NEW YORK LEGISLATURE.

Senate.

ALBANY, March 24, 1855.

Mr. BROOKS reported that there was no legislation necessary on the subject of the removal of the Quarantine buildings.

The committee of eight reported among other bills one for a second suspension bridge at Niagara Falls. A motion to exclude the bill from the report was lost.

Mr. LANSING introduced a bill to appraise property omitted in assessors' rolls.

Mr. BISHOP introduced a bill for the appointment of commissioners to prepare a Civil Code—Commissioners David D. Field, William Curtis Noyes and Alexander W. Bradford.

Mr. RICHARDS reported a bill to purchase Averill ore bed, at Clinton Prison.

The Emigrant bill was then taken up.

Assembly.

ALBANY, March 24, 1855.

BILLS REPORTED.

To incorporate the Aspinwall and Panama Telegraph Company.

Mr. BLATCHFORD introduced a bill imposing tolls upon freight transported on certain railroads named and referred to.

Mr. STEVENS stated the minority would report against the proposition in a day or two.

Mr. MAY said he concurred only in part of the report.

The Church Tenure bill was reported, and, on motion of Mr. STEVENS, was made a special order for Wednesday next.

The bill to reduce the several acts relative to the Courts of New York into one act, was ordered to a third reading.

The bill to incorporate the Trustees of the Church Charity Fund of the Presbyterian Church, and the bill to extend the time to commence the Rochester and Pittsburg Railway, were read and passed.

The use of the Assembly chamber was granted to the managers of the Institution of the Deaf and Dumb, for the exhibition of pupils on Thursday next.

Bills relative to the forging of railway tickets; to regulate the liability of hotel keepers; to amend the act relative to jurors in New York; to incorporate the Metropolitan Gas Light Co., were ordered to a third reading.

The Manhattan Gas Co. sent in a response to the resolution of the Assembly.

EVENING SESSION.

Mr. JIMMERSON introduced a bill in relation to the office of Commissioner of Streets and Lamps.

Bills to allow managers and trustees of incorporated asylums to bind out orphans or indigent children; to facilitate the service of process upon insurance companies doing business in the State; to incorporate the New York Ladies' Home Missionary Society of the Methodist Episcopal Church; and to incorporate the New York State Colonization Society, were passed.

Mr. BLATCHFORD reported the New York Gas Light Company's bill, which was ordered to a third reading.

The bill to amend the charter of the Atlantic Mutual Insurance Company of New York, was read, but no quorum voted. Adjourned.

Revision of the Civil Code.

Mr. Bishop introduced into the Senate yesterday the following bill:—

AN ACT FOR THE APPOINTMENT OF COMMISSIONERS TO REVISE THE CIVIL CODE OF THIS STATE.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:—

Sec. 1. David Dudley Field, Wm. Curtis Noyes, and Alexander W. Bradford, are hereby appointed commissioners, whose duty it shall be to reduce into a written and systematic code the whole body of the law of this State, or so much and such parts thereof as shall seem to them practicable and expedient, excepting always such portions of the law as have been already reported upon by the Commissioners on Practice and Pleadings, or are embraced within the scope of their reports.

Sec. 2. The commissioners shall divide their work into three portions, one containing the political code, another the civil code, and a third the penal code. The political code must embrace the laws respecting the government of the State, its civil polity, the functions of its public officers, and the political rights and duties of its citizens. The civil code must embrace the laws of personal rights and relations, of property, and of obligations. The penal code must define all the crimes for which persons can be punished, and the punishment for the same. But no portion of either of the said codes shall embrace the courts of justice, the functions or duties of judicial officers, nor any provisions concerning actions or special proceedings, civil or criminal, or the law of evidence.

Sec. 3. The Commissioners shall hold their offices for five years, and any vacancies that may occur during that time, may be filled by the Governor. They shall receive no compensation.

Sec. 4. The Commissioners shall report to the Legislature, at its next session, a general analysis of the codes projected by them, and the progress made by them therein, and at each succeeding session, the progress made to that time.

Sec. 5. Whenever the Commissioners shall have prepared the codes, or any portion of them, they may cause the same to be printed by the State printer, and distributed among the judges and other competent persons for examination; after which the commissioners shall re examine their work, and consider such suggestions as may have been made to them. They shall then cause the codes, as finally agreed upon by them, to be reprinted and distributed to all the Judges of the Court of Appeals, Supreme Court, Superior Court and Common Pleas of the city of New York, and to all the County Judges, Surrogates, and county clerks, six months before being presented to the Legislature.

Mr. BISHOP stated that the gentlemen named in the bill had consented to perform the duty without compensation.

Affairs in Washington.

[Correspondence of the Courier and Enquirer.]

WASHINGTON, March 17, 1855.

The Danish Sound Dues—Spring Importations—Falling Off in the Revenue.

The subject of Danish Sound dues has assumed a practical shape. The primary difficulty in the way of a removal of this burthen upon our commerce has been the convention of 1826, in which we recognized the rights of the Danish government to impose tolls on vessels passing through the strait. The Senate, towards the close of its session, passed a resolution authorizing the President, at his discretion, to give the required year's notice of the desire on the part of this government to terminate that arrangement. That notice has been given, and Mr. Bedinger has been directed to open a negotiation for a treaty on the basis of the perfect freedom of the passage into and from the Baltic. The amount our commerce pays each year is very small, but the principle of submitting to the tribute is a bad one. It is the same which we repudiated in 1806, and which led to the war with the Corsairs of Algiers and Tripoli.

The spring importations are again bringing up the revenue from the low rate of receipts during the winter. The Secretary adheres to the estimate previously submitted, that the falling off for the current fiscal year will not exceed ten millions of dollars. I think he is mistaken, and the decrease of receipts, as compared with 1853-54, will be at least fifteen millions. The amount collected last week was one million of dollars. The expenditures during the same time were over two millions. The surplus in the treasury is $22,000,000. The amount of stocks redeemed is only nominal. This fact is an indication of greater abundance of money, but it must in some degree be attributed that the proportion of government security usually afloat upon the market, has been absorbed by redemption. That portion remaining out is held by banks as a legal basis of circulation, and by private capitalists as investments.

[Correspondence of the Courier and Enquirer.]

WASHINGTON, March, 22, 1855.

The Court of Claims—Amount of Claims Against the Government—The New Bounty Land Warrants.

Two Judges of the Court of Claims have arrived at the seat of government. It is understood that all of them have accepted. The organization of the Court will be perfected early in the coming month. The business before it for some years will be immense, and the duties which will devolve upon it will be grave and difficult enough to task the most elevated and comprehensive intellects. It will become the duty of this Court to create a body of public law, applicable to a class of cases which have been accumulating for sixty-five years, and which have appealed in vain to Congress for a decision during that period. *The mass of just claims against the government has been estimated by well informed persons as high as three hundred millions.* The government is a creditor which never pleads bankruptcy, and which, neither as debtor nor creditor can plead nor recognize any statute of limitations. This Court must become almost "a power in the State." It will possess appellate jurisdiction over all the departments, and will be subject only to the revisory power of Congress, and the veto of the President. Its solicitor will exercise a power scarcely inferior to that of any other officer of the government. He has grown by no process of natural accretion, but springs full-formed into life, like Adam from the earth, or Minerva from the brain of Jove.

The applications for bounty land warrants under the the new act have reached nearly two thousand in one day. The commissioner has very promptly published the forms of application. They are so simple that almost any person entitled may make out in due form his own application, and thus save the fee of an agent. The issue of warrants will be commenced about June 1st, and will proceed at a rate of about five hundred a day. They will come into market just at the time when most needed, when the vast foreign and native immigration sets out for the West.

LATER FROM HAYTI—RESIGNATION OF THE FRENCH CONSUL-GENERAL—DEATH OF A UNITED STATES OFFICER.—By the arrival of the American brig W. T. Dugan, from Port au Prince, March 6, we have our files and correspondence to the 6th of March.

Reybaud, the French Consul-General at the Island of Hayti, who has the credit of having thwarted all the operations of Green and Walsh, and the Cazneaus in St. Domingo, has resigned and returned to France. He doubtless expects promotion as a reward for his efficiency in blocking the game of the Cazneaus with President Santana.

The United States sloop of war Falmouth cast anchor in the harbor of Port au Prince on the 22d February, and shortly after noon of that day, lost acting-master Thomas W. Brodhead, of New Hampshire, of what is termed *fièvre de poitrine*, by the journals of Port au Prince. His funeral took place on the 23d. An armed detachment and thirty marines rendered military honors to the deceased, whose hearse was also followed by a number of the officers of the Falmouth.

The yellow fever is raging, as usual at this season, in the harbor and among the shipping. It is almost certain death to an unacclimated person to sleep in a vessel within the inner harbor over night.

Captain Snow, of the Falmouth, had first arrived from St. Domingo City, where he says he was requested by the Dominican authorities to fire the customary salute on entering the harbor. He therefore made his stay there very brief. He was to sail in a day or two for Gonaives.—Com.

REIMPOSITION OF CANAL TOLLS ON RAILROADS

Report of the Committee of Ways and Means on the Special Message of the Governor.

The Assembly Committee of Ways and Means, to whom has been referred the Governor's Special Message in relation to the canal revenues, and various petitions and remonstrances for and against the imposition of canal tolls on railroad tonnage, respectfully

REPORT:

That they have given the subject such examination and reflection as their time and other duties devolving upon them would permit. They have approached it as a matter of very great importance, contemplating as it does the excercise of a very extraordinary power, to be resorted to only upon an unusual emergency and justified by urgent necessity. As a general principle, enterprise and improvements tending to develope the resources and increase the prosperity of the country should be encouraged and not unnecessarily restricted or encumbered. But at the same time the interest of the State and the government in this country is identical with that of the people; and that is paramount and first to be cared for by its Legislature, not by interfering with vested inherent rights, but by properly restricting and controlling privileges granted and enjoyed as matters of favor and not of right.

The first question which appropriately presents itself for discussion is, what are the necessities of the State calling for the exercise of this extraordinary power? The constitution makes a complete disposition of the revenues of the public works, pledging the surplus after the payment, to the expenses of collection, superintendence and ordinary repairs, to the public creditors, the support of the government, and the completion of the public works. Under that provision of the constitution there was expended during the fiscal year ending the 30th day of September last, for collections, superintendence and ordinary repairs

The sum of	$1,237,866 20
The amounts set apart under the constitution for the benefit of the public creditors, amounted to	1,744,861 72
For the support of government	200,000 00
Total	$3,182,727 92
The revenues amounted to	2,988,665 21
Leaving a deficiency of	$194,062 71

from meeting the requirements of the constitution, for the first time in the history of our canals.

For the current fiscal year ending the thirtieth day of September next, there was at the last session of the Legislature appropriated for collection, superintendence and ordinary repairs, the sum of $1,085,000 00

The appropriations required by the Constitution for sinking funds for the payment of debts and interest are	2,128,121 31
For the support of government	200,000 00
Total	$3,413,121 31
The tolls collected on the canals during the present fiscal year amount to	$1,172,088 00
Receipts for the remainder of the year estimated at	1,500,000 00
Total	$2,672,088 00
Leaving a deficiency of	$741,033 31

by means of which deficiency the appropriations for the support of government and over $500,000 of the appropriation for the sinking funds for the payment of loans and interest, will be unprovided for out of such revenues.

For the fiscal year commencing on the first day of October next, the expenses of collection, superintendence and ordinary repairs, are estimated at $900,000

The appropriations required by the constitution for sinking funds, for the payment of debts and interest will amount to	2,789,291
For the support of government	200,000
Total	$3,889,291

being an increased amount of appropriations over those of the present fiscal year of $476,170, which necessarily involves the prospect of an increased deficiency.

For the fiscal year commencing on the first day of October, 1856, the appropriations required by the constitution for sinking funds, and for the payment of debts and interest, will amount to $2,968,000.

During that year all the loans will have been made for the enlargement and completion of the canals, which are authorized by the constitution, and thereafter the regular constitutional appropriations for the sinking funds and the payment of debt and interest will be as follows:—

Canal Debt Sinking Fund	$1,700,000 00
General Fund Debt Sinking Fund	350,000 00
Interest on loans	650,000 00
For Sinking Fund to extinguish principal, &c	355,462 29
Amounting to	$3,055,462 29
Estimating the annual expenditures for repairs at	$900,000
and adding thereto the annual appropriation for the support of government	200,000
	$1,100,000

and it shows that there will be required to meet the constitutional appropriations in the fiscal year, commencing Oct. 1, 1856, the sum of ..... $4,068,000.

And for the fiscal year commencing October 1, 1857, and each subsequent year thereafter until the debts are paid, the sum of $4,135,462 29

It is evident, therefore, that unless there is a very large improvement in the revenues of the canals, or that they are effectually aided by the means within the power of the Legislature, there will be very large deficiencies, and the government will be wholly unable to make the provisions required in and guaranteed by the constitution to the public creditors. The honor, the interest, the plighted faith and credit of the State, are all at stake upon the prompt and effectual action of this Legislature to provide for such deficiency. Whatever opinions may exist as to the necessity, wisdom or policy, for such large appropriations out of the canal revenues for the benefit of the public creditors, and however strong may be the conviction that much smaller annual appropriations would have produced as great satisfaction to creditors, and would have brought them much nearer the ability of the canals to meet them out of their revenues, it cannot affect or lessen the duty of the Legislature to provide for them as they are. It is the pledge of the people, as expressed in their fundamental law, and we, as legislators, are under obligations to neglect nothing, in the redemption of such pledge. Such, then, are the necessities of the State calling for immediate action at our hands.

The next question which appears to your committee appropriate to consider, is what has occasioned, in part at least, such deficiences in the revenues.

When the canals were the only unrestricted avenues for the transportation of freight through this State, they monopolized nearly the entire carrying trade of the West, and their business and revenues increased with great rapidity. In 1851, at a time when it was supposed that the speedy enlargement of the Erie and Oswego canals were secured beyond a peradventure, tolls and restrictions were removed from the transportation of freight by railroads, and they were permitted to enter the lists as free competitors with the Erie Canal for the carrying trade of the West.

Upon this, preparations were commenced by the several railroad lines for the carriage of freight upon a gigantic scale, and not limiting themselves to such articles as could be carried profitably, and would naturally seek such avenues of transportation, they have left no means untried to divert the business from the canals, and draw it to their own avenues of transportation.

Regardless, in many instances, of the question whether money was to be made or lost by the operation, they have carried and united the transportation of many articles, the actual cost of the transportation of which exceeded the charges made or realized therefor. That course of policy, by whatever selfish motives actuated, had, undoubtedly, for its object the diversion of trade from the public works of this State. Whether it was done, at any cost, to swell up the revenues of the roads, and, by the exhibition of large receipts, to enhance their credit as borrowers in the market, or to injure and impair the revenues of the canals, and untimately to destroy their credit, it equally demands the attention of the Legislature. The result of of such competition and transportation of freight on the railroads is apparent in the diminished and diminishing receipts and tonnage of the canals, and the increased and increasing receipts and tonnage upon the railroads.

In the annual report of the Auditor of the Canal Department, presented to the Legislature on the 24th of January, 1851, (Assembly Doc., No. 27,) is contained the following paragraph, on page 11:—

The Canal Board, in 1840, presented to the Assembly an elaborate report on the prospective revenues of the canals, in which they arrive at the conclusion, from their past history, that it was prudent to anticipate, at least for the period of seven years, an increase of the tolls of the Erie and Champlain Canals, at the rate of seven per cent per annum, for each period of seven years, that is to say, that the general result for seven years would be equal to what the tolls of each year would amount to, calculated at that rate of increase from the seventh preceding year. The actual result of the seven years embraced in their estimate, fell short of their anticipations only a little more than half a million of dollars, a gross amount of near $14,000,000. This is a remarkable close approximation to actual results in an estimate for so long a period, embracing transactions of such magnitude. But the results of further experience more fully justify the general correctness of the views exhibited by the board. Bringing forward the computations on the basis of the same estimated rate of increase, it is found that in the whole period, from the opening of the canals, including 1850, the actual revenues of the Erie and Champlain Canals have exceeded the progressive increase at seven per cent per annum, for each period of seven yerrs, by the sum of $1,782,440.

The actual increase was in fact over eight per cent. Applying the same principle of estimate for the ensuing seven years founded on the actual returns of the preceding years, the following results are exhibited. The rate of toll in 1852, having been reduced at a general average of about thirteen per cent, an additional column is added to show the difference to be made for such reduction in the estimate. One column for the actual amount received and another for the amount of the constitutional appropriations and charges on the revenues:—

Years.	Amount of increase of seven per cent for seven years.	Amount after deducting the rate of tolls.	Adjusted amount received.	Amount required by constitutional appropriations, collections, repairs, &c.
1851	$3,817,126	—	$3,329,727	$2,757,720
1852	3,265,149	$2,840,680	3,118,244	2,599,945
1853	3,860,301	3,364,552	3,204,718	2,948,476
1854	4,858,827	4,227,180	2,988,665	3,182,727
1855	4,379,478	3,803,186	2,672,088*	3,413,121
1856	4,697,191	4,086,556	—	3,889,291
1857	4,698,611	4,087,792	—	4,068,000
1858	5,326,594	4,634,137	—	4,135,462

* Estimated.

Which shows conclusively that a continuance of the same rate of increase as existed anterior to the railroad competition, even at the reduced rates of toll, would have enabled the canals to meet all the constitutional charges upon them, and left a considerable surplus each year for appropriation towards the enlargement. For the current year instead of being a deficiency there would have been a surplus of probably nearly $400,000.

The resources of the western portion of this State, and of the great west dependent upon the avenues of transportation through this State are not diminishing, but on the other hand are increasing with almost unparalleled rapidity. New groups of communication through the western and northern States are continually being opened, tending to increase the business and amount of transportation through this State. Whence then is the diminution on the canals? There can be but one answer given to that question. It is the diversion of trade to the railroads through the State as competing lines—lines competing and gaining the advantage by transportation at prices which are neither productive nor compensating, but losing and ruinous; and which involve, to use the words of the State Engineer, "the necessity of an immediate change in this policy to prevent the most serious embarassment if not total bankruptcy."

The Auditor of the Canal Department has instituted a comparison between the business of the New York State canals and the three trunk railroads through this State, the Northern, the Central, and the New York and Erie railroads, which will be found in his report on the tolls, trade and tonnage of the canals, presented to the Legislature on the ninth day of February last. Your committee quote the result of the comparison from that report, as follows:—

The accompanying table, marked No. 47, exhibits the comparative business of the New York State canals, and the Northern, Central, and New York and Erie railroads, for the years 1853 and 1854. Such table exhibits the fact, that while the total movement of freight or tons carried one mile on the canals have, during the last year, decreased 31,780,889 tons, on the said railroads it has increased 55,735,430 tons, and that during the last year the gross amount of tonnage upon the New York State canals, and the three trunk railroads combined, exceeds the amount of tonnage of 1853 by 234,461 tons, while the tonnage upon the canals has decreased during that period 81,901 tons, with a decrease in revenue of $431,152; and the tonnage of such railroads has increased 316,452 tons, with an increase of earnings from freight alone of $1,520,688.

It also shows that while there has, during the last year, been a decrease in the tonnage upon the canals on the products of the forest of 52,780 tons, there has been an increase of such tonnage upon the New York and Erie and the Northern roads alone of 33,302 tons; and estimating the New York Central at the same per cent of increase as there is upon the total tonnage of such road, and it gives the total increase of such tonnage upon the three trunk railroads of 63,174 tons. While there has been a decrease of tonnage upon the canals of vegetable food of 167,565 tons, there has been an increase upon the New York and Erie and Northern Railroads of 21,157 tons, and adding thereto the increase of the tonnage upon the New York Central, at the same per cent as it is increase of total tonnage, and it makes the increase of such tonnage upon such roads 123,436 tons. And while there has been a decrease of the tonnage of merchandise upon the canals of 52,305 tons, there has been an increase of such tonnage upon the three roads, including the increase upon the New York Central at the same per cent as its total increase of tonnage, of 77,155 tons.

Such facts prove too plainly to be contradicted that the diversion of tonnage by the railroads from the canals, is of a great and serious character; that it is not confined to what may be considered the legitimate business of railroads, but is principally felt in cheap and heavy articles of freight—productes of the forest and agriculture belonging, without dispute, to the legitimate business of the canals.

In addition to the facts contained in the preceding quotation, which has been collated by the Auditor from official documents, some facts have been ascertained through authentic sources in relation to the transportation of specific articles at Buffalo and Dunkirk, which may be interesting and of importance in consideration of the question discussed in this report.

During the past season there was shipped at Buffalo:—

	By Canal.	By Railroad.
Beef, barrels	26,750	28,703
Pork, do.	133,255	15,267
Flour, do.	288,124	398,615
Bacon, pounds	18,702,326	2,827,537
Butter, do.	341,609	5,298,812
Wool, do.	2,369,573	4,204,600
Corn, bushels	9,405,859	50,131
Wheat, do.	—	114,654

During the three months of October, November and December, there was shipped by railroads at Buffalo, 150,000 barrels of flour.

Included in the property sent from Dunkirk, on the New York and Erie Railroad last fall, were the following items:—

Flour	331,837 bbls
Bacon, beef, pork and fish	60,000,000 lbs.
Butter	8,000,000 "
Cheese	8,000,000 "

And there arrived at Dunkirk 30,000 tons of up merchandise.

From the preceding facts, your committee are of opinion that the conclusion is inevitable that railroad competition and diversion has, in a very great degree, caused the diminution of the revenues. And the causes which have operated are continuing to operate with increased and increasing force. It is well ascertained that combinations have been made, and arrangements have been entered into by different railroad companies with lines of propellers on the lakes, and steam and towboats on the Hudson, forming connected lines from the seaboard to Detroit, Cleveland, Sandusky, Toledo and other Western ports, to divert all the freight possible from the canals over their roads—one of such roads, at least, if not more, having their agents scouring some of the Western States, and by authority contracting to carry freight at prices equivalent to carrying it on the propeller for nothing, for the sake of getting and securing the freight of it upon the road.

Notwithstanding, as appears by the State Engineer's report upon railroads, "experience has proved that the lowest rates at which ordinary freight can be carried to pay interest and expenses will average about two cents per ton per mile for heavy agricultural products, three cents for groceries, and four cents for dry goods, the railroads in their efforts to compete with the canal carry flour from Buffalo to Albany for sixty cents a barrel, and ever less, and to New York, by the New York and Erie Railroad and its tributaries, at almost the same rate, and indeed at the rate of sixty cents only from Detroit to the city of New York." Notwithstanding the lowest paying rate specified by the State Engineer, two cents per ton per mile for heavy agricultural products would amount to 78 cents per barrel from Albany to Buffalo and about 96 cents from Buffalo or Dunkirk to New York, by the New York and Erie Railroad and its tributaries. The same principle has been carried out by these roads upon all other freights which experience has shown to have been diverted from the canals.

Why these roads should thus, at prices far below the remunerative standard, and at a consequent loss to themselves, seek thus to enter into competition with the canals, can only be attributed to a desire on their part to accomplish what must plainly appear to be its inevitable result: a distrust in the people of the value and efficiency of their public works, an abandonment of the enlargement, direct taxation for the payment of the debt, and a monopoly of the carrying trade turned over into the hands of the railroads. With this stake to play for, enjoying, as they do, the ability to make up their losses upon other freights and fare for passengers, and the game left entirely in their own hands without restriction, it is not astonishing that they enter upon it.

Such being the necessities of the State, and the prominent causes which have led thereto, the next inquiry arises, what is the appropriate and most effectual remedy. Your committee have heard three modes suggested.—One, Direct taxation upon the people. Another, Taxation of corporations, a certain per centage upon their capital for State purposes, exempting them from all town, county and local taxes. Third, Imposing tolls upon railroad tonnage.

The necessities of the State having been to a very great extent occasioned by the action of private corporations and enured to their benefit, it is not right that the burthen should be thus imposed upon the people. A more equitable proposition is to let those who have created the burthen be charged with its removal. Your committee cannot for a single moment entertain the proposition of recommending a direct taxation upon the people for such purposes, particularly at this time when an imperative necessity exists for the imposition of a mill tax upon the people for the benefit of the general fund and the support of the government. As to the second proposition, proposing the taxation of a certain per centage upon the capital stock of corporations for State purposes and exempting them from all town, county and local taxes; this is virtually a taxation of the people, only adopting an indirect mode to accomplish it. The amount thus charged upon the corporations must bear a rateable proportion to the amount of town, county and local taxes from which they are relieved, and which are left to be discharged by the people, or there will be an inequality in the taxation on the one side or the other.

With such inequality, it will conflict with one of the fundamental principles of our government; equality of taxation as well as rights. If the inequality is against the people it is unjust to them, creating upon them a greater burthen than a direct tax, enuring to the relief of corporations. If the inequality is against the corporations, it is unjust towards them as a class, as they are, with the single exception of some of the railroad corporations, in no way connected with the matters rendering additional taxation necessary.

The last mode, imposing canal tolls on railroad tonnage, appears, in the opinion of your committee, to be the only true, just and equitable mode. As to the right of the State to impose such toll there can be no question. The railroad companies deriving their corporate existence from State legislation, and being subject by the constitution to such changes and amendments in their acts of incorporation as the Legislature may deem proper, the Legislature has the power to mould them in such form and subject them to such charges and restrictions as they may deem the interest of the State to require. They have the power to prohibit them altogether from the carriage of freight, and as a consequence can dictate the terms and conditions upon which it shall be carried.

The right being clear, the only questions left involve the justice and propriety of its exercise. The statements and statistics in the previous portion of this report, in the opinion of your committee, show conclusively that the canal revenues are seriously affected by the carrying trade of railroads in this State, and that their revenues have been thereby very largely impaired; and that such effects are to some extent, at least, attributable to a departure by those corporations from their legitimate functions, and to an effort by means of ruinous prices to divert the trade and business from the canals. Such facts alone call upon the Legislature, as the guardians of the public interest, to make such provisions of law as may be necessary to remedy the evil as well as provide for the deficiency. It is right and just that the burden of supplying the deficiency should be thrown upon the parties producing it. It is the remedy best adapted to the case. For, as the deficiency fluctuates in amount as the diversion of trade from the canals increases or diminishes, so the tolls on railroad tonnage will fluctuate in the same proportion, and accommodate itself to the necessities of the case. A uniform tax upon property could not thus be adjusted to meet the exigency. There is no danger of diversion of trade through other States or markets to be apprehended therefrom. The low prices at which the railroads at present carry their freight, is not founded upon competition with rival routes through other States and to other markets, but it has for its foundation and its cause competition with the canals of this State. The result of the measure would be not the diversion of trade from this State, but it would restore it to the cheaper, although the less expeditious transport of the canal.

The correct view of this subject is presented by the Auditor in his late report upon the tolls, trade and tonnage of the canals, and the committee refer to the following passage from such report:—"It is sometimes suggested that by the imposition of tolls upon railroad tonnage, there will be a consequent increased cost of transportation through the State, resulting in a diversion of trade to other and rival routes through neighboring States. Such cannot, by any possibility, be the result of a proper and judicious discrimination of the tonnage to be charged with tolls. The expense of transportation upon the canals will clearly not be affected by it, so that the charges upon canal freights cannot be thereby increased.

Under the present management of railroads, in their strife to divert business from the canals, and 'contend with the water line in the economy of transportation,' much freight has been carried by them at losing rates, the loss upon which has been made up, to as great an extent as practicable, by a large tariff of freight upon many, if not all, articles composing legitimate railroad freight. Confine the freighting business of railroads to 'legitimate' railroad freight, by imposing tolls upon 'legitimate canal freight,' and the necessity of the increased tariff upon some to make up for losses on other description of freight, no longer exist, and the necessary consequence will be the cheapening of transportation, and not its increase in cost."

Your committee have, therefore, arrived at a firm conviction of the propriety, necessity and expediency of imposing tolls upon railroad tonnage, and have prepared a bill for such purpose.

They have endeavored in such bill to discriminate in relation to the ratio of tolls to be charged upon certain companies, governed as near as might be by the extent of the diversion and the proximity of the roads to the State works.

They have also exempted from such toll neat cattle, horses, sheep, swine, fresh meats, poultry, eggs, butter, cheese, and the ordinary baggage of passengers, as being of a character proper to be relieved from the tax.

They also give the Commissioners of the Canal Fund the power to exempt such other articles of merchandise and vegetable food in their discretion as they shall deem legitimate railroad freight, not diverted from the business of the canals.

Based upon the freight carried upon the several railroads charged with toll during the last fiscal year, it is estimated that the receipts for toll under such bill will amount as follows:—Full freight on tonnage of the roads included in section two of the proposed bill $343,746

Two-third freight on roads included in section three	469,561
One-half freight on the road included in section four	45,230
Total	$858,537

Your committee, therefore, ask leave to introduce the accompanying bill:—

AN ACT IMPOSING TOLLS UPON FREIGHT TRANSPORTED ON CERTAIN RAILROADS NAMED AND REFERRED TO THEREIN.

The people of the State of New York, represented in Senate and Assembly, do enact as follows:—

Section 1. The several railroad companies of this State hereinafter named, and such other railroad companies as the Commissioners of the Canal Fund shall prescribe, are hereby required to make returns to the Auditor of the Canal Department, at such times, in such manner, and at such places as may be directed and prescribed by the Commissioners of the Canal Fund, of all the goods, chattels and other property transported on their respective roads, or any portion thereof, except neat cattle, horses, sheep, swine, fresh meats, poultry, eggs, butter, cheese, and the ordinary baggage of passengers.

Sec. 2. The New York Central Railroad Company, the Canandaigua and Niagara Falls, the Oswego and Syracuse, the Rensselaer and Saratoga, the Saratoga and Schenectady, the Saratoga and Washington, and the Rome and Black River Railroad Companies, shall respectively pay into the Treasury of this State, on account of the Canal Fund, the same toll per mile upon all goods, chattels and other property, except neat cattle, horses, sheep, swine, fresh meats, poultry, eggs, butter, cheese, and the ordinary baggage of passengers, transported upon their respective roads, that would have been paid on them from the point of receipt to the point of delivery, had they been transported the same number of miles on either of the canals of this State.

Sec. 3. The New York and Erie, the Buffalo and New York city, the Buffalo, Corning and New York, the Cayuga and Susquehannah, the Canandaigua and Elmira, the Syracuse and Binghamton, and the Watertown and Rome Railroad companies, shall respectively pay into the treasury of this State, on account of the canal fund, two-thirds the amount of toll per mile, upon all goods, chattels, and other property, except neat cattle, horses, sheep, swine, fresh meats, poultry, eggs, butter, cheese, and the ordinary baggage of passengers transported upon their respective roads, that would have been paid on them, from the point of receipt to the point of delivery, had they been transported the same number of miles on either of the canals of this State.

Sec. 4. The Northern Railroad company shall pay into the treasury of this State, on account of the Canal Fund, one half the amount of tolls per mile upon all goods, chattels, and other property, except neat cattle, horses, sheep, swine, fresh meats, poultry, eggs, butter, cheese, and the ordinary baggage of passengers transported upon such road, that would have been paid thereon from the point of receipt to the point of delivery, had they been transported the same number of miles on either of the canals of this State.

Sec. 5. The Commissioners of the Canal Fund shall have power to prescribe the manner in which such tolls shall be collected, and to enforce the collection and payment of the same, and every railroad company liable under the provisions of this act to the payment of toll, which shall neglect or refuse to comply with any regulation of the Commissioners of the Canal Fund, made pursuant to the provisions of this act, shall forfeit to the people of this State, for every day of such neglect or refusal, the sum of $2,000, and treble toll for all freights transported by them and not accounted for; and in every case of such forfeiture it shall be the duty of the Attorney General to sue for the penalty in the name of the people.

Sec. 6. In addition to the articles exempted from the payment of tolls by the first section of this act, the Commissioners of the Canal Fund may, in their discretion, exempt from the payment of tolls such articles of merchandise and vegetable food as they shall deem to be legitimate railroad freight, not diverted from the business of the canals.

Sec. 7. The tolls collected by the State for freight transported on railroads as provided in this act, shall be deemed to belong to the canal fund, and shall be paid over and applied in the same manner as tolls collected on freight transported on the canals of this State.

Sec. 8. This act shall take effect on the first day of May next.

The New York Times on the Police.

THE "LITTLE VILLAIN" VS. THE LIEUT. GOVERNOR.

[From the Times, 14th March, 1854.]

OUR CITY POLICE—DANGEROUS MOVEMENT AT ALBANY.

The people of New York have been making a desperate effort during the last year to secure an honest, efficient, and satisfactory city government. The enormous abuses and absolute imbecility of the arrangements then existing—the exposure of the most gigantic corruptions in every department of the government—the fearful increase of crime, of taxation, of disease, of everything injurious to the public interests, aroused a general feeling of alarm and indignation, and led to a vigorous and united effort for reform. That reform has been secured. We have a new charter, based on sound principles, practical and efficient in its operation, and certain, if left to the faithful administration of the officers elected under it, to give us what we need—an honest, energetic, efficient and economical city government.

The police department was thoroughly reformed. The supreme control of it was placed in the hands of the Mayor, Recorder, and the City Judge—the three highest officers in our city—the men brought most directly into contact with the criminal wants of the city, almost certain to be of different parties, giving their services as Police Commissioners gratuitously, and likely on all accounts to consult exclusively the public good. They were empowered to appoint, and remove for cause and after trial, all the officers and members of the police department, and to make such rules and regulations as its efficiency might require. Under this authority they have been diligently at work reorganizing the department. They have adopted new and stringent rules for its government—they have so far as possible exacted honesty, ability and fidelity as requisite for membership—they have taken measures to separate the department entirely from all connection with party politics—they have prescribed a distinctive uniform which is now popular with the members as with all other. They have enforced the regulations with a degree of impartiality and rigor never known before; and they have laid the foundation for as efficient and useful a police department as can be found in the world. No man can inform himself accurately of their action in the premises, and of the condition and prospects of the department, without being thoroughly convinced that all it needs is to be let alone.

And yet a movement is now on foot at Albany to break up this system—to destroy its best features, and plunge the whole police organization of this city into greater confusion and embarrassment than it has ever known hitherto. A bill has been reported in the Assembly to destroy the present commission, and to put the control of the department into the hands of the Aldermen, authorizing them, in connection with certain other officers, to appoint commissioners, who are to have large salaries, and exercise the power of appointment and removal at discretion. The bill also makes the Chief of Police elective.

From what political clique or party interest this movement emanates, we neither know or care. It bears upon its face the evidence that it originates in other motives than those which relate to the public good. It is clearly and unmistakable designed to advance the purpose of some political faction, or what is more likely, to put weapons into the hands of some individual to promote his personal advancement. A more fatal movement, so far as the good of our city is concerned—one more certain to injure all our most valued interests, and to render life and property hopelessly insecure, could not possibly be devised. It would throw us into a condition infinitely worse than that from which we were rescued by the reform of last year. It would convert the Police Department into the most fearfully formidable and corrupt political organization ever known. It would render it directly the interest and necessity of policemen to secure the friendship of every thief and vagabond who happens to have a vote, in the whole community. It would make them all dependent for the tenure of their office, on party service, on leniency to scoundrels, and on the lax and inefficient performance of their duties.

We trust that steps will be taken to convince the Legislature of the fact, that no such bill is asked for by the people of New York—but that they would regard its enactment as the most serious calamity that could befal them. The very secrecy with which it has been concocted and matured, proves conclusively that it is the work of designing parties, and is intended to accomplish some sinister purpose. All classes of our citizens bear emphatic and unhesitating testimony to the satisfactory working of the present system. Our public officers, in every department of the city service, the mayor, the judges of our courts, our public prosecutors—all who are in any way connected with the administration of justice, will testify that we have never had so good a police as we have at present, and that it will grow better and better with the lapse of time and as the fruit of experience. All that it needs is to be let alone.

We hope the members of the Legislature from other parts of the State will not be misled into the belief that any necessity whatever exists for meddling with this subject. Our city government is now in hands capable of administering it, and in whose integrity of purpose the great mass of our people have the fullest confidence. Their legislative action of last year was sufficient for all our necessities; and we are fairly entitled to ask of the Legislature that they shall, for the present at least, leave us to attend to our own affairs.

The Legislature, by the way, will do well to be on its guard against all deputations that may visit Albany for the purpose of seeking amendments to the city charter. We hear of a committee of seven, appointed yesterday by ten or a dozen persons at the Astor House, who are to visit Albany "to take into consideration the whole subject of amendment to our present charter;" and the ostensible motive for this movement is the necessity of cleaning the streets. The whole thing is a palpable humbug—designed to cover other purposes, and to attain other objects. The Legislature may rest assured that bad as our streets are, they can be cleaned without the action of the State government; and that no necessity whatever exists for any revision or amendment of our city charter. Those officious gentlemen who are so anxious to instruct the Legislature in its duty, should be rebuked for their impertinence. Our city has always been cursed by this kind of volunteer legislation. We hope that strong remonstrances from the great mass of our citizens will be sent to Albany against any changes in our Police Department, or in our city charter. Well enough should be let alone.

The Mayor's Office.

IMPOSITION ON THE BENEVOLENT.

A gentleman called at the Mayor's office yesterday and entered a complaint against two women, whom he charges with collecting money for charitable purposes and afterwards appropriating it to their own use. The following is the account which he gave of them in writing:—

Two females have been for months past collecting money, professedly for charitable purposes, in the city of New York, under false pretences, wholly for their own benefit. One of them is called Mrs. S——ns, and to give her credit with the benevolent, she is called a tract distributor; is about thirty years old, of middle size, light complexion, black eyes and hair, and usually wears a black silk dress; her general appearance genteel, intelligent and prepossessing. The other is apparently about forty years of age, rather tall and graceful, dark complexion, dark brown hair,