

NEW YORK HERALD

BROADWAY AND ANN STREET.

JAMES GORDON BENNETT, PROPRIETOR.

Volume XXXVII. No. 32

AMUSEMENTS THIS EVENING.

- ROWLEY THEATRE, Bowery—STREETS OF NEW YORK—A HUSBAND AT NIGHT. MAJORS.
ST. JAMES' THEATRE, Twenty-eighth street and Broadway—MONALDI.
OLYMPIC THEATRE, Broadway—THE BALLET PATOMINE OF HUMPTY DUMPTY.
ALBANY OPERA HOUSE, No. 72 Broadway—LA PERGOLLE.
BOOTH'S THEATRE, Twenty-third st., corner Sixth st.—JULIUS CÆSAR.
FIFTH AVENUE THEATRE, Twenty-fourth street—THE NEW DRAMA OF DIVORCE.
GRAND OPERA HOUSE, corner 38th and 39th sts.—EUROPEAN HIPHOTHETICAL COMPANY.
WOOD'S MUSKUM, Broadway, corner 29th st.—Performances at 8 and 10 o'clock—ON HAND.
WALLACK'S THEATRE, Broadway and 13th street.—JOHN GARDIN.
NIBLO'S GARDEN, Broadway, between Prince and Houston streets.—BLACK CROSS.
MRS. F. B. CONWAY'S BROOKLYN THEATRE.—MAN AND WIFE.
THEATRE COMIQUE, 314 Broadway.—COMIC VOCALISTS, NEGRO ACTS, &c.—NEW YORK IN 1871.
UNION SQUARE THEATRE, Fourteenth and Broadway.—NEGRO ACTS.—BURLESQUE, BALLET, &c. MATINEE.
THIRTY-FOURTH STREET THEATRE, near Third avenue.—VARIETY ENTERTAINMENT.
TONY PASTORS' OPERA HOUSE, No. 231 Bowery.—NEGRO ENTERTAINERS, BURLESQUE, &c.
BRYANT'S NEW OPERA HOUSE, 234 st., between 6th and 7th avs.—BRYANT'S MINSTRELS.
SAN FRANCISCO MINSTREL HALL, 88 Broadway.—THE SAN FRANCISCO MINSTRELS.
PAVILLON, No. 683 Broadway.—THE VIENNA LADY OPERETTA.
ST. PETER'S HALL, West Twentieth street.—AN EVENING WITH DIKENS.
NEW YORK CIRCUS, Fourteenth street.—SCENES IN THE RING, ACROBATS, &c.
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NEW YORK MUSEUM OF ANATOMY, 618 Broadway.—SCIENCE AND ART.

TRIPLE SHEET.

New York, Thursday, February 1, 1872.

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THE LIVINGSTONE RELIEF MOVEMENT OF London is going ahead. At a public meeting at the Mansion House on Tuesday night last, called by the Lord Mayor, three thousand pounds sterling were subscribed and measures were taken to fit out an expedition and send it off at an early day. All right; the sooner the better, for there is no time to be lost if the expedition would get safely across the swampy country between the sea-coast and Unyamwebe before the spring rains come on. This we have learned from the HERALD expedition.

THE SPANISH DEMONSTRATIONS against the municipal gates tolls in Barcelona brought on very serious consequences. The toll houses were burned, the military fired on the people and the crowd returned the fire. Two of the rioters were killed and others wounded. Spain is always behind in the path of reform. The English people settled the question of turnpike and fair and market place tolls soon after the year 1832, the late Robert Owen and Feargus E. O'Connor leading the movement in opposition to the impost in a very lively and exciting manner on the border of Wales and northward generally in Britain.

Our New York Commune and Its End—The New Ring at Albany—Reform Does Not Mean Destruction.

Our New York Commune seems doomed to an existence as inglorious, if not as bloody, as its forerunner, the Commune of Paris. When the Committee of Seventy arose in a night, proclaimed into being by public outcry from the platform of a town hall, and the Cheap Jack newspapers and their followers raised the chorus that the millennium had really come, and we were to have no more stealing, no more repeating at elections, no more fraudulent registrations, no more elevation of bad men to office, the HERALD said that there was no logical purpose in the movement; that it was only a phase of Communism, and that the Committee of Seventy would live its ninety days and dissolve into mist and thin air, and we should be precisely where we were at the outset. Even now the prediction has been verified.

Where is the Committee of Seventy? The men who called it into life have gained their purpose. Reform meant their own selection and election to office. This gained they have subsided. As to the committee it is an old story, another phase of good Peter Cooper's "Citizens' Association," which ran into half a dozen offices for its half dozen managers. We have had these respectable mobs periodically. Citizens neglect their duties at primary elections and at the polls; evil-minded, ambitious men creep into power and plunder the Treasury; we go from bad to worse, and suddenly there is a "revival," as the churchmen would call it. Citizens feel they have been remiss and undergo a quickening sense of their political sins. Old gentlemen with gold-headed canes leave their whist and cosy suppers at the club and hurry out to ward assemblies and mass meetings, and listen sleepily to sparkling declamations about the necessity of reform and the days of Brutus, and how much we have lost since the good old times of the Revolution—"good old times," be it remembered, when people were as bad as they are now, if we can believe Froneau and Cobbett and Duane. A dozen theories are advanced as containing the only solution, the true panacea for all the ills of the body politic. One blames the Pope for the general demoralization, another the Freemasons, a third the democratic party, a fourth the radicals. In time a bevy of shrewd politicians, who have been members of "machines" and "rings" all their lives, come to the front, and the whole movement is resolved into a political party as eager and false and rapacious as the one antagonized, and quite as clamorous for office. The old men—gold-headed canes and all—are elbowed out of the way, and we have the same condition of affairs that was seen before. "Reform" is simply an Applan Way to power, and nothing more.

So it was, as all men remember, with this Old Citizen Association! So with the Committee of Seventy or Ninety (we forget the number) which arose in Brooklyn, and has now been absorbed by the Kings county Ring. Our Committee of Seventy was an irresponsible committee generated out of a noisy mass meeting, without authority, law or responsibility, claiming to rule New York even as the Commune ruled Paris. What has it done beyond advertising a few unimportant and staving Cheap Jack newspapers, who took up reform as a business, just as they had followed the Ring as a business, as long as the bills were paid? We were told Connolly and Tweed were to be imprisoned; yet Connolly lives in splendid seclusion and Tweed is about to sit in the Senate. We were to have a general impeachment of the judges, and yet no judge has been disturbed. We were to have a new, absolutely safe charter, with all the patented improvements; a model charter, at last, that would realize our hopes of free government; yet all we have seen is an occasional tinkering's expedient in the way of a bill to amend the old charter. Instead of a new, clean, sound vessel, we are to have simply a patch upon the sides of the old one. We have a reformed Board of Aldermen and Councilmen, which begins its career by an intrigue. We have James O'Brien instead of William M. Tweed, and John Cochrane in the place of Henry Smith. The men who follow O'Brien and Cochrane are the men who followed Tweed and Smith, and who would follow them to-morrow if they were in power. A few of the leaders of the Ring have retired, but the Ring is still unmoved, and controls nine-tenths of the offices of honor and emolument. One material change, to be sure, is that Cheap Jack has no trade in the old line—no one to buy his weary, thrice-told stories about corruption; no one to cheer after his cart as before. So he has taken to abuse Charles O'Connor! The Mayor was to be hurled into the darkness that envelops Lucifer, but he sits in his curule chair, and has authority, and finds reformers enough willing to have his name on their commissions, and will probably remain until his term is over, and win a new one if he cares. In truth, more real reforms have come from the much-abused Mayor than from any one else, and it would not surprise us to see him leading a new reform movement. Instead of a Legislature obeying the new Commune, we have the same kind of men who have been seen for years and years at Albany. There is the old Ring, with a new name. This year it comes as the Erie Ring and the Canal Ring, and from all the indications the hard-working members at Albany will receive as large dividends as were ever known in the most profitable sessions, in spite of the Committee of Seventy. Have we any more purity in politics, any further assurance of sound legislation and additional security for the future because of this Committee? We do not see it, although we pray Heaven that some token may come. It is because wisdom has departed from the councils of the Committee, if it ever rested there, which we doubt. Look at one point in its proposed charter, for instance—the proposed abolition of the Department of Docks.

This Department of Docks is one of the most important to us, and yet by the Committee's charter it is abolished and made a mere bureau in the Department of Public Works. Now, what New York as a great commercial metropolis wants, even more than parks or what are called public works, is a generous, comprehensive system of docks. We have a good share of the commerce of the world; we are competing for the control of it, and we must have docks as commodious as those of Liverpool before we can hope to have permanent

consideration as a commercial city. This department was created in obedience to the unanimous wish of our merchants and business men. Its members have possessed the confidence of the shippers and importers. There is not a politician in its councils, and yet it is sacrificed, while other boards, made up in the interest of politicians and having only a party purpose, are perpetuated. This shows simply a desire to strike wildly, to strike in the dark, to pull down something, under the conviction that reform means simply to pull down. If this is in any sense reform, then the aspiring youth who fired the Ephesian dome and the destroying Entropius are the most illustrious reformers in history.

This illustrates the radical error of this Committee. Reform does not mean destruction, or even arrested development. New York is a growing city. In two hundred years it has risen to be one of the four or five cities of the earth. In another century we may reasonably expect to see upon this Manhattan Island and the shores of the bays and streams that surround it the largest metropolis in the world, the centre of all the world's business. Here we shall have transferred the commercial pre-eminence of London, united with the beauty and taste of Paris. The merchants of all countries, from Asia and from Europe, will make their exchanges in Broadway. The tides of business and trade and commerce and finance all tend hither, and we must encourage them to come. What we must do with this island is to make it worthy of the metropolis of the future. We must have boulevards and highways and avenues, parks and breathing places, docks and wharves. There is no reasonable amount of money that we would not spend to accomplish this. What we want from our reform Legislature is the chance to spend this money fairly. We did not complain of the men in power that they expended vast sums, but that they stole them, that they squandered as much upon a half-finished court house as was expended by the government upon our majestic Capitol. So far as the Committee of Seventy and the reformers meet this wish of the people all will be well. Thus far they have not met it. The Tammany Ring has dissolved, but we have a Canal Ring and an Erie Ring, and we really do not think that we are much better in the hands of the new combinations than we were in the hands of the old one.

The Mormon Murderers.

As predicted by a special despatch to the HERALD a few days since, an attempt has been made to liberate the prisoners indicted for murder in Salt Lake City. A more flagrant breach of the laws of the United States has seldom been planned. A number of men have been arrested after full investigation of facts implicating them in the most atrocious crime known among civilized nations; but in order to save the expense of their maintenance in prison, and that the government officials might not be put to the trouble of attending to the duties for which they were appointed, Judge McKean is asked to let this villainous gang loose again, to commit, if occasion required, a repetition of the acts for which they are now held for trial. Why arrest them at all? Why attempt to maintain order and good government and pay heavy salaries to officials to endeavor to convince the world of security and order when these men proclaim by their acts that the whole affair is a hideous farce and a mockery of justice? If such law be sound, as applied by the Attorney General through District Attorney Bates, then it would be clearly a piece of cruel injustice for New York or any State of the Union to hold for trial any man, no matter of what crime charged or however vile his character. No State, perhaps, can "afford" to keep its criminals in a place of safety any more than the federal government; but, on the other hand, the lives of citizens and their property must be protected, and to provide for prisons and punishment is the only method of doing so. If gross injustice has not been done by the circulation of false reports as to the actual state of affairs in Utah, then the decision of Judge McKean, in refusing to release the prisoners, proves a loftier conception on his part of the necessities of the situation than is possessed by his judicial superiors in Washington.

The "Little Joker" in France.

The municipal syndicates of four of the most celebrated watering places of France have formally petitioned the French government for the repeal of the law against public gambling. They also offer to pay to the French Treasury forty millions of francs per annum for the privilege of licensing gambling establishments in these four towns—summer resorts of fashionable and invalids. M. Thiers may well exclaim that "poverty makes one acquainted with strange bedfellows" when he finds that a main reliance for his government to pay off that terrible Prussian indemnity is likely to be had in the sale of a tobacco monopoly and the authorizing, for sub-letting, of gambling houses. If the French President can succeed in turning the "little joker" to any honest, profitable, patriotic purpose, the fact will constitute a wonderful incident in the history both of national and personal finance. What will the French Bishops say to the project, and what about the "money changers" in the Temple, and so forth?

The Proof of the Pudding, &c.—The Albany Printing Firm of Thurlow Weed & Co.

The Albany printing firm of Thurlow Weed & Co. assure us, through their organ at the State capital, that the majority of both houses of the Legislature "are honestly intent upon what is right, and sincerely desire to answer the full expectations of the people." Well, will they refuse to appropriate another dollar of the people's money for worthless books and bogus printing claims? And will they let the people know how much percentage, if any, Weed and his partners paid for the little twelve thousand dollar job of reprinting the State Engineer and Surveyor's report of 1869 "under direction" of Speaker Younglove?

A "SCOTT PRESIDENTIAL" CLUB has been organized in Cleveland.

It is Tom Scott of '72, not the General Scott of '52, who is the figure-head on the target. How is it that our immaculate reform Senate appears to be afraid to touch "the Boss"? They say it is because he has half a dozen Senators under his thumb, and that if they challenge him he can produce his "vouchers."

Our Municipal Government and its Changes—Should the Citizens Be Consulted Thereon?

At the present time, when the State Legislature is being called upon to remodel the charter of our city, and when it is probable that more than one scheme and many suggestions will be offered—and all, their authors will have us believe, introducing salutary changes—much interest will be found in an article which appears in other columns of today's issue, in which the complete municipal history of the city of New York is narrated and reviewed, and the origin and progress of our chartered rights and privileges are carefully detailed. It will be seen therein that the battle of our citizens for just and good local self-government is not now being fought for the first time. It will be found even that the first medium of municipal freedom which was wrung by the sturdy Dutch founders of the city from the rulers in their Fatherland, much to the chagrin of the despotic old Director General Stuyvesant, was a conquest as bravely won and as nobly prized as the famed Magna Charta which the English barons forced their reluctant sovereign to concede to them on the historic field of Runnymede. From the days of the first Dutch grant of very limited civil rights, in 1652, down to 1730, the municipal privileges were enlarged, as it were, bit by bit, each separate fragment being only gained after a persistent wrestling of the citizens with the Dutch and English Governors of the province and the respective home governments; but the full reward was finally obtained at the last named date, when the various small favors already granted were enhanced by more valuable franchises, and the whole were moulded into one compact instrument, known as the "Montgomery Charter," which, Chancellor Kent says, is "entitled to our respect and attachment for its venerable age and the numerous blessings and great commercial prosperity which have accompanied the due exercise of its powers." That time-honored document forms the foundation of our municipal rights and privileges, and much of its original form and spirit remain in force to this day, the same having been confirmed by the various State constitutions. As a whole, it withstood the shock of the Revolution, which for a time suspended its functions, and, with the exception of a few legislative enactments authorizing changes made necessary by the transfer of government, it remained intact and in force for just one hundred years, with the country for the latter half of that period under republican government.

Since the commencement of amending the Montgomery Charter, in 1820, to the present time, five important changes have been made in the municipal regulations of the city—namely, in 1830, 1849, 1853, 1857 and 1870, with amendments of some moment in 1871; while an attempt to amend the charter in a very extensive manner, in 1846, failed to gain the approval of the city electors. It is interesting to note that the mode of procedure adopted in the first instance was the same as that applied in the revision of our State Constitution, by convention—a fact which seems to be unknown to some of our unusually well-informed contemporaries. At a Convention held in this city in 1829, composed of delegates elected from the various wards, in accordance with a resolution of the Common Council, was framed the amended charter, which, having first received the approval of the electors at an election, was afterwards constituted a law by the Legislature, in 1830. Then again, in 1846, the Legislature passed an act authorizing the election of delegates to another convention, which was empowered either to frame an entirely new charter or suggest amendments, which new charter or amendments should afterwards be submitted to the people at an election, and, if adopted, should be then submitted to the Legislature at its next session for its approval. For reasons which will be found stated in the article referred to, a new charter was not submitted, but amendments were suggested, which were voted upon at the general State election, but received such slight attention that only about one-third the voters of the city on that occasion cast ballots for or against the same, and they were rejected.

After this change was made in the manner of seeking a reform of the municipal regulations. The amended charter of 1849 was the result of an application made to the Legislature by the Common Council, as will be found on reference to the proceedings of the latter of January in that year. The alterations then made were of considerable importance, but related chiefly to the legislative power of the Corporation, its mode of exercise and the creation of various departments for the better execution of its municipal powers, the latter of which had formed a leading feature in the rejected charter of three years previous. A clause in the act provided for its being submitted for the approval of the city electors, failing to obtain which it should become null and void. The charter of 1853 was the result of a general demand of citizens, as expressed by them in mass meetings; but its validity, like the charters of the previous twenty-five years, was dependent upon the vote of the citizens. Thus far, it will be seen that, since our national independence, the people of this city were permitted to decide upon the manner in which they should be locally governed; for, in addition to the four cases above referred to, a vote was also taken in 1824 upon the expediency of separating the two boards of the Common Council, when the proposal to separate them was rejected. But these five occasions form the only instances upon which the people have been consulted in a matter so important to their welfare as the nature of their local government. Neither the charters of 1857 or 1870 were submitted for approval by a popular vote. It is asserted by some that they are both invalid for that reason. Hon. Murray Hoffman, in his "Treatise upon the Estate and Rights of the Corporation," in referring to the popular vote upon the charter of 1830, says:—

While thus the assent of the incorporators to the amendments was obtained in the most authentic manner, the authority of the charter, as amended, still springs from the Legislature. The people of the city and Common Council of the city could no more amend an act of incorporation than they could amend a corporate charter upon which the corporation has no control. The whole State is interested in the establishment of such bodies, and hence the powers of the Crown, in this particular representing the State, and of the Legislature,

since that power has ceased, is indispensable. Nor is it a necessary conclusion that the assent of the people thus obtained was essential. Their assent, by representation through the Common Council, it is supposed would have been sufficient.

And in another part of the same work he adds:—"But where the Legislature cannot by its own powers abrogate or vary a charter privilege it may yet do so with the concurrence of the Corporation." From this reasoning it would appear that the validity of a legislative enactment amending a city charter is dependent upon its ratification, either by the Common Council as the representatives of the citizens, or by the citizens themselves. With regard to the charters of 1857 and 1870, the approval of neither the Common Council of the time being nor of the citizens was sought or obtained. How far the citizens may be considered to have accepted those charters by acting under them is a matter for contemplation. The point is a knotty one, which we must leave to the decision of lawyers.

The article which we print to-day will be found to give not only the full particulars of the votes to which we refer, but the various changes in our city charters which have taken place during the last two and a quarter centuries, and will well repay perusal. It is the only complete history of our local government that has yet been given to the public.

The Printing Swindle at Albany and the Terwilliger Case—Some Points for Investigation.

A very pretty little game is being played at Albany to beguile, mystify and cover up the enormous printing frauds by which the people have been led to the amount of nearly half a million dollars a year for several years past by the enterprising printers and journalists at the State capital, led by the firm of which Thurlow Weed is the head. Several days ago the HERALD showed that in the supply bill of 1871, Weed, Parsons & Co., of Albany, figured for the neat sum total of one hundred and eighty thousand dollars, mainly for worthless books ordered by the Legislature and bogus claims for extra composition, extra lithographing and the like, while, in the same year, the whole amount expended upon department and legislative printing reached between four and five hundred thousand dollars. Since then an investigation, now going on before a legislative committee into the management of the State Insurance Bureau, has developed the fact that, to secure the printing of that department, Thurlow Weed and his partners paid to an agent, named Southwick, twenty-five per cent of the amount of their bills, which twenty-five per cent was, of course, made up by overcharges to the State. The Legislature, unable to close its eyes to these disgraceful operations, moved for an inquiry into the contracts existing and the amounts expended for State printing last year; but the Senate refused to extend the investigation into the printing operations of 1869 and 1870, and in the Assembly the subject was referred to the Printing Committee—a parliamentary method of smothering it altogether or of submitting a very dry piece of business to a whitewashing process.

The game now is to raise a great deal of political smoke over certain charges of a paltry character brought against the Senate Clerk, James Terwilliger, for receiving the sum of four thousand dollars from Weed, Parsons & Co. for proof-reading or other services, and, under cover of this, to evade all inquiry into the plunder of nearly half a million dollars a year from the State Treasury by these Albany cormorants. The Terwilliger business is a picaresque affair, not worthy of consideration, and should not be permitted to divert attention from the principal peculators. It has already been proved that Weed, Parsons & Co. paid twenty-five per cent to secure the printing of the Insurance Department report, and this in direct violation of the law creating the bureau (chap. 366, sec. 3, Laws of 1859), which provides that such report "shall be printed by the printer employed to print legislative documents." Now let the Committee drop the Terwilliger case and set to work to ascertain how much percentage Weed, Parsons & Co. have paid to the State Engineer and Surveyor's Department for the printing jobs, map lithographing, &c., obtained from that office. While upon this subject let them inquire whether, in 1869, the State Engineer and Surveyor's report was twice printed—once under the regular legislative printing contract of the Argus Company and again by the enterprising firm of Thurlow Weed & Co. To aid their investigation we will supply them with the following points:—In 1869 Truman G. Younglove was Speaker of the Assembly. The State Engineer's report was printed by the Argus Company, the legislative printers holding the contract. After the printed report had been supplied to the members a resolution was adopted by the Assembly ordering some five thousand extra copies to be furnished under direction of the Speaker. Now let the Legislative Committee inquire whether Speaker Younglove, although the report was already in print, gave the order to reprint it to the firm of Weed, Parsons & Co.; whether that firm did the work, using over again the maps they had previously supplied to the Argus Company, and been paid for by the State; whether Weed, Parsons & Co. got into the Supply bill of 1870 two items—one for printing and binding four thousand seven hundred copies of the State Engineer's report for 1869, amounting to \$10,431 36, and the other for lithographing maps for said report, \$1,390; and finally, whether any percentage was paid by Weed, Parsons & Co. on this steal, and, if so, to whom?

The Latest News from Mexico, according to our special despatch, is that the revolutionary General Quiroga has flanked Cortina, preparatory to making mince-meat of him.

Why don't the United States step in and flank the whole lot of them?

A GOOD MOVE IN KANSAS—The resolutions of the Legislature urging upon Congress such action as will secure cheaper railway transportation between the West and the East.

A BIG JOB FOR THE PRINTER—That in preparation by the Custom House Investigating Committee. Go ahead.

TWO GOOD THINGS—Plenty of coal on hand for the winter and a Russian ice crop for the summer.

Congress Yesterday—Amnesty and the Negro Vote—The New Loan and the Syndicate.

Again the Senate had yesterday a grand powwow over the Amnesty bill and the negro palace car amendment. The Michigan Senator, Mr. Chandler, who has fought the Chicago Relief bill because it might interfere with the lumber trade of his State, true to his instincts, made a characteristic speech against amnesty, declaring that God might forgive an unrepentant rebel, but that he (Chandler)—a far mightier power in his own estimation—never would. He then expressed the humane opinion that the shooting of two or three hundred Ku Klux fellows would effect a great deal more good than the passage of an Amnesty bill, and he warned the members of that mysterious ghostly clan that, after all, they were only paroled prisoners of war, and liable to be taken out and shot for violation of their parole. Then Sumner mounted his black woolly hobby-horse and caroled around in a manner wondrous to witness, declaring that the great difficulty with Morrill, of Maine, who had made a constitutional argument against his Supplementary Civil Rights bill, was that his (Morrill's) interpretation of the constitution was the old one, in contradistinction to the new rule which had conquered at Appomattox—in other words, that the Maine Senator had not fully acquired the lesson of deriding and setting at defiance the great charter of national government. He warned the Senators of his own party that if the Amnesty bill should be passed and the Negro Palace Car bill rejected the colored vote would be so divided at the next Presidential election as to secure the defeat of the republican party. He announced the fact that the colored voter was a new power in the land, and should be considered. Of course he should; and the best consideration that can be paid to him is to restore the respectable white people of the Southern States to the position from which they can direct and control public affairs in those States and get rid of the horde of official thieves who have been bringing the South to bankruptcy and ruin. The Amnesty bill went over without action.

The House bill of last session for the retirement, on full pay, of superannuated judges of the United States Courts, was reported adversely from the Judiciary Committee of the Senate. A bill to refund to banks, trust and insurance companies, &c., the two and a half per cent collected on profits for the last five months of 1870 was passed. This is all right, being based on the principle that, having paid five per cent for the first seven months of the year, they had already paid even more than the rate of income tax imposed upon the public at large. The same principle will have to be applied to all the officials of the government who were compelled to pay five per cent income tax for the first seven months of the year and two and a half per cent for the last five, while all other citizens had only to pay the lesser rate for the entire year.

The House spent the whole day in debating the report of the Committee of Ways and Means, which justifies the Secretary of the Treasury in his negotiations with the Syndicate. The report was assailed by members on the democratic side, who claimed that the Syndicate arrangement was nothing less than a successful swindle, in which the people had been victimized to the tune of between four and five millions, while on the part of the republicans the action of the Secretary was sustained and defended, as being at least justified by the law, even if it was liable to criticism as a good business transaction. The vote on the resolution will be taken to-day, and will undoubtedly result in the exculpation of Secretary Boutwell. He must not, however, interpret that vote as an authority to repeat such a financial transaction; for even his friend Mr. Dawes declined, in advance, to admit that such an interpretation would be correct.

The Audit Bill Misinterpreted—The Powers of the New Board.

When the Audit bill was about to pass the Assembly Speaker Smith, who led the opposition to any measure that did not give Comptroller Green sole power in the payment of claims and the apportionment of money for carrying on the several departments of the city government, offered an amendment to the following effect:—"But said Board of Audit shall not audit or allow any claim at a greater rate or amount than that fixed by law or by a contract under which services were rendered or materials were furnished." This was considered to be a fair restriction, and it was engrafed on the bill. Its meaning was obvious. Whenever a rate or amount of compensation for services rendered or for materials furnished was either fixed by law or specified by contract the sum allowed by the Board of Audit should not be in excess of such rate or amount. That is to say, if a claim for services should be presented by an employe whose salary was fixed by law at three thousand dollars a year the Board should not allow him a larger sum, and if a claim should be brought in for materials or labor supplied under a written contract, the claimant should not receive more than the stipulated price. But when services have been honestly rendered, the remuneration for which is not fixed by law, or when materials have been honestly supplied and labor honestly performed without a specified contract price, the Board of Audit is left to fix the amounts to be paid to the claimants according to their own judgment of fair dealing and justice to the city and to the city's creditor.

It is said, however, that Comptroller Green interprets the restriction proposed by Speaker Smith as forbidding the payment of any claim for services, materials or labor unless the amount of remuneration has been previously fixed by law or specified by written contract. The ground the Comptroller is understood to take is that any debt contracted in excess of appropriations is rendered invalid by the Speaker's proviso. This appears to be a forced and incorrect interpretation of the law, which simply restricts the award in cases in which the law or a contract has fixed the sum due to the claimant, and does not either in letter or in spirit prohibit the auditing and payment of other just claims. We believe that the Comptroller