

HASSELL GERALD L  
Form 5  
February 03, 2005

# FORM 5

**UNITED STATES SECURITIES AND EXCHANGE COMMISSION**  
**Washington, D.C. 20549**

OMB APPROVAL

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Check this box if no longer subject to Section 16. Form 4 or Form 5 obligations may continue. See Instruction 1(b).  
Form 3 Holdings Reported Form 4 Transactions Reported

**ANNUAL STATEMENT OF CHANGES IN BENEFICIAL OWNERSHIP OF SECURITIES**

Filed pursuant to Section 16(a) of the Securities Exchange Act of 1934, Section 17(a) of the Public Utility Holding Company Act of 1935 or Section 30(h) of the Investment Company Act of 1940

1. Name and Address of Reporting Person \*  
HASSELL GERALD L

2. Issuer Name and Ticker or Trading Symbol  
BANK OF NEW YORK CO INC [BK]

5. Relationship of Reporting Person(s) to Issuer

(Check all applicable)

(Last) (First) (Middle)

3. Statement for Issuer's Fiscal Year Ended (Month/Day/Year)  
12/31/2003

Director  10% Owner  
 Officer (give title below)  Other (specify below)  
President

THE BANK OF NEW YORK, ONE WALL STREET

(Street)

4. If Amendment, Date Original Filed (Month/Day/Year)

6. Individual or Joint/Group Reporting

(check applicable line)

NEW YORK, NY 10286

Form Filed by One Reporting Person  
 Form Filed by More than One Reporting Person

(City) (State) (Zip)

**Table I - Non-Derivative Securities Acquired, Disposed of, or Beneficially Owned**

1. Title of Security (Instr. 3)	2. Transaction Date (Month/Day/Year)	2A. Deemed Execution Date, if any (Month/Day/Year)	3. Transaction Code (Instr. 8)	4. Securities Acquired (A) or Disposed of (D) (Instr. 3, 4 and 5)		5. Amount of Securities Beneficially Owned at end of Issuer's Fiscal Year (Instr. 3 and 4)	6. Ownership Form: Direct (D) or Indirect (I) (Instr. 4)	7. Nature of Indirect Beneficial Ownership (Instr. 4)
				(A) Amount	or (D) Price			
Common Stock (Par Value \$7.50)	10/27/2004	Â	G	850	D \$ 32.025	858,396.68	D	Â
Common Stock (Par	11/04/2004	Â	L	98.5	A \$ 33.2829	858,495.18	D	Â
						(1)		

Value \$7.50)										
Common Stock (Par Value \$7.50)	Â	Â	Â	Â	Â	Â	60,000 <sup>(2)</sup>	I		Held by Spouse-Agnes
Common Stock (Par Value \$7.50)	Â	Â	Â	Â	Â	Â	28,927	I <sup>(3)</sup>		Held by family trust
Common Stock (Par Value \$7.50)	Â	Â	Â	Â	Â	Â	28,927	I <sup>(3)</sup>		Held by second family trust
Grantor Retained Annuity Trust	Â	Â	Â	Â	Â	Â	71,822 <sup>(4)</sup>	I		by GRAT

Reminder: Report on a separate line for each class of securities beneficially owned directly or indirectly.

**Persons who respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB control number.**

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(9-02)

**Table II - Derivative Securities Acquired, Disposed of, or Beneficially Owned**  
(e.g., puts, calls, warrants, options, convertible securities)

1. Title of Derivative Security (Instr. 3)	2. Conversion or Exercise Price of Derivative Security	3. Transaction Date (Month/Day/Year)	3A. Deemed Execution Date, if any (Month/Day/Year)	4. Transaction Code (Instr. 8)	5. Number of Derivative Securities Acquired (A) or Disposed of (D) (Instr. 3, 4, and 5)	6. Date Exercisable and Expiration Date (Month/Day/Year)	7. Title and Amount of Underlying Securities (Instr. 3 and 4)	8. Price of Derivative Security (Instr. 5)	9. of D Se B O E Is Fi (I
					(A) (D)	Date Exercisable	Expiration Date	Title	Amount or Number of Shares

## Reporting Owners

Reporting Owner Name / Address

Relationships

Director 10% Owner Officer Other

HASSELL GERALD L  
THE BANK OF NEW YORK     X     President  
ONE WALL STREET  
NEW YORK, NY 10286

## Signatures

Gerald L.                             02/02/2005  
Hassell

\_\_Signature of                             Date  
Reporting Person

## Explanation of Responses:

- \* If the form is filed by more than one reporting person, see Instruction 4(b)(v).
- \*\* Intentional misstatements or omissions of facts constitute Federal Criminal Violations. *See* 18 U.S.C. 1001 and 15 U.S.C. 78ff(a).
- (1) As of December 31, 2004, reporting person has 221,550.738 stock units in employer's stock fund in The Bank of New York Company, Inc. Employee Savings and Investment Plan, formerly the Profit Sharing Plan.
- (2) Reporting person disclaims beneficial ownership of these securities.
- (3) Contribution of shares to a family trust. Reporting person has the right to reacquire the shares by substituting other property of equal value.
- (4) These shares were previously reported as directly beneficially owned but were contributed to a grantor retained annuity trust on May 27, 2004.

Note: File three copies of this Form, one of which must be manually signed. If space provided is insufficient, *see* Instruction 6 for procedure. Potential persons who are to respond to the collection of information contained in this form are not required to respond unless the form displays a currently valid OMB number.