

# An Exploration of Article 14

“The lands now or hereafter constituting the forest preserve shall be forever kept as wild forest lands. They shall not be sold or leased except as hereinafter provided, or taken or used by any public officer, or by any person or corporation, public or private, except as herein especially provided.”

Recommendation of the Sargent Commission, 1885

“The lands now or hereafter constituting the forest preserve shall be forever kept as wild forest lands. They shall not be sold, nor shall they be leased or taken by any person or corporation, public or private.”

Section 8, Chapter 283 of the Laws of 1885

“[the lands of the Forest Preserve] shall be forever kept as wild forest lands, and shall constitute and be known as the forest preserve.”

“They shall not be sold, neither shall they be exchanged for other lands, nor taken by any person or corporation, public or private; nor shall their woods be cut or sold, nor their downed or burnt timber removed; nor shall they be leased, except as provided in this article.”

"Proposed Amendment to the Constitution of the State of New York to Preserve its Forests, with Reasons Why," 1894 pamphlet issued by NY Board of Trade and Transportation

“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.”

Recommendation of the Conservation Committee to the convention of 1894, as introduced by David McClure

The lands of the State now owned, or hereafter acquired, constituting the forest preserves [sic], 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.

McClure's recommended change to report of the Conservation Committee

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 them 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.

David McClure to the 1894 convention

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

Language approved by 1894 convention, September 13, 1894

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v.

**PROTECT**   
**THE ADIRONDACKS!**



ning a tiller. In a  
between the fore  
el.  
eed' (sēd'). (Bot.)  
avana) common in  
furnish croton oil,  
ten also *tilly*.]  
EN (-men). A man  
[Obs.] *Tusser*.  
of the Tillodontia.  
n. pl. (Paleon.)  
ossil in the Eocene  
to the carnivores,  
illodonta.  
hin glazed muslin,  
*McElrath*.

, adv., or a. A  
n, formerly used  
anything said was  
Written also *tille-*  
se.] *Shak*.  
r. τιλμός, fr. τίλ-  
m.  
m the Danish),  
le, G. *zelt*, Icel.  
eldan to cover.]  
tent. *Denham*.  
gon.  
small canopy or  
a boat.  
canvas or other  
l roof, like the

. pr. & vb. n.  
y.  
fall, AS. *tealt*  
totter, to vacil-  
t, Icel. *tölt* an  
R.] 1. To in-  
arging liquor ;  
ce. *J. Philips*.  
] *Beau. & Fl.*  
ter; as, to tilt  
with a lance ;

matens, ermines, sables, etc., packed between boards ;  
and twenty ; — called also *timmer*. [Written also *timbre*.]  
**Tim'ber**, n. [F. *timbre*. See TIMBRE.] (Her.) The  
crest on a coat of arms. [Written also *timbre*.]  
**Tim'ber**, v. t. To surmount as a timber does. [Obs.]  
**Tim'ber**, n. [AS. *timbor*, *timber*, wood, building ;  
akin to OFries. *timber*, D. *timmer* a room, G. *zimmer*,  
OHG. *zimbar* timber, a dwelling, room, Icel. *timbr* tim-  
ber, Sw. *timmer*, Dan. *tømmer*, Goth. *timrjan* to build,  
*timrja* a builder, L. *domus* a house, Gr. *dóμος* house,  
*δέμειν* to build, Skr. *dama* a house. √62 Cf. DOME,  
DOMESTIC.] 1. That sort of wood which is proper for  
buildings or for tools, utensils, furniture, carriages,  
fences, ships, and the like ; — usually said of felled trees,  
but sometimes of those standing. Cf. LUMBER, 3.

And ta'en my fiddle to the gate, . . .  
And fiddled in the timber! *Tennyson*.

2. The body, stem, or trunk of a tree.
3. Fig. : Material for any structure.  
Such dispositions are the very errors of human nature ; and  
yet they are the fittest *timber* to make politics of. *Bacon*.
4. A single piece or squared stick of wood intended  
for building, or already framed ; collectively, the larger  
pieces or sticks of wood, forming the framework of a  
house, ship, or other structure, in distinction from the  
covering or boarding.  
So they prepared *timber* . . . to build the house. 1 Kings v. 18.  
Many of the *timbers* were decayed. *W. Coxe*.
5. Woods or forest ; wooded land. [Western U. S.]
6. (Shipbuilding) A rib, or a curving piece of wood,  
branching outward from the keel and bending upward in  
a vertical direction. One *timber* is composed of several  
pieces united.

**Timber and room.** (Shipbuilding) Same as *Room and  
space*. See under ROOM. — **Timber beetle** (Zool.), any one  
of numerous species of beetles the larvæ of which bore in  
timber ; as, the silky *timber beetle* (*Lymexylon sericeum*).  
— **Timber doodle** (Zool.), the American woodcock. [Local,  
U. S.] — **Timber grouse** (Zool.), any species of grouse that  
inhabits woods, as the ruffed grouse and spruce par-  
tridge ; — distinguished from *prairie grouse*. — **Timber  
hitch** (Naut.), a kind of hitch used for temporarily mak-  
ing fast a rope to a spar. See *Illust.* under HITCH. — **Tim-  
ber mare**, a kind of instrument upon which soldiers were  
formerly compelled to ride for punishment. *Johnson*. —  
**Timber scribe**, a metal tool or pointed instrument for mark-  
ing timber. *Simmonds*. — **Timber sow**. (Zool.) Same as  
*Timber worm*, below. *Bacon*. — **Timber tree**, a tree suit-  
able for timber. — **Timber worm** (Zool.), any larval insect  
which burrows in timber. — **Timber yard**, a yard or place  
where timber is deposited.

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the plural ; a  
4. The du  
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religion, to m  
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☞ *Time*  
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*time-worn*, et  
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MEAN. — Quick

urn ; pity ; food, foot ; out, oil ; chair ; go ; sing, ink ; then, th



The lands of the State, now owned or hereafter acquired, constituting the forest preserve 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 trees and timber thereon be sold, removed or destroyed.

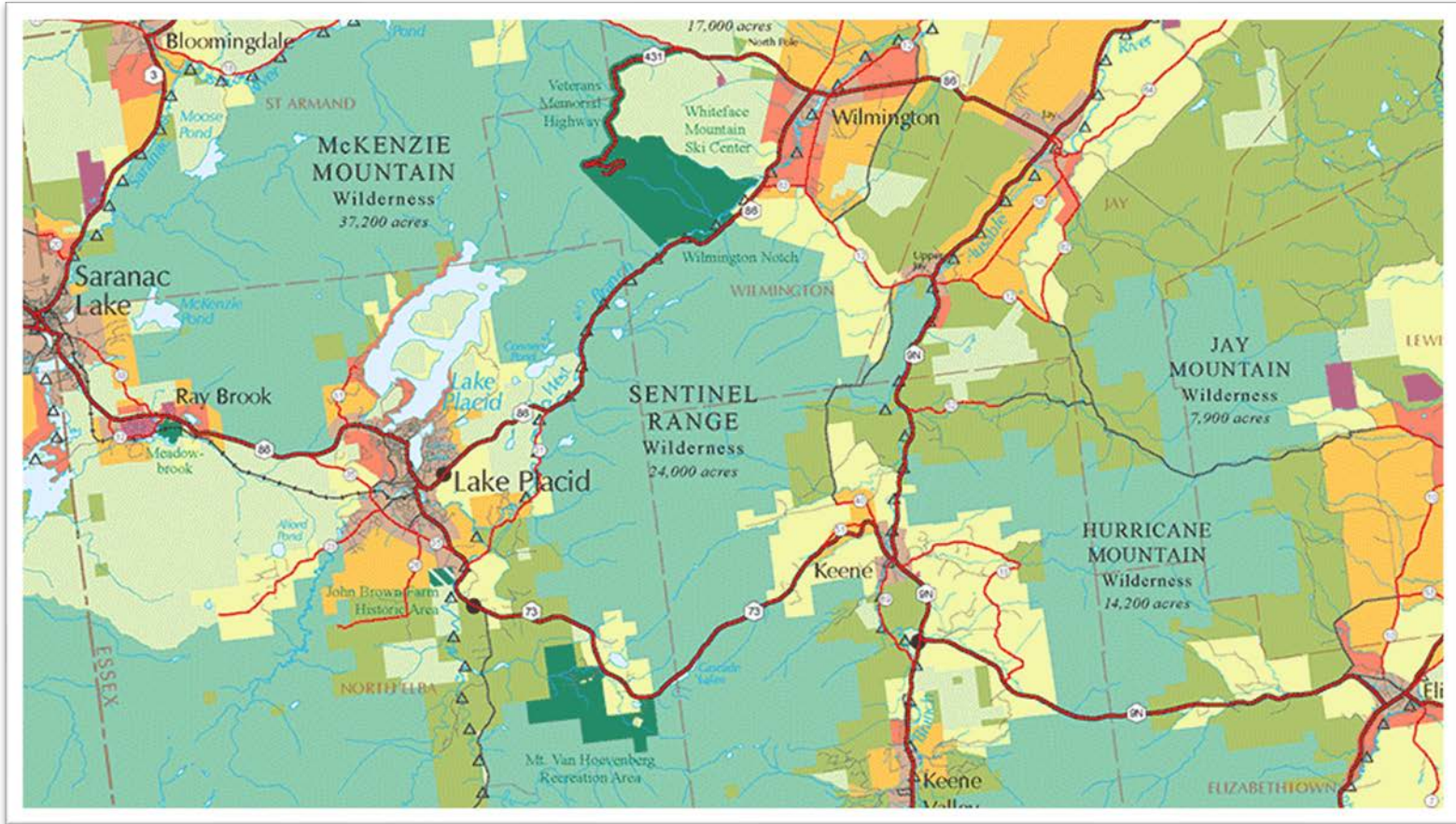
New language proposed by convention of 1915

Eliminate "doubt ... as to the comprehensiveness of the prohibition against the sale, removal, or destruction of timber."

"The new provisions emphasize and strengthen the efficacy of the existing prohibitions." [The new language prohibited the removal of a] "twig of a tree or a single drop of water" [from the Forest Preserve].

Louis Marshall, explaining addition of "trees and," *New York Times*, October 24, 1915

## Association for the Protection of the Adirondacks v MacDonald (1930)



First major Article 14 case in NYS, Decisions Appellate Division, Third Department, and NYS Court of Appeals.



—Associated Press

Workmen putting the finishing touches on Zig-zag turn, Mt Van Hoevenberg Olympic bobsled run

“What may be done in these forest lands to preserve them or to open them up for the use of the public, or what reasonable cutting or removal of timber may be necessitated in order to properly preserve the State Park, we are not at this time called upon to determine. What regulations may reasonably be made by the Commission for the use of the park by campers and those who seek recreation and health in the quiet and solitude of the north woods is not before us in this case. “

“The Forest Preserve and the Adirondack Park within it are for the reasonable use and benefit of the public, as heretofore stated. A very considerable use may be made by campers and others without in any way interfering with this purpose of preserving them as wild forest lands. (See ‘The Problem of the Wilderness’ by Robert Marshall in ‘The Scientific Monthly.’)”

Association v MacDonald



“ ... it was thought necessary to close all gaps and openings in the law, and to prohibit any cutting or any removal of the trees and timber to a substantial extent. The Adirondack Park was to be preserved, not destroyed. Therefore, all things necessary were permitted, such as measures to prevent forest fires, the repairs to roads and proper inspection, or the erection and maintenance of proper facilities for the use by the public which did not call for the removal of the timber to any material degree.”

“In other words, this plea in behalf of sport is a plea for an open door through which abuses as well as benefits may pass. The Constitution intends to take no more chances with abuses, and, therefore, says the door must be kept shut. The timber on the lands of the Adirondack Park in the Forest Preserve, or that on the western slope of the Sentinel range cannot be cut and removed to construct a toboggan slide simply and solely for the reason that section 7, article VII, of the Constitution says that it cannot be done.”

Association v MacDonald



**Balsam Lake Anglers Club v NYSDEC (1993, Appellate Division, Third Department)**

Record showed that approximately 350 trees of 1" DBH or more were cut, or marked to be cut, for the construction of two trail sections totaling approximately 2.3 miles. This cutting was approximately 152 trees of that size per mile.

Moreover, just 78 trees of 3" DBH or greater were to be cut, meaning that just 34 large trees were scheduled to be cut down per mile.

The Appellate Division, Third Department, relied upon these tree counts in reaching its decision at that time. The "material degree" and "substantial extent" tests created by the Court of Appeals in the Association case were utilized by the courts in the Balsam Lake case. The cutting proposed by the DEC on the Balsam Lake Wild Forest trails was found by the courts to be immaterial and insubstantial. Yet, it's also important to note that the DEC counted trees of all sizes, both large and small, in this case, and the courts used this information in their decisions.