

TO BE FINISHED TO-DAY.

THE HEARING IN THE ELEVATED RAILWAY DAMAGE CASE.

The Renwick case for damages caused to his property on East Forty-second-street by the elevated railroad was taken up again yesterday morning by the Commissioners at their office, 71 Broadway.

Alexander C. Sherman, who, previous to the fire which destroyed the Kenwick buildings, 148 and 150 East Forty-second-street, kept them as a hotel and ticket office, said that the presence of the road made a difference of \$2,500 a year to him in his business. He was frequently obliged to return money to guests, who complained that they were unable to sleep on account of the noise made by passing trains.

The afternoon session was devoted to hearing the arguments of counsel. Mr. Kapello, counsel for the corporation, held that the only liability was for the immediate damage done by interference with light, air, and access, and nothing else. The railroad wished to extinguish the rights of abbutters to so much of the privilege or easement of light, air, and access as has been taken by the elevated road and no more, their property in such to be estimated at a certain lump sum.

Mr. Peckham, the counsel for the property owners, remarked that the elevated railroad corporation now claims that it is willing to pay something for damages. It says it is no longer a robber, but honest, simple, and well meaning. He held as his opinion that the road was liable for every injury traceable to the property by the structure and running of trains. Light, air, and access must be defined. Vibration, in his opinion, came within the meaning of air, as it was caused by air. He wanted, he said, separate findings on noise, vibration, and privacy.

Commissioner Lyon suggested that what the commission wished to arrive at was how the interference of light, air, and access operates, and will continue to operate against the property. An award on these grounds would not, in his opinion, interfere with an action for damages in other respects, such as noise.

The case will be concluded to-day, and a decision may be expected very soon.