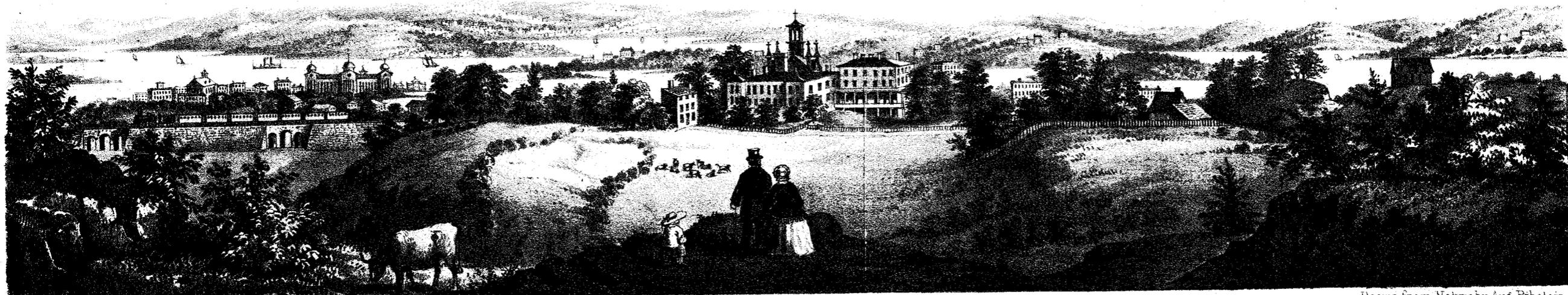


CENTRAL PARK REPORT, 1857





Printed by Fergusson & Co. N.Y.

View from Mount Prospect [Central Park] looking East.

Drawn from Nature by Aug. F. Stein

FIRST  
ANNUAL REPORT  
ON THE  
IMPROVEMENT  
OF  
THE CENTRAL PARK,  
NEW YORK.

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JANUARY 1, 1857.

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1857.

**DOCUMENT No. 5.**

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**BOARD OF ALDERMEN,**

**JANUARY 19, 1857.**

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The following communication from the Commissioners of the Central Park, transmitting report of the Engineer-in-Chief of the Central Park, was received, laid on the table, and ordered to be printed.

**D. T. VALENTINE, *Clerk.***

OFFICE OF COMMISSIONERS OF CENTRAL PARK,  
New York, Jan. 19, 1857.

*To the Honorable the Common Council:*

GENTLEMEN:—In accordance with the provisions of an ordinance of the Common Council, approved May 21st, 1856, “for the regulation and government of the Central Park,” the undersigned, Commissioners of said park, herewith transmit to your Honorable Body, a full report from E. L. Viele, Esq., Engineer-in-Chief, of the operations now in progress for the laying out and improvement of that important public enterprise.

In conformity with a resolution of the Board of Aldermen, the Commissioners sent to that Board, December 10, 1856, a communication, giving a detailed statement of all liabilities incurred up to December 31, 1856, which statement may be found upon reference to their proceedings of that date.

FERNANDO WOOD,	}	<i>Commissioners</i>
Mayor.		
JOSEPH S. TAYLOR,	}	<i>of the</i>
Street Commissioner.		
		<i>Central Park.</i>

CENTRAL PARK, OFFICE OF ENGINEER-IN-CHIEF,  
NEW YORK, January 1st, 1857.

To the HON. FERNANDO WOOD, and  
JOS. S. TAYLOR, Esq.,  
*Commissioners of Central Park:*

I have the honor to submit herewith the first annual report of the operations, under my directions, connected with the laying out and improvement of the Central Park. The circumstances under which these operations have been conducted, have rendered them simply preliminary, yet they are no less important as forming a basis for immediate improvement, in the absence of which serious errors might be committed, and discovered, perhaps, too late to be remedied.

I have prefaced the report with a brief history of this great public measure, from its conception to the present time, and have added, in an appendix, the various acts, ordinances, and judicial decisions by which the city has secured possession of the property, as matters of reference not otherwise easily accessible, and as being of no little interest in their connection with the subject of the report.

Very respectfully,

Your obed't servant,

EGBERT L. VIELE,

*Engineer-in-Chief.*

## Report.

PUBLIC opinion has, within the last few years, been awakening to a sense of the importance of open spaces, for air and exercise, as a necessary sanitary provision for the inhabitants of all large towns, and the extension of rational enjoyment is now regarded as a great preventive of crime and vice. Yet it was not, until recently, that any official step was taken toward providing for the city of New York, that which every city of Europe regards as a public necessity.

On the fifth day of April, 1851, Hon. Ambrose C. Kingsland, then Mayor of the city, transmitted to the Board of Aldermen a special message setting forth the limited extent of the places devoted to the public; their inadequacy to the wants of any class of the people, and the necessity, both in a moral and sanitary point of view of securing a more extended area for the purposes of public recreation.

Appendix A.

This message was referred to the Committee on Lands and Places, who reported that the subject had awakened an uncommon degree of interest, and that they heartily

concurrred in the views of the Mayor. The report indicated the ground known as "Jones' Woods," as suitable for the required purposes; and recommended that application be made to the legislature for the passage of an act authorizing the appointment of Commissioners to take

**Appendix B.** that property for the use of the city.

This report having been adopted, and concurrred in by the other branch of the Common Council, application was, in accordance therewith, made to the legislature at its extra session in 1851, and the act known as the "Jones' Woods Park Bill," was passed by that body on the 11th

**Appendix c.** day of July, 1851.

The passage of this act gave rise to a discussion regarding the relative advantages of other pieces of ground for this purpose, and the Board of Aldermen adopted, on the 5th of August, 1851, a resolution appointing a special committee to examine and report, whether there was not, within the limits of the city, a piece of ground more suitable for the purpose of a public park, than that designated in the act then recently passed by the legislature. This committee made a lengthy and detailed report, setting forth the advantages of the piece of ground lying between the Fifth and Eighth avenues, Fifty-ninth and One hundred and sixth streets, for the purpose indicated, over that known as Jones' Woods.

A resolution to this effect was passed by the Board, and being concurrred in, application was made to the legislature for the passage of an act authorizing the appointment of Commissioners of Estimate and Assessment, for the purpose of taking the ground referred to for a public park.

Accordingly, the legislature passed, on the 23d of July, 1853, an act for taking the ground now known as the Central Park.

Appendix D.

And on the same day, another act in reference to the Jones' Wood Park, similar to the one previously passed, but which had never gone into effect, as the Supreme Court refused to appoint Commissioners, on account of material errors in the bill.

Appendix E.

(This act of July 23d, 1853, referring to Jones' Woods was subsequently repealed.) The Supreme Court, upon the application of the Counsel to the Corporation, appointed on the 17th November, 1853, five Commissioners of Estimate and Assessment, to take the land for the Central Park. These Commissioners completed their labors on the second day of July, 1855, and their report was confirmed on the fifth day of February, 1856. On the same day the Comptroller communicated to the Common Council the draft of an ordinance for the payment of damages awarded by the Commissioners.

Appendix G.

Appendix H.

Appendix I.

Appendix K.

During the period which elapsed between the appointment of Commissioners, and the confirmation of their report, efforts were made to reduce the limits of the park. Petitions were sent to the Common Council to that effect by various individuals, whose motives were as numerous as the names appended to the petitions.

A committee was appointed to examine the subject, which committee made a minority and majority report. No action, however, was taken until the following year, both Boards to petition the legislature to cut off a certain when the subject was revived, and a resolution passed

Appendix L.

portion of the park, by which a few property holders would have been benefited, and the park, in reality, destroyed. The resolution was promptly vetoed by the  
**Appendix M.** Mayor, Hon. Fernando Wood.

This would seem to have put an end to all open opposition, but a secret influence appears to have been steadily at work, for reasons known only to a few, to retard the progress of this great public improvement. To this influence may probably be ascribed the non-action of the lower house of the last legislature upon the very judicious bill  
**Appendix N.** which had passed the Senate.

In the absence of the necessary legislation, the Common Council adopted, on the 19th of May, an ordinance creating the Mayor and Street Commissioner, Commissioners of the Central Park, with power to employ the necessary persons to execute the repeatedly expressed wishes of the people, and appropriating certain funds to carry out the provisions of the ordinance.

This Board entered at once upon the discharge of their duties. Feeling the importance of the subject and the responsibilities devolving upon them, they determined, before adopting any definite course of action, to seek the advice of certain well known citizens, whose public reputation, peculiar avocations and cultivated taste gave assurance that their opinions would possess the force of a clear, unbiased judgment. Accordingly, invitations were extended to Washington Irving, George Bancroft, James E. Cooley, Chas. F. Briggs, James Phalen, C. A. Dana and Stewart Brown to attend the meetings of the Commissioners, and form a consulting Board for the purpose of dis-

cussing a line of conduct to be pursued, and to determine upon the merits of such plans or propositions as might be laid before them, with the view of adopting a permanent design for the improvement of the park.

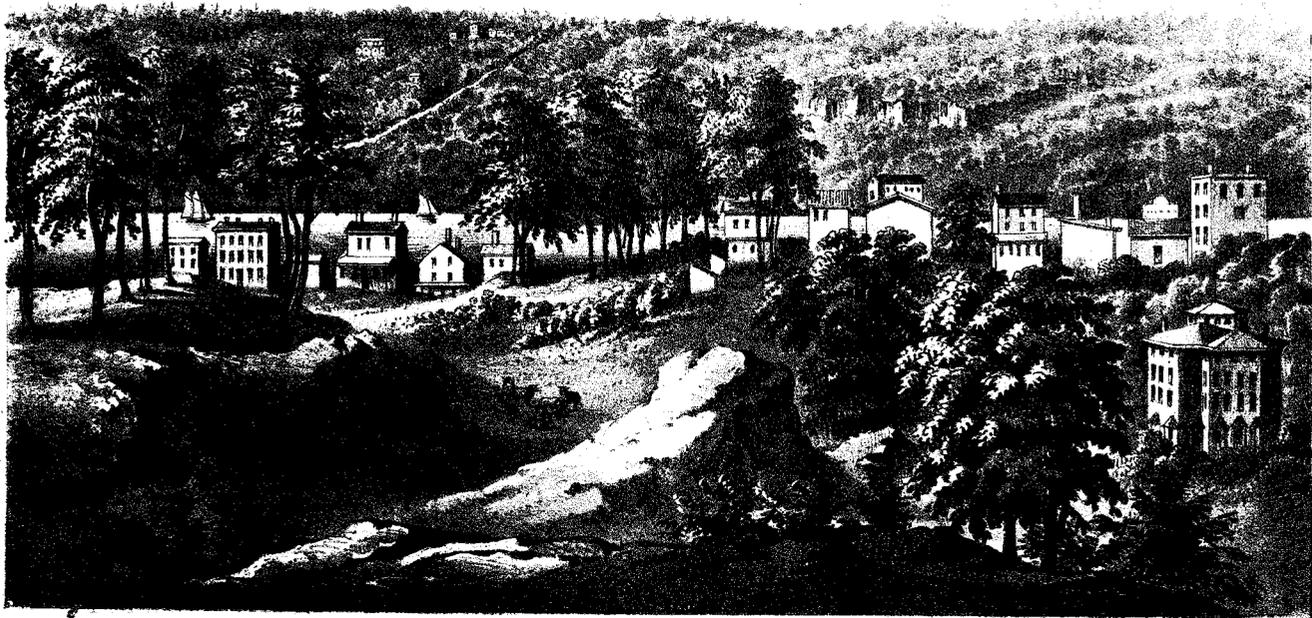
These gentlemen met on the 29th of May, 1856; organized by electing Washington Irving as President of the Board, and settled the preliminaries for carrying into effect the objects of the commission. Subsequently various plans were laid before them, and a variety of views and opinions submitted for their consideration. The result of these deliberations was the adoption of the general features of the plan which it is the object of this report to elucidate.

This design for the improvement of the park conforms to the existing inequalities of the surface, and since its adoption, it has been generally conceded that any plan not based upon the present topography of the ground would be inconsistent with correct ideas of natural beauty, and would involve an expenditure not commensurate with any results which might be attained. A thorough study of the physical character of the ground, in its minute details, necessarily precedes the work of improvement, and as the public are to be the final judges of the merits or defects of the plan, they should possess a general knowledge of these details, in order to discuss the subject intelligently.

With this view, a description of the topography, and a synopsis of the physical investigations, are given, as affording the best illustrations of the principles upon which the contemplated improvements are founded.

## Topography.

The island of New York is about twelve miles long, and varies from one-half to two and one-half miles in width. It lies upon the upturned edge of the primitive range which extends through Westchester county and New England into Canada. The basis rock is gneiss except about one mile in length at the northern extremity, which is limestone. The middle and northern portions are rough and broken, from the almost constant out-cropping of the rock. The lower portion is everywhere covered, and in some places to a great depth, with alluvial and diluvial deposits, and is comparatively level. The rock begins to make its appearance in the neighborhood of Thirtieth street, and extends from that point to Manhattanville. The elevated portions vary from seventy to one hundred and thirty feet above tide water, the valleys being often deep and the hills precipitous. There is a line of elevation along the western side of the island, from which the ground descends to the Hudson and East rivers. On the eastern slope lies the ground selected for the public park, extending from Fifty-ninth street on the south, to One hundred and sixth street on the north, and from Fifth to Eighth avenues. The lower extremity is about five miles from the Battery, and the upper extremity the same distance from the northern end of the island. From the western side to the Hudson is three-quarters of a mile, and from the eastern side to the East river, nearly a mile. It is two miles and a half long, and half a mile wide, or



View from Summit Rock, [Central Park] looking West,  
The Hudson River and Palisades.

as long as from the Battery to Union square, and as wide as from the Bowling Green to the City Hall, and contains seven hundred and seventy-six acres, including the present distributing reservoir, (occupying a position nearly central,) the ground taken for a new reservoir, and the Arsenal grounds belonging to the state. It is as large as Hyde Park and Kensington Gardens combined, and seven times larger than the united area of all the other squares and public places in the city.

In addition to the general slope, from west to east, there are five lateral depressions and corresponding ridges, dividing the park transversely. These ridges are not continuous, but are very much broken, forming a series of hills and valleys. The drainage of the lesser depressions flows into the deeper valleys, whose drainage streams flow directly into the East river, or through conduits to that river. Some of these streams have their origin in perennial springs, and are therefore permanent in their supply; while others, being simply channels for the surface water of a limited area, are generally dry in midsummer. Some rise within, others without the limits, and several have a considerable fall in their course. In a few instances, obstructions to the natural drainage have caused the formation of swampy ground and stagnant ponds, which in their turn give rise to a rank, sickly vegetation. The southern portion of the area is the most broken and least elevated. The rocks are here more exposed to the surface, and there is less vegetation than in the northern part.

A more detailed description of the topography will be found in the annexed reports of progress of the gentlemen in charge of the several divisions.

## Drainage.

This glance at the topography of the park demonstrates the fact that a thorough drainage of the entire area must precede any attempt at improvement. It embraces the removal of water now standing in stagnant deposits, the facilitating the flow of water from permanent springs, the directing of all surface water into proper channels, and such ramification of underground drains through every portion of the area, that the sub-soil may never be injured by the presence of an undue amount of moisture. Without this, the ground, with all the embellishments that art could devise, would remain what it is now—a pestilential spot, where rank vegetation and miasmatic odors taint every breath of air.

This subject of drainage, so important to the public health, seems to have escaped the minds of the commissioners who laid out the city, or they passed it over, under the impression that a complete system of sewerage would answer all sanitary purposes. But sewerage is not necessarily drainage, and no matter how perfect the system, nor how well it is carried out, it may, and in this city does fail, to carry off a large amount of water, which, by being suffered to remain, has been, and always will be, a fruitful source of pestilence.

The rectangular plan upon which the upper portion of the city is laid out, has no reference either to the topography or geology of the ground, and the sewerage neces-

sarily conforms to this plan, while a proper drainage is dependent upon both geology and topography. Therefore the sewerage is inconsistent with drainage. A glance at what are called "sunken lots," as they are seen all over the upper portion of the city, will show at once that the stagnant water has no outlet. The design is to fill the lots up when they are required for building purposes; but this will not get rid of the water, which, falling on the surface of the ground perhaps a mile off, percolates through the surface-soil until it meets with an impermeable sub-strata, along which it descends, till it reaches the lowest water level, where, if not drained off, it remains, to ascend, by capillary attraction, into the superincumbent earth, keeping it always cold and moist, and making the locality unhealthy. The experience of the residents at the foot of Murray Hill will undoubtedly confirm this.

The only remedy for the evil is to maintain the original water-courses, wherever they exist, as permanent drains, so built as to admit of the percolation of water through the interstices of the covering. The drains should be excavated to a firm substratum, and every property owner compelled to construct that portion of each drain which may pass through his property. The drainage of the Central Park will necessitate the construction of such drains along the whole slope between it and the East river, and this section will, as a natural consequence, become the healthiest portion of the city.

## Geology.

The area of the Central Park is embraced in what is known as the primary region, the rocks of which, possessing similar characteristics, render it an easy matter to develop its general geology. A close examination of its local details presents a variety of geological phenomena, the solution of which cannot fail to add much to our knowledge, both in a scientific and economical point of view. A correct understanding of these details is of great importance in determining a system of thorough drainage and in the proper location of the roads. Besides, the disintegration and decomposition of the minerals which compose the rock furnish the soils of their immediate localities; therefore, to know these constituents is to know, in a great measure, the soil.

Enough of the geology will be presented to show the variations in the strata, resulting from faults, upheavals and other causes, as well as the no less marked variations in the mineral constituents.

The rocks embraced within the area are—

*First*—Gneiss (Micaceous Gneiss.)

*Second*—Mica slate.

*Third*—Granite in numerous intrusive veins.

*Fourth*—Diluvial or drift deposits, including boulders.

*Fifth*—Soils derived from the decomposition of the gneiss and associated rocks.

### Gneiss and Mica Slate.

The strata of gneiss exhibit no uniformity with regard to their strike and dip. They show everywhere violent dislocations, owing to the intrusion of various veins of granite. In some localities they are in a vertical position or nearly so, varying from 80 degrees northwest to 80 degrees southeast; in others they vary from 40 degrees to 60 degrees to the northwest and to the southeast. The prevailing direction of the strike is north northeast.

The present position of the gneiss has apparently been produced by two distinct causes; first, a general upheaval of the entire mass, subsequently the strata have been laterally displaced and contorted by numerous intrusive veins of granite.

The following are a few of the localities where the strata are exposed to examination, illustrating their superposition:

Between Seventh and Eighth avenues, Fifty-ninth and Sixty-first streets, the strike is from north 10 degrees east, to north 25 degrees east, and the dip from 75 to 85 degrees northwest.

Between Seventh and Eighth avenues, Sixty-second and Sixty-third streets, the rock dips at the surface from 80 degrees northwest to perpendicular curving, and being considerably contorted at a depth of a few feet below the surface.

Between Sixth and Seventh avenues, Sixty-first and Sixty-second streets, the strike is north 50 degrees east, the dip is from perpendicular to 80 degrees southeast.

Between Seventh and Eighth avenues, Sixty-fourth and Sixty-fifth streets, the strike is north 45 degrees east, the dip from perpendicular to 50 degrees southeast.

On Seventh avenue, between Sixty-fifth and Sixty-sixth streets, the strike is north 35 degrees east, the dip 45 degrees northwest.

### Mineralogical character of the Gneiss.

Geologists distinguish two kinds of gneiss—hornblende or syenitic gneiss and micaceous gneiss proper; the former being characterized by laminæ and crystalline particles of hornblende, while, in the latter, scales of mica form the stratifying material. So far as examined in the Central Park, all the gneiss occurring is micaceous gneiss, associated with comparatively narrow bands of mica slate. The different varieties of gneiss which are found here, differ chiefly in the quantity and manner of distribution of the mica.

The following varieties have been noted:

1st. *Gray Gneiss*, usually of a finely granular structure, composed of white, grayish-white or yellowish-white colored feldspar, white and light gray colored quartz, black and silvery colored mica disseminated in small scales uniformly throughout, parallel to the line of stratification, and compact grains of *red garnet*. The gray gneiss alternates with other varieties of gneiss, and with mica slate.

*Interlaminated Gneiss*.—The shape of the scales of mica gives character to this variety. A more or less granular mixture of feldspar and quartz is enveloped by wave-like

shaped laminae of mica, thus forming a number of lenticular shaped small bodies. The feldspar of this kind of gneiss is usually of a yellowish white color, while the grains of quartz are of dark gray and brownish hues. Small grains of magnetite and of red garnet, are occasionally intermixed with the above constituents; besides, these were also found, as occasional minerals, tourmaline and epidote of a yellowish green color in thin coatings and small imperfect crystals. A third variety of gneiss results from a very regular and continuous alternation of gray and interlaminated gneiss, exhibiting a beautiful ribbon-like structure. The locality of this last is between Sixth and Seventh avenues, Sixty-first and Sixty third streets, and between Seventh and Eighth avenues, Sixty-fourth and Sixty-sixth streets.

*Mica Slate*, occurs in narrow layers and bands. It consists of numerous scales of silvery colored mica, large grains of gray quartz, and some little brownish colored, decomposed ferruginous feldspar, mica and quartz, forming always the predominant constituents. Mica slate decomposes very rapidly, forming a loamy soil.

*Vein-like masses of Quartz in Gneiss.*—In many localities, the gneiss contains more or less extensive masses of quartz of a lenticular shape, thinning gradually out toward the northeast and southwest. They are generally parallel to the strike of the strata, only a few instances having been found where such was not the case. They consist of grayish white compact quartz of a dull lustre, being occasionally slightly intermixed with yellowish white compact feldspar. These lenticular masses of quartz, from half an

inch to nearly two feet wide, may easily be taken for intrusive veins. Their limited extent, their conformity with the strike of the strata, and the fact of their being occasionally displaced by veins of granite, speak strongly in favor of the opinion that they were already formed when the intrusion of the granite took place, being cotemporaneous with the gneiss.

### Granite.

The veins of granite pass through the gneiss in almost every direction. The greater number have an angle of bearing between west and north; others are in a direction varying from north 10 degrees east to north 55 degrees east. As a general rule they pursue a very tortuous course, their walls representing, not unfrequently, wave-like and zig-zag shaped outlines.

#### *Mineralogical composition of the Granite.*

The mineralogical composition of the granite does not vary much at the different localities. The granite generally consists of quartz, feldspar and mica, and contains occasionally magnetite, black tourmaline, scales of green chlorite and red garnet.

The quartz varies in color from light gray to dark gray, and is usually of a bright vitreous lustre; it occurs in grains of various sizes, and in small masses from 1 to 8 inches in diameter. The feldspar is usually orthoclase, of a fleshy red color, and of a bright vitreous lustre, on freshly fractured planes. It decomposes rapidly into a soft, kaolin-like substance, of a dull white color. Some varieties of granite contain, in addition to orthoclase, another species of feldspar, viz: oligoclase. This is of a light greenish

color, of a bright vitreous lustre on planes of cleavage, the latter showing, at the same time, very distinctly, the numerous fine parallel striæ, characteristic of that species.

The mica occurs in scales of a silvery white color, and of a bright lustre, principally phlogopite. They vary in size from one-sixteenth to five or six inches. In the process of decomposition they assume a peculiar reddish brown color. These scales are more numerous and of a larger size in the middle of the vein and on the line of contact with the gneiss. In many localities magnetite occurs of a black color and of a semi-metallic lustre imbedded in greenish and flesh-colored feldspar; it occurs in grains and small masses, and favors the decomposition of the feldspar and mica, giving to them a brownish, misty color. Tourmaline occurs in imperfect crystals imbedded in a flesh-colored orthoclastic feldspar.

A very rare mineral was found on the line of contact between the granite and gneiss, in the neighborhood of Sixty-seventh street and Seventh avenue. It is chiefly composed of phosphate of iron and manganese.

It appears to be an altered form of tetraphyline, and forms very small crystals and crystalline incrustations, filling small, irregular-shaped geodes in a flesh-colored feldspar. Red garnet, in small compact grains, imbedded in feldspar, and gray quartz and scales of green chlorite, in feldspar, are occasionally found.

#### *Structure of the Granite.*

The granite veins vary from a very coarse granular structure to very fine. As a general rule, the larger veins are coarser, while the smaller veins are fine. The granite

has undoubtedly been injected in the gneiss, at a time when the gneiss was in a very plastic state, as is clearly illustrated in the manner in which the gneiss has been bent and curved by the granite veins.

### Drift or Diluvial Deposit.

These occupy a large portion of the area, resting everywhere upon the gneiss and associated rocks, both on the tops of hills and in the narrow intervening valleys, varying in thickness from a few inches to thirty feet, and affording, at best a very poor soil. The material of the drift consists of gravel-sand, and loam, throughout which pebbles and boulders of different kinds of rocks are distributed, which will be more minutely described.

### GRAVEL-SAND AND LOAM.

Gneiss, mica, slate and granite furnish the material for the soil. We find, as constituents, grains and angular fragments of quartz, feldspar, and numerous grains of silvery colored mica.

Where a quartzose and highly ferruginous gneiss occurs, it furnishes, by its decomposition, a ferruginous clay, with which numerous grains of quartz are mixed up by the agency of water.

### PEBBLES AND BOULDERS.

Much rounded and water-worn, varying in size from a few inches to seven feet, and composed of different varieties of trap, gneiss, syenite, granite, mica, slate, amphibolite, white, gray and red sand-stones, conglomerates, lime-stones and slate.

*First.*—TRAP.

The principal variety of trap, noted as occurring in the drift, is—

*Diorite*, a distinctly granular mixture of greenish-white colored feldspar and blackish and green hornblende; being similar in mineralogical character to the diorite occurring at Bergen, New Jersey, and usually much rounded.

*Second.*—GRANITE.

Most of the granite pebbles are similar to the rock in place. The following varieties, however, appear to have been brought from a distance:

(a.) *Red Granite*, in small rounded pebbles of a finely granular structure.

(b.) *White Granite*, in pebbles and boulders, consisting of greenish colored feldspar of a dull lustre, large grains of light gray colored quartz, and a few scales of mica.

(c.) *Granulite*, composed of flesh-colored orthoclase and grains of light gray quartz, similar to that occurring in the Highlands of New York.

(d.) *Gray and greenish gray-colored Granite* occurs in pebbles, partly rounded and partly angular—very rare.

*Third.*—SYENITE.

Composed of gray and yellowish-white colored feldspar (partly decomposed,) pale green and highly ferruginous hornblende, a few grains of gray quartz, and occasional grains of magnetite. In composition it is similar to the syenite interposed between the gneiss and deposits of magnetite in the Highlands of New York.

*Fourth.*—GNEISS.

Numerous rounded and partly angular pebbles and boulders of micaceous gneiss which are found, appear to have originated from the rock in place.

The following varieties are evidently from a distance:

(a.) Hornblendic gneiss, similar to that occurring in the Highlands of New York and New Jersey.

(b.) A bluish-gray-colored, obscurely stratified gneiss, of a very finely granular texture, composed of small grains of smoky-colored quartz, bluish-gray feldspar and small grains of silvery-colored mica, containing small masses of adularia—very rare.

*Fifth.*—QUARTZ.

(a.) White quartz, of a very bright vitreous lustre, from several inches to several feet in diameter.

(b.) Grayish-white quartz, of a dull lustre, in small, rounded pebbles.

(c.) Flesh-colored quartz, of a vitreous lustre.

*Sixth.*—QUARTZITE.

Consisting of gray quartz and a few small grains of mica, probably from a bed of quartzite.

*Seventh.*—RED CONGLOMERATE.

Similar to that occurring in Green Pond Mountains, Orange county, composed of angular pieces of flesh-colored feldspar, and of light gray and smoky-colored quartz. Some of the feldspar decomposes into a white, kaolin-like substance.

*Eighth.*—SAND-STONES,

Of various colors and textures.

*Ninth.*—GARNET-ROCK,

Composed of compact grains and imperfect crystals of red garnet, slightly intermixed with grains of gray-colored quartz and dull, white feldspar.

*Tenth.*—LIMESTONE AND DOLOMITE.

Of various shades and texture, from compact to granular, and crystalline similar to the Trenton and Black River limestones of the New York system.

*Eleventh.*—ARGILLACEOUS, ARENACEOUS AND CALCAREOUS SLATES,

Similar to those of the Hudson river group.

*Twelfth.*—AMPHIBOLITE.

Of a blackish-green color, highly ferruginous, in pebbles and boulders.

All the materials of the drift appear to have been transported and acted upon by two currents, one in the direction south 20 degrees to 40 degrees east, and the other in nearly a southerly direction; the former being indicated by striae and grooves, the latter by the shape and bearing of the hills of drift. On the rocks in place, are found numerous grooves, more or less parallel to each other, in a direction north 20 to 40 degrees west. They have been produced by boulders moving over the surface of the rock. In some places the rock is smoothed and polished by the action of currents and drift.

Of the rocks which have been described, the gray gneiss is best adapted for purposes of construction, owing to its being hard, easily dressed, and but little affected by exposure to the atmosphere.

The interlaminated gneiss is also a good building stone, but is more difficult to dress than the former. The coarse kinds of granite decompose too rapidly when exposed, and the mica slate is totally unfit on account of its rapid disintegration.

#### RECAPITULATION OF MINERALS FOUND.

1. *Quartz*, of various shades of white and gray, as constituents of gneiss, mica, slate and granite.

2. *Feldspar*, in two varieties.

(a.) *Orthoclase*, as constituents of gneiss, mica, slate and granite.

(b.) *Oligoclase*, as an occasional constituent of granite.

3. *Adularia*, in a boulder of gneiss.

4. *Mica*, in scales of silvery white, brown and black colors, in gneiss, mica, slate and granite.

5. *Red Garnet*, in compact grains, and in small rhombic dodecahedrons, in gneiss, mica, slate and granite.

6. *Magnetite*, in grains and small masses in granite.

7. *Black Tourmaline*, in gneiss and granite.

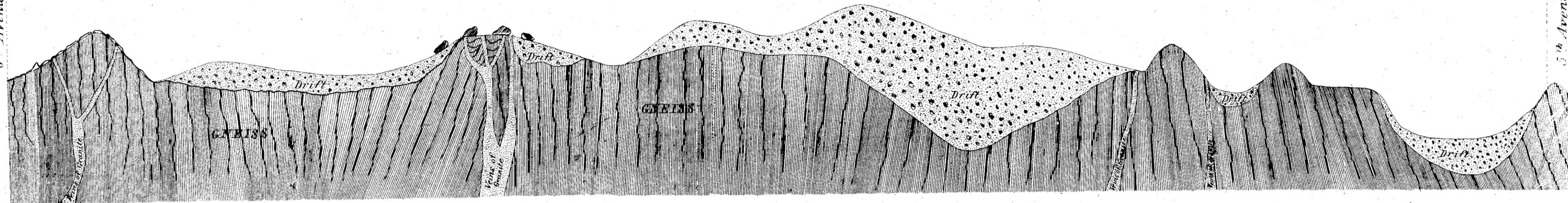
8. *Chlorite*, in gneiss and granite.

9. *Phosphate of Iron and Manganese*, an altered form of tetraphylite in feldspar, on the line of contact between gneiss and a vein of granite.

10. *Labradorite*.

11. *Pyroxene*.

8<sup>th</sup> Avenue



5<sup>th</sup> Avenue

**SECTION OF CENTRAL PARK FROM 5<sup>th</sup> to 8<sup>th</sup> AVENUE.**

## Botany.

The botanical distribution of plants over the surface of the earth undergoes certain modifications connected with the dryness and moisture, as well as the mechanical and chemical composition of the soil. Hence an intimate relation exists between the botany of any district of country and its geology and topography; and, therefore, independently of the climate, certain plants, whether placed by nature or art, will flourish, or decay, according as the temperature and composition of the soil, is favorable or unfavorable to their growth. A botanical survey of the park has been made, for the purpose of ascertaining the nature of the existing vegetation, to learn how far it could be made available in the projected improvements, as well as to know its character, as an indication of what peculiar class of plants would prove most flourishing if transplanted to this ground, as also to discover what alterations the soil would require in order to admit of an increased variety.

This forms the basis of a botanical index which can always be made complete by a careful register of the plants and trees introduced. The investigation has not extended through all the seasons, which, in their turn, develop their peculiar plants; and is, therefore, in some respects, incomplete; still, so far as the useful trees and shrubs are concerned, it is believed that none have been overlooked.

Although this investigation has added nothing new to botanical science, yet it is necessary that the existing trees and plants should be described so as to be identified, and their importance properly estimated. A familiar description has been preferred to strictly botanical language, to convey all that is necessary with regard to the present vegetation. The catalogue will be added to during the ensuing season.

For present purposes, the plants are arranged simply in alphabetical order, without reference to any particular classification.

1st. ACER DASYCARPUM—*Silver-leaved Maple.*

A tree, thirty to fifty feet high, and often one to two feet in diameter, with wide, spreading branches. The wood white and soft, sap less sweet than that of the Sugar Maple. Leaves in large petioles, lobed beyond the middle, nearly smooth when old. Flowers, greenish, yellowish or purplish, usually about five together. This forms a beautiful shade tree. The silvery-white of the under surface of the leaves strongly contrasting with the bright green of the upper side, especially when they are agitated by the wind. Found in all portions of the park. About nine thousand specimens. Thrives best in a deep, rich loam, or in a gravelly loam, contiguous to moisture.

2d. ALNUS SERRULATA—*Common Alder.*

A shrub, six to twelve feet high, irregularly branched, and usually growing in dense thickets. Leaves from two to five inches long, prominently varied, smooth above; paler, and sprinkled with resinous dots underneath. About twelve thousand specimens. Grows in swampy ground. Flowers in March or April.

3d. ANDROMEDA PANICULATA—*Privet Andromeda*.

A shrub, four to eight feet high, much branched, and with a grayish bark. Leaves from one and one half to two inches long, variable in breadth, nearly smooth above; pale, and more or less pubescent underneath. About two thousand five hundred specimens. Grows in swamps and moist thickets. Flowers in June and July.

4th. AZALEA VISCOSA—*White Wild Honey-suckle*.

A shrub, four to seven feet high, with numerous spreading branches, and a grayish bark. Leaves one to two inches long. About six hundred specimens. Grows in moist places, and in woods. Flowers in June and July, sometimes as late as August.

5th. BETULA NIGRA—*Red Birch*.

A tree forty to seventy feet high, and from one to two feet in diameter, with long, slender and pendulous branches. Leaves about three inches long and two wide. Generally distributed. About one thousand specimens. Grows in low grounds. Flowers in April.

6th. BROUSSONETIA—*Paper Mulberry*.

Native of Japan. Found in the neighborhood of residences. Grows from forty to fifty feet high. Leaves large and downy. Will grow in very dry situations, where few other things will. About five hundred specimens.

7th. CARPINUS AMERICANA—*Water Beech*.

A tree, fifteen to twenty feet high; the bark smooth and light gray. Leaves about three inches long, gene-

rally distributed. About five thousand specimens. Flowers in April. Will grow in a poor soil. Is a very handsome, small tree, the leaves changing in the autumn to various shades of crimson, scarlet and orange, and very often retained on the plant during the winter.

8th. *CASTANEA AMERICANA*—*Chestnut*.

A tall tree, sometimes sixty to eighty feet high, and three to four feet in diameter. Leaves six to eight inches long, and about two inches wide. Will thrive in the most barren soils, especially those of a rocky or gravelly nature. Generally distributed. Five hundred specimens. Flowers in June.

9th. *CATALPA SYRINGÆFOLIA*—*Catalpa*.

A tree, twenty to thirty feet high. Leaves from five to eight inches in diameter. Flowers in June, and at that time very ornamental. Found in the neighborhood of several residences. Introduced from the South. About fifty specimens. Will grow in any soil.

10th. *CELASTRUS SCANDENS*—*Bitter-sweet*.

A climbing plant, winds around shrubs and small trees, or along stone fences, ten to twenty feet long. Leaves two to three inches long. Flowers early in June. Found in the thickets in the upper portion of the park.

11th. *CELTIS OCCIDENTALIS*—*Sugar Berry*.

A small tree, from fifteen to thirty feet high, and six or eight inches in diameter, with numerous slender spreading branches. Leaves two to three inches long and one to two inches wide, dark green. Flowers in May. Found in a number of situations.

12th. CLEMATIS VIRGINIANA—*Virgin's Bower.*

Stem eight to fifteen inches long, climbing over shrubs and bushes. Found in thick, shady and moist places. Flowers in July and August. About two hundred specimens.

13th. CLETHRA ALNIFOLIA—*Sweet Pepper-bush.*

A shrub, four to eight feet high, with brownish bark and erect branches. Flowers at the end of July and August; white flower, very fragrant. Generally distributed. About one thousand five hundred specimens.

14th. CORNUS ALBA—*White Varied Dog-wood.*

A small tree or shrub, fifteen to twenty feet high. Leaves three to four inches long, and two to three inches wide. Flowers in May and June. Large trusses of white flowers, succeeded by white berries. Branches turn to a fine red color in winter. Grows in moist places. Generally distributed. About one thousand five hundred specimens.

15th. CORNUS FLORIDA—*American Dog-wood.*

One of the most beautiful of our native, flowering small trees. The flowers appearing in April, and presenting a brilliant appearance. Thrives best in moist ground. Grows, sometimes, to thirty feet in height. Generally distributed. About three thousand specimens.

16th. CORYLUS AMERICANA—*Wild Filbert.*

A shrub, four to six feet high. Leaves three to five inches long; slender branches. Flowers in April. Found generally distributed in thickets. About six thousand specimens.

17th. DIOSPYRUS VIRGINIANA--*Persimmon.*

In good soil, this tree will frequently grow forty or fifty feet high, and in its habits of growth is one of the most picturesque middle sized trees we have. When by itself it grows conically; it is interesting at all seasons. In spring, by its deep, shining green foliage; in summer, by the light green fruit; in the fall, by the rich orange of its leaves, and the deep brown of its fruit. It thrives best in a deep, rich loam. Found in one locality. About five hundred specimens.

18th. FAGUS FERRUGINEA--*Beech.*

A beautiful tree, often fifty or sixty feet high, and two feet or more in diameter. The trunk clothed with a thick, smooth gray bark. Leaves four or five inches long. Grows to perfection in a deep, rich loam. Flowers in May. Found in several localities. About two thousand specimens.

19th. FRAXINUS AMERICANA--*White Ash.*

A tall tree, forty to sixty feet high, and one to two feet in diameter. Light, gray bark, generally furrowed with transverse cracks. One of our prettiest trees. Its light hue gives a beautiful effect when combined with darker foliage. Requires a rich loam and plenty of space to arrive at perfection. Flowers in April and May. Found but a few specimens, about one hundred in all.

20th. GLEDITSCHIA TRIACANTHUS--*Honey Locust.*

A middle-sized tree. Leaves six to ten inches in length; not a native of this state, but often planted about houses, for ornament and hedges. Found in the neighborhood of

private residences. About one hundred specimens. Flowers in July.

21st. HAMAMELIS VIRGINIANA—*Witch Hazel*.

A shrub, six to twelve feet high. Leaves three to six inches. When cultivated, becomes a handsome small tree. It seems to thrive well in any situation. Flowers at the end of October. Found generally distributed. About one thousand five hundred specimens.

22d. JUGLANS NIGRA—*Black Walnut*.

A tree, thirty to sixty feet high, with a trunk from one to two feet in diameter. Leaves a foot or more in length. Thrives best in a cool, deep and rich loam. Flowers in May. Found generally distributed. About two thousand specimens. Besides this, the "*Juglans cinerea*," or white walnut, also found.

23d. JUNIPERUS VIRGINIANA—*Red Cedar*.

A well known and useful evergreen, often growing thirty or forty feet high. Grows on dry hillsides, in rocky sterile soil. But a few specimens are found.

24th. LAURUS BENZOIN—*Wild Allspice*.

A shrub six to ten feet high. Leaves three to five feet long. Grows in low, moist ground, on the borders of rivers. Flowers in April. Found in a few places. About two hundred and fifty specimens.

25th. LAURUS SASSAFRAS—*Sassafras*.

A middle-sized tree; trunk rarely one foot in diameter: the most interesting tree in the landscape. Toward autumn the leaves turn to a reddish brown. Thrives

well in a dry, sandy loam; poor in a wet situation. Found very generally distributed. About twenty thousand specimens.

26th. LIQUIDAMBAR SYRACIFLUA—*Sweet Gum*.

Grows from fifty to sixty feet high, under favorable circumstances. Thrives in a deep, rich loam. Found generally distributed. About six thousand specimens.

27th. LIRIODENDRON TULIPIFERA—*Tulip tree*.

From forty to eighty feet high; from one to three feet in diameter. Trunk perfectly straight, and of nearly uniform diameter. Flowers in June. Thrives well in a strong, clayey or micaceous soil. Found in a number of localities. About five hundred specimens.

28th. MYRICA CERIFERA—*Bay-berry*.

A shrub, three to eight feet high, much branched at the summit. Leaves two to four inches long, and from one half to nearly an inch wide. Grows in dry soils, in thickets. Flowers in May. About six thousand specimens.

29th. PLATANUS OCCIDENTALIS—*Button-wood, Sycamore*.

A very large tree, often sixty or eighty feet high, and two to five feet, or more, in diameter, with thick spreading branches. Will do well in any situation, but thrives best in moist soil. Found in a number of localities. About three thousand specimens.

30th. POPULUS BALSAMIFERA—*Balsam Poplar*.

A tree thirty to eighty feet high, and one to two feet in diameter. Leaves about three inches long. Prefers a deep, moist and rich soil. About fifty specimens found. Probably not a native.

31st. *POPULUS ARGENTEA*—*Cotton tree.*

A tree forty to sixty feet high, and from one to two feet in diameter. Leaves three to six inches long. Grows in moist ground. About fifty specimens found.

32d. *POPULUS TREMULOIDES*—*American Aspen.*

A tree twenty to thirty feet high, and from six to ten inches in diameter. Leaves about two inches long, breadth usually greater than the length. Flowers in May and April. Prefers a moist soil. About one hundred specimens found.

33d. *PRUNUS VIRGINIANA*—*Choke Cherry.*

A shrub or small tree. Leaves two to four inches long. Grows on rocky hillsides. Found everywhere in the brushwood. About two thousand specimens.

34th. *QUERCUS MACROCARPA*—*Over-cup. White Oak.*

Trunk forty to sixty feet high. Bark of the branches somewhat corky in ridges. Leaves six to twelve inches or more in length. About fifteen hundred specimens.

35th. *QUERCUS RUBRA*—*Red Oak.*

Grows from fifty to eighty feet high, and from two to four feet in diameter. Leaves six to nine inches long and three to five inches wide. Flowers in May. Grows well in a poor soil. About two thousand specimens found.

36th. *QUERCUS PALUSTRIS*—*Pin Oak.*

A pretty conical shaped tree, with leaves of a light green. The lower branches often pendulous, sweeping the ground, and forming a pleasant shade.

37th. ROBINIA PSEUDACACIA—*Common Locust tree.*

A tree forty or fifty feet high, occasionally reaches the height of ninety feet, not indigenous in any part of the state, but almost naturalized in many places. A very valuable tree on account of its wood. Found in compact growth. About three thousand specimens.

38th. ALNUS AMERICANA—*American Elm.*

A large tree, sometimes eighty or more feet high and two to four feet in diameter. Leaves three to five inches long. Flowers in April. Thrives only in light, rich loam. Generally distributed. About six thousand specimens.

39th. VIBURNUM ACERIFOLIUM—*Maple-leaved Arrow wood.*

A shrub three to five feet high, with smooth, straight and slender branches. Leaves three to five inches in diameter. Flowers in June. Found very generally distributed. About five thousand specimens.

40th. VIBURNUM PAUCIFLORUM—*Mountain bush Cranberry.*

A shrub two to four feet high, found in great abundance.

41st. VITIS LABRUSCA—*Fox Grape.*

Stem very long, straggling over bushes or shrubs or climbing the highest trees. Sometimes six or eight inches in diameter. Common in woods and swamps. Two thousand specimens found.

42d. VITIS QUINQUEFOLIA—*American Ivy.*

A vine of rapid growth, climbing trees and other objects, and spreading extensively—presenting a very beautiful and striking appearance in the autumn from its

curious foliage. Flowers in July. About five hundred specimens found.

The remainder of the plants that have been found are either injurious or so few in number as to render any reference to them in this connection unimportant. The total number of species found is seventy, of which there are in all about one hundred and fifty thousand specimens.



## The Plan.

The art of ornamenting and preparing ground for purposes of pleasure, has undergone many changes since it first became a study, and within the past century has been marked by a most rapid progression. The earlier efforts were characterized by a desire to make nature assume a strictly artificial appearance, giving to every scene an air of formality and symmetry, a seeming attempt to apply the rules of architecture to landscape, under the impression, that the greatest effect was thereby produced. Later years have developed a clearer conception of the true nature of taste, and has given rise to a modern style, which is based upon the maxim, that "the greatest art is to conceal art."

These two styles, "the natural" and "the artificial," modified in different countries by national characteristics, and the peculiarities of climate, have originated the various schools of art, such as the Italian, the Dutch, the French, and the English, which have been followed, to a greater or less extent by all those who have had any pretension as professors in this particular field. In England, under the auspices of landed wealth and a liberal government, and through the studies of Kent, Repton and Loudon, improving upon the efforts and profiting by the errors of two centuries, it has reached a high degree of perfection; in Germany, by the energy and genius of Puckler Muskau, it has changed the neglected suburbs of ancient cities into



View from Bellevue Rock, [Central Park,] looking North.  
interior of the Park.

smiling gardens and beautiful pleasure grounds; in Russia, contending with a rigorous climate, it has converted once dreary landscapes into picturesque scenery, and in France, it has enabled her gay capital to encompass so much that is pleasurable in existence.

Yet, to seek among the parks of Europe for a model for our own, would be a reflection upon our national taste, which finds so much food for study in the ever-changing scenery for which this country is so remarkable.

Besides, those parks, in many instances, are but appendages of grandeur to rank, where lavish expenditure, aided by all the appliances of art, give regal effect to scenes which the people enjoy at the discretion of their possessors. While our park, like the government, comes from the people, and to them, in all the phases of society, it must necessarily be devoted. Hence, at the outset, we should seek to know the peculiar wants of all classes, and to endeavor to gratify them at every step, with a due regard to the principles of art, and an economical expenditure of money.

As, has already been stated, the natural configuration of the surface is the basis of the intended improvements. The hills, the valleys and the streams, are nature's pencilings on the surface of the earth, rivaling, in their pictured grace, the most beautiful conceptions of the finite mind; to alter them, would be desecration; to erase them, folly!

Upon a proper understanding of these features, and a proper appreciation of their beauty, depends the unity of

the design. If this unity is lost sight of in the arrangement of the details, an assemblage of incongruities is at once produced, painful to the eye, and indicative of the absence of correct taste in art. To obtain that information which would enable us to lay down and maintain this leading principle, has been the object of the preliminary surveys. With a view to secure accuracy and expedite the work, the area has been divided into four parts, each division into sections, and each section into sub divisions of sufficiently small extent, to insure the minute delineation of the topography. Each angle of the smaller areas has been substantially marked in the field, and the altitudes of these points determined for the foundation of contour lines. All of the data thus obtained, is being transferred to paper. The maps of the different sections being on a very large scale, will form working drawings easily referable to the marked points in the field. So that the whole subject is, as it were, grasped at once, and under complete control.

But still more does this leading principle require to be maintained in the arrangement of the trees, shrubs and vines. Upon the harmonious blending of all that is beautiful in light and shade, in color, size and shape, depends the perfection of the scheme. To know the character and habits of trees,—the various tints of their foliage in the changing seasons,—to adapt all these to the character of the ground—so that the wildly picturesque shall not clash with the softly beautiful,—so that those trees, whose majestic growth and wide-spreading branches enable a single specimen to give character to a landscape, shall not have their grandeur destroyed by being placed in incongruous groups,—to produce, by a judicious arrangement

of masses and single trees, and the introduction of a great number of different species of vegetation, such a variety in the details, that every turn may develop some new feature, while an air of harmony pervades the whole, and no discordant contrasts offend the eye ; this is what the plan seeks to arrive at, fulfilling, at the same time, certain popular conditions, previously alluded to, of which the following are some of the details:

First.—A principal road or drive, which shall, in its entire extent, embrace every feature of importance within the limits, and every prominent view without. This drive to be wide enough to admit of its being used by a large number and variety of vehicles at the same time; to be long enough for an afternoon's drive, and not so long as to necessitate the passing over, of the same ground, twice.

Second.—Another drive, secluded in its character, to be used by such persons as desire to be more retired.

Third.—Certain roads devoted to equestrians, to the exclusion of vehicles.

Fourth.—Certain walks devoted exclusively to pedestrians.

Fifth.—Certain transverse roads, at convenient distances, to allow of an easy transit across the park, for business and other purposes.

Sixth.—A level space, prepared for, and allotted to military exercises, of sufficient extent to admit of every description of field manœuvre, either by regiment, battalion, brigade or division; infantry, cavalry or artillery.

Seventh.—A cricket ground, for the encouragement of, and an indulgence in, athletic and manly sports.

Eighth.—Spaces devoted to botanical and horticultural purposes.

Certain preliminary operations should necessarily precede these detailed improvements, such as—

First.—A thorough drainage of the entire area.

Second.—Removal of interior inclosures, (stone walls, &c.)

Third.—Removal of stone and other material, deposited in extending streets and avenues.

Fourth.—Removal of buildings.

Fifth.—Cutting and removing brushwood and briars.

Sixth.—Grubbing or clearing the ground of useless roots and vegetation.

Seventh.—Preparing ground for nursery.

Eighth.—Trenching ground for sward.

Ninth.—Leveling and preparing ground for "The Parade."

Tenth.—Leveling and preparing cricket ground.

Eleventh.—Building temporary inclosure.

Twelfth.—Excavating ponds.

All these may go on at the same time, and should be begun at once.

### The Circuit.

The construction of the roads is the next step. Of these, "The Circuit," or principal drive, is the main feature; this enters the park at the corner of Fifth avenue and Fifty-ninth street, with a road-way seventy feet in width, and a foot-path on either side, of fifteen feet, de-

scending immediately by an easy grade into a deep valley. On the left is a lake, which terminates the stream running through this valley; on the right, a ledge of rocks. For a distance of about one hundred and fifty feet, with a curve of two hundred feet radius, it follows the base of a rock, rising abruptly on the right, thence along the edge of a stream, coming in view of another sheet of water, with a cascade in the distance. The ground now rises, and from the road a considerable view is obtained of the interior.

Passing the rear of the arsenal, the road again descends into a valley curving to the left, with a radius of three hundred feet, and crossing a small stream, by a rustic bridge. A short distance on it intersects the first transverse road, which extends along the lateral valley between Sixty third and Sixty-fourth streets, following, by a circuitous route, the course of the valley. From this point a fine view is obtained through the valley; thence curving to the right, with a radius of eight hundred feet, and then to the left, with a radius of six hundred feet, it ascends the high ground, to the left of a perpendicular ledge of rocks; thence by a succession of curves it reaches a prominent elevation, from which an extensive view is obtained to the north and west. At the foot of the hill is a miniature lake, and in the distance the botanical garden. The road then descends by a curve to the left into the valley, Passing the botanical gardens on the right, it intersects the second transverse avenue at Seventy-fourth street. Then bending to the right, on a curve of eight hundred feet radius, and again curving to the left, it intersects the third transverse road at Seventy-ninth street, and passes parallel to the Fifth avenue to the right of "The Parade," fifty acres in extent, lying in front of the smaller reser-

voir, the sides of which are terraced and laid out with walks for a view of the military manœuvres.

At the northern extremity of "The Parade," "The Circuit" intersects at Eighty sixth street, the fourth transit avenue. Here, in the broad valley, lies the new reservoir, laid out in irregular shape, one hundred acres in extent, and denominated "The Croton Lake." The southern side of the lake is a gradual slope. The road passes to the right of it and rises gradually, intersecting the fifth transverse avenue at Ninety-seventh street. Then following this avenue, it reaches a high point which overlooks the lake, and a very large portion of the park, north, south and west, with the Harlem river, Highbridge, and Westchester county in the distance.

"The Circuit" also joins here the Boston post road, which leads out to the northern end of the park, and along which there are a number of fine views. All through the upper portions of the park, superb views may be obtained from prominent points. Vista rock, Summit rock, Mount Prospect, Bellevue rock and Mount St. Vincent, embrace views of the Hudson and East rivers, the entire city, Long Island, and Long Island Sound; Harlem river, Westchester county, the Palisades, all of the public institutions on the islands in the East river, in short, a complete panorama of New York city and its suburbs. Three of these views accompany the report.

Passing around the Croton lake, "The Circuit" approaches the locality of the Eighth avenue. Going south, between the smaller reservoir and the Eighth avenue, to the right, is the highest elevation in the park, one hundred and thirty five feet, from which a view of the Hud-

son, and numerous views of the interior are obtained; also an extensive view of the city.

The road now descends into a deep valley, where it intersects the northerly end of one of the transverse roads. Farther on it passes along the cricket ground, crossing in its course several streams, and passing along the borders of miniature lakes. After leaving the cricket ground, the road curves around to the juncture of Eighth avenue, Broadway and Fifty-ninth street, where it debouches from the ground, being about five miles in length. An inspection of the plan can alone complete this glance at "The Circuit." The Glen road, entering on Fifty-ninth street, between Sixth and Seventh avenues, is much more secluded, and, perhaps, more picturesque than this. A portion of these roads are staked out and ready to be worked.

The following is an estimate of the amount required for active operations, during the year ending 31st December, 1857; it includes such work as a properly organized force may accomplish in favorable weather:

1. Excavation and construction of drains.....	\$20,000
2. Removal of interior inclosures, (walls, &c.).	5,000
3. Removal of stone and other material deposited in extending streets and avenues...	10,000
4. Removal of buildings .....	5,000
5. Cutting and removal of brushwood and briars.....	5,000
6. Clearing the entire ground of useless roots and vegetation.....	10,000
7. Preparing ground for nursery.....	5,000
Carried forward.....	<u>\$60,000</u>

Brought forward.....	\$60,000
8. Manures.....	10,000
9. Trenching ground for sward.....	15,000
10. Purchase of two hundred thousand nursery trees.....	30,000
11. Transplanting forest trees.....	10,000
12. Shrubs and vines.....	10,000
13. Leveling and preparing ground for parade.	15,000
14. Leveling and preparing cricket ground.....	5,000
15. Excavating ponds.....	10,000
16. Temporary inclosure.....	15,000
17. Construction of roads and bridges.....	50,000
Total.....	<u>\$230,000</u>

As soon as the ground can be prepared, it is intended to plant out the exterior line, wherever the presence of rocks does not prevent, with an irregular border of nursery trees, some of which may be used as they are wanted, while others will be suffered to remain as a permanent plantation. To facilitate the grouping, all the lines of view from different points have been laid down upon the plan.

In the construction of the roads, improvement of the water-courses, and preparation of the ponds, certain points will be indicated, where, by transplanting full grown trees, immediate effect will be produced. The young growth, which is now on the park, and which is all that has been spared by the rapacious occupants of the cabins which deface the ground, will, in a comparatively short time, add a material beauty to the park, especially if immediate steps are taken to inclose the area, and preserve the vege-

tation from further depredations. Delay in this matter is the worst policy that can be adopted.

Six years of legislation have already been spent in securing the ground. Less time than this will suffice to restore, in some measure, its original beauty; nature stands ready, with her reproductive power, to make up for the delay, and put to shame the wantonness of man.

Let the work of improvement be begun at once, and those who conceived this measure will see it completed. The hot days of midsummer will soon return, with the pestilence in their train, and the overworked inhabitants will seek in vain a spot where they can breathe the pure air of heaven. The annual record of mortality will again number its ten thousand victims, from children under five years of age, to most of whom air would have been life, but whose parents have not the means to seek for it beyond the limits of the city, while tardy legislation prevents their finding it here. Thus humanity adds her pleading voice to the many powerful reasons for no longer withholding this great public boon and blessing.

## Report of Progress in First Division.

To EGBERT L. VIELE, Esq.,

*Engineer-in-Chief :*

CENTRAL PARK, FIRST DIVISION,

NEW YORK, January, 1, 1857.

SIR:—In obedience to your orders, I herewith submit a report, on that portion of the Central Park which has been allotted to my charge, embracing a general reconnaissance of its topographical features, together with an account of the field-work, which has been performed since the organization of the party.

The first, or southern division of the Central Park, comprises that portion extending from Fifty-ninth street northward to Sixty-ninth street, and included between the Fifth and Eighth avenues. The upper portion, excepting the extreme east, and comprising nearly one half of the whole, forms an extensive plateau, from seventy to ninety feet above the mean level of high water, assumed as a plane of reference.

The lower portion, on the contrary, presents an exceedingly diversified and abrupt appearance, its elements seem at first sight too incongruous for classification; a closer examination, however, shows that it is divided into three ridges, or ranges, which, for convenience, are designated as the western, middle and eastern. They

are mostly high and rocky, separated from each other by intervening valleys of varying width, the ranges are nearly parallel in direction, stretching from northwest to southeast, and differing widely in their extent and general aspect.

The western ridge commences a little east of Seventh avenue, at which point its lower extremity rises vertically from Fifty-ninth street for twenty feet, presenting a ledge two hundred feet in width and one hundred feet on the course of the range, with sides forming a steep descent in every direction. Proceeding northward, we find the ridge so level and depressed, as scarcely to deserve its name, preserving an average width of five hundred feet, but possessing no feature worthy of particular notice till we reach Sixty-second street. Here, between the Seventh and Eighth avenues, a ledge of rock rises twenty feet above the general level, with a short steep descent on its western side, and a long easy slope to the east. At this point, the street has divided the ledge, which reappears on the upper side with a width of one hundred feet, and extending seventy-five feet before again dipping to the general level.

Two remaining elevations claim attention: one rises abruptly to a height of thirty feet in the northwestern angle of Sixty-second street and Seventh avenue, forming, at its summit, a floor of rock fifty feet in diameter. The other at Sixty-third street, a little west of Seventh avenue, is a rocky knoll ten feet in height, with a base of forty feet. The remainder of the ridge rises with a gentle ascent to its upper extremity at Sixty-fourth street, where it is above the grade of the Eighth avenue, some ten feet.

On the southern side of this range, is a collection of water extending three hundred feet east from the retaining wall of Eighth avenue, and five hundred feet south from that of Sixty-second street; a culvert for its passage extends under and across the Eighth avenue, but the water is at present stagnant.

The western ridge is limited on the north by a broad valley, some two hundred feet in width, whose well defined boundaries constitute the dividing line between the upper and lower portions of the division. Originating at the Eighth avenue, between Sixty-fourth and Sixty-sixth streets, it sweeps eastward, by an easy curve, reaching the Seventh avenue at Sixty-second street. At this point one branch extends along the avenue to Sixty-first street, and then in a southeastern direction to Fifty-ninth street, terminating at the summit of a gentle rise which connects it with the plain below. The main branch, on the other hand, follows a line nearly east, its sides at first narrowing, and again receding, till, at Sixth avenue and Sixty-second street, it becomes the base of a depression stretching up the avenue to Sixty-sixth street. Again curving gracefully to the south, it forms, in its passage between the middle and eastern range, a miniature lake, some one hundred and fifty feet in diameter. The aspect of the park at this place, is perhaps wilder than at any other spot. At Sixtieth street, the valley merges into an open plain, which covers the south-eastern portion of the division, the only exception being an elevation in the angle of Fifty-ninth street and Fifth avenue, which, extending fifty feet in width and twenty in height, reaches westward three hundred and fifty feet, terminating abruptly in a face of rock.

Next, is the middle range, which is included between Sixtieth and Sixty-second streets, and from four hundred feet east to four hundred feet west of Sixth avenue. On the northeast it is bold, rocky and precipitous, and from forty to fifty feet in height. On the west also, its sides are steep, though attaining a less altitude, while on the remaining portions, the ascent is long and gradual; the summit is generally level; commanding from all points a widely extended view. In the centre this ridge is itself almost divided by a depression, reaching, in a southerly direction, from Sixty-first street to the place of its base.

The eastern range occupies a belt two hundred feet in width, from Sixtieth to Sixty-third street, its centre being about midway between the Fifth and Sixth avenues; it contains three marked elevations, the remaining portion being but slightly above the valleys which it separates. Of these elevations the most southerly is forty feet in height, with sides nearly vertical on the west and northwest, and rapidly ascending at all other points; its summit is fifty feet in diameter, and tolerably level. The next in importance, is a ledge of rock at Sixty-third street, twenty feet in height and one hundred feet in width, and about fifty feet in depth. The last, near Sixty-third street, but farther to the east, is a small knoll, ten feet in height, with a base of nearly fifty feet.

From the eastern range to Fifth avenue, the surface is level, with the exception of a rocky knoll, twenty-five feet in height and sixty in diameter, which occupies the south side of Sixty-third street at Fifth avenue, rising

vertically from the east, north and west, and with moderate steepness from the south. At Sixty-first street, twenty feet west of Fifth avenue, we find another lake of miniature proportions, whose outlet is through the valley in which it is located, winding its way to the plain at Fifty-ninth street, where it soon loses its identity, in commingling with other streams.

Extending on the north, and to the limits of the division, is the plateau before referred to, its southern extremity stretching westward in the vicinity of Sixty-sixth street to the Sixth avenue; thence bearing downward and reaching Sixty-fifth street, half way to the Fifth avenue. From this point, its western limit curves northward and westward, terminating at Sixty-ninth street, on the Sixth avenue.

Its general character is that of a plain, slightly undulating; on the western side showing numerous outcrops of rock, while the middle and eastern portions appear covered with a good soil, susceptible of a high state of cultivation. It slopes gradually to the south, and at the extreme southeast, exposes, in the long descent, numerous ledges of rock, which, half hidden and half disclosed, impart a picturesque appearance to the scene. At the upper extremity, the partial opening of Sixty-ninth street has formed a narrow body of water, extending most of the way from the Seventh avenue to the Eighth avenue, the portion on this division, being about thirty feet in width. One or two other small depressions also occur, none, however, of any magnitude.

The only space yet remaining to be described, is that to the eastward of the plateau. Its upper portion is ele-

vated to nearly the same level with the plateau of which it appears at first sight to be merely a prolongation. At Sixty-ninth street, a little east of Sixth avenue, two small ledges of rocks appear, and at the western base of these is discerned the head of a valley, which, at first broad and level, gradually contracts, till, crossing Sixty-seventh street, three hundred and twenty-five feet east of Sixth avenue, it becomes narrowed to a small stream, which forces its way southward through high banks for one hundred feet; then being joined by another stream of like dimensions, it proceeds still southward, the long ascent on the west leading to the summit of the plateau, while eastward, the ground rises gradually to the Fifth avenue, which is crossed by the stream at Sixty-fourth street, a culvert under the arsenal grounds, providing for its passage. The other stream heads, also at Sixty-ninth street, between Fifth and Sixth avenues, the ground on either side being of the same elevated and level character which distinguishes the upper portion in general, till we reach Sixty-seventh street; here, on the east, a knoll of rock rises some thirty-feet in height with its sidessloping steeply to the south, and more gradually on the east and north. On the west is also a ridge, which, forming the division between the two streams, extends only to their intersection, one hundred and fifty feet south of Sixty-seventh street, its average width here is about twenty feet, and at its lower extremity terminates abruptly in a vertical face of rock ten feet in height. On the northern side of Sixty-seventh street, this same ledge extends for three hundred feet, reaching its culminating point at seventy-five feet, and here forming a floor of rock fifty feet wide and nearly two hundred in length. The difference between the greatest elevation

and lowest depression on the division is seventy-two feet, the lowest point appearing fifty feet north of Fifty-ninth street, and three hundred feet west of Fifth avenue, giving a height of twenty-three feet two inches above the plane of reference, and the highest showing ninety-five feet six inches, and occurring near Sixty-ninth street, a little east of the Eighth avenue.

### Field Work.

The party was organized on the 17th of June, consisting of the surveyor, with a first and second assistant. Taking the field at once, they proceeded to determine the exterior line of the division, and, notwithstanding the intense heat, they finished the work by the middle of July, having prepared three profiles, one of Fifty-ninth street, another of the Fifth avenue, and the last of the Eighth avenue, beside the necessary computations for excavation and embankment. At this time, an axeman was added to the party, and they commenced the topographical survey, running transit lines fifty feet apart, from Fifty-ninth street northward, and driving stakes every fifty feet on these lines, from Fifth to Eighth avenue. Progress was necessarily slow, from the rugged character of the ground, it being rarely practicable to obtain a sight over six hundred feet at a single setting of the instrument; considerable brush was also encountered, through which the lines could only be run by clearing a path through the brush with a bush-hook, and trouble was experienced with the poisonous ivy, which occurs abundantly in the brush; one member of the party was so badly poisoned with it, as to be confined to his room for a fortnight.

Notwithstanding these annoyances, the work has been steadily continued up to the present time, varied by occasional leveling, staking out of roads, and tracing the streams of the park to their outlet, with reference to determining the requisite mode of drainage.

The number of stakes thus placed is about two thousand; from the Fifth to Seventh avenue, the space from Fifty-ninth to Sixty-third street is completed; between Seventh and Eighth avenues, it is completed from Fifty-ninth to Sixty-sixth streets. In addition, some five hundred have been placed in the upper portion, between the Fifth and Seventh avenues.

In conclusion, it is but justice to say, that the satisfactory progress of the work, is due, in a great measure, to the gentlemen of the party, who have so ably seconded my efforts; through every discouragement, they have worked cheerfully and with unremitting perseverance.

Very respectfully,

Your obedient servant,

CHARLES K. GRAHAM,

*City Surveyor and Engineer,  
in charge of First Divison.*

## Report of Progress in Second Division.

SECOND DIVISION, CENTRAL PARK,

December 31, 1856.

EGBERT L. VIELE, ESQ.,  
*Engineer-in-Chief.*

SIR:—I have the honor to submit herewith a report of the progress made in the surveys of the division of the Central Park, placed, by your direction, under my immediate superintendence.

This division is embraced between the Fifth and Eighth avenues, which are its eastern and western boundaries; and extends from Sixty-ninth street on the south, to Seventy-ninth street on the north, comprising an area of nearly one hundred and seventy-four (174) acres;—and from the picturesque alternations of hill, vale, streamlet, dell, and precipice, it presents a series of topographical characteristics, which at little cost will render this division of the Park one of the most romantic spots on the island.

At the intersection of Seventy-fourth street with the Fifth avenue, is a broad valley about forty feet above tide-water, and twenty feet below the established grade of the adjacent thoroughfares. This valley extends, in a sinuous course, to the Eighth avenue, and is traversed by a rivulet which drains the entire division. The side slopes on the northern exterior are very gradual as far

as the line of the Sixth avenue ; while those on the south are steep and precipitous, and rise to a height of eighty feet above tide ; which elevation is reached at Seventy-second street, where the topography changes to a broad plateau, stretching southerly to Sixth-ninth street, and terminating on the west in a ridge, from the summit of which several interesting views are obtained. Following this ridge as far as Seventy-second street, it curves sharply to the north, and descends rapidly until it terminates in an acute angle of quartzose rock, at the junction of Sixth avenue and Seventy-third street.

The first northern arm of the central valley, which is traversed by a branch of the main rivulet, commences about three hundred and fifty feet from the Fifth avenue, and preserves this distance until it reaches Seventy-ninth street. At intervals, the course of the brook expands into small lakes.

On the east of the valley, the ground rises toward Fifth avenue, and rolls from that point toward Seventy-ninth street, between which it is divided into orchards, gardens and pasture lands. On the west, it ascends rapidly for about three hundred feet, and beyond that, for a width of five hundred feet, it forms an inclined plane to the north, the general uniformity of which is broken by occasional mounds and outcroppings of rock. The portion east of the Sixth avenue is grazing land ; and in the vicinity of Seventy-eighth street a grove of cedars is found growing upon, and partially concealing, a clump of rocks. From this point the view is charmingly picturesque ; its elevation is one hundred feet above tide.

That portion lying west of the Sixth avenue is covered with a fine growth of young locust, which only require a skillful hand to transform them into a grove of a highly ornamental character.

Still following the central valley, it pursues a serpentine course around the ridges, terminating at Seventy-third street, to about three hundred feet from the Sixth avenue, where the valley expands to a width of three hundred feet. At this point it is intersected by another valley of uniform slope, extending south to Seventy-first street.

About one hundred feet beyond this intersection, on the north, is a sheltered ravine, the sides of which are overhung by huge masses of rock, and interwoven with clusters of the wild grape and ivy. Here is also a small stream, which forms the outlet for a lake near the base of the reservoir, and has, throughout its winding course, numerous cascades and waterfalls which percolate through the interstices of the rock. The length of this ravine is about one thousand feet, and it varies in width from fifty to two hundred feet.

The ridge forming the eastern boundary presents few points of interest, except to the geologist; while that on the west, commencing at Seventy-fourth street and the Seventh avenue, rises gradually to Seventy-fifth street; beyond this the rock assumes a varied character, and forms a series of spherical terraces. Reaching the summit of this elevation, equal to one hundred and thirty-four feet above tide, is a tablet, level in surface, and covering an area of five thousand square feet.

From this the *coup d'œil* is pleasing in the greatest degree ; and as the circuit of vision is wholly unobstructed, it naturally suggests the location of a tower, or observatory, on this point.

At Seventh avenue is intersected the principal valley running north and south ; its point of beginning is on Sixty-ninth street, near the Sixth avenue, at an elevation of sixty-seven feet above tide-water. It descends with an easy grade to Seventieth street (being drained by a small stream which empties itself into the main rivulet, two hundred feet west of the Seventh avenue, at Seventy-third street, forming the only southern tributary), where it suddenly expands to a width of three hundred feet, and forms an extensive plain, which unites with the central valley already described. The eastern slope of this valley is formed by a ridge eighty feet in height, which runs parallel with, and distant one hundred feet east from the Seventh avenue. The western boundary between Seventieth and Seventy-first streets consists of a succession of rugged slopes ; thence to Seventy-second street, where the valley is five hundred feet wide, the sides are a series of gentle undulations rising to the west ; from this point it curves round the base of a perpendicular, rock ninety feet above tide-water, to the junction of Seventy-third street and Eighth avenue, and then extends to Seventy-fifth street, where it is broken by a spur, projecting from the Eighth avenue, and an isolated hillock, which rises near the line of the Seventh avenue. Beyond this, at Seventy-sixth street, the plain loses itself in a cluster of hills lying parallel with each other, dividing the ground into three parts, and forming three magnificent passes, in which the scenery is of a shadowy and sylvan character.

The central pass is the most attractive; it is about seventy-five feet wide, three hundred feet long, and is hemmed in by high hills on either hand. The one on the west rises forty feet above the valley level, and presents one of the most remarkable geological features in the park.

The eastern pass is lost in the rolling ground beyond Seventy-seventh street.

The western one strikes off and runs along the Eighth avenue, uniting again with the central one at Seventy-seventh street, leading through a net work of dells to the northern limit of the division.

A small pond is found on the line of the Eighth avenue, at Seventy-sixth street, formed by a stream which enters the park near Seventy-ninth street. This pond has an outlet at Seventy-sixth street, which passes under the avenue, and returns again to the park at Seventy-fourth street, where it becomes the principal rivulet of the central valley.

The southeasterly section, extending from Seventy-third street and Eighth avenue to Sixty-ninth street and Seventh avenue, is broken into a succession of hills, valleys and table lands, prominent among which is a plateau, extending from Seventy-third street to Seventy-first street, with an average width of two hundred feet, and a gradual slope toward the south.

Between Seventy-first and Sixty-ninth streets the ground is exceedingly rugged, and uninteresting in description.

### Field Work.

The field operations were commenced on the 14th of June—the party consisting of a chief; a first and second assistant, and an axe-man.

From that date until the 12th of July, the party was engaged in locating and determining the elevation of the exterior line, of the division, and also in making the profiles, estimates, &c., &c., having experienced great difficulty on the easterly side, in consequence of all the monuments on the line of the Fifth avenue having been either removed or rendered unreliable.

During the remainder of July and the month of August, the party was occupied in running transit lines east and west, at intervals of fifty feet, commencing at the centre line of Sixty-ninth street, and going thence northerly, thereby cutting the division into a series of squares. The progress was rendered slow by the intense heat, which limited the work to morning and evening hours. The party also suffered much from having, in many instances, been severely poisoned by the wild ivy which is found in great abundance on this division, and which presents a serious impediment in running the lines, as it can only be removed by a bush-hook at great expense of time and labor.

From the 1st of September to the 10th of December, we continued to run the east and west lines, and also traced the course of the stream, draining this division, to its termination at the East river, and located various roads, &c.

Up to this date, we had run the transverse lines between the Fifth and Sixth avenues, from Sixty-ninth to Seventy-ninth street, between the Sixth and Seventh avenues, as far north as Seventy-fourth street; and between the Seventh and Eighth avenues, from Sixty-ninth to Seventy-seventh streets.

From the 10th of December to the present time, the party has been engaged in leveling and plotting the field work, determining the contour lines for every foot in height.

In conclusion, I cannot omit the opportunity to express my entire satisfaction with the manner in which the gentlemen, composing my party, have performed their several duties.

Very respectfully,

Your obedient servant,

JAMES C. S. SINCLAIR,

*Engineer, Second Division, C. P.*

## Report of Progress in Third Division.

NEW YORK, January 5, 1856.

EGBERT L. VIELE, ESQ.,

*Engineer-in-Chief, Central Park:*

DEAR SIR:—In accordance with your instructions, I submit a summary review of the operations that have been carried on under my surveillance as Surveyor of the Third Division of the Central Park, which, as you are aware, is bounded on the south by the centre of Seventy-ninth street, on the north by Ninety-sixth street, on the west by the Eighth avenue, and on the east by the Fifth avenue. I would embrace this occasion to render a brief description of the topographical features of the surface of the ground embraced in said division.

The lowest point, as yet ascertained in this division, is situated on the central line of Seventy-ninth street, distant two hundred and seventy feet westerly from the westerly line of the Fifth avenue, and is sixty-six feet above high water. The highest point is situated between Eighty-third and Eighty-fourth streets, about one hundred feet easterly from the easterly line of Eighth avenue, and is one hundred and thirty-four feet above high water.

The grade of the surface of the ground of the westerly line or side of the Fifth avenue, extending from the centre of said Seventy-ninth street to Eighty-sixth street, pre-

sents rather an even appearance. Between Seventy-ninth and Eightieth streets on the Fifth avenue, there occurs a gradual declension, extending about two hundred and fifty feet westerly from said avenue; from this terminus the ground partakes of a gradual rise or elevation, extending to a range line distant about one hundred and fifty feet easterly of the Sixth avenue; from this last line occurs a steep ascent to the easterly wall of the Distributing Reservoir. This portion of the ground is mainly composed of a hard species of rock. Eightieth street has been opened and graded, connecting the Fifth and Sixth avenues, which forms an embankment or elevation of about eight feet above the surface of the ground on the northerly and southerly sides thereof. The width of which, on its upper surface is about twenty-five feet, and at the base about fifty feet.

The surface of the ground on the Sixth avenue, extending from Eightieth to Eighty-sixth streets, presents an even uniform appearance. Quite a large embankment of stone has been erected on the easterly line of said last-mentioned avenue, extending from said Eightieth street, to about the centre of the block between Eightieth and Eighty-first streets. The surface of the land on the easterly side of this embankment, is mostly wet and marshy; the average depth of which, below the surface of the avenue, being about twelve feet, and extending about two hundred and fifty feet along Eightieth street, easterly from said embankment. The grounds extending easterly from this soil present an even grade until within a short distance from the westerly line of the Fifth avenue, where a slight rise occurs. About midway between Eightieth and Eighty-first streets, the surface of the land partakes

of a rise extending northerly to within a short distance north of Eighty-first street, from which said last mentioned terminus there appears to be an even surface extending to Eighty-sixth street. There also occurs a gradual declension of the surface of the land commencing about two hundred feet easterly from the easterly line of the Sixth avenue, (extending from Eighty-first to Eighty-sixth street,) and terminating on a line distant about one hundred and fifty feet westerly from the westerly line of the Fifth avenue, where a very slight rise occurs. The foregoing remarks comprise the general features of the surface of the land bounded by Seventy-ninth and Eighty-sixth streets, the easterly wall of the Distributing Reservoir, and the Fifth avenue.

Eighty-sixth street has been opened and graded, crossing both the Fifth and Sixth avenues, and coinciding with the present grade of the Fifth avenue and the surface of the adjoining land on the northerly and southerly sides thereof, for a space or distance of one hundred and seventy-five feet; beyond this distance the grade of such street averages a rise of some three or four feet above the surface of the ground on its northerly and southerly sides, until within a few feet of the Sixth avenue, where the grade again coincides with the grade of said last mentioned avenue, as the same at present exists. This street is the only one on my division that has been regularly opened and graded, connecting the Fifth and Eighth avenues.

The surface of the ground between Eighty-sixth and Ninetieth streets, extending three hundred and fifty feet westerly from the Fifth avenue, presents a slight declen-

sion above Ninetieth street, and between said street and Ninety-first street, a slight declension also occurs, extending about one hundred and seventy feet westerly from the westerly line of the Fifth avenue. A slight knoll or mound of earth and rock is discernible, commencing about one hundred and fifty feet westerly from the Fifth avenue, and one hundred feet northerly from Ninety-first street, and extending northerly about one hundred feet, the average width of which is about fifty feet. Along Ninety-sixth street a gradual rise takes place, (over a broken and uneven surface of ground,) extending westerly to the Sixth avenue. The surface of this portion of the division presents a rough and jagged appearance, being more or less rocky. The base of this rough and uneven ridge extends from the last terminus diagonally across from the Seventh avenue and Ninety-second street to Ninetieth street and the Eighth avenue. A rise from this diagonal base line northerly and westerly occurs, extending to Ninety-fourth street; from which last street a rough and uneven surface presents itself, extending beyond Ninety-sixth street. A small plane surface, however, exists in this eminence between Ninety-first and Ninety-third streets, extending two hundred feet easterly from the easterly line of the Eighth avenue. The surface of this portion of the ground is mostly rock, or rock covered with a slight coating of earth. The surface of the ground between Eighty-eighth and Ninetieth streets, extending from the Eighth avenue eastwardly, until within a space distant three hundred and fifty feet westerly from the Fifth avenue, presents an even appearance; a slight rise then takes place, extending eastwardly to said last mentioned avenue. The surface of the land from Eighty-

eight to Eighty-sixth streets, between the Sixth and Eighth avenues, partakes of a gradual rise. The surface of the ground, lying between Eighty-fourth and Eighty-fifth streets and the Seventh and Eighth avenues, presents a gradual uniform grade. There is a slight declension, northerly, of the latter street, between said avenues, extending to Eighty-sixth street, the surface of which is, with few exceptions, mostly composed of rock. Southerly from Eighty-fourth street, and between said avenues the surface takes a precipitate rise and is composed mostly of rock, on the summit of which is the highest or greatest point of elevation in my division, the altitude being one hundred and thirty-four feet above high water, and is situated between Eighty-third and Eighty-fourth streets, and distant about one hundred feet easterly from the easterly line or side of the Eighth avenue; from the summit of this eminence, extending, as it does, easterly to the Seventh avenue, is very uneven, being the most rough and rocky portion of land included in my division. A short distance southerly from this elevated location the surface assumes a broken and uneven declension extending to Eighty-first street. A rather even declension here takes place, extending to Eightieth street, beyond which the grade appears to be regular, as far as the boundary or limit of my division runs, with the exception of a cluster of rock, located on the centre of Seventy-ninth street, adjoining the reservoir, and near to the Seventh avenue, which projects several feet above the top of the walls of said reservoir. Trusting that the foregoing exposition may give some faint idea of the nature and surface of the ground as embraced in my division, and as desired

by you. I would take further occasion to state, that since my appointment as surveyor on the third division of this important improvement, I have appointed my first and second assistants, and have proceeded agreeably to your request and views, in making the necessary preliminary surveys, assisted by the axe-men deputed to serve as such. The amount of work done by myself and assistants, since said appointment, has been prosecuted with care, and every measure taken that suggested itself to my views to facilitate the work.

### Field Work.

In the first place, the westerly line or side of the Fifth avenue, extending from the centre of Seventy-ninth street to Ninety-sixth street, (which said line forms the easterly boundary of my division, has been transited and measured agreeably to, and in conformity with, the streets, as they intersect the same, and all proper and necessary levels of the surface of the ground on said line, taken as such and such measurement of height above high water.

*Secondly.* The necessary profile, showing the surface of the same, has been draughted, delineating the elevation of said surface, above high water, and the elevation and depression above and below the grade of said avenue, which said profile has been submitted.

*Thirdly.* The easterly line or side of the Eighth avenue, extending from the centre of Seventy-ninth street to Ninety-sixth street, which said line forms the westerly boundary of my division, has likewise been transited and measured, agreeably to, and in conformity with, the streets, as they now intersect the same; and all proper

and necessary levels of the surface of the ground, on said line, have been taken as such and such measurement of elevation above high water.

*Fourthly.* The necessary profile, showing the surface of the ground on said line, has been draughted, delineating the height of said surface above high water, and the elevation and depression above and below the grade of said avenue, which profile has been submitted.

*Fifthly.* I have, with the co-operation of my assistants, measured and staked out the westerly line of the Fifth avenue, extending from the centre of Seventy-ninth street to Ninety-sixth street, in spaces distant fifty feet apart, commencing at the centre of said Seventy-ninth street, on said line. When stone walls, or other obstacles now on said line, have interfered with the driving of the necessary stake or stakes, the same I have caused to be driven or inserted in the ground on an offset inside of said line.

*Sixthly.* I have likewise transited the easterly and centre lines of the Sixth avenue, from the centre of Seventy-ninth street to Ninety-sixth street, and measured and staked out the same, in spaces distant fifty feet apart commencing at the centre of Seventy-ninth street, on said line.

*Seventhly.* The necessary lines, extending from said centre line of the Sixth avenue to the westerly line of the Fifth avenue, between the centre of Seventy-ninth street and Ninety-sixth street, have been transited, which form the fifty feet squares; and in accordance with your plans, I have caused to be driven or inserted stakes at such points where said lines intersect; furthermore, the easterly line of the Seventh avenue, from Eighty-sixth to

Ninety-sixth street, and the easterly line of the Eighth avenue, from said Eighty-sixth street to Ninety-sixth street, have been transited, measured and staked in spaces distant fifty feet apart, commencing at Eighty-sixth street on said line.

*Eighthly.* The necessary lines, extending from said easterly line of the Seventh avenue to the centre line of the Sixth avenue, between Eighty-sixth and Ninety-third streets, have been transited; also, the proper lines, extending from said easterly line of the Eighth avenue to the easterly line of the Seventh avenue, between said Eighty-sixth and Ninety third streets, thereby forming the necessary fifty foot squares, as desired, or have caused to be driven or inserted, stakes at such points where the lines so intersect.

*Ninthly.* The course of the running streams of water, on my division, have been traced from their origin to that portion of the ground under my superintendence where it leaves the same, and a proper and sufficient map or chart thereof, delineating its course, as also the low, marshy land in its vicinity, has been draughted, and submitted to you in accordance with your desire.

*Lastly.* All the stakes driven between the centre line of Seventy-ninth street and Eighty-sixth street, and extending from the Fifth avenue to and including the centre line of the Sixth avenue, have been properly lettered and numbered. Levels have been taken of the surface of the ground, at all the stakes so lettered and numbered, as also intermediate levels, where the same were absolutely necessary for the purpose of showing the elevation of the surface of the ground, at such points as above high water, as also the elevation and depression above and below the

grades of said avenues, as now graded. To ascertain the topographical appearance of the surface of such portion of my division, which I have chosen to style the first section, extending as it does from the centre of Seventy-ninth street to Eighty-sixth street, and lying between the westerly line of the Fifth avenue and the easterly wall of the Distributing Reservoir. A map or chart of the same has been drawn, showing the position of this section, the locality of the stakes where driven, and the elevation of the surface of the ground at such localities, as also intermediate elevations, where necessary, above high water, have been delineated on said map, which has likewise been submitted.

In conclusion, allow me to state, that the work has been prosecuted with energy, on my part and that of my assistants, in order to facilitate this great improvement. For many weeks the work apparently progressed slowly, but this was mainly owing to the obstructions that were met with in transiting the necessary lines. For years past, this portion of the park has been much neglected by the original owners, whereby large groves of marshy and entangled brush and vines have been allowed to accumulate, rendering it absolutely necessary for us to cut our way through, for many hundred feet, in order to be enabled to drive or insert a stake at its proper position. Since such staking, the brush has been removed by parties employed by the Croton Aqueduct Department, in order to facilitate the progress of their engineers, and does not now appear. I would likewise state, that at all such positions or localities where stakes were necessary to be driven or inserted, but could not be, owing to a rocky surface at such points, crosses have been chiseled on the

body of such rock. Since the commencement of my duties, as surveyor of this division, the Croton Water Department have caused a trench to be constructed, in order to carry off the waste water from the surface of the ground; and in this trench many points for inserting stakes have necessarily happened, but which I have not deemed it advisable to drive, as the same would become soon concealed from the view by the washings of the sides of such trench during and after a storm. The number of stakes that have been thus far used, I should judge to be about two thousand eight hundred and fifty or two thousand nine hundred. The early setting in of the frost has rendered it impossible for any further insertion of stakes; otherwise I should have been able to have reported the whole of my division, excepting that portion bounded by Seventy-ninth and Eighty-sixth streets, and the Seventh and Eighth avenues, as completely staked. The foregoing exposition of work done and performed, covers a period commencing with my appointment as surveyor on this division, up to the first day of January inst; and trusting that the same has met with your approbation, I remain,

Yours, respectfully,

NORMAN EWEN,  
*Surveyor, Third Division, C. P.*

## Report of Progress in Fourth Division.

FOURTH DIVISION, CENTRAL PARK,  
December, 1856.

EGBERT L. VIELE, ESQ.,

*Engineer-in-Chief:*

SIR:—I have the honor to submit, herewith, the following report of the progress made in the surveys of the division under my charge.

The division extends from Ninety-sixth street on the south, to One hundred and sixth street on the north, and from the Fifth to the Eighth avenue, comprising an area of nearly one hundred and sixty-seven acres.

The peculiar formation of this division renders it necessary, in order to give a topographical and connected description, to commence at its northern limit, and proceed southward; for though it presents many interesting features, they are so irregular that it contains neither ridge nor valley, which may be said to extend entirely through the division, in any direction.

On One hundred and sixth street, about two hundred and fifty feet west of the Sixth avenue, is McGowan's Pass, eleven feet six inches above tide, and thirty-eight feet below the grade of the street.

This pass is about thirty feet wide and eight hundred feet long, and is bounded on either side by frowning hills.

It is traversed by a fine brook, which has its principal source in a stream passing under the Eighth avenue, and entering the park at One hundred and first street. The general course of the pass is southwesterly.

The northwesterly corner of this division, which is bounded by the streamlet referred to, forming a quadrant, consists of a succession of slopes and table lands, rising one above the other, until they finally terminate in a plane, one hundred and thirty feet above tide; distant two hundred and fifty feet from the Eighth avenue, and one hundred feet south of One hundred and sixth street. As this plane is entirely devoid of trees, it affords a magnificent view of the surrounding country.

The ground on the east of the pass rises uniformly to a height of ninety-three feet above tide, at One hundred and fifth street, about two hundred and fifty feet east of the Sixth avenue. This elevation is the present site of the institution known as "Mount St. Vincent," which also incloses the original McGowan mansion. From this point the ground descends very rapidly to the east and north, while in the south its descent is more gradual. Its slope is broken, however, by a hill at the junction of Sixth avenue and One hundred and third street, the elevation of which is ninety feet above tide.

Between One hundred and second and One hundred and third streets, McGowan's Pass spreads into a broad valley, which strikes off to the avenue, at its junction with One hundred and first street.

At the termination of the pass, the ground on the south rises about twenty feet, and then strikes off in a gentle

valley, leading in a winding course to the junction of Ninety-sixth street and Fifth avenue, where its elevation is seventy-six feet above tide. It is also traversed by a stream, rising from springs in the vicinity of Ninety-eighth street and Sixth avenue, and is bounded on the east by a ridge, pursuing a serpentine course, between the Fifth and Sixth avenues, from One hundred and third to Ninety-sixth street, jutting out in a point on the line of One hundred and first street, where it is crowned by a knoll, ninety feet above tide. This ridge, on the east, has a very rapid descent toward the Fifth avenue.

On the west of this valley the ground forms a plane, rising to the south and west in a uniform manner, having a ridge extending from Ninety-eighth to Ninety-ninth street, midway between the Sixth and Seventh avenues, ninety-two feet above tide.

The southwestern section, extending from Ninety-ninth street and Eighth avenue to Ninety-sixth street and Sixth avenue, forms the southern boundary of the valley, striking west. It is rolling ground, composed of shallow vales and out-cropping ridges of rock.

The line of the southern boundary is an undulating surface, which rises one hundred and eleven feet above tide, two hundred feet west of the Sixth avenue, and falls from this point both to the east and west.

The remains of Fort Fish, on Sixth avenue, between One hundred and fifth and One hundred and sixth streets, are the only vestiges of the fortifications of the last war on this division. The lines of Fort Clinton are a short distance north of the park limit.

Through the eastern section of this division extends an irregular road, called the Old Boston Road, its general course laying from one hundred and fifty to six hundred feet east of the Sixth avenue. From One hundred and fifth street it takes a circuitous and rapid descent to the Harlem flats.

There are but few trees of any size on this division; most of the fine timber which crowned the hills having been plundered, and even a thrifty orchard having shared the same fate during last winter. A great portion of the surface, however, is thickly covered with undergrowth, where, among thickets of besetting thorns and briars, many valuable shrubs and young trees are struggling for life.

With a desire to save these, I have avoided clearing a broad surface for our surveys, preferring to open narrow lines. This has caused more delay in clearing, as well as more arduous duty in our surveys; but the park will thus retain treasures which it would require time and expense to replace.

In conclusion, sir, permit me to add, that no portion of the park contains more features capable of improvement, or more points of beauty and interest than the division which I have thus endeavored to describe.

### *Field Work.*

The field work of the surveys on this division was commenced on the 12th of June, 1856, with a party consisting of a chief, first and second assistants, and an axe-man.

Our operations were, at first, directed to the surveys necessary for establishing, accurately, the exterior lines

of the park along the Fifth and Eighth avenues, from Ninety-sixth to One hundred and sixth street, and along One hundred and sixth street, from Fifth to Eighth avenue. Considerable difficulty was experienced from the absence of some of the monuments, and the incorrect position of others, which compelled us to prolong our lines to points some distance beyond the limits of the park. The exterior lines being accurately determined, and correct profiles thereof obtained, we were enabled to arrive at estimates of the cost of different modes of inclosing the area.

About the 1st of August the measurement of the interior surface into squares of fifty feet was commenced. The intersections were marked with substantial stakes, properly numbered, and driven deep into the earth. At each intersection, the elevation above tide, of the point, was taken, and the frequent bold masses of rock, and abrupt declivities rendered many intermediate levels necessary.

The tangled masses of undergrowth with which three fourths of this division is covered, (which it was necessary to clear in lines fifty feet apart,) together with the steep declivities of the portion north of One hundred and first street, rendered the work of measurement and leveling difficult and tedious in proportion to the accuracy which was necessary.

On the first of January about one half of the division had been thus cleared and measured, and the elevations of about one third of the intersections accurately obtained. In other words, about thirteen miles of clearing and staking had been done, on which more than eight miles of

elevations have been taken, and completed ready for the draughtsman.

In addition to these operations, the surveys of buildings and important interior lines, the tracing of water-courses, from their sources to tide; the estimates of loose materials to be removed, and the replacement of stakes, at important points, wantonly or carelessly destroyed by frequenters of the park grounds, have demanded and received the constant industry and attention of my party.

It may not be amiss to state that, for the purpose of expediting the work, the party was generally divided, so that the staking of one portion of the ground did not delay the clearing of another portion.

Respectfully submitted,

J. B. BACON,  
*Engineer in charge of Division.*

## APPENDIX.

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( A. )

*To the Honorable the Common Council :*

GENTLEMEN :—The rapid augmentation of our population, and the great increase in the value of property in the lower part of the city, justify me in calling the attention of your Honorable Body, to the necessity of making some suitable provision for the wants of our citizens, who are thronging into the upper wards, which but a few years since were considered as entirely out of the city. It seems obvious to me that the entire tongue of land south of the line drawn across the Park, is destined to be devoted, entirely and solely, to commercial purposes ; and the Park and Battery, which were formerly favorite places of resort for pleasure and recreation, for citizens, whose residences were below that line, are now deserted. The tide of population is rapidly flowing to the northern section of the island, and it is here that provision should be made for the thousands whose dwellings will, ere long, fill up the vacant streets and avenues north of Union Park.

The public places of New York are not in keeping with the character of our city ; nor do they in any wise subserve the purpose for which such places should be set apart. Each year will witness a certain increase in the value of real estate, out of the city proper, and I do not know that any period will be more suitable than the present one, for the purchase and laying out of a park, on a scale which will be worthy of the city.

There are places on the island easily accessible, and possessing all the advantages of wood, lawn and water, which might, at a comparatively small expense, be converted into a park, which would be at once the pride and ornament of the city. Such a park, well laid out, would become the

favorite resort of all classes. There are thousands who pass the day of rest among the idle and dissolute, in porter-houses, or in places more objectionable, who would rejoice in being enabled to breath the pure air in such a place, while the ride and drive through its avenues, free from the noise, dust and confusion inseparable from all thoroughfares, would hold out strong inducements for the affluent to make it a place of resort.

There is no park on the island deserving the name, and while I cannot believe that any one can be found to advance an objection against the expediency of having such a one in our midst, I think that the expenditure of a sum necessary to procure and lay out a park of sufficient magnitude to answer the purposes above noted, would be well and wisely appropriated, and would be returned to us four fold, in the health, happiness and comfort of those whose interest are specially intrusted to our keeping—the poorer classes.

The establishment of such a park would prove a lasting monument to the wisdom, sagacity and forethought of its founders, and would secure the gratitude of thousands yet unborn, for the blessings of pure air, and the opportunity for innocent, healthful enjoyment.

I commend this subject to your consideration, in the conviction that its importance will insure your careful attention and prompt action.

A. C. KINGSLAND, *Mayor*.

This message was referred to the Committee on Lands and Places, which committee reported as follows. (See Appendix B, page 79.)

## (B)

The Committee on Lands and Places, to whom was referred the accompanying message from his Honor the Mayor, on the subject of providing a public park in the upper part of the city, respectfully report: That since the proposition of his Honor the Mayor was submitted to your Honorable Body, the subject has awakened, in the minds of our fellow citizens, an uncommon interest, and public opinion (seizing upon the idea with more than its accustomed avidity,) gives earnest of its desires and wishes with regard to the great project in question. Your Committee, having carefully considered the important subject committed to them, desire to express their hearty concurrence with the views of his Honor the Mayor. The necessity of such a park as that alluded to in the message referred to your Committee, has long been acknowledged by all classes of the community, and for years past the subject has been referred to by the public press of the city, and the expediency of providing some suitable place for general resort strongly advocated.

Your Committee do not feel called upon to add any reasons to those so forcibly set forth by the Mayor, for the conclusions at which they have arrived, nor are they prepared to advance any arguments stronger than those so ably put forth by the chief magistrate.

Your Committee being unanimously of the opinion that a suitable park should at once be laid out, proceeded to examine various portions of the island, with a view to select a site which should combine all the requisites for a place of public resort, and they believe they have found such an one.

The lands known as Jones' Wood, in the vicinity of Sixty-sixth and Seventy-fifth streets, and running from the Third avenue to the East river, presents all the requisites for a public park. The spot is easy of access from the city, it is abundantly shaded with trees of various descriptions, has a large water front, and could, by the exercise of proper care and a cultivated taste, be made equal in attractions to any park in this or the old countries of Europe.

The land inclosed between Sixty-sixth and Seventy-fifth streets, and the Third avenue and the East river, covers an area of about one hundred and fifty acres, and is principally owned by Messrs. Jones and Schermerhorn; with them, your Committee have had several interviews, and they

were in hopes that they might be enabled to lay before your Honorable Body some definite proposal for its sale and purchase. For reasons, however, which it is not necessary to mention, your Committee have not succeeded in this, and it is a source of regret to them.

Your Committee, however, deeply impressed with a sense of the importance of the subject committed to them, and of the magnitude of the interests involved, did not feel that they should discharge their duty fully or faithfully, if they allowed any considerations of private or personal interests adversely to a project which will tend, if carried to a successful consummation, to the welfare, comfort and enjoyment of so many thousands of our fellow citizens, they are deeply impressed with the necessity of laying out a park which shall at once be a credit and an ornament to the city, and believing that immediate action should be had, they offer for adoption the following resolutions :

*Resolved*, That it is highly desirable that a plot of land, lying between Sixty-sixth and Seventy-fifth streets, and Third avenue and the East river, and also, that portion of the Schermerhorn estate, lying adjacent to said plot, between Sixty-fourth and Sixty-sixth streets, and Third avenue and the East river, be procured for a public park, for the free use of all the citizens of the city of New York.

*Resolved*, That the Counsel to the Corporation be directed to make application to the legislature of this state, at its next special session, for the passage of an act for the appointment of commissioners to take the property mentioned in the preceding resolution, for public use, and that the Finance Committees of the two Boards, together with the Comptroller and his Honor the Mayor, be authorized to purchase the same, at any time, before the actual appointment of said commissioners.

*Resolved*, That the Counsel to the Corporation be also instructed to make application to the legislature, at its next special session, for authority to fund the amount to be paid for said plot of land or public park, the sum of fifty thousand dollars annually, to be paid by tax alone, with the interest thereon, not to exceed five per cent, until the whole sum be paid.

WM. A. DOOLEY, } *Committee*  
 JAMES R. BALL, } *on Lands*  
 JACOB F. OAKLEY, } *and Places.*

This report was adopted by a vote of fourteen to four, and sent to the Board of Assistants for concurrence.

(C)

## AN ACT

RELATIVE TO THE POWERS AND DUTIES OF THE MAYOR, ALDERMEN AND COMMONALTY OF THE CITY OF NEW YORK, IN THE MATTER OF TAKING POSSESSION OF AND LAYING OUT CERTAIN LANDS FOR A PUBLIC PARK IN THE NINETEENTH WARD OF THE SAID CITY.

Passed July 11, 1851; three fifths being present.

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

SEC. 1. It shall be lawful for the Mayor, Aldermen and Commonalty of the city of New York, whenever they shall judge proper, to cause application to be made to the Supreme Court, in the first judicial district, at a special term thereof, for the appointment of commissioners for the purpose of performing the duties hereinafter prescribed, and upon such application, it shall be lawful for the said Court to whom such application shall be made, to nominate and appoint five discreet and disinterested persons, being citizens of the said city, Commissioners of Estimate, for the purpose of performing the duties hereinafter prescribed. Notice of such intended application shall be published for at least two weeks in the Corporation newspapers, which said commissioners, before they enter upon the duties of their appointment, shall severally take and subscribe an oath or affirmation, before some person authorized to administer oaths, faithfully to perform the trust and duties required of them by this act; which oath or affirmation shall be filed in the clerk's office of the city and county of New York; and it shall be the duty of the said commissioners, as soon as conveniently may be, after their appointment, to make just and true estimates of the loss and damage to the respective owners, lessees, parties and persons respectively entitled unto, or interested in, the following lands, tenements and premises situate in the Nineteenth ward of the city of New York, that is to say; all that certain plot of ground situate and lying between the Third avenue and the East river and Sixty-sixth street and Seventy-fifth street, and also all that certain other plot of ground situate and lying between Avenue A and the East river and Sixty-fourth street and Sixty-sixth street, together with the tenements, hereditaments and premises, or the appurtenances, privi-

leges or advantages to the same belonging or in anywise appertaining, by, and in consequence of relinquishing the same to the said, the Mayor, Aldermen and Commonalty of the city of New York, and to report thereon to the said Supreme Court without unnecessary delay; and in the said report, shall be set forth the names of the respective owners, lessees, parties and persons entitled unto or interested in the lands, tenements, hereditaments and premises before-mentioned, or in the appurtenances, privileges or advantages to the same belonging, or in anywise appertaining, and each and every part or parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the said lots or parcels of land, tenements, hereditaments and premises, or the appurtenances, privileges or advantages to the same belonging or in anywise appertaining: but in each and every case and cases where the owners and parties interested in their respective estates and interests, are unknown or not fully known to the said commissioners, it shall be sufficient to estimate and set forth, and state in the said report in general terms, the respective sums to be allowed and paid to the owners and proprietors generally, of such lands, tenements, hereditaments and premises, or the appurtenances, privileges and advantages to the same belonging, or in anywise appertaining, for the loss and damage to such owners, proprietors and parties interested, in respect to the whole estate and interest of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments respectively, or in the appurtenances, privileges or advantages to the same belonging or in anywise appertaining, by, and in consequence of relinquishing the same to the said, the Mayor, Aldermen and Commonalty or the city of New York, without specifying the names or the estates or interests of such owners, proprietors and parties interested, or of any or either of them, and upon the coming in of the said report, signed by the said commissioners, or any three of them, the said court shall, by rule or order, after hearing any matter which shall be alleged against the same, either confirm the said report, or refer the same back to the said 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 said 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 being so returned, shall be con-

firmed or again referred by the said court, in manner aforesaid, as right and justice shall require, and so from time to time, until a report shall be made or returned in the premises which the said court shall confirm, and such report, when so confirmed by the said court, shall be final and conclusive, as well upon the said, the Mayor, Aldermen and Commonalty of the city of New York, as upon the owners, lessees, and persons and parties interested in or entitled unto the lands and premises hereinbefore described, and also upon all other persons whomsoever: and on such final confirmation of such report by the said court, the said, the Mayor, Aldermen and Commonalty of the city of New York, shall become and be seized in fee simple absolute, of all the said lands, tenements, hereditaments and premises before-mentioned, and of the appurtenances, privileges and advantages to the same belonging, or in anywise appertaining, in trust nevertheless, for the uses and purposes of a public park forever.

§ 2. In all cases where any piece or parcel of land, or the appurtenances or improvements thereon, under lease or other contract, shall be taken by virtue of this act, all the covenants, agreements, contracts and engagements between landlord and tenant, or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of such report in the premises as shall be confirmed by the court aforesaid, respectively cease and determine, and be absolutely discharged.

§ 3. The said Commissioners of Estimate to be appointed under and by virtue of this act, after completing their said estimate, and at least thirty days before they make their report to the said court, shall deposit a true copy or transcript of such estimate in the Street Commissioner's office of the city of New York, for the inspection of whomsoever it shall concern and shall give notice by advertisement to be published in at least two of the public newspapers printed in the said city of New York, of the said deposit thereof in the said office, and of the day on which their report will be presented to the said court, and any person and persons whose rights may be affected thereby, and who may object to the same, or any part thereof, may, within twenty days after the first publication of the said notice, state his, her, or their objections to the same, in writing, to the said commissioners, and the said commissioners, or such of them as shall make such estimate, in case any objections shall be

made to the same, and stated in writing as aforesaid, shall reconsider the said estimate, or the part or parts thereof objected to; and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

§ 4. The said, the Mayor, Aldermen and Commonalty of the city of New York shall, within four months after they shall have taken possession of the beforementioned lands, and on or before the first day of July, eighteen hundred and fifty-two, provided the said report shall be then confirmed, and if the same shall not be then confirmed, then, within four months after it shall be confirmed by the court, pay to the respective persons or parties mentioned, or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said commissioners, the respective sum or sums so estimated and reported in their favor respectively, and in case of neglect or default in the payment of the same within the time aforesaid, the respective person or persons, or party or parties, in whose favor the same shall be so reported, his, her or their executors, administrators or successors, at any time or times after application first made by him, her or them to the said, the Mayor, Aldermen and Commonalty in Common Council convened, for payment thereof, may sue for and recover the same with lawful interest from and after the said application therefor, with the costs of suit, in proper form of action against the said, the Mayor, Aldermen and Commonalty, in any court having cognizance thereof, and in which it shall be sufficient to complain generally for so much money due to the plaintiff or plaintiffs therein, by virtue of this act, for premises taken by virtue thereof; and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general complaint, and this act, and the report of the said commissioners, with proof of the right and title of the plaintiff or plaintiffs to the sum or sums demanded, shall be conclusive evidence in such suit or action. *Provided*, That whenever the owners and proprietors of any such lands, with the appurtenances and improvements thereon to be taken by virtue of this act, or the party or parties, person or persons in whose favor any such sum or sums, or compensation shall be so reported, shall be under the age of twenty-one years, *non compos mentis, feme covert*, or absent from the city of New York, and also in all cases where the name or names of the owner or owners, party or persons entitled unto or interested in the said lands with the appurtenances or

improvements thereon, shall not be set forth in said report, or where the said owners, parties or persons respectively being named therein cannot, upon diligent inquiry, be found, it shall be lawful for the said, the Mayor, Aldermen and Commonalty to pay the sum or sums mentioned in said report, payable to such owners, proprietors, parties or persons respectively into the said Supreme Court, to be secured, disposed of and improved as the said court shall direct, and such payment shall be as valid and effectual in all respects as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights, if they had been known and had all been present, of full age, discreet (\*) and *compos mentis*: And provided, also, That in every case where any such sum or sums, or compensation so to be reported by the said commissioners in favor of any person or party whatsoever, whether named or not named in said report, shall be paid to any person or party whatsoever, when the same shall of right belong and ought to have been paid to some other person or party, it shall be lawful for the said person or party to whom the same ought to have been paid, to sue and recover the same with interest and costs of suit from the person or party to whom the same shall have been paid, as so much money had and received to the use of the plaintiff or plaintiffs, by the person or party respectively to whom the same shall have been so paid.

§ 5. In case of the death, resignation or refusal to act of the said commissioners, or either of them, it shall be lawful for the court aforesaid, on the application of the said, the Mayor, Aldermen and Commonalty, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the city of New York, in the place and stead of such commissioner so dying, resigning or refusing to act.

§ 6. In every case of the appointment of commissioners under this act, it shall be competent and lawful for any three of said commissioners, so to be appointed, to perform the trust and duties of their appointment, 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 major part of such commissioners as shall be acting in the premises, shall be as valid and

\* So in Session Laws..

effectual as if the said commissioners appointed for such purpose had all concurred and joined therein.

§ 7. The said commissioners shall be each entitled to receive the sum of not more than four dollars for each day they shall respectively be actually employed in the duties of their appointment, besides all reasonable expenses for maps, surveys, clerk hire and other necessary expenses and disbursements, and which shall be taxed by one of the judges of said court, and the same shall be paid upon such taxation by the Mayor, Aldermen and Commonalty of the city of New York.

§ 8. If at any time before commissioners are appointed by law for the purpose of taking the plot of ground situated between Sixty-fourth street and Seventy-fifth street and Third avenue and the East river, in the Nineteenth Ward of the city of New York, the Mayor, Aldermen and Commonalty of the city of New York, shall agree with the owners of the same for the purchase thereof, or if said commissioners are appointed, then upon the confirmation of their report, it shall be lawful for the said, the Mayor, Aldermen and Commonalty of the city of New York, to raise the amount of the purchase money of said premises, or the amount directed by the report of the said commissioners to be paid by the said, the Mayor, Aldermen and Commonalty, for the said premises and the expenses connected therewith, by the creation of a public fund or stock, which shall bear an interest of not more than five per cent. per annum, and shall be redeemable by the payment of a sum of ten thousand dollars annually, and after deducting therefrom any premiums which may have been obtained upon the sale thereof as hereinafter provided, one half of said sum shall be assessed by the said commissioners and collected annually by the Collectors of Assessments of said city, upon the property to be immediately benefited thereby, situate in the Seventeenth, Eighteenth, Twelfth, Nineteenth Wards, and the balance thereof by taxation upon the remaining wards of the city.

§ 9. It shall be lawful for the said, the Mayor, Aldermen and Commonalty, to determine what shall be the nominal amount or value of each share of said stock, and of what number of shares the same shall consist, and they are hereby authorized to sell and dispose of such shares at public auction, or at private sale, or by subscription for such stock, and on such terms as they shall think proper; said stock shall not be sold at less than its par value.

§ 10. The money to be raised by virtue of this act, shall be applied and expended for the purpose of purchasing the plot of ground hereinbefore described, or for the payment of the amounts directed to be paid in and by the report of the commissioners to be appointed for the taking of the same.

§ 11. In order to redeem the stock hereby authorized, with the interest thereon, the Mayor, Recorder and Aldermen of the city and county of New York, as the Supervisors thereof, are hereby authorized and empowered to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law, within said city and county, and to be collected in addition to the ordinary taxes yearly, and every year until the whole amount of the stock be paid; the interest annually accruing on said stock, and the sum of ten thousand dollars to be applied as aforesaid in the reduction of the principal thereof.

§ 12. All the acts, proceedings, of the commissioners hereby appointed shall be subject to the ratification or rejection of the Common Council of the city of New York, and none of the acts of said commissioners shall be conclusive until such action by the Common Council shall be had.

§ 13. This act shall take effect immediately.

(D)

## AN ACT

TO ALTER THE MAP OF THE CITY OF NEW YORK, BY LAYING OUT THEREON  
A PUBLIC PLACE, AND TO AUTHORIZE THE TAKING OF THE SAME.

Passed July 21st, 1853 ; three fifths being present.

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

SEC. 1. All that piece or parcel of land situate, lying and being in the Twelfth, Nineteenth and Twenty-second Wards of the city of New York, bounded southerly by Fifty-ninth street, northerly by One hundred and sixth street, easterly by the Fifth avenue, and westerly by the Eighth avenue, is hereby declared to be a public place, in like manner as if the same had been laid out by the commissioners appointed in and by the act of the legislature, entitled "an act relative to improvements touching the laying out of streets and roads in the city of New York and for other purposes," passed April 3d, 1807 ; and the map or plan of said city is hereby altered accordingly,

§ 2. The Mayor, Aldermen and Commonalty of the city of New York are hereby authorized to take the said piece of land for public use as and for a public square, pursuant to the act entitled "an act to reduce several laws relating particularly to the city of New York into one act," passed April 9th, 1813," and the several acts amendatory thereto, or such portions thereof as are now in force, so far as the same are applicable to the laying out and taking of public squares and places in the city of New York, except as hereinafter provided ; and all such portions of the said act, and of the said several acts amendatory thereto, as are applicable to the laying out and taking of public squares and places in said city, and as are now in force, shall apply to the taking and laying out of the piece of land above described as and for a public square, in the same manner, and to the same extent, as if the said piece of land had been originally laid down as and for a public square upon the map or plan aforesaid of said city, except as hereinafter provided.

§ 3. Five persons shall be appointed Commissioners of Estimate and Assessment instead of three, and in case of death, resignation, disqualification, or refusal to act of them or either of them, it shall be lawful for the Supreme Court in the first judicial district, at a general term thereof, on the application of the said Mayor, Aldermen and Commonalty, and officers, as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the city of New York, in the place and stead of such commissioner so dying, resigning, or refusing to act.

§ 4. In every case of the appointment of commissioners under this act, it shall be competent and lawful for any three of said commissioners so to be appointed, to perform the trust and duties of their appointment, 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 such commissioners, being three in number, as shall be 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.

§ 5. The said commissioners may allow compensation for any building or buildings upon the said land, which may have been built, placed, or erected thereon, after the time of the filing of the original maps or plan of the said city.

§ 6. Payment of the damages awarded by the said commissioners, shall be made and become due, and payable immediately upon the confirmation of the report of said commissioners in the premises.

§ 7. For the payment of so much of the damages awarded by the Commissioners of Estimate and Assessment, and the expenses, disbursements and charges in the premises, as shall exceed the amounts or sums that may be assessed by the said commissioners upon the parties and persons, lands and tenements, deemed by them benefited by the opening of such public square or place, it shall be lawful for the said Mayor, Aldermen and Commonalty, to raise the amount of such excess by loan, by the creation of a public fund or stock, to be called "the Central Park Fund," which shall bear an interest not exceeding five per centum per annum, and shall be redeemable within a period of time not exceeding forty-five years after the passage of this act, and for the payment of which the said piece of land so as aforesaid to be taken, shall be irrevocably pledged.

§ 8. It shall be lawful for the Mayor, Aldermen and Commonalty to determine what shall be the nominal amount or value of each share of said stock, and of what number of shares the same shall consist, and they are hereby authorized to sell and dispose of such shares at public auction, or at private sale, or by subscription for such stock, and on such terms as they shall think proper ; said stock shall not be sold at less than its par value.

§ 9. In order to pay the interest upon the stock hereby authorized, the Mayor, Recorder and Aldermen of the city and county of New York, as the Supervisors thereof, are hereby authorized and empowered to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law within said city and county, and to be collected in addition to the ordinary taxes yearly, and every year, until the whole amount of the tax be paid, a sum of money sufficient to pay the interest annually accruing on said stock.

§ 10. The provisions of the act entitled "an act to regulate the finances of the city of New York, passed June 8th, 1812," which are not repugnant to, or incompatible with any provision in this act contained, shall apply to said stock.

§ 11. This act shall take effect immediately.

(E)

## AN ACT

RELATIVE TO THE PURCHASE AND LAYING OUT OF CERTAIN LANDS FOR A  
PARK IN THE NINETEENTH WARD OF THE CITY OF NEW YORK,  
AND THE POWERS AND DUTIES OF THE MAYOR, ALDERMEN AND COM-  
MONALTY IN RELATION THERETO.

Passed July 21, 1853; three fifths being present.

*The people of the State of New York, represented in Senate and Assembly  
do enact as follows.*

SEC. 1. It shall be the duty of the Corporation Counsel of the city of New York, to cause application to be made to the Supreme Court in the first judicial district, at a special term thereof, for the appointment of commissioners, for the purpose of performing the duties hereinafter prescribed. And upon such application, it shall be lawful for the said court, to whom such application shall be made, to nominate and appoint five discreet and disinterested persons, being citizens of said city, Commissioners of Estimate, for the purposes of performing the duties hereinafter prescribed. Notice of such intended application shall be published, for at least two weeks, in the Corporation newspapers, which said commissioners, before they enter upon the duties of their appointment, shall severally take and subscribe, on oath or affirmation, before some persons authorized to administer oaths, faithfully to perform the trust and duties required of them by this act; which oath or affirmation shall be filed in the clerk's office of the city and county of New York; and it shall be the duty of the said commissioners, as soon as conveniently may be, after their appointment, to make just and true estimate of the loss and damage to the respective owners, lessees, parties and persons respectively entitled unto or interested in the following lands, tenements and premises situate in the Nineteenth Ward of the city of New York, that is to say, all that certain plot of ground situate and lying between the Third avenue and the East river, and Sixty-sixth street and Seventy-fifth street, together with the tenements, hereditaments and appurtenances, privileges or advantages to the same belonging, or in anywise appertaining by, and

in consequence of relinquishing the same to the said the Mayor, Aldermen and Commonalty of the city of New York, and to report thereon to the said Supreme Court, without unnecessary delay; and in the said report shall be set forth the names of the respective owners, lessces, parties and persons entitled unto or interested in the lands, tenements, hereditaments and premises beforementioned, or in the appurtenances, privileges or advantages to the same belonging, or in anywise appertaining, and each and every part or parcel thereof, as far forth as the same shall be ascertained by them, and an apt and sufficient designation or description of the said lots or parcels of land, tenements, hereditaments and premises, or the appurtenances, privileges or advantages to the same belonging or in anywise appertaining; but in each and every case and cases where the owners and parties interested in their respective estates and interests, are unknown or not fully known to the said commissioners, it shall be sufficient to estimate and set forth and state in the said report, in general terms, the respective sums to be allowed and paid by the owners and proprietors generally, of such lands, tenements, hereditaments and premises, or the appurtenances, privileges and advantages to the same belonging, or in anywise appertaining, for the loss and damage to such owners, proprietors and parties interested, in respect to the whole estate and interest, of whomsoever may be entitled unto or interested in the said lands, tenements, hereditaments, respectively, or in the appurtenances, privileges or advantages to the same belonging, or in anywise appertaining, by and in consequence of relinquishing the same to the said Mayor, Aldermen and Commonalty of the City of New York, without specifying the names of the estates or interests of such owners, proprietors and parties interested, or any or either of them. And upon the coming in of the said report, signed by the said commissioners or any three of them, the said court shall, by rule or order, after hearing any matter which shall be alleged against the same, either confirm the said report, or refer the same back to the said commissioners for revisal and 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 said 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 being so returned, shall be confirmed or again referred to the said court, in man-

ner aforesaid, as right and justice shall require, and so, from time to time until a report shall be made or returned in the premises which the said Court shall confirm; and such report, when so confirmed by the said Court shall be final and conclusive, as well upon the said the Mayor, Aldermen and Commonalty of the city of New York, as upon the owners, lessees, and persons and parties interested in or entitled unto the lands and premises hereinbefore described, and also upon all other persons whomsoever, and on such final confirmation of such report by the said Court, the said the Mayor, Aldermen and Commonalty of the city of New York shall become, and be seized in fee simple, absolute of all the said lands, tenements, hereditaments and premises beforementioned, and of the appurtenances, privileges and advantages to the same belonging, or in anywise appertaining, in trust, nevertheless, for the uses and purposes of a public park for ever.

§ 2. In all cases where any piece or parcel of land, or the appurtenances or improvements thereon, under lease or other contract, shall be taken by virtue of this act, all the covenants, agreements, contracts and engagements between landlord and tenant, or any other contracting parties touching the same, or any part thereof, shall, upon the confirmation of such report in the premises as shall be confirmed by the Court aforesaid, respectively cease and determine, and be absolutely discharged.

§ 3. The said Commissioners of Estimate, to be appointed under and by virtue of this act, after completing their said estimate, and at least thirty days before they make their report to the said Court, shall deposit a true copy or transcript of such estimate in the Street Commissioner's office of the city of New York, for the inspection of whomsoever it shall concern, and shall give notice by advertisement, to be published in at least two of the public newspapers printed in the said city of New York of the said deposit thereof, in the said office, and of the day on which their report will be presented to the said Court, and any person and persons whose rights may be affected thereby, and who may object to the same or any part thereof, may, within twenty days after the first publication of the said notice, state his, her or their objections to the same, in writing, to the said commissioners, and the said commissioners, or such of them as shall make such estimate, in case any objections shall be

made to the same, and stated in writing, as aforesaid, shall reconsider the said estimate, or the part or parts thereof objected to, and in case the same shall appear to them to require correction, but not otherwise, they shall and may correct the same accordingly.

§ 4. The said the Mayor, Aldermen and Commonalty of the city of New York, shall, after they shall have taken possession of said lands, provided the said report shall be then confirmed; and if the same shall not be then confirmed, then after it shall be confirmed by the Court, pay to the respective persons or parties mentioned or referred to in the said report, in whose favor any sum or sums of money shall be estimated and reported by the said commissioners, the respective sum or sums so estimated and reported in their favor respectively, and in case of neglect or default in the payment of the same, the respective person or persons, or party or parties in whose favor the same shall be so reported, his, her or their executors, administrators or successors, at any time or times after application first made by him, her, or them, to the said Mayor, Aldermen and Commonalty, in Common Council convened, for payment thereof, may sue for and recover the same, with lawful interest, from and after the said application thereof, with the costs of suit, in proper form of action against the said the Mayor, Aldermen and Commonalty, in any court having cognizance thereof, and in which it shall be sufficient to complain generally, for so much money due to the plaintiff or plaintiffs therein, by virtue of this act, for premises taken by virtue thereof; and it shall be lawful for the plaintiff or plaintiffs to give any special matter in evidence under such general complaint; and this act and the report of the said commissioners, with proof of the right and title of the plaintiff or plaintiffs, to the sum or sums demanded, shall be conclusive evidence in such suit or action; provided, that whenever the owners and proprietors of any such lands with the appurtenances and improvements thereon, to be taken by virtue of this act, or the party or parties, person or persons, in whose favor any such sum or sums, or compensation, shall be so reported, shall be under the age of twenty-one years, insane, married women, or absent from the city of New York, and also in all cases where the name or names of the owner or owners, party or persons entitled unto or interested in the said land, with the appurtenances or improvements thereon, shall not be set forth in said report; or where the said owners, parties or persons respectively being named therein, cannot, upon diligent inquiry

be found, it shall be lawful for the said the Mayor, Aldermen and Commonalty, to pay the sum or sums mentioned in said report, payable to such owners, proprietors, parties or persons respectively, into the Supreme Court, to be secured, disposed of, and improved as the said court shall direct; and such payment shall be as valid and effectual, in all respects, as if made to the said owners, proprietors, parties and persons respectively themselves, according to their just rights, if they had been known and had all been present, of full age, discreet, and of sound mind.

And provided, also, that in every case where any such sum or sums, or compensation, so to be reported by the said commissioners, in favor of any person or party whatever, whether named or not named in said report, shall be paid to any person or party whatsoever, when the same shall of right belong, or ought to have been paid to some other person or party, it shall be lawful for the said person or party to whom the same ought to have been paid, to sue and recover the same, with interest and costs of suit, from the person or party to whom the same shall have been paid, as so much money had and received to the use of the said plaintiff or plaintiffs, by the person or party respectively to whom the same shall have been so paid.

§ 5. In case of the death, resignation, or refusal to act of the said commissioners, or either of them, it shall be lawful for the court aforesaid, on the application of the said Corporation Counsel, as often as such event shall happen, to appoint a discreet and disinterested person, being a citizen of the city of New York, in the place and stead of such commissioner so dying, resigning or refusing to act.

§ 6. In every case of the appointment of commissioners under this act, it shall be competent and lawful for any three of said commissioners, so to be appointed, to perform the trust and duties of their appointment, and their acts shall be as valid and effectual as the acts of all the commissioners so to be appointed.

§ 7. The said commissioners shall be each entitled to receive the sum of not more than four dollars for each day they shall respectively be actually employed in the duties of their appointment, besides all reasonable expenses for maps, surveys, clerk hire, and other necessary expenses and

disbursements, and which shall be taxed by one of the judges of said court, and the same shall be paid upon such taxation by the Mayor, Aldermen and Commonalty of the city of New York.

§ 8. If at any time before commissioners are appointed by law for the purpose of taking the plot of ground situated between Sixty-sixth street and Seventy-fifth street, and Third avenue and the East river, in the Nineteenth Ward of the city of New York, the Mayor, Aldermen and Commonalty of the city of New York shall agree with the owners of the same for the purchase thereof, or if said commissioners are appointed, then upon the confirmation of their report, it shall be lawful for the said the Mayor, Aldermen and Commonalty of the city of New York to raise the amount of the purchase money of said premises, or the amount directed by the report of the said commissioners to be paid by the said the Mayor, Aldermen and Commonalty for the said premises and the expense connected therewith, by the creation of a public fund or stock, which shall bear an interest of not more than five per cent. per annum, and shall be redeemable by the payment of a sum of ten thousand dollars annually, and after deducting therefrom any premiums which may have been obtained upon the sale thereof as hereinafter provided; the balance thereof shall be raised by taxation on the real and personal property of said city.

§ 9. It shall be lawful for the said the Mayor, Aldermen and Commonalty to determine what shall be the nominal amount or value of each share of said stock, and of what number of shares the same shall consist, and they are hereby authorized to sell and dispose of such shares at public auction, or under the direction of the Comptroller of said city; such stock shall not be sold at less than its par value.

§ 10. The money to be raised by virtue of this act shall be applied and expended for the purpose of purchasing the plot of ground hereinbefore described, or for the payment of the amounts directed to be paid in and by the report of the commissioners to be appointed for the taking of the same.

§ 11. In order to redeem the stock hereby authorized, with the interest thereon, the Mayor, Recorder and Aldermen of the city and county

of New York, as the Supervisors thereof, are hereby authorized and directed to order and cause to be raised by tax on the estates, real and personal, subject to taxation according to law, within said city and county, and to be collected in addition to the ordinary taxes yearly, and every year until the whole amount of the stock be paid; the interest annually accruing on said stock, and the sum of ten thousand dollars to be applied, as aforesaid, in the reduction of the principal thereof.

§ 12. The duty of inclosing, laying out, regulating and maintaining in proper order and condition, the said last-mentioned grounds, for a public park, shall be vested in a board of five commissioners, and the Mayor shall nominate such commissioners to the Board of Aldermen of said city, on or before the first day of December, 1853, and all vacancies occurring from time to time, by reason of death, resignation or otherwise, shall be supplied in the same manner.

§ 13. The commissioners appointed under the last section shall receive no compensation for their services, and shall not be directly or indirectly interested in any contract for labor, materials or superintendence connected with the improvement, regulation and custody of said lands, and shall render to the Common Council, on the first day of January and July, of every year, a statement under oath, of all expenditures made by them under the provisions of this act.

§ 14. For the purpose of suitably inclosing said lands, the Mayor, Recorder and Aldermen of said city and county, as the Supervisors thereof, are authorized and directed to order and cause to be raised by tax on the estates, real and personal, a sum not exceeding fifty thousand dollars; and for the laying out, regulating and protection of said grounds, a further sum of ten thousand dollars annually, to be raised in like manner.

§ 15. This act shall take effect immediately.

(G)

AN ACT

TO REPEAL AN ACT ENTITLED "AN ACT RELATIVE TO THE PURCHASE AND LAYING OUT OF CERTAIN LANDS FOR A PUBLIC PARK IN THE NINETEENTH WARD OF THE CITY OF NEW YORK, AND THE POWERS AND DUTIES OF THE MAYOR, ALDERMEN AND COMMONALTY IN RELATION THERETO."

Passed July 21st, 1853.—Passed April 11, 1854.

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

SEC. 1. The act entitled "an act relative to the purchase and laying out of certain lands for a public park in the Nineteenth Ward of the city of New York, and the powers and duties of the Mayor, Aldermen and Commonalty in relation thereto," passed July twenty-first, eighteen hundred and fifty-three, is hereby repealed.

§ 2. This act shall take effect immediately.

## (H)

IN THE MATTER OF THE APPLICATION OF THE MAYOR, &C., OF NEW YORK,  
RELATIVE TO OPENING, &C., A PUBLIC PLACE, BETWEEN FIFTY-NINTH AND  
ONE HUNDRED AND SIXTH STREETS, AND FIFTH AND EIGHTH AVENUES.]

*By the Court.*—MITCHELL, J.—By the act of July 21, 1853, (ch. 616,) all that parcel of land, bounded by Fifty-ninth and One hundred and sixth streets, and by the Fifth and Eighth avenues, “is declared to be a public place, in like manner as if the same had been laid out by the Commissioners,” under the act of 1807, “and the map or plan of said city is thereby altered accordingly,” and the acts passed after 1807, applicable to the taking of public squares and places, and still in form, are made to “apply to the taking and laying out of the piece of land above described, as and for a public square, in the same manner, and to the same extent, as if the said piece of land had been originally laid down as and for a public square, upon the map or plan aforesaid, except as hereinafter excepted.”

One exception is, that buildings erected after the filing of the maps under the act of 1807, may be paid for under this act.

Within the limits thus described, is the upper reservoir for the Croton Aqueduct, extending from Seventy-ninth to Eighty-sixth street, and from the Sixth to the Seventh avenue, and which was several years since taken for that purpose, and is now absolutely essential to the supply of the city with water, by means of the Croton Aqueduct; also, the lands between Eighty-sixth and Ninety-sixth streets, and the Fifth and Seventh avenues, which are needed for an additional reservoir, and are allotted by an act passed only twenty-one days before this act, to be taken for the purpose of a new reservoir. The present reservoir was paid for entirely by the public, without any assessment on adjoining owners for benefit, and the new one is to be paid for in the same way, while the public square is to be paid for in part, by assessment on those benefited.

The State Arsenal, owned by the State, also occupies one square, bounded by Sixty-fourth and Sixty-fifth streets, and Fifth and Sixth avenues.

The supply of the city, with pure and wholesome water, has been the object of the legislature for more than twenty years, and the Croton Aqueduct, with its reservoirs and appendages, has been the pride of the State, as well as of the city, as an exhibition of equal enterprise, boldness and skill, all successfully applied to accomplish this object.

The legislature could not, therefore, have intended to do any thing by this act, that could withdraw the control of any part of those great works from the department specially appointed to take charge of them, and transfer it to those who may have charge of the new park, and enable these last, at their will, to destroy the usefulness of those works.

The State Arsenal is equally important to the public interests, and must also, from its character, be under the exclusive control of those to whom its care and management are intrusted. Even a modified control of either, could not be safely given to any department, except to that to which is committed the charge of those public works ; a divided authority might sacrifice that which is essential to the public safety and the daily comfort of the citizens, to an object intended as much for ornament and amusement as for health.

It could not, therefore, have been the intention of the legislature to have allowed either of those three parcels of land to be taken for the park, and to be a part of it, although they are numerically included in the limits of the park. The order, therefore, will appoint the commissioners as to the rest of the land, describing them so as not to include either of those parcels.

It may be a question, how far it was intended that the streets and avenues already opened, should remain open and exempt from the control of those who may have the laying out of the park. That question may be settled by legislation before the commissioners will have made such progress in their assessments for benefits, as to be affected by the decision either way.

The Committee of the Common Council, who recommended this park, evidently assumed that the present lines of streets and avenues were to be abandoned, for they state, among the advantages of converting the land into a park, that the grading of the streets and avenues would be necessary

on many parts, and under the present plan of the city, would be very expensive, and that this expense would be saved by the park, where serpentine roads would be among the beauties of the plan. They also assume that some of the costs of taking the land would be repaid by selling the lands forming the border of the park, for various purposes, which they suppose would be ornamental, and consistent with their scheme. If such be the intention, those powers should be expressly granted before the commissioners make their estimates.

The Corporation have named five commissioners ; they are stated to be the same persons who were named in the bill before it was finally passed, and who were approved of by the legislature, but whose names were omitted in the act as it passed, as the constitution directs the appointment to be by the court. The gentlemen named are all of high standing, and all unexceptionable, but many of the parties interested have naturally preferred to have persons of their own choice appointed, and have claimed that they have a right to have one or more chosen from the list furnished by them.

The act of 1813, (178) gave to the court alone, the power to "nominate and appoint three discreet and disinterested persons, being citizens of the United States, Commissioners of Estimate and Assessment." The act of 1839, section 2, changed this law, and authorized the Corporation to nominate three persons, one of whom should be appointed by the court, and authorized any person interested in the property to be affected, to present to the court one or more persons, whose names should form a list, out of which, if a majority in interest agreed on one person, "that person should be appointed," but if the majority did not agree, "then the court should appoint one person out of the names on such list ; after which the court should appoint the third person out of the names so presented by the Common Council and by the parties interested. The persons proposed were all subject to challenge for interest, &c. Then 37, article 1, of the constitution of 1847, declares that compensation, in such cases, should "be ascertained by a jury, or by not less than three commissioners, appointed by a Court of Record, as shall be prescribed by law."

This act is, that "five persons shall be appointed Commissioners of Estimate and Assessment, instead of three" (Act, 1853, ch. 616.)

The terms "nominate and appoint," are used in the acts of 1813 and of 1839. In the first, the court both nominated and appointed. In the last, the court had no power of nomination, but still retained the power of appointing. Under the last act, the power of appointing was exercised in the peculiar manner then "prescribed by law." This power, therefore, as it was exercised when the constitution was adopted, and had been for eight years before, was consistent with the nomination being in other persons than the court, and yet the appointment being in the court.

In this, it was like the case of referees, who were appointed by an order of the court, but on the nomination of the parties, or by drawing from the jury-box. Although there may be objections to the law of 1839, as that by it, a few active interested parties get one or more of their own friends on the commission, while the more quiet parties, although more largely interested, have no voice in the appointment, yet those objections, (it is believed,) had not appeared so formidable, as to arrest the attention of the convention, or induce them to alter this law. At all events, if there be any doubt whether that law is repealed by the constitution, it is deemed better to comply with it, that the regularity of the appointment may not be called in question.

The law of 1839 will be fully complied with, if one commissioner is selected from those named by the Corporation, then one from those interested, and one from the two lists furnished by the Corporation and those interested; the other two may be chosen also from those two lists, and probably from any other source, although it may be most consistent with the spirit of the act of 1839, to select one of the last two from those named by the Corporation, and the other from those named by the parties interested.

This would give the nomination of three to the Corporation, and of two to such of the parties interested, as chose to nominate; the Corporation represent the city, which has an interest, and in this case, a very large one, in the proceeding, and also, in some degree, the absent parties.

The Commissioners appointed, are William Kent, Michael Ulshoeffler, Luther Bradish, Warren Brady and Jeremiah Towle.

WM. MITCHELL.

November 17th, 1853,

## (I)

IN THE MATTER OF THE APPLICATION OF THE MAYOR, &C., OF THE CITY OF NEW YORK, RELATIVE TO THE OPENING AND LAYING OUT OF A PUBLIC PLACE, BETWEEN FIFTY-NINTH AND ONE HUNDRED AND SIXTH STREETS AND THE FIFTH AND EIGHTH AVENUES, IN THE CITY OF NEW YORK.

*By the Court*—HARRIS, J.—Every citizen holds his property subject to the wants of the government. This is an invariable condition of society. If money is required, it is taken by taxation; if property, by the right of eminent domain. Such power is a necessary incident of sovereignty. Its exercise, especially in a country like ours, whose growth and expansion is a constant surprise even to ourselves, is often indispensable. The public interests could not be sufficiently advanced without it. Individuals are not to be permitted to interpose their will or caprice, or even their own self-interest, to thwart useful improvements, or prevent the development of great public advantages.

Whether or not the public exigency requires that money shall be raised by a tax, or property shall be taken for public use, is a question referred to the sovereign will of the state, as expressed by legislative authority. It is enough that the *public good* demands it. Of this question the legislature are the exclusive judges. It is no more the province of the judicial power to determine whether private property is required for public use, than it is to inquire whether the public exigency requires that money should be raised by a tax.

Nor can I concur in the position maintained upon the argument of this case, that this power can only be rightfully exercised in cases of absolute necessity. A strict application of such a principle would completely annihilate the power. It would not be easy to state a case in which it would be *absolutely necessary* to take private property for public use. But the term when applied to this subject has no such restricted meaning. If, in the judgment of the legislature, the public convenience requires that the property of individuals should be taken from them and devoted to the public use, this constitutes a sufficient *legal necessity* to authorize the exercise of this power.

*The mode* in which this power is to be exercised, is sufficiently guarded to protect the citizen against injustice. He is protected in the enjoyment of his property, unless the public needs it. For this protection he pays an equivalent in taxes. If the public need his property, he must surrender it, but then only upon being paid a fair equivalent in money. By his taxes he pays no more than his just share for the benefits of government. When he gives up his property he contributes so much more, and is entitled to adequate compensation. He sells his property to the public, involuntary it is true, but for a price fixed by fair appraisal.

It is in this way, that from the very beginning of our government, property has been obtained for public improvements, such as turnpike roads, canals, railroads, and other kindred objects. In many cases the application has had its origin in private enterprise and for private gain. But it has always been deemed enough to justify the exercise of the power that the enterprise would result in *public utility*.

By an act of the legislature relating to this subject, passed in July, 1853, it was declared that the tract of land mentioned in the title of this proceeding should be "a public place," in the same manner as if the same had been laid out by the commissioners appointed in 1807, for the purpose of laying out streets, &c., in the city of New York, and the Corporation of New York were authorized to take the land *for public use*, as and for a public square. The act provided for the appointment of five Commissioners of Estimate and Assessment, and made the existing laws relative to the laying out and taking public squares and places in the city of New York applicable to the proceeding.

Of the wisdom or expediency of the measure, it is not my province on this occasion to speak. It is enough that the legislature have declared that it was required by the public interest, and for the public convenience. But I may, perhaps, allow myself here to say that if the apprehensions of the most distrustful should be realized, the enterprise cannot prove very disastrous, or even unprofitable. The most incredulous will not doubt, that should the generation who, half a century hence, will possess this American metropolis, then, perhaps, the metropolis of the world, think it expedient to withdraw this tract of land from the uses to which it is now devoted, it might then be made to produce a revenue exceeding, by many times, the amount of the present expenditure.

Commissioners were appointed, pursuant to the act, in November, 1853. To the eminent fitness of this commission, and the fidelity with which it has discharged its important trust, all the parties who have appeared upon this hearing, have borne their unqualified and emphatic testimony. Nearly two years were occupied by the commissioners in preparing their appraisal and assessments. On the 4th of October last the result was submitted to the public, and opportunity was given to present objections. Parties dissatisfied with the decisions of the commissioners were heard before them, and, so far as objections were presented, the decisions of the commissioners were reviewed, and upon such review such corrections made as were deemed just by the commissioners. The result is now presented to this Court in the report of the commissioners. The only question now to be determined is, whether the report shall be confirmed, or whether it contains such errors as require that it should be referred back to the same, or other commissioners, for reconsideration. This is the extent of the power vested in the Court upon this proceeding. I am to consider, therefore, the reasons urged against the confirmation of the report. These grounds of objection may generally be divided into two classes: first, those presented by the owners of property taken for the improvement; and secondly, those presented by the owners of property assessed for benefit to be derived from the improvement. Each will require a separate consideration.

The number of city lots taken for the improvement is about 7,500, for which the commissioners have awarded upward of five millions of dollars. Of the owners of these lots, but about one in forty have appeared to object to the award. The very fact that thirty-nine out of every forty owners of the large tract of land embraced in this proceeding have not deemed it for their interest to object to the report, certainly furnishes very satisfactory evidence that the commissioners have, with eminent success, addressed themselves to the accomplishment of the great task they had assumed, of ascertaining the true value of so vast an amount of property. The difficulty of their work was evidently very much increased by the fact, that the lots to be appraised by them were, for the most part, wholly unproductive.

Their value was rather prospective and conjectural, rather than present and real. It is in respect to such property, more than any other, that the

opinions, even of discreet men will be found to take the widest range. It is no matter of surprise, therefore, that, of so many owners, here and there one should be found who honestly and sincerely feels that he has suffered injustice at the hands of the commissioners. I am, myself, not without some apprehension that, in a few instances, an inadequate price has in fact been allowed.

Among the most earnest of those who oppose the confirmation of the report are some who, in December, 1852, purchased, at a public sale by the Corporation of New York, a portion of the same lots now taken for this improvement. I am entirely satisfied that the prices bid upon that sale were generally far above any reasonable appraisal of the lots. The sale amounted to nearly half a million of dollars. Of the purchasers, nearly half abandoned their bids before paying any thing. Others paid their ten per cent. upon the sale, but never consummated their purchase, preferring rather to forfeit what they had paid than to pay the balance of the purchase money for the land.

It was also stated upon the hearing, that a large amount of the purchase money had been remitted to the purchasers by the Corporation. The appraisal of these lots by the commissioners is, I think, about fifty per cent. below the prices bid at the Corporation sale. In some instances, the award is less than the amount now due to the Corporation upon the bonds and mortgages executed to secure a part only of the purchase money. To such purchasers, the decision of the commissioners may well seem severe and unjust. It was with some degree of plausibility that they insisted, that having paid these prices to the Corporation, now, when the Corporation, against their consent, is about to retake the property, it should not be heard to deny that it is worth what it received upon its sale.

But it is obvious that the commissioners could adopt no such rule of discrimination. It was their single duty to fix what they believed to be the present real value of each lot, taken without regard to the amount it might have cost its owner, or the source from which he derived his title. What may be the equitable relations between these purchasers and the Corporation when the lots shall be taken, I need not now consider.

It may well be that, in some instances, the commissioners may have erred in their judgment as to the value of property taken for this great im-

provement. It would, indeed, be surprising if they had not. But I am not at liberty to deny the motion to confirm their report upon the mere apprehension that they may have thus erred. They have had an opportunity of viewing the premises. They may have obtained the opinions of judicious and well-informed men on the subject, and, during the two years they have had the subject before them, may have collected information from many sources which has enlightened their judgment and enabled them, at least, to make a just estimate of the value of each of the numerous lots embraced in their report. To allow their judgment thus deliberately and intelligently formed to be overcome by the opinions of interested parties, or even the opinions of disinterested witnesses, the value of whose opinions the court has no means of testing, would be a manifest perversion of the object of the legislature in providing for this review of the proceedings of the commissioners. If, in the discharge of their duty, the commissioners have proceeded in the manner prescribed by law, and have violated no legal principle in making their awards, the court must be satisfied, almost to a demonstration, that they have materially erred upon questions of value before it will be justified in sending the report back for reconsideration. I am not convinced that any such error has been committed.

It remains for me now to consider the objections which have been urged against the report by those whose property has been assessed for benefit. By the act relative to public squares and places in the city of New York, passed April 11, 1815, which, by the act of 1853, was made applicable to this proceeding, the commissioners were required, after having made their award of damages to the owners of property to be taken, to proceed to make a just and equitable assessment of the value of the benefit and advantage of the contemplated improvement upon the owners of other lands lying without the limits of the improvement to the extent of such benefit. It was objected upon the hearing that, in making these assessments, the commissioners could go beyond the lands fronting upon the proposed public square or place, and those lying within half the distance of the next street or avenue; but in the fourth section of the act of 1815, it expressly declared that, upon the opening of a public square or place, the commissioners shall not be confined in their estimate and assessment of benefits to any limit or limits whatsoever.

By the seventh section of an act in relation to the collection of assessments, &c., passed May 14th, 1840, it is declared that Commissioners for making Estimates and Assessments for any improvement authorized by law, shall in no case assess any house, lots, improved or unimproved land, more than one half the value thereof, as valued by the assessors of the ward in which the same shall be situate. The commissioners proceeded under this restriction in making their assessments. It is alleged, and no doubt with truth, that the lands in the immediate neighborhood of the proposed square, and which are confessedly to be most benefited by the improvement, being vacant and unproductive, had been valued by the different ward assessors at prices far below their value, and in some wards at prices relatively below the prices in other wards.

The consequence of this restriction upon the power of the commissioners has been, in many instances, to relieve the owners of lots most benefited by the improvement from the payment of an assessment equal to the extent of such benefit, and thus reduce the aggregate amount of the assessments. The whole amount assessed upon the owners of property for benefit is about one million six hundred and fifty thousand dollars. I believe that but for the restriction imposed upon the commissioners by the act of 1840, a much larger amount of assessment might have been imposed without the least injustice. Of this, however, no one but the Corporation of New York, which is required to make up the deficiency, has the right to complain. Many of this class of persons who appeared to object to the confirmation of the report insisted not so much that their own assessments were excessive, as that, when compared with others, they were relatively too high. But this obviously does not furnish a good ground of objection. If the objector pays no more than the amount of benefit he receives, it does not lie with him to insist that another pays less.

By the act of 1853, the Corporation of New York is authorized, after applying the amount of the assessments for benefits to the payment of the damages awarded by the commissioners, and the expenses of the proceeding, to raise the deficiency by creating a public stock, to be called, "The Central Park Fund," redeemable in forty-five years after the passage of the act, and bearing an interest of five per cent. It is also declared that for the payment of the stock thus to be issued, the land to be taken shall be irrevocably pledged. It was insisted that this

pledge of the land, involving the right to withdraw it from the public use, for which it is taken, is inconsistent with its perpetual dedication to the purposes of a public square, for the benefit of which alone the owners of adjacent lands have been assessed. This, though not much pressed upon the argument, has seemed to me to be by far the most grave objection which has been presented against the validity of the proceeding. It is, perhaps, unnecessary to consider it here. The only power vested in the Court is to confirm the report, or send it back for revision. If there be this radical defect in the proceeding, no possible advantage could result from a refusal to confirm the report. But I do not think the objection can be sustained. The land has been taken from its owners for public use. It is to be devoted to the object for which it is taken. The faith of the city, perhaps of the state, is pledged that the loan shall be paid. It is only upon the violation of this faith that the parties assessed can be deprived of the benefits contemplated. Practically, they do receive such benefits. The value of their lands is increased by the improvement, and thus they receive an equivalent for the assessment they are required to pay. It may be that, in the language of the counsel who presented this objection, "the assessment of land for benefit implies a covenant for the continuance of the benefit." But if so, the possibility that the benefit may be discontinued does not render the assessment invalid. At the most, it could only furnish the basis of a claim for compensation, if the contingency should happen.

A few objections of a more general character deserve to be briefly noticed. Damages are awarded to the Corporation itself, for lots included within the limits of the square, to the amount of about six hundred and fifty thousand dollars. It is said that by an ordinance of the Common Council, passed in 1844, all the property of the Corporation, including these lots, was sacredly pledged for the payment of the funded debt of the city, and that the Corporation have no right now to divert the lots from this object and devote them to the purpose proposed. It may well be that the creditors of the Corporation have a right to have the amount awarded as the price of these lots in some way secured for their benefit, but whether they have or not, it is a sufficient answer to this objection to say, that it is a question which in no way concerns those who oppose the confirmation of this report.

The same answer applies, too, to the objection, that the public property, such as the Arsenal, the Croton Reservoir and Hamilton square, have not been assessed. It is probable that these lands were not assessed for the reason that, on account of the purposes to which they were devoted, they would not be benefited by the contemplated improvement. But whether this be so or not, it does not lie with others who have been assessed to object that for any reason these have been omitted.

It is also objected, that the commissioners had no right, in making their award, to declare that the amount due the Corporation, for unpaid taxes and assessments, should be deducted from the amount of the award for the same lots. This may be so. But this declaration in the report is entirely harmless. The amount of the awards by the commissioners, by the terms of the act of 1853, will become a debt against the Corporation, due and payable immediately upon the confirmation of the report. If those entitled to receive these awards are themselves indebted to the Corporation for taxes or assessments, it did not require the authority of the commissioners to set off one debt against the other.

An objection is now taken, for the first time, to the validity of the appointment of the commissioners. The order for their appointment was made by Mr. Justice Mitchell, and it is now said that he is a relative to one of the parties assessed for benefit. The objection is untenable. Judge Mitchell might not now sit to hear this motion for confirmation. The parties assessed for benefit are now parties to the proceeding. But when he entertained the motion for the appointment of commissioners they were not, and, of course, he was not legally disqualified. The fact that the relative has been brought within the range of assessment, is alone sufficient to show that the objection is altogether technical.

Again, it objected that Mr. Brady, one of the commissioners, is a brother to two of the owners of lots taken for the improvement, to whom damages have been awarded. This might have furnished a proper ground of objection to be addressed to the discretionary power of the court, upon the appointment of the commissioners, but in no way affects the validity of the report. The law declares that no judge of any court shall sit in any cause in which a relative within the ninth degree is a party. This prohibition relates entirely to courts of justice, and not to a special stat-

utory proceeding like this. Those who made this objection, frankly admitted that it derived no support from the amount of the awards.

I have thus noticed the principal grounds which have been urged against the confirmation of this report. I have, also, since the argument, carefully examined all the objections and affidavits filed with the commissioners by those who now resist the confirmation. There are a few cases of individual hardship which have my sympathy, and for which I would gladly provide some relief. But my examination has resulted in the full conviction, that no legal errors have been committed in the proceeding, and that the report is, in the whole, pre-eminently judicious and equitable. I have no hesitation, therefore, in directing that an order be entered for its confirmation.

( K )

FINANCE DEPARTMENT,  
February 5th, 1856.*To the Common Council.*

The Comptroller has the honor to inform the Common Council, that the Supreme Court has this day confirmed the report of the Commissioners of Estimate and Assessment, for the taking of lands known as "the Central Park." The amount awarded to the owners of the lands, and for expenses, is the sum of five millions one hundred and sixty-nine thousand three hundred and sixty-nine dollars and ninety cents, of which the sum of one million six hundred and fifty-seven thousand five hundred and ninety dollars, is payable by the owners of adjacent lands, who are assessed for benefit. By the act of 1853, chapter 616, (Davies' Laws, p. 1153,) payment of the awards must be made by the city immediately upon the confirmation of the report. For the payment of so much of the awards as exceed the assessment, the Corporation is authorized and directed to issue a public fund or stock, at five per cent., payable at the end of forty-five years, from the date of the act. The assessments, although payable, may not be immediately received at the public treasury, and for the payment of so much of the awards as are equal to the assessments, the Corporation is authorized by the 190th section of the act of 1813, (Davies' Laws, p. 543,) to issue a public stock, at a rate of interest not exceeding seven per cent. per annum.

The Comptroller has the honor to submit an ordinance for the purpose of carrying into effect the directions of the statute, and the order of the Supreme Court. He proposes to issue a five per cent. stock, for the sum of two millions eight hundred and sixty-seven thousand dollars, payable in forty-two years, for which the lands of the park are pledged, and a six per cent. stock for the sum of one million six hundred thousand dollars, payable in three years, to which the assessments, as they are collected, will be applied, and for which they are specifically pledged. These stocks, it is confidently believed, are such as for security, have rarely been offered for the competition of capitalists, and should command a premium in the market.

The accompanying ordinance has been drawn by Mr. Dillon, the late

Counsel to the Corporation, and is approved by the Comptroller, who, in view of the fact, that the awards are payable immediately, urges upon the Common Council its prompt consideration.

Respectfully submitted,

A. C. FLAGG,  
*Comptroller.*

### AN ORDINANCE

TO CREATE FUNDS FOR THE PAYMENT OF THE PUBLIC PLACE ENTITLED  
"THE CENTRAL PARK."

*The Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, do ordain as follows :*

§ 1. So much of that piece or parcel of land, bounded southerly by Fifty-ninth street, easterly by the Fifth avenue, northerly by one hundred and sixth street, and westerly by the Eighth avenue, as is specially described or referred to in the order for the confirmation of the proceedings of the Commissioners of Estimate and Assessment for taking the same, made by the Supreme Court, and dated the fifth day of February, in the year 1856, shall hereafter be known and entitled as "the Central Park."

§ 2. A public stock or fund to be called "the Central Park Fund," shall be created for a loan of two millions eight hundred and sixty-seven thousand dollars, which shall bear an interest of five per centum per annum, payable half yearly, and shall be redeemable on the first day of July, in the year one thousand eight hundred and ninety-eight.

§ 3. The nominal amount or value of each share of the said stock, shall be one hundred dollars, and the same shall consist of twenty-eight thousand and sixty-seven shares, or portions thereof, may be of the nominal amount or value of five hundred, or of one thousand dollars, and the number thereof shall be reduced accordingly.

§ 4. The said loan shall be receivable at any time within sixty days from the passage of this ordinance.

§ 5. The Comptroller is hereby authorized and directed to advertise for proposals, to be received at any time within thirty days from the passage of this ordinance, and not to be opened until that day, for the said loan, or for any portion thereof, not less than the par value of one share of the said stock.

§ 6. The said Comptroller shall determine on and after the expiration of said thirty days, which and what proportions of said proposals shall be accepted, and shall issue certificates for the number of shares necessary to make up the said sum of two millions eight hundred and sixty-seven thousand dollars, to the person or persons, company or companies, whose proposals shall have been accepted; and such certificates shall be, as nearly as may be, in the form of the certificates issued for "the Water Stock of the city of New York."

§ 7. The said Comptroller shall receive the moneys payable for, or upon said loan, and shall pay the same into the city treasury, and keep a separate and distinct account of the same, and of all sums paid on account thereof.

§ 8. The said moneys so to be received, shall be applied by the said Comptroller, in payment of the awards for the lands aforesaid, as confirmed by the order aforesaid, of the Supreme Court.

§ 9. For the payment of the balance of said awards, not exceeding the sum of one million six hundred thousand dollars, being the amount assessed for benefit, and by the order, aforesaid, of the Supreme Court, a public stock or fund shall be created, which shall bear an interest not exceeding six per cent. per annum, payable half yearly, and shall be redeemable, not exceeding three years from the issuing thereof, and shall be called "the Central Park Assessment Fund."

§ 10. The nominal amount or value of each share of the said stock, shall be one hundred dollars, or portions thereof, may be of the nominal amount or value of five hundred dollars, or of one thousand dollars.

§ 11. The Comptroller is authorized and directed to issue to any person or persons, company or companies, upon receiving the par value thereof, so much of the said stock as may be necessary to pay the balance of the awards aforesaid. For the payment of said stock, the assess-

ments for benefit aforesaid, and all moneys payable on account thereof, are hereby specifically pledged. A separate and distinct account shall be kept by the said Comptroller of all stock thus issued; of all moneys received therefor, and of all moneys received on account of the assessments aforesaid.

§ 12. The said moneys so to be received shall be applied by the said Comptroller in payment of the balance aforesaid of the awards aforesaid.

§ 13. The Collector of Assessments is hereby appointed and directed to proceed forthwith to the collection of the assessments.

(L)

The minority of the Committee on Lands and Places, to whom were referred various petitions, numerously signed, desiring the Common Council, on behalf of the petitioners, to memorialize the legislature for a reduction of the dimensions of the Central Park, would respectfully report: That a thorough examination, and careful study of the merits of the whole subject, as to the necessity of a park, the expenses to accrue from the opening, regulating and laying out of the same, as well as the extent thereof, as embraced in the act of the legislature, passed July 21, 1853, must be thoroughly considered and weighed by a member of a Committee, to whom so important a matter is intrusted, before a clear, definite and just judgment can be arrived at, which might influence the Common Council of this city to memorialize the legislature of the state, either for a diminution or increase of so vast a presumed improvement. And a minority of your Committee, more particularly, is inclined to shrink from the important trust and responsibility imposed on him, were it not a firm, decisive conviction on his part that a most valuable improvement can be suggested, vastly for the interests of the city; and the greater pleasure of the citizens in general, whether the more humble, or the wealthy.

That it has, of late, been very generally conceded that a large central park was a necessary component of the great metropolis of the United States—a city naturally blessed with so many of the concomitants and advantages that make it the first in the Union, and prospectively the greatest in the world, most unquestionably calls for one extensive park, varied in beauties, and where the smile of nature may not be interrupted with the monotonous appearance of the city dwellings and dingy walls, inclosing cramped up thousands of the human race.

There is scarcely to be found a citizen who would deny the city the loudly called for “lungs;” nor has there been for many years back, those who would frankly come forward, and freely and candidly state they objected to a park of large dimensions; insomuch that the legislature of the state acknowledged the receipt, by June, 1853, of eighteen thousand authentic signatures for a park; but when the subject of location and

extent was broached, many were the objectors, because many were directly and individually interested.

It seems, therefore, that the honest expression of the people was unqualifiedly in favor of a park—one of large capacity—to be laid out in serpentine roads or drives, and presenting striking features of nature or of art at every changing step; the abrupt and craggy elevations, varied continually by ravines and lightsome valleys—the whispering then gurgling stream, winding its way, until, with fitful leap, it dashes over the gentle waterfall—the slowly ascending hill—the clear and pellucid waters of the reservoir forming an inland lake of no inconsiderable size—the quiet and repose to be found on every side, contrasting so pleasingly with the sharp, incessant rattle over the pavements of our city—all tend most beautifully to show the necessity of some great central pleasure ground.

As to the expenses to accrue from the opening, regulating and laying out of the park.

The property proposed to be taken for this great health-dispensing park, is, in many places, but very poorly adapted to building purposes, being so far below the established grade that the assessments thereon would be double the first or present cost of the lots themselves. With this point in view, the undersigned must refer directly to the proposition of the majority Committee, to diminish the size of the park by cutting off all below Seventy-second street, or that portion lying between Fifty-ninth and Seventy-second streets. This portion of the Central Park, especially, is almost useless for the construction of buildings, the surface being very undulating and rocky, and far below the established grade. The undersigned would instance the Sixth avenue, from Sixtieth to Seventy-second street, where heavy mason work would be essential to support an embankment averaging from twenty to forty feet in height, requiring, between some blocks, no less than twelve thousand cubic yards of embankment, and leaving the lots on either side utterly useless for any ordinary improvement, unless filled up in like manner, at an immense cost to the owners.

While calculating the expense of a central park, which the city will, to a limited extent, be burthened with for many years, the undersigned in

considering the mode of diminishing the same, would deem it by far advisable for the city to appropriate such sections as would, in every sense, be fully advantageous for a park, and yet comparatively useless for building purposes. It is evident, therefore, that that section which the majority of the Committee propose to cut off from the park, is the most rugged, and the more difficult to grade, than any other section of the proposed space designated to be taken for the park; and yet, for park purposes, the very undulating surface would add beauty to the scenery and require no more actual outlay of expense to the city than would be required to put in order the more level sections, especially when we consider the low cost at which these lots may be purchased by the city.

The proposition of the majority of the Committee, in the opinion of the undersigned, will diminish the size of the park so materially, as to render the same comparatively of no advantage to the city, and of little interest or inducement to the citizens to go forth and enjoy its benefits. More particularly would it be rendered small indeed, when we remember that one hundred and fifty acres, or eighteen hundred building lots, are to be deducted for reservoirs. The city demands a park, and not merely an acre or two at either end of the reservoirs.

The undersigned, in conformity with the desire expressed in the petitions referred to this Committee, is in favor of diminishing the size of the park, and thereby materially lessening the expense of the same to the city; but is convinced that said diminution should be by detracting from the sides, and not from the length thereof. The following dimensions are accordingly proposed:

Bounded southerly by Fifty-ninth street, northerly by One hundred and Sixth street, easterly by a line beginning at a point on the northerly line of Fifty-ninth street, distant four hundred feet westerly from the westerly line of Fifth avenue, and running thence northerly, and parallel with the Fifth avenue to the northerly line of Eighty-sixth street; thence easterly, to the westerly line of Fifth avenue; and northerly, along the westerly line of Fifth avenue to One hundred and sixth street. Bounded westerly by a line beginning at a point on the northerly line of Fifty-ninth street, distant four hundred feet easterly from the easterly line of

Eighth avenue, and running thence northerly, and parallel with the Eighth avenue, to One hundred and sixth street.

By such a diminution the expense of the park will be reduced very considerably; the four hundred feet thus left on either side of the park can be very judiciously used by property owners, for magnificent structures, and will so enhance the value of said property, that its increase will defray, by assessment, much of the burthen of the cost of the proposed park; this, assuredly, is a matter of very important consideration.

It is useless to raise the cry, that by surrounding the park with magnificent dwellings, we thereby array the wealthy against the poorer classes; that beautiful drives, so inviting to the carriage of the wealthy, inspires ought else than pleasing thoughts to the more humble, they delight in viewing magnificent and imposing structures, and in being employed in their construction. We should, therefore, not only present but encourage the affluent to expend their surplus funds in the erection of villas, and giving employment to the poor, and induce the opulent to surround the park, that will be the pride of the city, with their superb edifices.

Next to the expense of the vast proposition under consideration, and of which the undersigned will state further, ere the close of this report, a few words and statistics as to the extent of the park, might very properly be given here.

The island contains a little over twenty-two square miles of land, in its superficial area, and is at present about one third built upon. It is calculated by gentlemen of eminent ability, and is a subject admissible of calculation, that in a period of thirty years, the entire island will be completely built up, and will then contain a population, varying, not far from two and a half millions; and that the progress of the city, although increasing at a remarkably rapid rate at present, nevertheless will continue that progress annually in an increased ratio.

The undersigned would respectfully submit the following statistics as reliable:

*First.* The Central Park, as laid down by the act of the legislature, July 21st, 1853, contains.....776 acres.

Of which the proposed reservoir contains.....112 “  
 “ “ present “ “ ..... 38 “  
 “ “ arsenal contains..... 14 “  
 “ “ in streets and avenues there are.....190 “  
 “ “ estimated to belong to the city, exclusive of  
 reservoir, &c..... 34 “

*Second.* The Central Park, as proposed, subsequent to diminution, by the undersigned, will contain..... 582 acres.

Of which the proposed reservoir contains.....112 “  
 “ “ present “ “ ..... 38 “  
 “ “ arsenal contains..... 7 “  
 “ “ in streets and avenues are.....144 “  
 “ “ estimated to belong to the city, exclusive of  
 reservoir, &c..... 23 “

*Third.* The undersigned would submit as a miscellaneous table for information or reference.

Area of park, subsequent to diminution.....5½ miles.  
 Length “ “ “ .....21-3 “  
 Breadth “ “ (59th st.) “ ..... 1-3 “  
 Leaving on either side of park to East and North rivers,  
 about..... 2-3 “

Amount of property contained in Central Park, as passed by the legislature, either possessed or to be purchased for reservoir, &c., by the city, is estimated at three hundred and eighty-eight acres, the city must, therefore, purchase for said park an equal amount.

The undersigned proposes to diminish the park, irrespective of streets, an amount of 37 blocks, or.....148 acres,

And also for streets there must be deducted..... 46 “

The city possesses, or is compelled to purchase for reservoirs,  
 arsenal, &c., in proposed diminished park..... 324 “

The city will have to purchase only.....258 “

Which makes a total of.....776 “

and which is the precise property taken for the Central Park by the legislature of July, 1853.

The two avenues which will remain untouched and unopened, (the Sixth and Seventh avenues,) by diminishing the park from the sides, contain a superficial area of sixty-two acres, and a fraction more.

By the third table it will be seen, the city will be obliged to purchase two hundred and fifty-eight acres, or four thousand one hundred and twenty-eight lots, in addition to that (for reservoirs, arsenal, streets and avenues, and about twenty-three acres,) already possessed by the city to carry the park proposed by the undersigned into effect, allowing the enormous average of one thousand two hundred and fifty dollars per lot (as per majority report,) it will cost the city five millions thirty-five thousand dollars. The above average of the value of lots, in the locality of the park, is truly exorbitant. The undersigned will not attempt to divide the blocks in this section of the city into smaller lots than twenty-five by one hundred feet, as the majority of the Committee have done, and thus endeavor to make it appear, that the extent and expense of the park will be extravagant; nor quote Regent's Park, London, as containing less than it really does, nor omit to state, that London has six parks, viz: St. James' Park, Hyde Park, Green Park, Regent's Park, Victoria and Greenwich Parks, covering one thousand four hundred and forty-two acres, besides nine extensive gardens and numerous commons.

The utility of the park is readily seen, for sanitary and pleasure purposes; one hundred and twelve acres are needed for additional reservoirs; and the lower part of the park will not be too high for the permanent public building for the municipal government, were such a contingent ever deemed expedient.

Your minority of the Committee would therefore submit the following resolution for adoption:

*Resolved*, That the Counsel to the Corporation be and he is hereby directed to prepare a suitable memorial, and forward the same to the legislature forthwith, duly authenticated, requesting the legislature to amend the act entitled "An act to alter the map of the City of New York, by laying out thereon a public place, and to authorize the taking up of the same," passed July 21st, 1853; that the description of land to be taken, as described in the first section of that act, shall read as follows, viz: "All that piece or parcel of land situate, lying and being in the city of New York, bounded, southerly, by Fifty-ninth street; north-

erly, by One hundred and sixth street ; easterly, by a line beginning at a point on the northerly line of Fifty-ninth street, distant four hundred feet ; westerly, from the westerly line of Fifth avenue, and running thence northerly, and parallel with Fifth avenue, to the northerly line of Eighty-sixth street ; and thence, easterly, to the westerly line of Fifth avenue ; and thence, northerly, along the westerly line of Fifth avenue to One hundred and sixth street ; bounded, westerly, by a line beginning at a point on the northerly line of Fifty-ninth street, distant four hundred feet, easterly, from the easterly line of Eighth avenue, and running thence, northerly, and parallel with the Eighth avenue to One hundred and sixth street.

Also, That said act be further amended, so as to authorize and empower the Mayor, Aldermen and Commonalty of this city to take the necessary ground, open and grade, &c., an avenue, one hundred feet wide, on each side of, and next to, said park, in like manner as if such avenues had been laid out by the Commissioners appointed in and by the act of the legislature, entitled "An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April 3d, 1807 ; and that the map of said city be altered accordingly.

Also, that said act be further amended, by adding thereto a provision and declaration, that nothing therein contained shall deprive or be deemed or taken to deprive, the Mayor, Aldermen and Commonalty of this city, of any right, power or authority which they had prior to the passage thereof, to take, open and control any or all of the streets and avenues within the bounds aforesaid, as laid out by the commissioners aforesaid.

D. D. CONOVER,

*Minority of Committee on Lands and Places.*

NEW YORK, March 27th, 1854,

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*To the Common Council of the city of New York :*

The undersigned, tax-payers of the city of New York, respectfully represent to the Common Council, that the dimensions of the proposed new Central Park are unnecessarily large, and are capable of being materially diminished, without interfering with the purposes for which said park is to be laid out.

That the boundaries of said park, excluding therefrom the grounds devoted to public purposes, will inclose an area of about seven hundred and fifty acres, constituting one eighth of the present vacant and unproductive ground on the island of New York, and being of an aggregate value of many millions of dollars; that this enormous sum of money must be paid for by the owners of property, supposed to be benefited by the intended park, and by the tax-payers of the city of New York; that the rates of taxation in the city have increased during late years, to an alarming extent, and that, unless something is done toward their reduction, the permanent prosperity of this great city will be seriously endangered; that the laying out of the Central Park of the size established by law, will add largely to the taxes of the city; and that the Common Council ought to take the proper steps to secure the passage of an amendment to the law by which said park was directed to be established, restricting its size to some more reasonable limits.

That, as the Commissioners of Estimates and Assessments for said park have already been appointed, and are about entering upon their duties, your petitioners respectfully represent that it is important that the action of the Common Council (if they concur with your petitioners in this matter,) should be immediate.

Your petitioners, therefore, respectfully request the Common Council to memorialize the legislature for an amendment to the law, by which the Central Park was established, curtailing its dimensions in such a manner as the Common Council may deem advisable, with a proper regard, as well for the interests of the tax-payers of this city as for the purposes for which said park has been created.

And your memorialists, &c.

The above petition, signed by a large number of citizens, having been referred to the Committee on Lands and Places, the Committee reported as follows:

The Committee on Lands and Places, to whom was referred sundry petitions, praying for action on the part of the Common Council, to secure a reduction of the dimensions of the Central Park, respectfully report:

Your Committee, having given unusual publicity in respect to their meetings upon the subject aforesaid, have had the satisfaction of hearing the views and wishes of a large number of our fellow-citizens thereupon.

With three or four exceptions, such views and wishes were in accordance with the prayer of said petitions. The reasons assigned, and arguments used, in favor of the park, as designed by the act of the legislature, passed July 21, 1853, were in substance as follows :

*First.* The future greatness of this city, in point of trade, commerce, manufactures and population.

*Second.* The present, but more particularly the future wants of the dwellers upon this island.

*Third.* The necessity of now providing for those wants.

In respect to the anticipated greatness of this city, it was assumed, that it will have no limits, other than those imposed by its natural and present political boundaries—and that such greatness will be a necessary consequence of the commerce which will line its shores.

In respect to the future wants of those who shall dwell here, it was urged, on behalf of the more humble and less affluent, that they should have such a park for resort, when not engaged at their daily toil, where they could be in the midst of luxurious vegetation, surrounded at the same time by artificial lakes, water-falls, fountains and statuary.

It was said this should be not only as a sanitary measure, but to inspire and cultivate a taste for the works alike of nature and art ; and on behalf of the more affluent, it was said to be necessary to afford beautiful and attractive drives, along serpentine avenues and paths, over hills, through dales, around crags and precipices, and over lawns, amidst groves, flowers, and all the adornments of art.

And in respect to the necessity of now providing for and securing so large a park, it was urged, that London, Paris and other European cities, had found it necessary to provide like open spaces for resort, and, (to use the common expression) “for breathing places,” at vast cost, beyond what would have been necessary, had such necessity been sooner understood and anticipated.

It was urged, that New York has no park, no driving course, where the gentleman of wealth and pleasure, or the invalid, can take a quiet ride off the pavements ; no place where all classes, who chose so to do, can assemble by tens of thousands, on gala and other days, and that our squares are of little or no account.

It was also urged, that the habits and experience of London and Paris, prove that New York must provide such a drive, or the men of wealth and leisure will not come or remain here ; and that the expense of such provisions had better be now incurred, whatever it may be, and whatever it may add to the indebtedness of the city, and to the annual rates of taxation.

Your Committee understood the friends and advocates of the park, as designed to admit its first cost, would be from one thousand to one thousand five hundred dollars, for each lot averaged within the area ; that but little could be done to it short of one million of dollars further expenditure, and to bring it gradually into such condition as they desire, would cost at least fifty thousand dollars per annum.

On the other side, the petitioners, and many others, were willing to concede the future greatness of the city , or, in other words, that all and every part of the island, not otherwise appropriated, will, at no distant day, be needed and used for the same, commerce, &c., upon which alone such future greatness depends ; that in view of the contracted width of the island, and restricted territorial area, as compared with the extended water front, to take so much ground from business purposes, would necessarily trench, in an equal, if not greater proportion, upon the necessities of trade, commerce, &c., and thus prevent that anticipated greatness, and the city's growth come to a stand ; that there is nothing in the physical character or position of the island, or in the laws of trade to prevent such a result ; nor would it be an anomaly in the history of the growth and decline of cities.

And in regard to the wants of our fellow-citizens, whether present or future, it was urged that such a park was not needed or desired, for either health, comfort or pleasure ; that, from the form and situation of the island, nature had done far more in that respect than nature and art combined had or could accomplish for either of the other cities named ; that our rivers and the inviting opposite shores, so easily and cheaply reached, where nature may be seen, studied and enjoyed in her proper garb, afford places for recreation far more attractive than any such park can do ; that the habits and practices of a large portion of our people prove this ; and as to those of them who do not resort there, it is because our wide streets and avenues, and the neat pleasant squares so easily found, render

it more agreeable, as well as less fatiguing and expensive, to resort to them for "breathing places."

And that they would still do so, in preference to visiting the Central Park; that the pictured attractions of the park were altogether ideal, such as never had been realized in any country, and never could be, unless in those where the toil and lives of the many are sacrificed to the luxurious indulgences of the few; and that the drives spoken of, (if possible to be realized) would be of no moment, in comparison with the cost thereof, to the masses who could never participate in that enjoyment, and that such cost would be more than double the estimates as above; and for these, and other like reasons, urged that so large a park should not be had.

It should be borne in mind, that the park, as designed, extends from Fifty-ninth street to One hundred and sixth street, longitudinally, and from the Fifth to the Eighth avenue; being in length twelve thousand four hundred and twenty-seven and a half feet, or a little more than two and one third miles, and in breadth two thousand seven hundred and twenty feet, or more than half a mile; that the act referred to, closes all the streets and avenues within the limits as above, and the area embraced amounts to more than seven hundred and seventy-six acres, which is equal to thirteen thousand five hundred and twenty-one building lots of full size, twenty-five feet by one hundred feet, or sixteen thousand nine hundred and one building lots of twenty feet by one hundred feet, whilst the largest of the London parks contains but four hundred and three acres. The Central Park, in size, equals seventy-four of Tompkins square, or eighty-one of Reservoir square.

It is a grave question to determine, whether so much of the limited area of the island can be withdrawn from business purposes without seriously impeding, if not actually, staying the growth and wealth of the city. Its effects will be two-fold; first, to enhance, sooner or later, the other lots to a price beyond what they would otherwise bear, and beyond the means of the humbler classes; and thus either impoverish and depress, or drive them from the island for habitations; and second, for the lack of necessary facilities to commerce, trade and manufactures, upon which alone the anticipated greatness depends, the city will be brought to a premature stand-still, and its glories, so vividly pictured, never realized.

The cost of the lots above, at the lowest estimate as above, leaving out all used or intended for reservoirs, would be upward of seven millions of dollars, and judging from the prices paid the Corporation for some of the same lots, and from prices which other of the lots are now bringing, your Committee are of the opinion the park would, for the ground alone, cost not less than fifteen millions of dollars.

In the present financial condition of the city, it is proper to consider not only such first cost, but also the necessary expense for putting the grounds into the proper condition of a place of resort, and the annual expense of improving, protecting and guarding the same, and those who shall, from choice, or necessity, pass through them.

But your Committee will not dwell upon that, they consider their duty in this respect, to consist in inquiring and reporting whether such a park is desirable for use, ornament or luxury.

In respect to use and ornament, they are fully convinced it is neither needed or desired by the greater portion of our fellow-citizens ; that as a sanitary measure, there is no occasion for it ; and that squares, such as we now have, are in every respect more useful, more convenient and ornamental, and much preferred by all classes.

As respects luxury, though well in moderation, your Committee see no force in the argument ; that because royalty in England and France has secured parks where itself and the nobility can display dazzling equipages to the admiration and awe of the outside multitudes, therefore we should have a like place for people of pleasure.

The very spirit of our institutions is against thus ministering to the indulgence or vanity of the few at the cost of the many.

Your Committee express these views, because the only reason pressed in favor of the park was, that it would afford an elegant and inviting drive for the wealthy, a class by the way, who ever have facilities for pleasure, and who have no particular claim on the public for such, at the public's expense.

Equal and exact justice in this and all other matters should be sought.

Your Committee, after carefully considering the matter in all its bear-

ings, have come to the conclusion expressed in the following resolutions, which they recommend for adoption, viz :

*Resolved*, That the Mayor, Aldermen and Commonalty memorialize the legislature, now convened, so to amend the act entitled " An act to alter the map of the city of New York, by laying out thereon a public place, and to authorize the taking of the same," passed July 21, 1853, that the description of the land to be taken, as described in the first section of said act, shall read as follows, and not otherwise, that is to say : " All that piece or parcel of land, situate, lying and being in the city of New York, bounded southerly by Seventy-second street ; northerly by One hundred and sixth street ; easterly by a line beginning at a point on the northerly line of Seventy-second street, distant four hundred feet westerly from the westerly line of the Fifth avenue, and running thence northerly and parallel with the said westerly line of the Fifth avenue to the southerly line of One hundred and sixth street, and westerly by a line beginning at a point on the northerly line of Seventy-second street, distant four hundred feet easterly from the easterly line of the Eighth avenue, and running thence northerly and parallel with the said easterly line of the Eighth avenue to the southerly line of One hundred and sixth street."

Also, that said act be further amended, so as to authorize and empower the Mayor, Aldermen and Commonalty of this city to take the necessary ground, open and grade, &c., an avenue, one hundred feet wide on each side of, next to said park, in like manner as if such avenues had been laid out by the commissioners appointed in and by the act of the legislature, entitled " An act relative to improvements touching the laying out of streets and roads in the city of New York, and for other purposes," passed April 3, 1807, and that the map of said city be altered accordingly.

Also, that said act be further amended, by adding thereto a provision and declaration, that nothing therein contained shall deprive, or be deemed or taken to deprive, the Mayor, Aldermen and Commonalty of this city, of any right, power or authority which they had, prior to the passage thereof, to take, open and control any or all of the streets and avenues within the bounds aforesaid, as laid out by the commissioners aforesaid.

*Resolved*, That the Counsel for the Corporation be, and he hereby is instructed to prepare a suitable memorial, in conformity with the above; and that, when so prepared, the Mayor be, and he hereby is requested to send the same, duly authenticated, to the senators and assemblymen from this city, with a request that they use their best efforts to procure early and favorable action thereupon.

F. E. MATHER,  
GEO. W. VARIAN,  
S. M. HUSTED,  
M. C. DONOHO,

MARCH, 13, 1854.

( M. )

MAYOR'S OFFICE, NEW YORK, }  
March 23, 1855. }

*To the Honorable the Board of Councilmen :*

GENTLEMEN :—The Board of Councilmen passed, April 3d, 1853, a resolution, memorializing the legislature to curtail the dimensions of the proposed Central Park. This resolution was introduced by a lengthy report, from the then Committee on Lands and Places, the statements and arguments of which, no doubt, influenced its passage. The subject remained without further action, during the whole of the term of the late Common Council ; and until the 15th of March, instant, when the Board of Aldermen, without awaiting your decision on the same subject, now under deliberation, passed the proposition of the Councilmen of last year.

This resolution has been laid before me for my approval, which, after deliberation, and a careful examination of the facts and arguments set forth in the report, I find it impossible to give, consistent with my own convictions of duty.

Though it proposes, only to take from the Central Park a portion of the area agreed upon, still, it will be in effect, a blow at the whole.

Any proposition having for its aim an interference with the work as originally devised, and which will encourage delay, and retard the proceedings of the commission, already too long protracted, will, in my opinion, jeopard the success of the most intelligent, philanthropic and patriotic public enterprise, which has been undertaken by the people of this city, since the introduction of the waters of the Croton river.

I had supposed, that the necessity for defending the Central Park had ceased ; that the opposition, before raised, had subsided, and that time and reflection had enabled all to appreciate its advantages, not only to the present, but to all succeeding generations. In my second message to the Common Council, of January 11th last, in alluding to the subject, I say, " there can be no doubt as to the necessity of some such park, conveniently located on this island."

"In my opinion, future generations who are to pay the expense will have good reasons for reflecting upon us, if we permitted the entire island to be taken possession of by population, without some spot like this devoted to rural beauty, healthful recreation and pure atmosphere."

These views have been confirmed by subsequent observation. The opportunities which the duties of my office give for a survey of this great city, its vast financial, commercial and manufacturing advantages, the inherent seeds it contains of a growth far beyond the comprehension of the most visionary enthusiast, all force upon me the necessity of some such reservation.

We will be derelict, if by any narrow or selfish feeling of present saving, we deprive the teeming millions yet to inhabit and toil upon this island, of one place not given up to mammon, where they can, even if but one day in the year, observe and worship nature, untarnished by conflict with art. To admit the necessity of a great park, and to assert that this will be too large, is, in my opinion, an exceedingly limited view of the question, and entirely unworthy of even the present position of this metropolis, to say nothing of a destiny now opening so brilliantly before us.

Let us not follow our Dutch ancestors in their views of municipal prudence, who considered cow-paths as proper sites for streets and avenues, inasmuch as they saved the necessary expenses of surveys, &c. To have suggested to the original Knickerbockers, the propriety of laying out and regulating wide and evenly graded streets, commensurate to the wants of the city, as it now is, would have been met by the wise fathers of that day with arguments derived from the same principles and views as are now used with reference to this subject, by its opponents.

Let New York follow up the noble spirit asserted so boldly in the introduction of the Croton water. The aforethought, and comprehensive policy embodied in that masterly proposition, is now universally respected and admired, as will be, at no distant day, that to open Central Park. Being imbued with these sentiments, I can never give my consent to any measure, which will throw an obstacle in its way, much less to abolish or curtail it.

But, admitting the park too large, and that it should be diminished, this resolution proposes to do it in an improper manner, inasmuch as it asks, that the only portion of it that can be accessible to the foot passenger now, shall be lopped off; and, in fact, remove it nearly a mile further off from the present densely populated part of the city.

This resolution asks, that instead of Fifty-ninth street, Seventy-second street shall be the lower boundary. or, in other words, that the park shall be removed thirteen blocks further into the interior, and, at present, almost uninhabited part of the island. If there is to be a curtailment, let it be rather from the other end. Instead of lopping off the lower and most accessible part, tak it from the upper portion.

Besides these objections, there are others entitled to weight. Many lots, comprehended within the part to be cut off, were purchased of the Corporation, under its sales, at auction, anterior to the passage of the act for this park. These have been relinquished to the city, the purchase money repaid to the buyers by order of the Common Council.

And again, owners of lots within the area proposed to be taken, would, in my opinion, have just claim against the city, for any damages that they may have suffered, in consequence of closing them to all opportunities for improvements, enjoyment or favorable sales, by the existing act, to take possession of their lots for public purposes. The damages arising from the passage of this resolution, may amount to nearly as much as the expense to the city of the land to be taken by it.

Inasmuch as the action of the Board of Aldermen was based upon the report referred to, without any report of their own Committee, it may not be improper for me to correct some of its errors of facts, I am the more induced to do this, as it is evident that the public have been misled by this report. It states that the area of the park, excluding the State Arsenal and the reservoir, will be 750 acres; that the number of building lots comprehended, will be 13,521, and that the total-cost cannot be less than fifteen millions of dollars.

These statements are erroneous, as will be shown by the following extracts from my message, before referred to, which contains reliable and authentic data and information upon these points.

“It will be remembered that this park is to be bounded south by Fifty-ninth street; north, by One hundred and sixth street; east, by the Fifth avenue, and west, by the Eighth avenue, and will comprehend an area of seven hundred and seventy-six acres, say..... 776

From which deduct State Arsenal, say.....	14
“ “ Croton Reservoir.....	38
“ “ Proposed “ .....	112
“ “ Streets and Avenues.....	190
“ “ belonging to the city.....	34
	<u>388</u>

Leaving to be paid for—acres..... 388

Which, by estimating at sixteen lots per acre, makes six thousand two hundred and eight lots to be paid for by the city, and by assessments upon contiguous property. The important question of the valuation of these lots has not as yet been positively fixed by the Commissioners. The subject is now before them, and I advise all who are interested to appear at their office.

Another question of much public interest, in connection with this matter, is the territorial limit to which the Commissioners shall extend their assessments upon property of individuals, and what proportion of the whole cost shall be made a tax upon the city.

“These questions are entirely under the control of the Commissioners. I am informed, unofficially, that the disposition of the Board is to extend the area of assessment three blocks east and west, and a greater distance north and south, and to make two thirds of the whole cost payable by the city.

“If this be the determination, it can be easily ascertained about what sum the park will cost. Estimating the average value of the land at five hundred dollars per lot—a liberal estimate—the whole cost would be three millions one hundred and four thousand dollars; deduct one third to be paid by individuals whose property is supposed to be benefited, it will leave two millions sixty-nine thousand dollars to be paid for by the city.”

Much surprise is manifested at the apparent delay of the Commissioners. I am without any official information as to their proceedings. The

whole scope of their duties appears to me to be very simple, and easily accomplished. I do not see any reason why they should consume so long a time. As far as my inquiry has extended, I have been unable to discover, in any quarter, information of what has been done, or is being done by them, beyond what is contained in this extract from my message of January 11.

The Counsel to the Corporation has volunteered his services to the Board, without compensation, and has, with commendable liberality, furnished gratuitously, much valuable information, tending to facilitate the work, and give the people speedy possession of its promised advantages.

Had all interested evinced as much enthusiasm in its favor, I am quite certain many hundred workmen and laborers would now be employed toward its completion.

For these reasons, herein briefly and imperfectly set forth, I cannot sign this resolution; it appears to me to have been passed under a misapprehension of the facts.

With respect for the opinion of others who differ from me, and with a repugnance to the position of apparent hostility to the action of the Common Council, which my duty forces upon me, I beg leave to return the resolution to decrease the size of Central Park, without my approval.

Very respectfully,

FERNANDO WOOD, *Mayor.*

## Appointment of Commissioners for Central Park.

### AN ORDINANCE

#### FOR THE REGULATION AND GOVERNMENT OF CENTRAL PARK.

*Be it ordained by the Mayor, Aldermen and Commonalty of the city of New York, in Common Council convened, as follows.*

§ 1. The Central Park, until further action of the Common Council, or the legislature, shall be under the control and management of a Board of Commissioners, to consist of the Mayor and the Street Commissioner, who shall be termed the "Commissioners of the Central Park."

§ 2. The said Board shall have full power to govern, manage and direct the said park; to consult, examine and determine upon the plan for the improvement thereof, to lay out and regulate the grounds; to pass and make rules for the regulation and government thereof; to appoint such gardeners, engineers, surveyors, clerks and laborers as may be necessary; to prescribe and define their respective duties, and the amount of their compensation to be fixed by the Common Council.

§ 3. The said Board shall, semi-annually, and in the months of January and July in each year, and at any time when requested by either Board of the Common Council, make to the Common Council a full report of their proceedings, and a detailed statement of their receipts and expenditures on account of said park.

§ 4. It shall be lawful for the Comptroller and the Collector of the City Revenue, by, and with the permission of the said Board, to let any buildings and the grounds attached thereto, now being within 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 the park; but the proceeds thereof shall be placed to the credit of the fund at the disposal of the Commissioners, for the improvements herein referred to.

§ 5. It shall be lawful for the said Board of Commissioners, to sell any buildings, improvements and other materials, now being within said park, which, in their judgment, shall not be required for the purposes of the park, or the public use.

§ 6. The proceeds of buildings, improvements or materials sold, and the rent of buildings and lands let, as hereinbefore authorized, are hereby appropriated for the purposes of this ordinance, to be disbursed by the Comptroller upon the requisition of said Commissioners.

Adopted by the Board of Councilmen, May 12, 1856.

Adopted by the Board of Aldermen, May 19, 1856.

Approved by the Mayor, May 21, 1856.

D. T. VALENTINE, *Clerk.*

## Report of Special Committee on Public Parks.

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DOCUMENT No. 83.

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BOARD OF ALDERMEN, JANUARY 2, 1852.

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The Special Committee on Public Parks, beg leave respectfully to report, that they were appointed under the following resolution of the Board of Aldermen, of August 5th, 1851, and that to them was also referred, on the ayes and noes, the following subsequent resolution of August 7th, 1851 :

*Whereas*, The legislature, at its recent extra session, passed an act, authorizing the Mayor, Aldermen and Commonalty of this city to purchase or take, through commissioners to be appointed for that purpose, the ground lying between the Third avenue and East river, and Sixty-sixth and Seventy-fifth streets; and also that lying between Avenue A and the East river, and Sixty-fourth and Sixty-sixth streets, to remain, and be used hereafter as a public park."

*And whereas*, Public opinion seems to demand that the City Government, in carrying into effect the object contemplated by the act referred to, should adopt the most liberal and enlightened measures, in order to make the proposed pleasure ground, in its locality, conveniently accessible to all—in its dimensions, equal to the present and prospective wants of a great and rapidly increasing city—and, in its future establishment, corresponding to the wealth and greatness of this commercial metropolis; therefore,

“ *Resolved*, That it be referred to a Special Committee of this Board, to examine and report upon the advantages and disadvantages of the ground designated in the act of the legislature ; and also, whether there be not a better locality for such park, with comparison of size, capacity for rural embellishment, general topographical features, and probable cost of each ; and, also, whether it be not advisable to include within the limits of such purchase, ground for the new reservoir ; and, generally, all such facts and inferences as may enable the Common Council to proceed understandingly in a matter involving so large an expenditure of the public money, and so important in its influence upon the present and future growth and prosperity of the city.

“ Board of Aldermen, August 5th, 1851. Adopted, and Aldermen Dodge, Dooley and Britton appointed such Committee.

“ (Signed)

J. M. WILSON,

*Deputy Clerk.*

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“ *Resolved*, That the Counsel of the Corporation be, and he is hereby directed to take the necessary legal measures for the appointment of Commissioners of Estimate and Assessment, for the laying out of a public park, in pursuance of an act relative to the powers and duties of the Mayor, Aldermen and Commonalty of the city of New York, in the matter of taking possession of and laying out certain lands for a public park in the Nineteenth Ward of said city, passed July 11th, 1851, forthwith.

“ Board of Aldermen, August 7th, 1851, referred to Special Committee on a new park, on ayes and noes.

“ (Signed)

J. M. WILSON,

*Deputy Clerk.”*

In compliance with the directions of the resolution appointing said Committee, they have endeavored to make themselves fully acquainted with all the facts which have any bearing upon the matter committed to them, and they are fully impressed with the importance to the present and future inhabitants of the city, that they should present such a care-

ful and comprehensive view of the whole subject, as may enable your Honorable Body to judge whether the opinions your Committee have formed are correct, and whether their suggestions should be adopted.

The city of New York is now, and probably will ever be, the metropolis of America; it is already one of the first cities of the world in point of population, wealth, commercial importance and beauty; and its geographical position, and other circumstances are such, as must continually increase its importance in all these respects. This island city, steadily increasing at a ratio of ten per cent. per annum in population, must soon be closely inhabited throughout its entire extent.

It has ever been considered, in all large cities, an important duty for those intrusted with authority, to provide for the health of present and future citizens, and their recreation, by setting apart, for public grounds, even at considerable expense, certain spacious tracts, which may be laid out into extensive walks and drives, and from time to time beautified by the tasteful turning to account of the resources of the natural scenery and decorations of art. Accordingly, the most beautiful and useful features of the cities of the Old World are the extensive and ornamented grounds, to which large portions of the population daily (and more particularly on the public holidays,) resort for their healthful recreation. Our beautiful city is entirely unprovided with any thing of this kind, on a scale at all commensurate with its wants or its grandeur in other respects and it is a remarkable fact, that it is the only large city on this continent which is thus destitute of these openings which are very appropriately termed the "Lungs of Cities."

Your Committee is directed "to examine, and report upon the advantages and disadvantages of the ground designated in the act of the legislature; *and also*, whether there be not a better locality for such park, with comparison of size, capacity for rural embellishments, general topographical features, and probable cost of each; *and also*, whether it be not advisable to include, within the limits of such purchase, ground for the new reservoir."

In the examination of these different points, your Committee find, in the second branch of their inquiry, a second proposition distinctly referred to, as probably presenting superior advantages of locality, &c., and

identifying it as the plot of ground, including within its limits the site of the proposed new reservoir.

Your Committee, therefore, consider that two distinct propositions are before them, and will proceed to make the required comparisons as faithfully and as briefly as their determination to do full justice to so important a matter will permit.

The first proposition is, for the city to purchase a piece of woodland known as "Jones' Woods," on the extreme eastern shore of this island, "The total area of this proposed park, bounded by Sixty-fourth street from the East river to Avenue A; by Avenue A, from Sixty-fourth to Sixth-sixth street; by Sixty-sixth street, from Avenue A to the Third avenue; by the Third avenue, from Sixty-sixth to Seventy-fifth street; from the Third avenue to the East river; and by the East river, from Seventy-fifth street to Sixty-fourth street, is 6,944,860 square feet, or 159 432-1000 acres."

The Common Council propose to exclude from the above an irregular projection of six acres, between Sixty-fourth and Sixty-sixth streets, and Avenue A and the river. This will reduce the area to 153 432-1000 acres.

The second proposition is, for the city to purchase a certain tract of land, situated in the geographical centre of this island, and bounded by the Fifth and Eighth avenues, on the east and west, and by Sixtieth and One hundred and sixth streets, on the south and north limits, containing a superficial area of 759  $\frac{3}{4}$  acres.

Both these plots are well adapted to the uses proposed, and are the only plots of any considerable extent convenient for the purpose, that are at all available. But, as it is not proposed for the city to purchase and improve both these plots, your Committee have prepared a careful, and they believe, a just comparison of the advantages of each, in discussing which, for the sake of convenience, the first will be spoken of as "*Jones' Park*," and the second as "*Central Park*."

The comparative advantages of each of these sites, will be shown in respect to the following considerations, viz :

	PAGE.
1. EXTENT .....	141
2. CONVENIENCE OF LOCALITY .....	144
3. AVAILABILITY .....	145
4. PROBABLE COST .....	151

## EXTENT.

When a city proposes to itself an improvement of this kind, involving a very considerable expense, it is important that the ground secured should be sufficiently spacious for the purposes, not only of the present generation, but of a very numerous posterity.

The superficial area proposed to be inclosed in *Jones' Park*, is 153 432-1000 acres. It is nearly square, and about half a mile in extent on each side. If we deduct the space to be occupied by streets and avenues, there remains about 105 acres to be purchased.

The superficial area proposed to be inclosed in *Central Park*, is 759 $\frac{3}{4}$  acres. It is in form an elongated parallelogram, about two and a quarter miles long, and about half a mile wide. It embraces the present Receiving Reservoir of 33 acres—the grounds of the State Arsenal and of the St. Vincent Academy, about 24 acres—and ground now owned by the Corporation, 135 acres—in all, 566 $\frac{3}{4}$  acres, including streets and avenues, deducting for which 190 $\frac{1}{2}$  acres, leaves an area of 376 $\frac{1}{4}$  acres to be purchased.

*Central Park* will therefore have a superficial area four and three quarter times as great as *Jones' Park*.

This city, increasing in population at the rate of ten per cent. per annum, must, before the end of the present half century, number several millions, a small proportion of which will through a place so limited as *Jones' Park*, but be very amply accommodated in *Central Park*, of nearly five times the extent.

*Central Park* would probably be one of the largest parks in the world, but not too large for the use of a city destined, in all human probability, to equal, and perhaps to exceed in population every other. It must be noted that the city government has already appropriated about one fifth of this tract for purposes of reservoirs, which, being artificial lakes, contribute perhaps as much as any other feature to the beauty and value of public grounds.

The most beautiful feature of a large park, and a most important advantage over a small one, is, that the large park is capable, from its extent, of being laid out into a very great length of serpentine road, which a judi-

cious engineer can so contrive as not only to produce startling effects of the distant landscape, and also to bring the peculiar natural and artificial beauties of the place into the best points of view, but, at the same time, to turn and wind this road through the place, so as to allow a very long drive through constantly varying scenery. A serpentine road of more than twenty-five miles in extent can be wound through the spacious grounds of *Central Park*, as your Committee is informed by competent engineers. This important consideration does not, however, apply to *Jones' Park*, which is, in itself, too limited to allow of any great length of drive under any circumstances. The Second avenue is now being opened, and must, for several reasons, be carried through *Jones' Woods*. This will divide the grounds into two small and unequal portions, and so cut them up as to prevent the introduction of serpentine roads to any considerable length.

Another important consideration depending upon the extent of a park, is the fact that ornamental grounds attract upon their borders ornamental structures in the way of public buildings for institutions of learning, academies of the fine arts, buildings devoted to geology, botany, astronomy and other sciences, monuments of natural greatness and patriotism, &c.

This is found to be the case in London, where, in addition to the public institutions, rows of elegant private houses, the residences of wealthy citizens, have added to the architectural beauties of the borders of *St. James'*, *Regents'* and *Hyde Parks*. This principle will apply here more particularly, where fine sites for public and private buildings are in demand.

This latter consideration is of more importance, when we consider that *Central Park* is of sufficient size to permit the selling off for the above purposes of portions of its border. These sites being desirable, will command large prices, and reduce the expense of the original cost, and furnish, from time to time, by sales or by leases, a sufficient sum to pay, if desirable, a portion of the expenses of the keeping and decoration of the park. The great extent of boundary of *Central Park* favors this view of the matter, presenting, as it does, five miles and a half for such improvements—while *Jones' Park* presents a comparatively small border of a mile and a half, deducting the river front, and is not in a part of the

city where such improvements would seek sites: whereas, *Central Park* is in that part of the city where such institutions would be favorably located, and on its borders are already to be found the State Arsenal, Mount St. Vincent (young ladies') Academy, &c. The importance of this consideration is further discussed under the head of Cost.

The situation of *Jones' Park* is such, that it would be a special benefit only to the property in its immediate neighborhood on three sides, of about half a mile each. Should such property, so benefited, be assessed, as provided in the act of the legislature for taking such park, in proportion, say one third of the whole purchase money, the quantity of such property specially benefited and specially assessed being very limited, the amount of assessment would be very onerous upon all that small neighborhood, and probably more than the property could bear; therefore, the difference between what should be assessed and what could be borne would have to be added to the amount paid from the city treasury, which would be equivalent to a tax upon the whole city, to improve the value of the property of a few individuals, by making a park in a one-sided, out-of-the-way locality, where it would not be generally accessible.

Apply the same considerations to *Central Park*, and it appears that, owing to its greater extent and central position, the quantity of property that would be benefited and enhanced in value by the making of the park is so great, that an assessment to pay one third, one half, or even the whole of the purchase money, would scarcely be felt. The special benefit would be sensible to property around the *Central Park* for a great distance in all directions, and owners of property would probably come forward themselves and cheerfully subscribe a large portion of the purchase money and not feel it, if such a proceeding could be permitted in a case where the benefit would be general to the whole city.

This view of the subject, which your Committee is assured is correct, shows most conclusively that considerations of justice, as well as of economy, decide against the location of *Jones' Park* as strongly as they uphold the location of *Central Park*. This consideration will be found noticed under its proper head of Cost.

In view of all these considerations, your Committee find that the proposition of *Central Park* is greatly to be preferred, as not only the most extensive, but because *Jones' Park* is not sufficiently extensive for present and future purposes.

## CONVENIENCE OF LOCALITY.

The city limits embrace the entire island of New York; its population will undoubtedly, before many years, cover the whole extent of its surface.

In providing a park, the convenience of those who will live here, after ourselves, must be considered. For a place of public resort, the most central locality is most unquestionably to be preferred, other considerations being equal.

*Jones' Park* and *Central Park* are in position nearly central with respect to the northern and southern points of the island, but *Jones' Park* is on the extreme eastern shore, and to the eastward of the Third avenue which is the farthest east of all the thoroughfares in the city. It is about a mile distant from the great thoroughfares of Broadway and Eighth avenue.

*Central Park*, on the contrary, is centrally situated between the two rivers, and between the four great thoroughfares of the island, viz: Third and Fourth avenues on the eastern side, and Broadway and Eighth avenue on the western side. Between *Central Park* and both rivers there will be about three quarters of a mile on each side.

People from the northern portion of the island would, to reach the northern boundary of *Jones' Park*, be obliged to travel more than a mile further south, and a mile further east, than would be necessary, to arrive within the limits of *Central Park*.

Again, *Central Park* is but half a mile wide, and is situated about midway between the east and west shores of the island, having about three quarters of a mile on each side of it for ordinary city purposes, leaving sufficient space for a large population on each side, which the advantage of the proximity of the park would attract, and induce them to build up that part of the city, probably as densely as any other part.

In view of the above considerations, your Committee think the location of *Jones' Park* is out of the way, and very inconvenient, while, for convenience of locality, the site of *Central Park* is shown to be all that can be desired.

## AVAILABILITY.

Under this head will be found comparisons of "capability for rural embellishments," and of "general topographical features."

The plot of land proposed for *Jones' Park* is  $153\frac{1}{2}$  acres. The Second avenue must be extended through this plot, otherwise all intercourse between the part of the city north and south of it must be by way of the Third avenue, a very roundabout course. If this avenue is not opened, the public is deprived of an important thoroughfare; if it is opened, it injures the park by preventing an extension of serpentine road with any advantage. The opening of that avenue also takes from the park five acres, thus reducing its extent to  $148\frac{1}{2}$  acres.

This plot of ground is nearly square in form, and about half a mile on each side; it borders on the East river, on its eastern side, which forms a bold shore, and from which can be had a very pretty view of the river; of Blackwell's Island and the opposite shore.

Its surface is gently undulating, and does not present any variety of scenery within itself, nor any landscape view, except that above-mentioned.

It is covered with a very thick and heavy growth of forest trees, most of them exceedingly lofty, except on the western border and part of the southern side, where there are some good shade trees.

The plot of ground proposed to be included in *Central Park* embraces the land between Sixtieth street on the south, One hundred and sixth street on the north, Fifth avenue on the east, and Eighth avenue on the west. It contains a superficial area of  $759\frac{3}{4}$  acres, embracing the present Receiving Reservoir, of 33 acres, and the grounds of the State Arsenal, and also of St. Vincent's Academy, of 24 acres; the proposed new reservoir to cover an area of 98 acres. The surface is exceedingly diversified; all the lands within its limits are among the most uneven and rocky on the island. In some places the elevations rise from 100 to 140 feet above tide-water, in others being only a few feet above the same.

The topographical map accompanying this document shows very numerous abrupt and rocky elevations, intersected constantly by ravines

and gentle valleys, through which run several small streams of living water. As a general rule, and with the exception of the northern extremity, this plot of ground forms a basin with a very uneven bottom, lying between the Eighth and Fifth avenues. From the Eighth avenue there is a natural sloping grade to the North river; and from the Fifth avenue, a general corresponding slope to the East river. The northern portion attains an elevation of 140 feet, commanding an extensive view of all the surrounding country.

Notwithstanding its great extent and central position, there are very few improvements, such as private dwelling-houses, for the reason that it is not desirable to own the lots on which assessments for grading the streets will be very heavy, and sufficient to effect a forfeiture of the property. The value of existing improvements will be found under the head of *Costr.*

*Central Park* will include grounds almost entirely useless for building purposes, owing to the very uneven and rocky surface, and also to its lying so far below the proper grade of the streets as to render the grading very costly; for instance, to extend Sixth avenue from Sixty-fifth street to Seventy-third street, it would be necessary to build an embankment, principally of masonry, (with culverts to discharge the water) from 20 to 40 feet in height. This would leave the lots on either side utterly valueless for any purpose of ordinary improvement, unless it should be built up in the same way, or filled in to nearly the same level. The expense of grading the streets through these grounds will be found under the head of *Costr.* From it will appear that the grading alone will cost more than twice the present value of the lands.

This expense of grading, in the event of the land being appropriated to a park, will be wholly saved, as the very circumstances, which render the grading so expensive are an advantage for the purposes of a park. It must also be considered that the lands can be purchased at a very low value for the causes above stated, and will be not only valuable for park purposes, but more valuable for those purposes than good smooth building land.

There is no section on our island, of equal size, so well adapted by nature, or so susceptible of improvement and adornment, for purposes of a

large park, as the one now under consideration ; and none so diversified in surface, abounding so much in hill and dale, and intersected by so many natural streams. The elevations, in some parts, rising to 140 feet above tide-water, and the valleys, in some parts, being 40 feet below the grade of the surrounding streets.

These valleys contain running streams and numerous springs, and at a small cost can be converted, where desirable, into artificial lakes, and supplied with water to any extent, from the never-failing source of the Croton Aqueduct, which will also supply fountains in any part of the grounds with a profusion of water, which will render fountains a distinguishing feature, and one in which this park will have a superiority over all other parks, owing to the unequalled supply of water from the greatest aqueduct of ancient or modern times.

The great, and at many points abrupt, difference of level of the surface, and the projecting points of rock, render these grounds peculiarly adapted to the construction of the most beautiful and varied roads—now winding around the base of a projecting rocky hill, now traversing the bottom of a valley, now climbing a gentle hill—again descending to the low lands, passing along the margin of a beautiful quiet lake ; leaving this, and ascending above Eighty-sixth street, the road will pass along what will be one of the greatest of modern works of art—the proposed new reservoir, a picturesque, irregularly shaped artificial lake, containing nearly 100 acres of water, in one placid sheet. Continuing to rise, gradually winding around elevations through gentle valleys, the serpentine road will reach the top of Harlem Heights at about One hundred and fifth street, having attained the highest land on the island south of Fort Washington, and from which a magnificent view is presented to the beholder in every direction.

From this point may be seen nearly all the present city lying to the south, and the bay beyond it ; the intervening district rapidly improving to the southern margin of the park, and when it is finished,—the park itself extending from its southern border two miles to the feet of the beholder, intersected by beautiful artificial lakes of various sizes ; by small streams, crossed by numerous marble or rustic bridges ; by beautiful groves of trees of every variety, indigenous and exotic ; by serpentine

roads winding through velvet lawns decorated with sparkling fountains, and the whole surrounded by architectural works of every order and variety.

Looking to the west, will be seen the noble Hudson, extending from the bay (which can be seen as far as the Narrows) up to the Palisades in the distance, and the mountains in the interior of the State of New Jersey, in the extreme west.

Looking in a northerly direction, can be seen, across the Harlem river, the High Bridge, a magnificent structure, which brings the Croton water to this island, and the other bridges, which connect New York with the county of Westchester, which presents to our view its fertile farms, beautiful gardens, and tasteful villas and thriving villages.

The eastern view embraces a considerable portion of the state of Connecticut and of the Sound, separating it from Long Island, also the East river, studded with islands, running from Hellgate to Governor's Island, and separating this city from the shore of Long Island, which shows us Flushing, Astoria, Ravenswood, Greenport, Bushwick, Williamsburgh, Brooklyn, &c. Having completed the view, of which only some of the most striking points are here noted, we return to the road, which takes us to the lower end of the park by a different, but not less varied route, having traveled a distance of not less than twenty-five miles.

The above is a very imperfect and inadequate description of the kind of park which may be constructed on the ground selected for Central Park, or in other words, its availability. The availability of Jones' Park has also been considered; it possesses very few of the advantages of Central Park, and where it possesses these advantages, it is to a very limited extent.

The fact of Jones' Park bordering on the river for half a mile, and having a fine water view, is certainly a very great advantage; but your Committee think that is more than counterbalanced by the lake scenery incidental to, and which forms so important a feature in Central Park, which must have a water shore of at least one and a half miles of reservoir margin. Besides, it must be recollected that the very same view that occurs from the bank of Jones' Park, is also had from the high grounds of Central Park, which command a greatly additional water view.

The great feature of Jones' Park, however, is its magnificent forest, which almost entirely covers it, which is peculiar to itself, and a supposed advantage not possessed in any degree by Central Park. These forest trees, it is stated, can be thinned out into a grove, and the whole laid out in roads, and be immediately available as a park, while the trees to ornament Central Park would require many years to grow.

This question of time will be considered under its proper head, and with respect to the advantages of the existing forest, they appear to be somewhat overrated.

Your Committee is of opinion that, so far from Jones' Woods being immediately or very soon available for a park, it will take many years before it can be made so, and nearly as long as it will take to grow or transplant trees upon the ground of Central Park, which is by no means entirely destitute of trees at present.

In the first place, the thinning out of the trees of Jones' Park must be gradually and carefully executed, to prevent the falling timber from destroying those trees which are intended to be preserved. They now stand so thick that probably eight out of every ten must be cut down; to remove them properly will require much time and expense.

Secondly.—When the excess of trees is removed, it will be found that lower branches are wanting to nearly all the trees, to the height of from forty to sixty feet. These lower limbs will immediately commence growing, as is desirable for shade. This new demand for nourishment nearer the root of the tree, cuts off the supply of sap which sustained its top, and the tree-top must be cut off to prevent it from dying off. This will leave a not very beautiful or desirable grove of long poles and trunks, from thirty to forty feet in height, and without shade for some years.

During the same time Central Park, which has already some beautiful trees, can be furnished, by transplanting, with all the desirable additional trees, except those which should be raised from nursery saplings, which will attain, in from eight to twelve years, a very vigorous growth, sufficient to give as much shade, where shade is desirable, as in nearly the same time could be given by the new growth branches of the Jones' Park trees.

Central Park will be furnished, of course, with a very choice assortment, and great variety, of new trees, much more ornamental, and casting a more agreeable shade than the natural forest trees. It must also be remembered that very large trees can be transplanted, at the proper seasons of the year, and, if properly taken up and replanted, never fail to thrive in the new ground successfully.

It is the opinion of those who have laid out new parks and ornamental grounds, that a natural forest is no advantage whatever, and all new parks should be furnished by growing or transplanting such trees as are required in different parts of the grounds, which may generally be cultivated in almost any shape required, by proper care, and cutting the branches. Besides, a proper variety of park scenery requires that certain large portions should be improved as sloping lawns, or mounds for statuary and monuments, and points of view for distant landscapes—all of which allow of no trees whatever.

The consideration of the health of the public, requires that the low ground and unhealthy ponds, situated in the district to be included in Central Park, should be rendered innocuous by some improvement; whereas, Jones' Park being high ground, and open to the river, is perfectly healthy as it is.

It must be noted, as an objection to making Jones' Park, that half a mile of valuable river front will thereby be forever abstracted from commercial uses. The rapid growth of this city, and its commercial character being its distinctive feature, it would seem to forbid the diminution of the river front, which will eventually, and probably very soon, be in demand along this part of the city.

It is also to be noted that, should it be desirable to open certain streets across Central Park for the public convenience, the city government will always have the right to do so, and it will not injure the park in the least, nor is there any objection, topographically, to opening Seventy-second, Seventy-ninth, (Eighty-sixth is open,) and Ninety-sixth streets, those being all 100 feet wide, which will divide the park into five equal parts.

From the above, it appears that on every consideration of availability Central Park is superior to Jones' Park.

## PROBABLE COST.

The cost of a public work is a matter of the first consideration; but, on reflection, it will be conceded that few public works can be of more importance, at the same cost, than public parks, and that, when a public park is wanted, it is cheap at any reasonable price, money being well expended on a place devoted to the general health, exercise, innocent recreation, and to the elevation of the mind by the cultivation of a fondness for the beauties of nature, and appreciation of the appliances of art.

To appropriate land from the midst of any city's limits, must always be a somewhat expensive proceeding. It is more especially so in the city of New York, as all the lots have a market value, based upon their presumed future availability for business, or for dwelling purposes.

The comparative value of the lots to be taken to form Jones' Park and Central Park, respectively, is given in the tables annexed, by which it appears that the lots forming Jones' Park being useful for building and horticultural purposes, and having valuable timber on them, are worth very much more, respectively, than the lots to form Central Park, which, owing to their rocky and uneven surface, and being so far out of grade as explained more fully on page 146, are generally of very little value, if any, for any other than park purposes.

Owing to these causes, and because these low grounds, intersected by pools, are unhealthy for residences, they are so little improved, and those improvements of so little value, that it is estimated that \$10,000 or \$15,000 will pay for such improvements.

The estimated value of the lots to form Jones' Park, according to table No. 2, annexed, is \$700,575, without the expense of grading the streets. Should the streets be graded, the cost of grading streets and avenues is estimated at about \$212,000.

These estimates have been prepared with great care by persons familiar with the subject, and perfectly competent to make them correctly. It cannot be supposed that the estimated value in this table may be too low, as all the details of estimates have been submitted to others, whose position requires them to be fully conversant with these values, and they have pronounced them high enough. No per centage of allowance

for too low an estimate is therefore calculated, believing it to be now estimated at its extreme value.

The estimated value of the lots to be taken to form Central Park, including the ground to form the reservoir, according to table No. 1, annexed, is \$1,407,325, and without the reservoir, \$1,172,325. This is without the expense of grading the streets.

Should these streets be graded, the cost of grading streets and avenues is estimated at \$616,478.

It must here be noted that the Fifth and Eighth avenues are partly graded, and those parts excluded from this estimate; also, that there is no grading estimated for the ground proposed for the reservoir.

The value of the lots included in Central Park has been variously estimated by competent persons familiar with the value of real estate, at from \$760,000 to \$1,172,000. We have taken the highest estimate, as fully set forth in table No. 1, in all its details.

This estimate of value is based upon the supposition that the streets and avenues are graded and regulated.

The expense of regulating the streets and avenues, as per table, is \$616,478, which should be assessed upon such property. This cannot, however, be done, because the law provides, that no lot shall be assessed for regulating and grading, more than one half of its assessed value upon the tax-books; and the balance of the assessment upon that lot must be paid from the city treasury.

The assessed value to form said park is \$446,000. By the law above quoted, only one half or \$223,000 can be assessed upon the land, and the balance, or \$393,478 must be paid from the city treasury.

The details of the estimates of many of the lots in this table will show, that in very many cases the city will have to pay nearly the whole expense of regulating and grading these lots.

It must here be observed, that on adding the above \$393,478, which the city must thus pay, to the lowest estimate of \$760,000, gives \$1,163,478, not varying much from the amount of the highest estimate of \$1,172,000, as per table No. 1, thereby showing its general correctness, and also that it gives the full value of the lots.

The value of the lots included in *Jones' Park* has been variously estimated, by competent persons, familiar with the value of real estate, at from \$480,000 to \$700,000. We have taken the highest estimate, as set forth in table No. 2 in detail.

The estimate of value is also based upon the supposition that the streets and avenues are graded.

The expense of regulating and grading the streets and avenues, as per table No. 2, is \$212,000. This should be assessed upon such property, which cannot be done for the reason just before stated.

The assessed value of the lots to form *Jones' Park* is, \$165,765, one half of which only, or \$82,882, can be assessed for regulating and grading, and the balance, \$129,118, must be paid from the city treasury.

It will be seen, that on adding this \$129,118 to the lowest estimate of \$480,000, we have \$609,118, varying from the estimate as per table No. 2, amounting to \$700,000; showing that the assessed value of the lots of *Jones' Park* is comparatively higher than of *Central Park*. It also shows, that the value of the *Jones' Park* lots has been over estimated in said table, and that \$700,000 is an extremely high valuation, and, no doubt, from \$80,000 to \$100,000 more than the property is worth, being about \$400 for each lot on an average.

The *Central Park* lots, though estimated in the tables at a high figure of value are, many of them, not worth their proportion of the expenses of grading, among which are very many, which would be utterly worthless, but for the operation of the present unjust law, which makes them valuable at the expense of the city.

In this connection, your Committee would call the special attention of your Honorable Body to the operation of this act, which is believed to be unknown to the great body of our fellow-citizens, though it is the cause of a great annual augmentation of their taxes. If its operation, or even its existence, were generally known, your Committee believe that its immediate repeal would be demanded by the entire community, with the exception of some persons who, having understood the operation of it, have realized large amounts, at the expense of the tax payers generally, and who have made their calculations to realize, in tenfold greater proportion, by the regulating and grading of new streets.

The operation of this law is as follows :

An immense proportion of the surface of the central and upper part of the island of New York, is of the most uneven character. It abounds in immense ledges of rock, many of which project from the main level, in masses of many acres in extent. Interspersed among these tracts of rocks are occasionally deep ravines, and frequently valleys of considerable extent, varying in depth, lying mostly many feet below the projected grade of the streets. These ravines and deeper valleys having bottoms of rock, are generally the deposit of water, which stagnates, and are quite as impracticable for improvements of any description as the rocks.

Until the passage of the act to which your attention is now directed, these lots had no value of any importance, nor have they now, except to the few who operate in them, because they understand the operation of this law, and because it is not generally understood. This operation consists in enabling the speculator to buy worthless lots, at a mere nominal value, and have them improved into very valuable lots, at the expense of the city, by providing, that no more than one half the assessed value of any lot shall be taxed upon it for the regulating and grading of the street it is on.

It happens, that the expense of regulating and grading is, in a very great many cases, greater than half the assessed value of the lots, and in many cases, forty, sixty and one hundred times greater, so that the more from the grade of the street, or the more rocky or low such lots may be, the less valuable it is, and the less it can pay toward the expense of grading and regulating, which brings it immediately into market, at a nearly equal value with the lots in the neighborhood, which may have paid their proportion of regulating and grading.

In this connection, it is also proper to call the attention of your Hon. Body, and of citizens generally, to a proceeding which has grown into a custom, (by the unfaithfulness of public officers,) more oppressive, because it involves greater annual amounts than the above. Your Committee refers to the practice of the assessors, who have been for years in the habit of assessing the up-town unimproved property at rates of from one third to one half of its real known value.

This assessing of values, so much too low, besides the manifest injustice of partial taxation, operates most unfairly in the matter of regulating streets. Since, by the law above quoted, there can be charged upon these lots only one half of their assessed value for regulating and grading streets; and the amount of assessed value is generally less than one half the real value: it occurs that the amount so charged is really less than one fourth of what the property could bear, and is so trifling as to cause the city to pay almost the entire expense of regulating and grading, and especially whenever the street is run through a deep cutting or a high embankment, when the expense is the greatest, and where the value of the lot is the least.

For these considerations, your Committee respectfully recommend and urge a repeal of the present law, or such a modification of it as will require all property to be assessed at its real value, in cases where streets and avenues are to be regulated and graded.

The difference in the cost and extent of the ground for the two parks is—

\$1,407,325 for 659 $\frac{3}{4}$  acres for Central Park.

700,575 for 153 $\frac{1}{2}$  acres for Jones' Park.

Difference, \$706,750 for 606 $\frac{1}{4}$  acres more for Central Park, which includes the present reservoir and the arsenal, and St. Vincent grounds, which need not be purchased, containing 57 acres, and also about 135 acres, now belonging to the city; which is, in fact, 414 $\frac{1}{2}$  acres more than Jones' Park, for \$706,750, which is about the cost of Jones' Park.

It is therefore to be borne in mind, that in purchasing Jones' Park, we pay for all the land included within the limits of the park; whereas, in the acquisition of Central Park, we inclose an area of 759 $\frac{3}{4}$  acres for park purposes, and have only to pay for 566 $\frac{3}{4}$  acres, including ground for the new reservoir, which the city will purchase in any event. This happens, because 57 acres to be inclosed belong to the State Arsenal, and to Mount St. Vincent Academy and to the present receiving reservoir, which will all be allowed to remain, and will be improved in ornamental connection with the park, and because the city already owns 135 acres, scattered in various parts within the proposed

inclosure; 27 acres of which is on ground to be covered by the new reservoir.

By reference to page 141, under the head of *EXTENT*, it is shown, that a larger portion of the purchase money could be paid by assessment on the surrounding property, if it should be thought expedient for the purchase of Central Park than for the purchase of Jones' Park, which will reduce the amount of purchase money to be taxed upon property generally.

In case of such purchase, by tax upon property generally, by issue of stock or otherwise, the amount to be paid for Central Park will also be reduced, or returned to the city treasury, by the amounts received from time to time, for sales of sites upon the borders of the park, which can be spared, with advantage, for ornamental buildings, devoted to public purposes, &c., as explained on page 141, under the head of *EXTENT*.

Setting aside the greater economy of the purchase of Central Park the numerous considerations of greater convenience of locality, general accessibility, better capacity for embellishment, superior topographical availability, and public health, as have been shown, would induce your Committee to recommend the purchase of this park in preference to Jones' Park.

Your Committee having fully set forth all "the advantages and disadvantages of the ground (known as Jones' Woods,) designated in the act of the legislature," referred to in the resolution committed to them, and having also examined and reported as to "whether there be not a better locality for a park, equal to the present and prospective wants of a great and rapidly increasing city, and susceptible of future embellishments, corresponding to the wealth and greatness of this commercial metropolis;" and having, as they think, fully justified their opinion, that the grounds proposed for Central Park should be purchased in preference to Jones' Woods, or to any other locality on the island, by a close and rigid comparison of the advantages of extent, capacity for rural embellishments, general topographical features, economy, &c., together with a great variety of facts and inferences bearing upon the subject, beg leave to say, that an additional reason for recommending the location of Central Park

is, that it includes within its limits the site already proposed by the Croton Water Department for the new reservoir.

Your Committee finally beg leave to call the attention of your Honorable Body to the tables hereto annexed, showing, Table 1st—The cost of grading streets and avenues on the site of Central Park, and the present value of the lots. Table 2d—Present value of lots and cost of grading streets and avenues on the site of Jones' Park; and also to the map accompanying this report, showing the relative position, size, topography, &c., of Central Park and Jones' Park, all of which have been prepared under the direction of your Committee, and are herewith presented as necessary to a full understanding of the matters discussed.

In conclusion, it is a matter of congratulation to your Committee to know, and this report has shown, that it is within the power of our citizens, within a very few years, to possess, at a comparatively trifling expense, a public park of considerable extent, sufficient for the possible requirements of the present and future population of a rapidly growing city; a park superior in available resources and not surpassed in convenience of position or availability for tasteful embellishments; a park which our citizens can, with honest pride, favorably compare with the most celebrated public grounds of the chief cities of Europe; not excepting Hyde Park of London, the Champs Elysees of Paris, the Prater of Vienna, the Cascine of Florence, the Corso of Rome, the Prado of Madrid, or even, on the American Continent, with the spacious Plazas of Havana, or the lovely Botanical Gardens of Rio de Janeiro. Indeed, your Committee confidently claim that it is within our power to combine the peculiar features and excellencies of each of these magnificent works in our own park, and even to excel them all by the availability of Central Park for artificial lakes, streams, cascades and fountains, by reason of its peculiar formation of surface, and the never-failing and unequalled supply of water from the largest aqueduct in the world.

It is scarcely necessary for your Committee to state, that these latter remarks will not apply to Jones' Park, but refer solely to the supposition that the idea of Central Park will be adopted, it being so far superior in every respect to Jones' Park.

Your Committee therefore report the following resolution :

*Resolved*, That the Counsel to the Corporation be, and he is hereby authorized and directed to memorialize the next legislature for the passage of "an act" to authorize the taking of lands in the central part of this city, for the use and purpose of a public park, as set forth in this report; said act to provide for the appointment of Commissioners of Estimate, to be appointed by the Supreme Court.

All of which is respectfully submitted.

DANIEL DODGE, } *Special*  
JOS. BRITTON, } *Committee.*

**TABLE No. 1.**

Table showing the Excavation and Embankment required to grade the Streets and Avenues embraced in the Proposed Central Park; also, an Estimate of the present value of the Lots.

Avenue or Street.	Between what avenues or streets.	Cubic yards excavation.		Cubic yards embankment.	Cubic yards embankment to be furnished.	Cost of Work per cubic yard.			Cost of Work per Block.	Number of Lots in each Block.	Cost of Work per Lot.	Estimated Value per Lot.	Estimated Value per Block.	Avenue or Street.	Between what avenues or streets.	Cubic yards excavation.		Cubic yards embankment.	Cubic yards embankment to be furnished.	Cost of Work per cubic yard.			Cost of Work per Block.	Number of Lots in each Block.	Cost of Work per Lot.	Estimated Value per Lot.	Estimated Value per Block.	
		Earth.	Rock.			Earth.	Rock.	Earth re-quired.								Earth.	Rock.			Earth re-quired.	Earth.	Rock.						Earth re-quired.
5th avenue	63 & 64	400		2500	2100	25c.	75c.	30c.	\$730	8	91	25	\$590	\$4000	Brought forward.								265887	24	65	29	\$200	\$521800
	65 & 66			4200	4200				1260	8	157	50	475	3800	64th street	6th & 7th	2000	2000	7780	3780	90c.	25c.	3134	24	65	29	\$200	4800
	66 & 67			2100	2100				630	8	78	75	450	3600	65th street	7th & 8th	1300	3700	21680	21680			6498	48	135	88	200	9600
	67 & 68	1200	1220						1215	8	151	88	450	3600	66th street	5th & 6th	5380	1430	8000	1070			9600	48	200	90	150	7200
	68 & 69	1600	500						775	8	96	88	450	3600	67th street	6th & 7th	1760	1730	1630				1715	24	35	73	175	4200
	69 & 70	360							230	8	28	75	400	3200	68th street	5th & 6th	1560	1530	4880	1820			1961	48	40	85	175	8400
	70 & 71	920							40	8	5	00	375	3000	69th street	6th & 7th	1370	1200	5380	2760			2070	58	35	89	200	11600
	71 & 72	160							240	8	30	00	350	2800	70th street	5th & 6th	5180	600	3000				1745	24	36	85	175	4200
	72 & 73			800	800				125	8	15	63	350	2800	71st street	6th & 7th	1410	2770	1380				1465	48	30	52	175	8400
	73 & 74			1800	1800				540	8	15	63	350	2800	72d street	6th & 7th	1530	3030	4630				3921	58	67	60	200	11600
	74 & 75	500		450					154	8	19	25	450	3200	73d street	5th & 6th	2220	3050	830				804	24	16	75	175	4200
	75 & 76			1800	1800				432	8	30	00	500	4400	74th street	6th & 7th	1780	1780					2465	48	51	35	150	7200
	76 & 77			600	80				175	8	19	25	450	3200	75th street	5th & 6th	800	130	5780	4850			1753	58	30	22	200	11600
	77 & 78			1440					770	8	30	00	600	4800	76th street	6th & 7th			4440	4440			1832	48	27	75	175	8400
	78 & 79	520		2400	2400				588	8	30	00	600	4800	77th street	5th & 6th	4890		7560	7560			2268	48	47	25	175	8400
	79 & 80			960	960				770	8	30	00	650	5200	78th street	6th & 7th			2310				1222	58	21	07	200	11600
	80 & 81	700							1800	8	225	00	650	5200	79th street	5th & 6th	4890		17780	17780			5334	48	111	13	150	7200
	81 & 82								1125	8	140	63	200	1600	80th street	6th & 7th			1830	4890			2465	48	51	35	150	7200
	82 & 83								324	8	40	50	200	1600	81st street	5th & 6th	2000	4000	1380				3500	58	60	34	200	11600
	83 & 84								1944	8	243	00	200	1600	82d street	6th & 7th			13780	13780			4134	48	86	13	150	7200
	84 & 85								1458	8	182	25	200	1600	83d street	5th & 6th	420	800	25130	23910			2700	48	56	25	150	7200
	85 & 86								605	8	75	63	200	1600	84th street	6th & 7th			9000	9000			3178	29	54	79	225	6525
	86 & 87								700	8	87	50	200	1600	85th street	5th & 6th	7200		11660	4260			5005	48	104	16	200	9600
	87 & 88								1035	8	129	88	200	1600	86th street	6th & 7th			1330	22740	20080		7354	48	153	21	175	8400
	88 & 89								648	8	81	00	200	1600	87th street	5th & 6th	420	800	25130	23910			7878	29	135	88	175	4075
	89 & 90								1590	8	99	38	275	2000	88th street	6th & 7th	1660	3	15000	10340			3732	18	77	75	175	3150
	90 & 91								3000	16	187	50	375	6000	89th street	5th & 6th			21460	21460			5767	48	120	14	150	7200
	91 & 92								3600	16	25	00	375	6000	90th street	6th & 7th			10660	10660			6488	29	111	00	175	4075
	92 & 93								3600	16	25	00	375	6000	91st street	5th & 6th			22220	22220			3198	24	66	62	175	4200
	93 & 94								3600	16	225	00	375	6000	92d street	6th & 7th	3870		3010				6666	48	138	87	150	7200
	94 & 95	4000	1500						2125	16	132	81	350	2800	93d street	5th & 6th	2940		19040	6100			3818	24	79	54	175	4200
	95 & 96	5500		5000	5000				1375	8	85	93	350	5600	94th street	6th & 7th	1760		1330				4530	48	94	38	150	7200
	96 & 97			5000	5000				1500	16	93	75	350	5600	95th street	5th & 6th		800	24000	24000			2565	29	44	21	200	5800
	97 & 98	4400		2400					1100	16	68	75	300	4800	96th street	6th & 7th			800	24000	24000		1040	24	21	66	150	3600
	98 & 99	8200		2000	2000				2050	16	128	12	200	4800	97th street	5th & 6th	2750		8000	5250			7200	48	150	00	150	7200
	99 & 100			2000	2000				600	16	37	50	275	4400	98th street	6th & 7th	1530	2800	2330				2263	24	51	69	150	3600
	100 & 101	4650	1550						1200	8	145	31	275	2200	99th street	5th & 6th	7660	2550	6400				3827	29	65	98	200	5800
	101 & 102	1500	300	3800	2000				1620	8	70	00	275	2200	100th st.	6th & 7th	1500	1500	6000	3000			2400	24	50	00	150	3600
	102 & 103	540	1200						1920	16	101	25	275	2200	101st st.	5th & 6th	7720		13380	18380			4014	24	83	63	150	3600
	103 & 104			2160	2160				720	8	45	00	300	2400	102d street	6th & 7th	6660	6660	12960				3112	29	53	65	275	7975
	104 & 105								5113	8	319	86	325	2600	103d street	5th & 6th	2330	2330	18330	18370			6660	18	277	50	200	3600
	105 & 106								1935	8	241	88	350	2800	104th street	6th & 7th	4980	4800	10220	440			6431	48	133	98	175	8400
	60 & 61	900	300	5000	3800				4320	8	540	00	375	3000	105th street	5th & 6th	2110	2000	7660	3550			3063	42	53	33	225	9450
	61 & 62	1800	3400						3966	8	495	75	400	3200	106th street	6th & 7th	730	600	14660	18330			4627	48	99	39	150	7200
	62 & 63			12000	12000				1005	8	131	88	425	3400	87th avenue	7th & 8th			6770	5350			1935	42	33	36	250	10500
	63 & 64			12000	12000				1025	8	128	12	450	3600	88th avenue	5th & 6th	1320		5330	3550			1510	48	31	46	150	7200
	64 & 65			12000	12000				625	8	71	13	500	4000	89th avenue	6th & 7th	1940		4430	2490			1222	58	21	07	275	15950
	65 & 66	4000	1500						16	16			500	8000	90th avenue	5th & 6th	1330	12000	3440				9338	48	194	44	150	7200
	66 & 67	5500							16	16	25	00	150	2400	91st avenue	6th &												



## The New York Park.

BY ANDREW J. DOWNING.

The leading topic of town gossip and newspaper paragraphs, just now, in New York, is the new park proposed by Mayor Kingsland. Deluded New York has, until lately, contented itself with the little door-yards of space—mere grass-plots of verdure—which form the squares of the city, in the mistaken idea that they are parks. The fourth city in the world, (with a growth that will soon make it the second,) the commercial metropolis of a continent spacious enough to border both oceans, has not hitherto been able to afford sufficient land to give its citizens (the majority of whom live there the whole year round) any breathing space for pure air, any recreation ground for healthful exercise, any pleasant roads for riding or driving, or any enjoyment of that lovely and refreshing natural beauty from which they have, in leaving the country, reluctantly expatriated themselves for so many years—perhaps for ever. Some few thousands, more fortunate than the rest, are able to escape, for a couple of months, into the country, to find repose for body and soul, in its leafy groves and pleasant pastures, or to inhale new life on the refreshing sea-shore. But in the mean time the city is always full. Its steady population of five hundred thousand souls is always there; always on the increase. Every ship brings a live cargo from over-peopled Europe, to fill up its over-crowded lodging houses; every steamer brings hundreds of strangers to fill its thronged thoroughfares. Crowded hotels, crowded streets, hot summers, business pursued till it becomes a game of excitement, pleasure followed till its votaries are exhausted; where is the quiet reverse side of this picture of town life, intensified almost to distraction?

Mayor Kingsland spreads it out to the vision of the dwellers in this arid desert of business and dissipation—a green oasis for the refreshment of the city's soul and body. He tells the citizens of that feverish metro-

polis, as every intelligent man will tell them, who knows the cities of the old world, that New York, and American cities generally, are voluntarily and ignorantly living in a state of complete forgetfulness of nature, and her innocent recreations. That, because it is needful in civilized life for men to live in cities—yes, and unfortunately too, for children to be born and educated without a daily sight of the blessed horizon—it is not, therefore, needful for them to be so miserly as to live utterly divorced from all pleasant and healthful intercourse with gardens and green fields. He informs them that cool, umbrageous groves have not forsworn themselves within town limits, and that half a million of people have a *right* to ask for the “greatest happiness” of parks and pleasure-grounds, as well as for paving stones and gaslights.

Now that public opinion has fairly settled that a park is necessary, the parsimonious declare that the plot of one hundred and sixty acres, proposed by Mayor Kingsland, is extravagantly large. Short-sighted economists! If the future growth of the city were confined to the boundaries their narrow vision would fix, it would soon cease to be the commercial emporium of the country. If they were the purveyors of the young giant, he would soon present the sorry spectacle of a robust youth, magnificently developed, but whose extremities had outgrown every garment that they had provided to cover his nakedness.

These timid tax payers, and men nervous in their private pockets of the municipal expenditures, should take a lesson from some of their number to whose admirable foresight we owe the unity of materials displayed in the New York City Hall. Every one familiar with New York, has wondered or smiled at the apparent perversity of taste which gave us a building—in the most conspicuous part of the city, and devoted to the highest municipal uses, three sides of which are pure white marble, and the fourth, coarse, brown stone. But few of those who see that incongruity, know that it was dictated by the narrow-sighted frugality of the Common Council, who were its building committee, and who determined that it would be useless to waste marble on the rear of the City Hall, “since that side would only be seen by persons living in the suburbs.”

Thanking Mayor Kingsland, most heartily for his proposed new park, the only objection we make to it is, that it is *too small*. One hundred

and sixty acres of park for a city that will soon contain three quarters of a million of people! It is only a child's play-ground. Why, London has over six thousand acres, either within its own limits, or in the accessible suburbs, open to the enjoyment of its population—and six thousand acres composed too, either of the grandest and most lovely park scenery, like Kensington and Richmond, or of luxuriant gardens, filled with rare plants, hot-houses and hardy shrubs and trees, like the National Garden at Kew. Paris has its garden of the Tuileries, whose alleys are lined with orange trees, two hundred years old; whose parterres are gay with the brightest flowers; whose cool groves of horse-chestnuts, stretching out to the Elysian Fields, are in the very midst of the city. Yes, and on its outskirts are Versailles, (three thousand acres of imperial groves and gardens there also,) and Fountainbleau, and St. Cloud, with all the rural, scenic and palatial beauty that the opulence of the most profuse of French monarchs could create, all open to the *people* of Paris. Vienna has its great Prater, to make which, would swallow up most of the "unimproved" part of New York city. Munich has a superb pleasure-ground of five hundred acres, which makes the Arcadia of her citizens. Even the smaller towns are provided with public grounds to an extent that would beggar the imagination of our short-sighted economists, who would deny "a greenery" to New York; Frankfort, for example, is skirted by the most beautiful gardens, formed upon the platform which made the old ramparts of the city—gardens filled with the loveliest plants and shrubs, tastefully grouped along walks over two miles in extent.

Looking at the present government of the city as about to provide, in the people's park, a breathing zone, and healthful place for exercise for a city of half a million of souls, we trust they will not be content with the limited number of acres already proposed. Five hundred acres is the smallest area that should be reserved for the future wants of such a city, now, while it may be obtained. Five hundred acres may be selected between Thirty-ninth street and the Harlem river, including a varied surface of land, a good deal of which is yet waste area, so that the whole may be purchased at something like a million of dollars. In that area there would be space enough to have broad reaches of park and pleasure-grounds, with a real feeling of the breadth and beauty of green

fields, the perfume and freshness of nature. In its midst would be located the great distributing reservoirs of the Croton Aqueduct, formed into lovely lakes of limpid water, covering many acres, and heightening the charm of the sylvan accessories by the finest natural contrast. In such a park, the citizens who would take excursions in carriages or on horseback, could have the substantial delights of country roads and country scenery, and forget, for a time, the rattle of the pavements and the glare of brick walls. Pedestrians would find quiet and secluded walks when they wished to be solitary, and broad alleys, filled with thousands of happy faces, when they would be gay. The thoughtful denizen of the town would go out there in the morning, to hold converse with the whispering trees, and the weary tradesmen, in the evening, to enjoy an hour of happiness by mingling in the open space with "all the world."

The many beautiful utilities that would gradually grow out of a great park like this, in a great city like New York, suggest themselves immediately and forcibly. Where would be found so fitting a position for noble works of art, the statues, monuments, and buildings commemorative at once of the great men of the nation, of the history of the age and country, and the genius of our highest artists? In the broad area of such a verdant zone would gradually grow up, as the wealth of the city increases, winter gardens of glass, like the Crystal Palace, where the whole people could luxuriate in groves of the palms and spice trees of the tropics, at the same moment that sleighing parties glided swiftly and noiselessly over the snow-covered surface of the country-like avenues of the wintry park without. Zoological gardens, like those of London and Paris, would gradually be formed by private subscription or public funds, where thousands of old and young would find daily pleasure in studying natural history, illustrated by all the wildest and strangest animals of the globe, almost as much at home in their paddocks and jungles, as if in their native forests; and horticultural and industrial societies would hold their annual shows there, and great expositions of the arts would take place in spacious buildings within the park, far more fittingly than in the noise and din of the crowded streets of the city.

We have said nothing of the social influence of such a great park in New York. But this is really the most interesting phase of the whole matter. It is a fact, not a little remarkable, that, ultra democratic as are

the political tendencies of America, its most intelligent social tendencies are almost wholly in a contrary direction. And among the topics discussed by the advocates and opponents of the new park, none seem so poorly understood as the social aspect of the thing. It is indeed both curious and amusing to see the stand taken on the one hand by the million, that the park is made for the "upper ten," who ride in fine carriages; and, on the other hand, by the wealthy and refined, that a park in this country, will be "usurped by rowdies and low people." Shame upon our republican compatriots, who so little understand the elevating influences of the beautiful in nature and in art, when enjoyed in common by thousands and hundreds of thousands of all classes without distinction! They can never have seen, how, all over France and Germany the whole population of the cities pass their afternoons and evenings together, in the beautiful parks and gardens. How they enjoy together the same music, breathe the same atmosphere of art, enjoy the same scenery, and grow into social freedom by the very influences of easy intercourse, space and beauty that surround them. In Germany, especially, they have never seen how the highest and lowest partake alike of the common enjoyment—the prince seated beneath the trees on a rush-bottomed chair, before a little wooden table, supping his coffee or his ice, with the same freedom from state and pretension as the simplest subject. Drawing-room conventionalities are too narrow for a mile or two of spacious garden landscape, and one can be happy with ten thousand in the social freedom of a community of genial influences, without the unutterable pang of not having been introduced to the company present.

These social doubters, who thus intrench themselves in the sole citadel of exclusiveness in republican America, mistake our people and their destiny. If we would but have listened to them, our magnificent river and lake steamers, those real places of the million, would have no velvet couches, no splendid mirrors, no luxurious carpets. Such costly and rare appliances of civilization, they would have told us, could only be rightly used by the privileged families of wealth, and would be trampled upon and utterly ruined by the democracy of the country, who travel one hundred miles for half a dollar. And yet these, our floating palaces and our monster hotels, with their purple and fine linen, are they not respected by the majority who use them, as truly as other palaces by their

rightful sovereigns? Alas! for the faithlessness of the few, who possess, regarding the capacity for culture of the many, who are wanting. Even upon the lower platform of liberty and education, that the masses stand in Europe, we see the elevating influences of a wide popular enjoyment; of galleries of art; public libraries, parks and gardens, which have raised the people in social civilization and social culture to a far higher level than we have yet attained in republican America. And yet, this broad ground of popular refinement must be taken in republican America, for it belongs of right more truly here than elsewhere. It is republican in its very idea and tendency. It takes up popular education where the common school and ballot-box leave it, and raises up the working-man to the same level of enjoyment with the man of leisure and accomplishment. The higher social and artistic elements of every man's nature lie dormant within him, and every laborer is a possible gentleman, not by the possession of money or fine clothes—but through the refining influence of intellectual and moral culture. Open wide therefore, the doors of your libraries and picture galleries, all ye true republicans! Build halls where knowledge shall be freely diffused among men, and not shut up within the narrow walls of narrower institutions. Plant spacious parks in your cities, and unloose their gates as wide as the gates of morning to the whole people. As there are no dark places at noon day, so education and culture—the true sunshine of the soul—will banish the plague spots of democracy; and the dread of the ignorant exclusive who has no faith in the refinement of a republic, will stand abashed in the next century, before a whole people whose system of voluntary education embraces (combined with perfect individual freedom,) not only common schools of rudimentary knowledge, but common enjoyments of all classes in the higher realms of art, letters, science, social recreations and enjoyments. Were our legislatures but wise enough to understand today, the destinies of the New World, the gentility of Sir Philip Sidney, made universal, would be not half so much a miracle fifty years hence in America, as the idea of a whole nation of laboring men reading and writing, was, in his day, in England.

## Necessity of a Central Park.

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### TWO REPORTS TO THE LEGISLATURE.

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#### CENTRAL PARK REPORT.

REPORT OF THE MINORITY OF THE SELECT COMMITTEE ON THE BILL RELATIVE TO A PUBLIC PARK IN NEW YORK.

The undersigned, a minority of the Select Committee, (consisting of Messrs. Beckman, Cooley, and Bartlett,) appointed to take into consideration the bill entitled, "An act relative to the purchase, possession, and laying out of certain lands for a public park in the Nineteenth Ward of the city of New York, and the powers and duties of the Mayor, Aldermen, and Commonalty relative thereto," with power to report complete, beg leave respectfully to make the following

#### REPORT :

The Committee have given the subject matter referred to them that serious attention which its great importance seemed to demand—having held numerous sittings for the purpose of hearing the witnesses that have been presented by the friends of the bill, and by those opposed to its becoming a law.

The testimony before the Committee was, to a considerable extent, conflicting and contradictory, and some of the witnesses were evidently interested, pecuniarily, and largely so, in the scheme contemplated in the bill for converting the plot of ground known as "Jones' Wood," into a public park.

Indeed, it appears to the undersigned due, no less to the cause of justice than to the great interests of the city of New York, as well as to the hundreds of thousands of its teeming and rapidly increasing population, and the millions who may hereafter congregate in that stirring city,

which is destined, perhaps, to become the great commercial centre of the world, as it is now, pre-eminently, that of this vast continent; and it is due, moreover, to the importance of the measure contemplated in the bill, which is to affect, for weal or woe, the social condition, comfort, convenience, health, taste, and pleasurable enjoyment of myriads of human beings, to state, that the parties most active and urgent for the passage of the bill, are, themselves, confessedly, interested pecuniarily, and will be largely benefited in point of property, should it become a law.

While the undersigned impugns no one's motives in the advocacy of whatever course may be taken with respect to this, or any other measure, before this honorable body, he, nevertheless, deems it a duty incumbent on him to state these incontrovertible facts, which no one, it is presumed, will undertake to gainsay or deny.

Those parties who have manifested so much anxiety to push this bill through the legislature at this session, are all interested in landed estates near "Jones' Wood," which, should this bill, contrary to the wishes, as is believed by the undersigned, of a large majority of the property holders of New York, be passed into a law, will be greatly augmented in value.

While this circumstance would not be entitled to the slightest consideration, were the "Jones' Wood" site conceded to be the most eligible for the important purposes and improvements designed in the bill, it becomes exceedingly grave and interesting when it is known that a far better and more central site exists, and that this described in the bill is advocated by few, except those whose private interests are likely to be so largely advanced by an improvement, which, if made at all, must be done at the public expense.

The evidence before the Committee took a wide range, including the comparative advantages of the two sites had in view by the citizens of New York for a public park, to wit: "Jones' Wood," bounded by Sixty-fourth street, from the East river to Avenue A; by Avenue A, from Sixty-fourth to Sixty-sixth street; by Sixty-sixth street, from Avenue A to the Third avenue; by the Third avenue, from Sixty-sixth to Seventy-fifth street, and by Seventy-fifth street, from the Third avenue to the East river; and by the East river from Seventy-fifth street to Sixty-fourth street, containing about 159 acres, and situated on the extreme

eastern verge of the city, and about six miles from the City Hall; and also a tract of land situated near the geographical centre of Manhattan island, bounded by the Fifth and Eighth avenues on the east and west, and by Sixtieth and One hundred and sixth streets, on the north and south, containing about 760 acres, a plot of ground not only well adapted for park purposes and landscape adornment, but in size somewhat commensurate with the inevitable requirements of so vast a population as is doubtless destined, at no very distant day, to crowd that great commercial emporium; a site, too, which is not only asked for by many thousand petitioners, but from the following preamble and resolutions, passed by the two Boards of Aldermen and Assistants, and approved by the Mayor of the city of New York, on the 11th inst., appears to have the unanimous voice of the city government in its favor.

*Whereas*, By a resolution of the Common Council, adopted in January, 1852, the state legislature were requested to take no further action in relation to the opening of the proposed Jones' Wood Park, by which request the subject has been allowed to rest until the present session of the legislature. It now appears, however, that certain interested parties are attempting to renew the subject, without, and independent of, any action of the Common Council, in favor of the same; and *whereas*, as far as ascertained, the proposed Central Park has met the general approbation of our citizens, and the project being more feasible than that of Jones' Wood Park, on the ground that, if carried into effect, it will embrace within its limits the present and contemplated reservoirs, and also be central to the island, where, if a park is wanted at all, would be a proper location for one, therefore,

*Resolved*, That application be made to the legislature, at its present session, for a law authorizing the opening of a park, the boundaries of which shall be southerly by Sixty-third street, northerly by One hundredth street, easterly by the Fifth avenue, and westerly by the Eighth avenue; and further,

*Resolved*, That the Clerk of the Common Council be, and is hereby directed to forward copies of the foregoing preamble and resolutions to the members of the legislature at Albany.

Adopted by the Board of Aldermen, June 9, 1853.

Adopted by the Board of Assistants, June 10, 1853.

Approved by the Mayor, June, 11, 1853.

D. T. VALENTINE,  
Clerk C. C., City of New York.

But for the cordial support of his Honor the Mayor, in whom the citizens of New York have the fullest confidence, and who is connected with, and advocating all, the great reform measures contemplated in the administration of the government of that city, this recommendation of the Common Council should, as has been suggested by the majority of the Committee, be received with many grains of allowance. But, coming up to the legislature, sanctioned as it is by that approval, the undersigned thinks it entitled to much weight and consideration.

To the undersigned, it appears to be no more than justice requires to say, in answer to the implied charge of the majority of the Committee, that a part of the signatures of the remonstrants against the passage of the "Jones' Wood" Park bill, were not genuine, or that they were improperly obtained, that it is possible that some of those signatures were entered at the request of bona fide citizens, who could not, or did not, for some good reason, really write their own names. It is quite impossible for the undersigned to determine how this is; and he thinks it may be no less difficult, perhaps, for the majority, who seem to doubt these, to ascertain with any great degree of certainty, whether every signature obtained on the petition for the "Jones' Wood" Park bill, be really genuine or not; nor does the undersigned deem it a very important inquiry; he will content himself with merely stating to the Senate that there were a very large number of petitions before the Committee, asking for the passage of the "Jones' Wood" Park, but, in his opinion, a much larger remonstrating against it. He has, however, not taken the trouble to count the names on either side; nor does he deem that at all important in coming to a full understanding as to the wants of the citizens of New York, or with respect to the comparative merits of the two competing sites for conversion into a public park; for both have merits, and much may be said on both sides of the question without doing any injustice to either. The evidence which has been given before the Committee, as to the comparative eligibility of the two sites of ground for the contemplated park, may be considered under two heads.

First, as respects their situation in reference to the question of public convenience, and the influence of the position as regards the ventilation, and the consequent healthful operation of grounds so appropriated, upon the atmosphere of the city; and

Secondly, the character of the two sites, simply as regards their respective fitness for their conversion into park-like and ornamental public grounds.

On the one hand, evidence has been presented to the Committee to show that there is upon the ground called "Jones' Wood," a dense mass of forest trees of large size, which, it has been alleged, are of a valuable character for ornament in a park, and well adapted to afford the requisite shade and seclusion, and this feature appears to be the only one of any weight which has been suggested to the Committee, as showing the fitness of that site when put in competition with the site of the Central Park; for, so far as the weight of testimony produced goes, it appears to admit of no doubt that, in other respects, the advantages possessed by the central site are infinitely greater than those which are claimed in favor of "Jones' Wood," which is situated on one side of Manhattan Island, and on that side, moreover, on which the largest amount of land traffic is located.

On the other hand, evidence has been produced before the Committee, in reference to the central site, from which it appears that the contemplated ground is bounded, as has been already stated, by the Fifth and Eighth avenues on the east and west, and by Sixtieth and One hundred and sixth streets on the north and south, as is indicated on the map accompanying this report.

The space of ground is now open, having upon it the Croton Water Reservoirs and Arsenal, and being within the two lines of traffic on either side, by which the city is approached from the north, and which consequently, do not interfere with it.

The position of this ground has been adverted to in most of the evidence given before the Committee, as affording a more advantageous position for the ventilation of the city, and, when planted with more trees, as likely to contribute to those atmospheric changes which are known to be materially influenced by the vital action of vegetation, and which circumstance, when some years hence, the surrounding ground is covered by the extension of the city, will be of much greater consequence than it is at the present time; for it should be remembered that at present the locality of both the sites in question, as well as a large extent of ground

in the vicinity, is now so completely open and uncovered that there exists no apparent necessity to increase the ventilation, and therefore, on this branch of the subject, we must consider ourselves as legislating rather for the wants of the future than of the present.

In reference to the second point to which the evidence has been directed—namely, the eligibility of the two sites—the position of “Jones’ Wood” has been stated to possess a water boundary by the river, and a growth of forest trees, which, by thinning, could be immediately converted into park plantations, an advantage, which further appeared by the evidence before the Committee, the central site does not possess to the same extent; and the undersigned was at once forcibly struck with the circumstance; but, subsequently, testimony was produced to show, upon principles which appeared to his mind correct and conclusive, that to convert “Jones’ Wood” into park scenery by such a demolition of the forest trees as would be necessary in order to obtain the breadth of green sward, and the broad expanse of glade and lawn, which would be no less essential for the park-like character, than it would be for the convenient accommodation of the crowds of citizens for whose use we are asked to provide it, would undoubtedly endanger the future safety of a large part of the trees which would be left standing; inasmuch as it seems that when trees have grown to age in close proximity, the condition of their bark and roots is different from that which is the natural state of the same species when grown in open space; and that if the full influence of sun and air is admitted suddenly to them by the destruction of surrounding trees, frequently the extremes of atmospheric changes to which they thereby become subjected, is too great, and that gradual decay and death result to them.

In further proof of this, the undersigned begs to lay before the Senate the following extract from the excellent work called “The Planter’s Guide; or Practical Essay on the best method of giving immediate effect to wood by the removal of large trees and underwood, by Sir Henry Stewart, Bart., LL.D., F.R.S.E., etc.,” 8vo. pp. 146, 147.

“Perhaps there is no planter who, in the beginning, has not fallen into this mistake, before he had sufficient time to attend to the effects of heat and cold on the growth of wood. Allured by the fine forms of trees, by the tallness of their stems, the beauty of their bark, and their general

appearance of health and strength, we naturally form the wish to transfer them to the lawn or open park ; but we should reflect, that how much soever they may please the eye, there are no properties so unfit as these, for this degree of exposure, as they are generated solely by warmth and shelter. As well might we bring forth the native of the burning plains of Asia or Africa, and in the light attire of those tropical climates, expect him to endure a British winter. Either the facts respecting exposed and sheltered wood, as above stated, are incorrect and unfounded, or nature must be supposed to act in contradiction to herself, if she sanctioned such incongruities. Yet, ninety-nine times in a hundred the success of an art which, if rightly understood, would be interesting to many, is fairly marred by this erroneous practice. Nor are these the errors of youth or inexperience. Two of our best informed writers, Baucher and Marshall, regard the art as mainly applicable to the thinning of nurseries or plantations, and recommended it accordingly for that purpose.

“Trees, being transferred to a climate colder by several degrees than that in which they were trained, and with the peculiar conditions and properties adapted to the latter, internally decline. \* \* \*  
The leaves, from the deprivation of shelter, cannot freely elaborate the sap ; and the proper juice, on the other hand, is chilled in its descent, from the want of leaves, and branches, and bark sufficient to protect the sap vessels. Meanwhile, the trees are vexed by the winds from every quarter ; they want side boughs to nourish and balance them properly. Gradually they become stunted and hide-bound ; the few branches they have decay and drop off, and at last they are rooted out.”

In further illustration of the correctness of this position, the undersigned begs leave to add the following, from a very sensible and well-written article on the “Treatment of Woods,” published in the “Horticulturist and Journal of Rural Art and Rural Taste,” for February, 1853, by William H. Scott, of Adrian, Michigan. Mr. Scott says :—

“The experiments of hundreds, in attempts to develop the sylvan beauties of wild wood, have failed from sudden and indiscriminate thinning. I have seen the fruits of it on my own ground. A narrow belt of forest, composed of oak, linden, hickory, and elm, was left a few years ago, on

the front of a sloping field. Noble old oaks some of them were, while standing in the thick forest. I hoped that exposure to the light would force them to throw out branches from their naked bodies, and that some of these days a pretty grove would be the result, as many more sound trees, of a younger growth, were left as body-guards to shield their stems. These younger have done their duty well, but the old ones struggled on from year to year, and refused to be comforted by the youthful family around them. Some of them have thrown out a few weakly branches, but as many more look as if beginning to decay. I shall, after all, look to the second growth for my permanent and most beautiful shades."

I beg leave to introduce the following letter, handed to me from an experienced gardener, who came to this city for the purpose of being heard upon this subject, but was obliged to leave town before the Committee could conveniently take his testimony.

NEWARK, N. J., June 13, 1853.

W. A. SCHERMERHORN, Esq.:

*Dear Sir:*—In reply to yours of the 11th instant, I answer, that I have been largely engaged in the cultivation of fruit and forest trees for the last fifteen years.

I am acquainted with the grounds commonly called Jones' Woods. A part of those grounds, on the borders where the trees stand separately, and all well formed and with plenty of side branches, might soon and easily be converted into a fine park. But the largest portion of it, which is densely covered with wood, would, in my opinion, require a long time, and be attended with many difficulties in giving it the necessary features of a park. The roots of trees which stand in a thick wood, run along near the surface of the ground for the most part. In thinning out such trees, those left are liable to blown over when deprived of the support of those which stand around them, and frequently decay from the exposure of their trunks to the light. Even if they do live, they never make fine park trees, having long, naked stems, without branches, affording but little shade. I think that a young plantation of trees, embracing all the hardy varieties, would, in a few years be much more beautiful and attractive than this. In confirmation of this I might mention many examples which have come under my own observation.

The late Wm. Gibbons, Esq., of New Jersey, built a house in a native wood, very similar to the Jones' Wood, some twenty years since. He designed thinning out the superfluous trees, leaving only the best single specimens or groups. But he found, in removing those which he did not want, he lost many which he wished to preserve. On a large portion of his grounds he discontinued the thinning

process entirely. It was impossible to make a fine lawn, or make other varieties of trees grow well under the shade of the native trees.

Some eleven years since Mr. F. S. Lathrop commenced improving and planting a piece of ground adjoining that of Mr. Gibbons, with a fine assortment of deciduous and evergreen trees. It is the remark of every one who passes the two places, that the premises and trees of Mr. Lathrop are already by far the most beautiful. Many of his trees are now over forty feet high, and of fine form.

The Hon. Mahlon Dickerson, of New Jersey, built his house, some thirty years hence, on grounds, a part of which was covered with a thick grove of native trees, and the remainder entirely bare of trees. The naked part he planted with a fine and extensive variety of trees, and this part is now incomparably more beautiful than the native growth, as great a difference as there is between a refined and polished gentleman and a wild savage. A great many examples of this kind may be found in every part of our country.

I think you will find my views confirmed by referring to Downing's Horticulturist, pages 345, 346, 347, 348, and 427; also, the February number of the Horticulturist for the present year, page 70; also, Sir Henry Stuart's Planters' Guide, pages 146 and 147. You will also find much on this subject in the late numbers of Hovey's Magazine, published at Boston, Massachusetts, and a vast deal in the voluminous works of London, particularly his magazine, vol. 10, page 482. I am familiar with the ground which it is proposed to convert into what is called the "Central Park." In my judgment, it is more suitable for a public park than Jones' Wood, from its more central position, larger size, and diversified surface. Every variety of hardy tree and shrub might be grown successfully upon this ground, as some portions are quite elevated and dry, while others are low and moist, thus affording to each variety of tree a place and soil most suitable for its vigorous growth. The most interesting and extensive arboretum in the country should be made there. The formation of the ground is such, that with judicious planting and laying out, the whole might be made most beautiful and picturesque.

Yours, very respectfully,

SAMUEL J. GUSTIN.

It would be easy to multiply testimony in confirmation of the fact that trees grown to mature age and size in dense proximity, when suddenly exposed to the action of light, air, sun, and winds, uncovered and unsupported by the natural support, by thinning the surrounding forests, lose their accustomed vigor, and fullness of foliage, and gradually decay and die.

Upon this subject, however, the evidence before the Committee was somewhat conflicting, and considerable difference of opinion appeared to

prevail as to the extent to which this evil was to be apprehended. But the effect produced upon the mind of the undersigned has been, decidedly, that the thinning in question would be attended with much risk to the efficacy of the undertaking; for he observed that those witnesses who expressed an opinion in favor of the thinning process, were careful to guard their testimony, by confining it to the practicability of the cutting of paths and roads through the wood, without advertent to the more extensive, but equally requisite operation, of throwing open wide reaches of park.

The evidence given upon the eligibility of the central site, went to show that some parts of the ground were rough and undrained, but admit of ready drainage; and that considerable other parts are well adapted to conversion into park scenery at once, and could be devoted to the public use without much delay. And further, that the undulating, irregular surface, and the command of water on the spot for the formation of fountains and other artificial ornamental purposes, afford great facilities there, which "Jones' Wood" has not; and that in skillful hands, the grounds admit numerous adaptations for ornamental or scientific purposes, (as the erection of observatories, or museums, or the formation of a botanic garden, and various other objects,) for which "Jones' Wood" would be too small, and, by reason of its proximity to the river, ill adapted.

Upon a full consideration of the evidence which has been presented to the Committee, and from a partial acquaintance with both plots of ground, from personal observation, the undersigned has formed the opinion, that the site of the Central Park is unquestionably that which presents by far the greatest advantages for the public use and convenience. And as the undersigned has had the misfortune to disagree in his opinion from that arrived at by the Senators (Messrs. Beekman and Bartlett,) with whom he has been associated on the Committee, he thinks it right to state briefly some reasons which have influenced his judgment in reference to the subject. The park is asked of the legislature, on the ground of its necessity for the health of the city, and for the convenience and enjoyment of the citizens.

In the first place, we must include both provision for ventilation of that which we expect will become a densely populated neighborhood, and the convenience of its position for ready access by the greatest num-

ber of the inhabitants for the purposes of air and exercise. In both these respects, it appears to the undersigned, that the central location, simply from its position being approachable on either side by the Fifth and Eighth avenues, affords advantages which no change of circumstances can ever impart to "Jones' Wood." While its situation can never interfere with the rapidly augmenting traffic of the city, which has already been adverted to, and is, in the opinion of the undersigned, a circumstance of no little weight and importance in favor of that locality.

It has appeared to the undersigned that in comparing the eligibility of the two sites, the relative size of them should alone determine the question. To provide a park for a city now numbering 600,000 or 700,000 inhabitants, and which is rapidly increasing, and likely to increase for generations to come, of a hundred and sixty acres only, is to disregard entirely, the wants even of our own times. But when it is remembered that we are now asked to provide for a population, which no thinking man can suppose will be bounded, otherwise, in a few years, than by the utmost limits of the island itself, it very clearly appears to the undersigned, that the large site of 760 acres is far less than European experience shows to all who are conversant with the subject, is the relative and reasonable requirement of so vast a community.

The late lamented A. J. Downing, the greatest and most accomplished landscape gardener we have ever had in this country, writing in the "Horticulturist" for August, 1851, (p. 346,) of the project of a public park in the city of New York, says :—

"Five hundred acres is the smallest area that should be reserved for the future wants of such a city; now, while it may be obtained, five hundred acres may be selected between Thirty-ninth street and the Harlem river, including a varied surface of land, a good deal of which is yet waste area, so that the whole may be purchased for something like a million of dollars. In that area there would be space enough to have broad reaches of park and pleasure grounds, with a real feeling of the breadth and beauty of green fields, the perfumes and freshness of nature. In its midst would be located the great distributing reservoirs of the Croton aqueduct, formed into lovely lakes of limpid water, covering many acres, and heightening the charm of the sylvan accessories, by the finest natu-

ral contrast. In such a park, the citizens who would take excursions in carriages, or on horseback, could have the substantial delights of country roads and country scenery, and forget for a time the rattle of the pavements and the glare of brick walls. Pedestrians would find quiet and secluded walks when they wished to be solitary, and broad alleys filled with thousands of happy faces, when they would be gay. The thoughtful denizen of the town would go out there in the morning to hold converse with the whispering trees, and the wearied tradesmen in the evening, to enjoy an hour of happiness, by mingling in the open space with all the world.

“The many beauties and utilities which would gradually grow out of a great park like this, in a great city like New York, suggest themselves immediately and forcibly. Where would be found so fitting a position for noble works of art, the statues, monuments, and buildings commemorative at once of the great men of the nation; of the history of the age and country, and the genius of our highest artists? In the broad area of such a verdant zone would gradually grow up, as the wealth of the city increases, winter gardens of glass, like the great Crystal Palace, where the whole people could luxuriate in groves of the palms and spice trees of the tropics, at the same moment that sleighing parties glided swiftly and noiselessly over the snow-covered surface of the country-like avenues of the wintry park without. Zoological gardens, like those in London and Paris, would gradually be formed, by private subscription or public fund, where thousands of old and young would find daily pleasure in studying natural history, illustrated by all the wildest and strangest animals of the globe, almost as much at home in their paddocks and jungles, as if in their native forests; and horticulturists and industrial societies would hold their annual shows there, and great expositions of the arts would take place in spacious buildings within the park, far more fittingly than in the noise and din of the crowded streets of the city.”

Even the central site of seven hundred and sixty acres, in contrast with the park conveniences connected with the great cities of Europe, appears to be entirely inadequate to the growing requirements of New York, which has already attained a population equaling a fourth of that of London; and that city has between seven and eight thousand acres of park plantations within its own precincts, or in the immediate vicinity

of the town, which are always accessible, and open at all times to the enjoyment of the population. Many of the private parks of the nobility of England have from one to two thousand acres, within a single inclosure, with broad roads and well dressed paths reaching in all the directions, dotted with great spreading trees, all planted and maturely grown. Even Dublin has her great green park of two or three thousand acres; while Paris literally reposes in landscape, park and public garden scenery of indescribable beauty, extent, and richness.

The great garden of the Tuileries, dressed out with statuary, fountains, and groves, and broad alleys and ample walks, fragrant and beautified with bright flowers, is the daily delight and admiration of all Paris; while at a little distance from it, as you pass through the great fountain-embellished square, or place Louis XIV., you enter the woody Elysian fields, stretching quite out to the great triumphal arch of Napoleon; and still beyond this you may drive for many miles through the immense Bois de Boulogne—a vast and well preserved plantation of full grown trees, intersected with broad, smooth carriage roads and graveled walks. Nor is this scarcely a beginning, for a short drive farther on the outskirts of Paris, you may luxuriate every day in the year in the freedom of three thousand acres of imperial grove and flower gardens at Versailles, lively and beautified with gushing fountains, and loaded with the rich spoils of art, and surrounded with astonishing architectural grandeur and magnificence!

Nor is this all; you have yet to wander through the great royal hunting park and pleasure grounds at Fontainebleau; and then you may return and sit down in admiration beneath the leafy groves of St. Cloud, and regale yourself with the fragrance of those flower-clad and beauteous grounds, full of joyous faces and bounding hearts; nor need you stop here, for you have yet other ample fields of pleasure grounds for exploration, where the swelling tide of populous Paris flows out daily to breathe the pure air of heaven—a reason, perhaps, why the people of that gay city are the merriest and most joyous of any in the world.

Nor is the lovely metropolis of Austria, the gay and beautiful city of Vienna, less rich in landscape adornment, or less amply provided with park plantations and public garden conveniences and embellishment, than

light, volatile, pleasure-consecrated Paris. There, for miles, you may drive or walk around her lofty and well preserved ramparts, beneath the rich foliage of well trained groves, studding the green glacis, spreading out its ample borders, and encircling, as with a zone of beauty, the loveliest city in Europe; while, beyond this green breathing belt of refreshing fields, glowing with myriads of happy beings, charmed with delightful music, which is always there, you have another and a more modern town of surrounding suburbs, larger than the city itself, and encircling entirely both the green glacis and the ancient town; and you have only to pass beyond these suburbs, and you are in the great world-famed Prater of Vienna, spreading out in broad amplitude over an area larger than the entire city limits of New York, laved by the surging current of the Danube, beautified with leafy trees and blooming flowers, with great broad carriage drives, and long reaches of well dressed green sward, intersected with enchanting walks, filled with bounding deer, and happy people, driving, chatting, walking, sipping their coffee, smoking their unique pipes, perhaps dancing; while music rings and keeps time to the joyous, laughing crowds that there daily congregate and drink in the healthful and animating influences of that delightful spot. Nor is this all, for a short drive will bring you to the pleasure grounds of Schoenbrunn palace, ample and beautiful as lavish wealth and art can achieve; and near to these you may enter the zoological gardens of Schoenbrunn, with their rare plants and spicy groves; with their wild animals and pretty birds. And, moreover, you have the Volksgarten, teeming with beauty, and ringing with sweet music; and yet other large pleasure grounds, where, on fete days, the moving population of the town, spread out like an unnumbered host, and mingle in the joyous surrounding scene.

And what is true in respect to park scenery in Paris and Vienna, is also true with regard to Florence, Rome, Milan, Dresden, Leipsic, Frankfurt, Amsterdam, the Hague, indeed, of nearly every large city in Europe; they are all amply provided with great green sward ventilators, and breathing plots of beautified pleasure fields. But these, it must be remembered, are all in Europe, where they have a police force sufficiently strong to keep these great and desirable accessories to city life and comfort in good order—to guard them from annoying vagrants and dissipated horse-jockies, gamblers, pick-pockets, ruffians, and blackguarding ma-

raiders—consequently, they are daily frequented by all classes of community—by the prince and the peasant—by the monarch and his subject—by people of all nations, kindreds and tongues—high and low, rich and poor—and none are there insulted, crowded, jostled, or annoyed; there is room enough, pleasure enough, and fresh, green shade, and life-prolonging pure air enough, and mirth and music enough, and more than enough, for all; and all who congregate there seemed to have learned, by the general respect that each pays to the rights of others, to respect themselves. But how would it be in New York, were you suddenly to open to its thronging masses a large public park, with its present system of police? Would it be a safe resort for unprotected ladies—for children and young persons—for the sick and infirm, and the aged citizens of New York? Could they sit down with their little family groups beneath the cooling shade, without danger of being insulted, run over, knocked down, perhaps robbed, and may be murdered? I think not. Experience has already tested this sadly at Hoboken, on Staten Island, and at many other places of general resort in the open grounds in the city and vicinity. Even here, in this comparatively quiet town, outrages of this kind occur, as for example the following, cut from a daily paper, will show:—

**DARING OUTRAGE.**—On Saturday evening, about 8 o'clock, as Mr. Starks, son of Nathan Starks, Esq., of this city, was walking up Broadway, in company with a young lady, and when a short distance above Hall's ice house, he was set upon by a gang of rowdies, knocked down, and beaten in a most shameful manner, and at the same time an attempt was made to drag the lady away. Mr. Starks defended himself as well as it was possible for any one man to do, thus brutally assaulted by five ruffians at once. The screams of the lady attracted a number of citizens, and her assailants fled. The affair occurred just above the line that divides the city from Watervliet, and no policemen were near to arrest the assault or the offenders.

But, inasmuch as we are asked to provide this park accommodation, rather for those who will come after us, than for the present generation—for a population that, in a quarter of a century, will exceed a million and a half—when a more stringent and effective police system must, of necessity, be introduced; when the government of the city must be sufficiently felt to be respected by the people; when no ruffian resistance to the execution of wholesome laws will, for an instant, be tolerated; when rowdyisms and rebellion will be fearlessly put down; when order will be preserved, and marauders punished; when drunken political vagrants will not dare to assail with midnight bludgeons, unoffending citizens who

may be peaceably assembled for the transaction of important business; when, for detestable deeds, degraded, drunken ruffians will cease to be rewarded by high official functionaries of the general government; when the voice of the people, fairly expressed, must be the guiding power of political action, or democracy must bow beneath the tyrannical tread of dishonor and anarchy; when no banded club of unprincipled, debased, cowardly loafers, recreant to all the high moral obligations due to citizens protected by our laws, may not put those laws at defiance, and at noon-day, bask in the sunshine of political favor; when the good man and his goods may be safe, and the bad promptly punished and put out of the pale of society, as objects of detestation and pity, instead of reward; in short, when sufficient order and regularity shall be introduced and sustained to secure the just rights and personal safety of all the vast population of the city; the undersigned is decidedly of the opinion that a park site should be speedily selected, and that now is, perhaps, a more favorable period for its selection than will be likely again soon to occur.

In making such selection, the undersigned has no hesitation in declaring his preference, in all respects in favor of the central and larger site, and that, moreover, the balance of testimony before the Committee was decidedly in favor of that location. The present open character of the upper part of the city, affords time for the formation and future growth of plantations now to be made, and the great doubt, to say the least of it, that appears to exist, about the practicability of so thinning and cutting "Jones' Wood," as to render the trees left, permanently useful, as well as the still more important fact of the plot of ground being entirely too small for the purposes of a public park, and its location unfavorable, it is clearly evident to the undersigned that the central site should be adopted, and the weight of evidence before the Committee heavily preponderates in favor of the same conclusion. It is in the central part of the island, and holds out a fair prospect of its conversion, within such a time as the real interests of the community require it, into a park which, in itself, will bear some proportion to the requirements of the city, which will form one of its greatest ornaments, and which will be creditable to the legislature under whose action it has originated.

The undersigned knows not how more appropriately to conclude this hasty and imperfect report, than by adding the following extract from an able and very elaborate report of the Special Committee on Parks, ap-

pointed by the Board of Aldermen, as appears by the following preamble and resolution, adopted August 5, 1851 :—

*Whereas*, The legislature, at its recent extra session, passed an act, authorizing the Mayor, Aldermen and Commonalty of this city to purchase, or take, through commissioners to be appointed for that purpose, the ground lying between the Third avenue and East river, and Sixty-sixth and Seventy-fifth streets; and also that lying between Avenue A and the East river, and Sixty-fourth and Sixty-sixth streets, to remain, and be used hereafter as a public park.

*And whereas*, Public opinion seems to demand that the city government, in carrying into effect the object contemplated by the act referred to, should adopt the most liberal and enlightened measures, in order to make the proposed pleasure grounds in its locality, conveniently accessible to all—in its dimension, equal to the present and prospective wants of a great and rapidly-increasing city—and, in its future establishment, corresponding to the wealth and greatness of the commercial metropolis; therefore,

*Resolved*, That it be referred to a special committee of this Board to examine and report upon the advantages and disadvantages of the ground designated in the act of the legislature; and, also, whether there be not a better locality for such park, with comparison of size, capacity for rural embellishment, general topographical features, and probable cost of each; and, also, whether it be not advisable to include within the limits of such purchase, ground for the new reservoir; and, generally, all such facts and inferences as may enable the Common Council to proceed understandingly in a matter involving so large an expenditure of the public money, and so important in its influence upon the present and future growth and prosperity of the city.

Board of Aldermen, August, 5, 1851.

Adopted, and Aldermen Dodge, Dooley, and Britton, appointed such committee.

(Signed,)

J. W. WILSON, *Deputy Clerk*.

Speaking of the Central Park site, the Committee say :

There is no section of our island, of equal size, so well adapted by nature, or so susceptible of improvement and adornment for the purposes of a large park, as the one now under consideration, and none so diversified in surface, abounding so much in hill and dale, and intersected by so many natural streams. The elevations in some parts rising to one hundred and forty feet above tide water, and the valleys, in some parts, being forty feet below the grade of surrounding streets. The valleys contain running streams and numerous springs, and at a small cost can be converted, where desirable, into artificial lakes, and supplied with water to any extent from the never-failing source of the Croton aqueduct, which will also supply fountains in any part of the grounds with a profusion of water, which will render fountains a distinguishing feature, and one in which this park will have a superiority over all other parks, owing to the unequalled supply of water from the greatest aqueduct of ancient or modern times. The great, and at many points of ab-

rupt difference of level of the surface, and the projecting points of rock, render these grounds peculiarly adapted to the construction of the most beautiful and varied roads; now winding around the base of a projecting, rocky hill, now traversing the bottom of a valley, now climbing a gentle hill, again descending to the low lands, passing along the margin of a beautiful, quiet lake; leaving this, and ascending above Eighty-sixth street, the road will pass along what will be one of the greatest of modern works of art—the proposed new reservoir, a picturesque, irregularly-shaped, artificial lake, containing nearly one hundred acres of water in one placid sheet—continuing to rise, gradually winding around elevations, through gentle valleys, the serpentine road will reach the top of Harlem heights, at about One hundred and fifth street, having attained the highest land on the island south of Fort Washington, and from which a magnificent view is presented to the beholder in every direction. From this point may be seen all the present city living to the south, and the bay beyond it, the intervening districts rapidly improving to the southern margin of the park, and, when it is finished, the park itself, extending from the southern border two miles, to the feet of the beholder, intersected by beautiful artificial lakes of various sizes; by small streams, crossed by numerous marble or rustic bridges; by beautiful groves of trees of every variety, indigenous and exotic; by serpentine roads winding through velvet lawns decorated with sparkling fountains, and the whole surrounded by architectural works of every order and variety. Looking to the west will be seen the noble Hudson, extending from the bay (which can be seen as far as the Narrows) up to the Palisades in the distance, and the mountains in the interior of the state of New Jersey, in the extreme west. Looking in a northerly direction can be seen, across the Harlem river, the High Bridge, a magnificent structure, which brings the Croton water to this island, and the other bridges, which connect New York with the county of Westchester, which presents to our view its fertile farms, beautiful gardens, and tasteful villas, and thriving villages.

The eastern view embraces a considerable portion of the State of Connecticut, and of the Sound, separating it from Long Island, also the East river, studded with islands, running from Hellgate to Governor's Island, and separating this city from the shore of Long Island, which shows us Flushing, Astoria, Ravenswood, Greenport, Bushwick, Williamsburg, Brooklyn, &c. Having completed the view, of which only some of the most striking points are here noted, we return to the road, which takes us to the lower end of the park by a different, but not less varied route, having traveled a distance of not less than twenty-five miles.

In estimating the comparative cost of the central site and Jones' Wood, I present the following :—

The difference in the cost and extent of the ground for the two parks is—

For Central Park.....	\$1,407,325 for 759 $\frac{1}{4}$ acres.
For Jones' Park.....	700,565 " 153 $\frac{1}{2}$ "

Difference, \$706,750 for 606 $\frac{1}{4}$  acres more for Central Park, which includes the present reservoir and the arsenal, and St. Vincent's grounds,

which need not be purchased, containing 57 acres, and also about 135 acres, now belonging to the city, which is, in fact,  $414\frac{1}{2}$  acres more than Jones' Park, for \$706,750, which is about the cost of Jones' Park.

It is, therefore, to be borne in mind, that in purchasing Jones' Park, we pay for all the land included within the limits of the park; whereas, in the acquisition of Central Park, we inclose an area of  $759\frac{3}{4}$  acres for park purposes, and have only to pay for  $566\frac{3}{4}$  acres, including ground for the new reservoir, which the city will purchase in any event. This happens because 57 acres, to be inclosed, belong to the State Arsenal, and to Mount St. Vincent Academy, and to the present receiving reservoir, which will be allowed to remain, and will be improved in ornamental connection with the park, and because the city already owns 135 acres, scattered in various parts within the proposed inclosure; 27 acres of which is on the ground to be covered by the new reservoir.

Setting aside the greater economy of the purchase of Central Park, the numerous considerations of greater convenience of locality, general accessibility, better capacity for embellishment, superior topographical availability, and public health, as have been shown, would induce your Committee to recommend the purchase of this park in preference to Jones' Park.

The undersigned has examined the bill introduced yesterday by the honorable senator from the Sixth, (Mr. Morgan,) authorizing the Mayor, Aldermen and Commonalty of the city of New York, under a commissioner to be duly appointed for that purpose, to take possession of the lands known and described as the central site, with a view to its conversion into a public park, and he approves of the same, and recommends its passage.

JAMES E. COOLEY.

ALBANY, June 22, 1853.

**THE JONES' PARK REPORT.**

REPORT OF THE SELECT COMMITTEE ON THE BILL RELATIVE TO A PUBLIC  
PARK IN NEW YORK.

The Select Committee, (the senator from the first district dissenting,) to whom was referred, with power to report complete, the bill from the Assembly, entitled, "An act relative to the purchase, possession and laying out certain lands for a public park in the Nineteenth Ward of the city of New York, and the powers and duties of the Mayor, Aldermen and Commonalty relative thereto,"

**REPORT :**

That from the numerous petitions submitted to them by the Senate, it is apparent that the residents of New York city are very generally agreed as to the necessity of some large public park in the upper wards. Since the bill, which passed the Assembly on the 2d of April last, was referred to your Committee, up to the date of this report, about ten thousand petitioners, over their own proper signatures, have memorialized the legislature, praying that the lands lying between Sixty-sixth street and Seventy-fifth street, and Third avenue and the East river, popularly known as Jones' Wood, be laid out as a public park. During the same time nearly nine thousand remonstrants have prayed that Jones' Wood be not taken for such purpose, because it is not sufficiently central. Of these names, however, over one thousand one hundred are in the same handwriting, and without address, and are, therefore, doubtful. Fifty-three of these remonstrants have, at the same time, prayed for the purchase of land lying between Sixtieth and One hundred and sixth streets, and Fifth and Eighth avenues.

Twelve other remonstrants against Jones' Wood Park, pray for the purchase of a central plot, from about Sixty-seventh to One hundredth street.

The Corporation of New York have also presented resolutions, setting forth that the proposed Central Park has met the general approbation of their citizens, that Jones' Wood Park has been urged by certain interested parties, without any action of the Common Council in favor of the same, and that application be made to the legislature at its present

session for a law authorizing the opening of a park, the boundaries of which shall be southerly by Sixty-third street, northerly by One hundredth street, easterly by the Fifth avenue, and westerly by the Eighth avenue.

It will be sufficient to call the attention of the Senate to the fact that the Common Council of New York, already infamous for its corruption and venality, in railroads, Russ pavements, and contracts, has been repudiated by its constituency at a recent election, by a vote of ten to one; thirty-three thousand to three thousand. Any recommendation from such a source may fairly be suspected, and your Committee do not attach to it the slightest importance.

Of the nine thousand remonstrants, six hundred and seventy-three regard the present time as unpropitious for such a matter of mere luxury, and do not ask for any park. They say that Jones' Wood is more valuable than land in the centre of the island; three hundred and fifty-nine candidly rest their objections upon the fact that Jones' Wood is too remote from their property.

Another remonstrance, emphatically declaring that there is not one good reason for making a park at the place in question, signed by a single remonstrant, is remarkable from the fact that the signer was the counsel for the owners of the land when the law of 1851, laying out Jones' Park was decided to be invalid by Judge Edmonds.

A number of petitions, headed in English and in German, "for a Central Park," were also referred to your Committee on the 15th June. Many pages of the signatures are in the same hand-writing, and without the residences of the pretended signers, not less than two hundred and fifteen names having been counted in one petition which could not have been genuine.

In another appear five hundred and twenty-nine such names. A third petition contains three hundred and seventy-four. Another petition, in English, signed by six hundred and seventy-nine residents of New York, prays for a Central Park in preference to Jones' Wood.

A remonstrance against Jones' Wood Park, is signed by several prominent citizens of New York, who pray that a Central Park may be laid out; and that the expense of it be borne as a common charge.

Another memorial asks for the Central Park, provided its cost shall not exceed fifteen hundred thousand dollars.

The petitioners for either park equal those for the other so nearly, that your Committee can only report with certainty that over eighteen thousand citizens of New York pray for some large public park.

Your Committee, thoroughly impressed with the necessity of public grounds to the health and well being of a metropolis, would recommend the establishment of both the Jones' and the Central Park, if bills for both were before them. Upon the first of these measures they are now called upon to decide, and they have not neglected to avail themselves of such information as was within their reach.

They have examined witnesses as to the capability of the Jones' Wood Park for park purposes; as to the value of the native forest trees, when opened up to the light by paths and road ways; as to the value of the land, as compared with that proposed to be taken for a Central Park; as to the advantage of a river front, and also upon the topography of the central site, and its adaptation to public uses.

Professor Torrey, the well known state botanist and geologist, testified that he had been a student of botany from a boy; that he had known Jones' Woods all his life, and visited them often while pursuing his researches; that the ground was two and a half or three miles from Union Square; that the surface was varied, undulating, having a rocky shore, with a great depth of water. Dr. Torrey said that a large part of the ground is well wooded, and knew no reason why trees should suffer by opening paths. It has not been the case in Greenwood. He did not apprehend any danger to the trees from thinning out, and described them as tulip trees, oak, birch, hickory, &c. He deems the water front a great advantage, on account of the view and air, and said that he prefers the east side of the island to the centre for a park, chiefly on account of the water, and the noble trees. Dr. Torrey thinks a park would be of great advantage to the public health, and says that the high and central parts of the island are more sickly than the east side, and the draining of Jones' Wood is better than of the central lands. Dr. Torrey described the parks in London, which he said were frequented by all classes—spoke of the deep interest he felt in this measure as a sanitary one, because Jones'

Wood could be at once converted into public grounds without waiting for planted trees to grow.

William Curr, a gardener, of thirty-five years' experience in and about New York, who had assisted in laying out Greenwood, Trinity, and other cemeteries, Union, Washington, Madison, and Stuyvesant squares, testified that all the city grounds were originally quite bare. He had found no difficulty, however, in thinning out trees in cemeteries. Greenwood had not suffered; he knew Jones' Wood well; described its surface as undulating, the trees as large and finer than at Greenwood. Nature, he said, has made it a park, and if purchased, one year would render it available to the public. A landscape gardener, he said, would prefer ground covered with trees to produce effect, on account of time saved. Mr. Curr decidedly preferred Jones' Wood to the Central Park.

Mr. Rufus Prime stated that he was well acquainted with Jones' Wood, having lived in that vicinity all his life. He said that land there was less valuable than in the middle of the island, as he knew from sales during the last six months—the value of lots being \$500 each—he much preferred Jones' Wood, which, in his judgment, combines all the requisites for a park; he knew of no purchases or speculations made with reference to Jones' Wood, was not himself interested; thinks a park absolutely necessary in New York, and that Jones' Wood will give prompt enjoyment in return for the outlay.

Mr. Thomas Hogg, being examined, stated that he had been well acquainted with Jones' Wood for many years, and that it can be made a park of at a cheaper rate than any other part of the island; the trees are well grown, the land is good, and there is a fine water front; he had practiced horticulture for fifty years in Great Britain and this country, was certain that drives, if laid out, would not cause the death of the trees; has only to refer to Greenwood, and Dr. Hosack's place at Hyde Park; he thought it would require a very large sum to render the Central Park available; there is a great deal of swamp; for the present generation Jones' Wood is of most advantage.

Mr. Benjamin Munn, a landscape gardener, had examined both sites, and preferred the central one; thinks thinning the trees in Jones' Wood might be dangerous, and would prefer the Central Park for the general

health. He had never visited Greenwood, nor had any experience in thinning out natural woods in this country, nor had he laid out any parks in Europe or America.

Mr. James Hogg, a nurseryman of twenty years' experience, stated that he was well acquainted with Jones' Wood, and described the trees as oak, tulip tree, liquid amber, white birch, &c. He was familiar with the Central Park site also; prefer Jones' Wood, because already covered with trees, and available. He instanced Mr. William Kelly's, Dr. Hosack's, and Greenwood, as places where the natural trees, thinned out, had thriven well. Mr. Hogg considered a park a matter of necessity, and quoted the city inspector's report to show that sixty-two per cent. of all deaths occur under ten years of age. He stated that if both sites were bare of trees, the central would cost most; that the central is admitted to be unhealthy; that the cost of laying out Jones' Wood would be about \$200 an acre, without fence. As to the comparative cost of the two sites, he stated that the assessed value of Jones' Wood for the present year was \$539,600, or an average per block of \$14,988, and that the average five blocks from Sixtieth to Sixty-seventh streets, and Fifth to Eighth avenues, was 31,720. Hr. Hogg produced a memorandum of a corporation sale in December, 1852, at which the average per block, for land from Seventy-second to Seventy-eighth street, and Fifth and Seventh avenues; the site of the proposed Central Park was \$67,876, and also stated that twenty-two lots of ground on Second and Third avenues and Seventy-third street—the most valuable part of Jones' Woods—sold for an average per lot of \$575, or per block, \$36,700.

Full notes of the testimony taken, accompany this report, to which appendix your Committee would refer for more minute details.

Mr. Samuel J. Gustin, a gardener and nurseryman of New Jersey, appeared before the chairman of the Select Committee, and stated that his experience taught him to prefer planted groves to natural forest for ornamental purposes. He instanced two gentlemen's seats in New Jersey, one of which retained the original trees, the other had been planted thirty years, the latter was now the most thrifty. Mr. Gustin thinks the Central Park preferable to the other, because it will afford more scope for the gardener's art, for skillful and extensive planting and artistic effect where every thing is to be created by the landscape gardener.

After carefully weighing the subject referred to them, your Committee were disposed to recommend to the Senate the bill as it came from the Assembly, without amendment, as proper to become a law. They find that an act was passed in July, 1851, which the present one is designed merely to revive and amend; that the land it proposes to convert to the public use is eminently adapted to all the wants of health and pleasure; that it will cost only half as much per acre, as the central site; that its noble forest trees will afford immediate enjoyment to the pent-up citizens of New York, an enjoyment which they have prayed for, and are willing to pay for. The Committee, by no means, desire to interpose a single objection to a larger and more central park, which ought to be established at an early day, and which they heartily recommend as a provision for the future. They think, however, that the present has some claims, and that the panting and crowded families of the less wealthy, whose children fill the bills of mortality, are entitled to ask, what has posterity done for us? Why should they be taxed now to plant groves, which seventy years hence may shelter those who come after them, when health and pure air, wafted from the breezy river, through simple shades, are within their present grasp?

In the words of Mr. William Curr, "the chief advantages of Jones' Woods is, that the trees are already planted, and its being available to the present generation at a small expense."

So earnest is the opposition to this measure on the part of some of the owners of the land to be taken, that your Committee would hesitate to urge it, from considerations of deference to those who see no such public necessity in a park, as would reconcile them to the loss of their land, if taken for a street, a railroad or reservoir; when to this is added a weight of petition in favor of another locality as strong as that which prays for Jones' Woods, it seems, perhaps, wisest to refer to the new city government of New York the choice of sites.

Your Committee, impressed with the great deficiency of New York in public grounds, would recommend the purchase of both; or, perhaps, the securing of one, without delay, and the other at the option of the city.

From a recent work on the parks, gardens, &c., of London and its suburbs, by Edward Kemp, 1851, it appears that the well known St. James Park, contains but 87 acres, and the Green Park, adjoining, and

separated only by a street, (the Mall) is an open area of 56 acres. Both together, they cover but 143 acres; less than Jones' Woods, which occupies 156 acres.

"London," says Kemp, "like most other large and populous towns, has gradually spread itself so completely over the open spaces which formerly surrounded it, that it is now, as respects the number of its inhabitants, by no means liberally supplied with breathing places, or the means of open air recreation. And this incroachment on its suburbs has been effected with such comparative slowness, and so silently, that it is only by the occurrence of modern epidemics, producing that attention to sanitary matters which forms such a prominent feature of the present age, that the necessity for good public parks has been duly recognized, and the insufficiency of those already existing, properly felt. Attention having, however, been awakened to the matter, the evil has already been in part remedied, and further provision for meeting the public wants is in process of being made. There are also many open commons in the vicinity of the metropolis which, as we shall afterward show, answer all the purposes of parks."

Let us see how many acres of parks and commons are now open to the Londoner. Lying within London itself, there are—

St. James' Park.....	87	acres.
Green Park.....	56	"
Hyde Park.....	349	"
Regent's.....	450	"
Greenwich.....	200	"
Victoria.....	300	"
Total.....	1442	"

and at Lambeth, on the other side of the Thames, Battersea Park. 200 acres. No mention is made of the "squares" which resemble the Washington or Union squares of New York, and are deemed too small for notice. Then ten miles from London, are Richmond Hill and park, 2,253 acres; Windsor Park, divided into Little Park, 500 acres; Great Park, 1,800 acres—2,300; and within one hour's ride by railroad. Close by the city, and stretching, says Kemp, in a kind of chain, none of them being more than a mile apart, beginning with Kensington Common, a famous cricket ground, quite in London, are Clapham Common, Wads

worth Common, Tooting Common, Streatham Common, Mitcham Common, Wimbledon Common alone containing about one thousand acres, Pultney Heath, Barnes' Common, Hempstead Heath—comprising among them all several thousands of acres. Then there are many public gardens, where, as in Kensington Gardens, beneath one immense and almost continuous mass of shade, the public may freely enjoy the most luxurious summer rambles. They are admitted to

Kensington Gardens, which at present cover nearly three hundred acres.

Royal Botanic Gardens, Kew, seventy-five acres.

Kew pleasure grounds, one hundred and thirty acres.

Horticultural Society's Garden, Chiswick.

Royal Botanic Gardens, Regent's Park, eighteen acres.

Chelsea Botanic Gardens.

Temple Gardens, London.

Hampton Court Gardens.

Beulah Spa, Norwood, seven miles from London.

Not including the numerous commons, more than seven thousand acres of park and garden open to the London public. The commons offer not less than four or five thousand acres more to the unrestricted use and abuse, if it be possible, of the towns-people. How does this ample provision of breathing places for a population of 2,300,000, compare with New York? London gives to every 100,000, five hundred acres of public pleasure ground. New York, with over 600,000 inhabitants, has hardly one hundred acres, reckoning the Battery, City Hall Park, all the squares, and Mount Morris, to eke out the aggregate—sixteen acres to the hundred thousand of population.

By sad want of forethought, akin to that simplicity, which constructed the rear of the City Hall toward Chambers street, of brown stone, because that side being toward the country where it would never be seen, white marble would have been wasted, the noble Harlem Commons have been sold, block after block, until now hardly a fraction remains. The rivers, it was supposed, were lungs enough. The ferry boats, would carry people to the Elysian fields, to the waste, unoccupied lands on the heights of Brooklyn, or possibly they might, for all ages, find solitude to ramble, unchecked by the vicinity of dwellings, over the hills of Staten Island. The tide of population has, however, risen over all the shores

around the American metropolis. Our health-seeking citizen is repelled by red bricks and garden palings at Hoboken, at Jersey City, at Quarantine, at Stapleton, or at New Brighton, while Brooklyn, (herself a Liverpool) has no vacant land for the recreation of her own people. We must, therefore, give now to New York a great park. Her growth, her wealth, her future demand it, and the present will probably be the last opportunity to give what she demands.

The right of eminent domain, it has been held, is not a power to be delegated. Such, however, has not been the doctrine of the state of New York. The general railroad law, for instance, delegates this sovereignty to any association who may form under its provisions, and permits persons not designated, to take lands not named or described. Nor is the public necessity made a condition; for, as in the case of the Mohawk Valley Railroad, a line may be surveyed and recorded, and the land of the private owner seized upon, because the profits of a company may make it their interest to change their route for the convenience of a part of their business.

Your Committee, therefore, feel that they are advising no new or hazardous exercise of sovereignty on the part of the state, in recommending, should the Senate not pass the Assembly bill establishing Jones' Wood as a park, the conferring upon the city corporation of New York, to be elected at the next election in November next, full power to determine, by commissioners, what lands they shall take, and by another set of commissioners, to value and pay for the lands so chosen for a public park. The measure sent up by the Assembly is not a new one. An act similar to this bill became a law, in July, 1851, but on account of some constitutional objections, Judge Edmonds declined to appoint commissioners of award and assessment to carry it into effect. Good lawyers have held opposite opinions, and it was apparently with a view to give vitality to an existing statute, that the Assembly have passed the present bill.

Willing to leave to those most interested, the choice between the conflicting sites for public parks in the city of New York, which have been brought before the legislature, the Committee beg leave to submit some amendments, with which, in discharge of the duty imposed upon them by the Senate, they report the bill complete, and recommend its passage.

JAMES W. BEEKMAN,  
HENRY E. BARTLETT.

ALBANY, JUNE 21, 1853.

4

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