THE STATE CAPITAL.

Text of the Message Vetoing the Omnibus Bill.

Legislation Without Due Representation.

Effects of Depriving the City of Self-Government.

A MOB IN THE SENATE CHAMBER.

Attempt to Force the Passage of the State Capitol Appropriation.

The Ways and Means Committee on the Veto of the Supply Bill.

[BY TELEGRAPH TO THE HERALD.]

ALBANY, May 18, 1877.

The now deceased, but once well renowned Omnibus bill, was brought in this morning to the Senate with the warrant of execution from the Governor. The private secretary had a different and more agreeable experience than on the previous night. The gallery was very full and a scene was anticipated, but there was none.

Senator Woodin moved, as the Clerk was about to read the Message, that it be laid on the table and printed. The President intimated that it was already printed, and Woodin—who, by the way, wore a white vest and looked uncommonly engaging for one of his years—showed a disposition to acquiesce in anything the President might say, and the President appeared to insist that the Message should be read, and Harry Ghoden, the Clerk, who felt like a hound in the leash, started off to his own satisfaction and that of every one else in the Chamber to read the great veto of the Governor. The following is the text of the Message:—

STATE OF NEW YORK, EXECUTIVE CHAMBER, ALBANY, May 17, 1877.

TO THE SENATE:—

I return without approval Senate bill No. 231, entitled "An Act supplemental to Chapter 335 of the Laws of 1873, entitled an act to reorganize the local government of the city of New York." The spirit of our institutions is at war with every effort of the minority to defeat the will of a majority in any locality through legislative means. When we deny self-government to any section of people we belie the faith and teachings of our fathers. Equal representation is requisite to the right of taxation. Without it legislative levies on localities are simply oppressive.

THE CITY REPRESENTATION NULLIFIED.

This conceded doctrine is nowhere more scrupulously maintained than in our Constitution, which provides that the Legislature shall on the completion of every census award to each part of the State representation to which its population entitles it. For nearly two years this mandate of our highest law has been denied and disobeyed. A Legislature morally if not legally irregular assumes to revolutionize the local law in a city of a million, while denying to the city the representation which is its right. Upon the final passage of the present bill in the Assembly 78,000 people in Putnam, Wayne, Schuyler and Cortland counties by their representatives cast four votes for it, while the 96,000 people of the Twentieth New York district were allowed to cast but one against it. It is neither justice nor common sense that the representatives of 31,000 people in two rural counties, without interest in this act, should nullify the votes of 170,000 inhabitants of two New York districts against it, whose personal rights are committed to its care.

THE BILL NOT WANTED BY THE CITY.

The first objection to its enactment is that, while it professes to provide for all great interests and wants of the people of the city of New York, it is passed when the city is not fully and fairly represented in the Legislature, as the constitution requires that it should be. By the omission of the Legislature to make such an appointment of Senators and members of Assembly as is required by the constitution the city of New York is deprived of the presence and votes of at least seven additional representatives to which she is entitled in the two houses of the Legislature, and this legislation is imposed upon it in the absence of such representation. In the next place, of the twenty-one members of Assembly and five Senators, making twenty-six in all from the city, nineteen opposed and voted against the bill; of the forty-seven Senators and members of the Assembly from the city, Long Island, the counties of Westchester, Richmond and Rockland, immediately surrounding the city and acquainted with its affairs, only fourteen voted for this bill, while all the residue—thirty-three—voted against it. The seventeen city members of the Assembly who voted against the bill represented 820,454 of the 1,046,233 inhabitants of the city as shown by the last census. It is perfectly clear, therefore, that this bill, whether good or bad, is forced upon the people of the city against their will by the representatives of the interior, western and northern parts of the State, who know least of its affairs. If local self-government is more than an empty name such legislation should not be.

THE LEGISLATURE HAS NO RIGHT TO INTERFERE.

Were there no other arguments against the bill than this a sense of duty to the principles of popular representation and constitution I am sworn to follow would forbid my approval of this or any similar measure forced on an unwilling people whose popular voice is silent in the legislative polls. I cannot admit the right of the Legislature to regulate the municipal affairs of New York while refusing it its fair apportionment of members in either house. Twenty years ago the experiment was undertaken of withdrawing from the city of New York the powers of local government which it had under its charter and supplying their place with acts of the State Legislature. The history of this legislation is, with few exceptions, one long record of confusion, robbery and wrong. Over 2,300 laws relating to the city, of which nearly 600 make or modify governmental powers, have been precipitated upon the statute books within that time. Laws heaped upon laws, original, repealing, amendatory and re-enacting, make a mingled heap from which lawyers shrink confounded and judges turn at fault. Our highest court has held one branch of New York city law utterly beyond interpretation of construction. Nor is this all. Within the shadow of this mighty stack of statutes great combinations have been formed for public plunder and private wrong. Sheltered by ambiguous law the conspirators have safely fattened on spoils wrenched from the plundered poor.

THE BILL NOT A REFORM BILL.

In 1857 the population of the city was 700,000, and its debt $18,740,188. In December, 1876, its population was 1,046,000, while the debt was $121,178,459. The population within nineteen years has increased fifty per centum and the debt six hundred per centum. Within the same period taxes have been drawn from the people of that city to the amount of hundreds of millions of dollars, and the many disgraceful passages in its municipal government prior to 1872 are too well known to require repetition. In the last mentioned year the outraged people of the city rose and demanded reform, and did what they could to effect it within the limited power which the Legislature has designed to leave them.

The bill now in question has been claimed as a measure of reform. I understand as it was originally prepared it was entitled to be so regarded, but those who drew it, since its manipulation by the Legislature, are scarcely able to recognize its original features, and disclaim responsibility for it in its present shape. After a very careful examination of its provisions, and listening attentively to all the discussions of its merits and demerits by its friends and opponents who have appeared before me, it seems to me a return to the old and bad practice of partial legislation, not to attain reform in municipal government, but to effect political and personal ends and a fresh distribution of patronage and power for the benefit of individuals.

OBJECTIONS TO A SPRING ELECTION.

Section 3 of the bill provides for the election of a Mayor on the first Tuesday of April in every second year, who shall enter on the duties of his office on the 1st of May succeeding his election.

Section 4 provides that whenever the President of the Board of Aldermen becomes acting Mayor, in the case of a vacancy in the Mayor's office, he shall continue to act as Mayor until the 1st day of May succeeding the next election at which a Mayor can be chosen. It is apparent, therefore, that if a vacancy should occur between the first Tuesday in April in any election year and the following 1st of May the Mayor-elect and the President of the Board of Aldermen would both be Mayors for the next two years. The bill gives each of them a clear title to the office.

Section 8 takes away from the Board of Aldermen the power of confirmation of heads of departments and the Chamberlain. These officers in the city of New York are each charged with the performance of most important duties and with great powers and responsibilities. To give to the Mayor sole and absolute power to appoint and remove them is contrary to the whole theory of our government, and might be very dangerous to all public interests if the office of Mayor should chance to fall into bad hands.

OBJECTION TO ABOLISHING THE PARK DEPARTMENT.

Section 9 abolishes the present Commission of Public Parks, and declares that hereafter the head of the Department of Public Parks in said city shall be an officer called the Commissioner of Parks, who shall hold office four years and receive a salary of $5,000. The officers of the present Department of Public Parks have generally discharged their duties to the entire satisfaction of the public. They serve without pay, and there can be no apparent object in legislating them out of office, unless it be to place undue power in the hands of some one man.

WHY THE DEPARTMENT OF PUBLIC WORKS SHOULD CONTINUE.

Section 10 provides that the Department of Public Works shall have charge and control of the construction, maintenance and management of all the public squares, parks and places, and their adjoining sidewalks, while section 11 declares that all the powers now possessed by the Department of Parks not continued in that department by this bill shall be turned over to the Department of Public Works. The sixth subdivision of the thirteenth section further declares that the Department of Public Works shall have control of the construction, erection, maintenance and care of all buildings now belonging to or hereafter to be erected for the city, except those of the Police, Fire, Charity and Educational Departments. By comparing these two sections it appears that the act, either intentionally or by accident, transfers to the Department of Public Works absolute control of all city buildings in the parks.

This provision will certainly result in a conflict of authority between these two departments. It seems impossible that such radical changes in so important a department should be countenanced. It is very essential to the efficiency of the Park Department that it should have exclusive and ample authority not only about the grounds, but over the buildings situated within the grounds of which they take charge. I understand that in Central Park alone there are buildings used for park purposes, for housing animals and curiosities, for restaurants and similar purposes, the control of which is an absolute necessity to the proper government and regulation of the Park. The Department of Public Works has no other jurisdiction or control over the parks or any part of them, and the regulation of these park buildings is entirely foreign to the purposes of its organization. There are beside these, subject to the sweeping transfer of the bill, certain buildings erected by the city and intended as an art gallery and a museum, in Central Park and in Manhattan square. The statute providing for the erection of these buildings vests in the trustees of collections designed to be placed therein the care and control of the buildings. This bill places these buildings also under the control of the Commissioner of Public Works, and the effect of the transfer will probably be to deprive the city of the benefit of the collections intended to be placed there.

RESULTANT LITIGATIONS.

Again, the twelfth section provides that the Board of Street Opening and Improvements shall, in addition to their present powers, have exclusive power to acquire title to any streets, roads, avenues and public places in said city. This section, if enacted, will at once become the basis of countless litigations. Its strict language authorizes this Board to acquire from the city the title to existing streets only. It gives no power to acquire title to land required for streets nor any grant of the powers necessary to the exercise of such authority. As I understand existing statutes the present power of the Board enables them to acquire land for the purposes mentioned south of Fifty-ninth street, but they have no such power above Fifty-ninth street, and this bill gives them none; for it must be remembered that a statute conferring any such power is in derogation of private rights and would receive a strict construction from any court. The attempt under this crude and general section to acquire necessary lands for street purposes would undoubtedly result in complicated litigations, with a strong probability that the city would be ultimately unsuccessful.

A CONFLICT OF AUTHORITY.

Another very serious defect appears upon comparison of the tenth section with the first subdivision of the fourteenth section. The former provides that the Department of Public Parks shall have charge of the sidewalks immediately adjoining any of said public parks, squares and places. This clearly restricts the jurisdiction of that department to the sidewalk immediately bordering on any given park or square. The latter provision declares that the Department of Public Works shall have charge of "the streets, roads, avenues and places of the city, not including any of such works within any park or place, or in or on the sidewalks of any street, road or avenue immediately adjoining any park or place." This excludes from the control of the Public Works Department both sidewalks of every street bordering on a public park or place. The tenth section having given the Department of Parks control of only the sidewalk adjacent to the public squares, it is clear that one sidewalk on every street contiguous to any public square is utterly beyond the jurisdiction of anybody.

TRANSFERRING THE DOCKS TO PUBLIC WORKS.

One of the gravest objections to the bill is its attempt to transfer the control of the Department of Docks to a bureau in the Department of Public Works. There is no greater or more important interest connected with the commerce of the city with all parts of the world than its immense line of docks, wharfs and ships, extending already a distance of about fifteen miles around the city and destined to extend much farther. The proper management of this immense line is of the utmost importance to the commercial interests of the city. It lies at the very entrance of the great commercial operations of the metropolis. There is no department requiring a more honest and able administration. I am informed that there is no complaint of the faithful and efficient manner in which the affairs of that department are conducted by the present commission, and yet the bill proposes to abolish the commission and to transfer all its powers and duties to a subordinate officer to be appointed by the Commissioner of Public Works and to be called an "Engineer of Docks." The impropriety of such a change must be apparent to every one. In all the discussion which has taken place before me no one has attempted to defend this portion of the bill. It is moreover alleged to be in violation of the constitution. Section 2 of article 10 of the constitution provides that all city officers whose election or appointment is not provided for by the constitution shall be elected by the electors of the city, or appointed by such authorities thereof as the Legislature shall designate for that purpose. This bill delegates extensive governmental powers affecting private property, not to any city officers elected by the people or appointed by any designated city authority, but to a bureau whose chief officer is called the Engineer of Docks. No specific duties and no defined powers are devolved either on the bureau or its head, although by implication the whole governmental power now existing on the subject is sought to be given to an inferior officer of a department of the city government. If he has this power he is a city officer, and constitutionally should be elected or appointed as above. If he has not this power the control of this vast interest is nowhere and is not committed to anybody.

UTILIZING LABOR.

Another expensive change proposed by this bill is that in the event of its becoming a law the Department of Public Works, which is compelled to do its work upon contract furnished on sealed bids, would be unable to receive or use the services of prisoners or paupers in the erection of buildings necessary for the purposes of the Department of Charities and Correction. Such buildings during the last few years have been erected at a merely nominal cost to the city by utilizing such labor. This bill, if enacted, would compel the treasury to pay for outside labor upon such erection, while the classes named would be supported from the same treasury in idleness.

LEGAL DIFFICULTIES.

Section 20 provides that "the head of the Department of Public Charities and Correction in said city shall hereafter be two officers, called the Commissioners of Public Charities and Correction. The commissioner who was president of said department on the 1st day of March, 1877, and the other having the shortest term to serve shall be the commissioners." The third Commissioner now existing is legislated out of office. Section 21 of the bill provides that the Fire Department of the city shall hereafter have for its head a commissioner to be known as the Fire Commissioner for the city of New York; that the Commissioner who was president of the said department on March 1 last shall be the head of the department until the expiration of his present term of office, or until a vacancy occurs, as now provided by law. Section twenty-five enacts that the Police Department shall be composed hereafter of two persons, and declares that the Commissioners who were president and treasurer of said Board on March 1st last shall continue to be such commissioners, while the office of the other commissioners shall cease after the passage of this act. Of these three provisions it is hardly necessary to say that they are all in conflict with section two, of article ten of the constitution. The officers of these three departments can constitutionally only be appointed by the electors of the city or some city authorities designated by the Legislature for that purpose. They were elected members of the Boards, in which they exercised far less power than those delegated to them by this bill. The effect of these three sections is nothing more or less than a legislative election of officers named to new positions created by this act. The same question has been substantially heard and settled by the Court of Appeals in several reported cases, notable "The People against Albertson," 55th New York, 56; "Warner against the People," 25 Del., 272, 340, and numerous others. In any event, if this bill should become a law, those changes will be fruitful sources of litigation.

AN AUTOCRAT IN OFFICE.

Beside the constitutional question the provision as to the Fire Department has two glaring defects. First, it legislates out of office two of the present Commissioners, and legislates into office, as sole autocrat of the department, the present President of the commission, already under serious charges of malfeasance, giving him absolute control of the department. Second, it gives to the Fire Department the incongruous duty of supervising buildings, now devolving upon the Commissioner of Buildings, when their duty, above all others, needs to be confined to the special object for which they are organized, to wit, the extinguishment of fires.

Section 29 of the bill declares that the Counsel to the Corporation shall, in virtue of his office, be Public Administrator of the city of New York. This section is plainly unconstitutional. The Public Administrator has been a city officer of New York since 1819, and in all that long period very few changes in his powers and duties have been made. The office is within the meaning of the constitutional provision above cited, and to make the Corporation Counsel Public Administrator is simply to legislate an individual into office.

THE BILL CRUDE AND DEFECTIVE.

It is needless to go further into the details of this bill. Almost every section of it is defective, abounding with inconsistencies and crude or unconstitutional provisions. Claimed to be in the interest of economy, it is very evident that its imperfections are likely to cause much more loss than gain in that direction.

I abstain from any discussion of the subject of a spring election. There are wide differences of opinion between good men upon that question. It must be borne in mind that the experiment was tried for many years; but it was abandoned under the general belief that its advantages were not sufficient to justify the unavoidable expense, excitement and labor attending it. More recently a December election was tried for a short time, and then abandoned for the same reasons.

The great need of the city is a charter framed upon sound and comprehensive principles for the protection of the rights and interests of the people, without regard to office-holders, office-seekers or schemes of personal profit. When such a charter shall be adopted, shall restore to the people of the city the right of local self-government without legislative interference in its municipal affairs; shall sweep away the huge mass of partial and corrupt legislation under which the city has been buried; shall provide for the funding of the immense debt at a moderate rate of interest, and forbid the creation of any more, we may expect a brighter and better day for the city. Until then all such crude and imperfect acts as the one herewith returned will only add to the confusion and uncertainty which now prevails.

A. ROBINSON.

A MOB IN THE CAPITOL.

One of the most painful, disgraceful and discouraging scenes that has ever transpired in this city since the capital of the State was placed here happened this evening, when over four hundred working men attempted to browbeat the Legislature into passing over the Governor's veto the one million appropriation for the new Capitol building. Those who voted against the motion to override the Governor's veto were hooted at from the galleries and threatened with personal violence. So great was the commotion that Lieutenant Governor Dorsheimer telegraphed for a force of police.

STORY OF THE DISTURBANCE.

The proceedings began and continued in this way:—

Husted made a report from the Ways and Means Committee questioning the Governor's conclusions in his veto message, and attempting to show the falsity of his position on the items which he vetoed. The report having been read, Husted moved to lay so much of the report of items vetoed as did not refer to the new Capitol on the table. This was carried, the democrats voting in the negative. A motion was then made by Mr. Maynard, of Delaware, to lay that part of the veto message also on the table. This was lost, the republicans voting in the negative, along with several democrats. The question then came up, Shall the item appropriating one million for the building of the Capitol pass, notwithstanding the Governor's veto? This was lost, by a vote of 35 to 40.

STUMP SPEECHES TO THE GALLERIES.

During the taking of the roll call the leaders of the two parties took advantage of the rule which permits them to ask excuses for voting and made brief stump speeches to the galleries. These speeches were, of course, all directed to the end of making political capital on either side, and a more disgusting exhibition of servility to the mob was never before seen. With a few signal exceptions not a man rose above the level of the commonest order of demagogues.

MEMBERS THREATENED.

Members were threatened with personal violence. Purdy, Spinola, Grady, Stein, Mitchell, Childs, of Seneca; Ecclestine and others who voted and spoke against overriding the veto, were saluted with opprobrious terms, accompanied with threats that if they dared to come out they would suffer. Finally the crowd left the galleries and formed in a dense mass in front of the Executive Chamber, where they indulged in threats against the Governor, groans for those who had voted to sustain his veto and cheers for Husted, Harris and the republican party.

A MEEKER ASSAULTED.

Mr. Childs, one of the men who had spoken in favor of the veto, was recognized while pressing through the crowd and assaulted. His friends finally succeeded in getting him back into the Assembly Chamber without serious injury. Many members feared to pass through the infuriated mob and escaped by the rear and side doors. Spinola, with his wonderful collar, was seen making good time down hill for the Delavan.

A SPEECH TO THE MOB.

Graham, of Monroe, well known among the labor organizations, made a speech to the mob counselling moderation and advising them to go home. They refused to listen to his counsel, and kept up a continual bedlam of cheers and groans which fairly shook the old Capitol. For nearly an hour this most disgraceful scene continued, when the police arrived and drove the mob from the Capitol, and then they entirely dispersed. The city is quiet at midnight.

CRITICISM ON THE VETO OF THE SUPPLY BILL.

The Ways and Means Committee made an extended report on the veto message of the Governor on the Supply bill to-day. The items objected to were taken up seriatim and the objections criticised often in a very caustic manner. After referring to the private claim of Mr. Eaton, which it defends, and to the appropriation for law libraries, a smaller item having been approved by Mr. Tilden last year, it proceeds:—

THE INSANE ASYLUMS.

It is well understood that there are in the State several thousand unfortunate insane more than can be provided for in our asylums, and that especially at the Willard Asylum there is great necessity for additional provisions for the care of the insane poor, a separate apartment for females being imperatively needed. The appropriations heretofore made for the Buffalo and Hudson River asylums, particularly for the former, will be of little avail until the buildings shall be completed. The items, if approved, would be all that would be required for some years to come beyond the salaries of officers, and would furnish accommodations for several hundred of the unfortunate citizens referred to. Humanity approves of these items, and your committee cannot commend that indifference to the wants of this class of the State's beneficiaries which can consent to refuse all appropriations for their relief because it cannot dictate the exact amount thereof.

ALLEGED UNJUST DISCRIMINATIONS.

And we deprecate the blow that strikes at the noble charities of the State and cripples their efficiency for a year, because their appropriations are said to be large, but does not arrest an appropriation for a favored penal institution, although it is $75,000 in excess of the appropriation of last year; nor, further, can we appreciate the justice of the Executive discrimination which favors an appropriation for juvenile delinquents at the Catholic Protectory, but disapproves an appropriation for the deaf mutes at Rome.

We do not object to the appropriation of $4,000 for furniture for the Executive Mansion, but we cannot recognize any wisdom or propriety in the appropriation if it is unwise and improper to appropriate $5,000 for the promotion and encouragement of agriculture in the State, and in view of the fact that while he does not approve the latter item on the ground of its unconstitutionality, he has in the general appropriation approved an item of the same import in the following language:—"To the promotion of agriculture in this State, $20,000."

THE PUBLIC BUILDINGS.

Although the message covers numerous items it is chiefly directed to the mere postponement of unavoidable work upon public buildings. The whole amount vetoed is about $1,560,000, of which $1,000,000 were for the new Capitol, $433,000 were for the several State asylums and $25,000 for proposed monuments, all the other items being of small amounts and no general importance, and making in the aggregate the sum of $88,000. The message is thus practically reduced to a veto of the appropriations for the several public buildings which the State is constructing, and the only question it presents is whether the inevitable work required to finish them shall be delayed or not. It is to be observed that it is not a question of saving the sums for these purposes embraced in the veto. If they could be saved without injury to any public interest, that object would justly demand the assent of the people's representatives; but it is conceded that these structures, all of which are well advanced, must be finished. The State cannot leave them where they are. To do so would be to sacrifice all they have hitherto cost and to forfeit all the use and advantage expected from them. Whether it was wise or unwise to undertake them, they must now be completed, and thus the only question is not one of escaping the expenditure, but simply whether the work shall proceed or whether it shall be put off until some future time.

THE POLICY OF THE STATE.

On this point the State has deliberately adopted a definite policy—a policy which was accepted without out opposition last year, and which the Legislature has understandingly followed this year. It has held that with the large decrease of State taxation growing of the extinguishment of the bounty debt, with labor and materials reduced to the lowest cost and with the urgent need for these buildings, it is wiser and more economical to proceed with the work than to delay it and leave the buildings to suffer from exposure and waste. There is no ultimate saving in putting off an expenditure which must be incurred. The true economy in this case is to press the buildings to a stage where the State will receive some advantage from what it has spent.

THE NEW CAPITOL.

In discussing the new capitol the Governor is led into some mistakes which ought to be corrected. He says that at its commencement the people of the State were assured that it would be completed for $4,000,000. The exact facts are set forth in a report of the Ways and Means Committee made April 30, 1874, Assembly Document No. 152, in the following language:—

The Commissioners have been held in some quarters responsible for the adoption of plans for the Capitol which would necessarily cost more than the sum originally contemplated by the Legislature for its completion. It is deemed by us a matter of justice to the Commissioners to say that in 1870, before any steps had been taken toward the erection of the superstructure, which the Legislature appropriated $1,000,000 for the capitol, and particularly in 1871, when the Legislature appropriated $650,000 for the same purpose after it had been authoritatively informed that the building, in the opinion of the Commissioners, if built upon the modified plans proposed by them, and which were authorized to be made by the Commissioners by the law of 1868, would cost over $10,000,000.

The Legislature assumed all the responsibility for the plans of the building and adopted the same definitely. The Governor says there have already been expended upon it $7,723,605 16. The total sum spent on the building up to the present time is $7,008,018. The amount named by the Governor includes what was expended for land, some of which was purchased years ago for war purposes before the project of a new capitol was contemplated. He says there is no probability that it can be fully finished according to the original plans for less than from $16,000,000 to $20,000,000. This is a very grave error, and the conclusive answer is that responsible bids with reliable sureties are already in to finish the whole for $9,193,515, or without the main towers for $8,658,247, and, with $1,000,000 appropriated this year, the Assembly chamber, the Assembly committee rooms and the rooms for the Court of Appeals can be occupied during the next session, and with another million appropriated next year the Senate chamber and committee rooms, and the Executive chamber can be completed so as to be occupied at the opening of the session of 1879.

It is objected that the building is double the size needed. Even if this were so, to put off the appropriation one year would not make it shrink one-half. The plans at the commencement were widely circulated and criticism thereon invited from the leading citizens of the State, and they met with general approval as only commensurate with the wants of the State. The old Capitol was built for the wants of 600,000 people, the new one for 3,000,000, an increase in each case of about the same proportion.

REPORT OF THE COMMISSIONERS.

The New Capitol Commissioners, in their annual report for 1871, say:—

It has been said that the building is larger than desirable. That objection, if valid, might and ought to have been made at an earlier day, but the Commissioners believe that every person who chooses to look back upon the history of our State and trace its growth and power and forward into the future will join in the conclusion that not long after the completion of this building all the available room within its walls will be needed for the enlarged interests and necessities of our State.

From this principle and understanding the Legislature has since voted and the question of the size of the building has been considered a settled one. It is objected also that that the legislative chambers must be reached by ascending to a height of sixty-two feet from the first step to the main front. This is calculated to mislead, as the building is upon an incline, so that it sinks the basement, which is several feet above the ground in front, below the surface in the rear. It is not so high as the halls of Congress at Washington, and even the present Senate Chamber is reached by an ascent of forty-three steps from the front. The Governor says:—

The halls are long, damp and dark, the rooms badly lighted and ventilated.

He evidently refers to their present condition, being, like all buildings in the process of construction, at its stage of completion boarded up and covered so as largely to exclude the light, but not so as to prevent dripping and dampness.

The testimony taken by the committee which is hereto annexed proves that, when the building is completed, the Governor's criticisms with regard to light, dampness and ventilation will be shown to be entirely without foundation.

The Governor says that "a return to the former style of architecture will involve a loss of at least $200,000." Happily this is a serious mistake. This statement is wholly disproved by the testimony of the superintendent and architect in charge, hereunto appended. As the new or modified plans have not yet been carried out far enough to derange materially the old, and as they contemplated the pulling down one-quarter of the whole girth of the third story, and as a return to the old plans would require a change of only one course of stone, the old plans can be pursued with less cost than the new and with very little loss, as shown by the testimony of the architect and superintendent hereunto appended.

It has been intimated that the appropriations in the public bills for this year are greatly in excess of those for last year. After deducting from the Appropriation bill of last year all appropriations which do not go into the Tax bill, and also all those which are to be reimbursed by railroad and insurance companies and the earnings of the prisons, the amount thereof was $2,404,125. That of the Supply bill with like deductions was $2,059,534. Total, $4,463,659. The Appropriation bill for 1877, with like deductions, calls for $2,252,125; the Supply bill, with like deductions, calls for $2,606,709. Total, $4,858,834. Excess of 1877 over 1876, $395,175. This excess is more than accounted for by the appropriation of $150,000 in the Supply bill of 1877 for the Commissioners of Emigration, which was last year $200,000, but placed in a separate bill; $200,000 additional for the new Capitol over last year; and an item of $50,000 in the Appropriation bill already approved by the Governor, for the purchase of an Executive mansion.

All of which is respectfully submitted.

J. W. HUSTED,
GEORGE I. POST,
JAMES G. GRAHAM,
I. I. HAYES,
T. G. ALVORD,
JOHN T. HOGEBOOM.

THE APPORTIONMENT BILL.

The reading of Mr. Woodin's Apportionment bill was resumed in the Senate this morning, and was finally passed as originally reported, by a vote of 20 to 12. The vote was very much mixed.

THE ARMORY CLAIMS.

The notorious Armory Claims bill was returned to the Senate from the Assembly, with sundry amendments. Mr Woodin moved that the bill be recommitted to the Committee on Cities, which was carried. This means that the last has been seen of this swindle for this session.

ADMINISTRATION OF NEW YORK CITY.

The Assembly also returned the bill to secure better administration of the city of New York with a message that they partially concurred in the report of the Conference Committee and appointed new conference committee on the part disagreed to. Mr. Woodin moved a like committee on the part of the Senate, which was carried. The Chair appointed as such committee Messrs. Woodin, Carpenter and Gerard.

The Repeating act relative to parade ground in New York city was passed to-day.

THE ELLIS INVESTIGATION.

EXAMINATION OF THE CHARGES RELATIVE TO THE THIRD AVENUE SAVINGS BANK.

ALBANY, N. Y., May 18, 1877.

The Senate Banking Committee held a meeting at Congress Hall this morning and continued the investigation of charges against Superintendent Ellis relative to the Third Avenue Savings Bank. Mr. Olmstead appeared as counsel for Mr. Mallon, who makes the charges.

Henry L. Lamb, Deputy Superintendent, was sworn and produced Reid's report of the examination of March 24, 1875, the letter of Ellis to the Attorney General on September 29 recommending the closing of the bank and the regular reports of the bank for January and July previous. Witness had thought it best to close the institution after the report in March, but Mr. Ellis thought it best to await legislation then pending, under which he thought it might recuperate.

Hall Kingsley, deputy clerk, of Albany county, produced the papers on file in his office relative to the proceedings for closing the bank.

ATTORNEY GENERAL FAIRCHILD SWORN.

Attorney General Fairchild testified that he was Deputy Attorney General under Judge Pratt, and had taken charge of the proceedings at the time Carman was appointed receiver of the bank; he was agreed upon by all parties for receiver; the Attorney General never commences proceedings to close up a bank except upon the recommendation of the Bank Superintendent; he had closed up several banks, and all, with one exception, upon the recommendation of the Superintendent; that exception was where a bank had voluntarily moved for a receiver; there was no opposition to the closing up of the Third Avenue Bank, on the part of the trustees, so far as he knew, except that there was a contest as to the amount of bonds which the receiver should give.

MR. ELLIS' TESTIMONY.

Mr. Ellis testified that no bank had been placed in the hands of a receiver since he had been Superintendent except upon his action, unless it was the Uptown German Savings Bank, and that was partially due to his action; Mr. Reid, the examiner, was making an examination of that bank when the President suddenly decided to close it up and applied at once for a receiver; the closing up was partly due to the fact of the examination; he considered Reid a very faithful examiner; had heard no hints of incompetency on his part until these investigations came up.

A letter of instructions from Ellis to Reid, at the beginning of his term, was read, declaring the object of all investigations to be to reach the true condition of the banks without partiality or bias.

Witness resuming, said:—Had always accepted Reid's reports as truthful and correct; it was practically impossible to make an examination of all the banks in the time required by the law of 1871; he had commissioned Reid, Vrooman and Aldrich in April, 1875, to examine the Third Avenue Savings Bank; the records then showed that there had been a great run on the bank, but Howell, the preceding Superintendent, has required certain bonds of the trustees, and the Supreme Court had refused to appoint a receiver upon the same assets which the examination made by Reid and the other two examiners in April showed to be still on hand; these assets remained substantially the same down to 1876; does not think that the value of the bank building had been increased $100,000 in the report during his time.

THE REPORTS.

The reports were here referred to and they showed that the same figures of the cost of the banking house were returned from 1873 up to January, 1875, when it was raised from $165,000 to $175,000. This might have been due to improvements; the examiner returned it in the succeeding March at $180,000; there were about two hundred reports coming in at once; the reports also showed that no increase had been made in the Tarrytown property or in the balance of the real estate during the same term of years, except that a mortgage had been reduced by some $7,000, the interest of the bank in it being correspondingly increased; he had declined to close up the bank on the report of March, 1875, because the present General Savings Bank law was then pending in the Legislature, and he believed under it by a provision for the merging of weak banks with stronger ones he could save a number of weaker ones; he was confident that the closing up of the Third Avenue Savings Bank would precipitate the closing of a number of others, and he hoped, under the merging clause, to save most of them; he went to New York to consult with a number of savings bank people upon the subject.

Mr. Olmstead objected to his saying what other people told him.

Mr. Coleman ruled that the evidence was admissible.

Mr. Ellis, continuing, said that he tried to effect a consolidation of a number of the smaller banks, and talked with the officers upon that subject; it proved to be unsuccessful, however; he would not have consented to merge the Third Avenue, because he had made up his mind it would have to go; the others might go too, if they were not merged; during the summer there were a number of failures among brokers and there was a good deal of anxiety; Duncan, Sherman & Co failed, among others; he consulted with Messrs. John J. Cisco, Morrison, Kennaday, Macy and Stewart, all prominent bank officers, and all of them said the Third Avenue Bank ought not to be closed up under the circumstances, and on that advice he delayed closing up the bank until six weeks afterward; he acted then according to his duty, and he believed now it was to the best interests of the depositors; there were no relations between him and the officers of the bank which would induce him to delay; he did not personally know any of them.

Mr. Olmstead conducted a cross-examination at some length, but without impunging any of the testimony given on the direct examination.

Mr. Ellis said that he usually read over the bank reports, but he did not tabulate them nor do the clerical work required upon them in his office.

The committee then closed the testimony and adjourned.

THE GRAHAM INSURANCE BILL.

ALBANY, N. Y., May 18, 1877.

The Senate Committee on Insurance to-day continued its hearing upon the Graham Insurance bill.

Mr. Pruyn resumed his remarks. He thought the provision relative to proxies should not take effect until next year. There was a most extraordinary provision in the section requiring that one-tenth of the policy holders shall actually vote. He thought such a proportion could not represent the full number, and their actual presence would be an onerous requirement upon them. He thought it was surplusage to require, as in section 15, that no officer, &c., should borrow money upon property of the company. There was a law now to that effect. The section imposing a penalty of $100 for failing to make the statements required by law simply took away from the Legislature power to impose any higher penalty, which should not be. He objected also to the provision relative to increasing the capital stock and to the provision relative to the making of loans, because it was calculated to prevent companies from making good loans in many cases.

Mr. Punnett thought section 2, relative to investments within fifty miles of New York, is objectionable, because it is dangerous to concentrate all a company's property in one neighborhood. He saw no reason why loans should not be made as well in Boston as in Buffalo. The companies would naturally give the preference in their loans to the people of this State, but their right to good loans at a further distance should not be abrogated.

The committee agreed that the section should be stricken out.

It was agreed that the clause limiting the percentage to agents should be stricken out.

The committee then adjourned until to-morrow morning at nine o'clock, but no further testimony is likely to be taken.

ART MATTERS.

SALE OF EDWARD MORAN'S COLLECTION.

The second night's sale of Mr. Edward Moran's collection was by no means so successful as the first. The prices realized were remarkably low, and left but slight margin for remuneration to the artist after the cost of materials had been deducted. On a few of the paintings there was some spirited bidding, but the animation proved temporary and prices relapsed almost immediately to starvation point. One thousand and fifty dollars were obtained for the magnificent canvas, "The Harbor of New York," which is now on exhibition in the National Academy of Design. The following is a list of the prices obtained in detail:—

Orient at Sunrise, Edward Moran	$20
Fire Island Beach, Edward Moran	25
Sundown, Edward Moran	25
Nearing Southwest Spit, Edward Moran	40
Disabled off Cape Hatteras, Edward Moran	47
Moonlight off the Battery, Edward Moran	26
Crossing the Meadows, Edward Moran	18
Brig Entering the Narrows, Edward Moran	26
"You Can't Have Any," C. P. Beam	150
The Fishwife, Edward Moran	22
In the Woods, S. I., Edward Moran	40
Scene near Pittsburg, A. S. Wall	20
Moonlight on the Bay, Edward Moran	100
Barn Yard, S. Tielmann (Dusseldorf)	11
On the Raritan, Edward Moran	60
Overtaken by the Tide, Edward Moran	120
Cromwellian Soldier, Edward Moran	20
The Village Church, S. I., Edward Moran	15
Old Ruin, S. I., Edward Moran	15
South Beach Lighthouse, S. I., Edward Moran	22
Fort Wadsworth, Edward Moran	18
On the Beach at Margate, Edward Moran	100
Landscape, M. Kollock	42
Dessert, Morston Room	130
Palisades of the Hudson, J. F. Cropsey	150
Conneaut Lake, Pa., Mrs. Edward Moran	35
Outskirts of the Forest, Edward Moran	65
Shad Fishing at Robbins' Reef, Edward Moran	42
Autumn on the Wissahickon, Edward Moran	50
On the Hills, Staten Island, Edward Moran	35
Landscape, Walter Blackman	25
At Prayers, M. J. Wood	28
Study of Figure, C. Schusselle	14
Old Fort Dumpling, Edward Moran	30
Orient, L. I., Edward Moran	25
Bluffs by Moonlight, Edward Moran	30
Sunset on the Deep, Edward Moran	32
Orient Bay at Sunrise, Edward Moran	50
On the South Beach, S. I., Edward Moran	60
Fritz, John Moran	15
Cattle Crossing the Hills, Edward Moran	40
Thunder Shower, Fortress Monroe, Edward Moran	47
A Stormy Day, Edward Moran	65
Windy Day at Coney Island, Edward Moran	110
Old Mill at Orient, Edward Moran	22
Ruins of Aspinwall House, Edward Moran	16

Four pictures belonging to Mr. Moran, at present on exhibition at the Academy of Design, were now offered for sale on condition of being delivered at the close of the exhibition in June. They are numbered in the Academy catalogue 33, 177, 305 and 663, and realized respectively $195, $1,050, $260 and $850, sums considerably below the prices asked for them in the Academy. The highest price—$1,050—was brought by "The Harbor of New York."

THE WATER COLORS.

In some instances the prices realized by the water color drawings were relatively better than was obtained for the oil paintings, but not one of them brought anything like the studio prices, as will be seen by the following list:—

On the Wissahickon, Pa., Edward Moran	$13
Autumn, S. I., Edward Moran	10
On the Schuylkill (1), Thomas Moran	16
On the Schuylkill (2), Thomas Moran	16
On the French Coast, Thomas Moran	11
On the Seine (1), Edward Moran	13
On the Seine (2), Edward Moran	13
Fishermen's Huts, Edward Moran	20
Orient, L. I., Edward Moran	47
Casco Bay, Me., Edward Moran	47
Jersey Sands, Edward Moran	37
Near Norman's Woe, Edward Moran	52
The Cardin