

HE CONTRADICTS THE MAYOR

PRENDERGAST DEMURS TO DEFENSE OF THE NEW CHARTER.

Assented to Removal of Some of His Bureau, but Did Not Dream They Would Be Handed Over to Hyde—Mayor Trying to Get a Non-Partisan Instrument.

Mayor Gaynor, commenting yesterday on the draft of the Charter which he has drawn, said:

The Charter Commission, of which the Hon. Julius M. Mayer is counsel, postponed the introduction of a new charter last winter at the request of Borough President McAneny and myself, so that the city officials might read the proposed charter and change it if necessary. No city official had read it or been consulted about it. The principal draftsman of it lived in Syracuse and his assistants lived in other remote parts of the State.

In the last I called together all the heads of departments, including the Comptroller, and presented each of them with a copy of the proposed charter of the Mayor Commission and asked them to read it carefully and suggest amendments in their suggestions.

When I sent on board steamer on August 2 to take a vacation I brought aboard with me two or three copies of the proposed Mayer charter, and also copies of all the reports of all the charter commissions which had existed since the first city was formed.

I proposed to work several hours a day reading them and marking them, so that when I returned I would be able to sit down and work effectively, I hoped, in helping to frame a new charter. But this purpose was never fulfilled, as you know.

After I finally got back to my office the first of October I began to stimulate the work on the charter, and the committee appointed to revise and draft it in the Corporation Counsel's office has since that time been working on the so-called Mayer Charter to come down to the Corporation Counsel's office and his assistants.

Mr. Mayer wanted it done also, but some of the people, who wanted to play a partisan role in place of a rôle looking solely to the benefit of the city, prevented that from being done.

As it is, it is our purpose to take this tentative draft to Albany and have also a draft of the Mayer Charter, which is, however, incomplete, read and compared with it so that the best may be adopted from each. We have kept every partisan thing out of our minds.

You tell me that the Comptroller says that his office is stripped and that he can go off to Florida. I beg to say to you that every change made in the Comptroller's office has been with his consent and he has not been personally so that I know the remarks in the newspapers attributed to him were not uttered by him. It is not possible that he uttered them. The proposed changes are also in the Evans Charter.

We are taking the collection of taxes, the management of markets out of the Comptroller's office and also the collection of taxes. He told me personally that these things did not belong to his office. There are no medical people who wanted to take the auditing power out of the Comptroller's office and create a separate department of audit, as is the rule in most cities, but I objected to it and it was not done.

We also establish a department of engineering and topography for the city. That has been recommended over and over again by charter commissions. Indeed, it is extraordinary that the thing has not been done before. We create a department of markets and weights and measures. We also consolidate the licensing in one department. It is now scattered around in different departments. We also propose a small, paid, Board of Education. These are the principal changes.

I am certain that I have nothing in view except to produce a good Charter. The old Charter is nothing but a rehash of the original Charter of the new city. That was the most bungling and unscientific instrument of government ever proposed. It was the product of the actors and the glue pot. They simply cut things from the Brooklyn Charter and the New York Charter and pasted them together as best they could. Our proposed new Charter is only one-third the size of the old Charter, and I am certain that if some of us had the time, we could make it even shorter.

When Comptroller Prendergast read this he said of the Mayor's statement that every change made in the proposed Charter so far as the Comptroller's office was concerned had been made with the approval of the Comptroller.

I wish to flatly contradict the Mayor and say that this statement is untrue. The only change in the Comptroller's office that has ever been discussed by the Mayor and me to any extent is the transfer of the Receiver of Taxes and the office of Arrears and Assessments and the Bureau of City Revenue to some other department. For any one to say that I have approved of the transfer of these departments, or any other departments, to Hyde is to suggest something so far-fetched that it does not require further comment from me.

I did tell the Mayor, and now tell the public, that I am in favor of a city department for the collection of city revenue. This department to have charge of the collection of taxes, arrears and assessments, market rents, dock privileges, water rents, and all other forms and sources of city revenue, and I shall be very much in favor of the establishment of such a department and will give it all the support I can. This I have explained to the Mayor, and I stand by the statement I made in his honor on this subject. Two weeks ago I called attention to the incongruity of transferring the collections of taxes and assessments and arrears and other sources of city revenue from the Comptroller and leaving the collection of water rents in the hands of the Commissioner of Water Supply, Gas and Electricity. In the presence of Mr. Mitchell, President of the Board of Aldermen, and Engineer Nichols of the Bureau of Franchises last week, I told him that I was in favor of this new department. He elaborated upon my idea by explaining that in my opinion the Chamberlain should be the city's banker and that he should be charged exclusively with the collecting of the city's receipts and the management of those receipts, that as the Chamberlain should not be the collector, and further, that the Comptroller was in fact the city's auditor, and as the city's auditor should not be a collector of city revenue, I should put him in the position of auditing the city's receipts.

So that to my mind the solution of the problem was the establishment of a separate department for the collection of city revenue. Mr. Gaynor may remember that in the presence of Mr. Mitchell and Mr. Nichols last week I denounced the idea of making the Corporation Counsel the judge of the settlement of claims, and Mr. Nichols who was in the room at that time, and he was one of them, can forget the matter in which I expressed myself.

I want to say further that the present Comptroller of the City of New York was never consulted by the Law Department in regard to any of the changes that appear in the proposed new Charter. Neither his opinion nor advice was ever asked. The present idea of the Mayor and his advisers

REMEMBER THIS!

We Bond More People Than Any Other Company In the World!

NATIONAL SURETY COMPANY 115 BROADWAY

NO PAY YET FOR MR. PARSONS.

By What Authority It Is Held Up Is Undiscoverable.

Samuel Parsons, the landscape architect of the Park Department, went to his office in the Arsenal in Central Park yesterday and attended to his duties as usual, but he did not get his pay check for March.

No official explanation was forthcoming. Park Commissioner Stover refused to give any.

Friends of the landscape architect said yesterday that there were likely to be complications in connection with holding back the salary of Mr. Parsons, who is an officer of the Park Board and not of any one Park Commissioner. It was said that as the Park Board had not entertained any charges against the landscape architect or suspended him from duty his salary could not legally be held up.

The money part of the matter does not seem to worry Mr. Parsons, who has curtailed his private business for the honor of serving the city. He has been consulted on the laying out of parks from Maine to California.

It was said that he had disapproved the efforts to establish playgrounds in the various parks and might harshly have drawn attention to the fact that the soil of Central Park had become impoverished and should be built up instead of put to hard usage.

WILSON PICKS A REPUBLICAN.

New Jersey Governor Nominates an Insurgent for the Bench.

TRENTON, N. J., April 3.—William P. Martin, a leader of progressive and insurgent Republicans in the northern part of the State, was nominated by Gov. Wilson to-night to succeed Judge Jay Ten Eyck as Common Pleas Judge of Essex county. His appointment was agreed upon at a conference between the Governor and Senator Osborne after at least half a dozen names had been considered and eliminated one after another.

When the nomination was sent to the Senate it created surprise, since it was generally supposed that should the Governor decide not to reappoint Judge Ten Eyck he would name a Democrat. The term by leading members of the bench and bar of the county as well as by Senator Osborne, himself a lawyer.

Within a week Mr. Martin had called upon Gov. Wilson at the head of a delegation from his county to urge that recognition be given to the progressive Republicans upon the ground that to do so would further the policies to which Gov. Wilson has committed. As spokesman of the delegation Mr. Martin asked that George I. Record of Jersey City be placed on the State Board of Equalization by the Legislature.

Mr. Wilson seemed to be impressed by Mr. Martin's logic, but it was not then supposed that he would choose Mr. Martin as the representative of the progressive Republicans. The selection has probably not enhanced the chances of Mr. Record's obtaining the place he desired.

Mr. Martin, while a resident of Newark, practices law in New York city. He was for several years the leader of the New Idea Republicans in the House.

The Senate in executive session confirmed the appointment of Mr. Martin under suspended rules.

The Weather.

April 4.—Fair weather with slowly rising temperatures prevailed yesterday in the New England States, New York and the lower lake regions.

The pressure was high over the northeastern part of the country, but practically all other sections were affected by an elongated depression covering the West and Southwest, with centres over Texas and Utah.

Temperatures were higher throughout the Gulf and south Atlantic States and northward into the lake regions. In the Rocky Mountain States it was generally cooler. It was 10 to 20 degrees below freezing in northern New York and New England in the morning.

In this city the day was fair and warmer; wind, fresh northwest to east and southeast; average humidity, 68 per cent; barometer, corrected to read to sea level, at 8 A. M., 30.40; 3 P. M., 30.41.

The temperature yesterday, as recorded by the official thermometer, is shown in the annexed table:

Table with 4 columns: Time (9 A. M., 12 M., 3 P. M., 6 P. M.), 1911, 1910, 1909. Values range from 54° to 62°.

Lowest temperature, 28°, at 8 A. M.

WASHINGTON FORECAST FOR TO-DAY AND TO-MORROW.

For eastern New York, fair in northern and increasing cloudiness in southern portion to-day; rain or snow to-morrow; moderate northeast to east winds.

For New England, fair to-day; rain or snow to-morrow; moderate northeast to east winds, increasing to-night.

For New Jersey, unsettled to-day, rain in southern portion; rain in northern portion to-morrow; northeast to east winds, increasing to-night.

For Delaware, rain to-day and to-morrow; moderate to brisk easterly winds.

BUILDING INSPECTORS GRAFT

EVERY CONTRACTOR HAS TO GIVE UP, ONE SAYS.

Or Else Quit Business—Fosdick, Investigating, Heard of Specific Cases and Improvement Under Supt. Miller.

Some time ago Borough President McAneny of Manhattan asked the Department of Accounts to investigate charges which had reached him that the inspectors of building contractors, Commissioner of Accounts Fosdick, in a report he made yesterday to the Mayor on his investigation said that while he had not been able to get conclusive evidence in every case he was satisfied that the "practice among builders of corrupting inspectors" exists.

Mr. Fosdick reports that Terry Hinkle, vice-president and treasurer of the Hinkle Iron Company of 335 West Fifty-sixth street, testified that in September, 1908, his company was erecting the iron work on a building at 43 West Twenty-sixth street. The report of Mr. Fosdick says:

"The Hinkle stated that a question having arisen as to the thickness of the building, the representative of the Building Department, Inspector John T. Kennedy, offered to pass the alleged defect for \$50. * * * This testimony was corroborated in part by that of Eugene Hinkle, the president of the company. The payment of the money was refused and complaint was made to the then Superintendent of Buildings Edward F. Murphy. No action, however, was taken in the matter and Mr. Kennedy is still an inspector of the department."

James Livingston, president of the James Livingston Construction Company of 18 West Twenty-seventh street, swore that he paid Kennedy \$35 "to instruct me how to get a violation removed."

Augustus Luca, superintendent of the Wells Brothers Construction Company of 368 Fifth avenue, testified that while putting up a building at 40 East Forty-first street he was approached by Inspector James J. Wilson, who offered to pass an elevator defect for \$10. Mr. Luca refused to make the payment.

James E. Mullin, a contractor of Eighth avenue and 13th street, swore that while he was repairing a loft building which had been damaged by fire at 617 West 130th street he paid money to an inspector whose name he could not remember. This part of Mullin's testimony Mr. Fosdick thought worth repeating in his report to the Mayor:

"Here a little inspector comes up—I call him little because he has not been in the building business as long as I have. He comes up there and says 'Well, you have to put in forty pieces of stuff' where I think fifteen will be enough."

Q. So you paid him * * * ? A. I wouldn't deny that * * * but that is so common that I don't think anything about it.

Q. So common that you didn't think anything about it? A. No. Why should I? I was obliged to. Every builder is obliged to go to them. I am not a squealer. It took a long time for me to learn it. That is the fact. What are you going to do? They can make you more bother. 'Give me \$10 or \$15,' they say, 'and I will help you \$150 worth. If you don't give me this \$10 or \$15 I will make it so hard for you that it will put you out of business.'

Q. I take it then that this particular case is not the only case in your experience where you have found it necessary to give money to building inspectors? A. I have to do it, and so does everybody who succeeds in New York.

Mr. Fosdick in summing up his report said in part: "It is admittedly difficult to suggest measures for overcoming the tendency of many contractors to evade the restrictions of the building code, and if necessary to remove the obstacles of rigorous inspection by bribery. We believe, however, that closer supervision of the inspector's work would tend to minimize the possibilities of dishonest practices. The present system leaves much to the discretion of the inspector, with little to protect him from the temptation to which he is continually subjected in enforcing the law."

"It is of course obviously possible to carry supervision to an absurd and costly degree, but that it should be more effective than at present our examination conclusively convinces us."

Borough President McAneny at whose request the investigation was made, said yesterday after reading Mr. Fosdick's report that Superintendent of Buildings Miller was gradually weeding out of his bureau inspectors who were incompetent, but that it had been more difficult to deal with the cases of men who were suspected of grafting. He added:

"The theory that matters in the hands of the inspection force of the Bureau of Buildings can be aided through the use of money has been long established. I imagine that through the present rigorous discipline of the department there is less of it now than at any time for years past, but it is not an inopportune time to again remind both architects and builders that they need pay for nothing to which they are not properly entitled in the working routine of the department, and that if any attempt on the part of any employee either to extort money or to hint that money will be acceptable is brought to the attention of the superintendent prompt action will be taken."

The vacancies created through the removals Mr. Miller has already made have been filled through the appointment of men from the civil service lists, otherwise the force is as he found it, but the weeding out process will continue.

HOPES TO FLY UP BROADWAY.

Ovington, American Aviator, Returns With a Bag of French Tricks.

Earle H. Ovington, an American aviator who took his air degree at the Blériot school at Pau in January, arrived yesterday on the Atlantic Transport liner Minnetonka.

He expects to do some flying in his own country and has brought a speedy 70-horse-power Blériot monoplane. One on his plans is to attempt a flight up and down Broadway.

He will probably take his fierer to the Belmont Park race course, which is to be used as an aerodrome. It is also probable that he will enter his machine for the elimination contest to select an American team for the international aviation championship race. Mr. Ovington is of the opinion, however, that France stands the best chance to win. He says the French aviators have been showing remarkable speed, especially Leblanc, who except for an accident last year would have captured the cup for France.

He believes the Wright brothers will lose their patent suit against the French inventors.

William H. Hilliard, the Boston aviator, took three pupils up for lessons at Hempstead Plain yesterday morning. They were Dr. Reynolds of Amherst, N. H., Harry Brown and A. Leo Stevens.

Jersey House Passes Employers' Liability Bill.

TRENTON, N. J., April 3.—The employers' liability bill introduced in the Senate, one of the four important measures before the Legislature this session, was passed by the House to-night by a unanimous vote of 54 to 0. The bill was at once returned to the Senate and will probably be in the Governor's hands to-morrow. The bill was prepared by a commission appointed by Gov. Fort and headed by William B. Dickson, who recently resigned as first vice-president of the United States Steel Corporation.

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JUDGE GRAY ON INCOME TAX

A MENACE TO STATE RIGHTS. HE CALLS IT.

He is Amazed That Any Democrat Can Fail to See That the States Would Have to Surrender Their Power to the Federal Government Outright.

Austen G. Fox, the lawyer, has received from Judge George Gray of Delaware a letter in which Judge Gray discusses the proposed income tax amendment to the United States Constitution. Judge Gray sees in the amendment a danger to State rights. He agrees with ex-Gov. Hughes's message to the Legislature in which the Governor undertook to show that the income of the States was liable to taxation under the amendment, and he disagrees with the message to the New Jersey Legislature of Gov. Woodrow Wilson in which the latter said that the States might be regarded as sharing their power of taxing incomes with the Federal Government.

Judge Gray says that he is not opposed to lodging with the Federal Government the power of taxing incomes without apportionment among the several States, as is required in the present tax provisions of the United States Constitution, provided the taxes be laid only in time of war or to meet other extraordinary emergencies.

"It is not pretended," he says, "that there is any emergency requiring the additional taxation to be derived from the source proposed. The affirmation of the constitutionality of the corporation tax law has added a large item to the public revenues. An additional source of revenue under the present circumstances would only be an increased temptation to extravagance, always present in Congress, and a wise economy in the expenditure of people's wealth would be more commendable than increased taxation."

Judge Gray says that the institution of a Federal income tax "would invite an odious double taxation which by reason of the paramount authority of Federal law could only be avoided by the States giving up this source of revenue."

It is in this view that he takes issue with Gov. Wilson.

"The proposed amendment," he says, "is not a mere grant of power to the Federal Government. It is a practical surrender of the power heretofore reserved to the States. What the States give in this instance they practically deprive themselves of, for as I have pointed out it is not a mere sharing by the States of this power with the general Government, as the necessity of avoiding an oppressive double taxation would make it necessary to the States to yield to the paramount authority of the national Government. I think, therefore, Gov. Wilson, for whose opinion I have the highest respect, was mistaken in his short message to the Legislature of New Jersey in saying:

"They (the States) will thereby be sharing with the Federal Government one of the few powers of taxation which under the latest decision of the Supreme Court of the United States in that matter they may now regard themselves as entitled to exercise to a certain extent exclusively."

As to the intent of the clause in the proposed amendment making the tax leviable upon incomes "from whatever source derived," Judge Gray agrees with Gov. Hughes's message at the time the matter was under active discussion in the Legislature. Judge Gray says:

"It is at least a question open to canvass of interpretation whether these words, 'from whatever source derived,' can be explained so as not to include the

Men's Overcoat Styles. You, Sir, who have delayed until now the purchase of a Spring overcoat, will welcome a pointer or two on the subject of style. Overcoats this season trace the figure, more or less—depending upon the tailor and the figure. The double gore cut in a Saks-made coat takes a little from the waist and gives it to the chest. Self collars supersede velvet. Pockets are regulation or combination flap and patch. Shoulders are narrower—even in conservative garments. The fronts contain less stiffening and entire garment drapes easily about the figure. Altogether the effect is a pleasing flexibility, gossamer-like in comparison with the fortified fronts of former styles. Fabrics are extensive in variety, with tans and greys predominating. That's about all—except this: That the most artistic interpretation of these features will be found in a Saks-made Overcoat, regardless of price gradations. 15.00 to 43.00. Saks & Company at 34th St.

MRS. YERKES'S HEIRS TO SUE. Will Now Seek Possession of Her Late Husband's Estate. CHICAGO, April 3.—Far reaching legal action whereby the widow's heirs may gain possession of the estate of Charles T. Yerkes will be started in Chicago. Suits will be filed, it is said, in an effort to obtain the bonds, securities and real estate owned by Yerkes's widow. Louis Owsley, executor of the Yerkes estate, when seen this afternoon declined to discuss the value or disposition of the estate. It was learned, however, that the executor is turning the assets into cash as rapidly as possible in an effort to clear up the debts, which are estimated at about \$1,250,000. Until such time as the debts are cleared nothing definite will be known as to the disposition of the remainder. Clarence A. Knight, attorney for the late Mrs. Yerkes, is said to have left for New York to-day. Wanton Destruction of Store Teeth. DOVER, N. J., April 3.—After stealing \$100 worth of gold leaf from the dental offices of Dr. S. B. Johnston & Son last night burglars wantonly destroyed \$50 worth of artificial teeth.

W. & J. SLOANE ESTABLISHED 1843. AN UNPRECEDENTED SALE OF ORIENTAL RUGS AT PRICES SLIGHTLY ABOVE IMPORTATION COST. The Most Important Event of its Kind that has Ever Occurred in America. To facilitate removal to our new store, at Fifth Avenue and 47th Street, we have decided thus early to begin reducing our immense stock of Oriental Rugs. Our object being to dispose of the stock quickly, profit has been ignored. Genuine Oriental Rugs of Equal Quality Have Never Before Been Offered At Such Marked Reductions From Actual Values. For sixty-eight years we have been specialists in floor coverings. The rugs in this sale have been selected by our own experts in the East. The diversity of patterns and sizes is beyond description. Prices Range From \$5 Upward. BROADWAY AND NINETEENTH STREET, NEW YORK