

HANOVER, N. H., March 15.—The following students from '92 have been elected to edit the *Aegis* next year: F. P. Reed, Weeping Water, Neb.; C. A. Manson, New-York; Barron Shirley, Andover, N. H.; L. E. Pattridge, Peacham, Vt.; S. E. Kreutzer, Rochester, N. Y.; W. L. Duntley, Rochester, N. H.; A. G. Randall, Waterborough, Me.; S. J. Lord, Manchester, N. H.; F. L. Berry, Dover, N. H.

A new tennis club has been formed here, consisting of eighteen of the best players in college, with the following officers: President—Champion Hilton, '90; Secretary—Hardy, '90; Treasurer—Pond, '91; Directors—Hilton, Hutchinson, '90, Barnard, Holton '91, and Gunnison, '92. The club has leased a plot of ground in the rear of the baseball cage, and has hired a man to lay out four gravel courts, which will be finished about the middle of April. They will be marked out with tape and have wire back-stop nets.

## ASPHALT NOT YET SECURED.

### CONTRACTS MUST PROTECT THE CITY, SAYS THE CONTROLLER.

The up-town property owners who think they have succeeded in the movement to secure asphalt pavements for some of the choice streets need not yet rest on their laurels. Controller Myers has filed a vigorous exception to the course of Commissioner Gilroy in advertising for bids prematurely, as the Controller thinks. On Friday the bids were opened by Mr. Gilroy, whereupon Mr. Myers warned him not to give out the work, for the sureties of the contractors for seven of the eight lots would not be approved at the Controller's office. Without such approval the work cannot proceed in regular course.

When the Common Council passed the ordinances in regard to this work provision was made that the pavement in Seventy-third-street from West End-avenue to Riverside Drive should have a foundation of concrete. Nothing was said about the foundation for the other seven pieces—on One Hundred and Nineteenth-street, between Seventh and St. Nicholas avenues; on One Hundred and Seventieth-street, between St. Nicholas and Eighth avenues; on One Hundred and Twenty-eighth-street, between St. Nicholas and Eighth avenues; on One Hundred and Thirty-fourth-street, between St. Nicholas and Eighth avenues; on One Hundred and Twenty-eighth-street, between Seventh and Eighth avenues; on One Hundred and Thirty-third-street, between St. Nicholas and Eighth avenues, and on One Hundred and Sixth-street, between Eighth-avenue and the Boulevard. The omission by the Common Council to designate the character of foundation for these pieces came early to the attention of the Controller, who wrote about it to the Commissioner of Public Works, advising him that legal defects might be found in assessment claims based upon ordinances so loosely constructed. The ordinances provided for the payment for the work by assessments upon the property to be benefited. Sharp lawyers, always on the lookout for loopholes, might secure property owners exemption from obligation on this account unless the omissions were corrected.

Mr. Gilroy appears to have solicited the opinion of Corporation Counsel Clark upon Mr. Myers's criticisms, and to have gone ahead upon what the Corporation Counsel wrote to him in reply. In due season he transmitted this opinion and a statement of his own action to Mr. Myers. Bids meanwhile had been solicited and obtained.

Mr. Myers sent the following letter to Mr. Gilroy yesterday:

"I have read and fully considered the statement in your favor of the 13th inst. and the accompanying opinion. I regret I cannot concur in the views therein set forth.

"In the opinion of the Counsel to the Corporation I find this statement: 'I do not think the failure to designate the character of the foundation in the seven instances referred to in yours is open to objection. On the contrary, the authorities having directed that an asphalt pavement be laid, which must of necessity rest on some foundation, I am of opinion there is vested in you the legal right to designate the same as one of the necessary details incident to the laying of the pavement. The exercise of such an executive power is not open to the objection that the discretion or judgment required to be exercised by the Common Council was attempted to be given to the Department of Public Works.'

"Here you have a clear admission that a necessary, an essential, part of an asphalt pavement is a foundation. The foundation being an essential part of the pavement, it must be provided for in the authorization to lay the pavement. A concrete foundation is not an essential in the laying of such pavement. Asphalt may be laid on a stone-block foundation, or on a foundation of numerous devices. But whatever the foundation selected may be, a foundation of some kind being essential, and a concrete foundation not being necessarily implied as an essential of the pavement covered by the word 'asphalt,' I am clearly of the opinion that the essential part and requisite to the foundation of the asphalt pavement is a legislative and not an executive act, and must be presented by the Common Council, and cannot lawfully be selected by the executive officer, and there being no such necessary and essential association, I must object and protest to the interests of the city being jeopardized by the litigations which are certain to follow in the vacation of assessments if the contracts are proceeded with.

"The proper action to follow in this matter, I again submit to you, is to delay any further action on your part upon any of these contracts until the omissions in the ordinances of the Common Council are corrected, by providing specially for the kind of foundation, which is to form a part of the asphalt pavement."

This letter has been supplemented by a distinct verbal announcement from Mr. Myers to Mr. Gilroy that the sureties of contractors will not be approved until the city shall be amply protected in regard to payments for the new work. Mr. Gilroy has not yet made an award.