominated Henry George, who ran as the advocate of his well-known semi-socialistic principles; and Tammany Hall nominated Robert A. Van Wyck, a judge of good reputation, but who stood simply as the representative of Tammany and all that it represents, and who personally took no part in the campaign. A hot four-cornered fight followed, with somewhat even chances, until Henry George died, and his votes or possible

votes slipped back by natural affiliations to Tammany. From that time on, the result was a foregone conclusion, though the opponents of Van Wyck tried hard to shut their eyes to a realization of the fact. Tammany carried its ticket triumphantly, though it failed of a majority over Low and Tracy combined; Low was second and Tracy, in spite of his personal popularity, a poor third.

It was in this election that the writer was elected a member of the first Board of Aldermen of the City of New York, from the 25th District, in the Borough of Manhattan. My experiences with the Charter began immediately; for I found that it required me to take an oath of office and file it within five days with an official who did not exist, and who could not exist until the new government was inaugurated, some two months later. After some perturbation, I filed the oath with the official in the then existing government most nearly resembling that mentioned in the Charter. Subsequent experiences demonstrated that the Charter was full of such defects.

The Charter is a statute of some five hundred and sixty pages. In a technical sense, it is not a Charter, but merely a loose compilation of rules and regulations relating to the city government and its various officials, boards, departments and bureaus, together with a few clauses containing some additional grants of power to the corporation. By itself, it is by no means complete as to any matter to which it or any part of it relates; but it must be read in connection with the Consolidation Act, which was the corresponding charter of the former city, and itself a statute of some four hundred pages,—none of which is specifically re-

pealed,—and the various acts amending it, or relating to the different municipalities and corporations annexed to the former city, which are distributed through some thirty volumes of New York Session Laws. Thus the Charter was not even an attempt at a codification or a revision of former laws. And the government that has resulted from the operation of this ill-digested mass of laws is naturally not a logical system, but a complication so intricate and involved that no idea as to how it would work in practice could be obtained in advance of the practical experiment.

THE GENERAL GOVERNMENT OF THE CITY.

Before attempting to recite or describe the proceedings of the Municipal Assembly, it will be necessary to enumerate and briefly explain the constitution and functions of the different boards, departments and officials of the city government in which its legislative powers are vested. For they are widely distributed, and only a small part of them is vested in the Assembly.

The Mayor is the chief executive officer of the city. He is elected every four years, and is not eligible for re-election at the next succeeding term. He receives a salary of \$15,000 a year. He may be removed by the Governor, but only upon charges, and after an opportunity to be heard in his own defense. He appoints the heads of all the various boards, and departments, except the Department of Finance, whose head, the Comptroller, is elected, and of the Departments of Health and Education, which are governed by Boards whose members are variously elected and appointed. He also appoints the Chamberlain, the President of the Board of Public Improvements, the two Commissioners of Accounts, the three Civil Service Commissioners, twenty-three Police Magistrates, the heads of the Bureau of Municipal Statistics, and various minor officials. All of these, ex-

cept the Magistrates, he can remove at pleasure during the first six months of his term; but thereafter, with the exception of the Commissioners of Accounts, only upon charges, and with the approval of the Governor. He is ex-officio a member of many important Boards, including the Board of Estimate and Apportionment, the Board of Public Improvements, and the Board of Sinking Fund Commissioners, in which the most important legislative as well as a large part of the administrative powers of the city are vested. He is also armed with the absolute power of appointment and of removal over two Commissioners of Accounts, who control a clerical force with a payroll of over \$150,000 a year, through whom he can investigate any department of the city government. He has also a veto over all acts of the Municipal Assembly.

It was the declared purpose of those who drew the Charter to confer upon the Mayor the greatest possible power and consequent responsibility. And upon reading the above recital of his powers, it would perhaps seem that they had succeeded. But unfortunately this impression is wrong. For after the time within which the Mayor can remove at pleasure has expired, his power over administration practically ceases, for it then becomes firmly vested in the heads of departments, and to remove them upon charges is in the nature of a criminal proceeding and practically impossible save in case of the most flagrant dereliction of duty. And with the power passes the responsibility. It therefore resolves itself to this, that the Mayor's responsibility for administration ceases when he has exercised due care and discretion in his selection of the Commissioners and other heads of departments.

And thereafter, all responsibility passes to those practically irremovable officials. The Mayor's power, as conferred by the Charter, is therefore limited to his vote in the different Boards hereafter described, and to his veto over the acts of the Assembly. In addition, he has the power conferred upon him by general law to veto all special acts of the Legislature relating to the city, subject to the power of the Legislature to repass the same over his veto.

The administrative departments of the City Government are fixed and constituted by the Charter. They are:

The Department of Finance.

The Departments represented in the Board of Public Improvements:

Water Supply.

Streets and Highways.

Street Cleaning.

Sewers.

Bridges.

Public Buildings, Lighting and Supplies.

The Law Department.

The Police Department.

The Fire Department.

The Department of Taxes and Assessments.

The Department of Parks.

The Department of Docks and Ferries.

The Department of Buildings.

The Department of Public Charities.

The Department of Correction.

The Department of Education.

The Department of Health.

The heads of all these departments, except those of Finance, Health, and Education, are appointed

directly by the Mayor, and receive salaries on the average of \$7,500 a year each. They have control over the appointment, promotion, transfer and discharge of all subordinates, subject only to the civil service laws; and fix their salaries. While these departments are described as administrative, yet they include two Boards which possess very large legislative powers. They are the Board of Estimate and Apportionment, which is included in the Department of Finance, and the Board of Public Improvements.

The Department of Finance consists of five bureaus and two boards. The bureaus are for the collection of revenues, for the collection of taxes, for the collection of assessments and arrears of taxes, for auditing, and for the safe keeping and payment of money. The Comptroller is the head of this department. He is elected at large for the same term as the Mayor, and receives a salary of \$10,000 a year, besides very lucrative fees. He appoints the heads of the first three enumerated bureaus and all the subordinates in the department, except those in the last bureau mentioned, and is himself the head of the auditing bureau. The bureau for the safe keeping and payment of money is in charge of the Chamberlain, who is appointed by the Mayor for a term of four years and receives a salary of \$12,000 a year, besides large fees. In general, payments by the city are made by the Comptroller, upon vouchers filed in his department, by warrants drawn on the Chamberlain. No valid contract can be made unless the Comptroller certify that there remains unexpended and unapplied a sufficient balance of the appropriation or fund applicable thereto. He is the proper officer to enter

into any lease of property to the city; and his assent is necessary to all purchases of real estate.

This department issues the "city stock." The bonds of the city issued after January 1st, 1898, with the exception of certain issues known as "Revenue Bonds" and "Assessment Bonds," are known as "The Corporate Stock of the City of New York." It may be in coupon form for not less than \$500 a share, or in registered form for not less than \$10 a share, or any multiple thereof. It must be payable "in gold or in legal currency of the United States at the option of the Commissioners of the Sinking Fund,"—it is now payable in gold,—with interest at not to exceed four and one-half per cent., and is free from taxation except for State purposes. With a few specific exceptions, it may only be issued to the extent and for the purposes authorized by the Municipal Assembly and the Board of Estimate and Apportionment.

The Board of Sinking Fund Commissioners is included in the Finance Department. It is composed of the Mayor, Comptroller, Chamberlain, President of the Council and Chairman of the Finance Committee of the Board of Aldermen. They have charge of the sinking funds. "The Sinking Fund of the City of New York" is provided for the purpose of securing and paying the principal of the debt of the corporation. It is obtained by including in the amount raised by the annual taxes for each year successively until the principal is paid an amount which, with the interest and accumulations thereon, will be sufficient to pay the debt at maturity. There are also a few other sources of income to this fund outside of the taxes. The sinking funds of the former corporate bodies

now united in the city, are continued and the whole city is taxed to supply them. There are also several other sinking funds for special purposes. The Commissioners of the Sinking Fund also have authority to lease city property (with the exception of parks, docks and schools), subject to certain restrictions and limitations. And all leases to the city must have their approval.

The Board of Estimate and Apportionment is also included in the Department of Finance, and is probably the most important body in the City Government, for it prepares and, with the concurrence of the Municipal Assembly, adopts the budget, which is the general appropriation bill authorizing the payment of the current expenses of the city. It also has an equal control with the Assembly over all bond issues. This Board is composed of the Mayor, Comptroller, President of the Council, Corporation Counsel and President of the Department of Taxes and Assessments. In relation to the budget, it is their duty annually in the month of October by the affirmative votes of all of them, to prepare a budget setting forth the amounts estimated to be required for conducting the city's business for the next ensuing year, specifying the items for each department, bureau, etc., as fully as possible. All the amounts included in the budget as finally approved, may be spent by the department or bureau designated during the current year to which the budget applies in the manner and for the purposes therein provided, without any further authorization. There *must* be included in the budget sums sufficient to meet the city's accruing obligations, and to supply the sinking funds. This Board is also authorized,—formerly directed—to

make appropriations for certain charitable institutions in the city. When the budget is prepared, and before it is finally adopted, public hearings must be had at which the general public may appear and present objections to the proposed budget. It is then reduced to its final form and adopted, and submitted to the Municipal Assembly for consideration in joint meeting of both houses. The Assembly may reduce or strike out any item, but may not increase the budget, or any item in it. And should it vote to reduce the budget in any way, the Mayor may veto its action, and it can only enforce it over his veto by a five-sixths vote. Inasmuch as the budget can only be prepared with the Mayor's full approval, all this circumlocution means that the Assembly may reduce the budget by a five-sixths vote, but cannot increase it. After its adoption, the Board of Estimate and Apportionment may transfer any appropriation or excess of appropriation which is found to be unnecessary for the purpose intended to such other purpose or object as may require it; and this power is freely used. Any balance unexpended at the end of the year goes into a general fund for the reduction of the taxes of the next ensuing year. This Board also has control over the city's share of the State Excise taxes, which it may appropriate to such charitable institutions in the city that gratuitously assist the poor as seem to it most deserving.

The Board of Public Improvements follows in importance the Department of Finance. Its legislative powers are large, and in addition it has the exclusive administrative control over all public improvements, general and local. And through this latter power it has a strong coercive influence

over the Assembly. This Board is a novelty, created by the Charter.

The head of this Board is the "President of the Board of Public Improvements," who is appointed by the Mayor for a term of four years, and receives a salary of \$8,000 a year; and its other members are the Mayor, Comptroller, Corporation Counsel, the President of the five Boroughs, and the Commissioners of the following departments, which are included in this Board:

The Department of Streets and Highways.

The Department of Water Supply.

The Department of Sewers.

The Department of Bridges.

The Department of Street Cleaning.

The Department of Public Buildings, Lighting and Supplies.

The President presides at all the meetings, and has a vote, but no veto. In cases of difference of opinion, he decides disputes and assigns work within the general province of the Board to one or more of its departments. In his absence or disability, the Mayor succeeds to his powers. Each department has jurisdiction over the matters indicated by its title, and the Commissioner of each has independent charge of it. In addition to the separate departments, the President has an office force of his own with a salary list of \$239,000 a year, engaged in general map making and in centralized supervision over the departments included in the Board.

The Presidents of the Boroughs before referred to as members of this Board, are elected by the Boroughs, which are new subdivisions of the city created by the Charter. Each Borough elects its

President at the same time and for the same term as the Mayor. The Presidents are ex-officio members of the Board of Public Improvements, but they have a vote only in matters affecting solely their respective boroughs. As they have no combined vote they are practically without influence when compared with the seven appointive members of the Board. They are also the presiding officers of the local boards, but their duties in that capacity and the functions of those boards will be described later.

There are five Boroughs. The Borough of Manhattan consists of Manhattan Island and the adjacent smaller islands, that is, all of the former city lying south of the Harlem River, and all of which is within the County of New York. It has a population of about 1,850,000, and an area of 13,487 acres. The Borough of the Bronx consists of the remainder of the former City and present County of New York, all of which lies north of the Harlem River. It has a population of about 200,000, and an area of 25,270 acres. The Borough of Brooklyn consists of the former City of Brooklyn, and is coterminous with Kings County. It has a population of about 1,166,000, and an area of 42,000 acres. The Borough of Queens embraces the same territory as the present County of Queens, and includes Long Island City, and the former towns of Flushing, Jamaica and Newtown, and a part of Hempstead. It has a population of about 153,000 and an area of 79,347 acres. The Borough of Richmond consists of all of Staten Island and includes the same territory as the County of Richmond. It has a population of about 67,000, and an area of 36,600 acres. The Boroughs are not in

any sense corporate entities, but are only subdivisions for descriptive and administrative purposes.

The Board of Public Improvements is authorized to direct the acquisition by the city for the public use of the ownership of land for streets, parks and approaches, and of approaches to bridges and tunnels "whenever and as often as it shall deem it for the public interests so to do." And any "public work,"—what constitutes a public work is not defined,—in one or more of these departments must be authorized by this Board. Where the cost of the same is payable out of funds available, no approval by the Municipal Assembly may be required; but otherwise, as for instance where a bond issue is necessary, the consent of the Assembly is required. All ordinances of the Municipal Assembly modifying any of the existing rules, regulations or ordinances affecting any of the departments, and all ordinances to govern this Board or any of its departments must originate with the department concerned or with this Board, and must be adopted or rejected by the Assembly *without amendment*. The Assembly may originate ordinances providing for a public improvement, but only after a report thereon is obtained from the Board of Public Improvements—no method of compelling such a report is provided—and if that be unfavorable it can only pass such ordinances by a five-sixths vote of each house and with the Mayor's approval. This Board is, by the Charter, given *power* "to prescribe rules for regulating, grading, curbing and paving streets and laying crosswalks"; and in general is given jurisdiction over the following subjects: the

adoption of a land map (which determines the exact location and boundaries of streets, etc.), the acquisition of land for streets, and of rights in land to lay sewers, etc., the laying of sewers, the repairing of street pavements and the adjustment of grades, all matters relating to the water supply, and all "public work" for which money has been provided either by taxes, bonds or otherwise. It is the *duty* of this Board to prepare and recommend to the Municipal Assembly ordinances regulating the laying of water pipes and all underground pipes, and the construction of water works; the grading, paving and cleaning of streets, and their use for signs, posts, etc., and temporarily for building purposes, and for the exhibition of handbills, posters, etc.; the construction of vaults, the rates of railways on public bridges; the construction and repair of public markets and of public buildings (except schoolhouses, almshouses, penitentiaries and police and fire stations); and the making of public contracts requiring the payment of money. And all such ordinances when submitted to the Assembly, must be passed by it without amendment, or be rejected. It is also provided that all work undertaken by this Board exceeding \$1,000 in cost must be by contract by the Commissioner of the contracting department with the lowest bidder after public advertisement for bids, unless it is otherwise ordered by the Municipal Assembly by a three-quarters vote of all the members elected to each House, or unless this Board, by a majority vote, including the votes of the Mayor and Comptroller, decide to pass the lowest and accept a higher bid. And, practically the same regulations apply to all the departments, except the Dock De-

partment. The Charter also provides that the Municipal Assembly cannot release a contractor or extend his time for performance except upon the unanimous recommendation of the Board of Public Improvements.

The Municipal Assembly is the last and least of the repositories of legislative power under the Charter. It is composed of the Council and the Board of Aldermen. They have co-ordinate powers, except that the Aldermen alone appoint Commissioners of Deeds. The Council is the higher body, and is composed of the President of the Council and twenty-eight Councilmen. The President is an important official, is a member of many Boards and succeeds to the powers and duties of the Mayor upon his absence or disability. He is elected by the City at large for a term of four years, and receives a salary of \$7,000 a year. The Councilmen are also elected for terms of four years and they receive salaries of \$1,500 a year. They are elected from Council districts, three each from eight of such districts and two each from two. These districts are new and unfamiliar, and are not apportioned according to population, one district with two Councilmen representing it having a population of only about 60,000, while several of the districts with three Councilmen have a population of over 500,000. The disproportion is in favor of the recently annexed districts, and for this small mess of pottage they have given up all control over their local affairs and improvements. The present Council which went into office with the new government on January 1st, 1898, contains twenty-six Democrats and three Citizens'-Union Republicans.

The Board of Aldermen is composed of sixty members, elected for two years, each from an Aldermanic district. They receive salaries of \$1,000 a year. The districts are generally identical with the Assembly districts, and are apportioned according to the population. There are on an average about 6,000 votes in a district. This Board elects its President from among its own members, but its clerk is appointed by the City Clerk, who is elected by the Council and is its clerk. The Chairman of the Finance Committee of the Board of Aldermen is a member of the Board of Sinking Fund Commissioners, but with this exception none of its members have any connection or are in any way in touch with any of the great boards or departments in which all of the administrative and much of the legislative power of the city is vested.

All the city's legislative powers, not otherwise delegated, are declared to be vested in the Assembly. It is expressly given power to establish ordinances for some 31 enumerated purposes, such as to regulate the inspection and sealing of weights and measures, the numbering of houses, the use of the streets by passengers and vehicles, the depositing of ashes, garbage, etc., therein, the paving and grading of streets, and their use for signs, awnings, horse-troughs, etc., the control of public cries and noises, and the licensing of truckmen, newsstands, etc. Some of its powers are so similar to those delegated to the Board of Public Improvements that it is almost impossible to draw the line between them. The Assembly is also given power to adopt a code of building laws, to fix the salaries of officials not in any department, unless their sal-

aries are fixed by the Charter, and to grant franchises upon terms to be approved by the Board of Estimate and Apportionment. But no franchise to use the city's streets can be granted for a period to exceed twenty-five years, except that a right of renewal for a further term of twenty-five years on a fair revaluation may be included in the franchise. It is also in terms granted the power to investigate all the departments of the City Government, but practically it is impossible for it to do so without the co-operation of the Corporation Counsel. It has also jurisdiction over matters relating to public improvements and finances in conjunction with the Board of Estimate and Apportionment, or the Board of Public Improvements. The extent of the Assembly's power in such matters will hereafter be fully illustrated, and as will be shown, it is really more in the nature of a veto over the actions of those Boards than of an ordinary legislative character. It is provided in the Charter that no ordinance granting a franchise, or alienating any city property, or terminating a lease, or appropriating public moneys, or incurring any expense, or laying any assessment, can be passed in either branch of the Assembly until five days after the publication of an abstract of its provisions; nor at a meeting at which it is introduced except by unanimous consent; nor unless it secures a three-quarters vote of all the members elected to each House. And no moneys can be expended for a celebration or a similar function except by a four-fifths vote; and no additional allowance can be granted to any party to a contract beyond his strict legal claims except by unanimous consent. The rule requiring a three-quarters vote is the cause of great delay and conse-

quent bad results. It applies to all financial measures however small, and of whatever character, and such measures are very numerous and require constant action and frequently immediate action. And yet for reasons hereafter explained long and vexatious delays in the Assembly necessarily result. And this requirement in many such matters is absolutely without reason or any beneficial effect. For it has been held by the courts that in all cases where the ordinances are to authorize bond issues already directed by the Legislature or for the purpose of paying indebtedness already due, the Assembly can exercise no discretion but must immediately authorize the bonds. This duty is therefore purely perfunctory and ministerial and should not have been imposed upon a legislative body.

An enumeration of the legislative bodies of the city would be incomplete without some reference to the *Law Department*, whose head is the Corporation Counsel. He is appointed by the Mayor for a term of four years and receives a salary of \$15,000 a year. He is the legal adviser, counsel and attorney of all the departments, boards, bureaus and officials of the city, including the Municipal Assembly; and they, and their members, are all forbidden to employ or to appear by other or special attorneys. This is a change from the former system, and as it enables the Corporation Counsel to appear as attorney for and to bind all the other officials by his acts, and yet to act in entire disregard of their wishes and in hostility to their rights and interests, it enables him to exercise a strong coercive power over them. A striking instance of his use or abuse of this power will be related hereafter.

MEMBERSHIP OF THE BOARD OF ALDERMEN.

The Board of Aldermen, of which I had been elected a member, met first at noon on January 1st, 1898, as prescribed by the Charter. There was some delay in organizing, as we had to wait until the Council had first organized and elected the City Clerk, and he had appointed the Clerk of the Board of Aldermen, whose duty it was to call the Board to order. Our first action was to choose a President, and we elected Thomas F. Woods, a Tammany Hall Democrat of Manhattan, to that office by a party vote, and his election was thereupon promptly made unanimous. Mr. Woods was a horseshoer by profession, and his knowledge of parliamentary law was not large, but he was ably coached by the Clerk, Mr. Blake, who had been clerk and deputy clerk of many preceding Boards, and thus assisted, he made on the whole a fair and efficient presiding officer.

The members of the Board were a rather miscellaneous assortment of humanity, and represented all shades of intelligence, ability and education. As a whole, their ability was beyond their education; but few of them represented any great experience either in politics or affairs. Eight of them had no other business than politics, eight were acknowledged liquor dealers, eight professed to be

real estate dealers, but some of them did little active business, and devoted themselves principally to politics; four were manufacturers, three were lawyers, and one a law student; three were truckmen, two plumbers, two machinists, and there was a painter, horseshoer, grocer, undertaker and carpenter, besides fourteen others of miscellaneous occupations. Nearly one-half were of Irish birth or parentage, and the remainder were about equally divided between Germans and Americans.

In politics, there were at first forty-seven Democrats, two "straight" Republicans, three "straight" Citizens'-Union members, and eight Citizens'-Union Republicans. In practice, however, the thirteen of the minority always acted as one party and in time came to call themselves Republicans. Within the first few months, one Democrat was unseated by the courts in favor of a Citizens'-Union candidate; and during the two years of office three Democrats and one Republican died, and one Republican (Citizens'-Union) resigned. In each case, the Board elected a Democrat to fill the vacancy, so that the final party vote stood forty-eight to twelve. There were two members each of the majority and minority who had sat in the preceding Board of the former city; and four members of the majority and one of the minority who had been members of the last Brooklyn Board. These latter, I heard, had been of the "cold thirteen" of that Board, but as I do not know the exact record of the "cold thirteen," or whether the statement is true, anyhow, any explanations on that point would be improper. The thirty (afterward thirty-one) of the majority from Manhattan were all members of Tammany Hall, and always voted

as a unit on important measures. The one member from Richmond, a Democrat, and the Democratic member from Queens, although not themselves members of Tammany, always voted in entire subservience to its dictations. But the fourteen Democratic Aldermen from Brooklyn belonged to a different organization, were often rebellious against Tammany, sometimes combined with the Republicans, and occasionally acted by themselves. In the end, however, Tammany always whipped them into line by its control over patronage and local improvements. And even the members of the minority were sometimes forced to buy local improvements for their respective districts by abandoning their party and their principles on important measures.

Among the members, in spite of differences of politics, race, education and environment, there generally prevailed the most harmonious personal relations. But this only came with time. At first a bear pit was harmonious and orderly in comparison. Ill feeling was started at the first meeting, for after its adjournment when the minority had generally left the chamber, the majority reconvened and allotted seats, thus securing the better places for themselves. And this ill feeling was increased shortly after by the President's "railroading" through, in violation of the rules, an ordinance creating a commission to revise the building code. It was in this period of disorder that one member of the majority called an opponent "an academic pintod," and advised him "to sit on his point of order"; and that another alderman in opposing a motion for a special meeting, declared that "the less frequently this lawless body meets, the better

for the City of New York." However, in time things quieted down and no amount of abuse and denunciation served to phaze the good temper of the majority, or lead to any personal ill feeling. And the President avoided a repetition of his first error by thereafter always deputing the duty of presiding when any matter was to be "jammed through" to a member whose unfailing equanimity and good humor under attack combined with his absolute disregard for parliamentary law and minority rights rendered such action no less effective while much less ill-natured. The roll call, when ordered, was always scrupulously fair and the vote correctly recorded. But in other respects, the minutes were sometimes incorrect and unfair.

The majority was ably led by Alderman John T. McCall, a newspaper man by profession, but with the exception of those from Brooklyn, its members seldom spoke or defended its measures in any way. The minority was led by Alderman Collin H. Woodward with much parliamentary skill. The members of the minority spoke frequently, but seldom at any length, and never indulged in dilatory debate. The orator of the Board was Alderman B——, of Brooklyn, a Democrat of considerable common sense, but absolutely without education. He had two failings, an inability to stop when he once got started, and a consummate ability to murder the Queen's English. He generally spoke out of order and to a previous question, that is, to a question that had been disposed of. Once, in explaining a resolution to provide a court room for the judges of a minor court in Brooklyn, he said: "The law says that they must *set* on the 15th; they've no place to set now, and they've just got to

set." In answer to an inquiry as to whether or not they were then *laying*, he vouchsafed no reply. On another occasion he thus retorted to a rather jeering interruption:

"I don't want to be stopped by no song-and-dance man. It has been broadcasted in the papers that this Board has been holding up bond issues. If that company are getting water from the city, it is because there are not been no rains. There are members of this Board that is a-skeered of the press. I for one cares little about what the press says about me. I ain't no coward. I ain't a-skeered of the press. I'll vote according to my conscience and my dictations."

And at yet another time he opposed a certain ordinance because, as he expressed it, "it would destruct the property of the people of my district, and I won't stand here on my feet on this floor and see no property of theirs destructed, no I won't!" And it may be truthfully said of this representative that, in spite of his deficiencies, he did carefully guard the welfare of the people of his district.

But it must not be thought that all the illiteracy of the Board was monopolized by Alderman B——, although he alone conspicuously aired it in oratory. The others ran more to resolutions expressing sympathy, admiration, congratulations, etc., in regard to current matters and events lying far beyond the sphere of city government and politics. Many such resolutions of great length and abounding in fulsome rhetoric were regularly introduced and carelessly passed. The writer once brought down upon his head some little wrath by introducing a resolution to amend the rules so as to send all such reso-

lutions as of course to a special committee to be revised as to grammar and historical statements. It is needless to state that it was not passed.

Among the resolutions which came before the Board there were many amusing mistakes. One ordinance, for instance, aimed at a street railway that did not run its cars frequently enough, provided that thereafter the cars should be run "not less than five minutes apart." Another provided that the paintings formerly hung in a certain room in the City Hall and then temporarily stored, "be and they hereby are hung in the Committee Room." Sometimes, however, mistakes were due to the fact that the resolutions were drawn by outsiders and handed to members who complaisantly endorsed and introduced them, without reading, upon the assurance that they were "all right." Thus one Alderman was induced to nominate Noah Webster and Lindley Murray for Commissioners of Deeds. And some reporters betrayed Alderman H——, an aggressive Irishman, into fathering a resolution which provided that the City Hall and other public buildings should be decorated on the Queen's birthday. This was a rather serious matter, for, although the resolution was promptly laid on the table, yet the newspaper men, in order to carry out the joke, reported it as having passed. And as a result, communications poured in from all parts of the world denouncing us, and particularly poor H——. And the next meeting of the Board was devoted entirely to his explanations and vindication. For delegations from Irish societies from all over the country east of the Mississippi River filled the chamber and the galleries to overflowing and demanded satisfaction. Long and elaborate speeches

were made by the majority leader and by Alderman B——, above mentioned, in vindication and praise of Alderman H——, and the latter excused himself at length. In the course of his remarks he said: "I was only a boy when I was evicted from my home in Ireland. I came at once to this country, and less than ten days after landing joined Tammany Hall. Does any one here think that I would introduce such a resolution if I knew what was in it?" And no one there did. The *faux pas* was, however, fatal to H——, who was not renominated.

As regards their personal honesty, the members of this Board were not open to unusual criticism. It is true that there were quite a number of measures that were long "hung up" in committees and suddenly reported with unexplained change of heart. But it is probable that only a little influence or some small "tips" were all that was necessary to make the machinery move. There were also ugly accusations that some of the members required gratuities for their approval of local permits; and such charges may have been true. But in many cases of this kind the Aldermen were asked to do, and did, a good deal of very proper work outside the line of their duties in aiding the prompt passage and approval of such matters by the Council and the Mayor, and the acceptance of an honorarium for such extra services was no more immoral than many practices openly indulged in by other officials. There were also some rumors of combinations to "hold up" important ordinances, but of them I never had any personal knowledge. But, in my opinion, there was one group of from five to seven members who always acted the part of "Black

Horse Cavalry"; and the peculiar provisions of the Charter aided their operations and gave them unusual powers and opportunities. It would, however, be unfair to ascribe to the generality or even the majority of the members any responsibility for the evils that they accomplished. Passes on railroads and free tickets to places of amusement caused rather general demoralization. In spite of these facts, the personal honesty of a large proportion of the Aldermen was, in my opinion, beyond question. This, however, does not mean that the Board was a fair and honest body. On the contrary, it was not; for the Tammany members openly disclaimed all personal responsibility for their party measures, and voted solidly for some of them for which even the lively imagination of their leader could not invent the semblance of a reasonable apology or excuse. Against such an organization arguments or appeals to conscience were of course vain.

The members of this Board were not the hard-drinking, loud-dressed men that tradition and imagination cause the majority of people to picture the traditional Aldermen. Some had their little peculiarities, but, as a body, they resembled any other aggregation of ordinary New York citizens.

The excessive funeral ceremonies indulged in upon the death of a member will perhaps convey the best idea of their general social standing. During our term of office we lost four members. On each occasion the walls of the whole chamber, together with the President's and the deceased Alderman's desk, were elaborately draped in black, and a large majority of the Aldermen attended the funeral in "hacks" dressed in their finest black and

wearing elaborate badges with some such inscription as "We Mourn Our Loss." A showy emblem, such as a floral chair or horseshoe, was the usual funereal tribute presented by the Board. All this was, of course, at the city's expense. In addition, there were the usual and appropriate commendatory addresses at the next meeting. An attempt was made at the time of the first funeral to add a little supper of the Aldermen at the city's expense to these other observances. But the newspapers raised such a row over it that we thought better of the matter and paid for the banquet out of our own pockets. And thereafter we omitted it altogether.

Such were the members of the first Board of Aldermen of the Greater City of New York; and the members of the Council were essentially similar. On the whole, they in every way fairly represented the people of the city. It is true that they were not what are called "representative citizens," because they were not chosen from among the ablest and most experienced. They were, however, average citizens—neither better nor worse than the mass of the people of the districts they represented. And though this particular Board was roundly ridiculed and criticised by the press, yet I am satisfied that its faults were due not so much to the character of its members as to the evil influence of the great party organization that controls the city and to the defects of the Charter. Under other circumstances, with better defined duties, responsibilities and powers, and with larger salaries, that same Board would have made a much more creditable record. And with proper changes in its constitution it would be possible to secure for the Assembly a better membership.

HISTORY OF THE BOARD OF ALDERMEN. 1898-1899.

The Board of Aldermen and the Council met separately every Tuesday afternoon, except during a month's vacation in summer, and held frequent special meetings. In addition, the Aldermen met twice a week during the first three weeks of December, and almost daily during the last week of that month to dispose of the accumulated business of the current year. The meetings were largely occupied with very petty matters, and but little time or attention was given to the framing or enacting of general ordinances (with the exception of the building code ordinance mentioned later), for the reason that the Assembly's jurisdiction over such matters was so doubtful and ill-defined that all attempts to exercise it led to conflicts and disputes with the more powerful so-called administrative departments.

The most important duty of the Assembly was the consideration of ordinances relating to bond issues, contracts and public improvements. These ordinances were drawn in and transmitted to the Assembly from the different boards and departments having jurisdiction over their special subjects respectively, and the Assembly's duty was limited to approving or disapproving them. Contracts by departments to be made after public letting and pay-

able out of appropriations already made needed no approval by the Assembly. But contracts without public letting, bond issues and public improvements, required approval by an affirmative vote of three-quarters of all the members elected to each Board. The ordinances relating to these subjects were divisible into three general classes. First, ordinances authorizing a public improvement, which sometimes also authorized the issue of the necessary bonds to pay for the improvement, but generally only authorized the work and the necessary contract, leaving the bonds to be provided for by subsequent action. Second, ordinances authorizing the issue of bonds. Sometimes they were incorporated with the ordinance authorizing the improvement or liability, and sometimes they were to pay for indebtedness already authorized and accrued or about to accrue. Third, ordinances authorizing contracts without public letting.

These classes of ordinances came to be described loosely as "public improvement ordinances," "bond issues" and "contracts without public letting." A very large proportion of the ordinances fell within two or more of these classes.

There were also ordinances granting franchises and for other purposes which required a three-quarters vote, but they were not numerous or familiar.

Requests by departments for authority to make contracts without public letting were very numerous and aroused vigorous opposition. They were seldom accompanied by any explanation of their necessity, or by any suggestion or promise of any other proper method of awarding the contract as a substitute for the public letting. And sometimes

investigation disclosed the fact that the contract had been already awarded, without public letting, and that the proposed ordinance was desired in order to cover up and ratify the illegal act. While some rather dubious measures of this kind were pushed through, yet a majority, of the Aldermen at least, showed a proper spirit in dealing with such matters, and insisted that all ordinances of this class should be accompanied by written statements from the departments showing the reasons for remitting the strict rule. And many demanded, though unsuccessfully that, where possible, some other form of letting, such as a letting amongst all those recognized by the department as competent to do the work, should be substituted.

Ordinances providing for public improvements originated in the Board of Public Improvements. Ordinances authorizing bond issues, if for the payment of debts already accrued or accruing originated in the Department of Finance, were first approved by the Board of Estimate and Apportionment, and then came to the Assembly. Generally they were transmitted first to the Council and were then forwarded to the Board of Aldermen. There was, however, no legal provision requiring this course of procedure, and therefore they were sometimes transmitted first to the latter Board. When they also authorized public improvements they originated in the Board of Public Improvements and were then passed along to the Board of Estimate and Apportionment and to the Assembly, in the order named. The Assembly had power to originate bond issues, but only to an amount not to exceed a total of \$250,000 in any one year, by a resolution requiring a three-quarters vote of each Board

requesting the Board of Estimate and Apportionment to authorize the issue of a certain amount of bonds for a purpose stated.

Very early in the history of our Board a large number of ordinances authorizing various issues of bonds for purposes of pressing necessity, generally understood and demanded, were promptly and almost unanimously passed. Then a sudden halt was occasioned by the question of the debt limit arising.

That question may be roughly explained as follows. It is provided in the State Constitution that no city or county shall become indebted to an amount to exceed 10 per cent. of the assessed valuation of its real estate. The former City and County of New York were at the time of consolidation well within that limit, having a margin of over \$40,000,000 of further possible indebtedness. But Brooklyn and Kings County had separate debts, which, in the aggregate, far exceeded 10 per cent. of their joint real estate. But they had only recently become coterminous, and the constitution then as now provided that when a city and county become coterminous the power of the county to borrow money shall cease, but its existing indebtedness shall not be added to the city's in estimating the latter's debt limit. By virtue of this clause Brooklyn had not exceeded its debt limit, for the old Kings County debt was not counted against its real estate in estimating it; but when that city and Kings County were absorbed into the City of New York this provision of the Constitution by its terms ceased to apply, for the city's limits were no longer identical with those of Kings County. And the present city's debt was thereby increased by

the amount of the combined debts of Brooklyn and Kings County, while its power to borrow was only increased by 10 per cent. of their joint real estate. And as their combined indebtedness exceeded 10 per cent. of the value of their real estate by about \$22,000,000, the margin of further possible indebtedness remaining over from the former City of New York was reduced by just so much. And Queens and Richmond Counties brought similar dowries of indebtedness into the partnership, which reduced that margin by two or three millions more. And when the bonds first authorized by the new government had been issued the amount of the city's indebtedness came very close to the limit. It was then that the Corporation Counsel paralyzed the City Government by rendering an opinion in which he held that the limit had already been passed. This opinion was based upon the contention that certain unliquidated and unaccrued liabilities on contracts should be included in estimating the indebtedness. But after some "crawfishing" he receded from this position, and the contention was abandoned. In January, 1899, the indebtedness of the city was about \$244,000,000, and the valuation of its real estate, as assessed in 1898, was \$2,464,000,000; so that there was only a small margin of about \$2,000,000 for further indebtedness. But the tax assessors in 1899 remedied this stringency by increasing the assessment of real estate some \$421,000,000, of which \$307,000,000 fell on Manhattan Borough alone, and \$42,000,000 was thereby added to the margin for further indebtedness.

After the bugaboo of the debt limit had been disposed of, bond issues again came pouring into the

Assembly steadily at the rate of from five to ten important measures a week. But they did not pass so promptly, and this delay brought down upon it the reproach of "holding up" bond issues. Really, however, it was not altogether the fault of the members of the Assembly. In the first place, these matters required a three-quarters vote, and it was not at all the meetings of the Board of Aldermen, for instance, that a vote of 45 out of 60 would be present. On stormy or foggy days the members from the Bronx, about fifteen miles away, and those from Flushing, Canarsie, South Brooklyn and Staten Island, all of whom had long journeys by railroads and ferries, were apt not to attend. There was generally one vacancy by death, several would be ill or away from town, and the sense of irresponsibility and uselessness which the general character of the work engendered was not calculated to make the members over-scrupulous or self-sacrificing in the matter of attendance when private business or pleasure stood in the way. And the inadequacy of their salaries also tended to make them regard their public duties as of secondary importance, and therefore to be lax in attending meetings.

A second cause of delay in passing these ordinances was that the Assembly could not amend them or originate substitutes, but had to approve them in the exact form in which they came to it, or reject them altogether. It frequently happened that there were included in ordinances for necessary and pressing improvements provisions or riders not understood, unnecessary, extravagant or in our opinion wholly bad. And as we could not amend the ordinances, the only thing that we could do was to "hang them up" and try to "starve out"

the department that originated them. The burden of such fights fell upon the minority, but many of the majority often aided. When such games of patience were resorted to public opinion called loudly for action, and, as we were the immediate cause of delay, it would generally be directed against us, with the result that some of the weaker members would yield, and the ordinances with their bad provisions would be passed, but only after considerable opposition and delay.

A third cause of delay in the Assembly was the existence of two Boards. This caused delay both by the longer time necessarily occupied in measures passing two Boards instead of only one and also by the double chance of their being improperly "held up." There is no possible reason for the existence of two houses of the Assembly in the present system of government. In legislative bodies where such division rightly exists it is for the purpose of having one body act as a check or reviser upon the measures originating in the other. But in this Assembly neither body has the power to originate, with some few exceptions relating to matters for which some other form of check or restriction upon the power of the Assembly has been or could have been easily established. In financial measures, while each Board has the right of veto, practically it has the power only to obstruct and delay; indeed, it hardly has the power to avoid delaying and obstructing. And the net result of having the two boards is to double the delay, and principally in matters in which delay is seriously harmful. To offset this evil there have been no good results from the division.

Yet another cause of delay was that the members

of the Assembly could not obtain from the departments sufficient information to enable them to vote intelligently on pending matters originating in the departments. In some cases the departments deliberately withheld information, and depended upon time, party pressure and patronage and public clamor to force the members of the Assembly to vote blindly in accordance with their dictations. By the Charter it was provided that the heads of departments might participate in the debates of the Assembly, and it was probably intended that in this way they should keep its members informed of departmental measures. Of this privilege, however, they seldom availed themselves. And it was vain to have expected them to do so, for they are far too busy to spare the time to keep track of the proceedings and attend the rather lengthy meetings of two legislative bodies. The bond issue ordinances were frequently very important, sometimes involving the expenditures of millions of dollars each, and many members naturally delayed voting upon them until they could get proper information concerning them. And the place to acquire that information unfortunately was not at the meetings of the Assembly. The ordinances themselves seldom disclosed their full purposes, and there were no explanatory communications transmitted with them from the departments to inform the members why and wherefore the particular ordinances were reasonable and necessary. Thus, for instance, a certain ordinance for the issue of bonds for \$250,000, to pay for work on the Croton Aqueduct. It required about six months' delay before the Aldermen could learn specifically what it was for, how much the contract for the whole work

called for, how much of the proposed issue was to pay for indebtedness already accrued, how much for future work, and why this particular sum was reasonable and necessary. The departments and boards practically took the position that this was not the Assembly's business, and that the members of the Assembly should rely upon the determination of the departments as to amounts, etc. And the members of the Assembly were severely blamed for the delay that resulted because they refused to do so. The Council was particularly censured because some of its members declined to vote for an ordinance authorizing the issue of \$2,000,000 of bonds to repave streets until the Commissioner of Highways should furnish some estimate of the paving necessary and a statement of the streets to be repaired. The Comptroller, the one official of the city in whom the independent members had confidence, was frequently at fault in this respect. It was held by the courts that where bond issues were to pay for debts already accrued, the Assembly had no discretion as to their approval, but was bound to pass them promptly. It was also perfectly obvious that it was economical to do so where the issue of bonds was necessary to pay the debt. For the debt bore interest against the city at the rate of 6 per cent., while the city's bonds bore only about 3 per cent. There was no disposition on the part of the Assembly to delay such measures, but the difficulty lay in distinguishing them from ordinances to issue bonds for ordinary purposes, such as for works not yet under way or even authorized. It always seemed to me that had the Comptroller taken the trouble to point out and identify such ordinances they would have been

passed promptly. But he seldom, if ever, did so. It therefore generally happened that only after long personal investigations, which necessarily caused delay, could the members of the Assembly ascertain that the ordinances to issue bonds to pay debts were actually for that purpose. And in several cases definite information could not be obtained for many months. Thus in the case of a "bond issue" of \$1,500,000, to pay for certain Brooklyn water works that had been condemned, over a year's debate and personal investigations failed to reveal that fact conclusively; for a certain minority in opposition declared that the condemnation proceedings by which the works were acquired were not yet terminated and that the proposed bond issue was therefore improper. While this minority may have been actuated by improper motives, yet there were quite a number of disinterested members who could not ascertain the true state of the facts for over a year. The trouble not only in this case, but in general, was that the Assembly was acting apart from the departments and out of communication with them, and totally in the dark as to the matters before it. This state of affairs the Assembly was unable to cure; but the departments could have done so. And if we seek for the reason why they deliberately placed the Assembly in this predicament we have not far to look. For in the Assembly alone of all the effective forces of the city's government was the minority party at all represented. All the others were in the exclusive possession of Tammany or its kindred Brooklyn organization; (and this same condition of monopoly would be true in any case under the Charter, where one party had succeeded in elect-

ing its candidates for Mayor, Comptroller and President of the Council). It was, therefore "good politics" for all the other departments to do everything possible to keep the Assembly in the dark, to break its power and to reduce it to public odium and contempt, and thereby perhaps to lead to its abolition. And to that end every force and power of the City Government was directed, in spite of the fact that such efforts incidentally hurt the majority members of the Assembly. But it was upon the minority that the real hardship fell.

This complicated and impractical condition of affairs in the Assembly naturally led to many severe struggles and long deadlocks, from which the people suffered. And one of these deadlocks brought upon the Assembly a certain mandamus proceeding which crushed its spirit, shattered the last remnant of its power in financial matters, and left it but the cash register of the Comptroller and the ballot machine of the Corporation Counsel. It came about in this way: There were "held up" in the Council three important bond issues. One provided for \$1,500,000 to pay for the Brooklyn Water Works, before mentioned, which had finally passed the Aldermen. The second was for \$2,000,000 to provide a fund for repaving streets. And the third was for \$450,000 for work on a new Hall of Records, then being built. The first had back of it the earnest and finally the thoroughly aroused support of the people of the locality interested, but the Brooklyn Democratic organization was, for some reason, probably sinister, opposed to it. Tammany had long simply acquiesced in this opposition, but at length, aroused by popular clamor, and having no direct interest, had come to

the support of the measure. The Hall of Records matter was but little understood among the members, but there were ugly rumors current as to irregularities in the contract for the work, and the feeling was that the contractor should be forced to sue, and that the Corporation Counsel should defend the action in the courts, and thus test its merits. But there were really no sufficient grounds specified by the opposing members upon which any valid defense in such an action could have been predicated. The paving bond matter had back of it an intense popular demand for improved streets. But some of the Brooklyn Councilmen claimed the right to know what streets it was proposed to repave, and demanded the estimates and particulars on which the request for \$2,000,000 was based. The Commissioner of Streets and Highways declined to furnish this information, and these Councilmen therefore opposed the ordinance. For these separate reasons there were enough members opposed to each ordinance to prevent the necessary three-quarters vote for it in the Council, and a long deadlock ensued. Throughout the delay public clamor was directed against the Assembly, because it was the apparent and proximate cause of the delay in needed improvements. And when finally the contractor engaged in building the Hall of Records commenced proceedings for a mandamus against the Assembly to compel it to authorize the issue of the bonds to pay him, that body was in the depths of unpopularity. A mandamus is a writ or order of the Court, which, when directed to a public body, commands it to perform a ministerial or administrative act. It does not lie to compel a legislative act. In these proceedings it was

therefore contended that the approval by the Assembly of the issue of these bonds was a purely ministerial act involving no discretion, for the reason that the Legislature had long before authorized the contract for the work and directed the city to issue bonds to pay for it. And this contention was doubtless correct; but the members of the Assembly did not know it, or even know that the issue of the bonds had been directed by the Legislature; and when they did learn the latter fact they still thought that as they were a legislative body the courts had authority to compel them to vote *on* the ordinance but not to vote affirmatively *for* it. Some, too, felt that, as the Assembly is nominally given power to investigate, they had the right to demand that this contract be fully investigated, and that until this was done they had the right to withhold payment. The Court proceedings were begun by a notice, or "order to show cause," as it is called, which was served upon the Presidents of the Council and of the Board of Aldermen. This order required them to show cause—that is, to give reasons, if there were any—to the court on a day named, why a mandamus should not be granted against the two Boards and their members. These officials turned the notices over to the Corporation Counsel, presuming, we may suppose, that he would do everything necessary to protect the rights and interests of his official clients. Instead, he appeared in court through his deputy, consented to the issue of the mandamus in the form and terms proposed by the attorney for the contractor, and thereupon the Court, as is usual and proper when the attorneys for all the parties interested consent, without looking into the merits of the case or the propriety of

the terms of the proposed mandamus, granted the order and issued the mandamus. And thereupon the Corporation Counsel took no steps to notify the members of the Assembly, whose counsel he was and in whose behalf he pretended to be acting, of the existence of the writ, or to instruct them as to their duties under the circumstances, but left them to their own unaided judgment. The circumstances attending the receipt of the writ by the Board of Aldermen were rather dramatic. About ten minutes before it convened in its regular meeting the writ was handed to the President, and immediately upon the opening of the meeting it was read. This was the first notice many of us had received of the matter, and it was the first intimation we had that the mandamus was directed to us personally, for the ordinance in question was not before our Board and many of us had never heard of it. And yet, here, without a word of warning, was an order from the Court, granted upon the apparent consent of our attorney and upon affidavits stating that we had refused and neglected and still refused to vote for this strange ordinance—all untrue—and commanding us and each of us immediately to vote for it and pass it. To say that we were surprised and angry does not describe the situation, and in the pandemonium that followed many harsh things were said of the Corporation Counsel. But we soon realized the ridiculous feature of the situation, that the mandamus directed us to perform an impossibility. For we were ordered by it to pass immediately a specific ordinance which was not before us and which we could not originate. We therefore referred the papers to the Department of Finance, with the request that it transmit to us

the required ordinance, and upon the receipt of it at our next meeting we promptly and unanimously passed it, in obedience to the order of the Court. And yet, during that necessary interval, our Counsel and the press took the opportunity of accusing us of being guilty of contempt of court! In the Council, however, the matter was more serious. They had the ordinance before them, and yet upon the receipt of the Court's order many of the members refused to vote for it, contending that the Court could not order or compel such action by a legislative body, and that the Court would not have granted the order had the Corporation Counsel properly presented their case. The latter contention was probably correct. Later some of those who had voted against the ordinance changed their votes, and it was passed; but a few still voted against it. A motion was then made to punish these recalcitrant members for contempt of court, and the Corporation Counsel, through his deputies, appeared as their attorney, and consented that they be punished. Other attorneys employed by them personally appeared in Court and demanded the right to represent them and present their side of the case, but the Corporation Counsel objected, and his contention was sustained; for, under the Charter, he is the sole attorney for all city officers. The curious anomaly was thus presented of an attorney acting throughout a proceeding in entire hostility to his clients, using all his efforts to lead them into difficulties and contempt, urging their punishment, and refusing to present their arguments and extenuating circumstances to the attention of the Court. This proceeding disclosed the hazardous and dependent position of the members

of the Assembly and all elective officers of the city government. For they alone, of all citizens, are exposed to the danger of having an attorney, in whose selection they have had no voice, in whose judgment and integrity they have no confidence, and over whose actions they have no control, vested with full and exclusive powers to represent them in court and to bind them in every way, while they are shut off from all other means of presenting to the Court the facts and arguments upon which they base their rights and justify their actions. With such power vested in him, the Corporation Counsel can compel the Assembly to do *anything*.

During the years 1898-1899 there were but two franchises granted. The Charter provides very fully for the procedure in such grants requiring long advertisement and public hearings before committees of the Assembly, and the compensation to be paid to the city for a franchise must be fixed or approved by the Board of Estimate and Apportionment. The franchises referred to were for street railways; they had the general public approval and were unanimously passed by the Assembly.

There were only two important measures that required a four-fifths vote that came up in the Board of Aldermen during that time. They were appropriations for celebrations. The first was a proposed appropriation of \$50,000 to celebrate the anniversary of consolidation, under the name of Charter Day. It passed the Board of Aldermen after some opposition, but, it subsequently appearing that the subject was not considered a cause for celebration, it got no further, and the matter was allowed to drop. The other was the appropria-

tion of \$175,000 for the celebration in honor of the return of Admiral Dewey from Manila. The committee having charge of this celebration insisted that the appropriations for it should be free from all provisions as to public letting and other safeguards against misappropriation. I voted for both of these measures, but the way in which the money was expended for the Dewey celebration, in spite of its great success, makes me sincerely regret that I did so.

The first serious struggle in the Board of Aldermen arose early over an ordinance to appoint a commission to revise the Building Law, and it continued with ever increasing bitterness almost throughout the life of the Board. The power to enact a code of building ordinances is the greatest legislative power that was granted to the Assembly, and the majority lost no time in making use of it. The building laws of the city consisted of the Tenement House Law, which provides for fire-proofing and ventilation in tenements, and which was re-enacted in the Charter and cannot be modified by the Assembly, and the Building Law, which could be amended or replaced by any ordinances the Assembly might enact. The latter law was admittedly old and out of date, but there were two diametrically opposite interests demanding different tendencies in its amendment. On the one side were the speculative builders, who objected to all material restrictions upon the character of buildings, and who demanded a "practical" law. On the other side were the architects and reformers and generally all classes who are opposed to flimsy, ill-ventilated and easily inflammable buildings. Early in the session an ordinance came to the

Board of Aldermen after passing the Council which provided for the appointment of a paid commission to revise the building laws, to consist of the Commissioners of the Department of Buildings and seven representatives of building trade interests therein enumerated, to be appointed by the Presidents of the two Boards of the Assembly. From the very first it was evident that it had the strongest political influence behind it, and that nothing would be spared to secure its passage. A combination between the Brooklyn Democrats and the minority, however, succeeded in "hanging it up" in committee. And the minority fought hard to amend it by adding to the number of the proposed commissioners three architects to be nominated by certain architectural societies, a civil engineer, a sanitary engineer, two lawyers and the Fire Chief, and further providing that the commissioners should serve without compensation. All these efforts were, however, in vain, for Tammany succeeded in forcing through a substitute ordinance almost identical with the original, except that a representative of the Corporation Counsel's office was added and the provision relating to the payment of the commissioners was omitted. But later this last provision was separately enacted. When in the course of time the proposed code was reported it justified the worst fears of the opponents of the commission. The principal changes it effected were to define apartment houses in such a way as to distinguish them from tenements and thereby to attempt to take them out of the stricter rules of the tenement laws; to allow greater height in non-fireproof buildings and greater laxity in regard to fireproofing and ventilation in many classes of buildings

where strict provisions are necessary for the preservation of life and health. And some nine very reasonable suggestions made to the Commission by the Tenement House Committee of the Charity Organization Society were ignored. In some respects the building laws were made more strict, but greater power to vary them was given to the Commissioners and to the Board of Examiners. Under the Charter there are three Commissioners of the Department of Buildings, one having jurisdiction over Manhattan and the Bronx, another over Brooklyn, and a third over Queens and Richmond. In general, each must enforce the strict letter of the law, but an appeal lies from their decisions, in Brooklyn, Queens and Richmond to the Board of Commissioners, and in Manhattan and the Bronx to the Board of Examiners, and these Boards, respectively, have the power to permit variations from the strict terms of the law wherever in their opinion some other method of construction is equally good or more desirable. The Board of Examiners is an old Board which existed in the former government, and has been continued by the Charter. It consists of the Commissioners and the Fire Chief ex-officio and seven representatives elected from six enumerated trade societies. It has always been of doubtful repute, and has been charged with laxity and favoritism. It is not fairly representative, and some of the societies represented are probably nothing more than "rotten boroughs" maintained solely for the purpose of securing representation in this Board. The proposed code manifoldly increased the discretionary powers of this Board and of the Commissioners, and multiplied their opportunities for favoritism

and oppressive discrimination. Severe arraignments of it were made at the public hearings that were held by a Committee of the Council, but it was promptly passed and signed by the Mayor. As a result of the changes effected by it, an architect or builder whose relations with Tammany Hall are "satisfactory" is now subject to few practical restrictions as to the character and quality of his building operations.

The next contest in the Board of Aldermen arose over a series of "strike" ordinances aimed at the elevated railroads. The Manhattan Railroad Company, which controls and operates these structures, is probably the most unpopular corporation in the city, and any measure directed against it is apt to be popular. But these proposed ordinances were too palpably blackmail. Public report stated at the time that certain personages high up in Tammany Hall had tried to secure from the company certain valuable concessions in the use of its structures and had been unsuccessful, and consequently that they were seeking an opportunity to "get even." And, as if to bear out this rumor, there were introduced in the Board of Aldermen four ordinances compelling the elevated railroad to place iron drip pans under all their tracks, to enclose the platforms of their stations, to run trains on all the lines at all hours less than five minutes apart, and to remove the cars stored on certain third or central tracks, all within sixty days, under very severe penalties. Some parts of these ordinances were proper enough, but the time limit was so short as to render performance practically impossible; and several of them had no other possible purpose than to mulct the railroad. The public

and the press quickly divined the true purposes of these ordinances and supported the minority in its opposition, with the result that they were buried in committees and never resurrected.

The final struggle in the Board was between the ruling powers favoring the Mayor's policy of building bridges between Manhattan and Long Island and the opposition, led by the Comptroller, in favor of tunnels. At the time this question came up for consideration there was only one bridge—the present Brooklyn Bridge—much overcrowded, with its foot passages, driveways, trolley lines, and cable and elevated railways, supplemented by some seventeen ferries. There was also building the new East River Bridge, between northern Brooklyn (Greenpoint) and Broome street, in Manhattan. The Mayor advocated two more bridges at a cost of about \$13,000,000 to \$15,000,000 each, one from upper Manhattan over Blackwell's Island to Queens, and the other from lower Manhattan to Brooklyn, just north of the present bridge. The sums above mentioned, however, do not include the price of the land that will be necessary for piers and approaches, which will have to be acquired by condemnation proceedings, and will cost many million dollars more for each bridge. On the other hand, the Comptroller argued that two tunnels permitting two lines of rapid transit trains in each could be built for a total cost of about \$5,000,000. The principal objection urged to the bridges was their great expense. The taxes in Manhattan had been increased nearly 40 per cent. by consolidation, and yet here was a proposition to build a bridge into Queens Borough that would almost exclusively benefit that Borough, and yet would have to be paid

for by Manhattan in the proportion of almost \$23 for every dollar paid by Queens; and it was urged that a \$3,000,000 tunnel would accomplish about the same beneficial results. And the same objection applied, though in a lesser degree, to Brooklyn; and in addition it was urged that there was already being built a new bridge to Brooklyn that would answer for awhile, and, besides that, a bridge could not reach south Brooklyn, which was the part of that Borough which most seriously needed rapid transit, while a tunnel could. It was also objected to bridges in general that they would take a long time to build; that they could not go to the places that most required them, but would be governed as to location by topographical requirements; that their grades were unsuitable for trains; that they lead to serious congestion around their termini, and that the necessary condemnation of property would give opportunities for favoritism and land speculation. Tunnels, it was claimed, would avoid all these objections; they could be quickly built, they were so cheap comparatively that they could be multiplied and so distributed as to avoid congestion, they could lead to any place desired, and could penetrate to the center of the Boroughs, their grades would be more suitable for trains, and they would require no land, thereby avoiding condemnation proceedings. The objections to tunnels were that they are underground, ill-ventilated and purely experimental, if not impossible of construction; that their cost is really an unknown quantity, and that they would not provide roadways for teams and foot passengers. The matter came up in the form of separate ordinances authorizing contracts for the two bridges and of other

ordinances authorizing the issue of bonds to raise the funds for preliminary expenditures. At first the ordinance for the Queens bridge was defeated by the minority with the aid of the Brooklyn Democrats. But the latter, together with the Brooklyn Republicans, could not muster up the courage to vote against the Brooklyn bridge, the ordinances for which were consequently passed. And, in return for the Queens Borough votes for that bridge, some of the Brooklyn members swung over and voted for the Queen's bridge. Thus, by a little finessing and trading, the ordinances authorizing both bridges were passed, but only in the last hours of the last day's session of the Board.

There was a good deal of trading of votes in this Board. It was largely due to the way in which the Charter had massed the control over local improvements in the hands of several central bodies. Thus it was often necessary to vote for an unnecessary office or improvement in one or more, or perhaps all the other Boroughs in order to secure a similar improvement or office for one Borough where it was absolutely necessary. And an Alderman who was inclined to be independent but whose district needed local improvements, was constantly obliged to surrender his independence and buy the passage of the measures providing for such improvements through the Board of Public Improvements, the Council and the Board of Aldermen by voting for many obnoxious measures.

COMMITTEES, JOINT MEETINGS AND LOCAL BOARDS.

Committees.—The Board of Alderman and the Council each have a large number of committees corresponding generally to the city departments. They are, however, altogether out of touch with them. Almost the first act of the Board of Aldermen was to instruct its Law Committee to wait upon the Corporation Counsel and to procure his opinion and advice on a certain question. That Committee reported back that it had obeyed instructions, but had been treated with neglect, and the opinion was not obtained in time to be of use. The same condition existed, though to a lesser degree, in regard to the relations between the other committees and their corresponding departments. The result was that their reports were seldom based on any accurate information and were worthy of but little reliance. Indeed, reference to a committee was seldom resorted to for the purpose of obtaining information, but rather to secure delay for private investigation or for the purpose of indirectly defeating the measure. References were sometimes made for the purpose of holding public hearings. Such hearings occasionally resulted in a compliance with the popular wishes, but if the measures were so important as to arouse the interest of the party organizations, the decisions of

Tammany Hall were reported, regardless of the merits of the matter as brought out at the hearings. Public hearings also failed to work well where the measures, though of general public benefit, conflicted with the material interests of some class; because in such cases the latter would attend in a body, while the general public, less interested, would be comparatively unrepresented. And on such occasions numbers counted more than arguments. Some of the committees had a great deal of work. The Finance Committee, for instance, had from five to ten important measures a week committed to it, and it worked diligently and reported promptly. But the members of the committee could not possibly give the time to properly investigate the matters referred to them. Their reports, therefore, seldom communicated any additional information to the other members, or in any way explained complicated or uncertain questions and measures. Indeed, many of the reports were signed without any meeting or investigation by the committees, but were handed around for signature at the general meetings of the Board, and were favorably signed upon the assurance of the chairman or members interested that they were "all right."

Joint Meetings.—The Municipal Assembly meets formally in joint session of its two houses in each year for two distinct purposes, first to fix the tax rate and the taxes, and second to consider the annual budget. These meetings are presided over by the President of the Council. In addition, the members of the Assembly, exclusive of the President of the Council, meet after each election as Boards

of Canvassers, to canvass the election returns of the city.

On the first Monday of July in each year the Assembly meets and receives from the Department of Taxes and Assessments rolls of the real and personal estates in the City of New York on January 1st, of the current year, together with a statement of the assessed valuations of such estates for that year, as compared with the year preceding. The Comptroller has already at least four weeks before this, as required by the Charter, transmitted to the Assembly a statement setting forth the amounts by law authorized to be raised by taxes in the year, which consists principally of the amounts included in the last budget, together with an estimate of all probable receipts by the city from all its sources of revenue, excepting some of the revenues of the sinking funds. The assessment rolls being then in its possession, the Assembly causes the final tax lists to be prepared upon them as a basis, in accordance with the assessments and the tax rate when adopted. The statements it refers to its joint Committee on Finance. The Charter provides that the Assembly must from the total amount of the estimated expenditures deduct the estimated revenue, and to the difference add such sum not exceeding 3 per cent. thereof as in its judgment may be necessary and proper to meet all probable deficiencies, and authorize the resulting amount to be raised by taxation. It must also compute the rate at which the property assessed must be taxed to raise the said amount. This work is all done through the joint Committee on Finance, and it reports the proper ordinance to the Assembly. When the tax and assessment rolls are

completed they are delivered to the Collector of Taxes with proper warrants authorizing the collection of the taxes. The taxes are confirmed and become a lien upon the property taxed on the date of the passage by the Assembly of the ordinance fixing them. But there is no date specified when this must be done, except that the assessment rolls, etc., must be delivered to the Collector of Taxes on or before September 1st in each year. This allows an opportunity for some juggling in case large interests happen to be involved in pending sales of real estate. For when a contract of sale is outstanding with the title to be passed on a certain subsequent date, if the tax be confirmed before that date, it must be paid by the seller, but if later, by the purchaser. If the amounts involved be large it may therefore be worth while to use "influence" with the Assembly to hasten or delay the confirmation. It was perhaps due to some such causes that in 1898 the Assembly proceeded with great deliberation and did not confirm the taxes until August 23d, while in 1899 it proceeded hurriedly and confirmed them early in July. This duty of the Assembly is really ministerial, and should be transferred to some other board.

Owing to the fact that the county charges for each county are paid by taxation upon that county solely, the tax rate varies slightly in the different counties within the city. In New York County in 1899 it was 2.41 cents on the dollar of the assessed valuation, which, in the case of real estate, amounts to about 66 per cent. of the real valuation. But the valuation of personal estate when found was full, and therefore the tax rate on it amounted to 2.41 cents per dollar of its full value. Of course all possible methods are resorted to to avoid this

onerous imposition, and but little personal property can therefore be found to be taxed. The entire assessed valuation of personal estate in New York City therefore amounted to only \$545,906,565.

The other annual joint meeting of the Municipal Assembly is held for the purpose of considering the budget. The general purposes of the budget and the rules of procedure governing its adoption have already been described. The Charter provides that the Board of Estimate and Apportionment must annually between the first days of October and November, prepare the budget for the next ensuing year. After it is made it must be signed by all the members of that Board and submitted to the Assembly. When, early in November, 1898, the budget for 1899 was thus submitted to the Assembly, there was but little criticism, and it was approved immediately by a party vote of 64 to 15. But little attention was paid to this budget at the time, either by the members of the Assembly or by the public, although it amounted to \$93,000,000, or an increase of about \$25,000,000 over the combined expenses of the various parts of the city during the last year prior to consolidation. This neglect was largely due to the facts that it was then difficult if not impossible to obtain figures for accurate comparison, and that two of its items of about \$7,000,000 and \$3,000,000, respectively, were apparently to meet deficiencies or extraordinary expenses attendant upon consolidation. There was, however, a resolution introduced by a Brooklyn Democrat directing that the budget be returned to the Board of Estimate and Apportionment, with the request that it appropriate \$7,000,000 for much needed schoolhouses and sites

and that other items be reduced to that extent. But when the budget for the next year was submitted, although it amounted to but \$90,000,000, a reduction of some \$3,000,000 from that of the preceding year, it was received by the minority in an entirely different spirit. It was quickly perceived that the reduction was apparent and not real, and that such as it was it had been accomplished not by the omission of former extravagant items, but by the reduction of the amounts allowed for necessary current repairs and maintenance. Even the Democrats from the outlying Boroughs sharply attacked it on these grounds, making many damaging specifications in their charges. But they did not have the courage to vote against it, and it was therefore approved by a party vote.

The following is a brief summary of the purposes for which the money appropriated in the budget for 1900 was to be used. The items are stated in round numbers—indeed, are only roughly estimated—for it is impossible to get the exact figures from the present method of appropriations:

Payments on indebtedness.....	\$19,600,000
Payments for State Taxes.....	7,900,000
Payments to State and City Charitable Institutions and Libraries.....	3,400,000
Payments for supplies and repairs to schools	2,400,000
Payments for miscellaneous purposes, such as printing, supplies, con- tract work, judgments, etc.....	13,100,000
Payments for salaries and wages, other than for contract labor.....	44,300,000
	<hr/>
Total	\$90,700,000
(True total.....)	\$90,778,972)

The following is a summary of the Budget for 1900 as adopted:

The Mayor's Office: Salaries, etc.....		\$37,300	
The Bureau of Licenses.....		26,455	
The Municipal Assembly.....		200,052	
The Department of Finance: Salaries, etc.....		779,305	
The Interest on City Debt, as follows:			
On that of City of New York as constituted since January 1st, 1898.....	\$1,429,369		
On that of City of New York as constituted prior to January 1st, 1898.....	5,181,925		
On that of former City of Brooklyn and Kings County Corporations in Queens County....	2,772,589		
“ “ “ “ Richmond County.....	420,739		
“ “ “ “ certain disputed bonds, etc., principally of Queens County.....	128,139		
	\$161,433		10,094,097
The Interest on Stock to be issued within fiscal year.....			884,180
“ “ “ Revenue Bonds for 1900 (estimated).....			729,166
Payments to Sinking Funds.....			4,576,561
Installments payable.....			3,362,511
Rents.....			315,379
Borough Presidents: Salaries, etc.....			\$51,300
Law Department: Salaries, etc.....			399,758
Board of Public Improvements.....			239,500
Department of Highways. (n)			
Central Administration: Salaries, etc.....	\$22,000		
Borough of Manhattan.....	950,160		
“ “ the Bronx.....	583,160		
“ “ Brooklyn.....	379,338		
“ “ Queens.....	199,300		
“ “ Richmond.....	117,886		2,251,844
Department of Sewers.....			803,173
“ “ Public Buildings, Lighting and Supplies..			3,819,683
“ “ Water Supply.....			1,442,914
“ “ Parks.....			1,825,113
“ “ Public Charities.....			1,896,812
“ “ Correction.....			762,775
“ “ Health.....			1,055,515
“ “ Street Cleaning.....			5,031,282
Police Department.....			11,992,503
Fire.....			4,840,676
Department of Buildings.....			546,525
“ “ Taxes and Assessments.....			335,450
“ “ Education.....			14,594,111
College of City of New York and Normal College.....			375,000
Coroners.....			165,150
Commissioners of Accounts.....			156,000
Civil Service Commission.....			76,000
Board of City Record, for printing, etc.....			460,200
Libraries (Public).....			214,779
City Courts.....			966,050
Charitable Institutions in City.....			2,857,084
Miscellaneous.....			606,494
Total of City.....			\$79,201,764
To meet expenses of County of New York.....	\$8,391,332		
“ “ “ “ “ Kings.....	2,613,663		
“ “ “ “ “ Queens.....	436,039		
“ “ “ “ “ Richmond.....	136,174		
			11,577,208
Total Budget (n ₂).....			\$90,778,972

(n) The appropriations for the majority of the departments are itemized by Boroughs; but the Department of Highways is alone itemized in this summary by way of illustration.

(n₂) The budget for 1901 exceeds \$98,000,000.

It may be added in explanation of the last four items that, while the counties still retain their corporate entities and perform the usual functions of county government, they are forbidden to incur indebtedness, and have no machinery to impose taxes or otherwise raise their necessary revenue except through the City Government. Each county maintains its own County Clerk, Sheriff, District Attorney and Commissioner of Jurors, and in New York and Kings Counties there are Registers of Deeds. And each county is separately assessed and taxed for its share of the State taxes.

Boards of Canvassers.—The members of the Assembly, with the exception of the President of the Council, also meet annually as Boards of City and County Canvassers. All of them form the Board of City Canvassers, and those representing districts within each county form the Board of County Canvassers for that county. The county canvass proceeds first. Each Assembly District is divided into a convenient number of election districts, and in each of them is a polling place. Immediately after the balloting is over and the votes counted, the inspectors of election at each polling place make returns or certificates showing the total number of votes cast, the number rejected as void, the number counted though challenged and the number counted for each candidate. The original returns are transmitted to the County Clerk, and the Board of County Canvassers takes up these returns one by one, has the figures read off and the results carefully tabulated and added, and then announces and certifies the result as to the votes cast for all candidates for offices except general city offices. The duties of the canvassers are purely ministerial, and

they cannot go behind the returns or count the rejected ballots or reject and deduct the challenged ballots, but only in the case of a manifest clerical error on the face of the return they may call upon the inspectors to correct it. The vote as cast for the city officers elected at large they report to the Board of City Canvassers, which tabulates the vote so reported by the different boards of county canvassers, and announces and certifies the result in the same way. Upon the result of the vote thus certified, the Board of Police Commissioners, unless restrained by the courts pending a contest, issues certificates of election to the successful candidates. The above is of course only a general statement of the procedure, which is rather complicated. In New York County the canvass occupies from three days to a week. The city canvass is a mere formality, and is based upon the returns from the county canvasses. It occupies at the most a few hours. During the years 1898 and 1899 the canvass was delayed by the necessity of awaiting the returns of the votes of the soldiers in Cuba and the Philippines. The canvass proceeded as far as possible and then adjourned until the return of the soldiers' votes was received; their total was then quickly added in and the results promptly announced.

The duties performed by these boards are entirely ministerial and foreign to the functions of a legislative body.

Local Boards.—Prior to consolidation there were within the territory now included in the City of New York a large number of corporate entities having control over their local improvements. Loosely enumerated, they were the former City and County of New York; the territory embraced in the Twen-

ty-third and Twenty-fourth Wards of that city (about half of what is now the Borough of the Bronx), which had been given some separate control over its local improvements; Brooklyn and Kings County; and Queens County, and included in it the former towns of Long Island City, Newtown, Flushing, Jamaica and Hempstead. By the Charter all control over their local improvements, even over those payable by local assessments, was taken away from these counties and municipalities and vested in the Board of Public Improvements and the Municipal Assembly. Thus there was effected an unusual centralization of power in matters peculiarly subject to local sentiment.

It was to offset or perhaps to disguise this effect of the Charter that the Local Boards were created. There are twenty-two of them, one in each of the twenty-two Local Improvement Districts into which the city is divided. They are divided by the lines of the present Senate Districts, each of which includes generally three assembly or aldermanic districts. The Local Board for each district consists of the Aldermen and Councilmen residing in it and the President of the Borough ex-officio. Their jurisdiction is confined to the district and to those subjects and matters the cost of which is in whole or in part a charge upon the people or property of the districts or of a part of it. Where an improvement covers more than one district the boards of all the districts affected constitute the local board for it. These boards may *recommend* the opening, closing, extending, widening and paving of streets, the laying of sewers, sidewalks and crosswalks, and the setting of lampposts and street signs. They may also pass resolutions concerning

any form of nuisance in the district. They are also given *power* to cause the flagging of sidewalks, the fencing or digging down of vacant lots and the filling in of sunken lots, subject to the approval of the Board of Public Improvements. But the latter Board has full power to do the same, with the approval of the Municipal Assembly and without the approval of the local board.

It was attempted by the creation of these boards to establish a method of initiation by the citizens of a district or neighborhood of local improvements of streets, sidewalks, crosswalks, etc. The procedure provided is for the citizens to present a petition for the proposed improvement to the President of the Borough, by whom it is submitted to the Local Board, which may then hold one or more public hearings, and after deliberation must approve or disapprove of the proposed improvement. If it approves it must forward its resolution recommending the improvement to the Board of Public Improvements, which must—but will not—act upon it promptly, and, if it in turn approves, cause the work to be done. The expense of such improvement, if payable by assessment, cannot be extended beyond the limits of the local district within which the improvement is situated. But nothing in all the provisions relating to these boards in any way limits the powers of the Board of Public Improvements and the Assembly to go ahead and cause any kind of work payable by local assessment or otherwise without the approval and even against the opposition of the Local Board.

After a year's trial this elaborate system broke down, and for a very simple reason. The Board of Public Improvements is essentially a centralized

board, composed largely of members appointed by the Mayor, principally from the Borough of Manhattan, and nearly all belonging to one central political organization, and in them is vested all the power of initiative; to the wishes of the people of the outlying districts and to neighborhood sentiment generally they are absolutely indifferent, and they therefore ignored the recommendations of the Local Boards. After a year's operation of the system all the Local Boards together had recommended to the Board of Public Improvements some 480 measures, of which that Board had acted upon only 16. It was therefore perfectly apparent that it was useless to waste time in procuring favorable action by the Local Boards, and the people learned to go directly to the Board of Public Improvements and to exert whatever influence they had upon it. If nothing could be done with it directly, nothing could be done indirectly through the Local Boards. And in the same way the Board of Estimate and Apportionment ignored the recommendations of these Boards and of the Borough Presidents in preparing the budgets, and though guilty of unlimited extravagance in salaries, refused the necessary funds for current repairs on streets and for other similar necessities. And yet it was in these boards that there were evinced suggestions of the most favorable possibilities of local government. My experience satisfies me beyond all doubt that in the strengthening of these boards and the creation of larger boards for the boroughs, with extensive powers, lies the only salvation of the city from its present over-centralized government.

The very atmosphere of these boards differs from that of the rest of the government, for in them the wishes of the people seem to be sought after and to

govern. For instance, in the Local Board of which I was a member there were six members—the Tammany President of the Borough, two Tammany Councilmen and three Citizens'-Union Aldermen. And yet in spite of this political division, we always succeeded in coming to an unanimous conclusion in all of about a hundred matters that came before us. And this was not because we approved them as of course, for we disapproved of as many proposed improvements as we recommended. And during the first year, at least, we always acted with deliberation and after public hearings. And yet in no single instance did the Board of Public Improvements act upon our recommendations. And the only result of our two years' work that I can recall was the compliance of the Department of Highways with our request that certain streets receive current repairs.

The Local Boards have not even the power of veto over improvements payable by assessments upon their respective districts. And in several cases improvements were located and carried out in opposition to their protests. It would seem that where a locality pays for an improvement its representatives should have some control over it; but the Charter has vested that power exclusively in the central boards and beyond the influence of the people of the neighborhood.

Under these circumstances the Local Board of which I was a member, after holding weekly meetings for about a year, gradually suspended its sittings, and finally ceased to meet altogether. I am informed, however, on reliable authority that later experience has been more favorable, and that the Local Boards have proved useful in an advisory capacity.

OTHER ALDERMANIC DUTIES.

It must not be inferred from the foregoing descriptions of the more important acts and duties of the Municipal Assembly and its members that such matters absorbed the larger portion of their time and attention. A careful perusal of the powers granted to the Assembly will show that its jurisdiction was mainly confined by the Charter to more petty matters, and it was therefore both natural and necessary that its principal time and attention should have been devoted to them. It is the onerous and disagreeable character of this petty work that makes membership in the Assembly distasteful to men of education and ability, and tends to lower its character.

Until the Charter went into effect the Aldermen had exclusive control over permits for street parades and displays, for news, fruit, peanut and similar stands, and for all building projections, signs, awnings, horse-troughs, lampposts, etc., in the streets beyond the building line, subject, however, to the Mayor's veto. And generally each Alderman was allowed to exercise exclusive control over all such matters affecting his district only, and his time and attention was largely devoted to them. By the Charter the Councilmen were given joint power with the Aldermen. This change has practically resulted in three Councilmen and one Alder-

man having joint control over such matters in each aldermanic district. The Alderman has a veto over the measures of the Councilmen through his power to defeat them in the Board of Alderman; and the Councilmen have like power over the Alderman's measures when they come up in the Council. This division of responsibility causes many bad results, amongst others frequent deadlocks between the two bodies by which all permits in certain districts, however necessary, pressing and proper, are either refused or indefinitely delayed. The change from the former system is unjust to the Aldermen. The Councilmen are new and almost unknown officials, and therefore all applications are made to the district Alderman, and he is held responsible for all improper permits. And yet he is often forced to allow such permits to be granted in order to avoid a deadlock. On the other hand the Councilmen are not held accountable by the people and feel no responsibility.

The applications for these permits in my district were very numerous. The applicants were mostly Italians of the poorest class who could speak no English while I could speak no Italian. They came to my residence at early morning and late at night, and besieged my office at all hours of the day; and their presence at both places was disagreeable in many ways. The great majority of the applications had to be refused, although the applicants were pressing in their demands, calling again and again, and offering all sorts of appeals to one's sympathies, bribes, threats, tears and hysterics to secure the necessary approval. The reasons for refusing them so generally were that they

wanted permits for purposes forbidden by law, or for locations where they would become nuisances or work injustice. Thus many applications were for fruit and peanut or similarly objectionable stands upon quiet residence streets such as Madison Avenue or crowded thoroughfares like Twenty-third Street. And architects were constantly demanding permits for iron and glass awnings and other building projections over the sidewalks. The neighbors always objected to such encroachments upon the highway, and on crowded streets they were public nuisances. Yet it often took from two to five interviews of about an hour each to convince an architect that his application should not be granted. And where one did approve an application, especially in the case of a permit for storm doors or for an advertising sign for a charitable entertainment, immediate action was often necessary. And in order to avoid the three or four weeks' delay which would result from having the ordinance for the permit go through in the usual course, great personal exertions on the part of the Aldermen were necessary to pass it promptly through the Board of Aldermen, and arrange in advance with the Council and the Mayor or his clerk to have it in turn promptly considered and acted upon by them. And nearly every application required a visit of inspection to the locality. The amount of time devoted to such matters varied according to the character of the district; in mine it amounted to from four to ten hours a week, including often the busiest hours of the day, and this continued not for a few months only but throughout the entire year. Some of the Aldermen's power in such matters may have been used

as patronage and even been made a source of a small income; but generally it was considered a grievous burden. It is true that each Alderman fought bitterly any attempt of the Board as a whole to interfere with such matters in his district. This, however, does not demonstrate an improper use of his power. For in the course of my experience whenever the Board as a whole interfered it was an abuse of its power exercised in obedience to party pressure or other improper influences. Sometimes the Aldermen approved permits where they should not have done so; but over such acts the Mayor by his veto exercised a salutary restraint. These matters may seem too petty to merit such lengthy discussion. But really they are important, for they materially affect every building that is erected in the city, and the peace and comfort of every resident and householder. And a system of government that makes their proper administration difficult and dilatory as the Charter does deserves the severest censure.

A large part of an Alderman's time is also occupied in performing personal services and securing "patronage" for his constituents. This is a long established custom handed down from the earlier days when the Board of Aldermen was a body of dignity and power, and its members persons of influence and importance. The Board of Aldermen did in fact occupy such a position at one time in the city's history; and around the office of Aldermen there still lingers in the eyes of the common people some shadow of its old importance. The Aldermen still appoint commissioners of deeds, they can perform the marriage ceremony, and as we have seen each Alderman has still some con-

trol over local permits within his district. The Alderman is next to the Tammany Hall district leader, supposed to be the principal comforter of the afflicted and the aid of the undeserving unfortunates within his district. To him come for relief those seeking bail, many about-to-be-evicted tenants and hundreds of applicants for railroad passes. And all doubtful charitable organizations, within his district, count on him as a certain subscriber. His free tickets to places of amusement are in great demand among a certain class of his constituents. In return for the special permits and privileges necessarily granted to them, race tracks, baseball grounds, circuses, public balls and large entertainments generally send free tickets to all the Aldermen. Sometimes they were voluntarily sent; sometimes they were asked for. I know that I incurred some resentment because I refused to demand tickets for such affairs in my district. Particularly was this true in the case of the Horse Show, for which I "put through" a permit to build a temporary shed over the sidewalk, without any free tickets resulting. This was during the first year of my term, and as the season for the Horse Show approached the next year, I heard rumors that "not a thing" would be done to that resolution if I introduced it again. Fortunately for me the Horse Show asked for no renewal of the favor. The principal use of these tickets was for "patronage" and the pressure upon the Aldermen to procure them was very strong. In addition to procuring the tickets the Aldermen were expected to furnish messengers and postage for their distribution.

In the same way passes on all railways enter-

ing the city were constantly asked for, and were procurable. Probably in return for the favors shown to the members of the Board of Aldermen in this way by the railroads no legislation inimical to them was ever passed. Any such measures when introduced were promptly buried in the railroad committee.

The only open struggle for patronage in the Assembly took place over the appropriation for the celebration in honor of Admiral Dewey. There was at first \$150,000 appropriated for that purpose, but later \$25,000 additional was asked in order to build stands along the line of the land parade. The necessary votes in the Assembly to pass this second appropriation were only obtained in return for a promise by the committee having the celebration in charge to devote one of the proposed stands to the use of the members of the Assembly and their guests; and it was apparently agreed that each Alderman and Councilman should receive one hundred tickets for distribution. It was arranged that these tickets should be distributed among the members of the Assembly by a committee at noon of the day before the first day of the celebration. On attending at the appointed time and place we found that the tickets had been distributed to the more favored the day before and that those that remained were "short" in number. High words and angry controversies followed, and some of the Aldermen got no tickets at all. I secured about ninety, which I distributed as well as I could among about three hundred applicants in my district.

When an Alderman performs a marriage ceremony, it generally takes place at the City Hall, though he may be importuned to tie the knot at all

convenient hours and places. Down in the musty vaults of its cellar is a large room called the "Marriage Bureau," presided over by two rather sporty gentlemen nicknamed Cupid and Psyche. To them application is made by the couples wishing to be married, and they seek out the minister. If the bride and groom are persons of importance the Mayor's aid is invoked; otherwise they hunt up a stray Alderman. If the parties are "nice people" the ceremony is performed in some suitable committee room; but if they are only "dagoes" the cellar room is deemed good enough for them. The Alderman, somewhat embarrassed if he be a novice, faces the happy pair, who are generally supported by an interpreter, and reads the Episcopal service in English. Sometimes the proceedings are as follows: The Alderman asks the couple: "Do you or either of you know any just cause or impediment why you should not be joined together in matrimony?" Thereupon they both, promptly and before the interpreter can intervene, nod vigorously, say, "Yes! yes!" and smile joyously. Then comes a pause while the interpreter straightens things out. Then turning to the groom the officiating Alderman asks him, "Joachimo, do you take Fortunita to be your wedded wife?" etc. And Joachimo, warned by his previous mistake, responds, "No!" in a firm voice, while Fortunita beams her approval. But as in a melodrama it all comes out right in the end. The power to perform the marriage ceremony is but an incident of the office handed down from former days, and is neither much of a burden nor a source of abuse. But it is not in accord with the general character of the office and should be abolished.

EFFECTS OF CONSOLIDATION.

What are the general effects of consolidation? is a question that is frequently asked. It is often the purpose of such enquiries to question the wisdom of the act of consolidation itself; but the prevailing opinion undoubtedly is that all the territory now embraced within the city should sooner or later have been united under one government, and that the only open question is whether it would not have been better to have effected the union by a gradual assimilation of the parts, and to have left some residuum of control over local affairs within those parts. But to the question, What are the effects of consolidation, as it has actually taken place under the Charter? the answer may be given in indisputable facts and figures.

Its principal effects have been: the taking away from subordinate parts of the city their former control over their local affairs and improvements; a complete wreck of minor governmental functions; an expensive overcentralization of administrative functions; a ruinous extravagance; and the strengthening of the political organization in control of the city. Against these evil effects is to be offset a certain larger measure of home rule in the city at large. But this is not an undiluted blessing, for its government is not of a character to administer such powers wisely, and as the State

Legislature still continues to exercise its powers in the matters so delegated to the city the result is that the openings to the city's purse have been doubled. Many place the blame for evil results upon Tammany Hall, the ruling party. But no one who is acquainted with the Republican "machine" in the city can doubt that the result would have been the same had that party been successful in the last election. The Charter is therefore their real cause.

It is difficult to estimate exactly how much more the present city costs annually than did its parts before they were united. But the expenses of all those parts for 1897 did not exceed \$68,000,000, while as now consolidated their estimated expenditures for 1900 exceeded \$90,000,000.* Nor is this increase of \$22,000,000 accompanied by any improvement in administration, except possibly in the Departments of Police, Fire and Education, which account for about \$7,000,000 of it. Especially is there no increase in repairs and current improvements; on the contrary they have been cut down at least so far as they are paid for out of current taxation. The main increase has been in salaries and wages, for which—exclusive of contract labor—the city now pays the enormous total of over \$44,300,000 a year.† For this increase of salaries the Charter is both directly and indirectly responsible; directly by its express multiplication of offices, and by its raising the standard of salaries in the other boroughs to correspond with the necessarily expensive scale prevailing in Manhattan; and indirectly by its destruction of many forces

* For 1901, they will be about \$98,000,000.

† In 1901, it will be \$50,000,000.

that have tended to promote economy. Where formerly a department had an administrative office in what is now a borough, it has been continued with practically the same or an increased salaried force. In no single instance has there been an economical change, or even an opportunity for such a change under the Charter. Departments have been multiplied, thus creating many new offices. And where formerly in some of the boroughs there was no department corresponding to that in Manhattan, because unnecessary and inappropriate, a new office of such department has been established in each of such boroughs, in order to extend the uniform system throughout. And over these borough offices the Charter has established an entirely new central office for each department and its commissioner or Board of Commissioners, with its army of clerks and assistants. And in the case of the six departments included in the Board of Public Improvements, it has established over them yet another central office entitled by that name, and costing the city over \$239,000 a year for salaries. Thus by the Charter salaries are piled upon salaries, and red tape is wound around red tape. The total increase of salaries and wages—outside of the three departments above named, in which it may be argued to have been beneficial—is about \$16,000,000. Of this increase but little if any, is really necessary, or in any way justifiable; while nearly \$7,000,000 of it is absolutely wasted because paid to officials who render no beneficial services to the city.

During the year 1900 the present administration will have probably disbursed nearly \$140,000,000. It has planned to issue bonds for \$50,000,000 (in

addition to bonds for \$35,000,000 for the Rapid Transit Tunnel, which will be disbursed by a special commission and during many years). Adding this sum of \$50,000,000 to the amount of the budget, the total is \$140,000,000. This is almost three times as much as the expenses of the State government. And over the expenditure of this enormous sum the commissioners of the departments have almost unchecked control; and over about sixty million dollars of it that little clique of irremovable appointive officers composing the majority of the Board of Public Improvements have absolute control. It would almost seem as if the Charter had been drawn with the purpose of placing the greatest amount of money in the most irresponsible hands.

The Board of Public Improvements is "the nigger in the woodpile." It has the legislative initiative in and the administrative control over all great public improvements; it has the disbursement of all moneys expended for them; and it or rather its members have the appointment and control over all the employees and officials engaged upon them. And yet in the choice of the commissioners who form the majority of that board the people have no direct voice. And within a short time after appointing them the Mayor has practically no power over them and no responsibility for them. And therefore they feel no responsibility to him or to the people. They have been really selected for their positions by the "boss," and have been mainly chosen from among the Tammany Hall district leaders. Their allegiance is, therefore, to the boss and to their district organizations; and for their benefit, and as they may direct these officials use

their public powers. They are not qualified for the positions they fill; and their time, interest and attention is mainly devoted to the petty local politics of their districts. And while they are all men of considerable ability, their ability is generally of the kind which finds its use in carrying primaries, packing conventions, and evading the election laws. Where the commissionerships have not been given to district leaders, they have been bestowed upon other leading men in Tammany Hall, upon personal friends of the boss or upon the leaders of the Brooklyn Democratic organization. From such sources exclusively are recruited the men who fill the higher appointive positions in the city government, and control the Board of Public Improvements. Nor would it be otherwise should the Republican party win a partisan victory. For its organization, in the County of New York at least, is essentially similar in its character and methods to Tammany.

The appointive officials in the City Government have the appointment of thousands of office holders, and the disbursement of approximately \$130,000,000 annually. And they are using their power with tremendous effect for political purposes. Perhaps this charge should not be made against the Departments of Police, Fire and Education, as those departments are supposed to be "out of politics." Unfortunately, however, it is known that the police are instruments to levy and collect thousands of dollars in blackmail from the law-breaking classes for the party in power; and that political influence is potent within the Departments of Fire and Education.

The \$50,000,000 to be raised by bond issues, and

to be paid out for contract work, is a very valuable asset to the party in power. Not only is there the chance for favoritism, and even for fraudulent profits in the awarding of contracts, but there is also a well defined percentage of the money disbursed upon them, that is paid to the organization by the contractors in the shape of "voluntary" contributions to its campaign fund; and the district leaders have the appointment of all the unskilled laborers employed upon the work.

But the salaries in the departments other than those last referred to are the mainstay of the organization. The recipients are the appointees of the commissioners, and the offices are distributed among the districts, and dealt out without regard to fitness, according to the value of the political services rendered, and the loyalty displayed to the boss or district leader. And all these place holders besides demonstrating their gratitude by increased labor and loyalty, must also contribute large assessments out of their salaries into the funds of the organization. As stated above there is an aggregate of about \$7,000,000, which is spent in entirely useless salaries. This amount is really used to pay workers for Tammany. All the heads of departments, deputies for the larger boroughs, heads of bureaus and chief clerks have besides their regular office force certain "confidential" clerks, stenographers and messengers, who are really used as their aides and assistants in their political work. And many of the heads of departments do not perform the duties of their offices themselves to any great extent, but have special deputies who do their work while they devote practically all their time to their political labors. And there are besides

thousands of other office-holders who do not work more than three or four hours a week for the city, and who spend the rest of their time in political employments. The services rendered at the primaries and elections by these men are very important, and count for a great deal in results. And moreover the assessments that they can afford to pay are very large.

The total result of all machinery, money and influences thus controlled by Tammany Hall in a fairly contested election is estimated by those competent to judge as high as 60,000 votes. A majority of one, or as happened at the last election, a mere plurality can thus under the Charter confer an enormous power upon the successful party, and give it such a hold upon the city that only a political resolution can overthrow it; and it also gives to the successful machine in the city an influence in the political affairs of its party in the State, far in excess of what it is entitled to by its vote or its general merits. No such tremendous opportunities inured to the dominant party in the former and smaller city. This is an effect of consolidation under the Charter.

I will illustrate what I have called the wreck of minor governmental functions effected by the Charter by one practical instance. Every owner of real estate must keep his sidewalk well paved and in good repair. If he neglect to do so the Department of Streets and Highways may serve a notice upon him directing him to repave it. And if he fail to comply with that notice the city may have it repaired at his expense. This situation is frequently arising, for property owners constantly allow carriageways over their sidewalks into

stables, yards or excavations to get into such a bad condition as to become a nuisance to the neighbors. And the latter are constantly seeking their remedy. Formerly it was brief and simple. Now under the Charter it is mysterious and lengthy. Under certain circumstances it requires an ordinance which must be approved by the Board of Public Improvements and the Board of Estimate and Apportionment, be passed by the Council and the Board of Aldermen and be approved by the Mayor. And the Assembly will probably require its approval by the Local Board. And being a financial ordinance it is subject to the strict rules of the Charter relating to such measures and to the many consequent difficulties and delays. And every time it is passed by any of these bodies, and when it is approved by the Mayor, and every time it comes up in each branch of the Assembly—and it must come up at least twice in each, for it cannot be passed at the meeting at which it is introduced,—it must be printed in the City Record at the city's expense. It will therefore take at least a year's diligent lobbying to procure the passage of such an ordinance. And it will cost the city from \$10 to \$20 for printing. And all this cost and time and trouble is necessary to effect what may be only \$10 worth of repaving.

The effect of the Charter in depriving the different localities of control over their local affairs and improvements has already been pointed out in the foregoing description of the local boards. It constitutes a most serious evil. Take for instance Queens Borough, which is still largely open country and very dependent upon and justly proud of its system of fine turnpike roads. During the last two

years the centralized city government has appropriated for the maintenance of those highways only about one-half of what was formerly found to be absolutely necessary for that purpose, and they are consequently fast falling into a ruinous condition. And yet the taxes in that borough have not been reduced, and the money expended in it is no less than formerly. Now, however, instead of being used for such useful purposes, it is being spent in salaries to useless place holders. Had the people of that locality some control over this matter such a condition of affairs would not long continue. But it is in the matter of local improvements, especially local improvements payable by local assessments, that the results are most demoralizing. The Boroughs of the Bronx, Queens and Richmond still contain large tracts of country land, but throughout them, especially throughout the first two, the city is spreading rapidly, and it is necessary for their proper development that streets should be promptly laid out, graded, paved and curbed and sewers and water pipes laid. These works are paid for by local assessments. Even in the former and smaller city it was found that to leave such matters under the control of the general city government and its departments led to delay and non-compliance with the wishes of the people of the locality most interested, and which needed the majority of such improvements, that was the territory embraced in the 23d and 24th Wards, now the Borough of the Bronx. Consequently and as a result of agitation by the people of that section a special board of commissioners elected by them was given charge of their local improvements, and the change was found

to be most beneficial and efficient. It was, therefore, in direct violation of the experience of the past, that the Charter took the control of local improvements in such outlying districts away from their local authorities, and vested it in the Board of Public Improvements, and in the general body of the Municipal Assembly, and left not even a right of veto to the elected representatives of the locality interested. The necessity of the approval by general boards of matters in which only the localities have any interest gives the political organization in control of the city an additional hold upon the localities, and a lever by which it can coerce their representatives. Thus it often costs a member of the Assembly three bad votes to purchase the approval of a local improvement of pressing necessity, one to get it through the Board of Public Improvements, and one to get it through each house of the Assembly. The measures for which his vote is thus bought may be "jobs" of the worst kind against which he might have the independence to vote, did not the necessities of the people he represents require his entire subservience to the central powers controlling their local improvements. But not even by the greatest subservience can the local representatives procure the prompt action that is often necessary in such matters, for the procedure is necessarily slow and uncertain. The President of the Borough of the Bronx, himself a member of Tammany Hall, has declared that as a result of the changes made by the Charter the progress of necessary improvements in his borough was abruptly terminated by consolidation, and has remained almost suspended ever since. And the Presidents of Brooklyn, Queens and Richmond have

united in his condemnation of the Charter, and have urgently demanded relief.

Although public criticism has been almost unanimously adverse, those who drew the Charter still contend that it is reasonably satisfactory and deserving of further trial, that its apparent faults are due to the maladministration of the present government, and that all that it needs are slight amendments from time to time as minor defects are discovered. But public opinion demands more radical action, and pursuant to an act of the last Legislature the Governor has appointed a commission to revise the Charter. To that Commission the people of the City of New York look for relief from a grievous blunder.

NOTE.—*This article was in the hands of the publishers before the report of the Commission was published.*

APPENDIX.

For the benefit of those who may desire a more complete description of the city government the following brief enumeration of the powers and duties of the remaining departments, not described in the foregoing pages, is added:

POLICE DEPARTMENT. This department is governed by the Police Board, which consists of four commissioners appointed by the Mayor for terms of six years, and who receive salaries of \$5,000 a year each. This board is nominally bipartisan, it being provided by the Charter that no more than two of the Commissioners when appointed shall belong to the same political party, or be of the same political opinion in state and national politics. They have control of the government, administration, disposition and discipline of the police force, and of the Bureau of Elections. They have the power to appoint and remove subordinates, subject however to the Civil Service law, and to the restriction that no policeman shall be appointed who is over thirty years of age. They are required to publish all applications for appointment. In case of promotions it is provided that selections must be made from certain grades. They are authorized to increase the number of patrolmen, provided appropriations therefor are

made by the proper departments. Unless otherwise provided by the Municipal Assembly on the recommendation of the Police Board, it is prescribed that the police force shall consist of a Chief of Police, five Deputies, ten Inspectors, Captains not to exceed one to each fifty patrolmen, sergeants, roundsmen, detective sergeants, surgeons, etc., in prescribed numbers, and patrolmen to the number of 6,382. A part of this force may be organized into a Central Detective Bureau.

The Chief of Police is the chief executive officer of the force, and is responsible for the execution of all laws, and for the enforcement of the rules and regulations of the department as adopted by the Police Board. He can be removed only by the Board. He assigns the officers and men to duty, and has the power to transfer them from station to station within the city; and he has the power to suspend them from duty pending the trial of charges. All charges are tried by one or more commissioners under rules to be prescribed by the Board. The commissioners may issue subpoenas and administer oaths, and may punish by reprimand, by forfeiting or withholding pay not to exceed thirty days, by suspension or by dismissal. Policemen cannot receive gratuities without the permission of the Board openly applied for; and they cannot make political contributions.

The Police Board may offer rewards to informers; in case of emergency may appoint special patrolmen without pay; it may appoint special patrolmen employed by private parties or corporations, and may detail men to assist other departments. This department has jurisdiction over lost and stolen property, to which subject several

provisions of the Charter relate. It also has charge of the inspection of boilers and of the licensing of public exhibitions, immigrant boarding houses, hotel runners and similar matters. It is also its duty to make and enforce rules and regulations as to the navigable waters within the city.

There is a Police Pension Fund to which fund are applied all fines from the police, and also the fees received from certain licenses. Policemen over fifty-five years of age, or who have served twenty years or are disabled may be pensioned. Pensions may also be given to widows and children under certain conditions.

The Bureau of Elections is a separate bureau of this department. It has control of elections throughout the entire city, and has the care of the records thereof. Its head is the Superintendent of Elections, who is appointed by the Police Board. This bureau does not canvass the votes, which duty is performed by the City and County Boards of Canvassers. All the election officers, however, who are present at the polling places, and have charge of the registration of the voters, and of the counting of the votes, are appointed by and are subject to the control of this department, subject to the general election law which it is its duty to carry out and enforce, and which requires that these officers shall be evenly divided between the two principal parties.

FIRE DEPARTMENT. The head of this department is the Fire Commissioner, who is appointed by the Mayor for a term of six years, and receives a salary of \$7,500 a year. This is a change from the former system in which this department

was governed by a board; and it is practically the only instance in which those who drew the Charter yielded to the general demand for single headed commissions.

The Commissioner has one deputy for the Boroughs of Brooklyn and Queens.

He may establish such bureaus as may be necessary and convenient, of which, however, three are prescribed. One is charged with the duty of preventing and extinguishing fires, and protecting property from water used at fires, whose head is the Chief of Department. Another is charged with the enforcement of the laws relating to the storage, sale and use of combustibles, whose head is the Inspector of Combustibles. The third investigates the origin of fires, and its principal officers are the Fire Marshals.

The Commissioner regulates the government and discipline of the department, and fixes salaries, not to exceed the appropriation therefor. Very full powers are given to this department both in fighting fires and in investigating the causes of fires. There is a pension fund for firemen, and to provide it special taxes are laid on insurance companies doing business in the city. There are also some very elaborate and stringent provisions relating to the storage and sale of combustibles. They are all old and are merely re-enacted; some of them, however, are singularly inappropriate if not nonsensical when applied to the farming lands of Richmond and Queens, although they were very proper in the densely populated Borough of Manhattan, as for instance the law that 20 tons of hay cannot be kept in a wooden barn. Such matters, or at least the right to amend these regulations, should have

been left to the Municipal Assembly, and doubtless would have been had the Charter Commissioners had time to consider such minor questions.

THE DEPARTMENT OF TAXES AND ASSESSMENTS is presided over by the Board of Taxes and Assessments, which consists of a President, appointed by the Mayor for six years, with a salary of \$8,000, and four other Commissioners, also appointed by the Mayor for terms of four years, and with salaries of \$7,000 a year. They may appoint forty deputies to hold office at their pleasure, and fix the amount of their salaries within the appropriation therefor. The Board may have an office in each Borough. It is their duty to assess all taxable real and personal property in the city, and to receive the taxes thereon. A full code is contained in the Charter as to the method of assessment, the confirmation of the assessment and the fixing of the taxes by the Municipal Assembly, and the record of the taxes and their collection. Upon application made within proper time the Board may reduce or remit an assessment; and upon appeal (*certiorari* is the technical term) therefrom the Courts may reduce or vacate an assessment for fraud or substantial error, but not for technical irregularities. The Charter omits to give any list of property or classes of property exempt from taxation, for which therefore reference must be had to the Consolidation Act and many other statutes.

The Receiver of Taxes is the official of this department to whom taxes are paid. He daily accounts for and pays over all moneys received to the Chamberlain.

All taxes, assessments and water rates are a lien upon the land affected, which may be sold to pay them. The Charter contains a full code of proceedings for that purpose; and also certain appropriate provisions for enforcing the personal property taxes.

There is also in this department a Board of Assessors, consisting of five assessors, receiving \$3,000 a year each, whose duty it is to make all assessments for local improvements, other than those determined in court proceedings as hereafter described. Such assessments can never exceed one-half the value of the property. Assessments may now be laid upon water front property for deepening the water. In the Boroughs of Manhattan and the Bronx (the old City of New York), assessments for repaving a street once paved can only be laid with the consent of the majority of the property owners, but the Charter is so vague that it is impossible to say definitely what the law is in that respect in the other boroughs. Where property is built upon, damages may be awarded to it for changing the grade of a neighboring street. Appeals from this Board are to the Board of Revision of Assessments, which consists of the Comptroller, the Corporation Counsel and the President of the Board of Public Improvements.

The city is authorized to acquire for the use of the public the ownership of lands for streets, for parks and approaches, and for approaches to bridges and tunnels, and of land under water for bridges and tunnels. "The Board of Public Improvements is authorized to direct the same to be done, whenever and as often as it shall deem it for the public interests so to do." This power is

new and is a very large addition to the power of the City Government. A full code prescribing the Court proceedings for that purpose is contained in the Charter. The method is by the appointment by the Court of three Commissioners, who examine into the subject, hear evidence and report awards for the value of the property taken and for damages for the property injured, and assessments for the value of the benefit to the neighboring property favorably affected. This report is subject to the confirmation of the Supreme Court.

THE DEPARTMENT OF PARKS is governed by the Park Board, consisting of three Commissioners, appointed by the Mayor for terms of six years, one for the Boroughs of Manhattan and Richmond, one for the Bronx, and one for Brooklyn and Queens. One is designated by the Mayor as the President and they each receive a salary of \$5,000 a year. They have charge of the government and regulation of all parks, public places and places for museums, gardens, etc.; for which purposes the Charter provides that the city may receive gifts and grants of lands and money. There are special provisions relating to certain libraries and gardens. The Board appoints a landscape architect and all subordinates and fixes their salaries within the appropriation therefor. It is provided, however, that no work of art shall become the property of the city, or be located in any public place, and that no work of art at present belonging to the city shall be removed, relocated or altered without the approval of the Municipal Art Commission. This body consists of the Mayor; the President of the Metropolitan Museum of Art; the President of the Brooklyn

Institute of Arts and Sciences; one painter, one sculptor, one architect and three laymen, to be selected by the Mayor from a list of not less than three times the number to be appointed, proposed by the Fine Art Federation. The members of this body serve without pay.

THE DEPARTMENT OF DOCKS AND FERRIES is presided over by the Board of Docks, composed of three Commissioners appointed by the Mayor for terms of six years. They elect their own President from among their number and he receives a salary of \$6,000 a year, and the others \$5,000 a year.

The chapter of the Charter relating to this department is in a very confused condition and contains principally extracts from and references to previously existing laws; in general it may be said that this Board succeeds merely to the powers of the various former Boards in the different Boroughs. They have charge of all wharf property belonging to the city and have the exclusive government and regulation of all wharves, docks and marginal streets in the city. They also have charge of ferries, subject in certain particulars to the approval of the Commissioners of the Sinking Fund; and it is also their duty to sound and survey the water front when necessary.

There is already a plan of docks for a large part of the city established by act of the Legislature, but this may be altered by the Dock Board in certain particulars with the consent of the Commissioners of the Sinking Fund. They cannot, however, change the exterior line of piers and bulkheads where the same is established by statute.

They may purchase private wharf property or condemn it in the method used in acquiring street property. They may lease docks, regulate the charges for public docks and set aside certain wharf property for the sole use of special kinds of commerce, and may set aside certain piers for public recreation or for the use of the Street Cleaning Department or the Board of Health.

They may make leases of ferry franchises to the highest bidders for not longer than ten years with the approval of the Commissioners of the Sinking Fund.

There is a schedule of rates for wharfage included in the Charter which "it shall be lawful to charge." Dock-masters, who are officers created under previously existing laws, are continued, but for their number and duties reference must be made to those laws. They are, however, expressly given by the Charter certain powers to assign and regulate the position of vessels at docks. This chapter of the Charter contains quite a number of special provisions not necessary to mention.

THE DEPARTMENT OF BUILDINGS is governed by the Board of Buildings, which consists of three Commissioners appointed by the Mayor for terms of six years; one for Manhattan and the Bronx, and one for Brooklyn, who receive \$7,000 a year each, and one for Queens and Richmond, who receives \$3,500 a year. They must be architects or builders of at least ten years' experience. One of them is designated as President by the Mayor. It is their duty to enforce the building laws of the city, and probably also to enforce so much of the Tenement House Laws as relate to

tenement buildings. Each has jurisdiction within his respective Borough or Boroughs. An appeal, however, lies from the decision of a single Commissioner to the Board of Commissioners, except in the Boroughs of Manhattan and The Bronx, where the appeal by special act of the Legislature must be to a Board of Examiners consisting of certain experts specified by statute. The appeal must be taken within ten days after the entry of a decision of the Commissioner. However, the Commissioner is not limited as to the time in which he must decide and he need give no notice of his decision.

The Board of Examiners in Manhattan and the Bronx have very broad powers to vary or modify any rule of the Board or any law upon written application "where difficulties occur in carrying out the strict letter of the law, so that the spirit of the law shall be observed and public safety secured and substantial justice done."

DEPARTMENT OF PUBLIC CHARITIES.
This department has general charge over all hospitals, asylums, almshouses, and similar institutions belonging to the city, with a few exceptions, and excepting also some similar institutions under the Department of Correction and the Department of Health. This department is governed by the Board of Public Charities, consisting of three Commissioners appointed by the Mayor for terms of six years, one for the Boroughs of Manhattan and the Bronx, one for the Boroughs of Brooklyn and Queens, and a third for Richmond. The two former receive \$7,500 a year and the third \$2,500. One of them is designated by the Mayor as President. They each have the power to appoint and remove a deputy

at pleasure, and the Board of Estimate and Apportionment and the Municipal Assembly may provide for further deputies. They have the power to establish by majority vote rules and regulations for their department. They determine whether children in private institutions for whom the city makes any payment have been received and retained in accordance with the rules of the State Board of Charities on that subject. They are in their respective boroughs the overseers of the poor, and must also make provision for the care of vagrant and indigent persons. They succeed to all the powers granted in their boroughs to indenture and otherwise provide for indigent and destitute children; and they may commit destitute children to private institutions and must investigate all applications for commitment made to a city magistrate. They distribute relief to the indigent blind, institute bastardy proceedings, compel the support of poor persons by relatives, and compel the maintenance of abandoned wives and children. Their duties and powers vary slightly in the different boroughs.

THE DEPARTMENT OF CORRECTION is, as formerly, presided over by a single Commissioner, who is appointed by the Mayor for a term of six years and who receives a salary of \$7,500 a year. He must have his principal office in the Borough of Manhattan, with a branch office in Brooklyn. He has the power to appoint and remove at will all necessary deputies, wardens, subordinate officers and assistants. All the city's institutions for the care and custody of criminals and misdemeanants are under his charge and con-

trol. This does not include the county jails. The only peculiar provision of the law as to this department is that which directs the Commissioner to keep a record of all persons committed for intoxication and disorderly conduct, and which provides that if they are committed again for such a cause within two years the Commissioner shall detain them for a longer period, and that they must be committed by the magistrate subject to this provision. It was in force several years before the Charter, and is therefore not new. It has, however, been declared unconstitutional by the courts.

DEPARTMENT OF EDUCATION. There are four Borough Boards of Education in this department, one for the Boroughs of Manhattan and the Bronx, consisting of twenty-one members, one for Brooklyn, consisting of forty-five members, and one each for Queens and Richmond, consisting of nine members each. Each Board elects its own president. The members of these Boards are appointed by the Mayor for terms of three years and receive no salary. The head of this department is the Board of Education of the City of New York, which consists of nineteen members, composed of the Presidents of the Borough Boards, and ten delegates elected by the Borough Board of Manhattan and the Bronx, and five by the Borough Board of Brooklyn. They are elected for terms of one year, and receive no salary. This board elects its own president. It has the management of all the funds of the department and enacts all general rules and regulations. In general the central board has charge of the physical conduct of all schools, while the borough boards have charge of their edu-

cational conduct; but their jurisdictional boundaries appear confused. The central board appoints a Superintendent of Buildings with appropriate duties; also the City Superintendent of Schools, whose duty it is to visit and examine all schools; it also appoints a Board of Examiners for teachers; and it has charge of the retirement fund. The Borough Boards, or as they are otherwise called the School Boards, fix the salaries of teachers, appoint principals and teachers, and change grades in schools. This subject, however, has since been to some extent regulated by special act of the Legislature. They also divide their respective boroughs into Inspection Districts, in each of which five Inspectors, who are volunteer citizens, serving without pay, are appointed by the Mayor to constantly examine into the conduct of the schools, and make recommendations and reports to their Borough Board. Each Borough has a Superintendent of Schools and a Board of Assistant Superintendents. They visit all schools and report to the City Superintendent. They arrange rules for the promotion of pupils and transfer of teachers, and subject to the rules of the School Board, they assign teachers. They also try teachers on charges and recommend books, etc., to the School Board. They are the active executive force in the government of the schools.

In addition to the public schools of the city, the College of the City of New York, the Normal College and the Nautical School, are also under the jurisdiction of the Board of Education.

THE DEPARTMENT OF HEALTH is administered by the Board of Health, which consists of the

President of the Police Board, the Health Officer of the Port (a State officer), and three Commissioners, of whom two at least must be practicing physicians. The Commissioner who is not a physician is the President of the Board. The Commissioners are appointed by the Mayor for terms of six years and receive salaries of \$6,000 a year each. There are two bureaus in this department, headed respectively by the Sanitary Superintendent and the Registrar of Records, the latter having one deputy in each borough.

The powers of this department are very extensive. All marriages, births and deaths must be recorded with it, and physicians must at once report to it all cases of contagious diseases. The Board may also make rules as to reports to it by the Coroners. It enacts and may amend at any time the sanitary code, which has all the force of a city ordinance; it may call on the police for assistance, and very severe provisions are contained in the Charter for the punishment of disobedience to its rules and orders. The Charter also contains provisions for proceedings by it to abate nuisances. The Board may cause lands to be filled in at the expense of the owners; may destroy unsound articles of food; and where houses are infected or uninhabitable may cause the same to be condemned by suit and destroyed, and in certain aggravated cases when it does so need only pay for the value of the materials in the buildings. It is also the duty of this Board to enforce the Tenement House Law, so-called, which is a statute passed several years ago regulating the building, use and inspection of tenement houses in the city, and which is re-enacted in the Charter; but the Building Department doubtless has juris-

diction over the provisions relating to the building of such houses. The city is without power to modify this law.

THE BUREAU OF MUNICIPAL STATISTICS is a new body consisting of a Chief of Bureau, appointed by the Mayor for a term of four years, with a salary of \$3,500, and not more than six Commissioners appointed by the Mayor for terms of six years, and who serve without pay. They are to devise and carry out plans for the collection and publication of such statistical data relating to the city as they may deem advisable. The head of each city department upon a request from the Commission made through and approved by the Mayor, must transmit to the Commission such statistical data relating to his department as it may call for. The Commission "shall" with the approval of the Board of Estimate and Apportionment, publish annually a volume to be known as the "Municipal Statistics of the City of New York for the year——"; and there are lengthy provisions as to what statistics shall be included in this publication. But it is provided that the annual expenses of this bureau shall not exceed \$10,000, unless otherwise provided by the Board of Estimate and Apportionment and the Municipal Assembly. The sum of \$11,200 has been appropriated for this bureau for the year 1900, \$10,700 of which is for salaries. The Commission has met to organize, but has done nothing further and has published nothing. It has no power, being entirely dependent upon the Mayor and other Boards, and as now constituted is useless.

There are three elaborate codes for the condemna-

tion of land included in the Charter. The first governs proceedings for procuring land for reservoirs, and to protect the water supply; the second, for streets, parks, sewers, wharves, bridges and tunnels; and the third, for all other purposes, including school sites and public buildings. The proceedings have been briefly described hereinbefore, and they are very similar in all cases, the only substantial difference being that in the second class of proceedings assessments for benefit are laid on the surrounding property, as well as awards for damages for the property taken to which the other two proceedings are confined. The framers of the Charter made a mistake in not codifying the rules for these proceedings into one code. It would have avoided much redundancy, and a proper codification would have cured many inconsistencies and avoided much confusion. And it has also been a source of considerable regret among those familiar with the cumbersome and expensive system of condemnation that has prevailed here for many years that the opportunity was not taken to amend and simplify the general method itself.

THE END.



