ASSISTANT ALDERMEN.

More Opinions as to the Legality of Electing a President.

Mayor Havemeyer Transmits the Corporation Counsel's Brief and Also Gives His Ideas.

Intense Excitement at the Hall---The Lobby Fully Occupied and Overflowing.

It is a long time since such an immense and motley throng crowded the chamber of any branch of the Common Council as was jammed into the lobby of the chamber of the Board of Assistant Aldermen yesterday afternoon. The only reason the great number of spectators attending this session can be ascribed to is merely a morbid idle curiosity on the part of the loungers hanging around the City Hall.

The unemployed laborers know perfectly well that the Assistant Aldermen, in their present locked condition, cannot afford them any relief, and even when fully organized this branch of the Common Council has no right to order any public work done, except in the manner indicated by the charter—viz., by contract. And yet the idlers must grace the municipal halls with their presence, in a measure representing the great public. Not only was standing room at a premium, but it required the united efforts of Roundsman Conlin and several of the patrolmen of the Twenty-sixth precinct, whom Captain Leary had detailed for this service, to keep the crowd from carrying the doors off their hinges in their eagerness to gain admission.

THE HOUR FOR MEETING

was set down for two o'clock. Nearly an hour previous to this designation the doors were opened and the unwashed "statesmen" in a jiffy held complete possession outside of the railings. The members of the Board soon dropped in, one by one, and the observing spectator could see in each individual countenance that something of moment was about to transpire. Finally two o'clock had arrived, but neither of

THE RIVAL PRESIDENTS

(Mr. William Wade, republican, and Joseph P. Strack, democrat), both having agreed to remain away until the question has been legally adjudicated.

Assistant Alderman CHAS. M. CLANCY, the leading spirit of the democrats, opened the ball, rose in his seat with great dignity, and moved that, "owing to the absence of the President, Assistant Alderman Stephen N. Simonson (republican) take the chair." The motion was duly seconded, put to a vote by General Pinckney, the Clerk, adopted, and Alderman Simonson assumed the station and the gavel.

Assistant Alderman CLANCY offered a resolution to the effect that "the Corporation Counsel be instructed to bring the case of the Assistant Aldermen into the courts, for the purpose of adjustment."

Alderman HEALY offered an amendment that the "subject of the President be sent to the courts; that there was no trouble about the Board."

Assistant Alderman THORNELL said there was no time now to introduce resolutions of this kind, as the public business was suffering while the members stood here wrangling. The Presidency was a subject for the courts to settle, who would define the intent of the law, which might read one way, yet have another intent. As regards the Board of Assistant Aldermen, he desired to state that he was not prepared at present to vote any way, but would patiently await a legal decision. He hoped, however, the gentleman would withdraw his resolution.

Assistant Alderman CLANCY retorted somewhat spiritedly that "the majority would insist on their rights. That chamber was the last remnant of democratic authority. There was a great deal of chicanery, and persons went around to the republican institutions, and the Corporation Counsel gave an opinion, but every able lawyer was of a different opinion. The majority purpose to have the matter brought to court for the purpose of adjustment—brought in speedily, by consent of both parties." The Corporation Counsel and others had given opinions in regard to the legality of the election of (our) their President. He would take the liberty of reading another opinion, which, however, differed somewhat from the others. Mr. Clancy then proceeded to read the following legal opinion:—

It is with great reluctance that I attempt to enter into the controversy in relation to the affairs in connection with the changes which lately occurred in the Board of Assistant Aldermen. Nor am I so presumptuous as to place my opinion in contradistinction to the elaborate argument of the Hon. Delafield Smith, Corporation Counsel. But I will endeavor to briefly state the grounds which my poor judgment deems justify my action, since I am accused of being the main instigator of the proceedings.

The Board of Assistant Aldermen were elected to hold office from January 1, 1873, to December 31, 1874. This no one disputes. At the organization of the Board, January 6, 1873, Mr. Wade was elected by resolution as President for the year 1873 only, under the law then on the statute books, and under which we were elected as Assistant Aldermen and organized accordingly.

The charter, as Mr. Smith calls chapter 335, Laws of 1873 (but which I call a law, which any subsequent Legislature may amend or repeal), passed April 30, 1873, provides how we shall act in the future or the manner in which a President shall be chosen. The words expressed are as follows:—"Each Board shall choose a President from its own members, by a call of the names of the members of the Board, upon which call each member shall announce his choice." That has never been before or since the act from which the above is quoted became a law. We never attempted to depose Mr. Wade during the year 1873, but complied with the law under which we were elected and organized. By the election of Mr. Strack we obeyed the present law and all its provisions, recognizing all the restrictions, firmly believing that the law is not retroactive. And if it is not directly stated, with regard to the Board of Assistant Aldermen, I do not believe that it is prohibitory and, I am quiet sure that the courts will sustain me. I am fully aware that it provides, "This section, however, shall not be construed to require or authorize a reorganization." That certainly is not prohibitory, for the same section says, "He (the President) can be removed before the expiration of his term only by a vote taken by a call of yeas or nays of four-fifths of the members of the Board of which he shall have been chosen President." Now, if a President can be removed by a four-fifths vote, I am sure that the clause is not prohibitory.

The legislative history of the provision as given by Mr. Smith is somewhat incorrect. From the first introduction of the bill until its final passage it was never intended to give the appointing power to the presidents of each Board. It was proposed in the committee, but never inserted, and for this reason they found it was not sound law to determine a President, and legislate him into office from our own members. It occurs to me that no official has authority to say why provisions were proposed, except that they were intended to perfect the matter then under consideration. Many propositions were made, but failed to be carried through. Now, is it not proper to presume the intentions were somewhat interfered with by the promoters of the above after many very extraordinary efforts?

Again, he says, we are prohibited by the last subdivision from reorganizing. Now, in all common sense, do the words "shall not require or authorize" mean to "prohibit?" If they do I am sadly in error.

Waiving all of his opinion after the above, for the reason I believe any competent legal mind will see at once there is motive for it, I take from his opinion the following:—"In other words, the Legislature, having public knowledge that two known and reputable men were in office as presidents of these boards, leaves them to be removed by a mere majority vote" (that is what Wade was elected by—a mere majority), and is at the same time careful to prohibit the removal, except by a four-fifths vote, of any unknown president who might in future be chosen." He says that that argument is "forced, technical, artificial." Forced for the reason that the logic is too strong; technical, because it is the profession of law to find the technicalities to make a strong argument, and artificial because it is the metaphysical production of the philologist himself, based upon the law.

If the subdivision which provides the manner a President shall be chosen and prescribes the requirements of removal (four-fifths vote) can be divided, not a single period intervening, my judgment is again defective. I hold, as many others, that, the removal by a four-fifths vote being necessary, an election should have occurred previously under that subdivision, obeying it to the letter.

The paragraph he begins with "and when once chosen," &c., occurs to me that "kindly memory" is strained a little too much. I think that requires no answer.

I do not regret that my conduct flavors of partisan desire, but it must be in accordance with law. I am too well aware of the partisan feeling exhibited one year ago, when that "reputable man" was to be one of a triumvirate to make the appointments for the city government or the means partisans resorted to to secure his election as President.

Throughout the length and breadth of this great country, from Maine to California, from Niagara to the Gulf of Mexico, municipal, county and State organizations of a legislative character hold caucuses of a political nature, and, unless a profligacy occurs, the majority of either party controls the body.

I await with great anxiety the decision of the courts, and, when obtained, I am only too happy to obey.

I trust that no one will take umbrage at my action or opinion. I assure all that I have no wish to offend.

Assistant Alderman THORNELL inquired by whom the opinion that he just heard read was drawn up.

Assistant Alderman CLANCY (with great dignity)—By Charles M. Clancy himself, and just as good as the opinion you have got.

Assistant Alderman THORNELL did not question the motives of the so-called majority. One man's motives are as good as another's. A majority could not force him to complicate his position. There was no question of democrat or republican, but of good order in a portion of the city government. He did not want their proceedings made the laughing stock of the community as they were last Monday.

An amendment to the resolution was offered by Mr. Healy, making it read "the case of the President of the Assistant Aldermen," and it was carried.

Assistant Alderman KEHOE offered another amendment, that the Corporation Counsel be directed to bring the matter of the organization of the Board before the courts as speedily as possible for the purpose of adjustment. This was offered as a substitute for the original resolution and amendment.

Mr. SOMMERS—That's my original resolution.

Several members—No, it isn't.

A motion to table the substitute was lost. The substitute was then tabled and the original resolution as amended was adopted.

A resolution was handed in calling for attention to the lamps on the bridges on Fourth avenue, and it was laid over, as was also a resolution calling on the Commissioners of Public Buildings to commence repairs of such buildings, where needed, for the purpose of giving employment.

Mr. KEHOE inquired whether a resolution for paving and grading Eighth avenue, which would give employment to the poor, had been passed, and whether the Mayor had stricken out the part which would render it useful?

In answer, the CHAIRMAN stated that the resolution was in the hands of the Clerk of the Aldermen.

A number of resolutions to pave Sixty-seventh street, a portion of Eighth avenue and other streets by day's work were lost, on the ground that the work could not be done in that way.

Mr. SOMMERS wanted to know why gentlemen were opposing these general orders and thus stopping work?

Mr. KEHOE said he voted against the orders because he was not sure the work could be done by contract.

The CHAIRMAN now rapped the Board to order, and announced a "Message from His Honor the Mayor." Mr. Peck, Deputy Clerk and Acting Clerk for the present, had the document handed him, which he proceeded to read. The first part of the Mayor's Message was summed up in a few lines, and contained the opinion of Corporation Counsel E. Delafield Smith, which was published in the HERALD on the 11th inst. Then followed another document, which proved to be an opinion of his own (the Mayor's), as follows:—

EXECUTIVE DEPARTMENT, CITY HALL,
NEW YORK, Jan. 12, 1874.

TO THE HONORABLE THE BOARD OF ASSISTANT ALDERMEN:—

GENTLEMEN—I have the honor to transmit herewith an opinion of the Counsel to the Corporation in regard to the power of your honorable body to reorganize the Board as it existed at the time of the passage of the present charter. As my views on this question are not in accord with those entertained by the Corporation Counsel, I have thought it my duty to communicate them also for such consideration as your honorable body may judge them to merit.

W. F. HAVEMEYER.

MAYOR'S OFFICE, NEW YORK, Jan. 12, 1874.

TO THE HONORABLE THE BOARD OF ASSISTANT ALDERMEN:—

GENTLEMEN—The Board of Assistant Aldermen of the city of New York elected Mr. William Wade a President for the year 1873. Such an election was valid and legal under the laws then existing, and therefore his term of office expired on the 1st of January, 1874. Under those laws and the terms of that election his official powers terminated on that day, and it became necessary to elect a new President unless his term has been extended by some new law or some new action of the Board on the subject. The Board have not re-elected him or done any act whatever to extend his term of office.

It is claimed, however, that the act of the Legislature of April, 1873, to reorganize the local government of the city of New York extends for one year his official term. I do not think so. The only material provisions in that act affecting this question are contained in section 6, which declares, among other requirements of the respective Boards that

First—"Each Board —Aldermen and Assistant Aldermen—shall choose a President from its own number by a call of the names of the members of the Board, upon which call each member shall announce his choice, and, when once chosen, he can be removed before the expiration of his term as Alderman or Assistant Alderman, only by a vote taken by a call of ayes and noes of four-fifths of all the members of the Board of which he shall be chosen President."

Second—"Appoint a clerk and other officers."

"This section, however, shall not be construed to require or authorize a reorganization of the existing Board of Aldermen or Board of Assistant Aldermen."

In a communication to me on this subject the Corporation Counsel gives it as his opinion that Mr. Wade, under the above provision of law, is President of the Board of Assistant Aldermen and will so remain until the 1st of January, 1875.

The Corporation Counsel holds, in substance, that an election of a new President in place of Mr. Wade would be a reorganization of the Board and that such reorganization is prohibited by the last clause of the sixth section above quoted; that therefore Mr. Wade's term of office is therefore extended for another year. I fail to come to his conclusion or to concur in his reasoning on the subject. He says, "Having conviction as a lawyer, I express and maintain it in my official character." And yet, in order to come to his conclusion as a lawyer, of a plain and clearly drawn act of the Legislature, he gives what he calls the legislative history of the above provisions in reference to the removal from office of the President, &c., then in office. He says the "object was to prohibit a mere majority of either Board from changing the *personnel* of the Appointing Board during the two years for which the Common Council was elected. The question is whether this intent was made effectual to retain Mr. Wade as President of the Board of Assistant Aldermen for these two years for which the Common Council is elected."

In the first place, the Corporation Counsel may have been wrongly informed in the lobby at Albany in regard to their "object" and "intent" about this special provision for removal of the then existing President. In the next place, his "convictions as a lawyer" in construing a statutory law, acquired by sending to Albany to learn its unwritten history, cannot be made the "convictions of a lawyer" who does not know this secret history, but who determines the "object" and "intent" of the Legislature by the plain and perspicuous language of the act itself. And, finally, upon this point it is of no consequence whatever in the question at issue whether the Board could remove Mr. Wade from office by a majority vote, by a four-fifths vote, or whether they could remove him at all.

The question is whether the Board could fill his place after the term of office for which he was elected had expired, not whether they could remove him from office, nor how they could remove him. The Corporation Counsel says, very correctly, "It is true, but for the charter (viz., the above act of April, 1873) he would go out as President at the end of 1873, for which year he was elected President." The question then is simply this, did the new charter extend his official term from January 1, 1874 (when it expired), to January 1, 1875. If it did, then he is still President, and clothed with all the powers, officially, which he had during the year for which he was elected by the Board. If it did not thus extend his official term then Mr. Joseph P. Strack, the member elected President in place of Mr. Wade, is such President, or the Board has no President. It is not pretended that the charter in distinct language extended his official term. It says nothing whatever about the tenure of office of the President or other officers of the Board, or when it should terminate. The new charter accepts them as it finds them, and by not authorizing a reorganization substantially directs the Board to recognize them as lawful officers, with the same powers and responsibilities as if elected under the new charter. The first clause of the sixth section says "each Board shall choose a President," &c., making it imperative to do so at once on the charter taking effect, and under this clause all the old officers would then have been legally removed unless re-elected; but the last clause of the section prohibited this and provided in substance that under the new charter the existing official organization of the Board should be recognized as legal and valid. A reorganization of the Board was not to be allowed. Which, as to the President, meant that they must accept the organization, as to him, as the charter found it. What was that organization? Clearly that, as to its principal officer, the charter found the Board with a President legally elected, and for the term of one year, to expire at the end of the year 1873. The tenure of his office was fixed by the Board, and was as distinctly a part of its organization as was his election to his office. The election, therefore, of a President to succeed Mr. Wade, after his term had expired, was not a prohibited reorganization of the Board. He was officially dead at the end of the year, and was as absolutely divested of his office as if he had been personally dead. How, then, can it be deemed a reorganization of the Board, as to him, to elect his successor, when he was no longer President? He held no office to be removed from. But, again, no one can be legislated into office, as no officer can be legislated into an extension of the term for which he was elected, except by a distinct and clear enactment to that effect. Here there is nothing of the kind, not an approximation, no allusion whatever to the tenure of office of any of the existing incumbents, which the new charter found in the Board. This prohibitory clause against reconstruction, which is brief but clear, contains all and every word of the act that a claim to this official extension can by possibility be based upon.

Nothing else is pretended, except the Corporation Counsel's legislative history of "objects" and "intents" when the bill passed, or was before the Legislature, and that history relates to the first clause about removals from office, and has nothing to do with the point before us. But this prohibitory clause, it will be observed, is directed to the Board of Assistant Aldermen, defining their duties and their duties only, and does not purport in any manner to speak of the tenure of office of the incumbent, but leaves that as it was, neither enlarged nor diminished; the Corporation Counsel plays upon the word organized in order to determine what reorganized means.

He says:—"The Board having been once organized by the election of a President, it cannot be again organized without being reorganized," and claims that the election of a successor to Mr. Wade is a reorganization, and prohibited by the charter; therefore, as near as I can understand him, Mr. Wade's term of office must be deemed to be extended for one year. Did it occur to the Corporation Counsel that this mode of reasoning prevents the the Board from electing a President, even if the old Board were dead and buried?

If it is a violation of this provision and is deemed a reorganization of the Board to elect a successor to Mr. Wade after his term is expired, when he is officially dead, then it must be a violation of it to elect a President if Mr. Wade were personally dead, and, consequently, if he had died naturally instead of officially, the Board would be without a President.

Take another view of this matter. Suppose this prohibitory clause had distinctly declared what is claimed in behalf of the old President to be its true meaning, that the Board should not elect a President until January 1, 1875, would that prohibition upon the Board confer or restore official power upon a President whose term had expired and whose powers had ceased? or would the office be vacant and new legislation required? Can official power be conferred or extended in this inferential way? I am of opinion that Mr. Wade is not the legal President of the Assistant Board of Aldermen of New York.

W. F. HAVEMEYER.

A motion was made to print both opinions transmitted by the Mayor, in the minutes, after which the Board adjourned. During the session the following request to pave the new drive from 155th street to Kingsbridge road, was received and referred to the Committee on Streets:—

TO THE HONORABLE THE COMMON COUNCIL OF THE CITY OF NEW YORK:—

The subscribers, owners of property on the line or in the vicinity of the Public Drive, extending from 155th street to the Kingsbridge road, at Inwood (being a continuation of the Boulevard from Fifty-ninth street to 155th street), respectfully show that the title of the land forming the Public Drive was acquired by the city last summer, and nothing has since been done towards making it; that the use of this Public Drive is indispensably necessary for the inhabitants of the upper part of the city as well as for the public at large, and they respectfully request that you will pass a resolution instructing the Commissioner of Public Works to mark, grade and regulate, pave with a Macadam Telford pavement similar to that laid on the Boulevard, sewer, curb, gutter and flag the Public Drive, and that the work be performed by day's work, so that employment may be given this winter to the numerous workmen now idle. A large portion of the work will consist of blasting, and the present season and winter are quite favorable to that class of work.

DANIEL MARTIN and 12 others.

NEW YORK, Dec. 11, 1873.

CITY AND COUNTY TREASURY.

Comptroller Green reports the following receipts at the treasury yesterday:—

From taxes of 1873 and interest	$30,780
From arrears of taxes, assessments and interest	8,599
From collection of assessments and interest	27,693
From market rents and fees	2,884
From water rents	1,510
From licenses, Department of Public Parks	1,010
From licenses, Mayor's Office	37
From sales "City Record"	24
From fees and fines District Courts	37
Total	$72,568

BOARD OF SUPERVISORS.

Important Report of the Committee on Armories.

One Committee Investigates Another Committee.

The regular session of this Board was held yesterday afternoon, all the members, except Mayor Havemeyer and Supervisor Falconer, being present.

The minutes of the last meeting were read and approved. A bill of the Coroners for the last quarter of 1873, for the amount of $16,662, was laid over under the rules. A large number of other bills for various purposes were read and referred to the appropriate committees.

Mr. Douglas Taylor, Commissioner of Jurors, transmitted his annual report, which was referred, and, on motion of Recorder Hackett, ordered printed in document form.

General Shaler sent a communication to the Board, protesting against the assignment of the Fifty-fifth regiment, N. G. S. N. Y., to Nos. 37 and 39 Bowery, which is at present occupied by the Third cavalry and only fit for the purposes of cavalry tactics. The communication was referred to the Committee on Armories.

A resolution calling upon the Board to reduce the salary of the criers of the Supreme and Superior Courts from $2,500 to $1,200 per annum, which sum was fixed at a meeting of the Board of Supervisors held May 26, 1870, was introduced by Supervisor Ottendorfer. Supervisor Monheimer took the floor and stated that the work of reform would not stop here, but include the chief clerks, deputies and attendants of the Supreme, Superior and other courts. The chief clerks of the two first mentioned courts received each $6,000, and he guaranteed that as good if not better men than either Jarvis or Boese could be obtained for $3,000. A motion to amend by inserting that the clerks of the Supreme, Superior, Marine and Civil Justices' courts be included in the reduction was adopted, and the motion as amended referred to the Committee on Civil Courts.

Supervisor MONHEIMER moved that the law officer of this Board be interrogated as to under what authority the Commissioner of Jurors was appointed. Adopted.

A motion of Supervisor MORRIS to have the proceedings of this Board printed in the *City Record* was referred to the Committee on Printing.

The Committee on Armories reported in favor of transferring the Sixth regiment from Neilson Hall to Glass Hall. Laid over.

The Committee on Armories made the following important report, which was laid over:—

The special committee appointed to investigate the proceedings of the Committee on Armories and Drill Rooms in relation to the work for the completion of the Centre Market Armory respectfully report:—The committee published an advertisement inviting proposals to do any part or the whole of this work, in accordance with the prepared specifications. In answer to this advertisement 28 proposals were received, 26 of which were for parts of the work and two for the whole work. Those bids were opened at a meeting of the committee held on October 6, 1873, and at the same meeting the following parties were declared the successful bidders:—

F. Sochs, for carpenter work	$5,850
K. Krenhel, iron work	1,275
Gyfisler & Brother, for turning and galvanized iron	2,800
Byrnes & Cooper, plumbing and gasfitting	2,660
De Christie, for mason work	2,940
Mulligan Brothers, for painting	665

Several of the above named parties were not the lowest bidders. For the carpenter work five and for the iron work two lower bids were received, the difference between the lowest and the accepted bid being in the first case $2,165 and in the second $175. Besides this a proposal was received to do the whole work for $12,400, while the awards made by the committee amount to $5,890.

Several members of the Committee on Armories and Drill Rooms who voted to award the contracts to the above named parties stated that they have been influenced in their decisions by representations made to them that one of the lowest bidders declined to accept the awards, others were not responsible parties and others again non-residents of the city. However that may be, the committee should certainly, even if they had not been positively directed to award the contracts to the lowest bidders, have felt it their duty to report the facts to this Board, and ask their approval for their decision. Instead of this they state in their report, made October 20 (which report, with the annexed resolution, was not approved, but referred back to the committee, with instruction to readvertise for bids for the aforesaid work) that they had received 28 proposals, of which those whose bids were the lowest were decided on as the proper ones to perform the work required. More than that, the Chairman of the committee directed the clerk already, on the 9th of October, to inform the successful bidders of the acceptance of their proposals, and to order them to proceed with the work immediately. It is but proper to state that the other members of the committee did not authorize their Chairman to issue this order; the whole matter was never called up in their meeting again. After the report was made—and they were greatly astonished at being informed later that the work was proceeding by order of their Chairman, Supervisor Kehr—the contracts were prepared, but not signed by the clerk of this Board and not delivered. The contractors were misled by the representations made to them by the Chairman of the Committee on Armories and Drill Rooms, and, although they have not legal claims by virtue of the proposed contract, equity and justice require that they should receive a fair compensation for the work performed by them.

The whole proceedings in this matter show a deplorable disregard of the rules which should be strictly observed in all the transactions of the committees of this Board, and the neglect of which must lead to the greatest abuses. To save contractors from losses caused by their confidence in the assurances of the former Chairman of the Armory Committee, and to prevent similar occurrences as those for the investigation of which this committee was appointed in the future, your committee recommend the following:—

Resolved, That the Committee on Armories and Drill Rooms be and is hereby directed to require the bills for the completion of the work on Centre Market Armory to be made out in detail, specifying every single part of work and material, with the price thereof; to cause an investigation to be made by experts of the value of the labor and materials, and to report in favor of paying an equitable compensation for the work actually done from October 7 to December 24, 1873.

Resolved, That hereafter all work performed or supplies furnished for this county, in excess of $100 in value, shall be by contract with the lowest bidder, and the several committees of this Board are hereby prohibited from ordering any work or supply until it has been submitted for the action of this Board, and until every such action or contract shall have been confirmed by a majority of its members.

OTTENDORFER,
VAN SCHAICK, } Special Committee.
MORRIS,

A resolution instructing Major General Shaler to remove the Ninety-sixth regiment from Centre Market Armory and giving the same to the Eleventh regiment called forth some debate. Supervisors Billings, Kehr and Gilon freely participated.

Supervisor LYSAGHT moved to recommit, with instructions to report suitable quarters for the Ninety-sixth regiment, which was lost.

The original motion was then adopted.

Supervisor MCCAFFERTY wanted to obtain information in regard to a bill of a morning paper amounting to $1,069 50, for advertising, for which a check was presented and signature refused by the clerk of the Board on account of the bill not having been before this Board.

Supervisor VAN SCHAICK thought that it must be a huge mistake, as it is impossible that the Comptroller can do anything illegal. (Laughter.)

Supervisor OTTENDORFER explained that the mistake occurred in the Comptroller's Office accidentally.

The subject was hereupon dropped.

Several bills of newspapers, for publishing election notices under authority of the Sheriff, were ordered paid. A motion of Supervisor Van Schaick, to provide suitable quarters for the Ninety-sixth regiment, was referred to the Committee on Armories. Amended by Supervisor Morris, to give power to the committee; lost.

The Board then adjourned until Thursday, at four o'clock P. M.

COST OF CITY IMPROVEMENTS.

Commissioner Van Nort, of the Department of Public Works, has transmitted to the Board of Assessors the certificates of the cost of the following improvements, in order that the assessments therefor may be made:—

Outlet sewer in Eightieth street, through Hudson River Railroad to Eighty-first street, to Tenth avenue, to Eighty-third street, to Ninth avenue, to Eighty-eighth street, to Eighth avenue, with branches	$154,682
Underground drains between Seventy-fourth and Ninety-second streets and Eighth and Tenth avenues	93,042
Regulating, grading, &c., Sixty-seventh street from Third to Fourth avenue	7,065
Total	$254,790

THE THIRD AVENUE CAR CASUALTY.

Conductor Hurd Exonerated—Recommendation by the Jury.

The case of the late Isaac L. Davis, whose death, it was alleged, resulted from injuries received by having been pushed from a Third avenue car in the Bowery, near Grand street, by Leroy C. Hurd, the conductor, was yesterday concluded before Coroner Croker. The jury rendered the following verdict:—"That Isaac L. Davis came to his death by a compound fracture of the left leg by the contact of the brake and wheel of car 35 of Third Avenue Railroad Company, he having been ejected by the conductor from car 28, same line, on the afternoon of Saturday, December 27, 1873. We further find no blame should be attached to either the conductor of car 28 or the driver of car 35, and we would respectfully recommend that all railroad companies instruct their conductors, whenever necessary to eject drunken or disorderly persons from their cars, that the cars be brought to a full stop, and said person be put off from the side where danger is less likely to result to the person so put off." Mr. Stewart, who represented the railroad company before Coroner Croker, thanked the jury for the just verdict they had rendered, and said that their recommendations had long been in force with the Third Avenue Railroad Company.

YACHTING NOTES.

The annual meeting of the New York Yacht Club will be held at its rooms, Twenty-seventh street and Madison avenue, on the evening of Thursday, February 5. The election of officers for the ensuing year and the consideration of the report of the Committee on the Classification of Yachts will occupy the attention of the members.

The schooner Triton, B. Y. C., Mr. G. A. Thayer, is being fitted with new spars.

Mr. R. W. Holmes, B. Y. C., is building a sloop at the foot of Court street, the model of which is exciting much attention in yachting circles. She is to be called the Playful, and will be ready for service early next spring.

Mr. John M. Sawyer, Treasurer of the Brooklyn Yacht Club, has been elected Commodore of the Long Island Model Yacht Club.

Ex-Commodore G. L. Haight, B.Y.C., is adding several feet to his sloop Genia.

The annual elections of the Atlantic and Bayonne yacht clubs will not be held until March next.

The Brooklyn Yacht Club will hold its annual meeting on the evening of Wednesday, the 28th inst. The officers and various committees for the ensuing year will then be elected and final action taken upon the proposed raising of the dues. Notice has been given the secretary, Mr. William F. Lee, that the following yachts, now building at Rye, N. Y., will be added to the fleet of the club:—Sloop owned by Mr. Daniel Edgar, Jr., of New Rochelle—length over all, 67 feet; length on water line, 61 feet 6 inches; depth of hold, 6 feet 6 inches; tonnage, 82 tons. Sloop owned by Mr. William Edgar Morris, of New Rochelle—length on deck, 47 feet; length on water line, 43 feet; breadth of beam, 15 feet; tonnage, 31 tons.

At the annual meeting of the Seawanhaka Yacht Club, held a few evenings since, the following officers were elected for the ensuing year:—Commodore, William L. Swan; Vice Commodore, James W. Beekman, Jr.; Secretary, Frederic D. P. Foster; Treasurer, B. L. Swan; Measurer, F. G. Foster; Chaplain, Rev. William Irvin; Surgeon, James R. Wood. The annexed yachts were added to the fleet of the club:—Schooners Ariel, Commodore William L. Swan; Idler, J. S. Colgate; Peerless, J. R. Maxwell; Triton, G. A. Thayer. Cabin sloops—Alert, Henry Vail; Christine, S. P. Blagden; Au Revoir, J. E. Roosevelt. Open sloops—Cruiser, C. Lee; Ripple, C. M. Schefflein; Electra, W. B. Simmonds.

PIGEON SHOOTING.

Monthly Meeting of the New Jersey Sportsmen's Club.

The weather yesterday was fresh, yet balmy, and swept over the Sea View Track at New Dorp, S. I., a half gale some portions of the afternoon, which made the pigeons appear a little more lively than usual, and as a consequence a great deal more difficult to hit, and, when hit, rendered them considerably hard to gather within the boundary of 80 yards. The birds, too, were naturally game and very rapid flyers, and many of them took "a heap of killing" before the decision of "dead bird" was rendered.

The club turned out a goodly number of its members on this occasion, and many of them stopped on the grounds amusing themselves as long as they could see to shoot. The majority of the gentlemen, however, left in the half-past four o'clock train, the regular business of the day having been finished before that time.

Four shooting events came off, the first being for the Diamond Badge, at 25 single birds, 21 yards rise, 80 yards boundary, with 1¼ ounces of shot, to be governed by the New Jersey Shooting Club rules, between G. Watson, the holder of the badge, and W. A. Dunlap, a challenger for the honor of wearing the trophy; the second event, a handicap for a silver cup, at five pigeons each, entrance $5, 1¼ ounces of shot, from five traps, 21 yards rise, 80 yards boundary, New Jersey Sportsmen's rules; the third, a sweepstakes, at $2 each, at five single birds, the same rules governing this affair as did the two previous, and the fourth, a sweepstakes of $5 each, at three birds, the winner to pay for the birds, the same rules as before.

The shooting was very good under the circumstances, and seemed to give great satisfaction, not only to those who were engaged, but also to all the spectators. The following are the

SUMMARIES.

NEW DORP, S. I., JANUARY 12—NEW JERSEY SPORTSMEN'S CLUB—PIGEON SHOOTING—For the Diamond Badge, at 25 single birds, 21 yards rise, 80 yards boundary, with 1¼ ounces of shot, under New Jersey Shooting Club rules, between G. Watson, holder of the badge, and W. A. Dunlap.

G. Watson—1, 1, 1, 0, 0, 1, 0, 0, 1, 1, 1, 1, 1, 0, 1, 0, 1, *0, 0, 0, 1, 0, 1, 0, 1. Total 25—Killed 14, missed 11.

W. A. Dunlap—*0, 0, 1, 0, 0, 0, 0, 1, 1, 1, 0, 1, 0, 1, 0, 1, 1, 0, 0, 1, 1, 1, 1, 1, 1. Total 25—Killed 14, missed 11.

Tie at 5 birds, 26 yards rise:—

W. A. Dunlap—1, 1, 0, 1, 1—Killed 4, missed 1.
G. Watson—0, 0, 0, 1, 1—Killed 2, missed 3.
Referee—J. P. Felker.

SAME DAY—For the Handicap Silver Cup, 5 birds, $5 each, 1¼ ounces of shot, from 5 traps, 80 yards boundary, New Jersey Sportsmen's Club rules.

J. Tyson—23 yards, 1, 1, 1, 0, 1—Killed 4, missed 1.
E. H. Shorb—23 yards, 1, 1, 1, 0, *0—Killed 3, missed 2.
W. Hughes—23 yards, 0, 1, 0, 1, 1—Killed 3, missed 2.
C. Townsend—24 yards, 0, 1, 1, 0, 0—Killed 2, missed 3.
D. Kelley—23 yards, 1, 0, 0, 1, *0—Killed 2, missed 3.
G. H. Wild—22 yards, 0, 0, 0, 1, 0—Killed 1, missed 4.
Referee—J. P. Felker.

SAME DAY.—Sweepstakes at $2 each, at 5 single birds, 21 yards rise, with 1¼ ounces of shot, 80 yards boundary, New Jersey Sportsmen's Club rules, $15 to the winner $9 to the second.

W. Dunlap—1, 1, 1, 1, 1—Killed 5.
G. Wild—1, 1, 1, 0, 1—Killed 4, missed 1.
C. Townsend—1, 1, 0, 1, 1—Killed 4, missed 1.
D. Kelley—1, 1, 1, 1, 0—Killed 4, missed 1.
J. Tyson—1, 1, 0, 1, 1—Killed 4, missed 1.
A. Hughes—0, 1, 1, 1, 1—Killed 4, missed 1.
H. Warren—1, *0, 1, 1, 0—Killed 3, missed 2.
E. H. Shorb—0, 0, 1, 1, 1—Killed 3, missed 2.
J. P. Felker—0, 1, 1, *0, *0—Killed 2, missed 3.
W. McFall—0, 1, 0, 1, 0—Killed 2, missed 3.
J. S. Conover—0, 1, 0, 1, 0—Killed 2, missed 3.
W. Hughes—0, 0, 1, 1, 0—Killed 2, missed 3.

Ties at 3 birds each, same conditions for second money:—

C. Townsend—1, 1, 1—Killed 3.
J. Tyson—1, 1, 1—Killed 3.
D. Kelley—1, 1, 0—Killed 2, missed 1.
G. Wild—0, 0, 1—Killed 1, missed 2.
A. Hughes—0, 1, 0—Killed 1, missed 2.

Messrs. Townsend and Tyson having tied, divided the money.

Referee—D. Blake.

SAME DAY.—Sweepstakes, $5 each, at three birds, 21 yards rise, with 1¼ ounces of shot, 80 yards boundary, Club rules. The winner to pay for the birds.

J. P. Felker—1, 1, 1—Killed 3.
W. Hughes—0, 1, 1—Killed 2, missed 1.
G. Wild—1, 0, 0—Killed 1, missed 2.
E. H. Shorb—0, 0, 1—Killed 1, missed 2.
Referee—D. Blake.

*Dead out of bounds.

PIGEON SHOOTING IN ENGLAND.

Handicap of Twenty-five Birds Each for a Silver Cup—Mr. Jaffery the Winner.

[From Bell's Life, December 27.]

A handsome silver cup, value £25, was shot for at Ewell, Surrey, on Friday last, by some members of the aristocratic clubs, at 25 pigeons each, from five traps, double guns, the use of both barrels, 1¼ ounces of shot. Mr. Jaffery, an American gentleman, proved victorious by bringing down in fine style 14 out of 25 speedy birds, and Mr. Stone proved the next best shot by tumbling over 11 birds. J. Offer, King street, Hammersmith, supplied the birds, the best blue rocks.

27—Mr. Jaffery—1, 0, 0, 0, 0, 0, 1, 1, 0, 1, 1, 1, 0, 1, 1, 1, 0, 1, 0, 1, 0, 1, 1, 1, 0—Killed 14.

26—Mr. Stone—0, 0, 1, 0, 0, 1, 0, 1, 1, 0, 0, 1, 0, 1, 0, 1, 1, 0, 1, 0, 0, 1, 0, 0, 1—Killed 11.

26—Dr. Barnes—0, 1, 1, 1, 0, 0, 0, 0, 0, 1, 0, 0, 0, 0, 0, 0, 1, 1, 1, 0, 1, 1, 0, 1—Killed 10.

25—Mr. Granger—0, 0, 0, 0, 1, 1, 0, 1, 0, 0, 0, 0, 1, 1, 0, 0, 0, 0, 1, 1, 0, 0, 0—Killed 8.

SUICIDE BY TAKING POISON.

Religious Mania the Cause.

Coroner Woltman yesterday held his first inquest in the case of William A. Bailey, a gold and silver plater, late of No. 212 Bowery, who committed suicide by swallowing a quantity of cyanide of potassium, which he used in his business. Deceased had been attending religious meetings of late and his mind had become intensely excited on the subject of religion, so much so as to disturb his intellect, although his partner and other friends seemed to have no fears that he would harm himself. Mr. Bailey, who slept in the same bed with his partner, retired, as usual, on Sunday evening, but during the night quietly got up, and lighting the gas seemed to be heating something over it. His partner asked what he was doing, but received no satisfactory answer. Mr. Bailey then drank something from a tumbler, after which he lay down in bed again. He was soon siezed with violent spasms, and assistance being procured Mr. Bailey was taken to the Fourteenth precinct station house for medical aid, and death ensued soon afterward. Deceased, 29 years of age and a native of England, is said to have had no relatives in this country.

THE FOURTH AVENUE RAILROAD FATALITY.

In the case of the boy Percy Gardner, run over on Fourth avenue, near Thirteenth street, by car No. 2, while attempting to jump on the front platform, and killed, the jury yesterday exonerated the driver from blame, but say:—"We hold the Fourth Avenue Railroad Company responsible for said accident, they having failed to comply with an ordinance providing for the protection of front platforms of street railroad cars."

Coroner Kessler held the inquest. The accident occurred on the 5th instant.

CALEB CUSHING.

How His Nomination is Received by the Press.

A Very Large Majority of the Papers Approve the Choice.

The Opposition Chiefly from the Democratic and Independent Journals.

If the tone of the press of the country be any indication of the manner in which the nomination of Mr. Cushing for Chief Justice will be received the last selection of the President meets with decided favor. From one day's mail the following comments are selected at random. They show 29 journals in favor and 12 against the nomination.

Favorable Endorsements.

The New Haven *Journal and Courier* (administration) says that "the President's nomination, this time, is a magnificent one; and we hope that the jealous and dissatisfied Senate may be compelled by the moral sentiment of the nation to confirm it."

The Boston *Traveller* (republican) approves the nomination warmly and says:—"Mr. Cushing has for the past five or six years been in full sympathy with the policy of the republican party, and at the last Presidential election he voted the Grant and Wilson electoral ticket. He made the acquaintance of President Grant during the Mexican war, and has always had a high respect for him. In vigor, industry, integrity, knowledge of the law and that general knowledge which fits a man for positions of great importance, Mr. Cushing has no superior anywhere."

The Albany *Journal* (republican) has a word for Cushing when it says:—"But though Mr. Cushing is 74 years old, he is intellectually as robust and vigorous for present service as ever, and, surprising as it is in some respects, much can be said in approval of the designation."

The Lynchburg *Virginian* (democratic) is enthusiastic over the fact that Virginia has plucked a laurel from Massachusetts, and "has the honor of furnishing another Chief Justice, and what Virginian will not rejoice?"

The Lynchburg *Republican* (republican) is satisfied that Cushing is a diplomate and lawyer, rather than a politician, and thinks that the appointment is so much better than was anticipated that the matter has been satisfactorily solved."

"It is quite needless," says the Pittsburg *Commercial* (republican), "to say that the nomination of Mr. Caleb Cushing to the Chief Justiceship of the United States, announced in another column, will be favorably received by the Bar and the people. To some his somewhat advanced age may seem an objection, Mr. Cushing being in his seventy-fourth year. But he is still in the full vigor of physical and mental health, and is probably still good for 10 or 15 years of judicial service."

The Cleveland *Leader*, a supporter of the government, is quite enthusiastic. It says:—"The offer of the highest judicial position under our government to such a man in the ripe fulness of his busy and honored years will atone for whatever mistake the President may have made in nominating for that position a man so intellectually inferior as General Williams. That the nomination will be promptly ratified by the Senate there can be no serious doubt."

The Cleveland *Herald* (independent) is in doubt, and damns with faint praise when it says:—"In a professional point of view Caleb Cushing is a very proper man to be placed on the bench of the Supreme Court. But his age is a very serious objection, and the peculiar eccentricities of Mr. Cushing are also objectionable. Mr. Cushing is not a safe man."

The Boston *News* (prohibition) is delighted with the selection and says it believes "his administration of the duties of the office will be eminently honorable and successful, and furthermore, we believe what may be cold comfort to his competitors for the chair, that he has many years of useful service in him yet."

The Troy *Whig* would prefer a younger man, but says it has "no objection on the score of fitness. If Caleb Cushing does not make a good judge, then we shall know that great talents, great learning and unequalled legal attainments do not suffice to qualify a man for judicial position."

The Boston *Transcript* (republican) likes the nomination, but fears Cushing is not sound on the civil rights question, and remarks:—"Mr. Cushing has not what is sometimes called the judicial mind, although as Chief Justice we have no doubt that his decisions would be signalized not only by varied and extensive learning, but would possess a far calmer tone than ataches to many of his public efforts."

The Providence *Journal* (republican) is satisfied this time, and remarks:—"The nomination was referred, as usual, to the Judiciary Committee of the Senate, but no doubt is expressed of his confirmation. The most disagreeable feature of this change is the loss of Mr. Cushing's diplomatic services at Madrid."

The Hartford *Times* (democratic) says "his appointment will be well received by the public. The country will rest easier under such a Chief Justice than it would with such a person as the unlucky attorney from Oregon at the head of the Court."

It pleases the democratic *Enquirer* of Cincinnati, which believes that "Mr. Cushing is an able lawyer, a profound jurist and withal a statesman. He will shed lustre on the Supreme Bench."

The Hartford *Courant* (Governor Hawley's paper) says:—"The President has surprised the country, and especially the United States Senate, by sending in the name of Caleb Cushing for Chief Justice. The press has hardly got done commending his appointment as Minister to Spain. So far as the ability of Mr. Cushing is concerned the appointment is of the highest merit. He knows law, especially international law; he knows the world, he is familiar with affairs, with political history, and he is generally one of the best informed men in the country. He has been for some years a safe and shrewd adviser of the government, and he has now a confidence which was not felt in him some years ago. He will be an able man on the bench and adorn it by his talents. We shall hope also that he will make an excellent Chief Justice. Ten years ago, however, it could not have entered into the dreams of anybody in Massachusetts that he would ever come to this great office."

Governor Dingley, of Maine, in his paper, the Lewiston *Journal*, believes that "the appointment takes position alongside the St. Domingo recession, as a graceful acknowledgment of error on the part of the President. The disapprobation of the people has been expressed in this case, as in that, in no doubtful words. Suffice it to say that if the estimate formed by the public of his intellectual capability and moral stamina be not wholly at fault he will be no unworthy successor of Marshall and Taney on the Supreme Bench."

The Cincinnati *Gazette* (republican) does not condemn the selection, although it appears to have been slightly disappointed. While acquiescing in the nomination, it does not like the idea of having him in the office for life.

Forney's Philadelphia *Press* is so pleased that it indulges in a little pleasantry as follows:—"The Capulet and Montagu of the New York *Tribune* and New York *Times* denounce it, and one of the administration organs at Washington, the *Chronicle*, grinds out a growl in angry harmony. But the veteran lawyer and soldier is not embarrassed, unless by the embarrassment of riches. If he is confirmed he can glide down his few remaining years in the ermine of John Jay and John Marshall; and if he is not, he can sail off to the land of the Cid and repose and study in the great galleries and libraries of the Spanish capital. Happy General Cushing!"

The Buffalo *Courier* (democratic) says:—"The appointment indeed is positively a respectable one. Comparatively speaking, it is much more than that. While William M. Evarts would have been more acceptable to the country, Mr. Cushing is vastly to be preferred to Edwards Pierrepont, Roscoe Conkling, Morton, or any of a dozen prominent republican politicians from among whom there was danger the choice would be made."

The New Haven *Register* (democratic) compliments Grant on doing much better than the public had any right to expect and favors the nomination.

The Nashville *Banner* (independent) says:—"Right at last. Caleb Cushing was nominated for the Spanish mission not a great while ago, the Senate promptly confirmed the nomination, and the press of the country was delighted over the admirable selection."

Senator Carpenter's organ (the Milwaukee *Sentinel*) believes that "the appointment will be generally regarded as an excellent one. It is not extravagant to say that Mr. Cushing has a more profound and comprehensive knowledge of law than any other man in this country, and to this transcending qualification he adds a judicial constitution of mind, laborious habits and an unassailed reputation for integrity."

The St. Louis *Republican* (independent), while not fully satisfied, remarks that "the escape the country has made from having Williams will enable it to accept Caleb Cushing without regret, if not with thankful acknowledgments. We would not have President Grant reduced to the necessity of making another choice, unless assured that he would keep going from bad to good, instead of from bad to worse. Besides Caleb Cushing is a man of eminent intellectual abilities, of rare legal and judicial acquirements, and, so far as we know, of unquestioned personal integrity."

The St. Louis *Times* (democratic) says:—"Those who will take but the trouble to inquire into the antecedent history and the admitted successes of the man will have no hesitation in concluding that this time the President's choice, not perhaps unaided by the advice of others, has fallen upon one who in all points of intellectual capacity is equal to the foremost of those who have hitherto distinguished the Supreme judicial ermine."

The Cincinnati *Commercial* (independent) remarks:—"President Grant is still capable of surprising his friends as well as his foes. The nomination of Caleb Cushing yesterday was a complete surprise to the Senate and to Cushing himself. Cushing is not in character among the loftiest men of the nation, but he is a consummate lawyer, and the Bar will not be ashamed of him. We presume there is no doubt that he will be confirmed; but if the Senate procrastinates in his case there will be a disturbance of the public peace on his account."

The Newark *Journal* approves the selection and exclaims enthusiastically:—"Rarely since his election to the Presidency has Mr. Grant agreeably surprised the people. Yesterday he did so in nominating Caleb Cushing to the Chief Justiceship. What a jump he took! From Williams to Cushing, from a pigmy to a giant!"

The Springfield *Republican* (Sam Bowles' paper) says:—"It is the factotum after all. Yesterday, when the administration found itself in want of a Minister at Madrid, it bade Mr. Caleb Cushing pack his trunks and prepare to talk Spanish to the dons. To-day, finding itself in unexpected want of a Chief Justice, it bids Mr. Caleb Cushing unpack his trunks and be measured for a silk gown. '*Figaro ci, Figaro la.*' Mr. Cushing's intellectual and professional fitness for the Supreme Bench will not be questioned in any quarter. As a lawyer he is probably the peer of any man who has sat on that bench since John Marshall. In this respect the present nomination contrasts strikingly with the very unfortunate one which it replaces."

The Baltimore *American* (republican) says:—"Mr. Caleb Cushing's nomination as Chief Justice of the Supreme Court will receive pretty much the same sort of general approval as was given to his appointment as Minister to Madrid. Of his plentiful acquirements, as a lawyer, for the discharge of the duties of the position there can be no doubt; and while his strong personal peculiarities, amounting almost to eccentricity, are a matter of notoriety, there has been, and we believe can be, no question as to his entire probity of character."

The Boston *Journal* (republican) says:—"His abilities are eminently legal and judicial. We remember the hearty admiration, not unmixed with surprise, with which some of the ablest lawyers in Massachusetts, comprising political enemies of General Cushing, spoke of the rapidity and ease with which he mastered the duties of a Justice of the Supreme Court of this State. We have no doubt that he will achieve the same triumph on the Supreme Bench of the United States, even though he goes there at the ripe age of 74."

While the Boston *Globe* (republican) is not entirely satisfied, it says:—"During the period of his service we shall have no fear that the ermine will drag in the mire of corruption or political intrigue, and when it is over we hope that a period shall have arrived in our country's history when the eminent fitness of the candidate shall be the sole consideration in making selections for the highest posts of honor and of trust."

Unfavorable Comments.

The Chicago *Tribune* (independent) is not satisfied. It says:—"We fear that the President has chosen an indifferent Chief Justice and lost a first class Minister to Spain. It is to be regretted that the President has not selected a Chief Justice from those already on the Bench, or from the ranks of the many able Judges on the Circuit or District Courts, or from among the eminent lawyers at the Bar whose attainments are not burdened by the extreme age which Mr. Cushing has already reached. We suppose the nomination will be confirmed, lest the next appointment be something worse."

The Chicago democratic organ, the *Times*, is dissatisfied. It thus expresses itself:—"It may well be doubted whether a man who has spent the greater part of a long life in manipulating State Legislatures and the National Congress in the interests of his clients is fitted to assume the highest judicial functions in the nation. His ability acknowledged, there is little to be said in his favor. Nevertheless, it is a better nomination than could be reasonably expected from the present Chief Executive."

The Indianapolis *Sentinel* (independent) says:—"Mr. Cushing is a good lawyer, but, judging from his career, utterly without the judicial faculty—a thing born to a judge—as the ear for measure and rythm is only possessed by the poet."

The Cincinnati *Times* (republican) says:—"We desire it to be understood that we are emphatically opposed to the confirmation of a State rights democrat, of the bitter Yankee type, such as Caleb Cushing is known to be, as chief of the highest Court, of last resort, in this country. How he would lean on all questions arising under the last three constitutional amendments no one needs to be told beforehand. In nominating Cushing for Chief Justice President Grant has made the greatest mistake of his life."

The St. Louis *Globe* (republican) mildly opposes the selection.

The Louisville *Commercial* (independent) thinks Grant has made a mistake, and remarks:—"On the whole, we would have preferred Mr. Williams. No man can be found who can serve the country in Spain so well as Mr. Cushing just at this time. Other men can be found who will do better as Chief Justice."

The New Haven *Palladium* (administration) thinks "the principal objection is to his past political record, and here Mr. Sumner has displayed greater magnanimity than some of his brother Senators. The man who prevented the bust of Taney from being placed in the chamber where he had so long presided is willing to forget that Mr. Cushing once termed the Declaration of Independence—which Mr. Sumner considers a portion of the constitution by which all other articles and laws are to be interpreted—a glittering tissue of generalities."

The New Haven *Press* thinks that "General Cushing was admirably fitted by habit of mind, education and experience for the position to which he was first appointed and confirmed, and it would have been better undoubtedly to have left him to achieve success in the performance of its duties."

The Petersburg *Index* (democratic) says:—"We do not regard Mr. Cushing as the right man, by any means, for the lifted and lustrous office of Chief Justice of the Supreme Court of the United States."

The Washington *Chronicle* don't like the nomination, and can't "see that Mr. Cushing has ever done anything for the republican party to especially place it under obligations to send him out of the world in a blaze of official glory."

The Boston *Advertiser* (republican) is not pleased with the nomination of Caleb Cushing for Chief Justice—to use its own language—"in preference to great lawyers, of whom the President has, unfortunately, little personal knowledge."

The Utica *Observer* (democratic) does not like the Cushing pill, and remarks:—"Knowledge comes, but wisdom lingers.' But it can hardly linger beyond a man's 75th year, if it is to reach him at all. Caleb Cushing, the newly nominated Chief Justice, must be endowed with wisdom now if God designed him for a wise man. His faculties are ripened to the point of withering. His mind is fairly lumbered with learning. He could frame his lips with equal facility to pronounce the Shibboleth of Gilead or the Shibboleth of the Ephraimites. He has worn the liveries of many parties to serve himself in. His life is a long drama, in which he has played "general utility" to every passing star who has filled the title *rôle* of fame. If we could define greatness we might secure a standard whereby we could measure Caleb Cushing. But while Noah Webster in seeking the meaning of the word wanders from "largeness of bulk" to "affected state" we are free to confess our inability to tell what greatness is. If it is the fruit of study Cushing possesses it. If it is the development of a pure and noble heart he never caught so much as a glimpse of it, even in his dreams. A shrivelled soul in an active body; that is a line portrait of the new Chief Justice."

The Latest Comments.

Among the comments of the latest papers received by mail we may quote the Providence *Journal* (administration) as declaring that it presumes the nomination will be confirmed; the Boston *Advertiser* (republican, anti-administration) as affirming that when vast claims are in abeyance and interests of great magnitude biding their time till some political revolution gives them a chance of recognition—it is impossible to remember all this "when it is proposed to place the highest judicial authority in the hands of one who, so far as he had any part in the contests of that time, was on the wrong side, and whose opinion of them now is the problem;" the Baltimore *American* (administration republican) as declaring that Cushing would have managed the Credit Mobilier suits with great tact and ability (a significant hint that they have not been so managed by Attorney General Williams), but doubts whether he is the right man for Chief Justice; the averment of the Springfield *Republican* (anti-administration republican) that it would not be greatly alarmed by the prospect of a democrat and "copperhead" on the Bench—for, it adds, "with a democrat in the President's chair and a Congress full of reconstructed rebels, we don't think the nation would be completely upset by the appointment of Mr. Cushing to the Supreme Bench."

BROOKLYN BOND ROBBERY.

Reported Theft of Bonds in the Comptroller's Office.

There was a rumor current yesterday to the effect that it had been discovered that about $18,000 worth of Brooklyn city bonds were missing from the office of the Comptroller. This report, which spread rapidly, following so soon upon the arrest of Deputy Tax Collector Captain Gill, for alleged embezzlement, naturally caused considerable excitement. It will be remembered that the bond clerk of the Comptroller's office, Mr. Rudolph Kessler, was arrested in November last, on a charge of stealing two boulevard bonds of the denomination of $1,000 each; that he was examined, released in the sum of $5,000 bail, indicted by the Grand Jury and "jumped" his bail. Since that time he has not been heard of. The present excitement was occasioned by the report that the other day a man, who said his name was Frank, and that he resided in Wythe avenue, Williamsburg, called at the Nassau Bank and presented a number of coupons for payment. The cashier of the bank discovered that the coupons belonged to missing bonds, and requested Mr. Frank to accompany him to the office of the Comptroller Schroder. The man did as he was requested, and the chief financial officer of city said that he believed the bonds in question had been stolen. He kept the coupons and the man went about his business. Mr. Schroder denies that there is any truth in the reported robbery, and declines to talk upon the subject. Kessler is said to be in Chicago, and the detectives are supposed to be on his track.