

PRESIDENT CASSATT TELLS TUNNEL PLANS

To Save Half an Hour Between New Jersey and Manhattan.

Head of Pennsylvania System Testifies Before Commission That Will Hear Property Owners' Complaints.

President A. J. Cassatt of the Pennsylvania Railroad Company gave testimony for an hour and a half yesterday before the special commission appointed by the Appellate Division of the Supreme Court to hear complaints of property owners and to pass on the plans of the Pennsylvania Road for tunnels under the North River, Manhattan Island, and the East River. He told of the inception of the project, its scope and detail plan; confessed to the difficulties that were sure to arise in its execution, but declared his belief that none would be insurmountable. He pointed out what, in his opinion, would be the advantages to be gained by the traveling public by the proposed improvements and extensions.

The hearing was held in the office of John J. Delaney, Chairman of the Commission, in the Lords Court Building, William Street and Exchange Place. Both of the other Commissioners, ex-Mayor Franklin Edson and Gen. Charles A. Whittier, were present. The morning and afternoon sessions, covering about three hours, were occupied with the continuing of the exposition of the engineering plans for the tunnels and terminals. Charles A. Lydecker, a lawyer representing objecting property holders, objected to the line of testimony of the railroad company, saying that he believed it was generally conceded that so far as the engineering was concerned the problem was an easy one and not materially objectionable.

"My understanding of the function of the commission," said Mr. Lydecker, "is that it should determine whether the tunnels and terminals ought to be constructed and operated. I am certain that is the wording of the instructions of the Court. It is not that it should determine whether or not they should be constructed and operated. From the line of testimony that has been introduced by the railroad company it appears that the burden of proof will fall on the property owners. I do not believe it was the intention that they should have to prove a negative."

Commissioner Delaney, after a statement from A. E. Boardman, counsel for the railroad company, said that all property owners would be heard and that every phase of the question would be considered and the whole decided upon with consideration for all parties concerned. There was nothing to prove or disprove at the present time, he said, the hearing being purely an inquiry with a view to ascertaining all of the facts.

President Cassatt, examined directly by Mr. Boardman, said that the project for the tunnels was largely his own. First, the Pennsylvania company had considered the construction of a tunnel under the Narrows to Bay Ridge, and then across the East River by a bridge, but that idea was abandoned. Then there was mention of an immense bridge across the North River, but that was not long considered. When the project for a tunnel under the Hudson was broached, it was not considered favorably, principally because of the use of steam. Later, however, when he had studied in Paris the practical demonstration in the Orleans railroad tunnel of the use in such tunnels of electricity as a motive power, Mr. Cassatt was convinced of the practicability of a tunnel under the Hudson.

The capacity of the station would be 200,000 passengers a day, or between 70,000,000 and 80,000,000 a year. From the west twenty or thirty trains could be operated an hour. To the east, from the Seventh Avenue terminal to Long Island, through the two east-bound tunnels, from forty to sixty trains might be run each hour. The Manhattan station, he said, would be the largest in the world. He could not give any details of the plans for the building, saying that they were in the hands of the architects. These architects will give their testimony before the commission at the next hearing, which will be on Thursday at 11 o'clock.

Taking into consideration the time of changing the motive power on the New Jersey side and the time of passing through the tunnel, President Cassatt said, it was estimated that the time saved to passengers in making the trip to Manhattan would be about half an hour, and the uncertainty and dangers of ferry passage would be avoided. It also was estimated that fifteen or twenty minutes would be saved in going to Long Island City.

It was distinctly stated that the tunnels would not be used for the transportation of freight. It was chiefly an economical consideration with the railroad, President Cassatt said. Freight delivery, he said, would continue by float from Greenville, near Bergen Point, to Bay Ridge. From there it was proposed to build a spur track to the main line of the Long Island Railroad at East New York. Thence, on the Long Island Road, the service would be furnished across to Port Morris over a contemplated bridge over the river by way of Ward's Island. Floats would continue to deliver freight to Manhattan docks.

Fifty million dollars, Mr. Cassatt said, was the estimated cost of the works planned. Already \$10,000,000 had been expended by the company for real estate. Asked about the station proposed at Fourth Avenue and Thirty-second Street to connect with the subway, Mr. Cassatt said that such a station had been considered, but that now the balance of opinion of the railroad men was against it, on the ground that the delay involved in the construction of a station at that point would counterbalance the gain in convenience to persons who would use it.

The use of electricity in the tunnels would make artificial ventilation unnecessary, President Cassatt said, and ample protection would be provided against the accumulation of foul and dangerous air in the tubes.

Others examined at the hearing were Charles M. Jacobs, the engineer in charge of the section of the tunnel from the Jersey shore to the Manhattan terminal, and Alfred Noble, the engineer in charge of the work from the latter point to Long Island. Mr. Jacobs explained how blasting would be done in Thirty-second Street, and of the precautions that would be taken to prevent damage.

Mr. Noble, explaining the tunnel proposed east of the terminal to Long Island City, said that there would be four tubes, fitted up similarly to those in the North River. One would cross the others upon entering Long Island and provide yard facilities. In Long Island City, he said, the tunnels would be under private property, and where they emerged it would be on the company's own property, and therefore no street would be occupied.

From Second Avenue in Manhattan, eastward to the river, the tunnels would be some sixty or seventy feet beneath the surface in a rock formation, and while they would extend under private buildings, the occupants would not be aware of the existence of the borings. Mr. Noble told of the precautions against leakage of water or dampness in the East River tunnels. He said that barrings unforeseen delays the section to be built under his supervision could be completed in three years.

When, at Thursday's session, the architects finish their statements of the plans for the terminal station, the testimony of the railroad company will be completed. After that the property owners will be heard and the Commissioners will inquire on points which they desire elucidated and explained.

POLICE HALT TUNNEL WORK.

Brooklyn Bluecoats Failed to Appreciate the Might of the Rapid Transit Commission.

The work of breaking ground for the Manhattan-Brooklyn tunnel was held up for five hours yesterday by two Brooklyn policemen, while the powers of the Rapid Transit Commissioners were being explained to them.

Andrew Onderdonk, the contractor in charge of the work, started in yesterday to sink the first shaft of the tunnel in Joralemon Street, near Henry, Brooklyn. His men were tearing up the pavement preparatory to digging when a patrolman attached to the Adams Street Police Station came along.

"What are you doing there?" he demanded.

"Why, we're beginning work on the East

River tunnel," replied Foreman Thomas Sullivan.

"Where's your permit?" asked the policeman.

Sullivan showed a typewritten copy of a permit issued by the Rapid Transit Commission.

"That won't do," said the policeman. "It's not signed by the Commissioner of Highways."

Sullivan thereupon moved his men over to the other side of the street, which was on the beat of another policeman. The tunnel diggers had just about started in to work there when the policeman on this post came up. He also demanded to see the permit.

"The Commissioner of Highways hasn't signed that and it won't go," he decided.

Finally one of the policemen went to the Adams Street Station with Sullivan to consult with Capt. Bedell. The Captain sent them to the Department of Highways in Brooklyn, and the Deputy Commissioner there talked with Corporation Counsel Rives over the telephone about the matter.

It took Mr. Rives about twenty-seven seconds to explain that the Commissioner of Highways stood about ace high to a royal flush to the Rapid Transit Commission when it came to authority in the matter of tunnel work. Then, after five hours' delay, the work on the tunnel which is to link the two greatest boroughs of the City of New York was allowed to proceed.

STRIKE WILL DELAY SUBWAY.

Mr. McDonald Writes the Rapid Transit Board About the Effect of the Structural Ironworkers' Action.

John B. McDonald sent yesterday to President Orr of the Rapid Transit Commission a letter stating what he has already intimated in interviews that there will be a serious delay in the completion of the subway. It was expected that about Jan. 1, 1904, trains would be running on a regular schedule over a section of the road. Plans had been formed for the completion of the rolling stock on time and the equipment of every section of the tunnel so as to allow of its use through the Borough of Manhattan and all of the subway except that to Washington Heights.

The strike of the structural ironworkers on the power house now in course of construction at Fifty-ninth Street and Eleventh Avenue is the cause for the delay. Contractor McDonald was not able to say yesterday how much of a delay there would be, and the various officials who have charge of the construction work said it depended entirely on the length of the strike of the structural ironworkers on the power house.

In the letter to President Orr Contractor McDonald makes it plain that the operators of the subway are facing a serious problem for which, he says, they are in no way responsible, and for the prevention of which every effort was made in drawing the contracts.

The sixty structural ironworkers actually engaged on the power house to be used for the subway did not go on strike because of any local grievance. In fact, they are satisfied with their wages and with their hours of toil and every other local condition. Further, in order to go on strike, they had to violate an agreement made with them when the work was begun. It was settled then that the wages and hours were satisfactory to the ironworkers, and that if any other differences arose they should be decided without a strike.

It was explained yesterday that the strike of the workmen of the American Bridge Company at Pittsburg and Buffalo was the cause of the local strike on the subway power house. The power house is being constructed of steel manufactured by the American Bridge Company, and the local unions, out of sympathy for their sister unions directly in the trouble, refuse to allow their men to work.

The letter of Contractor McDonald will be read at the next meeting of the Rapid Transit Commission. None of the officials would make public the full contents because President Orr had not received the document.

BRONX TROLLEY FRANCHISE.

Mayor Low Impressed by Arguments of Opponents of the Project.

A hearing was given by Mayor Low yesterday on the franchise passed by the Board of Aldermen last week giving thirty-six miles of lines to the Interborough Railroad Company and also the right to use four bridges over the Harlem River.

Lawyer Delafield, who appeared for J. Pierpont Morgan and other property owners in the Bronx, claimed that the franchise was faulty in that the city had granted rights for the use of streets which have never been opened and never condemned and are still private property. Alderman Peck also opposed the franchise. He said sufficient attention had not been given the matter before the Board of Aldermen as to routes and streets.

Congressman Goulden spoke in favor of the franchise, as did Fordham Morris.

Mayor Low remarked that he was much impressed with the statements made in opposition, and that he felt constrained to consult with Corporation Counsel Rives about the matter.

LEGAL NOTES.

CASE DISMISSED BECAUSE OF UNREASONABLE DELAY.—After five years had elapsed since an action for personal injuries had been brought against William P. Baird by Giuseppe Zafarano, and the latter had made no move to bring his case to trial or explain his neglect, the defendant applied to the Supreme Court to have the action dismissed under the code provision and general rule authorizing the dismissal of a complaint where the plaintiff unreasonably neglects to proceed. An order denying the motion on condition that the plaintiff bring the case on for trial immediately has been reversed by the Appellate Division. The court said, by Justice Laughlin: "The defendant fairly established a prima facie case of neglect on the part of the plaintiff to proceed with the action within this code provision and rule, and the plaintiff was called upon to explain his apparent negligence and unreasonable neglect, or submit to a dismissal."

EXAMINATIONS BEFORE TRIAL.—The defense in an action brought by William W. Dudley and another against the New York Filter Manufacturing Company to recover for services "in and about establishing the filtering system" of defendant in various cities, "and for like services in counseling and advising it," was that any contract or arrangement made between any officer of the filter company and the plaintiffs was without authority and was unlawful, in that it contemplated the improper and corrupt use of money. The filter company also put in a counter-claim alleging that Dudley and his co-plaintiff obtained \$500 on the "representations that the same was necessarily and properly to be expended in the prosecution of their endeavors to introduce the filter system of this defendant into some municipality or municipalities; that the plaintiffs have never accounted to the defendant for this money or furnished any evidence that the same was used by them for or on behalf of the defendant." A bill of particulars was furnished by the plaintiffs, but the defendant did not seem satisfied, and moved for an examination of the Dudley's before trial. An order denying the application has been affirmed by the Appellate Division, but with leave to renew. Justice Laughlin, for the court, decided that counsel for the filter company, instead of criticizing the bill of particulars, as he did in his moving papers, should have moved for further particulars. "The office of a bill of particulars," continued the Justice, "is to amplify or restrict a pleading, and inform a party with reasonable certainty of the nature of the claim of the adverse party in order to prevent surprise, and to enable him to intelligently meet the issue upon the trial. The rule, however, with reference to allowing an examination of a party is quite different. Such examinations are never allowed where the object is to obtain information concerning an adversary's case or defense, nor are they allowed merely for the purpose of enabling a party to prepare for trial. They are only allowed where the object is to obtain evidence essential to the moving party's case or defense, and when it fairly appears that it is the intention of the party to use the examination upon the trial." Justice Laughlin adds that, as it is apparent that the examination of the plaintiffs may be necessary to enable the filter company to establish its defense, the court gives leave to renew the application on further and sufficient papers.