

From the trophies of peace I would claim a share for Albany with a consuming sense of justice. I would claim a crown for John G. Saxe's poems, every line bubbling with the champagne of humor, and sparkling with the spirits of wit. I would claim a diadem for Bret Harte's stories of "The Luck of Roaring Camp" and "The Mystery of Poker Flat," with their ineffable touches of pathos and their heart appeals to stuff that makes a man a man. I would claim a throne for Harold Frederick's "Damnation of Theron Ware," which stands midway between Hawthorne's "Scarlet Letter" and Helen Hunt Jackson's "Ramona," as the second greatest novel of American life. And then I would claim a throne and diadem and a crown for the laboratory work of Professor Henry in the old Albany Academy, laboratory work which gave us the telegraph and the cable and linked the world's thoughts together with the instantaneousness of God's lightning flash.

If I were a painter I would enroll on the scroll of Time a picture of Benjamin Franklin and his co-patriots meeting down on Broadway in Old Albany in the first colonial congress that ever declared for the independence of the American colonies.

If I were a descriptive writer I would recall the scenes of Old Albany as described by Mrs. Grant in her "Memoirs of an American Lady,"

"where every family had its cow, its garden, and its rose bush; where every porch was a family club in the serene moonlight of a summer's eve; where none were too rich or too poor or too ignorant; where all snatched poetry from the rainbow of the Hudson and inspirations from the revolutionary tales of the fathers."

Then I would cease tolling memory's bells and turn you to the present, a present worthy of our past, and prophetic of our future. And what a future awaits us! White winged ocean vessels sailing up the Hudson; Capitol Hill divested of residences and turned into a granite pile of public buildings that will put Paris to blush; the South End and the North End transformed into smokeless districts of manufacturing and resonant with the song of industry's wheels; the homes along the valley of the river transferred to our hills with their golden sunshine and vitalizing atmosphere.

I like to think of Albany as the City on the Hill. I like to think of Albany as rising above the common places of the valley, high into the clear, pure air of the mountain-top. I like to think of Albany as expressing her ideals and revealing our traditions on the spot that she gave to New York for the Capitol of the Empire State. Up there where the clouds are floating, and the birds are flying, clear and bold against the azure of the eternal sky, Albany has placed the Capitol where man can see the majesty of the law, the dignity of a commonwealth. There, looking down upon Albany's ancient avenues, facing the blue mountains and catching the sparkle of the waters of the Hudson, serene, powerful and immovable, the Capitol raises its head to meet the skies. In the picture of the Capitol on the hill rearing its head to meet the sky, I like to read the hopes and aspirations of the city at its feet. I like to feel that Albany has its eyes turned upward and outward, and that those who hold in fee the destiny of Albany prefer the heights to the lowlands, and the sunbeams to the shadows.

Albany has stood the stress and storms of two centuries. It has seen the Indians' tepee give way to the

trader's cabin, and watched the transformation of the trader's cabin into a modern mansion. It has been the scene of two frontier wars without becoming a battlefield. For generations it has been the scene of political intrigue without becoming cynical. Proud of its past, happy in its present, and confident in its future, Albany is tonight "the House of Peace" that the forgotten Mohawks called it, a "House of Peace" where the latchstring of hospitality and courtesy awaits the hand of the stranger, the "House of Peace," where in legislative halls the representatives of the people assemble to plan and work for better things for the Empire State.

And above the portals of this "House of Peace" are written three words, three words to which tonight as loyal Albanians we subscribe loyalty and devotion; three words symbolical of a thriving, growing city; three words voicing the kernel of human advancement and picturing the course of history's trend; three words—"Hospitality, Opportunity and Progress."

TOASTING THE ROASTERS

Speech Delivered at the Amen Corner Dinner at New York City, February 28, 1914

I am a bold, self-confident man, but I am neither self-confident enough nor bold enough to match my poor oratory against the wit and the humor, the irony and the satire of the Knights of the Pen and the political wags of the city of New York.

I am an Irishman who knows when he's whipped, and there are few of my kind.

I am here tonight and, like Douglas, sit at the head of the table because I am Governor; if I were not Gov-

ernor I would be here just the same, though hidden in some obscure corner.

But both as Governor and as private citizen I carry from this pleasant occasion Balzac's pleasant title of "The Man Who Laughed." I can laugh at myself as well as laugh at others; not so heartily, perhaps, but still I can laugh, for I realize that laughter plucks thorns from the hedges of life's highways.

It's good, as Bobby Burns sings, for us to see ourselves as others see us.

It would be fine to compel the attendance of public officials at these Amen Corner banquets. At these Amen Corner banquets public officials learn that the crowns they wear are made of pasteboard, their robes of tissue paper and their thrones of reeds shaken by the wind.

English authors like Shaw, Chesterton, Benson and Birmingham say that satire is dead in America. I wish these English scribes could have their ears titillated by the grillings of an Amen Corner banquet. They would conclude that satire is very much alive among the scribes—if not the pharisees—of little old New York.

To a woman who lamented the absence of Shakespeares from the earth, Bob Ingersoll replied there were scores and scores of Shakespeares in America. "Where are they?" asked the lady. "Working for the newspapers," replied Bob. And this story of Ingersoll's brings me to a personal incident with David B. Hill. During the Roosevelt-Parker campaign I went on a political prospecting trip in the West for Hill. On my return to Albany I told Hill I thought Roosevelt would carry Missouri. Hill pooh-poohed me, and asked if I knew that Bob Ingersoll had promised to become a Christian when Missouri went

Republican. The day after election I met Hill on State Street in Albany. Before I could spring the proverbial "I told you so," Hill threw up both hands and exclaimed, "Yes, yes, I know Missouri has gone Republican. Too bad, too darn bad Ingersoll is dead. Christianity has lost a great advocate." So I say too bad, too bad that the newspaper boys who write this clever stuff for these Amen Corner banquets are not writing satire for the ages to confound our English critics, instead of writing ephemeral newspaper stuff for the day. Sam Johnson, Alexander Pope, Dick Steele and Dean Swift won fame and fortune in their time as satirical political pamphleteers. Had Seibold and this Amen Corner crowd been alive in those days, Sam and Alexander, Dick and the Dean would have lost not only their fortunes but their jobs.

I always enjoy these dinners and never one more than tonight.

The men soaked here are sorry they are soaked. The men not mentioned are sorry they are left out. I came here to be roasted and I got what I came for. I came here to see others get what was coming to them and I go home satisfied.

You see I lead a double life—a sort of Dr. Jekyll and Mr. Hyde existence. I am an editor and a Governor. You notice I put the editor first. As editor I favor the widest liberty of the press. As Governor I sometimes want to strangle all of the press and most of the editors. But I have one consolation ever steady, loyal and true. There is one newspaper in the State that always supports me, one newspaper that always approves whatever I may do. Tell it not in Gath, my friends, publish it not in the streets of

Ascalon, but that paper is the *Albany Times Union*, and I am its editor and proprietor.

Maybe we have too many unions these days, but I am for forming another. I propose an offensive and defensive union among newspaper men, an offensive union to put newspaper men into office and a defensive union to keep them in when we get them in. For this purpose I promise to attack no newspaper man in my newspaper if no newspaper man will attack me in his. And I am ready to keep this promise until January the first next, anyway. After that, like Miss Tanguay, I don't care, for as the Solomons, Nestors and the Jeremiahs of this occasion have insisted, I don't want a renomination.

The Governor's office is like a lot of other things in this life. It's fine when you haven't got it, but when you get it, its roses sometimes turn to ashes. Some weeks ago Sam Blythe wrote me up in the *Saturday Evening Post* as the luckiest man in the world since Rip Van Winkle's day. Sam said I carried around with me a magical mattress of eider and down and that I always landed in a soft spot on that mattress no matter what happened. Now I want to tell Sam that of late some son of a gun has been stuffing bricks into that mattress where feathers ought to be.

The governorship is not all milk and honey. I have troubles of my own. Between Jim Osborne putting men in jail through investigations and Thomas Mott Osborne getting men out of jail through prison reform, I scarcely know what to do.

Public office was once a great glory. Now it is a great risk.

Frank Tierney, my secretary, tells me there are so many investigations and so many investigators about the Capitol that he never knows whether he is going

to wind up the day saying, " Good evening, Governor," or " Good night, warden."

But no matter. Tonight the spirit of laughter makes brothers of us all. Tonight contagious humor makes good fellows of each one of us. Tonight we forget the vinegar and gall and remember the peaches and cream of this whirligig game of life. And a jolly exciting game it is with its hurly and its burly, its mental acrobatics and its strategies of wits.

But in the game let us all pledge faith against foul play. Let us all swear allegiance to the decencies of life and never hit below the belt. Let our slogan be a fair field, a clear track and honest course and may the best man win.

As for myself, I want to do the plain, ordinary work of a plain, ordinary man in a plain, ordinary way. I want to observe the golden rule toward all men in all things. I have no desire to pose as Jack the Giant Killer. Jack the Giant Killer never lived, does not live, and will not live. Neither have I an inclination to play the rôle of Hop o' My Thumb to any man or any men, no matter how powerful he or they may be. I am not big of stature, but as I am I can, like Ovid's True Man, keep my feet on the earth and my head among the stars, and I will. I can think for myself, and I will; I can map out my own policies and execute them, too, and I will; I can steer my own boat down the stream of life, and I will. And whether Fate sinks or saves my boat I will hold my rudder true, and whether my thinking, my planning and my steering bring me victory or defeat, happiness or sorrow, I say to you tonight, as Lord Byron wrote to Tom Moore:

" Here's a sigh for those who love me and a tear for those who hate,
" And whatever skies above me, here's a heart for any fate."

FEMININE EDUCATION

**Address Delivered at the Albany Academy for Girls,
June 1, 1914**

Fifty years ago, on the occasion of the fiftieth anniversary of this academy, Governor Seymour was privileged to address the graduating class. Fifty years later the Governor of the State finds himself honored by an invitation to take part in the celebration of your hundredth anniversary.

Looking about me at this galaxy of beauty, grace and charm I cannot but feel that you are discriminating against the Executive Department of the State government. Instead of inviting the Governor here twice in a century you ought to invite him twice in a year.

I consider it an honor to be present tonight. The fact that you are celebrating the centennial of the school's existence makes this an important occasion. In this new land of ours there are not many institutions which can lay claim to a century of continuous existence. The humorists assure us that the feminine mind inclines to conceal age rather than to boast of it. I do not believe that this is a peculiarly feminine attribute myself, but at any rate the graduates of this academy are perennially fresh and charming even if the institution which they adorn grows older with the years.

The teachers and students of this academy have reason to be proud of the centenary which they celebrate tonight. It is not only the centenary of the founding of this particular school, but it is the centenary of the beginning of higher education for girls. It is true that some of the academies organized in the

last decades of the eighteenth century were open to girls. Leicester Academy, which was founded in 1784, and Westford, which was started in 1793, received members of the gentler sex, but these were primarily academies for boys and gave instruction to girls only as a sort of complement to their other activities; but the Albany academy properly enjoys the distinction of being the first school designed only for girls, as it was founded nine years before the Derry Academy in New Hampshire, which is accustomed to claim the distinction which belongs to you.

Not only is your history long, but it is distinguished as well. There is nothing particularly admirable in age if it has nothing to commend it but its years. It is only when age can look back upon achievement and progress that it may incite admiration and command respect. The progress of this academy, the friends it has won, the distinguished names that are linked with its story, are eloquent proof of a century of accomplishment.

The academy has been fortunate in its friends, in its teachers, and in its students, and the best proof of the worth of the institution is the affectionate esteem in which it has ever been held by those who have graduated from its halls.

In its particular field the Albany Academy has done its part in the movement for the better education of women. A pioneer in this great movement, it has maintained the highest standards and been worthy of the highest ideals of the new dispensation. It can look back with pride on the transformation it has helped to work during the last century. It can compare the present opportunities for feminine development with a not distant past in which woman was looked upon as unworthy of education.

Girls were not allowed to attend the public schools in Boston, for instance, until 1790, and then their attendance was limited to the summer months. An arithmetic was not in this summer curriculum, for it was said, "all a girl needs to know is enough to reckon how much she will have to spin to buy a peck of potatoes in case she becomes a widow." Two years before another New England town voted that any expense for "schooling girls" was unnecessary. About the time that this academy was founded the education of girls and women began to enlarge, but instead of developing along rational lines it went to the other extreme. Where the women of 1800 were looked upon as drudges the women of 1850 were regarded as butterflies and educated as such, and the young ladies who are graduating tonight have reason to congratulate themselves that they are living in an age which regards them as neither drudges nor dolls, but as human beings entitled to the fullest and freest mental development.

The changes during the last hundred years in the legal rights of women, which the lawyers sum up as the change from status to contract, have seen a similar change in the educational opportunities of women. Today there is no avenue of education open to a boy of which his sister may not avail herself. The world has awakened to the needlessness of wasting the intellects of its girls. It has put away the notion that a wife or mother is less capable because her mind has been developed, her interests broadened, and her energies trained, and it has been rewarded by the development of such authors as Myra Kelly, such scientists as Madam Curie, and such citizens as Jane Addams. Samuel Johnson, the encyclopedic Englishman, said that a woman made the better wife and better mother for being educated; Boswell, his biographer, contended

she did not; but as in nearly everything else, the world has decided that Johnson was right and Boswell was wrong.

There is to me no more encouraging sign of modern progress, no more convincing proof of modern development than the position which woman is now assuming in our social and economic life. Lincoln said that no nation could exist half slave and half free, and it seems to me equally true that no nation can live up to its opportunities which is half educated and half uneducated, half trained and half untrained, half developed and half undeveloped.

It is a truism that a nation's welfare is founded on the welfare of its homes and that these homes are made by the wives and mothers who shed their radiance there. And the wife who has received the benefit of a liberal education, who has a lively and intelligent interest in the broad world about her, can exercise an influence within the walls of her home which will make it a citadel from which soldiers of truth and right may go forth to battle and to victory.

The ideal woman is the aim of the Albany Academy for Girls, and for a hundred years this school has tried to attain what Holmes so gloriously writes of in the "Autocrat of the Breakfast Table," what Dickens portrays in the lovable character of Agnes in "David Copperfield," and what Cowper sings of in the glorious poem of "My Mother's Picture."

Solomon, the wisest of men, said: "Better is wisdom than all precious things, and more to be desired." In its service of a hundred years in the cause of education, this school has put into practice the words of Solomon. It has sown the seeds of wisdom among its students, and remembered the injunction from Ecclesiasticus, "Sow thy seed in the morning, and at eventide

let not thy hand cease; since thou knowest not what will spring up, whether these or those, and if both together, still better is it." In the morning of its life a hundred years ago, the Albany Academy for Girls sowed seeds of culture into life; fifty years ago in the mid-age of its endeavors, it still sowed and began to reap; and now in the cool of the evening of a century of existence, its hand has not ceased to sow, and around it have grown up bounteous harvests and beautiful harvesters. For a hundred years the Albany Academy for Girls has repeated to seekers of knowledge the exhortation of Isaiah, "All ye who thirst, come to the waters; and ye who have no money, hearken, buy and eat. Come, without money and without price, and buy wine and milk." For a hundred years this school has gathered the knowledge blossoms of the ages and handed them to her daughters with plentiful fruitage. For a hundred years this school has nurtured the garden of girlhood until it has burst into the flower of womanhood. For a hundred years this school has gathered the myrrh of life with the spice and given to her daughters the honeycomb of science with the honey of art for food, and the wine of poetry with the milk of morality for drink. For a hundred years this school has kept her head among the stars until her tresses are moistened with heaven's dew and her eyes illumined by heaven's light. Tonight we crown the old age of this school with an everlasting youth adorned with noble accomplishments. Tonight we mingle the youth and age of this school and watch them walk hand in hand down the corridors of time, more accomplished with the growing years, more cultivated through experience, more wise by the passage of time, and more and more possessed of the finest fruits of the learning of the world.

ADDRESS TO GEORGETOWN GRADUATES

**Speech Delivered at Georgetown University,
June 16, 1914**

Georgetown's seal is on your hand, her spirit in your heart, her laurel on your brow, her stamp upon your manhood. Only the hand of death can loosen the seal, chill the spirit, snatch away the laurel or alter the stamp. Go where you will, do what you may, the atmosphere of Old Georgetown will cling round you still. Climb ever so high or fall ever so low, win fortune's gold or struggle for existence, gain distinction or be lost in obscurity, clothe yourself in the purple of the world or the sandals of the hermit—far down the corridor of years you will hear in the twilight of memory and the borderland of sleep the silvery peal of Georgetown's angelus bell, the choral song of the morning service, the triumphant shout of collegiate victory on the battlefield of sport; in the twilight of memory and the borderland of sleep you will play the old plays, perform the old pranks, and sing the old songs of the days you end today; in the twilight of memory and the borderland of sleep you will live anew your college days amid these ivied walls, these stately trees, these best of boys and these goodly teachers—and from the vision and the dream, the rhapsody and the retrospect, you will draw inspiration to give strength to your arm and purpose to your will.

This is Georgetown College and you, members of the Class of 1914, will be known as Georgetown boys. Protagoras once told Socrates that virtue could be taught; that virtue should be an ally of education. What Protagoras said could be done, your teachers have been doing for ages. They equip their students with the teachings of civilization; they show them the

grandeur of Greece, the glory of Rome and the majesty of today. They combine the ideal with the scientific, the religious with the patriotic. They teach the sacredness of duty and the privileges of right. They maintain there is a law of heaven and there is a law of earth. They preach "The substance of things hoped for, the evidence of things not seen," and this constitutes the faith of St. Paul. They mingle Christianity with humanity, art with science, history with poetry, theories of politics with the theses of philosophy; but they do not develop the head at the expense of the heart, they do not poison the well-springs of human nature with potations of despondency or sprinklings of doubt.

Today, members of the Class of 1914, Georgetown's diploma places upon you Georgetown's imprimatur. Its outline is glorious, its significance splendid, and for you it will win entrance into the favor of men, provided you are what Georgetown's imprimatur proclaims you to be.

No one expects you, my young friends, to preach your philosophy of life in the marketplace like Socrates, but everybody does expect you to live up to it where men can view and God alone can see. No one expects you to go hunting for an honest man with a lighted lantern like Diogenes, but everybody does expect you to know and to show that at least one honest man resides beneath your hat.

Now, the world expects much of you—but none too much—and you must not expect too much of the world. Be an average man, an average man at his best—that's what your friends expect and Georgetown demands. The average man at his best may set no rivers on fire, but he makes the wheels of life go 'round. Neither the brilliant Paul nor the mystic

John was selected as the foundation rock of faith. The choice fell upon Peter—Peter, symbolic of the average man at his best. Things built from the bottom up survive; things built from the top down perish. So tonight Georgetown commissions you to carry her colors—the blue and gray you love so well—out into the flare of strife and the quietude of peace—not as supermen, but as average men at their best with reverence in your hearts, iron in your blood and inspiration in your brains.

“ When it comes to a question of trusting
Yourself to the risks of the road,
When the thing is the sharing of burdens,
The lifting the heft of a load,
In the hour of peril or trial
In the hour you meet as you can,
You may safely depend on the wisdom
And skill of the average man.

’Tis the average man and no other
Who does his plain duty each day,
The small thing his wage is for doing
On the commonplace bit of the way.
’Tis the average man, may God bless him!
Who pilots us, still in the van,
Over land, over sea, as we travel,
Just the plain, hardy, average man.

So on through the days of existence,
All mingling in shadow and shine,
We may count on the every-day hero,
Whom haply the gods may divine,
But who wears the swart grime of his calling,
And labors and earns as he can,
And stands at the last with the noblest,—
The commonplace, average man.”

Men of faith you are—men of work and vision you must be. The man of the hour is the man who does

things. Napoleon's coat of arms, "Shirt-sleeves," has become fashionable, and society's drones are tabooed as industrial twins of the hobo. The romance of chivalry gives place to the poetry of mechanism. Kipling's "Song of Steam" supplants Tennyson's "King Arthur with His Table Round;" the "Man on Horseback" salutes "The Man with the Hoe." There is no place today for what Homer calls a dead weight upon the earth. Mallock wrote a wonderful book to ask if life is worth living, and the world answers "Yes, if we work." Drummond made himself famous by asserting love is the greatest thing in the world, but the world says "Not so." We might live without love, but we could not exist without work. What the world asserts, literature proves. Goethe says so in "Faust," Lowell says so in "The Vision of Sir Launfal," Balzac says so in the immortal words of the Curé of Montagnac to the most charming, the most graceless and most consummate idler in the pages of fiction.

With the equipment Georgetown gives you, my young friends, you ought to be somebody and do something out in the world—if only you will work. Don't rattle around in the shoes of the present waiting for the slippers of the future. Dead men's shoes often have no soles and frequently poor uppers. Take Carlyle's advice and do the work nearest at hand. Realize that life's little things are the big things and do not fear defeat. You will never win a victory if you never risk reverse. General Greene—that plucky Irish warrior—never won a battle, yet every defeat was a triumph, and Washington won the Revolution by the battles that he lost.

Blaze your own way in life; walk on your own feet; work with your own hands, and speak with your own

mind. Don't be a graphophone and don't be an automaton. Circumstances may hamper you, but they cannot defeat you if you keep your blood red and your brain clear. Talleyrand walked with difficulty; Alexander Pope wore a leather jacket to keep him from bending double; Napoleon rode a horse with the bouncings of a novice; Bobby Burns tipped the bottle, but he did not drown the muse; Robert Louis Stevenson wrote like an angel while dying like a man; James G. Blaine solved problems of state while suffering pangs of pain; Helen Keller, though blind, and deaf and dumb, sees the wonders of creation, hears the music of the ages and speaks with the master minds of thought; John D. Rockefeller cannot eat a square meal and Andrew Carnegie can't spell. Yet these people did not allow what they could not do to prevent them from doing what they could. Indifference to the magic of work, the potency of drudgery, is the curse of too many college men. They want to fly before they can creep; they want to be ten-thousand-dollar men before they are thirty-cent apprentices. Not even colleges can teach the faculty of absorbing worldly wisdom as a sponge drinks water. Worldly wisdom, my young friends, is a slow growth. You can't get it in the circus of society or the pantomime of sport; you can't get it in the frivolities of pleasure or the steeplechase of mirth; but you can get it in a man's work among men and nowhere else.

In "A Tramp Abroad" Mark Twain says because he did not know where and how to go he walked forty-five miles one night trying to find his bed in an old German castle. No educated man has any business to be a tramp on life's highway — every educated man ought to know where to find a man's work and how to do it.

I consider it a part of man's work to take a hand in making current history. I would advise abjuration of public office, but I would urge an interest in politics. I have no patience with those educated and refined gentlemen who hold aloof from the political field because it smells of "villainous saltpetre." They are like the lord in the play, "perfumed like a milliner," who used a bottle of smelling salts to protect his nose from the carnage smell of battle and who would be a soldier if it were not for the guns. This powdered milliner of a warrior is no more grotesque than the lettered dilettantes who hold themselves above their country's affairs. Like George William Curtis, you can be a gentleman in politics — even if some gentlemen cannot be in politics because their gentility is of the hothouse variety instead of nature's brand.

To be rounded men, though, my young friends, you must mix vision with your work. Life is not all drudgery and "The man who thinks the grass will not grow at night unless he lies awake to watch it, either lands in an insane asylum or on an emperor's throne." In the usefulness of the cabbage do not overlook the splendor of the rose. St. Francis proved laughter to be as divine as tears. Indulge in what Alexander Pope called:

"The stateman's scheme,
The air-built castle and the golden dream,
The youth's romantic wish, the chemist's flame,
And poet's vision of eternal fame."

Be men of vision! Don't try to measure life by mathematics, for you can't do it. Life is not warp for the mapmaker — life is woof for the doer and the dreamer. Homer's Iliad is great because life is a battle; Homer's Odyssey is great because life is a journey; the Book of Job is great because life is a riddle,

and you can't measure a riddle, you can't measure a battle, you can't measure a journey whose end you cannot see.

Vision and work—they span the earth with railroads and cleave the sea with ships; they give wings to man to fly the air and fins to swim the deep; they create the harmonies of music and the whirr of factory wheels; they give soul to oratory and melody to song; they bring man toward the angels and heaven nearer earth.

Work conquers earth and vision reaches heaven.

Sea and land and sky belong to the man of vision. He is a landlord, sealord, airlord.

“Wherever snow falls, or water flows, or birds fly, wherever day and night meet in twilight, wherever the blue heaven is hung by clouds or sown with stars, wherever are forms with transparent boundaries, wherever are outlets into celestial space, wherever is danger and awe and love”—there the man of vision dreams his dream of things that are not, and from the forge of his dream the man of work hammers into existence the things that are to be.

Be men of work! Be men of vision! And if you are, you will measure up to the requirements of manhood, and to the rewards which manhood may claim, as set forth in Kipling's beautiful lines.

“If you can keep your head when all about you
Are losing theirs and blaming it on you,
If you can trust yourself when all men doubt you,
But make allowance for their doubting too;
If you can wait and not be tired by waiting,
Or being lied about, don't deal in lies,
Or being hated don't give way to hating,
And yet don't look too good, nor talk too wise:

If you can dream — and not make dreams your master;
If you can think — and not make thoughts your aim,
If you can meet with Triumph and Disaster
And treat those two imposters just the same;
If you can bear to hear the truth you've spoken,
Twisted by knaves to make trap for fools,
Or watch the things you gave your life to, broken,
And stoop and build 'em up with worn-out tools:

If you can make one heap of all your winnings
And risk it on one turn of pitch-and-toss,
And lose, and start again at your beginnings
And never breathe a word about your loss;
If you can force your heart and nerve and sinew
To serve your turn long after they are gone,
And so hold on when there is nothing in you
Except the Will which says to them: ' Hold on: '

If you can talk with crowds and keep your virtue,
Or walk with Kings — nor lose the common touch,
If neither foes nor loving friends can hurt you,
If all men count with you, but none too much;
If you can fill the unforgiving minute
With sixty seconds' worth of distance run,
Yours is the Earth and everything that's in it,
And — which is more — you'll be a Man, my son! "

KEEPING THE RECORD STRAIGHT

**Speech Delivered at the Oneida County Fair Held at
Rome, N. Y., September 24, 1914**

In addressing my fellow citizens at the various State fairs, I have tried to confine myself to the matters which vitally concern the taxpayer, the workingman and the farmer. I have refused to be distracted from my effort to place before the people of the State the big vital achievements of my administration.

I believe that in the Workmen's Compensation Law and the Land Bank, New York now has two measures which must prove of incalculable benefit to the people of the State when once these laws are definitely understood. And I have strained every nerve to bring a realization of these measures home to every audience that I have addressed.

When embittered opponents have attempted to slander me, when by misrepresentation and calumny they have endeavored to cloud the real issue before the voters of the State, I have kept silent because I knew that the intelligence and the fairness of the people of New York would pay scant attention to reckless accusations unsupported by a shred of proof.

When irresponsible demagogues declared the finances of the State were not as I represented them, I did not feel called upon to make answer. I knew that every taxpayer in New York was taking comfort in the fact that there would be no direct tax this year and from the reception I have received in every part of the State, I knew that the taxpayers of New York believed me when I told them that I had saved them \$11,000,000.

Now that Mr. Whitman, a candidate for the office of Governor and the District Attorney of New York county, has become a victim of misinformation and challenged the extent of my saving, I feel that I should make answer for a double reason.

First, in justice to myself and the Democratic officials who have labored with me to make a greater reduction in the State budget than has ever been made in the history of the State.

Secondly, to restore to the taxpayers of the State the comfort and confidence which comes from the knowledge that they will not be obliged to pay a burdensome and unnecessary direct tax during the next twelve months.

In order to place the exact facts before you let me go back over the months that are passed and show you how, step by step, this tremendous saving was achieved.

When I took office I discovered that the various State departments were loaded down with old bills which they had no money to meet. I found that the law had been violated and that instead of paying current expenditures with current appropriations, the State had been paying last year's bills with this year's money.

I discovered that instead of starting the fiscal year on October 1st with a clean slate, the State was loaded down with old bills amounting, not to \$2,000,000 as Mr. Whitman says, but to \$1,300,000.

I immediately called the Legislature's attention to the fact that if the State government desired to live within the law and to place the present financial year on its own feet, these old bills incurred by the former administration should be immediately disposed of by an emergency appropriation. This was done, and for the first time in nearly twenty years, the State was able to match current appropriations with current expenditures.

My experience as Comptroller convinced me that the practice of making lump sum appropriations led to waste and extravagance and I suggested to the Legislature that in sending appropriations to me for my signature it should make appropriations for specific purposes. I pointed out that unless the State wished to face a large direct tax, it would be forced to practice the most rigid economy.

In my message last January, I outlined the general condition of the State's finances and showed the alarming increase in expenditures and announced that the only appropriations I would sign were those made mandatory by law or required by the present necessities of the State.

Because we adopted this policy \$650,000 is now made available for general purposes which otherwise must have been raised by taxation.

To sum up then, the saving which I have been able to make for the taxpayers of New York consists, first, of my vetoes amounting to \$7,272,000; secondly, of my disposition of the sinking fund amounting to \$3,279,000 and third, of my enforcement of the financial law which restored \$650,000 to the State treasury. Altogether the direct financial saving which is shown by the books in the Comptroller's office and which no man can gainsay or change — this saving, I repeat, amounts to \$11,151,250.

If I had not saved this \$11,000,000 it would have been necessary to impose a direct tax upon the citizens of every county. By eliminating this \$11,000,000 of unnecessary expenditures I saved the taxpayers of Oneida county a direct tax of \$80,798; I saved the taxpayers of Herkimer county \$32,278; I saved the taxpayers of Otsego county \$25,011; I saved the taxpayers of Oswego county \$32,806; I saved the taxpayers of Madison county \$21,559.

The saving by counties runs from \$5,000 in the smallest county to \$5,000,000 in the largest.

THE UNIVERSITY MAN

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There is one view of the university man which conceives him as a bespectacled biped, who thinks in Latin and talks in Greek. This view is entertained by those who have never lived in a university town and by occasional proud but misguided parents.

Another view regards the university man as a creature who can think neither in Latin, Greek, French, English, nor in any other tongue that has been heard since Babel fell. This is the view of misanthropic professors and despairing employers.

And, as is usually the case, the truth lies somewhere in the middle.

There is no sharp and definite line which divides the university man from his fellows. There is no magic in a university degree which transforms its possessor into something different from those about him, but in a broader and fairer sense a university man is something more than a college graduate.

His diploma does not make him, his sheepskin does not circumscribe his value as a man. There are men with college degrees who do not deserve to be called university men, and there are men who never attended college who in thought and action are worthy of the best traditions of the schools.

Just as there is no royal road to learning, so there is no hard and fast division between those who hold degrees and those who are without them. But between the university man in this broader acceptance of the term and a man who is alien to all the instincts and opportunities of higher education, there is a gulf that not even the Pons asinorum can bridge.

The university man is a man whose natural abilities have been trained. He has been taught how best to make use of his natural gifts. His memory has been sharpened, his reasoning powers have been developed and his whole mental equipment has been brought to the highest pitch of efficiency.

The university man is a man who has been disciplined. He has been made to realize the strength of authority and the necessity for obedience. He has lived for a time a life of ideal democracy where merit

was the only measure of his worth, and industry the only arbiter of his success. Finally the university man is the child of opportunity. He goes forth from his college with the assurance that he is equipped for the tasks he desires to undertake and the knowledge that his task is worth the doing.

The man who is a stranger to the world of books exists only in the present. He sees only what goes on about him, his horizon is changeless, his interests and his hopes are transient and unstable. But the university man lives in the past and the future as well as in the present. He is the real heir of all the ages because he has claimed his heritage.

In whatever he does he can reap the benefit of what other men have done before him, he can learn from their experience, he can profit by their labors.

He can bring to his own tasks the assistance of countless years. Whatever his occupation he can find instruction and guidance in his books.

If he is a statesman he can turn to Plato or to Burke. If he is a lawyer his books lead him back from Marshall and Blackstone to Justinian. If he is an engineer he will find much worth while in the Roman aqueduct and the Egyptian pyramids. If he is a soldier he can survey the worlds' wars from the fall of Troy to Waterloo, and beside the material advantages which he derives from his book, he will find in them a charm and magic talisman which permits him to adjust his world to suit himself.

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Whatever cares or trouble may assail him he has but to lock his library door to shut them all behind him. These are some of the privileges and opportunities of the university man, but in return for them he must assume equal responsibilities. Because of his superior advantages he has corresponding obligations to himself and to his fellows. Because he knows what is right and what is best the world exacts from him a stricter adherence to the standards of truth and justice.

It is to the university man that the world naturally looks for leadership. Leadership not only in ideas, but in action. The university man is given the fruits of the past, it is for him to plant the seeds of the future.

America knows no aristocracy of birth or position, but it has developed an aristocracy of intellect in which the university man holds first place. It is an aristocracy which is conservative without being narrow, which is strong without being despotic. It is an aristocracy which may be divided on unimportant questions, but which is banded together for progress and development. It is an aristocracy which instead of shutting out all but the elect welcomes each new addition to its ranks and seeks to make its privileges universal. Just as in this room are gathered the representatives of many universities bound together by a sense of common purpose and mutual respect — so in the world at large are university men united by the feeling that men of the same training and the same discipline have a common purpose which deserves a common support.

I do not mean to say that the interests of the university man are different or opposed to the interests of any other class, for this is not the case, but the university man who recognizes what is best for the community in which he lives can depend upon the understanding of other university men to assist him to the goal toward which he strives.

The bond which ties university men together is not a bond of selfish interest, but rather the tie of a common understanding, a common purpose, a common hope.

The university man who is worthy of the traditions behind him must look upon himself as the guardian of those who have not had his advantages. He must feel that the instruction which has been his was meant for the benefit not of him alone, but of all with whom he comes in contact.

Knowledge, we are told, is power, but it is a power to be used not for a selfish end, but for the destruction of wrong and the elevation of truth. It is a universal power. It is the power behind the locomotive and the power behind the law's decree. It is the power which drives the airship and which tears down the walls of oppression, and it is into the hands of the university man that this tremendous force has been especially delivered.

It is his not to monopolize because knowledge knows no monopoly. It is rather his to use with prudence and patriotism. It is for him to bring to each new problem that confronts his country the wisdom and understanding that he has gained. It is for him to realize that only in this way can he repay his debt to the ages which have produced him. Then, and only then, can he really stand with his feet upon the earth and his head among the stars.

LORD CALVERT AND ROGER WILLIAMS

**Speech Delivered Before the Baptist Young Men's
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America owes to the men of the Baptist faith much of the credit for the successful battle for religious liberty.

The measure of the governmental freedom is the measure of religious freedom. It is the glory of the United States that since the establishment of the republic in 1776 and even before the promulgation of the Federal Constitution, freedom of religion has absolutely prevailed in this nation. It did not prevail in all of the colonies from which the republic was formed but it did in the most of them.

It flourished in Rhode Island under Roger Williams and in Maryland under Lord Calvert. You are specially interested in the first, I am specially interested in the second, and we are both commonly interested in each. Lord Calvert for the Catholics and Roger Williams for the Baptists led where all others soon afterward followed. Roger Williams was crowded out of Massachusetts for being a Baptist and he preached "Liberty of Soul" in Rhode Island: Lord Calvert was harassed in England for being a Catholic and he proclaimed "Liberty of Soul" in Maryland.

Believing that faith is a matter between the individual man and God, Baptists have from the beginning of their denominational history regarded as an enormity any attempt to force the conscience or to constrain men by outward penalties to this or that form of religious belief.

Persecution may make men hypocrites, but never true Christians. Their advocacy of absolute liberty of conscience has been due not simply to the fact that they have been the suffering parties, but is rather a logical result of their fundamental principles.

As a founder of a state no less than as an advocate of a great principle, Roger Williams deserves the gratitude and respect of all lovers of religious and civil liberty. He has mine and I hope Lord Calvert has yours.

Virginia Baptists in 1788 feared that the new Con-

stitution did not sufficiently secure liberty of conscience and, therefore, sent to President Washington a letter, drafted by John Leland, in the course of which they said: "When the Constitution first made its appearance in Virginia, we, as a society, feared that the liberty of conscience, dearer to us than property or life, was not sufficiently secured. Perhaps our jealousies were heightened by the usage we received in Virginia, under the regal government, when mobs, fines, bonds and prisons were our frequent repasts. Convinced, on the one hand, that without an effective national government the States would fall into disunion and all the subsequent evils; and, on the other hand, fearing that we should be accessory to some religious oppression, should any one society in the union predominate over the rest; yet, amid all these inquietudes, our consolation arose from this consideration — the plan must be good, for it has the signature of a tried, trusty friend, and if religious liberty is rather insecure in the Constitution, 'the administration will certainly prevent all oppression, for a Washington will preside.' "

After assuring the society that he never would have signed the document had he thought it would not safeguard liberty of conscience, President Washington wrote in reply: "And if I now conceive that the general government might ever be so administered as to render the liberty of conscience insecure, I beg you will be persuaded that no one would be more zealous than myself to establish effectual barriers against spiritual tyranny and every species of religious persecution.

"For, you doubtless remember, I have often expressed my sentiments that any man, conducting himself as a good citizen, and being accountable to God alone for his religious opinions, ought to be protected in worshipping the Deity according to the dictates of his own conscience. While I recollect with satisfaction

that the religious society of which you are members, have been, throughout America, uniformly and almost unanimously, the firm friends to civil liberty, and the persevering promoters of our glorious Revolution, I cannot hesitate to believe that they will be the faithful supporters of a free, yet efficient general government. Under this pleasing expectation, I rejoice to assure them that they may rely upon my best wishes and endeavors to advance their prosperity."

That these were no empty assurances the sequel shows. Article I of the present Constitution granting religious liberty in the fullest measures to all people for all time was the result of these assurances.

Our history is filled with the evidences and patriotism of members of your Church. Wherever liberty was threatened there your people were found fighting for the rights of all men, regardless of race, creed or color. Your people fought with Washington for the right to govern themselves; they stood shoulder to shoulder with the men of all creeds in the War of 1812, in the Civil War and the Spanish-American War. The pioneers who founded their churches in the colonies builded better than they knew. Today millions of dollars are represented in the temples erected to the worship of God; millions of members are scattered over the land.

One of the great achievements of the men of your faith has been along the line of education. The American Baptist Education, organized in 1888, is one of the greatest societies devoted to this subject in the world. The munificent gifts of John D. Rockefeller have made possible the furtherance of the ambitious plans of the founders and the effect has been to the benefit of thousands of deserving young men and women, anxious to drink of the fountain of knowledge.

“A college in every State,” the slogan of the pioneers seems destined to become a fact. Among the great institutions of learning founded and being promoted by your society are Brown, Colgate and the University of Chicago.

I have been informed that the regular Baptists of America have seven theological seminaries besides the theological departments in several of the colleges; thirty-six universities and colleges; thirty-two ladies’ seminaries of various grades; forty-seven co-educational seminaries and academies; and thirty-one institutions for colored people and Indians. The aggregate value of educational property and endowment exceeds thirty-three million dollars.

Your missionaries have penetrated into every corner of the world carrying their message of peace to the uttermost parts of the earth. Millions are spent freely every year for charitable purposes and in every avenue of human endeavor your people have impressed their personality and their influence. The history of the growth of your society in Albany is so closely intertwined with the history of the city that it has become a component part of the latter. Men of your church have occupied positions of trust and responsibility in State, county and municipal government, have filled positions of prominence in commercial, financial, educational and professional life, and have invariably discharged their duties with fidelity and with efficiency. Albany has reason to be proud of your achievements, and no one is more so than I, your friend and neighbor.

Today America sits in the western sunshine with the crown of freedom on her fair brow and smiles a welcome to every race, but at the same time frowns defiance to alien governments. All who wish may take their place beneath the shimmering folds of the starry

flag, but they must subscribe to the customs and obey her laws, sink their own nationality and stand before the world — Americans.

The greatness and the glory, the fame and the fortune of this fair land of ours have been established by the men and women of every race and every class and every creed. Can anyone say that the Baptists, no matter from what land they came, did not contribute their share to the up-building of free America?

The political revolution Baptists have usually been found on the Liberal side and many Liberal leaders have been drawn from their ranks. In the Revolution they were almost to a man on the American side; in the anti-slavery movement they took an early and decisive position in favor of abolition.

The Baptist Church is a wonderful exemplification of the possibility, permanence, and prosperity of self-governing, self-perpetuating social communities. It early built upon principles in the religious field which have since been embodied in our political constitution.

Whether Baptists, Lutherans, Methodists, Presbyterians or Catholics — no matter in what corps we find ourselves — we all belong to the army of Christianity. For us the flag of Christianity stands for “Christ all in all.” It taught Peter to call no man common or unclean, “That God is no respecter of persons, but that in every nation he that feareth Him and worketh righteousness is accepted with Him.” It led Paul, once a Pharisee of Pharisees, to write the Ephesians, “Now therefore ye are no more strangers and foreigners but fellow-citizens with the Saints and of the household of God.” But above and beyond, it has taught the world the lesson of “One Lord, one faith, one Baptism, one God and father of all, who is above all and through all, and in you all.”

I asked the Legislature to frown upon requests for special appropriations of purely local benefit, and declared that I would veto any bill which was not of benefit to the entire State.

After a war over economy lasting three months, the Legislature adjourned without passing a general appropriation bill, but leaving special bills amounting to more than \$6,000,000.

In accordance with my promise to the people of the State I vetoed every one of these special bills as soon as they came to me. At the extra session the Assembly and the Senate appointed a Conference Committee to draft appropriation bills acceptable to both houses. These bills were drawn up in accordance with the procedure followed in the bill submitted by the Senate to the Assembly on the last day of the session.

These bills were based upon actual expenditures and after examining them with the utmost care I discovered that I could prune more than a million dollars from them without affecting the principal activities of any State department.

Now for the sinking fund. This fund, as you know, represents the payment by the taxpayers of the State for their permanent public improvements. Thus instead of paying for the Barge Canal in one year, or two years or three, a sinking fund is created to pay for it and each year for fifty years the taxpayers of the State contribute to the canal sinking fund.

The idea of a sinking fund is to distribute the payment for a permanent improvement over a long period of time. The canal is to benefit not only the taxpayers of today, but the taxpayers of tomorrow, and it is fair that future taxpayers should pay their share of this great public improvement. Consequently when there is a surplus in the sinking fund it means that the tax-

payers of the present are paying more than their share.

For some years there has been a surplus in certain of the State's sinking funds. This surplus is of no advantage to anybody, it cannot be used for any other purpose.

When I discovered that a surplus existed in these funds, I determined to exert my influence to remedy this unfairness to the taxpayers of today. There were legal and financial obstacles in the way. After consultation with the Attorney-General, the Comptroller, prominent bankers and holders of State securities, I asked the Legislature to adopt a sinking fund proposition, whereby the surplus in the sinking funds could be used to pay this year's contribution to the sinking funds.

That is, instead of raising the \$3,279,250 from you and your fellow citizens by direct tax to pay your share in the sinking fund for this year, we took part of the surplus in the sinking fund and applied it as we would have applied the money that you would otherwise have been compelled to raise.

Thus in addition to the \$7,272,000 which I vetoed, I saved the taxpayers of the State \$3,279,250 by my disposition of the sinking fund surplus. And you must remember that if this sinking fund surplus had not been employed as I employed it, every taxpayer in New York would have been obliged to dig down in his pocket to raise this \$3,000,000.

I have already mentioned the fact that for the first time in twenty years the State is now enforcing the law which required appropriations for a single year to be used during that year. In January the Comptroller and myself put our heads together and agreed to enforce what we believed to be the law.

Because we adopted this policy \$650,000 is now made available for general purposes which otherwise must have been raised by taxation.

To sum up then, the saving which I have been able to make for the taxpayers of New York consists, first, of my vetoes amounting to \$7,272,000; secondly, of my disposition of the sinking fund amounting to \$3,279,000 and third, of my enforcement of the financial law which restored \$650,000 to the State treasury. Altogether the direct financial saving which is shown by the books in the Comptroller's office and which no man can gainsay or change — this saving, I repeat, amounts to \$11,151,250.

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LORD CALVERT AND ROGER WILLIAMS

Speech Delivered Before the Baptist Young Men's Club of Albany

America owes to the men of the Baptist faith much of the credit for the successful battle for religious liberty.

The measure of the governmental freedom is the measure of religious freedom. It is the glory of the United States that since the establishment of the republic in 1776 and even before the promulgation of the Federal Constitution, freedom of religion has absolutely prevailed in this nation. It did not prevail in all of the colonies from which the republic was formed but it did in the most of them.

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Today America sits in the western sunshine with the crown of freedom on her fair brow and smiles a welcome to every race, but at the same time frowns defiance to alien governments. All who wish may take their place beneath the shimmering folds of the starry

flag, but they must subscribe to the customs and obey her laws, sink their own nationality and stand before the world — Americans.

The greatness and the glory, the fame and the fortune of this fair land of ours have been established by the men and women of every race and every class and every creed. Can anyone say that the Baptists, no matter from what land they came, did not contribute their share to the up-building of free America?

The political revolution Baptists have usually been found on the Liberal side and many Liberal leaders have been drawn from their ranks. In the Revolution they were almost to a man on the American side; in the anti-slavery movement they took an early and decisive position in favor of abolition.

The Baptist Church is a wonderful exemplification of the possibility, permanence, and prosperity of self-governing, self-perpetuating social communities. It early built upon principles in the religious field which have since been embodied in our political constitution.

Whether Baptists, Lutherans, Methodists, Presbyterians or Catholics — no matter in what corps we find ourselves — we all belong to the army of Christianity. For us the flag of Christianity stands for “Christ all in all.” It taught Peter to call no man common or unclean, “That God is no respecter of persons, but that in every nation he that feareth Him and worketh righteousness is accepted with Him.” It led Paul, once a Pharisee of Pharisees, to write the Ephesians, “Now therefore ye are no more strangers and foreigners but fellow-citizens with the Saints and of the household of God.” But above and beyond, it has taught the world the lesson of “One Lord, one faith, one Baptism, one God and father of all, who is above all and through all, and in you all.”

A GREETING TO THE SHRINERS

Speech to the Nobles and Ladies of the Ancient Arabic Order of the Nobles of the Mystic Shrine of California, May 8, 1914

It is a great pleasure for me, as Governor of the Empire State, to welcome you sons and daughters of California and you members of the Mystic Shrine.

Most of us know California as the land of big trees, rose-flushed fruits and sun-kissed oranges. But we who are gathered here today will cherish another memory in our hearts. From this scene we will go with a picture in our eye of California as a land where men grow big and brave and brawny and yet withal kind with a brother's mercy and considerate with a brother's thought for every man as his brother. From this scene we will go with the poetic knowledge that the sun shines in California nowhere as brightly as in the eyes of California's daughters, that the rose-flush of her fruit cannot compare with the rose of her daughter's cheeks, that California's balmy days and sun-kissed oranges and alluring climate find an echo and an immortality in the graciousness and womanliness of California's daughters.

After listening to the music of your talented band I am constrained to think that the residents of the Golden Gate country also play on golden harps. Judging by what I have heard of your order, and especially of that branch of it which you represent, you have made a science of fraternity and an art of hospitality.

Goodfellowship seems to be your watchword, and I can see that all of you are good fellows. If I am to judge the whole order by the samples which your presence here represent, and those with whom I come in daily contact here in Albany, it is no wonder that your

order is growing like a green bay tree. The average member of your order—as I have known him—has a great capacity for doing right. The average Mystic Shriner is a citizen who does his duty, to God faithfully, to his fellow creatures pleasantly, and to himself manfully. The Mystic Shriner, as I know him, is chivalrously tender to women, honorable among men—a knight whose armor is honor, whose weapon is courtesy.

I cannot present you with the Golden Gate. I can, at least, present you with the golden keys to our hearts. It is good to have you with us because you bring with you the fragrant air of your native State, redolent of the grace and hospitality that ever linger in the memories of those who have known the charm of California. Such a trip as yours is sure to cement the ties of friendship between kindred spirits. You are bound for the South Land where you will meet with brethren from every State in the Union, each animated with a common purpose, the furtherance of the aim of your order and the extension of the bonds of good-fellowship, mutual respect and admiration, presenting in miniature the perfect picture of a glorious country reunited, by the grace of God, under the dear old Flag of Freedom, whose ample folds, floating in majesty above, guarantee equal security and privilege to all.

Albany is noted for its hospitality and I bespeak for you a very happy time here. They tell me that your journey across the continent has been a long series of social triumphs. I can well believe this when I look into your faces; sturdy, handsome men; graceful, beautiful women. One of the characteristics of Albany is the manner in which she greets the stranger within her gates. Be he of high or humble degree, prominent or inconspicuous, celebrated or little known,

each receives the same genuine welcome in the smiling faces, the beaming eye and the warm grasp of the hand that makes him know, beyond all doubt, that he is with his friends. Forms of reception may vary, but the visitor to Albany always goes away with the feeling that he has left his heart behind him.

Every good citizen will join you in furthering the objects and aims of your order, inasmuch as these aims and objects work for the uplift, the culture and the progress of our country.

Whether nobles or potentates; whether you journey on life's pilgrimage singly or in caravans, I hope you will find many oases of pleasure, and throughout that pilgrimage will remember with delight your visit to Albany and the Empire State.

ST. PATRICK, THE APOSTLE OF HOME RULE

Speech at the One Hundred Twenty-Seventh Anniversary Dinner of the Friends of St. Patrick, Troy, March 17, 1914

Today we commemorate the life of an illustrious man and proclaim the glories of an ancient race.

Today we sing the praises of our fathers in the skies.

Today we celebrate the Irishman's membership in the Society of Civilization's Evolution.

Before Greece had carved her fame in art, Ireland had devised a government in the little isle of the West; before Rome had written her wondrous laws, Ireland had established a civilization.

A thousand years before Christ preached the Sermon on the Mount, the Triennial Parliament of Tara had enacted a code of laws prophetic of the Golden Rule.

Like the Pyramids of Egypt, the Round Towers of Ireland stand among the architectural landmarks of the world. Pliny and Julius Caesar assert that Ireland's civilization was the wonder of the East, and Plutarch writes that compared with the Irish people other nations are new.

Whence we come no man knows — save from the gray-washed hours of history's dawn. Our annals are the history of legend; our traditions surpass the mythologies of Grecian lore; our rivers are habitations of fable; our mountains are fountains of poetry; our valley are theatres of epic endeavor. Spenser tells our folk lore and Ossian breathes our spirit; Moore sings our songs and Brian Boru commands our cavaliers; Goldsmith writes our novels and Sheridan our plays; Edmund Burke pronounces our orations with oriental splendor and St. Patrick preaches our religion with the sweetness and simplicity of Christ.

The human heart throbs attune with the blood of its fathers and its mothers, the human eye backward views the vista of its ancestors, the human foot treads the steep and thorny path where trod the souls from which it sprang. Toward these ancestral paths we turn to-night and over them we see the venerable forms of our ancestors pass in successive generations. Tonight we testify our reverence to their names, tonight we praise our fathers in the skies.

Shall we who meet and part to-night
Remember not our sires?
Shall we forget their age-long fight,
Their quenchless battle-fires?
They handed us the freedom-flame
That spreads from sea to sea,
They bade it burn in Ireland's name,
Till land and race are free.

And we welt the thrill of their mighty hail.

It comes with the boom of guns,

A heart and a hand for our fair land,

The hail of the Friendly Sons.

The hail of the Friendly Sons!

Through the whole wide world it runs —

A tide from the shores of Innisfail,

The love that lives in the soul of the Gael —

The hail of the Friendly Sons!

Tonight we Friendly Sons hail our forebears of Parthollian, Memedian, Formonian, Firbolgian and Dedamian strain. Tonight we wander with them on Shannon's banks and along Killarney's shores. Tonight with them we lift the shamrock high and from the harp strike notes that rang through Tara's hall. Tonight we hail those hardy ancestors of ours as the world's sole people to stay the Roman eagle in its conquering westward flight. Tonight we extinguish the Druids' sacrificial fire and on its smouldering embers help St. Patrick plant the cross. Tonight we sing of Ireland as the seat of western learning for four hundred years while eastern Europe drenched itself with blood. Tonight we hurl the Danes back to their northern shores and then we live anew the terrors of two hundred years of woeful war. Tonight we deck in mourning that black tragedy of history, which all the waters of Araby could not make sweet — Ireland since the days of Henry II.

But above and beyond all these we emphasize tonight Ireland's preservation of a manhood that has spurned the baubles of preferment at the sacrificial price of a lost nationality. Spartan lore or Arabian fable tell no nobler tale. Its annals are like the soiling atoms of charcoal, which we little admire, becoming by wise arrangements and gradual developments the resplendent diamond which every eye admires.

What caused these developments? What ordered these arrangements?

Country! says Heinrich Heine, for "Ireland is an ethereal young lady with her heart full of sun and her head full of wit."

Race! says Froude, for "the Irish are the most interesting of people."

Temperament! says John Wesley, for "the Irish are kindness itself and politeness personified."

Adversity! says Kossuth, for "true to the laws of psychology, the Irish character, like the palm tree, grows best beneath a ponderous weight."

Religion! says Macaulay, for "while Saxon and Norman and Dane scourged, the God, who in the old time turned into blessings the curses of Balaam and smote the host of Sennacherib, signally confounded the arts of Ireland's religious oppressors."

Character! says Matthew Arnold, for "Nature gave the Irishman pride and passion, nervous exaltation and a magical charm of nature."

No Irishmen these! Strangers, rather, most of them, and from such, a whisper of praise is a thunder of glorification. Though the causes be doubtful, their effect is certain. Their effect is a manhood that would not sell its birthright for a mess of pottage; a manhood refulgent with glory and magnetic with strength. The Danes could not break it, Edward II could not stifle it, Henry VIII could not stunt it, and Cromwell could not debase it. It is manhood which St. Patrick sanctifies, which Daniel O'Connell humanizes and Robert Emmet apotheosizes; a manhood which Henry Grattan crowns, Parnell enthrones and John Redmond perpetuates. It is a manhood which has triumphed over hardships such as the world has not seen since the children of Israel wore fetters of Egyptian bond-

age; a manhood, were it made of weaker stuff, that could, like the daughters of Zion, weep over lost homes and vanquished towers; a manhood that in the storm of life is an oak and a rock, in the sunshine a vine and a flower; a manhood that would not bend the knee to Neptune for his trident or to Jove for his power to thunder; a manhood that faces the dazzling sun of success with steadfast eye and greets defeat with a smile, that laughs when its world trembles and sighs for the vanquished as it grasps the victor's crown; a manhood that, true to the teachings of its patron saint, is divine in its humanity and human in its divinity.

So tonight we proclaim the glories of an ancient race and commemorate the life of an illustrious man.

Illustrious though it is, St. Patrick's place in history is not what it should be. He is a star late in rising, says Cardinal Newman, for the reason that he is especially glorious. Philological criticism and sectarian conflict once threatened to dim St. Patrick's splendor. But that danger is no more. His life stands by itself and speaks for itself. He is a conqueror — history's sole conqueror without war or bloodshed. His conquests endure and in them he lives though dead. Fifteen hundred years have passed away since St. Patrick preached at Tara. The word that then gave consolation to thousands is now solace to millions. And during each of these fifteen centuries St. Patrick's life has contributed an edifying chapter to the historian's scroll, burning eloquence to the orator's tongue and lofty wing to the poet's fancy.

Christianity is the cornerstone of western civilization. As a spreader of the doctrines of the Cross, St. Patrick stands second only to the apostles who shattered the temple of Jupiter and erected the edifice of Christianity in the very heart of pagan Rome. His

peaceful conversion of a nation of warriors into a nation of Christians has no parallel in history.

About St. Patrick there is something human which appeals to the heart and the fancy with irresistible force.

No column-climbing, mortal-avoiding Simeon Stylites was he; no bloodless, stained-glass saint, but one of good red blood, who knew what weakness meant, who realized that human frailty should be pitied rather than crucified. No hothouse plant of sheltered morality was he, but a man who attained the triumph of work, who smarted under the searing scorchings of treacherous friendship just as he exulted in the exhilarating ties that were true and hearts that were loyal.

St. Patrick was a very much up-to-date saint. He was fifteen hundred years ahead of his time. He was the father of home rule for Ireland. He started the fight that has been going ever since. He insisted upon an Irish clergy for his Irish church. Were he alive today, how St. Patrick would chant the Psalms of David and sing the songs of Solomon to see John Redmond incorporate his clerical ideas into the secular affairs of Ireland. St. Patrick preached the "Square Deal" fifteen hundred years ahead of certain political Nestors of today. If proof you seek of this, read St. Patrick's letter to Corotius in which for acts of injustice he beats that kingly person to "a frazzle." St. Patrick was against tainted money. He was more particular from whom he accepted the coin of the realm than are our college presidents of today. When St. Patrick did not like the way people lived or made their money, he returned their contributions. His example, if followed, would prevent pseudo-philanthropy and publicity-loving plutocrats from achieving pseudo-fame under the guise of charity. St. Patrick

stood for men, not for dollars, and fifteen hundred years ago preached that the man was above the dollar. Fourteen hundred years before Thomas Jefferson preached, St. Patrick practiced the good old doctrine that governments derive their just powers from the consent of the governed.

To Ireland St. Patrick brought a spiritual message; in Ireland St. Patrick produced a spiritual product. Ignatius founded an intellectual kingdom, Jerome a polemical kingdom, Thomas á Kempis a meditative kingdom, but St. Patrick founded a spiritual nationality which sways the heads and the hearts, the lives and the energies, the dreams and the deeds of its sons and its daughters. I say a spiritual nationality because Irishmen have died for it as willingly as they have lived for it. The world over men live willingly for the material; nowhere do they willingly die for it; everywhere that for which men die as willingly as they live is spiritual. Irish nationality has no materialistic basis. Greed did not beget it, avarice did not bear it, trade did not rear it.

Charlemagne founded a nationality of oligarchies which culminated in an emperor's crown; Louis founded a regal nationality that lost its crown in a popular revolution; Robert Bruce founded a nationality of dissent that ended in assent; the baronial knights of King John's time won freedom for themselves through the Magna Charta and then upon others imposed England's serfdom; Washington established an ideal condition of equality through the materialistic principle of no representation, no taxation; but St. Patrick, without wars or crown, without revolutions or impositions, produced a spiritual nationality. In Ireland he wedded to the natural virtues, the mystical virtues of Faith, Hope and Charity. Through Faith, he taught the Irish to know the unknowable;

through Charity he taught the Irish to pardon the unpardonable; through Hope he taught the Irish to be happy in their unhappiness, and thus he produced a spiritual nationality that for thirteen centuries has defied the materialistic strength of earthly powers. The lesson of this spiritual nationality is that the world cannot be ruled by arithmetic; that man cannot live by bread alone; that materialism, whether typified by armaments of war, smoking chimneys of factories or whirring wheels of trade, is not as potent as immaterialism in the guise of sentiment and the garb of thought. It teaches that physical strength is the weakest thing in creation; that hearts and minds are the greatest things in the world. Unstable they are not. Stone crumbles, iron rusts, but minds and hearts that see the halo of Faith, feel the warmth of Charity and know the exhilaration of Hope are the same today, yesterday and forever. Therefore it is that, unlike the chameleon, Irish nationality does not take its coloring from its surroundings; its surroundings take their coloring from Irish nationality. Rome subdues nations, Ireland subdues peoples. Into Ireland Normans went, and Ireland made them Irish; into Ireland Scotchmen went, and Ireland made them Irish; into Ireland Spaniards went, and Ireland made them Irish; into Ireland Frenchmen went, and Ireland made them Irish; into Ireland soldiers of Cromwell went, and Ireland made them Irish. The nation without a flag absorbs the people of every flag. Defeated nationality vanquishes undefeated nationality. A conquered race conquers the unconquerable. The last become first. The lowly are exalted—

“And lo, the boy who led the lambs afield
Becomes arch-shepherd by the chancel rail;
The lad who drove wild cattle to the fen
Commands wide armies in the wars of men.”

From St. Patrick's death to the coming of the Northmen three centuries elapsed, and these three centuries form the resplendent period of Irish history. Then it was that the sons of St. Patrick became the first of the new-born nations of the West to begin the spiritual and intellectual reorganization of Europe. While Clovis and his Franks were worshippers of Odin, and the Arian Goths were almost iconoclasts and vandals, the scholars of Ireland were diffusing new light into Gaul, Britain and Italy; Ireland was winning the title of "Isle of the Saints" and "Lamp of Learning of the West." This is why Cardinal Newman calls Ireland, the storehouse of the past and the birthplace of the future.

For this valiant work in behalf of education and civilization, Ireland has not received proper credit, but the reason is hard to find. For seven hundred years England has held the world's ear upon Ireland and the Irish. During these seven hundred years middle-age literature has grown into modern literature, and England has presumed to write Ireland's story to suit the purpose of English diplomacy. On the pages of that story every falsehood has become the parent of a brood. Even Gibbon, author of "The Rise and Fall of the Roman Empire," has added weight to the side of error, but in writing on Ireland, Gibbon is like a one-eyed man with his good eye closed, for while he could read the old Latin manuscripts he was helpless as an ignorant Hottentot in deciphering those of the Gaelic tongue.

Those who would belittle this civilizing work of Ireland's throw the dust of Irish battles in our eyes. Because the nation was warlike, they argue that it must have been savage and uncouth. The history of

the world is against them. King David was at once warrior and poet. Socrates and Xenophon fought side by side at Dulium. No men love their country as passionately as those ready to bleed for her, and love of the country is love of the sanctuary of home and its treasures. It was the martial chivalry of Ireland which made primeval chastity the glory of her women and saved her sons from the imperial orgies defiling the cities of Gaul and Britain and emasculating their inhabitants.

But the coming of the Northmen changed Ireland's history into pages of tears and blood, and the tragedy was continued under the heel of English oppression. Denied an outlet for their enterprising ambition at home, Erin's sons were compelled to seek opportunity in happier lands. They went wherever valor was welcome, brains promotable, energy fruitful and manhood laudable.

"And when by random flashes gleamed a path
That led to lands with freedom's flag unfurled,
She rose amid the embers of her wrath
With poets, scholars, captains for the world,
And sent them forth to shame the broadcast lie
That Ireland's glory was to fade and die."

To France went Sarsfield and his men after the fall of Limerick, and in the following years 450,000 Irishmen died in the service of France. They fought and fell in Spain and in Italy, in the passes of the Alps, in the streets of Cremona, at Ramillies and Malplaquet, at Blenheim and Fontenoy. Irishmen were marshals of France, an Irishman commanded the armies of Maria Theresa, another the army of Russia, and in every court of Europe were Irish statesmen, Irish generals and Irish ambassadors. To our shores came

thousands and thousands of Protestant Irish, and Catholic Irish, and Cromwell alone drove a hundred thousand Irish Catholics into the American colonies. "You lost America by the Irish," shouted Lord Mountjoy in the English Parliament, and Colonel Custis, the adopted son of Washington, wrote, "Let the shamrock be entwined with the laurel of the Revolution, and truth and justice guiding the pen of history inscribe upon the tablet of America's remembrance eternal gratitude to Irishmen." Some of these Irishmen were Protestants and some of them were Catholics. The American Revolution was a war for representative government, and for that reason the Irish reveled in it and were the readiest of the ready upon the firing line. The Irish have always been for representative government. Search the pages of history and you will search in vain for a contest to match the Irishmen's fight for representative government in his own native land.

Wherever liberty has shrieked, wherever there have ever been tremendous contests in behalf of justice and for the sake of humanity Irishmen have played a valiant part in rewriting the history of the world. If Napoleon had accepted the steamboat of the Irish Robert Fulton, he would have swept England off the seas and there would have been no Waterloo. If that bulldog of an Irishman, Lord Wellington, had not been at Waterloo, to bite and snarl and snap the feathers out of the wings of the French eagle, a Napoleon would now be sitting on England's throne. If England had not driven to this country myriads of Protestant Irish, myriads of Catholic Irish and myriads of others with a grievance, this vast stretch of land of ours might still be an English colony.

“ Oh, the fighting races don't die out,
If they seldom die in bed,
For love is first in their hearts, no doubt,”
Said Burke; then Kelly said:
“ When Michael, the Irish Archangel, stands,
The Angel with the sword,
And the battle-dead from a hundred lands
Are ranged in one big horde,
Our line that for Gabriel's trumpet waits,
Will stretch three deep that day
From Jehoshaphat to the Golden Gates —
Kelly and Burke and Shea.”
“ Well, here's thank God for the race and the sod!”
Said Kelly and Burke and Shea.

In this country it was that the Irishman first found the Temple of Liberty and the open sesame to material success. We have assured the most timorous that the interests of the Lord, the interests of the country and interests of the interests, have nothing to fear from an Irishman's success. We have dispelled the delusion that the Irishman has any sinister design on the Constitution. We have taught our detractors that the temperamental peccadilloes of the Irishman are not as offensive as pictured.

Against the Irishman's faults — whatever they may be — we hurl in the balance his virtues and good traits.

Like Plato's idealist the Irishman finds a “first fair, first perfect, first good, in the imperfections of the world around him.” This is why there are few Irish socialists and no Irish anarchists.

With Shakespeare the Irishman finds “Sermons in stones, books in running brooks and good in everything.” This is why the Irishman is no insensate worshipper of the golden calf; this is why with him in material prosperity, it is the idea, not the reality, which allures.

Like Ruskin, the Irishman would proclaim that wealth is well living, that life is more than meat, that man should own property, not property own man. This is why, in the loftiness of the Irishman's conception about life and its everyday duties, there is a poetic value; in the intensity and strength with which he gives himself to his daily avocation, there is a practical value; in the whole-hearted devotion with which he dedicates himself to loyalty, there is a patriotic value.

Like Matthew Arnold, the Irishman believes that the purpose of civilization is the harmonizing and humanizing of the whole body of society. This is why the Irishman, in common with the Greek of old, is a patriot, for with him patriotism is the one idea to which all others are subordinate; this is why the Irishman emphasizes duty as greater than rights, and God as above materialism; this is why to virtue the Irishman adds faith and each he crowns with courage; this is why the Irishman is a practical, not a metaphysical, progressive; this is why he is unwilling to pull down the pillars of the temple of the law or undermine the foundations of society or apply the torch to the superstructures of business; this is why that with one eye "he sees the dream that inspires, bewilders and allures, but with the other eye sees that after all it is only a dream."

Like Carlyle, the Irishman would personify the wonderful exaltation of the possibilities of man and the triumphant assertion of manhood over social and economic shams. This is why the Irishman is so serious that frivolous people take him to be sentimental, so logical that illogical people think him contradictory, so lucid that dull people cannot appreciate his crystal-

line clearness, so polite that impolite people mistake his chivalry for blarney.

All this the Irishman is because he is a simple, red-blooded man who lives the natural life of the heart, and not the artificial life of the head, because he is a human, not a dehumanized man. He feels the throbbing of his heart and so he sings wild songs and dances strange dances. He knows that impulse is more potential than logic and so he believes in incredible fairies. He knows the flexibility of the fixed laws of nature, and so he is not chilled by science or dazed by statistics. He is not sodden with smoke, oppressed by wealth or corrupted by philosophic phantoms, and so he dreams dreams and sees visions which, though a poet's rhapsodies today, are the scientist's tomorrow.

These are the reasons why with moods as undulating as the shores of its native isle, with disposition as mild as its climate, with heart instincts as warm as the gulf stream that sweeps its eastern coast, with imagination as fertile as its fields, with caprices for humor as numerous as its bogs, the Irish character everywhere, in all climes and at all times, expands and grows like the lily and the rose under the rainfall of freedom and the sunshine of equal chance and fair opportunity.

These are the reasons why today we celebrate the Irishman's membership in the Society of Civilization's Evolution.

These are the reasons why today we commemorate the life of an illustrious man and proclaim the glories of an ancient race.

These are the reasons why today we sing the praises of our fathers in the skies.

UNION COLLEGE**Speech Delivered Before the Alumni of Union College,
May 21, 1914**

If one were to seek an answer to Shakespeare's famous question: "What's in a name?" one would find it in the name of your college—Union. No single word in the English language is so fraught with patriotic significance to the American as that of Union. The mere mention of the word conjures up before the imagination a whole train of ideas.

When Abraham Lincoln met Alexander H. Stephens, the vice-president of the Confederacy, during the negotiations for compromise as a possible settlement of the Civil War, the President is said to have taken a sheet of paper and, turning to Stephens, remarked: "Mr. Stephens, let me write upon this paper the word Union, and you may write under it what you please."

Quoting this incident one of your trustees some years ago said that that was the creed of every Union man. And that is as it should be, for in unity of purpose, in union of ideas and in united effort lie fraternity, progress, success.

Union College is the representative institution of Christian unity in this country. Born when the animosity of sects was still virulent, it was the first in the country that was strictly non-sectarian, without being non-religious. Its charter provides that no one denomination shall have a majority on the board of trustees at any time.

Its first college building was a present from the consistory of the Dutch church of Schenectady, its first president was a Presbyterian minister from

Philadelphia. Its catholicity of purpose, its broad-minded policy, its unity of spirit, are recognized wherever educational methods are appreciated or discussed.

It was the first college to introduce the scientific course of instruction in its curriculum and the first to found a school of engineering. Incorporated February 25, 1795, it became the second college in the State and the first north of the city of New York and west of the Hudson river. Its founders laid the scene of their great work in what then was little more than a settlement; today it stands in the center of population of at least half a million people.

The first full professorship in natural science in an American college was founded at Union and it is a matter of special scientific interest that Prof. F. R. Hassler was called from this chair in 1811 to establish the United States Coast Survey.

The Engineering school of Union College is one of the oldest technical schools of the country. Founded in 1845 with Prof. William M. Gillespie at its head, it at once took high rank, and for many years was one of the few engineering schools in America. While retaining all of the conservative methods of its founders, it has endeavored to keep pace with modern thought. For many years civil engineering only was taught; then, as the principles of modern sanitary science came to be better understood and the possibilities of their further development and their utilization in life-saving agencies were discerned, a course in sanitary engineering was established.

More recently a course in electrical engineering was added and this work was given great impetus by the great General Electric workshops close to its doors. In this connection the college is fortunate to have not only access to these great industrial institutions but

has on its faculty one of the greatest electrical experts in the world, a wizard in electro-physics, Dr. Charles P. Steinmetz.

A list of your presidents brings to memory men who were all shining lights in the educational firmament. The one who is best known to the present generation through his long service and his undying fame, if not personally, is Rev. Eliphalet Nott, whose sixty-two years of service made a record unique in scholastic history. Getting down to more modern times, we have Rev. Andrew V. V. Raymond, Rev. Dr. George Alexander, and Rev. Charles Alexander Richmond, your present president. Each of the preceding presidents loved Union College loyally. Each gave of his best in her service. But the present generation will long remember Dr. Raymond for his enthusiasm, his warm-hearted chivalry, his splendid courage and vigorous effort. When he left at the close of a very successful term of thirteen years he took with him the love and homage of the whole alumni.

Dr. Richmond, your present president, is doing a most excellent work and is a worthy successor to the long line of great men who have made Union famous throughout the country. Under his skillful management the college has grown like the proverbial green bay tree. The college has grown in all elements of strength at the rate of 100 per cent of increase in ten years and about 50 per cent in the last six years. The regular income from all sources this year is almost four times the income in 1901. The enrollment has almost doubled and the college seems just at the beginning of a period of healthy expansion which will only be limited by the field of usefulness which it is destined to occupy. With a record of past achievements not surpassed, and of recent advance not less

encouraging, with its academic traditions and the modern scientific impulse brought to it by the great industries close to its doors, Union is bound to serve in ways larger and more diverse.

Dr. Richmond in his inauguration address said: "With the multitude of new subjects clamoring for recognition, it is evident that they cannot all be crowded into the four years of a college course; but we can at least give the student a bird's eye view of knowledge past and present. We can teach him how to learn and where to go for information. We can show him the promised land and set his feet in the way, even if we cannot lead him into the heart of it."

How successfully he has been led "into the heart of it" the record of the past few years shows. There is a loyalty, a brotherly, sympathetic spirit pervading the atmosphere of Union which spells success.

During the long and honored career of your Alma Mater there have gone out into the world thousands of young men who have taken their place in the world of educational, commercial and scientific activity, and who have made the name of Union famous by their remarkable fame. In all parts of the world Union men have left their impress, reflecting credit upon the dear old school and making America proud of her loyal and talented sons.

Dr. Richmond, your president and my friend, speaking of the work of the school, has said: "We have the past with its academic traditions. We have the present with its scientific spirit and promise. We will keep them both among our local deities."

The star of Union is in the ascendancy in the intellectual firmament and I sincerely hope that it will shine with increasing lustre for generations yet to come.

MEDICINE, ITS HEROES AND ITS HOPES

Address at Banquet of 1914 Graduates of Albany Medical College, Ten Eyck, May 26, 1914

Today's exercises credit the Albany Medical College with eighty-four years of glorious work for humanity.

Members of the Class of 1914, today you follow in the footsteps of illustrious men. You go forth to battle in the world bearing aloft the banners of honor, merit and skill bequeathed to your Alma Mater by March, Armsby and MacNaughton; you go forth with weapon, shield and armor burnished and perfected by the eminent men who have brilliantly continued the work so nobly begun by these founders of the Albany Medical College. As lamps for guidance, as inspiration for effort stand the careers of the great men of this college for every graduate from its storied halls. As they made history by their work, so, members of the Class of 1914, must you by yours. Your contribution to the splendor of your Alma Mater must come solely from yourselves. No one can help you contribute an iota. By your own deeds you will merit your own history, just as everything else writes its biography in this world.

Science is a great traveler and frequently changes her garb. The man who would keep up with her must work. He must imitate the famous Dr. Harvey, attending physician to Charles the First. Harvey never lost taste for study. Even at the battle of Edgehill it required a rain of bullets to separate him from a medical book which he read while the army of Cromwell and his king were in deadly clash. Eternal vigilance is the price of liberty and ceaseless study is the cost of mastery in scientific pursuits. On commence-

ment day it is quite fashionable, I know, to warn with Solomonic mien and ponderous diction the brows which wear the laurels of the hour that the ocean of knowledge is wide and deep and that only old men's plummets can fathom its secrets. But you graduates of today are safer practitioners than were many of those whose classic names we hardly mention without a salutation of reverence. Dr. Oliver Wendell Holmes said that he would rather be cared for in a fever by the medical graduates of his day than by the renowned Fornelius or the illustrious Boerhaave could these two come back from that better world where there are no physicians needed and, if the old adage can be trusted, not many within call. Forty years have elapsed since Dr. Holmes said this and with what greater force can the thought be reiterated today? Forty years ago Dr. Holmes said he would rather subject himself to the surgical skill of the best of the graduates of his day than find himself in the hands of resuscitated Fabricius Hil-danus or even a wise Ambroise, revisiting the earth in the light of the nineteenth century. If Dr. Holmes felt that way forty years ago he would probably chance an operation at the hands of the least skillful surgeon of the present age in preference to either of these illustrious lights of a day gone by.

Book knowledge, lecture knowledge, examination knowledge reside in the brain. These, members of the Class of 1914, are yours from your collegiate course. But work knowledge, the knowledge which resides in the senses, in the muscles, in the ganglia of the sympathetic nerves, is the knowledge which will come to you only through active practice of your profession. It is the knowledge of experience. It is the knowledge of the expert. It is the knowledge which made Ulysses wise in the ways of men. Many cities had he seen and

known the minds of those who dwelt in them. It is the knowledge which the Shipman of Chaucer brought home from sea, for,

“In many a tempest had his bears been shaken.”

It is the knowledge which makes the wheels of life go around and which the world admires because it does things. It is the knowledge which wins the prizes of your profession because it renders you staunch and steady where others blanch and tremble; because it makes you triumph where mere book knowledge fails; because it emboldens you to act while theorists timidly prattle.

The mission of the medical profession bears an apostolic resemblance. To the “Chosen Twelve” were given “power and authority over disease.” If true to his opportunities such power and authority today are the medical man’s so far as human attainment will allow. The age of miracles may be gone but it will always be near recall while medicine and surgery continue their wonderful accomplishments. Aladdin and his wonderful lamp, Zeus and his all-beholding eye, Orpheus and his charming lute, Hercules and his marvelous strength, Achilles and his invulnerable heel, Cheiron and his mystic skill in medicine, the Egyptian Nestors with their obelisks and pyramids as objects of wonderment, are mere pigmies today compared to the surgeon with his scalpel and the physician with his antitoxins. In no other field of endeavor has progress made such strides. Nothing better shows that progress is the distinctive mark of man alone. God has no need of progress. God was as He is and is as He ever will be. The beasts of the field have no need of progress. For them there is no evolution possible. For them nature has set a Rubicon over which there is no crossing. But

man is in a constant state of progression. He is not what he was and he will not be what he is. Hence since all science has a tendency to gravitate, doctors have found it imperative that the laws of medicine, like clocks, should be cleaned occasionally, wound up and set to the time that is true.

As Queen Anne, by her royal touch, could not cure the scrofula of the child which grew up into Samuel Johnson, the great author, so I cannot recount the glories of the medical profession within the scope of today's address, but this I can say: When Leigh Hunt wrote the famous poem, "Abou Ben Adhem," he had, I believe, the typical physician in mind as the prototype of the magnanimous Arab, whose name, in the book of life, led all the rest, not because he loved the Lord, but because he loved his fellowman. The man without an intense, zealous and unselfish sympathy for the ills and woes and troubles of his fellows has no place in the medical profession. There is room for none but the humanitarian in its ranks. A physician's skill is every man's property. His finest fame is the perfume of self-sacrificing deeds. Forever is his time and everywhere is his place; while his reward finds record on the red-leaved tablets of grateful, human hearts.

In the Holy Land there lived a man called Eliab, rich in earthly goods but poor in consciousness of well-doing. To him a saintly hermit brought a herb of wonderful healing powers. "What is the herb to me?" asked Eliab, "My body lacks not health, my mind is ill at ease. It were better for me to die." "The herb will do thy heart good," replied the hermit. "Take it and heal seven sick men and then thou may diest if thou wilt." Eliab obeyed and sought misery in its abiding places. He healed seven sick people and succored the poor with his riches. Again the hermit

sought him, with the message: "Thou hast cured the sick. Here is the herb of death. Now thou mayest die." But in joy Eliab cried: "No longer do I crave for death, for in helping the afflicted I have learned the meaning and the use of life." The converted Eliab, on his mission of mercy, typifies the ideal physician, and the physician who reflects Eliab showers benedictions upon his race.

A famous London doctor was once called to attend a middle-aged rich lady with many imaginary ills. He left the prescription: "Do good for somebody." The prescription cured the lady. From a hypochondriac she was transformed into a philanthropist. Her purse was open to the poor; her time given to the suffering; her thoughts directed along avenues of mercy; her efforts exerted for the betterment of her fellows. Service became her watchword and succor her aid. "Do good for somebody" was the animating purpose of her life, and this slogan is symbolical of the soul of intention which quickens and vivifies the life of the medical profession. "Do good for somebody" is an echo of the medical Christianity, if I may use such a term, found in the oath of Hippocrates, by which the practitioner of ancient times bound himself to enter his patient's house with the sole purpose of doing good and so to conduct himself as to avoid every appearance of evil. The oath of Hippocrates may be dead, but its spirit still lives among the members of the medical profession. "Do good for somebody"—what a grand code of ethics is crystallized in those few words! And its crystallization is the sentiment which prompted Voltaire to say: "Nothing is more estimable than a physician who having studied nature from his youth, knows the properties of the human body, the diseases which assail it, the remedies which will benefit it, exer-

cises his art with caution and pays equal attention to the rich and the poor.”

We are told the first school of medicine was established at Salerno, but medicine had been practised since Eve gave the apple to Adam. In the early days medicine was an art, today it is a science. The Greek physician who cured Maecenas, the prime minister to the Emperor Augustus, of insomnia by arranging a waterfall, until its trickling noise induced sleep, knew no other method. Today medical science traces insomnia to its cause and finds an infallible cure. While the human mind, at a very early age in the world's development, was able to grasp the intricacies of philosophy, it took centuries to penetrate the mysteries of the human body and learn the remedies which palliate the ills of man. Cato, the philosopher, mistook himself for a physician and his ministrations cost the lives of his wife and son. Thus in that day, not so far distant, one of the wisest of the human family killed off those near and dear to him through ignorance. Today Cato's scheme of medicine would decimate the human race, unless the human race arose and decimated Cato first. Then philosophers, under the guise of physicians, killed ordinary men; today ordinary men with the learning of physicians cure kings and plebeians, potentates and philosophers.

You all know the story of the young doctor who diagnosed a case of typhoid fever and in coming around the next day found the farmer in the fields and was informed by his wife that he had been cured by a good old-fashioned dish of corned beef and cabbage. In his diary the young physician wrote: “For typhoid fever, corned beef and cabbage,” and when he next prescribed it the patient died in an hour and he wrote in his diary: “Corned beef and cabbage for typhoid fever does not

work every time." Medical men are not satisfied with the present. They are delving into the past. Not long ago a company of doctors at Cairo examined the mummy of the Pharaoh of the Exodus to learn the source of his woeful cruelty toward a whole people. They discovered that he was a sufferer from chronic toothache which there was no dentistry at that time to mitigate. Of the poet Horace we know nothing except what is found in his writings and yet analytical doctors have demonstrated from his biblicious writings that he died in his early prime of sclerosis of the liver. Today Mahomet could not palm off his fits of epilepsy as divine ecstasies in which he was admitted to the contemplation of Paradise, and upon this sham found a religion which has more followers than has Christianity. Then medicine was a speculative and experimental art; now it is an exact science, squaring to the classic thought of Huxley: "There can be no alleviation of the sufferings of man except in absolute veracity of thought and action and a resolute facing of the world as it is." "The world as it is" is the province of science and of all sciences the most noble, the most glorious, the most beneficial, the most uplifting is the science of medicine.

It is a fact undeniable that doctors are the truest philanthropists of the world. They are the only class of men willing to sacrifice their own revenues on the altar of public welfare. With them there is no patent of ideas or monopoly of thought. What one physician discovers he shares with the rest. His life work is the fund of knowledge from which all may draw. He may not have millions to bequeath but priceless treasures he gives to humanity. To lay down his life is the greatest work a man can do for a friend. This, the Bible decrees, is the supreme test of friend-

ship. Working for the human race the physician not only gives the efforts of his life but daily runs the risk of laying down life itself. When epidemics rage and pestilences ravage the physician is the only man who fearlessly enters the domain over whose portals is written: "He who enters here leaves hope behind." As in pestilential China today the physician stands as a guardian angel, with outstretched wings and flaming sword to protect the edifice of civilization and the health of the world, so he has always stood since the Muses of History first spread recording ink on the Scrolls of Time.

To instruct you in the practice of your profession is not my purpose. Your sacred duty has been placed before you for four years by your eminent instructors in a manner which no layman can equal. But I do want to say a word about the important part that you are to play in the general activities of life. Your duty lies not solely in the alleviation of human suffering. You have as great and as noble a work to perform in the prevention of suffering. Your chosen profession makes you leaders among the people and that leadership constitutes no small share of your responsibility. You will be called upon to advise the public and the State on all that is requisite for the protection of general health. You will be bound to advocate statutes in the interest of human progress. You will be sought in the solution of problems of sanitation and the curtailment of epidemics. You will find one of your grandest functions is to educate the people to appreciate the progressive strides destined to characterize the manner of living in the coming upward march of civilization.

And now in conclusion, members of the class of 1914, let me say that today as you receive your diplomas you will find missing from them a name that I, in common

with you, mourn. I have no desire to sadden this hour by dwelling on the deep regrets of friendship or to bid the bitter tears of sorrow flow afresh. Tears of sorrow Willis G. McDonald would not have flow for him; for with Tennyson he held:

“ Sunset and evening star
And one clear call for me!
And may there be no moaning of the bar
When I put out to sea.

“ Twilight and evening bell
And after that the dark;
And may there be no sadness of farewell,
When I embark.

“ For tho' from out our bourne of Time and Place
The flood may bear me far,
I hope to see my Pilot face to face,
When I have crossed the bar.”

In years to come the names on your diplomas will recall faces that are like family portraits in your memories. Just because his name is not there, may I hope that you will not forget the manly face of Willis G. McDonald? And may the echoes of his voice mingled with the words of the professors whom you bid “good-bye” today, linger in your memories far into the evenings of your lives. Remember him kindly, my young friends, for in life he always remembered you; remember him not as some stained-glass window saint, but as a big, strong man, whose blood was full of good red corpuscles; and when life's drama is o'er for all of you, may it truthfully be said of each, as it can honestly be said of him:

“ A friend to truth! Of soul sincere
In action faithful, and in honor clear;
Who broke no promise, serv'd no private end,
Who gain'd no title and who lost no friend.”

DUTY TO PARENTS

**Speech at Commencement Exercises, St. Peter's College,
Jersey City, June, 1914**

I propose to talk to you tonight, my young friends, on "Duty to Parents."

The pulpits every Sunday resound with sentiments of duty to our Creator, the political speeches of the day remind us of our duty to country, the instinct of feelings of self-preservation teach us duty to self. Of duty to parents alone are we not repeatedly warned, and it is upon this neglected theme that I propose to discourse.

Were we to overlook duty to parents in viewing the ethics of duty, we would miss one of the most divinely pictured windows in God's cathedral of life. Standing without, the dust of a work-a-day life often clouds the exquisite coloring, the grandeur, the sublimity of this masterpiece of the Creator's hand; but standing within, the heaven-tipped light of reason and affection streaming through reveals an order and harmony of unspeakable grandeur. It is a picture—paint in your imagination as you may—that appeals to all that is highest and best in man, a picture that casts its beauty on the hearts of men and gives the lesson that every man who would avoid present moral discredit and eventual moral insolvency must fulfill his duty to his parents—a duty which rounds a man's whole life, beginning at the cradle and ending at the grave.

The word "Home" has a magnetic charm for every ear. Home is man's paradise on earth, and the performance of duties to parents by children is no small factor in rendering it a haven of blessedness. Home is the only spot on earth that may be fashioned into fairyland, where reign perpetual spring and un-

clouded sunshine. Home is a foretaste of the beatific world where joy and peace and love await those who are faithful to the sacred duties which are the laws of life. To the loyal son, the roses with which pleasure would crown him when neglecting his filial duties, are a crown of torturing thorns, the laurels entwined around his brow are a diadem of fire, the most delicious fruit of the world's banquet are wormwood and gall to his palate.

The fact that the parent is responsible in some degree for the happiness and welfare of the child begets the fact that the parent necessarily has some specific authority over the child; otherwise how, I ask you, could parents protect their offspring with "youth at the prow and pleasure at the helm, from the shoals of vice, of ignorance and of ruin?"

The parent is superior, the child inferior, by relations which God himself has established, and these relations can never be abrogated. Hence from the salutary and indispensable power of the parent flows the duty of filial obedience, one of the grandest things in the world, the one essential of chivalry. It is the maker of true soldiers of the heart and the moulder of the nobility of the land; for it is filial obedience, and filial obedience alone, that in childhood prepares the man one day to wield the scepter of his loyalty, to show himself in all his majesty, such as God has made him, such as God has wished him — the lord of creation, capable of commanding others when he himself has learned to obey.

Obedience to parents is the foundation of domestic society and the wellspring of civil society. Without filial obedience, the domestic constitution would be of no avail; without this basis of all obedience, law, order, prosperity, civilization, government and happiness can

have no permanent place; without it the great superstructure of society would crumble away and leave mankind sitting amidst the ruins of its glory and the ashes of its home.

On the benevolence of parents; on their countless kind offices rendered us since birth; on the verity that all we possess in our individuality, be it great or small, perfect or fragmentary, mental as well as physical, moral as well as material, we possess from God through the instrumentality of our parents — on these facts is founded the beautiful duty of filial love.

The parental care bestowed on children is one long ministry of love, possessing all the strength of the father, all the sweetness of the mother, all the tenderness of earth, all the purity of heaven. Their lives have been consecrated and dedicated to this long ministry of love wherein their being has touched our being, their souls penetrated our souls, their hearts felt our hearts; and the child, youth or man, who does not respond to these calls of duty is an apostate to the laws of nature and a traitor to the noblest promptings of the human heart.

Reflection cannot fail to teach us that the secret linkings of the human race, "the one touch of nature that makes the world akin," is none other than the divinely founded duty of filial love. We have all read this in the souvenirs of our life and in the prize volumes of our experience. When footsore and weary in life's journey, filial love has the same soothing effect as the subdued glow of twilight, the coolness of evening and the stillness of night.

Petrified indeed must be the heart wherein maternal love's golden shafts find no resting place, wherein maternal love, even for a single instant, extinguishes her mellowing light or ceases to extend her balmy wings.

To our parents we owe all, and ours is the duty to feast them on the smaller courtesies that sweeten existence and to lavish on them the gracious kindnesses that ennoble life. In bodily infirmities the child should be a constant attendant around the parent's couch, for heaven has in turn adapted the weakness of one generation to the strength and love of another. A seer indeed was the poet who sang:

“He who framed a whole, the whole to bless,
On mutual wants built mutual happiness.”

There remains but one more duty to parents of which we have to treat—that of reverence.

Filial reverence is one of the most sublime sentiments of the human soul, a pure act of the intelligence and not a mere impulse of the heart. It is the good that spurs men on to perform noble duties, not to dream them, and so make life and the vast forever one grand sweet song. It causes us to write our names in kindness, love and mercy on the hearts of our parents; to show them due respect and deference; to bow before them as the exponents of divine law, as the ambassadors of the Divine Lawgiver and as the representatives of the common Father of us all.

These subdivisions of duties to parents may be summed up under the heading of filial piety, and filial piety is the primal bond of society.

In conclusion let me leave with you the following beautiful picture of filial piety from the pen of Richard Brinsley Sheridan in one of the greatest orations in the whole realm of literature:

“Filial piety is that instinctive principle which, panting for its proper good, soothes unbidden each sense and sensibility of man. It now quivers on every lip. It now beams from

every eye. It is that gratitude which, softening under the sense of recollected good, is eager to own the vast countless debt it never, alas! can pay, for so many long years of unceasing solicitude, honorable self denials, life preserving cares. It is that part of our practice where duty drops its awe, where reverence refines into love. It asks no aid of memory. It needs not the deductions of reason. Preëxisting, paramount over all, whether moral law or human rule, few arguments can increase and none can diminish it. It is the sacrament of our nature; not only the duty, but also the indulgence of man. It is his first great privilege, it is among his last, most endearing delights. It causes the bosom to glow with reverberated love. It requites the visitations of nature, and returns the blessings that have been received. It fires emotion into vital principle. It changes what was instinct into a deeper passion; sways all the sweetest energies of man, hangs over each vicissitude of all that must pass away, and aids the melancholy virtues in their last sad tasks of life to cheer the languors of decrepitude and age."

OBITER DICTA

Speech at Legislative Correspondents' Dinner, Albany, April 2, 1914

With humor that tickles and wit that bites, with epigrams that sparkle like champagne and anecdotes that soothe like nicotine, this annual dinner has won a warm spot in the hearts of all good fellows. Everybody wants to come to it, and everybody comes to it who can. But no public man should attend this banquet

without an iron armor of King Alfred's time if he wants to go home with a whole skin.

Here men are wounded, but laughter heals the wounds. Here men are lampooned, but good will frames the picture. Here peccadillos are exposed, but charity covers the exposure. Whether exposed, wounded or lampooned, we are all glad to be here to-night even though we find ourselves in jail.

If jail is like this I know why Tom Osborne went to prison, but I don't understand why Tom ever came out. If jail is like this I know why Scott hated to resign and Riley yearned to get in. If jail is like this I know why Rattigan gave up an editorship for a wardenship, and why Clancy prefers to board at Sing Sing than live in little old New York.

But whether in jail or out of jail we are all supposed to be happy tonight and tonight I am not even sour on Sweet. To those who follow the old Grecian principle that "most men are bad," and assert that my appointments are mostly bad—to those who can find in my appointments only disappointment—I say tonight: Weep no more, my brother; possess thy soul in patience; one Governor soon succeeds another Governor; for, in the words of the Bible, a Governor's "days are as grass, as the flower of the field he flourisheth, for wind passeth over him, and he is gone, and the place thereof shall know him no more." But fun is the spirit of the night and I propose to bury my political hatchet some place else than in my party brother's brain; fun is the spirit of the night and I am an Irishman enough to laugh at fun, though fun may laugh at me.

What matters it if tonight a metaphorical plate of soup is emptied down our neck, if the roast is a little too well done for comfort, if the nuts are suspiciously

sprinkled with red pepper, we are not disposed to complain, for this banquet is seasoned by satire and relished by irony—fancy furnishes its music and witicism lights its lamps.

I came here to be roasted and I got what I came for. In fact, I have had roasting enough this week to last for a lifetime. Whom the Lord loveth he first chastiseth, and if this rule prevails in newspaperdom I am the most popular man in the world in certain New York newspaper offices. But here I stand, like Ajax defying the lightning, a little battered, but still in the ring; somewhat lacerated and smarting from the salt rubbed into the wounds, but I remember that he who draws the sword usually perishes by the sword. You know, and I know, the Biblical tale of the Pharisee and the Publican. The Pharisee walked up to the altar-rail and loudly thanked God he was not as other men. The Publican stood afar off in a penitential mood. I am as other men. I stand afar off in a penitential mood. But I would not swap my place on the sinners' bench for all the smug pharisaical paraphernalia in the world.

I came here to see others get what was coming to them, and I go home satisfied. A roasting dinner like this performs a public duty. It prevents authority from intoxicating and making mental sots out of public officials. It prevents the fumes of power from invading the brain and making men vain, giddy and proud. It teaches public officials that their crowns are made of pasteboard, their robes of tissue paper and their thrones of reeds shaken by the wind.

But there is more than fun to this occasion. Tonight barriers of office and hurdles of partisanship are lowered and we meet as men and comrades. Tonight we draw aside the veil that shuts us from our brothers

and extend the hand of fellowship in the elfin name of laughter.

Tonight I speak not as Governor, but as a man who seeks the friendship, understanding and good will of those about him. Office works no sudden change in head or heart. I value the good opinion of my fellow-men as much now as I did before public office came to me. I cherish the friendship of loyal hearts as much now as when I first came to Albany a hopeful country boy. For me time has not robbed the peach of its bloom. I have labored long days and longer nights to win the respect and hold the friendship of my friends. In office or out of office I have tried to be true to the State, true to myself, true to my friends, and fair to my enemies. I have always prayed for a head to contrive, a tongue to persuade, and a hand to execute.

Whether I have failed of succeeding, I have at least tried with all the energy and enthusiasm I possess. Whether I succeed or fail I want the men who have stood at my side and searched my every act to know me as I am. Not as my friends may hyperbolize me or my enemies minimize me. I seek no man's praise. I evade no man's blame. I hold my birthright above a mess of pottage. I hold my head above the wills of expediency and my heart above the treasons of personal advantage. I want to feel that when I quit the Governor's chair that you newspapermen who watched my acts with microscopic eyes thought my motives manly. I want to feel that while you may have differed with me you still respect me as a man.

Ambition is a will o' the wisp that scorches as we touch it. The great white light that beats upon the throne sears as well as dazzles. Office takes its cruel toll in heart burnings and disappointments from

those who dare to brave the bitterness of opponents and the criticism of friends. But if I can carry with me from the Governor's chair the knowledge that I have done my best for the State, I shall not complain of misrepresentation or grieve over vituperation. If in addition I can take with me the knowledge that those with whom I worked are my friends, and that you newspapermen who were with me at the Capitol will remember me at my best, forget me at my worst and keep a soft place in your hearts for me, I shall count myself a lucky man.

YALE COLLEGE

Speech Delivered by Governor Glynn before the Alumni of Yale College, May 21, 1914

I wonder whether the familiar exclamation in use during my boyhood days "Get there Eli!" had reference to the Yale spirit I hear so much about. It surely applies to the sons of Eli, for they have the faculty of getting there, as the boys say, with both feet.

If one were to read the political history of the several States and the roster of the governors, senators, assemblymen and lesser dignitaries, one would be surprised to find that the Yale men were in the majority. I don't know how many Presidents were members of your alumni association, but I do know of one, your distinguished guest of tonight, William Howard Taft, the biggest, broadest and most genial President we have had in my time — and I mean that classification in both its mental and physical sense.

Public service in State and Nation seems to be ingrained in your students. Speaking of this feature of

the college, a famous college critic once said: "This is one of the strongest and best of the intangible assets of the university, having a double value, because it encourages the Yale graduate and disheartens his opponents. When the men with Y on their sweaters run on to the field the game is half won. The argument in favor of the truth of the legend of Yale's team play in politics would have as its major premise a list of dignitaries too long for publication in these pages, including, for example, twenty of the fifty-nine governors of Connecticut; and for its minor premise the improbability that such a general recognition of individual excellence by the public was purely spontaneous."

The last census I read of your university I discovered that there were then 15,428 living Yale graduates, and I was led to wonder how many of these were holding municipal, county, state or national office? If to be a graduate of Yale is to be successful in running for office I can see a lot of other college men changing their allegiance.

With the honored history of your school, dating back to 1701, with the wonderful achievements of its learned professors during all those years, with the crowning triumphs of your distinguished graduates to spur you on and to inspire you to renewed efforts, it is no wonder that the Yale spirit, so-called, spells loyalty to Alma Mater. There is no similar class of students more closely bound together by common training, a feeling of loyalty toward their Alma Mater, and mutual acquaintance, in America, and inevitably this fact must exert a powerful influence over public affairs.

If the Yale men whom I know are samples of the products of the university, then I can readily understand why Yale has such a wonderful reputation for

the high standard of its alumni. Although conservative to a high degree, in many ways, perhaps because of its long traditions, the university keeps abreast of modern thought and in many instances has been the pioneer in several vital humanities. These modern studies are kept from being narrow by the tradition of culture and from being selfish by the tradition of service. President Hadley, as one of the foremost authorities on commerce, is eminently fitted to lead in a movement which shall provide both the cultural and professional education demanded by the conditions of modern life.

In the new fields of research Yale is taking foremost rank. Its professors are striking out into new territory of scientific research. Dietetics, for instance, is being raised from an observational to an experimental science. Scientific methods are being brought to bear on vital problems, bringing to the social sciences what they have sorely needed, the methods and discipline of the exact sciences. Yale was the first university to incorporate schools of the fine arts and of music, and, though small, they have made good records. The law and the medical schools will now take on a new lease of life, since there has been a shaking up in the faculty and the general curriculum. With such a distinguished jurist as President Taft in charge of its lecture course and guiding its destinies, the law school is bound to keep pace with the reputation of the other schools of the university. One of the requirements for admission in the senior societies is that the student "be a gentleman" according to the prevailing definition. Another is that he be clubable, and that he conform to Yale customs and violate none of its traditions. Perhaps this explains why the Yale alumnus is usually a success in his world work.

The academic department and the Sheffield school of Yale University are famous throughout the world, but it is unnecessary for me to mention what has been accomplished either in the department of philosophy and arts, or in theology, medicine and law, because every alumnus knows it by heart. But suffice it to say that every American, whether he be a graduate of Fordham, of Harvard, of Princeton, or any other of the colleges of the country, is proud of the record of Yale and fully informed as to its standing in the educational world.

The finest thing about Yale is its student body. The instructors of Yale are undoubtedly good teachers, but then, if they could not do something worth while with the earnest, energetic, wide-awake, well-ordered young men in the seats before them, they could not anywhere. Perhaps, after all, the university gets more credit than it deserves for the achievements of its graduates. The product of the mill depends mostly on what kind of grain is poured into the hopper.

In looking out over this audience tonight I am convinced that if the product had not been what it was with the material I find here, then there must have been something sadly wrong with the machinery. There is a democratic spontaneity about the Yale man's greeting, a warmth of feeling in his hand clasp, a bright, affectionate glint of his eye that makes a man glad to have made his acquaintance. Every alumnus of Yale is a missionary proselyting for the old school; he is in himself its best advertisement.

In the long and honored history of this remarkable old school who can count the immeasurable good it has accomplished, who enumerate its many achievements? What tremendous influence it has had upon the world's thought, upon the world's economics!

Education is not alone a matter of book learning. There is something deeper and broader than that. Not alone has Yale delved into and succeeded in mastering the sciences, but it has studied at first hand the humanities, the social problems which are ever foremost in men's thoughts. With the high standards set for it by its founders and kept alive by its present faculty, with the thousands of self-appointed "press agents" advertising its greatness, the future of Yale should be, and undoubtedly will be, a glorious one.

PRISON REFORM

Speech Delivered at the Conference of the Womens' Department of the National Civic Federation at Carnegie Hall, New York City, March 6, 1914

It is the duty of the presiding officer to make his speech short and, as I am always loyal to duty, my speech will be short.

Prison reform is the subject of tonight's symposium and the masters of the subject are your speakers. Their recommendation for your consideration lies not in promise, but in performance. The names of all the speakers on tonight's program are synonymous with prison reform. I am for prison reform, and as Governor of New York State I promise all the assistance within my power to further the fondest hopes of the sponsors of this movement.

Benjamin Franklin said that he believed more in the corrective sense of justice than in punishment for punishment's sake, and so do I.

John Wesley said that only the grace of God separated the virtuous from the vicious, and I agree with John Wesley. So did John Bunyan agree with John

Wesley, and so does every thinking man who weighs in the balance of reason the trifling differences in human nature, between men of the higher class and men of the lower class and the momentous difference in the conditions and circumstances of all sorts of men.

I believe that there are more criminals by accident than by intention. For the criminals of intention—the professional, cold-blooded criminals, the criminals at heart—I have little sympathy and less pity. But for the criminals of accident—men who are made criminals by circumstances and conditions more than by their own heart and their head—I, for one, would substitute in our punitive system pity instead of punishment.

Society must ever be the enemy of the professional criminal, but that does not mean that of necessity the accidental criminal must be the perpetual enemy of society. Correction, not punishment, is the road to reformation. The chamber of justice should not be the subterranean passage to the chamber of torture. Prisons should not break, but make men. Crime should not be committed to punish crime. Crime should not be committed to prevent crime. I, for one, am as much against crimes against criminals as crimes against citizens. Neither are the men in jail or out of jail, whether in this hall or elsewhere, altogether good or altogether bad. And as the men in jail cannot be tortured into greatness or goodness, so neither can the men out of jail. Torture is as much out of place in one as in the other. Every jail, to my way of thinking, should be a true reformatory. The convict who goes out of jail should not be worse than the convict who went into jail. No man should be sent out of prison bearing on his forehead a brand or a quarantine on his capacity to serve himself, or serve others. No man should be sent out of jail with a palsied hand.

I am for prison reform, and I believe that we have in recent years in this country made great progress in prison reform. If you doubt it, I refer any of you to the pages in the first or second volume of McMaster's History of the United States, and therein read how our ancestors treated criminals, and then think of how we treat them now. We treat them better than they did, but we want to treat them even better than we do, and that is the object of tonight's meeting.

I have been receiving letters by the score from this society saying "Sing Sing must go." Well, if the number of those letters and the size of this audience means anything, I suppose Sing Sing must go. But that is not enough.

If Sing Sing is to go, Clinton must be improved and Auburn must be improved. We must have an institution for misdemeanants and a training school for boys. I am for all that. I would even go further, I would abolish the women's prison at Auburn.

But though the world moves fast, it moves fast by slow degrees. We cannot do all this in a minute, and we cannot do it all on the jump, because it will take a great deal of money to do it, and New York cannot undertake to do this all at once.

Now, I am for prison reform, but I am for it with some degree of reason. And I want to ask every man and every woman in this hall committed to prison reform to take into consideration the circumstances that Superintendent Riley and myself and the other officials at Albany who are in favor of prison reform have to confront. If we had the financial situation there that we had a few years ago, I could pledge you this week an appropriation big enough to build a new prison at Sing Sing, but we have not that condition and for that reason I am going to ask consideration to allow us to move slowly.

A few years ago under the indirect system of taxation in this State we had so much money we did not know what to do with it. We wanted to undertake charitable movements of all kinds; we wanted to spend the money and the people wanted to improve the Erie Canal, and we voted \$119,000,000 for that purpose, and another \$100,000,000 for good roads, and this means that \$10,000,000 must come out of the State treasury each year before we take a cent for anything else. That means this year before there is a single cent to make the wheels of the government go around, or pay any salary; before there is a single cent available to vote for Sing Sing or any other institution; before there is a single cent to meet our running expenses, we have to take \$10,000,000 out of the revenues of the State, provide for interest on State bonds and take care of the sinking fund. We are committed to that. Our income is \$41,000,000. Take \$10,000,000 from that and you have \$31,000,000 left—and the appropriation budget now on my desk asks for \$63,000,000. Will you tell me how I can meet \$63,000,000 with \$31,000,000? If you can I have the finest kind of a job in Albany for some financier.

I am for prison reform, but you cannot have it all at once. You have got to take it gradually, and I will tell you one of the best ways to do it.

Prisons should stand for prevention and correction of crime as well as for punishment. Law is the history of penology; where a crime does not exist there is no need of a law to punish or correct it. Show me the laws of a people and I will tell you their faults; show me the laws of an age and I will tell you its crimes. The day of retribution, justice and social vengeance has largely passed away in penology. Its place is being taken by the idea of punitive discipline and brotherly

correction. We are trying to put Christ's teachings in operation in the prisons. Plato glimmered at but Christ enunciated the theory of punitive discipline and brotherly correction.

The Emperor Julian and Pope Clement were the first great heralds of the humanitarian prison idea which we champion here tonight. The thought of treating prisoners as human beings has traveled slowly since their day, but it has made progress. Probably Beccarri, the Italian, and John Howard, the Englishman, did more than any other two to make this idea a living and potential reality. In this, though, as in all works of mercy, a woman, Elizabeth Fry, played an important part. Dickens and Charles Reid helped in their novels and Alexander McConochie made theory a fact in his administration of Norfolk Island.

Criminal anthropology and criminal sociology formed promising fields for philanthropic minds. A short time ago heredity was magnified in criminality, but time has shown that circumstance and condition play a bigger part than our fathers or our mothers, or grandfathers or grandmothers. The way to eradicate crime is to cure the conditions that cause crime, and that cure will come, I fear, only when human nature revamps itself and the millennium arrives. We have long talked of the debt of the criminal to society: we should commence to give thought to the responsibility of society to the criminal. Justice, tempered with mercy, begs for punishment for the offender rather than punishment for the offence. Complain as they may about the present administration of prisons, people who read must admit that progress in this work has kept step with progress in other lines. If any there be who doubt this let them read the gradually improved conditions in

prisons and in the treatment of prisoners in the United States as described by McMaster, in either volume 1 or volume 2 of his history of the American people. We have substituted reform for retribution. The rack and the lash are gone. Mitigating circumstances and previous history are now given consideration in sentence and treatment. First offenders are looked upon as children when first they err. Probation is given its merciful sway. Prisons are no longer dungeons and the motto, "He who enters here leaves hope behind," no longer decorates our prison walls.

There is one matter which, I feel, should be called to the attention of any conference on prison reform, and that is the patent necessary for creating a Pardon Board similar to the Parole Board already provided by law.

The duties which this office impose upon an Executive are numerous and responsible. The Governor must not only suggest, follow and sign legislation, he must not only keep a jealous eye upon appropriations, but as the Chief Executive of the State he must keep in intelligent touch with every department and superintend the minutest operations of government.

When, therefore, the law also requires the Governor to be the official arbiter in criminal cases, it imposes a tremendous responsibility upon him without giving him the necessary time to meet his responsibility in proper fashion.

There are now pending before me over fourteen hundred applications for Executive clemency. Many of these cases have been on file before several different Executives. Accompanying these applications are affidavits, recommendations and other papers touching on the case.

To give proper consideration to every one of these applications I should be compelled to neglect every

other duty entrusted to me by law. Consequently the best I can do is to give what time I can spare from other things to a consideration of the more urgent cases. This procedure is not just to me and it is not just to the applicants for Executive clemency. There should be some person or persons whose sole duty it would be to assume the responsibility now shouldered by the Governor.

New York should have a Pardon Board similar to the pardon boards already established in other States.

As long ago as 1867, Governor Fenton urged the creation of such a board. In a message to the Legislature Governor Fenton said: " Appeals for clemency are now so numerous and so importunate that this branch of official duty alone claims a large share of the time and attention of the Governor. It is my opinion that the pardon power should be delegated to a coöperative bureau or so distributed as to relieve the Governor of the responsibility of investigation."

What was true in Governor Fenton's time is doubly true today. New York should create a Board of Pardons by a constitutional amendment. Applications for Executive clemency could then be presented under suitable rules and regulations and decisions reached in a short time after presentation.

More thorough investigations could be made than are possible at present, the possibility of mistake could be materially reduced, applicants for clemency could be more justly treated, and the Governor would find himself relieved of a duty which is at all times onerous and trying.

There is no phase of prison reform to which those who are met in this gathering can better give their attention than a change in the State's laws which will give to a board of pardons the pardoning power now vested in the Governor.

I hope that we are going to have a Constitutional Convention in 1915. There are a good many things in the Constitution that ought to be changed. The referendum will be submitted to the people in April, and, if it is carried, in 1915 the people of this State will have a chance up at Albany to write into our Constitution a provision that will allow you to do away with Sing Sing and build such a prison as you want, and this is the way to do it. Change the Constitution so that the State can issue serial bonds, running over a period of fifty years, to be paid in driblets, so much a year, and then you can do away with Sing Sing; then you can build all those other needed charitable institutions and, until we do something of that kind, New York State will have to stop building unless we levy a heavy direct tax or find new ways to raise money by indirect taxation, and I think the people will not take kindly to either one of these propositions. But we can stand a small appropriation to begin the work, and I am for it.

I promise tonight to do anything that is consistent, anything that we can do, and anything in keeping with the State's financial condition, to help put the prison system of New York in the condition it ought to be. But do not ask us to do more than we can. I am willing to help because every time I think of a man in prison, every time I think of a man in trouble, there comes back to my mind the picture of John Wesley when he saw the poor beggar groveling in jail and said, "But for the grace of God, there lies John Wesley." But for the grace of God probably some of us would be in jail in the place of the men we want to help tonight.

Some wag has said there are three pests in every community: the priest with no charity, the doctor with

no knowledge and the lawyer with no sense of justice. To my way of thinking these are three pests, but there is one pest worse than those three combined, and that is the man or the woman who has no charity, who has no knowledge, who has no sense of justice, and every man and every woman who has some charity, who has some knowledge, and who has some sense of justice could not be anywhere in this movement but in favor of prison reform.

THE JEWS IN AMERICA

**Speech to the Members of the Adelphi Club, Albany,
December 6, 1913**

I am very pleased to be with you on this occasion, and deem it a privilege to say a few words in a clubhouse so many members of which are my good friends. Such institutions as the Adelphi Club contribute to social uplift, they bring their members and co-workers and co-thinkers into closer relations and serve to keep burning on the altars of friendship that flame of brotherly love which is at once the inspiration of mankind and bulwark of our national greatness.

The United States, the Empire State, and Albany, as an integral part of both, have reason to be proud of the achievements of the men of your race. There are now fully 16,000,000 Jews in the United States, scattered throughout all sections, engaged in all lines of business, prospering and contributing to the wealth and advancement of the nation in all directions. They are highly esteemed citizens, law abiding, progressive, intelligent. They have earned the respect of all classes and the members of all religions. They have found here a broad tolerance for their views and ceremonies

and they have given abundant evidence of their appreciation of the spirit which lies at the bottom of the true Americanism.

The Jews in America have participated in all of the national movements which have gone to the upbuilding of the republic, its maintenance and its strengthening. They have been soldiers when the call came. In the Revolution they fought with colonists of different faiths, striving patriotically and freely sacrificing their lives to the end that here in the West might come into being a nation of true liberty of thought and action. They participated in the war for the preservation of the Union. They have always responded to the summons for help. In times of great calamity they have given generously of their wealth for the succoring of the afflicted. In their own lines they have built up great charitable works. They have eagerly availed themselves of the public school facilities and have striven faithfully to fit themselves for citizenship.

Lord Beaconsfield, speaking of the imperishable nature of the race, once said:

“The world has by this time discovered that it is impossible to destroy the Jews. The attempt to extirpate them has been made under the most favorable auspices and on the largest scale; the most considerable means that man could command have been pertinaciously applied to this object for the longest period of recorded time. Egyptian pharaohs, Assyrian kings, Roman emperors, Scandinavian crusaders, Gothic princes, and holy inquisitors have alike devoted their energies to the fulfilment of this common purpose. Expatriation, exile, captivity, confiscation, torture on the most ingenious and massacre on the most extensive scale; a curious system of degrading customs

and debasing laws which would have broken the heart of another people, have been tried in vain. The Jews, after all this havoc, probably more numerous at this date than they were during the reign of Solomon the Wise, are found in all lands, and prospering in most. All which proves that it is in vain for man to attempt to baffle the inexorable law of Nature, which has decreed that a superior race shall never be destroyed or absorbed by an inferior."

The Jews have presented to the world a unity which no other people has been able to show. Though scattered throughout all lands from the rising of the sun to the going down thereof, the children of Zion are one today in blood, in instinct, in faith, and in fidelity to their race.

Speaking of the debt the world owes to the Jews, Dr. Madison C. Peters, in his excellent work, "Justice to the Jew," says:

"We cannot realize all that the Jews have done for civilization and progress and enlightenment until we imagine their work taken away and view the vacuum that would be left. Science would become bald and ragged, some of the brightest jewels would drop from the crown of Literature and the fairest garments would be shed from the shoulders of Art."

Go through the list of the achievements of mankind and take note of what the Jew has done to add to the uplift and the upbuilding of the world structure of advanced thought. From the earliest ages the Jews were identified with the science of astronomy. From Johanan ben Zakkai, the Palestinian, in the second

century, to the modernists, William Herschel, H. Goldschmidt and Morris Loewy, the literature devoted to science has been enriched by Jews. Loewy was the inventor of the famous elbow telescope.

In mathematics there are so many Jewish experts and authorities that to give a list of them would read like a directory. As inventors the Jews stand in the first rank. Abraham Stern, a Polish Jew, was among the greatest inventors in Europe in the early part of the nineteenth century. A. Bernstein was the patentee of an invention by which two distinct telegraph messages could be sent over one wire at the same time. Emile Berliner has given us the microphone for telephones and the gramophone.

In medicine the Jew has a record from a time which by far antedates Æsculapius down to the great physicians and surgeons of his race who are blessing and benefiting the world at the present time by their knowledge and skill.

The Jew is a born lawyer, having sprung from a nation of lawmakers and lawgivers. In America the foremost legal light of the Jewish race was Judah P. Benjamin, who declined President Pierce's offer of a judgeship on the Supreme Court bench on account of his extensive private practice, and who was chosen in 1852 as United States Senator from Louisiana. The great Jewish luminaries which have passed across the horizon of American law are too numerous for me to mention.

Of our own time and State we have such men as Louis Marshall, Simon W. Rosendale, Benjamin Cardozo, Abram I. Elkus, Samuel Untermyer, Albert Hessberg, and hundreds of others.

In politics the Jew has taken a prominent place. They have occupied ministerial offices galore all over

the world. Benjamin Disraeli was one of England's greatest premiers. Oscar S. Straus and Henry Morgenthau are samples of our Jewish ambassadors. As Members of Congress, State Legislatures, as State officers, as mayors, they have served their constituencies with credit to themselves, their State and their race. To mention them by name would be a discrimination which I won't indulge in.

The Jew as a poet holds a peculiarly conspicuous place in the world of letters. In the sun-kissed fields of poesy they have swept the chords of Apollo's lyre, invoking strains whose magic music thrills the souls of men. It has been said that the whole of the Old Testament may be classed as poetry. From royal David down to Israel Zangwill literature has been enriched by the poetry of the Jew.

In dramatics we all think of the names of Charles Klein, Sydney Rosenfeld, David Belasco; Sara Bernhardt, as an actress, holds too prominent a place to need but a mention of her name to recall her great talents; the list of celebrities being so large that to call the roll would be an invidious distinction. Grand opera was introduced here largely by Jews, and Jews practically control the theatres of the country.

When the subject of music is mentioned the mind immediately turns to the great composers Mendelssohn and Meyerbeer, to the great musical conductor Dr. Leopold Damrosch, to the great pianists Rubinstein, Rosenthal, Hofmann and Joachim.

As philosophers and philologists the Jews stand in the first rank. The names of Dr. Cyrus Adler, as an antiquarian, Ricardo Marx, as economist, and Lombroso and Nordau, as thinkers and philosophers, are known to all men. As novelists, essayists, journalists,

etc., the Jews have left and are leaving their impress upon the world of letters. In short, in every department of literature, science and art, in every field of human endeavor, in every path traversed by the genius of man, the number of worthy Jews is extraordinarily large.

Among the membership of your club we have many men who have contributed to the progress and prosperity of Albany. No more representative body of men can be found anywhere—they occupy every field of human activity in our city. The Jewish portion of our population is a part of the civic backbone and moral sinew of Albany and the record made by you and your colleagues is one of which all Americans may be proud.

On every side are seen monuments of your charitable work, in the marts of trade are temples of commerce second to none in the country, in the residence districts are beautiful homes and on every hand are evidences of your thrift, foresight, loyalty to civic duty, which are the badges of good citizenship.

As Governor of the State I am, therefore, proud to acknowledge the debt the State and the city in which you live owes to citizens of your race, and as a fellow citizen and co-worker in the vineyard of human activity I am proud to number you among my friends and neighbors.

As Governor of the State I am also proud of an act in which you should have special interest.

It is a great privilege to be the first man to do a big thing and such a privilege has been mine.

Of all the Governors of all the States in the whole history of the United States, I am the first Governor to name a Jew to the highest court in the State.

I placed Benjamin Cardozo on the Court of Appeals

of the State of New York and I glory in the act. Where I led other Governors will follow, but mine is the distinction of paving the way that leads to true brotherhood and real Americanism.

LIFE EXTENSION

Address Delivered at Union College on the Occasion of Receiving the Degree of LL. D., October 17, 1914

The people of New York are to decide on the 3d of November who shall be the next Governor of the State. They are to decide something even more important still — what the aim and the purpose of State government shall be during the next two years.

My Republican opponent is a brilliant public prosecutor. His title to your suffrages is a record of legal victories in the pursuit of gunmen on the east side of New York; and he appears to conceive of the duties of a Governor as a sort of sensational man-hunting on a gigantic scale.

My view of the office of the Governor of the Empire State is a different one. It has been my duty, to maintain the integrity of the political life of the State by taking stern measures against individuals whose human weakness has made them derelict in the performance of their part of the public service. I thank God, however, that conditions in New York State are not so bad that this is the chief function of an executive. The correction of evil will go on so long as, in the words of Artemus Ward, “there is a great deal of human nature in man.” It is and ought to be secondary to the positive task of efficient organization of the business of the State and the development of a broad and constructive plan of social betterment.

First let me say that I appreciate greatly the honor which comes to me today in the shape of an LL.D. from Old Union. I am glad to become an adopted son of this university. It is a distinction—a proud distinction to be enrolled among the great men honored here by degrees. I am no wondrous captain of industry like Mr. Coffin, who receives a Doctorate with me today; I am simply a Governor and as a Governor I thank you, Dr. Richmond, and the trustees of Union for the scholastic hood you confer on me today.

I have left the turmoil of a campaign to be here today. Political topics have been on my tongue for weeks but politics I dismiss for this occasion.

I have been asked to talk today on some of the new work this State is doing for social betterment.

In the past year we have initiated a program of social legislation unparalleled in the history of so brief a period in any State. Three of the laws which have been enacted during the last two years, the Labor Law, the Workmen's Compensation Act and the Health Law are landmarks in social reform for the whole United States.

I have spoken elsewhere of the first two of these notable achievements. I want this afternoon to tell you something about the third, the Public Health Law, as an illustration of the sort of practical problems which make up the task of the State government and which are, to my mind, though less dramatic, far more important than the triumphs of the criminal court.

One hundred and forty thousand men and women and children died of disease in New York State last year—25,000 of them babies under one year of age. A whole city of homes, the size of Albany, with every home desolated by the tragedy of death. Think what this means. Get it out of the realm of statistics and into the field of vital human experience. Think of

the love that was poured out in each one of those 25,000 homes upon the little mite of humanity. Think of the sorrow and suffering when the flame of that little life began to flicker and go out. Remember that this was no peculiar pestilence of 1913. The same thing would have happened this year and next year and the year after that if nothing had been done to prevent it.

Yet the experts tell us that a large part of this suffering and death is needless and *can* be prevented.

Here is the sort of problem for constructive statesmanship, the sort of problem with which the Democratic party in the State and in the nation has been successfully grappling during the past two years. We turned to the experts and we said, "If this waste of life can be stopped, what is wrong with New York State that we do not stop it?" They told us that our administrative machinery was inadequate to grapple with the problem—that local boards of health were working under obsolete ordinances with poorly paid health officers, lacking secure tenure of office, and the support and advice that can come only from a strong State organization. They told us that our State organization itself was not equipped either to perform its own tasks efficiently, or to lead in the organization of local health work upon modern lines. We asked them what should be done to better these conditions, and the Special Public Health Commission appointed for this purpose presented a plan for the reorganization of the public health service of the State. This plan was enacted into law by the Legislature in the spring of 1913, and is conceded on every hand to mark the most notable step in public health administration yet achieved in the United States.

Our model Health Law, which has been already copied by Massachusetts and many other of the most

progressive States of the Union, solves the two great outstanding problems of health organization, the problem of uniform and effective ordinances and the problem of the relation between local and State administration. It provides for a public health council of seven members, to which is given the power of formulating a State-wide sanitary code, and it establishes a corps of district sanitary supervisors who act as intermediaries between the State and local health departments so as to bring the expert knowledge and moral backing of the State to the support of the local health officer in the performance of his difficult duties.

Good laws are essential to sound progress, but laws can accomplish little without the right men to enforce them. I count it as one of the notable achievements of my administration that I have been able to place the ideal administrative machinery of the Health Law in the hands of the one man in the United States best fitted to operate it efficiently. One of the things which most strikingly indicated the need for health reform in our State was the fact that the death rate of New York city has been going steadily downward, while the death rate of the rest of the State has remained stationary, so that it is today actually more healthy to live in the crowded city than in the rest of the State. The man who has achieved this triumph of modern sanitation is Dr. Hermann Biggs, who has for twenty years been chief medical officer of the New York city department of health. It was to Dr. Biggs, recognized as the foremost public health administrator in America, that I turned for aid in this crisis and, fortunately for the State of New York, I was able to persuade him at great personal sacrifice to undertake the task. When that was accomplished our success was assured.

Upon the public health council, Commissioner Biggs has the advice of the wisest leaders in sanitary thought,

of Dr. T. M. Prudden and Dr. Simon Flexner, of the Rockefeller Institute; of Prof. Ogden, of Cornell University; of Mr. Homer Folks, organizer of the anti-tuberculosis movement; of Dr. Gaertner, of Buffalo, and of Mrs. Elmer Blair, chairman of the public health committee of the General Federation of Women's Clubs. He has surrounded himself with an administrative staff of experts such as has never before been gathered together in the United States, men of eminence in their several fields, men who in many instances are, like the commissioner himself, making considerable financial sacrifices or abandoning long careers in the national government service or in academic institutions because of the unique opportunities for public service offered by our model law.

I will not take time to tell you the details of what has already been accomplished by our reorganized department during the last eight months, of the cordial coöperation which has been effected between the State and local organizations, of the advances in registration of vital statistics, of the progress made in public health education, of the prompt and efficient suppression of smallpox at Niagara Falls and of lesser epidemics of other disease throughout the State. I do want to tell you, however, of one result of the campaign which is an earnest of much greater results to follow and which alone and by itself more than repays every dollar spent in State health work during the past year.

Dr. Biggs rightly felt when he took office that the reduction of the infant death rate was one of the first of the many tasks demanding his attention, and during the past summer every effort of the department has been directed toward this end. A booklet on the care of the baby has been prepared with the advice of the foremost specialists in the country and is sent to the mother of every baby born within the State as soon as

the birth is registered in Albany. Special exhibits dealing with infant welfare have been shown in forty-four cities and at over fifty county fairs. Everywhere these exhibits have been the stimulus to active local infant welfare work and the first fruits of the campaign are that during the months of June, July and August there were 500 less deaths of infants in the State outside of New York city than for the same period last year. The infant death rate in the city has dropped eleven points since last year—the death rate outside the city, twenty-three points. The best results of such work are not seen at first, but manifest themselves step by step as public health education progresses. Already, however, we may feel with deep satisfaction that there are 500 babies kicking and crowing in their mothers' arms who would be in their graves if the vigorous campaign for infant welfare had not been made this year.

This is the sort of thing which, to my way of thinking, is the end of government. It is to such quiet, undramatic tasks of statesmanship that I have devoted my time and thought and it is to their continuance that I pledge myself, if I am reëlected in November.

The campaign for better health conditions in this State has only just begun. The work of the bacteriological and chemical laboratory of the State department, from which comes expert advice in the diagnosis of disease, in the examination of public water supplies and the like, is carried on under the most trying conditions in an overcrowded and unsuitable frame building in Albany. I want this laboratory to be located in a new home and equipped with an adequate staff for its vitally important work. The public health education work of the department has been well begun. Its monthly bulletin has been popularized and made read-

able and is sent to every schoolhouse in the State, as well as to physicians and health officers and other persons interested in public health. A weekly press service of health hints is furnished to 400 local newspapers all through the State, giving to a public of 1,500,000 people the sanitary knowledge which they need. The lectures and exhibits of the department are accomplishing great good. But Dr. Biggs wants, and I want, much more still to be done along such lines. Every mother who cares for her baby, every man who works on the farm or in the factory, must be taught how to avoid the menace of preventable disease.

Above all, I want to see in the next few years a development of State sanitary administration which shall make it possible to cope more effectively with disease in the rural districts of the State. The farm has every natural advantage in its favor and should be the healthiest spot upon this earth. Yet we find that the rural death rate is greater than the death rate in cities and that the children in rural schools show a higher percentage of physical defects than their urban brothers and sisters. The sole cause is lack of expert advice and instruction in the science and art of health. Sanitary science has usually been presented to the farmer only as far as it behooved him to take precautions in his dairy, so that the city dweller might not suffer from his milk. Its beneficent possibilities for the safeguarding of his own family are a sealed book to him. A division of rural hygiene in the State Department of Health, working along educational, rather than repressive lines, working for the farmer himself, rather than for his customers, could accomplish wonders for rural health. A bill for such a division, actively supported by the State Grange, was passed late in the last session and, in view of the pressing obligations already undertaken by the State, I was

forced reluctantly to veto it. I hope such a bill will be introduced again this year and made one of the first items in our legislative program and I pledge to such a measure my hearty approval and support. It is time that the dwellers in rural districts had the same protection against preventable disease which has long been enjoyed by their fellows in the crowded city.

Commissioner Biggs has laid down a definite program for the work of the State Health Department with a definite end in view—"the saving of twenty-five thousand lives in New York State within the next five years." This end can be accomplished if he has proper support, and if I am Governor he will have every ounce of support that I can give. This is only one of the problems of the State administration, but it is the sort of problem which makes up the essence of popular government. The betterment of health conditions and labor conditions we Democrats have conceived to be the two most important constructive tasks awaiting wise solution. During the short period of two years we have laid the foundation for an effective treatment of these problems in a way which has gained the applause of all our sister States. If the people of New York approve these things that we have done and want sober, quiet, steady progress along similar lines they will return us to power, and I have faith enough in my fellow citizens to believe that that is just what they will do.

PRESBYTERIANISM IN AMERICA

Speech Delivered Before the Men's Club, First Presbyterian Church, Albany

Every patriotic American, no matter what his religious belief may be, has reason to be proud of the part the Presbyterians played in the struggle for

liberty from the earliest Colonial time down to the signing of the Declaration of Independence.

The Presbyterians of America — Scotch, Scotch-Irish, Welsh and Puritan — supported the cause of independence with a fervor and an unselfish sacrifice which called forth universal praise. The Synod of 1783 congratulates the Church on “The general, and almost universal attachment of the Presbyterian body to the cause of liberty, as “confessed by the complaints and resentment of the common enemy.” It points to “our burnt and wasted churches, and our plundered dwellings” as “an earnest of what we would have suffered” had the war been different.

Dr. English, the Tory rector of Trinity Church, wrote in 1776; “I do not know one Presbyterian minister, nor have I been able, after strict inquiry, to hear of any, who did not, by preaching and every effort in their power, promote all the measures of the Continental Congress, however extravagant.” There was indeed one minister of the Synod of New England who embraced the British side of the controversy, and joined the royal army. The Synod deposed him, and suspended another of its members until he brought a certificate of his loyalty from the State of New Hampshire.

Dr. Witherspoon, along with several other Presbyterians sat in the Continental Congress, and voted for Independence. Charles Thomson, an elder in the session of the first church, was its trusted secretary and by his proverbial truthfulness gave additional weight to its proclamations and gazettes. George Duffield shared with William White the duties and honors of the chaplaincy. The wife of James Caldwell, of Elizabeth — the minister who brought the patriot troops an armful of psalm books when their wadding gave out — was assassinated by a Tory, and he himself was shot

by a drunken sentinel while on chaplain's duty. And John Roserugh, of Allentown, "was barbarously murdered by the enemy at Trenton" in cold blood after he had surrendered. George Duffield had at least one narrow escape and on the head of John Murray, of Boothbay, was set a reward as great as on those of Samuel Adams and John Hancock.

To those who have looked below the surface it is clear that ecclesiastical considerations were as active in promoting the revolt of the colonies as were the disputes over revenue. Connection with a "mother country" in which Church and State had a common head, and were controlled by the same Legislature, carried with it other perils than those of fiscal exaction.

It is no longer thought sufficient to enumerate Puritan, Cavalier and Quaker as the elements which made up America in Colonial times, and directed the struggle for independence. It is now recognized that even thus early the Scotch-Irish of Ulster contributed no less than any of these to the make-up of the young nation. If the Puritan might be regarded as the thinking brain and the Quaker as the sympathetic heart of the new nation, the Scotch-Irish have been the backbone of its nationality.

Especially have the Scotch-Irish served the country as educators of the Middle States, and of those which lie west of them. Their early ministers were generally graduates of Glasgow, and it was they who established the many academies of those States, in which young men were given an education which would at least have fitted them to enter any American college. This threw the Presbyterian clergy into contact with others than their own people, enlarged their influence for good, and caused their Church to be more highly esteemed. In view of the Church's requirement that none but

educated men should be regarded as candidates for the ministry, this combination of the school-master with the pastor, was regarded as natural and proper, as indeed their every seminary was a seed plot for the ministry. They thus rendered a great service in maintaining a high educational standard at a time when the poverty of the country, the general indifference to whatever was "unpractical" and the active hostility of many sects to literary culture, made this very much harder to do than it is today.

Presbyterian writers have enriched the literature of our country. Their many articles and the less numerous books of Drs. Theodore L. Cuyler, John Hall and J. R. Miller have nourished the spiritual life wherever the English language is spoken. Of the Church's preachers, Dr. T. DeWitt Talmage is most widely known; John Hall whose sermons gather force, where others weaken toward the close; John DeWitt, who sees so finely the points of contact between lofty principles and homely duties; Henry Van Dyke, who brings the culture of the modern world to bear on his pulpit work; Charles Wadsworth who illumined every topic with the coruscations of genius; Herrick Johnston, who presses his theme with the cogency of a great pleader; Charles H. Parkhurst, who turns the light upon the dark places of the human conscience; William S. Plummer, who fused a severe theology with tender emotions; Francis L. Patton, who by sheer force of logic cuts the channels for right action and feeling; Benjamin M. Palmer, whose fervid eloquence has the polish of the southern school of oratory; Prof. W. W. Moore, who seizes on the effective points of a subject with marvelous precision — these are but a few of the notable preachers who have helped to keep the American pulpit vigorously masculine and socially powerful.

The names of John Knox, John Calvin and John

a'Lasco call to mind epochal events in "religious awakening", and their names are cherished wherever the name of the Christian religion is revered. The influence of these men upon the religious thought of the world has been of such vast importance that millions of people now practice their methods of worship and pattern their lives along the highly moral and religious lines they set down.

The history of the Presbyterian church in Albany is one with which you are all intimately acquainted. Men of your beliefs have occupied and are occupying positions of trust and responsibility in every avenue of human endeavor. Their records of achievement are worthy of your highest commendation and every Albanian is proud to call them friends and neighbors.

The magnificent temples of worship erected by your denominational organizations are a credit to your piety and to your generosity. Your preachers have reflected honor upon the members of their cloth and many of them have gone out into the world to greater honors.

Mere questions of denominational or creedal differences of opinion pale into insignificance when one realizes that we are all elements of the movement for a better day, for higher things. It is these elements which make life worth while and this old world worth living in.

SYRACUSE UNIVERSITY

Speech Delivered Before the Alumni of Syracuse University

Every patriotic American has reason to be proud of the history of the colleges of his country. They have done immeasurable good along lines of sane, con-

servative thought. They have widened the horizon of the average youth and fitted him with the elements of knowledge which are, after all, the best armor with which to face the world's battles.

The history of our colleges is contemporaneous with the history of modern progress; they stand along the national highways as guide-posts to success.

From the earliest history of his country and its attempt to promote education the schools have had a tendency to mix moral, religious and patriotic training with the teaching of the arts and sciences. The churches of the various denominations learned the wisdom of higher education and to that end established schools, seminaries and colleges to promote religion and education at the same time.

Harvard, established in 1638, had no other purpose than to conserve the religion and political views of the Puritans and the Pilgrims, the first settlers of New England. In 1701, Yale College, now Yale University, was founded exclusively by Congregational ministers to promote Christian education according to their understanding of it. In 1751 the University of Pennsylvania was established under the guidance of Benjamin Franklin, who intended it to be strictly undenominational, and yet to have upon its highest board of control a representation of all denominations. Afterwards came Princeton, erected by the Presbyterians, to furnish Christian education according to their views and under their control. Brown University was established by the Baptists; Dartmouth, Amherst and Williams by the Congregationalists.

The whole spirit of the Colonies was a spirit of intellectual progress, and the obstacles of poverty, war and disease were overcome by the native energy of the people, inspired by a desire to make themselves

wise that they might employ their powers with least loss.

In 1787 the first bishop of the Methodist-Episcopal Church, Thomas Coke, a fellow of Oxford University, proposed the establishment of a college and it was determined to establish one. The name of the college was Cokesbury, combining the names of the bishop and of his coadjutor, Francis Asbury. Eight years after its establishment the college burned down and no college took its place for some years. In 1833 Dickenson College, at Carlisle, Pa., founded in 1783 as an undenominational institution, but which has passed into the hands of Presbyterians, was secured by the Methodists. Two years prior to that Wesleyan University was opened at Middletown, Conn., and since then colleges have sprung up all over the country, until today the Church has about fifty institutions of the collegiate grade. In 1854, or thereabouts, Troy University was established but in 1862 it passed into the possession of another religious communion. Responding to the sentiment that the Empire State should not be dependent upon other States for a representative of Methodism in its relation to higher education, Syracuse University was incorporated in 1870. Since then it has steadily progressed until today it stands among the first of our educational institutions.

The fact that your university is controlled by a denomination does not mean that it is not liberal in its views or that it is not progressive. On the contrary the purpose of its founders and the purpose of its present promoters is to throw around the students the atmosphere of religion so that the moral and mental growth of the pupil may be co-ordinately fostered. If it were true that the classical, the literary or the artistic, the scientific and the religious spirit cannot

minge, the world would be driven to a choice between religion and irreligion.

Sound learning and true religion have been hand-maidens in the uplift and the up-building of the Christian world. Education enables man to see more light and the Father of Light is at once the God of nature and of Grace. Knowledge and Piety are twin-warriors in the battle for better things.

The true university is that one which is neither enchained by superstition, nor narrowed by the absence of faith—a university which includes and imparts heat as well as light, and which recognizes love no less than law.

During the history of this institution there have gone out into the world hundreds of young men and women who have reason to bless their alma mater, who are stronger mentally and physically, but not less loving or lovable, not less religious because more learned. In the many marts of trade, in the halls of Congress and in the halls of State legislation, in the commercial, political, financial, artistic and scientific world, your brothers and sisters of the Alumni Association are making their impress on the tablets of history to the glory of Syracuse and the fame of themselves.

You are especially fortunate in having as your President, Chancellor James R. Day, a man of learning in all that that word implies—broad, deep, sympathetic and inspirational. A distinguished scholar and a wise administrator, he has been a powerful factor in guiding the morality, the progress, the thought of the university and the community in which it is located. Under his guidance the university has extended its scope, liberalized its policy, and has come into closer touch with the people of the city, State and nation.

The name of James R. Day is known throughout the land as synonymous with patriotic thought, strong, earnest ideas of morality and religion, and as the cognomen of a progressive man and the head of a progressive institution.

Chancellor Day twenty years ago upon his inauguration thus defined the aims of Syracuse University: "It is to be a Christian Institution, with a mission emphasized by that fact, something superior to the State and secular school in its moral atmosphere and equal to it in curricula and work. But it is to be a Christian university upon the broad foundations of Christ's Christianity, which welcomes men and does not exclude them. It is to be far more Christian than denominational. It is to adopt the creed of Paul, and know no man after the flesh. 'There is neither Jew nor Greek, there is neither bond nor free, there is neither male nor female.' It will be a university Christian enough to make a Hebrew as much at home as is a Christian — to afford equal facility to Catholic and Protestant. *There is no creed in mathematics or in natural science.* Syracuse University will be a brain manufactory, taking its material from all sources of usable brains. It will be Christian not by exclusion, but by inclusion; not by magnifying a sect, but by magnifying human learning and contributing to the same."

How well he has kept the faith, how near the height of his ambitions he has attained you know full well. Syracuse University has taken its place among the great institutions of learning to the glory of its chancellor and the pride of its alumni.

I am glad that today I became an adopted son of Syracuse University. I am grateful for the honorary degree of LL.D. this university gives me today and I

appreciate it more than some of the political honors I have won.

Years ago, while a mere boy in a country town in Columbia county, I had an experience with Chancellor Day that I want to tell you about. A show was advertised to appear in the town. On the day of the performance I coaxed my mother to give me money enough to go to the show. She refused, but promised to take me the next night to hear Chancellor Day lecture on "Horses and Homes." It was one of the greatest lectures I ever heard. It made a wonderful impression on me. Its thoughts have always abided with me. I have never forgotten them and I consider the price of those two tickets to Chancellor Day's lecture one of the best of investments.

My young friends, you are just starting out in life. Do the best you can but don't be disappointed if you can't always do your best. Fate, circumstances and the will of the Lord shape our lives. Bend things your way all you can but after you have done all the bending you can, take things as they come. If you want to live long and be happy get in the mood of this little story. One day Deacon Marvin of Puritan fame, mounted his gray horse and rode to the house where lived Betty Lee. Without dismounting he called Betty to him and told her the Lord had sent him there to marry her. With equal scripturalness she replied, "The Lord's will be done."

It has been said that John Wesley was the greatest social reformer of his day; and it is your duty and my duty as educated persons to do all we can to ameliorate the conditions of our fellowman. In his history of the English people Green says, that Wesley's mission was "to remedy the guilt, the physical suffering and the social degradation of the profligate

of the poor," and that too should be the mission of all of us in life.

John Wesley was the "Apostle of the poor." He never spent more than \$140 a year on himself. As a student he shared his income with the poor and during his lifetime he gave away \$150,000. He reminds me of St. Martin dividing his coat with a beggar. He reminds me of George Washington instructing his adopted son never to send a poor person away empty handed from his door. What a fine thing for mankind it would be, and how much less socialism and anarchy would there be if John Wesley's spirit of charity stalked abroad throughout the world.

John Wesley established a school in his own house in London, in which were gathered sixty children over six years of age. The spirit that animated John Wesley to do this is the spirit that makes Syracuse University a success. And all of us can be a success in life if we observe John Wesley's rule of conduct:

"Do all the good you can,
By all the means you can,
In all the ways you can,
In all the places you can,
At all the times you can,
To all the people you can,
As long as ever you can."

In these seven lines are ever expressed a potential philosophy of life which I offer for your consideration — a model of conduct for all sorts and conditions of men.

You are fortunate in the catholicity of your curricula in Syracuse University. It covers the whole field of modern education. On the tree of knowledge grow here the richest fruit known to the educational world. If one would delve into the liberal arts, the college of liberal arts offers both a classical and a scientific course. If one would study the fine arts there are the

courses in architecture, belles lettres, music, painting, teachers' course in piano, design and photography to choose from. If medicine is the goal the college of medicine offers a four years' course under expert teachers in every branch of that profession. If the law is the field in which one wants to work the college of law offers superior advantages under competent teachers. In the college of applied science civil, electrical, mechanical, industrial and chemical engineering are taught.

If one would be a teacher there are courses in pedagogy, normal art and normal music to be found in the college of teachers. There are also the New York State College of Forestry, the College of Agriculture, the Graduate School, the Library School and the School of Oratory—the whole gamut of the mental sciences is run here.

On your list of trustees, on your roll of teachers, are the names of some of the most famous scholars in our country. It is no wonder, therefore, that your university is growing in popularity and in influence.

The university is broad in its scope. While guarding its students with unmistakable Christian influence, it is not sectarian. The board of trustees comprises representatives of different forms of Christian belief, and among its students are young people from all denominations and more than twenty nationalities.

May the star of your university shine resplendent in the heavens until it leads every earnest pilgrim along life's pathway to the Bethlehem of his best desires!

THE COMPATRIOTS OF COLUMBUS

**Speech Delivered to the Italian Societies of Albany,
October, 1914**

The Italians of Albany have reason to be proud of the record of their countrymen in this city and State. Within the past score of years the Italian population has quadrupled until today they form a community of several thousand persons. Business houses, school houses, churches, etc., have been built by them and whole streets are lined with modest homes owned by your countrymen.

Your countrymen have prospered here in the commission business, in importing, in contract work, in education, in general business. The large contracting jobs carried on here within the past few years have given your countrymen steady employment at good wages.

New York State finds that the inrush of Italian immigrants has benefited it in many ways. Without them the Barge canal, the State highways, and similar great jobs would languish for want of labor. In each of its big cities the average laboring work is done by Italians and Italian skilled artists do most of the carving and stone-cutting.

Greater New York is a fine example of how immigration may be of mutual benefit. Today it ranks among the four greatest Italian cities in the world. It is interesting to note that every ninth person in New York City is an Italian and in the schools of the Metropolis are as many Italian children as would equal the population of Salt Lake City. The city contains about as many Italians as there are in the city of Rome — 450,000.

Do you realize that Italians have \$16,000,000 on de-

posit in the savings banks of the city, they have invested \$35,000,000 in real estate, they own 10,000 stores, worth \$7,000,000 and do a wholesale business of \$8,000,000 annually. Italians own property in New York valued at \$75,000,000 and all of it is owned by people who earned the money to buy it.

That they are not all laborers is shown by the fact that there are in New York 115 Italian doctors and a hospital with 400 beds; 7 engineers, 9 architects, 21 lawyers and 63 druggists, and Italian capital owns one savings bank and one trust company, each with \$1,500,000 in its vaults.

The name of G. C. Speranza is as well-known in the legal world as is that of Giovanni F. Morosini in the financial world. The latter has a couple of millions for each one of his fingers.

Other Italians prominent in the business world of the Metropolis are Joseph N. Francolini and Cesare Conti, the veteran bankers; Ernesto Fabbri, who was for years an associate of J. Pierpont Morgan; Antonio Zucca, president of the Italian Chamber of Commerce, and Celestino Fiva, a silk merchant, who has made himself generally beloved by his generosity.

There are three Italian professors — Carlo Leonardo Speranza, of Columbia; Edoardo San Giovanni, of New York University, and George Bandaleri, formerly of Harvard, more recently an editor of the Sun. John Palmieri, is the first man of Italian birth to ascend the city bench, and Judge Rappallo, who was for many years in the Court of Appeals was the son of Italian parents. Dr. Antonio Stella is a conspicuous celebrity in the world of medicine.

In music and art Italians in New York hold a high place. How desolate would our grand opera be without them. What a wreckage there would be if our art museums restored the treasures to the race which produced them.

The city of New York owns three statues presented and produced by Italians — Columbus, Garibaldi and Mazzini, as fine specimens of the sculptor's art as the world contains. The names of Michele Tonetti, Pilado Bertieri, the portrait painter, Giuseppe Moretti and the brothers Attilio and Furio Piccirilli, sculptors, are known throughout the world. The late General Luigi Palma di Cesnola, director of the Metropolitan Museum, gave to the United States his large private collection of art and half a lifetime of service.

Among the birds of passage of Italian extraction are Enrico Caruso, the great tenor, and Antonio Scotti, and our own Giuseppe Campanari, with the great conductors, Creatore and Francesco Fanciulli. Garibaldi hero of Italian unity, whose romantic career of defeats and successes was more dramatic than any drama, sought refuge in this country in 1850 and for two years supported himself by making candles in a little shop on Staten Island. Admiring countrymen have since erected a memorial which entirely encloses the small frame cottage in which he lived.

Outside of New York there are not so many Italians among the illustrious few. In California, where they have practically been the founders of the wine-making business, the most conspicuous figures are Congressman Saporetti and State Senator Palmieri. In Chicago there are Dr. A. Lagorio, Director of the Pasteur Institute; Professor Veccione, composer; and many prosperous merchants. In Philadelphia there is Giuseppe Donato, the sculptor, and in Boston, where \$2,000,000 worth of real estate is held by Italians, there is Adolfo Rossi, who has accomplished great things for the welfare of his people.

It is a short roll of honor, perhaps, but it sparkles with great names. Half of them come from the world

of art and music. It seems to be the double mission of Italy at the present time to supply us with music and genius.

The greatest Italian who has ever been on American soil was the one who set foot on it first — Christopher Columbus. Taking it in its results upon the world history, no other achievement of man, before or since equal his. He did more than double the size of the world. He altered the whole structure of human knowledge and civilization. Every school boy is familiar with his voyage and the history-making epoch it represented, but with every century the story of Columbus grows more wonderful.

He believed that he would one day be appreciated by the world at his true value for he once said: "I must be reëstablished in reputation and spoken of throughout the universe for the things I have done are such that they must gain, day by day, in the estimation of mankind."

Other Italians who shared in the glory of discovering America were John Cabot, who sailed under the English flag and found the mainland five years later; Americus Vespucci, after whom the New World was named, and Verrazano, who set out with the French ship and discovered the island of Manhattan in 1504.

Italy was the mother of our modern civilization. From her came the revival of learning, the dawn of science and political freedom and the new era of finance and industry. The effect of Italian influence upon the United States has not yet been given its just due. Perhaps the historians of the future will have more to write about. There may be other Columbus' in the future citizens albeit their discoveries may not be along the sea-path made by the great sailor.

THE CITY OF COHOES**Speech Delivered at the Banquet of the Cohoes Chamber
of Commerce, May 13, 1914**

A fellow Irishman once came to Cohoes and immortalized the cataract at your doors in the following verses:

“From rise of morn till set of sun
I’ve seen the mighty Mohawk run;
And as I mark’d the woods of pine
Along his mirror darkly shine,
Like tall and gloomy forms that pass
Before the wizard’s midnight glass;
And as I view’d the hurrying pace
With which he ran his turbid race,
Rushing, alike untir’d and wild,
Through shades that frown’d and flowers that smil’d,
Flying by every green recess
That woo’d him to its calm caress,
Yet, sometimes turning with the wind,
As if to leave one look behind,—
Oft have I thought, and thinking sigh’d.
How like to thee, thou restless tide,
May be the lot, the life of him
Who roams along thy water’s brim;
Through what alternate wastes of woe
And flowers of joy my path may go;
How many a shelter’d, calm retreat
May woo the while my weary feet,
While still pursuing, still unblest,
I wander on, nor dare to rest;
But, urgent as the doom that calls
Thy water to its destin’d falls,
I feel the world’s bewildering force
Hurry my heart’s devoted course
From lapse to lapse, till life be done,
And the spent current cease to run.
One only prayer I dare to make,
As onward thus my course I take:—

Oh, be my falls as bright as thine!
May heaven's relenting rainbow shine
Upon the mist that circles me,
As soft as now it hangs o'er thee!"

When Tom Moore came here, however, the spray from the falls must have blinded his eyes, because he confined his eulogy to the waters that washed the shores of Cohoes and neglected to pay tribute to its citizens.

I am willing and eager to remedy the omission of my distinguished fellow Celt and had I but his ability to phrase my thoughts in lyrical verse I would rhyme you tonight a song of the city of Cohoes which would put to blush Moore's song of your waterfall.

I would sing you a song of industry, thrift and good citizenship. I would put into words the throb of the spindles in your mills. I would recount the history of your manufactures, and I would conclude with a forecast of the prosperity which the water power at your door guarantees.

Unfortunately, I must confine myself to mere prose, only regretting that Moore could not have devoted his verse to you and left me to talk prosaically about the falls.

Although a careful survey of the census report discloses that there are several cities in the United States larger than the one in which we are gathered tonight, I doubt that there are many which can show a longer period of industrial activity to its credit than Cohoes.

More than a hundred years ago the first manufacturing company in Cohoes was incorporated, and from 1811 to 1914 Cohoes has yearly rendered its share of manufactures to swell the commerce of the country.

The first cotton factory in the county was located in Cohoes and Cohoes has the distinction of being the place where cotton goods were first knit by machinery.

When nature marked Cohoes as a spot where travelers from other States and other lands would pause to view its natural beauties, it also provided that Cohoes would be an industrial city. The same waterfall that attracted Tom Moore's muse insured that man would turn the natural power here provided to his own good use.

We are living in an age which finds power in beauty and beauty in power. We are no longer content to permit our natural resources to be wasted. We are waking to the value of water power and of the electrical power that it can generate. Through the genius and perseverance of our electrical engineers we have discovered that it is possible to turn water power into electricity which may move the wheels and light the lamps in cities a hundred miles away.

Because of this new outlook upon water power, because of the demand for that with which nature has supplied Cohoes so abundantly, it needs no great foresight to foresee steady growth and extended industries for this city.

Whatever comes, the central location and unlimited power which Cohoes may justly claim make it almost certain that its manufactures, wealth and population will steadily increase. How rapid and how great that increase will be depends in large measure upon the spirit of local pride and coöperation which inspires its citizens.

The fact that Cohoes possesses a Chamber of Commerce which is determined to promote in every way the material well-being of this community is a happy portent. Any city where each citizen has a sense of his responsibility to himself and to his fellows can command the progress which it deserves.

That Cohoes deserves progress and prosperity is

conceded by every man who knows its industries and its citizens.

In looking over some of the earlier records of Cohoes I came across an extract from a newspaper published in 1847. The article was headed, in bold black type, "We can't help crowing," and, after reciting the progress which Cohoes had made up to that time, it concluded as follows:

"Now for the village charter, for the water works — three or four good engines — clean streets — a law limiting the number of dogs in each family to two — and we are a made community."

Cohoes now has the village charter for the water works. It has more than three or four good engines. To the citizens of 1847 its streets must seem veritable avenues of Spotlesstown. But if our ancient chronicler were alive today he would find more reasons than these for congratulation; and, surveying the industries, the commerce and the citizenship about him, he would be quick to proclaim to the world that Cohoes was indeed "a made community."

A PLEA FOR SOBER JUDGMENT

Speech Delivered at Mass Meeting Held at Durland's Riding Academy, New York City, October 31, 1914

Popular government justifies itself only when the votes cast at an election are intelligent votes. The ballot which on either side is cast in ignorance of the issues before the State or in disregard of these issues is a vote which might better not be cast. Parties are valuable only through their power to give to a party

administration the responsibility which attaches to permanent and organized public opinion.

I therefore deem it proper and necessary in the closing hours of this campaign to place myself and my party squarely on record as to the nature of past public service and future performance.

I desire no man to vote for me through a lack of understanding of what I have done or through a misapprehension of what I may do. And likewise I want no man to vote against me through failure to know my past record or what I propose to do if re-elected.

If this were a campaign in which no great public questions were to be decided, there might be some excuse for a division upon party lines, but next Tuesday the citizens of New York must render their verdict upon some of the most important public issues which have been submitted for their consideration in a generation.

During the year of my administration, the policies of the State government have undergone a sweeping change. The financial policy of the State has been altered. A new system of farm credit has been introduced. The State has assumed the task of finding employment for the unemployed. The banking laws have been revised. And finally, in the case of industrial accidents, the State has substituted for the old system of personal lawsuits the broad remedy of Workmen's Compensation.

For each and every one of these changes, the Democratic party and myself, as a Democratic Governor, are responsible. If the people of New York do not believe that these changes are salutary, they should repudiate my administration. If they believe that these changes represent a forward step in government, they should voice their approval at the polls.

Every request that the candidate of the Republican party express his position upon these important matters has been ignored, evaded or answered with personalities. Unless Mr. Whitman can be persuaded, frankly, to state his attitude on these matters before next Tuesday, the people of New York will go to the polls without knowing where he stands. Consequently, I feel that it is especially important that my own views should afford some sort of guide to the voter who honestly desires to make his influence felt in the direction of the State government.

The change which has taken place in the financial policy of the State, under my administration, is a change from the slipshod and wasteful methods of former years to a system whereby the State expenditures may be kept within the State's indirect revenues, unnecessary taxes may be avoided and for every dollar's worth of public money that is expended, the public may receive a dollar's worth of good government. A budget system has been introduced by which the Legislature and the Governor may learn the specific purpose for which each dollar is to be expended. Lump sum appropriations, which through their general terms permit money to be wastefully and extravagantly spent, have been abolished. The Financial Law, which requires that no debt can be incurred by any State Department unless there is already in existence an appropriation with which to pay that debt, has been rigidly enforced for the first time in years. In this regard let me say that at the time I took office more than \$1,300,000 was owed by the State to innocent third parties and every cent of this obligation had been incurred by past administrations in direct violation of the Financial Law. The surplus in the sinking fund has been adjusted so that more than \$3,000,000 which should be

paid by the taxpayers of the future has been saved for the taxpayers of today.

To sum up the change in the financial policy of the State during my administration, the State expenditures will be \$10,000,000 less this year than they were last year; an estimated surplus of \$5,000,000 in the treasury had increased on October 1st to more than \$12,000,000, and as a result of this economical and careful management of State finances I have saved the taxpayers of New York from the imposition of a direct tax of over \$11,000,000.

The change which has taken place in the State's attitude toward its farmers is that it has endeavored to meet the problem of bringing the farmer and the consumer into closer touch, and has passed a law creating a Land Bank which makes it easier for the struggling farmer to pay off the mortgage on his land.

In my recent tour through the northern counties I saw, through the window of my car, farm after farm upon which piles of ripened fruit had been left to waste and rot. Various abnormal conditions were responsible for this situation, but I notice that the reduction in the market price of apples in our large cities in no way corresponds to the abundant crops which are going to waste up-State. What is true in this instance in respect to one crop, is true in every instance in respect to every crop. There is an artificial barrier between the farmer and the consumer which works hardship, not only upon the farmer himself, but upon every citizen of our State.

During my administration an attempt has been made to provide quicker and easier channels through which the products of the farm may flow to the consumer. New life has been given to the laws already on the statute books by sending out trained organizers and

experts from Albany to organize coöperative societies among farmers. A Foods and Markets Commission has been created whose duty it is to supervise the sale of all farm produce, to issue daily bulletins upon the supply of any particular staple or markets where it is in most demand and the current prices. This Commission also has authority to license auctioneers to sell farm produce when such procedure seems necessary.

There is only one way to reduce the high cost of living, and that is to change the situation which makes the consumer pay a dollar for food for which the farmer himself receives but thirty-five cents.

On the farms of New York there are mortgages amounting to over \$100,000,000. These mortgages are being paid off under a system which has been discarded in nearly every other civilized country. The Land Bank seeks to give to the farmers of New York the advantages which the farmers of other countries enjoy and enable them to pay off their mortgages in installments and at easy rates of interest. The Land Bank gives the advantage of compound interest to the farmer instead of to the banker, and for every \$1,000 mortgage which is changed into a Land Bank loan the farmers of New York will save \$240 every ten years. On the \$100,000,000 total of farm mortgages the Land Bank saving every ten years will be \$24,000,000. The Land Bank may not be of much importance to the wealthy farmer whose lands are not encumbered, but to the man who is struggling to develop a farm or to secure land upon easy terms, the Land Bank is destined to prove of the greatest advantage.

The change in the State's attitude toward the problem of unemployment is a change from indifference to active and friendly interest. Last winter the public was startled by the number of men in New York City

who were anxious and willing to work, but unable to secure employment. No system can be devised which can secure work for men when there is no work to be secured, but it is possible to provide a system whereby the jobless man may be brought to the job and the manless job to the man.

At my instance, a law was passed by the Legislature this year creating a State Employment Bureau. This Bureau will have branch offices established in every section of the State before the approaching winter sets in. Each of these branch bureaus will be required to register every man who is seeking employment and to register every position that is seeking a man. Any man in the State may secure the assistance of these bureaus and be directed to points where labor is required. Best of all the services of the State Employment Bureau will be absolutely free and the man who, through unemployment, is on the verge of starvation will not be compelled to spend his last cent in search of work.

There are many other changes which have taken place in the State government since my accession to the Governor's chair, but I have time to deal with only one more.

That change was the passage of a Workmen's Compensation Act, which provides that every man who is injured shall receive two-thirds of his wages while his injury lasts and that the families of men who are killed in the course of their employment shall receive certain, prompt, and permanent compensation for the bread-winner's death.

There is no act of my public career as Congressman, as Comptroller, as Lieutenant-Governor or as Governor in which I take greater pride than the enactment of the Workmen's Compensation Act. I take pride in it because of its justice which commanded the approval

of John Mitchell and Samuel Gompers on the one hand and of the New York Chamber of Commerce on the other. I take pride in it because of its effectiveness which brings relief to the victims of industrial disaster at the time when relief is most needed. I take most pride in it because of its humanity which, to my mind, is the fairest and best expression of twentieth century progress.

I shall not here attempt to explain that the Compensation Act does away with the delays and technicalities of the old law; that it fixes a fair and definite compensation for every industrial injury and that it provides an incentive to every employer to make his factory safer for those who work in it.

I shall not attempt to discuss the process by which the State is paying in rebates nearly \$250,000 to employers who have been willing to institute safety devices, nor shall I take up the question of how I intend to reduce the present rates \$4,000,000 should the operation of the Compensation Law prove that such a reduction may logically be made.

Instead I shall confine myself to a single thought—a thought which every man and woman in this audience should have in mind when they pass upon the merits of the Compensation Law.

If I had the tongue of a Macaulay or the pen of a Dickens, I would paint for you a picture which, at some time or other, most of you must have seen. It is the picture of one of that army of women for whom life is a constant struggle between the demands of a growing family and the limits of a slender income. It is the picture of a workman's wife.

I would paint the picture first in the morning when the woman bids her husband good-bye as he goes to work and turns to the thousand and one cares which make up the day. I would show the baby in the cradle,

the little girl playing on the floor and the older children starting for school with their readers under their arms. I would paint a picture then of the evening with the good wife working in her kitchen, laughing with her children and watching the clock to announce the time of her husband's return. I would show her impatience and then her uneasiness as the minutes sped by without any familiar step on the stair. I would indicate her anxiety as the minutes lengthened and the children gathered around her clamoring for their supper, and then I would show her as she flies to the door to answer an unaccustomed knock.

I would paint, if I could, the scene as she receives the news that the man who started out in the morning, full of life and hope, is being returned to her stiff, and stark and cold; a victim of the unforeseen disasters which come to those who earn their bread by the sweat of their brows.

I would sketch with tender hands the darkened room, the sympathetic neighbors, the breaking up of a little home and the sundering of a mother from her children and pass on to the picture that inevitably follows.

I would show the widow toiling day after day in some factory for the pittance that labor such as hers can command. I would portray the baby, in some asylum, shorn of a mother's love and a mother's care, and the little girl, dressed in the garb of charity's foundlings dimly wondering at the change that has come into her life.

I would show the other children, without their school books, learning the grim realities of life in the marts of trade, trying, with childish hands, to help their mother provide what food and shelter such feeble hands may earn.

I would show their slender resources used to pay the cost of a tedious and weary appeal to the justice of

our land and end the portrait when the workman's family learn that the vagaries of the law have cheated them of redress for a husband's and father's loss.

This is not the picture of one woman or one family. It is the picture of thousands of women and thousands of families who have offered to industry the sacrifice of the bread-winner and received in return, poverty, unhappiness, separation and disappointment.

These were the every day pictures presented in every community in the State under the old system of redress through law suits, and it was to substitute a brighter picture for the wives and children of the present and the future that New York enacted the Workmen's Compensation Law.

Under the new law, the grief of stricken families will not be accentuated and increased by the delay and uncertainty of legal actions. Instead of permitting homes to be broken up upon the death of the bread-winner, the new law keeps them together. Instead of taking money from stricken families to pay lawyers' fees at the time when money is most needed, the new law brings assistance at the very time when that assistance can do the most good. Instead of sending helpless children to charitable asylums, the new law leaves them, where they belong, under the protecting care of a parent. Instead of compelling widows and orphans to follow the tortuous windings of a suit at law with weary and anxious eyes, the new law acts for them with promptness and generosity.

No law can stay the hand of the grim Angel of Death, but a just law may make sorrow easier and life more sweet. And those who have watched the workings of the new law know that the compensation act brings comfort to the stricken widow and relief to the children of every man who offers up his life that the State's great industries may go on.

The Compensation Act is prompt. Here in New York a man was killed only last Monday and his widow received a generous award last night. The Workmen's Compensation Act is certain. The law itself sets forth the precise amount that the beneficiary may receive. The Workmen's Compensation Law is humane and has been administered in the spirit which prompted its enactment.

Let me give you a concrete example. In Brooklyn not long ago a man named Garland was killed while working on an electric light system. The Commission met and made its award to Mrs. Garland and her one-year-old child. Shortly thereafter Mrs. Garland herself appeared before the Commission to disclose a situation which aroused the sympathy of the entire Commission. It seems that her husband, a thrifty German, had managed to acquire a little homestead worth \$4,000. Upon his home he placed a mortgage of \$2,800, and the mortgage was to fall due three weeks after his death. Mrs. Garland said that she had endeavored to persuade the man who held the mortgage to renew it until such time as her payments from the Compensation Commission would enable her to pay what she owed. But with indifference to her unfortunate position, the man informed her that unless she raised the money her home would be sold at a foreclosure sale. The Commission knew that in time the payments to Mrs. Garland and her little daughter would amount to considerably more than the \$2,800 which she owed. After consultation, the Commission asked Mrs. Garland to sign certain papers and to her amazement and joy gave her a check for \$2,800. Mrs. Garland took the check, paid off the mortgage and tonight, thanks to the Compensation Law, Mrs. Garland and her one-year-old baby girl have a roof over their heads.

Mrs. Garland, in her gratitude, wrote a letter to the Compensation Commission and to me. I shall not read you all her letter, but here is the paragraph with which she concluded :

“ The blessings of a widow and fatherless child will follow you through your career.”

I am Governor of the State of New York. I want to be Governor again; but I would rather have merited the benediction of that widow and her fatherless baby girl than be the next Governor of New York.

One of the reasons that I want to be Governor is that I want the Workmen's Compensation Act to undergo the crucial test of experience under watchful and friendly eyes.

I want to be Governor in order that the Land Bank may be put into operation and the farmers of this State receive the full benefit of the new system for which I have fought.

I want to be Governor in order to give all my strength and my energy to placing the State Employment Bureau on a basis where it can be of real use and real value to men of my State in their search for work.

I want to be Governor again in order that the financial policies which I have inaugurated may be continued.

And if elected Governor I shall not be content to continue and perfect the administrative reforms already begun, but shall devote myself to redeeming the pledges of future performance contained in the Democratic platform upon which I stand.

There is need of more intelligent conservation and use of the State's great natural resources. Under a proper system of forestry the timber in the State's Adirondack preserve could be made to yield large revenues to the State each year. Vast amounts of timber

are permitted to waste and rot because the State Constitution does not permit the State authorities to utilize or remove a single tree. Instead of protecting the Adirondack preserve the present prohibition of the State Constitution exposes it to serious damage through forest fires which are started from dry and decaying wood. There is no reason why New York cannot institute a system which has preserved and beautified the Black Forest of Germany, and give to its expansive acres the benefit of intelligent and productive care.

The State's water power is another resource that should be conserved, and the only way to conserve water power is to use it. The waters of New York represent a source of profit and wealth greater perhaps than the entire Pennsylvania coal fields. The Democratic platform advocates a progressive policy for the development and utilization of New York's water power and I am now, as I have been in the past, in favor of a well considered use of the waters which should be harnessed to light our cities and turn the wheels of our factories.

The State's prison accommodations are inadequate and every hour that this situation is permitted to continue is a reflection upon the humanity and enlightenment of this State. I have already taken steps to remedy the overcrowding in the State hospitals, and if elected shall work for similar relief in the State prisons.

I am in heartiest accord with the promise of the Democratic platform to extend the merit system wherever practicable, and to ensure an impregnable civil service system in all departments.

In all legislation affecting the privileges of citizens I shall remember that personal liberty is the first

requisite of true Democracy. Only patent necessity justifies the State in encroaching upon the right of a man to order his private life as he pleases.

With a constitutional convention approaching it should be possible for me, coöperating with and assisting that convention, to dispense with the unnecessary red tape and the needless duplications that make the operations of the various State departments tedious and unnecessarily expensive. It is my ambition to institute in each department of the State government the particular reforms which I have instituted already in the broader field of State finance. In one sense the State government is nothing more than a gigantic business house and it should have the benefit of the sound and saving methods which characterize the operations of private business.

This in brief is a summary of what I have done as Governor and what I will do if I become Governor once more. And I ask the people of New York to consider at the coming election the issues presented by my record and my promises and determine whether they believe that the policies for which I stand are for the best interests of the State.

Governor's Message Read at the Banquet of the Buffalo Chamber of Commerce, Buffalo, January 7, 1914

To the Members of the Buffalo Chamber of Commerce:

GENTLEMEN — I hope you will realize my sincerity when I assure you of my regret that I cannot be with you this evening. There is no way in which one man can convey his intentions and purposes to another man better than by a personal meeting, and a frank intercommunication of ideas.

If I could be present this evening, there are many matters, important to you and to the State at large, that I would like to discuss with you.

The State has reached that point in its financial and economic development where it must stop and take reckoning of its resources. To meet the situation that confronts the State, in a worthy manner, will require not only the best effort of the State's public officers, but the intelligent and earnest coöperation of the State's representative business men.

In the message which I transmitted to the Legislature today, I called attention to the condition of the State's finances, and the need for action, if the State's tax rate is to be kept within bounds. And the reason for my absence from your dinner is the fact that after urging these matters upon the Legislature I felt it my duty to stay on the ground, and give the legislative leaders whatever information and advice they might require from me.

If I were with you tonight, I would inform you that unless the State at once begins to retrench, it will be compelled within five years to raise by direct taxation over \$10,000,000 a year more than it does at the present time. I would call to your attention the great drain upon the taxpayers of the State, made necessary by the great public improvements to which New York has set its hand. I would point out for you the various State departments which are costing the State more and more each year.

And having done this, I would urge upon you as representative business men to coöperate with the Governor and the Legislature in an effort to keep down the State's expenditures.

After all, the Legislature appropriates money in response to the demands of various constituencies upon

individual members of the Legislature. And one way to reduce expenditures and to minimize taxation is for these constituencies to urge their representatives not to seek appropriations but to avoid them where it is humanly possible to do so.

The papers which have printed the message sent to the Legislature today will give you a definite notion of the precise condition of the State's finances. I ask you to examine the facts contained therein with care. They speak for themselves and will impress you, as nothing else could, with the necessity for economy and foresight in governmental expenses.

No doubt many of the members of this chamber of commerce have definite ideas as to where and how the State may best retrench. If they will communicate these ideas to me I assure you they will receive respectful and grateful consideration.

The hour has struck when every citizen of New York must put his shoulder to the wheel and help extricate the State from extravagant and wasteful management. The State government alone cannot do this; the public-spirited citizen cannot singly accomplish it. But with the State government and every public-spirited citizen coöperating, there is no reason why the financial administration of State affairs should not be placed upon a footing as solid as the great private enterprises which make New York the greatest industrial factor in the progress of the nation. For there is no problem that can ever confront a free people which cannot be solved by the intelligent coöperation of patriotic citizenship and earnest public service.

(Signed) MARTIN H. GLYNN.

Governor's Message Read at the Fourth of July Celebration in the Public Schools, New York City, July 4, 1914

To the Boys and Girls of New York:

Today you are celebrating the birthday of the nation. You are celebrating the birth of American freedom which meant the birth of hope and happiness for the oppressed of all the world.

Each one of you has an especial reason for rejoicing in the event which you commemorate today. Because of that event each one of you can look forward to a future where you may win the rewards of success and honor which this free government offers to all its children.

There is no height to which you cannot climb. There is no field of endeavor which is closed to your head and hand. Behind you is the strength of a mighty people who are pledged to uphold the principles of liberty and justice which were asserted on the Fourth of July 138 years ago.

All the opportunities of liberty are yours. All the assurances of justice which a just government can give are yours. The road before you has been made smooth for your eager feet by the service and sacrifice of men who loved liberty better than life and loved their country better than themselves.

When the Declaration of Independence was written it was necessary to resort to arms to protect the free colonies of America from the anger of a king across the ocean. Today no danger threatens America from abroad, but it is still necessary for the people of America to keep firm in their hearts the ideals which inspired the men of 1776.

There is as much need for patriotism today as there was 100 years ago. It is as necessary to keep our own government free from injustice as it was to resist the injustices of a foreign power. And when it comes time for you to take an active part in the government of America you will have a responsibility as large as that which rested upon the men of the Revolution.

Just as your fathers are striving to preserve for you the blessings of liberty, just as they are working to make the nation a little better for themselves and for their children, just as they are trying to extend the benefits of free education and aiming at higher standards in government and law, so in a few short years you will be called upon to assume the full duties of American citizens.

Today is the nation's birthday and you must ask yourselves what gifts you are bringing to America's celebration. Are you bringing a heart that is warm with the love of your country? Are you bringing a mind which reverences justice, which respects the rights of those about you and which looks upon your brothers and sisters of every race and every creed as fellow Americans entitled to all the rights and opportunities which America grants? Are you bringing hands that are eager for honest work and which are ready to labor for the progress and prosperity of the American nation?

These are the gifts you must bring because they are the only gifts which America desires. And, on its birthday, America turns especially to you, since, just as the nation is the pride and hope of its youth, so, in turn, its youth is the pride and hope of America.

(Signed) MARTIN H. GLYNN.

Governor's Message Read at the Unveiling of the John Barry Monument at Washington, D. C., May 16, 1914

I deeply regret that matters demanding my attention here prevented my presence at the unveiling of the Barry Monument and at this banquet. It would have been a pleasant privilege to have taken part in this tribute to the father of the American Navy.

The achievements of John Barry have earned for him the lasting admiration and affection of every American. In "the time that tried men's souls" he proved himself equal to every demand that his country made upon his courage and loyalty.

We know that he enjoyed the confidence of Washington from the time that he led a force to Washington's assistance at the battle of Princeton, until at Washington's direction he built the first frigate of the constitutional navy.

We know that on land and sea he gave the best that was in him to the Revolutionary cause, and that his patriotism was matched by his ability as a seaman and a fighter.

We know that disappointments did not dull the fine edge of his loyalty, and that he thought of the country which he served before he thought of self.

In the list of those who have upheld the nation's flag upon the sea, John Barry stands forth as a martial Irishman well worthy of a martial race, and as a high-minded American true to every ideal and aspiration of his chosen country.

(Signed) MARTIN H. GLYNN

**Message Read at the Dinner of the Members of
the New York State Bar Association, New York
City**

*To the Members of the State Bar Association, New
York City:*

GENTLEMEN.—The task from which none of us escapes, work that must be done, has chained me to my desk this evening. Instead of the pleasant hours I had anticipated with the State Bar Association I find myself condemned to a night at hard labor. And I lack even the hope of a reduction of sentence for good behavior.

My disappointment at this enforced absence from your dinner is the greater because I earnestly desired to explain to the members of this body what I conceive to be the present needs of New York.

The Legislature has just placed upon the statute books two laws for which public spirited men of all political persuasions have long been striving.

New York has adopted a thorough-going direct primary system and an effective workmen's compensation act. The benefits arising from this new legislation may be increased or retarded according to the degree of encouragement these laws receive from those who are leaders of public thought. Government has done its utmost when it supplies the means whereby the governed may lift themselves to higher things. The actual uplift must come from those who are the beneficiaries of good laws.

No body of men can do more to make good legislation effective than the members of the legal profession. The public looks to its lawyers to pass upon the merits of new laws. And if a lawyer is convinced that a law

is calculated to improve the condition of the body politic, few are in a position to contradict him.

The history of American political progress is a history of benefits conferred on the nation by men of your profession. The Declaration of Independence was drafted by a lawyer. The Constitution was the result of legal acumen and patriotism. Most of our presidents have been men of legal training, and there are few pages of the nation's story on which men of law have not left an indelible mark.

It is, therefore, because I realize how great an influence the State Bar Association can yield in making legislation effective that I appeal to you to advance what the Governor and the Legislature have begun in the way of direct primaries and workmen's compensation.

Give to these laws the attention they deserve. Point out to those who consult you how they may best take advantage of this new legislation. Help me to throw a strong, clear light on the conditions which these laws seek to remedy. And if you become convinced that there is any way in which the direct primary or workmen's compensation act may be made fairer or more effective I shall welcome your criticism and your advice.

I can assure the gentlemen of the State Bar Association that the presence of a strong conservative patriotic organization, such as your body has ever been, is the source of much comfort to an executive intrusted with great duties and great responsibilities.

To know that there is ever at hand a united and efficient organization which can be depended upon to stand firmly for what is just and legal, and against what is unjust and revolutionary, is to feel that the Governor has an ally alike incorruptible and strong.

New York has reason to congratulate itself, as I congratulate it, on the possession of a bar association which has proved its dignity, its sanity and its patriotism in a hundred political arenas.

(Signed) MARTIN H. GLYNN.

**Governor's Message Read to the American Institute
of Banking, New York City**

Gentlemen of the American Institute of Banking:

When I received your invitation I hoped it would be possible for me to make the trip to New York and be with you tonight, but the mass of official work which confronts me has led me to cancel the engagements I had and keep my nose close to the official grindstone.

A meeting of an association such as this, composed as it is of representative and responsible citizens, always presents an opportunity which a public man is sorry to lose—an opportunity to explain in sober, comprehensive fashion his purposes and his plans. For this reason I am particularly sorry that I cannot be with you tonight.

I should like to take up with you various movements now on foot to increase the credit facilities of various portions of our population. There is no subject which should be given closer attention in the modern business world than the matter of credit. Upon it all industrial operations intimately depend. Where the facilities for credit are scientifically managed the wheels run smoothly; where these facilities are awkwardly arranged the wheels of industry revolve with difficulty.

The difference between the primitive bartering of savages and the delicate and sensitive machinery of

modern trade is simply the result of the creation and extension of credit.

Upon the intelligence and energy with which the banker discharges his necessary duties, the comfort and progress of those engaged in other occupations naturally depends.

Those, therefore, who are devoting themselves to the study of banking are engaged upon a labor of advantage, not only to themselves and the institutions with which they are connected, but to the nation as a whole.

I congratulate the American Institute of Banking on the work its members have undertaken and upon the larger sphere of usefulness which they are creating for themselves.

MARTIN H. GLYNN.

**Governor's Message Read at the Lake Cities Conference,
at Buffalo, N. Y., February 26, 1914**

MR. H. A. MELDRUM, *Buffalo Chamber of Commerce,
Buffalo, N. Y.:*

DEAR MR. MELDRUM.—Kindly express to the members of the Lake Cities Conference my great regret that I cannot attend. I am fully sensible of the importance of the conference and of what it ought to mean for the commerce and industry of the various states there represented.

If it were humanly possible for me to leave Albany long enough to make the trip to Buffalo I would gladly avail myself of this opportunity to add whatever encouragement I can to the movement for better waterways thus begun.

Important legislation, however, is coming to a head at the present moment and I feel that my official responsibilities will not permit me to tear myself away.

There is a growing sentiment, not in this State alone, but throughout the nation, that there is a field for progress commercially and industrially in a better use of the nation's waterways.

New York in particular is awakening to the need of providing its commerce with better water facilities. It is endeavoring to create a deeper Hudson, it is spending over a hundred million dollars in building a barge canal to connect the Hudson with the Great Lakes and whatever may be done to improve the terminal facilities or systems of communication on the lakes is logically a part of the program to which New York has set its hand.

Transportation rather than production is the problem of this age and century. By invention and application we have solved the problem of manufacturing and producing quickly and economically, but to take advantage of these economies we are obliged to distribute to a complex and oftentimes distant population, so that the saving in production is lost in distribution.

One of America's greatest distinctions is that it never waits long to meet a problem after it realizes that it has a problem to be met, and as America has come to realize that it is wasting too much time and money in distribution, America has started to remedy this waste. It finds a remedy very properly in a better utilization of its lakes and rivers.

Water transportation must always be cheapest and, where it is possible to bring the products of the manufacturer or the farmer to the consumer by water, both the producer and consumer are assured of reasonable transportation rates.

It would be hard to estimate what the transportation facilities offered by the Great Lakes have meant for the industries along their banks. The cities which have sprung up beside the lakes, filled with thriving industries and claiming thousands of energetic and prosperous citizens, bear eloquent testimony to what the lakes have meant for the development of an entire section of the country. We should not be satisfied however with what the lakes have done in the past. If, by intelligent improvement of the terminal facilities of the lakes, we can increase the volume of shipping which the lakes can accommodate, we shall have merely done our duty toward a part of the nation whose watchword has always been progress.

Whatever I can do as an individual, or as Governor of New York, to forward the development of transportation facilities along the lakes, I shall gladly and sincerely do, and I extend to the members of the Lake Cities Conference my earnest assurance of support in whatever broad plan of water development they may decide upon.

Sincerely,

(Signed) MARTIN H. GLYNN.

Letter from Governor Glynn, Read at the Civic Forum Testimonial in Carnegie Hall, New York City, March 3, 1914

Hon. Robert Erskine Ely, The Civic Forum, 21 West 44th Street, New York City:

For four hundred years men have dreamed of a gateway through the isthmus of Panama, which would join the Atlantic with the Pacific. Today that dream has come true.

For four centuries the statesmen of the world have contemplated a canal which would bring the people of two hemispheres close together, stimulate trade and commerce, and tear apart a barrier which has stood between east and west since the primeval mountains rose from the sea. Today that canal is an accomplished fact.

Accomplishment must ever be measured by difficulties overcome. Judged in this way the Panama Canal stands as the greatest constructive feat to which man has set his hand.

Sickness and disease, domestic intrigue and international jealousies, political complications and social disturbances have all been added to the natural obstacles presented by this gigantic task, and present success is doubly glorious because it is built upon the failures of great men and of great nations.

There is no tribute that the nation may pay to those who have wrought this modern miracle which is not dimmed into nothingness by the splendor of the miracle itself.

The nation may express its thanks to its devoted sons, but their distinguished public service is, and will be, commemorated by that service and not by any added honor which a grateful nation may seek to confer.

"Peace hath its victories no less renowned than war," and it is no small honor for the United States Army that this, the greatest achievement of peace, has been brought to a triumphant conclusion by the genius and perseverance of an army officer.

The medal which is being conferred upon Colonel Goethals today is a tribute to his training, to his capacity and to his citizenship.

Every citizen of the United States may justly take his share of pride and comfort in the achievement of

Colonel Goethals and his associates. Behind the efforts of these public servants has been the strength, the resources and the determination of a united people. What Spain desired to do, what France attempted to do, the United States has at last achieved. And beyond the material advantages, which this nation will share with the world, through the completion of the Panama Canal, is a special and pervading benefit which belongs to this nation alone.

In building the Panama Canal we have demonstrated to the world that the spirit of the American pioneer still survives. We have proved that twentieth century America is worthy of its past. We have mastered a task that must serve as an inspiration for all future labors to which America may dedicate its energies.

New York takes particular pride in the fact that Colonel Goethals is a native of this State. To the nation's benediction upon his successful labors New York adds a special and cordial congratulation of its own.

Sincerely,

(Signed) MARTIN H. GLYNN.

**Governor's Message Read at the Dinner of the New
York Real Estate Board, New York City**

Gentlemen of the Real Estate Board:

Up to the very beginning of the present week I hoped that it would be possible for me to make the trip to New York and be with you tonight. It is only because I feel that to do so would be to slight necessary and important official work that I am denying myself the pleasure of attending this banquet.

An occasion such as this, where the representative and responsible citizens of the State are gathered

together, presents an opportunity which a public man is sorry to lose—the opportunity to explain in sober, comprehensive fashion his purposes and his plans.

Without the understanding and coöperation of those private citizens to whom the public generally look for leadership, it is impossible for any public officer to discharge his duties effectively.

If I were with you tonight I would seek to enlist your support and assistance in the task to which I have set my hand.

To my mind the most pressing problem of the State government is to conduct its operations with such economy and effectiveness that the present burden of taxation upon the citizens of New York may be decreased.

I have pointed out to the public and to the Legislature that unless the State reduces its expenditures or increases its revenue from indirect sources, New York will be compelled to raise many millions each year by direct taxes.

It is one thing to preach economy; it is another thing to practice it. After my appeal to the various State departments asking them to reduce expenditures, I find that their requests for this year are \$4,000,000 in excess of the appropriations made last year. I have called the attention of the State departments to this fact and have explained to them that I meant what I said.

I have requested them to revise their requests for appropriations and explained that it is better for them to use a pruning knife on their budgets now than to compel me later to resort to an axe.

For the peace of mind of the taxpayers of the State let me say that I shall not hesitate to use the axe if necessary, but when that time comes I shall perhaps need the assistance of representative men such as are

gathered here to persuade the State that economy is more important than generosity in carrying on the various activities of the State.

My experience thus far has been that the representative men of New York are ready and anxious to assist in any movement which has for its object a business administration of the State government. Various public spirited citizens have already volunteered their services in the matter of examining the present methods of administering the State departments and suggesting any possible change that will make for greater efficiency and economy.

We are not waiting, however, for private enterprise to assist us, but are making such improvements as suggest themselves as fast as they come to our attention.

As I understand the temperament of the people of New York, they do not desire the State to be niggardly any more than they desire it to be wasteful, and I call upon the members of the New York Real Estate Board to assist me in defining the precise limits at which waste ends and parsimony begins.

(Signed) MARTIN H. GLYNN.

Message Read at the Opening of Cape Cod Canal, Connecting Buzzards Bay with Cape Cod Bay, July 29, 1914

(Read by Adjutant-General Hamilton.)

My physician positively forbids me to undertake the trip to Cape Cod, and I shall be unable to be with you as I had hoped. I, therefore, request you to convey to those who have gathered to celebrate the opening of the Cape Cod Canal my deep regret for this unexpected and unavoidable absence.

I call upon you as my personal representative to congratulate the people of Massachusetts on the completion of the waterway. To Massachusetts must go the largest share of honor and distinction for providing this splendid inland passage. But the assistance which such far-sighted citizens of New York as Dewitt Flanagan and August Belmont have offered to their fellow workers of Massachusetts makes it fitting that New York should be represented on this occasion. Just as New York will share in the manifold advantages resulting from the Cape Cod Canal, so it desires to share in the rejoicing over a great work well done.

We are living in the age of man-made miracles, and those who planned and constructed the waterway from Buzzards Bay to Cape Cod Bay have placed themselves among the wonder-workers of this marvelous age.

One by one the barriers to modern progress which nature has erected are falling before the energy and determination of man. We are hewing down mountains and joining the separated seas, that our travel may be safer, that the myriad argosies of commerce may not be halted. We are no longer content to abide by the fiat of primeval forces — we are limiting ourselves only by the strength of our desires and by the resources of our developed science.

Each new victory is a tribute to human progress. Each triumph gives new heart to those who are carrying the standards of advance in every quarter of the world. Whether it be at Suez, at Assouan or at Panama, the whole world cheers the achievements of the conquering forces of civilization.

Today the eyes of all who are laboring in humanity's cause are turned toward the Cape Cod Canal. In the name of human safety and modern commerce, a new

waterway has been opened through the sands of Cape Cod. This waterway means that the navigation of the New England coast is to be safer than ever before. It means that the distance between the separated cities of the States facing the Atlantic has been considerably shortened. It means cheaper and better transportation for the citizens of a dozen States. It means great and material progress for the people of New York, Connecticut and Maine, as well as for the people of Massachusetts.

As my representative, I desire you to congratulate those who have made this canal an accomplished fact, and to express to Massachusetts the pleasure which the State of New York takes in the splendid achievement of a sister commonwealth.

(Signed) MARTIN H. GLYNN.

Message Read at Fordham Banquet, Hotel Knickerbocker, New York City, February 2, 1914

Fellow Alumni:

When I accepted the invitation to address you tonight, I felt that this evening would be one of the happiest occasions of my life. I felt that I could shake off for a few hours the responsibilities of my official position and become for a little while, simply a Fordham man among Fordhamites.

Up to the very hour that I sent this telegram I expected to be able to lay aside important duties at Albany long enough to make the trip to New York, and it is only after I exhausted every possible means of postponing certain important matters that I relinquished my determination to be present.

Questions important to the State are crystallizing this week and I feel that to leave Albany tonight when

my presence may mean the difference between failure and accomplishment would be to betray the trust reposed in me.

I can talk frankly with you because you are my fellow alumni. I can rely upon your sympathy and understanding because I know that you would rather have me diligent in my task than punctilious in my pleasures. With every invitation to New York that I have declined this week I have felt that those to whom I sent my regrets might fail to make allowance for circumstances over which I have no control. I have no such feeling with you. As my brother graduates you know me well enough to realize that were it humanly possible for me as Governor to say the things that I have said so often about my college on other occasions, I would do it with gladness, with sincerity and with pride.

Fordham is my college. It trained me, it befriended me, it inspired me with a determination to be true to myself and to Fordham. As a private citizen I know no call more imperative and more welcome than that of Fordham. As Governor I can listen to no command but that of the State.

Accept, therefore, my apologies for my absence to-night. Believe as you must that were it possible for me to attend the dinner without betraying the responsibilities reposed in me I should be joining tonight with you in praise of Fordham and of Auld Lang Syne.

Fordham taught me to resist temptations, but one temptation to which it taught me rather to succumb is the temptation to shirk for once my duty and attend this banquet.

With fraternal best wishes to every one of you and envying you the joys of this reunion,

Yours for Fordham,

MARTIN H. GLYNN, '94

SPENCER TRASK, CAPTAIN OF INDUSTRY**Speech Delivered at the Unveiling of the Spencer Trask Memorial Fountain at Saratoga, July 14, 1914**

On the Sabine Hills, two thousand years ago, a poet prophesied that his song would outlast the gates of lordly Rome. "I shall not altogether perish," he declared; "I have raised a monument more lasting than bronze."

Today the sun streams through the ruined arches of the Coliseum but the songs of Horace, vibrant with a beauty that cannot die, still make music in the hearts of all mankind.

This fountain, reared by loving hands, stands to-day spotless and firm and beautiful. But the years will dull its gloss, the elements will undermine its strength and time will steal away its beauty.

For this is not the monument that Spencer Trask has raised; this perishable marble is not his handiwork. This is but a memorial raised by other hands to commemorate his virtues, to signalize his work as a citizen, his value as a man.

It is fitting that this memorial should be placed here. It is fitting that there should be a visible and striking symbol to engage the attention of all who pass this way, to remind them of one who sought to serve his fellowmen.

It is appropriate that Saratoga should possess this memorial. Here Spencer Trask lived and worked. Here lay the interests which were nearest his heart. Here was his home and here his fireside. Here he brought all that was dearest to him in life; it was here that he left behind him that which he treasured most on earth.

The good that Spencer Trask did was not confined to Saratoga; but it was here that his generous civic impulses found their most direct expression. In the dark days when it seemed that the former glories of the American Spa had forever departed, it was Spencer Trask who held the torch that lighted its path back to prosperity and hope. With interests which extended, not through the State alone, but throughout the entire Nation, he was never too occupied with larger affairs to give his time and attention to the needs of Saratoga. Its schools engaged his assistance. Its churches enlisted his devoted aid. Its children knew him for a beloved and sympathetic friend. Its citizens found him a bulward of strength, in their times of need.

In an older day the cities of a vanished civilization invoked the protection of civic goddesses who were thought to preside over the particular destinies of each place. If there were a divinity into whose keeping the destinies of Saratoga were confided there would be no need to bring water to the fountain which we dedicate today to Spencer Trask. Mindful of his generous interest in this village, remembering the things he did and the greater things he planned, the genius, the divinity, the good angel of Saratoga, if she existed, would keep this fountain watered with her tears.

It is not the monument which we dedicate here to Spencer Trask that should occupy our thoughts today. Rather should our minds turn on this occasion to that other monument which Spencer Trask erected for himself.

The monument we unveil today is visible but lifeless, beautiful but cold, impressive but transient. The monument which Spencer Trask erected for himself is invisible but living, intangible but potent, undefined but eternal. It is the only memorial worth leaving

behind when man sets out for the Undiscovered Country. It is the only monument that the centuries cannot overthrow, that oblivion cannot claim. That monument is the lasting good which radiates from an eager life well lived, a noble race well run.

There are three fields in which a man must prove the mettle of his manhood, the fiber of his soul. The first lies close to his fireside in the circle of his family and the privacy of his home. The second is in the arena of public affairs where is determined the progress of government and law. The third is in the broad field of industry where, "by the sweat of his brow" man must work for the necessities and comforts of life and for the material progress of himself and those about him.

In each of these fields the man we honor today gave evidence of the qualities which command the respect and earn the admiration of men.

Of his life as husband and father it is not for me to speak save in a whisper, softly and reverently. Here is holy ground. Those who called him friend perceived, in a measure, the intensity of his affection for his children, the depth of his devotion to the gentle lady who shared his joys and sorrows. And because we knew how closely about the heart of Spencer Trask were twined the vines of filial and conjugal affection, we gained a new conception of his manhood when bereavement and sorrow darkened the portals of his home without extinguishing the genial optimism of his nature or the hopeful courage of his soul.

Nothing that I might say of the family life of Spencer Trask could approach the eloquent testimony of one simple truth within the knowledge of all who are gathered here. We know what gentle mind is carrying to completion the benefits which Spencer

Trask planned for Saratoga. And we may dimly measure the domestic virtues of Spencer Trask by the fact that they earned for him a love which now rises above sorrow and pain, weakness and loneliness to carry on the work he left unfinished.

As a citizen Spencer Trask discharged his duties in a way that commands the respect and deserves the emulation of every American. His patriotism was a living, vital thing, a corollary to his broad outlook upon life. In the larger questions of government he took a sincere and enlightened interest. His Americanism was not circumscribed by his own interests or his own locality. He believed in his country and in its future and he made its ideals his own.

Although too occupied with the direction of an important business to enter largely into politics, he took a lively interest in the affairs of the village in which, for nearly thirty years, he made his home. He was ever ready with suggestion and assistance in the affairs of Saratoga. He served upon the 'Citizens' Committee which urged upon the State the necessity of conserving the Saratoga waters. He gladly accepted the difficult position of Chairman of the first State Reservation Commission and devoted himself to his task with characteristic thoroughness and energy. In spite of every difficulty, in the face of a serious injury which would have unnerved a less hardy spirit, he kept at his labors until the work of the Commission was under way along broad and practical lines. With the enthusiasm of a boy he focused his abilities on the work in hand determined to discharge his full duty to Saratoga and the State.

Spencer Trask lived as a good citizen; it is solemnly fitting that he should have died as one. On the day of the tragic accident which took him from

our midst, every consideration but a high sense of civic duty urged him to remain at home. But there was a report to be made to the Legislature and that report called him to New York. And if ever a gallant soldier earned honorable discharge from the toilworn army of the living that soldier was Spencer Trask.

His brevet in the ranks of the Celestial Host was won in action, fighting the glorious battle of the common good. Just as the martial religion of Mahomet teaches that the soldier who dies in battle is transported to the Seventh Heaven, so we, of other ideals, may bespeak for the soldier of peace who dies in the service of his fellow men, a special benediction from Him who taught us to love our neighbors as ourselves.

As husband, as father, as citizen, Spencer Trask was worthy of every tribute that respect and affection can invoke. What of Spencer Trask the captain of industry, the master of finance, the director of affairs, the patron of the arts?

Before I bring myself to speak of Spencer Trask the individual I would speak of him as one of a mighty company. Before I advert to the deeds of one of America's industrial captains I would first survey the campaigns in which the entire army has been engaged.

The past half century of American progress is a romance more wonderful than poet ever dreamed or patriot ever hoped. Rising from the bitter ashes of a fratricidal strife, America has marshalled its manhood to lead the way in an industrial revolution which is creating a new Heaven and a new earth.

It has girded a continent with bands of steel which make East and West, North and South, as indivisible in interests as they are inseparable in allegiance. It has made man the master and not the slave of his necessities by replacing human labor with the tireless

energy of machinery. It has compelled an opulent earth to yield its bounty, it has harnessed the rushing waters and invaded the startled air with man-made wings. It has triumphed over the ancient forces which flung the mountains from the primeval ocean and, in the name of human progress, it has joined together the separated seas.

The last half century has witnessed a thousand miracles conjured up by the Aladdin's Lamp of industry. And chief of the modern wonder-workers has been America, because it has developed industrial leaders strong enough, brave enough and wise enough to meet the needs and problems of the new order.

It would seem that Providence has blessed this country with the power to call forth men equipped to meet its every necessity. In the dark hours of the Nation's birth America found a Patrick Henry to inspire it, a Jefferson to guide it, a Washington to defend it. In the time that tried men's souls, when the spirit of discord hovered over the land, when brother fought with brother to decide the nation's fate, America found a Webster to plead for union, a Grant to decide the issue for a united people, and a Lincoln to heal the gaping wounds of war. And in the newer dispensation, when the world turned from politics and strife to the happier fields and brighter prospects of industry and peace, this nation developed men able to lead the peaceful hosts of American workers from victory to victory and from height to height.

Inventive genius, the talent for organization, broad foresight and heroic determination, joined forces to place industrial America at the head of all the world. We gave to civilization the telephone and the telegraph, the sewing machine and the mechanical reaper, the Hoe press and the aeroplane. We organized our in-

dustries and compelled the world to follow the American idea of modern business. We were not satisfied to develop our own country, to increase the comfort of our own people, to supply merely our own wants, but we crossed the oceans to find outlets for our manufactures in the markets of all the world.

Because of the industrial revolution which America has led, the earth is a better place in which to live; mankind has approached a little nearer to the stars; new comforts have been created and placed within the reach of every man; new ideals of health and enlightenment have been carried to those who labor in darkness; new standards of living have been set up; new hopes and aspirations have been breathed into the pulsing heart of humanity.

To the leaders in this wonderful crusade have come the rewards that were their due. Wealth and power have followed their efforts but their share has been but a tithe of the wealth and power which have come to the country under their leadership. America stands today, a youthful Titan among the older nations. And it should never permit itself to forget that its present place was largely won by the great Americans who directed its peaceful hosts into the Promised Land of industrial achievement.

Among these leaders I do not number those, who, by chance or chicane, have won the trappings of leadership and who lacked the stalwart heart and the constructive brain of the real captain. I do not count those who have won to wealth and leisure by preying upon the army of industry instead of assisting it to scale the heights. There have been traitors in the industrial forces, there have been Benedict Arnolds of commerce, who should have been drummed out of camp, not left to sully the standards of their com-

panions. But when I speak of America's industrial leaders, I speak of the eagles to whom the army looked for guidance, not of the buzzards who followed in its train.

The prosperity of America's captains of industry has meant more to the Nation than the mere power which wealth confers. Art and science have ever flourished under the patronage of wealth and leisure. America today commands the art of all the world because America's captains are devoting their leisure to the cultivation of the things of beauty. They are bringing the art treasures of Europe to their homes. They are calling the greatest artists of our time into America's theatres. They are stimulating the talent of native Americans. They are not only bringing art to America, they are creating the desire and aptitude for it in America itself. Science has received an equal stimulus. Research has been made easier by the creation and maintenance of endowed laboratories. The inventor finds capital ever ready to assist him. There never was a time or place in the history of the world when the arts and sciences were more eagerly assisted or more generously encouraged than in Twentieth Century America.

We may thank such men as the one we honor today that Sidney Smith's unpleasant query "what have the Americans done for the arts and sciences?" no longer lacks an instant and overwhelming answer.

For Spencer Trask was one of the captains of peace to whom this nation owes its industrial supremacy. Farsighted, energetic, fit to meet and solve large problems in a large way, he was equipped by nature to occupy the important place he filled in his chosen field of finance.

In that field he found full play for his constructive genius, ample scope for his ripened abilities. To

his care were entrusted the sinews of industry, the dynamic forces of capital and credit.

Looking back upon the use he made of these forces, we find, as might have been expected, that he exerted them for the intelligent development of the nation's wealth. He perceived the vital part that the railways of America were destined to play in its prosperity and devoted himself to railway finance with characteristic vigor and effect.

Various undertakings, national in scope, and far-reaching in their influence, benefited by his capable direction, but nothing, to my mind, is more significant of his service to the Nation than his early appreciation and promotion of the inventions of Thomas Edison.

It is idle for me to enumerate the myriad enterprises which, at one time or another, engaged the attention of Spencer Trask. To the men of two generations his name has stood for all that is best in the intricate world of finance. Conservative in his methods and progressive in his ideas, painstaking in his labor and enthusiastic in his beliefs, careful in his associations and devoted in his friendships; Spencer Trask was a commanding figure in the world of affairs.

Into his every-day work he brought ideals; not the ideals of the dreamer, but the ideals of the man of action. He carried with him through life a clear conception of what life demanded of him. Out of the Book of Books he took and treasured the truth that "A man's life consisteth not in the abundance of the things he possesseth." In that classic, dramatic composition "In the Vanguard," which has been acclaimed by all who believe in peace, good will toward men, and which last week won for Mrs. Katrina Trask the Gold Medal of the American School Peace League, as the greatest contribution of the year to the cause of

International Peace, there is a beautiful tribute to the heroes of the things that endure. And I cannot but think that she who knew Spencer Trask best found close at hand a Hero of the Durable—a man who “sacrificed self to service; an upbuilder of the nation.”

Spencer Trask was given to see that the only labor which is worth the doing is that which finds its inspiration in honorable service. He was given to feel that lasting success can be built only upon the firm foundation of justice and fair-dealing. He was given to know that the real rewards of life are for those who bear a stainless shield and carry their colors high.

I like to think of him as Sir Galahad of the counting-house, strong of arm, fearless of heart, a courteous adversary and a gallant champion. Though the lists in which he strove were the quiet lists of peace, though the lance he carried was molded of gold and not of steel, still the tourneys in which he jousting were as hotly contested, as dearly won, as any that tested the mettle of King Arthur's Court. And, in a thousand tilts, the champion who wore the colors of the gentle Lady of Yaddo, proved himself a gallant knight, a modern Galahad “without fear and without reproach.”

From the halls of his Alma Mater Spencer Trask brought a lively interest in a sphere we are wont to consider removed from the world of affairs—the realm of art and letters—and in the leisure that he won from his chosen occupation, he traveled back to the beautiful land which had beckoned to his youth.

Though he had closed the gates of artistic achievement upon himself he sought entrance for others who still desired admission. He searched for talent, he encouraged genius. With quiet generosity he made smooth the path for aspiring youth, with sympathetic

understanding he renewed the hope of flagging ambition. He perpetuated his interest in art through the National Art Club of New York, just as he made permanent his zeal for education through his activities in the establishment of the Teacher's College. His culture found its fairest expression in spreading the worship of the beautiful; his contribution to the arts was the creation of artistic opportunity for others.

To Spencer Trask, the devoted husband and father; to Spencer Trask, the alert and loyal citizen; to Spencer Trask, the captain of industry and the master of finance; to Spencer Trask, the generous patron of the arts; we dedicate today a monument of glistening marbles and shimmering waters.

May youth find in the serene beauty of this memorial fountain an inspiration to noble deeds. May maturity discern in its story the true test of all success. May age be comforted by the thought that the tender recollection to which this monument testifies is the share of all who leave behind them the lasting benison of a life well lived. And may all who pass this way lift up their eyes from these cold marbles to behold the living and imperishable monument which Spencer Trask himself erected.

May they conjure before them the Temple of American Progress, rising over the hills and valleys of a mighty nation, its portals fronting the oceans, its battlements towering upward to the stars.

Men of great hearts and high courage laid the foundations of this temple deep in the eternal rocks of liberty and justice. Statesmen have toiled to keep its outline straight and true. Patriots have adorned it with their sacrifice, heroes have died that a single stone might be in proper place. Millions are laboring upon the temple; millions, from afar, behold it and are glad.

Story upon story it rises into the sunlight of eternal morning, each tier fairer and more perfect than the one beneath it. Close to the clouds, splendid and majestic, the crowning achievement of all that has gone before, are the jeweled columns and massive masonry which mark the era of America's triumphant industries. And there, straight and strong and beautiful, stands a mighty pillar, lifting up the walls above it, staunch enough to bear the weight of newer and statelier mansions still to come.

It is a pillar raised by a life of service. It is a shaft reared in the name of duty and of love. It is the monument which the man we mourn today himself constructed, the fairest work of his head, and heart, and hand. And until the temple itself shall perish, until the glories of a golden age are leveled to the dust, that monument will stand in never-changing splendor, a living, breathing, eloquent memorial to the gallant citizenship of Spencer Trask.

OPPORTUNITY AND RESPONSIBILITY

Remarks at Inaugural Ceremonies of Governor Whitman

As the retiring Governor, and on behalf of all the people of the State, I welcome Governor Whitman to his new duties and his new responsibilities.

It is a high distinction to be the Governor of this Commonwealth, which though a State in name is an Empire in reality. But the distinction carries with it a solemn trust which mirrors the needs and the greatness of the State of New York.

This is a commercial State. All railroads lead to New York, and New York is the clearing house of the Nation. It is the barometer of business and the pulse

of prosperity. Just as it leads in population, so New York leads every other State in manufacture, in commerce and in wealth. It manufactures more than half the clothes made in the United States. It bakes more bread, makes more paper, mashes more wood-pulp, prints more books and manufactures more of the luxuries and necessities of life, than any other State in the Union.

But New York is more than a commercial State. This is an agricultural State. Three-fourths of New York's land is under cultivation, and though twenty-ninth in farm area New York stands eighth among the States in the value of its agricultural products.

This is a progressive State. On a system of improved highways long enough to stretch from the Atlantic to the Pacific, and from Montreal to Miami, with enough left over to duplicate the good roads of Massachusetts and Connecticut, New York has already spent more than all the other States in the Union combined. Single-handed and alone New York has constructed a canal from the Great Lakes to the Hudson river which not only develops New York's internal resources, but gives to the Central States of the Nation a waterway to the ports of all the world.

This is a humane State. In New York's penal, charitable, and curative institutions there are fifty thousand inmates who are fed, clothed and sheltered through the bounty of the State. If the voters of Nevada were all assembled here they would number ten thousand less than the unfortunates to whom New York ministers every day in the year with the sentiments of social welfare, the spirit of brotherhood and the sweetness of charity.

This is a cultured State. New York's schools are training the minds of a million and a half children, its colleges and its universities are inspirational cen-

ters of economic thought and literary expression. In its libraries and museums, in its private palaces and public buildings it stores the treasures of all times, it promotes science, it cultivates the arts, and what is more important, it fosters education which is the mother of science and of art.

This is a human State. Petty differences may divide us on petty subjects, but great crises make us members of one big family with common sorrows and with common joys, with the interests of New York in our minds, with the honor of New York in our hearts, with the love of New York on our lips; but with the welfare of the nation our determination and our prayer, the happiness of the nation our inspiration to action and our consolation in sacrifice.

This is a patriotic State. New York supplied one-fifth of the men for the Colonial forces in the Revolution, nearly one-fifth of the men for the Federal forces in the Civil War, and today the National Guard of New York forms one-sixth of the National Guard of the whole United States.

Upon the Chief Executive of the State rests the responsibility for the weal and the prosperity of New York's industries and New York's agriculture; upon him devolves the duty of maintaining its martial ascendancy, of fostering its love of culture, its devotion to education, and its joy of leading to the beacon heights of progress where other states must follow.

In this stupendous task I cordially invoke for Governor Whitman all the success, all the honor that justly flows from the wise discharge of great duties well performed. And on this first day of a New Year I bespeak for him more than a Happy New Year — I wish Governor Whitman two happy years; two years happy in endeavor for himself, and happy in results for the people of the Empire State.

III
MEMORANDA ON LEGISLATIVE BILLS
APPROVED
[843]

III

MEMORANDA ON LEGISLATIVE BILLS APPROVED

Amending the Election Law as Regards Direct Primaries, Massachusetts Ballot and the Election of United States Senators

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *December 17, 1913*

MEMORANDUM filed with Senate bill, Printed No. 37 (Extraordinary Session), entitled:

“An act to amend the election law, in relation to direct primaries and to elections, generally.”

Also with Senate bill, Printed No. 55 (Extraordinary Session), entitled:

“An act to amend the election law, generally.”

Also with Senate bill, Printed No. 38 (Extraordinary Session), entitled:

“An act to amend the election law, in relation to the direct election of United States senators.”

APPROVED.

My signature as Governor to these three measures marks the successful accomplishment by a Democratic Legislature of each and every electoral reform, in accordance with the pledges contained in the last Democratic State Platform.

I consider these measures to be epoch making. These laws are vitally important; are truly progressive and far reaching in their effects, and I believe their provisions will meet with the approval of all citizens who are sincerely interested in genuine progress in electoral reform.

This Democratic Legislature has passed a real honest genuine primary law. It is State-wide in its application, comprehensive in its terms, and will, it is hoped, be effective in practice. It abolishes the State Convention and gives to the voter the right to name his candidates directly.

Among other things, this direct nomination law prohibits the placing of any candidate upon the primary ballot who has not filed a petition with signatures of a certain proportion of the enrolled voters. The number of certified signatures of enrolled voters necessary is as follows:

For United States Senator or any office to be filled by all voters of the State, 3,000.

For New York city, 1,500; for Buffalo, Rochester or any county or borough containing more than 250,000, 1,000.

For any office in a county or borough containing 25,000, 250, or any city of the second class or congressional district, 500.

For any other county or city of the third class or of any Assembly district, 250.

At the expiration of the time for filing nomination for the primary, the commissioners of elections notify all candidates to appear to draw lots for positions upon the ballot. This is a variance from the plan followed under the Massachusetts primary ballot; there preference is given by alphabetical order.

On the new primary ballot the party column is eliminated and in its place candidates are grouped according to the office. If there are six candidates for Governor, the names follow each other under the title " Governor " and each candidate is numbered.

On this ballot the enrolled voter registers his vote by making a cross mark, indicating the candidate he votes

for in a voting square placed at the left of each candidate's name.

Thus a voter can no longer vote an entire ticket by one cross mark in the circle under the emblem at the head of the ticket. This change will require the voter to exercise his right of franchise with more discrimination and pay more attention to the qualifications of the respective candidates for nomination.

The State Committee is to be composed of one member for each Assembly district. The County Committee shall have a representative from each election district; the vote of each being in proportion to the vote cast at the last gubernatorial election.

The ballot for use in general elections is radically changed by the new Massachusetts ballot.

This ballot is similar to that used at the primary election, except that on election day the name of each candidate for election will have a small representation of the emblem of the party of which he is the candidate at the left of the voting square, which is at the left of the name. This slight modification of the Massachusetts ballot is properly made because in New York State there exists no educational qualification for voting. The names on the general election ballot are arranged in the order of the highest number of votes cast at the last preceding gubernatorial election.

This direct nomination bill and Massachusetts ballot bill, together with the measure providing for the direct election of United States senators are measures, the enactment of which every friend of electoral reform has urged for years.

These measures will permit the great body of our citizens to make effective their expression of opinion under due form of law. Their enactment places upon

the statute books of this State a real, honest and genuine direct primary law and provides for an honest ballot.

They place the Empire State in the foremost rank of progressive legislation relating to electoral reforms and constitute the greatest constructive legislation ever placed upon our statute books, towards restoring to the people the control of their own government.

They mark the successful end of a long fight for the right in these matters and demonstrate that the Democratic Party has kept faith with the people. The entire credit for their enactment into law is but justly due to the present Democratic Legislature, to the able and earnest efforts and devotion to public duty of the Democratic leaders in the Senate and Assembly, and to the chairmen of the respective committees, and also to the members themselves.

I sincerely believe and earnestly hope that our public spirited citizens will appreciate, and realize the increased powers and obligations these measures lodge with them, and make effective use of their opportunities under these laws, to the end that these measures may become great agencies for progress, for better government and advance the general welfare of the entire State.

I approve the foregoing bills.

(Signed) MARTIN H. GLYNN.

**Amending the Housing Law to Suspend its Operation
Until February 1, 1915**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 13, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 1496, Printed No. 1787, introduced by Mr. Malone, entitled:

“An act to amend the housing law in cities of the second class, in relation to the time when the same shall take effect.”

APPROVED.

There is great public demand for this bill, the purpose of which is to suspend until February 1, 1915, the operation of chapter 774 of the Laws of 1913, relating to the housing of the people in cities of the second class.

The Housing Law of 1913 was an important law, designed to improve health conditions in cities of the second class, but it was drastic in its terms and many of its provisions were made the subject of protest in every city affected. It has been suggested that it would not be a step forward in the cause of reform to suspend the operation of this law for the time indicated in this bill, but I am of the opinion that the cause of reform should not move so swiftly as to leave in its trail havoc and ruin to legitimate business interests; nor do I see any fair objection to suspending the operation of the law until the people in the cities affected have a fair opportunity to adapt themselves to the requirements thereof.

It has also been urged that the suspension of the law may leave these cities without any health laws.

I am advised that there is no merit in this objection, especially in view of the Home Rule Law (Laws of 1913, chapter 247), which expressly confers power on every city to regulate by ordinance any matter within its powers and expressly includes as one of such powers the right to preserve and care for the safety, health, comfort and general welfare of its inhabitants.

I, therefore, approve the bill.

(Signed) MARTIN H. GLYNN.

**Amending the Code of Civil Procedure in Relation to
Surrogates' Courts, Their Practice and Procedure**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 17, 1914

MEMORANDUM filed with Senate bill, Introductory No. 509, Printed No. 1593, entitled:

“An act to amend the code of civil procedure, in relation to surrogates and the practice and procedure in surrogates' courts.”

APPROVED.

This bill is a comprehensive revision of existing statutes respecting practice and procedure in the Surrogates' Courts. It is the product of arduous work of over two years by a Revision Committee appointed by the New York State Association of Surrogates, consisting of Surrogates Vanderzee of Albany, Southard of Putnam, Ostrander of Saratoga, Andrews of Tioga, Ketchum of Kings, Woodin of Cayuga, McCann of Chemung, Hart of Erie, Heaton of Rensselaer, and Frank V. Millard of Tarrytown.

At a public hearing held on the bill, not a single person appeared in opposition to it, while representatives

of many bar associations and many others appeared and urged its approval. In the course of the last few weeks, nearly every surrogate in the State has communicated with me to the same effect.

It is conceded on all sides that the present statute is antiquated, complicated and faulty, and its superlative development is in the department of "red tape." This bill will greatly simplify and clarify the law and will mark a decided step forward in surrogates' practice and procedure.

The bill creates virtually no additional offices. It adds none at all in New York and Kings. It creates no mandatory offices elsewhere. Erie and Monroe may each have a deputy clerk; Erie, necessary court attendants; and the other counties, such attendants as the surrogates may find necessary to care for the court-rooms at \$3 a day for time actually spent. And that is all. Moreover the provisions of the bill can be carried out by the present surrogates in their present courtrooms. In short, it is an effective practice act and nothing else.

I have considered the suggestion that the Constitutional Convention may possibly consolidate courts of record and thus abolish the office of surrogate, but even if it does so, the new bill will still be applicable to the court which will then be vested with the functions of the Surrogates' Court.

A bi-partisan Legislature has passed the bill. There is a great demand for it. No substantial objections have been urged against it. I believe it to be an excellent measure; and I, therefore, approve it.

(Signed) MARTIN H. GLYNN.

Amending the Labor Law by Adding Section to Define the Word "Factory"

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 23, 1914

MEMORANDUM filed with Assembly bill, Introductory No. 1377, Printed No. 1819, introduced by Mr. Machold, entitled:

"An act to amend the labor law, in relation to definition of factory."

APPROVED.

This bill amends the Labor Law by adding to the section containing the definition of the word "factory," generating plants and sheds, and other structures owned or operated by a public service corporation. The Public Service Commission has advised me that in its opinion this bill should properly become a law, and in connection therewith has filed with me the following opinion of its counsel:

"Under the definition of the term "factory," in section 2 of the Labor Law, power houses, etc., used in connection with railroad purposes were excepted from the jurisdiction of the commissioner of labor and were left subject to the jurisdiction of the Public Service Commission under Article III (the railroad and street railroad article). This bill places the generating plants of electrical corporations engaged in public service in the same category, the effect being to exempt them from the jurisdiction of the labor commissioner to the same extent that power houses are now exempt.

"I think the effect of the bill is simply to avoid a double jurisdiction. Undoubtedly in many re-

spects the labor commissioner will retain jurisdiction, as in the matter of hours constituting a legal day's work, etc. It would seem to be just and proper that a plant where electricity is generated for light, heat and power generally for public use by corporations under the jurisdiction of the commission should be treated like plants where power is generated for the propulsion of cars on street and interurban railroads."

I also find that there is a widespread demand for this bill and after carefully examining the arguments for and against it, I have decided I could comply with the recommendation of the Public Service Commission.

I, therefore, approve the bill.

(Signed) MARTIN H. GLYNN.

Amending the Civil Service Law Authorizing Taxpayers' Action to Restrain Payment of Compensation to Persons Appointed in Violation of Civil Service Law

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 23, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 104, Printed No. 103, entitled:

"An act to amend the civil service law in relation to taxpayer's action."

APPROVED.

This bill was prepared by the Civil Service Reform Association and is advocated by that association. Its purpose is to authorize a taxpayer's action to restrain the payment of compensation to any person appointed

to office in violation of any of the provisions of the Civil Service Law.

The well-settled policy of the State is to prohibit litigation to determine the question of title of elective officers except by quo warranto, and if this bill applied to elective officers, I should unhesitatingly disapprove it. The provisions of the Civil Service Law, however, relate solely to the so-called "classified" service and do not relate to elective officers and other officers in the so-called "unclassified" service.

The Civil Service Reform Association certifies to me that the bill applies only to appointive officers within the "classified" service, and I so read it myself.

While an amendment such as this was characterized as "apparently unreasonable" by the Court of Appeals a decade ago (*Greene v. Knox*, 175 N. Y. 432), I am of opinion that those interested in civil service reform should have a more adequate and expeditious form of procedure than quo warranto, which rests solely in the discretion of the Attorney-General. The inadequacy of this remedy may be seen from the fact that, following the decision of *Greene v. Knox*, an application was made to the Attorney-General for leave to commence quo warranto to test the title of the police captains who were the defendants in that case, and such leave was granted; but when an election intervened and a new Attorney-General was elected, he promptly annulled such leave and wholly deprived the people of any opportunity whatsoever to test the title of the police captains.

After a careful examination of the statutes and decisions, I have reached the opinion that this bill is an entirely proper one, and I, therefore, approve it.

(Signed) MARTIN H. GLYNN.

Amending the Public Health Law Relative to Working Hours and Sleeping Apartments in Pharmacies and Drug Stores

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 23, 1914

MEMORANDUM filed with Senate bill, Introductory No. 407, Printed No. 1232, introduced by Mr. Walters, entitled:

“An act to amend the public health law, in relation to the practice of pharmacy as to working hours and sleeping apartments in pharmacies and drug stores.”

APPROVED.

The purpose of this bill is to amend the Public Health Law so as to relieve pharmacists, apothecaries and druggists from some of the restrictions of the Labor Law, so as to enable them and their employees to furnish the public with the supplies required by physicians and surgeons without the restrictions now imposed by the Labor Law on certain other pursuits.

The bill is approved by the Department of Health, which has filed the following memorandum:

“It seems to this Department entirely reasonable that such long hours should be allowed as pharmacists should be available at all hours for the protection of the public, and should be ready to be on call at any time in case of an emergency. Pharmacists, apothecaries and druggists are in the same class as physicians in this respect, and they should be permitted to work for periods of time for longer hours than other classes of individuals just as physicians are at times called upon to work continuously for 24 hours. This measure in this respect is in our judgment entirely right and proper.

“ The other amendment to this section, stating that the provisions of this section regulating working hours, takes out of the Department of Labor, the power to control hours of labor in pharmacies, for the reasons above stated, is entirely proper. It does not seem possible without undue expense to limit the hours of labor to an ordinary degree in a business of such vital importance to public health. If an eight or nine-hour a day law were executed, so that employees could not work over that time, undue hardship would be worked upon the pharmacist or druggist with a small store and would necessitate his employing at least one extra clerk where the work could be satisfactorily done by one.”

I believe that Labor Laws in general should be upheld and enforced, but it seems to me that the exception proposed by this bill is entirely reasonable, and will serve the best interest of the public.

I, therefore, approve the bill.

(Signed) MARTIN H. GLYNN.

**Amending the Railroad Law — Transfer of Property
When Railroad Corporations Cease to Exist. Ex-
tending Time of Buffalo Frontier Terminal Railroad
Company, Extending Time of Frontier and Western
Railroad Company**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 23, 1914*

MEMORANDUM filed with bills specified below:

Senate bill, Introductory No. 981, Printed No. 1521,
entitled:

“An act to amend the railroad law, in relation
to when corporate powers of a railroad corporation

shall cease and so as to provide for the transfer of property when the existence of a railroad corporation ceases.”

Senate bill, Introductory No. 301, Printed No. 307, entitled:

“An act to extend the time of Buffalo Frontier Terminal Railroad Company to begin and finish the construction of its road and put it in operation, and extending the corporate existence and powers of the company.”

Senate bill, Introductory No. 355, Printed No. 365, entitled:

“An act to extend the time of Frontier and Western Railroad Company to begin and finish the construction of its road and put it in operation, and extending the corporate existence and powers of the company.”

APPROVED.

The Public Service Commission has filed the following memorandum in respect to these bills:

“The Commission is of the opinion that Senate bill No. 1521 (Int. No. 981), introduced by Mr. Foley, may properly receive Executive approval. If such measure is approved, it would seem that the object of the other three bills mentioned might be obtained under the general act, and that the other acts are accordingly unnecessary; but as the question is not free from a doubt, the Commission offers no objection to any of the bills.”

All three bills are approved by the Chamber of Commerce of Buffalo.

Senate bill, No. 1521, which is a general bill, amends the statute providing that, if a domestic railroad corporation shall not within five years begin the construction of its road and expend ten per cent. of the amount of its capital, its corporate existence shall cease, by providing that, in cases of existing corporations, this period of five years shall commence to run from the date of granting of a certificate of necessity by the appropriate Public Service Commission instead of from the date of the filing of certificate of incorporation. This conforms to the repeated declarations of the courts that a person should not be penalized for failure to take action where he is prevented by the courts from so doing; and I should be inclined to favor a bill which goes even further than this bill and which would make a general amendment applying to future as well as present cases of like nature.

In the case of the two railroads mentioned in the special bills, the Public Service Commission has recently granted certificates of necessity and litigation has been determined in favor of the companies sustaining the orders within the last few months. The charters and rights of the companies, under the general bill, are still in existence and the purpose of the special bills is to give them five years in which to proceed in accordance with the policy of the general bill.

After a public hearing and a careful examination of the briefs submitted to me, I am of the opinion that the recommendation of the Buffalo Chamber of Commerce and of the Public Service Commissions, as evidenced by its opinion and by the certificates of necessity, make it expedient, if not actually necessary, that I approve these bills, and I do so herewith.

(Signed) MARTIN H. GLYNN.

LAWS SIGNED BY GOVERNOR GLYNN CARRYING APPROPRIATIONS

Chapter.

7. To secure appropriate Federal legislation for the alien insane.....	\$2,500 00
17. For immediate expenses of the Legislature....	75,000 00
46. For the State Reservation at Saratoga Springs.	10,000 00
89. For the State Racing Commission.....	1,542 00
95. For the Plattsburg Celebration Commission...	125,000 00
100. Erection of monument to General Philip H. Sheridan	20,000 00
110. Commission to investigate manufacturing conditions	50,000 00
143. Improvement of mechanical and structural work on canals	150,000 00
144. Purchase of plant, machinery and equipment for completed sections of Barge canal.....	50,000 00
145. Construction of gates on completed sections of Barge canal	30,000 00
169. Payment of balance due newspapers for publication of general laws.....	35,000 00
170. To carry out provisions of Workmen's Compensation Law	350,000 00
171. For purchase of silver service for the battleship "New York".....	10,000 00
173. To pay State's proportion for repair of highways, et cetera.....	1,810,000 00
177. For payment of principal and interest on debt for the Saratoga Springs Reservation.....	125,000 00
180. New York State Training School for Girls at Hudson	2,500 00
193. Authorizing expenditure of money for certain temporary services in the Education Department	4,000 00
214. Brickmaking plant at Elmira Reformatory....	75,000 00
237. Cornell University, construction of Drill Hall; Plant Industry Building, et cetera.....	50,000 00
245. Establishing Department of Foods and Markets.	15,000 00
246. Panama Pacific Commission.....	200,000 00
247. Improving channel of Three Mile harbor, town of Easthampton	10,000 00

Chapter.

248. To provide towing facilities on completed sections of Barge canal.....	\$40,000 00
250. For transportation and subsistence of National Guard at unveiling of Baron Steuben monument, Utica	4,000 00
251. Purchase of farm, New York State Woman's Relief Corps Home.....	5,000 00
254. Emergency expenses, health officer, port of New York	50,000 00
256. State's share in expenses of maintaining county roads	141,000 00
258. Reimbursing William F. Flannagan, former county clerk of Sullivan county.....	296 25
259. For acquisition of game farm in Jefferson county	25,000 00
260. For the dissemination of information to the farming communities on the subject of Co-operative Associations and Credit Unions...	20,000 00
261. Providing for compilation of data for delegates to the Constitutional Convention.....	5,000 00
268. Payment of school tax, Harriettstown, Franklin county	9,696 17
269. Payment of certain taxes to town of Harriettstown, Franklin county.....	8,024 99
270. Payment of certain taxes, town of Santa Clara, Franklin county	3,298 67
272. Providing for Commission to investigate provision for mentally deficient.....	10,000 00
313. For Commission to investigate the housing of the people in cities of the second class.....	5,000 00
327. For compilation and publication of State Department Reports	2,000 00
370. Providing for construction of drain from culvert under Erie canal, Chapel street, Lockport	2,500 00
372. For acquisition of game farm on Long Island..	15,000 00
373. Erection of State Armory, Yonkers.....	25,000 00
374. Appropriating moneys heretofore assessed upon counties, Third and Fourth Brigade districts, for maintenance, construction, alteration and repairs of armory.....	926,014 61

MEMORANDA ON LEGISLATIVE BILLS APPROVED 861

Chapter.

419. Construction of building for Schoharie State School of Agriculture at Cobleskill.....	\$50,000 00
500. Construction and erection of monument to com- memorate services of Jesse Ketchum.....	5,000 00
522. For Commission of Highways, for maintenance and repair of public highways.....	2,243,228 52
523. For surveys, field notes and manuscript maps, affecting various canals and canal lands....	35,000 00
529. Annual Appropriation Bill.....	30,215,139 46
530. Annual Supply Bill.....	2,230,332 05
531. For construction, improvements, repairs and equipments at various State institutions and for other miscellaneous constructions and im- provements	941,692 87
532. Investigating properties, of fares and rates of charges of New York Telephone Company, New York City.....	50,000 00

IV
EMERGENCY MESSAGES

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IV

EMERGENCY MESSAGES

Messages certifying to the necessity of the immediate passage of specified Assembly and Senate bills, in compliance of section 15 of article 3 of the Constitution, were sent to the Legislature of 1913-1914 from time to time by Governor Glynn. The measures to which the messages applied were as follows:

August 27, 1913. Senate bill, Introductory No. 41, Printed No. 45, entitled "An act to provide ways and means for the support of government."

August 27, 1913. Senate bill, Introductory No. 42, Printed No. 46, entitled "An act making appropriations for certain expenses of government and supplying deficiencies in former appropriations."

September 17, 1913. Senate bill, Introductory No. 43, Printed No. 47, entitled "An act making appropriation for the Court for the Trial of Impeachment."

November 10, 1913. Senate bill, Introductory No. 44, Printed No. 48, entitled "An act to amend chapter sixty-two of the Laws of 1909, entitled 'An act in relation to taxation, constituting chapter sixty of the Consolidated Laws' in relation to the tax imposed on transfers of stock."

December 9, 1913. Senate bill, Introductory No. 55, Printed No. 59, entitled "An act to amend the public buildings law, in relation to the trustees of public buildings."

December 9, 1913. Senate bill, Introductory No. 58, Printed No. 62, entitled "An act to amend the judiciary law, in relation to clerks, attendants, messengers, and court officers in Kings, Queens and Richmond counties."

December 9, 1913. Senate bill, Introductory No. 52, Printed No. 56, entitled "An act to amend chapter five hundred and forty-one of the laws of nineteen hundred and twelve, entitled 'An act to provide for the representation of the State of New York at the Panama-Pacific International Exposition at San Francisco, California, celebrating the opening and commercial use of the Panama Canal, and making an appropriation therefor,' in relation to the membership of the commission."

December 9, 1913. Senate bill, Introductory No. 53, Printed No. 57, entitled "An act relating to grand and trial jurors in the county of Bronx."

December 9, 1913. Senate bill, Introductory No. 71, Printed No. 76, entitled "An act to amend chapter five hundred and forty-eight of the laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven and all acts amendatory thereof and supplemental thereto,' in relation to the powers of the county clerk."

December 9, 1913. Senate bill, Introductory No. 56, Printed No. 60, entitled "An act to amend the military law, relative to the condemnation of real property by army commissions for the purpose of state camping grounds or for rifle practice or other military or naval purposes."

December 9, 1913. Senate bill, Introductory No. 54, Printed No. 58, entitled "An act to amend the agricultural law, in relation to the membership of the state fair commission."

December 9, 1913. Senate bill, Introductory No. 60, Printed No. 64, entitled "An act to amend the Greater

New York charter, in relation to salaries of the teaching staff of the board of education.”

December 10, 1913. Senate bill, Introductory No. 61, Printed No. 65, entitled “ An act authorizing the city of Binghamton to issue emergency notes for the purpose of maintaining the public schools.”

December 10, 1913. Senate bill, Introductory No. 59, Printed No. 63, entitled “ An act to legalize an issue of forty thousand dollars of bonds of the city of Geneva, authorized at a special election in said city held May twenty-third, nineteen hundred and eleven.”

December 10, 1913. Senate bill, Introductory No. 62, Printed No. 66, entitled “ An act to authorize the transfer of certain public records from the office of the register of the county of New York to the office of the register of the county of Bronx, and the making and certification of certain other records and to fix the fees of the register of the county of Bronx.”

December 10, 1913. Senate bill, Introductory No. 63, Printed No. 67, entitled “ An act to amend chapter five hundred and forty-eight of the laws of nineteen hundred and twelve, entitled ‘ An act to erect the county of Bronx from the territory now comprised within the limits of the borough of the Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven and all acts amendatory thereof and supplemental thereto,’ relative to the publication of legal notices within said county of Bronx.”

December 11, 1913. Senate bill, Introductory No. 65, Printed No. 69, entitled “ An act making an appropriation for carrying out the objects and purposes of the workmen’s compensation law.”

December 11, 1913. Senate bill, Introductory No. 57, Printed No. 61, entitled “ An act to amend chapter 548 of the laws of 1912, entitled ‘ An act to erect the county

of Bronx from the territory now comprised within the limits of the borough of Bronx, in the city of New York, as constituted by chapter 378 of the laws of 1897, and all acts amendatory thereof and supplemental thereto,' in relation to county officers and employees and county detectives."

December 11, 1913. Senate bill, Introductory No. 69, Assembly reprint No. 55, entitled "An act making appropriations for the payment and discharge of indebtedness contracted and incurred by the Executive Department during the fiscal year ending September thirtieth, nineteen hundred and thirteen, in excess of appropriations made for said department."

December 11, 1913. Senate bill, Introductory No. 67, Assembly reprint No. 54, entitled "An act making appropriations for the support of government."

December 11, 1913. Senate bill, Introductory No. 68, Printed No. 72, entitled "An act making appropriations for the payment and discharge of indebtedness contracted, incurred and accumulated from year to year by departments and officers of the State prior to September thirteenth, nineteen hundred and thirteen, in excess of the appropriations made for said departments and officers."

December 11, 1913. Senate bill, Introductory No. 70, Printed No. 74, entitled "An act making appropriation for the payment and discharge of certain judgments and awards made by the board of claims, with interest thereon, as provided by law."

December 11, 1913. Senate bill, Introductory No. 66, Printed No. 70, entitled "An act to amend the penal law, in relation to contracts for the exclusive right to use a portion of the public highway as a private hack stand."

December 11, 1913. Senate bill, Introductory No. 71, Printed No. 76, entitled "An act to amend chapter

five hundred and forty-eight, laws of nineteen hundred and twelve, entitled 'An act to erect the county of Bronx from the territory now comprised within the limits of the borough of the Bronx, in the city of New York, as constituted by chapter three hundred and seventy-eight of the laws of eighteen hundred and ninety-seven and all acts amendatory thereof and supplemental thereto, in relation to the office of district attorney of said county and the appointment of clerks, stenographers, interpreter, county detectives, process servers, grand jury clerk and warden of the grand jury.' "

December 11, 1913. Senate bill, Introductory No. 64, Printed No. 68, entitled "An act to amend the legislative law, in relation to the legislative bill drafting commission."

December 11, 1913. Senate bill, Introductory No. 72, Printed No. 73, entitled "An act to amend chapter seven hundred and thirty of the laws of nineteen hundred and thirteen, entitled 'An act to provide for the celebration of the centenary of the battle of Plattsburgh, the appointment of a commission, prescribing the powers and duties and making an appropriation therefor,' generally," as amended.

December 11, 1913. Senate bill, Introductory No. 45, Printed No. 49, entitled "An act to amend the election law, in relation to the direct election of United States senators," as amended.

December 11, 1913. Senate bill, Introductory No. 51, Printed No. 78, entitled "An act to amend the election law, generally," as amended.

December 11, 1913. Senate bill, Introductory No. 47, Printed No. 57, entitled "An act to amend the election law, in relation to direct primaries and to elections generally," as amended.

December 11, 1913. Senate bill, Introductory No. 46, Printed No. 75, entitled "An act to provide for submitting to the people the question, ' Shall there be a convention to revise the constitution and amend the same? ' and to provide for such convention, if a majority of the electors shall decide that such convention be held," as amended.

December 12, 1913. Senate bill, Introductory No. 48, Printed No. 79, entitled "An act in relation to assuring compensation for injuries or death of certain employees in the course of their employment and repealing certain sections of the labor law relating thereto, constituting chapter sixty-seven of the consolidated laws," as amended.

December 12, 1913. Senate bill, Introductory No. 50, Printed No. 54, entitled "An act to amend the insurance law, in relation to the approval of premium rates of corporations and associations transacting the business of workmen's compensation insurance," as amended.

December 12, 1913. Senate bill, Introductory No. 49, Assembly Reprint No. 53, entitled "An act to amend the insurance law, in relation to the creation of mutual companies to insure employers against loss, damage or compensation resulting from injuries suffered by employees or other persons for which the person insured is liable," as amended.

December 12, 1913. Senate bill, Introductory No. 74, Printed No. 83, entitled "An act making an appropriation for the payment of counsel of the respondent in the matter of the trial of the articles of impeachment against William Sulzer."

December 12, 1913. Senate bill, Introductory No. 73, Assembly Reprint No. 56, entitled "An act making an appropriation for the compensation of counsel and

other expenses of the board of managers of the assembly in the matter of the trial of the articles of impeachment against William Sulzer.”

January 20, 1914. Senate bill, Introductory No. 8, Printed No. 8, entitled “An act to amend chapter seven hundred and sixty of the laws of eighteen hundred and ninety-seven, as amended, entitled ‘An act to revise the charter of the city of Watertown,’ in relation to extending the time for the payment of taxes.”

January 28, 1914. Senate bill, Introductory No. 173, Printed No. 173, entitled “An act to amend chapter seven hundred and five of the laws of nineteen hundred and thirteen, creating a commission to revise the banking law, and making an appropriation therefor, by extending the time of such commission to report.”

January 29, 1914. Assembly bill, Introductory No. 149, Printed No. 148, entitled “An act to amend chapter four hundred and seventy-one of the laws of nineteen hundred and thirteen, entitled ‘An act to provide for a commission on the codification of the practice and procedure in the municipal court of the city of New York and to simplify, revise and amend the pleadings, practice and procedure therein, and to provide rules for the conduct of the court, justices, clerks and attaches thereof and the marshals attached to the said court,’ in relation to extending the commission’s time to report to the legislature.”

February 2, 1914. Senate bill, Introductory No. 267, Assembly Reprint No. 848, entitled “An act to reenact and amend the workmen’s compensation law,” as amended.

February 5, 1914. Senate bill, Introductory No. 43, Printed No. 384, entitled “An act to amend the election law, in relation to nominations in cities holding their election at a time other than the general election,” as amended.

February 16, 1914. Senate bill, Introductory No. 513, Printed No. 551, entitled "An act to create a commission to endeavor to secure appropriate federal legislation to remedy existing conditions in the state as to the alien insane."

March 5, 1914. Assembly bill, Introductory No. 1138, Printed No. 1224, entitled "An act to accept a deed of gift from Emma Treadwell Thacher to the people of the state of New York of land in the towns of New Scotland and Guilderland in the county of Albany, and state of New York, to be dedicated to the purpose of a public park to be known as 'John Boyd Thacher Park.'"

March 5, 1914. Assembly bill, Introductory No. 1167, Printed No. 1231, entitled "An act to legalize the filing of certain certificates of nomination to town and village offices."

March 19, 1914. Senate bill, Introductory No. 542, Printed No. 1552, entitled "An act to amend the banking law in regard to private bankers and to repeal article three-a of the general business law, relating to private banking," as amended.

March 24, 1914. Assembly bill, Introductory No. 1502, Printed No. 1831, entitled "An act making an appropriation for carrying out the provisions of the workmen's compensation law."

March 25, 1914. Senate bill, Introductory No. 1317, Printed No. 1649, entitled "An act making an appropriation for the state commission of highways for the maintenance and repair of public highways improved or constructed by state aid."

March 25, 1914. Senate bill, Introductory No. 1294, Printed No. 1630, entitled "An act to amend the election law, generally."

March 25, 1914. Senate bill, Introductory No. 659, Printed No. 1650, entitled "An act to authorize

a city of the second or third class to adopt a simplified form of government," as amended.

March 25, 1914. Senate bill, Introductory No. 713, Printed No. 1666, entitled "An act in relation to banking corporations, and individuals, partnerships, unincorporated associations and corporations under the supervision of the banking department, constituting chapter two of the consolidated laws," as amended.

March 25, 1914. Senate bill, Introductory No. 1318, Printed No. 1651, entitled "An act to amend the workmen's compensation law, generally."

March 25, 1914. Senate bill, Introductory No. 1319, Printed No. 1652, entitled "An act to provide for compiling and furnishing data for the delegates to a convention to revise and amend the constitution, and making an appropriation therefor."

March 25, 1914. Assembly bill, Introductory No. 889, Senate Reprint No. 1681, entitled "An act in relation to the municipal court of the city of New York, and repealing certain statutes affecting such court, its justices and officers."

March 25, 1914. Assembly bill, Introductory No. 126, Printed No. 1828, entitled "An act to amend the penal law, in relation to pool selling, book-making, bets and wagers," as amended.

March 26, 1914. Senate bill, Introductory No. 1315, Printed No. 1678, entitled "An act to provide ways and means for the annual contribution to the highway improvement sinking fund."

March 26, 1914. Senate bill, Introductory No. 1019, Printed No. 1673, entitled "An act to amend the Greater New York charter, in relation to the better prevention of fires and fire hazards," as amended.

March 26, 1914. Senate bill, Introductory No. 677, Printed No. 1470, entitled "An act to amend the tax law, in relation to the appointment of appraisers,

stenographers and clerks, and surrogate's assistants in New York, Kings and other counties," as amended.

March 26, 1914. Senate bill, Introductory No. 1314, Printed No. 1639, entitled "An act to provide ways and means for the annual contribution to the canal sinking funds."

March 26, 1914. Assembly bill, Introductory No. 1276, Printed No. 1768, entitled "An act to provide for the reconstruction, decoration, equipment and repair of rooms in the state capitol for the department of health, and making an appropriation therefor," as amended.

March 26, 1914. Senate bill, Introductory No. 1128, Printed No. 1622, entitled "An act to amend the general business law, in relation to the establishment of a department of foods and markets, and making an appropriation therefor."

March 26, 1914. Senate bill, Introductory No. 1018, Printed No. 1654, entitled "An act to amend the Greater New York charter, in relation to the establishment, organization, powers and duties of a department of markets," as amended.

March 26, 1914. Senate bill, Introductory No. 41, Printed No. 41, entitled "An act to create a commission to investigate the housing of the people in cities of the second class and making an appropriation therefor."

March 26, 1914. Assembly bill, Introductory No. 1496, Senate Reprint No. 1660, entitled "An act to amend the housing law in cities of the second class, in relation to the time when the same shall take effect," as amended.

March 26, 1914. Senate bill, Introductory No. 1323, Printed No. 1662, entitled "An act to amend the banking law, in relation to establishing land security banks."

March 26, 1914. Assembly bill, Introductory No. 1230, Printed No. 1833, entitled "An act to amend the insanity law, in relation to the detention and care of insane persons prior to their transfer to institutions for the insane," as amended.

March 26, 1914. Assembly bill, Introductory No. 1382, Printed No. 1592, entitled "An act to provide for an estimate of the cost of a statue of Samuel J. Tilden," as amended.

March 26, 1914. Senate bill, Introductory No. 1224, Printed No. 1679, entitled "An act to amend the labor law, in relation to fire protection and ventilation," as amended.

March 26, 1914. Senate bill, Introductory No. 1321, Printed No. 1658, entitled "An act making an appropriation for carrying out the provisions of the workmen's compensation law."

March 26, 1914. Senate bill, Introductory No. 235, Printed No. 1659, entitled "An act to amend the Tonawanda city charter, in relation to street, highway and sewer bonds," as amended.

March 26, 1914. Senate bill, Introductory No. 1223, Printed No. 1670, entitled "An act to amend the labor law, in relation to fire-escapes and stairways," as amended.

March 26, 1914. Senate bill, Introductory No. 885, Printed No. 1600, entitled "An act to amend the highway law, in relation to motor vehicles," as amended.

March 26, 1914. Senate bill, Introductory No. 1324, Printed No. 1663, entitled "An act to amend the public service commissions law, in relation to stay or suspension of orders of the commission and the power of the commission to suspend rate schedule," as amended.

March 27, 1914. Assembly bill, Introductory No. 1205, Senate Reprint No. 1675, entitled "An act to amend the labor law, in relation to the hours of labor of women and children in mercantile establishments," as amended.

March 27, 1914. Senate bill, Introductory No. 1311, Printed No. 1633, entitled "An act to amend the election law, in relation to new enrollment books for changed districts," as amended.

March 27, 1914. Senate bill, Introductory No. 1315, Printed No. 1678, entitled "An act to provide ways and means for the annual contribution to the highway improvement sinking fund," as amended.

March 27, 1914. Senate bill, Introductory No. 1325, Printed No. 1667, entitled "An act to provide ways and means for the support of the government."

March 27, 1914. Assembly bill, Introductory No. 181, Senate Reprint No. 1676, entitled "An act to amend the labor law, in relation to employees in dairies, creameries, milk condensaries, milk shipping stations, butter and cheese factories, ice cream manufacturing plants, and milk bottling plants," as amended.

March 27, 1914. Senate bill, Introductory No. 586, Printed No. 633, entitled "An act to amend the state boards and commissions law, in relation to commissioners of water power on Black river and transferring to such commissioners certain powers and duties of the conservation commission," as amended.

March 27, 1914. Senate bill, Introductory No. 35, Assembly Reprint No. 1832, entitled "An act to amend the public health law, in relation to the sale of habit-forming drugs," as amended.

March 27, 1914. Senate bill, Introductory No. 5, Printed No. 1562, entitled "An act to amend the

penal law, in relation to the sale of antiseptic tablets containing poisons, especially bichloride of mercury."

March 27, 1914. Assembly bill, Introductory No. 1333, Senate Reprint No. 1680, entitled "An act to provide a new form of organization and municipal government for the city of Olean," as amended.

March 27, 1914. Senate bill, Introductory No. 677, Printed No. 1470, entitled "An act to amend the tax law, in relation to the appointment of appraisers, stenographers and clerks and surrogate's assistants in New York, Kings and other counties," as amended.

March 27, 1914. Senate bill, Introductory No. 847, Printed No. 1677, entitled "An act to amend the highway law, in relation to motor cycles," as amended.

March 27, 1914. Assembly bill, Introductory No. 307, Senate Reprint No. 1674, entitled "An act making appropriations for the support of government," as amended.

March 27, 1914. Assembly bill, Introductory No. 307, Senate Reprint No. 1764, entitled "An act making appropriations for construction, improvements, repairs and equipments at various state institutions and other properties belonging to the state," as amended.

March 27, 1914. Assembly bill, Introductory No. 1329, Senate Reprint No. 1672, entitled "An act making appropriations for certain expenses of government and various miscellaneous appropriations and supplying deficiencies in former appropriations," as amended.

May 12, 1914. Assembly bill, Introductory No. 5, Senate Reprint No. 14, entitled "An act making appropriations for the support of government."

May 12, 1914. Senate bill, Introductory No. 4, Printed No. 4, entitled "An act to provide ways and means for the annual contributions to the canal sinking fund."

May 12, 1914. Assembly bill, Introductory No. 9, Printed No. 9, entitled "An act to authorize a temporary state loan to be used by the Adjutant General for necessary expenses in preparing the national guard for active service."

May 12, 1914. Assembly bill, Introductory No. 4, Senate Reprint No. 13, entitled "An act making appropriations for certain expenses of government and various miscellaneous appropriations and supplying deficiencies in former appropriations."

May 20, 1914. Assembly bill, Introductory No. 14, Printed No. 14, entitled "An act to amend and repeal certain provisions of the insanity law relative to the Mohansic state hospital and certain appropriation acts relating thereto, and to authorize the sale of lands and grounds of such hospital."

May 20, 1914. Assembly bill, Introductory No. 3, Senate Reprint No. 12, entitled "An act making appropriations for construction, improvements, repairs, and equipments at various state institutions and for other miscellaneous construction and improvements," as amended.

May 20, 1914. Assembly bill, Introductory No. 15, Printed No. 15, entitled "An act in relation to the fall primary in the year nineteen hundred and fourteen."

May 20, 1914. Assembly bill, Introductory No. 5, Senate Reprint No. 14, entitled "An act making appropriations for the support of government," as amended.

May 20, 1914. Assembly bill, Introductory No. 4, Senate Reprint No. 13, entitled "An act making appropriations for certain expenses of government and various miscellaneous appropriations and supplying deficiencies in former appropriations," as amended.

May 20, 1914. Assembly bill, Introductory No. 13, Printed No. 13, entitled "An act to provide for the ac-

quisition of a site for a new state hospital for the insane, the construction of buildings thereon, and making appropriations therefor."

May 20, 1914. Senate bill, Introductory No. 11, Printed No. 11, entitled "An act making an appropriation for the payment of interest on the debt for highway improvement contracted or to be contracted under article seven, section four, of the constitution, and as provided by law, for the fiscal year beginning on the first day of October, nineteen hundred and fourteen."

May 20, 1914. Assembly bill, Introductory No. 16, Printed No. 16, entitled "An act making an appropriation or appropriations for the valuation of telephone properties in the city of New York."

V

VETO MESSAGES AND MEMORANDA

[881]

V

VETO MESSAGES AND MEMORANDA

Items of Appropriations Objected to in Bill Appropriating Money for the Support of Government Passed in Extraordinary Session, Other Portions of which Bill Were Approved

STATE OF NEW YORK — EXECUTIVE CHAMBER

December 24, 1913

MEMORANDUM filed with Assembly bill, Printed No. 54 (Senate Reprint No. 71) (Extraordinary Session) entitled:

“An act making appropriations for the support of the government.”

Statement of items of appropriations of money contained in said bill which are severally objected to, to wit:

Under the head of “Administrative:”

ATTORNEY-GENERAL

OFFICIAL SALARIES

“For Olin M. Landreth, consulting engineer for services and expenses in re state of New York against the state of New Jersey and the Passaic Valley sewer commission, from October twenty-second, nineteen hundred and eight, to July eighth, nineteen hundred and nine, the sum of five hundred and twelve dollars and fifty-one cents, or so much thereof as may be necessary to be paid on the approval of the attorney-general. \$512.51.”

I have not sufficient information before me to warrant approval of this item.

Under the head of " Curative: "

STATE HOSPITAL COMMISSION

" For services of Charles G. Armstrong on engineering work at Kings Park State Hospital, six thousand three hundred dollars, \$6,300.00."

I have not sufficient information before me to warrant approval of this item.

Under the head of " Protective: "

CONSERVATION DEPARTMENT

OFFICIAL SALARIES

" For salary of the superintendent of inland fisheries for fiscal year beginning October first, nineteen hundred and thirteen, two thousand five hundred dollars, \$2,500.00."

This amount was not contained in the annual appropriation bill passed at the regular session of the Legislature of 1913, and I am convinced that the work of the Conservation Department will not be crippled by the elimination of this item.

Under the head of " Protective: "

CONSERVATION DEPARTMENT

DIVISION OF LANDS AND FORESTS

" For inspection of forest lands by John Robb, and commission for the purchase of same, the sum of two thousand dollars, \$2,000.00."

I have not sufficient information before me to warrant the approval of this item.

Under the head of "Protective: "

FIRE ISLAND STATE PARK

SALARIES

"Other help, two hundred and twenty-five dollars, \$225.00."

Disapproved as unnecessary.

Under the head of "Protective: "

FIRE ISLAND STATE PARK

INCIDENTAL EXPENSES

"For incidental expenses, two thousand dollars, \$2,000.00."

Disapproved as unnecessary at this time.

Under the head of "Protective: "

PUBLIC LANDS

TOWN OF HARRIETSTOWN

"For the town of Harrietstown, Franklin County, for the payment of the amount of taxes levied or which should have been levied, pursuant to section twenty-two of the tax law, for the years eighteen hundred and ninety-nine to nineteen hundred and eleven, inclusive, upon the real property in such town used by the board of trustees of Cornell University, for a college of forestry, under claim of title by virtue of a deed or conveyance from the state pursuant to chapter one hundred and twenty-two of the laws of eighteen hundred and ninety-eight, which deed or conveyance has been determined by the court of appeals to be ineffectual and void; payable by the treasurer on the warrant and audit of the comptroller to the super-

visor of such town for general town purposes, eight thousand and twenty-four dollars and ninety-nine cents, \$8,024.99."

This item is a claim against the State. The facts should be established by competent legal evidence before some proper tribunal.

The legal question whether this is an obligation which should be discharged by the disbursement of State moneys should be passed upon by the Attorney-General. In all similar cases where any doubt exists either as to the facts or the legal obligation of the State, all such claims should be heard and determined by the State Board of Claims.

My attention has been called to the fact that there are probably a number of similar claims; all should be established by legal and competent evidence before a duly authorized State officer or other proper tribunal, and when found correct, both as to the facts and the law, should be covered in a single item in the annual appropriation bill. Without passing upon the merits or the justice of the claim, for the foregoing reasons, the item is disapproved.

Under the head of "Protective:"

PUBLIC LANDS

TOWN OF HARRIETSTOWN

"For union free school district number one of the town of Harrietstown, New York, for the payment of the amount of taxes levied or which should have been levied, pursuant to section twenty-two of the tax law, for the years eighteen hundred and ninety-eight to nineteen hundred and eleven, inclusive, upon the real property in such union free school district number one used by the board of

trustees of Cornell University for a college of forestry, under claim of title by virtue of a deed or conveyance from the state pursuant to chapter one hundred and twenty-two of the laws of eighteen hundred and ninety-eight, which deed or conveyance has been determined by the court of appeals to be ineffectual and void; payable by the treasurer on the warrant and audit of the comptroller to the trustees of said union free school district for general school purposes, nine thousand six hundred and ninety-six dollars and seventeen cents, \$9,696.17."

This item is disapproved at this time, for the reasons stated under the last preceding item.

Under the head of "Protective:"

PUBLIC LANDS

TOWN OF SANTA CLARA

"For the town of Santa Clara, Franklin county, for the payment of the amount of taxes levied, or which should have been levied, pursuant to section twenty-two of the tax law, for the years eighteen hundred and ninety-nine to nineteen hundred and eleven, both inclusive, upon the real property in such town used by the board of trustees of Cornell University for a college of forestry, under claim of title by virtue of a deed or conveyance from the state pursuant to chapter one hundred and ninety-eight, which deed or conveyance has been determined by the court of appeals to be ineffectual and void, including taxes against such real property for the year eighteen hundred and ninety-five, levied on the assessment roll of nineteen hundred, but rejected; payable by the treasurer on the war-

rant and audit of the comptroller to the supervisor of such town for general town purposes, three thousand two hundred ninety-eight dollars and sixty-seven cents, \$3,298.67."

Disapproved for the same reasons stated concerning the foregoing items relating to the town of Harriets-town.

Under the head of " Protective: "

PUBLIC LANDS

TOWN OF SANTA CLARA

" The sum of ten hundred and twenty-five dollars and fourteen cents (\$1,025.14), or so much thereof as may be necessary, is hereby appropriated for the payment of taxes assessed in the year nineteen hundred and twelve upon wild or forest lands of the state in the town of Clifton, Saint Lawrence county; but the money hereby appropriated shall not be paid to the town until the assessment-roll of such town shall have been filed with the conservation commission and the state comptroller, as required by section twenty-two of the tax law, as amended by chapter two hundred and forty-five of the laws of nineteen hundred and twelve, nor until such assessment shall have been approved by the comptroller as required by such section, \$1,025.14.

Disapproved for the same reasons stated concerning the foregoing items relating to the town of Harriets-town.

Under the head of " General: "

ERRONEOUS PAYMENT OF TAXES

" For refund of taxes erroneously paid into the State, \$2,500.00."

I am disapproving this item for the reason that I am advised that a similar item was approved in the general appropriation bill passed at the regular session of the Legislature this year, and there is no pressing necessity for an additional appropriation at this time.

(Signed) MARTIN H. GLYNN.

Items of Appropriations Contained in Bill for Payment of Duties Contracted by Departments Prior to September 30, 1913, Other Portions of which Bill Were Approved

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *December 24, 1913*

MEMORANDUM filed with Senate bill, Printed No. 72 (Extraordinary Session), entitled:

“An act making appropriations for the payment and discharge of indebtedness contracted, incurred and accumulated from year to year by departments and officers of the state prior to September thirtieth, nineteen hundred and thirteen, in excess of the appropriations made for said departments and officers.”

Under the head of “Regulative:”

DIVISION OF COMMUNICABLE DISEASES

SUPPRESSING EPIDEMICS

“For deficiency in appropriation for the salaries of the district sanitary supervisors, director of tuberculosis division, medical experts, public health nurses, lecturers and expenses incurred in

the suppression, control and prevention of epidemics of infectious and contagious diseases, and for tuberculosis exhibits in the several municipalities of the state, three thousand six hundred and forty-three dollars and eighteen cents, \$3,643.18."

The information before me concerning this item does not convince me that the foregoing is a proper disbursement of State funds.

Under the head of " Defensive: "

NATIONAL GUARD

GENERAL EXPENSES

" For deficiency in the appropriation for actual and necessary expenses of the national guard and office of the adjutant general, twenty-six thousand seven hundred and seventy-one dollars, \$26,771.00."

I consider that the Adjutant-General has sufficient funds on hand to meet the requirements of his office.

Under the head of " Defensive: "

NATIONAL GUARD

ALLOWANCES TO HEADQUARTERS

" For deficiency in the appropriation for allowances to headquarters of brigades, regiments, battalions and squadrons, and office of the chief of coast artillery, five thousand two hundred and sixty-seven dollars and ninety-five cents, \$5,267.95."

I consider that the Adjutant-General has sufficient funds on hand to meet the requirements of his office.

Under the head of " Defensive: "

NATIONAL GUARD

CAMP OF INSTRUCTION, PEEKSKILL

" For the armory commission for necessary expense in construction of quarters for caretaker and rangekeeper of the camp of instruction, Peekskill, eight thousand five hundred dollars, \$8,500.00."

Disapproved as unnecessary at this time.

Under the head of " Penal: "

STATE COMMISSION OF PRISONS

TRAVELING EXPENSES

" For deficiency in the appropriation for actual and necessary traveling expenses of commissioners and secretary in the performance of their official duties, two thousand eight hundred and sixty-nine dollars and thirty-one cents, \$2,869.31."

Disapproved, as I am advised that this item is a duplication.

Under the head of " Penal: "

REIMBURSING CAYUGA COUNTY

" For the payment of expenses incurred and paid by Cayuga County in the criminal proceedings conducted in said county against certain inmates of Auburn Prison, pursuant to the provisions of chapter three hundred and eighty-nine of the laws of eighteen hundred and eighty-two, one thousand two hundred and thirty-three dollars and ninety-seven cents, \$1,233.97."

The facts on which this claim against the State is based should be established by competent legal evidence before a proper tribunal, and the legal obligation

of the State should be passed upon by the Attorney-General. Such evidence is not before me and, therefore, I am unable to determine at this time that the foregoing is a proper disbursement of the State funds.

Under the head of "Curative:" •

INSPECTORS OF BUILDINGS AND SUPPLIES

OFFICIAL SALARIES

"One thousand five hundred dollars, being the unexpended balance of an appropriation made by chapter seven hundred and ninety-two of the laws of nineteen hundred and thirteen, for the necessary and actual expenses of the inspector of supplies in lieu and in full of all such expenses or so much thereof as may be necessary, is hereby re-appropriated for the personal expenses and disbursements of the inspector of supplies, in lieu and in full for all such expenses (re. \$1,500). \$1,500.00."

Disapproved as unnecessary.

Under the head of "Highway Improvement Fund:"

DEPARTMENT OF HIGHWAYS

OFFICIAL SALARIES

"For deficiency in salary of private secretary to the commissioner, from October first, nineteen hundred and thirteen, to September thirtieth, nineteen hundred and fourteen, five hundred dollars, \$500.00."

Disapproved as unnecessary.

STATEMENT

The items in this bill are to pay indebtedness incurred by State departments in excess of the appropriation made by the Legislature for said departments.

Concerning this subject matter I shall take this opportunity to repeat what I stated in my special message to the extraordinary session of the Legislature on December 11, 1913.

In such message I stated:

The deficiencies to which this message refers were contracted in violation of every wise, prudent and proper legislation. The officials now in office are not to be held responsible for this condition. No department or officer has any right to contract debts in excess of the amount which the Legislature fixes as the total amount allowed in its view of the necessities of government for the conduct of the business of that department or office. When debts in excess of appropriations thus made are contracted, the department or officer doing so, except in cases of extraordinary emergency not possible of prevention, usurps the powers of the Legislature.

I am convinced that a public officer who contracts debts in the name of the State in excess of appropriations made by the Legislature for the conduct of the business intrusted to him, evinces a disregard of the proprieties of his position, and incompetency in the management of his department, and an unworthiness for the trust reposed in him. While I am administering the executive functions of the State, I shall consider the continuance of this deplorable practice by any officer subject to my power of removal, as sufficient justification for his removal from office.

I desire to add that I shall not countenance such irregular practices in the future, nor condone them by approving items similar to those contained in this bill.

(Signed) MARTIN H. GLYNN.

Amending the Insurance Law in Relation to Premium Rates of Corporations Transacting Business of Workmen's Compensation Insurance

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *December 31, 1913*

MEMORANDA filed with Senate bill, Printed No. 54 (Extraordinary Session), entitled:

“An act to amend the insurance law, in relation to the approval of premium rates of corporations and associations transacting the business of workmen's compensation insurance.”

NOT APPROVED.

I have given careful consideration to this bill and approve its policy and purpose in giving to the Superintendent of Insurance supervision over the rates fixed by insurance corporations insuring employers against liability for compensation under the Workmen's Compensation Law, but I deem it improper to approve of this bill in its present form.

The bill now before me gives supervision to the Superintendent of Insurance over “every insurance corporation or *association* authorized to transact business in this State, which insures employers against liability for compensation under Workmen's Compensation Law.”

It undoubtedly was not the intent or purpose of the Legislature to lodge any supervisory power with the Superintendent of Insurance over the rates to be fixed or charged for insurance in the State insurance fund authorized by the Workmen's Compensation Law.

The language of the present bill is ambiguous and doubtful and may lead to judicial controversy as to whether or not the word “association” as used in this bill did not give supervisory power to the Super-

intendent of Insurance over the rates used for insurance in the State fund.

This ambiguity could be readily obviated if after the word "association" in the bill a clause were added, "except the State insurance fund."

Were the Legislature still in session I should suggest that this bill be recalled for amendment, but since the Legislature has adjourned, I am compelled at this time to disapprove this bill for the reasons above stated, and believe that a similar bill more carefully drawn should be introduced and passed at the earliest practicable date by the Legislature of 1914.

The bill is disapproved.

(Signed) MARTIN H. GLYNN.

**Amending Railroad Law for the Relief of the Corning,
Keuka Lake and Ontario Railway Company**

STATE OF NEW YORK — EXECUTIVE CHAMBER

To the Senate:

ALBANY, March 24, 1914

I return, without my approval, Senate bill, Introductory No. 260, Printed No. 262, entitled:

"An act to amend the railroad law, in relation to the construction of certain railroads where the property of the company has been sold under foreclosure proceedings."

While this bill is general in form, it is designed solely for the relief of the Corning, Keuka Lake and Ontario Railway Company. Some of its proponents urge that it is necessary as a matter of law, while others claim that it is a necessity only as an attraction to capital, but I do not think there is any reasonable doubt but that the right to construct a railroad under the original franchise expired thirty or forty years ago.

Section 18 of article III of the Constitution provides that the Legislature shall not pass a private or local bill granting to any corporation the right to lay down railroad tracks. If this bill were directly phrased as a bill entitling the Corning, Keuka Lake and Ontario Railway Company, it would be obviously unconstitutional, yet the claim is urged that since the bill is general in form, although special in application, it escapes the prohibition of the Constitution.

I do not find it necessary to decide this constitutional question. Hon. Charles E. Hughes, while he was Governor, under date of June 4, 1907, vetoed substantially the same bill, stating that he was "clearly of the opinion that such an evasion of the constitutional requirement should not be sanctioned."

During the seven years which have intervened, the company has apparently taken no action, except to institute a proceeding before the Public Service Commission, which was dismissed in June, 1912, for failure to prosecute. I regard Governor Hughes' veto as sound, and no sufficient reasons have been adduced to justify me in overruling it.

(Signed) MARTIN H. GLYNN.

Amending General Business Law in Relation to Fees and Charges for Elevators and Warehouses

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 2, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 1068, Printed No. 1141, entitled:

"An act to amend the general business law, in relation to fees and charges for elevators and warehouses."

NOT APPROVED.

The present act provides that the maximum charge in any city having a population of 130,000 or over, shall not exceed five-eighths of one cent a bushel. It is in principle, the same as chapter 581 of the Laws of 1888, which was held to be valid in *People v. Budd*, 117 N. Y. 1, affirmed in *Budd v. New York*, 143 U. S. 517, and there has never been any difficulty in enforcing its provisions.

The proposed amendment is to insert after the words, "maximum charge," the words, "to be made or fixed by any person, co-partnership, or corporation, or association of persons, co-partnerships and corporations, or any of them." This simple amendment might be disapproved as wholly unnecessary were it not for the words "association of persons." These words, however, instead of affording a reason for the approval of the measure, afford a conclusive reason for its disapproval, because their effect would be to give legal standing to a possible combination which would otherwise violate the anti-trust laws of the State.

(Signed) MARTIN H. GLYNN.

**Authorizing the United Brethren Church of New Dorp
to Acquire Land for Burial Purposes**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 3, 1914.*

MEMORANDUM filed with Senate bill, Introductory No. 1280, Printed No. 1557, entitled:

"An act to authorize the United Brethren Church of New Dorp to purchase and acquire certain lands in the county of Richmond for burial purposes."

NOT APPROVED.

The State of New York and the City of New York, by appropriate legislation, have heretofore adopted a policy limiting the acquisition of land for cemetery purposes in a number of counties, including Kings, Queens and Richmond in the City of New York (Real Property Law, § 451; Greater New York Charter, § 1539-a).

This bill would evade the effect of these general laws and, by special legislation, authorize the acquisition of a particular parcel of land in Richmond county in New York city, "without the concurrence or approval of any board or body of such city or county." If the policy of the State and the city of New York is to be modified, it should be by appropriate legislation, amending the Real Property Law and the Charter, so that any and all persons and corporations who may conceive that they need further land for cemetery purposes may avail themselves of the provisions thereof subject to appropriate regulation of the city authorities.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Confer Jurisdiction Upon the Board of Claims to Determine Special Cases

STATE OF NEW YORK.—EXECUTIVE CHAMBER

ALBANY, *April 4, 1914*

MEMORANDUM filed with bills specified below:

NOT APPROVED.

The following bills conferring jurisdiction upon the Board of Claims to determine special cases are disapproved. If the jurisdiction of the Board of Claims

should be enlarged, or the general law is otherwise inadequate, the general law should be amended, so that the jurisdiction of the Board of Claims will be governed by general rules applicable impartially and not by special legislation in favor of particular claimants.

The bills above referred to are as follows:

Senate bill, Introductory No. 379, Printed No. 761, introduced by Mr. Murtaugh, entitled:

“An act to confer jurisdiction upon the board of claims to hear, try and determine the claim of James J. Roberts for damages sustained by the alleged negligence of the state of New York.”

Senate bill, Introductory No. 488, Printed No. 760, introduced by Mr. Blauvelt, entitled:

“An act conferring jurisdiction upon the board of claims to hear and determine the claim of James Donnelly against the state and to make an award therefor.”

Senate bill, Introductory No. 266, Printed No. 762, introduced by Mr. Malone, entitled:

“An act conferring jurisdiction upon the board of claims to hear and determine the claim of Ida Lorch against the state, and to make award therefor.”

Senate bill, Introductory No. 265, Printed No. 763, introduced by Mr. Malone, entitled:

“An act conferring jurisdiction upon the board of claims to hear and determine the claim of Harold Huma against the state, and to make an award therefor.”

Senate bill, Introductory No. 570, Printed No. 617, introduced by Mr. Thompson, entitled

“An act to confer jurisdiction upon the board of claims to hear, audit and determine the alleged claim of Benjamin Anderson and Nancy Anderson for the value of land appropriated for barge canal improvement.”

Senate bill, Introductory No. 835, Printed No. 1478, introduced by Mr. Whitney, entitled:

“An act to authorize the board of claims to hear and determine a claim to be filed by Sylvanus Barnt, of the town of Halfmoon, county of Saratoga and state of New York, for injury to property alleged to have been caused by the negligence of the state.”

Senate bill, Introductory No. 1033, Printed No. 1482, introduced by Mr. Walters, entitled:

“An act to confer jurisdiction upon the board of claims to hear, audit and determine the alleged claims for compensation and disbursements of counsel employed during the investigation ordered by a resolution of the senate adopted April first, in the year nineteen hundred and thirteen.”

Senate bill, Introductory No. 1163, Printed No. 1372, introduced by Mr. Emerson, entitled:

“An act to confer jurisdiction upon the board of claims to hear, try and determine the claim of Mary Ann Scozzafava, as administratrix of the goods, chattels and credits of Samuel Scozzafava, deceased, the same as though the notice of intention to file a claim had been given within the time

prescribed by section two hundred and sixty-four of the code of civil procedure.”

Senate bill, Introductory No. 1195, Printed No. 1642, introduced by Mr. Ormrod, entitled:

“An act to confer jurisdiction upon the board of claims to hear, audit and determine the alleged claim of Frederick Myers against the state of New York for damages alleged to have been sustained by such person and to render judgment therefor.”

Senate bill, Introductory No. 1243, Printed No. 1497, introduced by Mr. White, entitled:

“An act conferring jurisdiction upon the board of claims to hear and determine the claim of Alonzo B. Coons, attorney-at-law, for professional services and expenses, and to make award therefor.”

Senate bill, Introductory No. 1276, Printed No. 1545, introduced by Mr. Foley, entitled:

“An act to authorize the board of claims to hear, audit and determine the claims of Louise B. Hill, Rowland F. Hill, Junior, George P. Hill, and Mary Louise Hill, legal representatives and successors in interest of Rowland F. Hill, deceased, against the state of New York.”

Assembly bill, Introductory No. 41, Printed No. 40, introduced by Mr. Murphy, entitled:

“An act to confer jurisdiction on the board of claims to hear, audit and determine the alleged claim of John I. Munro against the state for damages alleged to have been sustained by him while in the employ of the state at Kings Park State Hospital, and to render judgment therefor.”

Assembly bill, Introductory No. 309, Printed No. 310, introduced by Mr. Machold, entitled:

“An act to confer jurisdiction upon the board of claims to hear, try and determine the alleged claims for work, labor and services performed and material furnished to the McDermott Contracting Company, barge canal contractor.”

Assembly bill, Introductory No. 717, Printed No. 745, introduced by Mr. Crane, entitled:

“An act to confer jurisdiction on the board of claims to hear, audit and determine the alleged claims of the publishers of certain newspapers for compensation for the publication under erroneous designations by local authorities or by the secretary of state, of session laws and propositions submitted to the people, and to render judgment therefor.”

Assembly bill, Introductory No. 891, Printed No. 957, introduced by Mr. McGrath, entitled:

“An act to confer jurisdiction upon the board of claims to hear, audit and determine the alleged claim of Michael O’Keefe against the state of New York for damages alleged to have been sustained while in the employ of the state.”

Assembly bill, Introductory No. 1051, Printed No. 1124, introduced by Mr. Fuller, entitled:

“An act to confer jurisdiction on the board of claims to hear, audit and determine the alleged claim of Orley C. Tuttle and Lottie E. Tuttle against the state for damages alleged to have been sustained by them by reason of the appropriation in Oneida county by the state for canal purposes

of certain lands, and also the cutting off of certain lands from access by reason of such appropriation and to render judgment therefor.”

(Signed) MARTIN H. GLYNN.

**Amending the Conservation Law Relative to Taking of
Certain Non-Game Fish Through the Ice**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 6, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 970, Printed No. 1665, entitled:

“An act to amend the conservation law, in relation to taking certain non-game fish through the ice.”

NOT APPROVED.

The Conservation Commission opposes this bill. It would add a new section to the Conservation Law, authorizing the taking of certain non-game fish by snatch hooks through the ice and also provides that, in taking such fish, “driving” shall be permitted. Under the existing law, the Conservation Commission has authority to permit the use of snatch hooks for taking non-game fish in waters which are not inhabited by trout, but the present bill would permit the use of snatch hooks in trout waters, which the Conservation Commission regards as detrimental to trout. Moreover, the provision of the bill permitting “driving” violates the settled policy of the State to prohibit “driving” in all cases.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Extend the Corporate Existence of the Enterprise Land Company

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 6, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 1000, Printed No. 1129, entitled:

“An act to amend chapter two hundred and eighty-nine of the laws of nineteen hundred and eleven, entitled ‘An act to extend the corporate existence of the Enterprise Land Company; and to validate its conveyance of real estate and the election of its trustees,’ in relation to the purposes for which the corporate existence of such company was heretofore extended.”

NOT APPROVED.

The title to this bill refers to the “ purposes ” for which the corporate existence of the company was heretofore extended, but the only purpose which appears in the body of the bill is to permit the company to institute actions to recover any damages done to any real property of which it “ at any time may have been seized ” instead of real property of which it was seized at the time the act of nineteen hundred and eleven was passed. In other words, the only new purpose for extending the corporate existence of the company is to give it new rights of actions for damages or to open up some statute of limitations which has expired. I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**Amending the Conservation Law in Relation to Fish
in Certain Waters of Warren County**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 6, 1914*

MEMORANDUM filed with Assembly bill, Introductory
No. 25, Printed No. 1757, entitled:

“An act to amend the conservation law in relation to fish in certain waters of Warren county.”

NOT APPROVED.

The Conservation Commission opposes this bill. It would establish a special season for Warren county for lake trout, black bass, bullheads, perch and bait fish. One of the chief objects of enacting the Conservation Law was to have a general law which would be applicable throughout the State, except in such instances as special reasons show that an exception is necessary. The Conservation Commission asserts that it knows of no sufficient reason to justify any separate season for Warren county, except as to Lake George, which is already covered by section 241-a of the Conservation Law. Additional reasons for disapproving this bill are found in the fact that the present bill does not expressly repeal section 241-a, nor does it refer to Schroon Lake, which is partly in Warren county and partly in Essex county, so that if the bill were signed, there would be one season for that portion of Schroon Lake which is in Warren county and another season for that portion of the lake which is in Essex county. The enactment of this bill into law would serve no useful purpose and I, therefore, disapprove it.

(Signed) MARTIN H. GLYNN.

**Amending Highway Law Relative to Maintenance of
Toll Bridges Acquired by State**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 1242, Printed No. 1496, introduced by Mr. Whitney, entitled:

“An act to amend the highway law, in relation to maintenance of toll bridges acquired by the state.”

NOT APPROVED.

The purpose of this bill is to amend the provisions of existing law in relation to the maintenance of toll bridges acquired by the State. The new bill provides that, upon the acquisition of any toll bridge, the cost and expense of maintaining the same shall be paid 50 per cent. by the State, except in case of a bridge which crosses a river or other waters forming the boundary between two counties, in which case the State shall pay 65 per cent. of such expense. I am in favor of the abolition of toll bridges, and I should be glad to give my approval to any fair bill facilitating the procedure for their acquisition and making more adequate provision for their maintenance, but the percentage amounts prescribed in this bill for contributions by the State are altogether too high and would greatly increase the present expenditures of the State. Under these circumstances, I disapprove the bill.

(Signed) MARTIN H. GLYNN.

**Amending Public Lands Law in Relation to Lease of
State Lands for Experiment in Agriculture and
Forestry**

STATE OF NEW YORK.—EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 904, Printed No. 969, introduced by Mr. Cheney, entitled:

“An act to amend the public lands law, in relation to the lease of state lands for experiments in agriculture or forestry.”

NOT APPROVED.

The purpose of this bill is to permit schools of forestry to use without compensation, certain lands heretofore acquired by the State through foreclosure of mortgage or tax sales. It also provides an appropriation of \$5,000. These lands represent a cost to the State of approximately \$350,000, and at present produce an insignificant income. In the majority of cases they are remote from the schools of forestry. They should be made to produce a reasonable income, and there is no justification of a policy which would destroy what little income they now produce. I should be willing to sign a bill providing that certain specified parcels, conveniently situated, might be used for the purpose indicated, but that would be wholly different legislation.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**For the Re-establishment of the State Library and the
Completion of the Education Building, the Restora-
tion of the Traveling Libraries and the State
Museum**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 1186, Printed No. 1300, introduced by Mr. Macdonald, entitled:

“An act to amend chapter nine hundred and one of the laws of nineteen hundred and eleven, entitled ‘An act providing for the re-establishment of the state library and making an appropriation therefor, and authorizing contracts for furnishing the education building,’ relative to the restoration of the traveling libraries and the state museum.”

NOT APPROVED.

This bill attempts to authorize the Commissioner of Education to expend money heretofore appropriated for a specific purpose for certain additional purposes. It does not specify the sum appropriated as required by the Constitution. (Constitution, Article III, § 21.)

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

Amending Highway Law in Relation to Motorcycles

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 847, Printed No. 1677, introduced by Mr. Ormrod, entitled:

“An act to amend the highway law in relation to motorcycles.”

NOT APPROVED.

This bill provides for the registration of motorcycles, including all two or three wheeled vehicles propelled by any power other than muscular power, but it is so inartistically framed that its approval is impossible.

Without going into particulars, it is sufficient to point out that the bill only applies to motorcycles hereafter acquired; and that the clause prohibiting the use of unregistered motorcycles refers to sections 3, 4 and 5, and the clause prescribing penalties for violations of the article refers to sections 5, 8 and 11 to 16, and there are no such sections in the bill.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**Providing for the Use of the Rifle Range at Creedmoor,
L. I., as an Aviation Park**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 299, Printed No. 1174, introduced by Mr. Duhamel, entitled:

“An act providing for the use of the rifle range at Creedmoor, Long Island, as a site for an aviation park, and repealing chapter four hundred and seventy-three of the laws of nineteen hundred and eight.”

NOT APPROVED

The State Hospital Commission opposes this bill. The site mentioned was set aside in 1908, by the law sought to be repealed, as a site for the Long Island State Hospital; and it is now devoted to hospital purposes. The insane of the Borough of Brooklyn must, under existing law, be cared for by the State and if, for any reason, it is found undesirable to build a new hospital on the site at Creedmoor, this site can undoubtedly be sold for a sum sufficient to purchase another site within convenient reach of Brooklyn.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

Amending Highway Law in Relation to Connecting Highways

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 625, Printed No. 642, introduced by Mr. Maier, entitled:

“An act to amend the highway law, in relation to connecting highways in cities and villages.”

NOT APPROVED.

The purpose of this bill is to enlarge the opportunities already existing for paving city and village streets at the expense of the State. The expense placed upon the State by existing law for the construction of paved highways in cities and villages has already greatly hindered and postponed the completion of our State highway system, and I cannot approve of legislation which further enlarges this avenue of expenditure.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Provide a Pension System for the Employees of State
Hospitals and Charitable Institutions**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with the bills specified below:

NOT APPROVED.

The object of these bills is to provide a system of pensions for the employees of State hospitals, and the other establishing a new system for the employees of State charitable institutions. The subject of pensioning State employees is one which has attracted a great deal of public attention during the last few years and is obviously one which has much merit. We are, however, on the eve of a constitutional convention, and I think this is one of the great questions on which the initiative should be taken by that body. Moreover, even if the matter is left to the Legislature, I think a general policy should be mapped out and adopted applying alike to employees in all State departments, and that justice cannot be attained by the approval of one or two bills applying to one or two selected departments.

I, therefore, regard it as my duty to disapprove these bills.

The bills are as follows:

Assembly bill, Introductory No. 153, Printed No. 152, introduced by Mr. Brewster, entitled:

“An act to amend the state charities law, in relation to the retirement of employees of state charitable institutions.”

Assembly bill, Introductory No. 1005, Printed No. 1074, introduced by Mr. Phillips, entitled:

“An act to amend the insanity law, in relation to the retirement of employees of state hospitals for the insane.”

(Signed) MARTIN H. GLYNN.

To Amend Highway Law Limiting Amounts to be Raised for Road Machinery in Towns

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 1055, Printed No. 1200, entitled:

“An act to amend the highway law, in relation to limitations of amounts to be raised for road machinery and implements in towns.”

NOT APPROVED.

The purpose of this bill is to raise from five hundred to one thousand dollars, the amount which a town may expend for road machines for building roads, without a vote of the people. The present law provides that the town may expend over five hundred dollars in case such expenditure is duly authorized by the vote of a town meeting, and I believe that to increase the amount which may be expended without such approval is wrong in principle, and I disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend Highway Law in Relation to State Aid for Bridges

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 378, Printed No. 392, introduced by Mr. Murtaugh, entitled:

“An act to amend the highway law, in relation to state aid for bridges.”

NOT APPROVED.

The purpose of this bill, as the title indicates, is to provide for State aid for bridges, and would require the expenditure of five hundred thousand dollars this year and would commit the State to a policy which would cost an expenditure which might amount to several million dollars annually hereafter. Whatever may be said in favor of the adoption of this policy, it is certainly unwarranted by the condition of the State's finances this year, and I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Amend Highway Law in Relation to Establishment
of Certain State Routes in Warren County**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 64, Printed No. 63, introduced by Mr. Brereton, entitled:

“An act to amend the highway law in relation to the establishment of certain state routes in the county of Warren.”

NOT APPROVED.

The purpose of this bill is to establish two new State routes in Warren county. Without passing upon the necessity of these new routes, it is sufficient to say that there is no money available with which these roads may be built and the effect of approving the same would only be to place roads upon the map which

could not be constructed, except by a direct state appropriation out of the general fund instead of the special highway fund.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend Finance Law in Relation to Duties of Comptroller and Security of Depositaries of Funds Paid into Court

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 8, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 931, Printed No. 1668, introduced by Mr. Adler, entitled:

“An act to amend the state finance law, relating to the duties of the comptroller and the security to be given by depositaries of funds paid into court.”

NOT APPROVED.

This bill amends the State Finance Law, relative to the duties of the Comptroller and the security to be given by depositaries of funds paid into court. If that were the only amendment, I should approve it. The bill, however, contains this provision:

“Whenever the comptroller shall be satisfied that moneys have been paid into the treasury through mistake, he may draw his warrant therefor on the treasurer, in favor of the person who may have made such payment; but this provision shall not extend to payments on account of taxes, nor to payments on bonds and mortgages.”

This provision which first appeared in the bill without being underscored as required by the rules of the Legislature, violates article III, section 21, of the Constitution, which provides that no money shall ever be paid out of the treasury of this State, or any of its funds, or any of the funds under its management, except in pursuance of an appropriation by law.

The bill is, therefore, disapproved.

(Signed) MARTIN H. GLYNN.

**To Validate Contracts Made by Town Officers for
Lease of Highway Machinery**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 11, 1914

MEMORANDUM filed with Assembly bill, Introductory No. 917, Printed No. 982, introduced by Mr. Thorn, entitled:

“An act to ratify and validate certain contracts heretofore made by town officers for the lease of highway machinery.”

NOT APPROVED.

The purpose of this bill is to validate more than five hundred contracts made between various townships and the manufacturers of road machinery.

These contracts represent a direct evasion of the Highway Law and the misapplication of over a million dollars of the State's money.

Under the guise of State aid, New York annually provides various townships with money to be spent for the repair and improvement of highways. The law, however, does not permit this money to be used for the

purchase of machinery. But in the contracts which the bill before me seeks to validate, money which was intended for the improvement of highways has been used for the purchase of expensive machinery.

This diversion of State money has been particularly vicious because it has relieved certain taxpayers of their just obligations and imposed an unfair burden upon the taxpayers outside of incorporated villages.

There is no question as to the illegality of these contracts. In 1910 the Attorney-General wrote an opinion in which he declared that State aid money could not legally be used for the purposes of these contracts. The courts have passed upon the same question and have decided that these contracts are in violation of the Highway Law.

The effect of these contracts so far as the improvement of New York's highways is concerned has been to exhaust the money which might have been used for the repair of highways in the purchase of machinery which, in many cases, could not be satisfactorily used after it was purchased. If this bill were to become a law a flagrant violation of the rights of certain taxpayers would be approved and the townships of the State would be encouraged to continue in the same mistaken course. If machinery is to be purchased by the various townships, the taxpayers of these townships should have the right to pass upon such purchases in town meetings.

The bill before me validates contracts which were made without the approval of the interested taxpayers.

Because these contracts were made in violation of the law, because they represent an unfair distribution of the burdens of taxation, because they take away from the individual taxpayer the right to pass upon the expenditures of his local township, and finally, because

they are opposed to the best interests of New York's highways, I cannot give them my sanction.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**Making Appropriation for Expenses of Transportation
of Commission and Costs at Dedication of Monu-
ment at Andersonville, Georgia**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 11, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 609, Printed No. 1271, introduced by Mr. MacDonald, entitled:

“An act to amend chapter four hundred and thirteen of the laws of nineteen hundred and thirteen, entitled ‘An act to create a commission to dedicate the monument erected by the state of New York, at Andersonville, in the state of Georgia, to commemorate the heroism, sacrifice and patriotism of more than nine thousand New York soldiers, who were confined as prisoners of war in Andersonville prison, Georgia, of whom more than two thousand five hundred died in the prison, and making an appropriation therefor,’ in relation to providing for the expense of transportation and other proper charges of such commission and guests of the state of New York to such dedication, and making an appropriation therefor.”

NOT APPROVED.

The purpose of this bill is to amend chapter 413 of the Laws of 1913, whereby the State appropriated twenty thousand dollars to create a commission to

dedicate a monument at Andersonville, Georgia, by adding thereto an additional appropriation of thirty thousand dollars, to transport veteran soldiers, sailors and marines to and from Andersonville. I heartily approve of the purpose of the original act, but I believe that the original appropriation of twenty thousand dollars is enough to cover all the purposes specified in the new bill and I am informed that there is sufficient money available for those purposes. I am, therefore, constrained to withhold my approval from this additional appropriation.

(Signed) MARTIN H. GLYNN.

To Amend Code of Criminal Procedure Creating a New Plea "Guilty but Insane," Also to Amend the Penal Law in Relation to Responsibility of Incompetent Persons

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 13, 1914*

MEMORANDUM filed with bills specified below:

Senate bill, Introductory No. 858, Printed No. 948, introduced by Mr. Blauvelt, entitled:

"An act to amend the code of criminal procedure, in relation to plea of insanity and the effect of such plea."

Senate bill, Introductory No. 659, Printed No. 949, introduced by Mr. Blauvelt, entitled:

"An act to amend the penal law, in relation to responsibility of incompetent persons and punishment in certain cases."

NOT APPROVED.

The purpose of these two bills is to create a new plea, "guilty but insane," available for defendants charged

with crime who conceive themselves to be insane, and to enact a new legal definition of the term "insanity."

The former bill does not contain any express provision empowering the trial court to refuse to accept the plea and direct a trial upon the defendant's assertion that he is insane. At the public hearing on these bills, the advocates thereof contended that, in cases of murder punishable with death, the trial court would have the same power to refuse to accept the new plea "guilty but insane," as it now has in that single class of cases, upon the plea of "guilty," and they suggested that in other cases, it did not matter whether the court had this power or not, because the court would merely be obliged to sentence the defendant to an insane asylum instead of to prison. They also requested that, if one bill were disapproved, the other should also be disapproved.

In my opinion, the former bill should contain an exact provision defining the power of the trial court where this suggested plea of "guilty but insane," is made, and authorizing the court to direct a trial upon the issue of insanity where the court or the prosecuting officer believes that that issue should be tried.

I am also of the opinion that, whatever be the merit or demerit of the present definition of insanity, the suggested definition will be quite as difficult of application as the definition in existing law, which, at least, has the benefit of judicial construction.

While both bills indicate a sincere attempt on the part of the persons interested in the subject to substitute something better for existing law I am constrained to the opinion that the subject is one which will require further investigation and discussion before the existing law is amended.

I, therefore, disapprove the bills.

(Signed) MARTIN H. GLYNN.

Items Objected to Contained in Bill Reappropriating Unexpended Balances of Former Appropriations

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 14, 1914

MEMORANDUM filed with Assembly Bill, Int. No. 1456,
Print No. 1709, entitled:

“An act reappropriating unexpended balances
of former appropriations.”

Statement of items of appropriations of money
contained in said bill, which are severally, objected to,
to wit:

Page 14, under the head of Regulative:

“By chapter five hundred and forty-seven of
the laws of nineteen hundred and twelve for the
payment of rebates on surrender of liquor tax
certificates, under the provisions of the liquor
tax law, seventy thousand nine hundred and
eighty-five dollars and twelve cents.” (re.
\$70,985.12)

The normal amount required for this purpose
annually is about \$8,000. The large amount which is
a balance left over from a former appropriation under
the old law is too large to be carried without any use.
It should lapse and a reasonable appropriation for
the purpose be provided by the legislature.

Page 17, under the head of Regulative:

“By chapter five hundred and forty-six of the
laws of nineteen hundred and twelve for salaries
of additional employees which may be required
from time to time, and for contingent and other
expenses not otherwise provided for, four thou-

sand and five dollars and sixty-three cents.” (re. \$4,005.63)

This item is disapproved because it is unnecessary.

Page 23, under the head of Educational:

“By chapter five hundred and forty-six of the laws of nineteen hundred and twelve for all department printing, including trustees reports, school registers and the Arbor day circular, and no payments for printing for the department of education shall be made from any other appropriation in this act, five thousand nine hundred and ninety-nine dollars and seventy-nine cents.” (re. \$5,999.79)

This item is disapproved because it is unnecessary.

Page 23, under the head of Educational:

“By chapter five hundred and forty-seven of the laws of nineteen hundred and twelve for expenses of examination of registered nurses, pursuant to article twelve of chapter forty-nine of the laws of nineteen hundred and nine, being the public health law, two thousand three hundred and twenty-four dollars and eighty-three cents.” (re. \$2,324.83)

This item is disapproved because it is unnecessary.

“By chapter five hundred and forty-six of the laws of nineteen hundred and twelve for actual and necessary traveling expenses and temporary services of speakers at special institutes, and the university convocation, two thousand dollars.” (re. \$2,000.00)

This item is disapproved because it is unnecessary.

Page 23, under the head of Educational:

“By chapter five hundred and forty-seven of the laws of nineteen hundred and twelve for repairs and improvements to school buildings and the purchase of necessary supplies for the Indian schools on Allegany, Cattaraugus, Onondaga, Tonawanda, Tuscarora, Saint Regis, Shinnecock and Poospatuck Indian Reservations, two thousand seven hundred and two dollars and thirty-two cents.” (re. \$2,702.32)

This item is disapproved because it is unnecessary.

Page 24, under the head of Educational:

“By chapter five hundred and forty-six of the laws of nineteen hundred and twelve for expenses, section three hundred and ninety of the education law, one thousand one hundred and sixty-eight dollars and forty-six cents.” (re. \$1,168.46)

This item is disapproved because it is unnecessary.

Page 24, under the head of Educational:

“By chapter five hundred and forty-seven of the laws of nineteen hundred and twelve for the expenses of the state teachers' retirement board, pursuant to section eleven hundred and four of the education law, three hundred and thirty-six dollars and twenty-seven cents.” (re. \$336.27)

This item is disapproved because it is unnecessary.

Page 25, under the head of Educational:

“By chapter five hundred and forty-six of the laws of nineteen hundred and twelve for maintenance of the State Normal College at Albany, payable on the approval of the commissioner of

education, eight hundred and eighteen dollars and seventy-one cents." (re. \$818.71)

This item is disapproved because it is unnecessary.

Page 36, under the head of Defensive:

"By chapter thirty-six of the laws of nineteen hundred and twelve for the erection of an armory and stable in the city of Albany, Albany county, for the use of the headquarters third squadron and troop B first cavalry of the national guard of the state of New York, there stationed, to be expended under the direction of the armory commission of this state, twenty-four thousand nine hundred and sixty dollars." (re. \$24,960)

This reappropriation has been made in another bill which has been approved.

Page 35, under the head of Agriculture:

"By chapter five hundred and forty-seven of the laws of nineteen hundred and twelve for sewers, two thousand four hundred and sixty-four dollars and eighty cents." (re. \$2,464.80)

This item has been available for two years and no attempt has been made to use the appropriation. If there is a real need for this appropriation it certainly is not apparent.

Page 37, under the head of Penal:

"By chapter five hundred and forty-seven of the laws of nineteen hundred and twelve for salaries of four head teachers, two thousand five hundred and ninety dollars and forty-seven cents." (re. \$2,590.47)

The salaries of prison school teachers are fixed charges, and all balances remaining at the end of the fiscal year should revert to the general fund.

Page 39, under the head of Penal:

“For the construction of a house at Great Meadow prison to be occupied by officials or employees of the prison, six thousand dollars.”
(re. \$6,000)

The fact that no part of this appropriation has been used for two years indicates that there is no great necessity. Furthermore, it is not the policy of the State to increase the salaries of employees by giving them maintenance other than food and lodging.

Page 40, under the head of Penal:

“For Mortuary, six thousand dollars.” (re. \$6,000)

No attempt has been made to carry out the provisions of this appropriation, and I am informed that the prison authorities doubt the necessity of the expenditure.

Page 43, under the head of Curative:

“By chapter five hundred and thirty of the laws of nineteen hundred and twelve, for commencement of work on new site, including railway spur, power house, reservoir, water supply and lines and remodeling of buildings, ten thousand seven hundred sixty-four dollars and twenty-one cents.” (re. \$10,764.21)

It is not the present purpose to begin the construction of a new State Hospital at Utica, therefore this appropriation should be allowed to lapse.

Page 44, under the head of Curative:

“By chapter five hundred and thirty of the laws of nineteen hundred and twelve, for addition to electric light plant, six thousand dollars

(re. \$6,000) ; for piggery and slaughter house, four thousand dollars (re. \$4,000) ; for industrial shop and equipment, seven thousand dollars (re. \$7,000) ; for converting old boiler house into mechanical shops, with equipment, eight thousand dollars." (re. \$8,000)

The necessity of this appropriation has not developed in two years and should be allowed to lapse. (Middletown).

Page 45, under the head of Curative:

" For addition to laundry, twenty-two thousand dollars." (re. \$22,000) (Binghamton)

Institutions should not be allowed to withdraw from the treasury large amounts of money like this without attempting to make some use of it. If there is necessity for this appropriation which can be shown, the legislature should again be asked to make the appropriation.

Page 46, under the head of Curative:

" By chapter five hundred and thirty of the laws of nineteen hundred and twelve, for power house, laundry, storehouse, bakery, barns, water and sewage disposal, with such part of equipment as may be necessary at this time, and also for commencement of work on new group for six hundred patients, with dining room and kitchen building, four hundred ninety-eight thousand seven hundred sixty-nine dollars and ninety-seven cents." (re. \$498,769.97)

This large appropriation has been held for two years without any use being made of it. The original plan for which this appropriation was secured attempted to provide an institution to relieve the

congestion in the institution in the city of New York. No plans for this institution have yet been adopted. Meanwhile, when it was discovered that this proposed institution would be within the watershed of New York City, great opposition developed on the part of the State authorities. The matter was taken into the court, injunctions were obtained, and while this litigation has been practically disposed of the policy of erecting an institution to house several thousand inmates in the watershed of the water system of the city of New York, has not yet been determined to be a wise one. If it were determined to go on with this work only that portion of the money appropriated, necessary to provide the water supply and a sewage disposal plant could be used within the term of the appropriation. The State should not be deprived of the use of such a large sum of money. This appropriation should lapse and the Hospital Commission should go to the legislature with a definite plan for the construction of this hospital, and ask for an immediate appropriation of a sufficient sum to carry on this work during the fiscal year. (Mohansic)

Page 46, under the head of Curative:

“For rewiring buildings A, B, C and D, eighteen thousand dollars.” (re. \$18,000)

Plans were prepared for the use of this appropriation and it was discovered that the appropriation was not large enough for the purpose. This appropriation should be allowed to lapse, and if the need exists for rewiring these buildings, the legislature should be asked for a new appropriation ample enough for the purpose. (Kings Park)

Page 47, under the head of Curative:

“By chapter five hundred thirty of the laws of nineteen hundred and twelve, for storehouse and cold storage plants and equipment, thirty thousand dollars.” (re. \$30,000)

This large appropriation has not been used for two years. The policy of securing large appropriations from the legislature when there is no imperative need nor purpose to use at once should be discouraged. This appropriation should lapse, and the institution be compelled to show the necessity before another appropriation is made. (Long Island)

Page 47, under the head of Curative:

“For commencement of buildings on Creedmoor site, including railway switch, power house and farm cottages, fifty thousand dollars. (re. \$50,000) By chapter five hundred forty-seven of the laws of nineteen hundred and twelve, for railway switch, for the erection of new buildings, for the alteration of old buildings, for farm equipment and for general development purposes at Creedmoor, Long Island, as a branch of the Long Island State Hospital, thirteen thousand three hundred and thirty-one dollars and thirty-five cents.” (re. \$13,331.25)

The Creedmoor site is not available for hospital purposes. This being so the withholding of so large a sum from the State's treasury any longer cannot be justified. (Long Island)

Page 48, under the head of Curative:

“The sum of eighteen thousand dollars, the unexpended balances of the appropriations made by chapters five hundred thirty and five hundred

forty-seven of the laws of nineteen hundred and twelve, for miscellaneous repairs, improvements, emergencies and equipment at the state hospitals for the insane, is hereby reappropriated for the same purpose." (re. \$18,000)

This is a general appropriation for all hospitals.

It is an example of the practice which has become quite common of concealing the real expenditures of the fiscal year by the use of balances derived from excessive appropriations. This money should lapse, and the hospitals be required to get an item in the appropriation bill which will meet the exact needs of the fiscal year.

Page 49, under the head of Charitable:

"By chapter five hundred and thirty, laws of nineteen hundred twelve, for purchase of farm, twenty-five thousand dollars." (re. \$25,000)

The farm which it was proposed to purchase is no longer for sale, and as this appropriation could not be used for any other purpose it should be allowed to lapse. (Albion)

Page 49, under the head of Charitable:

"By chapter five hundred and forty-seven, laws of nineteen hundred and twelve, for sewage disposal, two thousand five hundred dollars." (re. \$2,500)

This institution is making arrangements to use the sewerage of the village of Albion, therefore this item is disapproved. (Albion)

Page 50, under the head of Charitable:

"For new barn, one thousand eight hundred and forty-two dollars and seven cents." (re. \$1,842.07)

The barn built from this appropriation has been completed, and therefore the balance should be returned to the treasury. (Albion)

Page 50, under the head of Charitable:

“For addition to boiler house, et cetera, one thousand eight hundred and ninety-eight dollars and ninety cents.” (re. \$1,898.90)

The building constructed from this appropriation has been completed and the balance should be returned to the treasury. (Albion)

Page 50, under the head of Charitable:

“For new stairway, approach to gymnasium, seven hundred dollars (re. \$700); for water filter, three hundred dollars.” (re. \$300)

The money appropriated for these purposes has been available for two years. If there had been any necessity for the use of the money it would have been used long ago. These items are disapproved.

Page 50, under the head of Charitable:

“For steam conduits, piping and outside connections for hospital, thirteen thousand dollars.” (re. \$13,000)

The purpose of this appropriation cannot be accomplished by the present appropriation, therefore, this appropriation should be allowed to lapse and the legislature asked to make proper appropriation.

Page 51, under the head of Charitable:

“For sewage disposal for two farm cottages, five thousand five hundred dollars.” (re. \$5,500)

If this appropriation had been necessary it would have been used long ago, therefore, it is disapproved. (Bedford)

Page 51, under the head of Charitable:

“ For repairing drawing school building, one thousand three hundred and nine dollars and sixty-seven cents (re. \$1,309.67); for repairing brick-laying class building, one thousand ninety-two dollars and eighty-five cents (re. \$1,092.85); for plumbing in cell blocks, one thousand seven hundred and forty-eight dollars and eleven cents.” (re. \$1,748.11)

It is proper to assume that any appropriation for repairs for a particular building must have been used and the unexpended balance should be returned to the treasury. (Elmira)

Page 52, under the head of Charitable:

“ For purchase of land and equipment, four hundred and fifty-six dollars and eighty-seven cents.” (re. \$456.87)

The purpose of this appropriation has been accomplished and the balance should be returned to the treasury. (Hudson)

Page 52, under the head of Charitable:

“ For outside lighting, new quadrangle, one thousand two hundred dollars (re. \$1,200), for locking devices, one thousand two hundred and fifty dollars.” (re. \$1,250)

Two years have elapsed without the necessity of these appropriations becoming apparent. They are disapproved as unnecessary. (Hudson)

Page 52, under the head of Charitable:

“ For repairs and changes to administration building, one thousand five hundred dollars.” (re. \$1,500)

All balances from appropriations made for repairs ought to be returned to the treasury at the end of two years, therefore this item is disapproved. (Hudson)

Page 53, under the head of Charitable:

“For one cottage, twelve thousand dollars.”
(re. \$12,000)

Such large amounts of money should not be withheld from public use for two years. Presumption is that this appropriation is unnecessary and therefore, it is disapproved. (Industry)

Page 53, under the head of Charitable:

“For addition to contagious hospital, three thousand dollars.” (re. \$3,000)

Such large amounts of money should not be withheld from public use for so long a time. Presumption is, that this appropriation is unnecessary and therefore, it is disapproved. (Industry)

Page 54, under the head of Charitable:

“For hospital building, fifty thousand dollars.”
(re. \$50,000)

Such large amounts of money should not be withheld from public use for so long a time. Presumption is, that this appropriation is unnecessary and therefore, it is disapproved. (Napanock)

Page 54, under the head of Charitable:

“By chapter five hundred thirty, laws of nineteen hundred twelve, for cold storage, building, nineteen thousand nine hundred and fifty-eight dollars and seventy-nine cents.” (re. \$19,958.79)

Two years ago it would seem that every institution in the State tried to secure a cold storage building.

Few, if any, have been completed. This appropriation is of doubtful necessity and cannot be approved. (Newark)

Page 54, under the head of Charitable:

“ For two new boilers, seven thousand dollars (re. \$7,000); for addition to boiler house, stack and coal pocket, twenty-thousand dollars.” (re. \$20,000)

It is evident that there was no imperative demand for these appropriations, or some attempt would have been made to use them. They should be permitted to lapse. (Newark).

Page 56, under the head of Charitable:

“ By chapter five hundred and thirty, laws of nineteen hundred and twelve, for cold storage plant, twenty-one thousand nine hundred and fifty-eight dollars and thirty cents.” (re. \$21,958.30)

This is another cold storage appropriation of doubtful necessity and should be allowed to lapse. (Sonyea)

Page 56, under the head of Charitable:

“ For extension and repairs to dairy barn, five thousand dollars.” (re. \$5,000)

Any needed repairs to the dairy barn must have been made long ago, therefore this item is disapproved. (Sonyea)

Page 56, under the head of Charitable:

“ For additional appropriation for four cottages including outside connections, for married employees, six thousand dollars.” (re. \$6,000)

The purpose of this appropriation is in opposition

to the Charity Law providing for the maintenance of employees, and therefore, it is disapproved. (Sonyea)

Page 56, under the head of Charitable:

“For piles and planking along Kishaqua creek to protect farm land north of the D. & N. railroad, five hundred dollars.” (re. \$500.00) (Sonyea)

Inquiry from the persons in authority has failed to discover any necessity for this appropriation, therefore it is disapproved.

Page 57, under the head of Charitable:

Page 58, under the head of Charitable:

“By chapter five hundred and thirty, laws of nineteen hundred and twelve, for attendants’ home, fifty thousand dollars (re. \$50,000); for service building, sixty thousand dollars (re. \$60,000); for bridge and conduit, ten thousand dollars (re. \$10,000); for bakery, storehouse and cold storage building, forty-five thousand dollars (re. \$45,000); for steam conduits and piping, electric lines and equipment, twenty-five thousand forty-one dollars and seventy-two cents (re. \$25,041.72); for shop building, ten thousand dollars (re. \$10,000); for extending the sewerage system, five thousand five hundred dollars.” (re \$5,500)

Under the plan proposed for the construction of the buildings for this institution, an expenditure will be required of several millions of dollars. The same manner of treatment as is proposed at Letchworth village, if carried out for the treatment of all such patients throughout the State would involve an outlay of at least \$10,000,000. A proposition of such magnitude should be carefully considered and if adopted should be provided for by bond issue. At this time the

authorities at Letchworth village have under construction all the work which can be completed during the next year. The large amount of money which has been appropriated for this institution cannot be used for a long time to come, and it should not be withheld from use by the State. If it is necessary it should be appropriated again from time to time when it is needed. The reappropriations which have been approved permit the construction to go on at this institution, and provide for such additional funds as will be necessary to permit the use of the buildings as they become completed. There can be no sound argument advanced against the return of this money, which cannot be used at once to the treasury. Therefore, these items are disapproved. (Letchworth village)

Page 58, under the head of Charitable:

Page 59, under the head of Charitable:

“By chapter five hundred and thirty, laws of nineteen hundred twelve, for boilers, pumps and piping in power house, fifteen thousand dollars (re. \$15,000); for engines, generators, feeder pole lines and transformers, ten thousand dollars (re. \$10,000); for steam conduits and piping to cottages, seventeen thousand five hundred dollars (re. \$17,500); for storehouse and bakery building, twenty thousand dollars (re. \$20,000); for laundry building and equipment, twenty thousand dollars (re. \$20,000); for ice house, four thousand dollars (re. \$4,000); by chapter five hundred and forty-seven, laws of nineteen hundred and twelve, for highway through site, ten thousand five hundred and sixty-one dollars and eight cents (re. \$10,561.08); for roads and grading, eight thousand and three hundred twenty-nine dollars and twenty

cents (re. \$8,329.20); for land for spur track and highways, five thousand dollars." (re. \$5,000)

Large appropriations for this institution were made two years ago. Nothing whatever has been done toward the construction of the buildings. This institution is planned to carry out the policy which if followed throughout the State would require an expenditure for buildings of at least \$20,000. The proposition is so enormous that it should be carefully considered by the legislature and whatever monies are necessary for the purpose should be appropriated from time to time so that large sums should not be held without bonds for long periods, and only that portion necessary for any one fiscal year should be appropriated at any one time. These large sums which cannot be used in the near future should be allowed to lapse, and made available for general purpose. (Yorktown Heights)

Page 59, under the head of Charitable:

"By chapter five hundred and thirty, laws of nineteen hundred and twelve, for construction, including heating, lighting and plumbing work, water supply, sewage disposal, and the purchase of a site (which site shall not exceed in cost sixty thousand dollars) thirty-nine thousand eight hundred and thirty-two dollars and ninety cents." (re. \$39,832.90)

This reappropriation is for the balance remaining after the purchase of a site for the State Industrial Farm Colony. There is a strong sentiment against this project. The balance remaining is not sufficient to carry out the purpose and would necessarily be carried in the treasury without use for two years. It should

be allowed to lapse and the whole scheme presented to the next legislature.

Page 60, under the head of Protective:

“By chapter five hundred and seventeen of the laws of nineteen hundred and twelve for razing the old power house on Hawk and Elk streets in the city of Albany, disposing of old structures and materials, and grading park and site, nine thousand eight hundred and fifty-four dollars and sixty cents.” (re. \$9,854.60) (Albany)

The purpose of this appropriation has been accomplished and the balance should be returned to the treasury.

Page 61, under the head of Protective:

“By chapter five hundred and twenty-four of the laws of nineteen hundred and twelve for the establishment of a fish hatchery in the county of Warren for the hatching and rearing of black bass, trout and other fish for the public streams of the state and distribution to the public, nineteen thousand five hundred and eighty-seven dollars and forty-two cents.” (re. \$19,587.42)

The purchase of land provided for by this appropriation has not been made although two years have elapsed. The necessity of this appropriation is not clear. If it were allowed it would involve a much larger appropriation for construction and maintenance of the plant. If necessary at all the purpose should be accomplished at a time when the State's available funds are much greater than they are at present. (Warren County)

Page 62, under the head of Protective:

“By chapter five hundred and forty-seven of

the laws of nineteen hundred and twelve for the acquisition of land for the forest preserve, sixty-two thousand six hundred and sixteen dollars and eighty-nine cents." (re. \$62,616.89)

The Conservation Commission have no present plans for the purchase of additional lands for the forest preserve. Therefore, this large sum of money should be returned to the treasury for general use.

Page 68, under the head of Protective:

"By chapter five hundred and forty-seven of the laws of nineteen hundred and twelve for removing wing and restoring north side of mansion to its original condition and building caretaker's cottage, three thousand five hundred dollars." (re. \$3,500)

To allow the construction of a caretaker's cottage would probably result in the construction of similar cottages throughout the State where the State owns buildings or monuments of historical interest. It is a much better business policy to provide for the maintenance of caretakers in other ways.

Page 70, under the head of Protective:

"By chapter five hundred and nine of the laws of nineteen hundred and twelve for the acquisition of the mineral and mining rights of the heirs of Philip Philipse, in the counties of Putnam and Dutchess, on behalf and in the name of the people of the state of New York, two hundred and twenty-four thousand five hundred and thirty-two dollars and ninety-five cents." (re. \$224,532.95)

This reappropriation is for the purpose of purchasing the mineral and mining rights of the heirs of Philip Philipse and hereby clear the title to certain

lands in Putnam and Dutchess Counties. A conference with the Attorney General's Office has raised the question whether there is any cloud on the title of these lands. Furthermore, the appraisers of the land board have reported that the mineral and mining rights provided for have no value. The claims of the heirs themselves do not represent any such large sum of money. The law authorizing the investigation and settlement of this claim is not repealed by the lapse of the reappropriation. It does not seem that any course would be justified other than for the claimants and estate to agree upon terms if any, and then ask the legislature to appropriate the exact amount required. Therefore, this appropriation should lapse.

Page 72, under the head of Constructive:

“By chapter five hundred and three of the laws of nineteen hundred and twelve for removing, opening up, breaking or destroying ice gorges, packs or blockades of ice in the Hudson river, at points south of the state dam at Troy for the prevention of or relief from floods upon and along the Hudson river, as provided by section forty-a of the navigation law, two thousand six hundred and twenty-nine dollars and thirty-one cents.” (re. \$2,629.31)

There is no present need for this appropriation, and therefore, it is disapproved.

Pages 72-73, under the head of Constructive:

“By chapter five hundred and thirty-seven of the laws of nineteen hundred and twelve for the construction of a dike or dikes along the bank of the Delaware river in the city of Port Jervis begun under chapter seven hundred and sixteen

of the laws of nineteen hundred and four so as to discontinue and prevent the overflow of lands in said city, seven hundred and fifty-six dollars and fifty-four cents." (re. \$756.54)

The purpose of this item has been accomplished, and the balance should be returned to the treasury. (Port Jervis)

Page 73, under the head of Constructive:

"By chapter two hundred and eighty-seven of the laws of nineteen hundred and twelve for the payment of the state's share of the expense of acquiring the bridge of the Mechanicville Bridge Company crossing the Hudson river between the counties of Saratoga and Rensselaer, four thousand four hundred and fifty-six dollars and eighty-one cents." (re. \$4,456.81)

The purpose of this item has been accomplished, and the balance should be returned to the treasury.

Page 77, under the head of General:

"For isolation cells, eight hundred and ninety-seven dollars and eighty-eight cents." (re. \$897.88)

This was an improper appropriation in the first place. The balance remaining should be returned to the treasury. (Clinton)

(Signed) MARTIN H. GLYNN.

To Amend Public Lands Law to Provide for Disposition of Abandoned Canal Lands

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 14, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 139 (Senate Reprint No. 939) introduced by Mr. Adler, entitled:

“An act to amend the Public Lands Law, in relation to disposition of lands and structures owned by the state for canal purposes and no longer necessary or useful therefor.”

NOT APPROVED.

The purpose of this bill is to make provision for the disposition of lands of the Erie Canal as portions thereof may hereafter be abandoned.

The bill provides for an appraisal of such lands and for the future abandonment thereof. It provides that when portions are abandoned, a city or village shall have preference in purchasing the land within its limits, and it authorizes the Canal Board to sell and convey the State's title thereto to such city or village for a consideration less than the amount of the appraisal.

This bill would commit the State to the policy of disposing of abandoned canal lands for less than their real value. The people of the State have been taxed for the purpose of providing the money necessary to acquire these lands, and their sale, at their real value, will bring back to the treasury of the State a large sum of money sufficient to greatly lessen the burden of taxation which the people are to bear. The value of these lands will probably be greatly enhanced by the opening of the new Barge Canal, but such value cannot be ascertained until the new canal is opened.

At the public hearing on the bill, nearly every

speaker in its favor stated that it was by no means a perfect bill, but urged that legislation was needed so as to commit the State to "the principle." I cannot but believe that it would be a most unfortunate act on my part, if, long before the value of the lands is known, I should commit the State to a principle that the Canal Board might dispose of the lands for less than their real value.

The ordinary method to dispose of these lands, after the same are abandoned, would be to either put them up at public auction, after full notice to the municipalities and adjacent owners and publication in the public press, or in some equally public way to call for written bids. There is, however, a great deal to be said in favor of the policy of giving the municipalities a preference in respect to the lands within their boundaries, and if this bill did not provide that the municipalities should have their preferences at prices which might be far less than the real value of the lands, I should be inclined to favor such a policy. I do, however, emphatically dissent from the principle for which the advocates of the bill contend, that the policy of the State shall be to permit municipalities to secure public lands, for which the people were originally taxed, for less than their real value. I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend Prison Law in Relation to Parole of First Term Prisoners and the Salaries of the Members of the Board of Parole and Parole Officers

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 14, 1914*

MEMORANDUM filed with bills mentioned below:

Assembly bill, Introductory No. 1082, Printed No. 1525, introduced by Assemblyman Fairbanks, entitled:

“An act to amend the prison law, in relation to parole.”

Senate bill, Introductory No. 931, Printed No. 1036, introduced by Senator Frawley, entitled:

“An act to amend the prison law, in relation to parole.”

Senate bill, Introductory No. 1269, Printed No. 1538, introduced by Senator Frawley, entitled:

“An act to amend the prison law, in relation to the salaries of members of the board of parole and of parole officers.”

NOT APPROVED.

These bills relate to parole. The district attorneys of the State oppose the provisions of the principal bill, and the district attorneys of New York, Erie and Kings certified to me, at the public hearing on the bill, that its enactment into law would have the effect of paralyzing the enforcement of the criminal law throughout the State.

The Constitution now vests in the Governor the sole power of reprieve, commutation and pardon, while the jurisdiction of the Legislature is confined solely to the question of parole. While I am in sympathy with the extension of the parole system, I think all four subjects should be considered together. A Constitutional Convention will be held in the year 1915, and the wisest course is to refer the whole subject to that convention. I, therefore, disapprove the bills.

(Signed) MARTIN H. GLYNN.

To Amend Code of Civil Procedure in Relation to Appeal to Court of Appeals

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 16, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 212, Assembly Reprint No. 1676, entitled:

“An act to amend the Code of Civil Procedure, in relation to appeals to the court of appeals.”

NOT APPROVED.

The object of this bill is to further amend section 1338 of the Code of Civil Procedure by creating a new presumption. The bill also makes the new amendment applicable to appeals “heretofore” taken, although the word “heretofore” is inserted in the bill in Roman type instead of in italics as required by the rules of the Legislature. I see no reason for such amendment, and I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend Tenement House Law as Regards Penalty for Violation

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 15, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 1192, Printed No. 1306, entitled:

“An act to amend the Tenement House Law, in relation to civil penalties for violation.”

NOT APPROVED.

This bill is opposed by the Tenement House Department and the Corporation Counsel of the city of New

York, the Charity Organization Society and many others. The only purpose of the amendment is to make fixed amounts, thus allowing the courts, in their discretion, to impose any penalty from one dollar up to the present fixed sums.

In my opinion, this amendment would make the provision as to penalties a nullity, and tend to make the Tenement House Law unenforcible. I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend Conservation Law for the Placing of Water Works Corporations Under Jurisdiction of Conservation

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 15, 1914

MEMORANDUM filed with Assembly bill, Introductory No. 626, Printed No. 927, entitled:

“An act to amend the Conservation Law, generally, and in relation to water supply.”

NOT APPROVED.

This bill makes extensive amendment to the Conservation Law and attempts to vest in the Conservation Commission as to water works corporations, and to some extent as to municipalities, substantially the powers now exercised by the Public Service Commission over many other public utilities. The general purpose of the bill seems to be commendable, and, although much has been urged relative to the ambiguities in certain of its sections, it would seem that these are not of sufficient importance to require a disapproval of the measure as a whole in view of the

commendable attempt to place public service corporations and municipalities of this nature under the control of a central body vested with power to deal fairly between such corporations and municipalities and the people dependent upon them for service.

There is, however, a provision in this bill contained in the proposed amended section 513 as follows:

“No water works corporation or municipality shall hereafter supply with water or extend its distributing mains for the purpose of supplying with water territory already supplied by the existing water works system of a water works corporation or municipality until the commission shall have certified that public convenience and necessity shall require such supply or extension.”

This provision, in my judgment, is altogether too drastic. It seems to be broad enough to prevent a municipality from supplying itself with water in a territory already supplied by an existing water works company without the consent of the State Board. It would preclude such a municipality from furnishing its public schools, its hospitals, its police stations, and other public buildings and places, with necessary water, and, more important still, from protecting itself by its own plant from the spread of conflagrations in that portion of its territory where existing corporations have pipe lines in service. This is an extension of the principle of protection of public utility corporations as to these companies in excess of any enjoyed by other corporations where a municipality itself seems fit to furnish the public service. Thus in the Public Service Commissions Law, where the subject of public lighting is considered, an express provision is contained which in effect permits a municipality to

furnish lighting for municipal purposes without a certificate from the Public Service Commission. (Public Service Commissions Law, Sec. 68). It would seem to be an extreme measure indeed which would prohibit a municipality from discharging a well-recognized governmental function without the consent of a State Board, for the reason that such function was being performed to a greater or lesser extent by a private corporation organized under laws permitting competition and under franchises which were in no sense exclusive.

This provision of the statute, though general in its nature, seems under current conditions to be peculiarly applicable to the situation existing in the city of New York and, by reason of that situation, the controversy in regard to this measure has to a large extent become local in character.

The desire of many of the smaller municipalities served by private water works companies to have such water works companies regulated and controlled is most commendable, and it is to be regretted that a measure containing this beneficent provision could not be presented for approval unencumbered by other considerations.

It has been an established law of this State for many years that a water works company, upon being granted a franchise to operate in the streets of a municipality, does not thereby become entitled to any exclusive right, but that franchises may be given to competing companies, or the municipality itself may construct parallel lines. This has been the law, well recognized by the court of last resort of this State since 1889, when it was decided, in the case of *Syracuse Water Works Company v. City of Syracuse*, 116 N. Y. 168, that a city could legally grant a franchise to a com-

peting water company to lay mains in the streets of a city already served by an existing water company.

The principle was further applied in a case where a municipality sought to construct its own water works in the case of *Skaneateles Water Works Company v. The Village of Skaneateles*, 161 N. Y. 154, and the judgment was affirmed in this case by the United States Supreme Court in 184 U. S. 354.

For many years therefore water works companies have been formed and operated and investment of their capital made with this express understanding that their franchises were not exclusive, and that their business was at all times subject to competition by other companies and by municipalities. There is nothing, therefore, in the suggestion that vested rights are imperiled unless this bill is signed because water companies, under the well-established law of this State, except as has been modified by statute, have no exclusive franchise and can claim no right thereto as a vested property. They have no more right to a monopoly of service than has any other corporation organized for general or special business purposes.

Under the present provisions of the Conservation Law, which form a portion of Article IX, to which the principal portion of the amendments proposed by the bill under consideration relate, and which provisions are not in terms repealed by the present law, it is necessary, before a water works corporation or a municipality can acquire any new or additional sources of water supply, for it to submit maps and profiles thereof to the Conservation Commission and obtain its approval, and the Commission must, among other things, determine whether the plans are justified by public necessity, and unless that is determined a water works corporation or a municipality cannot supply

water. This provision was made in sections 521 and 522 of the present law, which stand unamended so far as any express change is concerned. The approval section contains this exception :

“Approval shall not be necessary of any plans heretofore approved by the State water supply commission or of any plans or work for a new or additional water supply or filtration plant authorized in pursuance thereof or in connection therewith, or of any plans or work for the extension of supply or distributing mains or pipes of a municipal water supply plant into and for the purpose of supplying water in any territory within the limits of a municipality owning such plant, including territory which has not been heretofore supplied with water by such plant.”

This provision of law is in terms unamended, but is entirely inconsistent with the provisions of section 513 which has been quoted.

The city of New York applied for and obtained the certificate required by law for the acquisition of new and additional sources of water supply under plans submitted. The certificate was granted by the Water Supply Commission, the predecessor of the present Conservation Commission. It has expended large sums of money and will expend further sums of money for the development of this additional supply, and it would seem that its citizens, irrespective of location, are entitled to the benefits of the expenditure of this public money which was contributed by the taxpayers of the whole municipality including the taxpayers of that section now served by private water companies. This expenditure was authorized, and to a large extent actually made, when the law expressly provided

that extension even in already occupied territory might be made at the wish of the municipality incurring the expenditure and without permission from any body other than that which it had already obtained. To cut off from the benefits of this supply, authorized by law and approved by the State Board, any portion of the city contributing by taxation to its construction and maintenance would seem to be most unjust, and the presence of this feature in the bill renders it necessary to withhold approval.

(Signed) MARTIN H. GLYNN.

**To Amend Code of Civil Procedure as Regards Costs in
Justice's Courts**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 15, 1914

MEMORANDUM filed with Assembly bill, Introductory No. 1000, Printed No. 1069, entitled:

“An act to amend the Code of Civil Procedure, in relation to costs in Justice's Court.”

NOT APPROVED.

The purpose of this bill is to add a new section to the Code providing for costs in a Justice's Court in addition to the costs now allowed by law. The Justice's Court is the poor man's court, and I see no reason for any costs in addition to those provided for in existing law.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Confer Additional Powers Upon the Commissioners
of the Palisades Interstate Park**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 16, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 77, Printed No. 1235, introduced by Senator Stivers, entitled:

“An act to amend chapter five hundred and four of the laws of nineteen hundred and one, entitled ‘An act relating to the commissioners of Palisades interstate park confirming their appointment and enlarging their powers,’ in relation to the powers of such commissioners with respect to investments.”

NOT APPROVED.

The purpose of this bill is to confer additional powers upon the Commissioners of the Palisades Interstate Park.

The commission now has under its control the proceeds of the sale of bonds issued pursuant to the Referendum Act, approved by the electorate in November, 1910, and of the Harriman and other private gifts, amounting in all to approximately five million two hundred and fifty thousand dollars; and I am informed that of these moneys only a little more than one million one hundred thousand dollars has been expended. Under the Constitution, the Comptroller is the fiscal officer of the State, and these funds are now on deposit in banking institutions designated by him, bonds are filed with him as security therefor and the expenditure thereof is subject to his audit. Under this bill, the powers of the commission, conferred upon them by chapter 504 of the Laws of 1901, would be extended so as to permit them to invest and reinvest these funds.

In my opinion, the bill is objectionable for several reasons.

In the first place, the funds were given or raised for the special purpose of developing a State park and well-established usage demands that such funds shall not be invested, but shall be expended for such development so that the present situation requires prompt expenditure of the funds for park purposes, rather than indefinite investment and reinvestment.

Secondly, while established usage also demands that the Comptroller shall exercise supervision over State moneys, this bill would deprive him of any such supervision.

Thirdly, under the provisions of the Referendum Act, approved by the electorate as aforesaid, the interest of these funds constitutes a part of the sinking fund, and under no circumstances should so much of the money as belongs to the sinking fund be controlled by the commission, either for the development or investment.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend Tax Law so as to Provide for the Determination and Apportionment of Mortgage Taxes

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 17, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 526, Printed No. 531, introduced by Assemblyman Gillett, entitled:

“An act to amend the tax law, in relation to the determination and apportionment of mortgage taxes and repealing section two hundred and sixty thereof.”

NOT APPROVED.

This bill proposes to extend the Secured Debt Law to bonds secured by mortgages which cover property partly within and partly without the State, and contains a number of other amendments which are meritorious. The Secured Debt Law related to bonds secured by mortgages of property without the State and provided that holders of such bonds by paying to the State the tax so created, could thereby make tax-exempt any bonds on which the tax was paid.

If the present bill followed the policy of the Secured Debt Law and provided that the tax upon the bonds to which the law is now sought to be extended should be paid to the State, I should approve it without hesitation. As the bill is framed, however, the tax would be paid partly to the State and partly to the locality affected, so that the State would lose a substantial portion of the tax, and I cannot approve such a departure from the settled policy of the State.

Nor can I entertain the suggestion that I approve this bill and leave it to a future Legislature to further amend the law. There are two objections to such a course. There are now a number of corporations willing to comply with a new law as soon as it is enacted, and if I should approve this bill, the State would promptly lose a sum which might amount to over a million dollars. Moreover, in view of the fact that the further amendment would authorize the payment of moneys to the State which would then be accruing to Counties, it is hardly to be expected that members of the Legislature representing such localities would pass any such an amendment.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Amend Penal Law by Increasing Number of Hours
During which Cattle May be Kept Without Food
in Transportation**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 18, 1914

MEMORANDUM filed with Assembly bill, Introductory
No. 240, Printed No. 1714, entitled:

“An act to amend the Penal Law, in relation to
transportation of animals.”

NOT APPROVED.

This bill amends the Penal Law, by increasing the
number of hours which cattle may be kept without food
in cars for transportation in this State, from twenty-
four to twenty-eight.

The bill is vigorously opposed by the Humane So-
cieties of the State, and I think rightly so.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Amend Prison Law in Relation to the Retirement
and Pensioning of Keepers and Guards in State
Prisons and of Employees in State Reformatories**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April* 18, 1914

MEMORANDUM filed with Assembly bill, Introductory
No. 623, Printed No. 640, entitled:

“An act to amend the prison law, in relation to
the retirement of keepers and guards in State
prisons and of persons in State reformatories and
pensions of such employees.”

NOT APPROVED.

I have already disapproved bills to provide systems of pensions for employees of State Hospitals, and State charitable institutions. In so doing, I pointed out that the subject of pensioning State employees is obviously one which has much merit, but that we are on the eve of a Constitutional Convention, and, in my opinion the question of pensions is one on which the initiative should be taken by the Constitutional Convention. I also pointed out that, even if the matter were left to the Legislature, a general policy should be adopted applying to employees in all State Departments alike, and that justice is not to be attained by the approval of separate bills applying to favored departments. I, therefore, cannot make an exception in favor of employees in the Prison Department, and am, therefore, constrained to disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Amend Code of Criminal Procedure Placing Upon
the State the Expenses of Crimes Committed on
Railway Trains**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 18, 1914

MEMORANDUM filed with Assembly bill, Introductory
No. 117, Printed No. 116, entitled:

“An act to amend the Code of Criminal Procedure, in relation to payment of expenses of prosecution of crimes committed on railway trains.”

NOT APPROVED

This bill would place upon the State, instead of on the county in which a crime is committed on a train, the expense of prosecuting such crime. Inasmuch as the counties have the benefit of railroads running through their respective territories, I see no reason why the law should be amended to relieve them from the expense of prosecutions incidental thereto. I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Amend Business Corporations Law in Relation to
Proxies and Earnings**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 18, 1914

MEMORANDUM filed with Assembly bill, Introductory No. 335, Printed No. 1564, entitled:

“An act to amend the Business Corporations Law, in relation to proxies and earnings.”

NOT APPROVED.

The purpose of this bill is to amend the Co-operative Law enacted last year (Chapter 454, of the Laws of 1913), by striking therefrom the provisions for division of profits on the basis of patronage, which is the fundamental principle of co-operative companies.

The effect of the bill, therefore, is to destroy the law by indirection, and I disapprove it.

(Signed) MARTIN H. GLYNN.

**To Amend the Greater New York Charter — Public
School Teachers' Retirement Fund**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 20, 1914

MEMORANDUM filed with Senate bill, Introductory No. 1132, Printed No. 1299, entitled:

“An act to amend the Greater New York Charter in relation to the public school teachers' retirement fund.”

NOT APPROVED.

This bill has been approved by the Mayor of the city of New York. It appears, however, that under date of March 20, 1914, the Board of Estimate and Apportionment of the city of New York adopted the following resolution:

“Resolved, that the Board of Estimate and Apportionment hereby expresses its disapproval of the proposed legislation seeking to release \$300,000 of the permanent fund of \$800,000 of the Public School Teachers' Retirement Fund, and requests the Corporation Counsel to direct his representative at Albany to oppose the enactment of this legislation.”

The bill is also opposed by the Citizens Union of the city of New York.

This bill would amend the provisions of the Charter relating to the teachers permanent retirement fund, which now provides that the Board of Education may use any portion thereof in excess of \$800,000 in the same manner as income, by striking out the words “Eight hundred thousand dollars” and substituting the words “Five hundred thousand dollars,” so that

the sole purpose of the bill is to take from the permanent fund the sum of three hundred thousand dollars and permit it to be used in the same manner as income.

I am informed that Mayor Mitchel, on signing the bill, stated that he had asked the Pension Commission to ascertain if the fund could not be put on a sound basis before January 1, 1915, but, in my opinion, no plan so devised would be compatible with the reduction of the permanent fund by almost one-half.

I, there, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend the Tax Law — Redemption by Mortgagees From Tax Sales

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 22, 1914*

MEMORANDUM filed with Senate bill, Introductory No. No. 758, Printed No. 825, entitled:

“An act to amend the tax law, in relation to redemption by mortgagees from tax sales.”

NOT APPROVED.

The purpose of this bill is to eliminate the provision requiring holders of mortgages on lands sold at tax sales to file notice of their mortgages in the State Comptroller's office, and in case of County Treasurers tax sales, in the County Treasurer's office, in order to entitle them to receive notice of the tax sales of such lands. If this bill should become a law it would make it impossible to perfect title to most of the parcels sold at tax sales.

At least ninety per cent. of the parcels sold the taxes have been assessed against lands by descriptions only, no names of owners or reputed owners appearing on the assessment rolls.

If land is sold at a tax sale simply by description, it is impossible in any county not containing the block system of indices, to ascertain whether or not there is any mortgage covering the land, as county clerks require that the requisition for search contain the names of the persons against whom the search is to be made.

The Comptroller's office advises me that they had drafted and passed Chapter 373 of the Laws of 1897, making the filing of notice of mortgage a condition precedent to mortgagees being entitled to receive notice of tax sales. This was made necessary in order to complete title to various parcels of lands.

The proposed elimination of the provision stricken out of this measure is not, in my judgment, in the interest of good public policy.

The bill is, therefore, disapproved.

(Signed) MARTIN H. GLYNN.

**To Amend the Education Law — Scholarships for the
Aid of Schools and Colleges**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 22*, 1914

MEMORANDUM filed with Senate bill, Introductory No. No. 1157, Printed No. 1366, entitled:

“An act to amend the education law in relation to scholarships for the aid of students in colleges.”

NOT APPROVED.

The chief object which the Legislature had in view in the enactment of the scholarship law of 1913 was to express the State's interest in the promotion of sound scholarship in the higher institutions of learning. A secondary purpose was to aid worthy young men and women desiring to pursue a college course of instruction. It was not intended to aid professional schools nor professional students.

The law very properly therefore restricted these scholarships to students who are to enter colleges to pursue such standard courses as the A.B., B.S., etc. The tendency throughout the country is to encourage students to complete a college course before beginning the study of a professional course. The present scholarship law therefore places emphasis upon college education. It was not intended to make these scholarships available for the usual professional courses.

The effect of this amendment therefore would be to destroy the purpose of the State in the original enactment of the law and would make these scholarships available in any of the approved schools of law, medicine, dentistry, veterinary medicine, pharmacy, etc.

There is every reason why the State should give its support to the effort which is being made to encourage soundness in scholarship and to award these scholarships to those only who aspire to the very highest standards of learning which the colleges and universities of the State afford. The State may well assume this position in reference to the students themselves inasmuch as none of the scholarships are vacant and as there are more applicants already for these scholarships than there are scholarships.

It would be a step backward in higher education as well as professional standards if this bill should be approved, and I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

**To Amend the Insurance Law as Regards the Merger
or Consolidation of Certain Corporations**

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *April 22, 1914.*

MEMORANDUM filed with Assembly bill, Introductory No. 1117, Printed No. 1203, entitled:

“An act to amend the insurance law, relative to the merger or consolidation of certain corporations.”

NOT APPROVED.

This act adds a new section to the Insurance Law, providing for the merger or consolidation of casualty insurance corporations.

First, with the merger of a domestic and foreign corporation of another state, the status of the merged corporation as to the laws controlling its supervision would be open to doubt. The bill does not provide that the new corporation shall become a domestic corporation and subject to the provisions of the Insurance Law of this State.

Second, a foreign corporation with insufficient reserves as compared with a like corporation of this State, by merging with the domestic company, might avoid that solvent condition which should be upheld by the Insurance Department for the protection of policyholders.

Third, it is questionable whether a consolidation of a domestic and foreign corporation may be legally effected without the unanimous consent of the stockholders of the respective companies. Under the terms of the act, such consent is not required. It is also a question whether a statute of this State which prescribes, as this bill does, that minority stockholders of the

foreign corporation refusing to consent to the merger shall surrender their certificates of stock, and accept in lieu thereof new certificates in the new corporation, is constitutional.

For the reasons above stated, I disapprove this bill.

(Signed) MARTIN H. GLYNN.

To Amend the Railroad Law in Relation to Rates of Fare on Certain Railroads

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 25, 1914.

Memorandum filed with Senate Bill, Introductory No. 177, Assembly Reprint No. 1794, entitled:

“An act to amend the Railroad Law, in relation to rates of fare on certain railroads.”

NOT APPROVED.

The object of this bill is to prohibit the New York Central and Hudson River Railroad Company and the New York, New Haven and Hartford Railroad Company from charging their present schedule of fares between the Grand Central Terminal in New York City and certain stations on their line and to require them to reduce their schedules to certain maximums specified in certain orders of the Public Service Commission, dated January 31, 1913.

In January, 1914, the Appellate Division, Third Department, reviewed the said orders of the Public Service Commission, and the maximum fares mentioned in such order and annulled the orders. In making this decision Judge Kellogg wrote, in part, as follows:

“ The reasons given by the Commission for its decision show that the real merits of the controversy were not passed upon and that, as a matter of fact, it has not determined that the Company's rates were unjust and unreasonable. The defendant has the statutory right to a hearing. That right is not accorded it if the hearing is a mere matter of form, the decision is arbitrary and the real question for consideration is lost sight of. Upon a careful examination of the entire record, it does not appear that the rates fixed by the Company are unreasonable or unjust and it does not appear from the reasons given by the Commission that it has so found. The order of the Commission, is therefore, annulled.”

On February 9, 1914, the Mayor of New Rochelle served a notice of appeal from the above decision to the Court of Appeals, and on March 26, 1914, the mayor of Mount Vernon and the complainant, Erickson, and the Public Service Commission all served similar notices of appeal. While these appeals are pending the residents of Westchester, by this bill, seek to review the decision of the Appellate Division before me rather than before the Court of Appeals. If the commuters, who are the appellants, are right in their contention, they will secure full relief in the Court of Appeals. If they are wrong, or if the building of the new terminal facilities in New York City will so increase the income of the Central that it can afford to give lower rates, they will still have the right to make a new application, as suggested by the Appellate Division, and on such application the Commission will have the power to suspend rates in accordance with chapter 240 of the Laws of 1914, introduced and passed by Senator Healy of Westchester, which I signed on April

8, 1914, in order to give relief to the citizens of Westchester.

Inasmuch as it is an order of the Public Service Commission for the Second District, which has been set aside by the Appellate Division, I have requested the Commission to furnish me with its opinion upon this bill and that Commission itself recommends that I disapprove the bill. Its opinion is in part as follows:

“ We think it proper to remind the Executive that all of his predecessors in office since the enactment of the Public Service Commissions Law, viz: Governors Hughes, Dix and Sulzer, have refused to approve of proposed legislation to fix rates in similar cases. In this particular case there is an especial reason why, as it seems to us, legislation at this time would be inopportune. This Commission, after a careful investigation, actually fixed the very rates prescribed by this bill, but upon an appeal to the Appellate Division the Commission was reversed by a divided court. Realizing the very great importance of the question involved, the Commission has unhesitatingly directed its counsel to take the case to the Court of Appeals; and counsel has also under instructions from the Commission moved for a re-argument before the Appellate Division, which motion is now pending. We earnestly hope that the question involved will ultimately be determined by the court of last resort in favor of the Commission. We are of the opinion that until the questions involved may have been finally determined by the court against the Commission that there should be no legislation in the matter. We, therefore, recommend that executive approval of the bill in question be withheld.”

It should be absolutely clear to every fair-minded citizen of the county of Westchester, that, however much I may be impressed by their needs for a prompt and fair solution of the present controversy, I cannot approve a bill which reinstates rates annulled by the Appellate Division. If the Appellate Division is in error, an appeal lies to the Court of Appeals and not to me. Moreover, the Court of Appeals has this very question pending before it, and legislation, however meritorious, frankly intended to forestall a decision by that court, is wholly unjustifiable. I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend the Transportation Corporations Law Excepting the Boroughs of Brooklyn and Queens from Provisions of General Law as Regards the Ownership or Control of Stock and Bonds of Freight Terminal Companies

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 23, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 1138, Printed No. 1305, entitled:

“An act to amend the transportation corporation law, in relation to the ownership or control of stock and bonds of freight terminal companies by certain corporations and joint-stock associations.”

NOT APPROVED.

The sole amendment sought to be affected by this bill is to except the Boroughs of Brooklyn and Queens from the provisions of the general law, in so far as the

law now prohibits railroads and express companies from purchasing, acquiring or holding the stocks and bonds issued by transportation corporations.

The bill has been approved by the mayor of the city of New York, who deems such an exception expedient for the development of the water front in Brooklyn and Queens; but it is vigorously opposed by the borough president of Queens, the State Waterways Association, various canal associations and many other independent bodies. During the last few years, protest has arisen in all parts of the State where there is water front property against the disposal of such water fronts to the railroads, and the object of the provision in the existing law, which is now sought to be amended, was to protect water front property against the rapacity of the railroads. I believe in guaranteeing every protection to railroad companies, gas companies, water companies and other public service corporations. I believe there is too great a tendency to attack these companies and to impair the value of their investments by wanton criticism.

The question presented to me, however, is of a different character, and I shall not approve an act which would make one rule for Kings and Queens and another rule for the rest of the State, nor an amendment which has no purpose unless it is to turn over the most valuable water front property in the State to railroads connecting therewith.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend the Code of Civil Procedure in Relation to Temporary Possession Pending Condemnation Proceedings by Railroads and Other Public Service Corporations

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April 23, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 8, Printed No. 8, entitled:

“An act to amend the code of civil procedure, in relation to temporary possession pending condemnation proceedings.”

NOT APPROVED.

This bill amends the Code of Civil Procedure, in relation to temporary possession pending condemnation proceedings by railroads and other public service corporations.

I believe in the general principle of the bill, but think it defective in a vital particular. It should expressly provide that the property holder should receive a legal rate of interest upon the value of his property, and it does not do so, but leaves the question to doubt and inference.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Legalize and Confirm the Certificate of Incorporation of the Delaware R. R. Co.

STATE OF NEW YORK — EXECUTIVE CHAMBER.

ALBANY, *April 23, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 1009, Printed No. 1138, entitled:

“An act to legalize and confirm the certificate of incorporation and the incorporation of the Dela-

ware Railroad Company, and the proceedings taken and had under or in pursuance of said certificate, and extending the time within which such corporation may complete the construction of its road and put the same in operation.”

NOT APPROVED.

The purpose of his bill is to attempt to revive a charter of a railroad corporation which under section 12 of the Railroad Law expired in 1908.

The attempted legislation is clearly unconstitutional, being a violation of article III, section 18 of the Constitution, which provides:

“The legislature shall not pass a private or local bill granting to any corporation, association or individual right to lay down railroad tracks.”

The courts of the State have decided that an act of the Legislature extending the expired time of a railroad is invalid under this provision.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Amend the Public Health Law in Relation to the Practice of Medicine

STATE OF NEW YORK — EXECUTIVE CHAMBER.

ALBANY, *April 23, 1914*

MEMORANDUM filed with Senate bill, Introductory No. 1153, Printed No. 1354, introduced by Senator McClelland, entitled:

“An act to amend the public health law, in relation to the construction of provisions relating to the practice of medicine.”

NOT APPROVED.

This bill would amend article VIII of the Public Health Law, relating to the practice of medicine, by striking out the provision that that article does not affect "the practice of religious tenets of any church," and substituting a new provision that the article shall not be construed to affect "any person who ministers to or treats the sick or suffering by mental or spiritual means without the use of any drug or material remedy."

This bill is advocated by Christian Scientists. If it simply allowed Christian Science healers to practice among the followers of Christian Science, there might not be serious objection to it, but it goes farther than this and adopts the loose language of the Medical Practice Act of Illinois (Laws of 1899, page 273, section 11), where the standards of State education and public health are distinctly lower than they are in the State of New York, and it opens the gates to all kinds of medical pretenders, who as a matter of fact "administer to or treat the sick or suffering without the use of any drug or material remedy," and who, if this bill were approved, would swarm across our borders and pretend to practice medicine upon our citizens.

Under this phrasing of the proposed law, I am precluded from passing upon the claim of the sincere believers in Christian Science and I am, therefore, constrained to disapprove the bill.

(Signed) MARTIN H. GLYNN.

NOT APPROVED:

**To Amend the Highway Law for the Acquisition of Toll
Bridges at Expense of the State**

STATE OF NEW YORK — EXECUTIVE CHAMBER.

ALBANY, *April 23, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 515, Printed No. 520, introduced by Mr. Malone, entitled:

“An act to amend the highway law, in relation to the acquisition of certain toll bridges at the expense of the state.”

NOT APPROVED.

This bill is opposed by the Commissioner of Highways, whose opinion is as follows:

“ This bill adds a new section to the Highway Law, and commits the State to the policy of taking over and paying the entire cost of toll bridges, making said toll bridges a part of State routes, and requiring the State to pay the entire expense of maintenance of such bridges.

“ While there is undoubtedly a great demand for this legislation, yet if the State adopts this policy it will require the expenditure of a large amount of money in acquiring these bridges and an additional large amount in the maintenance of them in the future.

“ I do not believe until the future policy of the mileage of State and county highways is more accurately determined that the State is justified in going into this large additional expense.

“ The bridges would have to be paid for out of general appropriations, and already the cost of the maintenance of State and county highways al-

ready constructed is so large that we are facing the problem each year of a tremendous expense for maintenance.

“ Under the present law whenever a toll bridge is taken over by the State the county pays half the cost, and I do not believe we ought, under the present condition of the highway funds take over this new burden. In any event, the matter should be given more careful consideration as to what it will cost to acquire all the toll bridges which would be taken over, and their cost of maintenance.

“ In view of the foregoing facts, under present existing conditions, I am earnestly of the opinion that the bill ought not to be signed.”

In addition to this, the bill provides that if a bridge is acquired by the State, it shall not be used by any railroad for any purpose except upon such terms and payment of such rental to the State as shall be determined by the State Highway Commission. I am heartily in favor with the general principle of this bill, but the bill is so drawn that, if a bridge is now condemned under this provision, the result might well be confiscation for a railroad. The bill would not only work a great injustice to railroads in respect to their existing property, but it would work a great hardship to commuters along the lines of existing railroads by depriving them of even such railway facilities as they have today.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

To Grant to City of Hudson Certain Lands Under the Waters of the Hudson River

STATE OF NEW YORK — EXECUTIVE CHAMBER.

April 23, 1914

MEMORANDUM filed with Assembly bill, Introductory No. 1423, Printed No. 1649, introduced by Mr. Hover, entitled:

“An act to authorize the commissioners of the land office to grant to the city of Hudson all the interest of this state in and to certain lands now or formerly under the waters of the Hudson river.”

NOT APPROVED.

The purpose of this bill is to authorize the Commissioners of the Land Office to grant to the city of Hudson the interests of the State in certain lands now, or formerly, under the waters of the Hudson river.

I am in sympathy with the purpose of this bill, but to sign it would be to tear down the precedents and traditions of the State.

The bill authorizes the Land Board to grant to the city of Hudson, without advertising and without consideration, all the interests of this State in 296.41 acres of land, lying in the Hudson river, opposite the city of Hudson. All previous grants of this kind have been given after a specified amount of advertising and upon adequate compensation to the State. I can find only one instance where the Legislature has authorized a grant to be made of lands under water, without consideration. That was a grant by chapter 556 of the Laws of 1911, to the village of Ossining, of a narrow strip of land about fifty feet wide, extending out into the Hudson river at the foot of Quinby street, for the

purpose of extending said street, and building a public dock at the foot thereof.

The traditions and customs of this State have always required that municipalities pay a consideration to the State for lands under water, inasmuch as the lands under water are held by the people in trust for the public and are not owned by the State as uplands are owned.

Furthermore, this bill gives no latitude to the Land Board making the grant. The Land Board must grant exactly 296.41 acres, or not a single inch. It turns out that the State cannot grant this exact amount of land owing to grants previously made.

I find that the whole of the lands, included in this bill, have already been granted. Letters-patent were granted of the identical 296.41 acres to George C. Byrne and that grant excepts and reserves therefrom certain lands not excepted by this bill, namely; the privilege of the United States Government to erect and maintain a buoy or lighthouses at each end of said flats and also excepting and reserving such lands as may be required, "estimated to be a strip of land one hundred feet wide for canal or a dugway running direct from the ferryway in the city of Hudson to the ferryway in the village of Athens, as formerly used for the purpose of ferrying."

This grant was made for the purpose of commerce, upon condition that if the patentee shall not within twenty years from the date of the grant actually appropriate and apply said described premises to the purposes of commerce by erecting a dock or docks thereon and filling in the same, then said grant should become void.

The attention of the sponsors of this bill has been called to this grant, and they urged that the patentee

did not comply with the conditions, and that, therefore, the grant is voidable. However, the courts have held repeatedly that no grant made by the Land Board can be attacked collaterally and can only be attacked in a direct proceeding brought by the Attorney-General to vacate or annul the grant, under section 1957 of the Code, upon the ground that the patentee, or those claiming under him, have done or omitted an act in violation of the terms and conditions upon which the letters-patent were granted, or have by any other means forfeited the interest acquired under the same.

The Code further provides that, whenever the Attorney-General has good reason to believe that any act or omission, specified in this section, can be proved, and that the person to be made defendant has no sufficient legal defence, he must commence such an action.

No application has been made to the Attorney-General to bring such an action, and it would seem that, before the State can assert any title to these lands, such an action should be brought and determined in the State's favor. The bill would, therefore, seem to be premature.

Furthermore, according to the patent to Byrne there was also a reservation in favor of the Government to erect a lighthouse at the end of the flats, and there was also excepted a canal or dugway across this middle ground for a ferry between Hudson and Athens.

The sponsors of the bill admit that it would be only fair for the city to pay a consideration and that the bill was drafted inadvertently from the Ossining bill "without consideration." In fact the city is willing to pay a consideration for the property, and should this bill become a law, the Land Board would be in no position to demand or require a consideration; and it would also seem that, even should proof be made to the Com-

missioners of the Land Office that a grant would not unfavorably affect navigation in the Hudson river, and would not be detrimental to the public interest, still a considerable portion of the lands, in any event, should not pass to the city of Hudson when the same is required for lighthouse purposes by the general Government and for ferry slips and possibly for approaches to a Barge Canal terminal at Hudson, and it would only be fair to the general Government that it should have notice of an application to make so large a grant within the middle of the Hudson river.

Furthermore, and most important of all, if I am correctly informed as to facts, it is quite possible that the State will require a part of these lands for a Barge Canal terminal and the State would be placed in a most unfortunate position if it should this year grant the lands to a municipality, without consideration, and next year, or the year after, be obliged to repurchase them at a considerable cost.

This consideration linked to the fact that this State cannot cede to the city of Hudson, lands which are already granted to the heirs and assigns of George C. Byrne for commercial purposes and to the United States Government for lighthouse purposes, make it necessary for me to veto this bill.

(Signed) MARTIN H. GLYNN.

**Providing for Levying of a Direct Tax for Purpose of
Paying Contribution to the Canal Sinking Funds**

STATE OF NEW YORK — EXECUTIVE CHAMBER.

ALBANY, *April* 23, 1914

MEMORANDUM filed with Senate bill, Introductory No. 1325, Printed No. 1667, entitled:

“An act to provide ways and means for the support of government.”

NOT APPROVED.

This act provides for the levy of a direct tax of three hundred and fifty-five thousandths of a mill for the purpose of paying the contribution to the canal sinking fund as required by article 7, section 4, of the Constitution. If levied this tax would produce a revenue of approximately \$4,000,000.

On the basis of the appropriation and supply bills passed separately by the Senate and Assembly, the State's revenues from indirect sources will more than meet the current expenditures of Government.

The appropriation bills already signed by me for immediate work on the canal and highways, and for the outstanding obligations of the State, amount to less than \$6,000,000. Altogether the expenditures of the State outside of the sinking fund should not amount to more than \$39,000,000.

The Comptroller estimates that the State's revenue from indirect sources will be more than \$42,000,000. With the surplus now in the treasury of the State, it should be easily possible to take care of the sinking fund without resorting to a direct tax.

Since the State government can meet all its obligations without resorting to a direct tax, there is no reason for imposing an added burden upon the taxpayers of the State.

I, therefore, disapprove the bill.

(Signed) MARTIN H. GLYNN.

Memorandum Filed With the So-called "Omnibus Veto"

STATE OF NEW YORK — EXECUTIVE CHAMBER.

April 23, 1914

The Governor either by approval or veto disposed of all except 105 of the 700 bills which were sent to him by the Legislature. The remaining bills stand disapproved under the Constitution. These bills are enumerated in the following "Omnibus Veto" and may be referred to generally as being either unconstitutional, or unnecessary, or in conflict with State policy, or in violation of the principle of home rule, or too drastic and far reaching, or duplicates of other bills or embraced in or in conflict with such bills, or defectively drawn, or are bills which should be provided for, if at all, by amendment to general law.

These bills are as follows:

SENATE BILLS.

Mr. Boylan, Introductory No. 2, entitled:

"An act to amend the public health law, in relation to working hours and sleeping apartments in grocery or provision stores."

Mr. Bussey, Introductory No. 50, entitled:

"An act to amend the civil service law, in relation to the legal expenses of veterans reinstated by order of the courts."

Mr. Patten, Introductory No. 62, entitled:

"An act to amend the county law, in relation to county judges for Queens county."

Mr. Bussey, Introductory No. 88, entitled:

"An act to amend the banking law, in relation to cumulative voting of stockholders at elections of bank directors."

Mr. Brown, Introductory No. 253, entitled:

“An act to amend chapter two hundred and ninety of the laws of eighteen hundred and ninety-seven, entitled ‘An act to make the office of supervisor in the county of Oswego a salaried office,’ in relation to fees and salary of supervisor.”

Mr. Frawley, Introductory No. 270, entitled:

“An act to amend the penal law, in relation to the disposition, sale or possession of poisons.”

Mr. Griffin, Introductory No. 333, entitled:

“An act to amend the code of civil procedure, in relation to the compensation of committees of lunatics.”

Mr. Wilson, Introductory No. 347, entitled:

“An act to amend the highway law, in relation to the course and description of route twenty of the state highway system.”

Mr. Wilson, Introductory No. 348, entitled:

“An act to amend the county law, in relation to powers of county clerks.”

Mr. Coats, Introductory No. 374, entitled:

“An act for the relief of Charles R. Juen, a former member of the national guard of this state.”

Mr. Argetsinger, Introductory No. 498, entitled:

“An act to release the interest of the state of New York in certain real estate situate in the city of Rochester, of which Ralph Crysler died seized and possessed to John M. Crysler.”

Mr. Thompson, Introductory No. 501, entitled:

“An act to amend the code of civil procedure, in relation to opening and closing the argument in an action to determine the validity of a will.”

Mr. Seeley, Introductory No. 576, entitled:

“An act to amend the public health law, in relation to the definition of practice of dentistry, the appointment of members of the state board of dental examiners, correction of books of dental registry and penalties and licenses.”

Mr. O’Keefe, Introductory No. 620, entitled:

“An act to amend the tax law, in relation to the collection of taxes.”

Mr. Herrick, Introductory No. 631, entitled:

“An act to amend the public health law, in relation to the practice of medicine.”

Mr. White, Introductory No. 725, entitled:

“An act to amend the village law, in relation to the establishment of sinking funds and the investment thereof.”

Mr. Ramsperger, Introductory No. 797, entitled:

“An act to amend the judiciary law, in relation to the compensation of interpreters in Erie county.”

Mr. Herrick, Introductory No. 814, entitled:

“An act to amend the military law, in relation to brevet commissions.”

Mr. Frawley, Introductory No. 825, entitled:

“An act to reappropriate certain unexpended balances of former appropriations.”

Mr. Healy, Introductory No. 830, entitled:

“An act to amend chapter six hundred and sixty-seven of the laws of nineteen hundred and ten, entitled ‘An act to amend, revise and consolidate the charter of the village of Ossining,’ in

relation to sprinkling and oiling streets and assessments therefor.”

Mr. Brown, Introductory No. 849, entitled:

“An act to release the interest of the state of New York in the property and estate of Thomas Collins, deceased, to his brother, Michael Collins.”

Mr. Blauvelt, Introductory No. 856, entitled:

“An act to amend the insanity law, in relation to issuance of writ of habeas corpus.”

Mr. Walters, Introductory No. 902, entitled:

“An act empowering the city of Syracuse to construct an auxiliary sewer in Westcott street in said city and providing for the payment of the entire cost thereof by assessment upon the property included within its drainage area as fixed by the common council.”

Mr. Heacock, Introductory No. 991, entitled:

“An act authorizing a municipal commission for the village of Ilion, to take charge of the police, fire, sewer, water and light departments of said village.”

Mr. Coats, Introductory No. 992, entitled:

“An act to amend the labor law, in relation to definitions of the words ‘mechanics’ and ‘prevailing rate of wages.’ ”

Mr. Seeley, Introductory No. 997, entitled:

“An act to amend the public health law, in relation to the composition of local boards.”

Mr. Thompson, Introductory No. 1034, entitled:

“An act to incorporate the Middleport Cemetery Removal Association, and to prescribe its objects and purposes.”

Mr. Stivers, Introductory No. 1071, entitled:

“An act to amend chapter one hundred and seventy of the laws of nineteen hundred, entitled ‘An act to provide for the selection, location, appropriation and management of certain lands along the palisades of the Hudson river for an interstate park, and thereby preserve the scenery of the palisades,’ generally.”

Mr. Walters, Introductory No. 1078, entitled:

“An act to amend the lien law, in relation to the protection of persons furnishing and placing in a cemetery or burial ground a monument, gravestone or other cemetery structure.”

Mr. Sage, Introductory No. 1105, entitled:

“An act making an appropriation for the payment of the bills of counsel and expert witnesses in the matter of the Conger-Allds investigation as audited by the president pro tem of the senate and chairman of the committee of the whole of the senate for the session of nineteen hundred and ten.”

Mr. Foley, Introductory No. 1113, entitled:

“An act to amend the election law, in relation to the consolidation of proceedings for determining questions thereunder.”

Mr. Ramsperger, Introductory No. 1196, entitled:

“An act to amend the insurance law, in relation to certificates of authority to be issued by the superintendent of insurance.”

Mr. Foley, Introductory No. 1200, entitled:

“An act to amend the insurance law, in relation to the incorporation of automobile owners mutual insurance associations.”

Mr. Sanner, Introductory No. 1203, entitled:

“An act to amend the penal law, in relation to the burning of crops and timber or refusing to extinguish fires.”

Mr. Pollock, Introductory No. 1279, entitled:

“An act for the relief of Theodore H. Freehlich, a former member of the naval militia of this state.”

Mr. Brown, Introductory No. 1285, entitled:

“An act to release the state’s interests in a certain judgment against the Bethany Methodist-Episcopal church.”

ASSEMBLY BILLS.

Mr. McElligott, Introductory No. 13, entitled:

“An act to amend the code of civil procedure in relation to limiting the time within which to appeal.”

Mr. Knight, Introductory No. 59, entitled:

“An act to amend the code of civil procedure in relation to persons before whom oaths and affidavits may be taken.”

Mr. Knight, Introductory No. 61, entitled:

“An act to amend the real property law, in relation to the persons before whom acknowledgments and proofs within the state may be taken.”

Mr. Burlingame, Introductory No. 66, entitled:

“An act to amend the code of civil procedure, in relation to sheriffs’ fees.”

Mr. Sufrin, Introductory No. 110, entitled:

“An act to amend the general city law, in relation to night courts of civil jurisdiction for the benefit of wage earners in cities of the first class.”

Mr. Hopkins, Introductory No. 121, entitled:

“An act to amend chapter five hundred and twenty-six of the laws of nineteen hundred and ten, entitled ‘An act providing for the construction of buildings and improvements for the New York State Training School for Boys, and making an appropriation therefor,’ in relation to the fees of commissioners of appraisal appointed in condemnation proceedings authorized by said act.”

Mr. Martin, Introductory No. 131, entitled:

“An act to release the interest of the state of New York in certain real estate situate in the village of North Pelham, of which Catherine Riefer died seized and possessed, to the devisee of Conrad Riefer, the husband of said Catherine Riefer.”

Mr. Grant, Introductory No. 181, entitled:

“An act to amend the labor law, in relation to employees in dairies, creameries, milk condensaries, milk shipping stations, butter and cheese factories, ice cream manufacturing plants, and milk bottling plants, and certain other occupations.”

Mr. Geyer, Introductory No. 192, entitled:

“An act to amend the tax law, in relation to books to be kept by surrogates for entries of payments of transfer taxes.”

Mr. Crane, Introductory, No. 230, entitled:

“An act to amend the code of civil procedure, in relation to the jurisdiction of the board of claims.”

Mr. S. A. Jones, Introductory No. 238, entitled:

“An act to amend the lien law, in relation to the time of refiling chattel mortgages or filing renewals.”

Mr. Phillips, Introductory No. 311, entitled:

“An act to amend the benevolent orders law, in relation to the Red Eagles Supreme Council and the Nest of the Order of Owls.”

Mr. Machold, Introductory No. 437, entitled:

“An act to amend the town law, in relation to per diem compensation of members of the town board for attending meetings.”

Mr. Talmage, Introductory No. 446, entitled:

“An act to amend the conservation law, in relation to the open season for wild deer in Suffolk county.”

Mr. Thorn, Introductory No. 447, entitled:

“An act to amend the county law, in relation to county charges.”

Mr. Lockwood, Introductory No. 464, entitled:

“An act to release to John Clark and Margaret Clark, his wife, all the right, title and interest of the people of the state of New York, in and to certain real estate, situate in the city of New York, county and borough of Queens.”

Mr. Gallup, Introductory No. 504, entitled:

“An act to amend the labor law, in relation to the minimum wages to be paid certain employees of the state.”

Mr. J. A. Smith, Introductory No. 520, entitled:

“An act to amend the county law, in relation to deputy county treasurers in certain counties.”

Mr. Macdonald, Introductory No. 607, entitled:

“An act to amend the state charities law, in relation to estimates.”

Mr. Preswick, Introductory No. 616, entitled:

“An act to amend the Ithaca city charter, in relation to the boundaries and civil divisions of said city.”

Mr. Buecheler, Introductory No. 688, entitled:

“An act to amend chapter six hundred and seventy-six of the laws of nineteen hundred and ten, entitled ‘An act to establish the court of special sessions of the city of Syracuse, defining its powers and jurisdiction, and providing for its officers,’ in relation to acting justice of such court.”

Mr. Horton, Introductory No. 696, entitled:

“An act authorizing and directing the comptroller to revise and resettle the tax accounts for the year nineteen hundred and twelve of insurance corporations which paid their annual franchise taxes for such year prior to the taking effect of chapter three hundred and fifty-seven of the laws of nineteen hundred and thirteen.”

Mr. Brereton, Introductory No. 716, entitled:

“An act to amend the town law, in relation to strays.”

Mr. Walker, Introductory No. 741, entitled:

“An act to amend the lien law, in relation to the place of filing and refiling chattel mortgages.”

Mr. Tallet, Introductory No. 749, entitled:

“An act to amend the education law, relative to meetings for the consolidation of school districts, and the apportionment of school moneys to consolidated districts.”

Mr. S. A. Jones, Introductory No. 750, entitled:

“An act to amend the public officers law, relative to qualifications for village president.”

Mr. Gillett, Introductory No. 775, entitled:

“An act to regulate the grading, packing, marking, shipping and sale of apples.”

Mr. Montgomery, Introductory No. 783, entitled:

“An act to amend the conservation law, in relation to open season on raccoon.”

Mr. Hopkins, Introductory No. 816, entitled:

“An act to amend the town law, in relation to the appointment of special constables.”

Mr. Hopkins, Introductory No. 818, entitled:

“An act to amend the town law, in relation to the employment of stenographers in criminal actions and proceedings.”

Mr. J. L. Seely, Introductory No. 855, entitled:

“An act to amend the penal law, in relation to magistrate's fee for issuing a license to carry and use dangerous weapons.”

Mr. McElligott, Introductory No. 907, entitled:

“An act to amend the labor law, in relation to the hours of labor of stationary firemen in state hospitals.”

Mr. Bockes, Introductory No. 933, entitled:

“An act to amend the judiciary law, in relation to the distribution of miscellaneous reports.”

Mr. Hoff, Introductory No. 994, entitled:

“An act to amend the general business law, in relation to the enforcement of warehouseman's liens.”

Mr. Pratt, Introductory No. 1019, entitled:

“An act to amend the tax law, in relation to sales for nonpayment of taxes in Sullivan and Washington counties.”

Mr. Phillips, Introductory No. 1024, entitled:

“An act to amend the executive law, in relation to fees collected by the secretary of state.”

Mr. Phillips, Introductory No. 1043, entitled:

“An act to amend the railroad law, in relation to removing certain disabilities of railroad corporations now in the hands of receivers.”

Mr. Phillips, Introductory No. 1044, entitled:

“An act to amend the railroad law, in relation to extending the time for the commencement of construction or the completion of certain railroads that have heretofore been placed in the hands of receivers.”

Mr. Willard, Introductory No. 1058, entitled:

“An act to amend the banking law, in relation to savings and loan associations and to authorize the establishment and define the power of a land bank.”

Mr. S. A. Jones, Introductory No. 1122, entitled:

“An act to amend the liquor tax law, in relation to persons who have power to forbid the sale or giving away of liquor to certain persons by a notice in writing.”

Mr. W. S. Moore, Introductory No. 1124, entitled:

“An act to amend the town law, in relation to the appointment of a deputy by the town clerk.”

Mr. Hopkins, Introductory No. 1130, entitled:

“An act to amend chapter four hundred and thirty-one of the laws of nineteen hundred and nine, entitled ‘An act to establish a public school teachers’ retirement fund in Westchester county,’ and the act amendatory thereof, generally.”

Mr. Bewley, Introductory No. 1140, entitled:

“An act to amend the charter of the city of Lockport, in relation to water works and water rates.”

Mr. Quistion, Introductory No. 1159, entitled:

“An act to amend the code of civil procedure, in relation to actions and special proceedings against unincorporated associations.”

Mr. A. E. Smith, Introductory No. 1172, entitled:

“An act to amend the public health law, in relation to scope of dental examinations in certain cases.”

Mr. Nelson, Introductory No. 1173, entitled:

“An act in relation to the recording of public records, papers, documents or matters required by law to be recorded in the office of the register of the county of New York.”

Mr. Walker, Introductory No. 1196, entitled:

“An act to amend the civil service law, in relation to the legal expenses of veterans reinstated by order of the courts.”

Mr. A. E. Smith, Introductory No. 1202, entitled:

“An act to amend the inferior criminal courts act of the city of New York, in relation to the jurisdiction of the magistrate’s court and of the

court of special sessions with reference to prosecution for violation of the labor law."

Mr. Hoff, Introductory No. 1218, entitled:

"An act to amend the judiciary law, in relation to retirement of employees by the appellate division of the second department."

Mr. Law, Introductory No. 1221, entitled:

"An act to amend chapter six hundred and sixty-seven of the laws of nineteen hundred and ten, entitled 'An act to amend, revise and consolidate the charter of the village of Ossining,' in relation to the moneys to be raised annually by taxation."

Mr. Talmage, Introductory No. 1225, entitled:

"An act to amend the town law, in relation to enlarging a lighting district."

Mr. Walker, Introductory No. 1228, entitled:

"An act to amend the lien law, in relation to the place of filing and refileing chattel mortgages."

Mr. Dubois, Introductory No. 1246, entitled:

"An act to amend chapter four hundred and sixty-five of the laws of nineteen hundred and ten, entitled 'An act to permit the city of Poughkeepsie to establish, equip and maintain a tuberculosis hospital, and to permit the county of Dutchess to make appropriations therefor,' generally."

Mr. Thorn, Introductory No. 1292, entitled:

"An act to amend the inferior criminal courts act of the city of New York, in relation to cases in which a summons may be substituted for an arrest."

Mr. Dunlap, Introductory No. 1301, entitled:

“An act to amend the tax law, in relation to sale for unpaid taxes in Rockland county.

Mr. A. E. Smith, Introductory No. 1302, entitled:

“An act to amend the prison law, in relation to application for executive clemency.”

Mr. Greiner, Introductory No. 1311, entitled:

“An act to amend the tax law, in relation to the exemptions of cemetery corporations and associations wholly outside of cities and incorporated villages from lamp taxes and assessments.”

Mr. A. E. Smith, Introductory No. 1341, entitled:

“An act to amend the general business law, in relation to the manufacture and sale of mattresses.”

Mr. Horton, Introductory No. 1367, entitled:

“An act to amend the penal law, in relation to conducting business under an assumed name.”

Mr. Sullivan, Introductory No. 1371, entitled:

“An act to amend the judiciary law, in relation to the compensation of attendants of the appellate division in the fourth department.”

Mr. Wheeler, Introductory No. 1390, entitled:

“An act to amend the county law, in relation to the county of Ontario.”

Mr. Horton, Introductory No. 1392, entitled:

“An act to amend the town law, in relation to recording conveyances in certain counties.”

Mr. Henschel, Introductory No. 1396, entitled:

“An act to amend the penal law, in relation to sales of real estate at public auction.”

Mr. Ahern, Introductory No. 1408, entitled:

“An act to amend the code of civil procedure, in relation to qualification of guardian of property.”

Mr. Hopkins, Introductory No. 1415, entitled:

“An act authorizing and empowering the town of Rye, to pay to Samuel H. Graham the sum of one thousand two hundred and thirty dollars and fifty cents expended by him while one of the commissioners of highways of the town of Rye, upon the highways of such town for necessary repairs in excess of the appropriation therefor, and authorizing and empowering the supervisor of the town of Rye, the town board and the board of town auditors of the said town to do and perform any and all acts as may be necessary therefor.”

Mr. Knight, Introductory No. 1438, entitled:

“An act to amend chapter three hundred and sixty-five of the laws of eighteen hundred and ninety-four, entitled ‘An act to provide for indexing and reindexing conveyances, mortgages and other instruments relating to lands and liens thereon in the county of Kings,’ in relation to duties of the register of such county and the fees for certain services.”

Mr. Horton, Introductory No. 1472, entitled:

“An act to amend the insurance law, in relation to certificates of authority to be issued by the superintendent of insurance.”

Mr. J. L. Seely, Introductory No. 1482, entitled:

“An act relating to the validity and legality of village elections in the year nineteen hundred and fourteen.”

To Amend Insanity Law to Abolish the Mohansic State Hospital and to Acquire a Site for a New State Hospital

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *June 9, 1914*

MEMORANDUM filed with Assembly bill, Introductory No. 13, Printed No. 13 (Extraordinary Session), entitled:

“An act to provide for the acquisition of a site for a new state hospital for the insane, the construction of buildings thereon and making appropriations therefor,” and

Assembly bill, Introductory No. 14, Printed No. 14 (Extraordinary Session), entitled:

“An act to amend and repeal certain provisions of the insanity law, relative to the Mohansic state hospital and certain appropriation acts relating thereto, and to authorize the sale of lands and grounds of such hospital.”

NOT APPROVED.

Assembly bill No. 14 abolishes the Mohansic State Hospital in Westchester county and directs that the site, together with structures, buildings, railway spurs and appurtenances, shall be sold either at public or private sale.

Assembly bill No. 13 provides an appropriation of \$25,000 for the purchase of a new site for a State hospital for the insane and authorizes the immediate expenditure of \$175,000 as part of a total expenditure of a million dollars for a new State hospital to take the place of Mohansic.

To abandon Mohansic State Hospital after the State

has already invested nearly half a million dollars at this point erecting buildings, providing water pipes and drainage, and building a railway spur to the nearest trunk line, seems to me unwise and extravagant.

The Mohansic State Hospital was planned to relieve the congestion and crowding in the metropolitan hospitals for the insane. Located forty miles from New York City, it was designed to take care of the dependent insane of the metropolitan district who could not be accommodated in the hospitals already in existence.

Whatever may be my opinion of the wisdom of locating the Mohansic State Hospital at its present site, there is no doubt in my mind as to the necessity for continuing this hospital after the State has expended vast sums in making it ready for hospital purposes.

Mohansic is only valuable at the present moment in its adaptability for a State hospital. To sell it at public or private sale, according to experts, would entail a public loss of more than a quarter of a million dollars. This loss would have been unavoidable if the public authorities of New York City who objected to the location of the hospital at Mohansic had not been overcome.

Construction has been halted and progress delayed because the health authorities of New York City refused to permit a large public institution to be located in the water-shed of the greater city. These objections, however, have now been overcome. New York City has now expressed itself as entirely satisfied with the system of sewage disposal which is planned for Mohansic. There is no longer any excuse for delaying the construction at Mohansic and there is no reason why a suitable hospital should not be erected at this point in the near future.

Instead of losing the money already invested at Mohansic, the State should use its past investments as a

means to hasten the relief of the crowded hospitals for the insane. Instead of abandoning Mohansic and spending its money on a new venture I believe that New York should concentrate its present energies upon the place where the start has already been made.

We have had experience of the time required to accomplish the new ventures of the State. Usually it requires at least a year to find suitable property; another year to develop the approval of the Legislature; another to prepare suitable plans. From the inception of the idea of a hospital to its completion as a working unit, ordinary experience shows that five years should be allowed. Consequently, I cannot give my approval to Assembly bill No. 13, which provides for a new site for a new hospital upon which the Legislature proposes to expend a million dollars.

If the Legislature has a million dollars to spend, it should use it at Mohansic where results may be speedily achieved and where no time will be lost in accomplishing desired results.

New York cannot wait five years for a new hospital for the insane. The distressing over-crowding in existing hospitals is a condition which cries for immediate relief. To herd two thousand patients into a building intended to contain only one thousand is inhuman and barbarous, and the humanity of New York should incline it to hasten rather than to defer better accommodations.

If I should sign the bill appropriating money for a new hospital, construction at Mohansic would be indefinitely deferred. My action would not only provide an excuse for ignoring Mohansic, but would place an obstacle in the path of those who are urging upon the State sufficient appropriations to take care of the increasing numbers of the insane in not only one district,

but in every district of New York. Instead of planning for one new hospital to be completed in five years, the Legislature should consider the problem of the insane in all its aspects and make provision for enough hospitals to meet all the requirements of the future.

There is nothing so inimical to a solution of our hospital problem along proper lines as an attempted solution along different lines which is admittedly inadequate. I have no doubt that if I sign the bill providing for one new hospital the friends of the movement for better hospitals all through the State would find this a stumbling block when they go to the next Legislature with a broader and better proposition.

Even if the foregoing reasons did not compel me to veto the appropriation for a new hospital, the manner in which the appropriating act is phrased would incline me to oppose it.

The bill appropriates only \$25,000 for a site for a hospital near New York which is to cost in the neighborhood of a million dollars. It is impossible to purchase a piece of property in the neighborhood of the greater city for \$25,000 which is capable of housing two thousand people.

It would be far better to spend \$250,000, if necessary, for the right piece of land and \$750,000 for buildings, in order that space for future extensions might be provided.

I, therefore, disapprove these bills.

(Signed) MARTIN H. GLYNN.

Veto of Items Contained in Bill Appropriating Money for Improvements at Various State Institutions and for Other Miscellaneous Constructions and Improvements, the Other Portions of which Bill Were Approved

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *June 10, 1914*

MEMORANDUM filed with Senate bill, Printed No. 12 (Extraordinary Session), entitled:

“An act making appropriations for construction, improvements, repairs and equipments at various state institutions and for other miscellaneous constructions and improvements.”

Statement of items of appropriations of money contained in said bill which are severally objected to, to wit:

Public Service Commission, Second District

Page 2, under the head of Regulative:

“For the elimination of grade crossing on Spring street in the city of Ogdensburg, St. Lawrence county, twenty thousand dollars” (\$20,000).

This item is disallowed for the reason that the Public Service Commissions Law provides that the Public Service Commission shall determine what grade crossings shall be eliminated, and because this policy of legislating for particular localities, if inaugurated, would create endless difficulties in disposing of the grade crossing problem.

Oswego Normal School

Page 3, under the head of Educational:

“ For the completion of the grading of the grounds of the Oswego Normal School and for the completing of the furnishing of the Oswego normal school building, forty thousand dollars ” (\$40,000).

This item is disapproved because the facts submitted to me tend to show that this institution would not suffer any hardship if the work provided by this appropriation should not be performed until next year.

Potsdam Normal School

Page 3, under the head of Educational:

“ The sum of eighty-eight thousand dollars is hereby appropriated for the reconstruction of the Potsdam Normal School, of which sum sixty-three thousand dollars shall be in addition to the amount authorized by chapter four hundred of the laws of nineteen hundred eleven. Such sum shall be immediately available and shall be expended under the provisions of said chapter four hundred of the laws of nineteen hundred and eleven ” (\$88,000).

This item is disapproved because the school can be maintained as well as it has been for several years past, without this improvement and its present efficiency will not be impaired.

Central New York Institution for Deaf-Mutes

Page 3, under the head of Educational:

“ For industrial school equipment, one thousand six hundred fifty dollars ” (\$1,650).

This item is disapproved for the reason that this is a new undertaking on the part of this institution and could be deferred a year without embarrassment.

Northern New York Institution for Deaf-Mutes

Page 3, under the head of Educational:

“ For construction of kindergarten annex, fourteen thousand three hundred dollars ” (\$14,300).

This item is disapproved for the reason that this is a new undertaking on the part of this institution and could be deferred a year without embarrassment.

Agricultural Experiment Station

Page 4, under the head of Agricultural:

“ For the construction of an administration library and demonstration building at the New York Agricultural Experiment Station, and for heating, lighting and equipping same and purchasing land on which to erect said building, the board of control of said institution is hereby authorized to enter into contracts not exceeding in the aggregate one hundred thousand dollars of which sum there is hereby appropriated thirty thousand dollars ” (\$30,000).

This item is disapproved for the reason that the appropriation is one for convenience and not for necessity. The work of this institution can be carried on as it has been during the past with success, without this new building, and the amount of available revenue this year does not warrant the construction of the building at this time.

Cornell University, College of Agriculture

Page 5, under the head of Agricultural:

“ For additions, repairs, grading, walks, roads, drives, planting and for sewers, water pipes, drains, and underground steam, electrical or telephone connections, five thousand dollars ” (\$5,000).

This item is disapproved for the reason that the item does not show any immediate necessity, and the appropriation is evidently for some anticipated needs and under present conditions should not be allowed.

Cornell University, College of Agriculture

Page 5, under the head of Agricultural:

“ For constructing conduits and for underground steam connections to connect the central heating plant with the stock-judging pavilion, forestry building, animal husbandry headquarters building, agency building, extension to poultry husbandry plant, greenhouses, main buildings, home economics building, auditorium building and any other agricultural college buildings, thirty-eight thousand dollars ” (\$38,000).

This item is disapproved because this institution is able to provide for its need with its present facilities. While a central heating plant might be more economical and more convenient, its construction this year is not justified.

Cornell University, College of Agriculture

Page 5, under the head of Agricultural:

“ For forestry land and timber to be used for instruction, experimental work and practical dem-

onstration in forestry, the purchase of said tract of land and timber to be subject to appraisal and approval by the chairman of the finance committee of the senate and the chairman of the ways and means committee of the assembly or their representatives, forty thousand dollars " (\$40,000).

This is disapproved because the State is not in a position to spend so much money for an entirely new enterprise.

State School of Agriculture at Morrisville

Page 6, under the head of Agricultural:

" For completion of roads and walks and grading, one thousand two hundred and fifty dollars " (\$1,250).

This is disapproved because it is an appropriation for convenience and not for immediate necessity.

Saint Lawrence University

Page 6, under the head of Agricultural:

" For the completion of the building for manual training shops and butter and cheese making, five thousand dollars " (\$5,000).

This is disapproved because the appropriation is for a new enterprise which can be deferred to the future.

Syracuse University

Page 7, under the head of Agricultural:

" For equipment of state forestry building, forty thousand dollars " (\$40,000).

This item is disapproved for the reason that I am informed that the contract for the forestry building, which is to cost a great many thousands of dollars, has

been awarded within the past few weeks. A building of the size and character of the proposed forestry building cannot be properly constructed and finished within a year, and in all probability no attempt will be made to complete this building until long after the next Legislature has been in session, and the equipment for the building will not be needed for more than a year to come.

Auburn Prison

Pages 8 and 9, under the head of Penal:

“ For purchasing, installing and equipping water purification plant, four thousand dollars ” (\$4,000).

“ For overhauling the plumbing and water systems, two thousand five hundred dollars ” (\$2,500).

“ For deepening water wheel pit, five hundred dollars ” (\$500).

“ For chairs for cells, one thousand five hundred dollars ” (\$1,500).

No facts have been presented to me which justify the necessity of an immediate appropriation for the above items. .

Clinton Prison

Pages 9 and 10, under the head of Penal:

“ For electric wiring in conduit, two thousand one hundred dollars ” (\$2,100).

“ For placing electric wires underground, one thousand eight hundred dollars ” (\$1,800).

“ For laundry building and machinery and installing bath stalls, four thousand dollars ” (\$4,000).

“ For pipe cutting machinery, nine hundred dollars ” (\$900).

“ For repair shop and machinery, two thousand one hundred dollars ” (\$2,100).

“ For plumbing and steam fitting repairs, two thousand dollars ” (\$2,000).

“ For coal trestle, five hundred dollars ” (\$500).

“ For concrete galleries in west hall, one thousand two hundred dollars ” (\$1,200).

“ For a meat cooler, three thousand dollars ” (\$3,000).

“ For piano for chapel, three hundred dollars ” (\$300).

“ For an additional story on dye house, four thousand five hundred dollars ” (\$4,500).

“ For new concrete walk, six hundred dollars ” (\$600).

“ For reconstruction of sewerage system, three thousand dollars ” (\$3,000).

“ For electric elevator for hospital, one thousand eight hundred dollars ” (\$1,800).

“ For additional kitchen equipment, one thousand dollars ” (\$1,000).

These items are disapproved as no facts have been presented to me which would justify the demand for an immediate appropriation.

Great Meadow Prison

Page 10, under the head of Penal:

“ For house and lot, one thousand five hundred dollars ” (\$1,500).

This item is disapproved because no facts have been presented to me which would justify the necessity of an immediate appropriation.

State Prison for Women

Page 10, under the head of Penal:

“ For new greenhouse, one thousand five hundred dollars ” (\$1,500).

This item is disapproved for the reason that no facts have been presented to me which would justify the necessity of an immediate appropriation.

Page 10:

“ For one-fourth the cost of paving that portion of Wall street in the city of Auburn, abutting the land of the State Prison for Women, three thousand four hundred dollars ” (\$3,400).

This item is disapproved for the reason that it is not the proper procedure to pursue in providing for the payment of the State's share for local improvements.

Matteawan State Hospital

Page 11, under the head of Penal:

“ For new laundry building and equipment, ten thousand dollars ” (\$10,000).

This is disapproved because the amount appropriated is entirely inadequate for the purpose for which it is intended.

Page 11:

“ For new boilers in power plant, nine thousand five hundred dollars ” (\$9,500).

This is disapproved because there is nothing to show the immediate necessity for the appropriation.

Page 11:

“ For sidewalk, grading and fencing women's group, one thousand two hundred dollars ” (\$1,200).

This item is disapproved for the reason that no facts have been presented to me which would justify the necessity of an immediate appropriation.

Western House of Refuge for Women, Albion

Page 12, under the head of Charitable:

“ For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York School for the Blind, Batavia

Page 13, under the head of Charitable:

“ For extraordinary repairs and new equipment, two thousand dollars ” (\$2,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York State Soldiers and Sailors' Home

Page 13, under the head of Charitable:

“ For reconstructing barracks recently destroyed by fire, fifty thousand dollars ” (\$50,000).

This is disapproved because the part of this institution which was destroyed by fire, is only a very small portion of the entire housing capacity of this institution. The original plans provided for many hundreds more than are now given homes, and the part destroyed by fire does not take enough away to prevent the present quarters from providing for all those now at the institution or who are apt to be there.

New York State Reformatory for Women, Bedford

Page 13, under the head of Charitable:

“ For extraordinary repairs and new equipment, two thousand five hundred dollars ” (\$2,500).

New York State Reformatory, Elmira

Page 14, under the head of Charitable:

“ For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

New York Training School for Girls, Hudson

Page 14, under the head of Charitable:

“ For extraordinary repairs and new equipment, three thousand five hundred dollars ” (\$3,500).

State Agricultural and Industrial School, Industry

Page 14, under the head of Charitable:

“ For extraordinary repairs and new equipment, five thousand dollars ” (\$5,000).

These items are disapproved for the reason that these appropriations are for purposes which have not yet developed and which are mere guesswork.

Thomas Indian School

Page 15, under the head of Charitable:

“ For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

Eastern New York Reformatory, Napanoch

Page 15, under the head of Charitable:

“ For surface drains and sewers, one thousand five hundred dollars ” (\$1,500).

This is disapproved because the necessity for the item is not apparent.

Page 15:

“ For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York State Custodial Asylum for Feeble-Minded Women

Page 15, under the head of Charitable:

“ For farm barn, two thousand five hundred dollars ” (\$2,500).

This is disapproved because the institution can easily care for its farming activities without this additional appropriation.

Page 15:

“ For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York State Women's Relief Corps Home, Oxford

Page 15, under the head of Charitable:

“ For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York State Hospital for the Treatment of Incipient Pulmonary Tuberculosis, Raybrook

Page 16, under the head of Charitable:

“For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

Rome State Custodial Asylum

Page 16, under the head of Charitable:

“For an enlarged electrical equipment, two thousand five hundred dollars ” (\$2,500).

This is disapproved because the immediate necessity is not shown. No complete electric lighting plant should be provided until after the new building provided for this year shall have been constructed.

Page 16:

“For extraordinary repairs and new equipment, two thousand five hundred dollars ” (\$2,500).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

Craig Colony for Epileptics, Sonyea

Page 16, under the head of Charitable:

“For additional machinery in brick yard and ditching machine, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that it is not immediately necessary, and it will be well to wait until the brickmaking proposition has been developed at Elmira before any new development is made at Sonyea.

Page 16:

“ For extraordinary repairs and new equipment, three thousand dollars ” (\$3,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

Syracuse State Institution for Feeble-Minded Children

Page 17, under the head of Charitable:

“ For extraordinary repairs and new equipment, four thousand five hundred dollars ” (\$4,500).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

Letchworth Village, Thiells

Page 17, under the head of Charitable:

“ For extraordinary repairs and new equipment, three thousand dollars ” (\$3,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York State Hospital for Deformed and Crippled Children

Page 17, under the head of Charitable:

“ For frame school house, one story, to accommodate one hundred and twenty-five patients, seven thousand five hundred dollars ” (\$7,500).

This item is disapproved because the appropriation is made on the theory of a largely increased population at this institution. The information furnished me does not make certain enough the need of this additional building to justify the appropriation.

Page 17:

“ For extraordinary repairs and new equipment, one thousand dollars ” (\$1,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York State Training School for Boys, Yorktown Heights

Page 18, under the head of Charitable:

“ For fruit trees, shrubs, seeds, farm stock, and equipments, two thousand dollars ” (\$2,000).

This is disapproved because it is an appropriation which can be deferred without any hardship to the institution.

Page 18:

“ For extraordinary repairs and new equipment, including silos, four thousand dollars ” (\$4,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

New York House of Refuge, Randall's Island

Page 18, under the head of Charitable:

“ For extraordinary repairs and new equipment, four thousand dollars ” (\$4,000).

This item is disapproved for the reason that this appropriation is for a purpose which has not yet developed and is mere guesswork.

Niagara Reservation

Page 19, under the head of Protective:

“ For house for winter use at elevator entrance, two thousand five hundred dollars ” (\$2,500).

“ For bronze doors and bronze window frames for upper and lower stations of elevator structure, two thousand five hundred dollars ” (\$2,500).

These items are disapproved because this reservation has been maintained satisfactorily for a long time without these proposed changes.

Watkins Glen Reservation

Page 19, under the head of Protective:

“ For shelter pavilion south of suspension bridge, including excavating and grading, eight thousand dollars ” (\$8,000).

This item is disapproved because this reservation has been maintained satisfactorily for a long time without this proposed building.

Fire Island State Park

Page 19, under the head of Protective:

“ For rebuilding dock at Babylon, one thousand dollars ” (\$1,000).

This item is disapproved because this park has been maintained satisfactorily for a long time without this proposed dock and it does not appear to be necessary at this time.

Fort Brewerton

Page 19, under the head of Protective:

“ For the purpose of fencing the property on which is located Fort Brewerton, heretofore acquired by the State, placing old cannon on the ancient earthworks thereof, erecting a liberty pole on such grounds, et cetera, one thousand dollars ” (\$1,000).

This item does not appear to be necessary at this time.

Sir William Johnson Mansion

Page 20, under the head of Protective:

“ Moving barn, preparing new abutments and placing barn on same and putting barn in good repair and grading and seeding, et cetera, around caretaker's cottage when completed, one thousand five hundred dollars ” (\$1,500).

“ Repairing roads, walks and drives, three hundred dollars ” (\$300).

“ Restoring floor in kitchen of mansion and restoring kitchen to its original condition as near as can be, two hundred dollars ” (\$200).

“ Repairs to and restoring floors in mansion, fifty dollars ” (\$50).

“ Restoring, repairing and replacing windows in cellars of mansion, fifty dollars ” (\$50).

“ Opening and restoring underground passage, six hundred dollars ” (\$600).

These items are disapproved because no information has been given me which shows the necessity of the appropriation.

Letchworth Park

Page 21, under the head of Protective:

“ For repairs to buildings, three thousand dollars ” (\$3,000).

“ For repairs to equipment, five hundred dollars ” (\$500).

“ For roads, paths and bridges, three thousand dollars ” (\$3,000).

“ For guard rail and fences, five hundred dollars ” (\$500).

These items are disapproved for the reason that no information has been given to me which shows the necessity of the appropriation.

Crown Point Reservation

Page 21, under the head of Protective:

“ For plumbing, including closets, lavatories, water piping, and connections, sewers and all interior piping and attachments, constructing cess-pools or other arrangements for sewage disposal, putting in piping for same and grading at the Crown Point reservation to be placed in the new comfort station now being erected at that place, fifteen hundred dollars ” (\$1,500).

This is disapproved because the purpose of the appropriation could not be accomplished until next year when the Legislature would have to make an appropriation for bringing water from Lake Champlain to make this building usable. At the present time, and until the Legislature makes such appropriation, no part of this building can be used.

Page 21:

“ For cleaning out and protecting with a suitable fence the old fort well and making same accessible and available to visitors on said Crown Point reservation, five hundred dollars ” (\$500).

This is disapproved because it is unnecessary at this time.

State Engineer and Surveyor

Page 24, under the head of Constructive:

“ For metal filing cases in the office of the state engineer and surveyor, two thousand dollars ” (\$2,000).

This is disapproved because it is something which can be deferred without any injury to the work of the department.

Department of Public Works

Page 24, under the head of Constructive:

“ For removing stumps, dead timber, refuse and other obstructions from Racquette river and Racquette pond, town of Altamont, Franklin county, the sum of ten thousand dollars ” (\$10,000).

I have no information before me that this is for general public good.

Department of Public Works

Page 24, under the head of Constructive:

“ For the superintendent of public works, the sum of twelve thousand five hundred dollars, for cleaning out the channels and otherwise improving Black creek, Beaman creek, and Got creek in the towns of Clarence and Amherst in the county of Erie, under plans, specifications and estimates to be furnished by or submitted to and approved by the state engineer and surveyor. No work shall be commenced until instruments shall be filed with the superintendent of public works by adjacent property owners granting to the state the right to clean out the channels of such streams and releasing the state from all damages which may have

accrued up to the date of execution thereof, and nothing in this chapter shall be construed as a recognition of assumption of any liability on the part of the state for any damages done by reason of the cleaning out of the channels of such creeks in the manner herein provided. No part of such appropriation shall be available, except for necessary plans and specifications which portion shall be payable on the order of the state engineer and surveyor, until a contract for the completion of such work within the balance remaining after such expenses shall have been deducted shall have been entered into with some responsible person, firm or corporation " (\$12,500).

This is disapproved because it appropriates a large sum of money for a purely local purpose, and nothing is shown in the item itself or in any information which has been presented to me, that the proposed work will be of any general public benefit.

Page 26, under the head of Canal Fund:

“ For constructing a channel for the west branch of Eighteen Mile creek in the city of Lockport, to take the water now overflowing lands of L. H. and T. H. Huston and others on account of the State having filled up the original channel in dumping spoil therein from contract sixty-seven barge canal, the sum of three thousand dollars, or so much thereof as may seem necessary ” (\$3,000).

This is disapproved because a claim for damages from the Barge Canal should not be adjusted in an appropriation bill.

(Signed) MARTIN H. GLYNN

June 10, 1914.

**Veto of Items Contained in the Annual Supply Bill the
Other Portions of Which Bill Were Approved**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *June 10, 1914.*

MEMORANDUM filed with Senate bill, Printed No. 13
(Extraordinary Session), entitled:

“An act making appropriations for certain expenses of government and various miscellaneous appropriations and supplying deficiencies in former appropriations.”

Statement of items of appropriations of money contained in said bill, which are severally objected to, to wit:

Attorney-General

Page 7, under the head of Administrative:

“ For deficiency in former appropriation for the payment of attorneys and special counsel, including disbursements incurred upon the authorization of former Attorney-General Jackson and former Attorney-General O'Malley, to be paid by the comptroller upon the approval of the attorney-general, eight thousand dollars ” (\$8,000).

This is disapproved because no information has been filed to show the nature or validity of the claims provided for, nor have I been furnished with any statement of the nature of these claims or under what authority they were created.

Civil Service Commission

Page 11, under the head of Administrative:

“ For deficiency in salary of employee, eighth grade, six hundred dollars ” (\$600).

This is disapproved for the reason that increases of salaries ought not to antedate the appropriation made for such purpose.

Page 11, under the head of Administrative:

“ For deficiency in appropriation for the actual and necessary traveling and other expenses of the commissioners, secretary, chief examiner, or other employees of the commission, in the performance of their official duties, one thousand five hundred dollars ” (\$1,500).

This is disapproved for the reason that there are no funds available for this purpose.

Clerk of the Senate

Page 13, under the head of Legislative:

“ For improvements, alterations and repairs, and for furniture and furnishings, including metal filing, supply and record cases for the clerk’s room, document room and other legislative rooms of the senate, ten thousand dollars, to be paid by the treasurer on the warrant of the comptroller and the certificate of the president and clerk of the senate ” (\$10,000).

This is disapproved because the work provided for by this appropriation can be deferred a year without any serious inconvenience.

Board of Statutory Consolidation

Page 18, under the head of Legislative:

“ For deficiency in appropriation for the completion of the simplification of the civil practice in the courts of the state of New York by the board of statutory consolidation, as provided by chapter

seven hundred and thirteen of the laws of nineteen hundred and thirteen, ten thousand dollars " (\$10,000).

This is disapproved for the reason that there are still funds available for continuing this work.

Law Library, Rochester

Page 29, under the head of Judicial:

" For deficiency in appropriation in books, binding and repairs in books, to be paid on the certificate of the librarian thereof, three thousand five hundred dollars " (\$3,500).

This is disapproved because it is not a deficiency item but an appropriation for maintenance which should be part of the regular appropriation bill.

Labor Department

Page 31, under the head of Regulative:

" For furniture and equipment of the new office of the department in the capitol and for other incidental expenses of the department, fifteen thousand dollars " (\$15,000).

This is disapproved because the amount exceeds the proper requirement for this purpose and because other appropriations are available.

Page 33, under the head of Regulative:

" For postage, telegraph and telephone service and other incidental office expenses, one thousand dollars " (\$1,000).

This is disapproved for the reason that it is not good policy to make office expenses appropriations for separate bureaus.

Medical Examinations

Pages 44 and 45, under the head of Educational:

“ For deficiency in appropriation for medical examinations, thirteen thousand dollars, to be expended as follows:

“ For expenses, prior to October first, nineteen hundred and fourteen, of medical examinations, including postage, express, parchment for licenses, printing, engraving, supplies, office expenses of secretary, salary of stenographer, traveling expenses of examiners, rooms for holding examinations and services of persons temporarily employed to conduct such examinations and for expenses of hearings, as specified in article eight, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, two thousand six hundred sixty-six dollars and sixty-seven cents ” (\$2,666.67).

“ For the salary of the secretary of the state board of medical examiners for four months of the year beginning June first, nineteen hundred and fourteen, pursuant to article eight, chapter forty-nine, laws of nineteen hundred and nine, being the public health law, one thousand three hundred thirty-three dollars and thirty-three cents ” (\$1,333.33).

These items are disapproved as there appears to be the balance of a former appropriation available for this purpose.

Morrisville Agricultural School

Page 50, under the head of Agricultural:

“ For deficiency in appropriation for the completion and equipment of the demonstration building, one thousand five hundred dollars ” (\$1,500)

This is disapproved because the necessity for this item is not apparent.

Page 51, under the head of Agricultural:

“ For deficiency in appropriation for grading roads and walks, two thousand five hundred dollars ” (\$2,500).

This is disapproved because the work provided for would justify that it be done another year.

Alfred University.

Page 51, under the head of Agricultural:

“ For purchase of animals to replace those destroyed under the agricultural law or otherwise, one thousand dollars ” (\$1,000).

This is disapproved as it is not specific in its purpose.

State Fair Commission.

Page 51, under the head of Agricultural:

“ For deficiency in appropriation for maintenance, care of grounds and buildings and general repairs, and for general permanent improvements, fifteen thousand dollars ” (\$15,000).

This is disapproved as past experiences show that the revenue from the State Fair will be sufficient to provide for this fund.

Page 52, under the head of Agricultural:

“ For deficiency in appropriation for fees of architect employed pursuant to chapter three hundred and twenty-three of the laws of nineteen hundred and thirteen, in preparing plans and specifications and supervising construction of poultry building, four thousand four hundred seventy-seven dollars and eighty-five cents ” (\$4,477.85).

This is disapproved because there are no facts before me to show the necessity or justification of this expenditure.

Adjutant-General.

Page 53, under the head of Defensive:

“ For deficiency in appropriation made by chapter five hundred and forty-six, laws of nineteen hundred and twelve, for allowances to headquarters, five thousand twenty-five dollars ” (\$5,025).

This is disapproved because the funds now in the treasury ought to be sufficient for the present fiscal year.

Prison Department.

Page 56, under the head of Penal:

“ For deficiency in appropriation for providing for current literature for the several state prisons, two thousand dollars, to be expended under the direction of the superintendent of state prisons ” (\$2,000).

This item is disapproved because it is unnecessary.

Page 56, under the head of Penal:

“ For deficiency in appropriation for salaries of four head teachers, three thousand dollars ” (\$3,000).

This item is disapproved because it is unnecessary.

Page 56, under the head of Penal:

“ For school and library books, one thousand dollars ” (\$1,000).

This item is disapproved because it is unnecessary.

Page 57, under the head of Penal:

“ For deficiency in appropriation for support and maintenance of insane criminals at the Matteawan State Hospital, five thousand dollars ” (\$5,000).

This is disapproved for the reason that existing funds ought to be sufficient for the purposes of the present fiscal year.

Conservation Department.

Page 63, under the head of Protective:

“ For deficiency in appropriation for salaries of game protectors, sixth grade, pursuant to section one hundred and sixty-eight of the conservation law, two thousand five hundred dollars (\$2,500).

This is disapproved because there is no appropriation for continuing these salaries during the next fiscal year.

Page 64, under the head of Protective:

“ For deficiency in appropriation for printing thirty thousand copies of the amended conservation law in relation to fish and game, and two hundred thousand copies of a syllabus of said laws, pursuant to section one hundred and sixty of the conservation law, six thousand dollars ” (\$6,000).

This is disapproved because there are no changes in the game laws which warrant the reprinting of them during the present year.

Page 65, under the head of Protective:

“ For deficiency in salary of the fish culturist from April first, nineteen hundred and twelve to

September thirtieth, nineteen hundred and twelve, as provided by section one hundred and fifty-one of chapter four hundred and forty-four of the laws of nineteen hundred and twelve, five hundred dollars '' (\$500).

This is disapproved because increases of salaries ought not to antedate the appropriation.

Page 66, under the head of Protective:

“ For deficiency in appropriation for maintenance of fish hatcheries and hatchery stations, traveling expenses of fish culturist and messengers, purchase of fish eggs and miscellaneous expenses, ten thousand dollars '' (\$10,000).

This is disapproved because the funds available ought to be sufficient for this year.

Page 66, under the head of Protective:

“ For deficiency in appropriation for general expenses of the forestry bureau, traveling, nursery work, reforesting lands, publishing instructive pamphlets, furnishing trees at cost to citizens of the state, making field studies and field tables, determining the rate of growth of trees, as required by section fifty of the conservation law, five thousand dollars '' (\$5,000).

This is disapproved because the nature of the item shows that it is not a deficiency item.

Page 66, under the head of Protective:

“ For deficiency in appropriation for traveling expenses, services, supplies and equipment for the enforcement of the fire provisions of the conservation law, fifty thousand dollars '' (\$50,000).

This is disapproved because the funds available are sufficient for the present year, unless some large forest fire should occur, in which event the authorities have been empowered to ask the Comptroller to borrow \$100,000 for the purpose.

Page 67, under the head of Protective:

“ For the purchase of forest lands in the Catskill Park and the expenses incident thereto, thirty-two hundred dollars ” (\$3,200).

This is disapproved because \$5,000 has been provided for in this bill for such purpose.

Page 67, under the head of Protective:

“ For the conservation commission for the survey of land about the shores about the pond formed by the Stillwater dam up to six feet and the timber on such land, three thousand dollars ” (\$3,000).

This is disapproved because there is grave doubt whether this is a work which the Conservation Commission ought to do.

Trustees of Public Buildings

Page 70, under the head of Protective:

“ For the construction of the education building including claims arising from the construction thereof to be determined by the trustees of public buildings and paid upon their order and the audit of the comptroller, seventy-eight thousand dollars ” (\$78,000).

This is disapproved because the nature of the appropriation seems to place the responsibility of determining the validity and amount of this claim upon the Trustees of Public Buildings, when the correct pro-

cedure should have been for the Legislature to appropriate the amount which had been previously determined by the proper court.

Public Lands

Page 71, under the head of Protective:

“ Ten hundred twenty-five dollars and fourteen cents is hereby appropriated for the payment of taxes assessed in the year nineteen hundred and twelve upon wild and forest lands in the town of Clifton, Saint Lawrence county, but the money hereby appropriated shall not be paid to the town until the assessment roll of such town shall have been filed with the conservation commission and the state comptroller, as required by section twenty-two of the tax law, as amended by chapter two hundred and forty-five of the laws of nineteen hundred and twelve, nor until such assessment shall have been approved by the comptroller, as required by such section ” (\$1,025.14).

This item is disapproved because there is nothing to show the legal obligation of the State.

Washington's Headquarters

Page 71, under the head of Protective:

“ For deficiency in appropriation for general maintenance, repairs and other contingent expenses, three thousand dollars ” (\$3,000).

This item is disapproved because the necessary funds for maintenance of this institution are already provided for.

Philipse Manor Hall, Yonkers

Page 72, under the head of Protective:

“ For deficiency in appropriation for general maintenance, repairs, furniture and other contingent expenses, one thousand five hundred dollars ” (\$1,500).

This item is disapproved because the necessary funds for maintenance of this institution are already provided for.

Department of Public Works

Page 78, under the head of Constructive:

“ For deficiency in appropriation for care and improvements of canal locks on Upper Saranac lake and Lower Saranac lake in the county of Franklin, five hundred dollars ” (\$500).

This item is disapproved because a new law has placed the care of these locks under the Department of Public Works.

State Architect

Page 81, under the head of Constructive:

“ For the actual and necessary traveling and necessary expenses of the officers and employees of the departments, in the performance of their official duties, ten thousand dollars ” (\$10,000).

This item is disapproved because it is unnecessary.

Page 81, under the head of Constructive:

“ For furniture, books, blanks, printing, binding, telephone and telegraph service, and other necessary office expenses, six thousand dollars ” (\$6,000).

This item is disapproved because it is unnecessary.

Arthur S. Hogue

Page 85, under the head of General:

“ For Arthur S. Hogue for deficiency in appropriation for services furnished and expenses paid or incurred in connection with the investigation, directed by the governor, into the cause of death of John Heffernan, a convict in Clinton prison, found dead in his cell on August sixteenth, nineteen hundred and twelve, to be paid out on vouchers approved by the attorney-general, one thousand three hundred three dollars and ninety-five cents ” (\$1,303.95).

This item is disapproved as it does not show that it is a legal obligation to the State.

D. J. Dewon

Page 86, under the head of General:

“ For deficiency in the appropriation for D. J. Dewon for services as investigator from January twentieth, nineteen hundred and thirteen, investigating the state department of highways, six hundred fifty dollars ” (\$650).

This item is disapproved because there is nothing to show that this expenditure was legally authorized.

George R. Smith

Page 87, under the head of General:

“ For deficiency in appropriation for services for George R. Smith, and expenses incurred as a special accountant in connection with the investigations of John A. Hennessy, a commissioner appointed by the governor, under the Moreland act, one thousand one hundred and ninety-nine dollars and fifty cents ” (\$1,199.50).

This is disapproved because the information furnished me is that the claimant has already received compensation for his services during the same period from the city of New York, which would make this payment illegal and improper.

Edward N. Trump

Page 88, under the head of General:

“ For deficiency in appropriation for Edward N. Trump, for land situated in the town of Camillus, Onondaga county, appropriated for the use of the enlarged Erie Canal pursuant to chapter three hundred and thirty-eight of the laws of eighteen hundred and ninety-four, six thousand five hundred dollars ” (\$6,500).

This is disapproved because information has been furnished me to show that there is no obligation upon the part of the State for the payment of this money.

Joseph Curren

Page 91, under the head of General:

“ For deficiency in appropriation for services for Joseph Curren and expenses incurred as investigator of highways with John A. Hennessy, a commissioner appointed by the governor, under the Moreland act, two thousand four hundred sixty dollars ” (\$2,460).

This item is disapproved for the reason that I have been unable to secure satisfactory evidence that the expenditure was legally created.

Henry P. Morrison

Page 91, under the head of General:

“ For deficiency in appropriation for services for Henry P. Morrison, incurred as an investi-

gator of highways with John A. Hennessy, a commissioner appointed by the governor, under the Moreland act, eight hundred eighty dollars " (\$880).

This item is disapproved for the reason that I have been unable to secure satisfactory evidence that the expenditure was legally created.

Charles M. Hilton

Page 91, under the head of General:

" For deficiency in appropriation for services for Charles M. Hilton and expenses incurred as an investigator of highways with John A. Hennessy, a commissioner appointed by the governor, under the Moreland act, six hundred fifty dollars " (\$650).

This item is disapproved for the reason that I have been unable to secure satisfactory evidence that the expenditure was legally created.

(Signed) MARTIN H. GLYNN.

Veto of Items Contained in the Annual Appropriation Bill the other portions of which Bill were approved

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *June* 10, 1914

MEMORANDUM filed with Senate bill, Printed No. 14, (Extraordinary Session) entitled:

"An act making appropriations for the support of government."

Statement of items of appropriations of money contained in said bill which are severally objected to, to wit:

LEGISLATIVE

Page 31:†

“ For legislative printing of the state, two hundred thousand dollars, and the comptroller is authorized to pay from said amount for the services of an expert printer to examine all the accounts for printing, and who shall also act as chief clerk of the printing board, a sum not to exceed three thousand five hundred dollars per annum; so much of said fund as may be necessary therefor to be applicable to the payment of the legislative printing done under contract therefor ending September thirtieth, nineteen hundred and fourteen ” (\$200,000).

The item of \$200,000 for printing is mainly for the fiscal year commencing October 1, 1914, but the major portion of the work will not be performed until the convening of the next legislative session in January. It seems to me, therefore, that sufficient funds are available in the supply bill to pay all printing items for the balance of the present year, and that provision can be made by the Legislature of 1915 for the printing for that year.

Page 31:

“ For publication of the session laws and the official canvass and official notices provided by law, which are subjects of contract, one hundred thousand dollars ” (\$100,000).

This is disapproved because there seems to be money enough available at the present time to provide for this purpose for the ensuing fiscal year.

REGULATIVE

HEALTH OFFICER, PORT OF NEW YORK

Page 86:

“For boat supplies and repairs, laboratory supplies and repairs, dock repairs, repairs to and reconstruction of buildings, lighting, telephone, water, oil, clothing, uniforms, mason work, plumbing, printing, stationery, drugs and instruments, and incidental expenses, ten thousand dollars ” (\$10,000).

This is disapproved because an appropriation was made at the regular session which ought to be ample to provide for this purpose.

BOARD OF TAX COMMISSIONERS

Page 87:

“mortgage tax clerk, four thousand dollars ” (\$4,000).

“assistant mortgage tax clerk, three thousand dollars ” (\$3,000).

This is disapproved because the positions no longer exist.

EDUCATIONAL

PRINTING

Education Department

Page 105:

“For all department printing, including trustees' reports, school registers and the Arbor day circular, twenty thousand dollars (\$20,000). No payments for printing for the department of education shall be made from any other appropriation in this act.”

This is disapproved because the information furnished me raised a doubt as to its necessity, but in any event, no embarrassment will ensue, as the next Legislature will have met before any money is required.

AGRICULTURAL

CORNELL UNIVERSITY

Page 139:

“ For educational exhibits at state and county fairs, two thousand dollars ” (\$2,000).

“ For experimenters’ league, four hundred fifty dollars ” (\$450).

“ For traveling expenses of extension workers for meetings, farm demonstrations, farmers’ institutes, inspections and consultations, ten thousand three hundred fifty dollars ” (\$10,350).

“ For summer school in agriculture for school teachers and others, ten thousand dollars ” (\$10,000).

These items are disapproved for the reason that they are not a necessary part of the work of this institution, and no matter how desirable they may be, the expenditure should not be made under present conditions.

PLATTSBURG STATE NORMAL SCHOOL

Page 145:

“ Salary of head of agriculture department, two thousand five hundred dollars ” (\$2,500).

“ Expenses for extension work, one thousand dollars ” (\$1,000).

These items are disapproved for the reason that the amount specified is not sufficient to accomplish the purposes sought by the items.

PENAL

Page 161:

“ For maintenance of convicts sentenced to penitentiaries, as provided by section three hundred and twenty-four of chapter forty-seven of the laws of nineteen hundred and nine, being the prison law, and of convicts sentenced under sections twenty-three hundred and seventy and twenty-three hundred and seventy-one of chapter eighty-eight of the laws of nineteen hundred and nine, being the penal law, twenty thousand dollars ” (\$20,000).

This is disapproved because the amount required for this purpose varies greatly, and a large sum has already been appropriated in the supply bill.

CURATIVE

STATE HOSPITAL COMMISSION

Page 163:

“ For compensation and actual and necessary traveling expenses of special agents, in the performance of their official duties, nine thousand dollars ” (\$9,000).

This is disapproved because these services should be paid for out of the maintenance fund of the State Hospital, as the law provides.

Page 163:

“ For salary of the collection attorney, two thousand five hundred dollars ” (\$2,500).

This is disapproved because these services should be paid for out of the maintenance fund of the State Hospital, as the law provides.

Pages 166 and 167.

“ Secretary, four thousand dollars ” (\$4,000).

“ Eighth grade, one employee, one thousand seven hundred dollars ” (\$1,700).

“ Seventh grade, one employee, one thousand five hundred dollars ” (\$1,500).

“ Sixth grade, one employee, one thousand dollars ” (\$1,000).

“ Fifth grade, one employee, seven hundred eighty dollars ” (\$780).

“ Third grade, two employees, one thousand two hundred dollars ” (\$1,200).

“ For temporary clerical and expert services, one thousand dollars ” (\$1,000).

“ For furniture, books, blanks, printing, binding, telephone and telegraph service, and other necessary office expenses, three thousand dollars ” (\$3,000).

“ For actual and necessary traveling expenses for the members of the committee and secretary, one thousand five hundred dollars ” (\$1,500).

These items are disapproved for the reason that the law provides for the payment of these salaries and expenses out of the maintenance fund of the hospitals.

PROTECTIVE

DEPARTMENT OF PUBLIC BUILDINGS

Page 193:

“ For the maintenance and medical and surgical care by hospitals of such officers, members and employees of the several departments, bureaus and branches of the state government as may be injured or become sick while in the performance of their duties, said persons to be admitted on the certificate of the superintendent of public build-

ings, after proper evidence under oath of disability shall have been filed with such superintendent over the signature of the head of the department, bureau or branch of said government in which such duties were performed, or over the signature of his deputy and of a physician or surgeon duly authorized to practice medicine in the state of New York, five thousand dollars " (\$5,000).

This is disapproved because the supply bill contains an item for the same purpose.

NIAGARA RESERVATION

Page 207:

" For the purchase of materials, tools, lights, fuel, office expenses and other necessary and incidental expenses, six thousand five hundred dollars " (\$6,500).

This is disapproved because the necessity for such an appropriation is not apparent.

Page 212:

CROWN POINT RESERVATION

" For boring or sinking artesian well on reservation for the purpose of securing a pure and abundant water supply, six hundred dollars " (\$600).

This is disapproved because it seems to be unnecessary.

GENERAL

BANKING DEPARTMENT

Page 221:

" For the salaries of examiners and other employees and for general office expenses, rent, furniture, books, blanks, printing, stationery, filing

cases, postage and transportation of letters and official documents, and all other necessary incidental expenses in the supervision of private bankers and for conducting the investigation of corporations and institutions operating in violation of the law, fifty thousand dollars ” (\$50,000).

This is disapproved because there has been a great difference of opinion as to how much money will be required to carry out the purposes provided for in this item. An ample sum has been provided in the supply bill for this purpose, and the next Legislature will have an opportunity to make the proper appropriation with the facts before it.

INSURANCE DEPARTMENT

Page 224:

“ For printing, postage, equipment, et cetera, three thousand dollars ” (\$3,000).

This is disapproved because the appropriation should be provided for from the general office expense fund in this Department.

(Signed) MARTIN H. GLYNN

List of Bills Carrying Appropriations Vetoed by Governor Glynn

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *April* 23, 1914.

In vetoing these bills the Governor said:

These bills carry appropriations and in my opinion most of them are unnecessary. If, however, the Legislature deems that some few of them may have merit,

there will be an opportunity at the extra session for it to re-submit them to me for further consideration as a part of the annual appropriation and supply bill.

Agricultural Experiment Station	
Building	\$30,000 00
Game Farm, Rensselaer county...	20,000 00
Naval Militia boat house, Buffalo.	39,905 06
Game Farm, Wyoming county...	20,000 00
Junction Locks, near Rome.....	100,000 00
Minetto Barge canal bridge (also companion bill).....	50,000 00
Watervliet, concrete culvert.....	4,500 00
Keuka Lake, dredging outlet, dike.	30,000 00
Normal School, New Paltz, buildings	100,000 00
Black River canal, north of Boonville	75,000 00
Bridges, ice gorge, culvert, other improvements	41,838 74
Eighteen Mile Creek, Lockport, straightening	3,000 00
Conger-Allds Investigation, counsel	17,983 60
Elmira Reformatory, acquiring lands	25,000 00
Oswego Canal, Fulton filling bed..	65,000 00
Glens Falls feeder, bridge over (also companion bill).....	30,000 00
Phillipse Mining Rights, Putnam, Dutchess counties	225,000 00
Western House of Refuge, sewage disposal, Albion.....	20,000 00
Lake George Lighthouses.....	40,000 00
Game Farm, Steuben county.....	20,000 00
Saratoga Springs Commission, objects, purposes.....	100,000 00
Alleghany river-Olean creek, straightening	150,000 00
Black River Canal, Boonville, concrete wall	5,000 00
Rome, Stanwix street canal bridge	14,000 00

1036 PUBLIC PAPERS OF GOVERNOR GLYNN

Game Farm, Western part of State	15,000 00
Lyons barge canal bridge.....	45,000 00
Andersonville Monument Commis- sion	20,000 00
Mohawk River bridge, Visscher's Ferry	100,000 00
Fort Edward, Champlain Canal bridge	7,500 00
Bridge over Mohawk river, Duns- bach Ferry	100,000 00
Indian Reservation, highways, bridges	68,000 00
Sawyer's creek, North Tonawanda, improving	10,000 00
Equine Animals, destroyed.....	190,000 00
Black River canal bridge, Port Leyden	15,000 00
Experiments, agriculture, forestry (also companion bill).....	5,000 00
Cayuga Lake, dredging portions of.	35,000 00
Schuylerville bridge, Saratoga, Washington county.....	25,000 00
Game Farm, Washington county..	20,000 00
Peconic River, Shinnecock canal, improving	10,000 00
Newburgh Armory Building.....	25,000 00
Flood conditions, Barge canal, Phoenix	150,000 00
Highways, maintenance, repairs, state aid.....	9,564 00
Bureau Town Highways, supplies, expenses	5,218 06
Highway improvement debt, in- terest	675,000 00
Health Department, rooms in capitol, repair.....	35,000 00
Canal survey, field notes, maps....	35,000 00
Potsdam Normal School, recon- structing	288,000 00
School of Agriculture, Cook Academy, art.....	80,000 00

Rural hygiene, creating Division of		
Health	\$40,000 00	
Monument at Buffalo.....	5,000 00	
Education Building, capitol power		
house	82,917 49	
Educational Department for visual		
instruction, etc.....	40,000 00	
	<hr/>	\$3,362,426 95
Chapter 521. Reappropriation bill		
item making available former ap-		
propriations to reduce taxation.	1,705,534 00	
Chapter 529. Appropriation bill.	475,580 00	
Chapter 530. Supply bill.....	286,471 00	
Chapter 531. Construction bill...	546,300 00	
New Hospital (Entire bill).....	200,000 00	
Chapter 522. Highway repairs...	700,000 48	
	<hr/>	\$3,913,885 48
The requirements for sinking fund contributions		
as prepared by the Comptroller's office under		
the plan heretofore followed would have been		
\$10,830,987. The plan passed by the Legislature		
of 1914 on recommendation of the Governor		
calls for \$7,551,738, making the amount gained		
by the sinking fund readjustment.....		\$3,279,249 00
		<hr/>
		\$10,555,561 43
Lapses due to the enforcement of the financial law		
and adjustments of existing appropriations. ...	469,961 00	
	<hr/>	
Showing direct tax avoided in the amount of.		\$11,025,522 43

VI
PROCLAMATIONS
[1039]

VI

PROCLAMATIONS

Appointing Extraordinary Term of the Appellate Division of the Supreme Court, Third Department, for Determination of Controversy over the Nomination of Henry V. Borst as a Supreme Court Justice by the Socialistic Party

PROCLAMATION

STATE OF NEW YORK—EXECUTIVE CHAMBER

By virtue of the power vested in me by the provisions of section 79 of the Judiciary Law, I, Martin H. Glynn, Governor of the State of New York, have appointed, and do hereby appoint, an Extraordinary Term of the Appellate Division of the Supreme Court, in and for the Third Judicial Department, to be held at the court room of said court, in the city of Albany, New York, on Friday the twenty-fourth day of October, 1913, at three o'clock in the afternoon. Notice of the appointment of said Extraordinary Term will be given by me to the presiding justice and the associate justices of said court by telegram, which, in my judgment, is such notice as the public interest requires, and no other notice of said appointment of said Extraordinary Term of said court shall be necessary.

(L. S.) GIVEN under my hand and the privy seal
of the State, at the Capitol in the city
of Albany, this 22nd day of October
in the year of our Lord, one thousand
nine hundred and thirteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

**Calling Special Election to Fill Vacancy in the Office
of Representative in Congress, Twentieth Congressional
District, Caused by the Resignation of Francis
Burton Harrison**

PROCLAMATION

STATE OF NEW YORK — EXECUTIVE CHAMBER

By virtue of the authority in me vested by the provisions of the Constitution of the United States of America, and the Constitution and laws of the State of New York, I, Martin H. Glynn, Governor of the State of New York, do hereby make proclamation of a special election to be held at the general election to be held in the State of New York, on the Tuesday succeeding the first Monday in November, next, (November 4, 1913,) to fill the vacancy in the office of Representative in the Sixty-third Congress of the United States, for the Twentieth Congressional District within the State of New York, composed of part of the county of New York, which vacancy was caused by the resignation of Francis Burton Harrison, Congressman in and for said District, and which said vacancy is to be filled at said election for the unexpired term of the said Francis Burton Harrison, resigned.

I do hereby ratify, confirm and approve the notice issued by the Secretary of State of the State of New York, dated on the third day of September, 1913, given under his official hand and seal on the third day of September, 1913, for the election of a Representative in Congress in the Sixty-third Congress of the United States for the said Twentieth Congressional District, composed of part of the county of New York, to fill the

unexpired term of said Francis Burton Harrison, resigned.

[SEAL] GIVEN under my hand and the Privy Seal
of the State of New York, at the Capitol
in the City of Albany, New York, on
the twenty-eighth day of October, in
the year of our Lord, one thousand
nine hundred and thirteen.

MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

**Calling Special Election to Fill Vacancy in the Office
of Representative in Congress, Twentieth Congress-
sional District, Caused by the Death of Timothy D.
Sullivan**

PROCLAMATION

STATE OF NEW YORK — EXECUTIVE CHAMBER

By virtue of the authority in me vested by the provisions of the Constitution of the United States of America, and the Constitution and laws of the State of New York, I, Martin H. Glynn, Governor of the State of New York, do hereby make proclamation of a special election to be held at the general election to be held in the State of New York, on the Tuesday succeeding the first Monday in November, next, (November 4, 1913,) to fill the vacancy in the office of Representative in the Sixty-third Congress of the United States, for the Thirteenth Congressional District within the State of New York, composed of part of the county of New York, which va-

cancy was caused by the death of Timothy D. Sullivan, Congressman in and for said District, and which said vacancy is to be filled at said election for the unexpired term of the said Timothy D. Sullivan, deceased.

I do hereby ratify, confirm and approve the notice issued by the Secretary of State of the State of New York, dated on the twenty-ninth day of September, 1913, given under his official hand and seal on the first day of October 1913, for the election of a Representative in Congress in the Sixty-third Congress of the United States for the said Thirteenth Congressional District, composed of part of the county of New York, to fill the unexpired term of said Timothy D. Sullivan, deceased.

GIVEN under my hand and the Privy Seal
of the State of New York, at the Capitol
in the City of Albany, New York, on
[SEAL] the twenty-eighth day of October, in
the year of our Lord, one thousand
nine hundred and thirteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

**At the Time of the Issuing of the Two Preceding
Proclamations the Following Statement was Given
Out from the Executive Chamber**

The Governor stated that the proclamations were issued for the purpose of assuring the people of the districts in question of the regularity of the election to be held to fill these vacancies and that the proclamations were not issued for the purpose of indicating any lack of authority upon the part of the Secretary of State to issue the notice, which he did issue, calling for the operation of the

regular election machinery through which nominations have been made in the districts in question. The Governor approves and confirms the action of the Secretary of State in calling the elections and issued these proclamations solely for the purpose of having the technical letter of the Federal Constitution complied with to the end that the election of successors to Congressman Sullivan and Congressman Harrison will be beyond question. It will be noted in this connection that the Appellate Division of the Supreme Court for the First Judicial Department yesterday decided that the action of the Secretary of State with regard to these Congressional elections was validly taken.

Appointing a Day of General Thanksgiving

THANKSGIVING PROCLAMATION

STATE OF NEW YORK — EXECUTIVE CHAMBER

Every good and perfect gift comes from God.

He gave to us our American institutions, with foundations, composed of the beneficent materials of constitutional liberty, anchored securely upon the eternal bed rock of truth, and with a superstructure of surpassing beauty, moulded, carved and ornamented by the faith and the hope and the love of a people, devoted to the ideals of American life, and loyal to the inspiring sentiments of our national emblem, “ a floating piece of poetry,” a silken banner of red, white and blue, woven of the moral fiber of American valor, purity and justice.

The prosperity, peace, order, opportunity and success in our great commonwealth are God’s blessings.

The steady march of progress, through wise humanitarian endeavor, making our State a better place in which to live, protecting the health, the lives and the limbs of our workers in their various employments, advancing our educational and eleemosynary institu-

tions in efficiency for the general spread of learning and the dispensation of wise benevolence, and opening the door of opportunity to make more easily attainable the success and happiness for which the industrious strive, is God-inspired.

The security of the home, the cornerstone of our civilization, the increasing respect for virtue, honor and truth and the promotion of brotherly love are the fruits of a civilization and an enlightenment that are the providence of God.

For these great benefactions we owe to Him an immeasurable debt of gratitude. To repay it is beyond our human power. To show our appreciation in only a small degree is the limit of our hope, but the expression of our good intent.

Therefore, in virtue of the power in me reposed by the sovereign people of this great State and mindful of our obligations and the example of our fathers, I do appoint Thursday, the twenty-seventh day of November, in this year of our Lord, one thousand nine hundred and thirteen, for GENERAL THANKSGIVING.

And I request my fellow citizens to appropriately celebrate the day with grateful acknowledgment to Almighty God for all his wonderful and bounteous gifts to us as a community of families and His children, and with fervent prayer that we may so order our government and our lives as to merit a continuance of His loving kindness, giving to us peace, prosperity, joy, happiness and sweet content.

Done at the Capitol in the city of Albany this twelfth day of November, in the year of our Lord one thousand nine hundred and thirteen.

[SEAL] (Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,

Secretary to the Governor.

Convening the Legislature in Extraordinary Session**PROCLAMATION****STATE OF NEW YORK — EXECUTIVE CHAMBER**

Pursuant to the power vested in me by section 4 of article IV of the Constitution, I hereby convene the Legislature in extraordinary session at the Capitol in the city of Albany on Monday, May 4, 1914, at half past eight o'clock, post meridian.

In reconvening the Legislature, I wish to call to its attention again the predominant importance of the subject of the State's finances. In my annual message, I purposely devoted myself exclusively to that subject and I wish to urge each member of the Legislature to give immediate and continuous personal consideration to the present condition of the State's finances, its sinking funds and the appropriations needed by its various departments, so that, when the Legislature reconvenes, each member will be fully prepared to take an intelligent part in the discussion of this important subject. At regular sessions, questions involving the State's finances are ordinarily considered by only a few of the legislators, financial legislation frequently passing each house upon what is known as a "short roll call." This, perhaps, is unavoidable at a regular session where each legislator is intrusted with important legislation by his constituents, but at this extraordinary session, there will be opportunity for each member of the Legislature to give his exclusive consideration to this single subject and I shall ask not for a mere tripartisan compromise upon the appropriation bill and the supply bill, but for a thoughtful considera-

tion of the broad questions underlying the State's financial policy and the adoption of a comprehensive plan which, for many years to come, will be sufficient to establish the State upon a basis of assured credit.

It is to be regretted that owing to the failure of the Legislature, at its regular session, to pass indispensable financial measures, I am compelled to call this extraordinary session. The Legislature during its closing hours passed over six hundred and fifty bills and sent them to me for approval or disapproval; and over fifty requests have been made to me to submit to the Legislature at this extra session fifty subjects for legislation, which the proponents claim to be of importance. We have too many laws, and in recent years we have had too protracted sessions. In urging the Legislature, therefore, to concentrate its consideration upon the question of State finance, I state also my own resolve to confine legislation, at this extra session, strictly to that subject; to submit to the Legislature, at this extra session, no proposition except upon this single subject; and to do all in my power to bring about a short, effective session.

GIVEN under my hand and the Privy Seal of
the State at the Capitol in the city of
[SEAL] Albany this eleventh day of April in
the year of our Lord, one thousand nine
hundred and fourteen.

(Signed) MARTIN H. GLYNN.

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

Fire Prevention Day**PROCLAMATION.****STATE OF NEW YORK — EXECUTIVE CHAMBER**

A vital problem which calls upon our people for solution is the situation with regard to the waste of energy and resources in all parts of the country by fire.

It takes the wheat crop of the United States to pay for the fire waste of the country, as the net gain to the nation barely offsets the average annual fire loss. The fire waste amounts to \$2.50 for every man, woman and child in the country and sixty-five per cent of it can be prevented by known means.

The total loss by fire in our State last year was \$24,121,872. This is a grave indictment of the prudence and intelligence of the people of this State, because it is equivalent to and in the nature of a direct tax of over two million dollars a month on our people.

It is absolute waste and drain upon our resources such as no State can long endure, and the fact that it is largely preventable is a reproach to our people, and calls for immediate and effective action.

At this time, especially, when the European war has disturbed the ordinary processes of business and affected the finances of the world, the payment of heavy fire losses by the insurance companies of America might be productive of the most dire financial results.

In order, then, to arouse our people to a vivid sense of fire dangers, and induce them to take a more lively interest in the subject, by virtue of the authority in me vested by the Constitution and the laws of the State, and in furtherance of a salutary custom heretofore observed, I have appointed and do hereby appoint Fri-

day, the ninth day of October, in the current year of our Lord, one thousand nine hundred fourteen, as

FIRE PREVENTION DAY.

I direct the Fire Marshal of the State to promulgate practical suggestions and supervise their effective execution for the observance of such day.

I request the people of the State, and all in authority, to cooperate with the Fire Marshal in this work to promote the safety and security of life and property.

Let public and private institutions be thoroughly inspected on that day, and local authorities give attention to the matter of better building regulations, fire protection and fire prevention.

Let fire drills be held in schools, institutions and factories.

Let our children be instructed in the dangers of the fire fiend.

Let our people observe the day by a general cleaning up and let them be enlightened at civic and other gatherings, grange meetings and farmers' institutes on the subject of the fire waste of the State and the best means for its prevention.

Let the press, by timely publication pertaining to fire prevention and protection, aid in the work.

[SEAL] IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed an impression of the great seal of the State of New York this twenty-fourth day of September, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN.

Attest:

FRANK A. TIERNEY,
Secretary to the Governor.

Appointing a Day of General Thanksgiving

THANKSGIVING PROCLAMATION

STATE OF NEW YORK — EXECUTIVE CHAMBER

For the manifold blessings that Almighty God has showered upon the people of New York during the past year; for prosperous industries and fertile fields; for contented homes and peaceful marts; for the growing recognition that whatever is of solid benefit to a single division of our people must in time be of benefit to the people as a whole; for the extension of education and the fostering of the arts and sciences; for our preservation from flood and famine, plague and drought; for these tokens of the benignant and beneficent care of a watchful Providence it is becoming that the people of New York should gather to offer thanks to Almighty God.

While in sorrow and compassion we view the misery and devastation which a world-war has brought to our fellow beings across the ocean, while we look aghast at unharvested fields dyed with the blood of brave men, and wet with the tears of women and little children; at homes destroyed; at commerce palsied; at proud cities leveled to the dust and progress giving way to desolation, our minds must turn in gratitude to Him who has kept our nation whole and unharmed.

Now, therefore, I, Martin H. Glynn, Governor of the State of New York, by virtue of the authority vested in me by law, and in accordance with the honored custom of my office, do hereby designate Thursday, the twenty-sixth day of November, in the year of our Lord one thousand nine hundred and fourteen, as a day of general thanksgiving and prayer, and call upon the people of this State to cease from their wonted occu-

pations on that day that they may repair to their homes and places of worship and offer thanks to Almighty God.

Done at the Capitol in the city of Albany
this 12th day of November in the year of
[SEAL] our Lord 1914.

MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY,
Secretary to the Governor.

VII
PARDONS AND COMMUTATIONS
[1053]

VII

PARDONS, COMMUTATIONS AND REPRIEVES

PARDONS

1913

Dec. 20. Howard Van DenVouver. Sentenced February, 1913; county, Erie; crime, grand larceny 1st degree; Elmira Reformatory.

1914

March 12. Joseph F. Dean, Jr. Sentenced December 8, 1913; county, New York; crime, assault 3d degree; term, one year; Hart's Island Penitentiary. This pardon was granted upon the recommendation of the judge who tried the case, Hon. Joseph F. Mulqueen and District Attorney Whitman.

April 3. Joseph B. Reichman. Sentenced June 30, 1911; county, New York; crime, violating section 665, Penal Law; term, 4½ months; New York Penitentiary. This pardon was granted upon the recommendation of the judge who tried the case, Hon. Vernon M. Davis and District Attorney Whitman.

Nov. 10. Louis Feldman. Sentenced February 9, 1914; county, New York; crime, criminally receiving stolen goods; term, 1 year minimum; 2 years 6 months maximum; Sing Sing Prison. This pardon was granted upon recommendation of the judge who tried the case, Hon. James T. Malone and District Attorney Whitman.

COMMUTATIONS.

1913

- Nov. 3. Domenick Fuino. Sentenced May 1, 1907; county, Monroe; crime, murder 2d degree; term, 20 years minimum; life maximum; Auburn Prison. Commuted to 6 years 6 months 1 day minimum; 15 years maximum.
- Nov. 3. Walter Pangburn. Sentenced April 3, 1908; county, Chenango; crime, burglary 1st degree; term, 10 years minimum; 11 years 1 month maximum; Auburn Prison. Commuted to 5 years 6 months 25 days minimum; 11 years 1 month maximum.
- Dec. 12. Alfred R. Dalby. Sentenced November 30, 1910; county, New York; crime, assault 1st degree; term, 3 years 5 months minimum; 6 years 10 months maximum; Great Meadow Prison. Commuted to 3 years 9 days minimum; 6 years 10 months maximum.

1914

- Jan. 13. Andrew Long. Sentenced January 29, 1912; county, New York; crime rape 1st degree; term, 10 years minimum; 19 years 6 months maximum; Clinton Prison. This commutation was granted upon the recommendation of five members of the Court of Appeals.
- Jan. 13. Leonard Darling. Sentenced December 23, 1909; county, Suffolk; crime, arson 2d degree; term, 6 years minimum; 12 years 6 months maximum; Sing Sing Prison. Commuted to 4 years 21 days minimum;

12 years 6 months maximum. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Timothy M. Griffing, and District Attorney George H. Furman.

Feb. 13. Jacob Schliff. Sentenced November 27, 1912; county, New York; crime, attempted arson 2d degree; term, 2 years 5 months minimum; 5 years 10 months maximum; Clinton Prison. Commuted to 1 year 2 months 10 days minimum; 5 years 10 months maximum. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Thomas C. T. Crain and District Attorney Whitman.

Feb. 13. John O. Peterson. Sentenced June 27, 1898; county, Kings; crime, murder 2d degree; term, life; Auburn Prison. Commuted to 15 years 7 months and 17 days. This commutation was granted upon the condition that Peterson return to his home in Sweden and never return to this country. This commutation was recommended by ex-District Attorney John F. Clarke. The judge who tried the case is now dead.

Feb. 19. Antonio Sanfillippo. Sentenced August 14, 1912; county, New York; crime, grand larceny 2d degree; term, 2 years 6 months minimum; 5 years maximum; Great Meadow Prison. Commuted to 1 year 5 months 27 days. This commutation was granted upon the recommendation of the

judge who tried the case, Hon. Joseph F. Mulqueen and District Attorney Whitman.

March 9. Abraham Neider. Sentenced January 8, 1914; county, Clinton; crime, being a tramp; term, 5 months; Albany County Penitentiary. Commuted to 1 month and 27 days. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Charles McMaster and District Attorney Collins.

March 13. Charles B. Thompson. Sentenced January 19, 1910; county, New York; crime, grand larceny 1st degree; term, 4 years 6 months minimum; 7 years 6 months maximum; Sing Sing Prison. Commuted to 3 years 11 months 7 days. This commutation was granted upon the recommendation of the judge who tried the case, Hon. James T. Malone and District Attorney Whitman.

May 20. Philip H. Naden. Sentenced February 26, 1914; county, New York; crime, possessing cocaine; term, 6 months; New York County Penitentiary. This commutation was granted upon the recommendation of Judges Kernochan, Moss and Foelker of the Court of Special Sessions, who imposed the sentence, it being represented that Naden was suffering from tuberculosis in an advanced stage. Naden died at the hospital before the commutation reached him.

May 22. Joseph Newton. Sentenced October 8, 1906; county, Erie; crime, manslaughter

1st degree; term, 12 years minimum; 20 years maximum; Clinton Prison. Commuted to 7 years 7 months 13 days minimum; 20 years maximum. This commutation was granted upon the recommendation of ex-District Attorney Abbott, who prosecuted the case, and the Parole Board. Judge White, who tried the case, is dead.

May 22. Burd R. Atkins. Sentenced March 15, 1905; county, Genesee; crime, manslaughter 1st degree; term, 20 years; Clinton Prison. Commuted to 9 years 2 months and 5 days minimum; 20 years maximum. This commutation was granted upon the recommendation of ex-District Attorney Bayard A. Stedman and the Parole Board. Judge Childs, who tried the case, is dead.

June 8. Joseph Martini. Sentenced December 10, 1913; county, New York; crime, grand larceny 2d degree; term, 1 year; New York County Penitentiary. Commuted to 6 months. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Joseph F. Mulqueen and District Attorney Whitman.

June 8. Herman Miller. Sentenced February 16, 1909; county, New York; crime, possessing burglars instruments; term, 6 years 10 months; Auburn Prison. Commuted to 5 years 3 months 12 days. This commutation was granted upon the recom-

mendation of the judge who tried the case, Hon. James T. Malone and District Attorney Whitman.

June 22. Benjamin D. Herrell. Sentenced December 10, 1913; county, New York; crime, assault 2d degree; term, 2 years minimum; 3 years 6 months maximum; Sing Sing Prison. Commuted to 9 months 8 days. This commutation was granted upon the recommendation of the judge who tried the case, Hon. James T. Malone and District Attorney Whitman.

June 22. Robert Brown. Sentenced November 28, 1910; county, New York; crime, burglary 1st degree; term, 15 years minimum; life maximum; Auburn Prison. Commuted to 3 years 6 months 23 days. This commutation was granted upon the recommendation of the judge who tried the case, Hon. James T. Malone and District Attorney Whitman.

July 21. Joseph Turley. Sentenced April 21, 1909; county, New York; crime, abduction; term, 6 years minimum; 8 years maximum; Sing Sing Prison. Commuted to 1 year 4 months 29 days minimum; 8 years maximum. This commutation was granted upon the recommendation of Hon. James A. Blanchard the judge who tried the case and the Parole Board.

July 23. Henry C. Lein. Sentenced April 19, 1910; county, Erie; crime, grand larceny 1st degree; term, 3 years 6 months minimum; 6 years maximum; Auburn Prison. Com-

muted to 1 year 6 months 25 days. This commutation was granted upon the recommendation of the Parole Board.

- Nov. 7. Frank E. Goewey. Sentenced October 31, 1912; county, New York; crime, forgery 3rd degree; term, 2 years 6 months minimum; 4 years 10 months maximum; Great Meadow Prison. Commuted to 2 years minimum; 4 years 10 months maximum. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Joseph F. Mulqueen, and District Attorney Whitman.
- Nov. 13. James Surroco. Sentenced March 9, 1908; county, Schenectady; crime, robbery 1st degree; term, 15 years minimum; 19 years 3 months maximum; Clinton Prison. Commuted to 6 years 8 months 7 days. This commutation was granted upon the recommendation of the judge who tried the case, Hon. George Addington.
- Nov. 13. Peter Riga. Sentenced August 7, 1914; county, New York; crime, vagrancy; term, 6 months; Matteawan State Hospital. Commuted to 3 months. This commutation was granted upon the express condition that Riga be deported at once to his native home Greece and never return to this country.
- Nov. 24. Clifford M. Smith. Sentenced April 16, 1907; county, New York; crimes, grand larceny 2d degree and burglary 1st degree; terms, 4 years 3 months minimum; 4 years 4 months maximum and 30 years; Sing Sing Prison. Commuted to 7 years

7 months 9 days minimum; 30 years maximum. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Otto A. Rosalsky, District Attorney Whitman and the Parole Board.

Nov. 24. Morris Stein. Sentenced February 23, 1909; county, New York; crime, robbery 1st degree; term, 10 years minimum; 18 years maximum; Clinton Prison. Committed to 5 years 2 months 3 days minimum; 18 years maximum. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Otto A. Rosalsky, and District Attorney Whitman.

Dec. 9. John J. Hartigan. Sentenced March 25, 1913; county, New York; crime, perjury; term, 2 years 6 months, minimum; 3 years 6 months maximum; Sing Sing Prison. This commutation was granted upon the recommendation of the judge who tried the case, Hon. Samuel Seabury, and District Attorney Whitman.

Dec. 12. Philip Pravder. Sentenced March 7, 1913; county, New York; crime, forgery, second degree; term, 2 years 3 months minimum; 5 years 3 months maximum; Great Meadow Prison. This commutation was granted upon the recommendation of the Parole Board.

Dec. 14. Frederick Dunkle. Sentenced September 25, 1908; county, Sullivan; crime, robbery 1st degree; term, 9 years 1 month minimum; 12 years maximum; Clinton

Prison. Commuted to 6 years 2 months 14 days minimum; 12 years maximum. This commutation was granted upon the recommendation of Hon. James A. Betts, Supreme Court Judge, and District Attorney Baker.

Dec. 14. Astley Atkins. Sentenced July 3, 1912; county, Oneida; crime, grand larceny 1st degree; term, 4 years minimum; 6 years maximum; Auburn Prison. Commuted to 2 years 5 months 7 days minimum; 6 years maximum. This commutation is granted upon the recommendation of the judge who tried the case, Hon. Frederick H. Hazard, and District Attorney Fuller.

Dec. 18. Petro Fabiano. Sentenced December 17, 1907; county, Oneida; crime, rape 1st degree; term, 12 years minimum; 18 years 6 months maximum; Auburn Prison. Commuted to 7 years minimum; 18 years 6 months maximum. This commutation is granted upon the recommendation of Hon. George E. Pritchard, the judge who tried the case, and District Attorney Willis.

Dec. 18. Francis Frank. Sentenced December 3, 1909, and April 11, 1910; counties, Queens and Westchester; crimes, burglary 3d degree and grand larceny 2d degree; escaping from prison; term, 4 years minimum; 7 years 10 months maximum, and 1 year and 10 months; Auburn Prison. Commuted to 5 years 9 days minimum; 7 years 10 months maximum. This commutation is granted upon the

recommendation of the judge who sentenced him for the crime of escaping from prison, Hon. William P. Platt and District Attorney Weeks.

Dec. 22. George Benz. Sentenced April 30, 1912; county, Queens; crime, manslaughter 1st degree; term, 6 years minimum; 12 years maximum; Sing Sing Prison. Commuted to 2 years 7 months 23 days minimum; 12 years maximum. This commutation is granted upon the recommendation of the judge who tried the case, Hon. Harrington Putnam, and District Attorney Smith.

Dec. 22. John H. Romaine. Sentenced March 31, 1913; county, Kings; crime, assault 2d degree; term, 4 years 11 months; Sing Sing. Commuted to 1 year 8 months and 15 days. This commutation is granted upon the recommendation of the judge who tried the case, Hon. Lewis L. Fawcett, upon the ground that the prisoner was in a dying condition. Not opposed by District Attorney Cropsey. I requested that the State Health Department send a doctor to Sing Sing Prison to make an examination of this man. Under date of December 11, 1914, he reported to me the result of his examination, wherein he states: "Just how long Romaine might live, it is impossible to say, but I should think it extremely doubtful if he lived another month."

Dec. 23. Louis Nadel. Sentenced February 20, 1913; county, New York; crime, violating section 766 of the Penal Law; term, 2

years minimum; 3 years 6 months maximum; Great Meadow Prison. Commuted to 1 year 8 months 13 days minimum; 3 years 6 months maximum. This commutation is granted upon the recommendation of the judge who tried the case, Hon. John W. Goff, and District Attorney Whitman.

Dec. 23. Walter Doyle. Sentenced April 26, 1912; county, New York; crime, attempted robbery 1st degree; term, 5 years minimum; 7 years maximum; Great Meadow Prison. Commuted to 2 years 6 months 17 days minimum; 7 years maximum. This commutation is granted upon the recommendation of the judge who tried the case, Hon. Thomas C. T. Crain, and District Attorney Whitman.

Dec. 24. William H. K. Cornelius. Sentenced October 25, 1912; county, Albany; crime, attempting to improperly influence a juror; term, 3 months and \$300 fine; Albany County Penitentiary. The imprisonment part of the sentence is commuted if the fine of \$300 is paid. This commutation is granted upon the recommendation of Judge Edgar S. K. Merrell, who tried the case, Judge Nathan L. Miller of the Court of Appeals, Judge Wesley O. Howard of the Appellate Division, Judge George Ad-dington of the Albany County Court, Hon. Rollin B. Sanford, District Attorney, who prosecuted Cornelius, and by a petition signed by over a thousand prominent citizens of Albany and Schenectady counties.

In commuting the sentence of William H. K. Cornelius Governor Glynn gave the following reasons:

ALBANY, N. Y., *December 24, 1914.*

Governor Glynn to-day commuted the imprisonment part of the sentence imposed upon William H. K. Cornelius of Altamont, who was convicted at an Extraordinary Term of the Supreme Court held at Albany in October, 1912, of the crime of attempting to improperly influence a juror. Cornelius was sentenced to pay a fine of \$300 and in addition thereto that he be confined in the Albany County Penitentiary for a term of three months. It is the imprisonment part of the sentence which the Governor commutes, leaving Mr. Cornelius to pay the fine of \$300.

Governor Glynn's action is based upon a petition signed by over a thousand prominent citizens of Albany and Schenectady counties. The petition is headed by Hon. Joseph H. Stevens, Mayor of Albany, and his Secretary, Walter L. Hutchins, and also contains the names of Hon. J. Teller Schoolcraft, Mayor of Schenectady, and of Joseph Snyder, the complaining witness, also William E. Drislane, Luther C. Warner, Charles F. Schifferdecker, John Franey, John L. Gartland, John D. White, Newton B. Ketchum and J. F. Mynders.

Letters recommending the commutation of sentence are from Judge Nathan L. Miller of the Court of Appeals, Judge Wesley O. Howard of the Appellate Division, Judge Edgar S. K. Merrell, who presided at the trial, Hon. Rollin B. Sanford, District Attorney who prosecuted Cornelius, Hon. George Addington, County Judge of Albany county, and others.

In his recommendation to the Governor, Judge Merrell states as follows:

“ Since writing to you on the 23d ultimo concerning the application of William H. K. Cornelius for commutation of imprisonment sentence imposed in October, 1912, I have been shown copies of the letters of Judge Nathan L. Miller, of the Court of Appeals, Rollin B. Sanford, District Attorney representing the people upon the trial, and of your County Judge, Hon. George Addington, filed with the application for clemency and strongly indorsing the same.

“ I note particularly in the letter of Mr. Sanford his assertion that the conviction has taught the lesson which it was the purpose of the prosecution to teach, and that he, Mr. Sanford, did not believe that the confinement of Cornelius in the Albany County Penitentiary at this time would serve any good purpose, for the reason that Cornelius has learned his lesson, and others in your County have had the opportunity of discovering the serious consequences of interfering with the administration of justice; and also the statement of Mr. Sanford that he strongly recommended that Cornelius be required to pay the fine imposed by the Court, and be relieved of serving time in the Penitentiary.

“ I am particularly impressed with the apparently sincere and hearty endorsement of the District Attorney of the application for clemency. As I wrote you in my previous letter, I have the utmost respect for Mr. Sanford as a Public Prosecutor and of his judgment as to the effect of the conviction of Cornelius. Of course, I am unfamiliar with the local situation in Albany county and must depend in a large degree upon those who are

nearer and better able to judge as to the effects of the conviction mentioned.

“ Relying as I do upon the indorsements which the application has received, and particularly upon the judgment of the District Attorney, and after more mature consideration of the matter, I am constrained to join in the recommendation that the imprisonment part of Cornelius’ sentence be commuted, and I believe that if you see your way clear to extend clemency in this matter the ends of justice will have been served.”

Judge Miller in his report says :

“ In the matter of the application of William H. K. Cornelius for Executive clemency, I have to say that the record on appeal in his case presented no question for the Court of Appeals to review. Upon the merits, there was barely sufficient evidence to present a question of fact and, accepting the testimony of the People’s principal witness, that question of fact still turned on the construction of equivocal language, said to have been used by the defendant. However, the Court of Appeals had to accept the decision of the jury as final. The case is not one in which I can say with certainty that an injustice has been done. However, I think that it is proper for me to say that a careful examination of the record left a serious doubt in my mind as to the defendant’s guilt.”

Judge Addington in his report to the Governor states as follows :

“ I desire to say a word in favor of the application of W. H. K. Cornelius for commutation of sentence.

“ I have known him for several years.

“ On being apprehended on a bench warrant after indictment for the crime in question he was admitted to bail by me, and at that time, since and for many years I have had opportunity to observe him.

“ The fact which I desire to impress on you is, that he is a man of a very sensitive nature, and is kind hearted and generous. He is not of a criminal disposition, and for these reasons I am positive that he has suffered untold misery from the time the charge was made against him. He has without doubt more than suffered for the offense of which he was convicted, and any further punishment by way of imprisonment I firmly believe would be excessive.

“ I never knew of a case which appealed so strongly for Executive clemency.

“ Hoping that his application may receive favorable consideration at your hands, I am

Sincerely yours,

(Signed)

GEORGE ADDINGTON.

District Attorney Sanford in his report to the Governor states:

“ Pursuant to your letter of July 21, 1914, with reference to the application for Executive clemency asked on behalf of William H. K. Cornelius, I make the following statement of facts:

“ The defendant was convicted at an extraordinary term of the Supreme Court in the county of Albany, and of the crime of embracery, on October 16, 1912, and sentenced to pay a fine of three hundred dollars and to imprisonment for three months in the Albany County Penitentiary. The

judgment of conviction has been affirmed by the Appellate Division and by the Court of Appeals.

“ In October, 1912, at the said extraordinary term of the court a criminal action was pending against one George Burns for violation of the Liquor Tax Law. One Joseph Snyder had been called for attendance at that term of court as a juror. The day before he was due to attend as a trial juror, the said Joseph Snyder received a call from the defendant Cornelius, who stated to him that if he would favor the said George Burns by doing all he could for him, that there would be a bouquet put in Snyder's hands and that he need not know where it came from. Snyder replied to him that he would decide the case according to the evidence. It was claimed on behalf of the People that this was an attempt to improperly influence Snyder as a juror.

“ After this conversation between Cornelius and Snyder, and when Snyder was examined as to his qualifications as a juror in court, he was asked :

“ ‘ Q. Has anybody talked with you in any way about this case? ’

“ ‘ A. Nothing about the case, no. ’

“ Then it was further asked?

“ ‘ Q. About the merits of the case? A. No, sir. ’

“ Snyder contended on the trial, and the People contend, with perfect honesty, that when being examined he understood that he was being asked if he had had any talk about the merits of the case. So that it was contended that his answers given on his examination were true and accurate, notwithstanding his conversation with Cornelius.

“ It is my opinion that the verdict is supported by the evidence.

“ Cornelius is a man of middle age who has never been convicted of a crime, and has a family depending upon him for support. He has been severely punished by the conviction itself. It has doubtless injured him in his business, which is that of a hotel keeper.

“ I am informed now that the said Joseph Snyder has petitioned for Executive clemency and that on this application Cornelius has the support of hundreds of his townspeople. The conviction has taught the lesson which it was the purpose of the prosecution to teach. I do not believe that his confinement in the Albany county penitentiary at this time would serve any good purpose, for the reason that Cornelius has learned his lesson and others in this county have had the opportunity of discovering the serious consequences of interfering with the administration of justice.

“ I therefore strongly recommend that Cornelius be required to pay the fine imposed by the court and be relieved of serving time in the penitentiary.”

A number of petitions containing hundreds of names of neighbors and friends of Cornelius, were also filed with his application.

Dec. 28. David Wiseman. Sentenced July 14, 1913; county, Monroe; crime, robbery 2d degree; term, 3 years 6 months minimum; 8 years maximum; Auburn Prison. Committed to 1 year 5 months 14 days, minimum; 8 years maximum. This commutation is granted upon the recommendation of the judge who tried the case, Hon. J. B. M. Stephens, and District Attorney Barrett.

- Dec. 28. William Curtin. Sentenced December 16, 1913; county, Erie; crime, criminally receiving stolen property; term, 2 years minimum; 4 years 6 months maximum; Great Meadow Prison. Commuted to 1 year 10 days minimum; 4 years 6 months maximum. This commutation is granted upon the recommendation of the judge who tried the case, Hon. Harry L. Taylor, and District Attorney Dudley.
- Dec. 31. Leo M. Goodman. Sentenced October 27, 1914; county, Monroe; crime, violating Highway Law; term, 10 months; Monroe County Penitentiary. Commuted to 2 months. This commutation is granted upon the recommendation of the judge who tried the case, Hon. J. B. M. Stephens, and District Attorney Barrett.

Reprieves

- Nov. 24. Francis W. Muehlfeldt. Convicted of murder, 1st degree; county, New York; sentenced, June, 1912, to be executed. Conviction affirmed by the Court of Appeals and execution to take place during the week beginning December 8, 1913. Respite until week beginning January 19, 1914.

1914.

- March 17. Pietro Rebacci. Convicted of murder, 1st degree; county, Westchester; sentenced, June, 1913, to be executed. Conviction affirmed by the Court of Appeals and execution to take place during week beginning March 23, 1914. Respite until week

beginning June 22, 1914. This respite was granted upon the application of Hon. Frederick E. Weeks, district attorney of Westchester county, after a confession by Rebacci, claiming that he was a member of a band of Blackhanders, and that his testimony would be valuable in convicting other members of the society.

Aug. 26. Michael Sarzano. Convicted of murder, 1st degree; county, Erie; sentenced, February, 1913, to be executed. Conviction affirmed by the Court of Appeals and execution to take place during week beginning August 31, 1914. Respite until week beginning November 2, 1914. This respite granted for the purpose of permitting the attorney for Sarzona to make a motion of reargument of his case before the Court of Appeals.

Oct. 29. A further respite upon the same grounds, for the same purpose was granted Sarzano, until the week beginning December 7, 1914.

Aug. 26. Lee Dock. Convicted of murder, 1st degree; county, New York; sentenced, February, 1913, to be executed. Conviction affirmed by the Court of Appeals and execution to take place during week beginning August 31, 1914. Respite until week beginning November 2, 1914. This respite was granted for the purpose of permitting the defendant's attorneys to make application for a new trial upon the ground of newly-discovered evidence. Application for motion for new trial

before Justice Crain, and the application denied by him on October 29, 1914.

Oct. 29. A further respite was granted Lee Dock, to enable attorneys to make application for a commutation of sentence, until the week beginning December 7, 1914.

Dec. 10. A further respite was granted Lee Dock to enable attorneys to establish if possible the innocence of Lee Dock, the claim being that they were convicted through perjured testimony.

Aug. 26. Eng Hing. Convicted of murder, 1st degree; county, New York; sentenced, February, 1913, to be executed. Conviction affirmed by the Court of Appeals and execution to take place during week beginning August 31, 1914. Respite until week beginning November 2, 1914. This respite was granted for the purpose of permitting the defendant's attorneys to make application for a new trial upon the ground of newly-discovered evidence. Application for motion for new trial heard before Justice Crain, and the application was denied by him on October 29, 1914.

Oct. 29. A further respite was granted Eng Hing, to enable attorneys to make application for a commutation of sentence, until the week beginning December 7, 1914.

Dec. 10. A further respite was granted Eng Hing to enable attorneys to establish if possible the innocence of Eng Hing, the claim being that they were convicted through perjured testimony.

Denial of Application for Commutation of Sentence or Reprieve of Frank Cerofici (Dago Frank), Harry Harowitz (Gyp the Blood), Louis Rosenberg (Lefty Louie) and Jacob Seidenschue (Whitey Louis)

ALBANY, April 7, 1914

In the Matter of the Application of Frank Cerofici (Dago Frank), Harry Horowitz (Gyp the Blood), Louis Rosenberg (Lefty Louie), and Jacob Seidenschue (Whitey Louis), for a Commutation of Sentence or a Reprieve

MEMORANDUM

The above-named defendants have made application for a commutation of sentence, and if that should be denied, for a reprieve pending the retrial of Charles Becker, whose conviction for the murder of Rosenthal was reversed and a new trial ordered in the court of Appeals.

I have carefully reviewed the record of the trial, and the opinions written in the Court of Appeals on the affirmance of the judgment of conviction in this case, and I am unable to discover any reason that would justify the granting of a reprieve.

The judgment of conviction of these defendants was unanimously affirmed by the Court of Appeals. Judge Chase in writing the principal opinion of that court makes an exhaustive review of the evidence. That court found no error had been committed on the trial; that the defendants had a fair trial, and that there was nothing in the case at all to require or to justify a new trial. Judge Chase distinguishes the cases of these men from the Becker case and in this connection says:

“ The important issues in this case are entirely different from the issues in the Becker case.”

Judge Miller, who strongly assailed the verdict in the Becker case, concurred in the opinion of Judge Chase in this case and called particular attention to the evidence, which shows that four witnesses in addition to those in the Becker case positively identified one or more of these defendants as participants in the shooting of Rosenthal; that three of these defendants were confessedly at the scene of the murder, and that the story that the fourth was not there at the time was extremely difficult to believe and that the flight and concealment of the defendants after the commission of the crime, together with the evidence in the case, left no doubt in his mind as to their guilt. In his opinion Judge Miller says:

“ I concur in the opinion of my brother Chase for the affirmance of this judgment, but I should not do so if the verdict depended upon the testimony of Rose, Vallon, Webber and Schepps. Four other witnesses positively identified one or more and together they identified all of the defendants as participants in the actual shooting of Rosenthal. Three of the defendants were confessedly at the scene of the murder and the story as related of the fourth coming down town and returning just before the murder without accomplishing his alleged purpose, is impossible. The explanation given by the defendants of their coming to Webber's poker room just before the murder and of the admitted presence of three of them at the murder is, if possible, more difficult to believe than some of the testimony of Rose, Webber, Vallon and Schepps. The foregoing considerations together with the fact of the flight and concealment of the defendants after the commission of the crime, leave no doubt in my mind of their guilt.”

Judge Goff who presided at the trial of these men has written me in this matter as follows:

“As near as absolute certainty can be attained by human means in a human tribunal, it was attained when these four men were convicted of murder. The conviction has been unanimously affirmed by the court of last resort. It was proven that these men did not even know Rosenthal, that they were hired to murder him, that they did murder him, and that the only motive which could actuate them was to earn their price. Their guilt, therefore, did not in any manner depend on the prior conviction of Becker, who it is claimed through his agents hired them, nor would it be affected if the identity of Becker had never been discovered. The person who procures another to commit a crime and the person who commits it are distinct entities, and the conviction of one in no sense is dependent on the conviction of the other. As the whole matter now stands, it is settled beyond peradventure that they physically shot Rosenthal to death, and the question whether Becker instigated their act may affect him, but it cannot affect them. Even if Becker on his trial should be acquitted, it might leave to doubt and conjecture the identity of the instigator, but it would not raise any doubt as to the identity of the men who fired the shots. A respite, therefore, to await Becker’s trial, no matter what the outcome, could not operate in the slightest degree to aid or detract from the truth now demonstrated, while in all probability it would tend to undermine all public confidence in the administration of justice. I have endeavored to separate the true and governing principle from the confused and loose

thinking which confounds the 'gunmen's' case as in some way interlaced with or dependent on the view that a respite could be of no avail except to delay and create a situation that would be fraught with dangerous consequences."

District Attorney Whitman who prosecuted the case has also written me in this matter as follows:

"The crime of which these men are guilty was assassination in a public place, of a witness for the State, and was the boldest challenge and defiance of established law and order in the history of criminal justice in this State. To delay or prevent the execution of the just judgment of the law against them would, in my opinion, tend to destroy the sense of security which every law-abiding citizen should feel. As a sworn public official, I would be recreant to my duty if I should fail to point out the grave danger involved to the community and to the administration of justice in staying the operation of the law for reasons so trifling as have been presented on this application."

After an exhaustive examination of the entire case, I am convinced it would be a miscarriage of justice to grant a commutation, and an improper exercise of Executive power to grant a reprieve.

It is clear from the evidence as stated in the opinion of the Court of Appeals that this case does not in the least depend upon the result in the Becker case. The cases are entirely different. This is clearly pointed out by Judge Chase, who in his opinion says:

"In this case, while the conspiracy is sought to be shown by the same witnesses and substantially by the same corroboration of such witnesses

as in the Becker case, and the statements of the men in that case are applicable to such testimony, the testimony of prime importance in the determination of this appeal is that relating to the actual fact of the killing of Rosenthal. The simple question is whether the murder was committed by the defendants or by others. If the direct testimony given by the witnesses called on behalf of the people in this case is true, the defendants are guilty of the actual murder of Rosenthal, and the other testimony in the case is of minor importance."

There is nothing in the case before me to show that there is any reasonable probability that anything be developed on the new trial of Becker that could in any way change the result reached in this case. If the defendants possessed any credible evidence to support a motion for a new trial, they have had sixteen months since their conviction and six weeks since the decision of the Court of Appeals in which to present it to the courts on a motion for a new trial, but they have not made any such motion. This is eminently a case for justice, not mercy, and the forum to deal with new evidence, if any, is the Judiciary, not the Executive.

The natural considerations which have urged me, and would urge any public official with the power to reprieve, to halt an execution of four human beings, have moved me to consider every suggestion which would justify me in granting a reprieve; but after reading and rereading the record of the case, the communications to me from the presiding judge and the prosecuting attorney, as well as the unanimous opinion of the Court of Appeals upholding the verdict of the jury that passed upon the evidence in the trial, and thoroughly considering the defendants' petition and all the facts

that have been brought to my attention, I cannot escape the conclusion that it is my duty to deny the application for either a commutation of sentence or a reprieve.

The application is, therefore, denied.

(Signed) MARTIN H. GLYNN.

**Appointment of Commission to Examine as to the
Sanity of George Coyer, Confined in Auburn Prison
Under Sentence of Death**

STATE OF NEW YORK — EXECUTIVE CHAMBER

JAMES V. MAY, M. D.,

Medical Member of the State Hospital Commission;

MAURICE C. ASHLEY,

Medical Superintendent of the Middletown State Homeopathic Hospital;

CHARLES W. PILGRIM, M. D.,

Medical Superintendent of the Hudson River State Hospital,

are hereby appointed commissioners to examine George Coyer now confined in Auburn Prison under sentence of death, and to report to the Governor as to his sanity at the time of the examination, in accordance with the requirements of section 495-a of the Code of Criminal Procedure.

GIVEN under my hand and the Privy Seal of the State at the Capitol, in the city of Albany,
[L. s.] this twenty-eighth day of July, in the year of our Lord, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

VIII
APPOINTMENTS
[1081]

VIII
APPOINTMENTS
APPOINTMENTS—GOVERNOR DIRECT

SECRETARY TO THE GOVERNOR

1913.

Oct. 18. Frank A. Tierney, of Albany, to succeed
Chester C. Platt, term abridged.

EXECUTIVE AUDITOR

Dec. 8. Stanley J. Quinn, of New York City, to
succeed Samuel Bruckheimer, resigned.

MILITARY SECRETARY

Oct. 23. Reynolds King Townsend, of Albany, to
succeed Edward Gilbert Schermerhorn,
resigned.

COUNSEL TO THE GOVERNOR

1914.

Jan. 1. John Godfrey Saxe, of New York City,
to succeed Valentine Taylor, resigned.

ATTORNEY GENERAL OF THE STATE OF NEW YORK

Sept. 2. James A. Parsons, of Hornell, to succeed
Thomas Carmody, resigned.

MEMBERS OF THE PANAMA-PACIFIC EXPOSITION

(Pursuant to chapter 818 of the Laws of 1913)
1913

Dec. 23. Mrs. William Randolph Hearst, of New
York City.

1914

Dec. 11. Mrs. Elbert H. Gary, of New York City.
Mrs. Elon R. Brown, of Watertown.

MEMBER OF THE BRONX VALLEY SEWER COMMISSION

Jan. 29. Edwin W. Fiske, of Mt. Vernon, to succeed Henry C. Merritt, removed from office.

APPOINTIVE MEMBERS OF THE PUBLIC HEALTH COUNCIL

Mar. 10. T. Mitchell Prudden, M. D., of New York City, to succeed Hermann M. Biggs, who became a member of the Health Council upon being appointed Commissioner of Health.

July 22. William Gaertner, M. D., of Buffalo, to succeed Edward Clark, M. D., resigned.

MEMBERS OF THE PLATTSBURG CENTENARY COMMISSION

(Pursuant to chapter 828 of the Laws of 1913)

Feb. 3. Henry W. Hill of Buffalo.

Rev. John P. Chidwick, of Yonkers.

Mar. 14. Frederick E. Wadhams, of Albany.

Dec. 23. Howard D. Hadley, of Plattsburgh, to succeed Francis Lynde Stetson, resigned.

MEMBERS OF THE COMMISSION ON FEDERAL LEGISLATION
ON THE ALIEN INSANE

(Pursuant to chapter 7 of the Laws of 1914)

Feb. 19. George A. Blauvelt, of Monsey.

Elon R. Brown, of Watertown.

Spencer L. Dawes, M. D., of Albany.

MEMBERS OF THE BOARD OF EXAMINERS OF FEEBLE-
MINDED CRIMINALS AND OTHER DEFECTIVES

Mar. 9. John V. Hennessy, M. D., of Albany, to succeed Charles C. Euryee, M. D., resigned.

July 22. William J. Wansboro, M. D., of Albany, to succeed John V. Hennessy, M. D., deceased.

TRUSTEE OF THE STATE INSTITUTE FOR THE STUDY OF
MALIGNANT DISEASES

May 12. Edward J. Meyer, of Buffalo, to succeed
Roswell Park, M. D., deceased.

MEMBER OF THE BOARD OF GOVERNORS OF THE NEW YORK
STATE NAUTICAL SCHOOL

May 26. Edwin T. Douglass, of Buffalo, re-
appointed.

July 20. Henry M. Randolph, of the Borough of
Brooklyn, reappointed.

Dec. 26. Adam Cornelius, of Buffalo, to succeed
Edwin T. Douglass, declined.

MEMBERS OF THE BOARD OF TRUSTEES OF THE SCHUYLER
MANSION

June 3. Albert Hessberg, of Albany, reappointed.
John A. Delehanty of Albany, reap-
pointed.

TRUSTEE OF THE SCHOHARIE STATE SCHOOL OF AGRI-
CULTURE

July 20. Arthur T. Warner of Cobleskill, reap-
pointed.

MEMBER OF THE COMMISSION TO INVESTIGATE MANU-
FACTURING CONDITIONS

July 2. Lawrence M. D. McGuire, of New York
City, to succeed Robert E. Dowling,
resigned.

APPOINTIVE MEMBER OF THE STATE PROBATION COM-
MISSION.

July 16. Edmond J. Butler, of New York City,
reappointed.

MEMBERS OF THE KETCHUM MEMORIAL COMMISSION

(Pursuant to chapter 500 of the Laws of 1914)

- July 23. Edward H. Butler of Buffalo.
A. Conger Goodyear, of Buffalo.
Edward H. Gallagher, of Buffalo.
David E. Peugeot, of Buffalo.
Daniel Upton, of Buffalo.

MEMBERS OF THE COMMISSION TO INVESTIGATE PROVISION
FOR THE MENTALLY DEFICIENT

(Pursuant to Chapter 272 of the Laws of 1914)

- July 24. Robert W. Hebberd, of New York City,
chairman.
Max G. Schlapp, of New York City.
Charles Loomis Dana, M. D., of New York
City.
Stephen P. Duggan, of New York City.
Mary C. Dunphy, of New York City.
Dec. 26. Herbert S. Weet, of Rochester, to succeed
Stephen P. Duggan, resigned.
Dec. 30. Aaron Denenholz, M. D., of New York
city, to succeed Charles Loomis Dana,
M. D., resigned.

MEMBERS OF THE GHENT TREATY CELEBRATION COM-
MISSION

(Pursuant to the provisions of the annual supply
bill.)

- July 28. William C. Reick, of New York City.
David S. Taylor, of Buffalo.
Parker Corning, of Albany.
Sylvan Levy, of Borough of Brooklyn.
T. Harvey Ferris, of Utica.

**TRUSTEE OF THE SUPREME COURT LIBRARY AT POUGH-
KEEPSIE**

Aug. 3. Frederick Barnard, of Poughkeepsie,
reappointed.

Dec. 23. Frank B. Lown, of Poughkeepsie, to suc-
ceed Willett E. Hoysradt, term to ex-
pire December 30, 1914.

**MEMBERS OF THE COMMISSION TO INVESTIGATE THE HOUS-
ING OF THE PEOPLE IN CITIES OF THE SECOND CLASS
(Pursuant to chapter 313 of the Laws of 1914.)**

Aug. 3. Edward N. Huyck, of Albany.
Cornelius F. Burns, of Troy.
George T. Kelly, of Yonkers.

**MEMBERS OF THE COMMISSION FOR THE COMPILATION OF
DATA FOR USE OF DELEGATES TO THE CONSTITU-
TIONAL CONVENTION**

(Pursuant to chapter 261 of the Laws of 1914.)

Aug. 3. Morgan J. O'Brien, of New York City.
Dr. John H. Finley, of Albany.
Samson Lachman, of New York City.

**MEMBERS OF THE COMMISSION ON THE INVESTIGATION OF
BOVINE TUBERCULOSIS**

(Pursuant to the provisions of the annual supply
bill of 1914.)

Aug. 20. Theobald Smith, M. D., New York City,
Chairman.

Harmon M. Biggs, New York City.

R. Williams Linsly, New York City.

Philip Van Ingen, M. D., New York City.

Henry L. K. Shaw, M. D., Albany.

Henry H. Law, Briarcliff Manor.

Seth Low, Bedford Hills.

Prof. Veranus A. Moore, Ithaca.

Calvin J. Huson, Penn Yan.
 Albert L. Brockway, Syracuse.
 Prof. Herbert E. Cook, Canton.
 W. H. Vary, Watertown.
 Albert Manning, Otisville.
 V. Everit Macy, Ossining.
 H. J. Wright, New York City.
 James A. D. S. Findlay, Salisbury Mills.
 Judge O. U. Kellogg, Cortland.
 Edward Van Alstyne, Kinderhook.
 Henry J. Best, West Sand Lake.
 Parker Corning, Albany.

TRUSTEES OF THE SUPREME COURT LIBRARY AT WHITE PLAINS

Sept. 3. Michael J. Tierney, of New Rochelle, to succeed Frank V. Millard, term expired.
 J. Alvord Peck, of Portchester, to succeed Nathan P. Bushnell, term expired.
 Dec. 24. John F. Brennan, of Yonkers, reappointed.

COMMISSIONER OF FOODS AND MARKETS

(Pursuant to chapter 245 of the Laws of 1914.)
 Nov. 21. John J. Dillon, of New York City.

MEMBERS OF THE GENERAL PHILIP H. SHERIDAN MONUMENT COMMISSION

(Pursuant to chapter 100 of the Laws of 1914.)
 Dec. 4. John Farnsworth, of Albany.
 Charles M. Winchester, of Albany.
 Edward B. Cantine, of Albany.

EMBALMING EXAMINERS OF THE STATE OF NEW YORK

- Dec. 11. William J. Phillips, of Albany, reappointed.
15. James J. McLarney, of New York City, reappointed.
Henry Sauerwein, of Buffalo, reappointed.

MEMBER OF THE COMMISSION ON NEW PRISONS

- Dec. 11. Rudolph F. Diedling, M. D., of Saugerties, to succeed Marcus T. Hun, resigned.

TRUSTEES SUPREME COURT LIBRARY AT TROY

- Dec. 11. William J. Roche, of Troy, reappointed.
John A. Cipperly, of Troy, to succeed Calvin S. McChesney, term expired.

ATTORNEY OF THE ST. REGIS TRIBE OF INDIANS

- Dec. 11. Maurice W. Lantry, of Hogansburg, reappointed.

TRUSTEES OF THE NEW YORK SCHOOL OF AGRICULTURE
ON LONG ISLAND

- Feb. 7. Franklin W. Hooper, of the Borough of Brooklyn, reappointed.
Dec. 15. James T. Hoile, of the Borough of Brooklyn, to succeed Franklin W. Hooper, deceased.
July 16. Henry A. Reeves, of Greenport, reappointed.
Dec. 24. Benjamin F. Yoakum, of Farmingdale, reappointed.
Dec. 26. John Joseph Kindred, of Astoria, to succeed Ira LeVeen, term expired.

A MEMBER OF THE NEW YORK STATE COMMISSION FOR
THE BLIND

Dec. 15. Mary V. Hun, of Albany, to succeed
Gertrude Bingham, deceased.

Dec. 26. Alton B. Parker, of New York city, to
succeed John H. Finley, resigned.

TRUSTEE OF THE NEW YORK AGRICULTURAL EXPERI-
MENT STATION

Dec. 15. Parker Corning, of Albany, to succeed
Eugene M. Andrews, term expired.

Dec. 26. William H. Manning, of Saratoga
Springs, to succeed Thomas B. Wilson,
term expired.

Thomas Newbold, of Poughkeepsie, to
succeed Adrian Tuttle, term expired.

C. Green Brainard, of Waterville, to suc-
ceed G. Hyde Clarke, deceased.

TRUSTEES OF THE SUPREME COURT LIBRARY AT ELMIRA

Dec. 15. Richard H. Thurston, of Elmira, reap-
pointed.

Thomas F. Fennell, of Elmira, reap-
pointed.

Lewis Mosher, of Elmira, to succeed
Roswell R. Moss, deceased.

TRUSTEE OF THE SUPREME COURT LIBRARY AT NORWICH

Dec. 30. Arthur W. Morse, of New Berlin, reap-
pointed.

James P. Hill, of Norwich, to succeed
Daniel B. Cushman, term expired.

EXAMINER AND APPRAISER OF CANAL LANDS

Dec. 23. Edwin S. Harris, of Schuylerville, to suc-
ceed William B. Milliman, term ex-
pired.

COMMISSIONERS TO EXAMINE VOTING MACHINES

Dec. 30. Patrick J. Cawley, of Syracuse, to succeed John H. Barr, term expired.

Edwin W. Fiske, of Mt. Vernon, to succeed Harry de B. Parsons, term expired.

Appointments — Governor Direct**COUNTY OFFICIALS****SHERIFF — LIVINGSTON COUNTY**

1913

Oct. 22. Ebenezer Robinson, of Springwater, to succeed Daniel G. Acomb, deceased.

**JUDGE OF THE COURT OF GENERAL SESSIONS IN AND FOR
THE CITY AND COUNTY OF NEW YORK**

Nov. 10. Jeremiah T. Mahoney, of New York City, to succeed Thomas C. O'Sullivan, deceased.

SHERIFF — ULSTER COUNTY

Dec. 31. William S. Doyle, of Ellenville, to succeed Archibald McLaughlin, deceased.

SHERIFF — MONROE COUNTY

1914

Mar. 16. George R. Brown, of Rochester, to succeed Harley E. Hamil, deceased.

COUNTY TREASURER — RENSSELAER COUNTY

Apr. 1. John L. Bame, of Nassau, to succeed Francis Riley, deceased.

DISTRICT ATTORNEY — SCHOHARIE COUNTY

Apr. 3. Claude B. Mayham, of Schoharie, to succeed Alonzo B. Coons, deceased.

CORONER—ONONDAGA COUNTY

Apr. 23. Bernard S. Moore, M. D., of Syracuse, to succeed George R. Kinne, deceased.

COUNTY JUDGE AND SURROGATE—LIVINGSTON COUNTY

July 24. John B. Abott, of Geneseo, to succeed William Carter, deceased.

SHERIFF—ONEIDA COUNTY

Aug. 19. Charles S. Donnelly, of Utica, to succeed William T. Donnelly, deceased.

CORONER—WASHINGTON COUNTY

Oct. 1. William L. Munson, of Granville, to succeed W. B. Melick, resigned.

DISTRICT ATTORNEY—LIVINGSTON COUNTY

Nov. 6. John M. Hastings, of Mt. Morris, to succeed Frank K. Cook, resigned.

JUDGE OF THE CITY COURT—CITY OF NEW YORK

Dec. 29. Lorenz Zeller, of New York City, to succeed Francis B. Delehanty, resigned.

CORONER—COLUMBIA COUNTY

Dec. 31. Charles R. Skinner, M. D., of Copake, to succeed Leonard D. Henderson, deceased.

Appointments—Governor and Senate

**TRUSTEE STATE COLLEGE OF FORESTRY AT SYRACUSE
UNIVERSITY**

1913

Oct. 22. Francis Hendricks, of Syracuse, re-appointed. Confirmed October 22, 1913.

COMMISSIONER OF LABOR

Oct. 22. James M. Lynch, of Syracuse, to succeed John Williams, term expired. Confirmed October 22, 1913.

ASSOCIATE MEMBER OF THE INDUSTRIAL BOARD

1914

May 19 John G. Walsh, of New York City, to succeed Maurice Wertheim, for a term beginning with the expiration of Mr. Wertheim's term, on December 1, 1914. Confirmed May 19, 1914.

Note.—On October 1, Mr. Wertheim resigned and Mr. Walsh was appointed for the remainder of the term.

TRUSTEES OF CORNELL UNIVERSITY

1913

Oct. 22. Justin Du Pratt White, of Nyack, to succeed Henry W. Sackett, term expired. Confirmed October 22, 1913.

1914

Mar. 27. John A. Dix, of Thomson, to succeed Frederick C. Stevens, term to expire. Confirmed March 27, 1914.

COMMISSIONER OF HEALTH

Jan. 19. Hermann M. Biggs, of New York City, to succeed Eugene H. Porter, term expired. Confirmed January 19, 1914.

FISCAL SUPERVISOR OF STATE CHARITIES

Feb. 23. William A. Mallery, Jr., of Hillsdale, to succeed Samuel J. Tilden, deceased. Confirmed February 25, 1914.

PORT WARDENS OF THE PORT OF NEW YORK

Feb. 25. John J. Driscoll, of New York City, to succeed Marcus Braun, term expired. Confirmed February 25, 1914.

- Feb. 25. John C. Hackett, of New York City, to succeed Morris Levy, term expired. Confirmed February 25, 1914.
- Mar. 12. Charles Walton Jannicky, of Brooklyn, to succeed George E. Beckwith, term expired. Confirmed March 12, 1914.
- Feb. 25. J. Irving Hanshe, of New York City, to succeed George A. Bayles, term expired. Confirmed February 25, 1914.
- Mar. 12. George M. Janvrin, of the Borough of Brooklyn, reappointed. Confirmed March 12, 1914.
- Mar. 12. David Lazarus, of New York City, reappointed. Confirmed March 12, 1914.
- May 19. Stephen A. Fallon, of Setauket, to succeed William H. Burns, term expired. Confirmed May 19, 1914.

PUBLIC SERVICE COMMISSIONERS

First District

- Mar. 27. George M. S. Schulz, of New York City, to succeed John E. Eustis, term expired. Confirmed March 27, 1914.
- May 19. Robert Colgate Wood, of New York City, to succeed John E. Eustis, Mr. Schulz, having declined appointment. Confirmed May 19, 1914.

Second District

- Feb. 24. Seymour Van Santvoord, of Troy, to succeed Frank W. Stevens, resigned. Confirmed February 25, 1914.

Note.—On March 11, 1914, Mr. Van Santvoord was designated by the Governor as chairman, succeeding Martin S. Decker, who had resigned such chairmanship.

Mar. 27. William Temple Emmet, of South Salem, to succeed James E. Sague, term expired. Confirmed March 27, 1914.

Mar. 27. Frank Irvine, of Ithaca, to succeed Curtis N. Douglas, term expired. Confirmed March 27, 1914.

MEMBER OF THE NEWTOWN BATTLEFIELD RESERVATION COMMISSION

Feb. 3. Arthur W. Booth, M. D., of Elmira, to succeed Harry Hoffman, resigned. Confirmed February 3, 1914.

STATE HOSPITAL COMMISSIONER

Mar. 27. Andrew D. Morgan, of Ilion, as the legal member succeeding Eugene M. Strouss, term expired. Confirmed March 27, 1914.

COMMISSIONER OF AGRICULTURE

Mar. 25. Calvin J. Huson, of Penn Yan, re-appointed. Confirmed March 25, 1914.

TRUSTEES STATE SCHOOL OF AGRICULTURE AT MORRISVILLE

Mar. 25. C. Green Brainard, of Waterville, to succeed John A. Stewart, term about to expire. Confirmed March 25, 1914.

Mar. 25. Rt. Rev. John Grimes, of Syracuse, re-appointed. Confirmed March 25, 1914.

SUPERINTENDENT OF BANKS

Mar. 27. Eugene Lamb Richards, of New Brighton, to succeed George C. Van Tuyl, Jr., resigned. Confirmed March 27, 1914.

MEMBER OF THE CONSERVATION COMMISSION

Mar. 27. Patrick E. McCabe, of Albany, to succeed James W. Fleming, whose term will expire December 1, 1914. Confirmed March 27, 1914.

COMMISSIONER OF THE BOARD OF CLAIMS

Mar. 27. William A. Gardner, of Amsterdam, re-appointed. Confirmed March 27, 1914.

COMMISSIONERS OF THE FIRE ISLAND STATE PARK

Mar. 25. John E. King, of Islip, to succeed John H. Vail, term expired. Confirmed March 25, 1914.

Mar. 25. Gustave Fishel, of Babylon, to succeed John Clinton Robbins, term expired. Confirmed March 25, 1914.

Mar. 25. Daniel M. Gerard, of Huntington, to succeed Samuel L. Parrish, term expired. Confirmed March 25, 1914.

Mar. 25. William Geiger, of the Borough of Brooklyn, to succeed Edward C. Blum, term expired. Confirmed March 25, 1914.

June 22. Col. Alfred Wagstaff, of New York City, to succeed Joseph E. Owens, resigned. Recess appointment, requiring confirmation:

AGENT OF THE ONONDAGA INDIANS, RESIDING ON THE
ONONDAGA RESERVATION

Mar. 26. Elias B. Fenner, South Onondaga, re-appointed. Confirmed March 27, 1914.

ATTORNEY OF THE SENECA NATION OF INDIANS

Mar. 25. Jesse M. Seymour, of Salamanca, re-appointed. Confirmed March 25, 1914.

SUPERINTENDENT OF INSURANCE

Mar. 27. Frank Hasbrouck, of Poughkeepsie, to succeed William Temple Emmet, resigned. Confirmed March 27, 1914.

COMMISSIONERS OF THE STATE RESERVATION AT NIAGARA

- Mar. 4. George J. Meyer, of Buffalo, to succeed Thomas B. Kingsford, term expired. Confirmed March 27, 1914.
- Mar. 4. Oliver Cabana, Jr., of Buffalo, to succeed Charles M. Dow, term expired. Confirmed March 27, 1914.
- Mar. 27. Andrew Cuneo, of New York City, to succeed Eugene Cary, term expired. Confirmed March 27, 1914.
- Mar. 27. William B. Howland, of New York City, reappointed. Confirmed March 27, 1914.
- Dec. 18. Paul A. Schoellkopf, of Buffalo, to succeed Oliver Cabana, Jr., resigned. Recess appointment, requiring confirmation.

COMMISSIONERS OF THE PALISADES INTERSTATE PARK

- Mar. 20. J. Du Pratt White, of Nyack, reappointed. Confirmed March 23, 1914.
- Mar. 20. Franklin W. Hopkins, of Alpine, N. J., reappointed. Confirmed March 23, 1914.

SUPERINTENDENT OF STATE PRISONS

- Mar. 25. John B. Riley, of Plattsburg, whose appointment during the recess of the Senate has expired. Confirmed March 27, 1914.

COMMISSIONERS OF PRISONS

- Mar. 23. Rudolph F. Diedling, M. D., of Saugerties, to succeed Simon P. Quick, term expired. Confirmed March 23, 1914.

- Mar. 23. James T. Murphy, Ogdensburg, to succeed Edgar A. Newell, term expired. Confirmed March 23, 1914.
- Mar. 23. Leon C. Weinstock, of New York City, to succeed John J. Deery, resigned. Confirmed March 23, 1914.
- Mar. 27. Francis C. Huntington, New York City, reappointed. Confirmed March 27, 1914.
- Mar. 27. Henry Solomon, of New York City, reappointed. Confirmed March 27, 1914.

STATE TAX COMMISSIONER

- Mar. 27. Thomas F. Byrnes, of the Borough of Brooklyn, reappointed. Confirmed March 27, 1914.

STATE FAIR COMMISSIONER

- Mar. 25. George W. Driscoll, of Syracuse, reappointed. Confirmed March 25, 1914.

TRUSTEES OF WASHINGTON'S HEADQUARTERS

- Mar. 25. Samuel V. Schoonmaker, of Newburgh, reappointed. Confirmed March 25, 1914.
- Mar. 25. Francis J. Gorman, of Newburgh, reappointed. Confirmed March 25, 1914.
- Mar. 25. Thomas F. Balfe, of Newburgh, to succeed George R. Brewster, resigned. Confirmed March 25, 1914.
- Dec. 26. Arthur A. McLean, of Newburgh, to succeed David A. Morrison, deceased. Recess appointment, requiring confirmation.
- William H. Coldwell, of Newburgh, to succeed Michael Salley, deceased. Recess appointment, requiring confirmation.

COMMISSIONER OF THE WATKINS GLEN RESERVATION

Mar. 25. John B. Macreery, of Watkins, re-appointed. Confirmed March 25, 1914.

STATE SUPERINTENDENT OF WEIGHTS AND MEASURES

Mar. 25. John F. Farrell, of New York City, to succeed Fritz Reichmann, resigned. Confirmed March 27, 1914.

HELL GATE PILOT

Mar. 26. Albert A. Fordham, of City Island, re-appointed. Confirmed March 27, 1914.

MEMBERS OF THE STATE WORKMEN'S COMPENSATION COMMISSION

(Pursuant to the provisions of chapter 41 of the Laws of 1914.)

Mar. 16. Robert E. Dowling, of New York City, chairman, confirmed March 16, 1914.

Mar. 16. John Mitchell, of Mt. Vernon, confirmed March 16, 1914.

Mar. 16. Thomas Darlington, M. D., of New York City, confirmed March 16, 1914.

Mar. 16. J. Mayhew Wainwright, of Rye, confirmed March 16, 1914.

Mar. 27. Howard Townsend Mosher, of Rochester, confirmed March 27, 1914.

MEMBERS OF THE STATE BOARD OF MANAGERS OF REFORMATORIES

Mar. 25. William F. Rafferty, of Kingston, to succeed John F. Herbert, term expired. Confirmed March 25, 1914.

Mar. 25. William C. Buck, of Waverly, to succeed Frank B. Hoornbeek, term expired. Confirmed March 25, 1914.

Mar. 27. Henry Melville, of New York City, re-appointed. Confirmed March 27, 1914.

COMMISSIONERS OF THE STATE BOARD OF CHARITIES

- Mar. 25. Henry Marquand, of Mt. Kisco, to succeed Joseph C. Baldwin, Jr., resigned. Confirmed March 25, 1914.
- Mar. 25. Thomas M. Mulry, of New York City, reappointed. Confirmed March 25, 1914.
- Mar. 27. Daniel Waite Burdick, of Ithaca, reappointed. Confirmed March 27, 1914.

STATE HOSPITALS

MANAGERS OF THE CENTRAL ISLIP STATE HOSPITAL

- Feb. 23. Rev. William H. Garth, of Islip, to succeed Martin J. White, resigned. Confirmed February 25, 1914.
- Mar. 25. Elizabeth P. Lanehart, of Hempstead, to succeed Anita Owen Floyd-Jones, resigned. Confirmed March 25, 1914.
- Mar. 27. Grace G. Dyer, of Brookville, to succeed Mary Ellen Richmond, resigned. Confirmed March 27, 1914.
- Dec. 23. Mrs. Bernard M. Baruch, of New York City, to succeed Grace M. Dyer, resigned. Recess appointment, requiring confirmation.

MANAGERS OF THE GOWANDA STATE HOMEOPATHIC HOSPITAL

- Feb. 16. Charles H. Felthousen, of Buffalo, to succeed Albert J. Frantz, term expired. Confirmed February 16, 1914.
- Mar. 19. John D. Zwetsch, M. D., of Gowanda, to succeed Fred J. Blackmon, resigned.

MANAGERS OF THE LONG ISLAND STATE HOSPITAL

- Feb. 25. Michael F. McGoldrick of the Borough of Brooklyn, reappointed. Confirmed February 26, 1914.

Feb. 25. Henry R. Chittick, of the Borough of Brooklyn, to succeed Richard W. Bainbridge, resigned. Confirmed February 26, 1914.

Feb. 25. Charles Partridge, of the Borough of Brooklyn, to succeed James McMahon, deceased. Confirmed February 26, 1914.

Feb. 25. George E. Brower, of the Borough of Brooklyn, to succeed Alexander E. Orr, resigned. Confirmed February 26, 1914.

MANAGERS OF THE MIDDLETOWN STATE HOMEOPATHIC HOSPITAL

Feb. 23. John C. R. Taylor, of Middletown, reappointed. Confirmed February 23, 1914.

MANAGERS OF THE MOHANSIC STATE HOSPITAL

Feb. 23. Andrew J. Shipman, of New York City, reappointed. Confirmed February 23, 1914.

Mar. 27. Max Herbst, D.D.S., of New York City, to succeed William I. Sirovich, resigned. Confirmed March 27.

MANAGERS OF THE ROCHESTER STATE HOSPITAL

Feb. 23. William D. Wolff, M.D., of Rochester, to succeed John H. Gregory, term expired. Confirmed February 25, 1914.

Feb. 23. Edward J. Ward, of Rochester, to succeed Joseph W. Rosenthal, deceased. Confirmed February 25, 1914.

Dec. 24. Mrs. Lillian Gorsline, of Rochester, to succeed Jane E. Rochester, deceased. Recess appointment, requiring confirmation.

MANAGERS OF THE ST. LAWRENCE STATE HOSPITAL

Feb. 23. James M. Wells, of Ogdensburg, reappointed. Confirmed February 23, 1914.

Mar. 25. Fred M. Riley, of Oswego, to succeed S. Mortimer Coon, deceased. Confirmed March 26, 1914.

MANAGER OF THE UTICA STATE HOSPITAL

Feb. 23. Lizzie Wilhelm Constable, of Utica, reappointed. Confirmed February 23, 1914.

MANAGERS OF THE BINGHAMTON STATE HOSPITAL

Mar. 5. Annie Devereux Mills, of Oneida, to succeed Lavinia R. Davis, term expired. Confirmed March 5, 1914.

Mar. 5. J. Arnot Rathbone, of Elmira, to succeed Jarvis Langdon, resigned. Confirmed March 5, 1914.

MANAGER OF THE BUFFALO STATE HOSPITAL

Mar. 4. George M. Zimmerman, of Buffalo, to succeed Herbert A. Meldrum, term expired. Confirmed March 4, 1914.

MANAGER OF THE HUDSON RIVER STATE HOSPITAL

Mar. 16. Catherine A. Newbold, of Poughkeepsie, reappointed. Confirmed March 16, 1914.

MANAGER OF THE KINGS PARK STATE HOSPITAL

Mar. 25. Allie A. Rogers, of Sayville, to succeed Mary M. Ackerly, term expired. Confirmed March 25, 1914.

MANAGERS OF THE MANHATTAN STATE HOSPITAL

Mar. 26. Jacob Oshlag, M. D., of New York City, to succeed Gustave Scholer, M. D., term expired. Confirmed March 27, 1914.

- May 19. Charles V. Fornes, of New York City, to succeed Thomas M. Mulry, resigned. Confirmed May 19, 1914.
- Dec. 23. Margaret M. Wagner, of New York City, to succeed Grace Gillett Bird, resigned. Recess appointment, requiring confirmation.

MANAGERS OF THE WILLARD STATE HOSPITAL

- Mar. 25. John N. Quirk, M. D., of Montour Falls, to succeed Fred J. Manro, term expired. Confirmed March 25, 1914.
- Dec. 11. M. P. Conway, M. D., of Albany, to succeed Abram S. Stothoff, deceased. Recess appointment, requiring confirmation.
- Dec. 23. Thomas E. Moran, of Corning, to succeed J. Cameron, deceased. Recess appointment, requiring confirmation.

CHARITABLE INSTITUTIONS

TRUSTEES OF THE NEW YORK STATE HOSPITAL FOR THE TREATMENT OF INCIPIENT PULMONARY TUBERCU- LOSIS

- Feb. 23. Rev. Chrisenberry A. Ritchie, of Binghamton, to succeed Martin E. McClary, resigned. Confirmed February 25, 1914.
- Mar. 4. Arthur C. Schaefer, M. D., of Buffalo, to succeed John R. Shillady, resigned. Confirmed March 4, 1914.
- Mar. 27. Erastus Corning, M. D., of Albany, to succeed Charles Stover, M. D., term expired. Confirmed March 27, 1914.

- May 19. John E. Herrity, M. D., of New York City, to succeed John McCroskery, M. D., deceased. Confirmed May 19, 1914.
- Dec. 23. Linsly R. Williams, M. D., of New York City, to succeed David Morey, deceased. Recess appointment, requiring confirmation.
- Dec. 30. Peter D. Kiernan, of Albany, to succeed John E. Herrity, who failed to qualify. Recess appointment, requiring confirmation.

MANAGERS OF THE CRAIG COLONY FOR EPILEPTICS

- Feb. 23. Daniel B. Murphy, of Rochester, reappointed. Confirmed February 23, 1914.
- Mar. 27. Louisa Lane Van Rensselaer, of Albany, to succeed Edith Winton, resigned. Confirmed March 27.
- May 19. Constantine M. McGuire, of the Borough of Brooklyn, to succeed Abbot Low Dow, deceased. Confirmed May 19.

MANAGERS OF LETCHWORTH VILLAGE

- Feb. 16. Frank A. Vanderlip, of Scarboro, reappointed. Confirmed February 16.
- May 19. Oscar E. Reynolds, of Haverstraw, to succeed Leopold Sondheim, resigned. Confirmed May 19.

TRUSTEE OF THE NEW YORK STATE SOLDIERS AND SAILORS' HOME

- Feb. 23. Peter Sheridan, of Rochester, to succeed Charles A. Orr, term expired. Confirmed February 25.

- Dec. 23. James A. Parsons, of Hornell, to succeed Clinton D. McDougall, deceased. Recess appointment, requiring confirmation.

MANAGER OF THE NEW YORK STATE HOSPITAL FOR THE
CARE OF CRIPPLED AND DEFORMED CHILDREN

- Mar. 27. Kittie N. Tompkins, of New York City, to succeed Charles B. Hubbell, term expired. Confirmed March 27.

- Des. 30. Mrs. John Godfrey Saxe, of New York City, to succeed Kittie N. Tomkins, resigned. Recess appointment, requiring confirmation.

MANAGER OF THE STATE AGRICULTURAL AND INDUSTRIAL
SCHOOL

- Mar. 4. John W. Henry, of Buffalo, to succeed Albert H. Tracy, Jr., term expired. Confirmed March 4.

MANAGERS OF THE STATE REFORMATORY FOR MISDE-
MEANANTS

- Mar. 12. Simon A. Nash, of Buffalo, to succeed Herbert H. Lehman, resigned. Confirmed March 12.

- Mar. 27. George M. Parker, M. D., of New York City, reappointed. Confirmed March 27.

- Mar. 27. Joseph Kuhn, D.D.S., of New York City, to succeed James E. Dougherty, deceased. Confirmed March 27.

- Dec. 11. Sylvan Levy, of the Borough of Brooklyn, to succeed Cyrus L. Sulzberger, resigned. Recess appointment, requiring confirmation.

MANAGER OF THE NEW YORK STATE REFORMATORY FOR
WOMEN

Mar. 23. Florence Jaffray Harriman, of Mt. Kisco, reappointed. Confirmed February 23.

MANAGER OF THE NEW YORK STATE TRAINING SCHOOL
FOR BOYS

Mar. 23. William B. Osgood Field, New York City, reappointed. Confirmed March 23.

MANAGERS OF THE NEW YORK STATE TRAINING SCHOOL
FOR GIRLS

Mar. 25. Sarah Blanche Peabody, of Albany, reappointed. Confirmed March 25.

Mar. 25. John F. Brennen, of Hudson, to succeed Marcia Chase Powell, term expired. Confirmed March 25.

MANAGER OF THE WESTERN HOUSE OF REFUGE FOR
WOMEN

Mar. 12. John W. Dugan, M.D., of Albion, reappointed. Confirmed March 12.

MANAGERS OF THE STATE INDUSTRIAL FARM COLONY

Mar. 4. Louis E. Desbecker, of Buffalo, to succeed Frederic Almy, term expired. Confirmed March 4.

Mar. 25. Charles S. Rogers, of Hudson, to succeed Isaac Dalrymple, deceased. Confirmed March 25.

MANAGERS OF THE STATE CUSTODIAL ASYLUM FOR FEEBLE-
MINDED WOMEN

Mar. 27. Samuel M. Havens, of Rochester, to succeed Ralph E. Wilder, term expired. Confirmed March 27.

May 19. Frank L. Waldorf, of Clyde, to succeed Samuel M. Havens, declined. Confirmed May 19.

TRUSTEE OF THE NEW YORK STATE SCHOOL FOR THE BLIND

Mar. 4. F. Park Lewis, M.D., of Buffalo, reappointed. Confirmed March 4.

MANAGER OF THE ROME STATE CUSTODIAL ASYLUM

Mar. 27. Frank Blake, of Clinton, reappointed. Confirmed March 27.

MANAGER OF THE SYRACUSE STATE INSTITUTION FOR FEEBLE-MINDED CHILDREN

Mar. 27. Edward K. Butler, of Syracuse, to succeed William W. Wiard, term expired. Confirmed March 27.

MANAGER OF THE THOMAS INDIAN SCHOOL

Mar. 4. Edward G. Zeller, of Buffalo, reappointed. Confirmed March 4.

MANAGERS OF THE NEW YORK STATE WOMAN'S RELIEF CORPS HOME

Mar. 25. William A. Boyd, of New York City, to succeed Susan E. Atkins, deceased. Confirmed March 25.

Mar. 27. Mary E. Seely, of Syracuse, reappointed. Confirmed March 27.

Appointments — Governor and Senate

COUNTY OFFICIALS

COUNTY JUDGE AND SURROGATE—CHEMUNG COUNTY

Jan. 21. Charles B. Swartwood, of Elmira, to succeed George McCann, resigned. Confirmed January 21, 1914.

SPECIAL COUNTY JUDGE—ST. LAWRENCE COUNTY

Jan. 26. Dallas M. Hazelton, of Gouverneur, to
succeed John R. Keeler, deceased.
Confirmed January 26, 1914.

COUNTY JUDGES OF AND FOR THE COUNTY OF KINGS

(Pursuant to amendment of Constitution adopted by
the people at November election of 1913.)

Mar. 27. Robert H. Roy of the borough of Brook-
lyn.

John F. Hylan, of the borough of Brook-
lyn.

SUPREME COURT JUSTICES

JUSTICE OF THE SUPREME COURT, FIRST JUDICIAL DIS-
TRICT

Feb. 2. Bartow S. Weeks, of New York City, to
succeed James W. Gerard, resigned.
Confirmed February 2, 1914.

JUSTICE OF THE SUPREME COURT, FIFTH JUDICIAL DIS-
TRICT

Feb. 24. Henry Purcell, of Watertown, to succeed
Frank H. Hiscock, who was elected As-
sociate Judge of the Court of Appeals.
Confirmed February 24, 1914.

Dec. 29. Clarence J. Shearn, of New York City, to
succeed Samuel Seabury, resigned.
Recess appointment, requiring con-
firmation.

Francis B. Delehanty, of New York City,
to succeed Edward B. Amend, deceased.
Recess appointment, requiring con-
firmation.

HONORARY

ON REQUEST, GOVERNOR GLYNN APPOINTED REPRESENTATIVE CITIZENS TO ATTEND THE FOLLOWING CONGRESSES AND CONVENTIONS:

National Farmers' Congress at Plano, Illinois, September 23-26.

Roumanian Jewish Emancipation Committee, New York City, September 30, 1913.

American Prison Association, Indianapolis, Ind., October 11-16, 1913.

Seventh Annual Conference on Taxation, Buffalo, N. Y., October 23, 1913.

American Mining Congress, Philadelphia, Pa., October 20-24, 1913.

The Emancipation Proclamation Commission of New Jersey, Atlantic City, N. J., October 6-13, 1913.

New York Academy of Political Science Conference on Currency Reform, New York City, October 14-15, 1913.

International Dry-Farming Congress, Tulsa, Okla., October 27th to November 1, 1913.

Seventh International Purity Congress, Minneapolis, Minn., November 7-12, 1913.

National Conservation Congress, Washington, D. C., November 18-20, 1913.

Convention and Exposition of the United States Good Roads Association, St. Louis, Mo., November 10-15, 1913.

Atlantic Deeper Waterways Convention, Jacksonville, Fla., November 18-21, 1913.

Third Annual Convention of the National League of Compulsory Education Officials, St. Louis, Mo., November 21-22, 1913.

Fourteenth Annual Conference of Charities and Corrections, Buffalo, N. Y., November 18-20, 1913.

National Rivers and Harbors Congress, Washington, D. C., December 3-5, 1913.

National Civic Federation, New York City, December 8, 1913.

Congress in Berlin in accordance with resolution adopted at Cooper Union Mass Meeting protesting against violations of the Berlin Treaty of 1878, January 23-31, 1914.

Tenth Annual Conference of the National Child Labor Committee, New Orleans, La., March 15-18, 1914.

National Conference on the Unemployed, New York City, February 27-28, 1914.

Eighteenth Annual Meeting of the American Academy of Political and Social Science, Philadelphia, Pa., April 3-4, 1914.

Second National Conference on Marketing and Farm Credits, Chicago, Ill., April 14-17, 1914.

Third International Congress on Child Welfare, Washington, D. C., April 22-27, 1914.

Forty-first Annual Meeting of the National Conference of Charities and Corrections, Memphis, Tenn., May 8-15, 1914.

Ninth Annual Conference on the Weights and Measures of the United States, Washington, D. C., May 20-23, 1914.

Third International Congress of Occupational Diseases, Vienna, Austria, September, 1914.

Seventh Annual Meeting of the National Assembly of Civil Service Commissions, Pueblo, Colo., June 11-13, 1914.

Informal Conference of American-Canadian Centenary Committee, Mackinac Island, Mich., July 21, 1914.

Fifth Annual Convention of the National Negro Educational Congress, Oklahoma City, Okla., July 7-10, 1914.

Third Annual Meeting of Alienists and Neurologists, Chicago, Ill., July 14-18, 1914.

Eighth Annual Conference on Taxation, Denver, Colo., September 8-11, 1914.

Tenth International Congress of Esperanto, Paris, France, August 2, 1914.

Commission for the Celebration of the Treaty of Ghent.

National Star Spangled Banner Centennial Celebration, Baltimore, Md., September 6-15, 1914.

American Prison Association, St. Paul, Minn., October 3-8, 1914.

Twenty-first International Irrigation Congress, Calgary, Alberta, Can., October 5-9, 1914.

Fourth American Road Congress, Atlanta, Ga., November 9-14, 1914.

Thirty-fourth Session of the Farmers' International Congress, Fort Worth, Tex., October 14-17, 1914.

Eighth (Special) Purity Congress, Kansas City, Mo., November 5-9, 1914.

Sixth Annual Meeting of the American Institute of Criminal Law and Criminology, Washington, D. C., October 23, 1914.

New York Commercial Tercentenary Commission, appointed pursuant to the provisions of chapter 313 of the Laws of 1913.

Committee of Mercy, formed to care for the women and children made destitute by the World War.

Third Annual Meeting of the National Association of Conservation Commissioners, New Orleans, La., November 16-20, 1914.

Fourth Annual Convention of the National League of Compulsory Education Officials, Detroit, Mich., November 20-21, 1914.

Seventeenth Annual Convention of the American Mining Congress, Phoenix, Ariz., December 7-11, 1914.

Eleventh Annual Convention of the National Rivers and Harbors Congress, Washington, D. C., December 9-11, 1914.

Fifth American Good Roads Congress, Chicago, Ill., December 14-18, 1914.

Eighth Annual Meeting of the American Association for Labor Legislation and Second National Conference on Unemployed, Philadelphia, Pa., December 28-29, 1914.

IX
DESIGNATIONS
[1113]

IX
DESIGNATIONS

Designation of William Butler Hornblower as Associate Judge of the Court of Appeals

THE PEOPLE OF THE STATE OF NEW YORK

By the grace of God Free and Independent.

To all to whom these presents shall come, Greeting:

KNOW YE that we have nominated, constituted and appointed and by these presents do nominate, constitute and appoint

WILLIAM BUTLER HORNBLOWER,

of the city of New York, as Associate Judge of the Court of Appeals to fill the vacancy caused by the election of William Bartlett as Chief Judge of said Court, hereby giving and granting unto him all and singular the powers and authorities to the said office by law belonging or appertaining. To have and to hold the said office together with the fees, profits and advantages to the same belonging for and during the time limited by the Constitution and laws for said State.

IN TESTIMONY WHEREOF, We have caused these our letters to be made patent and the great Seal of our said State to be hereunto affixed.

WITNESS: Martin H. Glynn, Governor of
[L. s.] our said State (with the consent of our Senate) at our city of Albany, the 2nd day of February in the year of our Lord, one thousand nine hundred and fourteen.

Attest: (Signed) MARTIN H. GLYNN

MITCHELL MAY

Secretary of State

Note.—The above nomination was confirmed by the Senate the 2nd day of February.

**Designation of Benjamin R. Cordozo as Associate
Judge of the Court of Appeals**

WHEREAS, the Judges of the Court of Appeals have certified to me that said Court is unable by reason of the accumulation of causes pending therein to hear and dispose of the same with reasonable speed;

THEREFORE, by virtue of the power conferred upon me by section 7 of article 6 of the Constitution, I do hereby designate the

HONORABLE BENJAMIN N. CARDOZO,

of the county of New York, who is a Justice of the Supreme Court for the First Judicial District, to serve as an Associate Judge of the Court of Appeals from and after the third day of February, 1914, until the causes undisposed of in said Court shall have been reduced to two hundred in number.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L. s.] this second day of February in the year of
our Lord one thousand nine hundred and
fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Designation of Samuel Seabury as Associate Judge of the Court of Appeals

THE PEOPLE OF THE STATE OF NEW YORK

By the grace of God Free and Independent.

To all to whom these presents shall come, Greeting:

KNOW YE that we have nominated, constituted and appointed, and by these presents do nominate, constitute and appoint

SAMUEL SEABURY

of the city of New York, as Associate Judge of the Court of Appeals to fill the vacancy caused by the death of William B. Hornblower hereby giving and granting unto him all and singular the powers and authorities to the said office by law belonging or appertaining. To have and to hold the said office together with the fees, profits and advantages to the same belonging for and during the time limited by the Constitution and laws of our said State.

IN TESTIMONY WHEREOF, We have caused these our letters to be made patent and the great Seal of our said State to be hereunto affixed.

WITNESS: Martin H. Glynn, Governor of
[L. s.] our said State at our city of Albany the eighth day of December in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

Attest:

MITCHELL MAY

Secretary of State

Note.—The above designation was made during a recess of the Senate and did not require confirmation.

Designation of Justice Alden Chester as Temporary Associate Justice of the Appellate Division of the Supreme Court for the Third Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

I, Martin H. Glynn, Governor of the State of New York, do hereby designate.

HONORABLE ALDEN CHESTER,

a Justice of the Supreme Court, to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the Third Department, at the extraordinary term of said Court appointed to be held at the court room of said Court on Friday, October 24, 1913, at three o'clock P. M. in the place and stead of Honorable John M. Kellogg, Associate Justice of said Court, who is absent.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this twenty-fourth day of October, in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

**Revocation of Designation of Justice Alden Chester
as Temporary Associate Justice of the Appellate
Division of the Supreme Court for the Third Depart-
ment**

STATE OF NEW YORK — EXECUTIVE CHAMBER.

I, Martin H. Glynn, Governor of the State of New York, having heretofore and on the 24th day of October, 1913, duly designated

HONORABLE ALDEN CHESTER,

a Justice of the Supreme Court, to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the Third Department, at the extraordinary term of said Court appointed to be held on Friday, October 24th, in the place and stead of Honorable John M. Kellogg, and it having been certified to me by Honorable Walter Lloyd Smith, Presiding Justice of said Appellate Division, that the business of said extraordinary term having been finished, that said Court has adjourned, and said Honorable Alden Chester having requested that said designation be revoked, I hereby revoke said designation.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this twenty-fifth day of October in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Resignation of Justice Joseph A. Burr as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

It appearing to my satisfaction that the public interest requires it;

THEREFORE, In accordance with section 2 of article 6 of the Constitution and the statutes in such case made and provided, the

HONORABLE JOSEPH A. BURR

of the county of Kings, who is a justice of the Supreme Court of the Second Judicial District, is hereby redesignated as an Associate Justice of the Appellate Division of the Supreme Court, in and for the Second Judicial Department, for a term of five years from and after the 1st day of January, 1914, his prior designation as such Associate Justice being about to expire.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this thirty-first day of December in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Redesignation of Justice Edward B. Thomas as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK — EXECUTIVE CHAMBER

In accordance with section 2 of article 6 of the Constitution and the statute in such cases made and provided, the

HONORABLE EDWARD B. THOMAS,

of the borough of Brooklyn, county of Kings, who is a Justice of the Supreme Court of the Second Judicial District, is hereby redesignated as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department, for the term beginning with the 8th day of November, 1914, and terminating with the expiration of his present term of office as a Justice of the Supreme Court, on December 31, 1918, his prior designation as such Associate Justice being about to expire.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this seventh day of November, in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Revocation of Designation of Justice Michael H. Hirschberg as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, The Honorable Michael H. Hirschberg, a Justice of the Supreme Court of the Ninth Judicial District, having been heretofore designated to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department, and he having filed his written request that such designation be revoked:

NOW, THEREFORE, In accordance with the statute in such case made and provided the designation heretofore made of date January 7, 1911, of the Honorable Michael H. Hirschberg, to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department is hereby and at his own request revoked.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this seventh day of November in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Revocation of Temporary Designation of Justice Luke D. Stapleton as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, The Honorable Luke D. Stapleton, a Justice of the Supreme Court of the Second Judicial District, having been heretofore temporarily designated to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department, and he having filed his written request that such designation be revoked;

NOW, THEREFORE, In accordance with the statute in such case made and provided, the designation heretofore made of March 1, 1913, of the Honorable Luke D. Stapleton, to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department is hereby and at his own request revoked.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this seventh day of November in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Designation of Justice Luke D. Stapleton as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK — EXECUTIVE CHAMBER

In accordance with section 2 of article 6 of the Constitution and the statute in such case made and provided, the

HONORABLE LUKE D. STAPLETON,

of the county of Kings who is a Justice of the Supreme Court of the Second Judicial District, is hereby designated as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department for the term of five years, beginning on the 7th day of November, 1914, in the place of the Honorable Michael H. Hirschberg, whose designation as such Associate Justice has been revoked at his own request.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this seventh day of November in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Revocation of Temporary Designation of Justice Harrington Putnam as Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

WHEREAS, The Honorable Harrington Putnam, a Justice of the Supreme Court of the Second Judicial District, having been heretofore temporarily designated to sit as an Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department, and he having filed his written request that such designation be revoked;

NOW, THEREFORE, In accordance with the statute in such case made and provided, the designation heretofore made of date April 21, 1913, of the Honorable Harrington Putnam to sit as Associate Justice of the Appellate Division of the Supreme Court in and for the Second Judicial Department is hereby and at his own request revoked.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this seventh day of November in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Designation of Justice Harrington Putnam as Temporary Associate Justice of the Appellate Division of the Supreme Court for the Second Department

STATE OF NEW YORK—EXECUTIVE CHAMBER

In accordance with section 2 of article 6 of the Constitution and the statute in such case made and provided, the

HONORABLE HARRINGTON PUTNAM,

of the borough of Brooklyn, city of New York, who is a Justice of the Supreme Court of the Second Judicial District, is hereby temporarily designated as an Associate Justice of the Appellate Division of the Supreme Court for the Second Judicial Department, it appearing to my satisfaction upon the certification of the Honorable Almet F. Jenks, the Presiding Justice thereof, that an additional Associate Justice is necessary for the speedy disposition of the business before the court.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this seventh day of November in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Designation of the Attorney-General to Attend a Term of the Supreme Court to be Held in New York County for the Purpose of Conducting Proceedings in Relation to the Charges Growing out of the Escape of Harry K. Thaw

STATE OF NEW YORK — EXECUTIVE OFFICE OF ACTING
GOVERNOR

HON. THOMAS CARMODY, *Attorney-General of the State of New York*:

SIR:—Pursuant to the provisions of section 62 of the Executive Law of the State of New York, being chapter 23 of the Laws of 1909, as amended, I hereby require that you, the Attorney-General of this State, attend in person before any grand jury or grand juries drawn in the Supreme Court in the county of New York, for the purpose of managing and conducting in said court and before said grand jury and said other grand juries any and all proceedings, examinations and inquiries in any and all criminal actions and proceedings which may be had or taken before said grand jury or by or before any such other grand jury, upon, concerning or relating to any criminal charge or charges against any person or persons, growing out of or based upon the escape of Harry K. Thaw from Matteawan State Hospital in the county of Dutchess on or about the 17th day of August, 1913, and to further manage and conduct at any term of said court the prosecution and trial of any indictments that may be returned by any of the said grand juries, and that in person in the place and stead of the district attorney of New York county and the district attorney of Dutchess county you exercise all the powers and perform all the duties conferred upon you by said section

62 of the Executive Law and this requirement made thereunder.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany
[L. s.] this third day of October in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN
Acting Governor

Designation of the Attorney-General to Attend a Term of the Supreme Court to be Held in the County of Queens for the Trial of Criminal Actions and Proceedings Growing Out of Indictments Against Harry Scanlon and James Heffron

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *May 20, 1914*

To the Honorable, THOMAS CARMODY, *Attorney-General, Albany:* .

SIR:—Pursuant to the provisions of section 62 of the Executive Law, I hereby require that you, the Attorney-General of the State, attend in person, or by one or more of your deputies, a term of Supreme Court, now being held in and for the county of Queens, and any later term or terms of said court, and that you in person, or by your deputy or deputies, for the purpose of managing and conducting in said court any and all criminal actions and proceedings relating to and growing out of the prosecution of two certain criminal indictments found by the April, 1914, grand jury of the county of Queens against Harry Scanlon (alias Scanlan), and James Heffron, for the crime of rape, in the

second degree, and now pending in said Supreme Court, act in the place and stead of district attorney of Queens county and that you exercise all of the powers and perform all of the duties conferred upon you by said section 62 of the Executive Law and this requirement thereunder.

(Signed) MARTIN H. GLYNN

X

**REMOVAL PROCEEDINGS AND INVESTI-
GATIONS**

[1131]

X

REMOVAL PROCEEDINGS AND INVESTIGATIONS

Appointment of James W. Osborne as a Commissioner to Investigate the Management and Affairs of Departments, Boards, Bureaus or Commissions of the State

STATE OF NEW YORK — EXECUTIVE CHAMBER

To All to whom these Presents Shall Come, Greeting:

Know ye, that pursuant to section 8 of the Executive Law, I have appointed and by these presents do hereby appoint James W. Osborne of the borough of Manhattan, New York city, as a Commissioner to examine and investigate the management and affairs of any and all departments, boards, bureaus or commissions of the State.

The said James W. Osborne is hereby empowered to subpoena and enforce the attendance of witnesses, to administer oaths and examine witnesses under oath, and to require the production of any books or papers deemed relevant or material.

And I hereby give and grant unto said James W. Osborne all and singular the powers and authorities which may be given or granted unto a person appointed by me for such purpose under authority of the statute aforesaid.

IN WITNESS WHEREOF, I have subscribed my name to these presents and caused the Privy Seal of the State to be affixed hereto at the
[L. s.] Capitol, in the city of Albany, this twenty-eighth day of November, in the year of our Lord one thousand nine hundred and thirteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

**Order of Removal from Office of Henry C. Merritt as
a Member of the Bronx Valley Sewer Commission**

STATE OF NEW YORK — EXECUTIVE CHAMBER

TO HENRY C. MERRITT, *Member of the Bronx Valley
Sewer Commission, Tuckahoe, New York:*

It appearing to me that the public interest so requires, in pursuance of the authority vested in me, you are hereby removed from the office of Member of the Bronx Valley Sewer Commission.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Privy Seal of the
[L. s.] State at the Capitol, in the city of
Albany, this twenty-second day of Jan-
uary in the year of our Lord one thou-
sand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

**Proceedings for the Removal from Office of Henry W.
Snell as Sheriff of the County of Rensselaer**

Notice and Summons

*In the Matter of the Charges against Henry W. Snell,
Sheriff of the County of Rensselaer*

NOTICE AND SUMMONS

TO HENRY W. SNELL, *Sheriff of the County of Rensse-
laer:*

You are hereby notified that charges have been pre-
ferred against you, and that your removal from the
office of sheriff of the county of Rensselaer thereon has

been asked by Harmon Manderville, of the town of Grafton, Rensselaer, N. Y.

A copy of such charges is herewith served upon you.

I hereby fix the 6th day of February, 1914, at 12 o'clock noon as the date on or before which your answer to said charges shall be filed with me; and you are further notified that on said 6th day of February, 1914, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my hand, affixed the Privy Seal of the
[L. s.] State, this twenty-second day of January in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Appointment of Commissioner to Examine into Charges Preferred Against Henry W. Snell, Sheriff of the County of Rensselaer

STATE OF NEW YORK — EXECUTIVE CHAMBER

BEFORE THE GOVERNOR:

APPOINTMENT OF COMMISSIONER

*In the Matter of the Charges against Henry W. Snell,
Sheriff of the County of Rensselaer*

Charges having been filed with me on the 5th day of January, 1914, by Harmon Manderville, of the town of Grafton, Rensselaer county, N. Y., against Henry W. Snell, sheriff of the county of Rensselaer, with a petition that he be removed from his office as sheriff of the county of Rensselaer, and a copy thereof having

been served upon said Henry W. Snell, who has filed an answer to said charges, to which a reply, or demurrer, has been filed;

Now, **THEREFORE**, Pursuant to the statute in such case made and provided, I do hereby appoint James S. Kiley, of the city of Glens Falls, a commissioner to examine witnesses and take evidence as to the truth of said charges, and I hereby direct said commissioner to report to me the said evidence and his findings of the material facts deemed by him to be established in connection with said charges, together with his conclusions thereon.

GIVEN under my hand and the Privy Seal of the State at the Capitol, in the city of Albany,
[L. s.] this twenty-sixth day of February in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

**Order Dismissing Charges Against Henry W. Snell,
Sheriff of the County of Rensselaer**

STATE OF NEW YORK — EXECUTIVE CHAMBER

*In the Matter of Charges Against Henry W. Snell,
Sheriff of Rensselaer County*

ORDER DISMISSING CHARGES

Charges having heretofore been preferred by Harmon Manderville against Henry W. Snell, Sheriff of Rensselaer county, and a copy of such charges having been served upon the said Henry W. Snell, and he having filed his answer thereto, denying such charges; and the matter having been referred to the Hon.

James S. Kiley, as a Commissioner to take the testimony and report upon the same to me, and the Commissioner having taken the testimony relating to said charges, having reported that in his opinion the charges have not been sustained;

NOW THEREFORE, It appearing to me that the facts disclosed in this proceeding are not sufficient to sustain the charges, therefore, it is hereby

ORDERED, That the charges against the said Henry W. Snell as Sheriff of Rensselaer county, be, and the same hereby are, dismissed.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany,
[L. s.] this ninth day of November, in the year of our Lord, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Proceedings for the Removal from Office of John R. Voorhis as a State Superintendent of Elections

Notice and Summons

STATE OF NEW YORK — EXECUTIVE CHAMBER

*In the Matter of the Charges Against John R. Voorhis,
a State Superintendent of Elections of the State
of New York*

NOTICE AND SUMMONS

To JOHN R. VOORHIS, a State Superintendent of Elections of the State of New York:

You are hereby notified that charges have been preferred against you, and that your removal from the office of State Superintendent of Elections thereon

has been asked by the Honest Ballot Association, Inc., of New York City, and William M. Chadbourne, individually, and as treasurer of the County Committee of the National Progressive Party in and for the county of New York.

A copy of such charges is herewith served upon you.

I hereby fix the 12th day of February, 1914, at twelve o'clock noon as the date on or before which your answer to said charges shall be filed with me; and you are further notified that on said 12th day of February, 1914, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Privy Seal of the State,
[L. s.] this 28th day of January, in the year of our Lord, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Appointment of Commissioner to Examine into Charges Preferred Against John R. Voorhis, a State Superintendent of Elections

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, N. Y., *March 20, 1914.*

Before the Governor:

In the Matter of Charges Against John R. Voorhis, a State Superintendent of Elections

APPOINTMENT OF COMMISSIONER

The Honest Ballot Association, Inc., and William N. Chadbourne, individually and as treasurer of the New

York County Committee of the Progressive Party, having heretofore filed charges with me against John R. Voorhis, one of the State Superintendents of Elections, with petitions that he be removed from his office as such Superintendent of Elections, and copies thereof having been served upon the said John R. Voorhis, who has filed an answer to such charges and moved to dismiss the same, and has requested leave to appear with counsel and argue orally the said motion, and the said Honest Ballot Association having filed a reply to said answer:

NOW THEREFORE, pursuant to the statute in such case made and provided, I do hereby appoint John D. McMahon, of the city of Rome, New York, a commissioner with full power to hear the said motion and to examine witnesses and take evidence as to the truth of the said charges, and I hereby direct the said commissioner to report to me his determination upon the said motion, and if testimony be taken, the said evidence and his findings of the material facts deemed by him to be established in connection with the said charges, together with his conclusions thereon.

GIVEN under my hand and the Privy Seal of the State at the Capitol in the city of Albany, this twentieth day of March, 1914.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

**Order Dismissing Charges Against John R. Voorhis,
a State Superintendent of Elections**

STATE OF NEW YORK — EXECUTIVE CHAMBER

*In the Matter of Charges Against John R. Voorhis,
a State Superintendent of Elections*

ORDER DISMISSING CHARGES

Charges having been presented by the Honest Ballot Association, Inc., and William M. Chadbourne, individually, and as treasurer of the New York County Committee of the Progressive Party against John R. Voorhis, a State Superintendent of Elections of the State of New York; and the said John R. Voorhis having made answer thereto;

And the Honorable John D. McMahon having been appointed by me as Commissioner to take the evidence as to the truth of said charges and to make report;

And the said Commissioner having duly taken the testimony and made his report thereon, wherein he finds that none of the said charges have been sustained, and that they should be dismissed;

Now, after consideration of the said charges, the evidence submitted and the said report, it is

ORDERED, that the said charges against John R. Voorhis be and the same hereby are dismissed.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany,
[SEAL] this third day of December, in the year of
our Lord, one thousand nine hundred and
fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

Attest:

FRANK A. TIERNEY

Secretary to the Governor

**Opinion of the Governor in the Matter of the Charges
against John R. Voorhis, a State Superintendent of
Elections**

STATE OF NEW YORK — EXECUTIVE CHAMBER

*In the Matter of Charges Against John R. Voorhis,
a State Superintendent of Elections*

OPINION OF THE GOVERNOR

“ Judge McMahan has heard witnesses on both sides with the most painstaking care and the hearings before him lasted from June 24th to September 2nd.

“ In his report to me he states that seven charges were made against Superintendent Voorhis. 1st, that he appointed unfit deputies; 2nd, that he assigned these deputies to districts where they lived; 3rd, that he and his deputies failed to use their powers to insure fair elections; 4th, that he refused and failed to investigate charges of fraudulent registration; 5th, that he refused to furnish the names of deputies or tell where they were assigned; 6th, that he and his deputies harassed and embarrassed the investigators of the Honest Ballot Association; 7th, that he was willfully negligent and grossly unfit.

“ Judge McMahan has taken testimony upon all of these charges and after listening to witnesses for both sides recommends that every charge be dismissed.

“ As to the charge that unfit deputies had been appointed, Judge McMahan says in his report, ‘ the testimony of these deputies, their appearance upon the witness stand and their general demeanor, all of which I have observed closely, led me to a conclusion that they were men of intelligence and possessed all the qualifications to perform the duties of Deputy State Superintendents.’

“As to the charge that Superintendent Voorhis had appointed election district captains as deputies, Judge McMahon declares, ‘no facts were proved to sustain the charge that the respondent appointed as deputies, men having a direct interest in preventing voters from voting with other parties.’

“As to the charge that Superintendent Voorhis appointed deputies to the districts in which they lived, Judge McMahon finds that this charge was true but adds, ‘the work of investigation in the city of New York is one of great difficulty, the time allowed for investigation of necessity short, and in my opinion it was an exercise of good judgment on the part of the Superintendent of Elections to assign deputies for duty in the districts where they were best acquainted.’

“As to the charge that Superintendent Voorhis refused to assign deputies to other districts than those to which they were appointed, Judge McMahon’s report declares that ‘the testimony showed that at times deputies were assigned to other districts,’ and further, ‘this was a matter entirely within the discretion of the Superintendent of Elections,’ and whether respondent had refused or not did not constitute a charge of any merit.’

“As to the charge that Superintendent Voorhis had refused to check the work of deputies by other deputies of different political faith, the report says ‘there are 101 regular deputies and 176 deputies appointed for a period of from thirty to forty days. There are 1,900 election districts.’ A deputy, therefore, cannot be assigned to each election district, and in view of the difficulty of having the work of the Department done twice, Judge McMahon concludes ‘it was not a lack of good judgment to refuse to adopt the suggestion

that the work which one deputy did be checked or verified by another deputy.'

"As to the charge that Superintendent Voorhis refused to investigate charges and allegations of fraudulent registration, Judge McMahon declares that 'all the evidence submitted showed that Superintendent Voorhis had investigated every complaint, and out of a list of sixty names submitted in a letter, had investigated every name, and in more than forty cases ordered the names to be placed upon the challenge list.'

"As to the charge that Superintendent Voorhis had permitted deputies to interfere with watchers and with investigators of the Honest Ballot Association, Judge McMahon declares that 'this charge was not sustained;' that 'no witness testified that Superintendent Voorhis treated him with any discourtesy whatsoever,' and that 'every witness who spoke upon the subject of personal conferences with him admitted that his treatment of them and his discussion with them were marked by perfect courtesy.'

"All other allegations contained in the complaints against Superintendent Voorhis,' says Judge McMahon, 'did not constitute charges,' and his report ends with his conclusions as to the personal fitness of Superintendent Voorhis.

"He is strong, physically active and firm,' said Judge McMahon. 'His testimony at the hearing was given in a straight-forward manner and his actions and demeanor were characterized by earnestness and truthfulness.'

"The record of Mr. Voorhis for ability and honest and efficient discharge of official duties is attested by the confidence reposed in him during a period of forty years by men in high station, having the selection and appointment of officials. Mayor William F.

Havemeyer appointed him Excise Commissioner of the city of New York in 1873 and afterwards appointed him Police Commissioner of the city of New York; Mayor Edward Cooper appointed him a Police Commissioner in 1879; Mayor William R. Grace appointed him Commissioner of Docks in 1881 and afterwards Police Commissioner; Mayor Abram S. Hewitt appointed him Police Commissioner of the city of New York; Mayor Hugh J. Grant appointed him Police Judge of the city of New York; Mayor Robert A. Van Wyck appointed him Commissioner of Elections; Mayor Seth Low reappointed him Commissioner of Elections; Mayor George B. McClellan reappointed him Commissioner of Elections; he served as Commissioner of Elections and President of the Board of Elections for six years; he filled the office of Superintendent of Buildings and Offices of the city of New York under Borough Presidents Ahearn and McAneny from 1908 for nearly five years; Governor John A. Dix appointed him Superintendent of the Metropolitan Elections District in 1911 and again appointed him one of the three State Superintendents of Elections. He has treated his office as a public trust and administered it with the efficiency, knowledge, tact and judgment with which the experience of almost forty years of public life had qualified him.' "

On Mr. McMahon's findings, I hereby dismiss the charges against Superintendent Voorhis.

(Signed) MARTIN H. GLYNN

**Proceedings for the Removal from Office of Matthew
J. Smith as District Attorney of Queens County**

Notice and Summons

STATE OF NEW YORK — EXECUTIVE CHAMBER

*In the Matter of Charges Against Matthew J. Smith,
District Attorney, Queens County*

NOTICE AND SUMMONS

*To MATTHEW J. SMITH, District Attorney of Queens
County:*

You are hereby notified that charges have been preferred against you and that your removal from the office of district attorney of the county of Queens has been asked by D. Nelson Raynor.

A copy of such charges is herewith served upon you.

I hereby fix the 17th day of July, 1914, at noon, as the date on or before which your answer to said charges shall be filed with me; and you are further notified that on said 17th day of July, 1914, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my
hand and affixed the Privy Seal of the State
[SEAL] at the Capitol in the city of Albany this
second day of July in the year of our Lord
one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

**Appointment of Commissioner to Examine into Charges
Preferred Against Matthew J. Smith as District
Attorney of Queens County**

Before the Governor:

*In the Matter of Charges Against Matthew J. Smith,
District Attorney of Queens County*

APPOINTMENT OF COMMISSIONER

Charges having been heretofore filed with me against Matthew J. Smith, as district attorney of and for the county of Queens, by Dr. Nelson Raynor, with petitions that he be removed from his office as such district attorney, and copies thereof having been served upon the said Matthew J. Smith, who has filed an answer to such charges and moved to dismiss the same:

NOW, THEREFORE, pursuant to the statute in such case made and provided, I do hereby appoint Henry J. Bigham, of New York city, a commissioner with full power to hear the said motion and to examine witnesses and take evidence as to the truth of the said charges, and I hereby direct the said commissioner to report to me his determination upon the said motion, and if testimony be taken, the said evidence and his findings of the material facts deemed by him to be established in connection with the said charges, together with his conclusions thereon.

Given under my hand and the Privy Seal of the
State at the Capitol in the city of Albany,
[L. s.] this twenty-second day of December, 1914.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

In the Matter of Charges Preferred Against the Members of the Bronx Parkway Commission

Appointment of Commissioner

STATE OF NEW YORK — EXECUTIVE CHAMBER
Before the Governor:

In the Matter of Charges Against Madison Grant, William W. Niles and James G. Cannon, Members of the Bronx Parkway Commission

APPOINTMENT OF COMMISSIONER

WHEREAS, Charges have heretofore been filed with me against Madison Grant, William W. Niles and James G. Cannon, members of the Bronx Parkway Commission, by Frank Tucker, Isaac W. Turner and George L. Miles, residents and taxpayers of the county of Westchester, with petitions that they be removed from office as such Bronx Parkway Commissioners, and

WHEREAS, The members of said Bronx Parkway Commission have been given copies of the charges and have made answer to the same with the request that the motion be dismissed,

NOW, THEREFORE, Pursuant to the statute in such case made and provided, I do hereby appoint John Godfrey Saxe of the city of New York, a commissioner with full power to hear the said motion and to examine witnesses and take evidence as to the truth of said charges, and I hereby direct the said commissioner to report to me his determination upon the said motion, and if testimony be taken, the said evidence and his findings of the material facts deemed by him to be established in

connection with the said charges, together with his conclusions thereon.

GIVEN under my hand and the Privy Seal of the
State at the Capitol in the city of Albany
[L. s.] this second day of September, nineteen hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Governor's Order Dismissing Charges Against the Bronx Parkway Commission

STATE OF NEW YORK — EXECUTIVE CHAMBER

IN THE MATTER OF THE CHARGES AGAINST MADISON GRANT, WILLIAM W. NILES AND JAMES G. CANNON, MEMBERS OF THE BRONX PARKWAY COMMISSION

ORDER DISMISSING CHARGES

Charges having been heretofore preferred by Frank Tucker, Isaac W. Turner and George L. Miles against Madison Grant, William W. Niles and James G. Cannon, as members of the Bronx Parkway Commission, and by Charles F. MacLean against the said William W. Niles, and copies of said charges having been duly served upon the defendants and they having filed their answer thereto, and the matter having been referred to the Hon. John Godfrey Saxe, as Commissioner to report the same to me, and the said Commissioner having heard the said charges and having filed his written report with me, dated November 27, 1914,

ORDERED: 1. That the Commissioner's report be and it hereby is, in all respects, approved and that it be printed as an executive document.

II. That for the reasons specified in the said report, the charges herein be and they hereby are dismissed.

GIVEN under my hand and the Privy Seal of the State, at the Capitol in the City of Albany,
[L. s.] this twentieth of August, 1914.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY,

Attest: *Secretary to the Governor*

**Report of John Godfrey Saxe, Commissioner Appointed
by the Governor to Hear Charges Against the Bronx
Parkway Commission**

BEFORE THE GOVERNOR:

*In the Matter of the Charges against Madison Grant,
William W. Niles and James G. Cannon, Members
of the Bronx Parkway Commission.*

REPORT OF JOHN GODFREY SAXE, COMMISSIONER.

To the Governor of the State of New York:

I, JOHN GODFREY SAXE, the Commissioner duly appointed herein by commission of the Governor, dated September 2, 1914, to hear and report to the Governor the charges filed with the Governor by Messrs. Frank Tucker, Isaac W. Turner, and George L. Miles against Messrs. Madison Grant, William W. Niles and James G. Cannon, as members of the Bronx Parkway Commission and to whom was also referred the charges filed with the Governor by Hon. Charles F. MacLean

against Hon. William W. Niles, do hereby report that I first took the oath prescribed by law, which is filed herewith; that I then proceeded with the hearing and was attended thereon by John M. Digney, Esq., of counsel for the complainants Tucker, Turner and Miles, Hon. Charles F. MacLean, complainant in person, and Hon. W. R. Oglesby, in person and for others, and by Hon. Madison Grant, Hon. William W. Niles and Hon. James G. Cannon, defendants in person, and by Henry B. Johnston, Esq., of counsel for the defendants; and I then proceeded to hear the motion of the defendants to dismiss the said charges of the said Tucker, Turner and Miles, and took evidence upon the said charges of the said MacLean; the minutes of the said proceeding, with certain documentary evidence, being submitted herewith; and that I hereby report the evidence and my findings of the material facts deemed by me to be established.

I. The defendants contend that the Governor is without jurisdiction to entertain these charges or to make an order of removal thereon. In my opinion, the provision of the Public Officers Law—that an officer appointed by the Governor may be removed by the Governor—confers jurisdiction upon the Governor to entertain these charges and to take such action, by removal or otherwise, as the facts warrant.

II. The defendants were appointed pursuant to chapter 594 of the Laws of 1907, entitled “An act to provide for preserving the waters of the Bronx river from pollution; creating a reservation of the lands on either side of the river; authorizing the taking of lands for that purpose and providing for the payment thereof, and appointing a commission to carry out the purposes of the act.”

The statute sets aside certain specific parcels of

land, in the counties of the Bronx and Westchester, as a Bronx River reserve and parkway and declares the same, when acquired and improved, to be a public parkway for public use. The statute required the Governor, within ten days, to appoint commissioners, to be known as the "Bronx Parkway Commission;" and the Commissioners were expressly "authorized, empowered and directed" to carry out the provisions of the act "in the manner hereinafter provided for the purposes of establishing a public parkway for public use in the Bronx River Valley and preventing the pollution of the Bronx River." The Commissioners, and their successors, were created a body politic, with power to sue and be sued, to adopt by-laws, to regulate their own proceedings, to make suitable rules and regulations for the proper exercise of the powers and duties conferred and imposed upon them, and for the government and use of the public reservation under their care, and to enforce observation of all such rules and regulations.

The statute contained the following provision as to the Commissioners' office and records:

"The said commission shall annually choose from its members a president, vice-president and treasurer, and may appoint a secretary, who shall keep a record of its proceedings, which shall be a public record and be open to public inspection at such times and under such reasonable regulations as the commission shall determine. The said commission shall maintain a suitable office where its maps, plans, papers and records shall be kept."

The statute also contained a provision that the commissioners might agree with the owner of any real estate as to the amount of compensation to be paid to such owner therefor; and that, in the event that they

should be unable to agree with owners, the real estate deemed necessary should be acquired by condemnation proceedings instituted by them.

The statute also contained the following provision as to the approval of the Board of Estimate and Apportionment:

“ Before *any* expense or obligation is incurred under the provisions of this act, the Commission appointed hereby shall obtain the approval of the Board of Estimate and Apportionment of the City of New York, to the acquisition of the lands herein described, for the purposes of this act.”

III. In the year 1913, the Legislature, by chapter 757 of the Laws of that year, enacted a new law, enlarging the powers of the Bronx Parkway Commission and amending the provision in respect to the approval of the Board of Estimate and Apportionment so that the provision would read as follows:

“ Before any expense or obligation is incurred under the provisions of this act, the Commission appointed hereby shall obtain the approval of the Board of Estimate and Apportionment of the City of New York, to the acquisition of the lands herein described, *or some part thereof*, for the purposes of this act.”

COMPLAINT OF MACLEAN AGAINST NILES

IV. At the time of the organization of the Commission down to October 23, 1914, at about 1.30 p. m., the Commission made no regulations for the public inspection of the records of its proceedings. These records were originally kept by the defendant Niles, as acting secretary of the Commission, and after July, 1911, by Jay Downer, as secretary. The said Niles' minutes

consisted of about 25 pages of typewritten matter, which he retained in his own office. The subsequent records, which were far more voluminous and were contained in two large volumes, were kept in the Commission's office. On October 22, 1914, the complainant, Charles F. MacLean, accompanied by Henry H. Sherman, appeared at the office of the Commission, exhibited credentials as taxpayers, and asked to inspect the records. Madison Grant, the only Commissioner present, and Jay Downer, the secretary, exhibited to them the said two volumes of records, or copies thereof, certain records being at the moment in the hands of the binder. In reply to an inquiry as to whether the said records were complete, Mr. Grant stated that Mr. Niles had some additional records in his own office and Mr. MacLean and Mr. Sherman stated that they would return the next day to see such additional records.

On October 23, 1914, between the hours of noon and 1 p. m., Mr. MacLean and Mr. Sherman again presented themselves at the office of the Commission, where they were met by the defendant Niles and the said Downer. The complainant, MacLean, asked to see the additional records which were not at the office the day before. Mr. Niles declined to permit such an inspection, because, as he stated, he had reason to believe that Mr. MacLean had some ulterior motive in making the demand, which Mr. MacLean admitted. The defendant Niles stated in his answer, and he and Mr. Grant both testified at the hearings, that it has been the general policy of the Commission not to permit the inspection of its minutes by any one who did not disclose a proper motive for desiring to inspect them. On October 23, 1914, after Mr. MacLean and Mr. Sherman had left, the Commission met and passed

a formal resolution instructing its secretary not to permit the inspection of the minutes of the Commission by any one not personally known to him or by any one who should not give a satisfactory reason for desiring to inspect the same.

V. In view of the express provision of the law declaring that the Commission's record of its proceedings "shall be a public record" and "be open to public inspection at such times and under such reasonable regulations as the commission shall determine" and in view of the further fact that the Commission neglected for seven years to make any regulation whatever as to the inspection of their records, reasonable or otherwise, I find that the policy of the Commission, as set forth in the defendant's Niles answer and testified to both by Mr. Grant and himself, was arbitrary and in violation of the law; and that the defendant Niles, in keeping his early records in his own office instead of that of the Commission and in withholding the same from inspection by the complainant MacLean, acted arbitrarily and in violation of law.

VI. I find, however, that up to October 23, 1914, the Commission had never refused any application to inspect its minutes; and that even in the present case, Madison Grant, the president of the Commission, on October 22, 1914, exhibited virtually all the records to the complainant MacLean and that the defendant Niles' refusal on the following day related only to twenty-five pages of early records, which had been kept himself and in relation to which he evidently had some secret pride of authorship and which he felt that he had some especial reason for guarding with parental care in his own office; and that the Commission has since offered to exhibit these twenty-five pages of the records to the complainant for inspection. I regard

it as of importance that the Commission should understand, in the future, that their declared policy of attempting to limit the publicity of public records is erroneous and that they should promptly rescind their resolution of October 23, 1914; and I also am of opinion, that the defendant Niles, in particular, is open to censure for his arbitrary refusal to permit the complainant, MacLean, from examining the early records; but I do not think that the incident complained of calls for the removal of the Commissioners, or any of them.

COMPLAINT OF FRANK TUCKER, ISAAC W. TURNER AND
GEORGE L. MILES AGAINST MADISON GRANT, WILLIAM
W. NILES AND JAMES G. CANNON

VII. This complaint charges that the Commissioners, after accepting and undertaking, with the asservation of an oath, the public trust provided for by the Act of 1907, have not exercised what is claimed to be the mandatory duty of carrying out the purposes of the Act; but, on the contrary, that they have done little, if anything, to prevent noisome pollution of the major part of the Bronx river and have not acquired, laid out and made available for use as a public park the lands designated and described in the Act. This alleged neglect of duty is charged to be wilful and persistent and to have retarded the growth and prosperity of the valley of the Bronx river, to have beclouded betterments throughout and all along the length of the proposed parkway, to have injured public health, and to have barred public pleasure and depreciated the value of real property.

The defendants deny these charges and contend that, under the language of the statute of 1907, they were wholly without power to do any more than it is con-

ceded they have done; and they urge that they should not be held responsible for asserted delays, which, they claim, as a matter of interpretation of the statute, were necessarily occasioned by the statute itself. This raises an issue of law and the question must be determined at the outset as to whether the statute of 1907 was so phrased that the Commission was virtually powerless to proceed thereunder.

VIII. The complainants have brought this proceeding in good faith. They have the interest which all citizens have in public matters, to compel the performance by public officers of the duties of their office; and it is obvious that the people of the community which is going to benefit by the new park and by the purification and beautification of the Bronx river, as well as the owners of the real estate whose land for seven years have been subject to a practical *lis pendens*, have sought a proper mode of relief, if it is these defendants who are responsible for the delay which is alleged to have taken place between the years 1907 and 1913.

IX. At the first hearing, the complainants, through their counsel, frankly conceded that their charges related to the period of six years between the enactment of the statute of 1907 and the enactment of the statute of 1913; that even during that period defendants had acted in good faith, though with a mistaken idea of their duties; and that, since the enactment of the statute of 1913, they have acted with reasonable diligence. The complainants also conceded that during the said period and, at any rate, down to June, 1911, the defendants were without funds to proceed, except with the approval of the Board of Estimate and Apportionment; and that the Board of Estimate and Apportionment and the corporation counsel were of the opinion

that their powers were wholly discretionary and also that the language of section 19 of the statute of 1907 prevented the Board from approving the acquisition of the lands, unless it gave a general approval as to the acquisition of all the lands specified in the Act; and the complainants, through their counsel, conceded at the first hearing that their complaint was narrowed down to the single charge that the defendants should have made a test case by mandamus to compel the Board of Estimate and Apportionment to take a different position.

Thus the complainants' counsel was asked:

“ Q. We are now in 1907 or 1908, and in 1907 or 1908 your only complaint is that they did not bring a mandamus, is that correct? ”

and counsel replied:

“ That is true.”

And again,

“ Q. Then your charges as to the pollution of the stream and the other item really mean that the commissioners ought to have brought a test case in 1907 or 1908 to see what their powers were?

“ A. That is true.

“ Q. Is that what your charges come down to?

“ A. Our charges as they stand are that they neglected their duties during all these years. You ask what *could* they have done. We say they *could* have proceeded by mandamus and settled it within a year.

“ Q. Suppose you and I had been the Commissioners, now what could we have done in 1907 to free the Bronx river from pollution?

“ A. I should have moved at once against the Board of Estimate and Apportionment to settle that question.

“ Q. What movement would you have made and what question would you have settled?

“ A. I should have brought mandamus proceedings against the Board of Estimate requiring them to act upon my application for funds.

“ Q. Then, the whole question comes down to this, that the Commission ought in 1908 to have brought a test case to ascertain if they could not compel the Board of Estimate to give them at least enough money to clean up the pollution in the Bronx river?

“ A. Yes and make maps.

“ Q. You agree the case comes down to that?

“ A. It does absolutely. Of course they could not do anything without money. If it was not their duty to do that I do not know what their duty was.”

X. In my opinion, the corporation counsel was correct in holding that under the statute of 1907, the powers conferred on the Board of Estimate and Apportionment were discretionary, and also that, if the Board did take action, they must approve the acquisition of the land as a whole and not merely in part; but, even, if the corporation counsel was in error on both of these points, I do not think the defendants were obliged to make a test case and involve themselves in litigation with the Board of Estimate and Apportionment on the question of the powers of the Board; and I doubt if mandamus would lie in any event.

XI. At the last hearing, the complainants, through their counsel, modified their position somewhat and contended that, during the years 1907 and 1908, and the subsequent years down to 1913, the defendants, as they retained their commission without funds, might and should have enacted suitable rules and regulations

for the protection of the Bronx river from pollution; and the complainants urged that they should be allowed to try out their charges as to this issue of fact. This, however, is again a question of law; and in my opinion, the intent of the Legislature was that the defendants, acting with the Board of Estimate and Apportionment, should establish a park or public reservation; that the duties of the defendants in respect to the Bronx river were to be performed as an incident to the establishment of the public reservation under its care and that, so long as the defendants were unable to secure the approval of the Board of Estimate and Apportionment to the acquisition of the lands specified in the statute, they were not under any separate duty to proceed with the work of purifying the Bronx river.

The Act of 1907 is reasonably clear. In defining that which the Commission is "authorized, empowered and directed" to do, it specifies "the provisions of this act in the manner *hereinafter* provided for the purposes of establishing a public park for public use in the Bronx river valley and preventing the pollution of the Bronx river." In "thereinafter providing" the Commission's powers, the statute includes only two clauses of rules and regulations (1) for the proper exercise of the powers and duties conferred and imposed on it — that is — administrative, and (2) for the government and use of the public reservation under its care — that is — regulative, but manifestly after the park is under its care; and the statute also provides that, before "*any expense or obligation*" is incurred, the approval of the Board of Estimate and Apportionment to the acquisition of the lands must be obtained.

In my opinion, therefore, the defendants cannot be removed from office for an alleged failure to make rules and regulations relating to the Bronx river during the period in which they were prohibited by statute

from proceeding with the acquisition of lands for the park, the intent of the statute being that they should proceed with the establishment of the public reservation and should take steps to prevent the pollution of the Bronx river merely as an incidental duty in connection with the acquisition and maintenance of the reservation, and that, therefore, no testimony is material as to the physical condition of the river during this period, or as to what the defendants claim they did accomplish or as to what the complainants claim the defendants failed to accomplish during the same period.

THE COMMISSION'S PROMISE FOR THE FUTURE

XII. I have not overlooked the fact that the people who are interested in the completion of the Bronx Parkway and the purification of the Bronx river and the owners of the real estate specified in the statute of 1907 have been injured by such delay as has occurred during the period between 1907 and 1913. While I am constrained to hold that this delay cannot be charged against these defendants but is chargeable against the structure of the statute of 1907, I feel that in this proceeding the people who have suffered by this delay are entitled to be informed as to a definite date which will mark an end to their troubles by the institution of condemnation proceedings followed by the completion of the park, and for that reason I have directed the defendants to inform me of their plans for the future. They have complied with my order in that connection and certified to me that they will positively complete all negotiations for private sale by December 31, 1915, and probably at a considerable earlier date; and they have also certified to me that the present status of their acquisition and negotiations is as follows:

They account for 1,385 acres of land,—1,166 acres

of which are the tracts of land specified in the Law of 1907. Of these 1,385 acres, 175 acres were eliminated by the Board of Estimate and Apportionment on June 5, 1913, leaving 1,210 acres which were fully approved by the Board. The Commissioners certify that of this land 741 acres, or 61 per cent., have already been acquired and 469 acres, or 39 per cent., are still in process of negotiation. These 469 acres they account for as follows:

“ Railroad lands, negotiations for which are now pending, about.....	101 acres
Railroad lands not to be acquired, about	30 acres
Lands of private owners as to which negotiations with owners or their agents are being conducted by the Commission, about	230 acres
Lands whose owners have not yet been located but as to the ownership of which investigation is being made by the Commission, about	23 acres
Lands whose title is in dispute, or which by reason of inability of owners to make good title will have to be acquired by condemnation proceedings, about	10 acres
Lands of private owners not in negotiation and which will probably have to be acquired by condemnation proceedings, about.....	75 acres
Total	469 acres.”

The assurance of the Commissioners that they will complete their negotiations for the private sale of the remaining plots of land and will commence condemna-

tion proceedings by January 1, 1916, if not at an earlier date, supplies one of the chief defects in the statute which placed no time limit upon these informal negotiations; and it means that real estate owners are now freed from the intolerable situation from which they have been suffering, where they were in a dilemma to decide whether to proceed with the development of their property, which might any day be taken away from them, or leave their property unimproved, without any definite information as to when it might be taken by condemnation. The Commissioners' definite assurance also means that next year will mark the beginning of the end and that all persons interested in the completion of the State reservation may look forward to such completion in the comparatively near future.

XIII. I recommend that my report be approved and printed as an executive document, so that the official promise of the Commissioners to complete their negotiations and institute condemnation proceedings by December 31, 1915, if not at an earlier date, shall be and remain a part of the executive documents.

Respectfully submitted,

JOHN GODFREY SAXE,

Commissioner

Dated, New York, *November 27, 1914.*

Before the Governor:

IN THE MATTER OF CHARGES AGAINST MADISON GRANT,
WILLIAM W. NILES AND JAMES G. CANNON, MEMBERS
OF THE BRONX PARKWAY COMMISSION

COMMISSIONER'S OATH

COUNTY OF NEW YORK:

I, John Godfrey Saxe, the Commissioner heretofore appointed by appointment, in writing, dated September

2, 1914, by the Governor of the State of New York, to hear the motion herein and examine witnesses and take evidence as to the truth of the charges filed against the individuals above named and to report to him, do solemnly swear that I will faithfully and fairly perform my duties as such Commissioner.

JOHN GODFREY SAXE

Sworn to before me,
November 5, 1914.

ROGERS H. BACON,
Notary Public, New York County 126
(Seal)

**In the Matter of the Examination and Investigation
of the Management and Affairs of the State Prison at
Ossining**

APPOINTMENT OF COMMISSIONER

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *October 27, 1914*

I, Martin H. Glynn, Governor of the State of New York, do hereby appoint

STEPHEN C. BALDWIN,

of the borough of Brooklyn, county of Kings, city and State of New York, to examine and investigate the management and affairs of the State Prison at Ossining, in the county of Westchester, in the State of New York, and the said appointee, pursuant to section 8 of the Executive Law, chapter 23 of the Laws of 1909, entitled "An act in relation to executive officers," constituting chapter 18 of the Consolidated Laws, is empowered to subpoena and enforce the attendance of witnesses, to administer oaths and examine witnesses under oath and require the production of any books or papers deemed by him to be relevant and material.

(Signed) MARTIN H. GLYNN

**In the Matter of the Charges Preferred Against Louis
A. Welch, as Sheriff of Schenectady County**

NOTICE AND SUMMONS

STATE OF NEW YORK—EXECUTIVE CHAMBER

*In the Matter of the Charges Against Louis A. Welch,
Sheriff of the County of Schenectady*

Notice and Summons

**To LOUIS A. WELCH, Sheriff of the County of Sche-
nectady:**

You are hereby notified that charges have been preferred against you for misconduct in office as sheriff of the county of Schenectady by Alexander T. Blessing and William Jameson, residents of the city of Schenectady, N. Y.

A copy of such charges is herewith served upon you.

I hereby fix the 18th day of November, 1914, at 12 o'clock noon, as the date on or before which your answer to said charges shall be filed with me; and you are further notified that on said 18th day of November, 1914, or on such later day or days as may be appointed by me, you will be afforded an opportunity of being heard in your defense.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Privy Seal of the State,
[L. s.] this ninth day of November in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

**Order of Dismissal of Charges Against Louis A. Welch,
Sheriff of Schenectady County**

STATE OF NEW YORK — EXECUTIVE CHAMBER

Before the Governor:

IN THE MATTER OF CHARGES AGAINST LOUIS A. WELCH,
SHERIFF OF SCHENECTADY COUNTY

ORDER OF DISMISSAL

Charges having been presented by Alexander T. Blessing and William Jameson against Louis A. Welch, Sheriff of Schenectady county, and the said Louis A. Welch having made answer thereto and appeared personally before me for a hearing.'

Now, after considering the charges and the answer thereto, and the evidence which is pertinent thereto, I have reached the conclusion that the said charges should be and are hereby accordingly dismissed.

GIVEN under my hand and the Privy Seal of the
State, at the Capitol in the City of Albany,
[L. s.] this twenty-first day of December in the
year of our Lord, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY,

Attest: *Secretary to the Governor*

**Governor's Opinion in Dismissing Charges Against
Louis A. Welch, Sheriff of Schenectady County**

STATE OF NEW YORK — EXECUTIVE CHAMBER

Before the Governor:

IN THE MATTER OF CHARGES AGAINST LOUIS A. WELCH,
SHERIFF OF SCHENECTADY COUNTY

OPINION

I have examined carefully into this complaint and the evidence presented. While the Sheriff is guilty of a technical violation of law, still I am convinced that there was no intention of wrongdoing, and no illegal purpose in the technical violation. His act was undoubtedly an act of ignorance and mercy. From it neither the State nor the cause of justice has suffered, and under the extenuating circumstance, I do not think there is enough before me to justify the removal of this Sheriff from office.

GIVEN under my hand and the Privy Seal of the
State, at the Capitol in the City of Albany,
[L. s.] this twenty-first day of December in the
year of our Lord, one thousand nine hun-
dred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY,

Attest: *Secretary to the Governor*

In the Matter of the Charges Preferred Against Gustavus T. Britt, as a Member of the Municipal Civil Service Commission of Buffalo

ORDER OF REMOVAL FROM OFFICE

(Approved by the Governor June 2, 1914)

STATE OF NEW YORK—STATE CIVIL SERVICE COMMISSION, ALBANY
COMMISSIONERS:

Jacob Neu, Brooklyn.

Meyer Wolff, M.D., New York.

James A. Lavery, Poughkeepsie.

Jacob Neu, President.

John C. Birdseye, Secretary.

Harold N. Saxton, Chief Examiner.

STATE OF NEW YORK—STATE CIVIL SERVICE COMMISSION

In the Matter of the Charges Against Gustavus T. Britt, Municipal Civil Service Commissioner of the City of Buffalo, N. Y.

Charges of incompetency, inefficiency, neglect of duty and violation of the provisions of the Civil Service Law, having been presented against Gustavus T. Britt, member of the Municipal Civil Service Commission of the city of Buffalo, N. Y., to the State Civil Service Commission in a report upon an investigation of the administration of the Civil Service Law and rules of the city of Buffalo, N. Y., with special reference to an examination for general clerk held Thursday evening, April 2, 1914, submitted by a duly authorized committee, consisting of Meyer Wolff, M.D., Commissioner, and John C. Birdseye, Secretary, under date of May 22, 1914, and the said Gustavus T. Britt, having been given an opportunity to make a personal explanation, in self defense, in accordance with the provisions of section 11 of the Civil Service Law, and the said Gustavus T. Britt having appeared in person and by coun-

sel at a meeting of the State Civil Service Commission, held in the city of Buffalo, N. Y., on May 25, 1914, and having made explanation in writing in self defense;

NOW, THEREFORE, We, Jacob Neu, Meyer Wolff, M.D., and James A. Lavery, Commissioners, constituting the State Civil Service Commission, on considering the said charges and explanation, do hereby unanimously find and determine that the said charges are substantially true; and therefore,

We, the said Jacob Neu, Meyer Wolff, M.D., and James A. Lavery, Commissioners, constituting the State Civil Service Commission, pursuant to the authority vested in us by section 11 of the Civil Service Law, do hereby order, subject to the approval of the Governor, that the said Gustavus T. Britt be, and he hereby is removed from the office of Municipal Civil Service Commissioner of the city of Buffalo, N. Y., for incompetency, inefficiency, neglect of duty and violation of the provisions of the civil service law, the particulars whereof being set forth in said report of the committee aforesaid annexed hereto and made a part of this instrument.

GIVEN under our hands and the seal of the State Civil Service Commission, in the city of
[SEAL] Buffalo, this twenty-fifth day of May, in the year of our Lord one thousand nine hundred and fourteen.

JACOB NEU

MEYER WOLFF, M. D.

JAMES A. LAVERY

Attest: *State Civil Service Commissioners*

JOHN C. BIRDSEYE

Secretary

Approved June 2, 1914

MARTIN H. GLYNN

Governor

Appointment of Commission to Investigate Conditions as Regards the Production, Distribution and Inspection of Milk

STATE OF NEW YORK — EXECUTIVE CHAMBER

It having been called to my official attention that changes are desirable, expedient and advisable in the laws of this State regarding the production and distribution of milk, and the proper inspection thereof, to the end that there may be an effective and comprehensive plan adequate to accomplish the ends desired, and being confident that from your long experience in matters affecting the public health that your carefully formed opinions will be of great value and assistance to me in suggesting necessary and appropriate legislation, I, Martin H. Glynn, Governor, hereby designate:

Hermann H. Biggs, New York City,
 Calvin J. Huson, Commissioner of Agriculture,
 Albany,
 Linsley R. Williams, M. D., New York City,
 Nathan Strauss, New York City,
 Charles E. North, M. D., New York City,
 William H. Vary, Master of the State Grange,
 Watertown,
 Stephen G. Williams, New York City,
 Walter J. Carlin, New York City,
 Robert S. Breed, M. D., Geneva,
 Francis E. De Fronczak, Buffalo,
 William N. Giles, Secretary of the State Grange,
 Skaneateles,
 F. W. Sessions, Utica,
 Helen Louise Johnson, Watertown,
 S. S. Goldwater, M. D., New York City,
 Harry E. Bramley, New York City, Secretary of the
 Sanitary Milk Dealers' Association,

Loton Horton, New York City, representing the dealers,

Mrs. Jennie Dewey Heath, President of the Housewives League, representing the consumers,

John Y. Gerow, President State Dairyman's League, Washingtonville,

as special commissioners to serve without compensation or other expense to the State, for the purpose of collating facts, receiving suggestions and making such recommendations as may seem fitting with regard to what changes, if any, are at this time advisable in the laws of this State relating to and affecting said subject matter.

GIVEN under my hand and the Privy Seal of the State at the Capitol, in the city of Albany,
[L. s.] this fourth day of February, in the year of our Lord one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Revocation of Order in Regard to Certain Public Nuisances at Barren Island, Kings County, N. Y.

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, On the 14th day of October, 1890, the Rockaway Park Improvement Company having presented a petition to the then Governor complaining of certain nuisances alleged to exist on Barren Island, county of Kings, pursuant to chapter 308, section 8, of the Laws of 1882, the then Governor directed the

State Board of Health to investigate conditions existing at Barren Island, in the county of Kings, and

WHEREAS, The State Board of Health having complied with this direction of the Governor, and having filed a report on the 18th day of January, 1891, with the Secretary of State stating that offensive trades were being carried on at Barren Island and that a nuisance there existed, by and in pursuance of the statute the then Governor declared on May 13, 1891, the said trades maintained and carried on at Barren Island, county of Kings, to be public nuisances, and ordered that these trades be conducted in accordance with certain requirements and directed the State Board of Health to employ an inspector to enforce the provisions of the order, and

WHEREAS, I am now advised by the State Commissioner of Health that said trades are still being carried on, but upon property now lying wholly within the city of New York, and that said works are now regularly supervised by the proper authorities of the city of New York, and that the State Commissioner of Health has no authority over such conditions wholly within the city of New York.

NOW, THEREFORE, I, Martin H. Glynn, Governor of the State of New York, do hereby revoke the said Executive order, such revocation to take effect on the thirty-first day of December, 1914.

GIVEN under my hand and the Privy Seal of the State, at the Capitol in the city of Albany,
[L. s.] this twenty-fourth day of December, in the year of our Lord, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Revocation of Order in Regard to Certain Public Nuisances Existing in the Town of Cheektowaga, County of Erie

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, On the 14th day of June, 1895, a number of citizens of the city of Buffalo and in the town of Cheektowaga, having petitioned the then Governor of the State, praying for relief from certain nuisances alleged to exist in the town of Cheektowaga, pursuant to section 6, article 1 of the Public Health Law, the then Governor on the 17th day of July, 1895, directed the State Board of Health to investigate into these conditions said to exist in the town of Cheektowaga, and

WHEREAS, The State Board of Health having complied with the direction of the Governor, and having reported to the then Governor and their report, with the approval of the Governor, having been filed in the office of the Secretary of State, on the 12th day of November, 1895, stating that offensive trades were being carried on in the town of Cheektowaga and that a nuisance there existed, on the 13th day of November, 1895, the then Governor did issue an Executive order pursuant to the above mentioned statute, directing the State Board of Health to abate said nuisance and to enforce certain regulations specified in the order in directing the appointment of an inspector to see that said nuisances did not re-occur, and

WHEREAS, I am now advised by the State Commissioner of Health that said trades are still being carried on in the town of Cheektowaga, and I am also advised by the State Commissioner of Health that the operation of said trades will be under the supervision of regularly appointed employees of the State Department of Health.

NOW, THEREFORE, I, Martin H. Glynn, Governor of the State of New York, do hereby revoke the said Executive order, such revocation to take effect on the thirty-first day of December, 1914.

GIVEN under my hand and the Privy Seal of the State, at the Capitol in the city of Albany,
[L. s.] this twenty-fourth day of December, in the year of our Lord, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

Revocation of Order in Regard to Certain Public Nuisances Existing in the Town of Gates, Monroe County, N. Y.

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, On the 22d day of November, 1905, a number of citizens of the city of Rochester, and the town of Gates, having petitioned the then Governor of the State, praying for relief from certain nuisances alleged to exist in the town of Gates, pursuant to section 6, article 1 of the Public Health Law, the then Governor on the 1st day of December, 1905, directed the State Commissioner of Health to investigate into these conditions said to exist in the town of Gates, and

WHEREAS, The State Commissioner of Health having complied with the direction of the Governor and having reported to the then Governor, and their report with the approval of the Governor, having been filed in the office of the Secretary of State on the 30th day of December, 1905, stating that offensive trades were

being carried on in the town of Gates and that a nuisance there existed, on the 31st day of January, 1906, the then Governor did issue an Executive Order pursuant to the above-mentioned statute, directing the State Commissioner of Health to abate said nuisance and to enforce certain regulations specified in the order, and directing the appointment of an inspector to see that said nuisances did not reoccur, and

WHEREAS, I am now advised by the State Commissioner of Health that said trades are still being carried on in the town of Gates, and I am also advised by the State Commissioner of Health that the operation of said trades will be under the supervision of regularly appointed employees of the State Department of Health.

NOW, THEREFORE, I, Martin H. Glynn, Governor of the State of New York, do hereby revoke the said Executive Order, such revocation to take effect on the 31st day of December, 1914.

GIVEN under my hand and the Privy Seal of the State, at the Capitol in the city of Albany,
[L. s.] this twenty-fourth day of December, in the year of our Lord, one thousand nine hundred and fourteen.

(Signed) MARTIN H. GLYNN

By the Governor:

FRANK A. TIERNEY

Secretary to the Governor

XI
MISCELLANEOUS
[1175]

XI
MISCELLANEOUS
A STATEMENT OF PRINCIPLES

Interview Given Out by the Governor Oct. 19, 1913

Coming into office as I do, under unusual circumstances and at a period of extraordinary turmoil in the history of the State, I am conscious of the great responsibility that I am compelled to assume. I believe that I can best serve the men, women and children by proceeding with caution for the time being. I have no other purpose than to administer the official affairs of the State in a manner best calculated to be of the greatest advantage to all the citizens, irrespective of their political affiliations.

I shall make every honorable and conscientious effort to be the Governor of the State in fact as well as in name. I shall not permit any man, no matter who he may be, to usurp the functions of that office, directly or indirectly, or to dictate to me in matters which are of the greatest concern to the whole people.

There are certain principles that I will not sacrifice for any personal or political benefit to myself. It is my purpose to conduct the affairs of the State without regard for the effect it may have upon my future career beyond the term of office that I am to serve. I shall not knowingly be influenced in the performance of any duty for prospective personal advantage.

The State has just passed through a period of demoralization from which it must be rescued. This does not mean that I shall attempt to discontinue any undertakings designed to result in the improvement of existing conditions.

If investigations seem necessary they will be ordered and conducted with the sole purpose in view of correcting abuses and punishing offenders against the public interest. Such investigations will be conducted by properly constituted authorities without spectacular surroundings, threats, general abuse of individuals, without proof to justify such methods.

Persons who have offended will be prosecuted without regard for political or other considerations. But this does not mean that persons who are active in politics will be prosecuted because of any factional activities that might be offensive to disgruntled rivals. It is not my belief that agitation and investigation should be undertaken for mere political purposes.

Regarding conditions in the Highway Department I shall make an earnest effort to find out where the fault lies. If I find that the State has been defrauded I shall not hesitate to direct the prosecution of persons who are responsible for it. That there is something radically wrong with our system of improving the roads of the State must be obvious to all. Perhaps we have been trying to do too much in that direction without taking into consideration the established theory that it is better to have fewer good roads built in a year than to have many bad ones, simply to satisfy the demands of persons who are actuated by selfish or political motives.

I have sometimes thought that in making provision for roads to satisfy local demands we have undertaken a task without providing proper safeguards or having the knowledge as to the proper way to do it. I believe it would be better to limit the number of undertakings in this respect so that the roads we build would be more substantial than to continue a method of providing many and thinner roads that require constant repair.

I shall take up the matter of reorganizing our system as soon as I can with the view of correcting the evils in the administration of the Highway Department and directing the attention of the proper officials toward the prosecution of any persons who have defrauded the State. I believe this can be done most effectively without general condemnation of persons until proof of their culpability has been established.

I am confident that people who know me will not credit for one instant any suggestion that I will be dissuaded from prosecuting offenders of this kind because of political reasons.

So far as appointments are concerned I shall attempt to secure for the public service the most efficient men available. I shall regard efficiency above all other things, but I shall not discriminate against a man because of his interest or participation in politics, if he is efficient. I am an organization man and believe in the reasonable recognition of men affiliated with my party organization, provided that a man is capable of satisfactorily performing the duties required.

So far as Mr. Murphy, the leader of Tammany Hall, is concerned, I shall give him the same consideration as I would the leader of any other organization of commensurate importance. I do not believe that Mr. Murphy would ask me to appoint any man for purely political purposes, or one who is not qualified to perform the duties of the office sought.

During my entire political career, as Member of Congress, Comptroller and Lieutenant-Governor, Mr. Murphy never made but one request of me. He suggested the name of a man for a comparatively unimportant place in the Comptroller's office. I did not regard the man as capable and declined to make the appointment. I told Mr. Murphy so, quietly. We did

not indulge in any quarrel over the matter, nor did either of us rush into the public prints to call each other names.

If Mr. Murphy should ask me to appoint a man that I did not regard as desirable, I should not hesitate to refuse to do so. I should not accept dictation from him any more than I should from any other man in the State, but I do not believe that Mr. Murphy would undertake such dictation. I have been personally friendly with him and will continue to be if he is as reasonable in his future requests as he has been in those of the past.

I have my own view of the meaning of the oath of office to which I have subscribed, and it is my hope that Democrats, without distinction, will appreciate the gravity of the responsibilities imposed on me and give me their support in trying to provide the sort of government that the people demand and which the Democratic party must prove it is capable of giving.

The executive duties imposed upon me are extensive and important enough to command most of my serious thought and sincere intent. If I am to succeed in performing the duties of that office to the satisfaction of the people, it will necessarily prevent me from dictating to the Legislature as to its duty. The law gives me the power of initiating legislation by recommendation. It also provides me with the veto power to prevent the intrusion of undesirable legislation on the people of the State. I hope to have the coöperation of the Legislature in any undertakings I may propose, because it is my honest purpose to suggest measures that I believe are for the welfare of the whole people.

The Legislature has its own duties to perform, and with those duties I trust I shall never be called upon to interfere.

The unparalleled conditions which have prevailed during the last ten months have necessitated the almost constant sitting of the Legislature.

I believe that after providing a few really important measures demanded by the public service it will adjourn and defer until the regular session, which begins in January, such matters as are not absolutely essential for the immediate needs of the State.

For my own part I shall try to provide a business administration that will make for efficiency, economy, the promotion of improved conditions and progress, the elimination of factional differences and individual enmities among members of the party responsible for the State government, and the subordination of selfish purpose.

I do not believe any great good would result from compelling immediate consideration of the various plans for perfecting the political machinery of the State. There will be time enough when the Legislature meets in regular session to renew the discussion of direct nominations if there shall be any general demand for the provision of changes in the present method.

There are as many plans of direct nominations as there are fashions in hats or clothing. I have my own views, but I am loath to inflict them upon persons who might disagree with me.

I believe that any venture in the direction of a direct primary bill should be governed entirely by the assurance of benefits to be gained for the people and then only after the most mature deliberation. I shall do all that I can to bring about the enactment of a law that will guarantee to the citizens the fullest protection in the exercise of their rights of franchise.

Conditions disclosed in the prisons of our State demand speedy consideration of the project of providing

new institutions with humane and sanitary equipment calculated to make the lots of unfortunates confined in them as endurable as possible.

I shall direct the attention of the Legislature to making provisions in this respect.

With my own ideas of business, I believe that we shall have no difficulty in making changes in the administration of several of the State departments that will result in the saving of a substantial sum of money without impairing the efficiency of them. It is my belief that these things can be accomplished by the application of business rules in the conduct of those departments.

For the present I am trying to secure the range of the targets before me without venturing haphazard to condemn any persons or conditions and predicting the sensational disclosures regarding either that results may never justify.

I shall not be hurried or harried in my exploration of a territory with which I am not thoroughly familiar. But all I want to investigate, for my own information, is the lay of the land, as it were.

I want to do everything that I can to protect the interest of the people at large. I do not want to unjustly condemn any man or venture any prediction that may prove to be absurd or unwarranted by facts. I shall do the best I can for the people.

This is not an occasion for exultation, and I have no such feeling. To me it is an occasion of solemnity mixed with sadness. I am charged with the duties of Governor, not through any act or desire of mine, but because the law, which I have sworn to uphold, imposes the obligation upon me under the distressing circumstances of the situation that has arisen.

However, now that the court for the trial of impeachment has rendered its judgment and thereby, under the mandate of the Constitution of our State, the powers and duties of the office of Governor devolve upon me, I must take up the work of the office free from the limitations which existed from the impeachment to the conclusion of the impeachment trial. The office must now be administered under a policy for which, since it shall be my policy, I assume the responsibility.

My earnest endeavor shall be to give to the people of the State an honest, peaceful, progressive and wise conduct of their public affairs. I will insist upon a business administration, which means an economical, clean, orderly and efficient transaction of the State's business.

I will not be a factionist. I will not devote the time which I owe to the State to partisan politics, within or outside of my own party. I keenly appreciate the high responsibilities that it is my duty to meet and to discharge, and I will try to give an administration in keeping with the genius of our people and the dignity of the State.

To the accomplishment of this purpose I promise my best efforts. With God's help I will faithfully execute and see to the execution of the laws of this great State, with an eye single to the welfare of the sovereign people whom I serve. Their welfare, the dignity and honor and well being of the State shall be the aim of all my efforts, the goal for which I will unfalteringly strive. To achieve this purpose I seek the advice and ask the support of all my fellow citizens.

Authorizing Cornell University to Receive Federal Appropriations

STATE OF NEW YORK — EXECUTIVE CHAMBER

WHEREAS, the Congress of the United States has passed an Act approved by the President, May 8, 1914, entitled:

“An act to provide for Coöperative Agricultural Extension Work between Agricultural Colleges in the several States receiving the benefits of the Act of Congress approved July 2, 1862, and of Acts supplementary thereto, and the United States Department of Agriculture ” and

WHEREAS, it is provided in Section 3 of the act aforesaid, that the grants of money authorized by this Act shall be paid annually “ to each State which shall by action of its Legislature assent to the provisions of this Act,” provided “ That payment of such installments of the appropriation hereinbefore made as shall become due to any State before the adjournment of the regular session of the Legislature meeting next after the passage of this Act may, in the absence of prior Legislative assent, be made upon the assent of the Governor thereof, duly certified to the Secretary of the Treasury,” and

WHEREAS, the Legislature of the State of New York is not in session at this time; therefore,

I, MARTIN H. GLYNN, Governor of the State of New York, do hereby give the assent of the State of New York to the provisions and requirements of said Act, and authorize and empower the Trustees of Cornell University of Ithaca, N. Y., to receive such installments of the appropriations made in said Act as shall become due to the State of New York before the ad-

jourment of the next regular session of the Legislature, and to organize and conduct agricultural extension work which shall be carried on in connection with the college of agriculture of said university in accordance with the terms and conditions expressed in the Act of Congress aforesaid. Such payments to be made to the Treasurer of Cornell University.

GIVEN under my hand and Great Seal of the State at the Capitol in the city of Albany this twentieth day of June in the year of our Lord, one thousand nine hundred and fourteen.

MARTIN H. GLYNN

By the Governor:

JOSÉ E. PIDGEON,

Second Deputy Secretary of State.

Correspondence on the Need of a Larger Nautical Training Ship

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *December 11, 1914*

HON. JOSEPHUS DANIELS, *Secretary of the Navy, Washington, D. C.:*

MY DEAR MR. DANIELS.—I am enclosing herewith for your consideration, a letter addressed to you by the Chairman of the Board of Governors of the New York State Nautical School, as well as by the Chairman of the Executive Committee of the same Board, submitting a request that the Nautical School be granted a larger vessel than the U. S. S. "Newport"—now used by the State of New York as a training ship for young men who desire nautical education.

This request I earnestly hope you can grant; for it seems to me that the Governors of the Nautical School have made the fact clear that there is a necessity for the employment of a larger ship, since the Newport is too small to accommodate the applicants whom the Governors desire to educate as officers. The Newport can only accommodate one hundred cadets; and yet there is that number of applicants — to mention only one region of the State — living in Buffalo and in other places situated near Lakes Erie and Ontario, who cannot now be admitted to the Nautical School.

With the completion of the new battleships, thousands of additional seamen will be needed. But there is also occupation for seamen in “the ways of peace.”

The Governors of the Nautical School you will observe, say that it is their aim, if possible to make the School an “Annapolis” for the merchant marine. New York has become one of the greatest seaports in the world. Its commerce, vast as it is, is now apparently on the eve of a great growth. Surely we should do all in our power to hasten the preparations for that growth.

The Hon. John H. Finley, Commissioner of Education of the State of New York, is one of the Governors of the Nautical School. In a letter I have received from him regarding this request, he says:

“Since the School has come under State supervision the applications have so greatly increased that it is now necessary to refuse admission to many young men who are entirely qualified.”

Dr. Finley’s statement supplements that of his fellow Governors of the School, indicating unmistakably the need of having a vessel larger than the Newport

at the command of the State, if the work of educating young men for work upon the sea is to be continued by this State with ample means to give that education.

I trust that you will use all the means in your power to grant this request.

Very sincerely yours,

(Signed) MARTIN H. GLYNN

NAVY DEPARTMENT

WASHINGTON, *December 17, 1914.*

MY DEAR MR. GLYNN.—The Department begs to acknowledge receipt of your letter of the 11th instant, together with letter from the Chairman and Executive Chairman of the Board of Governors of the New York State Nautical School in regard to the substitution of the U. S. S. Hartford for the U. S. S. Newport for the use of the New York State Nautical School, and in reply would say that the Department has this matter under consideration.

Very sincerely yours,

(Signed) JOSEPHUS DANIELS

HON. MARTIN H. GLYNN,

*Governor State of New York,
Albany, N. Y.*

Letter Directing the Comptroller to Borrow Money to Check Forest Fires

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *August 20, 1914.*

HON. WILLIAM SOHMER, *State Comptroller, Albany,
N. Y.:*

SIR.—The State Conservation Commission have certified to me that under chapter 139 of the Laws of

1914, an emergency still exists whereby through insufficient appropriations it is found impossible to protect the forests from fires.

Therefore, by virtue of the authority conferred upon me in the above mentioned statute, I hereby direct that you borrow the further sum of \$12,500, to be used by the Conservation Commission in the protection of the forests against fires.

(Signed) MARTIN H. GLYNN

Resolution Adopted by the Manufacturers and Business Men's Association of New York Commending Governor Glynn for His Attitude Toward the Deepening of the Upper Hudson and the Development of Jamaica Bay and the Inland Waters of Long Island

WHEREAS, His Excellency Governor Glynn has publicly stated in connection with the development of the inland waterways of the South side of Long Island, "Two million dollars expended by the Federal government would give us an inside waterway along the south shore of Long Island through Peconic Bay and this by means of the Cape Cod Canal would give a practical inside route to New England from New York. This would be of inestimable value in conjunction with the Barge Canal. We must urge a two million dollar appropriation by Congress as a necessary step because the Federal government has control of the waterways."

WHEREAS, Governor Glynn has also stated, "The Federal government should also appropriate seven million dollars more for deepening the upper waters of the Hudson and removing difficult shoals."

WHEREAS, This State is now spending one hundred and nineteen millions dollars on its canals which are nearing completion, a very large percentage of which is contributed by the Greater City of New York, and

WHEREAS, To most fully utilize and equitably distribute the advantages to be derived from the Barge Canal and to contribute to greater efficiency in transportation by water, the waters of the upper Hudson must be deepened as suggested by the Governor, and the Jamaica Bay developments should have the immediate attention of our local authorities and the appropriations recommended by Governor Glynn for the development of the inland waters of Long Island should have the immediate attention of Congress.

Resolved, That a copy of this preamble and these resolutions be sent to the Atlantic Deeper Waterways Convention for its consideration and approval.

Resolved, That copies also be forwarded to His Honor the Mayor and the Commissioner of Docks and Ferries for their special attention, particularly as to the continuance of the work already commenced on the Jamaica Bay development and provided for by Federal and local appropriations already made.

Resolved, That the delegate from this Association and all others who may attend the Atlantic Deeper Waterways Convention from Greater New York be and they are hereby requested to bring to the attention of the Waterways Convention the improvement of the waterways herein referred to and request from that convention its concurrence with the sentiments as herein expressed by His Excellency Governor Glynn and the Manufacturers and Business Men's Association of New York.

Telegram From the Medical Society of the State of New York Commending Governor Glynn for His Veto Protecting the State from Incompetent Practitioners

APRIL 27, 1914

HON. MARTIN H. GLYNN, *Albany, New York*:

The House of Delegates assembled for the one hundred and eighth annual meeting of the Medical Society of the State of New York extend their felicitations to the Governor on the veto to protect the people of the State from incompetent practitioners of the healing art. It also congratulates the people on having so fearless and clear-sighted a man as its chief executive.

MEDICAL SOCIETY OF THE
STATE OF NEW YORK,
WISNER R. TOWNSEND, *Secretary*

Resolution Adopted by the Chamber of Commerce of the State of New York

At the regular monthly meeting of the Chamber of Commerce of the State of New York, held December 4, 1913, the following preamble and resolution were unanimously adopted:

WHEREAS, At the Chamber of Commerce banquet held November 20th, the Governor of New York, the Honorable Martin H. Glynn, said:

“I know that New York State could save much money if business men were allowed to overhaul and bring up to date the antiquated and overlapping system which to-day prevails in many of our State Departments. I would consider it the biggest thing that I could do in my administration if I could inaugurate

this system. And I tell you, to-night, that if there are enough prominent business men in this State of all political parties who are willing to donate their time and services to serve on a commission to devise a business system for New York State similar to the one that Senator Aldrich proposed for the United States Government, I will be pleased to name them as a commission to overhaul and improve the system upon which New York's business is conducted. I am sure that if this banquet to-night will give birth to this movement, it will save in the years to come the taxpayers of New York State a princely sum. I would like to inaugurate such a movement and in that desire to-night, I beg the assistance of every member of this body and of every business man in the State. I have the power of appointment and I will exercise that power if I can find enough prominent business men in this State willing to volunteer under the banner of efficiency and economy."

WHEREAS, This public statement by Governor Glynn is a plain indication of his desire to put the governmental administration of this great State upon a basis of business efficiency and it is also an appeal and a challenge to the civic patriotism of the business men of the State; therefore, be it

Resolved, That the Chamber of Commerce of the State of New York heartily recommends the policy of Governor Glynn to enlist the co-operation of the business men of the State in creating a nonpartisan business commission to establish efficiency and economy in the State Departments; and that it informs the Governor of its earnest desire to aid in every practical way in the carrying out of this program.

Attest:

SERENO S. PRATT

Secretary

Telegram to Albany Society Dinner

APRIL 25, 1914

MR. CHARLES THADDEUS TERRY, *Albany Society Dinner,*
Plaza Hotel, Fifth Avenue and 59th Street, New
York City:

DEAR SIR.—Kindly convey to the members of your Society my regret that I cannot be with them this evening. There is no place I would rather be outside of Albany than a place where absent Albanians have foregathered.

There are two Albanys. The one in whose honor you are met to-night is the Albany of comfortable homes, congenial neighbors and prosperous industries, and this is the Albany which no man can leave but with regret.

The other Albany is a political arena where an endless struggle takes toll of energy and labor from all who are drawn into the combat. This second Albany belongs not to Albanians but to the entire State. As one, who for a little time has seen more of the second Albany than of the first, I can appreciate the feelings of my fellow exiles who are dining together to-night. With them I long for the peaceful friendliness of the real Albany, with them I raise my glass to the City on the Hill.

(Signed) MARTIN H. GLYNN

**Statement on the Diversion of Water from Niagara
River at a Hearing Before the Committee on Foreign
Affairs at Washington, D. C., February 9, 1914**

MR. GLYNN. Mr. Chairman and members of the committee, I want to thank you on behalf of the State of

New York for your kindness in giving us this hearing to-day.

The Attorney-General of New York has so ably presented the legal phases of this question that I will not enter into a discussion of that side of the subject.

Some 13 or 14 years ago I was a Member of Congress myself. I know that the natural disposition of a Congressman is that if the question does not affect his own State or locality he is likely to be on the national side of the question. I know, too, the atmosphere of Washington, or any other place where a national body meets, seems to be somewhat antagonistic to New York. Whether you go to a national convention, a political or religious convention, or whether you come here to Washington, as soon as you mention the name of New York some people are inclined to want to throw you out of the second-story window or to get the idea that you want to take the convention and the hall back with you in your pocket.

Mr. CLINE. May I ask you a question there, Governor?

Mr. GLYNN. Yes, sir; if it is not an embarrassing one.

Mr. CLINE. I want to suggest that there is no State in the Union which Congress has permitted to put its hands into the Federal Treasury for the purpose of improving its public buildings and harbors more than the State of New York, and I think that it is not quite the proper thing for you to say what you have said.

Mr. GLYNN. I did not quite catch your assertion.

Mr. CLINE. I say that there is no State in the Union which Congress has allowed to put its hands in the Federal Treasury for the purpose of improving its

public buildings and harbors more than the State of New York, and I think that last remark of yours is certainly a little bit far-fetched, Governor, to the effect that Congress is prejudiced against the State of New York.

Mr. GLYNN. I did not mean anything antagonistic; but at the same time, on the other side, let me say that there are no half dozen States in this country that have done as much for the National Treasury as New York State, through its harbors, and the receipts from imports, the income tax, the corporation tax, and things of that sort, and probably we are only getting our just deserts.

Mr. CLINE. You do not have any idea of turning over all the benefit you get from your river and harbor improvements to the Federal Government, do you?

Mr. GLYNN. We turn over all the duties from imports; but that has nothing to do with this question. I think you took my remarks at the beginning too seriously.

Our opposition to the Cline bill is based upon principles of law. The State of New York is the owner of the bed of the Niagara river to the center of the stream, which is the international boundary, and for that reason owns the use of the water that passes over that portion of the river that belongs to the State.

There is no doubt about this legal proposition. It has been frequently defined in the State courts; it has been frequently defined in the Federal courts; all courts, State and Federal, have uniformly held to the principle that the right of the Federal Government in navigable streams is simply a right to benefit navigation, and no other purpose. The Federal Government can not undertake to say to the State of New York who

shall enjoy the use of the water to be diverted. That this is a violation of our constitutional rights is clear from a long line of legal decisions defining these rights. It is worse than that—it interferes with the development of any policy of State control. If the Federal Government asserts the right to control the diversion of water and to say to whom it shall be given, then that right necessarily is denied to the State.

The State can not carry out its present policy of conservation except upon the basis of legal right to control the diversion of water in the navigable streams within its borders, to regulate the use of these waters, to say who shall enjoy them and under what terms. In principle the Cline bill says to us that we can not do this, that the Federal Government must do it. After the assertion of the principle of Federal control it is idle to put the concession in the bill that the diversion thus permitted by Federal permit must be enjoyed pursuant to regulations established by the State. No regulations can be established by the State, except those based upon the right of State control. If the Federal Government has the right to control the diversion, then the State government has not the right, and while we know that we have the right, while the courts have uniformly held that we have this right, while the Constitution gives it to us, yet the assertion of this right on behalf of the Federal Government interferes with the policy of the State; indeed, it completely destroys the right of this State to establish a policy of conservation so far as this river is concerned.

The Cline bill gives the Federal Government the right to say who shall use the water of the river and to this extent, therefore, the State's rights are invaded and the State is prevented from saying who shall enjoy the diversion. If the right to enjoy is received from the

Federal Government the right to regulate can not exist in the State government. Under this conflicting authority it is not at all clear that the State may impose any toll whatever for the use of the water. If it should impose a toll the user may refuse to pay upon the ground that the right to use is derived from the Federal Government.

In regard to the 4,400 cubic feet not now being used or permitted by the Federal Government, this should be turned over to the State; yet if the Federal Government insists upon naming the party who may enjoy it the State is absolutely handicapped in developing any policy for the use of this amount of water.

The Federal Government should assert its rights to protect the navigability of the stream; it should assert with equal clearness the right on behalf of the State to control the diversion of whatever amount of water the Federal Government decides may safely be diverted without injury to navigation.

I want to tell you what we propose to do in the way of conservation and what we have been doing in New York State.

MR. CLINE. I do not want to interrupt you too much, and I will not interrupt you again, but if you will permit me to suggest one question at this point, I would like to know on what theory the State of New York claims the right, as against the jurisdiction of the Federal Government, to control the diversion of this water — whether it is because you are the riparian owner, or because you own the bed of the river in trust for the people of the State, or whether you have a property right in the water itself?

MR. GLYNN. Attorney-General Carmody contends that we own the bed of the stream and the water that passes over it, and I share his opinion.

Mr. CLINE. I would like to ask the Attorney-General if he is familiar with the Dunbar case?

Mr. CARMODY. Yes, sir.

Mr. CLINE. I would like to ask you, Mr. Carmody, if that is not in direct contradiction of every statement you made here this morning?

Mr. CARMODY. No, sir; there is not a line in the Dunbar case that contradicts a word I have said. The Chandler-Dunbar case dealt with the improvement of navigation. There was there asserted the Federal right to do something in the river in aid of navigation. I concede that as broadly as it is stated, but it stated no new principle.

Mr. GLYNN. Last fall the people of the State of New York voted overwhelmingly to adopt a constitutional amendment affecting the Adirondack forest preserve. This resolution was passed by the Democratic Legislatures of 1911 and 1913 and provided for the use of 3 per cent. of the State's Adirondack lands as reservoir sites in which to store our flood waters. The State's forest park is twice as large as the State of Rhode Island. You will see that this inaugurated a great policy of conservation. In 1911 we formed the conservation commission, and the chairman of that commission is here to-day and will appear before you if you desire to hear him.

As a result of the work of that commission there was introduced into the Legislature of New York in 1912 a measure known as the Bayne bill, which gave the conservation commission sweeping powers to develop all the undeveloped water power of New York State. That bill was passed by a Democratic Senate but defeated by a Republican Assembly.

In 1913, when I became Lieutenant-Governor, I fathered a bill known as the hydroelectric bill for the capital district. That bill appropriated \$750,000 of the State's money to construct power plants at dams on the Mohawk river above Cohoes. At that point the Mohawk is a part of the new Barge canal. These plants were to be constructed for the purpose of making use of the waste water of the Barge canal and converting that waste water into electric power and selling it to the public for the mere cost of production. Personally, I was responsible for the introduction of that measure and succeeded in getting it through the Legislature.

The then Governor under, I think, a misunderstanding of the circumstances was induced to believe that the power we counted on did not exist there. That is a question I do not want to go into here, although I believe the power does exist there. He vetoed the bill and stated in his memorandum that he was in favor of its principle and was in favor of making the first installation at Long Sault Rapids on the St. Lawrence river.

MR. CLINE. May I ask you a question right there?

MR. GLYNN. Yes, sir.

MR. CLINE. I would like to ask you how long it has been—not more than two or three years, I think—since the State of New York gave away 1,000,000 horsepower of the Long Sault?

MR. GLYNN. I was coming to that. The Republicans did that; not the Democrats. We have already repealed the Long Sault grant.

MR. CLINE. Has it not been only a short period since the State of New York gave away that horsepower at Long Sault to the Long Sault Development Co. without

a time limit, and even attempted to convey a fee simple in the river bottom to that company?

Mr. GLYNN. The Legislature made that grant in 1907. In 1913, on the recommendation of Attorney-General Carmody, a bill to repeal that charter was introduced in the Democratic Legislature. It was passed by both houses, and the Governor signed it. The charter was repealed. That case was carried to the courts. The Attorney-General argued the case on behalf of the State and won in both the Supreme Court and the Appellate court. We are now waiting for the decision to be handed down by the court of appeals.

Mr. CLINE. I just wanted to call attention to the fact.

Mr. GLYNN. Yes; the Long Sault grant was wrong, but we righted the wrong by repealing the charter.

Mr. CLINE. The sentiment was not well crystallized at that time in the State of New York.

Mr. GLYNN. You must remember that that was seven years ago. The sentiment now is different, and the courts have upheld our repeal so far.

Mr. CLINE. In what position are you now with reference to the bill you have before your assembly to limit the provisions in the charters of the two companies operating there now, to whom you gave enough power to cover the entire Niagara river?

Mr. GLYNN. That bill is pending and will undoubtedly be passed by a Democratic senate. We have there also four other bills which I think will match, so far as the securing of true conservation is concerned, any bills ever introduced in Congress or elsewhere by anybody. One of these bills revives the hydroelectric bill, which was passed by the Legislature of 1913, but not

signed by the then Governor, because, as I have said, he had a misapprehension in regard to the matter. That provided for the use of the waste waters of the new barge canal.

Mr. CLINE. You are developing some power in the canal now?

Mr. GLYNN. The State? No.

Mr. CLINE. The State has given away the privilege to develop it?

Mr. GLYNN. Where?

Mr. CLINE. On the barge canal.

Mr. GLYNN. We have sold some water at Lockport for \$7,500 a year.

Mr. CLINE. You get \$200 a year.

Mr. GLYNN. We get \$7,500.

Mr. CLINE. Last year you only got \$217 out of all the power developed on the barge canal.

Mr. GLYNN. We do not develop any power whatever on the barge canal.

Mr. CLINE. For power that you permitted to be developed.

Mr. GLYNN. No; we get \$210 for the water that was used on the original Erie Canal, under a very old grant made in 1826, I think. We have reintroduced the hydroelectric bill, which provides, in substance, for the development and sale of water power, converting it into electricity, and selling the power at cost.

We have also a bill allowing the Conservation Commission to start such a project at any point in the State where water power can be developed. We have

reintroduced the Bayne bill, and the bill you have just spoken of. There are in all six charters outstanding for Niagara Falls.

Mr. COOPER. How long ago were these bills introduced?

Mr. GLYNN. At the present session.

Mr. COOPER. How recently have the bills been introduced?

Mr. GLYNN. Within three or four weeks; I should say within about that time. Personally my policy is this: I believe in the use of public property for public profit.

Mr. COOPER. Were those bills introduced after the last hearing before this committee in regard to this matter?

Mr. GLYNN. Practically all of them were introduced in the last session of the legislature last winter, and reintroduced this winter in this session.

Mr. LINTHICUM. What are the prospects of the passage of these bills?

Mr. GLYNN. They will pass the Democratic senate, surely.

Mr. LINTHICUM. What is the attitude of the Republican assembly toward them?

Mr. GLYNN. I am not sufficiently in their confidence to be able to tell you. I think, however, they will pass them. I think public sentiment is in favor of their passage.

Mr. BARTHOLDT. I want to suggest to Gov. Glynn that in this committee we are not in the habit of recognizing any political divisions at all. We are

dealing with these questions as Americans, and therefore I think probably the political history of New York, or what one party or the other party has done, has no bearing at all on the question here as between the State of New York and the National Government.

Mr. GLYNN. When I mentioned it, I mentioned it not with any intention of bringing into this talk any political question. I simply mentioned it to show you what our policy is. I am trying to state what is the policy of New York State. I have a divided legislature on my hands, a Democratic senate and a Republican assembly. I am in a position to know what the Democratic senate may do, but I can not even guess what the Republican assembly will do.

Mr. BARTHOLDT. That only refers to the present legislature?

Mr. GLYNN. That is the present condition; we are divided?

Mr. CLINE. I beg your pardon for interrupting you, Governor; I will not interrupt you any more.

Mr. GLYNN. That is about all I have to say. I simply wanted to tell you the policy we are trying to pursue, and what we have done in regard to this particular matter.

Mr. SMITH. I was going to ask you about what you wanted to do with this additional 4,400 cubic feet, and how that is going to be handled in case it is turned over to the State of New York.

Mr. GLYNN. I would have every drop of water in the State developed to its utmost capacity. I believe the State should have the beneficial use of its water; and I am here to plead for New York State, to plead that it shall have the beneficial use of its waters.

Mr. CLINE. Will you give us the information as to how much horsepower there is in New York State outside of Niagara Falls?

Mr. GLYNN. I think about 800,000 horsepower.

Mr. CLINE. Undeveloped horsepower?

Mr. GLYNN. You mean outside of the boundary streams?

Mr. CLINE. Outside of Niagara River.

Mr. GLYNN. About a million and a quarter, including the St. Lawrence.

Mr. HARRISON. Taking into consideration the question as to whether or not this additional 4,400 cubic feet per second would affect the scenic beauty of the Falls, do you think that the additional 4,400 cubic feet should be embodied in this bill, and that it should be utilized?

Mr. GLYNN. Yes; and I do not think it would affect the scenic beauty of the Falls.

Mr. LEVY. If this bill, No. 11716, passes, do you mean to say that the State of New York will endanger Niagara Falls in any way?

Mr. GLYNN. No, sir; not one iota; and furthermore, I want to dispel the apparent delusion that seems to exist here to the effect that the representatives of New York State are here to make war on the power companies of Niagara. Confiscation is not in anyone's thought. We have no desire to do these companies a wrong. We do not desire to do them a wrong, but we do want New York State to have control of its own waters. We are going to carry out a policy of conservation there—which we have already begun—that I think will lead the country in scope and com-

prehensiveness. I think we will have the best policy in relation to our natural resources of any State in the Union, especially in regard to this matter of the preservation of water power.

The CHAIRMAN. Are you aware of the fact that former Secretary of War Stimson said that the diversion of the 15,600 cubic feet per second has already affected the scenic beauty of Niagara Falls, and the additional diversion of the 4,400 cubic feet would have a greater effect upon it? Are you aware of the fact that former Secretary of War Stimson made that statement?

Mr. GLYNN. Yes; I know, but I would like to give —

Mr. MALONE. As a member of the power commission, I want to say that in the testimony given by Mr. Harper, the engineer of the Hydraulic Power Co., the question was put to him by me as to whether or not the five-eighths of an inch difference was discernible, and he said "No." I asked him if there were 40,000 cubic feet diverted whether it would be discernible, and he said "No."

The CHAIRMAN. You think the then Secretary of War and his engineers were entirely mistaken in the conclusion which they reached, that the scenic beauty had already been affected by the diversion now being made?

Mr. MALONE. I believe the statement has been made that it was affected to the extent of five-eighths of an inch on the New York side and about 4 inches on the Canadian side. That is not discernible. I was born and raised in Buffalo, and I have been around Niagara Falls a very great deal, and I was out there only a few days ago, and I have not seen any difference; the

only difference noticeable, so far as I am aware, is when there is low water in the Lakes.

Mr. CLINE. Do you have a recollection as to what he said with reference to the effect on the Horseshoe Falls?

Mr. MALONE. I think it was about 4 inches.

Mr. CLINE. Was it 4 or 5 on the American side?

Mr. MALONE. No; I think it was about that on the Canadian side, and five-eighths of an inch on the American side.

Mr. CLINE. Was it not 9 inches on the Canadian side and 4 inches on the American side, and a very small fraction of the American Falls proper which has been affected by the diversion; is that not the testimony of Gen. Bixby?

Mr. MALONE. I do not recall that.

Mr. GITTINS. May I say just one word in connection with that?

The CHAIRMAN. You may, Mr. Gittins.

Mr. GITTINS. Niagara Falls is my home, and it is in my congressional district, and I live there, and when I am at home I look at the Falls very often, and if all the engineers of the War Department had testified to you that the scenic beauty of the Falls has been impaired, I would be willing to say it is not true. You cannot see it, and nobody who lives in that locality and sees the Falls every day will agree with that statement.

The CHAIRMAN. Perhaps you get so used to the fact that less water is flowing over the Falls that it does not make any impression on your mind.

Mr. LINTHICUM. Does not this provision fully cover the case:

“ *Provided*, That as a condition precedent to the issuance of any permit the applicant therefor shall stipulate and agree to comply with all regulations respecting rates, tolls, service, and otherwise that may be established by any State in which the power created under such statute is generated, transmitted, used, or sold.”

Mr. MALONE. No; we believe we have that power — that we have it already.

Mr. CLINE. You simply had no power to exercise it by virtue of the fact that you could not bring the development companies within your jurisdiction, and that is the purpose of this section.

Mr. CARMODY. You have not permitted us to use it; that is the trouble.

Mr. CLINE. The chairman of the public utilities commission of the State of New York confessed before this committee that they were unable to reach the development companies because, they said, they were not public-service corporations.

Mr. CARMODY. We claim the State has the right to reach them.

Mr. CLINE. Why do you not exercise that right?

Mr. CARMODY. You have not given us the right.

Mr. CLINE. I think there is no law here to interfere with you.

Mr. CARMODY. If you pass the bill we are asking for, you will give us the right.

Mr. HARRISON. Do you not think this bill will do it — the Cline bill?

Mr. CARMODY. No; I think not.

Mr. ROGERS. When the committee from the New York State Legislature was before this committee last month and Senator Thompson was testifying, I asked him if he could tell us in a few words the precise changes which would agree with the ideas of the State of New York. Are you familiar with the so-called Cline bill?

Mr. GLYNN. Yes; I have read it.

Mr. ROGERS. Senator Thompson said that the State of New York would be satisfied if these two changes were made: On page 2, lines 6, 7, and 8, to strike out the language "not exceeding in the aggregate a daily diversion at the rate of 15,600 cubic feet per second," and add a new provision, "that permits granted in excess of an aggregate of 15,600 cubic feet per second be granted to the State of New York," and he said in terms that if those two amendments were made it would accord in all respects with the wishes of the State of New York. I would like to ask you whether you agree with Senator Thompson's position in that respect?

Mr. GLYNN. That would make principle wait upon expediency. That would be a practical way of getting around it, but it would still be a violation of the principles we contend for. I simply desire to say in conclusion, Mr. Chairman, that I hope the committee will give favorable consideration to the Levy bill and report it favorably. I want to thank you, Mr. Chairman and members of the committee, for giving me this opportunity to appear before you and for the attention which you have given to my remarks.

The CHAIRMAN. We are very glad we have had you with us this morning, Governor.

New Year's Greeting, Jan. 1, 1914

It is the hope of every good citizen, whether in public or in private life, that the New Year will be one of honorable prosperity for New York.

New opportunities, new responsibilities are the heritage of each new year. To profit by the mistakes of the past, to progress with energy and wisdom, to climb and not to fall back — these are the resolutions which become the individual and the State.

Those at the head of the State government can best contribute to New York's prosperity by economy and foresight in expending the money of the State. New York cannot be mean or parsimonious in dealing with State institutions, or in the extension and maintenance of great public improvements, but it can, and must, receive full value for every dollar of public money that is spent.

The year just ending has seen humane and progressive laws placed upon the statute books of New York. The year just beginning will find these laws in operation; 1914 will be marked in New York's history as the year in which its people first selected their candidates for public office by direct vote and gave to injured workmen the protection of a scientific system of compensation.

For every citizen who sincerely attempts to improve his own condition and the condition of the community in which he lives the Governor of the State bespeaks a bright and successful year. New York cannot lay claim to the honorable prosperity its resources and prospects should command, unless its citizens are contented, its industries prosperous and its people united for the common good.

(Signed) MARTIN H. GLYNN

Telegram Relating to the Control of the Water of Niagara River

HON. HENRY D. FLOOD, *Chairman Committee on Foreign Affairs, House of Representatives, Washington, D. C.:*

I am advised that there is to be a hearing before your committee accorded to the joint committee of the Legislature of the State of New York, with regard to a measure now pending before Congress, relating to the control of the waters of the Niagara River.

I understand that the purpose of the bill is to provide for permits to be used by the Secretary of War for the diversion of the waters of the Niagara River; and that according to the terms of the bill the Secretary of War is given the right to determine the persons to whom, and the purposes for which, such waters may be diverted.

It seems to me that the jurisdiction of the Federal government ought to be limited to the sole question as to whether any water is to be diverted from the Niagara River. In the event that a diversion of the water is permitted, the State of New York ought to have the right to determine the persons to whom, and the purposes for which, such water is to be diverted.

I assure you that my fondest hope, as Governor of the State of New York, is to inaugurate a State-wide policy for the utilization of all available water powers of the State for the benefit of the whole people. And I confidently believe that the present temper of the Senate and the Assembly of this State will enable me to make this policy the perpetual policy of the Empire State. I believe, and in my opinion the present leaders of the Senate and Assembly believe, that the time is passed when private individuals will be given the right

or the privilege to utilize the waters of the State for personal gain. I know that the sentiment of the electorate of the State is for the public use of public property for public benefit, and this sentiment will undoubtedly be unalterably written in the laws of New York State this winter.

In addition to the waters now used by the operating companies at Niagara Falls, I am advised that the treaty between the United States and Great Britain allows the diversion of 4,400 cubic feet per second. This amount of water is capable of producing, properly used, 75,000 horse power. The wholesale price of such power developed at Buffalo at the present time is approximately \$16 per horse power, and to consumers in units of 300 horse power at that point, about \$26.50 per horse power.

The people of the State of New York need this power for their own use; and you can, therefore, see how important it is that the State of New York should control the use of the same. In any legislation proposed by your committee, I hope you will see to it that the rights of the State of New York are recognized.

(Signed) MARTIN H. GLYNN

Statement on State Finances December 17, 1914

This morning's papers carried a story to the effect that, because of the economies enforced during my administration, increased appropriations will be made necessary at the next meeting of the Legislature.

This story, I am reliably informed, was prepared and circulated by the press bureau of the Republican State Committee. The story and its source proves con-

clusively to me that the way is being prepared for a raid upon the State Treasury.

It is true that the requests for appropriations for the coming year amount to \$70,000,000 and that the estimated revenues are \$43,000,000. There is nothing strange in this. Every one knows that every department asks each year for more than it really expects to receive. This year, for instance, the requests for appropriations amounted to \$63,000,000 and we succeeded in reducing appropriations to \$47,000,000 without difficulty.

The Republican Press Bureau article states that the \$70,000,000 requests are contained in a budget prepared by the State Comptroller. As a matter of fact, the Comptroller has not prepared any State budget, but has merely made a clerical tabulation of the requests of the several State departments. The budget will be prepared by the regularly constituted budget committee, of which I am a member. And let me say now that when the budget committee finishes with the requests for these appropriations they will be well within the State's estimated revenues.

In the total requests for appropriations there are requests for \$5,000,000 in the supply bill. I have already examined these requests with considerable care and can say with authority that no more than \$500,000 of these supply bill requests are at all justified. The supply bill this year should be, and I believe that the budget committee will recommend that it be, less than at any time during the past ten years.

If the men who are advising Mr. Whitman desire to enter upon a carnival of expenditure that is their affair, but they should not attempt to shirk responsibility at this early date by preparing an alibi in advance.

**Letter to Heads of All State Departments Urging
Economy in Administration**

ALBANY, *January 28, 1914*

This administration is pledged to strict economy in the management and maintenance of all State departments. The financial condition of the State is such that only the most rigid care in the expenditure of public money will save the taxpayers of New York from the burden of a large direct tax.

As I pointed out in my message to the Legislature, governmental expenditures have overhauled indirect revenue and every public officer owes it to the people he represents to manage the matters intrusted to his care with such business-like thrift that a reduction may be made in all departmental appropriations.

Notwithstanding my appeal for moderation in requests for appropriations, the Legislature this year faces demands for \$63,000,000. Part of this sum, namely, contributions to the Sinking Fund, is made mandatory by law, but the heads of departments who are in a position to regulate their estimates have asked for a total of \$39,011,754. The corresponding requests for last year were \$35,220,029, and so far as I can determine there is no imperative reason for the increase. An administration pledged to economy can not prove its sincerity by increasing appropriations at the first opportunity.

Neither the policy of this administration, nor the condition of the State's finances will permit the increase for which the heads of departments ask. Even should the Legislature grant the requests made upon it, I shall be obliged, as the chief executive, personally responsible to the State for the economies I promised

in my message, to cut appropriations which in my opinion are too great for the taxpayers of the State to bear.

To veto appropriations on the basis of a grand total is not the most prudent way to reduce expenditures. I hope that the heads of departments will not make it the only possible way. I earnestly urge every head of a department to revise his estimates in advance, rather than to compel me to revise them after the appropriation has been made. The heads of departments know better than I do where it is easiest to reduce their expenditures. They know best which expenditures are absolutely necessary and which may be curtailed without crippling the department.

Nothing that I say here should be construed as a reflection on any head of a department. Possibly all the appropriations asked for would be justified if the State were financially able to meet them, but under the existing circumstances this administration would be false to its pledges and recreant to its duty if it allowed appropriations to be increased. The heads of departments can help me and protect themselves by revising their estimates. They know now what appropriations their fellow officials are requesting and can realize that every one must join in a vigorous effort to reduce appropriations.

Please advise me at the earliest possible moment how far your estimate can be cut without damaging the efficiency of your department. It is better for you to use a scalpel now than to compel me to resort later to an axe.

(Signed) MARTIN H. GLYNN

Letter on the "Go to Church" Movement

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *January 9, 1914*

Mr. WILLIAM SHAW, *Secretary, United Society of Christian Endeavor, Boston, Mass.:*

DEAR SIR:—You tell me that the United Society of Christian Endeavor has inaugurated a national "Go to Church Movement," non-sectarian in its nature, which is approved by the leaders of every creed, and in which industrial and public service corporations are cooperating.

All men who are interested in human progress know that the hopes and aspirations embodied in religion are the surest guarantees of peace, prosperity and happiness that any nation may possess. Neglected churches mean neglected social fabric, and any movement which seeks to increase the usefulness of religion should have the support of every right-thinking man.

(Signed) MARTIN H. GLYNN

Statement on Land Bank Conference

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *January 13, 1914*

The conference of bankers and agricultural experts which has been called for tomorrow is intended to take up the matter of properly financing the agricultural development of the State.

One of the greatest problems confronting New York, if not the most important problem, is that of increasing the amount of its cultivated land and establishing a system whereby the products of its farms may be

brought to the consumers of its cities. In the last ten years the urban population of New York has increased 25 per cent., while the increase in rural population has been less than 1 per cent. Where in 1900 New York had 226,720 improved farms, in 1910 it had but 215,597, a decrease of 5 per cent. Where in 1900 there were 15,600,000 acres of land under cultivation, in 1910 there were but 14,888,000 acres, and there are no considerable influences at work to halt the exodus from the farm to the cities or to turn the flow of population from the cities to the farm.

New York is doing a great work along educational lines and in helping the farmer to get the most satisfactory returns from his land, but it is neglecting a far more important matter. What is most needed is to get men upon New York's farm land. After the land is under cultivation the educational activities of the government will have a broader meaning.

The present public indifference to agricultural development has no reason for existence. New York's farms have a great consuming population at their very gates. They have the finest system of railway and water transportation in the world at their command, and these facilities will be even better when the Barge Canal is finished. Immigrants from the agricultural districts of Europe who know how to cultivate the soil are coming in at Ellis Island, ready to be employed in agricultural pursuits.

The thing that stands in the way of New York's agricultural development is the fact that agriculture has not the same facilities for financing its operations as industry and commerce generally. While the nation's farms represent the best security in the world, the nation's farmers are unable to obtain the easy and flexible credit which this gilt-edged security warrants.

It is difficult for the farmer to raise money quickly and at easy rates of interest on his property; it is hard for him to secure the money necessary to move his crops. Because of the imperfect system of agricultural finance and lack of cooperation, the farmer receives but thirty-five cents for every dollar's worth of food he produces.

Europe took up the matter of agricultural credits a good many years ago and has found two or three satisfactory solutions of the matter. European farmers have been able to meet competition and the various difficulties which confront them by systems of agricultural credits fitted to the peculiar needs of the various countries. While it is not certain that New York can adopt in its original form any of the European systems of agricultural finance, it can find in them valuable suggestions and the certainty that some such system will prove of great benefit to the farmers of New York.

New York must put in operation some plan whereby the farmer will secure money to purchase his land on easy terms, to improve it, to harvest his crops and to get these crops to market. Every man who believes that the "Back to the land" movement is the only reasonable answer to the high cost of living, will be ready to assist in any plan which will make farming more attractive. There is no suggestion of benevolence in the demand of farmers for credit facilities. They ask only the legal formula by which they can utilize substantial assets as ready forms of credit.

I hope that the conference tomorrow will result in agreement on some plan by which the New York farmer may be afforded the assistance to which his place in the economic life of the State entitles him.

New York has reason to believe that its agricultural population is the equal, if not the superior in intelligence, honesty and industry of the farmers of any land

beneath the sun. Surely New York can trust its farmers to make as good use of a system of agricultural credits as the farmers of Germany, Italy or Russia.

Statement on Appointments

ALBANY, *August 1, 1914*

Since I took office I have been called upon to make forty-two important appointments.

Of these, nineteen were Independent Democrats, fourteen of whom are avowedly hostile to Tammany Hall; ten were up-State organization Democrats; nine were indorsed by the Democratic organization of Greater New York; three were organization Republicans, and one was a Progressive.

These appointments were specifically as follows:

William B. Hornblower, of New York City, an anti-Tammany Democrat, appointed Associate Judge of the Court of Appeals. Mr. Hornblower, as you will remember, was designated by President Cleveland to the Supreme Court of the United States.

Benjamin N. Cardozo, of New York City, an anti-Tammany Democrat, appointed Associate Judge of the Court of Appeals. Mr. Cardozo was elected to the Supreme Court on an independent ticket in 1913.

Herman M. Biggs, M. D., of New York City, independent Democrat, appointed Commissioner of Health. Dr. Biggs, as health officer in the city of New York, made a substantial reduction in the death rate. He was the first to introduce the use of diphtheritic antitoxin in the United States, and is generally regarded as standing at the head of his profession.

James M. Lynch, of Syracuse, an independent up-State Democrat, appointed Commissioner of Labor.

Mr. Lynch commands the confidence of the labor men of the State, and was formerly president of the International Typographical Union.

Frank Irvine, of Ithaca, an independent up-State Democrat, appointed Public Service Commissioner, Second District. Mr. Irvine was formerly dean of the Cornell Law School.

William Temple Emmet, of South Salem, an organization Democrat, appointed Public Service Commissioner, Second District. Mr. Emmet is a personal friend of mine and I have first-hand knowledge of his ability and integrity.

Seymour Van Santvoord, of Troy, an independent up-State Democrat, appointed Public Service Commissioner, Second District. Mr. Van Santvoord is a prominent lawyer, banker and author.

Robert C. Wood, of New York City, Tammany Democrat, appointed Public Service Commissioner, First District. Since Mr. Wood took office the Bronx papers have commented very favorably on his activities in securing better facilities for the Bronx.

John B. Riley, of Plattsburgh, an up-State anti-Tammany Democrat, appointed Superintendent of Prisons. Judge Riley was one of Governor Sulzer's appointees whose confirmation was held up last year by the Senate.

Prof. Howard Townsend Mosher, of Rochester, an anti-Tammany Democrat, appointed a member of the Workmen's Compensation Commission.

Thomas Darlington, of New York City, Tammany Democrat, appointed a member of the Workmen's Compensation Commission.

Robert E. Dowling, of New York City, Tammany Democrat, appointed a member of the Workmen's Compensation Commission.

John Mitchell, of Mt. Vernon, Progressive, appointed a member of the Workmen's Compensation Commission. Mr. Mitchell's enlightened interest in the cause of labor is known throughout the United States.

J. Mayhew Wainwright, of Rye, an organization Republican, appointed a member of the Workmen's Compensation Commission. Mr. Wainwright was on the Commission appointed by Governor Hughes to consider the workmen's compensation.

Robert H. Roy, of Brooklyn, organization Democrat, appointed County Judge of Kings county.

Joseph A. Burr, of Brooklyn, organization Republican, appointed Associate Justice, Appellate Division, Second District.

Alden Chester, of Albany, organization Republican, appointed Associate Justice, Appellate Division, Third District. This was a temporary appointment revoked October 25th.

John F. Farrell, of New York City, independent Democrat, appointed Superintendent of Weights and Measures.

George W. Driscoll, of Syracuse, up-State organization Democrat, appointed State Fair Commissioner.

Thomas F. Byrnes, of Brooklyn, Brooklyn organization Democrat, reappointed Tax Commissioner.

Henry Purcell, of Watertown, up-State anti-Tammany Democrat, appointed Supreme Court Justice, Fifth District.

Bartow S. Weeks, of New York City, Tammany Democrat, appointed Supreme Court Justice, First District.

Frank Hasbrouck, of Poughkeepsie, up-State anti-Tammany Democrat, appointed Superintendent of Insurance.

Andrew D. Morgan, of Ilion, independent up-State Democrat, appointed Hospital Commissioner.

William A. Mallery, Jr., of Hillsdale, anti-Tammany Democrat, appointed Fiscal Supervisor of State Charities.

Patrick E. McCabe, of Albany, up-State organization leader, appointed Conservation Commissioner. Since my entrance into politics as a young man, Mr. McCabe has assisted me in every way in his power. No single appointment which I have made gave me greater pleasure than that of the man who has been my loyal friend, who has never made a dollar out of politics, and whose ability to discharge the duties of Conservation Commissioner is unquestioned.

Dallas N. Hazleton, of Gouverneur, anti-Tammany Democrat, appointed County Judge, St. Lawrence county.

Calvin J. Huson, of Penn Yan, up-State organization Democrat, reappointed Commissioner of Agriculture.

Eugene Lamb Richards, of New Brighton, Tammany Democrat, appointed Superintendent of Banks.

William A. Gardner, of Amsterdam, up-State organization Democrat, reappointed Commissioner of the Board of Claims.

T. Mitchell Pruden, M. D., of New York City, anti-Tammany Democrat, appointed a member of the Public Health Council.

John G. Walsh, of New York City, Tammany Democrat, appointed a member of the Industrial Board.

Ebenezer Robinson, of Springwater, up-State anti-Tammany Democrat, appointed Sheriff of Livingston county.

Jeremiah T. Mahoney, of New York City, Tammany Democrat, appointed Judge, Court of General Sessions, New York County. This was a three months' vacancy appointment. Mr. Mahoney, by the way, has turned over his salary to the widow of the man he succeeded.

William S. Doyle, of Ellenville, anti-Tammany Democrat, appointed Sheriff of Ulster county.

Charles B. Swartwood, of Elmira, up-State organization Democrat, appointed County Judge and Surrogate of Chemung county.

George R. Brown, of Rochester, anti-Tammany Democrat, appointed Sheriff of Monroe county.

Claude B. Mayham, of Schoharie, up-State organization Democrat, appointed District Attorney of Schoharie county.

Bernard S. Moore, M. D., of Syracuse, up-State organization Democrat, appointed Coroner of Onondaga county.

John L. Bame, of Nassau, anti-Tammany Democrat, appointed County Treasurer of Rensselaer county.

John B. Abbott, of Geneseo, anti-Tammany Democrat, appointed County Judge and Surrogate, Livingston county.

John F. Hylan, of Brooklyn, Brooklyn organization Democrat, appointed County Judge of Kings county.

Letter to Highways Commissioner on the Use of State Aid Money

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *January 21, 1914*

HON. JOHN N. CARLISLE, *Commissioner of Highways, Albany, N. Y.:*

DEAR SIR.— I have just discovered a serious irregularity in the use of State Aid money and I am calling the matter to your attention in order that you may take steps immediately toward putting an end to a practice which is against the law and contrary to the good roads policy of this State.

Since the creation of the State Highway Commission in 1909 the sum of \$8,091,300 has been paid by the State to the various townships of the State under the guise of State Aid; during the same period \$1,035,000 of the highway fund, of which this State Aid money is part, was spent by the various townships for the purchase of road machinery such as steam rollers and traction engines.

An examination of the law will convince you that the law does not permit any part of the State Aid money to be used for the purchase of machinery and that the use of State Aid money for this purpose is an injustice to the taxpayers of New York. In the first place the use of State Aid money for the purchase of machinery distributes the burden of taxation unequally and therefore unjustly. In the second place it deprives the highways of the State of money which is needed and which has been legally appropriated to keep the roads of New York in proper condition. The State Aid money, by the law making provision for it, Section 101 of the Highway Law, is intended solely and simply for the repair and improvement of highways, and not for the construction of new highways or the purchase of road machinery.

The amount of State Aid money paid to any township is determined by, and is proportionate to, the amount of money raised in each township for the repair and improvement of highways. In some townships the State Aid amounts to 50 per cent. of what the town itself raises by taxation. In others the State Aid amounts to 100 per cent. of such taxes.

The point I wish to bring out is that the money raised for the repair and improvement of State Highways and which is the basis for State aid, is an automatic proposition and does not need to be submitted to a vote of the taxpayers of such township.

Section 99 of the Highway Law provides that in any township in which there may be an incorporated village which forms a separate road district, and in which the roads are maintained at the expense of such village, all property within such village shall be exempt from the levy and collection of taxes in the township for the repair and improvement of highways. In other words the incorporated villages are not obliged to contribute to the highway fund for the repair and improvement of highways. The township outside of the incorporated village raises this money and the State contributes an amount which is proportionate to what the township collects. Thus the money spent on the repair and improvement of highways comes, first, from the taxpayers outside of incorporated villages, and secondly, from the State fund.

Now, the law requires that the money used for the purchase of machinery and the construction of new roads shall be raised by the incorporated villages together with the rest of the township. If in any year this amount is to exceed \$500 the question of collecting it must be submitted to the voters of the entire township. Consequently when I say that over a million dollars of money intended to be spent for the repair and improvement of highways has been spent for the purchase of road machinery, it means that over a million dollars of highway money has been misapplied. The taxpayers of New York have been led to believe that eight million dollars of State Aid money was being spent upon the improvement of their roads, whereas the fact is that only seven million dollars has been so spent.

The taxpayers outside of incorporated villages and the highway fund have been mulcted of over a million dollars and the taxpayers of the incorporated villages have escaped their just share of taxation. The

money which should have gone to keeping the roads of the township in good condition has been dissipated in the purchase of machinery. Part of the State Aid money has aided, not the roads for which they were intended, but the machinery manufacturers. The result has been that several of the townships of the State are in possession of expensive steam rollers and traction engines and are paying out so great a part of the funds raised for highways that they are unable even to make use of these white elephants.

Townships are limited by section 94 of the Highway Law to the sum of \$500 per year for the purchase or repair of stone crushers, steam rollers, traction engines, road machines, tools and implements. Consequently, under the law, it is impossible for any township in any one year to purchase a steam roller or traction engine costing from twelve hundred to thirty-two hundred dollars, without submitting the matter to a vote of the people.

To get around this difficulty the town boards and town superintendents have entered into contracts with the manufacturers of these machines whereby a certain sum each year could be paid towards the purchase price; the title to vest in the township after a sufficient number of payments had been made. These illegal contracts have been approved by the county superintendents.

In 1909 the Highway Department encouraged the making of these contracts by sending to each township a pamphlet of "Directions for the Guidance of District or County Superintendents," explaining how money could be raised for the lease or hire of machinery, which contained the following note:

Rule XI. All contracts for the purchase of stone crushers, steamrollers or traction engines

must be approved by the District or County Superintendent and he must endorse his approval thereon.

“ Note 1 — No contract for such purposes shall be valid unless it shall have had the approval of the District or County Superintendent.

“ Note 2 — It is the intent of the law in this respect to safeguard the town's interests in the purchase of proper machinery and at the same time to protect the State's interests, because a contract may be made by the Town Superintendent with the approval of the Town Board to lease or hire such machinery and the expense thereof paid out of monies levied and collected and paid by the State for the improvement of highways, and the monies paid for such lease or hire may be a part of the purchase price in accordance with the contract.”

In 1910 Attorney General O'Malley submitted a written opinion to S. Percy Hooker, Chairman of the State Highway Commission, in which he expressly said:

“ It (State aid) was first granted to those towns which adopted the money system of working their highways, and has been continued for that purpose alone, and by the new highway law all towns are brought under the money system and state aid is given to them to aid in the repair and improvement of their highways, and many hundred thousand dollars are expended annually by the State for that purpose, and if the legislature had intended that such money could be used for building new highways, *buying machinery*, building bridges, removing obstructions or any other purpose than the repairs and maintenance of the roads, there

would have been some language employed or intimation given that such was its intention, and a right to use it for building new roads would have been dictated in some way and not allowed to disband upon doubtful and ambiguous terms.”

Despite this opinion of the Attorney General and the plain limitations of the law, the townships of the State were permitted to continue the practice of making these illegal contracts and more money has been expended for such contracts since the Attorney General's opinion was rendered than before. So general was the belief that these contracts were against the law that a bill was introduced in the Legislature of 1913 attempting to validate them. This bill never became a law.

It is high time that the misappropriation of State aid money for the purchase of machinery should be stopped. You should call to account those who have permitted it to be misapplied, and free the taxpayers of the townships, which have been obliged to bear more than their fair share, from this great injustice.

It is not my purpose to discourage the use of road machinery. Experience has shown that the proper use of machinery in road-building and road-mending is a considerable economy. But I do propose to prevent the misapplication of State funds and to prohibit the application of money appropriated for one purpose to purposes which are clearly unrelated to the original intent of the Legislature.

No more illegal contracts such as I have discovered should be entered into. Those already in existence should be dealt with in vigorous fashion.

I shall expect a report from you in the near future informing me what you are doing in the matter and what you propose to do.

(Signed) MARTIN H. GLYNN

Statement of Reasons for Not Appointing Supervisor of Small Loans

DECEMBER 27, 1913.

Declaring that the law works an injustice to the poor man, Governor Glynn to-day announced that he would not appoint a Supervisor of Small Loans, which is authorized by chapter 579 of the Laws of 1913. The Governor is of the opinion that the law as at present drafted is burdensome and unjust to the small borrower, who was sought to be protected by the provisions of this statute.

"The man earning small wages and patronizing these loan sharks," said the Governor, "have too long been victimized and swindled. I have been told of cases where poor men have been for years settling up their accounts with loan sharks and in the aggregate they pay at least five times more than the amounts borrowed. Some of the most prominent men and women of the State have appealed to me to stop this practice and I am going to do it. This law, however, falls short of accomplishing this result."

There are numerous suggestions before the Governor for a substitute bill to be presented to the next Legislature; but the Governor prefers to wait until he receives a report from the Commission now at work upon a revision of the banking laws of the State, and from the Russell Sage Foundation, which is interested in the matter, before he agrees definitely upon the proposed substitute.

For the past four or five years an active campaign has been going on in New York State looking to the elimination of the abuses existing in the small loan business. Since 1895, section 314 of the Banking Law has been on the statute books practically unenforced.

Recently this statute has been so construed as to forbid the making of loans of less than \$200 at a greater charge than 6 per cent. per annum, under penalty of fine and imprisonment, and a rather wide enforcement of the statute has since been secured. To secure this construction it was necessary to carry three cases to the Court of Appeals. As a result of convictions obtained under this law a large number of usurious money lenders discontinued business and those remaining agreed to accept equitable settlements. This was the situation, as has been pointed out to the Governor, prior to the enactment of chapter 579 of the Laws of 1913. This statute eliminates the imprisonment penalty and removes the fear of real punishment which has been an effectual club in driving illegal money lenders out of business. It has thereby encouraged a number of so-called loan sharks who had previously discontinued business, to reopen their offices.

The Governor's contention as to the effect of this new statute is substantiated by the opinion of a referee selected by the friends of the bill and by the Russell Sage Foundation through its director, Arthur H. Ham. The summary of this opinion follows:

“ This law purports to recognize the need for small loans and to be a constructive measure allowing a reasonable rate under proper supervision and control, sufficient to allow the small loan business to be conducted on a reasonable money-making basis. As a matter of fact it legalizes the very evils which we have been seeking to eliminate. To allow a charge of from 124 to 270 per cent. per annum is not a commendable approach to a reasonable rate. To eliminate the criminal penalty is to take away the only weapon by means of which it

has been possible for borrowers to secure fairly equitable settlements with lenders. To repeal the notice to employers is to invite a return to the old blackmailing methods of collection and to permit lenders in other States to make and collect loans in this State at exorbitant charges, free from the danger of prosecution.

“To set up the office of supervisor and to deliberately tie the incumbent’s hands by failing to give him power to inspect the business of licensees is an attempt to conceal the real character of the law. The loan sharks have frequently stated that a law satisfactory to them must contain three things: (1) the allowance of charges inclusive of interest and fees amounting to 8 or 10 per cent per month, (2) the repeal of the criminal penalty and (3) the repeal of the law requiring notice to employers. This law gives them these three things. It is not a constructive measure but a destructive measure of the worst type.”

Statement on Workmen’s Compensation Law

JUNE 29, 1914

There is no surer way to injure the laboring man than to injure the industry in which that man is employed. And from the inquiries I have received from various employers it would seem that some of them are afraid that the Workmen’s Compensation Law will prove a hardship to the industries of New York.

This is an impression which I desire to correct at the earliest possible moment. I don’t want the business men of New York to feel that the State has saddled them with an unjust burden, or that it has placed them at a disadvantage in their competition with the industries of other States.

On the surface it would appear that the compensation insurance will cost the New York employer more than it costs the business man of other States where compensation laws are in operation.

It is true that the schedule of compensation to injured workmen fixed by the New York law is slightly higher than the schedules of various other States; but it is not true that this difference is to be found in the actual cost of insurance to the employer.

New York has not only regulated the amount which injured workmen shall receive, but it has also regulated, through its insurance department, the rate which insurance companies may charge the employer.

Instead of permitting the insurance companies to add fifty per cent for overhead expenses to the premiums they charge, it has limited the overhead charge to $33\frac{1}{3}$ per cent. In addition it has created a State system of insurance with rates $8\frac{1}{2}$ per cent lower than the rates charged by the insurance companies.

I have caused a comparison to be made of the rates charged immediately after the passage of compensation laws in New Hampshire, Illinois, New Jersey, Wisconsin, California, Kansas, Michigan, Massachusetts and New York. In all of these States workmen's compensation laws are in operation. Out of 118 different industries the New York rate is the lowest in forty-six industries. In several others as low as the lowest and in only six industries is it higher than that with which other States started.

To take a few examples: the rate charged the manufacturers of fire-arms was 1.13 in New Hampshire, 1.55 in Illinois, 1.25 in New Jersey, 1.75 in Wisconsin, 1.75 in California, 1.93 in Kansas, 1.38 in Michigan, 1.25 in Massachusetts and is only .81 in New York.

In furniture factories the rate charged in New Hampshire was 1.80, in New Jersey 2.00, in Wisconsin

2.80, in California 2.80 in Kansas 3.08, in Michigan 2.20, in Massachusetts 1.80 and in New York is only 1.46.

In glass factories the rate in New Hampshire was 1.13, in Illinois 1.65, in New Jersey 1.25, in Wisconsin 1.75, in California 1.25, in Kansas 1.93, in Michigan 1.38, in Massachusetts 1.25 and in New York only .81.

The list from which I am quoting is not a list specially prepared to show New York in the most advantageous light, but a list of industries which was made the basis of comparison by a commission which went abroad to study the subject of workmen's compensation, and as I said, in only six of these 118 industries are the rates in New York higher than the rates adopted in eight other states when their compensation laws went into effect.

No fair-minded employer wants to take advantage of the man he employs. The average New York employer wants to be just, as well as generous. He wants to provide an employee, injured in the course of his duty, with medical attendance and to compensate the family of the employee for any injury to the breadwinner.

I want to say that I encountered a high-minded and humane spirit among the employers I consulted while the Workmen's Compensation Law was being prepared. The employers of New York want to give a reasonable compensation to their injured employees. They are imbued with the modern idea that the cost of industrial accidents should not be borne by the injured employee alone, or by his employer alone, but by the public which buys the product of the workmen's labor. And no employer, with whom I have talked, desires to reduce the compensation of injured employees.

On the other hand no employer wants to assume a burden beyond his strength. In the swift competition

of modern business no man is willing to handicap himself, and it would be eminently unfair for New York to make compensation insurance compulsory and then force the employer to pay more than he can afford for insurance.

Consequently the same desire for justice which impelled me to secure compensation for injured workers has led me to make a fight for lower rates for the employer.

When the matter of rates was first taken up by the newly organized commission it was decided to use the accident losses paid to injured workmen in Massachusetts under the compensation law, as a basis for the rates under the New York compensation law.

The insurance companies and the actuaries of the workmen's compensation commission at first urged a differential of 2.63. This seemed to me to be too high, and after consultation with various actuaries and insurance experts I decided that the differential could be reduced to 2.00 with entire safety.

Expressed in terms of differentials, this does not seem much of a reduction, but in actual dollars and cents it means a saving of from \$10,000,000 to \$20,000,000 for the employers of New York.

Just as the other States were able to reduce their rates after experience had shown that it was possible to make a reduction, New York should be able to make a further cut when it has actual facts and figures to guide it.

Our compensation law incorporates a feature which is intended to equalize the employer's rates with the risks in his particular establishment. The rate of insurance in the State fund is $8\frac{3}{4}$ per cent lower than that of the casualty companies, and in addition to this reduction the commission may make a reduction of from 10 to 20 per cent in any factory which is equipped

with safety appliances and where the danger of accident is reduced to a minimum.

Furthermore, the insurance companies have created a bureau to investigate the conditions existing in the places of business of those they insure and have arranged to make a reduction in their rates when they find that such reduction is justified by safety from risks.

The organization of the workmen's compensation bureau has been practically concluded. The commission has sent notices to one hundred and twenty-five thousand employers, setting forth the workings of the State fund; branch offices are being established in nine different cities and all the necessary forms have been printed and distributed. Considering the short space of time which the commission has had for preparation, I am delighted and encouraged with the progress made.

After the employers of New York have tried the compensation scheme which obviates lawsuits, which places every manufacturer on the same footing and compels unscrupulous employers to live up to the standards maintained by those who are fair-minded and humane, I believe that the business men of New York will regard this modern solution of industrial accidents with favor.

It is interesting to note that in the States which have elective compensation laws and where the employer may use his discretion in coming under the act or rejecting it, thousands of employers have voluntarily elected to receive the benefits of an act which relieves them from common-law liability.

In Minnesota, for instance, only forty-four employers, employing about two thousand workmen, rejected the act; while the employers of 250,000 men have voluntarily accepted the principle of uniform compensation.

The New York employer who to-day sees only the fact that he is compelled to pay out part of his profits for insurance may realize the benefits of the new law before the year is over, when, after some unforeseen disaster, he finds his injured workmen taken care of and himself freed from costly lawsuits and heavy damages.

After all it is not the employer who should complain of workmen's compensation. The principle of compensation embodied in the New York law is that the cost of industrial accidents shall be passed on to the consumer by the man who employs labor. The money which the employer pays for insurance must show in a slightly added cost to the community for the product of the employer's business. But it is far better that the community should take up this added cost in what it purchases, instead of paying the same amount in added taxes to take care of indigent families and to maintain crippled workers in public institutions.

If there is any unfairness in New York's compensation law it will be quickly demonstrated and quickly remedied. So far as it has been possible to do so, however, every contingency has been foreseen and taken care of.

This law was not drafted by the friends of labor or by the friends of capital, but it was evolved out of conferences between bankers and business men, lawyers and insurance actuaries, labor leaders and representatives of chambers of commerce.

I personally supervised the consideration of every paragraph in the law. I obtained the best judgment of employers and labor men alike, before the law was introduced in the Legislature. And when the law was passed, it had the endorsement of John Mitchell on the one hand, and the New York Chamber of Commerce on the other.

The vital fact about New York's law is that it represents a sympathetic and generous union of labor and capital. No business man can feel that his interests have been ignored in the framing of this law, no workman can feel that the State has denied him industrial justice.

Instead of lagging behind other States in taking care of the victims of industrial accidents, New York now stands, where it belongs, in the forefront of social and economic progress.

The employer is now protected from the costs of lengthy lawsuits, and the compensation which his injured workmen will receive is now scientifically determined instead of being left to the haphazard mercies of a jury trial.

The workman, in turn, may now be confident that in case of serious injury his family will not become paupers, and he is saved from the distress and uncertainty of legal procedure. Instead of being antagonistic the interests of employer and employee are now made the same. There is no lawyer, no jury, no technicality standing between them. Every dollar that the employer pays out for industrial accidents goes to the injured workman instead of being distributed in legal costs.

The obligations of any industry to the men it employs are made a fixed and definite part of the State's law. Two million workmen in New York will now approach their tasks with the knowledge that their employers have taken forethought for their safety and for their care in the event of accident. One hundred and fifty thousand employers may determine their prices and profits without finding a deficit at the end of the year because of an unexpected accident which has wiped out their profits in lawsuits and damages. Best of all the distrust which the possibility of lawsuits

engenders between the worker and the employer is removed by the law which leaves no room for misunderstanding.

In a report of the commission appointed by the National Civic Federation and the American Federation of Labor, a number of letters are printed from employers in States where workmen's compensation laws are now in effect.

One letter from a lumber employer of the State of Washington strikes a significant note.

"We like the compensation law," he says, "for the reason that we can now care for our employees at the time of the accident when they most need help. Prior to passage we dared not help or talk to a man hurt as any utterance of sympathy or any help would be taken as the admission of negligence and used against us in lawsuits by ambulance-chasing attorneys."

New York's Compensation Law will bring the man who labors and the man who employs labor into closer sympathy. It will protect the workman from the ever present fear that those dependent upon him will be forced into almshouses should anything happen to the breadwinner. It will shield the business man from unexpected accidents which have driven more than one employer into bankruptcy.

New York's Compensation Law is not only sound in its humanity, it is sound economically. It is at once a tribute to the justice of New York, and a proof of its readiness to keep abreast of the spirit and methods of modern business.

Statement on Delegates to Constitutional Convention

May 6, 1914

The apathy displayed by the general public in the vote on the Constitutional Convention no less than

the allegations of fraud attending it, have spread about this important matter an atmosphere which must be regretted by every friend of good government.

It would be worse than useless to hold a Constitutional Convention which did not represent the best thought and sincerest patriotism of the State. We should not meddle with our fundamental law unless the citizens of the State are willing to give careful and high-minded attention to the Constitution under which they must live for the next twenty years.

Petty partisanship and selfish interest should not be allowed to enter into the remodelling of New York's laws. It is imperative that the delegates to the Constitutional Convention shall be men of capacity and integrity. Only men with these qualifications should be entrusted with a matter so vital to the present generation. In order to secure men of this type, the voters of all parties should sink their individual differences and assist one another to elect delegates who are equipped for the tremendous responsibility they must assume.

There are at least twenty-five men in the State who, by training and character, are especially fitted to be delegates to a Constitutional Convention. The general public knows that these men ought to be delegates in the Convention. It desires that they be sent there. Leaders in the legal profession and in public thought, students of economics and political history, commanding the respect and the confidence of the entire public, they cannot be spared from a body which will revise New York's Constitution. It would be a calamity if party politics were to deprive the State of the services of these men. If the presence of a group of preeminently qualified delegates is assured, they can be relied

upon to direct the workings of the Convention into safe and proper channels. .

Whatever the political complexion of the Convention may be it will listen to the counsel of competent leaders. I do not need to name the men I have in mind. A minute's thought will suggest the names of at least twenty-five men who belong of right in any Constitutional Convention. It is not too early for the leaders of the several parties to agree on a plan which will result in placing these representative delegates in the Convention. Each party naturally desires a dominant voice in the Constitutional Convention, but no party should be permitted to achieve that supremacy at the expense of the State Constitution. Some way should be devised to insure in the Convention the presence of enough men of ability and special qualifications to leaven the entire body.

It might be well for the State Committees of the various parties to select half a dozen representative lawyers and business men, and, in consideration of the unanimous support of the other parties for these men, agree in turn to vote for delegates similarly selected by the opposing State Committees. These men could either be named as delegates at large or be nominated without opposition in their own districts. This plan would involve no concession as to the political complexion of the Convention but would make certain that the Convention would contain competent leaders.

I have written a letter to the State Chairman of the Democratic party suggesting this plan, and have asked him to communicate with the Chairman of the Republican and Progressive parties. It seems to me that partisanship can gracefully make this concession to the best interests of eleven million people.

Statement on Highway Investigation*January 27, 1914*

I have been asked whether I would sign a bill appropriating money for a legislative investigation into the Highway Department. My answer is emphatically "Yes." No one in the State is more anxious than I to get at the truth and the whole truth of the conditions, past and present, in the Highway Department.

I have appointed an investigator of my own. I have placed the entire machinery of the State at his disposal. I have personally requested the district attorneys of the various counties to prosecute to the full extent of the law, the offenders within their jurisdiction, and, beyond all this, I have conducted personal inquiries into the Highway Department such as the recent investigations into the purchase of machinery. I shall be very glad of any additional light on the matter from any source.

There may be a question whether any further investigation will produce additional results. If, however, it is the opinion of the Legislature that such a committee will produce tangible and effective evidence of wrong, I shall be the first to welcome this assistance in my effort to clear the atmosphere about the Highway Department. Should the Legislature in its wisdom decide upon a legislative inquiry and send to me a bill making appropriations for such investigation I shall sign it.

Statement on Transfer of Alien Insane*FEBRUARY 6, 1914.*

In carrying on his campaign to transfer the care of the alien insane from the State to the Federal government, Governor Glynn has sent a letter to all of New York's representatives in Congress, enclosing a copy

of his message to the Legislature on the subject and urging them to do what they can to see that justice is done this State.

One of the things recommended in the Governor's recent message to the Legislature has just been accomplished, namely, the extension of the period from three to five years during which the insane alien may be deported.

Congress having passed the necessary amendment to the Immigration Law the Governor has sent the following telegram to Congressman Lathrop Brown who was instrumental in securing this amendment.

HON. LATHROP BROWN,
House of Representatives,
Washington, D. C.

Congratulations on your success in securing the amendment to the Immigration Law extending the period during which the insane may be deported from three years to five. Congress should now go one step further and assume the entire responsibility for the alien insane, just as it exercises the entire power over their admission and deportation.

Governor Glynn has also called the attention of every member of Congress to the injustice of asking New York to take care of twenty-five per cent. of the alien insane. His letter to the members of Congress is as follows:

“ I am taking the liberty of calling your attention to a matter which deserves the attention of the national government.

“ Enclosed you will find a copy of a message recently transmitted by me to the Legislature of New York, dealing with the maintenance of the alien insane.

“The facts therein contained explain themselves. I believe they will convince you that the national government should relieve New York of a burden which is unfair and unwise.

“New York relies upon the justice of Congress to relieve it from the necessity of meeting a national liability with the resources of a single State.

“Sincerely,

“(Signed) MARTIN H. GLYNN.”

**Message of Sympathy to the Widow of Samuel J. Tilden,
Fiscal Supervisor**

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, N. Y., *February* 17, 1914.

MRS. SAMUEL J. TILDEN,

Hotel Ten Eyck, Albany, N. Y.

Permit me to extend to you my deepest sympathy in your great bereavement. The death of your husband occasions sincere regret throughout official circles where he was so widely known and so highly respected. Colonel Tilden rendered the State efficient and commendable service, demonstrating in his faithful performance of duty the traits of character which made him such a worthy relation of his illustrious uncle. In his death the State loses a valued servant, and his colleagues mourn a loyal friend.

(Signed) MARTIN H. GLYNN.

Statement on Legislation Affecting Building Construction

JUNE 30, 1914

I am in receipt of many letters from real estate owners in various sections of the State, particularly in New York City, urging me to favor efforts to furnish

relief from what is called too drastic legislation affecting buildings construction generally. As I have already pointed out, I believe serious heed should be given these complaints to the end that proper safeguards may be placed about the realty interests of our State, representing as they do, hundreds of millions of dollars. The real estate men and manufacturers throughout the State are clamoring for an inning, and I think they ought to get it.

We have already placed New York far in advance of many other States of the Union in the line of progressive legislation to meet the justified demands of the toilers of our State. The State Factory Investigating Commission heard the cry of the mass of men and women toilers and was responsible for the enactment of remedial measures that guarantee to the factory employees the right to live as well as the license to work. As a result of the new laws secured by the Factory Commission, many factory buildings were practically remodeled so that now their occupants are given healthful surroundings. The result has been that manufacturers get better work out of their employees, because the latter are healthy and cheerful, and the cemeteries and tuberculosis sanitariums are the only losers.

I do not believe there should be any laxity in the care of our factory employees. At the same time I do not believe in legislation so radical that it means an attack on the valuation of real estate or driving out of our State manufacturing concerns or other large business enterprises. Real estate owners tell me that strict compliance with some of our laws would mean reconstruction of their buildings; while others insist there is such general confusion between State and local authorities in New York City, that it is often a question whether an order given by a local authority today will

not be rescinded by State authority tomorrow. It has also been stated that inspectors from the Department of Labor in New York, and attachés of the Fire Prevention Bureau and the Industrial Board, are seemingly pulling against one another in their work of building supervision and inspection, with the result that real estate owners and manufacturers are often in serious doubt as to the course to be pursued.

It would be presumptuous of me to attempt to enter into the merits of any of the complaints received, other than to suggest that we should not give all of our time and attention to one side of the industrial proposition and be less zealous for the other. No matter how comfortable we make the daily existence of our factory workers, they cannot be assured of employment if the factory owner or manufacturer is not given the protection that he has a right to expect at the hands of the State.

It is fortunate that the Factory Investigating Commission is still in existence. That this body, which has worked so earnestly and so successfully, has the proper grasp on the situation, is beyond question, and my answer to the real estate men who have appealed to me, is that I have confidence that the Commission will handle and determine this important problem in time to make the remedy certain at the next session of the Legislature. The Commission has already devoted considerable time to public and private hearings on every phase of the question. During the past week in New York City, the Commission heard many prominent citizens and I am sure it received a great number of valuable suggestions for relieving the situation at that end of the State.

The Commission on Monday and Tuesday next will hold public hearings at Buffalo; on the following Wed-

nesday, at Rochester; Thursday, at Syracuse; Friday, at Utica; and Saturday, in Albany.

That these hearings will be productive of excellent results is beyond question, and I feel that enough information will be gathered to make certain a solution of this great industrial problem, which will be as fair to the real estate owner and the manufacturer, as we have so zealously insisted it should be for the men and women workers of the State.

Letter to Hon. Leon R. Taylor, Acting Governor of the State of New Jersey on Constable Hook Nuisance

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *November 15, 1913*

HON. LEON R. TAYLOR, *Acting Governor, State of New Jersey, Trenton, N. J.:*

SIR:—In pursuance of a resolution passed by the New York Legislature in June, 1908, for the purpose of investigating the various complaints made by residents of the county of Richmond, that within the State of New Jersey and the city of Bayonne, at Constable Hook in said city, there are now maintained and operated certain extensive plants, furnaces, smelters, ovens and other appliances used in the manufacture of chemicals, the refining of oil, the roasting, reducing, smelting, manufacture and production of sulphur, copper ores and other products, and that such manufacturing plants are constantly generating and causing to be discharged over the territory comprising Richmond county, vast quantities of noisome and disagreeable smoke, fumes, effluvia, noxious and poisonous vapors and gases, which injure or endanger the comfort, repose, health or safety of a considerable number of persons, citizens of Richmond county, the State Com-

missioner of Health was appointed and directed by the then Governor of the State of New York, Honorable Charles E. Hughes, on December 21, 1908, to report on the damage done in the county of Richmond, State of New York.

An examination into the matters alleged in said complaints, and into the questions affecting the security of life and health in the locality aforesaid, in the county of Richmond, was undertaken, which lasted two weeks, and during which thirty-three witnesses were examined. A second investigation was made by the same official on the Governor's order in November, 1909.

A third investigation was made by the same official, which lasted from June 5, 1913, to June 25, 1913, and a full and complete report and review of the facts and evidence presented in the said investigation, comprising field observations, laboratory tests, and a study of the meteorological records, made at a season and time when atmospheric and other conditions afforded a better opportunity than that afforded in 1908 and 1909 to study and determine the effect of the operations of the industrial plants at Constable Hook, with reference to the nuisance created in Richmond county. The following conclusions have been reached:

1. That on Constable Hook in the city of Bayonne in the State of New Jersey, there are located and maintained a number of corporations and industrial plants, some of which are engaged in the refining of ores and other operations of a similar or allied nature.

2. That from the stacks and buildings of certain of these plants smoke, gases, fumes and vapors are emitted either continuously or intermittently, which, under certain atmospheric conditions, descend and pass over Richmond county and the Kill van Kull.

3. That these smokes, gases, fumes and vapors are emitted in large quantities and contain, in addition to

the smoke of combustion of coal, coke and oils, certain fumes and gases containing compounds of sulphur, nitrogen and arsenic.

4. That these smokes, gases, fumes and vapors are generally of an objectionable, disagreeable and injurious nature, which affect the free passage of light, offend the senses of sight and smell, irritate the throat and interfere with breathing, and poison and injure vegetation.

5. That according to the statistics secured from the United States Weather Bureau for this district, covering a period of about seven years, it is estimated that there were about 500 days, representing about 20 per cent. of the number of days included in this period, in which the direction of the wind and other atmospheric conditions were such as to cause the smoke, gases, fumes, and vapors to descend and pass over and upon the Kill van Kull.

6. That when these smokes, gases, fumes and vapors descend and pass over and upon Richmond county, and the Kill van Kull, a public nuisance is created in said county of Richmond and upon the Kill van Kull by reason of the offensive, irritating, poisonous and otherwise objectionable and injurious nature of said smoke, gases, fumes and vapors.

7. That the plants largely, if not wholly, responsible for the conditions above referred to and the resultant nuisance, are the Bergenport Chemical Company, the General Chemical Company, the Standard Oil Company, the Tide Water Oil Company and the International Nickel Company (Orford Copper and Sulphur Company).

8. Of these five plants thus responsible for these conditions, the plants of the Bergenport Chemical Company, the Standard Oil Company and the International Nickel Company (Orford Copper and Sulphur Com-

pany) are, in my opinion, owing to the character of the products manufactured, the magnitude of the operations carried on within the plants and the relative distances of these plants with reference to Richmond county, more largely responsible for the nuisance in Richmond' county, and on the Kill van Kull than are the plants of the General Chemical and the Tide Water Oil Company.

9. That within the limited time and the facilities available for making the investigation, and without a more comprehensive and complete, and possibly technical investigation, carried on over at least one season, or a number of seasons, it is impracticable to differentiate with any degree of accuracy the real share of responsibility which these five plants have in the nuisance created in Richmond county and on the Kill van Kull.

10. That the plants of the Columbia Oil Company, the Pacific Coast Borax Company, the Bergenport Sulphur Company, the Vacuum Oil Company and the corporations of Fenaille & Despeaux, F. W. De Voe and C. T. Reynolds are not to any appreciable extent responsible for the condition above referred to and the resultant nuisance.

11. That since our investigation of 1908 and 1909, certain changes have been made or have resulted in the construction and operation of the plants of the International Nickel Company (Orford Company) and the Standard Oil Company, which, in the case of the Standard Oil Company, have considerably lessened the share for which that company was responsible in the conditions above referred to, but which, in the case of the International Nickel Company, have considerably increased the share for which that company was responsible in the said conditions.

12. That the nuisance now created in Richmond

county as a result of the operations of the plants on Constable Hook, considered as a whole, irrespective of the proportional parts now shared by each of the plants responsible for it, and notwithstanding the improvements referred to in connection with the plant of the Standard Oil Company, is appreciably greater than it was in the years 1908 and 1909.

13. That no other corporations or individuals on Constable Hook in addition to these enumerated in my last report, were found to share in the responsibility for the nuisance created in Richmond county and on the Kill van Kull.

The report makes out an alarming state of affairs and as Governor of the State of New York, I conceive it my duty, in pursuance of said resolution, to call your attention thereto, and to request you, as Governor of the State of New Jersey, to take steps to prevent a continuation of the methods for the refining of oil, the smelting and refining of ores, and other operations of a similar or allied nature used by these corporations, residents of the State of New Jersey, in so far as they affect, injure or endanger the comfort, repose, health or safety of the citizens of safety of the citizens of Richmond county.

I am sending you under separate cover, twelve copies of this report for your convenience.

Very respectfully,

(Signed) MARTIN H. GLYNN

**Resolution Adopted by the Central Federation of Labor,
Albany, New York**

HON. MARTIN H. GLYNN,

Governor, New York State,

Executive Chamber, Capitol, Albany, N. Y.:

DEAR SIR.—The attached preamble and resolution were unanimously adopted at the last session of the

Central Federation of Labor of Albany, N. Y., as an acknowledgment, on its part, as an element of the labor organizations of this great State, of the splendid Workmen's Compensation Law that you have prevailed on the Legislature to enact. When your work as Executive will have ceased, and for all time to come, it will be a rich tribute and a lasting memorial of the regard with which you treated the working man and woman of New York State.

May all your acts as Executive of the Empire State win for you the good will of the people in the same measure and to the same extent that this has, is the wish of the working people of Albany, N. Y.

Very truly yours,

(Signed) JOHN J. DILLON,

45 Second St., Albany, N. Y.

Secretary of the Albany Central Federation of Labor.

ALBANY, *December 17, 1913.*

(EXTRACT FROM MINUTES OF ABOVE DATE.)

"On motion of Delegate William J. Moore of Machinists' Local No. 426, the following was unanimously adopted:

"WHEREAS, We have secured within a few days the most humanitarian and progressive legislation ever secured by the labor men of this State in the enactment of a comprehensive and workable compensation act for injuries sustained by workmen while at their daily toil; and

"WHEREAS, This great victory is due almost solely to our fellow-townsmen, Hon. Martin H. Glynn; and

"WHEREAS, In a speech in New York City on Friday evening last, President Samuel Gompers of the American Federation of Labor referred to the act as 'the best compensation bill in the world; ' therefore, be it

“ *Resolved*, That the Central Federation of Labor of Albany and vicinity tender to Governor Glynn its most hearty congratulations and appreciation of this most humane act in preparing and making into law the most progressive legislation ever enacted by a New York Legislature; and be it further

“ *Resolved*, That the officers of this Federation of Labor prepare and mail a copy of this sentiment to Governor Glynn, and publish the same in the Albany newspapers and the Official Record of the Central Federation of Labor.”

(Signed) JOHN J. DILLON,
45 Second St., Albany, N. Y.
Secretary Central Federation of Labor.

Letter to the State Board of Estimate

DECEMBER 28, 1914

To the Board of Estimate:

GENTLEMEN: I have received a tabulation of appropriations desired by the several departments and institutions for the coming year, together with a statement of general and legislative appropriations which are submitted but not recommended by the Comptroller.

The amount of the appropriations set forth in this tabulation is \$70,092,737.86, an increase of \$6,218,034.45 over the requests made to the Legislature last year, and \$22,193,210.12 more than the amount appropriated by the Legislature of 1914. To meet these requests, the estimated revenue for the next fiscal year is \$43,260,786.60.

These facts present a problem upon which the Board of Estimate must act with judgment and determination.

For the present year the State has kept its expendi-

tures within its revenues. A direct tax has been avoided, the accumulation of departmental deficits has been discouraged. State need and not local greed has been the measure of appropriations. The estimated surplus for October 1, 1914, was \$5,000,000. We actually increased this surplus \$7,000,000, and on October 1, 1914, there was a surplus of \$12,000,000 in the State treasury.

It would be unfortunate if the financial affairs of *the State were permitted* to revert to the careless and wasteful condition which prevailed before the reforms I mention were instituted.

There were impelling reasons why the State government should practice economy during the present year. These considerations are still operative and the people of New York are now bearing besides the federal corporation tax and the federal income tax, an additional burden in the form of the war tax.

If it was inadvisable last year to appropriate State money except for the demonstrated necessities of State government, it is doubly inadvisable now when federal taxation has increased and business generally is attempting to economize and adapt itself to the situation created by the European war.

This year the Legislature was able to meet every legitimate request for money with a total appropriation of less than \$48,000,000. I can see no possible excuse for increasing this sum to \$70,000,000 during the coming year.

I have examined the requests for appropriation with great care and am absolutely convinced of two things.

First, the total supply bill requested granted by the Legislature should not amount to more than \$500,000. The requests in which I find a measure of merit do not total anywhere near that sum. Since the State's revenues for the present year exceed the appropria-

tions I signed by more than a million dollars, the Legislature can grant supply bill requests amounting to \$500,000 and still enable the State to live, as it should, within its revenue.

Secondly, a direct tax was avoided this year by limiting appropriations to the actual needs of the various State departments and by itemizing these appropriations. The appropriations for the next year can be kept under \$48,000,000 by the same procedure. A direct tax would have been an imposition this year; it will be inexcusable next year. We avoided waste this year by itemizing appropriations. There is no excuse for inviting extravagance by failing to itemize next year's appropriations.

Of the \$70,000,000 of appropriations requested more than \$5,000,000 is for supply bill appropriations. The greater part of these supply bill requests were considered when this year's appropriations were made and were refused for good and sufficient reasons. The proposed supply bill is largely made up of items providing for increased salaries, for an increased number of employees, for increased allowances, for increased office and travelling expenses and for increases in the money allowed for the maintenance of departments and institutions.

All such requests for appropriations should be refused. Every department and institution had an appropriation available at the beginning of the present fiscal year sufficient for ordinary purposes. To permit these departments and institutions to beguile the Legislature out of additional sums would be to encourage waste and extravagance.

The supply bill as a pork barrel bill has no reason for existence. The only justification for deficiency items is an emergency which could not have been foreseen when the original appropriations were made.

I do not mean to say that there are no requests for deficiency appropriations which should be considered. For instance, the department of the Secretary of State has asked for \$36,000 for temporary services. I am given to understand that this appropriation is desired in order to take the census. All necessary money should be granted for this purpose, but instead of a lump sum appropriation, an itemized and specific statement should be prepared showing the precise requirements for the census and this should be made the basis for an appropriation.

The Public Service Commission asked for \$1,500,000 for the elimination of grade crossings. As no money can be expended for this purpose until the contracts have been made and executed with the railroad companies and all the work of elimination completed, it ought to be evident that this appropriation should go in the next appropriation bill and made available, not for this year, but for the next fiscal year. There is no reason why this State should tie up its money and permit it to remain useless for a year.

The item in the supply bill for the payment of taxes to county treasurers represents a proper supply bill request. Whatever amount is actually owing to the counties for back taxes should be provided for and paid.

The Legislature cannot scrutinize requests for appropriations too closely. It should be informed of the requirements of each institution before a single cent is appropriated. Through intimate knowledge of the needs of the State hospitals, for instance, State officials during the past year were able to avoid expenditures for temporary expedients and provided for an increase in the accommodations of the State hospitals by putting through plans for adding another story to institu-

tions already in existence. This increase will be made possible without an appeal to the Legislature for a single cent through the judicious use of money already appropriated for repairs.

The purpose of the Board of Estimate is to assist the Legislature in arriving at the exact information which is necessary to the drafting of intelligent appropriation bills. In the task of reducing the \$70,000,000 of requests for appropriations to a sum within the revenue of the State, the Board must largely be guided by the experience of the present year. Every State need which was foreseen was provided for this year with an appropriation of less than \$48,000,000. By insisting upon the policy of economy already instituted, by frowning upon appropriations which do not benefit the State as a whole, by opposing all increases in expenditures which are not mandatory, by basing recommendations for appropriations, not upon guess work, but upon actual figures and actual needs, by compelling the minute itemization of every request for appropriations, the Board of Estimate can point the way for the Legislature to guard the interests of every State department and at the same time respect the rights of the taxpayers of New York.

(Signed) MARTIN H. GLYNN

Impromptu Remarks to Members of Legislature Who Called at Executive Chamber After Adjourning Their Extraordinary Session

Gentlemen, I want to thank you for this call to bid me an official good-bye for this session. We have made history in more ways than one in this session, and I believe that of all the weeks of this long session this

week will live most vitally in the history of New York's Legislature of recent years, and for this reason. We have guaranteed the people of the State freedom of speech, but until we passed the laws that we did pass this week, we have never given the people freedom of vote either in primaries or on election day. And we have given to the poor man, the laboring man, freedom from the wolf of privation, and we have given to his widow assurance that she will not become an object of charity and to his children assurance that they will not become inmates or reside in a poorhouse.

The first laws, the Election Law and the Primary Law, were political matters. The Workmen's Compensation Act is an humanitarian act to my way of thinking, to be ranked among the acts that liberate men from slavery. We are now liberating the workingman from the fear of privation and poverty when we implant in his mind that though he may lose his life in the peaceful avocations of trade, that behind him is a guarantee of protection for his widow and an education for his children. And to my way of thinking you make every workingman a king in thought if not a king in possessions.

I have been in politics since I was twenty-five years of age. I have always fought for what I thought was the right thing, but I never fought for a thing in my life in which I took as much interest and as much pride as this Workmen's Compensation Act. Most men probably think more of the direct primary act, but I for one do not, and I want to thank every member of this Legislature, Democratic, Republican and Progressive, for the aid that you have given me in making history this week. I want to thank the leaders of my own party for they have stood side by side with me in the toil of the last week from early in the morning until early

next morning. It would be invidious to name them, but Wagner has been at my side through all of this, and Smith helped, and Murtaugh, and Blauvelt, and Foley and others, and the Republicans and Progressives helped by their votes upstairs. It is a family affair. They have all helped. They have all made history, and with the thought of that history I want to thank you again and wish you all a Merry Christmas and a Happy New Year.

Letters on Suppression of Grasshopper Pest

STATE OF NEW YORK — EXECUTIVE CHAMBER

ALBANY, *July 14, 1914*

HON. CALVIN J. HUSON, *Commissioner of Agriculture,*
Albany, N. Y.:

DEAR SIR.—Reports have reached me that Fulton, Hamilton and Montgomery counties are being devastated by a plague of grasshoppers and that these pests are destroying valuable crops in spite of all that the farmers and local authorities can do to halt their progress.

I am further informed that the plague is spreading from the districts already affected to adjoining counties, and that unless immediate and decisive action is taken the crops of the entire State will be seriously affected.

I therefore direct you to begin an active and thorough campaign against these insect pests and request that you take personal charge of such campaign, using the entire resources of your department and employing whatever additional labor you may think advisable. It is not necessary for you to wait for a special appropriation to hire labor and to purchase

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whatever supplies may be required for the extermination of these pests. At my request the last Legislature passed an act enabling the Comptroller at any time to borrow \$50,000 or such part thereof as might be needed, for this precise purpose. I shall direct the Comptroller to place all necessary funds at your disposal.

Kindly report to me the exact conditions you encounter at the beginning of your campaign against these pests, and keep me regularly informed as to the progress and success of your efforts to stamp out this growing menace to the agriculture of the State.

(Signed) MARTIN H. GLYNN

Commissioner Huson immediately responded to the Governor's request. In acknowledging Governor Glynn's letter he said:

"I will at once personally go over the inspected area, accompanied by Dr. Atwood, our Chief Horticulturist, and ascertain the exact conditions existing, and take such action as may be necessary to relieve the situation.

"While the regular appropriations for this department are not available for work of this character, your foresight in urging the enactment of the law directing the Comptroller to borrow money up to \$50,000 for emergency work of this character will enable this department to meet the situation.

"I will report to you conditions as soon as a thorough inspection is made, and keep you advised as to the progress made in protecting our agriculture from further ravages."

(Signed) CALVIN J. HUSON

STATE OF NEW YORK—EXECUTIVE CHAMBER

ALBANY, *July 16, 1914*

Dr. AUGUSTUS S. DOWNING, *Acting Commissioner of Education, State Education Department, Albany, N. Y.:*

DEAR DR. DOWNING.—I am most anxious to afford to the farmers of Fulton and Montgomery counties the most efficient aid in subduing the grasshopper plague.

To this end I have requested the State Commissioner of Agriculture to go to those counties and lend every possible assistance. In conjunction with the Commissioner I would ask you to direct the State Entomologist to repair to these counties and render every assistance possible both to the State Commissioner of Agriculture and to the farmers in that vicinity, in order that these pests may be controlled and the damage caused by them minimized as much as possible.

(Signed) MARTIN H. GLYNN

**Message to Honest Ballot Association, December 9,
1913**

TO THE MEMBERS OF THE HONEST BALLOT ASSOCIATION:

My regret at this necessary absence from your dinner is considerable. There is very real pleasure for me in an evening spent among those who are pledged, as you are, to ballot reform.

I feel, however, that you yourselves would wish me to remain in Albany while the fight for a better ballot is in progress. While you are meeting to discuss the progress already made in the good fight, your representatives at the Capitol are trying to give the State a law

which will make every ballot an honest ballot, and, what is more, an intelligent ballot. You can rest to-night from this struggle; we at Albany are still on the firing line.

We are working to give the State a direct primary and a ballot which will make this direct primary something more than a name. We are trying to permit the voters of New York to select their candidates without organized interference and to elect their public officers like men and not like sheep. When we have accomplished this, our duty in the matter will have ended and yours will have begun.

Sensible men do not believe that legislation can cure political ills any more than the reading of a doctor's prescription can cure the ills of the body, but legislation can provide a remedy which, if properly used by the citizen, will relieve each distress of the body politic.

Associations such as yours can do a great and needed work in this respect. Legislatures can provide the citizen with the proper remedies for the things that vex the State. Your Association, and the many other splendid organizations which are working for good citizenship, can serve by persuading the voter to make intelligent use of these remedies.

The need of the present is education. Not education in the three R's but in the three P's—principle, persistence and patriotism. Belief in the betterment of one's fellowmen, hope and courage that prevail over all obstacles, a generous love of country—these three will solve every problem that the Republic must meet.

If I were with you tonight I would speak of your duties and your privileges as political educators. I would congratulate you on the good work already performed and join with you in planning for future achievements. The fires which good citizens keep alive

are holy. And an association which is dedicated to the task of keeping sacred the ballots through which America directs its destiny, has a proud labor, an inspiring opportunity.

(Signed) MARTIN H. GLYNN

Statement in Regard to the Purchase of Coal for All State Institutions Through a Joint Purchasing Committee

In pursuance of his program of economy the Governor some time ago took up the problem of buying coal for all the State's institutions through a joint purchasing committee. Heretofore separate departments and separate institutions have bought their coal without regard to what other departments and other institutions were doing.

Early in March the Governor called in a consulting engineer and requested him to draw up specifications for every institution in the State. Last year the State spent approximately \$1,000,000 for coal. This coal was bought through local dealers, and under varying conditions. The coal was purchased in many cases simply by weight without regard to the amount of heat contained in the coal. The unofficial committee appointed by the Governor decided to buy this year's coal on a heat basis and provided for certain deductions in case the coal delivered did not come up to requirements. Despite this provision, and despite the fact that the market price of coal is considerably higher this year than last, the bids accepted were actually lower than the bids for last year.

In the Hospital Department the bids were \$17,797.18 lower than last year for the same grades of coal, and

adding the increase in the market price of coal from April, 1913, to April, 1914, the total saving in the Hospital Department was \$31,286.40. In the Prison Department the accepted bids were \$4,214.36 lower than last year, and including the difference in market prices, show a saving of \$7,843.15. In the Fiscal Supervisor's Department the net saving between the coal of last year and the coal of the present year was \$13,368.81.

Furthermore the consulting engineer called in by the Governor has recommended that certain slight changes be made in the boiler houses of various institutions in order that these institutions may burn less expensive coal. In the Hospital Department this change will mean a saving of \$26,250.44; in the Prison Department, a saving of \$16,950.08; in the Department of Public Buildings, \$10,139.50. In other words, on the basis of the bids received by the joint purchasing committee, it will be possible for the State to save \$105,736.38 over the cost of last year's coal. In this saving the economy through the heat unit system is not computed. In this system the State will not be obliged to pay for heat that it does not receive. For every dollar expended by the State a dollar's worth of heat must be delivered to the State's boilers.

The significance of the success which has attended the Governor's attempt to buy the State's coal through joint action lies in the fact that it proves that the State can profitably purchase its supplies at wholesale. The State will now buy its coal in the same manner that large private corporations purchase theirs. The first step has been taken to apply business methods to the purchase of the State's supplies.

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