

[DOCUMENT NO. V.]

**BOARD OF
ASSISTANT ALDERMEN,**

DECEMBER 19, 1831.

The Committees on Laws and Applications to the Legislature and on Streets, made the following Report upon the expediency of substituting, in lieu of the present Commissioners of Estimate and Assessment, a Board of Commissioners.

B. CRANE, Clerk.

THE Committees on Laws and Applications to the Legislature and on Streets, to whom it was referred "to inquire and report upon the expediency of substituting in lieu of the present Commissioners of Estimate and Assessment a Board of Commissioners, with fixed salaries, who shall perform all the duties at present delegated to the said Commissioners of Estimate and Assessment, to be elected by the Common Council, and hold their offices during their pleasure,"—

RESPECTFULLY REPORT,

That this is a subject deeply interesting to the citizens at large, and particularly so to the owners of real estate, who are immediately concerned in the opening and widening of streets. Many complaints (some perhaps without cause) have been made against the present system of assessing for those purposes. Those complaints, so far as they have come

to the knowledge of your Committees, are principally that it is unnecessarily expensive, and that it frequently gives rise to unequal and oppressive assessments.

The 178th Section of the Act of April 9th, 1813, provides, that whenever any lands shall be required for the purpose of opening and widening streets, the Corporation of the city of New-York shall apply to the Supreme Court for the appointment of three discreet and disinterested persons, citizens of the United States, Commissioners of Estimate and Assessment. It has been the usual practice of the Court to appoint the persons named by the Counsellor of the Corporation, unless some serious objection is urged against them. The Counsellor nominates to the Court, Commissioners of Estimate and Assessment, from a list of thirty individuals, one selected by each member of the Common Council; this list is divided into ten classes, each consisting of three persons: and if each class is in its turn appointed by the Court, no one person can be employed on more than two assessments in the course of a year.

Formerly the assessors for paving and regulating streets, and for sinking wells and erecting pumps, were selected from the list provided for the Counsellor, but by a recent ordinance passed by the Common Council, it has become the duty of the officers composing the Street Commissioner's Department, to make the assessments in the latter cases. But when the growth of our city shall multiply the duties of that Department, so much that the making of assessments becomes onerous, some other mode of making them must be adopted.

The Committees will first direct their attention to the expenses attending assessments under the present law. To facilitate them in that undertaking, the Deputy Street Commissioner furnished them with an abstract, shewing the expenses for opening and widening Streets and Avenues, for paving and regulating Streets, and for sinking wells and erecting pumps, in two years, commencing in June, 1829, and ending in June, 1831. From that abstract it ap-

pears that during that period of time the Commissioners' fees amounted to \$13,515 45, viz.—

For opening and widening Streets and Avenues,	\$9,207 75
For paving and regulating streets,	- - 3,652 70
For sinking wells and erecting pumps,	- - 655 00
Total,	<u>\$13,515 45</u>

The act above referred to provides that the Commissioners of Estimate and Assessment "shall each be entitled to receive the sum of not more than four dollars, besides all reasonable expenses for maps, surveys and plans, clerk hire, and other necessary expenses and disbursements, for each day they shall respectively be actually employed in the duties of their appointment." The Commissioners never have, as your Committees are informed and believe, charged less than four dollars per day for their services, and every one of their meetings is considered as a day "actually employed in the duties of their appointment," even when those meetings are held in the evening, after the Commissioners have spent the whole day in the transaction of their ordinary business. The charges under the head of "clerk hire, and other necessary expenses and disbursements," also amount to a very considerable sum. During the two years above referred to, the sum of \$1,040 50 was charged under that clause of the statute for opening Streets and Avenues, viz.—

For Clerk hire, room hire, and stationary,	\$ 906 50
For Appraisers' Fees,	- - - 134 00
Total,	<u>\$1,040 50</u>

The owners of real estate complain, and perhaps not without cause, that much time is unnecessarily spent in making assessments, whereas if there were a Board of Commissioners, with fixed salaries, no inducement would be held out for them to protract the time in making an assessment, as their compensation could not be increased by such protraction.

The members of such a Board, composed of competent and judicious men, could do all the writing required in the discharge of their duties, without the aid of additional clerks, and if provided with an office in the City Hall, all the labour which in two years costs \$14,555 95 might be performed at a less expense. Such a Board ought to consist of five members, with a salary of \$800 or \$1000 each, three of whom should be required to make an assessment, and should it be organized, the application to the Court for the appointment of Commissioners might be dispensed with, and thereby diminish the Connsellor's fees.

If no other advantage can be gained by changing the present system, than a trifling reduction in the amount of expenses, it would perhaps be unwise to alter a long established regulation. It should however be borne in mind, that the duties of the Commissioners are highly important and responsible: great knowledge of the value of real estate, sound judgment and discriminating minds added to practice and experience, are required for a faithful and correct discharge of those duties. The manner in which the Commissioners are now appointed is not the best calculated to ensure the employment of persons possessing those requisites. The Judges of the Supreme Court, however eminent they may be for legal attainments, can not have a perfect knowledge of the individuals they appoint as Commissioners.

It has already been remarked, that none of the Commissioners under the present system, can be employed on more than two assessments in the course of a year, they can not therefore acquire much practice and experience, which are highly important qualifications of those who are called upon to estimate the value of contingent interest in real property, and also the value of estates for lives and for years. Estimates of these kinds involve nice and intricate calculations, which require great judgment and experience, and not unfrequently a knowledge of the manner of computing annuities; and it cannot be expected that Commissioners, who are so frequently changed as they must be un-

der the present law, can be governed by a set of uniform and well established rules, consequently their assessments are more likely to be erroneous and unequal.

If the change contemplated by the resolution referred to your Committes shall be effected, the employment of competent and judicious men may be calculated upon with much certainty; and the knowledge and experience which they will shortly acquire will be of great consequence to the public. If the Board should keep an office open every day, it would be very convenient for the citizens, who can there obtain full knowledge and information of every improvement while in progress; but as the business is now conducted, it sometimes so happens that the owners of real estate do not hear of an improvement, until they are called upon to pay their assessments. The Common Council might also gain much information from a Board of discreet and experienced men, by occasionally referring to them projected improvements for their opinion thereon.

Under the present system, the compensation of the Commissioners, as well as other expenses attending the assessments, are charged upon the property benefited by the improvement, and it generally happens that too much or not enough money is raised to pay the expenses. Out of the twenty-five assessments which were confirmed from June, 1829 to June, 1831, there was only one case in which there was no deficiency or surplus, eleven cases in which there were deficiencies amounting to \$1444 14, and the remaining thirteen cases produced a surplus amounting in the whole to \$1107 81. If there be a deficiency, the Corporation make it up out of the public funds, and if a surplus, it is paid into the city Treasury. In the first case the owner of real estate gains, and in the other suffers a loss. The only items of expenditure which can not be precisely ascertained at the time that an assessment is made, are the Commissioners' and the Counsellor's fees. Before the Commissioners can make an assessment, they are to take it for granted that they must be employed a certain number of days in the duties of their appointments. By fixing their

salaries, all embarrassment, so far as their fees are concerned, will be entirely removed; and practice and experience will enable them to come at those of the Counsellor with great accuracy.

There may be some difficulties urged against changing the present system of making assessments. It is asked, if Commissioners are to be appointed with fixed salaries, by whom are they to be appointed, and out of what fund shall their salaries be paid? Their appointment by the Common Council is objected to, because it is said they may when Corporation property is to be assessed, favour the public. They certainly can not have greater cause to lean towards the public, than the Commissioners appointed by the Supreme Court under the present law; neither can they take any greater interest in guarding the public property, than that which is felt by every individual member of the community. If appointed by the Judges of the Supreme Court, or by the Executive of the State, injudicious selections would more likely be made, than if elected by the Common Council, each member of which would have a personal knowledge of the qualifications of the candidates for those situations; and should the offices then be conferred on improper and unworthy individuals, the members of the Common Council will be answerable to the people for a wanton neglect of duty. As the members of a Board of Commissioners would partake something of a judicial character, the Committees believe that they ought to hold their offices for one year at least.

The only inquiry to which your Committees will now direct their attention, is, as to the manner in which the salaries of the Commissioners ought to be paid. It will be impossible to apportion them, so as to ascertain the precise amount which ought to be charged on the property in each assessment; and if they are paid out of the City Treasury, the burden will fall as well on those who are not immediately benefited by the improvement, as on those whose property is greatly enhanced in value by the opening and widen-

ing of streets. This at first view may appear to be unjust, but it ought to be borne in mind, that the opening of streets is a matter of general interest to the city at large; to those whose property is entirely personal, as well as to the owners of real estate. Besides, real property is always subject to more tax in proportion to its value, than personal; and the increased value of real estate which generally follows the opening and widening of streets, furnishes individuals whose property is entirely personal, with safe investments for their money at a high rate of interest; whereas if improvements should cease entirely in this city, they would be compelled to invest their money on doubtful security and at a lower rate of interest. Active improvement furnishes employment for capital and labour, and while the owners of real property in the particular section of the city where improvement is rapidly going on, are directly benefitted, every section receives new impulse and activity, and is thereby benefitted in about the same ratio. It is proper to remark, that the taxable value of real estate in all parts of the city increases in nearly the same degree, and that the growth and extension of the upper, instead of diminishing, actually increases the value of real estate in the lower sections of the city. The Committees are therefore of opinion, that the salaries of a Board of Commissioners (if established,) should be paid out of the City Treasury.

The Committees beg leave to recommend the adoption of the following resolution, as the result of their enquiries:—

Resolved, (if the Board of Aldermen concur herein,) that the Counsellor of the Corporation be directed to submit to the Common Council the draft of a law, providing for the appointment, by the Common Council, of a Board of Commissioners, to consist of five members, who shall hold their offices for one year, and receive salaries to be fixed and paid by the Common Council. That the said Board of Commissioners shall make all assessments for opening and widening Streets and Avenues, for paving and regulating streets, and for sinking wells and erecting pumps, three of

whom shall sit on each assessment, and all reports shall be signed by at least two of the members employed on the assessment.

All which is respectfully submitted.

WM. VAN WYCK,

E. BARNES,

Committee on Laws and Applications to the Legislature.

WM. W. HOLLY,

J. R. WHITING,

Committee on Streets.

New-York, December 19th, 1831.