PLANNING TO RUIN THE PEOPLE'S PARK.

Public Records Show a Conspiracy to Defeat the Project for the Establishment of the Adirondack Reserve.

PRIVATE INTERESTS SERVED.

Commissioner Basselin and His Dummy Official Associates Vote to Convey the Cream of the Forest Land to the Everton Company.

A PUBLIC TRUST BETRAYED.

The Real Intent of a State Statute Is to Permit Favored Lumbermen to Secure Miles of State Virgin Forest from the Park in Exchange for Worthless Lands Which They Have Denuded of Timber.

[BY TELEGRAPH TO THE HERALD.]

ALBANY, N. Y., Jan. 6, 1891.—A cyclone through an Egyptian burrying ground could not have rattled dry bones more effectually than did the HERALD'S first gun in exposing the shortcomings of the State Forest Commission, its utter worthlessness and the absolute necessity for the removal of Theodore B. Basselin, its most active Commissioner.

The second gun will be even more effective.

It has already been shown that a great conspiracy exists among the North Woods Lumbermen by which they hope to prevent the establishment of an Adirondack State park. They have tied up all the virgin forest land owned by private parties in a very ingenious and successful manner. They saw with great consternation that the Adirondack park idea grow more and more popular. They saw also that the best informed legislators of the State were gradually becoming a unit in the belief that in order to preserve the water supply of the State, prevent its territory from being devasted by great storms and its climate from deteriorating to the detriment of public health and the decline of agriculture, it was necessary to take immediate steps to preserve those noble guardians of the public weal, the grand old trees of the Adirondack forests.

THE COMMISSION AT FAULT.

Gradually public sentiment has been crystalizing in favor of a magnificent preserve, to be owned and managed by the State, for the safety and good of its territory and the health and recreation of its citizens. While the Legislature was not then ready to see this idea carried out at once to the extent it ought to be, the popular demand that something be immediately done to protect the forest resulted five years ago in the passage of a law creating the Forest Commission. The law was all right, but the selection of Commissioners was all wrong. For four years they did nothing; in the last year the evidence is strong that their influence has been in the favor of certain lumbermen who seek to destroy what the commission is sworn to protect. The HERALD has already published proof in the form of a certificate of incorporation showing that one of the Commissioners, Mr. Theodore B. Basselin, is now a stockholder and trustee in the Beaver River Lumber Company, which is devastating a section of territory the most beautiful and valuable in the whole Adirondack preserve.

LUMBERMEN WIDE AWAKE.

As soon as they became convinced that a great State park might be formed the lumbermen began to hustle. The whole Adirondack region contains a little less than four million acres, of which less than eight hundred thousand acres are now owned by the State. The lumbermen began to devise a plan whereby they not only could tie up the private lands so that they could continue to cut down the trees, but might also actually obtain possession of State lands, nearly every rod of which is covered with virgin forest in which they fairly ache to bury the axe. As I showed yesterday the private lands have been tied up by the filing of contracts to cut large amounts of lumber every year for fifteen or twenty years. The only way for the State to obtain these private lands for a park preserve at a fair value would be to exercise the right of eminent domain. This it cannot now do without first making good these lumber contracts, which amount to an enormous sum—so great that the conspirators do not believe that the taxpayers of the State will favor the establishment of a State park at such a cost, or the Legislature dare to pass a law for that purpose.

It was not necessary in this part of the conspiracy to obtain the favor of any of the State officials, although the plot must have been known to the Forest Commission, and they took no step to make it public or to throw the slightest obstacle in the way of its consummation. They even did worse—they spread far and near the idea that a State park was to be formed. The land which would have come to the State for non-payment of taxes was consequently bid in by speculators, and the State this year got not one acre, when usually at such sales thousands of acres revert to it.

STEALING STATE LANDS.

It was necessary in the second part of the conspiracy for the lumbermen to use a member of Assembly and the Forest Commission to pull their chestnuts out of the fire. They wanted the virgin forest lands owned by the State, and it is very clear how they went about getting them. It is the old, old story of legislative manipulation, the passage of an apparently good, but really an infamous, law, and the securing of the favor of a State commission on whose recommendation the success of the scheme under the law, to a great extent, depended. The first step taken by the lumber conspirators was in the Legislature of 1887. Floyd Hadley, who, in this case, at least, misrepresented Franklin county, introduced a bill entitled "An act to amend the Forest Commission act of 1885 and for the preservation of the forest." God save the mark!

This bill became chapter 475 of the Laws of 1887 without the Governor's signature. After reciting that the forest preserve shall be forever kept as wild forest land and shall not be sold or leased to any person or corporation, which was the will of the people as expressed in the act forming the Forest Commission, the lumber conspirators then introduced an amendment saying:—"It shall be lawful and the Comptroller shall have the power to sell and convey separate parcels or tracts on the the timber thereon to such person or persons or corporations, such parcels or tracts being bounded on every side by lands not owned by the State, upon the recommendation of the Forest Commission, together with the advice of the Attorney General. Such separate tracts or parcels may be exchanged by the Comptroller for lands that lie adjoining tracts of the forest preserve upon the recommendation of the Forest Commision and the advice of the Attorney General. The values of the said lands so exchanged must be first appraised by three 'disinterested' appraisers, sworn to fairly and faithfully appraise the value of said land." The two appraisers are to select a third appraiser after they are appointed by the County Judge of the county in which the lands are situated, the appraisers' salaries to be paid by the party proposing the exchange. They ought to be well paid as the scheme has turned out.

SUGAR COATED BY HADLEY.

Such was Mr. Hadley's bill. By dint of great log rolling he managed to get it through the Legislature. And one of the first "disinterested" appraisers who turned up two years later when the scheme was worked by the Everton Lumber Company was Mr. Floyd J. Hadley.

Of course such a bill could not get through the Legislature without some plausible excuse. I remember that, as the HERALD legislative correspondent, I asked Mr. Hadley to explain the bill. He said it was in the interest of the State in that it would result in the exchange of small detached portions of State land for valuable tracts of private land adjoining State holdings, and would thus consolidate the State property in the Adirondacks and make it easier and less expensive to lay out and secure a State park. I trusted Mr. Hadley then, and so did many lovers of the woods, who voted for his bill. Legislators of this sort were very much influenced by the attitude of the Forest Commission. The Commissioners said not one word against the bill, although they must and did know its real object and intent. This is clear from a resolution which the Commission passed when persons who were not friends of Commissioner Basselin made applications for exchange of land under the provisions of the lumber conspirators-Hadley law.

Now let us see who were allowed to take advantage of this law in the attempt to secure magnificent State forest lands in exchange for lands that the lumbermen have stripped of timber. They were the very men, including Henry D. Patton, whose name appears with Forest Commissioner Basselin's in the certificate of incorporation of the Beaver River Lumber Company as stockholder and trustee.

To show how evident it is that Commissioner Basselin was first led on by Patton & Co. it is only necessary to examine the records chronologically. It is very easy to show how, step by step, he was first given capital to work his Beaver River district by Patton & Co., then shown the possibilities of several other companies and then asked to favor an outrageous exchange of land proposed by Patton's Everton company, to which he, after refusing the application of dozens and dozens of others, acceded. If this is not a case that demands the attention of the Legislature there never was one in the State.

POORLY CONCEALED FAVORITISM.

Immediately after the passage of the Hadley law applications for exchange of lands in the Adirondack region began to pour in upon the Comptroller. One of the first applications was from R. R. Woodruff, of Duane, Franklin county. He is a farmer and wanted to consolidate his farm lands. He was not one of the favorite lumbermen, and when the Comptroller sent his application to the Forest Commission the reply that came back was that the exchange could not be recommended. The next application came from John Hurd, enclosing a plan showing what he wanted of State lands in township 14, one of the most beautiful and valuable in the whole Adirondack region, and what lands he offered in exchange, with the statement that he would pay as high as $3 an acre difference for the State land in township 14. This was three years ago. Floyd Hadley, an appraiser, has just recommended that the Everton company be given these very same lands at an average price of $1 48 an acre. They are worth, according to the best information obtainable in State departments caring for public lands, fully $5 an acre, and the statement is made that at a recent sale of private lands in the same vicinity $10 an acre was asked and readily paid.

APPLICATIONS REFUSED.

Mr. Hurd is a lumberman, but evidently not a favorite with the Forest Commission. When his application was forwarded to the commission on July 25, 1887, this reply was received:—

STATE OF NEW YORK,
THE FOREST COMMISSION,
ALBANY, July 28, 1887.

TO THE COMPTROLLER OF THE STATE OF NEW YORK:—

SIR—Your letter of the 25th inst., with the proposition of John Hurd to exchange twelve lots E. end of N. ½ of township Great Tract I, McCombs' purchase, for certain State lands in the S. ½ and N. ½ of township 14, adjoining, duly received. In reply would call your attention to the following resolution, which was unanimously adopted at a meeting of the commission held June 10, 1887:—"That, in the opinion of this commission, it is inexpedient to sell any State lands, and that the Commissioners hereby express their entire disapproval of the sale of any State lands, as provided for in chapter 475 of the Laws of 1887, commonly known as the Hadley bill.

Yours respectfully, ABNER L. TRAIN, Secretary.

Similar applications for exchange of lands under the Hadley bill were made to the Comptroller by Cantwell, Badger & Cantwell, of Malone; Frederick H. Bullard, of Glens Falls, and others. In consequence of the answer received by the Comptroller from the Forest Commission on Mr. Hurd's application this formal reply was sent to all applicants:—

STATE OF NEW YORK, COMPTROLLER'S OFFICE,
ALBANY, July 29, 1887.

SIR—The sale or exchange of small detached parcels of State lands in the forest preserve is authorized by chapter 475 of the Laws of 1887, but said law is practically inoperative, as the Forest Commission now declines to recommend any such sale or exchange. Your application has been filed in this department, so that if sales or exchanges be made under the provisions of said law it will receive proper consideration in its order, in which case you will be duly notified. Respectfully yours,

Z. WESTBROOK, Deputy Comptroller.

Mr. Hurd is still waiting, as are all the others, except the Everton Lumber Company, the president of which is a partner with Forest Commissioner Basselin in the Beaver River Lumber Company and whose interests are identical with his and against the State park. The Forest Commission still declines to formally repeal its resolution of June 10, 1887, disapproving of the Hadley law, although it has favored the Everton Lumber Company's application, and the Comptroller is still sending word to all other applicants that the law is practically inoperative.

BASSELIN'S WORK SHOWN.

Let us consider how it was that the Everton Lumber Company could secure such great advantage under the Hadley bill from a commission that had denounced that law right after its passage. The denouncement was made, as we have seen, by a resolution of the commission passed June 10, 1887, and for almost three years all of the many applications for the exchange of private for State lands were refused. During this time the plans of the conspirators were maturing.

The records of the Secretary of State's office show that on April 12 Henry D. Patton, George E. Dodge and David H. Patton incorporated the Everton Lumber Company with a capital of $80,000. Mr. Patton made no application under the Hadley act to obtain State land until August 7, 1890. Now notice that on August 14, one week later, Forest Commissioner Basselin formed the Beaver River Lumber Company, with Henry Patton as president. About this time there was a good deal of smelling around the Comptroller's office to see what was thought there of an exchange of forest lands. No direct statement was made and the Comptroller replied that he first wanted to know what State lands were wanted and what lands were offered in exchange therefor. He was very much suprised on September 22, one month after Commissioner Basselin had gone into the lumber deal with Mr. Patton in the Beaver River Company, to receive notification that the Forest Commission had voted to grant Mr. Patton, of the Everton Company, an exchange of lands which for nearly three years had been denied to everybody else.

THE COMMISSION'S CHANGE OF BASE.

Here is the official correspondence on this subject:—

STATE OF NEW YORK, FOREST COMMISSION,
ALBANY, N. Y., Sept. 22, 1890.

HON. EDWARD WEMPLE, Comptroller, Albany:—

SIR—Enclosed are copies of applications made to the Forest Commission by the Everton Lumber Company for the exchange of lands as specified therein under the provisions of chapter No. 475 of the Laws of 1887. At a meeting of the Forest Commission held September 18, 1890, it was voted that this commission recommend an exchange of land with the Everton Lumber Company in accordance with the terms of the application of said company under date of August 7 and 20, 1890, provided that in effecting such exchange the State shall acquire legal title to at least twenty-six thousand acres in return for twelve thousand acres, the title to which the State is asked to convey to the said Everton Lumber Company. Respectfully yours, ABNER L. TRAIN, Secretary.

CAUTIOUS COMPTROLLER WEMPLE.

It was none of the Comptroller's business, much as he might be astonished by the Forest Commission so suddenly changing front, and all he could do was to send the letter of the commission and the application of the Everton company to the Attorney General. He didn't propose, moreover, to take any more responsibility than was necessary in this evident scheme to grab State lands, and so his letter referring the whole matter to the Attorney General was very carefully written. It was couched in this language:—

STATE OF NEW YORK, COMPTROLLER'S OFFICE,
ALBANY, Oct. 1, 1890.

HON. CHARLES F. TABOR, Attorney General:—

DEAR SIR—Enclosed herewith please find the application of the Everton Lumber Company for an exchange of lands in the forest preserve, together with a communication from the Forest Commission recommending that such exchange be made, all of which are referred to you for appraisal of the lands in question. It is the wish of said company, which pays the expenses of appraisal, that all lands offered in exchange should be appraised prior to the selection of any of its lands by the State. As we interpret the provisions of chapter 475 of the Laws of 1887, under which the said application is made, it properly devolves upon your department to procure the required appraisals and also to pass on the title of the lands to be received in exchange. After such appraisal and subsequent selection of the lands by this department the company will submit to you for examination its abstract of title to such respective lands. Respectfully yours, EDWARD WEMPLE, Comptroller.

Mr. Tabor did not propose to be implicated in any way in this scheme, and he was very careful to simply follow out the law, the real object of the passage of which was now apparent. He turned the whole matter over to an Albany lawyer, whose only duty it was to go before the judges of the counties in which the sought after State lands were located and secure the appointment of the three appraisers.

THE EVERTON GRAB.

It is perhaps unnecessary to say that Commissioner Basselin's partner in the Beaver River Company, Mr. Patton, has selected for the Everton Lumber Company to gobble up the most valuable and beautiful part of the Adirondack region owned by the State. He only selects 13,355,098 acres of the best forest lands owned by the State, from which to skim the cream in the shape of 12,000 acres of extra choice lands, for which he offers 36,399 acres of almost absolutely worthless land, from which the State can select 26,000 acres. The recommendation of the Forest Commission that 26,000 acres be required for 12,000 while foxy should not deceive anybody. It would be very strange if the Everton Lumber Company or any company would not be perfectly willing to give fifty acres of denuded forest land for one acre untouched by the woodman's axe. The provision of the Forest Commission was the poorest sort of a blind.

I shall have more to say hereafter of the relative value of the State virgin forest lands sought to be grabbed through the connivance of the Forest Commission and the lands offered by the Everton Lumber Company after they have been stripped and denuded of the merchantable timber.

The appointment of the appraisers, the value put on the State and private land, both of which they appraised, and their signed report made last week, condemning the one which the lumber company is after and praising the other which the lumber company wants to get rid of, will provide another very interesting chapter in the HERALD exposé of the Adirondack conspiracy.

PUBLIC NEEDS POINTED OUT.

Governor Hill's Annual Message Informing the Legislature What the State Requires.

DEMAND FOR AN ENUMERATION

Reform in Methods of Taxation to Secure an Equitable Division of the Burden Between Personal Property and Realty.

RAPID TRANSIT FOR NEW YORK.

Compulsory Arbitration for the Settlement of Disputes Between Corporations and Their Employes and Regulation of Private Detectives.

PROTEST AGAINST THE FORCE BILL.

ALBANY, Jan. 6, 1891.—Governor Hill sent in his annual message to the Legislature to-day. It reads as follows:—

STATE OF NEW YORK,
EXECUTIVE CHAMBER, ALBANY, Jan. 6, 1891.

TO THE LEGISLATURE:—

In entering upon the seventh and last year of my service as chief executive of the State, I will not affect to conceal my gratification at the fact that for the first time during the past seven years the popular branch of the Legislature is in political accord with the executive.

I congratulate you and the people of the State that notwithstanding the existence of an unfair and unjust apportionment the popular voice has at last found expression in the selection of one house of the Legislature which is in harmony with the sentiments of a majority of the people.

While it is true that one body alone cannot enact the legislation demanded by the public interests, yet it is believed that the potent influence of the recent popular verdict is such that the whole Legislature will now be inclined to respect the popular wishes which have been so emphatically manifested and heretofore so long disregarded.

The measures which the people require are well understood. Foremost among them is the proposition for an enumeration of the inhabitants of the State in conformity with the express requirements of the constitution.

AN ENUMERATION DEMANDED.

An enumeration is necessary for the purpose of basing thereon a reapportionment of the Senate and Assembly districts. The federal census of 1890, defective as it is generally believed to be, demonstrates clearly the injustice of the present apportionment. That apportionment was based on an enumeration taken fifteen years ago, and since then the population of the State, according to the federal bureau's count, has increased more than 1,800,000. Nearly one-fourth of the inhabitants of the State have been denied just representation by the Legislature's persistent refusal to authorize a new enumeration. The federal figures show, incomplete as they are, that there have been in the last fifteen years radical changes in the relative number of inhabitants in various localities of the State. In the cities of New York and Brooklyn the increase of population is at least 200,000, while most of the other cities of the State have grown proportionately. Yet 85,000 people in St. Lawrence county are represented in the Assembly by three members, while nearly eighteen times as many in New York, and ten times as many in Brooklyn, continue under the present apportionment to be represented by only eight and four times as many members respectively. Under a fair apportionment, based on an accurate enumeration, New York would be entitled to thirty-three or thirty-four members of Assembly instead of twenty-four and Kings county would have seventeen members instead of twelve. In the Senate the section of the State below the Harlem River would be represented by fourteen Senators instead of eleven. It is a flagrant wrong longer to deny a fair representation to cities which pay more than half of the State taxes.

There need not be another census, but a simple enumeration of the inhabitants is all that is desirable and all that the constitution absolutely requires. It seems to be now generally conceded, no matter how the matter may have been viewed in previous years, that a collection of statistics, other than a simple enumeration, would be a useless waste of public money and a wholly unnecessary procedure. The people desire and expect at this time a simple enumeration, and that is all. They have protested in unmistakable terms against the political injustice involved in the continuance of the present inequitable apportionment of the Senate and Assembly districts, and they desire to see the wrong speedily righted in the most inexpensive and simplest manner permitted by the constitution.

The duty of the Legislature is plain. It should provide for the taking of an enumeration, to the end that a fair and just apportionment may follow in due time. That duty cannot be neglected or evaded without the violation of the official oaths of those who perpetrate the wrong. It should be faithfully performed regardless of political or other irrelevant considerations.

A JUST AND REASONABLE EXCISE LAW.

The necessity for a revision of existing excise laws has been repeatedly demonstrated. It was in 1857—over thirty years ago—when the present partial or imperfect general excise law now in force was enacted. Since that date our population has enormously increased, so that it is now about two-thirds greater than then, and with this increasing population, tending more and more to concentration in our large cities and populous towns and villages, inevitable and decided changes have come in the conditions under which the excise laws must be administered. Numerous innovations have been wrought in the customs as well as the opinions of the people during that long period. Restraints and regulations then enforceable are not now effective or sufficient. Many restrictions and methods of procedure then adopted are not now desirable. Provisions then applicable are not now appropriate or suited to large bodies of our most industrious and respectable citizens.

The remedy is plain, and was concisely stated several years ago by one of my distinguished predecessors in the following language:—"What is needed is to substitute for all existing laws on the subject a carefully prepared statute, reasonable in its limitations and restraints, clear and explicit in all its provisions, and, above all, complete in itself, to be uniformly, steadily and constantly enforced."

The provisions of such a general law should be fair, plain and concise and so framed as to be capable of being easily understood, especially by those who are expected to obey it and who are so largely affected by its privileges and penalties.

It is believed that the people are opposed to oppressive sumptuary laws, and in the contemplated revision the aim should be to afford the individual citizen the largest liberty consistent with good order and the public safety, while at the same time not offending the moral sense of the community, but seeking to mitigate and suppress the conceded evils of intemperance.

THE PROHIBITION AMENDMENT.

Two Legislatures having passed the prohibition amendment, it must now be submitted to the people agreeably to the provisions of the constitution. It is the clear duty of the Legislature to provide for its submission. It is immaterial whether the amendment itself was wisely or unwisely passed by previous Legislatures, or whether it would meet the approval of the present Legislature if the question was presented to it on its original merits. The good faith or propriety of its passage in other years cannot be properly considered now.

It is believed that after a careful investigation of the questions of law and propriety involved, to which your attention is invited, it will be apparent that additional legislation is desirable as well as absolutely required, and that the most feasible and wisest course to be pursued is the speedy enactment of a proper law containing the necessary provisions for the due submission of the amendment at the next annual election.

THE JUDICIARY AMENDMENT.

Two Legislatures having duly passed an amendment to the judiciary article of the constitution providing for the election of additional justices of the Supreme Court, it will be the duty of the present Legislature to provide by suitable legislation for its submission to the people.

The last Legislature passed an act for that purpose, but it proved defective and failed to receive Executive approval after the final adjournment of the Legislature, and hence another act becomes necessary at this time.

REFORM IN METHODS OF TAXATION.

The subject of taxation, always an interesting and important question, is one demanding your earnest attention, especially at this time.

The condition of the agricultural interests of the State, which are closely allied with its general prosperity and largely affected by any system of taxation, may appropriately be taken into consideration in determining what changes in present methods are most desirable.

Thoughtful observers who have made the subjects of taxation and values their careful study for many years estimate that the value of the personal property of our State nearly equals the value of its real estate. This view is largely confirmed by the repeated statements of our State Assessors and is further partially corroborated by the records of our clerks' offices and surrogates' courts as well as other accessible information. If, however, this estimate shall seem to be exaggerated, it may at least be safely asserted that the value of personal property exceeds seventy per cent of the value of real estate, and that such fact would be amply established under a proper system of taxation.

Yet the assessment rolls of the State under existing laws make a very different exhibit. According to the present assessment, the equalization of which was fixed in October last, the personal property in the State is valued at only $385,329,131, while the real estate is valued at $3,298,323,431, the personal property thus being assessed at only about one-eighth as much as the real estate.

The manner in which assessments are to be made is fixed by the Revised Statutes, which provide that the taxable personal property owned by a person shall be taxed at its full value "after deducting the just debts owing by him."

This latter provision has existed without change or amendment ever since its first enactment in 1828, although its utility has often been seriously questioned. Every effort at modification has been stoutly and successfully resisted, notwithstanding it has been repeatedly proved that its existence furnishes the avenue through which personal property substantially escapes all taxation.

The facility with which taxation is evaded under the opportunities afforded by this clause furnishes a strong argument for its repeal.

Real estate now bears about eighty-nine per cent of our direct State taxation, and the injustice of this situation is so apparent that it is believed the Legislature cannot longer refuse to provide some relief.

The present system of taxation is regarded not only as inequitable, but as inconsistent.

While it permits the amount of the indebtedness of an owner of personal property to be deducted from his assessment, no such reduction is permitted to the owner of real estate, even though his indebtedness may be represented by a mortgage, judgment, encumbrance or other specific lien upon such real estate. It is difficult to defend so unreasonable and unfair a proposition. The effect of this situation is that the statute in theory authorizes or permits a double taxation.

I believe in the just and equitable doctrine that real and personal property should be placed upon an equal footing for all purposes of taxation.

Whatever rule is adopted should be applied without unjust discrimination. Either the question of indebtedness should be eliminated entirely from the matter of taxation of property, or else all taxable property should be treated alike in respect to such indebtedness.

If, however, the Legislature, in its wisdom, shall hesitate to adopt the radical changes hereinbefore outlined, another method of reaching personal property for the purpose of taxation may be found in the plan of a graduated probate and succession tax upon the personal property of decedents.

MARRIAGE AND DIVORCE.

The Legislature at its last session passed an act (chapter 295 of the Laws of 1890) authorizing the Governor, by and with the advice and consent of the Senate, to appoint three commissioners to promote uniformity of legislation in the United States on certain subjects, particularly the laws relating to marriage and divorce; and in pursuance thereof three able and well known lawyers—viz., Leury H. Boekman and William L. Snyder, of New York, and Irving Browne, of Albany, were duly appointed and confirmed, who are now engaged in the discharge of their important duties, and are expected to make a preliminary report to the Legislature at its present session embodying such recommendations as they believe to be desirable to facilitate the excellent objects sought to be accomplished. I bespeak for their report that careful study which the character of the subject justly demands.

IMPROVEMENT OF COUNTRY ROADS.

I renew my previous recommendations with reference to the improvement of country roads. While the suggestions upon this subject made in my annual message a year ago seemed to meet popular approval very generally throughout the State, they were misapprehended by some persons, who appeared to have inferred that the plan, as presented, involved the assumption by the State of control over the highways or the heavy bonding of counties for the construction of new roads and improvements.

No such implication was intended to be conveyed in the recommendations. The plan suggested involved merely the construction at State expense and under State supervision of two highways running transversely through each county, intersecting in about the middle of the county or at its principal place, and so connected as to form a network of well built roads through the State. It was not intended that the State should assume greater responsibility than this, but it was believed that to this extent the matter of road improvement was one of State importance—adding largely to the wealth and attractiveness of the State, as it would, by bringing agricultural lands into easier and closer access to the towns, enhancing the value of rural property and attracting, especially in the summer months, large numbers of strangers to the State. I am as much opposed as any one can be to the assumption by the State of any unnecessary powers or responsibilities, but the initiative of so great an undertaking as the systematic and scientific improvement of our highways must be taken by the State, or no genuine and general reform can be accomplished. The best individual efforts must necessarily be local and spasmodic.

RAPID TRANSIT IN NEW YORK.

The need of legislative action to facilitate the acquirement of means of rapid transit in the city of New York becomes more imperative each year. Such action cannot longer be deferred without seriously retarding the city's growth and prosperity.

As to the general nature of the legislation required there is now practically no controversy. Such differences as have heretofore existed were substantially reconciled at the last session of the Legislature. A rapid transit bill failed of enactment at that session solely because the majority of one branch of the Legislature refused to accept in the measure the salutary principle of home rule in the appointment of a commission. It is to be hoped that no such shortsighted impulse will again be the means of depriving the people of New York from much needed facilities for local transit. In a matter so distinctly of local concern and importance as the laying out of transit routes and the supervision of transit methods the local authorities, by themselves or officers of their selection, should be invested with the control and responsibility. To deny them that right is to deny self-government to the chief city of the State. Much as the people of New York desire rapid transit, they do not desire it, in my opinion, as the price for the surrender of the principle of home rule. Their earnest devotion to the maintenance of this principle was manifested during the controversy over the so-called World's Fair bill last spring, and compelled finally its recognition by the Legislature, although the desperate effort to defeat that principle provoked and prolonged an unfortunate contest which concededly lost New York the World's Fair. In view of recent events, however, it is not believed that any further serious opposition to this principle will now be manifested.

THE INTERESTS OF LABOR.

During the labor difficulties arising out of the strike of certain of the employes of the New York Central and Hudson River Railroad Company last summer, there were developed two defects or omissions in the statutes of our State to which the careful attention of the Legislature is directed, one relating to the arbitration of labor disputes, and the other concerning the employment of private detectives.

The statute creating the Board of Arbitration and Mediation, which provides for the amicable adjustment of labor controversies, contemplates that the functions of the Board shall only be invoked by the voluntary action of both of the parties to the dispute. Either party may decline to accept the intervention of the Board, and for such refusal there is no remedy or penalty prescribed. The theory of the statute seems to be that the State simply creates a fair and impartial standing tribunal which is always at hand, and to which the parties to a labor controversy are at liberty, without any expense to themselves, to voluntarily submit their differences for amicable adjustment; but no method of compelling such submission is provided.

This is probably all that can be accomplished by legislation to facilitate the arbitration of such controversies as between individuals; but as between corporations and their employes it is believed to be possible as well as feasible to enlarge the scope of the existing statute by making such arbitrations compulsory.

Corporations are the creatures of the law, and their management and actions, as well as the conduct and relations of their employes, can, to a large extent, be regulated by statute, and the enforcement of arbitration practically controlled thereby.

The desirability of compulsory arbitration in such cases, if the same can be successfully secured, is a subject which invites discussion, and is worthy of your careful attention.

PRIVATE DETECTIVES.

There is no express statute in our State which prohibits or regulates the employment of private detectives during labor strikes. On such occasions employers, whether they are corporations or individuals, have a lawful right under existing laws to employ "Pinkerton's detectives," or any other detectives, persons or organizations, even though armed, uniformed and organized, and no matter where their residence may be to assist in the preservation, protection and keeping possession of their property; and this right is not affected by the fact that neither the State authorities nor local officials have any direct control over the actions of such detectives. This is the law, and the desirability of its modification is the question suggested.

It is alleged that experience has demonstrated that the use of the services of such detectives at such times becomes naturally a source of irritation and inevitably provokes violence and disturbance which otherwise would not occur. It is true that such detectives are liable like all other persons for any infraction of the law, including unnecessary violence, which they may commit, but being generally strangers and uniformed the difficulty of their identification and detection where disturbances occur usually operate to defeat justice and renders their employment more odious to the people. It is contended by many good citizens that the protection of property and the preservation of the peace in such emergencies may always more safely be intrusted to the constable, the policeman, the Sheriff or other public official, and if these instruments prove inadequate, then the reputable citizens constituting the posse comitatus of the county, and ultimately to the military if necessary, rather than that resort should be had to an organized, armed, uniformed, unofficial body of non-residents. Private detective organizations are comparatively modern institutions, and it is urged with much force that in the absence of existing laws upon the subject it is the true province as well as the duty of the State, through its Legislature, either to prohibit the employment or to define the functions, regulate the duties and restrict the powers of such organizations.

In framing such a remedial statute care should be exercised not to unnecessarily infringe upon the inherent rights of citizens and property owners, but while relieving the people from the abuses now complained of, the just prerogatives of all classes should be recognized and respected.

CONTESTED ELECTIONS.

I had the honor at the last session of the Legislature to suggest, in a special message, an amendment to our constitution whereby the determination of contested elections of members of the Legislature might be vested in the courts rather than in the Legislature itself, and I recommended, further, such action by the Legislature as would be likely to bring the subject to the attention of Congress, with a view to securing ultimately a similar amendment to the federal constitution. Such a transfer of jurisdiction I believe had not been previously suggested by any public officer in the United States, and whether on account of the novelty of the suggestion or a disapproval of it, the recommendation remained unacted upon at the adjournment of the Legislature. At the time it was made, however, it was generally supported by the public press, and since then the idea, so far as it related to members of Congress, has received the strong indorsement of the distinguished Speaker of the Federal House of Representatives in a magazine article published during the past summer.

I renew my suggestion for the passage of a concurrent resolution submitting to the people an amendment to the State constitution which will confer upon the courts the exclusive authority to decide the elections of members of the Legislature. Our State would do well also in taking the lead to bring about a similar change in the federal constitution. Contests for legislative offices would then, under such a modified system of adjudication, be upon the same plane with contests for other offices. A certificate of election would entitle the holder to retain his seat in the Legislature until ousted by the judgment of a competent court. I do not fear that the judiciary would be influenced by partisan motives, and the net result would be, in my opinion, a distinct gain in the direction of the impartial determination of election cases.

CHICKAMAUGA AND CHATTANOOGA MILITARY PARK.

The Congress of the United States has provided for purchasing the battle field of Chickamauga and obtaining the roads along Missionary Ridge and over Lookout Mountain, and establishing thereon a national military park. The State of Georgia has ceded to the United States full jurisdiction over the Chickamauga field, and the authorities of Tennessee have ceded the roads already mentioned.

A national commission is now engaged in preparing historical tablets to mark all the lines of battle on both fields. The act establishing the park authorizes the States which had troops in these campaigns to erect monuments upon the government grounds to honor their fighting.

New York has already made most liberal provision for commemorating the deeds of her sons at Gettysburg. I recommend that like action be taken by the State, through the necessary legislation, to preserve the history of New York troops on these celebrated fields about Chattanooga.

THE WORLD'S FAIR.

Federal legislation having authorized the scheme of a great World's Fair in 1893, and Chicago having been selected as the city in which the fair shall be held, it becomes the duty of each State in the Union to assist, as far as it may be able, in contributing to the success of this national undertaking. The State of New York, with its commanding position in the list of States and its unlimited resources, ought not to be behind any other State in the variety and extent of its representation. I recommend such legislation and liberal action as may be deemed necessary to facilitate a proper exhibition of the State's resources and to enable the State to participate with dignity in the great exposition.

OTHER RECOMMENDATIONS.

Certain recommendations contained in my previous messages may appropriately be renewed at this time. They are as follows:—

First—A measure providing for an immediate constitutional convention.

The basis of representation for such convention should be the latest enumeration, and for this purpose the recent federal census may be utilized, if it is deemed advisable to do so. There are no legal or constitutional objections to such a course.

Second—An act to provide for compulsory voting.

Third—A measure creating a State commission which shall include supervisory powers over gas, telegraph, electric lighting and telephone companies, similar to the jurisdiction conferred upon the Board of Railroad Commissioners over the railroads of the State.

Fourth—An amendment to the Weekly Payment act of last year (chapter 388 of the Laws of 1890) applying its provisions to steam surface railroads. Such railroads were exempted by that act, but it is believed that no adequate reasons exist for such discrimination.

It might be well enough to further amend the act by expressly declaring that its provisions were not intended to apply to officials of municipal corporations who receive stated salaries.

Fifth—An amendment to the "Corrupt Practices act" of last year (chapter 94 of the Laws of 1890) extending and applying its provisions to the committees or every political party. The propriety of a further amendment compelling the filing by candidates of an itemized verified statement of their expenditures in obtaining nominations is also suggested.

Sixth—A measure affording legal facilities whereby a successful candidate who can be proven to have obtained votes by bribery or other corrupt or illegal means on the part of himself, his agent or his political committees may be ousted from office by proceedings in the nature of a quo warranto by the defeated candidate and the latter given the office in his stead, provided it appears that neither the defeated candidate nor his committees have used any corrupt means to promote his election.

Seventh—An act providing for the compulsory investigation of fires.

Eighth—An act abolishing the confirming power on the part of the Senate except where expressly authorized by the constitution.

Ninth—An act to provide for a special labor commission to suggest measures in the interest of labor.

Tenth—An act abolishing the State Board of Charities and State Board of Health, and vesting their respective powers in single officers, thereby concentrating responsibility and improving the public service.

Eleventh—A measure providing for the inauguration of a system of manual training in our public schools. This topic was fully discussed in my annual message of 1887.

Twelfth—A measure providing a comprehensive plan for the creation of a State park in the Adirondacks. The necessity and advantages of such legislation were fully set forth in a special message last year, to which the attention of the Legislature is respectfully directed.

FINANCES.

The State debt has been reduced during the past fiscal year by the payment of $100,000 Niagara reservation bonds and $1,710,550 canal debt.

On the 30th day of September, 1890, the total funded debt was $4,904,304, classified as follows:—

General fund (Indian annuities)	$122,694
Canal debt	4,341,610
Niagara reservation fund	500,000
Total	$4,964,304
Aggregate sinking fund	3,163,722
Total debt unprovided for, but not yet due	$1,800,582

The tax rate for the current fiscal year is two and thirty-four one-hundredths mills (2 34-100), which on the present assessed valuation will yield $8,619,148 17. The reduced tax rate is occasioned by the fact that by reason of Executive disapproval (after the adjournment of the Legislature in 1889) of various appropriations, amounting in the aggregate to over one million eight hundred thousand dollars ($1,800,000), there was left a surplus or that amount in the treasury, which was utilized in 1890 in lessening the amount necessary to be raised for this fiscal year, and because of the further fact that the assessed valuation of taxable property had been increased nearly $100,000,000 since the previous year.

The amount received from notaries during the last fiscal year is the sum of $32,652 50. There has been received from the "pool tax," so called, the sum of $22,571 25, and from the special tax on corporations the sum of $1,158,978 41, and from the collateral inheritance tax the sum of $1,117,037 70, and from the special tax on the organization of corporations the sum of $220,719 94.

DANGEROUS FEDERAL LEGISLATION.

There is pending in the federal Congress a measure popularly designated with great accuracy as the "Force bill," which is designed to extend federal control over Congressional elections.

In the defeat of that effort the State of New York and every other State in the Union has a vital interest. Ostensibly to promote pure elections, the measure in reality is an unworthy scheme to perpetuate partisan control. It is a dangerous step in the direction of centralized government. It is un-American and revolutionary. It is an unwarranted usurpation of the rights and privileges of States. It authorizes the employment of an army of federal officers and the expenditure of many millions of dollars. It practically annuls many State laws and places the determination of federal elections absolutely in the hands of partisan officers. The effect of its enactment and enforcement must inevitably be to infringe the sacred right of representation, to build up a powerful partisan machine dangerous at all times to the free expression of popular sentiment, to turn over the control of government to an oligarchy of officeholders, to excite conflict between State and federal authority, and to break down respect for law and reverence for our political institutions among the ignorant. In the South it would be the means of arousing race prejudices which would threaten the order and prosperity of those communities and rekindle the dying embers of sectionalism.

I urge the Legislature, by resolution or otherwise, as may seem best, to express so emphatically its condemnation of the proposed legislation that the united voice of New York's representatives in Congress may be secured to avert from the State and the country the evil effects of so unwise a law.

CONCLUSION.

I cannot conclude my last annual message to the Legislature without cordially acknowledging the willing co-operation and assistance which I have received during all the years of my administration from my associates the State officers. Their earnestness and ability have been conspicuous, and whatever success has accompanied the administration of the State government during the last six years is due in a large degree to their faithful devotion to the public interests.

DAVID B. HILL.

JONES GOADED BY THE HILL FLY.

Remarkable Speech of the Lieutenant Governor at the Opening of the Senate Session.

SHEEHAN AS SPEAKER.

Rapid Transit Bills Introduced Both in the Senate and in the House.

PROSPECTS OF SUCCESS.

[BY TELEGRAPH TO THE HERALD.]

ALBANY, Jan. 6, 1891.—Jones has put his foot in his pail of milk. The Lieutenant Governor whisked his tail around to-day to drive away the Hill fly that is lacerating his gubernatorial ambition. He did it in his address of welcome to the State Senators