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LEGISLATIVE DEPARTMENT.

STATED SESSION.

BOARD OF ALDERMEN.

No. 15 CITY HALL,
FRIDAY, January 2, 1874,
3 1/2 o'clock P. M.

The Board met in their Chamber No. 15 City Hall.

Present:—Hon. S. B. H. VANCE, President, in the chair, and the following members:

O. P. C. Billings, Patrick Lysaght,
Stephen V. R. Cooper, Robert McCafferty,
John Falconer, J. A. Monheimer,
Richard Flanagan, John J. Morris,
Edward Gilon, Oswald Ottendorfer,
Peter Kehr, John Reilly,
George Koch, Jenkins Van Schaick.

Alderman Edward Gilon, elected to fill a vacancy occasioned by the expiration of the time for which Henry Clausen was appointed to fill the vacancy occasioned by the death of Peter Gilsey, appeared and took his seat, having previously taken the oath of office required by law, which was presented to the Board by the President.

Which was read and ordered on file.

The Clerk was then instructed to place the name of Edward Gilon on the roll of members.

By Alderman Monheimer—

Whereas, The period for which Henry Clausen Esq., was appointed as an Alderman of the City of New York, to fill the vacancy occasioned by the death of Peter Gilsey having expired, and he is about to sever his official relations with this Board, be it therefore

Resolved, That in the retirement of Henry Clausen, from the Board of Aldermen, by the expiration of the term for which he was appointed, the Board desires to express to him individually and collectively, the high sense they entertain of his integrity and ability, and the fidelity with which he has performed the duties of his office, and to convey to him their best wishes for his future welfare and happiness.

RESOLUTIONS.

By Alderman Flanagan—

Resolved, That Alexander B. Clark, be and he is hereby re-appointed a Commissioner of Deeds.

Which was adopted by the following vote:

Affirmative—The President, Aldermen Billings, Cooper, Falconer, Flanagan, Gilon, Kehr, Koch, Lysaght, McCafferty, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick—15.

By Alderman McCafferty—

Resolved, That Frederick W. Salmonson be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place of John Bennett, whose term of office has expired.

Which was adopted by the following vote:

Affirmative—The President, Aldermen Billings, Cooper, Falconer, Flanagan, Gilon, Kehr, Koch, Lysaght, McCafferty, Monheimer, Morris, Ottendorfer, Reilly, Van Schaick—15.

By Alderman Monheimer—

G. O. 345.

Resolved, That the Commissioner of Public Works be and he is hereby authorized and directed to light two street lamps in front of the residences each of the ex-Mayors of this city, as has hitherto been the custom, until otherwise ordered by the Common Council.

Which was laid over.

PAPERS FROM THE BOARD OF ASSISTANT ALDERMEN.

Resolution to amend resolution to appoint Benjamin A. Moran a Commissioner of Deeds. Which was concurred in.

On motion of Alderman Koch, the Board then adjourned.

And the President announced that the Board stood adjourned until Thursday next, the 8th instant, at 3:30 o'clock, P. M.

JOS. C. PINCKNEY,
Clerk.

ORDINANCES, RESOLUTIONS,

&c., &c.,

PASSED BY BOTH BRANCHES OF THE

COMMON COUNCIL

AND

APPROVED BY THE MAYOR,

DURING THE WEEK ENDING JAN. 3, 1874.

Resolved, That Michael Shelly is hereby re-appointed a Commissioner of Deeds, in and for the City and County of New York.

Adopted by the Board of Aldermen, Dec. 26, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 22, 1873.
Approved by the Mayor, Dec. 29, 1873.

Resolved, That the regulating, grading, setting curb and gutter stones, flagging sidewalks, and the roadway or surface construction of the following named avenues and streets, to wit: The new avenue intermediate the Eighth and Ninth avenues, from the northerly line of One hundred and tenth street to the southerly line of One hundred and fourteenth street to its intersection with Avenue St. Nicholas, between One hundred and twenty-third and One hundred and twenty-fourth streets; the Ninth avenue, from the northerly line of One hundred and twenty-third street to the northerly line of One hundred and twenty-sixth street; One hundred and twenty-third street, from the westerly line of the near avenue on the westerly side of Mount Morris Square to the easterly line of Ninth avenue, and from the westerly line of Tenth avenue to the Boulevard; also the Twelfth avenue, from the southerly line of One hundred and twenty-ninth street to the northerly line of One hundred and thirtieth street, be executed under the direction of the Commissioner of Public Works, by day's work or in such manner as the said Commissioner may deem expedient for the best interests of the City and property owners, and of such material, and on such plans as may be prescribed or determined by said Commissioner of Public Works, and that the accompanying ordinance therefor be adopted.

Adopted by the Board of Aldermen, Dec. 6, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 15, 1873.
Received from his Honor the Mayor, Dec. 31, 1873, without his approval or objections thereto, therefore, under the provisions of an Act entitled "An Act to reorganize the Local Government of the City of New York," passed April 30, 1873, the same became adopted.

Resolved, That the Commissioner of Public Works be and he is hereby authorized to have One hundred and twenty-second street, from the easterly line of Tenth avenue to the Riverside drive, regulated and graded, curb and gutter stones set, and sidewalks flagged, and the roadway paved with the Telford Macadamized Roadway Pavement, in accordance with the specifications for said pavement by which the Boulevard and other avenues are so paved; the work to be done by day's work, or in such manner as the Commissioner of Public Works may deem expedient, and for the best interests of the city and property owners, under the direction of the Commissioner of Public Works, and that the accompanying ordinance therefor be adopted.

Adopted by the Board of Aldermen, Dec. 6, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 15, 1873.
Received from his Honor the Mayor, Dec. 31, 1873, without his approval or objections thereto; therefore, under the provisions of an Act entitled "An Act to reorganize the Local Government of the City of New York," passed April 30, 1873, the same became adopted.

Resolved, That the Comptroller be and he is hereby authorized and directed to draw a warrant in favor of A. D. Selleck, attorney, for the sum of two thousand five hundred dollars, to be in full for all obligations incurred by the Corporation in alterations to building on the corner of Waverly place and Macdougall street; that all the property of the city, coal, iron work, &c., shall be removed from the premises. The amount to be charged to the appropriation for "Rents."

Adopted by the Board of Aldermen, Dec. 30, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 22, 1873.
Approved by the Mayor, Dec. 31, 1873.

Resolved, That the Commissioner of Public Works be and he is hereby directed to notify the several gaslight companies that on and after the approval of this resolution by his Honor the Mayor, the city will not pay for any gas consumed in lighting extra lamps in front of, or on the premises occupied for railroad depots, libraries, stables, restaurants, saloons, banks, private dwellings, club houses, residences of ex-Mayors, newspaper offices, factories and private grounds.

Adopted by the Board of Aldermen, Dec. 30, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 22, 1873.
Approved by the Mayor, Jan. 2, 1874.

Resolved, That George S. Green, Jr. be and he is hereby appointed a city Surveyor.

Adopted by the Board of Aldermen Dec. 26, 1873.
Adopted by the Board of Assistant Aldermen Dec. 22, 1873.
Approved by the Mayor Jan. 2, 1874.

Resolved, That Montgomery A. Kellogg be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place and stead of George A. Black, whose time has expired.

Adopted by the Board of Aldermen Dec. 30, 1873.
Adopted by the Board of Assistant Aldermen Dec. 29, 1873.
Approved by the Mayor Jan. 2, 1874.

Resolved, That Frank Daulte be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place and stead of Andrew Steinmuller, who has failed to qualify.

Adopted by the Board of Aldermen, Dec. 30, 1873.
Adopted by the Board of Assistant Aldermen, Sept. 9, 1873.
Approved by the Mayor Jan. 2, 1874.

Resolved, That Frederick C. Steffen be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in place and stead of James Anderson, whose term of office has expired.

Adopted by the Board of Aldermen, Dec. 30, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 29, 1873.
Approved by the Mayor, Jan. 2, 1874.

Resolved, That Henry Sidney Holborow be and he is hereby re-appointed a Commissioner of Deeds in and for the City and County of New York, his term having expired.

Adopted by the Board of Aldermen, Dec. 30, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 29, 1873.
Approved by the Mayor, Jan. 2, 1874.

Resolved, That Nicholas Seagrist be and he is hereby re-appointed a Commissioner of Deeds in and for the City and County of New York, his term having expired.

Adopted by the Board of Aldermen, Dec. 30, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 29, 1873.
Approved by the Mayor, Jan. 2, 1874.

Resolved, That William H. Geissenheimer be and he is hereby appointed a Commissioner of Deeds in and for the City and County of New York, in the place of John Will, who has failed to qualify.

Adopted by the Board of Aldermen, Nov. 6, 1873.
Adopted by the Board of Assistant Aldermen, Dec. 31, 1873.
Approved by the Mayor, Jan. 2, 1874.

J. C. PINCKNEY,
Clerk C. C.

LAW DEPARTMENT.

OPINIONS OF THE COUNSEL TO THE CORPORATION.

Where by law the entire cost of a local improvement is assessable upon the property benefitted, the Board of Assessors cannot deduct from the assessment the difference between the amount for which a first and delinquent contractor agreed to do the work, and the total cost as ultimately incurred upon the completion of the work by another contractor.

The city has a right of action for such difference against the sureties of the first contractor, and the recovery operates as a penalty to secure the corporation and local owners against delays from improvident bids and failures to perform.

But the laws do not give the amount reserved to the local owners; and the labor, expense, and trouble caused to the corporation through its officers in the matter of local improvements are such as might render the retention of such recoveries in the city treasury equitable and just.

LAW DEPARTMENT, OFFICE OF THE
COUNSEL TO THE CORPORATION,
New York, December 27, 1873.

Mr. Thomas B. Asten, Chairman of the Board of Assessors:

SIR: You ask my advice as to the legal mode of making up the assessments upon the persons to be benefitted by the work of regulating, grading, setting curb and gutter, and flagging new avenue east and west, between 120th and 124th streets. The contract was first awarded to James Kehoe, who gave security for its faithful completion. His bond and sureties were approved by the Comptroller. The agreement contained the usual stipulation that upon his failure to perform, the city should be paid the difference between the price fixed in his contract and the cost of the work if completed by other persons. A new contract was awarded to Crimmins & Sons, and when the work was finally done the excess of cost to the city proved to be from \$12,000 to \$16,000. This result gave to the city under the terms of Kehoe's contract a right of action against him and his sureties for the excess of expense necessary to procure the completion of the work.

The agents and attorneys of William B. Astor and others, owning property benefitted by the

work, urge the Board of Assessors to limit the aggregate amount of the assessments to the amount mentioned in the original contract of Kehoe. They claim that for the excess of expense to which the city has been subjected in the final performance of the work by the new contractors, Cummins & Sons, the Corporation must rely upon their right of action against Kehoe's sureties, whose agreement embraced an indemnity to the city for the difference between the cost as originally stipulated, and the expense ultimately incurred.

The laws which give to the Corporation the right to hold a contractor to the obligations assumed by him, are founded upon a broad and obvious public policy. It is important that public improvements when once decreed, should not only be executed, but that their completion should be prompt. To secure this, contractors are subjected to a penalty upon their failure to perform. It is nowhere provided that such penalty, when recovered, shall go to the particular persons benefitted by a local improvement. The city, through its officers, is involved in labor, trouble and expense, either directly or indirectly, in the whole matter of securing a local improvement. The benefit is local, not general. There is no reason in justice nor in law why a penalty, recovered from a delinquent contractor, should go to the local owners benefitted by the improvement rather than to the Corporation itself. It cannot be reasonably claimed that the local owners are wronged in the assessment upon their property of the actual cost of the work as finally determined upon its completion. It is not to be assumed that the value of the work for which the first and failing contractor agreed to do it. The fair value, as a matter of evidence, is represented in the second proposal quite as well as in the first, and inasmuch as the second contract is actually performed, and the first not, the testimony is strengthened in a practical way that the work may fairly be paid for according to the cost experienced under Crimmins & Sons, and not according to the unfulfilled estimate of Kehoe. It is not alleged that the charges of Crimmins & Sons are extortionate, and if they are, this firm is the lowest practical bidder and the only performer of the work.

It is suggested that if the entire cost shall be assessed upon the property owners, the assessment may be vacated by the courts, and the whole expense be thrown upon the city. The owners are at liberty, and are compelled, before resorting to litigation, to involve the powers of the Board of Revision and Correction, who may direct an assessment. (Rich's case, 12 Abbott, 118, Miller's case, 12 Abbott, 121.) Under the Statutes, and the decisions of the Supreme Court, the entire expense of such improvements must be assessed upon the lots which in the judgment of the Board of Assessors are benefitted thereby.

I advise you that the entire cost of the work in question must be included in your assessment.

I am, sir,

Very respectfully yours,
E. DELAFIELD SMITH,
Counsel to the Corporation.

The Commissioners of the Board of Public Parks have the power at once to survey, map and plan for bridges over and tunnels under the Harlem river, and to construct the same; also to make surveys, maps and plans for roads, avenues, streets, public places, and sewers in all that part of Westchester County, if any, included in the territory over which they were given control in chapter 534 of the act of 1871, and not included in the boundaries of the towns of West and East Chester.

After January 1, 1874, the Park Commissioners, under section 14 of chapter 613 of the laws of 1873, are authorized to lay out, construct and maintain all the roads, avenues and streets in the towns annexed to the City of New York from the County of Westchester.

In such laying out and construction, the Commissioners will be governed by existing ordinances of the Common Council of New York, applicable to work of similar character.

The money required therefor must be raised by the City of New York in the manner provided by law, with regard to improvements in that city.

LAW DEPARTMENT, OFFICE OF THE
COUNSEL TO THE CORPORATION,
NEW YORK, Dec. 30, 1873.

To the Honorable the Commissioners of the Department of Public Parks:

GENTLEMEN:—A resolution of your Depart-

ment requests my opinion and advice, in substance, as to what provisions of law and ordinance are now in force under which the Department of Parks, from the first of January, 1874, will be authorized to locate, lay out, construct and maintain public parks, streets, roads and avenues, locate and devise plans for bridges and tunnels, construct and maintain bridges, tunnels, sewers, streets, roads and avenues, establish the width and grades of streets, roads and avenues, and make surveys, in the towns of West Farms, Morrisania and Kingsbridge, annexed to the City of New York; together with the powers of the Department, and under what acts of the Legislature or otherwise money can be raised to meet the expenses of the several works mentioned in the resolution.

In 1865 the Legislature clothed the Commissioners of the Central Park with exclusive power to lay out streets, avenues, roads and public squares north of 155th street, and within the city limits (Laws of 1865, chap. 565). By chapter 826 of the Laws of 1869, the Central Park Commissioners were authorized to make proper surveys of certain parts of Westchester County, and also to make such maps and plans of changes in grades of streets, etc., as would best benefit and improve the neighboring property. They were also authorized by this act to prepare plans for sewerage and draining the lands in question, and to prepare plans for bridges over and tunnels under Harlem river and Spuyten Duyvel creek. By chap. 927 of the Laws of 1870, the Department of Public Parks (in which was vested all the powers and duties of the Commissioners of the Central Park) were authorized to prepare the necessary plans, maps and profiles authorized by the chapter last cited, and to cause them to be filed within a year, the effect of which was to render them conclusive, and the avenues, roads, sewers, bridges, tunnels, etc., therein shown, were to be opened and constructed in conformity with the plans and maps so filed. Chapter 534 of the laws of 1871, repeals both of the statutes last mentioned, and gives to the Commissioners of Parks much fuller authority in respect to causing surveys to be made of that part of Westchester County "lying south of the southerly line of the village of Yonkers, and a line in continuation thereof easterly to Hutchinson river or creek, and including that part of said county lying south of said line and west of said river or creek, or the western boundary of the town of Pelham, to Long Island Sound," with maps and plans of location, width, etc., of streets, avenues and squares to be laid out, also plans for drainage and supplies of water, and the improvement of Harlem river and Spuyten Duyvel creek with plans for tunnels, bridges, etc. These maps and plans were to be final when filed by the Commissioners, and the aforesaid part of Westchester County was to be laid out and improved in conformity therewith. Ample powers were given the Commissioners by this law, and if there had been no further legislation upon this subject, they would have the fullest powers in the premises to carry out the provisions of this act.

Chapter 441 of the laws of 1872, however, repeals sections 8 and 12 of this last cited act. These sections referred to the rights of the Commissioners to alter the grades of all railroad tracks and to cause the companies to build bridges over and to fence in their tracks. Subsequently, by chapter 878 of the laws of 1872, the act is further repealed as follows: "Chapter 534 of the laws of 1871, entitled 'an act relative to the improvement of certain portions of the County of Westchester and New York, including provisions for communication between said counties, and for the improving of navigation of Harlem river and Spuyten Duyvel creek,' passed April 15, 1871, except as to the provisions providing bridges and tunnels across the Harlem river, is hereby repealed so far as relates to the survey of the towns of Eastchester and Westchester in the County of Westchester." The 2d section of this act provided for the raising of money by the supervisors of the towns in Westchester County for the building of the tunnels and bridges aforesaid, which moneys were to be deposited with and expended by the Commissioners of Public Parks. I have no convenient means of ascertaining whether the towns of Eastchester and Westchester mentioned in the repealing act last cited, include within their corporate limits all the territory described in the repealed act (chap. 534, laws of 1871). If they did not, then as to the territory not included in the boundaries of Eastchester and Westchester (but designated by said chap. 534, Laws of 1871, as the part of Westchester County of which surveys were to be made by the Park Commissioners), the Commissioners still had full authority to

proceed with the work which the last named act empowered them to do. It is certain they had authority by the terms of the repealing act, to take all the necessary steps to construct bridges and tunnels over and under Harlem river.

Section 7 of chapter 872 of the laws of 1872 provides as follows: "The Department of Public Works shall have and possess all the powers and functions heretofore and now possessed by the Department of Public Parks in relation to the boulevard (road or public drive), streets, avenues and roads above 59th street, not embraced within the limits of any park or public place, and all provisions of law conferring powers and devolving duties upon the Department of Public Parks in relation thereto, are hereby transferred to and conferred upon the said Department of Public Works." This section is inserted verbatim in, and forms part of the Charter of 1873. (Sec. 73, chap. 335, Laws of 1873.) This law, at the time of its passage, did not, of course, in any way affect the right of the Commissioners of Parks to exercise all the authority previously conferred upon them by the act of 1871, as it remained after its partial repeal in 1872, because the authority given to the Commissioner of Public Works had reference only to the streets, avenues and roads north of 59th street included within the city limits.

From the foregoing analysis of the laws bearing on your inquiries, it is evident that before the act passed in 1873 for the incorporation of certain towns in Westchester County with the City of New York, the Commissioners of Public Parks had authority:

1st. To cause surveys to be made, and maps and plans filed, of and for bridges and tunnels over and under Harlem River; and

2d. To cause like surveys to be made and maps and plans filed for roads, avenues, streets, public places, sewers, etc., in all that part of Westchester County, (if any there be), included in the territory over which they were to have control, as described in the act of 1871, Chapter 534, and not included within the boundaries of the towns of East and Westchester.

We now come to consider the effect of the law of 1873, above referred to, incorporating certain Westchester towns with this city. The 14th section of this act (Chapter 613, Laws of 1873), provides as follows: "The Commissioners of the Department of Public Parks of the City of New York, shall have the exclusive power to locate and lay out, construct and maintain, all public parks, streets, roads and avenues, and to devise plans for and locate all bridges and tunnels, and shall have exclusive control of the maintenance and construction of all public parks within the territory hereby annexed, and to construct and maintain all bridges, tunnels, sewers, streets, roads and avenues so located and laid out, and the said Commissioners of Public Parks shall have exclusive power to establish the widths and grades of all such streets, roads and avenues so located and laid out." The section then goes on to authorize the Commissioners to alter any map or plan already made under authority of any prior law, to conform to the present plan adopted, or to be adopted for the laying out of the annexed territory. It concludes in the following words: "All proceedings hereafter to be taken by virtue of this act by said Commissioners of the Department of Public Parks, to lay out, construct and maintain any public parks, to devise plans for and locate any bridges or tunnels, or to locate or lay out any streets, sewers, roads or avenues, or for the construction of any bridges, tunnels, sewers, streets or avenues, within the territory hereby annexed, shall be taken and prosecuted by the Commissioners of the Department of Public Parks, under and in pursuance of the provisions of the laws now in force for the construction of such works, or which may hereafter be passed for the taking and prosecuting of proceedings in the city of New York by the said Commissioners of the Department of Public Parks or the said Commissioner of Public Works." Nothing could be plainer than the authority granted the Commissioners of Parks by the provisions of the above section. It is full and ample in every respect. Section 18 of this same act provides that it shall take effect on the first of January, 1874.

It will be well to observe that the charter (which by section 73 invested the Commissioner of Public Works with all the powers theretofore possessed by the Commissioners of Public Parks in reference to the laying out of roads and avenues above 59th street), became a law on the 30th of April, whereas the annexation law above quoted, granting these full powers to the Commissioners of Public Parks was passed on the 23d of May, so that none of

the authority granted them by the last act can be regarded as affected by section 73 of the charter, which vests large powers in the Commissioner of Public Works. Moreover, Section 16 of the annexation law provides that "All provisions of law now in force inconsistent with this act are hereby repealed"; so that if Section 73 of the Charter is inconsistent therewith, it is no longer a law. Both laws can, however, be so construed as to obviate any appearance of inconsistency in their respective provisions by applying Section 73 of the Charter to the streets and avenues within the city limits at the time of the passage of that law, and by applying Section 14 of the Annexation Act to the towns of Westchester thereby made a part of this city after the 1st of January, 1874.

There now remains to consider but one act which might be claimed to affect the matter under consideration. I allude to the act of June 28, 1873, Chapter 850, providing as follows: "The determination of the lines of curb and other surface constructions in all the streets and avenues within the distance of three hundred and fifty feet from the outer boundaries of any public park or place which are now or hereafter may be under the control and management of the Board of Commissioners of the Department of Public Parks, is hereby vested in the said Board of Commissioners to plant trees, and who shall also have power to construct, erect, and establish seats, drinking fountains, statues and works of art, whenever they may deem it for the public interest so to do, on the said parts of said public streets and avenues; and the said parts of said public streets and avenues shall at all times after the same are opened be subject to such rules and regulations in respect to the uses thereof and erections and projections thereon as the said Board of Commissioners may make therefor. Nothing in this act shall be construed to authorize the said Board of Commissioners to do any work in the matter of regulating, grading, paving, sewerage, curbing and guttering any of the streets or avenues herein mentioned, which the Department of Public Works is now authorized to do."

It is, I think, evident that this last cited law in no way conflicts with the duties imposed upon the Park Commissioners as to the towns of Westchester, annexed by section 14 of the annexation act.

After considering all existing laws bearing in any manner upon this subject, I answer the questions submitted by the Commissioners as follows:

1st. They have the power at once to cause surveys to be made, and maps and plans to be filed for bridges over, and tunnels under the Harlem river, and to proceed with the construction of the same; and also to cause like surveys to be made, and maps and plans to be filed, for roads, avenues, streets, public places, sewers, etc., in all that part of Westchester county (if there be any) included in the territory over which they were given control, as described in the act of 1871, chapter 534, and not included within the boundaries of the towns of East and Westchester.

2d. After the first of January, 1874, the Commissioners, under section 14, of chapter 613, of the laws of 1873, have authority to lay out, construct and maintain all the roads, avenues, streets, etc., in the annexed towns of Westchester. And they are to be governed in their action in such construction, laying out, etc., by existing ordinances of the Common Council applicable to work of this character. The money required for the carrying out of such work is to be raised by the City of New York in the manner prescribed by law for making improvements in this city.

I am, gentlemen,

Very respectfully, yours,

E. DELAFIELD SMITH,
Counsel to the Corporation.

LAW DEPARTMENT.

Statement and return of moneys received by Isaac Dayton, Public Administrator in the City of New York, for the month of December, 1873, rendered to the Comptroller in pursuance of the provisions of section 3, part 2, chapter 6, title 6, revised statutes; and sections 38 and 96 of chapter 335 of the laws of 1873.

Date.	Estate of	Commissions.
Dec. 2—	Elizabeth Manderson.....	50 00
" 3—	Catharine Bunett.....	9 00
" 29—	Margaret Black.....	3 75
Total.....		\$62 75

MAYOR'S MARSHAL.

Licenses granted and amount received for licenses and fines by Marshal H. R. Conklin, for the five days ending January 3, 1874.

Licenses granted.....	110
Amount received.....	\$208 75

DEPARTMENT OF PUBLIC PARKS.

Abstract of the proceedings of the Board of Commissioners of the Department of Public Parks, for the week ending Saturday, December 27th, 1873.

SPECIAL MEETING.

December 22, 1873.

The President was authorized to sign and transmit to the Board of Estimate and Apportionment an application requesting that there be set apart, out of the extra contingent fund, the sum of \$83,906.50, for the purposes of superintendence, surveying and laying out of streets, roads, avenues, &c., in the 23d and 24th wards, (Kingsbridge, West Farms and Morrisania) during 1874, and to provide for indebtedness already existing in respect of the same.

ADJOURNED MEETING.

December 23, 1873.

The President was authorized to purchase a pair of wild turkeys, which Mr. Underhill had caught on his farm in Virginia.

The civil and topographical engineer was directed to prepare separate maps, showing the crossings of roads and streets over the station or depot grounds of the railroads in the town of Kingsbridge.

The following resolution was adopted:

Resolved, That in the opinion of this Board, it is inexpedient to fill the vacancy occasioned by the death of Doctor Roberts, the service of only one surgeon being required.

ADJOURNED MEETING.

December 26, 1873.

Several petitions were received from W. A. Bogardus, Aaron Ogden and others, property owners, asking that the street known as 184th street, be established as a public street. A communication was received from Thos. P. Ramsdell, Esq., donating a pair of imported Kerry cattle to the Department. The civil and topographical engineer was directed to examine and report upon the subject of the maintenance of roads, streets, bridges, sewers and drainage in the 23d and 24th wards, and what new roads, streets, bridges, sewers, &c., it is necessary to open; upon the condition of works now in progress in said wards; upon necessary changes in the plans of laying out streets, &c., in Morrisania; and upon the tunnels, bridges and bulkhead lines along the Harlem river and Spuyten Duyvel creek.

The maps of the streets and roads of Kingsbridge, where same cross the station or depot grounds of the New York Central and Hudson River Railroad Company, at Spuyten Duyvel, Riverdale and Mount St. Vincent, were adopted.

Bills Audited.

Maintenance.....	\$45,197 10
Construction.....	605 15

Pay Rolls.

Laborers, for the two weeks ending Dec. 20, 1873.....	\$29,346 01
Gate keepers, for the two weeks ending Dec. 20, 1873.....	1,007 50

Re-Appointments.

Frederick Law Olmsted, landscape architect, \$6,500 per annum.
John Bogart, engineer, \$5,200 per annum.
J. Wrey Mould, associate architect, \$5,200 per annum.
Julius Munckwitz, superintending architect, \$4,500 per annum.
Howard A. Martin, clerk, \$1,800 per annum.
Axel Holmgren, draughtsman, \$1,200 per annum.
Arthur Krause, draughtsman, \$3 per day.
Edward M. Kemp, draughtsman, \$2 50 per day.
Reappointments to take effect from and after January 1, 1874:
Samuel T. Houghton, bookkeeper, \$2,200 per annum.
Albert C. Pratt, assistant bookkeeper, \$1,800 per annum.
George H. Harrison, clerk, \$1,500 per annum.
Frederick L. Underhill, assistant engineer, \$1,800 per annum.
Charles M. Harris, assistant engineer, \$1,800 per annum.
Frank A. Calkins, surveyor, \$1,900 per annum.
Max L. Thomson, surveyor, \$1,200 per annum.
Otto Sibeth, draughtsman, \$1,500 per annum.
Halsted Hermans, rodman, \$1,200 per annum.
P. J. Mahoney, rodman, \$3 per day.
Daniel Campbell, rodman, \$3 per day.
Edward A. Miller, rodman, \$3 per day.
Charles S. Millard, chairman, \$3 per day.
Edward Van Valkenburgh, chairman, \$2,75 per day.
Michael J. Kelly, chairman, \$2.75 per day.
Patrick Phillips, axeman, \$2.75 per day.
Joseph K. Choate, axeman, \$2.50 per day.
W. A. Jeffers, axeman, \$2.50 per day.
Matthew G. Robinson, axeman, \$2.50 per day.
Frank Odell, axeman, \$2.50 per day.
John Gleason, axeman, \$2.50 per day.
Courtland E. Palmer, axeman, \$2.50 per day.
Warren L. Salmon, tapeman, \$2 per day.
Jonathan Gaddis, laborer, \$2.50 per day.

Appointments.

Wm. E. Beames, property clerk, \$2,500 per annum, to take effect when the bond of sureties is filed.
Carnot Meeker, foreman, \$4.50 per day, from January 1, 1874.
Christopher Smith, temporary foreman, \$4.50 per day, from December 1, 1873.
Henry Aronson, temporary foreman, \$4.50 per day, from December 7, 1873.
James Mahony, temporary foreman, \$4.50 per day, from December 8, 1873.
Charles A. Johnson, temporary foreman, \$4.50 per day, from December 22, 1873.

WM. IRWIN,
Secretary D. P. P.

HEALTH DEPARTMENT.

HEALTH DEPARTMENT,
CITY OF NEW YORK,
December 30, 1873.

REPORT OF SANITARY COMMITTEE.

The Sanitary Committee have had under consideration the question of organizing methods for the more thorough study of the causes and measures of prevention or control of prevailing diseases. While the general work of inspection is necessary in order to discover the more obvious causes of unhealthfulness, there is still great need of a more direct and exhaustive investigation of the general and special circumstances and conditions under which many diseases occur than has yet been made by this Board. While it is true that many of the causes of sickness and death are easily discovered, and are even patent to common observation, yet it is equally true that many and perhaps the majority of the more active sources of disease still remain either altogether hidden or are but imperfectly understood.

It is evident that in order to apply preventive measures, intelligently and effectively, we must understand the nature of these causes, their locality, their methods of action, and the means of destroying or of rendering them inert. Such knowledge can only be obtained through the systematic examination by competent persons of the conditions and circumstances attending the sickness and death in each important case. An inquiry made immediately after death, of persons who could give accurate information as to every feature of the case, together with an examination of all the local causes and conditions bearing upon the origin, progress and results of the disease, would determine how far the sickness was preventable or inevitable, and give precision to the special measures of the Board in similar cases, or enable it to establish or enforce general rules designed to prevent this class of affections.

With the exception of cholera, relapsing fever and small-pox, no study is made by the medical officers of this Board of the conditions under which individual cases of any disease occurs. Through the vigilance with which we enforce preventive measures, small-pox is on an average of years one of our least fatal diseases. If we studied the other contagious diseases with the same care and enforced with the same energy repressive measures, measles, scarlatina, whooping cough and kindred affections might be well high exterminated. But it is not alone contagious diseases that we should thus thoroughly study and seek to prevent; there are many others which give an annual mortality far in excess of what seems necessary. Consumption is one of the most destructive diseases recorded in our tables, and yet we know little or nothing of the conditions under which so many contract that fatal disease in New York. Nor shall we know how far this disease depends upon preventable causes until we systematically examine a sufficient number of cases to determine all the conditions which favor its development. And the same is true of the larger number of diseases which swell our death-rate. No sanitary authority can fully discharge its duties to the public which does not as far as possible take cognizance, not only of the cause of every death, but equally of every case of sickness within its jurisdiction. The question which the Committee have considered is: Can not the corps of inspectors be so re-organized as to secure, with the present expenses, equal efficiency in the general inspection of nuisances, and superadd the thorough study of the conditions under which prevailing diseases occur? The service contemplated is evidently of two kinds:

1.—The ordinary inspection of nuisances.

2.—The investigation of the causes of disease.

1. The ordinary duties of inspectors are little more than an examination and report upon those gross and palpable nuisances which every well educated observer is competent, under proper instructions, to examine and report upon. In general, medical knowledge is not required to appreciate those conditions or features of those nuisances which demand the action of the Board: If, for example, we examine the summary of work of the inspectors we find the subjects of inspection as follows: tenement houses, private and other dwellings, cellars and basements, stores and warehouses, factories and workshops, public buildings, markets and market places, fat rendering establishments, slaughter houses, gut cleaning factories, manure vaults and stables, manure boats, dumping grounds, privies and water closets, gutters, cesspools, and vacant lots, &c., &c. In some of these instances medical knowledge might be required in making a complete report, but in comparatively few. The great bulk of the work is therefore non-professional and can be performed by an intelligent layman.

In order to secure the prompt performance of the general work of inspection and abatement of nuisances, and at the same time the thorough study of the causes of prevailing diseases, the Committee submit the following outline of a plan of reorganization of the work of the Bureau of Inspection.

1. There should be two classes of inspectors, viz:

1st. The Sanitary Inspector.

2d. The Inspector of Nuisances.

The duties of these officers may be stated in general as follows:

1. The Sanitary Inspector. This officer should have entire supervision of all the work in his district subject to the Sanitary Superintendent. One or two inspectors of nuisances should be under his direction, and should be required to report to him daily for duty. He should keep a blank book of notices with stubs for memoranda; and whenever the Inspector of Nuisances reports upon a minor nuisance, if it is any matter or thing which can be readily abated or without

considerable construction work, the Sanitary Inspector should issue a peremptory notice through the Inspector of Nuisances, to the parties complained of, requiring the abatement of the nuisance within a given period. If the party should refuse or fail to abate the nuisance, or if in its abatement any considerable construction work is required, the Sanitary Inspector should forward to the Sanitary Superintendent the proper complaint and affidavit of the Inspector of Nuisances, with his own endorsement and recommendation. The Sanitary Inspector should make such inspections of nuisances as the Sanitary Superintendent directs, and such inspections additional to those of his subordinates as in his judgment the nuisance complained of may require. There should also be a complaint book opened at each police precinct for the convenience of citizens, from which the Sanitary Inspectors should daily copy all complaints made, and immediately direct their inspection by the Inspector of Nuisances. The Sanitary Inspector should also notify the complainant of the action taken. The Sanitary Inspectors should make detailed semi-weekly statements to the Sanitary Superintendent of all the work performed by himself and his subordinates. In addition to the supervision of the inspection of nuisances and their abatement within his district, the Sanitary Inspector should be especially required to study the causes of the prevailing diseases of his district. This study should be systematically performed under the direction of the Sanitary Superintendent.

2. Inspector of Nuisances. This officer may be a member of the police force detailed to the services of the Board, or a special appointee of this Board. If the latter, he should before appointment, file with his application a certificate of good character and habits, signed by not less than three reputable citizens, and pass satisfactorily to the Board the examination prescribed for clerks. He should wear an appropriate uniform and receive a salary not to exceed \$1,200 per annum. He should be detailed by the Sanitary Superintendent to duty under the immediate supervision of the Sanitary Inspector of the district, to whom he should report daily for instructions, as well as make full returns of the work performed. He should appear in court in all cases not requiring the special attendance of the Sanitary Inspector.

II. In order to render investigation of the causes of prevailing diseases thoroughly available for the future guidance of the Board, the Register of Vital Statistics should be required to report to the Sanitary Superintendent the name, residence and disease of each person dying of the disease which is being investigated as soon after receiving the death certificate as practicable. The Sanitary Superintendent should transmit this notice of death to the Sanitary Inspector in whose district the decedent died, and the Sanitary Inspector should, as soon as practicable after the receipt of such notice, proceed to make a careful examination of such facts relating to the history of the case, as are required by the scheme of investigation prescribed. This history should be folded in proper form, and on it should be indorsed by the inspector reference to any facts which in his opinion require the special attention of the Sanitary Superintendent. He should then transmit the report to the Bureau of Inspections, where, after examination, with a view to its correction, and to any matter or thing discovered requiring the action of the Board, it should be placed on file for future study, as the Board may direct.

In submitting this outline of a plan or reorganization of the work of inspection, the Committee desire to express the opinion that if this or a similar plan should be carried into practical operation, it would greatly simplify the ordinary work of the inspectors, render much more prompt the abatement of nuisances, and add a most essential feature to the functions of this Board, viz:

The scientific study of the causes and methods of prevention of prevailing diseases. Nor need this organization increase materially the present expenses of this Department.

A plan of inquiry used in the investigation of the pestilential diseases of New York is appended, which will serve to give a general idea of a scheme of study which might be prepared.

Respectfully submitted,
STEPHEN SMITH,
Chairman.

DEPARTMENT OF PUBLIC WORKS.

NEW YORK, December 27, 1873.

In accordance with section 110, chapter 335, of the laws of 1873, the Department of Public Works makes the following report of its transactions for the week ending this day:

Public moneys Received and Deposited with the City Chamberlain.

For croton water rent.....	\$15,914 78
For penalties on Croton water rent.....	353 10
For tapping Croton pipes.....	84 50
For sewer permits.....	90 00
For sewer pipe sold to contractors.....	443 55
Total.....	\$16,885 93

Contracts Completed.

Sewer in Elm street, between Grand and Broome streets.	
Sewer in Tenth avenue, between Lawrence and One Hundred and Thirtieth streets.	
Sewer in Fifty-sixth street, between Eleventh avenue and Hudson river.	
Sewer in Ninety-sixth street, between Tenth avenue and Hudson river.	
Drains between 96th and 111th streets, and 10th and 11th avenues.	
Regulating, grading, &c., 119th street, from 4th to 8th avenues.	

Certificates of Cost of Improvements transmitted to the Board of Assessors.

Sewers in 1st avenue, between 3d and 6th streets, and 9th and 10th streets.....	\$5,949 80
Sewers in 51st street, between 6th and 7th avenues.....	19,712 40
Sewers in 110th street, between 5th and 8th avenues.....	18,397 86
Drains between 66th and 67th street, and 5th and Madison avenues.....	650 00
Receiving basin at southwest corner of Tompkins and Rivington streets.....	339 20
Receiving basin at southwest corner Tompkins and Stanton streets.....	352 40
Paving 63d street, from Lexington to 4th avenues.....	3,450 06
Curb, gutter and flagging 61st street, between 9th and 10th avenues.....	1,964 97
Flagging sidewalk in 57th street, between 9th and 10th avenues.....	3,273 80
Flagging sidewalk in 57th street, 250 feet east of 9th avenue.....	439 50
Flagging sidewalk in 54th street, 125 feet east of 2d avenue.....	231 34
Flagging sidewalk in 52d street, from 5th avenue 175 feet east.....	690 80
Flagging sidewalk in 54th street, between 6th and 7th avenues.....	629 67
Flagging sidewalk in W. 14th street, from No. 331 to 347.....	618 00
Total.....	\$66,699 80

139 receiving basins and 950 lineal feet of sewers have been cleaned.

Discharged on Completion of Work.

James Gallagher, John F. Byrne, Charles Hoffman, Norman McLeod and Lawrence Manning, inspectors of sewers, and Asher Phillips, inspector of regulating and grading.

There is an increase in the laboring force of the Department of 53 men, one cart and two teams.

The total amount of requisitions drawn by the Department upon the Finance Department during the week is \$206,672.61.

GEO. M. VAN NORT,
Commissioner of Public Works.

THE CITY RECORD.

OFFICE OF PUBLICATION, No. 2 City Hall,
North-west corner (basement).

Copies for sale. Price five cents.

AB'M DISBECKER,
Supervisor.

NAMES, RESIDENCES AND PLACES OF BUSINESS

OF THE
MEMBERSOF THE
BOARD OF ALDERMEN.
1873-4.

- Samuel B. H. Vance, President; place of business corner of 24th street and 10th avenue; residence 206 West 23d street.
- Oliver P. C. Billings, place of business, 15 Nassau street; residence, 143 East 34th street.
- Jenkins Van Schaick, place of business, 13 Broad street; residence, 1 University place.
- Stephen V. R. Cooper, place of business, 177 Broadway; residence, 218 West 51st street.
- John Falconer, place of business, 472 Broome street; residence, 308 East 15th street.
- George Koch, place of business, 23 Rivington street; residence, 638 Lexington avenue.
- Peter Kehr, place of business, 115 Norfolk street; residence, 5c Seventh street.
- Robert McCafferty, place of business, 654 5th avenue; residence, 838 Lexington avenue.
- Oswald Ottendorfer, place of business, 17 Chatham street; residence, 7 East 17th street.
- Henry Clausen, place of business, 309 East 47th street; residence, 83d street corner Avenue A.
- Patrick Lysaght, place of business, 514 Pearl street; residence, 27 City Hall Place.
- Richard Flanagan, place of business, 312 West 22d street; residence, 312 West 22d street.
- John Reilly, place of business, 62 East 14th street; residence, 314 East 14th street.
- John J. Morris, place of business, 59 University Place; residence, 117 West 21st street.
- Joseph A. Monheimer, place of business, 233 East 31st street; residence, 233 East 31st street.

SAMUEL B. H. VANCE, President.

JOSEPH C. PINCKNEY, Clerk, 27 Stuyvesant st.

NAMES, RESIDENCES AND PLACES OF BUSINESS

OF THE
MEMBERSOF THE
BOARD OF ASSISTANT ALDERMEN.
FOR 1873.

- Thomas Foley, place of business 24 Morris street; residence, 18 West street.
- Jeremiah Murphy, place of business 45 Cherry street; residence, 45 Cherry street.
- Charles M. Clancy, place of business 191 Mott street; residence 191 Mott street.
- John C. Keating, place of business 333 Cherry street; residence, 333 Cherry street.
- Henry Wisser, place of business 77 Greene street; residence, 155 Prince street.
- Michael Healy, place of business 19 Ridge street; residence, 19 Ridge street.
- Thos. L. Thornell, place of business 120 Broadway; residence, 169 West 12th street.
- John Theiss, place of business 223 Bowery; residence, 223 Bowery.
- George F. Codington, place of business 62 Perry street; residence, 62 Perry street.

- Joseph P. Strack, place of business 85 Water street; residence, 179 Third street.
- William S. Kreps, place of business 349 and 351 West 26th street; residence, 354 West 27th street.
- Patrick Keenan, place of business 217 Lewis street; residence, 217 Lewis street.
- William Wade, place of business 8th avenue and 23d street; residence, 144 West 21st street.
- John J. Kehoe, place of business 41 Chambers street; residence, 138 First avenue.
- Edward Brucks, place of business 686 Eighth avenue; residence, 422 West 39th street.
- George Kelly, place of business 236 East 20th street; residence, 318 East 20th street.
- Stephen N. Simonson, place of business 304 West 53d street; residence, 305 West 48th street.
- Philip Cumisky, place of business 552 First avenue; residence, 552 First avenue.
- Henry A. Linden, place of business Hunter's Point residence, 68th street, between 10th and 11th aves.
- Isaac Sommers, place of business 10 Barclay street; residence, 202 East 55th street.
- Benjamin Beyea, place of business 89 West street; residence, 23 East 132d street.

WILLIAM W. DE, President.

CONSTANTINE DONOHO, Clerk, Mott st.

STANDING COMMITTEES FOR THE YEAR 1873

ARTS AND SCIENCES.	
Assistant Aldermen Kreps, Theiss, Codington.	
DONATIONS.	
Assistant Aldermen Codington, Clancy, Wisser.	
FERRIES.	
Assistant Aldermen Beyea, Healy, Kehoe.	
FINANCE.	
Assistant Aldermen Strack, Murphy, Simonson.	
LAMPS AND GASES.	
Assistant Aldermen Kreps, Foley, Beyea.	
LAW DEPARTMENT.	
Assistant Aldermen Thornell, Clancy, Strack.	
MARKETS.	
Assistant Aldermen Murphy, Codington, Kehoe, Foley, Beyea.	
NATIONAL AFFAIRS.	
Assistant Aldermen Wisser, Thornell, Cumisky, Keating, Strack.	
ORDINANCES.	
Assistant Aldermen Simonson, Brucks, Thornell.	
PRINTING AND ADVERTISING.	
Assistant Aldermen Keating, Kreps, Thornell.	
PUBLIC HEALTH.	
Assistant Aldermen Linden, Healy, Wisser.	
PUBLIC BUILDINGS.	
Assistant Aldermen Codington, Murphy, Thornell.	
PUBLIC WORKS.	
Assistant Aldermen Kehoe, Keating, Kreps.	
RAILROADS.	
Assistant Aldermen Simonson, Keenan, Linden, Sommers, Beyea.	
ROADS.	
Assistant Aldermen Linden, Cumisky, Kreps.	
SALARIES AND OFFICES.	
Assistant Aldermen Kehoe, Brucks, Codington.	
SEWERS.	
Assistant Aldermen Kreps, Kelly, Linden.	
STREETS.	
Assistant Aldermen Beyea, Theiss, Linden.	
STREET PAVEMENTS.	
Assistant Aldermen Kehoe, Sommers, Simonson.	
JOINT COMMITTEE ON ACCOUNTS.	
Assistant Aldermen Thornell, Keenan, Linden.	

OFFICIAL DIRECTORY.

Statement of the hours during which all public offices in the City are open for business, and at which each Court regularly opens and adjourns, as well as of the places where such offices are kept and such Courts are held.

EXECUTIVE DEPARTMENT.

OFFICES.	LOCATION.	HOURS.
Mayor's Office.....	No. 6, City Hall.....	10 a.m.—3 p.m.
Mayor's Marshal.....	No. 5, City Hall.....	10 a.m.—3 p.m.
Permit Bureau.....	No. 1, City Hall.....	10 a.m.—2 p.m.
License Bureau.....	No. 1, City Hall.....	10 a.m.—2 p.m.

LEGISLATIVE DEPARTMENT.

Clerk of the Common Council and of Board of Supervisors.....	7 & 8 City Hall.....	9 A.M.—4 P.M.
Clerk of Board of Assistant Aldermen.....	9 1/2 City Hall.....	9 A.M.—4 P.M.

FINANCE DEPARTMENT.

Office hours from 9 a.m. to 4 p.m.
Comptroller's Office, West end, New County Court House.
1.—Bureau for the collection of the revenue accruing from rents and interest on bonds and mortgages, and revenue arising from the use or sale of property belonging to or managed by the City—
Ground floor, West end, New County Court House.
2.—Bureau for the Collection of Taxes—
Brown-stone building, City Hall Park.
3.—Bureau for the collection of arrears of taxes and Assessments and of water rents—
Ground floor, West end, New County Court House.
4.—Auditing Bureau—
Main floor, west end, New County Court House.
5.—Bureau of Licenses. } Ground floor, west end, New
6.—Bureau of Markets. } County Court House.
7.—Bureau for the reception of all moneys paid into the Treasury, in the City and for the payment of money on warrants drawn by the Comptroller and countersigned by the Mayor—
(Office of Chamberlain and County Treasurer.)
Main floor, west end, New County Court House.
8.—Bureau for the Collection of Assessments—
Governor's room, City Hall (temporarily.)

LAW DEPARTMENT

Counsel to the Corporation, 82 Nassau st., 9 a.m., 5 p.m.
Public Administrator, 115 and 117 " " 10 a.m., 4 p.m.
Corporation Att'y, " " 8:30 a.m.—4:30 p.m.
Attorney for the Collection of Arrears of Personal Taxes—
265 Broadway, Room 13, 9 a.m., 4 p.m.
Attorney to the Department of Buildings, 20 Nassau street, Room 52, 9 a.m. to 5 p.m.

POLICE DEPARTMENT.

Central Office, 300 Mulberry street, always open.
Com's Office, " " " "
Supt's Office, " " " "
Inspector's Office, " " " "
Chief Clerk's Office, " " 8 a.m., p.m.
Property Clerk, " " " "
Bureau of St. Clean'g, " " " "
Bureau of Elections, " " " "

DEPARTMENT OF PUBLIC WORKS.

Commissioners' Office, 19 City Hall, 9 a.m., 4 p.m.
Chief Clerk, " " " "
Contract Clerk, " " " "
Engineer in charge of sewers, 21 City Hall, " "
Engineer in charge of Boulevards and avenues, 18 1/2 City Hall, " "

Fifth District, 12th Ward, 2374 Fourth
avenue (Harlem.)

COPIES OF THE CITY RECORD CAN BE obtained at No. 2, City Hall, (N. W. corner basement). Price five cents each.

tion of taxes, assessments and Croton water rents in

GEORGE M. VAN NORT
Commissioner of Public Works

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GEORGE M. VAN NORT,
Commissioner of Public Works.

December 23, 1874.