

REVISED RECORD

OF THE

CONSTITUTIONAL CONVENTION

OF THE

1873

STATE OF NEW YORK

May 8, 1894, to September 29, 1894

REVISED BY

HON. WILLIAM H. STEELE,

VICE-PRESIDENT OF THE CONSTITUTIONAL CONVENTION OF 1894,

Pursuant to Chap. 21, Laws of 1898.

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1900.

Mr. Root — Mr. President, I call for the reading of the special order.

The President — The next order is the forestry order.

Mr. McClure — I move that we go into Committee of the Whole on that.

The President put the question on the motion of Mr. McClure, and it was determined in the affirmative.

The President — Mr. Roche will please take the chair.

Mr. Roche took the chair and the House resolved itself into Committee of the Whole on general order No. 92.

The Chairman — The House is now in Committee of the Whole for the consideration of general order No. 92 (introductory No. 393). The limit of time upon this general order has been fixed at two hours.

Mr. McClure — Mr. Chairman, I make the customary motion to strike out the first section.

The Chairman — The Clerk will please read the proposed amendment.

The Clerk read the the amendment as follows:

Proposed constitutional amendment to amend the Constitution relative to the forest preserve.

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

ARTICLE —.

“Section —. All lands of the State now owned, or hereafter acquired, constituting the forest preserves shall be forever kept as wild forest lands; they shall not, nor shall the timber thereon, be sold.”

Mr. McClure — Before proceeding to make any remarks upon this amendment generally, I desire as the unanimous act of the committee to offer an amendment by inserting in the third line after the words “forest preserves,” the words “as now fixed by law;” and in the fourth line after the word “not,” the words “be sold or exchanged or be taken by any corporation, public or private.” So that as so amended the whole shall read:

“The lands of the State now owned, or hereafter acquired, constituting the forest preserves, as now fixed by law, shall be forever kept as wild forest lands; they shall not be sold, or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold.”

I hope the members of the Convention understand the force and effect of the amendment proposed. If I may be allowed to say preliminarily, by way of explanation, it is intended by the amendment to at first define what is meant by the words "forest preserves." The Legislature, by the act of 1893, constituted what was called in that act "The Forest Preserves." That act provided that State lands in certain counties should be and thereafter remain the forest preserves, together with lands thereafter acquired in those counties. The object of inserting in here the first amendment as now fixed by law is to prevent the Legislature from at any time limiting the extent of the forest preserves by providing that in a certain county which by the laws of the State is now a part of the forest preserves there should not be included within it, or in any way excepting, any part of the lands within that county. It was thought by the committee desirable to fix it so that as the law now constitutes the forest preserves it shall be so understood to be referred to in the Constitution. The second amendment suggested by the committee adds to the amendment as originally reported a prohibition against the exchange of the lands and a prohibition against the taking of the lands by any corporation, public or private, and the amendment as a whole, as it now stands, first fixes the fact that those lands as now constituted the forest preserves and as shall hereafter become the forest preserves within the limits fixed by law, shall be thereafter held as wild forest lands. And that no part of them shall be sold, no part of them shall be exchanged, no part of them shall be taken by any corporation, public or private, and no part of the timber which is upon those lands shall be sold. The committee, in its report, as the Convention will remember, also referred to a provision which it had been thought desirable by some should be incorporated in the report, and that was the providing for the purchase of lands, much as it was suggested that the Canal Committee should provide for the improvement of the canals; but the gentlemen of the Convention will remember that the Special Committee on Forestry, while approving of the proposition, suggested that it seemed to the committee to be more within the province of the Legislature to provide for the acquisition of additional lands than to incorporate it in an amendment to the Constitution, and, therefore, they left that part of it to the consideration of the Legislature. Therefore, the matter before the Convention is an important amendment simply providing, and insisting upon it, that the lands of the State now owned, and hereafter to be acquired, within the lines of the forest preserves, shall be and remain wild forest lands, not to be sold or exchanged,

and not to be taken by any corporation, public or private, and the timber thereon not to be sold.

The Convention here adjourned to Saturday, September 8, 1894, at ten o'clock A. M.

Saturday Morning, September 8, 1894.

The Constitutional Convention of the State of New York met in the Assembly Chamber, in the Capitol, at Albany, N. Y., on the 8th day of September, 1894, at ten o'clock in the morning.

President Choate called the Convention to order.

The Rev. A. Kennedy Duff offered prayer.

On motion of Mr. Acker, the reading of the Journal of yesterday was dispensed with.

Mr. I. S. Johnson — Some days ago I asked and received from this Convention leave of absence for to-day for the purpose of attending a reunion of my regiment, which meets at my place. I have come to the conclusion that my duty requires me to remain here, and although it would be a great gratification to me to attend the reunion of a regiment which is —

Mr. Veeder — I rise to a point of order.

The President — The point of order is not well taken.

Mr. Veeder — I think you had better try a man before you hang him.

Mr. I. S. Johnson — I say, it would be a great gratification for me to join in the reunion with my regiment in Atlanta, but I feel that a greater duty requires me to remain here, and I shall, therefore, remain, asking to have my leave of absence canceled.

Granted.

Mr. Veeder — I wish to ask leave of absence for Mr. Phipps, of Queens, until he shall have recovered from his recent illness. He informed me last night he was under the care of the doctor, who had forbidden him to come to this chamber for a day or two. He is quite ill.

Granted.

Mr. Francis — Mr. President, I am suffering from a very bad cold. I ask for leave of absence during the sessions of to-day.

Granted.

Mr. Veeder — Mr. President, may I be excused from the session this afternoon?

Granted.

Mr. Parmenter — Mr. President, I desire to be excused from this afternoon's session.

Granted.

Mr. Platzek — On behalf of Mr. Eugene Durnin, I ask that he be excused to-day on account of illness.

Granted.

Mr. Holls — Mr. President, I move that the afternoon session to-day be from two to four, instead of from three to five.

The President put the motion, and it was determined in the affirmative.

The President — Mr. Roche will please resume the chair.

The Convention then went into Committee of the Whole, Mr. Roche being in the chair.

The Chairman — The Convention is now in Committee of the Whole for the further consideration of general order No. 72, relating to the forest preserves. Mr. McClure, of New York, had the floor when the recess was taken last evening and is now entitled to it. I will state further that the time limit of debate upon this proposition is two hours, and that five minutes of that time were consumed last evening.

Mr. McClure — Mr. Chairman, my somewhat accidental connection with this forest preservation matter, and its introduction at a very late day in the Convention, at first induced the idea of a lack of importance in the subject. But I have been wonderfully impressed, Mr. Chairman, by the importance, the magnitude of this question, and excepting a very recent interval of time when a matter to me of most solemn and imposing moment distracted me, the existence of which this Convention so gracefully recognized, and for which the members have my gratitude, I have given the subject the closest attention. It has surprised me with an ever-increasing surprise that this matter of all the questions affecting the people of the State should have been left to so late a day and be the subject of almost accidental action at last. As I look at it now, Mr. Chairman, it seems to be almost the only great and important subject, which at the inception of this Convention demanded prompt relief and action in the interests of the people of this State. So far as the State government was concerned, it seemed that the State was rolling on in magnificent greatness, out of debt, with immense special revenues that preclude the necessity of general taxation, with everything within its borders peaceable and quiet, riot and disorder shown to be unprofitable, and the State gradually increasing in wealth and

power. It seemed that the method of securing proper representation of the people in the State government was nearly correct, because a great party which benefited by an apportionment made only two years ago was easily succeeded in supremacy by the other great party. Our courts, Mr. Chairman, judging by the action of this Convention, in their regard, did not seem to require that any action of importance should be taken; looking at the subject-matter as fairly as I can and allowing for all existing conditions, in the failure of relief, as to the Court of Appeals, I fail to see that any great measure of relief to the people has been granted, so far as the courts are concerned; the officers of the militia of our State, perfectly ready and able at the command of the chief executive of the State to suppress disorders, were not in need of action by the Convention. Our cities have grown great and magnificent under the provisions of the Constitution in force and effect when this body convened on the eighth of May last, great not only in material prosperity, not only in the lack of oppression in the taxation of their citizens—great in public and private buildings, but magnificent in everything that should appertain to the cities of our great State. Our educational matters were and are the wonder and the admiration of the world, our public school system, grand and to be forever perpetuated, and our private educational system unrivaled. Our charities were immense, intelligent and widespread, and the pride of all of our people. We stood here on the eighth day of May feeling that the people of this State were convinced that they were living under a fairly good Constitution and did not need any actual, positive or sweeping change. And yet, one great matter affecting, not the success temporary or permanent of any party, not affecting any corporations or individuals in their own selfish interest, but vitally affecting the great people of the State and their great necessity, stood crying for relief at the hands of this Convention. "The hills, rock-ribbed and ancient as the sun—the venerable woods—rivers that moved in majesty—and the complaining brooks that make the meadows green," these for years had been neglected by the people of the State and the great men of our State, the men of public spirit generally, had forgotten that it was necessary for the life, the health, the safety, and the comfort not to speak of the luxury of the people of this State, that our forests should be preserved. (Applause.)

What are these forest lands, Mr. Chairman? In a report of the Forestry Commission, which has in charge the forest reserve of the State, it is stated that there are in the great forests of northern New York 3,588,803 acres of forest lands; that of these lands the State

owns 710,450 acres; that this Forestry Commission has, in these great northern forests of New York, laid out the lines of what is designated as the Adirondack Park. For the better elucidation of the subject the committee has taken the liberty of producing in this chamber a map made by the Forestry Commission, which shows upon it all of the lands within those lines, with the lands owned by the State, specially colored. You will see, gentlemen of the Convention, that those lands owned by the State, within the arbitrary blue line which marks the Adirondack Park, are very much scattered, and that on the outside and even in the extreme northeast corner of the State there are lands belonging to the State which are valuable forest lands.

Mr. Chairman, this State owns, besides the land in northern New York or the Adirondacks, in the Catskill preserve 49,332 acres, and the whole forest preserve there, as reported by the Forestry Commission, consists of 2,200,000 acres of contiguous forest lands. Now, Mr. Chairman and gentlemen, the question naturally suggests itself at this point; what do these lands consist of and what are they available for? How are they made up? What is their nature? And as in some of these matters I have had occasion to draw from the experience and take advantage of the labors of others, I will call your attention briefly to a very lucid and valuable explanation as to the condition of these lands given in a speech made a few years ago by the Hon. George W. Smith, of Herkimer, N. Y., in the State Assembly. He says:

“The State owns a vast expanse of forest, part of what is known as the Adirondack region, comprising from 3,000 to 5,000 square miles. Of this area 2,000 to 3,000 square miles are so elevated that its lakes and rivers are from 1,500 to 2,000 feet above the sea level, and some of its mountains exceed an altitude of 5,000 feet, Tahawus (Mount Marcy) cleaving the clouds at a height of 5,344 feet. This general elevation repels from its borders all profitable agriculture, with a barrier of frost. All attempts at farming at these heights have proved unsuccessful and ruinous. A belt of abandoned clearings bearing the relics of the homes of early and misguided settlers surrounds the basis of the ‘foot hills’ of this elevation, and marks the limit of successful cultivation. Even the lumbering enterprises that have penetrated far into these wilds have generally brought those engaged in them into bankruptcy. This territory is vastly more valuable to the people of the State in its present condition than it can be by any change.

“Now, as from the time when those rocky peaks — the first-born

of continents — rose from a surrounding chaos to meet the primeval sun at his coming, they still hold the fountains that supply an important if not the chief river system of this State. There are found the sources of the Hudson, the Saranac, the Salmon, the Racket, the Grasse, the Oswegatchie, the Indian, the Black, the East and the West Canada, and many others, a great distribution of waters upon which the future prosperity and welfare of the State very largely depends, and vast interests can be preserved only by preventing, now and forever, the encroachments and waste that are destroying our great northern forests.

“ Science informs us by what slow processes that primeval rock came to be clothed with vegetation — first, by the minute growth of mosses, by their providing a slight vegetable deposit, in which forms of vegetation found a root-hold, and finally, after the lapse of ages, the soil became adequate to the support of trees and the beginning of a forest. What has been forming during the lapse of uncounted ages can be swept away in a few years by the acts of the lumbermen and the fires that follow in his path.

“ At this time, in those chasms and in those lakes and streams, protected by evergreen woods, are great natural reservoirs, useful to far distant parts of the State. There, ever since forests began to grow, has been woven a mantle that covers the hills and mountain slopes, a vast spongy mass of vegetable matter made up of leaves, the needles and cones of the pine, the spruce, the hemlock, the balsam, and other growths which, in that air and temperature, are compressed, without decaying to humus or soil, into what may be fitly called a stratum of vegetable felt, or sponge, from a foot to several feet in thickness. This, lying in the deep shades of these wide-spread evergreen woods, receives and holds suspended the waters coming from the melting snows in the spring and the frequent rains that fall from the clouds that are arrested and condensed on these heights. This capacious cistern, extending over this region, is more useful in storing up the water from snows and rainfall than the lakes themselves. It thus prevents sudden floods in spring, and during summer slowly feeds from its hidden but unfailing sources, the fountains and rivulets, and fills the chasms and lakes with a gradual and constant supply.”

He declares in another place that there are no natural springs of any consequence in the Adirondacks, and that all of the waters which flow from the hills of that region are the gatherings of the rainfalls, stored in the manner described by him. Now, it may be important to notice a fact which is probably well known to all of you; that in the mountains and by the trees on the mountains the

rains are gathered to an extent that, set forth in figures, may be somewhat surprising. The Hon. Verplanck Colvin, State Surveyor of this State for many years, in an address delivered in the city of New York in 1885, made this statement:

“Five years since, in my annual report to the Legislature for 1880, I called especial attention to the remarkable facts which the rainfall observations of the Adirondack Survey had revealed. The increase of the rainfall, with the increase of altitude, was shown to be very remarkable. Along the borders of Lake Champlain, at 100 feet above the sea, a rainfall of twenty-three inches was found. At an elevation of 1,000 feet, a few miles back in the Adirondacks, the average rainfall of a number of years has been found to be about thirty inches, and at an elevation of 2,000 feet, at Edmund’s Ponds, in Essex county, one year’s observations give a rainfall of forty-six inches.

“These results indicate that the conditions which govern the rainfall in our mountains are similar to those controlling the rainfall of Europe, and with the data obtained by the Adirondack Survey, and the known laws of rainfall, we may arrive at just conclusions as to the exact commercial value of the actually available hydraulic power of the Adirondack region.”

Now, Mr. Chairman, I have presented an explanation, rather brief, but clear, of the secretive powers of this created, not natural, soil in the Adirondack region, and the great reservoir which did and to a certain extent still does exist there from and by which the streams and the rivers are fed. What is the value of these woods and why should we try to preserve them intact? First of all, because they are the woods — and in passing let me say, this State, strange as it may appear, has a very small proportion of its area in forest lands. Only eighteen per cent of all of its lands is in forests, while Germany, that crowded country where the people live much from the product of the soil, are, like the people of this State, largely engaged in mercantile pursuits and in other ways than by cultivating the soil, has twenty-nine per cent. The soil in these Adirondack mountains is unfit for cultivation. No man, no matter how industrious and hard-working he may be, can secure a livelihood from the soil in the Adirondacks. It has been tried and it has been to many a heart-breaking failure. The lands are fit for none other than public and general uses.

And what are these? First, as a great resort for the people of this State. When tired of the trials, tribulations and annoyances of business and every-day life in the man-made town, they offer to man a place of retirement. There, if he is possessed of great vener-

ation, he may find some consolation in communing with that great Father of all, whose "hand hath reared those columns and who filleth their solitude." For man and for woman thoroughly tired out, desiring peace and quiet, these woods are inestimable in value. My friend, the distinguished President, suggests that when a great question was before the body involving the stability, the dignity, the purity of family life, one distinguished member of this body, to prepare himself for the enunciation of the sentiments that should flow upon such an occasion, retreated to the fastnesses of these woods, and, sir, the result, eloquent and convincing, appears in the records of this Convention. It is priceless as a place for seeking, finding and preserving health. Any of you, if any there are, who have had relatives or friends whose lives have been prolonged in those mountains by the balmy air and soft breezes which fill the place, know how invaluable these woods are for such purpose.

And then, again, Mr. Chairman, for the wants, the actual physical wants of the people in general, we need the waters of those mountain streams and lakes, and of the rivers that are fed by them. We cannot have navigation of our rivers if we do not have the water, and railroad monopoly prevails to an extent that is grinding when there is not competition. You will not have your steamboats patrolling the rivers, not even the majestic Hudson, very long, if you do not preserve the watersheds. At this day, as my neighbor from Troy tells me, it is at times impossible for the large steamboats to reach their wharves and load at them at the city of Troy, and I am told by a delegate from Glens Falls that the great Hudson at that point, which used to be even in midsummer almost impassable, was so reduced that he could walk across it on the day upon which this Convention met without wetting his shoes. Bars have risen in the Hudson on account of the washing down from these mountains, from which trees have been taken, and everywhere we have seen the falling of the waters to an extent that has been dangerous. Lake Champlain has fallen, as testified by one of the residents of that section, to an extent that, whereas the head of navigation was at Whitehall some years ago, it is now some thirty or forty miles to the north, and the lake has visibly decreased in quantity. Lake George is one foot lower than it was a few years ago, and the dire effects proceed directly from the denuding of the Adirondack forests of the trees that were the protection of this great reservoir.

We will one day need that water stored in the Adirondacks to drink in the city of New York. That city, growing as it is immensely every day, not only in general greatness, in wealth and

prosperity, in refinement, in charity, but growing in numbers and growing steadily to the north — what is to happen when it shall include Yonkers and the places above that city, as it will within your time, Mr. Chairman, and mine, and where will the people get their water supply? The Croton Vally now is barely able to meet the wants of the people. That water, which is necessary, which is not only luxury, but which is life, will have to be taken from the Great Lakes, from Lake Champlain and the other lakes in the Adirondack mountains. This is not my idea alone. Mr. Chairman; and allow me for a moment upon this subject to quote from the language of a writer well known to the members of this Convention, the Rev. W. H. H. Murray, known as Adirondack Murray. Speaking of the increase of population of New York city and its future, he says:

“England and Wales have 26,000,000 of population. Out of this mass London has arisen, with over 4,000,000 of inhabitants. Can any intelligent person doubt that within a century, or two centuries at the latest, New York will equal, if not exceed, London in point of citizenship? Are not the same forces which created London in operation here, and even more potentially? Where will New York get her water supply then? That such a densely populated city must have water in plenty and of the purest goes without saying. Where can she find it? To this there is but one answer: she must go to the Adirondacks. There, amid the mountains and woods, adequate as to elevations, perfect as to quality for human uses, inexhaustible in supply, God, as if in providential foresight of coming need, has benignantly stored ample provision for all coming time. Never before did a city have such reservoirs of health and blessing, filled, without cost to her, to the brim and held in everlasting reserve. Heretofore the Adirondacks have stood as a symbol of sport, of recreation and pleasure-seeking, but the time will come when every man, woman and child in this great city, as they quench their thirst with the soft, pure water that has come to them fresh and cool from the lakes and rills of the far-away woods, will recognize the higher uses of the great wilderness, and thank God for it as His choicest gift to them.” (Applause.)

And then, Mr. Chairman, as a protection against fire! Science has not yet devised or discovered the means of quenching great fires except by water, and I believe that the gentlemen of this Convention will be amazed when they are given the aggregate amount of property insured against loss by fire in the great city of New York alone. I have had furnished to me by the chairman of the Board of Underwriters a statement which shows that the amount of policies

now written covering property in the city of New York alone, not regarding the territory north of it or in any way connected with it, but in itself, as being two thousand millions of dollars. And where shall we get the water for the safety of our property when we shall have drained the Croton Valley dry, unless we protect our interests in these woods and take the waters from them? (Applause.)

Now, Mr. Chairman, these are some few suggestions as to the value of these woods, the influence of the protection of these watersheds. What has been the experience of and what has been the action in other States and countries in the matters of the destruction and protection of the watersheds of those countries, and what have they suffered from their effects? In a petition which was sent here, there is recounted the terrible disasters that fell upon the people of the old world as well as of the new. This petition states:

“Of the regions bordering on the Mediterranean sea, there is none, perhaps, that presents a more forcible example of the evils that follow forest-extirpation than that of Africa. During the centuries just preceding the introduction of Christianity, the country extending from the Straits of Gibraltar to the Nile bore witness to a high state of ancient civilization — the Carthaginian and afterward that of Imperial Rome. In the seventh century the period marking the rise of the Mohammedan power, the section now known as Tripoli supported a population estimated at about the same number as New York State at present, of which but one per cent is left. A similar fate has befallen almost all of these provinces, formerly the sites of flourishing commercial and agricultural communities, and possessing a climate resembling that of our eastern border States. With the clearing of their woodlands that protected them from the encroachments of the one and modified the heat of the other, they have been surrendered to the sands of the sea and the furnace breath of the Sahara Desert.

“From Syria, where the land that once ‘flowing with milk and honey’ has become ‘the abomination of desolation,’ this death-line of vegetation continues onward to the Persian Gulf in a broader path. The former greatness of the population of this region and the richness of its soil compared to the sparseness now of the inhabitants and its present sterility may be somewhat realized when it is considered that it was over this highway of the nations that so many of the earlier conquerors led their huge armies to and fro to conquest, from which they were drawn, and upon whose fertility they subsisted. Not less apparent are the effects of forest extirpation upon the healthfulness and productivity of Ceylon, Mauritius, and the Island of Cyprus, so celebrated for its commerce and the sylvan

attractions that nature had lavished upon it. The deserts of South Africa, without rain for months, testify to the same terrible blight. The repeated epidemics that have decimated the Cape Verde and other islands, the famines and droughts in India and China, the decrease in population of inland and seaboard cities with the decay of their wealth, enterprise and importance, can be traced to deforestation.

"In Europe at the present time some of its many evils are realized in the inconveniences to navigation, proceeding from a decrease in the volume of water in many of the larger streams. In fifty years the Elbe and Oder have fallen seventeen inches; the Vistula, twenty-six; the Rhine, twenty-eight, and the Danube, fifty-five, while the partial clearing of the Valley of the Volga of its forests has had a perceptible effect upon the immense area of the Caspian sea."

Gentlemen, I trouble you with these facts because they are important, because there is no way of providing for the future, except by benefiting by the experience of the past of all of the peoples. I am now recounting to you some of the experiences of the old world.

Translated into measurements for some of our own great lakes, it would mean that a fall of one foot of water in the Caspian sea would be equivalent to a fall of about six feet in Lake Superior, about eight in Lakes Michigan and Huron, eighteen in Lake Erie and twenty-seven in Lake Ontario.

Nor are these evils confined to her waters alone. Some of her most fertile sections, overwhelmed by torrents and avalanches of snow, mud, gravel and rock, have been deserted by their inhabitants. Blanqui, the eminent political economist, in a memoir read before the Academy of Moral and Political Science, thus expresses himself: 'The Alps or Provence present a terrible aspect. In the more equable climate of northern France one can form no conception of those parched mountain gorges, where not even a bush can be found to shelter a bird; where, at most, the wanderer sees in summer here and there a withered lavender, where all the springs are dried up, and where a dead silence, hardly broken by even the hum of an insect, prevails; but if a storm bursts forth, masses of water suddenly shoot from the mountain heights into the shattered gulfs, waste without irrigating, deluge without refreshing, the soil, they overflow in their swift descent, and leave it more seared than it was for want of moisture. Man at last retires from the fearful desert, and I have, the present season, found not a living soul in districts where I remember to have enjoyed hospitality thirty years ago.'

"Warned by the magnitude and the deplorable consequences of

such disasters, the 'French government has adopted the policy of reclothing the denuded slopes with tree growths and sods in seventeen departments impoverished and depopulated by the washing of the soil, the torrential action of the rivers, and the repeated floods. In those departments the population had diminished from ten to twenty per cent within less than twenty years, and fertile fields had been covered up for more than 100 miles from the source of the soil with the debris brought from the mountains by the rushing torrents. During the last thirty years the government has expended over \$35,000,000 for the restoration of these mountains, and expects to expend more than the same amount in addition before the damage is repaired.' "

Germany is also spending untold millions endeavoring to restore the forests; but in the two countries of France and Germany, the authorities take such care of the trees that an individual owner is not allowed to cut a tree unless a forest expert has marked it and declared that it might properly be cut down, having regard to what remained; and the requirement is that for every belt of trees cut another belt shall be planted; and those are countries where there is the natural rich soil in which the trees grow and flourish with rapidity, not like the soil in the Adirondack and in the Catskill mountains.

In our own country great suffering has resulted from deforestation. The commerce of the Connecticut river has been to a large extent destroyed by the destruction of the trees along its banks and in the watersheds and the steamers are not able now to go as high, by miles, on the river, as they were some years ago. The Ohio river is not navigable near some of its large cities in the summer time for the same reason; and everywhere we find the result following the evil of the great destruction of these forest trees. Why, the government of the United States has seen fit to take care of its forests away off in the Yellowstone region and to employ some of its small army to guard the forests from the inroads of those who would produce devastation among them. And yet, in the State of New York men have sat still during all of these years while our forests have been swept of their trees, the people deprived of the life-giving waters which would have flowed thereunder, and our commerce allowed to suffer. No Legislature has given relief and no Constitutional Convention has deemed the subject worthy of an infringement upon the time to be given to matters of what seemed to be of more material importance.

Mr. Chairman, we must recognize the loss we are suffering. Not only do we lose the water itself, but as every one will agree when you

denude the mountain top of its trees you reduce the acquisition of the water on those mountain tops, you make the water which falls there, in the quantities it does fall, a flood — that flow sweeps down the mountains and tears away whatever of soil may have accumulated, which goes scudding down the streams and from the streams into the rivers, injuring them and destroying our commerce.

I said that no action had been taken on this subject to any great extent. No positive action has been taken by the citizens or by the people generally assembled in great bodies. No political convention of either party has sought to evidence to the people of the State its great interest in the people's interests by providing that that party when in power should give relief in the protection of these forests. Yet the subject has had official action as far back as when De Witt Clinton was Governor of this State. In a message to the Legislature he used these words with reference to the preservation of the forests:

“Gentlemen, the vast interests of the cities of the seaboard, the interests of commerce and manufacture, the interests of agriculture and health, demand at your hands this session the enactment of stringent laws that shall effectually remedy the evils here complained of.”

At that time, gentlemen of the Convention, he was regarding with that far-seeing power that was his, with that genius which insured the immortality of his name in this State, what would be in the future the interests of the seaboard. Horatio Seymour sought some means not only to preserve the forests, but, where they had been cut down, to have trees planted, and, surveyor and engineer as he was, sought a means to accomplish that end. But the soil even in the valleys does not warrant it. It is not a soil that will readily grow to be trees. Governor Hill, in 1890, in a message to the Legislature, called emphatically to its attention the importance of this matter, and that action resulted in the formation and organization of the Forestry Commission. Governor Flower, by repeated, not only annual, but special messages, has called the attention of the Legislature to the necessity not only of saving the forests themselves by protection and the non-sale of lands, but to the necessity of preserving even the timber upon the lands for the protection of the interests of the State. They were only doing what has been done in the old days. As far back as Edward IV, I find there were laws in effect to preserve the forests.

Mr. Chairman, we have lost some of our lands. These lands came to us for nothing upon sales for non-payment of taxes. They cost the State nothing, and yet will you believe it, gentlemen of the

Convention, this imperial State, with no debt, opening the year 1894 with an actual surplus in its treasury, derived during the last year by extraordinary means of taxation, such as collateral inheritance tax, three million of dollars and upwards, and for taxes upon corporations, an extraordinary tax, nearly two millions of dollars, the exact figures being \$1,967,000, will you believe it, that this State has seen fit to peddle out some of those glorious lands, with their trees on them, and even to sell, or contemplate the sale, of the trees themselves for a paltry sum a trunk? Why, the Comptroller of the State, in his report on the first of January, 1894, said:

“The tax rate for 1892-1893 was the lowest, with the exception of 1890-1891, in thirty-six years. The tax levied for the year 1893-1894, deducting extraordinary appropriations for the purchase of Fire Island, and the expenses incurred by reason of the threatened invasion of cholera, the appropriation for the New York State exhibit at the World's Fair, the payment of troops called out during the Buffalo strikes, and the appropriation to pay the balance of the State debt recommended by this department to the Legislature of 1893, was less than for the year 1892-1893.

* * * * *

“If, at the close of the past fiscal year, all the unexpended appropriations in force were paid, and the revenues from all sources due the State were received, the balance in the treasury to the credit of the State would amount to the sum of \$1,600,000. By the increased valuation of the taxable property of the State, about \$500,000 more in taxes will be realized next year, based upon the same tax rate as this year. By the sale of Ward's Island by the State to the city of New York \$500,000 will be received. These items, together with the estimated increase of \$1,000,000 in the corporation and inheritance taxes, amount to \$3,600,000.

“There will be collected and paid into the State treasury for taxes upon corporations and transfers of property during the fiscal year ending September 30, 1894, at least \$6,000,000.

“It will thus be seen that the next tax levy can be safely reduced by at least \$3,000,000, in addition to the \$1,000,000 of extraordinary expenditure that appropriations were made to cover by the Legislature of 1893.

“The people can, therefore, be assured of an exceedingly low tax rate for the ensuing year.”

In 1893 three millions were raised by taxation of dead men's estates and nearly two millions by taxation of corporations. By these extraordinary means, in part, this State is in this grand financial condition.

And how does it spend its money, gentlemen? Twenty millions have been lavished upon this pile, in which at eleven o'clock in the morning it is necessary that the electric light shall be turned on, so that we may see each other's faces, and more millions to go into it before it will be completed; six or eight hundred thousand dollars expended for the transient glory of a State representation at the World's Fair, which passed away in a month or two; nearly two millions for a sentiment in buying the Niagara Falls Reservation as a park. The State has gone on spending untold millions each year, and will you believe, Mr. Chairman, that last year the Legislature which sat here, coming specially to represent the people, refused to give to the Forestry Commission for the preservation by wardens of the forests more than a paltry sum? And the Forestry Commission, hampered by want of funds, has been actually obliged to attempt to sell the timber on the land to obtain the money with which to pay the salaries of the foresters who are supposed to be looking after the interests of the State in the woods. What is the relief?

What shall we do, Mr. Chairman? For every wrong there should be a remedy. For every position not wise or safe there should be some relief. First of all, we should not permit the sale of one acre of land. We should keep all we have. We should not exchange our lands — in an exchange the State is in danger of obtaining the most of the taxing — and there is no necessity why we should part with any of our land. We should not sell a tree or a branch of one. Some people may think in the wisdom of their scientific investigations that you can make the forests better by thinning out and selling to lumbermen some of the trees, regardless of the devastation, the burnings and the stealings that follow in the lumberman's track. But I say to you, gentlemen, no man has yet found it possible to improve upon the ways of nature. In the primeval forest when the tree falls it is practically dead, and when it falls it is a protection to the other trees; it takes in the moisture through its bark, and rottenness, and diffuses it down and into the soil. I do not like the notion of the lumbermen cutting the woods and taking out the best trees and destroying, with every tree he takes, fifty in addition. The plan may work in France, where it is looked after by government officials, where every twig is gathered up and carted away by the poor people to be burned; not left as in the Adirondacks to feed and induce the forest fires. What more should be done? We should prevent the lands being taken by corporations. Corporations generally have little regard for the pleasure, the safety, the wants of the people. Every man in a corporation is willing to shoulder upon his fellow the responsibility when it affects the rights or the interests of

the people. Corporations have destroyed more property in the forest trees than can ever be restored. We do not actually need them in the woods. There ought to be no business there that would require them to be there; and, as a matter of fact, I find from the reports that there is not a railroad in those woods able to pay scarcely more than its operating expenses.

Mr. Choate — Will Mr. McClure allow me to ask him a question?

Mr. McClure — Certainly.

Mr. Choate — Whether the scope of the amendment as it stands is that in no event could the Legislature authorize a railroad or highway to be built through these forests while the amendments lasts?

Mr. McClure — I think so, sir. I would say, Mr. Chairman, in answer to the question that the scope of the matter, as it is amended, is to prevent its being taken by any corporation, public or private.

Mr. Choate — In the case of necessity?

Mr. McClure — In the case of necessity. If our action here is practically unanimous, as I believe it will be, it will probably be followed by action on the part of the Legislature looking to the purchase of more forest lands. We can buy these lands for a trifle. Many of the clubs owning large tracts are willing to put them into the forest preserves so far as preserving the lands as wild lands. Mr. Chairman, our lands should not be sold or exchanged; our timber should not be sold. Finally, the Legislature should purchase all of the forest lands, both in the Adirondacks and the Catskills, not now owned by the State, and should preserve them, even though it costs millions of dollars to do it. The millions so invested will be well spent. Mr. Chairman, the action of this Convention in this regard will prove to the people that it has had the people's interests at heart in sitting here; the action of this body in the adoption of this amendment will be appreciated by all of the people, its benefits will be beyond our most enthusiastic expectations, and the services of the men who accomplish the giving such benefits will be sung by "millions yet to be."

The Chairman — The Chair desires to make this suggestion: there are quite a number of gentlemen who are desirous of speaking upon this subject, and there is but one hour of time left. If each one of them should occupy only five minutes, more than the allotted time would be required. I make this suggestion, so that the gentlemen will govern themselves accordingly, and an effort will be made to accommodate all who desire to speak upon the subject.

Mr. Goodelle — Mr. Chairman, I desire to offer an amendment.

Mr. A. H. Green — Will the Chairman allow me to ask a question of Mr. McClure?

Mr. Goodelle — I give way.

Mr. A. H. Green — By the courtesy of the gentleman from Onondaga (Mr. Goodelle), I am permitted to ask Mr. McClure a question. Will the chairman of the Forestry Committee kindly inform me whether there is anything in this provision which would prevent a private individual or company not incorporated to do the things which you wish to prevent the corporation, public or private, from doing?

Mr. McClure — It provides that they shall not be sold. That is the only way a private individual can take the lands. That applies to every individual. As to corporations it provides that they cannot be taken by eminent domain. I do not know as we can go any further. The proposed amendment provides that the lands of the State now owned or hereafter acquired, constituting the forest preserves, as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold or removed.

Mr. Goodelle — Mr. Chairman, I offer the following substitute.

The Chairman — The Secretary will read the substitute.

The Secretary read the substitute, as follows:

Amend the substitute by adding at the end thereof the words "or destroyed," so that it shall read, "nor shall the timber thereon be sold, removed or destroyed."

Mr. Goodelle — Mr. Chairman, I agree in every detail with the eloquent remarks of the distinguished gentleman from New York (Mr. McClure), and I wish it were in my power, or in the power of language, to impress more strongly, if possible, upon the members of this Convention the importance of this question. I am not going to even allude to the discussion that has been taken up and so well carried on by the able gentleman who has just taken his seat, except to say that while it is true that Germany and Spain and northern and southern Africa, Arizona and New Mexico have furnished to us impressive lessons of the great importance of preserving our forests, and while they present to us strongly all the results which will necessarily follow when the great forests of this country, or of this State, shall have been destroyed, yet I appeal to every delegate in this Convention, if they will set their minds to work, they will

have no trouble in finding within their own experience some stream or some river that has become dried and has become extinct from the destruction of forests from which they sprung. Therefore, I say that I concur in every particular with the eloquent remarks which have been made by my distinguished friend, but I would go further.

Now, I may not be considered biased upon this question, but I am somewhat familiar with the Adirondacks and their great forests. I have received the benefits that are derived from them, and I appreciate the great reservoir which is there constructed by nature, which feeds and supplies the great Hudson, one of the great wonders and beauties of this State to-day, and I understand full well what will be the result when that reservoir is extinguished and, instead of the benefits now derived, there will be lack of water that will cause destruction rather than benefits, I say that I would go further. I would not only prevent this State from selling, but I would prevent it from destroying the timber within this preserve. I would not only do that, but I would inhibit them from the purposes of the destruction of our forests.

To illustrate what I mean, and it is all that I desire to say, in order to emphasize and show the importance of the amendment which I have made to the substitute in this case — I refer to that system which has been for some years carried on by our State in destroying our forest, in piling up great burdens upon the State for that purpose, by reason of building the dams and reservoirs which they have constructed in certain regions of the Adirondacks. I call the attention of the Convention to what is known as the Beaver river chain. The river itself, one of the finest in its primitive condition that I ever looked upon, has given inspiration to every lover of nature. What has been done by the State in reference to that? Within several years past a dam has been put across that river at a point above number four, and the result is that the water has been set back upon thousands and thousands of acres of the forest of those mountains, the spruce, the pine, the balsam. The result is that they stand there to-day by thousands and thousands of acres, a ruined scene to look upon. The trees have all died; the beautiful river is wiped out and is gone, and we have there a vast pond or a vast sea, with those dead trees standing upright in the water, or else the foundation given away and they are jumbled in together. Now, if you stopped there it would perhaps be of little consequence. But does it stop there? What is the object of this? I speak, Mr. Chairman, mainly from personal knowledge. It was claimed that certain mills in the city of Watertown desired to have this water stored up

in order to feed their mills. The measure was put through by one of the Forest Commissioners then in office. When they came to build the dam this same Forest Commissioner had the contract, and built the dam at a large expense to the State. That same contractor, that same Forest Commissioner, then purchased below that dam the western third of what is known as township five in John Brown's tract. There he has his lumber camp, and there the logs are put into the river, and when the gates are lifted, the logs are shoved down to his saw-mill. That is the only substantial benefit that has come from that dam, the expense of which was incurred by the State.

Now, Mr. Chairman, further than that, my friend from New York has eloquently argued upon the value from a financial and material standpoint of preserving these great forests. I want to say to you, Mr. Chairman, that the Adirondacks furnish a vast sanitarium, not only for the people of this State, but from all over the country. They go there by the thousands to have their health restored and to have their vigor renewed and to have their constitutions built up, and if the members of this Convention could look upon the influx into that region, as they come from the far west, clear beyond the Rocky Mountains, and the east to get the benefits of the Adirondacks, they would understand how, outside of this State, at least, the sanitary effects of these great forests are appreciated. Not only that, but what is the result? When these vast acres have been overflowed, as thousands and thousands have, they cause a great decay of vegetable matter, or rather become foul, putrid and unfit for use. The waters of the Adirondacks flow into the Hudson and contaminate the waters which are used at some places for drinking purposes. That is not the worst of it. As these waters are drawn down in the depressions which are so numerous in that country, they stand there as stagnant pools, and acres and acres of water become foul and putrid, and instead of that region being one of the greatest sanitariums, it is a source or cause of malaria, of disease, and of death. I would suggest, therefore, that in destroying these forests, it not only cuts down and destroys the water supply, but it converts what was a sanitarium into the cause of sickness and death. Not only that, Mr. Chairman, but I want to go a step further. They have done this at the expense of the people of this State (that dam has cost the people of the State up to this time over \$75,000). I see upon the calendar of the next session of the Board of Claims to be tried for the damage caused therefrom, a claim in the case of William Seward Webb against the State of New York, where he claims \$189,000 on account of the construction of that reservoir.

No man has received a dollar of benefit from the dam except the man who brought it about; the man who floats his logs and lumber.

I would, therefore, in conclusion say, Mr. Chairman, that the amendment which I have offered prohibits the State from doing things of that kind, which they have been doing for years past, constructing reservoirs to the destruction of the woods and forest as well as the sanitary condition of that country, to the detriment of the State.

Mr. Floyd — Mr. Chairman, may I ask if an amendment is in order.

The Chairman — An amendment is in order, but we cannot very well allow more than five minutes for any speaker.

Mr. Floyd — I offer the following amendment which, with the permission of the Chair, I will read.

Amend by inserting after word "exchange" the words "except that lands without the lines of the Adirondack park as now determined by the Forest Commission may be exchanged for lands within such lines."

And add at the end thereof, "except that fuel may be sold to State lessees or residents within such park."

So that the whole shall read as follows:

"The lands of the State now owned or hereafter acquired constituting the forest preserve as now fixed by law shall be kept as wild forest lands. They shall not be sold or exchanged, except that lands without the lines of the Adirondack park may be exchanged for lands within such lines, or be taken by any corporation, public or private, nor shall the timber thereon be sold or destroyed except that fuel may be sold to the lessees of the State or residents within such park.

If the gentlemen will cast their eyes on the map suspended on the side of the chamber they will notice the tracts owned by the State. The Adirondack park is altogether a different matter from the Adirondack preserve. The Adirondack park is determined by two lines on the map there. The State does not own all the lands within the Adirondack park, and within it there are two million eight hundred acres. Of this the State owns but five hundred and fifty thousand acres leaving the rest to be acquired in some way. It is held by individual owners. It is for sale. Without the line of the Adirondack the State owns lands in detached portions, which have come to it by tax sale, but they are detached and separate parcels. These can never be united in one solid tract. All the State can do is to solidify the Adirondack park. It seems to me

that where it can be advantageously done the lands outside of the park should be exchanged for lands inside of the park. That seems to me to be a simple business proposition to exchange the lands without for the lands within. Moreover, the Forest Commission are able to exchange the lands outside of the park for three or four times the area within the park.

Now, one word more in vindication of the present Forest Commission. The members of that commission are serving the State faithfully and well, and without pay. What has been said by the gentleman from Onondaga (Mr. Goodelle), was in reference to the Beaver dam, that was concocted before the Forest Commission was organized and by a man who subsequently became connected with the Forest Commission. He now has nothing to do with it. We all want to preserve the forest. Within this are the Adirondack park lessees of the State who are found camping upon these lakes and it has been impossible for them to secure fuel. It is desired that the Forest Commission should have the power to sell such timber as may be necessary for fuel to these lessees. These two considerations are the objects of my amendment.

Mr. Forbes — Mr. Chairman, I have an amendment which I will read. I wish to add this section:

“Sec. — The Legislature shall, by suitable laws, provide for the permanent preservation and protection of the forests in the State and may provide for rebates of taxes on agricultural lands where forests are preserved or maintained in connection therewith.”

Mr. Chairman — In order to bring myself within the time allowed me, I must condense my argument, and I request the earnest attention of every gentleman of the committee.

In the first place the section added is not antagonistic to the first section proposed by the committee. The first section prohibits the sale of timber and provides that the lands shall be kept as wild forest lands. That requires protection and preservation, and that is all that my amendment prescribes. But it prescribes that that protection and preservation shall extend throughout the whole State. The committee are proposing to build an impassable mountain, as it were, in a corner of the State. What interest is that to those in the western part of the State? What interest is that to a great majority of the State? If the amendment is carried out to the extent of having the whole of the forests in the State preserved, instead of one little park, it will bring about a long-desired and long-needed reform. Every argument that has been so far made in favor

of preserving forests has been made in favor of my amendment for the protection of the whole of the forests of the State. These arguments which apply to the Adirondack forests solely, may be opposed. For example, it has been said that it is necessary for the protection of the Hudson river that the Adirondack forest should be preserved; but it was stated this very week in an Albany paper that the tides rise and fall as far up as Troy, and, therefore, that the Adirondacks are unnecessary to the preservation of the Hudson river.

In the second place, the section added makes it the special duty of the State to protect the people of the State in a matter in which they cannot individually protect themselves. For example, it is prescribed in section 7 of article 1 of the Constitution that private roads may be opened in the manner prescribed by law. Further, private property may be taken for public use. Again, it is provided in cities, for the general good, that buildings shall be of a certain height and shall be on a certain portion of a lot.

The next point is — and it has been already amplified by others — the forests of the State are necessary to the material growth of the State, to protect the health of the people, and to insure the fertility of its lands. Upon the forests depends the very existence of our water power and our waterways; also of our watersheds which supply our great cities. Take, for example, the watershed of the Croton. We need the forests in that watershed for conserving the waters used by the city of New York. Again, we need the forests of the Catskills for the recuperation of the people of the city of New York, who cannot afford to go so far as the Adirondacks, the sanitarium of the rich.

A clause of the added section is permissive to the Legislature to encourage the preservation of forests in connection with agricultural lands by a remission of taxes. It is not just to the farmer to ask him to preserve forests in connection with his agricultural lands without compensation therefor. I am very sorry that the time allotted does not allow a further consideration of this clause.

Lastly, it has been the custom of the framers of our various constitutions to put into them restrictions on the Legislature similar in kind to those proposed by this amendment. This State has gone in advance of all the other States in matters of this kind. We have always, in this State, put into our Constitution, matters material to the whole people. Let us not stop at one little corner of the State, no matter how advantageous that may be, but let us put into the Constitution a broad provision that shall affect every hamlet and every farm in the State as well. Wealthy people can go to, and

spend their money in, a pleasure ground where the poor and the common people cannot go. Let us apply this amendment to the whole State; and let us set an example to the rest of the people of the United States.

Mr. Mereness — Mr. Chairman, Mr. McClure, the chairman of our committee, has covered the question so thoroughly that I shall necessarily say what I have to say in a very few words. Having been born and reared within sight of the western Adirondacks, and having resided all my life, except about three years, so near to them that a two-hours' drive enables me to enter the forest known as the great North Woods, I have an exalted opinion as to the vast importance of our forest preserve as a health resort, and, what is of far greater importance, its incalculable value to the commercial and material interests of the State as a natural reservoir of pure water. If I should ever be tempted to make an effort at oratory, I am sure my subject would be: "The preservation of the forest lands within the State of New York." It is a subject worthy of the best efforts of an Edward Everett or a Wendell Phillips. But I am admonished that our time here is limited; that the subjects yet demanding attention are of such a character, that necessarily only a reference can be made to this important subject.

I have traversed this great forest in true aboriginal style, with my boatman and skiff, and a pack on my back from Long Lake and Blue Mountain on the southeast to Paul Smith's on Lake St. Regis on the north; from the Fulton chain on the southwest to the lower Saranac on the north, and have visited a large number of the beautiful lakes and ponds in that region, of which there are not less than one thousand. I have stood on the highest mountain peaks and admired the beauty of the green leafage stretching out as far as the eye could reach, and where none of the ravages of man were discernible, and have frequented the places inhabited for centuries, and until recently by the denizens of the forest; where the deer, the moose, the black bear, the beaver and many smaller animals flourished, notwithstanding the presence of panthers and wolves. The moose and the beaver are gone, never to return, I fear, and I suppose the brutal instincts of man will not be satisfied until the last deer is shot, and the last speckled beauty caught.

The screech of the locomotives, introduced into that lovely section by Doctor Webb and others, can now be heard, and the time is fast approaching when the whole region will be made desolate and barren, unless the hand of the despoiler is stayed. We have already waited too long, but I implore you, do not longer hesitate to take measures to stop this outrage.

If the money that has been wasted on the huge pile in which we are now assembled, in Assembly Chamber ceilings, for shoveling snow, for building artificial reservoirs for the benefit of the canals and many other purposes, had been used for the preservation of the great natural reservoir built by God, we would not now be at the pass to which we have arrived. But it is useless to spend our time finding fault with what has been done or winnowing a harvest of vain regrets. "It is a condition, and not a theory, which confronts us."

I need not spend time to demonstrate, to the representatives in this body of the great cities located where the noble Hudson enters the ocean, the immense value of this great pure-water section, for you all know that competent judges are of the opinion that it will not be long before your cities will be obliged to look farther north than the Croton Valley for a sufficient supply of wholesome water, and that the section I am speaking of is the only one to which you can go. Nor to the representatives of the whole valley of the river to which I have alluded, nor to those of the Champlain section, nor to my nearer neighbors who are here from those parts of the State through which the Grass river, the Racket, the Oswegatchie, the Black river and the Mohawk, find their way toward the sea, nor to the many representatives here that must necessarily feel a special interest in the canals. It is as a twice-told tale — well known to you all.

As I have intimated, we cannot do much, but I exhort you to do your utmost. Let us recommend to the people that they put into the organic law the declaration that our forest preserve and the timber thereon shall be inviolate forever.

If the time ever comes that timber culture in this State shall be a live issue — I am sure it will not be within the next twenty years — and it is not worth while at this juncture to consider the question of the great State of New York going into the business of selling logs and trees; we can cross that bridge when we get to it. We are not yet within fifty years of it.

I have already taken too much time, but let me ask you, if it is possible that this great Empire State that has spent more than twenty millions for a Capitol building, that has invested untold millions on its great waterways, that has assessed property within its borders valued at \$4,199,882,058 for the purposes of taxation, and probably worth double that sum, that exempts from taxation property of the value of \$581,178,701, cannot and will not from time to time, in the immediate future, appropriate from its vast resources

sufficient moneys to the end that the State may acquire and forever hold our yet beautiful forests for the benefit of all our people?

I trust, sir, that this much may be done, and that we shall do all we can to preserve what is left of our great natural reservoirs as nearly as possible as they were designated and constructed by the Almighty, for the benefit of the generations yet unborn that are to inhabit these peaceful shores, and to the honor, glory and perpetuity of the greatest of all the States, our own grand Empire, New York. (Applause.)

Mr. McIntyre — Mr. Chairman, just a word I wish to say upon this subject, and in what I have to say I want to take a very practical and financial view. The necessity of preserving this park seems to me to be beyond any question and I think every gentleman here knows that to be a fact. I think as a financial matter to the State, it is the thing to do. Now, within my memory those lands have been sold time and time again for the taxes, and now they have so increased in value that they are worth anywhere from five to ten dollars an acre, and upon some of the lovely ponds a very much larger sum. So, if the State of New York takes these lands and holds them now it will be for the benefit of the State.

Now, I am not in favor of exchanging any of the wild lands outside of the forest preserve for lands within. We want to keep all the land that the State has preserved and all that we may hereafter acquire. We want to feel as though we started with a foundation and then look forward to having the whole of that territory as a large park. No one man, sir, objects to the simple proposition that the wild lands owned by the State, or hereafter owned by it, must be preserved, and I am decidedly opposed to exchanging these lands or selling any timber or allowing anybody to get control of these lands for any purpose whatever. I come from the northern part of this wilderness, and I know the amount of money that the Legislature has appropriated for building dams and improving the navigation of Racket river. Why, the river has a fall of four hundred feet, and it is impossible to make that stream navigable. You cannot make it navigable for canoes. Notwithstanding that fact the State has appropriated money time and time again for the improvement of the Racket river. Make it navigable for what? To float saw logs down it; make it navigable for lumbermen living in Potsdam. I think the time has come when we should hold what we have got and get all we can.

Mr. Crosby — Mr. Chairman, I offer the following amendment: After the word "preserves," in line 4, insert the following: "Except

all such lands within the limits of any incorporated village or city, and except all such lands, not wild lands, as have been, or may be, acquired by the State of New York upon or by foreclosure of, or sale pursuant to, any mortgage upon lands made to the commissioners for loaning certain moneys of the United States, usually called the United States deposit fund."

This has been suggested, Mr. Chairman, by the gentlemen sitting here that that is the law now, and that is why I desire to preserve it in this proposed amendment of the Constitution if it is adopted.

The Chairman — Are you aware of the fact that Mr. McClure has put into the amendment here after the word "preserves," "as now fixed by law?"

Mr. Crosby — Mr. Chairman, I desire to make it specific, so there will be no misunderstanding, so that we will not have to refer to the statute law to know what the Constitution is. I desire to call attention to what is the boundary of the forest preserve, because by referring to chapter 8 of the Laws of 1890 a description of what comprises the forest preserve may be found: "All the lands now owned or which may hereafter be acquired by the State of New York, within the counties of Clinton, except in the towns of Altona and Dannemora, Essex, Franklin, Fulton, Hamilton, Herkimer, Lewis, Saratoga, St. Lawrence, Warren, Washington, Greene, Ulster and Sullivan, shall be kept forever as wild forest lands, and shall constitute and be known as the forest preserve."

So that every village, every city, including the city of Kingston, in the forest preserve, which is defined by the boundaries of the counties mentioned, if the State acquires title by tax sale hereafter, if the State acquires title by a sale under the United States deposit fund, a mortgage which is but little known in a large portion of the State, but a large portion of the acres in a number of those counties partially improved and partially forest is held under the mortgages peculiar to that fund, so, I say, if the State acquires title to any of those lands, it can never sell any of them if this provision is adopted. I simply suggest that it be incorporated in the proposed amendment, so that there may be no misunderstanding, and that it may not be necessary to look through the statute books. I have copied verbatim the section which I have read. I have incorporated the provision of section 7, word for word, so that there will be no misunderstanding hereafter. I trust it will be accepted without opposition.

Mr. McArthur — Mr. Chairman, after wandering through the barren fields of home rule, and along the thorny path of sectarian

appropriations, and under the burning sun of reapportionment, how refreshing it is to come to the cool and quiet forest, where we may rest, as it were, for a time and consider our summer's work.

Now, I came here, Mr. Chairman, not intending to make a speech in this Convention at all, but a subject has been reached, at last, through the instrumentality of the gentleman from New York (Mr. McClure), that I am very much interested in, and I trust that the committee will pardon me for taking five minutes' time in talking about this, because it will be my first and last speech in this Convention.

Now, I live in the suburbs of the Adirondack forest. I think I know something about them. I have been through them many times. I have watched the destruction of the woods, and I have also watched the diminution of the flow of water in the summer months in the rivers that have their sources in that forest, and in the limited time that I have, all that I can do is, in a sort of Methodist way, relate some experiences.

Now, I was at Lake George the day before yesterday, and by actual observation on my part I know that the present level of the water in Lake George is three rods further out in the lake than the oldest inhabitant ever knew it to be. I was brought up on the banks of Lake Champlain, and I spent the first twenty years of my life there. I know that the head of navigation in Lake Champlain, within my recollection, has moved northward to Fort Ticonderoga, a distance of twenty-five miles, and that the bed of that lake which below that point is more nearly a creek, has filled up to such an extent that within the last three years there have been two and, I think, three dredges trying to dredge out the accumulation of sand and dirt. I know, within my experience, since I was twenty years of age, that on the bank of the Hudson, there are only two months of the year when the magnificent power of the Hudson at Glens Falls, where I live, is available for manufacturing purposes, and only this summer one of the largest concerns we have in that place, the Morgan Lumber Company, owning a large amount of these woods, have abandoned water power in their saw-mills and have introduced steam power in them. I made a remark before the committee, and some people thought that in my zeal for this movement I overstretched the bounds of reason and good faith, when I said that at Fort Edward where the Delaware and Hudson crosses the Hudson river, I could walk across that river and not wet my feet. I am here to reiterate that statement. I came down across the Hudson river the day before yesterday and I walked across the river at Fort Edward and did not wet my feet. I could

do the same thing to-day. Now what is the cause of all this? Mr. McClure has shown the absolute importance of preserving all the forests of the State. I do not speak particularly of the Adirondacks, because I wish to include the Catskill region just as well, because, while the Adirondacks are the source of a great many rivers, the Catskills are also the source of some rivers. These forests are one vast sponge. To illustrate, you turn a tumbler of water quickly on to a sponge. It will retain but one-tenth part of the water in the tumbler. Now, if you turn that water on to the sponge very carefully and gradually, that sponge will retain every particle of that tumbler full of water. Now, that is the importance of the Adirondack region. It is one immense sponge. As everybody knows when you are caught in a storm you rush for a tree. If you will stay under the tree long enough you will get wet, but you will get wet gradually. The rain works its way down gradually. Now, every man knows that in the forest we never have what is called a wash-out. Why? Because the water comes down slowly in the trees and gradually works its way out into the rivers. Now, if you wish to preserve the waters of this State, if you wish to preserve the waters of the Hudson river, and if there are any friends of the canal system of this State in this Convention, if they wish to preserve the canals, it seems to me they must vote for this amendment which may eternally preserve the Adirondacks.

But the amendment does not thoroughly suit me. It is not the amendment I would propose if I had control of the question; but it is a step, a long step in the right direction, and I hope there is not a man in this Convention that will vote against this proposition which will certainly do some good. (Applause.)

Mr. C. B. McLaughlin—Mr. Chairman, I have no desire to enter upon a discussion of the merits of this bill at this time further than to say that I am heartily in favor of the adoption of it in the original form in which it was introduced. I am opposed to every amendment which has been offered here except the one offered by the gentleman from Onondaga (Mr. Goodelle). In reference to the amendment of Mr. Crosby, I desire to say that it seems to me that it would destroy to a large extent the very purpose which this amendment has sought to accomplish. Now, I have had some experience in the Adirondacks. I have spent some two months each year for the past ten years there. In every section of it you will see some parts of this immense forest destroyed. The moment you put in any provision that anybody can cut timber there, then you destroy the effect of the whole amendment. Now, I say that I am heartily in favor of the proposed amendment, and I hope that

every amendment proposed here should be voted down except the amendment offered by the gentleman from Syracuse (Mr. Goodelle).

Mr. Durfee — Mr. Chairman, I do not intend to consume the time of this committee in repeating the arguments that the State should take these lands, but I desire to call the attention of the committee to the amendment proposed by Mr. Forbes. With him I desire to go further than the proposition introduced by the committee does, which relates to the State lands only. I think we have come to the point where it is wise for the State to take such measures as will make it to the interest of the individual owners of forest to preserve the forest lands.

That, I believe, is the intent of the amendment of Mr. Forbes. In my own personal experience I have had occasion to observe the baneful effects of the destruction of the primeval forest. It has caused the droughts of summer in a good many instances. The destruction of the wind-brakes has permitted storms to sweep over the farms and orchards. Cyclones and hail-storms have become vastly more numerous of late years than they were formerly. It seems to me to be of the greatest importance that every man that owns a few acres of woodland in connection with his farm should have it made to his interest to retain "the forest primeval, the murmuring pines and the hemlocks." The object to be accomplished, if the amendment proposed by Mr. Forbes is adopted, seems to be in line with the welfare of this State, and that is what we are all here seeking to subserve. I hope, Mr. Chairman, that the amendment of Mr. Forbes will not be lost, and that it will receive the favorable consideration of the Convention.

Mr. Vedder — Mr. Chairman, I was extremely pained this morning to hear the genial chairman of this committee, the gentleman from New York (Mr. McClure), drag in by the hair of the head, as it were, a matter entirely foreign to the orderly and logical consideration of this question. Why the gentleman should have traveled so far for the express and only purpose apparently of striking my favorite legislative child is more than I can understand. Although the honor, if it be one, has been attempted to be filched from me by the senior Senator of the State of New York, I am the author of the collateral inheritance bill and the direct inheritance bill, having drafted every word of those acts, and introduced them at different periods into the Legislature, and they had twice been passed by majorities of one hundred and sixty members of the Senate and Assembly, elected from all parts of the State, mostly for their intelligence and patriotism, and I wish now to defend that act

against the attacks of the gentleman, brought in, as they have been, disconnected from this subject entirely. The collateral inheritance law does not tax, as he says, the property in a double sense. It neither taxes those who earned that property, nor does it tax those who have any interest whatever in saving the property which is taxed. It taxes those, as it suggests — the collateral, and it is a tax imposed because it is just. Formerly that property, when a man died, went to the State, and the State, in its benevolence, says it may go to the persons whom the testator directs, or where the law says the testator shall make a disposition of it. That is what the law says. The direct tax is a tax upon personal property where the property exceeds \$10,000, and I pretend to say this in that behalf, that you can find on the tax rolls of every rural county of this State widows and aged men, whose whole estate does not exceed more than twenty-five thousand dollars, who pay each year more tax upon personal property than the score of millionaires of the city of New York. Taxation and protection are co-relative terms, and these men with their millions receive protection and give to the State no equivalent whatever for it. It is not a double taxation. It is not at all like the infamous income tax which his party friends in the Congress of the United States has imposed as an additional burden upon the people of the State, and stands upon the statute books as a lasting dishonor to the party which passed it.

Mr. Osborn — Mr. Chairman, I rise to a point of order.

The Chairman — The gentleman will state his point of order.

Mr. Osborn — My point of order is that the gentleman's remarks are not pertinent to the question at issue.

The Chairman — The Chair is of the opinion that the gentleman's remarks are not entirely in order.

Mr. McClure — Consider me, Mr. Vedder, as withdrawing all reference to it. I was not aware that you were responsible for those measures.

Mr. Vedder — Very well, if he withdraws it, I have nothing more to say, because, if his was an argument in reference to this bill, mine is germane in answering it. If he withdraws it, and on his sober second thought believes that I am right in what I say, I am satisfied.

Mr. E. A. Brown — Mr. Chairman, I would like to ask the gentleman a question. I would like to ask whether or not the amendment in his opinion includes all the forest lands owned by the State, whether located within or outside of the forest preserves?

Mr. McClure — I will answer the gentleman by saying yes.

Mr. Brown — I see the proposed amendment reads, "Lands of the State now owned or hereafter acquired constituting the forest preserves." Now, the State owns hundreds, and I may say thousands of acres of forest lands that are not technically within the confines of the forest preserves. If the gentleman will accept an amendment so as to include all those lands without question, I think the measure will be in better shape than it is now; and from a familiarity with the Adirondack forest which goes back for over forty years of my life, I desire to say to the gentlemen of this Convention that I believe then, and in that case, that of all the amendments now proposed upon the floor of the House, the amendment offered by the chairman of the committee is the best. I do not believe, sir, in hampering it with any insignificant provisions about giving away fire wood to lessees of the State within the Adirondack forests. That, sir, will simply open the door, or keep open the door that is already open, for the incursions of thieves and destroyers upon the magnificent domain of the State. I do not believe, sir, in any provision that will give to any person whatever the privilege to enter upon the forest preserves and destroy all that remains to the State of that magnificent domain. Why, sir, on one of the oldest maps of the State of New York and of that territory, of which only a fraction remains to us, is inscribed this significant statement: "These lands have not yet been seized by the land harpies." Now, sir, to-day they have nearly all been seized by the land harpies, and it is within only a few years past that a certain large lumbering corporation of this State built a railroad into the heart of the Adirondacks, and cut down all the valuable timber within such a distance upon each side of its railroad, as was profitable for its uses, and conveyed the logs to its mills. The State, through its Forestry Commission, brought an action to recover for the land, and they were charged with stealing over two hundred and twenty-five thousand dollars worth of State timber, and despoiling the forests to that extent. Then, out of sympathy, fearing that this great corporate thief would be crushed and ruined, this claim was settled for the paltry sum of ten thousand dollars. Only a few days ago before the committee of this Convention, in the Assembly parlor, one of the Forest Commissioners of the State of New York told us that it is necessary to peddle out, to sell, the timber now standing and growing on the forest preserve, in order to pay the expenses of the Forestry Commission of the great State of New York. I say, sir, that it is necessary that something be done; I say, sir, it is necessary to close the door

unless you want this great water supply, this great sanitarium, this great health resort of our State that is known from ocean to ocean, and from land to land, destroyed, that you must shut the door, and you must close it tight, and close it right away; and not only that, you must keep it closed for twenty years. This is not an individual matter with me, sir, I am not interested to the extent of one dollar in the forest lands of this State, but when I see the great number of pleasure seekers, the great number of invalids that annually visit that territory, not only in summer, but also in winter, it appears to me that we here, now and to-day, should do something to protect that great and magnificent forest from further spoilation. In and out of the forest preserve, every dollar's worth of land that is now owned by the State of New York should be enjoyed by the people of the State of New York, should be as free as air, as free as the God-given sunlight of heaven.

Again, sir, more should be done, which is not proposed by this amendment. More should be done, in that the State should own all the lands within this great forest preserve. It should be so, sir, that the poor man as well as the rich man might enjoy its benefits. It should be so that no great corporation, no wealthy individual, or association of individuals, should be able to select out the choicest, most beautiful spots of this domain, and set up in front of them a forbiddance, a sign of "no trespassing." I say, sir, it is our duty to the people whom we represent — and I thank God there is no politics in this — to give a sufficient, a proper and adequate protection, so that when the foresters tell us that within twenty years a forest will recuperate, within the time in which another Constitutional Convention will assemble within the walls of this magnificent pile, we shall have a forest domain that will be of some satisfaction, that will be a credit, as this great building is a credit, to the great, the magnificent Empire, the State of New York. (Applause.)

Mr. McClure — Mr. Chairman, I would like to ask Mr. Brown whether the lands which he refers to are not within the limits of the counties named in the act of 1893? If they are, they are within the forest preserve, whether they are now owned by the State or will be hereafter acquired.

I have only a word to say with reference to each of the amendments proper. First, with reference to that of Mr. Forbes. It is a very good measure, and I would favor it if it were a separate one, but you will see, Mr. Chairman, it is a discrimination in favor of an individual, if he owns land, by way of taxation; that is, there is to be a rebate of taxes if he saves his trees. I think that it is not germane to the question. This is the great, broad question relating

to State lands. I do not think that it might affect our amendment added to it; and with a great deal of regret I have to announce on behalf of the committee that we cannot agree to it.

With reference to Mr. Floyd's proposition, we think it would be exceedingly dangerous to allow the commission to sell timber for camp-fires. Any campers that cannot pick up something on the shores, that will not be timber, to warm themselves with, would better either carry in their fuel or stay out. It would be opening the door to a great danger.

And as to the exchanging of our lands, the State, as I said before, has always got the worst of it on the exchange. We do not need to exchange our lands to get others. We will buy inside of our park lands the lands we want, and we will keep this land outside of the park lands.

Now, with reference to Mr. Goodelle's amendment as to the destroying of the timber, of that we will accept, and I will in the amendment offer one or two little verbal amendments which will include that. I do not think there is any other amendment which has been suggested to which I need make any response; and if the Chair thinks it better to take a vote on the amendments proper, I think that will be the better way myself; then I will offer one or two little verbal amendments.

If you will permit me, I did not say a word about Mr. Crosby's amendment. But this constitutional amendment refers to the forest preserve as now fixed by law. The law is contained in the statute of 1893, which excepts from the forest preserve, towns and villages, and lands bought by the State on foreclosures of mortgages, so that those lands are not taken in. Now, I ask for a vote on the several amendments. I will ask the Secretary to note my amendment because I have it a little roughly. You have before you the amendment as it will read when completed.

The Secretary — Your substitute?

Mr. McClure — Yes, sir.

The Secretary — Yes.

Mr. E. R. Brown — May I ask the chairman of the Committee on Forestry a question?

Mr. McClure — I will be glad to answer it, Mr. Chairman.

Mr. Brown — Do you think that under the language of this proposed amendment you will have prevented the Legislature reducing the limits of the present forest preserves in the future?

Mr. McClure — We do, sir. We carefully considered that. The

act provides that "the lands of the State, now owned or hereafter acquired," within certain counties.

Mr. Brown — If I may be allowed, Mr. Chairman, as it seems to me, this is a very vital point. I would like to say one word more upon it. "Lands of the State now owned or hereafter acquired, constituting the forest preserve." That does not say that the forest preserve shall remain, shall never be less than it is now, or that it shall cover —

Mr. McClure — My friend was absent when the amendment was handed up.

Mr. Brown — I beg pardon.

Mr. McClure — Let me first offer my amendment, if the Chair please.

Mr. I. S. Johnson — I would like to inquire, Mr. Chairman, whether amendments are now in order, under the claim as made by gentlemen on the other side the other day? I only want to know whether they desire to take their own medicine?

Mr. McClure — I do not think there will be any medicine in this, except for the people who oppose it.

Before the word "sold"—that is, in the sentence beginning "they shall not be sold"—the committee suggests an amendment by way of the word "leased." "They shall not be leased, sold or exchanged," and after the word "sold" at the end of the whole amendment, add the words "removed or destroyed." That relates to timber. So that the whole amendment will read, if I may be allowed to read it, as follows:

"The lands of the State now owned or hereafter acquired, constituting the forest preserves as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."

Now, I move —

Mr. I. S. Johnson — I desire to raise the point of order that the amendment is not now in order, the time having past at which a vote was to be taken. (Laughter.)

The Chairman — We are clearly within the time still, there being one minute more.

Mr. McClure — I now call for a vote on the amendments.

The Chairman — I think Mr. Crosby's is the first amendment which will be submitted to the committee.

The Secretary read the amendment offered by Mr. Crosby, in the language following:

After the word "preserves" in line 4, insert the following: "Except all such lands within the limits of any incorporated village or city, and except all such lands, not wild lands, as have been or may be acquired by the State of New York upon or by foreclosure of or sale pursuant to any mortgage upon lands made to the commissioners for loaning certain moneys of the United State, usually called the United States deposit fund."

The Chairman put the question on agreeing to the amendment offered by Mr. Crosby, and it was determined in the negative.

Mr. Durfee — Mr. Chairman, I desire to offer an amendment, which, I understand, is acceptable to Mr. Forbes, to his amendment, which I ask the Secretary to read.

Mr. Forbes — I accept the amendment.

The Chairman — This can only be received now by unanimous consent. Is there any objection to receiving this proposed amendment of Mr. Durfee's to the amendment of Mr. Forbes?

Mr. Goodelle — I object, Mr. Chairman.

The Chairman — If not, it will be received. It is received.

The Secretary read the amendment offered by Mr. Durfee, in the language following:

"The Legislature may provide for the remission of taxes on forest lands in this State owned by private individuals or corporations."

The Chairman put the question on agreeing to the amendment offered by Mr. Durfee, and it was determined in the negative.

The Chairman — The committee will now vote on Mr. Forbes's amendment.

Mr. Mereness — I rise to a point of order. My point is that Mr. Forbes accepted Mr. Durfee's amendment and that has already been voted on and lost, and embraces Mr. Forbes's amendment.

The Chairman — The Chair holds the point to be not well taken. The Chair did not hear Mr. Forbes accept Mr. Durfee's amendment. The committee will vote on Mr. Forbes's amendment.

The Secretary read the amendment offered by Mr. Forbes, in the language following:

"The Legislature shall, by suitable laws, provide for the permanent preservation and protection of the forests of the State,

and may provide for rebates of taxes of agricultural lands where forests are preserved or maintained in connection therewith."

Mr. Forbes — Mr. Chairman, this is a question in which there are two propositions contained. Now, I desire that they be voted on separately, that the first part of that amendment be voted upon by itself.

The Chairman — The gentlemen has the right to call for a division of the question.

The Secretary again read the first clause of the amendment, to and including the word "State."

The President put the question on agreeing to this clause of the amendment, and it was determined in the negative.

The Secretary then read the remaining clause of the amendment.

The Chairman put the question on agreeing to this clause of the amendment, and it was also determined in the negative.

The Chairman — The question now arises on the amendment offered by Mr. Floyd.

The Secretary read the amendment offered by Mr. Floyd, in the language following:

Amend by inserting after the word "exchange" so that the whole shall read as follows: "The lands of the State now owned or hereafter acquired, constituting the forest preserve, as now fixed by law, shall be kept as wild forest lands. They shall not be sold or exchanged, except that lands without the limits of the lines of the Adirondack Park may be exchanged for lands within such lines, or be taken by any corporation, public or private, nor shall the timber thereon be sold or destroyed, except that fuel may be sold to lessees of the State or residents within such park."

The Chairman put the question on agreeing to the amendment of Mr. Floyd, and it was determined in the negative.

The Chairman — Mr. Goodelle's amendment is next in order, but I understand that has now been accepted by the committee.

Mr. Goodelle — Inasmuch as Mr. McClure has incorporated that in his amendment, I will withdraw that amendment.

The Chairman — The amendment is withdrawn. The question now is on the main proposition. The Secretary will read the substitute.

The Secretary read the substitute of the committee, in the language following:

"The lands of the State now owned or hereafter acquired, con-

stituting the forest preserves, as now fixed by law, shall be forever kept as wild forest lands. They shall not be leased, sold, or exchanged, or be taken by any corporation, public or private, nor shall the timber thereon be sold, removed or destroyed."

Mr. Floyd — How does the word "leased" come into the substitute?

The Chairman — It was read a short time since.

Mr. Floyd — Then was it not an amendment that should have been passed on?

The Chairman put the question on agreeing to the substitute, as read, and it was determined in the affirmative.

Mr. McClure — Mr. Chairman, I move that the committee do now rise, report this amendment to the Convention and recommend its adoption.

The Chairman put the question on the adoption of the motion of Mr. McClure, and it was determined in the affirmative.

President Choate resumed the chair.

The Chairman — Mr. President, the Committee of the Whole have had under consideration the proposed constitutional amendment (printed No. 452), entitled, to amend the Constitution, relative to the forest preserves, have gone through with the same, have made an amendment thereto, and instructed the chairman to report the same to the Convention and recommend its passage.

The President put the question on agreeing with the report of the Committee of the Whole.

Mr. Durfee — Mr. President, I move to disagree with the report of the Committee of the Whole; that the measure be recommitted to the special committee, I think it is, from which it was reported, with instructions to add thereto as follows:

"The Legislature may provide for the remission of taxes on forest lands in this State owned by private individuals or corporations," and to report forthwith.

Mr. McClure — On that, Mr. President, I move the previous question.

The President — The gentleman still has the floor.

Mr. McClure — I beg pardon. I did not know he wished to say anything upon it.

Mr. Durfee — Only one word. This amendment which I propose, Mr. President, is in line with the few remarks which I had

the honor to submit in the Committee of the Whole. If more time were at our disposal, I should feel very much inclined to urge at length upon this Convention the importance of giving the Legislature power of this character; but considering the amount of work we have to do and the limited time we have in which to do it, I trust that the Convention will act favorably upon my motion without any extended speech. It seems to me that it is a subject which ought to command the approval of the entire Convention — simply giving the Legislature power, not requiring them to take action, but putting it in their power to take action in that regard so that something may be done in the future; the exigency having already arisen, and being likely to continue and to increase, that something may be done to preserve in this State what remains, at least, of the forests which have so eloquently been said upon this floor, and, particularly, in Committee of the Whole, to subserve such great and useful purposes for all its citizens.

Mr. C. B. McLaughlin — Mr. President, I want to say just one word upon that amendment. I believe it to be most pernicious in principle. We have now in this State corporations, individuals, who have bought large tracts of land, and it seems to me that they should not be exempted from taxation. It creates a class distinction between the citizens of this State, those that are subject to taxation, and those that are not. Now, it seems to me that this proposition should go through as the committee has proposed it, and to tack on this, it seems, would be, in effect, to kill it. Now, I hope this motion, as made by Mr. Durfee will not prevail. I know that in the Adirondacks there are large tracts, thousands of acres, that have been bought for a mere song, and, if they can be exempted from taxation for years to come, it will be simply increasing their property in value when the time shall come that they can sell and dispose of it.

Mr. E. A. Brown — Mr. President, I am decidedly opposed to any provision being tacked to this proposed amendment releasing any property from taxation whatever. I believe, as Mr. McLaughlin has said, that it is pernicious in principle. It opens the door to all sorts of fraud, and, I think, it is unjust to the poor laboring man, as well as to the rich millionaire that we should say, "this man shall be exempt from taxation, and this man shall bear all the burdens of taxation."

Mr. Mereness — Mr. President, just a moment. It seems to me entirely unworthy that this great subject should be lumbered up with a proposition providing that because a farmer sees fit

to keep a small sugar bush or a little piece of woods for his own accommodation for fire-wood, that we should have a matter of pure legislation fastened on to the tail end of this great question upon which an amendment has been perfected in the Committee of the Whole. I think that the motion should be voted down.

Mr. McClure — Mr. President, I move the previous question on the amendment of Mr. Durfee.

The President put the question "Shall the main question now be put upon the motion made by Mr. Durfee?" and it was determined in the affirmative.

The President put the question on the adoption of Mr. Durfee's amendment, and it was determined in the negative.

The President — The question now recurs upon agreeing with the report of the Committee of the Whole.

Mr. Forbes — Mr. President, I make the same motion as Mr. Durfee in regard to this clause. "The Legislature shall, by suitable laws, provide for the permanent preservation and protection of the forests of the State."

Mr. McClure — I rise to a point of order, Mr. President. I understood the previous question was not only on Mr. Durfee's amendment, but that it applied to the whole matter.

The President — The point of order is well taken. Mr. Forbes's motion cannot be put. The question now is upon agreeing to the report of the committee.

Mr. Forbes — Mr. President, I rise to a point of order, that the *previous* question was on the motion of Mr. Durfee. A vote has been taken upon that motion.

I move that this report be referred back to the committee, with directions to report the proposed amendment which I have offered.

The President — The proposition of Mr. Durfee was the main question of disagreeing with the report of the committee, with some qualifications, and the Chair is of the opinion that the previous question upon that went to the bottom, and the question must be put upon agreeing with the report of the committee.

The President put the question upon agreeing with the report of the Committee of the Whole, and it was determined in the affirmative; the amendment referred to the Committee on Revision, to be printed, and put upon the order of third reading.

Mr. Cookinham — Mr. President, I have just received a telegram from Mr. Kellogg, to the effect that he is sick and not able

to be here to-day, and he asks that I present his request to be excused.

Granted.

The President—The Chair is sorry to announce that both Mr. Alvord and Mr. Griswold have gone home ill, and requests are made that they be excused until their recovery. Granted.

The President—The next order of business is the consideration of general order No. 63, relative to the waters of Niagara river, in respect to which the limit of time has been fixed at thirty minutes from now. That will carry it to one o'clock.

The Convention resolved itself into Committee of the Whole in consideration of general order No. 63, and Mr. Cady resumed the chair.

The Secretary read the proposed amendment, in the language following:

The Delegates of the People of the State of New York, in Convention assembled, do propose as follows:

ARTICLE —.

“Sec. —. The right to divert the waters of the Niagara river, above Niagara Falls, pursuant to any grant or license heretofore or hereafter created by the Legislature, and the right of any person or corporation who was, on the 1st day of September, 1894, actually engaged in the diversion of the waters of the said river for business or manufacturing purposes, shall be regulated by and be under the direction and control of the Commissioners of the Land Office, who shall, from time to time, after notice to the Commissioners of the State Reservation at Niagara, and to the parties interested, make such orders and give such directions in regard to the diversion and use of such waters and the compensation to be paid therefor to the State, as shall be just and proper. This section shall not be deemed to recognize or affect any right, privilege or license under which any person or corporation may claim the right to divert the waters of said river.”

Mr. C. B. McLaughlin — Mr. Chairman, I offer the following amendment.

The Secretary read the amendment offered by Mr. McLaughlin, in the language following:

In line 4, page 2, strike out the words “or affect.”

Mr. McLaughlin — Mr. Chairman, when this matter was under discussion the other day I opposed the proposed amendment in