DOCUMENT No. 66.

BOARD

OF THE

Department of Public Parks.

NOVEMBER 17TH, 1875.


Received, and ordered printed, as a document of the Board.

Wm. Irwin,

Secretary, D. P. P.

MARCH 18TH, 1876.

Order directing the report to be printed as a document rescinded by the Board.

Wm. Irwin,

Secretary, D. P. P.
DOCUMENT No. 67.

BOARD
OF THE

Department of Public Parks.

DECEMBER 3d, 1875.

Report of the Landscape Architect on the subject of a promenade, consisting of a drive, ride and walks, arranged side by side, in the Central Park.

Received and ordered printed, as a document of the Board.

Wm. Irwin,
Secretary, D. P. P.
To the Hon. Henry G. Stebbins,

President of the Board:

Sir,—The want has long been recognized of a place in the Central Park arranged suitably for a promenade, side by side, of drivers, riders and walkers under conditions favorable to a certain degree of social enjoyment. It has also been recognized that it would be a grave error to provide an arrangement for this purpose, which, while likely to establish a custom and stimulate an irresistible public demand, should fall far short of satisfying it. It has been considered especially that any considerable sacrifice of the results of the expenditure already made on the park in order to gain such an imperfect arrangement, would be unpardonable. Whether any of the existing constructions of the park can be so far improved and supplemented as to supply what is needed, and, if not, how much it would be necessary to sacrifice in order to introduce entirely new constructions for the purpose, was therefore to be determined upon a careful forecast of the detail of conditions which would be favorable or otherwise to the enjoyment of those engaging in the promenade. There are three constant elements of such enjoyment to be considered, one being that of the spectacle; the second, that arising from recognition of friends and observation of special objects, as faces, dresses, horses and equipages; and the third, that of such personal conversation as is possible for those moving side by side in a crowd.

Every person present becomes a part of the spectacle, and may contribute to each of the other two elements. The
position and movements of each person is consequently a matter of interest to every other present. It is desirable, therefore, that during the hours of the promenade, the ground used for the purpose should be well filled. It is desirable that there should be a continuous movement of all engaged, and that the attention of none should be unnecessarily held to other matters in such a way as to interfere with the enjoyments which are special to the promenade. The more the movement of each person is regulated with reference to the enjoyment of all by fixed conditions, and the less by the constant effort of his individual judgment; the more the vision of each over the promenade before him is unobstructed, and the more complete and extended his command of the spectacle, the greater will be the enjoyment of all.

Whenever obstructions, however slight, occur, tending to suddenly arrest movement at particular points, or to hinder or to make unnecessarily indirect the movements of individuals, and especially of carriages and riding horses, the consequence will be at one place crowding, apprehension of collisions, and more or less demand on the attention of each person near by to the circumstance, and at another breaks and gaps in the spectacle and the irregularities of movement to which these would invite. The turning of carriages on the promenade, their entrance upon it, and their withdrawal, create more or less unavoidable disturbance; therefore, there should be no frequent opportunity or temptation for these movements; at the same time the space prepared for the promenade should not be so long that its necessarily restrained movement would become very tedious before those entering upon it could, if they desired, escape, and move more at will.
The following specifications of requirement are readily deducible from the above considerations:

1. A devious course is to be avoided; the more nearly straight the promenade the better.

2. A steeper grade than one in forty and much variation of grade is to be avoided. A "hogsback" is particularly objectionable. The more nearly level the promenade the better.

3. No other thoroughfares should cross or intersect the line of the promenade.

4. There should be no necessity for driving freighting vehicles over it late in the day.

5. Its direction should not be such as would bring the sun in the eyes of those resorting to it late in the day.

6. All parts of it should be as much as possible shaded late in the day.

7. At each end it should be practicable for visitors to do either of three things with the least possible confusion and disturbance, and with reasonable ease and convenience, viz.: To turn around and continue on the promenade; to make an excursion in the park beyond the promenade and out of its crowd; or, lastly, to quickly leave the park on the shortest course home.

8. The promenade should be fully half a mile in length and will desirably be somewhat longer.

9. The total space to be occupied by the drive, ride and walks cannot well be less than 150 feet in breadth.*

According to the degree in which these desiderata can all be

* This allows 60 feet for the driving-way, 40 feet for the riding-way, 40 feet for two walks and 10 feet for two rows of shade trees.
combined in any arrangement it will be likely to prove permanently satisfactory, while in so far as one or more of them shall be secured at the sacrifice of others the public demand designed to be met will be greatly increased but not adequately fulfilled.

In 1872, after the return of the present President of the Department from Europe, the subject was, at his request, more thoroughly canvassed than ever before. After demonstrating objections to two suggested plans, which were recognized to be conclusive against them, I was then asked to select the least objectionable route to be found in the South Park and prepare a definite plan for laying it out. In doing so I was assisted by Mr. Vaux, and the plan which resulted has been seen by all the Commissioners of the Department. It has never been formally presented to the Board, however, because of its acknowledged numerous defects and the injury, which would unquestionably result from undertaking to carry it out, to the park as it now stands.

The conclusion of the study then given the subject may, therefore, be stated as follows:

That no plan at all adequate to the requirements of the city in a promenade can be carried out on the South Park, except at a cost in direct outlay and in the waste of results of outlay already made, for which its value would be no sufficient compensation.

Bearing in mind and giving but their just weight to each of the desiderata that have been enumerated, and considering a few broad general facts of the topography of the park, the conditions which enforce this conclusion are easily recognized.

The South Park is one mile in length from north to south and half a mile in width, and is divisible topographically into three tolerably distinct elevated ranges and two intermediate valleys, all trending across the line of the greater distance,
Each range of high ground is a continuous ledge of rock, with a coating of earth, for the most part artificially laid on, not exceeding two feet in average depth. The difference of elevation between these ranges and the valleys which divide them is from thirty to ninety feet. It is only by circuitous courses or by heavy rock cuttings and embankments that roads of tolerable grade can be carried from north to south, and only by crossing these existing roads and numerous walks, lawns and plantations, that a moderately direct road of even a third of a mile in length could be made from east to west. In either case the reduction of a space of ground 150 feet in width and the necessary length, so nearly to a plane surface as would be necessary to the purpose, could only be accomplished by the destruction of the most valuable landscape features of the ground.

Difficulties similar in character to those which have been indicated are found in all of the North as well as the South Park, and also in the strip of ground through which the communication with it from between the two is carried on the west. The only space where they do not obtain in the property under the control of the Department is that of the straight, narrow belt of land on the east side of the great reservoir. The drive which passes along this belt has already been selected by the public as more nearly than any other meeting the requirement of the promenade, and this in spite of the fact that there is neither a walk nor a bridle road alongside of it.

It is not only more traveled by carriages than any other on the park, but late in the day they are often driven back and forth upon it as on a proper promenade. The reasons for its use in this manner are: 1st, that it is straight; 2d, that it is level; 3d, that late in the day it is shaded; 4th, that it does not look toward the setting sun.

Observing that speed of movement was more checked by the conflux of carriages here than elsewhere in the park, the Com-
missioners of 1871 thought to make an improvement simply by widening the wheelway, giving no consideration to any other public requirement of the locality, and accomplishing the little that was attempted with such narrow study of the circumstances that the relation of the widened drive to adjoining objects was left incomplete, unsymmetrical and offensive to the eye. To adapt the arrangement to the purpose for which the public is obviously inclined to use the locality, the straight reach of drive needs to be still further widened and, if possible, lengthened, and a broad walk and riding-way to be formed adjoining it. To gain the necessary space for this purpose without encroaching on the reservoir it would be necessary to appropriate a part of the sidewalk on the west side of Fifth Avenue, to remove and reconstruct the present retaining wall, and to give increased height as well as breadth to the embankment on which the drive is now carried. I present a preliminary study of a plan in which these, with several minor improvements, are proposed. If this plan were carried out every one of the desiderata of a promenade would be realized in full degree almost precisely as they have been stated.

Certain objections to the proposition are obvious: First, that of its cost; second, that of the distance of the locality from the present centre of residence of the city; third, that the length of the promenade (being barely half a mile) is rather less than is desirable. The fact that it is now more resorted to for carriage exercise than any other part of the park, shows that the second objection already has no very important weight; with the advance northward of population it will annually have less. The fact, again, that whenever the improvement of Riverside Avenue is made, the city will be possessed of another promenade nearly a mile in length, and better in all important respects than any other in the world, lessens considerably the weight of the third objection.

That the promenade would adjoin Fifth Avenue may be
considered an advantage, as an alternate route is thus provided for those who may wish to pass rapidly north from the South Park when the promenade is crowded and the less occasion is left for the intrusion upon it of an undesirable class of vehicles. The entrance at the south end from the avenue would meet a local demand which has been the subject of repeated memorials to the Department.

I submit this study to the consideration of the Board as indicating the least objectionable way of providing for a public demand which is likely to increase, and any less complete arrangement for meeting which would probably prove temporary, and therefore more costly, and in all respects objectionable.

The work could now be all put under contract at $250,000.

Respectfully,

FRED. LAW OLMS TED,

Landscape Architect.
DECORUMENT No. 68.

BOARD

OF THE

Department of Public Parks.

DECEMBER 29TH, 1875.

Statement presented by Commissioner MARTIN to the Board of Estimate and Apportionment, showing the reasons why the appropriations for this Department for 1876 should not be reduced below the amount appropriated for 1875.

Received and ordered printed as a document of the Board.

WM. IRWIN,

Secretary, D. P. P.
DEPARTMENT OF PUBLIC PARKS,
27th December, 1875.

To Hon. WM. H. WICKHAM,
Mayor and Chairman of the Board of Estimate and Apportionment:

The Department of Public Parks asked from the Board of Estimate and Apportionment, for the maintenance of 1876, an appropriation of $937,660, for which the Board of Estimate and Apportionment have proposed to allow $522,500.

The following table shows the items for which the money was asked and the proposed allowances, and also the sums appropriated for 1875:

<table>
<thead>
<tr>
<th>Item</th>
<th>Amount of Estimate</th>
<th>Amount of Proposed Appropriation</th>
<th>Appropriation for 1875</th>
</tr>
</thead>
<tbody>
<tr>
<td>Maintenance and Government of Parks and Places, including the sum of $30,000 for the keeping, preservation and exhibition of the collections of the American Museum of Natural History and the Met. Museum of Art, and also including the maintenance of the Meteorological Observatory</td>
<td>$554,000</td>
<td>$375,000</td>
<td>$450,000</td>
</tr>
<tr>
<td>Salaries, except those of the Civil and Topographical Force for surveying the 23d and 24th Wards</td>
<td>93,760</td>
<td>40,000</td>
<td>35,000</td>
</tr>
<tr>
<td>Harlem River bridges, repairs, improvements and maintenance</td>
<td>59,300</td>
<td>40,000</td>
<td>35,000</td>
</tr>
<tr>
<td>Music, Central Park</td>
<td>6,000</td>
<td>5,000</td>
<td>6,000</td>
</tr>
<tr>
<td>Do. City Parks</td>
<td>7,000</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Maintenance and government of public places, streets, roads, avenues and bridges in 23d and 24th Wards</td>
<td>79,000</td>
<td>40,000</td>
<td>35,000</td>
</tr>
<tr>
<td>Rebuilding and repairing bridges over the Bronx River in 23d and 24th Wards, $58,000, half of which is chargeable to the various townships on the Westchester side of said river</td>
<td>29,000</td>
<td>15,000</td>
<td></td>
</tr>
<tr>
<td>Surveying, laying out and monumenting, etc., the north end of island and the 23d and 24th Wards, including salaries</td>
<td>57,100</td>
<td>30,000</td>
<td>35,000</td>
</tr>
<tr>
<td>City Hall Park, pavement</td>
<td>30,000</td>
<td>10,000</td>
<td></td>
</tr>
<tr>
<td>Battery sea wall, repairs</td>
<td>7,500</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Totals</td>
<td>$922,660</td>
<td>$515,000</td>
<td>$576,000</td>
</tr>
<tr>
<td>Centennial celebration of Independence day, 4th July, 1876</td>
<td>15,000</td>
<td>7,500</td>
<td>8,000</td>
</tr>
<tr>
<td>Totals</td>
<td>$937,660</td>
<td>$522,500</td>
<td>$584,000</td>
</tr>
</tbody>
</table>
These proposed allowances are insufficient for the proper maintenance of parks and other public works under the care of this Department.

II.

It is conceded that great regard must be had for economic administration, and that a reduction of expense must be forced to the point at which the risk of great ultimate damage commences. It may be proper to postpone those operations by which, at slight present expense, great and necessary future results can be obtained.

This reduction has already been made. It is shown by the comparative statement of the amount and disposition of maintenance moneys for a few years past. (See next page.)

The amount used this year for maintenance of parks is smaller than that of the four preceding years, and, at the same time, there has been greater economy of administration and better results.

The sum asked for, $937,660, includes proposed expenditures for future results, and while some of these expenditures may be postponed, the maintenance money can not be reduced below the amount of last year without causing great damage.
### Appropriations for the Year

<table>
<thead>
<tr>
<th>Year</th>
<th>1871</th>
<th>1872</th>
<th>1873</th>
<th>1874</th>
<th>1875</th>
</tr>
</thead>
<tbody>
<tr>
<td>Amount</td>
<td>$186,000</td>
<td>$425,000</td>
<td>$495,000</td>
<td>$595,500</td>
<td>$584,000</td>
</tr>
</tbody>
</table>

Expended as follows:

<table>
<thead>
<tr>
<th>Category</th>
<th>1871</th>
<th>1872</th>
<th>1873</th>
<th>1874</th>
<th>1875</th>
</tr>
</thead>
<tbody>
<tr>
<td>Central Park</td>
<td>$457,910</td>
<td>$385,844</td>
<td>$380,545</td>
<td>$324,826</td>
<td>$318,056</td>
</tr>
<tr>
<td>City Parks</td>
<td>$110,233</td>
<td>$80,926</td>
<td>$86,652</td>
<td>$98,491</td>
<td>$96,932</td>
</tr>
<tr>
<td>Museum and Observatory</td>
<td>$53,305</td>
<td>$19,921</td>
<td>$20,818</td>
<td>$14,884</td>
<td>$6,700</td>
</tr>
<tr>
<td>Museum of Natural History and Museum of Art</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Roads and Avenues</td>
<td>$24,766</td>
<td>$20,551</td>
<td></td>
<td></td>
<td>$22,500</td>
</tr>
<tr>
<td>Harlem River Bridges</td>
<td>$32,879</td>
<td>$3,226</td>
<td>$9,041</td>
<td>$19,537</td>
<td>$33,654</td>
</tr>
<tr>
<td>Fireworks 4th July</td>
<td></td>
<td></td>
<td>$9,528</td>
<td>$2,709</td>
<td>$7,756</td>
</tr>
<tr>
<td>Battery Sea Wall</td>
<td></td>
<td></td>
<td>$5,481</td>
<td>$5,491</td>
<td>$215</td>
</tr>
<tr>
<td>23d and 24th Wards, maintenance</td>
<td></td>
<td></td>
<td>$40,126</td>
<td>$40,126</td>
<td>$50,006</td>
</tr>
<tr>
<td>23d and 24th Wards, Surveying, &amp;c.</td>
<td></td>
<td></td>
<td></td>
<td>$34,000</td>
<td></td>
</tr>
<tr>
<td>Gas bills for 1872 and 1873</td>
<td>$681,113</td>
<td>$482,968</td>
<td>$506,154</td>
<td>$593,534</td>
<td>$574,931</td>
</tr>
</tbody>
</table>

* Partly estimated.
† Including lighting parks; $26,000 in 1874 and $24,000 in 1875. No gas bills paid in previous years.
‡ Provision made by Legislature for this account in 1874.
III.

The first class of expenditure is the care of the roads and walks, the plantations and turf, the buildings and lighting, and the police and other expenses of maintaining the Central Park.

The Department and the City are bound to maintain the Central Park in such order that it does not deteriorate, run down and become damaged. All instances of neglect of maintenance result in this sort of damage, and this deterioration unchecked ultimately requires reconstruction and involves a much greater expenditure. Illustrations of this are found in the turf. A good turf needs perennial grasses. A single season's neglect will destroy these, common grass and weeds replace them, and then a good turf can be gained only by the expensive process of ploughing up and seeding down, and long years of culture and careful preservation. The bridges and architectural structures, if repairs are neglected, will soon become so damaged by frost and decay as to require reconstruction. The roads and walks are all constructed on a principle that limits the repairs to the surface, and these repairs are the most economical, but if they are neglected long enough reconstruction becomes necessary. It is cheapest to repair them from day to day. A shovelful of gravel in time saves yards of wear and reconstruction.

The Central Park has been estimated to be worth one hundred million dollars.

It has cost the City to 1st January, 1875, for construction and maintenance................................. $13,064,535 93
And for purchase of the land...................... 5,028,844 10

Total........................................ $18,093,380 03
With the exception of the exterior walls, the borders and the gates, the works commenced in it are substantially finished, and it is a piece of property in a fine state of cultivation, every detail of which requires the most constant and delicate attention to prevent irreparable injury. This property was maintained and cared for last year for $318,000, which is a little over 1½ per cent. on its cost. This is so economical that it ought not to be reduced at the risk of damaging the property. To prevent depredation and to keep this property under constant supervision against the incidental damages occasioned by the thronging of 10,000,000 visitors annually requires a good police force, and this is now at as low a stage in the number of men and their cost as the average of the last few years.

IV.

Although the other city parks are of secondary consequence to the bulk of the people, they are each of them of prime importance to the people in their vicinity, and each in its way needs precisely the same care and attention as the Central Park. The Battery and Mt. Morris Square are alike valuable to the citizens about them. There are 26 of these parks and public places and the aggregate sum expended upon them, including the lighting, cannot be reduced without great disadvantage.

V.

The Observatory, Museum and Gallery of Art are the property of the city and cannot be preserved and kept open to the public at less expense. The Observatory has been established for a number of years and its meteorological results are as fine as any in the country. The loss that would follow the interruption of these series of annual reports of observations would be incalculable.
As to the Museums of Natural History and of Art, the city has undertaken for them a certain care and responsibility, the cost of which amounts to $30,000 a year. Upon this basis they have grown rapidly; the buildings prepared for them will in another year be ready for their occupation, and they will produce results that are too valuable to the people, to be crippled at this stage of their progress.

VI.

The two Harlem River bridges are of great importance to 100,000 people who live on the borders of that river. The Third Avenue bridge needs a steam engine by which its draw can be opened in two minutes instead of ten. Both the bridges, through an unwise and forced economy, have been the subject of so much patch-work repair that they are in a condition in which a thorough overhauling now would save a great future expense. Neglect in these matters involves hourly inconvenience to thousands of travelers, dangers of accident and future reconstruction.

VII.

The maintenance of the 23d and 24th wards includes the following items: 1, the surveying, laying out and monumenting; 2, the care and repair of roads; and 3, the care and repair of the Bronx River bridges.

There are seven old bridges over the Bronx, one of which fell to pieces last Fall, and is now sustained by props and braces, and 135 miles of roads to be kept in order. The region is one rapidly filling up with population, and it is of vital consequence to the citizens and the value of their property, and to the growth of the city, that this annexed district should be opened and made attractive for settlement. Its natural advantages are such that, if this assistance be given to it, the most
valuable portions of the accretions in population will be drawn into it, and an enlarged amount of property be added to the valuations of the city on which its taxes are raised. Every one of these works is of instant importance, and their delay will cause the most serious obstructions to the natural growth of the city. The plans heretofore prepared have not been adopted, and it is now of great importance to have some plans prepared and adopted, and this does not, without great damage, admit of another year's delay.

VIII.

The growth and prosperity of the city depends upon two general causes: 1st, its relations to the general commerce of the world, and 2d, its attractions as a place of residence. London illustrates the effect of the first of these, and Paris of the latter. New York can combine them both: its natural advantages for gathering population by attractions for residence are as matchless as its commercial advantages.

It is the province of this Department, and it has been the result of its operations, to enhance and develop the attractions of the city as a place of residence. What the Department has done in the past is but little compared with what it has to do in the immediate future. The city's outlying suburbs, comprehended in its system of parks and boulevards, starting with the Central Park, have illustrated, and will again evince, how millions of results are accomplished by the expenditure of thousands. When the recurrent period of prosperity comes these results will come. It is the policy of the city in economic times to prepare for them, and no extreme reduction can be more unwise and more injurious to the future of the city than in the moneys expended through this Department.
DOCUMENT No. 69.

BOARD

OF THE

Department of Public Parks.

FEBRUARY 18th, 1876.

AGREEMENT, granting the New York Elevated Railway Company a revocable right of way across the Battery Park.

Ordered printed as a document, by the Board.

WM. IRWIN,

Secretary, D: P. P.
[ENDORSED.]

Dated February 10th, 1876.

THE DEPARTMENT OF PUBLIC PARKS

TO

THE NEW YORK ELEVATED RAILROAD CO.

AGREEMENT,

GRANTING A REVOCABLE RIGHT OF WAY ACROSS THE

BATTERY PARK.

Prepared and approved as to form by

(Signed) WM. C. WHITNEY,

Counsel to the Corporation.
This Memorandum of an Agreement by and between the Mayor, Aldermen and Commonalty of the city of New York, party of the first part, herein represented and acting by the Department of Public Parks (which is hereinafter designated as the Department), and the New York Elevated Railroad Company (hereinafter designated as the Company), party of the second part:

Witnesseth, That, in consideration of the premises, it is hereby covenanted, stipulated and agreed, as follows:

First.—That the party of the first part has heretofore granted, and hereby grants to the Company, the successors and assigns thereof, a revocable right of way over, through and across the Battery, along and upon the route indicated by a line colored red upon the map, heretofore by party of the first part by resolutions of the Board governing the Department adopted as amended, and this day filed in the office of the Department, and authenticated by the signature of the President of the Board governing the Department, and by the signature of the Secretary of the Company, this day thereupon made, and also a revocable license to construct, operate and maintain the railway of the Company over, through and across the Battery, upon and along such route, such right of way and such license to be always subject to revocation by party of the first part after six months’ notice in writing to the Company, the successors or assigns thereof, to be by the Department, or the successor thereof, given of intention so to do.

Second.—That the Company, and its successors or assigns,
in using such right of way, and in exercising and enjoying such license under and pursuant to the terms hereof, shall neither claim, nor in any manner attempt to assert, by, under or by reason of the license hereby granted, or by, under or by reason of the possession hereby obtained, any estate, right, title or interest in the lands within the limits of the Battery, other than such as is herein expressed, or any estate, right, title or interest adverse to the Department or the successor thereof, or adverse to the Mayor, Aldermen and Commonalty of the city of New York, or any right there other than a revocable right of way and a revocable right to the use and occupancy of the premises, for the purposes only aforesaid.

Third.—That the Company, the successors and assigns thereof, shall so use such right of way and exercise such license as not to cause unnecessary damage to the grounds, trees or ornaments of the Battery, and shall keep in repair the railways, the columns, supports thereof, &c., to be there constructed according to the directions of party of the first part by and through the Department or of the successor thereof, from time to time to be given; and that, in case of the neglect of the Company so to keep the said railways, etc., in repair, the Department or the successor thereof may do so at the expense of the Company, which expense the Company shall, on demand, pay.

Fourth.—That after six months' notice, in writing, by the Department or the successor thereof given of intention to revoke the right of way and license hereby granted, shall have been served upon the said Company, its successors or assigns, and after such revocation shall have been made, this license and all rights hereby conferred shall cease and determine, and the Company, its successors or assigns, shall no longer be authorized, by virtue of this agreement, to use such right of way or structure under this license, and party of the first part, by the Department or the successor thereof, may require the Com-
pany, its successors or assigns, forthwith to remove from the limits of the Battery the railways, columns, supports, etc., and the materials thereof, which shall have been there constructed or placed pursuant to the license hereby granted, anything herein contained to the contrary notwithstanding.

It is, however, understood and agreed:

First.—That within a vertical distance of ten feet from the ground no part of the railroad, its appliances or appurtenances, shall be allowed, except only the necessary supporting piers or columns; and that all parts of any pier or column, above the surface of the ground and within a distance of ten feet therefrom, shall be at least eighteen inches within the line defining the space colored red on the said map, and indicating the limits for the foundations of piers or columns.

Second.—That the piers and all other constructions of the railroad shall be designed and constructed with a view to the avoidance of any greater conspicuousness or injury in any respect to the Battery as a pleasure ground than is absolutely necessary; and that they shall be of tasteful design and made in all respects to the satisfaction of the Department.

Third.—That, whenever required by the Department, substantial lattice or trellis work shall be placed by the Company, attached to its piers, stringers, sleepers or other constructions; and that the agents of the Department shall, so far as is consistent with safety, be allowed to fix ladders, and to enter upon and occupy the premises of the Company for the purpose of training vines, or for other duties required for the improvement or maintenance of means of public gratification appropriate to the Battery as a pleasure ground.

Fourth.—That the Company shall prevent the exhibition or distribution upon or from its road, or any of its constructions
within the Battery, of any signs, posters, handbills or other forms of advertising.

Fifth.—That the necessary expense of any alterations or improvements of the Battery, which, in consequence of the introduction of the railroad, the Board shall think fit to order, shall be made at the expense of the Company, the bills for such expenses to be paid by the Company, on demand, when and as presented and audited. And

Sixth.—That the Company, its successors or assigns, shall not allow the cars or engines to be kept standing or to remain stationary upon any part of that portion of the road which is to be constructed over or on the Battery, under or by authority of the license hereby granted.

In witness whereof, these presents are, this tenth day of February, 1876, signed and sealed by the New York Elevated Railroad Company, and are executed by the party of the first part, by the signature of the President of the Board governing the Department of Public Parks, made by authority and under direction of the resolution of said Board.

THE NEW YORK ELEVATED RAILROAD COMPANY by

(Signed) M. COURTRIGHT,
President.

[SEAL.]

Signed, sealed and delivered in the presence of
(Signed) J. A. COWING.
(Signed) H. G. STEBBINS,
President Dept.
of Public Parks.

Signed by H. G. STEBBINS, President of the Dept. of Public Parks, in presence of
(Signed) WM. IRWIN,
Secy., D. P. P.

Executed in duplicate.