FIRST ANNUAL REPORT

OF THE

Commissioners of Prospect Park,

BROOKLYN.

JANUARY 28th, 1861.

IN COMMON COUNCIL,
Brooklyn, Jan. 28, 1861.

Resolved, That fifteen hundred copies of the First Annual Report of the Commissioners of Prospect Park, be printed in pamphlet form.

The resolution was adopted.

Attest,

WM. G. BISHOP,
City Clerk.

1861

To Hon. MARTIN KALBFLEISCH,

President, &c., of the Common Council:

SIR:

In pursuance of the Act of the Legislature, I herewith present to the Common Council of the City of Brooklyn the First Annual Report of the Commissioners of Prospect Park.

I have the honor to be,

Very respectfully yours,

J. S. T. STRANAHAN,

President Board of Commissioners of Prospect Park.

Brooklyn, January 28th, 1861.

Report

OF THE

COMMISSIONERS OF PROSPECT PARK.

By the 20th section of the Act of the Assembly of April 17th, 1860, entitled "An Act to lay out a Public Park and a Parade Ground for the City of Brooklyn, and to alter the Commissioners' Map of said city," it is made the duty of the Commissioners of Prospect Park, in the month of January of every year, to make to the Common Council of the City of Brooklyn a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

In complying with this provision of the law, the Commissioners deem it proper to introduce their first Annual Report with a history of the successive legislative enactments relating to the subject upon which they are called to act.

On the 18th day of April, 1859, at the solicitation of the citizens of Brooklyn, the Legislature of the State of New-York passed the following act, entitled

"AN ACT

To authorize the selection and location of certain grounds for Public Parks, and also for a Parade Ground for the city of Brooklyn.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. John Greenwood, J. Carson Brevoort, William Wall, James Humphrey, John A. Cross, Nathaniel Briggs, Abraham J. Berry, Samuel S. Powell, Thomas H. Rodman, Nathan B. Morse, Thomas G. Talmage, Jesse C. Smith, Daniel Maujer, William H. Peck and Luther B. Wyman, or such of them as shall undertake the office of this commission, are hereby appointed Commissioners to select and locate such grounds in the city of Brooklyn, and adjacent thereto, as may, in their opinion, be proper and desirable to be reserved and set apart for Public Parks, and also for a Parade Ground for said city; and they shall report such selection and location to the Common Council of said city, on or before the first day of November next, and also to the next Legislature, upon the assembling thereof.

§ 2. The said Commissioners shall receive no compensation for their services, under this act, but they are hereby authorized to procure maps and plans of the grounds so selected and located, and to employ surveyors for that purpose at an expense of not exceeding the sum of two hundred and fifty dollars; and the same shall be a charge upon the said city of Brooklyn, and shall be paid as other city charges.

§ 3. The said Commissioners shall make such selection and location, in view of the present condition and future growth and wants of said city; and the first meeting of the Commissioners shall be held on the first Monday of May next, at twelve o'clock at noon, at the Mayor's office, in the City Hall in said city.

§ 4. This act shall take effect immediately."

The gentlemen named in the above act entered upon the discharge of their duties, with that earnest interest in the welfare of the city which had previously distinguished most of them in other public positions.

On the 9th of February, 1860, they submitted to the Legislature, through his Excellency, Governor Morgan, the following report, signed by all the gentlemen named in the act of 1859, except Messrs. Humphrey, Wall and Briggs:

"COMMUNICATION

From His Excellency, the Governor, transmitting the Report of the Commissioners, appointed by an act of the Legislature, for the selection and location of certain Public Grounds in the city of Brooklyn.

STATE OF NEW-YORK, EXECUTIVE DEPARTMENT,
ALBANY, *February* 9, 1860.

To the Assembly:

I transmit herewith the Report of the Commissioners, appointed by an act of the Legislature, passed April 18, 1859, entitled 'An act to authorize the selection and location of certain grounds for Public Parks, and also for a Parade Ground, for the city of Brooklyn.'

E. D. MORGAN."

"The undersigned Commissioners, appointed by an act of the Legislature of the State of New York, entitled 'An act to authorize the selection and location of certain grounds for Public Parks, and also for a Parade Ground for the city of Brooklyn,' passed April 18, 1859, respectfully

REPORT:

That, after a most careful consideration of the subject, aided by the suggestions and advice of many of their fellow-citizens, who were invited to submit their opinions to the commission, and in view, both of the present condition and the future 'growth and wants of the city of Brooklyn,' as expressly directed by the act creating the commission, they recommend that the lands hereinafter described, be reserved and set apart for public parks and a parade ground for said city, viz:

1. That piece of land situated on what is commonly called Prospect Hill, lying chiefly in the Eighth and Ninth wards of

the city, a small part being in Flatbush, adjacent to the city, and particularly described as follows, viz: Commencing at the intersection of Douglass street and Washington avenue; running thence southerly along Washington avenue to the city line, at Montgomery street; thence southwesterly in a straight line to the intersection of the city line and Ninth street; thence northwesterly along Ninth street to Tenth avenue; thence northerly along Tenth avenue to Third street; thence northwesterly along Third street to the centre of the block between Eighth and Ninth avenues; thence northerly in a line parallel with Ninth avenue to Douglass street; thence easterly along Douglass street to Washington avenue, the place of beginning, containing about two hundred and fifty acres, exclusive of Flatbush avenue and the reservoir, which, together, contain seventeen acres, making the whole area of the park about two hundred and sixty-seven acres.

This land is designated on the map hereto annexed, by the letter A, as Mount Prospect Park. The estimated present value of this land, with the buildings thereon, is one million of dollars.

2. The piece of land situated at, and adjacent to the receiving reservoir of the Nassau water works, at Ridgewood, lying partly in the county of Kings and partly in the county of Queens, and designated on said map by the letter B.

3. The piece of land situated at what is commonly called Bay Ridge, and designated on the map hereto annexed by the letter C.

The Commissioners recommend that these three pieces of land be reserved for city parks, for the general benefit of the city of Brooklyn and the county of Kings.

4. They also recommend that a piece of land, of about twenty-five acres, situated at East New York, in the town of New Lots, to be taken from the southerly portion of the lands of the heirs of White Howard, deceased, be taken and reserved for a parade ground. This land is designated on the map by the letter D.

That the three following described pieces of land be taken and reserved as local parks, to be paid for on the principle of assessment adopted in the case of Washington park, in this city, if no other principle should be deemed more equitable and expedient, viz:

First.—All that parcel of land, situated on Brooklyn Heights, overlooking the East river, the Bay, the city of New York, and the shores of New Jersey, and lying between Remsen, Montague, and Furman streets and Pierrepont Place, and designated on said

map by the letter E, commanding a view unsurpassed, as is believed, for varied and picturesque beauty.

Second.—The land lying between Ewen, Smith, North-second, and Ainslie streets, comprising four blocks of ground, and designated on said map by the letter F.

Third —The land lying between the Fourth and Fifth avenues and Third and Sixth streets, comprising three large blocks of ground, containing about seventeen acres of land, and designated on said map by the letter G.

The Commissioners have, perhaps, performed the duty assigned to them, by simply making the above recommendations. But the great importance of the subject, and the deep interest which they feel in the prosperity and future progress of the city, may excuse a brief statement of the reasons which led them to the above conclusions.

No single location for a great central park, suitable both to the present state and future growth of the city, presented itself.

Prospect Hill, on account of its commanding views of Brooklyn, New York, Jamaica Bay, and the Ocean beyond, of the eastern part of Kings county, of the Bay of New York, Staten Island, the Narrows, and the New Jersey shore, the undulating surface of the ground, the fine growth of timber covering a large portion of it, the absence of any considerable improvements to be paid for, has, for many years, been contemplated by our citizens as a favorite place for a park.

Another very important consideration was, that the distributing reservoir was established there, upon a piece of land of about fourteen acres, owned by the city. While this would add to the attractions of a park, the park, by surrounding, would protect the reservoir from encroachments, which might, at a future time, prove a serious detriment.

The county has also recently purchased land near the reservoir, for a court-house.

But this place, however suitable in other respects, is not central, in reference to the whole population of the consolidated city of Brooklyn. That population now extends for a distance of about eight miles along the East river and the Bay of New York, namely, from Greenpoint, on the East river, to the northerly line of New Utrecht, and is destined to extend still further, as is believed, in both of those directions, keeping pace with the northward movement of the population of New York, and at

the same time rapidly occupying the cheaper, but equally attractive situations lying along the eastern shore of the bay, towards Fort Hamilton.

The progress of population eastward has been quite as remarkable, and seems to justify the current opinion that in a few more years of such increase, not only a large portion of Kings county, now lying beyond the city limits, but a considerable part of Queens, will be merged in the city.

A glance at the annexed map will illustrate these statements, and show that a park at Prospect Hill could not fairly be called a Central Park ; but though very accessible to the inhabitants of the Western district, so called, is more distant from, and less accessible to those of the Eastern district.

The Commissioners, in view of these facts, of the incalculable importance of protecting from encroachment the great receiving reservoir at Ridgewood ; in view, also, of the diversified surface of the land there, of its fine natural forest, of the noble views of the surrounding country, the Bay and Ocean, presented from its heights, and the comparative cheapness of the land, determined to recommend that another large city park be laid out there.

This receiving reservoir, lying in a tract of land of about fifty acres, owned by the city, now has the Cemetery of the Evergreens on the southwest, and the Cypress Hills Cemetery on the northeast. These cemeteries are now at a distance from the reservoir, but the population of the cities of the dead increases, only less rapidly than that of the abodes of the living.

The reservoir certainly should never be allowed to come in contact with these cemeteries.

Ridgewood is near the termini of three city railroads, communicating with six ferries on the East river. The population of the city is rapidly spreading in that direction.

A portion of the land recommended for a park lies beyond the city line, and is in Queens county ; but so is a part of the reservoir. This circumstance, especially in view of the rapid approach of the time when the city proper will absorb all this territory spoken of, affords no substantial objection to the proposition.

This land will, we think, require but a small expenditure for embellishment. It may be almost called a natural park. It presents a great diversity of surface, yet is smooth and free from rock. A large portion of it is well covered with timber, and the

ridges of the hills overlook a charming landscape, bounded on the south only by the ocean, which is in full view.

The land proposed for a park at Bay Ridge is well situated, commands magnificent views of the bay, the ocean, Staten Island and the New Jersey shore. It is now purchasable at a comparatively low price. If, as has been suggested, a macadamized road from Fort Hamilton around the eastern side of the city, passing over Prospect Hill, around Ridgewood Reservoir, and so westward to the river at Green Point, should be laid out, this, in connection with the other two great parks and the drive, would afford a public attraction unsurpassed, as we believe, in the world.

Irrespective of this particular communication between the three parks, Atlantic avenue, if widened and ornamented as proposed by a bill now before the Legislature, will form a communication between the Mount Prospect and the Ridgewood Parks, and greatly enhance the value of all the parks as places of resort for health or pleasure.

The Parade Ground recommended has been, by common choice, used for many years by the military of Brooklyn, and to some extent by that of New York, for exercises and displays. In the opinion of military men, this can be made as perfect a parade ground as could be desired.

It lies near the termini of the three city railroads spoken of as terminating at Ridgewood. The land is almost perfectly level and smooth, and is commanded by the high grounds of Ridgewood Park as proposed. The Commissioners, after full consideration, are convinced that it is inexpedient to have the Parade Ground within either of the parks proposed; and that neither the comfort nor the safety of the citizens generally would be promoted by bringing large crowds of men, women and children in close contact with bodies of soldiers, exercising or on parade.

That these public grounds should now be secured to the city, the Commissioners have no doubt. With the increase of the necessity for them, if not now reserved, will come a rapid increase of the cost of finally securing them. By taking them, we know the city in the first instance releases so much taxable property from the taxing power.

The taxable value of the land lying in the three large parks is supposed to be about $300,000.

The Commissioners entertain the hope that if these improvements are made, the increased taxable value of the real estate lying in the vicinity of these parks, the addition of a very large amount of taxable personal property, which may be expected as incidental to the increase of population, and to the general rise in the value of the real estate of the city, produced by these and the other great improvements now in progress, will not only prevent the withdrawal from taxation of the lands taken for parks from being felt, but will prevent the payment of the interest upon the debt created, and the gradual extinguishment of the debt itself from becoming burdensome.

While it behooves our citizens to avoid creating oppressive burdens, something must be conceded to the taste and spirit of the age; an age unequalled in activity, enterprise, intelligence and refinement, something to the peculiarity of our geographical situation contiguous to the metropolis of the western world, and something to the wants of future millions, who seem destined to draw largely to this point of the resources of every nation on the earth.

The intense activity and the destructive excitement of business life as here conducted, imperatively demands these public places for exercise and recreation. If they tend to abate this excitement and to divert our people somewhat from the mere struggle for wealth, their moral and physical effects will compensate largely for the pecuniary cost.

As already intimated, the fullest opportunity has been afforded to our fellow citizens to express their wishes and opinions in regard to this matter. Some earnestly advocated the adoption of a plan for a grand drive or carriage road, to extend from Fort Hamilton to Green Point, connecting a chain of five parks, somewhat smaller than the three city parks recommended; three of which were proposed to be located where such large parks are recommended by the Commissioners. The Commissioners concluded that the pleasure of a great drive, though accessible to the more opulent, would be entirely inaccessible to the masses of our people; that these need parks to which they can go on foot or by the cheap railroad lines, where health and pleasure shall be freely offered to all classes.

Again, the Commissioners heartily approve and recommend the plan for widening and ornamenting Atlantic avenue referred to, and trust that it will be sanctioned by the Legislature. That will connect the two great parks at Mount Prospect and Ridge-

wood by an avenue unequalled for beauty in this country, at a moderate expense, and prove beneficial, as we believe, to the property on the line of improvement. For the purposes of a drive, that avenue will furnish all needful accommodation.

All which is respectfully submitted,

Brooklyn, February 3, 1860.

J. GREENWOOD,
THOMAS G. TALMAGE,
L. B. WYMAN,
THOS. H. RODMAN,
JESSE C. SMITH,
SAMUEL S. POWELL,
JOHN A. CROSS,
ABRM. J. BERRY,
DANL. MAUJER,
J. CARSON BREVOORT,
N. B. MORSE,
WM. H. PECK.

To JOHN GREENWOOD, ESQ.,

President of the Board of Park Commissioners:

SIR: I have been requested to furnish a statistical table of the valuation of real and personal estate, as returned by the Assessors for twenty years last past, together with the average rate of taxation in the territory now comprising the city of Brooklyn, and my opinion has also been solicited as to the probability of its future increase of value for purposes of taxation.

The annexed tabular statement I have compiled from the records, except for the years 1852 and 1853, the records for those years being imperfect. The statement is in part an estimate, but will be found sufficiently accurate for your purpose.

With regard to the unexampled increase of our city, it has been frequently asserted, and as frequently disputed or doubted, that the population has, for the past forty years, doubled every eighth year. To prove that such is the fact, it is only necessary to have recourse to a few figures, as follows:

The population of the town of Brooklyn in 1814 was 3,805; which doubled in eight years, would, in 1822, be 7,610; the next eight years would, in 1830, be 15,220, (the census for that

year gives 15,295.) The next eight years, 1838, would be 30,440; the next eight years, 1846, would be 60,880, and the next eight years, 1854, 121,760. The census for 1855, one year later, gives 148,774, exclusive of Williamsburgh and Bushwick, which were annexed that year.

If we estimate the increase of taxable property in the same ratio, the result will be far short of the reality, the comparison standing thus:

	Actual valuation.	Doubled each 8th year.
In 1814	$ 1,459,791	
In 1822	2,727,501	$ 2,919,582
In 1830	6,844,239	5,839,164
In 1838	27,994,819	11,678,328
In 1846	30,642,562	23,356,656
In 1854	88,923,081	46,713,312

Carrying the estimate another period of eight years would give, in 1862, $93,426,624, while the valuation for 1859 is $101,047,136. The above valuation includes the boundaries of the present city as enlarged. Although there have been great irregularities in the ratio of increase, consequent upon commercial and monetary crises, yet the general average much more than sustains the allegation that the city has, for the past forty years, doubled her population, and far more than doubled her wealth, every eighth year, or in that proportion.

As to the probabilities of its future increase, and the question whether it can probably continue in an equal ratio for another period of forty years, it must remain a subject of conjecture. To continue the hypothesis, by taking a fresh start with the census of 1855 of the present enlarged city of Brooklyn, and the year 1895 would give a population of 6,468,000, and a property valuation of $3,260,837,280.

These results are so enormous that the exclamation "Impossible," instinctively falls from our lips. To continue in that ratio for an indefinite period, would, ere many generations, absorb the population of one-half the globe; there must, therefore, be a limitation somewhere; but who shall venture to fix that limitation?

It may, however, safely be averred, that so long as the great commercial metropolis continues to increase in the ratio of the past fifty years, so long must Brooklyn not only continue her past ratio of increase, but even exceed it, for the reason that the expansion of New York city must soon cease, for want of

space, and in that event, a much larger proportion of the increase will be on this side of the river. The boundaries of the city must necessarily be extended, to admit such increase of population, as they have already been on one occasion.

Admitting, however, that such ratio of increase may continue to the year 1875, or fifteen years from the present time, a period which many of us may reasonably hope to see, the population would then be over 600,000, and the property valuation about $570,000,000.

This I consider a very reasonable estimate, and have no doubt that the reality will exceed this estimate.

To draw a practical comparison with the immediate question at issue, let us suppose that the proposed parks will cost two and a half millions, and that $65,000 per annum is to be raised for a sinking fund, which, annually invested at six per cent., would extinguish the principal in twenty years; this, with the annual interest, would require an annual tax of $215,000, which, on the present valuation, would be equal to about 21 cents on the the $100, (a serious addition to our present rates), while in 1875, supposing the above ratio of increase to continue, the rate of the $100 of valuation would be reduced to about $3\frac{8}{10}$ cents; or a sliding scale might be adopted by which the amount to be raised annually would be increased in proportion to the annual increase of taxable property, so that a tax of 5 or 6 cents on the $100 would extinguish the debt in twenty years.

The wisdom of involving our posterity so deeply in debt, may be questioned, and can only be excused on the ground that the proposed improvement is designed more for their than for the present generation.

That the enhanced value of the taxable property of the city, consequent upon the proposed improvement, not only in their immediate vicinity, but generally through the city, will more than compensate for the necessary increase in the rate of taxation, in my opinion, leaves no room for doubt.

The above remarks and calculations have been hastily thrown together, the shortness of the time allotted me not permitting me, even were it desirable, to pursue the enquiry further, nor even to review them as to their correctness.

I am, sir, very respectfully,

Your obedient servant,

A. H. OSBORN.

VALUATION AND AVERAGE RATE OF TAXATION,

In the territory now comprising the city of Brooklyn, for the periods stated below:

Year.	Real.	Personal.	Total.	Average Rate.
1839	$25,049,160	$ 3,400,917	$ 28,450,077	.53
1840	25,363,965	3,281,542	28,645,507	.48
1841	25,745,300	3,145,447	28,890,647	.49
1842	25,009,134	2,878,272	27,887,406	.58
1843	21,539,283	3,078,175	24,617,458	.64
1844	22,993,239	3,349,716	26,342,955	.72
1845	24,658,514	3,415,885	28,074,399	.63
1846	26,934,493	3,708,069	30,642,562	.77
1847	29,321,522	3,923,989	33,245,511	.72
1848	31,607,581	3,879,779	35,487,360	.91
1849	33,277,588	3,794,150	37,031,738	1.13
1850	37,567,334	4,349,205	41,916,539	1.09
1851	50,894,576	6,308,952	57,203,528	1.18
1852	61,610,359	8,681,847	70,512,300	1.08
1853	73,008,152	9,171,131	82,179,883	1.20
1854	74,014,641	9,908,440	88,923,081	1.41
1855	84,543,798	10,044,867	94,588,665	1.62
1856	85,736,446	10,063,994	95,800,440	1.43
1857	87,807,150	11,168,875	98,976,025	1.79
1858	88,136,781	10,338,494	98,475,275	1.59
1859	90,150,396	10,896,740	101,047,136	1.24

In pursuance of the recommendations in the foregoing report, the Legislature, on the 17th day of April, 1860, passed the following act, entitled

"AN ACT

To lay out a Public Park and a Parade Ground for the city of Brooklyn, and to alter the Commissioners' map of said city.

Passed April 17th, 1860—three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Boundaries of Prospect Park.

SECTION 1. All the following tracts, pieces and parcels of land in this act described, having been selected and located for a public park and for a parade ground for the city of Brooklyn, by the Commissioners appointed for that purpose, by the act entitled "An act to authorize the selection and location of certain grounds for public parks and also for a parade ground for the city of Brooklyn," passed April eighteenth, eighteen hundred and fifty-nine; the said tracts, pieces and parcels of land, are hereby declared to be public places, that is to say: All that piece or parcel of land, situate, lying and being in the city of Brooklyn, and town of Flatbush, and bounded and described as follows:—Commencing at the intersection of Warren street and Washington avenue; running thence southerly along Washington avenue to the city line at Montgomery street; thence southwesterly in a straight line to a point one thousand feet easterly in a straight line drawn from the intersection of Ninth street with the city line; thence to the intersection of the city line and Ninth street; thence northwesterly along Ninth street to Tenth avenue; thence northerly along Tenth avenue to the northerly side of Third street; thence northwesterly along Third street to Ninth avenue; thence northerly along Ninth avenue to Flatbush avenue; thence along Flatbush avenue to Vanderbilt avenue; thence along Vanderbilt avenue to Warren street; thence easterly along Warren street to Washington avenue, at the place of beginning, is hereby declared to be a public place to be known as Prospect Park, and which shall be a charge upon said city as hereinafter provided.

Parade Ground.

§ 2. All that piece of land situate, lying and being in the town of New Lots, to be taken from the southerly part of the lands belonging to the heirs of White Howard, deceased, con-

taining about twenty-five acres, is hereby declared to be a public place, to be known as the Parade Ground, and which shall be a charge upon the county of Kings, as hereinafter provided, and shall be under the management and control of the Supervisors thereof.

Park and Parade Gr'd declared open.

§ 3. The aforesaid pieces of land shall, from and after the passage of this act, be public places, and the lands in the first section of this act mentioned, shall be deemed to have been taken by said city of Brooklyn, for public use, as and for a public park, and to have been declared open as a public place, with the same effect as if the whole of the same had been within the city of Brooklyn, and as if they had been taken and declared open under and in pursuance of the provisions of an act entitled "An act to revise and amend the several acts relating to the city of Brooklyn," passed April fourth, eighteen hundred and fifty, and the acts amendatory thereof, except as herein otherwise provided, and with the same effect as if the same had been originally laid down upon the Commissioners' map of the city of Brooklyn, and from and after the passage of this act, they shall be and form a part of said city of Brooklyn, and of said Commissioners' map ; and the parts of all streets, avenues and highways, (except Flatbush avenue and Third street,) laid out as running through said pieces of land, are hereby closed and discontinued and stricken from the said Commissioners' map, so far as the same would run through or intersect said pieces of land, and the land in the second section of this act mentioned shall be deemed to have been taken by the county of Kings, as and for a parade ground.

Commissioners' map altered.

Commissioners of Estimate and Assessment to be appointed.

§ 4. Three discreet and competent persons, being citizens of the state of New York, shall be appointed to act as Commissioners of Estimate and Assessment, in relation to the taking and the value of the land mentioned in the first section of this act ; and three other persons shall also be appointed Commissioners of Estimate, in relation to the taking, and the value of the lands mentioned in the second section of this act. All of said Commissioners shall be appointed in the manner provided by an act entitled "An act to provide for the opening of Washington Park, on Fort Greene, in the city of Brooklyn,"* passed April 27, 1847, except that such Commissioners shall be appointed by the Supreme Court of the Second Judicial District, at any Special Term thereof, and all other proceedings in any

* Appendix A.

Court contemplated by this act shall be had in said Court; and in case of the death, resignation disqualification or refusal to act, of either of said Commissioners, it shall be lawful for the said Court, at any General or Special Term thereof, on application, as in said act provided, and from time to time, as often as such event shall happen, to appoint any other discreet and disinterested person, being a citizen of the state of New York, in the place and stead of such Commissioner so dying, resigning or refusing to act; and said Commissioners shall proceed to discharge the duties of their appointment, and to complete their estimate and award, as soon as conveniently may be; and shall, if practicable, file their final report in the office of the Clerk of the county of Kings within twelve months of the date of their appointment.

To file their final report within 12 months.

§ 5. It shall be competent and lawful for a majority of each of said Board of Commissioners designated, as aforesaid, to perform the trust and duties of their appointments, and their acts shall be as valid and effectual as the acts of all the Commissioners so to be appointed, if they had acted therein, would have been; and in every case the proceedings and decisions of a majority in number of either of said Boards of Commissioners acting in the premises, shall be as valid and effectual as if the said Commissioners appointed for such purpose had all concurred and joined therein.

A majority of each Board of Commissioners may act.

§ 6. The Commissioners herein provided for, in relation to the taking and value of the lands mentioned in the first section of this act, shall make just and true estimate of the value of the lands mentioned in said first section, and of the loss and damage to the respective owners, lessees, and parties and persons respectively entitled to or interested in the same, together with the tenements, hereditaments, and appurtenances, privileges or advantages to the same belonging or in any wise appertaining, by and in consequence of relinquishing the same to the said city of Brooklyn; and in making such estimate they shall not make any deduction or allowance for, or on account of any supposed benefits or advantages to be derived from taking said lands as public places, or in consequence thereof, and the amounts so estimated, when duly confirmed, shall be paid as hereinafter in this act provided. But after the cost of the said lands shall have been determined by the confirmation of the final report in relation thereto, it shall be the duty of said Commissioners to apportion such part of said cost as they may deem equitable, and not exceeding twenty per cent. thereof, among the lands outside

Commissioners to estimate and award damages.

Also to estimate and apportion benefits.

of said park, which they shall deem to be benefitted thereby, and in proportion to such benefit; and said Commissioners may extend such apportionment to such distance from said park as they may deem equitable and proper within the Western Fire District of said city of Brooklyn. And whenever their report in relation to such apportionment shall be completed, they shall file the same with the Clerk of Kings county, and thereupon proceedings may be had to correct or confirm the same, as in this act provided. And after the confirmation of any final report of said Commissioners making such apportionment, the one twentieth part of the amount thus apportioned shall be assessed annually upon the lands in said city affected thereby, and shall be included annually in the taxes to be levied thereon, and shall be levied and collected like other taxes upon property in said city; and the proceeds thereof shall be paid over to the Commissioners of the Sinking Fund of said city, to be by them applied to the redemption of the bonds of said city, to be issued by virtue of this act.

Amounts assessed for benefit to be collected in annual payments.

§ 7. The Commissioners appointed in relation to the taking and value of the lands mentioned in the second section of this act, shall in like manner make just and true estimate of the value of the lands in said second section mentioned, and of the loss and damage to the respective persons, owners thereof, or entitled to or interested in the same in any wise, in consequence of relinquishing the same to the county of Kings; and the value of the lands so taken and mentioned in the second section of this act, and the amount of compensation so estimated by the Commissioners to the owners thereof, shall, when confirmed, as herein provided, be paid by said county of Kings to the parties thereto respectively entitled, and for the purpose of making such payment, the said county may issue and dispose of its bonds to such amount as may be necessary, in such form and manner as the Supervisors thereof may direct.

Damages to be awarded for lands tak'n for Parade Gro'nd.

County to issue its bonds to provide for Payments.

§ 8. Payments of the damages awarded by the Commissioners provided for in this act, in any report made in pursuance hereof, shall become due and payable, and shall be paid immediately upon the confirmation of any such report of said Commissioners in the premises.

Awards—when payable.

§ 9. Said Commissioners and any party being owner of or interested in any of the lands mentioned in this act, may agree upon the value thereof, and upon the amount of damages and compensation to be awarded therefor, and said Commissioners may make special reports in relation to any matters so agreed

upon ; and any such special report may be filed, and proceedings may be had to confirm the same, and the same may be confirmed in the same manner and with like effect as is provided herein in relation to other reports of said Commissioners ; and upon the confirmation of any such special report, the amount of the awards thus confirmed shall be paid in the same manner as if such awards had been made in a general report of said Commissioners, and duly confirmed.

Commissioners and owners may agree upon damages.

§ 10. Before proceeding to discharge any of their duties, the Commissioners shall respectively take and subscribe an oath in writing, before some officer, authorized by law to administer oaths, honestly and faithfully to discharge the duties which shall devolve upon them in pursuance of this act, which oath shall be filed in the office of the Clerk of the county of Kings. Said Commissioners shall proceed, as soon as may be after their appointment, to discharge the duties of their trust, and to make and complete their estimates, and awards and reports, as hereinbefore provided ; and every estimate, award and report so made shall be signed by at least a majority of said Commissioners, and filed in the office of the Clerk of the county of Kings, and notice thereof given to the Counsel of the Corporation of said city of Brooklyn. Within twenty days after receiving such notice of the filing of any report of said Commissioners, said Corporation Counsel shall give notice by publication for ten days in two daily papers of said city, that he will at the then next ensuing Special Term of the Court aforesaid, and at the time and place to be specified in such notice, present such report for confirmation ; and if said Corporation Counsel shall not, within the time above prescribed, cause such report to be presented for confirmation, then such notice may be given, and said report may be presented for confirmation, as above prescribed, by any party whose lands are to be taken, and to whom compensation is estimated and awarded by such report ; and thereupon all such proceedings as are provided for in the fifth section of an act entitled, "An act to provide for the opening of Washington Park, on Fort Greene, in the city of Brooklyn,"* passed April twenty-seventh, eighteen hundred and forty-seven, shall be had for the confirmation of said report, or for the revisal and correction thereof, until a report shall be made or returned in the premises, which the Court shall confirm ; and any such report, when so confirmed by the said Court, shall be filed in the Office of the Clerk of the county of Kings, and shall be final and conclusive

Commissioners to take oath.

Proceedings to confirm report of Commissioners.

* Appendix B.

upon the said city of Brooklyn, and upon the owners of and persons interested in the lands and premises mentioned in said report, and also upon all other persons whomsoever; and upon the confirmation of any such report, and upon payment being made to the owners of the lands in such report mentioned, or upon their assent thereto by deed duly executed, the said lands shall vest forever in the said city of Brooklyn for the uses and purposes in this act mentioned; and whenever and as often as the title shall have been perfected in said city to the lands embraced in the park and public place provided for in the first section of this act, the Common Council of said city shall forthwith declare and establish said lands to which the title shall have been thus perfected, as a public park, or place, as herein provided, (and may make any improvements thereon, as such park and public place, which they may deem proper). In case any party, officer or person who is by this act directed or authorized to apply for the appointment of Commissioners, or for the confirmation of any report made by such Commissioners, shall neglect to make any such application in the manner and within the times in this act limited, such application may be made by any resident of the city of Brooklyn, being an owner of real estate in the said city, and the Court shall proceed thereon as if the same had been made by the person or officer hereinbefore authorized and directed to make the same.

Damages—how paid.

§ 11. For the purpose of paying for the land mentioned in the first section of this act, and for the regulation and improvement of the same as in this act provided, the bonds of the city of Brooklyn, to such an amount as shall be necessary for that purpose, shall be issued by the Mayor, Comptroller and Clerk of said city, from time to time, as the same shall be required for the purposes aforesaid; which bonds shall be issued in the manner, and shall be in the form of the bonds issued by said city under the provisions of an act entitled "An act to provide for the supply of the city of Brooklyn with water," passed February eleventh, eighteen hundred and fifty-seven, except as herein otherwise provided; and said bonds shall be payable in not less than forty-five, nor more than sixty years from the date thereof, and shall bear interest at the rate of six per cent. per annum, payable half-yearly, on the first day of January and July, in each year; and the said bonds and the proceeds of the sale thereof, shall constitute the fund for paying the costs of the lands in the first section of this act mentioned, and for the improvement of the same. And as the said bonds are from time

City bonds to be issued.

to time issued, the Mayor, Comptroller and Clerk shall each cause to be kept in his office, in a book to be provided for that purpose, a true and correct statement and account of each and every bond by him executed, showing the number of each bond and the date and amount thereof, and the time when due, and such book shall be open for public inspection, and shall be delivered by them to their successors in office.

Bonds may be used in payment, or sold.

§ 12. The bonds of the city of Brooklyn, which shall be issued by virtue of this act, may be used by said city, or by the Treasurer thereof, at their par value, in paying any amounts which said city shall have become liable to pay for compensation or damages awarded under this act; or the same may be sold at public or private sale, or by subscription, and on such terms as the Common Council of said city may think proper; and the proceeds of all such sales shall be paid over to the Treasurer of said city, or said Treasurer may, with the concurrence of the Mayor and Comptroller of said city, pledge any of said bonds for money borrowed temporarily, at a higher rate of interest, not exceeding seven per cent. per annum, if they shall deem it expedient and necessary so to do.

City property pledg'd.

§ 13. The property of the city of Brooklyn, and the lands authorized to be taken by the first section of this act as a public park and place, are hereby pledged for the payment of its bonds to be issued by virtue hereof.

Payment of interest on bonds.

§ 14. In order to pay the interest upon the bonds hereby authorized to be issued by said city, there shall be added to the general tax, for the city of Brooklyn at large, in the year eighteen hundred and sixty-two, and yearly thereafter, and levied and collected therein, as hereinafter specified, such sum of money in each of said years as shall be sufficient to pay the interest upon the bonds issued by virtue of this act; and from and after the year eighteen hundred and sixty-five, there shall be added to the general tax for the city of Brooklyn at large, and levied and collected, as aforesaid, in addition to any amount so required, to pay the interest upon said bonds, a sum equal to one-half of one per cent. upon the total amount of bonds which shall have been issued in pursuance of this act; and from and after the year eighteen hundred and seventy-five, there shall be in like manner levied and collected, in each year, and in addition to the amount required to pay the interest aforesaid, a sum equal to one per cent. upon the total amount of bonds which have been issued in pursuance of this act; and from and after the year eighteen hundred and eighty-five, there shall be in

Sinking Fund provided for.

like manner annually levied and collected, in addition to the interest aforesaid, a sum which, together with the amounts above required to be levied and collected, and the accumulations thereof, will, with its accumulations, be adequate to pay and discharge the bonds to be issued under this act by the maturity thereof, which said several sums shall be, from time to time, and each year, paid over to the Commissioners of the Sinking Fund of the city of Brooklyn, to be held and managed by them, and shall be applied to the payment of the interest upon said bonds as it shall become payable, and to the full and final redemption of said bonds, and for no other purpose. And it shall be the duty of the Mayor and Comptroller of the said city to estimate and ascertain the amounts required to be so added to the general tax, by virtue of this section, and to transmit a statement of the same in each year to the Board of Supervisors of the county of Kings, in time to have such amount included in the general tax of said city, for that year; and it shall be the duty of said Supervisors to cause such amount to be included in such general tax. And said Supervisors shall also annually provide by tax for the payment of the principal and interest of the bonds to be issued by the said county of Kings, by virtue of this act. And in making the levy of taxes in this section prescribed, the said Supervisors shall so apportion and levy the same, as that all sums of money which shall be levied for the purpose of paying principal and interest of the bonds which may have been issued on account of the purchase, improvement and ornamentation of the lands comprising the said Prospect Park, shall be levied and collected exclusively upon and from the taxable property within the first twelve wards of said city.

Supervisors to levy tax.

Tax for Prospect Park to be on twelve first wards.

Commissioners may employ Surveyors and use city maps.

§ 15. The Commissioners appointed by virtue of section four of this act shall have authority to employ surveyors and to use any map on file or belonging to said city, and to cause maps to be made as may be necessary; and said Commissioners shall be allowed a compensation of three dollars per day for their time actually employed in discharging their duties as such Commissioners; and all such compensation, and the necessary expenses of the Commissioners in discharging their duties, shall be allowed on taxation by the Court aforesaid, and paid by said city of Brooklyn, and shall be added to and form a part of the cost of the said Park.

§ 16. The said Prospect Park shall be under the exclusive control and management of a Board of Commissioners, to consist of seven persons, who shall be named and styled "The

Commissioners of Prospect Park;" a majority of said Board of Commissioners in office for the time being shall constitute a quorum for the transaction of business, and no action of said Board shall be final or binding, unless it shall receive the approval of a majority of the said Board, whose names shall be recorded in its minutes. Board of Commissioners for government of Park.

§ 17. James S. T. Stranahan, Thomas H. Rodman, E. W. Fiske, R. H. Thompson, Thomas G. Talmage, Stephen Haynes, and Cornelius J. Sprague, are hereby appointed, and shall constitute the first Board of Commissioners of Prospect Park; they shall hold office as such Commissioners for three years from the passage of this act. No member of said Board shall receive any compensation for his services, except the President or Treasurer, but each Commissioner shall nevertheless be entitled to receive for his personal expenses, in visiting and superintending said Park, a sum not exceeding three hundred dollars per annum. In case of a vacancy, the same may be filled by the remaining members of the Board, for the residue of the term then vacant; and all vacancies occasioned by expiration of the terms of office shall be filled by the Mayor, by and with the advice and consent of the Common Council of said city. Commissioners. Vacancies, how filled.

§ 18. The said Board shall have the full and exclusive power to govern, manage and direct the said Park; to lay out and regulate the same; to pass ordinances for the regulation and government thereof; to appoint such engineers, surveyors, clerks and other officers, except a police force, as may be necessary; to prescribe and define their respective duties, and authority; to fix the amount of their compensation; and generally in regard to said Park, they shall possess all the power and authority now by law conferred on, or possessed by the Common Council of said city, in respect to the public squares and places in said city. Powers of Board.

§ 19. It shall be a misdemeanor for any Commissioner to be directly or indirectly, in any way pecuniarily interested in any contract or work of any kind whatever, connected with said park, and it shall be the duty of any Commissioner or other persons, who may have any knowledge or information of the violation of this provision, forthwith to report the same to the Mayor of the city of Brooklyn, who shall present the facts of the case to any Judge of the Supreme Court of the Second Judicial District. Such Judge shall hear, in a summary manner, such Commissioner in relation thereto, and any evidence he may offer, and if, after such hearing, he shall be satisfied of the truth thereof, and shall so certify to the Mayor, he shall immediately remove Misdemeanor for Commissioners to be interested in contracts. Commissioners may be removed.

the Commissioner thus offending. Every Commissioner shall, before entering upon the duties of his office, take and subscribe the oath prescribed by the Constitution of the State, which oath shall be filed in the office of the Clerk of the city of Brooklyn.

Annual Report.

§ 20. Said Board of Commissioners for the government of said park shall, in the month of January of every year, make to the Common Council of said city a full report of their proceedings, and a detailed statement of all their receipts and expenditures.

Commissioners may let buildings within the Park.

§ 21. Whenever the city of Brooklyn shall have become vested with the title to said park, as in this act provided, it shall be lawful for the Commissioners of said park to let from year to year any buildings and the grounds attached thereto, belonging to said city, which may be within the limits of said park, until the same shall be required for the laying out and regulation thereof, when the said buildings shall be removed, except such as may be used for the purposes of said park.

May sell buildings.

§ 22. Whenever the said city shall have become vested with the title to said park, as aforesaid, said Commissioners may sell any buildings, improvements, and other materials being within the limits of said park, and belonging to said city, which, in their judgment, shall not be required for the purposes of the said park, or for public use, the proceeds of which shall be deposited to the credit of the Commissioners and devoted to the improvement of the park.

Cost of improvements limited.

§ 23. No plan for the laying out, regulation and government of said Prospect Park, shall be adopted or undertaken by the Commissioners thereof, of which the entire expense, when funded, shall require for the payment of the annual interest thereon a greater sum than thirty thousand dollars per annum; and bonds shall be issued, sold and disposed of as directed in this act, for the purpose of providing such sums of money as shall be from time to time required by said Board of Commissioners having the government of said park, subject to the limitations in this section prescribed.

Money to be deposited to credit of Commissioners in Bank.

§ 24. The money raised from the bonds in the preceding section mentioned shall be deposited, as fast as the same shall be realized, to the credit of said Board of Commissioners, in such banks of the city of Brooklyn as shall be by said Board designated; such banks shall allow such interest upon such deposits as may be agreed upon with said Board, and shall open and keep an account therewith. All moneys received by said Commissioners shall be immediately deposited with such banks to

the credit of their account, and no moneys shall be drawn therefrom by said Board of Commissioners except upon a warrant signed by at least a majority of said Board, and all receipts and vouchers shall be filed in the office of said Board.

No power to create debts.

§ 25. None of the said Commissioners, nor any person, whether in the employ of said Commissioners or otherwise, shall have the power to create any debt, obligation, claim or liability, for or on account of said Board, or the moneys or property under his control, except with the express authority of said Board, conferred at a meeting thereof duly convened and held.

Office of Commissioner may be declared vacant.

§ 26. The office of either of said Commissioners who shall not attend the meetings of the Board for three successive months, after having been duly notified of said meetings, without reason therefor satisfactory to said Board, or without leave of absence from said Board, may be by said Board declared vacant.

Property may be granted or bequeathed for improvement of Park.

§ 27. Real or personal property may be granted, devised, bequeathed or conveyed to the said city of Brooklyn, for the purposes of improvement or ornamentation of said park, or for the establishment or maintenance within the limits of said park, of museums, zoological or other gardens, collections of natural history, observatories, or works of art, upon such trusts and conditions as may be prescribed by the grantors or donors thereof, and agreed to by the Mayor and Common Council of said city; and all property so devised, granted, bequeathed or conveyed, and the rents, issues, profits and income thereof shall be subject to the exclusive management, direction and control of the Commissioners of the park.

Board may pass ordinances.

§ 28. It shall be lawful for said Board of Commissioners, at any meeting thereof, duly convened, to pass such ordinances as they may deem necessary for the regulation, use and government of the park under their charge, not inconsistent with the ordinances and regulations of the city of Brooklyn, or with the provisions of this act; such ordinances shall, immediately upon their passage, be published for ten days in two daily papers published in said city.

Violation of ordinances a misdemeanor.

§ 29. All persons offending against such ordinances shall be deemed guilty of misdemeanor, and shall be punished, on conviction before any Court of competent jurisdiction in the county of Kings, by a fine not exceeding fifty dollars, and in default of payment, by imprisonment not exceeding thirty days.

Acts repealed.

§ 30. All acts and parts of acts inconsistent herewith are hereby repealed.

§ 31. This act shall take effect immediately.

On the passage of this law, the Common Council of the city of Brooklyn passed a resolution endorsing the action of the Legislature as being in accordance with the generally expressed wishes of the citizens.

Under the provisions of this act of the Legislature, the undersigned Commissioners named therein, formally organized the Board by the election of JAMES S. T. STRANAHAN, as President, and R. H. THOMPSON, as Secretary.

The location of Prospect Park having been selected and fixed by law, to the undersigned were confined its control and management, with power to lay it out and regulate it. In entering upon the discharge of duties so honorable and so important, the Commissioners determined that the whole subject, in all its general aspects, and in all its details, should receive their most careful and deliberate consideration; and while they felt reluctant, in any way, to delay the progress of so important a work, urged on by the great mass of the citizens of Brooklyn, they deem it but common prudence, and eminently due to the tax-payers of the city, that their actions should be cautious and their movements well considered. Much attention was given to the subject of the boundaries, and an earnest investigation as to whether those designated in the act, were the best which, under the circumstances, could be adopted. They directed their inquiries also to the practical bearing of the laws relating to the park, and endeavoring to ascertain whether their provisions were sufficiently

guarded for the interests of the city, and at the same time ample enough for the purposes of the contemplated improvements.

As the law expressly forbids the adoption "of any plan for the laying out, regulation and government of said park, of which the entire expense, when funded, shall require for the payment of the interest thereon, a greater sum than $30,000 per annum," it became necessary for the Commissioners, at the very commencement of their duties, to obtain some definite information on the subject of the ultimate cost of the improvement. To this end, the services of an accomplished and experienced engineer were secured, and instructions were given for minute and accurate surveys, general plans and careful estimates of the entire work.

The report of the engineer, to which the careful attention of the citizens of Brooklyn is earnestly invited, is embodied herein and submitted as a part of the proceedings of the Commissioners.

The application for the appointment of Commissioners for Estimate and Assessment is now pending in the Supreme Court. Some question having arisen as to the constitutionality of the law in relation to this subject, the Commissioners suggest the propriety of such an alteration in the act as will meet the real or supposed constitutional difficulty.

This delay on the part of the Supreme Court need not be regarded by the friends of the park improvement as

in any way injurious or detrimental. It has given to the improvement Commissioners ample opportunity to consult with the property holders and tax-payers of the city, from whom they have obtained much valuable information and many important suggestions.

The result of the labors and investigations of the Commissioners during the year, fully satisfies them of the practicability of carrying out, by gradual progress, all the improvements of the park, within the sum limited by law for that purpose. And from an intimate knowledge of the grounds, and a careful study of the whole subject of laying them out and of improving them, they are fully convinced of the great capabilities and superior advantages of the designated location for a park or pleasure-ground, worthy of the city of Brooklyn—the third city, in point of population, in the Union—and if not holding the same relation to other cities for the variety and beauty of its public and private edifices, yet, for the intelligence, morality and enterprise of its citizens, and for its remarkable healthfulness, it challenges a parallel with any city of equal population in the world. To preserve this high distinction, and to perpetuate and increase its attractions as a city of private residences, is one of the objects contemplated by the establishment of the park.

Already a population of three hundred thousand demands space for exercise and recreation. How much more, when the population of the city has doubled, will a

provision of this nature be required, to furnish to all the constant means of peaceful and healthful enjoyment, and to aid in the cultivation of cheerful obedience to law, and the general promotion of good order among its citizens.

The Commissioners need hardly say that, in the prosecution of their duties, their constant aim will be to meet the reasonable wishes of the citizens of Brooklyn who projected this great and beneficent enterprise. They will only add, that any delay in appropriating the lands must necessarily result in an increased expenditure to the city. The purchase of the entire area may now be made at reasonable rates, and in view of the rapidly increasing value of suburban property, the outlay may be regarded as an advantageous investment.

The Commissioners have incurred no other expenditures during the year, than such as resulted from the employment of the Topographical Engineer.

A vacancy in the Board, occasioned by the resignation of Thomas H. Rodman, was filled by the appointment of Thomas McElrath.

All which is respectfully submitted,

JAS. S. T. STRANAHAN,
E. W. FISKE,
R. H. THOMPSON,
THOMAS G. TALMAGE,
STEPHEN HAYNES,
CORNELIUS J. SPRAGUE,
THOMAS McELRATH,
Commissioners.

Prospect Park.

REPORT

OF

EGBERT L. VIELE, ESQ.

BROOKLYN, Jan. 15th, 1861.

To the Commissioners for the
Improvement of Prospect Park:

GENTLEMEN—

I beg leave to submit herewith my Report upon the Topography and Improvement of Prospect Park, together with the accompanying Maps and Drawings.

Very respectfully,

Your obedient servant,

EGBERT L. VIELE.

REPORT.

Topographical Description.

The elevated ridge which is the distinguishing feature in the topography of the western portion of Long Island, and which, from the depressed character of the adjacent lands, commands a very extensive tract of country, possesses in its entire extent no other point from which the eye can embrace so wide a field of marine and inland scenery, as that division of it which has been selected for and devoted to the purposes of public recreation, and known as the "Prospect Park of Brooklyn."

The boundaries of the park, as defined by the Act of the State Legislature, passed April 17th, 1860, are as follows: Beginning at the intersection of Warren street and Washington avenue; thence running southerly along Washington avenue, to the City line at Montgomery street; thence southwesterly, in a straight line to a point one thousand feet easterly in a straight line from the intersection of Ninth street with the City line; thence to the intersection of the City line and Ninth street; thence northwesterly along Ninth street to Tenth avenue; thence northerly along Tenth avenue to the northerly side of Third street; thence northwesterly along Third street to Ninth avenue; thence northerly along

Ninth avenue to Flatbush avenue; thence along Flatbush avenue to Vanderbilt avenue; thence along Vanderbilt avenue to Warren street; thence easterly along Warren street to Washington avenue, at the place of beginning. The space bounded by these lines is as diversified in surface and vegetation as any spot, containing the same area, can possibly be. Nearly in the centre lies the new Distributing Reservoir, from which a panoramic view is obtained of the cities of New York and Brooklyn, the inner and outer harbors, with their fleets of ships and steamers, a large portion of New Jersey, Staten Island and Long Island, with the Atlantic ocean beyond, stretching far away in the distance. Within the park itself, a succession of beautifully wooded hills and broad green meadows, interrupted here and there by a natural pond of water, offers features of attraction which require but little aid from art to fit it for all the purposes of health and recreation, to which it is to be devoted. Nearly one-half the area is wooded with trees of large growth, many of them noble specimens of the oak, maple, hickory, dog-wood, chestnut, and other varieties, securing the immediate benefit of shaded drives. A fine level space of sufficient extent and almost ready for a parade-ground, and sheltered valleys where every description of plants and trees may be successfully cultivated, complete the advantages of a site so judiciously and providently selected. The most elevated point within the enclosure is the crest of the escarpment which surrounds the new Distributing Reservoir; this is two hundred feet above the level of the sea, and not only overlooks the entire area of the park, but commands the finest view which can be obtained from the grounds. The ridge upon

which it is situated forms the axis of the park, extending through the entire length, and terminating in a gradual slope at the northern extremity. A valley on the east of this ridge extends to the easterly side of the park, and a valley on the westerly side is succeeded by a low range of wooded hills, which form the western boundary. Flatbush avenue, one hundred feet in width, runs diagonally through the park, dividing it into two portions, which might be regarded as a serious blemish to the beauty of the finished park, were it not for the fact that the peculiarity of its location obviates the necessity of any other transverse road to accommodate the traffic between the city and the suburbs; thus securing the uninterrupted possession of the remainder of the grounds for park purposes. The northwesterly boundary along Washington avenue, is perhaps defective, inasmuch as that avenue does not cross the city blocks at a right angle, and would thus prevent the lots on that portion of the park from having a square front. The extension of the park to Classon or to Franklin avenue, or to a new avenue between those two, would obviate this very serious objection, while at the same time the topographical character of the ground in that direction is such as would add materially to the beauty of the interior design, as well as to the exterior view. Any extension of the area in that direction could readily be counterbalanced, if desirable, by the retrocession of the northerly boundary from Warren to Baltic street. As this matter has been laid before the Commissioners by a Committee representing a large number of property owners, I have deemed it proper to exhibit the proposed change on the accompanying plan of the park.

Historical Associations.

In addition to its interesting topographical features, these grounds are consecrated by historic associations, which should be a strong argument for preserving them in their original character. In the very heart of the park there is a quiet dell, which no one can enter without a feeling of pleasure, called forth by its sylvan beauty. Tranquil as it now appears, this spot was once the scene of a desperate and bloody conflict, which, in its intrepid valor, may well rank among the most gallant deeds enacted by the American army, during the struggle for independence. Four hundred men, composing the Maryland and Delaware battalions, under General Sullivan, and forming the centre of the little army which had been stationed on the heights to prevent the passage of the British upon New York, defended this pass, under a galling fire of artillery, from sunrise to twelve o'clock on the memorable 27th of August, 1776; and never would have yielded their ground, though it should have become a new Thermopolyæ, had they not been surrounded and attacked in the rear by the enemy, who had turned the left wing of the American position.

"Hemmed in and entrapped between the British and Hessians, and driven from one to the other, the Americans fought bravely and desperately; some were cut down and trampled by the cavalry, others bayonetted without mercy by the Hessians; some rallied in groups, and made a brief stand with their rifles, from rocks or behind trees. The whole pass was a scene of carnage, resounding with the clash of arms, the tramp of horses,

the volleying of fire-arms, and the cries of the combatants. We give the words of one who mingled in the fight, and whom we have heard speak with horror of the sanguinary fury with which the Hessians plied the bayonet. At length some of the Americans, by a desperate effort, cut their way through the host of foes, and effected their retreat, fighting as they went; others took refuge among the woods and fastnesses of the hills, but a great part were either killed or taken prisoners."*

Let then this spot, so consecrated by the blood of patriots, be preserved, if for no other reason than that in recalling the memories of a glorious past, it may incite new hopes for a more glorious future.

Plan of Improvement.

In laying down a plan for the improvement and embellishment of the area which has been described, it seems barely necessary to say that the natural topographical features should be the basis of that improvement. For, laying aside the question of the greater expense which any other method would incur, the infringement upon good taste, and upon that regard for the beauties of nature possessed by every cultivated mind, which would result from a display of artificial constructions, would defeat the primary object of the park as a rural resort, where the people of all classes, escaping from the glare, and glitter, and turmoil of the city, might find relief for the mind, and physical recreation—the park, under such circumstances, becoming a

* Irving's Life of Washington.

mere place where the excitements of the town were continued in another form, both alike destructive of that repose of the mind so essential to the health of the body. Besides, architectural constructions are too often matters of fashion, as we see in the constant destruction of well built edifices, to make room for a later style of building; and, although our artificial erections may be copies of the most approved designs, pleasing to the eye in their freshness and novelty, they soon lose these, their chief merits, and in a few years, probably, are removed, to make way for the further conceits of some new aspirant for notice.

While on the other hand nature in its beauty and variety never palls upon the senses! never fails to elicit our admiration; whether displaying its wild grandeur in the vast solitudes of the forest, or throwing its peaceful, clustering shadows, around the domestic altar; whether bursting the fasts of winter, it opens its buds in spring-time, or yielding to the chilling blasts it scatters its autumn leaves—it conveys in all its phases and through all its changes no emotions which are not in harmony with the highest refinement of the soul.

When, with the skillful hand of UNPERCEIVED ART, its blended beauties are made more harmonious by the cautious pruning of trees, the nice distribution of flowers and plants of tender growth, the introduction of the green slope of velvet lawn, and the silver gleam of water, and then through public munificence all this is spread out in the heart of the busy city—at the feet of the weary toiler—it supplies a void in his existence and sets in operation the purest and most ennobling of external

influences, which gather strength for good as the mind becomes more refined and more appreciative in the contact.

The substitution of art for nature in the improvement of public grounds had its origin in an age, when the beauties of nature were unknown and unfelt, and among a people whose worship of art was a national characteristic, and who regarded an artistic display as an essential accompaniment of imperial grandeur.

A later and higher degree of civilization has developed that love for the real beauties of nature which has stamped itself upon the English character, which is modifying the old system pursued in France, and which is gaining such rapid progress in this country. The overthrow of the ancient ideas was not accomplished without an effort, and not until some of the finest minds of Great Britain had been enlisted in the cause, and had shown the folly of one system and the beauties of the other.

To return to the old method now, would be to abandon all progress and to substitute the obsolete for the true. If the ancient style should become the orthodox, it will be the death blow of rural improvement in this country on the score of expense alone, since the very nature of the system is to know no limit in expenditure. One construction begets another, until nature is obliterated and art becomes supreme—rural simplicity gives place to extravagant pretensions, and we find too late that we have destroyed the very thing we sought to create.

Since then the dictates of good taste and of economy prescribe that the natural features of the surface should

be the basis of any plan of improvement; the next step is the adaptation of those features to the purposes of a pleasure ground for the people. And here, again, I cannot resist the reflection that true taste in any art consists more in adapting *tried expedients to peculiar circumstances*, than in that inordinate thirst after novelty—the characteristic of uncultivated minds.

The rules which govern the improvement and embellishment of ground are as well defined as those which regulate the duties of any other profession or occupation; and an innovation upon these rules, instead of being an indication of genius, shows rather the absence of it, and the want of a correct knowledge of the subject. It is the way in which these rules are applied to the varieties of surface, not the exhibition of absurd novelties, which gives that variety in the landscape, which we look for in a skillfully improved park.

Among these rules are the following: First, studiously to conceal every appearance of art, however expensive, by which the scenery is improved; secondly, carefully to disguise the real boundary, however large or small the area; thirdly, to hide the natural defects and to display the natural beauties to the utmost advantage; fourthly, to obtain from the most favorable points the greatest possible extent of view, and to conceal all objects, which limit or obstruct the view; fifthly, by so blending all the parts, that while the beauties of each are distinctly visible, there are no abrupt contrasts painful to the eye, and destroying the symmetry of the whole; thus securing that unity and harmony so essential to the perfection of the design.

The boundary may be successfully disguised by an irregular belt of trees along the exterior line, and the view as a general thing being limited by this exterior line, it follows that its extent is diminished as we approach the centre, since instead of having one broad view, with the necessary distance to complete the landscape, we divide the view in two, and have an incomplete one on each side. Hence, the avenue of communication which is intended to develop the principal features of the park, should be located as near to the exterior line as the character of the ground and other circumstances will admit. An additional reason for which is found in the greater extent of drive which is thereby secured—an important consideration where the area is limited, as in this case. These general principles, modified by the the character of the ground and the recognized necessity of adapting the park to the wants and pleasures of all classes of the community, have determined the outline of the plan which accompanies this report.

The entrances have been selected at the corner of Flatbush and Vanderbilt avenues, at the corner of Ninth avenue and Third street, at the corner of Washington avenue and Warren street, at the corner of Classon and Washington avenues, at the southeastern angle, and at the intersection of Flatbush avenue with the easterly line, as being the most ready points of access from the city. Should the park be extended as is proposed, there would be no alteration of the design, excepting in the improved location of the roads and walks in the northeasterly portion of the grounds.

I have considered the main entrance to the park to be

located at the corner of Flatbush and Vanderbilt avenues, the former being a broad, diagonal avenue, passing through the densely populated portion of the city, and intersecting several other principal avenues and many principal streets, would naturally be the route selected by many citizens to reach the park.

From the principal entrance, the main drive takes a northerly direction, penetrating at once into the seclusion of the grounds. To the left is the excluding belt of trees, which it alternately enters and skirts. On the right, a succession of wooded hills, separated by picturesque valleys, rise, until they culminate at Mount Prospect, the highest elevation in the park. This last point is concealed by judicious planting, until by a gradual and almost imperceptible ascent, the road reaches the summit, when the extensive landscape bursts upon the view. Here a broad esplanade affords room for a reasonable number of vehicles to remain, without interruption to those which are passing. The road here divides to the east and west; the latter crosses Flatbush avenue, by a simple but substantial viaduct, and skirting the western boundary reaches "The Parade" at First street, disclosing in its route a fine interior view.

It may be objected that a military display destroys, in a measure, the needed seclusion of a park; but, happily, the topography of the site selected is such as to confine the spectacle to its immediate locality; while to exclude so large a portion of the public from the advantages to be derived from the park, would be to defeat one of its leading objects. This same ground may of course be used for all kinds of out of door sports. A

space sufficient for all these purposes is provided; and the green, level lawn will, in itself, add much to the general beauty of the landscape. At the same time, the gentle eminences by which it is surrounded, will afford admirable positions for spectators. In the finished plan, I have no doubt that this will prove one of its most interesting and attractive features. At the southerly extremity of "The Parade," the road enters a wooded valley, where it meets the westerly entrance; thence sweeping around the re-entering angle at Third street, it continues its course through the beautifully wooded westerly border, until it de'bouches at "The Lake"—a fine sheet of water, the sources of supply of which, from the interior of the grounds, it is believed will prove unfailing.

Crossing the head of "The Lake" by a rustic bridge, the road descends into the easterly valley—a slightly undulating plane, partly wooded and partly lawn—where it is proposed to locate "The Botanical Garden." Its position, sheltered from the north and with a southern exposure, together with its well drained alluvial soil, admirably adapt it for this purpose. The beauty and utility of such a feature within the park cannot be questioned. Whether the improved cultivation and careful development of indigenous and exotic trees and plants shall be placed in the hands of an independent association of citizens, like the Horticultural Society, the space being set apart for this purpose, or whether this shall form one of the duties of the Commissioners, is a question not germain to this report to discuss. I earnestly hope, however, that in one way or the other, this desideratum may be accomplished. It cannot fail

to prove of great value and importance to many, while it will assuredly be a matter of interest to all.

Leaving "The Botanical Garden," the road enters "The Forest," and passing under Flatbush avenue into "The Glen," where, if in the plantation the evergreen should be made to prevail, there will be produced a variety and novelty, if not a grandeur, especially in the winter season, exhibiting the finest possible effect. From "The Glen" the road ascends to the esplanade, or continues on the circuit to the main entrance. An intersecting road from "The Lake" and "The Forest" passes through "The Battle Pass" and meets the main drive at "The Parade." A side road for equestrians, and a walk for pedestrians, accompany the main drive. Certain minor walks and other details are shown on the plan, but these of course are incidental and subordinate to the leading features of improvement. Rustic seats and arbors, where interior views or shaded retreats shall indicate, winding paths through wooded dells of which there are a number, miniature lakes where the topography and supply of water will permit—all these follow in the progress of the improvement.

"The Plan," as sketched, is believed to be consistent with the character and situation of the ground, to contain every feature which it is desirable to provide within the area, and to require for its execution a sum much below the value of the results attained.

Flatbush Avenue.—This avenue, as has been stated, runs diagonally through the park, and is excluded from its limits, being reserved as a means of transit to the

suburbs. It may nevertheless be made to form a striking feature in the general design of improvement. Its peculiar location is such that it opens a view through Brooklyn, of a portion of the harbor—and in the other direction, through Flatbush, of the ocean. By planting a double row of trees on each side, it will form a fine promenade, while the trees will soon hide from view the disagreeable accompaniments of a traffic road. If the cobble-stone pavement with which it is now paved could be exchanged for a smoother material, it would have the effect to diminish the noise, which, from the character of the travel over it, would be inseparable from the use of this kind of pavement.

Enclosure.

The necessity of preserving from mutilation the fine growth of trees now existing, and of affording an opportunity for developing the strength of the soil, requires that the park should at once be enclosed with a substantial fence of some kind. There are a large quantity of boulders which might be prepared for a stone wall; but the time that would be required to remove them from their beds in the earth, and the expense attending their removal to the exterior line, would be such as to render such an application of them objectionable. I think, therefore, that a strong picket fence, well secured by battens, would be the best under the circumstances. This would have the further advantage, that at any point where the progress of the work required it, a portion could be temporarily removed and readily replaced. Such a fence would be the most economical, and if sub-

sequently a more substantial enclosure should be decided upon, the material would always be of use.

Drainage.

The necessity for the thorough drainage of the entire area of the park is very apparent. The peculiar character of its geological formation, renders its successful drainage an interesting and perhaps a difficult problem.

The deposits are composed of strata of sand, clay, gravel and pebbles, in very irregular succession, and showing little parallelism or uniformity; in many places the clay strata being very much distorted. The result of all being a series of rounded hills, some of pure sand, some of sand and clay, and others of pebbles and boulders mixed with clay. In some instances channels seem to have been formed by regular currents of water, while in others deep valleys occur without any approximation to regularity, unless their tendency to a bowl-shape be so construed. The valleys have no outlets and the water that falls into them either sinks through the soil or collects so as to form pond holes.

All of the depressions have been connected by a series of levels which will enable me to lay down a system of drainage which, while effective in removing the surplus water from the soil will, it is believed, afford a sufficient supply to enable its introduction with marked effect in the general landscape.

Besides the removal of the water which is palpably evident in the form of deposits, thorough drainage, com-

prehends the carrying off as rapidly as possible, after it has fallen, all the water upon the surface which is not absolutely necessary to the soil. A very small portion of the annual rain-fall is absorbed by the soil or is requisite as a constituent of vegetable life.

All the moisture that remains beyond this required quantity is not only useless, but it is absolutely injurious to fertility, and must be removed to insure the proper growth of vegetation. Many interesting facts have been developed by experience even in this country, although a limited amount of attention has been given to the subject, going to show not only its value in an economic sense, but also its importance in a sanitary point of view. In England, where thorough drainage has been reduced to a science, it has elicited in its gradual progress much lively discussion and given birth to advocates of different systems; but the great difference of climate, topography, and geological formation between this country and England precludes the blind adoption by us of any system, no matter how successful it may have been proved to be there. For our own guidance we must look first to the character, the quantity and sources of supply of the water which we wish to remove—knowing this, the topography of the ground and the character of the soil will determine the best course to be adopted in removing it.

Of the water on the park a portion flows from the adjoining lands, a quantity is developed in local springs, and some of it is in stagnant deposits of rain water. From these sources a large portion of the soil is saturated, cold and sour. The immediate effect of this water in the soil

upon vegetation is, that the soil being stiffened to such an extent the roots of the plants are unable to penetrate it and are thus stifled in their growth, or it is so cold that the roots are discouraged from extending themselves sufficiently to obtain and afford the proper nourishment to the plants. By the evaporation which is constantly going on the heat of the surface is reduced, especially in spring and autumn, thus shortening materially the period of vegetation. It sours the soil, producing a rank, unhealthy vegetation. It occupies the soil to the exclusion of air, thus depriving the roots of the most important accessory to vegetation. It excludes the rain water which contains the elements of fertility. It causes surface wasting and the consequent formation of gullies and fissures. It causes the exhalation from the soil of miasmatic odors, which taint the atmosphere and have a deleterious effect upon health.

On the other hand, the result of thorough drainage will be to cause the pulverization of the soil by removing the source of adhesion, and thus facilitating the mechanical extension of the roots and their consequent development. It elevates the temperature of the soil by allowing the free passage of warm rain water, which at the same time deposits the elements of fertility extracted by it from the atmosphere, thus increasing the resources of vegetation. It increases the power of absorption, which enables the soil to support vegetation in the absence of regular rains. It facilitates the passage of air to the roots, supplying the proper amount of oxygen necessary to them. It deepens the soil, giving the roots of trees a firmer hold, and removing them farther from

the effects of the sun and rendering them less liable to freeze in winter. It lengthens the season of vegetation. It prevents surface washing, by allowing the rain-water to descend through the soil at once. It renders the surface dry at all seasons, thus excluding the possibility of miasma.

For these reasons, I do not hesitate to recommend as the first step in the work of improvement, the THOROUGH DRAINAGE of the entire area of the park.

We have now to determine the character of the artificial drains which, in connection with the water courses, shall put the ground in a condition to be used for the purposes for which it is intended. Numerous methods have been resorted to with stones, planks, brushwood and open drains, as temporary expedients; but experience has shown that the only effectual, and in the end the most economical method, is that of using porous tile drains. If properly laid, they thoroughly extract the surplus water from the soil, and form no impediment to vegetation. There are three kinds of these tiles—the cylindrical, the horse-shoe, and the sole-tile—the latter being the most effective in its results, and most readily adapted to all circumstances of soil. They are made of different sizes, from two to six inches in diameter, and about a foot in length.

The location, size, distance apart, and depth of drains, has formed a most fruitful subject of discussion in agricultural journals, and whenever the subject has been referred to at agricultural conventions, and meetings of farmers' clubs. As a matter of course, much reliable

information, as well as much that is unimportant, has been made public in this way. But the only conclusion that can be arrived at, is, that as all soils differ in their mineral constituents, so do they differ in their retentive powers; and that while Elkington's system of deep drainage would apply best to one, and Smith's or the Deanston system of shallow drainage would apply better to another, there are still innumerable cases where both would be rejected as inapplicable. Therefore, that course will prove to be the most practical which is based upon a knowledge of the character of the soil in each particular locality.

Location of Drains.

The circumstances which develop themselves as the work progresses, will go far to determine the precise location of the drains. As a general rule, the principal drains should follow the lowest depressions, the branches running directly down the slopes. Where the ground is nearly level, they should oblique towards the main drain; and where the ground descends from all points towards a common centre, it would be judicious to run a drain around the edge of the slope to intercept the flow connecting this through the branches with the main drain.

Size of Drains.

The size of the drains is governed by the probable amount of water which must be carried off. As the volume of water increases by means of the lateral branches, the size of the drains will require to be in-

creased. Where it is found that the water accumulating, or to accumulate from the different branches, would be greater than could be discharged through the largest sized tiles, a double or even triple row may be laid together in the same trench.

Depth of Drains.

The depth of the drains is the most important point connected with the subject, and one which will require the exercise of the most careful judgment. The first care should be to secure a proper outlet, at whatever depth it may be necessary to go to obtain it. To this point there must be a continuous descent of at least one foot in eight hundred, uninterrupted by any depressions, since these would cause an accumulation of deposits, which would in time choke the drains. The earth in the Prospect Park consists, first, of a few inches of soil, then a layer of clay, varying in thickness, sometimes alternate layers of clay and sand, beneath which is hard-pan or drift. In the larger depressions, there is sometimes quick-sand beneath this, and scattered through the drift an innumerable quantity of boulders, which defy the precise location of drains, except on the ground itself. As a general rule, the main drains should be from three to four feet below the surface, and the lateral drains from two feet six inches to three feet. An increase of depth adds largely to the expense, especially in the hard-pan, where it will cost almost as much to keep the picks sharp as the labor is worth, and in the end adding, perhaps, no benefit to the ground. Still, no question of economy should prevent the drainage being thoroughly accomplished.

The drain should be laid below the frost, and must be below the reach of the sub-soil plow or trenching tools. The fact that a large quantity of soil and fertilizing matter will be added to the present soil, which is rather worthless in its character, will govern somewhat the depth beneath the present surface.

Distance between Drains.

There exists a positive relation between the depth of drains and their distance apart—the tenacity of the soil being the governing principle. The more retentive soils require the drains to be nearer the surface and nearer together, say from fifteen to thirty feet, while in porous soils the drains should be deeper, and may be further apart, say from twenty to sixty feet. The thorough working or trenching of the ground will obviate the necessity of placing the drains as near to each other as would be required to remove immediately the water now present in the soil. When this, which now occupies the ground so universally, is removed, that which falls afterward would find in the soil, rendered porous by being worked, a ready outlet through these drains, although they would have less immediate effect upon the ground.

The leading principles which have been enumerated, have been followed out in the construction of the plan of drainage. It is not deemed essential to enter into the details of digging the trenches. If not done by contract, the lines of drains should be laid out, and the gangs so divided that each man shall work with certain tools—one with a spade for the top soil, another with a

pick, and another with a shovel, to throw out the loosened earth; beginning at the lower end, and each following the other, deepening the ditch layer by layer, until it has the required depth; the relative expertness of the men deciding which tools they shall use. Trial drains should be run at each separate locality, to ascertain the depth at which the water oozes from the ground into the ditches, thus determining the depth of the drains. It is probable that, in some instances, there will be required small brick cylindrical drains to withstand the rush of water at certain seasons of the year—the effect of which will be lessened as the portion of the city adjoining the park, is built upon.

Upon the plan which has been prepared has been traced the principal streams, with the connections of artificial drains deemed necessary to the thorough drainage of the ground. The positions of these drains will be governed by circumstances; but the general system, as laid down, will remain essentially the same. At some points the drains will be further apart; at others, perhaps, nearer together. It is believed, however, that the scheme covers the maximum amount of expense that will be required for this purpose.

Whether the work should be done by contract or day's labor, could be very well decided by letting a small portion of the ground by contract, as an experiment, while a similar portion is undertaken by day's work; the result will soon determine the relative cost of each. Any attempt to arrive at a calculation in any other way would be absurd.

The number of tiles required, as estimated by the plan, will be—

2 inch,	146,300,	costing	(delivered	at	the	dock),	$2,194 50
3 "	83,450,	"	"	"	"		1,919 35
4 "	30,450,	"	"	"	"		1,431 15
5 "	6,350,	"	"	"	"		444 50
6 "	12,400,	"	"	"	"		1,190 40
	Total,						$7,179 90

It is possible that a contract can be made to make and lay the tiles, and dig and re-fill the trenches, at the following rates:

2 inch..	8,867	rods,	$ 9,457 77
3 " ..	5,058	"	7,552 77
4 " ..	1,845	"	3,813 94
5 " ..	385	"	1,087 87
6 " ..	752	"	2,675 39
	Total,		$24,587 74

To which, adding $2,500 for the brick drains which will be required, and $1,250 for the construction of the proper outlets, would make the probable total cost of the thorough drainage of the park, $28,337.74. As this work should be commenced at once, I would recommend that early steps be taken to place the tile on the ground, when the work may be done by contract, or day's work, as shall be deemed best.

Manuring.

To insure that fertility which is absolutely essential to the proper development of vegetation, it is necessary that a sufficient quantity of fertilizing matter be added to the soil.

The soil of the Prospect Park contains an excess of clay, and this clay contains an excess of moisture, the consequence of which is, that in damp weather it is formed into a tenacious paste, from which the water will neither evaporate nor drain off. In dry weather it bakes, becoming an almost solid substance, through which the roots cannot penetrate. In very hot, or very cold weather, it cracks open, either breaking the roots or exposing them. It attracts mechanically the nutritive juices essential to vegetation, and does not part with them to the plants.

This kind of soil forms, however, a superior basis for improvement, since, when once thoroughly manured and broken up, it retains its fertility for a long time. Therefore, nothing is required but correct management, to render this the best possible soil for a park. It is of the utmost importance that this branch of the improvements be clearly understood, and properly attended to in the beginning, since it will be impossible to improve its fertility from year to year, as is done with the ground which is constantly undergoing the process of fructification for agricultural purposes. The greensward, which will constitute the principal feature of the park, the chief element of whose beauty and value consists in its being firm and compact, cannot be disturbed by the plow or

the spade, to add new fertilizing power to the soil, without destroying it altogether. It is for this reason that we should closely study the constituent qualities of the soil, to know precisely what is absent, that is essential, and what should be added to increase its fertility. In truth, we should aim to attain at once the highest degree of fertility of which the soil is capable. Manure on some soils is unnecessary; on others, indispensable. Soils vary from great fertility to absolute barrenness; and the process of manuring is the artificial application of substances to soils, or their incorporation therewith, in order to increase their productiveness. The application of manures must be regulated accordingly, by a proper knowledge of the soil which is to be fertilized. Chemical analysis has been the means of facilitating this inquiry. Its success has been such, that the most barren wilderness could be rendered fertile. The only question necessary to be discussed, therefore, when such a restoration is required, is the simple one of expense.

There are two theories of manures—the humus and the atmospheric; the first being that of Saussure, the last of Liebig. The humus theory regards "vegetable matter of soil and manures as merely applying inorganic matter, in a fluid form, to the roots of plants." The atmospheric theory considers "nutriment to be furnished to plants, and manurial action maintained, only by means of substances which either originally possess, or have eventually assumed an inorganic form."

Whichever theory we assume, the practice is the same. We must first discover the ingredients of a fertile soil; secondly, we must analyze the soil we have to

fertilize; thirdly, we must supply, in the unfertile, the ingredients which it lacks, in order to become the same as the fertile. A perfect soil is composed of many ingredients, such as organic matter, silica, alumina, magnesia, lime, oxide of iron, potash, carbonic acid, etc., etc. Consequently, if potash is wanting, potash must be supplied; if magnesia is wanting, magnesia must be supplied, etc.

Organic manner is a sine qua non of fertility, but if more than fifty per cent. be contained in a soil, it becomes sour, and requires manuring. In a cold climate, color should not be forgotten, as a dark soil will absorb heat better than a light one. Plowed fields loose their covering of snow sooner than meadows. In manuring, therefore, care should be taken that the soil assume a dark appearance. Organic matter administers food to plants through their roots; consequently, land which has been long cultivated, and scantily manured, becomes poor, through the absorption of organic matter. Organic matter disappears in two ways:

First.—By sustaining plants, as aforesaid.

Second.—By decomposition through exposure to the atmosphere; therefore, it must be artificially supplied, or the land grows poor.

The best way, when land runs down, is to cultivate crops to be plowed under, such as clover, buckwheat, etc.

The different soils which appear on the earth's surface may be generally classified into three kinds, with their mixtures. They are—

The sandstone; much of which composes poor soil, although many sandstone soils are very good.

The limestone, as a general rule, very good.

Clay.—This soil is impervious to moisture, but usually of good quality; and, by proper skill, may be made most valuable for agricultural purposes.

The soil must be prepared when laboring under difficulties of a local nature.

There are three kinds of manure, viz: the vegetable, the animal, the mineral.

The Vegetable.—There are many of this kind, some few of which are subjoined. These manures are very important, since, although they are not as energetic, they are certainly cheaper than others.

Clover, buckwheat, etc., etc., turned upside down, make a cheap and effective manure.

Seaweed is also very serviceable, when easily got.

In England, rape dust is used as a manure. This is a powerful manure, and one easily portable, that should claim attention.

The Animal.—This comprises the blood, flesh, bones, hair, horns and excrement of animals. It is more powerful than vegetable manure, containing more nitrogen.

Animals that have died from disease, made into a compost, form a manure equal to guano. They are decidedly the best manure, when attainable.

The brain of animals, woolen rags, the waste from wool mills, are considered in England as very valuable for manuring. Bones are also excellent.

Of excrements, horse-dung is the best, containing most nitrogen; hog-dung is next; cow-dung is last, its enriching powers being lost on the milk of that animal.

In collecting excrements, care should be taken that the liquid is gathered in a pit or tank. If left there long, it is apt to ferment, and lose its nitrogen in the form of ammonia. In such case a little sulphuric acid and a few pounds of plaster of paris should be put in. Manure should be protected from the sun and rain. Horse manure, especially, should be immediately covered, and mixed with other manures, or some absorbent earth.

Bird manure (such as guano) is the best. Pigeon dung and that of ducks, geese, turkeys, etc., are very valuable.

Fish manures are good when they are to be had. Fish manure decomposes so quickly, that it ought immediately to be plowed under, or made into a well covered compost heap.

The Mineral.—Lime.—The best practice is to apply lime in small quantities. Lime is applied in three states, quick lime, slaked lime, mild lime, gypsum, or plaster of paris. This manure produces a most beneficial effect, when applied as a top-dressing on pastures and meadows. During a drought, it seems by its power of attracting moisture, to aid materially in sustaining the plant. It is best applied in damp weather, and the quantity per acre is usually not large. The composition formed by

the dissolution of common *salt* in the water, used for slaking quick-lime, is a very powerful manure. All saline manures are very energetic. They fail, however, to produce a beneficial effect, if applied in a dry season. The best time is just before or after rain. Wood, or coal ashes, though hurtful to trees, are useful as a top-dressing for grass. Soot is an excellent manure, giving a beautiful dark green color to grass.

Composts are also no small portion of manurial studies.

Mould is one of the principal ingredients of a compost. Its carriage, however, is laborious, and the compost should be made, consequently, if possible, on the spot where proper soil is to be found.

Other ingredients, such as sawdust, spent tanner's bark, lime, refuse from the farm, etc., must be used in the compost. In fact, there is not a single refuse article on a farm but which may be used as an ingredient.

There are various kinds of composts, viz:

Peat, turf, and lime shells. The turf is wheeled to the side of a bog, and left there for some weeks until all the water drops out. One cart load of lime to twenty-seven loads of turf is mixed, and the mass then becomes greasy. Peat turf and farm-yard dung, with a sprinkling of lime; lime and black mould; rape cake and mould; broken cake sprinkled on while the earth is turned. There ensues a brisk fermentation; after that has nearly subsided, apply it. To these may be added privy-tributes, pigeons' and fowls' dung, sawdust, and farm-yard dung.

Manure composed of horse-dung is peculiarly beneficial to moist, cold, sterile, clayey soils, the faults of which it corrects, while, at the same time, the soil checks the too violent action of the manure. If placed in the ground before decomposition is completely effected, it produces a very rapid effect, greatly accelerating the growth of plants, through the heat which is developed. The only soils in which manure composed chiefly of horse-dung is at all durable, are those of a moist and tenacious nature. When the dung is to be used by itself, it must be carried to soils of this nature, as soon as its first stage of fermentation has commenced, and there buried.

It ameliorates the land by its mechanical action, rendering the soil more loose and light by its continual fermentation and the heat which it engenders.

Upon the whole, it would seem that the best fertilizer that can be obtained for the park is fresh stable manure, (excepting that used for planting trees, which should be well rotted, as too great fermentation or heat would injure the roots,) which should be spread while the process of trenching is going on, and thoroughly incorporated with the soil. It is very essential to divide and scatter the dung well; there must, therefore, be no lack of laborers for this purpose, and an intelligent man should be employed to follow the spreaders, and to separate any lumps of manure which they may have neglected. While a too abundant use of manure is sometimes as detrimental as beneficial, yet on heavy clay land, like that of the Prospect Park, a larger portion of manure must be used at a time, because it can bear it

without risk, while a smaller quantity, instead of producing an effect upon it, will probably be retarded in its fermentation, and will consequently remain in the state in which it was placed in the ground.

Manure from the stables is estimated by the load, and can be purchased at fifty cents per load. The quantity required on the park cannot be less than twenty-five thousand loads, which, at the above-named price, will make the total estimate of its cost, delivered, $12,500, to which, add mixing, carting and spreading, $4,000—making total cost, $16,500.

Trenching.

Trenching, or the operation of opening the land to a greater depth than usual, by means of trench plows, spades, or other proper instruments, is requisite under certain circumstances, in order to prepare for manuring. Trenching must be carried on in various ways according to circumstances. The simplest way is by the spade. Three feet is the depth for trees, two for ordinary purposes. Trenching is servicable in dry weather, as the heat rarely, if ever, affects the soil below a certain depth. Care should be taken, however, in trenching, not to throw a poorer over a richer soil; as great damage has been occasioned by such mistakes. Trenching costs much at first, but ultimately pays. It has been known to repay the labor as much as a thousand per cent. In trenching the site of an old plantation, the ground should be marked out in sections of about thirty feet in breadth. Under these circumstances it is best that three men

should work together rather than singly, as one aids the others if trees are to be extricated. In trenching very strong ground, the foot-pick is found most efficient. Iron levers may be used if needed, and the larger rocks in boulders blasted. Ground should be trenched before drained, if the land to be improved has been the site of a plantation. Trenching may be done at any season. The dry, warm days of summer have been found more preferable by some. The soil being prepared, the next thing is to understand what manures are best and least expensive.

The cost of trenching the ground in the manner prescribed will be $100 per acre, but a great portion of the trenching can be done with a sub-soil plow; and a great portion of the park being wooded, would still further diminish the cost.

There being about one hundred acres on the park which will require trenching, the total cost of this work will be less than $7,000.

Planting.

The planting of the grounds necessarily preceded by drainage and the fertilization of the soil, is also so dependent for effect upon all the other improvements, that it should be almost the last step in the progress of the work. The very large portion already wooded will obviate in a great measure the expense which would be otherwise incurred in supplying trees, essential to the completion of the landscape. The trees already in the grounds will require very judicious treatment, not only

to bring them to a normal degree of perfection, but to open the necessary views through them. A very bad practice resorted to by the neighboring residents for a long time—that of gathering the fallen leaves in autumn for making compost—has deprived the soil of a large amount of the essential ingredients of fertility, and the trees of the food necessary to their very existence. This will have to be remedied immediately by incorporating manure and vegetable mould with their soil and around their roots. All of the planting which it is proposed should be done at this time, is around the border. This may consist of every variety of trees and shrubs, forming of them a nursery of young trees around the exterior line and along the sides of Flatbush avenue, which, in the progress of their growth and development, may be transplanted to the points where effect is required. Upon the proper conduct of this portion of the work depends the artistic character of the scheme. The method pursued in planting may mar the beauty of an otherwise perfect plan, and the closest study will be required to maintain the unity and harmony of the design. By a judicious selection of trees, and by their arrangement into groups with regard to their size, shape and color, we shall be able not only to preserve, but to heighten the character of the scenes which the ever varying topography calls into existence. This must be a work of time. No person can appreciate this fact more than a true artist and close observer of nature. Trees have their individuality as strongly marked as men or animals; and to say that one tree would produce anything like the same effect in a certain locality that another would, is to deny the existence of this individuality. It becomes ne-

cessary then, not only to know the lineaments I may say of every species, but to know the precise outline of the landscape from all its points of view. Where its effect is to be heightened by planting upon this outline, the various species of trees in their maturity should be sketched in turn, on paper, and in the mind on the ground, before the grouping or planting is undertaken. In this way alone can we achieve success or avoid error. I say the trees in their maturity—I mean when they have arrived at that point in their growth when their characteristics are fully developed; and they must be planted for that development, no matter what may be their effect upon the landscape when they are first put into the ground. The desire for immediate effect is the stumbling block of rural improvement, and every effort should be made to avoid it. Trees are the first features in a landscape, because the most necessary to it, and they are among nature's noblest objects. It is, therefore, important, when planted singly or blended in masses, that their distinguishing character should be preserved.

Those who wish to catch the eye by effect, generally avoid trees, especially as principal features, choosing large objects, such as bridges, terraces, etc., which, besides the advantage of requiring less artistic knowledge and study, are also for the same reasons more generally understood and noticed by others. Trees, however excellent and beautiful, if they have not superadded the beauty of effect, will attract no notice from observers of this class, and with such it is no matter how execrable may be the execution of the objects themselves!

A few large sized trees may be transplanted to produce immediate effect, but the great bulk of the planting must necessarily be from the nurseries on the ground; and in this connection, it is proper to state, that the most judicious course would be to import from Europe the seedling plants, which, by careful cultivation in the grounds of the park, will soon outstrip the larger, but much more expensive trees, which are purchased from American nurseries. The greater portion of these trees are imported from Europe, and there appears to be no reason for paying the large increase in price over that of importation, while we have the ground in which they may increase in size while gradually adding to the beauty of the park. The same trees may be imported from $10 to $12 per thousand, which, after being here two or three years, our nurserymen charge from $300 to $500 per thousand for. By preparing the ground along the exterior line from fifty to one hundred feet for a nursery, and stocking it with imported trees, they would be large enough to transplant, when the ground in the progress of improvement is ready to receive them.

Roads, Walks and Drives.

There is very great responsibility attendant upon the proper construction of the roads and walks, and their judicious location. An error in this respect cannot be discovered until the work is completed, and any alteration of the route or of the manner of construction is accompanied with great expense, not to speak of the delay consequent upon such a course. Therefore, the location, grade, shape and material to be used should be

carefully considered. The conditions to be fulfilled in the construction of a perfect roadway, are, an easy grade, a well drained and smooth surface, a firm, dry road-bed, and durable materials. The cost will be governed by the character of the materials used, and in this connection it is proper to take into consideration the fact that there is lying upon the surface and distributed through the drift a very large quantity of boulders, chiefly composed of Diorite—a species of trap or basaltic rock transported from a distance during the drift period—the time that a greater portion of the soil of Long Island was transported where it now lies. It possesses both hardness and tenacity, essential qualities for a durable road material; but its excessive hardness renders it difficult to break into small pieces, and therefore perhaps too expensive to be used—much will depend upon the cost of breaking it up. There is also found in the drift a large quantity of other stone, which, though not equal to the former in hardness or tenacity, yet possesses these qualities to a sufficient degree not to warrant their being rejected as road material. These stones have gone through the same process of attrition which has rounded the edges and smoothed the surfaces of the former, and they were submerged for the same period in that flood of water without disintegration. To the eye, no more effect has been produced on one than on the other. If they have been able thus to withstand the effects of the elements and of attrition, they will answer to a certain extent the purpose for which we require them; in fact, if there were no harder stone, we should consider this very good material. The same quality of stone to which we have referred, may be obtained already broken into the

suitable size, from the quarries on the North River. The relative cost of each would decide between them.

Applying the Material to the Road-Bed.

In referring to this subject, Professor MAHAN states:

Broken-Stone Road-Covering.—The ordinary road-covering for common roads, in use in this country and Europe, is formed of a coating of stone broken into small fragments, which is laid either upon the natural soil, or upon a paved bottoming of small irregular blocks of stone. In England, these two systems have their respective partizans; the one claiming the superiority for road-coverings of stone broken into small fragments, a method brought into vogue some years since by McAdam, from whom these roads have been termed *macadamized;* the other being the plan pursued by Mr. Telford in the great national roads constructed in Great Britain within about the same period.

"The subject of road-making has within the last few years excited renewed interest and discussion among Engineers in France; the conclusion drawn from experience, there generally adopted is, that a covering alone of stone broken into small fragments *is sufficient under the heaviest traffic and most frequented roads.* Some of the French engineers recommend, *in very yielding, clayey soils,* that either a paved bottoming, after Telford's method, be resorted to, or that the soil be well compressed at the surface before placing the road-covering.

"The paved bottom road-covering on Telford's plan is formed by excavating the surface of the ground to a

suitable depth, and preparing the form for the pavement with the precautions as for a common pavement. Blocks of stone of an irregular pyramidal shape are selected for the pavement, which, for a road-way thirty feet in width, should be seven inches thick for the centre of the road, and three inches thick at the sides. The base of each should not measure more than five inches, and the top not less than four inches.

"The blocks are set by the hand, with great care, as closely in contact at their bases as practicable; and blocks of a suitable size are selected to give the surface of the pavement a slightly convex shape from the centre outwards. The spaces between the blocks are filled with chippings of stone, compactly set with a small hammer.

"A layer of broken stone, four inches thick, is laid over this pavement, for a width of nine feet, on each side of the centre; no fragment of this layer should measure over two-and-a-half inches in any direction. A layer of broken stone of smaller dimensions, or of clean, coarse gravel, is spread over the wings to the same depth as the centre layer.

"The road-covering thus prepared, is thrown open to vehicles until the upper layer has become perfectly compact, care having been taken to fill in the ruts with fresh stone, in order to obtain a uniform surface. A second layer, about two inches in depth, is then laid over the centre of the road-way; and the wings receive also a layer of new material laid on to a sufficient thickness to make the outside of the road-way nine inches lower

than the centre, by giving a slight convexity to the surface from the centre outwards. A coating of clean coarse gravel, one inch and a half thick, termed a binding, is spread over the surface, and the road-covering is then ready to be thrown open to traveling.

"In forming a road-covering of broken stone alone, the bed for the covering is arranged in the same manner as for the paved bottoming; a layer of the stone, four inches in thickness, is carefully spread over the bed, and the road is thrown open to vehicles, care being taken to fill the ruts and preserve the surface in a uniform state until the layer has become compact; successive layers are laid on and treated in the same manner as the first, until the covering has received a thickness of about twelve inches in the centre, with the ordinary convexity at the surface.

"Where good gravel can be procured, the road-covering may be made of this material, which should be well screened, and all pebbles found in it over two and a-half inches in diameter should be broken into fragments of not greater dimensions than these. A firm, level form having been prepared, a layer of gravel, four inches in thickness, is laid on, and, when this has become compact from the travel, successive layers of about three inches in thickness are laid on and treated like the first, until the covering has received a thickness of sixteen inches in the centre and the ordinary convexity.

"As has been already stated, the French Civil Engineers do not regard *a paved bottoming* as essential for

broken-stone road-coverings, except in cases of *a very heavy traffic*, or where the *substratum of the road is of a very yielding character*. They also give less thickness to the road-covering than the English engineers of Telford's school deem necessary; allowing not more than six to eight inches to road-coverings for light traffic, and about ten inches only to the heaviest traffic.

"If the soil upon which the road-covering is to be placed is not dry and firm, they compress it by rolling, which is done by passing over it several times an iron cylinder about six feet in diameter and four feet in length, the weight of which can be increased, by additional weights, from six thousand to about twenty thousand pounds. The road material is placed upon the bed, when well compressed and leveled, in layers of about four inches, each layer being compressed by passing the cylinder several times over it before a new one is laid on. If the operation of rolling is performed in dry weather, the layer of stone is watered, and some add a thin layer of clean sand, from four to eight tenths of an inch in thickness, over each layer before it is rolled, for the purpose of consolidating the surface of the layer, by filling the voids between the broken-stone fragments. After the surface has been well consolidated by rolling, the road is thrown open for travel, and all ruts and other displacement of the stone on the surface are carefully repaired, by adding fresh material, and leveling the ridges by ramming.

"Great importance is attached by the French engineers to the use of the iron cylinder for compressing the materials of a new road, and to minute attention to

to daily repairs. It is stated that by the use of the cylinder the road is presented at once in a good traveling condition; the wear of the materials is less than by the old method of gradually consolidating them by the travel; the cost of repairs during the first years is diminished; it gives to the road-covering a more uniform thickness, and admits of its being thinner than in the usual method.

"*Materials and Repairs.*—The material for broken-stone roads should be hard and durable. For the bottom layer a soft stone, or a mixture of hard and soft may be used, but on the surface none but the hardest stone will withstand the action of the wheels. The stone should be carefully broken into fragments of as nearly as cubical a form as possible, and be cleansed from dirt and all very small fragments. The broken stone should be kept in depots at convenient points along the line of the road for repairs.

"Too great attention cannot be bestowed upon keeping the road surface free from an accumulation of mud and even of dust. It should be constantly cleaned by scraping and sweeping. The repairs should be daily made by adding fresh material upon all points where hollows or ruts commence to form. It is recommended by some that, when fresh material is added, the surface on which it is spread should be broken with a pick to the depth of half an inch to an inch, and the fresh materterial be well settled by ramming, a small quantity of clean sand being added to make the stone pack better. When not daily repaired by persons whose sole business

it is to keep the road in good order, general repairs should be made in the months of October and April, by removing all accumulations of mud, cleaning out the side channels and other drains, and adding fresh material where requisite.

"The importance of keeping the road surface at all times free from an accumulation of mud and dust, and of preserving the surface in a uniform state of evenness, by the daily addition of fresh material wherever the wear is sufficient to call for it, cannot be too strongly insisted upon. Without this constant supervision, the best constructed road will, in a short time, be unfit for travel, and with it the weakest may at all times be kept in a tolerable fair state."

Details of Constructing Roadways.

1. All the surface soil should be removed to the depth of one foot on the whole line and width of the road, and deposited along the line.

2. All roots and other vegetable matter should be excavated, and wholly removed from the roadway, and, together with logs, brush and wood, be burned, or removed from the park.

3. All deposits of decomposed vegetable matter, or light spongy soils, should be excavated to a proper depth, and deposited on the line of the road.

4. That portion of all water courses or drainage streams, which crosses the line of the road, should be

excavated to their firm beds, and properly covered with dry stone culverts.

5. All earth and soil, other than surface soil, which may be above the established grade, should be excavated to that grade.

6. The roadway should be properly shaped with a slope of one inch to twenty feet both ways, from the axis of the roadway.

7. The side-walks should be formed of dry subsoil, to be elevated not more than nine inches from the bottom of the side channels, and to have a pitch of three inches towards the side channels.

8. The surface of the roadway and side-walks should be well rolled with a heavy roller, until a smooth, compact surface, is formed.

9. Upon the road-bed thus formed, a coating of broken stone, from two to three inches in diameter, should be spread to the depth of four inches, and rolled with a heavy roller, until the whole becomes a compact mass; after which another coating of the same stone, and of the same depth should be added, and rolled as before. And afterwards, another layer four inches in depth, of hard, tough stone, should be added, and well rolled.

10. The side-walks should be covered with a coating of sharp, clean gravel, to a uniform depth of three inches, and then rolled with a heavy roller; after which, a second coating of three inches to be added, then rolled, until a firm, smooth surface, is formed.

Where it is necessary to raise the roadway above the natural level of the ground, a firm embankment should be formed to within two feet of the established grade, upon which the road-bed should be formed of dry subsoil.

In all side cuttings, a proper slope of earth should be given to the exterior side of the road.

Estimated Cost of Improvements.

Among the arguments used in opposition to an extensive civic improvement of this character, are: The large original cost of the ground, the cost of putting it into a suitable condition for use, and the cost of maintaining it after it is laid out. And it is contended by some, that the total outlay under these three heads is not warranted by any results which may be attained.

Experience in England, France, and this country, thus far, has proved that the increased value of the adjacent lands, has more than balanced the outlay by the increased amount derived from regular taxation upon the property.

And in regard to the cost of improvement, it is a mistaken idea—unhappily become too prevalent—that embellishment of ground in the hands of public officers is necessarily a very expensive matter; while, on the contrary, if the rules laid down in this report be followed—that of adhering closely to nature in every step of improvement—there is no reason why this public work cannot be completed at the same rate of expenditure, which would govern a private citizen in improving his own

property—due allowance, of course, being made for the thoroughness and stability of the work.

In regard to the preservation of the grounds after completion, a comparatively small sum will be sufficient, if judiciously expended.

The following estimates of the cost of the entire improvement is submitted as a maximum sum, which in various ways may be reduced, if thought expedient, during the progress of the work:

Drainage	$22,000
Manure	24,000
Trenching	11,000
Roads	75,000
Walks	12,000
Ponds	5,000
Leveling and Esplanade	38,000
Enclosure	18,000
Viaduct	17,000
Sub-roadway under Flatbush avenue	6,000
Planting	24,000
Gateways, Lodges, and Contingencies	48,000
Total	$300,000

Conclusion.

The basis upon which the forgoing estimate has been founded, and from which the general conclusions have been drawn, are: 1st, A triangulation of the entire area of the park, thus locating and defining its general topographical features; 2d, The instrumental traversing of

all defined lines; 3d, The instrumental location of all water deposits, and connection of the same by a system of levels; and 4th, A careful and thorough examination and study for several months of all the natural features in outline and detail.

In the conduct of the work, I have been assisted by the following gentlemen:

G. S. BACHUS, Esq., *C. E.*
MR. STEVENSON TOWLE, *C. E.*
MR. THOMAS LAURIER, *C. E., of Brooklyn.*
MR. W. C. HAWKESWORTH, *City Surveyor, of Brooklyn.*
MR. HAMILTON EWEN, *City Surveyor, of Brooklyn.*
MR. JOHN CRUMLY, *C. E.*
MR. FREDERICK RAWOLLE, *B. S.*

To these gentlemen I am, considering the peculiar circumstances through which the work has been prosecuted, under much obligation.

In the daily prosecution of my labors, I have been more and more convinced of the fitness and adaptability of the ground to the purposes proposed. Of its necessity I have no doubt, nor am I less certain that its economic execution can be secured by strict adherence to well-established rules.

That the City of Brooklyn may secure, and its inhabitants may long enjoy this great public blessing, is my most heartfelt wish.

Respectfully submitted,

EGBERT L. VIELE.

Brooklyn, Jan. 15th, 1861.

Appendix.

A.

Extract from "An Act to provide for the Opening of Washington Park, on Fort Greene, in the City of Brooklyn," passed April 27, 1847, referred to in Section 4 of the Act establishing Prospect Park.

§ 1. There shall be appointed by the Superior Court of the city of New York, three discreet and competent persons, being citizens of the United States, as Commissioners to perform the duties hereinafter prescribed. The Mayor and Common Council of the city of Brooklyn shall apply for the appointment of such Commissioners within two months from the pa[illegible] this act, and shall cause a notice to be published in at [illegible]wo of the newspapers printed in the said city, of such intended application, for ten days prior thereto. If the said Mayor and Common Council shall not make such application within the time aforesaid, any of the parties whose lands are comprised within the bounds of the square or park, hereinafter mentioned, may make such application on the like notice.

B.

Part of Section 5 of the Washington Park Act, referred to in Section 10 of the Prospect Park Act.

§ 5. Upon the presentation of the said report to the Superior Court of the city of New York, for confirmation, the said Court shall, by rule or order, after hearing any matter which may be alleged against the same, either confirm the said report or refer the same to the same Commissioners for revisal or correction, or to new Commissioners to be appointed by the said Court, to reconsider the subject matter thereof; and the said Commissioners, to whom the said report shall be referred, shall return the same report corrected and revised, or a new report, to be made by them in the premises, to the said Court without unnecessary delay; and the same on being so returned shall be confirmed, or again referred by the said Court, in manner aforesaid as right and justice shall require; upon the like notice, to be given either by the said Mayor and Common Council, or by any of the said parties interested; and so from time to time, until a report shall be made or returned in the premises, which the said Court shall confirm.