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TESTIMONY

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TAKEN BEFORE THE

ASSEMBLY COMMITTEE

ON

PUBLIC LANDS AND FORESTRY,

CONCERNING THE

Administration of the Laws in Relation to the Forest
Preserve by the Forest Commission, Etc.

ALBANY:

JAMES B. LYON, STATE PRINTER..

1891.

TESTIMONY

TAKEN BY THE

Assembly Committee on Public Lands and Forestry Concerning the Administration of Laws in Relation to the Forest Preserve by the Forest Commission, Etc.

ALBANY, N. Y., THURSDAY, *January 22*, 1891.

Meeting of the committee on public lands and forestry of the Assembly, in the Assembly parlör, Capitol, Albany, N. Y.

The committee met for organization at 12.15 P. M.

Present — Mr. Ryan, chairman; Messrs. Connelly, Davie, Hitt, Cameron, Dempsey, G. H. Bush, H. J. Lane and Dickinson.

Absent — Messrs. W. L. Brown and Gifford.

The resolution of the Assembly, directing the committee to make the investigation, was read by the chairman, as follows:

On motion of Mr. George H. Bush:

Resolved, That the committee on public lands and forestry be and it is hereby authorized to undertake and prosecute, during the present session of the Assembly, a general inquiry concerning the administration of the laws in relation to the forest preserve by the forest commission, and to report what, if any, changes in the present laws are necessary to better protect the forests belonging to the State, with power of itself, or by any subcommittee of its own members, which it may appoint, to summon witnesses and to examine them under oath, to send for and examine books and papers, and to hold meetings at such times and places as to such committee or subcommittee may seem requisite and proper, and the committee is hereby authorized to employ a stenographer.

Adopted January twenty-one.

Mr. Hitt moved that the selection of a stenographer be left to the chairman.

Adopted.

Mr. Connelly moved that the committee procure copies of the New York Herald, and such other newspapers as have contained articles relating to the forestry commission:

Adopted.

Mr. Hitt moved that the committee meet on Tuesday, January twenty-seven, at 9.30 A. M., in executive session.

Adopted.

Mr. Hitt moved that Mr. G. H. Bush take the necessary steps to have subpoenas prepared and printed.

Adopted.

The committee then adjourned to meet in executive session on Tuesday, January 27, 1891, at 9.30 A. M.

TUESDAY, *January 27, 1891.*

The committee met at 9.30 A. M., in the Assembly parlor, and went into executive session, there being present, Messrs Ryan, Connelly, Hitt, Cameron, Dempsey, G. H. Bush, H. J. Lane and Dickinson.

Adjourned to Wednesday, January 23, 1891, 1.30 P. M.

WEDNESDAY, *January 28, 1891.*

The committee met at 1.30 P. M., in the Assembly parlor, and went into executive session.

Adjourned to Thursday, January twenty-ninth, 10 A. M.

THURSDAY, *January 29, 1891.*

The committee met at 10 A. M. in the Assembly parlor, and went into executive session.

Adjourned to this (Thursday) evening, 7 o'clock.

THURSDAY, *January 29, 1891.*

The committee met at 7 P. M. in the Assembly parlor.

Chairman RYAN.—The clerk will call the roll of the committee.

The clerk called the roll and the following members of the committee were found to be present: Mr. Ryan, Mr. Connelly, Mr. Hitt, Mr. Cameron, Mr. Dempsey, Mr. G. H. Bush, Mr. H. J. Lane, Mr. Dickinson and Mr. W. L. Brown.

Chairman RYAN.—Under the resolution adopted by this committee on January 22, 1891, authorizing the chairman to employ a stenographer, I have secured the services of Mr. Geo. C. Appell, who is present.

Mr. HITT.—I don't suppose it is necessary, Mr. Chairman, but I move that the action of the chairman in selecting Mr. Appell as stenographer to this committee be ratified and approved.

Said motion carried unanimously.

Mr. HITT.—Mr. Chairman, I offer the following resolution:

Resolved, That the stenographer to this committee be directed to furnish for the use of the committee and its counsel twelve typewriter copies of the evidence and proceedings in this investigation.

Said resolution unanimously adopted.

Mr. G. H. BUSH.—I now move that we go into executive session.

Said motion adopted.

The committee then adjourned to meet immediately after the adjournment of the Assembly to-morrow morning.

ALBANY, N. Y., FRIDAY, *January 30, 1891.*

The committee met at 11.30 in the Assembly parlor.

The CHAIRMAN.—The clerk will call the roll of the committee.

The clerk called the roll and the following members of the committee were found to be present: Messrs. Ryan, Connelly, Hitt, Cameron, Dempsey, G. H. Bush and Gifford.

The following is the Assembly resolution authorizing the employment of counsel:

Resolved, That the committee on public lands and forestry, to which was referred the resolution directing an investigation of the manner in which the laws in relation to the forest preserve are administered, etc., reported in favor of the adoption of the following:

Resolved, That the committee on public lands and forestry be authorized to employ counsel to assist them in the investigation of the manner in which the laws in relation to the forest preserve are administered.

Adopted.

Mr. G. H. BUSH.—I now renew the motion, which I made in executive session last night, that Charles D. Adams be employed as counsel to this committee.

Said motion adopted by the following affirmative vote: Messrs. Ryan, Connelly, Cameron, Dempsey, G. H. Bush and Gifford.

The committee then adjourned to February 4, 1891, 7 P. M.

ALBANY, N. Y., *February 3, 1891, 7 P. M.*

The committee met pursuant to adjournment, all being present except Mr. Gifford.

Appearances:

For the committee.—Hon. C. D. ADAMS.

For the Forestry Commissioners.—J. NEWTON FIERO, ALBERT HESSBERG and R. P. ANIBAL.

Chairman RYAN.—I believe we are ready to commence the investigation which was ordered by the resolution of the Assembly.

Mr. ADAMS.—Mr. Chairman, in pursuance of my duty I have taken the facts that have come to my knowledge and digested them, and put them in order to produce before the committee the information called for in the resolution. I do not know that it is usual or proper to detail at any great length the line of evidence. I shall endeavor to confine the examination to the subject-matter of the resolution, so as to make this investigation as short, as pointed and as much to the purpose as I am able. I have caused to be subpoenaed from the office of the Secretary of State and from the Comptroller's office clerks or persons in charge of papers to be produced here to-night. I thought that I would to-night put in some documentary evidence laying the foundation of the subsequent examination, to make it the better understood and more intelligent. I desire to now put in evidence certain documents from the Secretary of State's office, and if the clerk from that office is here he will take the stand.

Mr. FIERO.—Pardon me a moment. Mr. Chairman, the commissioners are here in person, except Mr. Knevals, who will be here very directly, having been detained by the train. The commissioners appear by counsel, and I desire to say on behalf of the commission, and as one of the reasons for their appearing by counsel, that they desire the freest, most complete and thorough investigation, and that every means in their power will be taken in order to aid the committee to that end; that so far as counsel are concerned everything on behalf of the commissioners will be furnished this committee, and that the office of the commissioners, its clerical force, and every one connected with it, are at the service of the committee by way of furthering the ends of this investigation.

Chairman RYAN.—Do you appear for the three commissioners?

Mr. FIERO.—Yes, sir; and Mr. Hessberg and Mr. Anibal also appear for the three commissioners.

Chairman RYAN.—Mr. White, the clerk from the Secretary of State's office, will take the stand.

Mr. ADAMS.—We desire to have him sworn, unless his evidence will be received not under oath.

Mr. FIERO.—I presume any documents he may present are all right.

FRANK WHITE, being duly sworn, testified as follows:

Examined by Mr. ADAMS:

Q. Mr. White, do you produce from the Secretary of State's office the articles incorporating the Everton Lumber Company?

A. Yes, sir.

Q. From the document you may state when that company was organized, its capital stock, and the other particulars about it?

A. The certificate of incorporation of the Everton Lumber Company was filed in the office of the Secretary of State on the 13th of April, 1888.

Q. Who were the trustees?

A. The trustees mentioned in this certificate for the first year are named as follows: Henry Patton, of Albany, N. Y.; George E. Dodge, of Morristown, N. J.; David H. Patton, of Albany, N. Y.

Q. What is the capital stock?

A. It is stated to be \$80,000, divided into 800 shares of the par value of \$100 each.

Q. What is the period of existence?

A. It is stated to be fifty years from the date of the filing of the certificate.

Q. Have you the articles of incorporation of the Beaver River Lumber Company?

A. Yes, sir.

Q. When were they filed?

A. The certificate of incorporation was filed in the Secretary of State's office August 14, 1890.

Q. Who are the trustees?

A. The trustees mentioned for the first year are Henry Patton, of Albany, N. Y.; Thomas H. McGraw, of Poughkeepsie, N. Y., and Theodore B. Basselin, of Croghan, N. Y.

Q. What is the capital stock?

A. The capital stock is stated to be \$50,000, divided into 500 shares of the par value of \$100 each.

Q. To exist for what length of time?

A. Thirty years from the date of the filing of the certificate.

Q. And what is the business as stated?

A. The objects are set forth as follows: "To carry on, and assist in carrying on, or conducting the business of manufacturing lumber of every kind and everything made from lumber or wood, and such business as may be incidental thereto, including the cutting of timber and sawing of logs, or procuring the same to be done, and also including the contracting for, purchasing, holding, selling, conveying, mortgaging and managing of such real and personal property and estate as may be necessary or desirable to enable the said corporation to carry on its operations named in this certificate."

Q. Where was the principal place of business?

A. The statement is made that the name of the town and county in this State, in which the operations of said company are to be carried on, are the town of Denmark, in the county of Lewis, State of New

York, and such other towns and counties as may include property owned by said company, or in which it is interested, or that may be convenient for the transaction of such business.

Q. Have you the articles of incorporation of the Trenton Falls Lumber Company?

A. Yes, sir.

Q. When were they filed?

A. Filed in the office of the Secretary of State November 6, 1890.

Q. Who are the trustees named?

A. For the first year the trustees named are: Thomas H. McGraw of Poughkeepsie, N. Y.; Henry Patton, of Albany, N. Y.; David H. Patton, of Albany, N. Y., and Amos C. Hall, of Albany, N. Y.

Q. What is the capital stock and shares of that company?

A. The capital stock is stated to be \$250,000, consisting of 2,500 shares, of the par value of \$100 each.

Q. What is the length of existence?

A. Thirty years from the date of the filing of the certificate.

Q. What is the kind of business?

A. It is here stated as follows: "To carry on, and assist in carrying on, or conducting the business of manufacturing lumber of every kind, and everything made from lumber or wood, and such business as may be incidental or necessary thereto, including the cutting of timber and sawing of logs or procuring the same to be done, and also including the contracting for, purchasing, holding, selling, conveying, mortgaging and managing such real and personal property and estate as may be necessary or desirable to enable the said corporation to carry on its operations named in this certificate."

Q. Where is the office or principal place of business?

A. The name of the town and county in this State in which the operations of said company are to be carried on are the town of Russia, in the county of Herkimer, in the State of New York, and such other towns and counties as may include property owned by said company or in which it has or may have an interest, or as may be a convenient place for the transaction of said company's business.

Q. Turn to the Everton Lumber Company, and what are stated to be the purposes of that company?

A. The objects are stated as follows: "To carry on and assist in carrying on, or conducting the business of manufacturing lumber of every kind, and everything made from lumber, or wood, and such business as may be incidental thereto, including the cutting of timber and sawing of logs, and also including the purchasing, holding, conveying and mortgaging of such real and personal estate as may be

necessary to enable the said corporation to carry on its operations named in this certificate."

Q. The place of business is where?

A. The place of business is stated as follows: "The name of the town and county in which the operations of said company are to be carried on are the town of Brandon, in the county of Franklin, in the State of New York, and such other towns and counties as may include property owned by said company, or in which it has an interest, or as shall be necessary or convenient places for the transaction of said company's business."

Mr. FIERO. — Do you have copies of these papers, or are they to be referred to? There may be something in connection with them that we may want to refer to.

Mr. ADAMS. — I consider the whole paper is in evidence, and we take these extracts from them. Certified copies will be furnished on request. I desire to offer in evidence before the committee the official report of the forest commission for the year 1891, together with the map accompanying the same. Not having a copy I call on the commission to furnish one at the next meeting.

Mr. FIERO. — We will furnish one. You will pardon me, but I suppose you mean the report for the year 1890, handed in to the Legislature of 1891?

Mr. ADAMS. — Very likely. The last report handed in in 1891.

Mr. ANIBAL. — And all that accompanied that report.

Mr. ADAMS. — Yes, sir; all that went to the Legislature. I also desire to give in evidence the report of the Adirondack and State land survey — report of Mr. Verplanck Colvin, transmitted to the Legislature under date of February 24, 1884, of a survey of the State lands in the Adirondack region. This survey was made pursuant to chapter 370 of the Laws of 1878, and chapter 499 of the Laws of 1883. I desire to put that in for the examination of the committee. I now call Mr. Basselin.

THEODORE B. BASSELIN, being duly sworn, testified:

Examined by Mr. ADAMS.

Q. Mr. Basselin are you one of the commissioners of the forest commission? A. I am.

Q. When were you appointed such commissioner?

A. I think it was in 1885; I am not positive.

Q. You have continued a commissioner until this time?

A. Yes, sir; since that time.

Q. You aided in organizing this commission under the act of 1885 — participated in it?

A. Yes, sir.

Mr. ADAMS.—I call the attention of the committee to section 5 of the act of 1885, in regard to the organization, that "The forest commission shall have power to employ a forest warden, forest inspectors, a clerk, and all such agents as they may deem necessary, and to fix their compensations."

Q. In the organization, was there a secretary?

A. Yes, sir.

Q. Who was he?

A. Abner L. Train.

Q. Has he continued secretary from that time to this?

A. Yes, sir.

Q. What compensation has he received since his appointment?

A. I think it is \$2,000.

Q. Is there a warden?

A. Yes, sir.

Q. When was he appointed?

A. Well, he was appointed shortly after the organization; I couldn't tell the date exactly.

Q. Who was he?

A. Samuel F. Garmon.

Q. Has he continued as warden since that time until now?

A. Yes, sir.

Q. What salary does he get?

A. I think the secretary and the warden get \$200 a month; I am not sure of it; it has slipped my mind exactly what the compensation is.

Mr. ANIBAL.—You changed it afterwards.

The WITNESS.—Two thousand four hundred dollars a year, I think it is.

Q. How many assistant wardens?

A. One.

Q. When was he appointed?

A. I think somewhere about a year afterwards; I am not positive.

Mr. ANIBAL.—Here is one of the reports. We comply with your request very readily.

Chairman RYAN.—It will be received.

Q. He was appointed about a year after the organization?

A. Yes, sir; I think somewhere along there.

Q. Who was the appointee?

A. William F. Fox.

Q. Has he continued until this time?

A. Yes, sir.

Q. What compensation does he get by the year or month?

A. That is more than I can tell you; I don't remember what the compensation is.

Q. How many inspectors?

A. There were two.

Q. When were they appointed?

A. Well, two of them were I think appointed shortly after the warden; just precisely when I couldn't tell.

Q. What compensation was fixed for them?

A. If my memory serves me right I think one received \$1,500 a year and the other received \$1,000 a year.

Q. Who were the assistants at that time?

A. Frank Carpenter and Locke.

Q. What Locke was it?

A. I forget his name; John, I think.

Q. Have they continued until now?

A. Mr. Carpenter is dead.

Q. Anyone appointed in his place?

A. Yes, sir.

Q. When?

A. Shortly after he died.

Q. When was that?

A. That is more than I can tell you from memory; I should say somewheres about a year ago; I should judge somewheres along there; Mr. Burke is the inspector and he was appointed about a year ago.

Q. You state they had \$1,500 a year?

A. One had \$1,500 and the other \$1,000.

Q. How many foresters were appointed?

A. I would say fifteen.

Q. What pay did they get?

A. They got forty dollars a month.

Q. When were the fifteen foresters appointed?

A. That is more than I can tell you; they were appointed along after the formation and organization of the commission; I couldn't tell you exactly the date of their appointment.

Q. Did you appoint the whole fifteen?

A. We appointed until there were fifteen, at one time, I think.

Q. Is that the number of the foresters now?

A. I don't think so; I think there are thirteen now.

Q. Is there any record in the office to show the appointment of the several foresters, and the time they each continued in office, and the number at the present time?

A. I presume there is; there ought to be.

Q. Is there any book of minutes of the proceedings of the commissioners?

A. I so understand there is.

Q. In which there is a record of their meetings and of their doings?

A. Yes, sir; I think so.

Q. In that book of minutes would the several appointments and the salaries appear?

A. I think so.

Q. And I suppose it was acted upon by the whole board?

A. That was the intention.

Q. Will these minutes show the residence of each of the foresters?

A. There must be a record in the office somewhere of the residences.

Q. Can you now name the inspectors or the foresters now in office, and where they live, without reference to the books?

A. No, sir; I don't think I could name them all; I could name most of them.

Q. At the next meeting will the books be brought here that show that information?

A. If you so desire it.

Q. I do; what are the duties of the foresters?

A. To look after the woods, patrol the woods, and see in regard to fires and depredations, and report to the office anything they may find pertaining to their duties.

Q. How are the duties defined—by any action of the commissioners entered in any papers, or documents, or minutes?

A. I think that all of them were sent a copy of the law under which we hold our existence, and were instructed either orally or by written—

Q. (Interrupting.) That is the point I am coming at—whether there was any prescribed duty of the forester by the action of the commissioners as an official body, and if so, where can we find any record of it?

A. If there is anything of that style it is in the office.

Q. The question is whether you know that their duties were prescribed?

A. My memory does not take me back as far as that.

Q. You say they were to patrol the woods and make examinations and make reports; reports to whom?

A. To the office.

Q. How were those reports to be made?

A. They were to be made in writing, otherwise orally.

Q. Which, in writing or orally?

A. Both.

Q. Were reports made from time to time to the office by the foresters?

A. There were.

Q. Where are those reports?

A. I presume in the office.

Q. Were they preserved and kept on file?

A. Yes, I expect so.

Q. Can be now seen?

A. Yes, sir.

Q. What was the nature of the reports?

A. They have been reported to the board whenever we met.

Q. You have seen these reports in your official meetings?

A. Yes, sir.

Q. What was the general nature of the reports?

A. Regarding trespasses committed, fires, and such other reports as were asked for from time to time.

Q. To whom were the verbal reports made, if there were any?

A. To the warden and to the secretary, I presume, and inspectors.

Q. If they were made, you say; have you any knowledge that verbal reports were ever made by the foresters to the warden and inspectors.

A. I had no knowledge of it myself, not that I remember of now.

Q. Have you any official knowledge?

A. We have official knowledge —

Q. (Interrupting.) I mean of the verbal reports and what was contained in them?

A. I can't say, I have.

Q. So all the official knowledge you can speak of in regard to the reports is as to the written reports which were sent in to your board at the official meetings?

A. If there were any oral reports made, they were reported to the board, and were acted upon accordingly.

Q. What duties did the inspectors have delegated to them?

A. One of them was to be in the office, as I understand, to receive the reports from the different foresters, and for such other duty as we deem necessary, to send them out whenever it was required.

Q. Their business was to receive reports in the office of the foresters, to bring them to the office and file them, and bring them to the official notice of the commission?

A. Yes, sir.

Q. Now as to the warden, what is his duty?

A. He had a general supervision of the woods; he acted as our main man in looking after trespasses, and getting up evidence and prosecuting suits; looking after the foresters and inspectors, and had charge of the outside force of the office.

Q. In what form or manner were his duties prescribed — his orders given to him — in writing or by word of mouth?

A. I presume a copy of the law was given him and instructions.

Q. Were there any rules or regulations prescribing his duties?

A. I can't remember as to that; I can't tell.

Q. Were written instructions given to him officially from the board?

A. Sometimes.

Q. Were copies of those instructions entered in the minutes and preserved in the office?

A. I presume so.

Q. Do you know?

A. I couldn't tell you positively; we gave our instructions to the warden and the secretary.

Q. If they exist I want to know about them?

A. I think you can get that from the office.

Q. You have no memorandum about it?

A. I am unable to state at the present time.

Q. His direction and business was to perambulate the woods and marshal the forces and take care of them?

A. To look after that generally.

Q. Did the commissioners go into the woods and personally examine the lands, personally look after the business, and personally see to the foresters?

A. We do to a certain extent.

Q. To how much of an extent?

A. All that I think was required.

Q. That don't mean anything; to what extent; how many times did you ever go out into the woods?

A. I myself personally went a great many times; some of the other commissioners I couldn't tell about.

Q. Where did you go?

A. All through the woods; not all through, but through a great part of them.

Q. Where did you go in the woods?

A. Well, I think I went through almost every county in the preserve, with the exception of the Catskills.

Q. How many times did you yourself ever go through?

A. I should say half a dozen or ten times, probably.

Q. With whom did you go?

A. Sometimes with the warden and sometimes with one of the commissioners, and sometimes I went alone.

Q. Do you recollect any occasion when you went with the warden or anyone else where you went and whom you saw?

A. We saw a great many people; I couldn't tell who we saw.

Q. Can you recollect one single occasion so as to reproduce it in substance before the committee?

A. It would be a difficult matter to say exactly whom I had seen; I saw a great many people; I would speak with every one anywhere wherever I went.

Q. So the warden represented the commission in the lands, and attended to the principal part of the business, and it was only an occasional thing that you went out?

A. Well, yes; that is my understanding of it.

Q. Do you know whether Mr. Cox went up through the Adirondack region?

A. I heard him say so.

Q. Do you know whether Mr. Knevals went with his club?

A. He took a trip with me when we went through from one side to the other.

Q. Where did you go and where did you come out?

A. We started in at Moira and went through to Paul Smith's, and through to the Prospect House, and Bartlett's and Martin's; upon that occasion Mr. Knevals accompanied me as far as Smith's lake, and I went home that way, he returning the other way.

Q. Anyone but you and Mr. Knevals?

A. The warden.

Q. Did you see any of the foresters upon that occasion?

A. I don't recollect whether I did or not.

Q. How long were you upon this trip?

A. About three weeks.

Q. Any one go with you except the warden and Mr. Knevals?

A. I think Mr. Knevals' wife accompanied him.

Q. And did you devote yourselves to the pleasures of the woods during any portion of the time?

A. It is always a pleasure to go through the woods.

Q. My question was whether you devoted any of the time to those pleasures—fishing or hunting or camping?

A. I myself did neither fishing or hunting.

Q. Are you familiar with this survey made by Mr. Colvin and submitted to the Legislature?

A. I know of it generally.

Q. You never examined it, did you?

A. I never examined it minutely; I have read his reports; I have a general sort of knowledge of them.

Q. Did you examine carefully into the details of his surveys for finding the lines of the old patents that had become obscured and the re-erection of monuments that had become obscured?

A. Nothing more than I sometimes struck his lines and saw some of his monuments.

Q. Did you ever follow up any of his lines?

A. I have a general idea of the shape of the land, but I never followed up any of his surveys to verify them.

Q. All you can say about that document is that your examination was cursory and you have utilized to no extent any of its information?

A. We have utilized it whenever it was necessary; whenever it was called up.

Q. Have you ever made any use of the information contained in Colvin's report?

A. That is something more for the warden.

Q. I speak of the commission now?

A. Well, no, sir.

Q. You think that belongs to the warden to do—he ought to have known about that?

A. Yes, sir.

Q. What State lands were there in 1885 when you were appointed to this public duty?

A. I couldn't give you the exact acreage; that is a matter of record in the office.

Q. About how many acres?

A. Somewhere between 800,000 and 900,000 is my recollection now.

Q. How were those lands acquired by the State?

A. Well, some of them, I presume, largely by taxation; I couldn't say.

Q. Did you ever study up the sources of the title of these lands that you found belonging to the State when you came into office?

A. No, sir.

Q. Never have studied it up?

A. No, sir.

Q. Do you understand that to a great extent, or wholly, that these lands came to the State through tax sales and tax titles under them?

A. Some of them came by tax title and others through bonds.

Q. What kind of bonds?

A. Well, I can't define it just now ; I know, but I can't give it to you in words.

Mr. ANIBAL.—I suppose he means, as you are aware, that they were bonds given by purchasers of those lands from the State — bonds given in payment of those lands, and then they were afterwards sold.

Q. In that way they derived title ; my question was, whether you understand that these lands largely came through tax title ?

A. I think the larger proportion of them do.

Q. It was the policy of the State, you understood, and you were charged with the duty of carrying out that policy, that more lands were to be acquired in that way ?

A. The policy of the State when ?

Q. At the time you were appointed to take office, and the policy of the State since that time to acquire more and more land through tax sales ?

A. At the time when we came into office the policy of the State was to get rid of the land, as I understood it, as much as they could.

Q. That is in 1885 ?

A. That is before 1885 ; in 1883, as I understand it, the sales of land by the State —

Q. (Interrupting.) You are wandering away from my question.

Mr. FIERO.—I submit he is answering the question.

Mr. ADAMS.—I repudiate all that ; I ask him if at the time he was appointed to this office he understood the policy of the State was to acquire more and more land through tax sales ?

Mr. FIERO.—Now, he tells you what the policy was.

Chairman RYAN.—Let the witness answer.

Mr. ADAMS.—He was charged with the duty of carrying out the policy which was defined.

The WITNESS.—I can only answer as I did before ; before the creation of this commission —

Mr. ADAMS.—(Interrupting.)—I object to that.

Mr. FIERO.—That is the question the chairman has ruled the witness can answer ; I would like to know what the counsel wants ; it is a direct answer to the question.

Mr. ADAMS.—I do not propose to be put off ; I will restate the question.

Mr. FIERO.—I only want you to abide by the ruling.

Mr. ADAMS.—My question has been and is, when he came into office did the witness not understand that it was the policy of the State to acquire more and more lands in the Adirondack region through tax

sales and through tax title, and did he not understand that it was a part of his duty to aid in that policy, aid in carrying it out?

Chairman RYAN.—Answer that question.

A. We made it our policy; when we came into office we endeavored to get as many lands by tax sales and by cancellations and redemptions as were possible; we inaugurated that.

Q. You understood that was your duty and endeavored to carry it out?

A. Yes, sir; we did.

Q. When was the next tax sale after 1885?

A. I don't remember that.

Q. About how long after 1885, when you were appointed?

A. If my memory serves me right I think it was in 1887; I am not positive.

Q. Were any more lands acquired through tax titles under those sales?

A. I don't think there were a great many.

Q. The question is were there any?

A. That is more than I can tell you; I don't remember.

Q. When was the next tax sale after that?

A. Here, last winter, December, I think.

Q. There have been only two tax sales since you have been in office?

A. That is all I remember now.

Q. Reflect, now; were not considerable quantities of land acquired by the State under the first tax sale of 1887?

A. I couldn't tell you.

Q. At the tax sale of 1890, did the State bid in any?

A. I don't know, sir; I wasn't here and I can't tell you.

Q. You are a member of the Beaver River Lumber Company?

A. Yes, sir; I am.

Q. Interested in it?

A. Yes, sir.

Q. To what extent?

A. One hundred and sixty-six shares.

Q. You are a lumberman?

A. Yes, sir.

Q. Before the organization of the Beaver River Lumber Company, how long had you followed the business of lumbering?

A. I think since 1872.

Q. Your lumber establishment was situated where?

A. First at Beaver Falls and then at Castorland.

Q. Beaver Falls is in what town?

A. New Bremen.

Q. And the mill was situated on the Beaver river?

A. Yes, sir.

Q. The first mill privilege from the Black river?

A. Yes, sir.

Q. How far was that from the Black river?

A. About three miles.

Q. Afterward you removed to Castorland?

A. Yes, sir.

Q. The mill at Beaver Falls was a water-mill?

A. Yes, sir.

Q. What town is Castorland in?

A. Denmark.

Q. Is that on the west side of Black river, opposite the mouth of Beaver river?

A. Yes, sir.

Q. How far from your former mill?

A. About three miles.

Q. How far is it from the Castorland mill to the railroad station?

A. About a hundred rods.

Q. Does your mill stand on the bank of the Black river?

A. Yes, sir.

Q. And the Black river is a part of the Black River canal?

A. Yes, sir.

Q. So you have two facilities for shipping, both railroad and canal?

A. Yes, sir.

Q. How long had you operated this mill before the formation of the Beaver River Lumber Company?

A. Three or four years.

Q. When that company was formed, did you transfer to it your lumber property and take stock?

A. No, sir.

Q. Have you transferred to this company any of your lumber property?

A. No, sir.

Q. So they don't own your mill?

A. No, sir.

Q. Have you owned, or did you own, previous to the formation of this company, lands up the Beaver river?

A. Yes, sir.

Q. To what extent; about what quantity; about how many acres?

A. I really couldn't tell you; 17,000 to 25,000 acres.

Q. Where was it situated?

A. Both sides of the river.

Q. How far above your mill?

A. By road or water?

Q. Either way.

A. About eighteen miles by water, and I have got some within five miles of the mill and some twelve miles by road.

Q. There is a portion of that property in what is known as "John Browne's tract," that part of the Adirondacks known as "John Browne's tract?"

A. No, sir; I don't think it is.

Q. Is it above or further east than that tract?

A. No, sir; it is further north.

Q. How far?

A. It just adjoins it.

Q. Which side?

A. Partly on the north and — let me see, I have got to remember the points of compass — partly north and partly west.

Q. Do you own any above "John Browne's tract," further east?

A. No, sir.

Q. What arrangement have you made with the Beaver River Lumber Company in regard to the use of your mill and furnishing it logs from your lands and sawing the lumber, if any?

A. I sold the Beaver River Lumber Company what logs I had on sticks this year.

Q. What do you mean by that?

A. Skidded up, ready to be put into the water.

Q. What else did you do?

A. I entered into a contract with them to do their sawing.

Q. What else?

A. That's all.

Q. When was that arrangement made?

A. Shortly after our articles of incorporation.

Q. About the same time?

A. No, some time afterwards; a month or two afterwards.

Q. What lands have the Beaver River Lumber Co. with which to supply their company with logs?

A. They haven't any.

Q. None whatever?

A. No, sir; no lands whatever.

Q. Is there any arrangement between the Beaver River Lumber Company and yourself for you to furnish logs from your lands?

A. None except what I sold them.

Q. Have they arrangements with any other owners of land in that vicinity to supply logs; have they arrangements or contracts with any other owners in the vicinity to supply logs?

A. No, sir.

Q. Where are they expecting to get logs, or relying upon to get logs to do business, to have sawed at your mill under the contract?

A. They expect to get logs off of 3, 4, 5 and 42.

Q. Of what?

A. "Browne's tract," I guess.

Q. You mean townships?

A. Yes, sir.

Q. Nos. 3, 4, 5 and 42?

A. Yes, sir; I think so.

Q. Do you know whether they have entered into contracts for such logs?

A. Yes, sir.

Q. And with whom are those contracts made?

A. They are made with Thomas H. McGraw, Henry Patton and Theodore B. Basselin (myself).

Q. So you have a contract with them?

A. Yes, I have a contract with the Beaver River Lumber Company.

Q. That is what I asked awhile ago.

A. You asked if I had any arrangement to furnish them logs from my lands, and I told you.

Q. You say now you have a contract?

A. We have a contract; Thomas H. McGraw, Henry Patton and Theodore B. Basselin have a contract with the Adirondack Land and Mineral Company.

Q. As individuals or as a company?

A. As individuals.

Q. What company is that "Adirondack Land and Mineral Company?"

A. As I understand it, it is the Adirondack Mineral Land Company.

Q. Where is that company; when was it organized?

A. That is something I couldn't tell you.

Q. Where are their lands?

A. Their lands are 3, 4, 5 and 42.

Q. In what tract?

A. Browne's tract, in the Totten & Crossfield's patent or purchase,

Q. Where are those lands situated?

A. Both sides of the Beaver river.

Q. How far east of No. 4 (Fenton's, as it was called), how many miles?

A. That is a very difficult question to answer; the river is pretty crooked.

Q. I mean in a general course, how far up into the Adirondacks is it?

A. The townships are about five miles square; it is about fifteen miles in a straight line.

Q. That is, fifteen miles above Fenton's?

A. Yes, sir.

Q. How far east from Black river is that?

A. No. 4 is seventeen miles from the Black river, and our timber contracts begin at No. 4.

Q. It runs twelve or thirteen miles back?

A. Yes, sir.

Q. What kind of lands are those as to timber?

A. Timber lands; that is all I can tell you.

Q. What kind of timber?

A. Mostly hemlock, spruce, and a little pine.

Q. Is it full timber?

A. Fairly timbered.

Q. How many trees from the acre can you get there?

A. That is more than I can tell you.

Q. About how many on the average?

A. I don't know.

Q. What is the value of that land there for lumber purposes?

A. I couldn't tell you.

Q. This contract you and McGraw and Patton as individuals made with the Beaver River Lumber Company as a corporation along about the time the corporation was formed?

A. About a month afterwards.

Q. Under this contract what quantities of logs were you to furnish the Beaver River Company yearly?

A. I think the contract calls for the cutting of 10,000,000 the first year, 20,000,000 the second year and 25,000,000 thereafter.

Q. Logs enough to make 20,000,000 feet, board measure?

A. Scale measure.

Q. About how many logs will it take to make 1,000 feet of lumber?

A. That depends.

Q. Take it on an average?

A. We calculate, in estimating, about ten.

Q. Thirteen-foot logs, standard logs, I suppose?

A. Yes, sir.

Q. Take the timber as it is in that country, about how many logs will a tree make on the average?

A. Well, some trees make two and some five.

Q. On the average, how many do you calculate, about three logs?

A. I think they will do more than that; I can't tell exactly; I don't know.

Q. How long is this contract to run; how many years are you to give them 25,000,000 of feet?

A. I can't tell until the whole timber is cut off.

Q. Until it is exhausted?

A. Yes, sir.

Q. How many acres did you say this contract related to?

A. I didn't say.

Q. Then I will ask the question; how many acres?

A. I couldn't tell you.

Q. How many acres do you and McGraw and Patton own up there that you have made this contract upon?

A. We don't own any; we are to take the timber off of about 65,000 to 70,000 acres.

Q. The right to cut off the trees; you bought the trees with the right to do that?

A. Yes, sir.

Q. From whom did you buy that?

A. From the Adirondack Land and Mineral Company.

Q. Who composes that company?

A. I can't tell you anybody else exactly; I know some of them.

Q. Tell what you know about it?

A. R. K. Hawley, of Cleveland; Thomas H. McGraw, Henry Patton, and Dodds, Meigs & Co.

Q. So that this Beaver River Lumber Company is organized to furnish and to saw up the timber upon this large tract of land up the Beaver river?

A. Yes, sir.

Q. Your interest is to get the profit from the sawing, etc.?

A. Yes, sir.

Q. Your profit will be represented by the amount of stock that you have in the concern?

A. Yes, sir.

Q. Have you any interest in the Trenton Falls Lumber Company?

A. No, sir.

Q. Have you any stock in it?

A. No, sir.

Q. Have you any interest or stock in the Everton Lumber Company?

A. No, sir.

Q. In the Everton company this same Patton and McGraw are interested?

A. Not that I know of; I heard to-night that Henry Patton was one of the incorporators of the Everton company.

Q. He is the same one that is in the Beaver River company and in the other company you have spoken of?

A. Yes, sir; I suppose so.

Q. You are not in any way connected with the Trenton Falls company?

A. No, sir.

Q. Do you know where the Trenton Falls company is located, and over what space its business reaches?

A. I heard to-night.

Mr. ADAMS.—By way of description to the committee, it is up above Prospect on the Black river —

The WITNESS (Interrupting) — I don't know where their shipping point is, but I understand that their mill is the old Hinckley place.

Q. Their operations extend in easterly of Prospect?

A. That is more than I can tell you.

Q. Do you know where the Everton Lumber Company is situated, and where their operations extend?

A. I don't know about that.

Q. Do you remember the passage of what is called the Hadley act, an act which amends section 7, I think it is, of the Laws of 1885?

A. Yes, sir; I remember of it.

Q. Under that act were propositions made to the forest commission for leave to exchange individual lands for State land?

A. Yes, sir.

Q. Were these propositions in writing?

A. I think so.

Q. Presented in your office?

A. Yes, sir; I think so.

Q. How many of those were presented after 1887 in your office?

A. I couldn't tell you.

Q. About how many?

A. I couldn't tell you.

Q. Give some idea of the number?

A. I couldn't give you an idea of the number; it is a matter of record in the office; I can't tell.

Q. Were those applications filed in the office?

A. I so understand it.

Q. Do they remain on file now?

A. I presume so.

Q. Were any of them sent to the Comptroller's office from your office?

A. I think there was one of them.

Q. Which one of them?

A. The proposition of the Everton Lumber Company.

Q. Was there not another?

A. Not that I remember of.

Q. Didn't a man by the name of Hurd, pretty soon after the act of 1887, file an application which you sent over to the Comptroller's office?

A. I don't remember.

Q. Were any such applications filed, as you understand it, in the Comptroller's office and from there sent over to your office?

A. That is a matter I couldn't tell you about.

Q. Those applications are on file and can be had there?

A. I presume so.

Q. Don't you recollect of it being suggested that Mr. Hurd, who lived in Franklin county, sent in a proposition to make an exchange of individual land for State land, and that was filed in your office and action was had, and it was sent to the Comptroller's office?

A. I am not positive; I remember something about an application for land by Mr. Hurd, but just what it was I don't remember; if an application was sent why action was taken upon it by the board and it was a matter of record.

Q. Did you ever take action upon any application sent to the board for an exchange prior to this Everton Lumber Company application; did you ever take action upon any application to exchange lands for State lands that you recollect of — I mean your board?

A. I don't remember any.

Q. You don't recollect the passage of the resolution in the case of Mr. Hurd's application?

A. I don't remember; if Mr. Hurd made an application I certainly would have rejected it.

Q. That is getting a little ahead; do you recollect any action?

A. I couldn't tell you; it is a matter of record in the office if there was.

Q. When official action was taken by your board was it entered in the minutes?

A. If there was any application made by Mr. Hurd it was not accepted, it was not acted upon by the board, that is, favorably.

Q. I ask if any action was taken would it be recorded in the minutes of your proceeding?

A. Yes, sir; if there was any action taken.

Q. Will such a record be found in your office?

A. I presume so.

Q. An application was made to your office by the Everton Lumber Company in 1890 to exchange land, was there not?

A. Yes, sir.

Q. Was that acted upon?

A. Yes, sir.

Q. Was the application and your action sent to the Comptroller's office?

A. I think so.

Q. You recollect that distinctly?

A. I recollect of action being taken.

Q. Who were present when that action was taken?

A. The full board.

Q. What do you mean by that?

A. Well, full board of commissioners.

Q. All three of the commissioners?

A. Yes, sir.

Q. Do you recollect how the action came to be taken, so as to repeat it; what was said and done in the discussion, if any was had?

A. Well, my recollection of it is that the matter was brought up before the board for exchange of land, and we ordered the warden to make an examination of the lands and report as to the advisability of exchange.

Q. When was that application made, and that order given to the warden?

A. The application was made—

Q. (Interrupting.) Give the date.

A. I can't tell you, that is a matter of record; my recollection is that the application was made about a year ago, somewhere along there.

Q. That can be found in the record of proceedings?

A. Yes, sir; the records will show when the application was made, and when it was acted upon.

Q. After the application was made, the warden was ordered to go up there and look the thing over?

A. Yes, sir; look over the lands.

Q. Was that order to the warden in writing or verbally?

A. I couldn't tell you.

Q. Was the action directing the warden to go and make the examination entered upon your record of your proceedings?

A. That is more than I can tell you.

Q. Was anything said to you or any other of the commissioners by the Everton Lumber Company, or any member of it, upon that subject previous to filing a formal application for exchange?

A. Not that I have any recollection of.

Q. The first thing you knew anything about it, the application in writing was filed in the office?

A. No; I think the first that was said about it was Mr. Patton, I think, appeared before the commission and said that he would like to offer — I think that was it — some land in exchange for certain other land belonging to the State.

Q. When did he state that?

A. I couldn't tell you the date of that.

Q. How long was it before the written application to exchange being filed?

A. I couldn't tell you.

Q. When was it that Warden Garmon was sent up there this way — was it after or before the formal written application was filed?

A. My recollection is that it was after the written application.

Q. He came there and talked about it and then filed his written application and then Mr. Garmon was sent up there?

A. Yes, sir.

Q. When did he go up there?

A. I couldn't tell you the exact date, but it was sometime last summer.

Q. Did he go all alone?

A. I couldn't tell you.

Q. Any of the commissioners go with him?

A. No, sir.

Q. Garmon went up along in the summer, and what time did he come back and make his report?

A. I couldn't tell you the exact date.

Q. What was the substance of his report to the commission?

A. The substance of the report was, as I understood it, that the Everton Land Company offered to exchange for 7,000 acres and offered other lands in exchange, and the report of the warden was that there were lands in township 12 I think that ought to be included with the other and if the exchange could be effected upon a basis of two

acres for one and one acre for one it would be a good thing for the State.

Q. Was that report in writing or verbal?

A. That is more than I can tell you.

Q. So important a transaction as that involving 30,000 acres of land you can't tell whether it was in writing or verbal?

A. No, sir; I couldn't tell you here.

Q. What time was that report made?

A. I couldn't tell the date of the report; some time during the summer.

Q. Let me see if I understand; you say the proposition was to make an exchange for land up in Franklin county?

A. Yes, sir; I think it is Franklin county.

Q. You sent Mr. Garmon up there?

A. Yes, sir.

Q. You say they wanted to exchange for 6,000 or 7,000 acres of State land?

A. Yes, sir.

Q. When Mr. Garmon came back he said if they exchanged they ought to take more?

A. Yes, sir.

Q. That they ought to take 12,000 or 13,000 acres?

A. Yes, sir.

Q. And if an exchange could be made upon some basis it was best to exchange for 12,000 or 13,000 when they only asked for 6,000 or 7,000 to begin with?

A. Yes, sir.

Q. What did they offer in exchange?

A. They offered lands as I recollect anywheres within the more centrally located lands — in a solid body of the State lands; the object as far as the State was concerned was to consolidate the land.

Q. What land did they propose in exchange, and where were they?

A. That is more than I can tell you from recollection; they were to be lands in the central part.

Q. Do you want me to understand that you can't recollect where those lands were?

A. I can recollect their general location; the general location was to be within —

Q. (Interrupting.) Where?

A. I couldn't tell you the lot lines.

Q. Whereabouts in the Adirondack region?

A. In the heart of it; some on Long lake; the lands to be given in exchange were away in the heart of the Adirondacks.

Q. They must have described some part?

A. That description is on record and I can't tell you from memory; I didn't burden my memory with it.

Q. In what part of the Adirondacks were the lands?

A. In the heart of the wilderness.

Q. What do you mean by the "heart of the wilderness?"

A. Centrally located.

Q. Near what lakes or streams?

A. My recollection of it is that some were near Racket lake or Long lake; there were a great many lots and I couldn't remember them all; they are on record in the office.

Q. That is the best answer you can give?

A. Yes, sir.

Q. You were to exchange 30,000 acres for ten or twelve thousand?

A. I didn't bother my memory with it; it is a matter of record.

Q. You gave that over to Garmon to look after?

A. We gave him a list of the lands wanted.

Q. Did you know anything of the lands themselves; did you know at the time of the proposition about the lands they proposed to exchange.

A. No, sir.

Q. Did you personally take any pains to find out?

A. We sent out the warden.

Q. Did you make any personal efforts to find out and see about it; I speak of the members of the commission personally; did you take pains to find out about the 30,000 acres of land; did you go personally or did you take pains to inform yourself?

A. We sent our accredited agent to look over those lands the same as I would individually; I made no personal inspection of it.

Q. Did you make any inquiry of anybody?

A. I made inquiry from our accredited agent.

Q. Who do you mean by that?

A. Our warden, Mr. Garmon.

Q. He is the only one you talked with at all about it?

A. That is more than I can tell you.

Q. That is all you remember now?

A. Yes, sir; that is all.

Q. You sent Garmon to find out about the 30,000 acres?

A. Yes.

Q. Weren't these 30,000 acres right around Piseco lake?

A. I don't think so; you don't call Piseco lake quite in the heart of the Adirondacks?

Q. It might have been once, but since 1885 I don't think it has been quite in the "heart of the Adirondacks;" all the action you took was to send Garmon up to find out — who sent Garmon?

A. The commission sent him.

Q. Was there a resolution passed giving him instructions?

A. We instructed him at a meeting to do it.

Q. Answer the question; was there a resolution passed committing this matter to Garmon and giving him instructions what to do?

A. I can't say whether a resolution was passed; we instructed him to go there.

Q. Stop there; the question is, did you pass a resolution instructing him?

A. That is more than I can tell you.

Q. It might have been verbal?

A. Yes.

Q. Garmon was instructed to go and see the lands about Lake Piseco?

A. My recollection is that the lands were not around Lake Piseco.

Q. Was he instructed or sent to examine those lands?

A. He was.

Q. What time was he sent to examine those lands?

A. What lands?

Q. I have been talking about only one set of lands recently — the land they offered to swap with you?

A. Some time this summer.

Q. Was he sent to examine them before he was sent to examine the lands in Franklin county?

A. He was sent to examine all the land.

Q. All at the same time?

A. Yes, sir.

Q. All embraced in one instruction?

A. Yes, sir.

Q. Can you produce before the committee, from your office, those instructions?

A. I don't remember whether they were oral or written; I couldn't tell you.

Q. My question is, can you produce to this committee those instructions you gave him to examine those lands?

A. That is more than I can tell you; I don't know.

Q. If there is any record or resolution in your office will you produce it here at the next session?

A. Yes, sir; if there is any.

Q. You will hunt for it, will you?

A. Yes, sir; we will do anything you want us to do.

Q. What time in the summer did Garmon start out upon this quest?

A. I can't say; some time during the summer.

Q. Is that as near as you can state it?

A. Yes, sir.

Q. What time did he get back and make the report?

A. I can't tell you the exact date.

Q. About what time in the summer?

A. I couldn't tell you.

Q. That is as near as you can state?

A. Yes, sir.

Q. Are you satisfied with that answer before this committee that you can't tell when he came back, only it was "some time in the summer?"

A. I can't give you the exact date.

Q. Can you give the month?

A. No, sir.

Q. He tendered you some sort of report?

A. He made the report I told you of.

Q. Was it in writing or verbally?

A. I couldn't tell you that.

Q. After he made this report was the application to exchange (the formal application to exchange) filed in your office; that Everton Lumber Company application?

A. That is more than I can tell you; my recollection is that his report, as I tell you, was —

Q. (Interrupting.) Wait a moment; I haven't asked you anything about that; can you tell when this application upon the part of the Everton Lumber Company to exchange the land was made with reference to Garmon's report; whether it was filed before or after his report was made?

A. I couldn't tell you that.

Q. Is there any way you can ascertain so as to tell this committee very definitely?

Mr. FIERO. — Let me say, once for all, that whatever documents there are will be produced upon a simple suggestion, so it is not necessary to inquire at every step. If you will suggest or intimate

what you need it will be furnished, if it is in the power of the commission.

Chairman RYAN.—That suggestion has been made before.

Mr. FIERO.—I desire to relieve the counsel from the necessity of asking every time if certain papers will be produced.

Chairman RYAN.—I think if counsel will permit the witness to go on and answer the question we will make more progress.

Mr. FIERO.—There is not the slightest disposition to interfere.

Mr. ADAMS.—I ask the commissioner if he will examine for and find it and bring it here.

Mr. FIERO.—Mr. Chairman, it is simply a question of orderly practice and fair dealing. There is a suggestion in the character of the questions asked that there is a disposition upon the part of the commission not to furnish the papers. For the purpose of removing any such embarrassment from the mind of counsel, which seems to exist, I said we would furnish these papers, and I say it again, so there need be no difficulty, nor do I intend to interfere with his examination.

Mr. ADAMS.—They undoubtedly have a great many papers in their office, some of which may be interesting and useful and some not. I am calling his attention to such important papers as we desire here, and asking him if he will select them from the great mass and bring them here; we have not time to go up there and hunt through their office. It is calling his attention specifically to this particular paper, and asking him if he will produce it if it exists. The suggestion, seems to me, is entirely proper.

Mr. FIERO.—Yes, as you put it now.

Q. So you can't say whether this formal application was before Garmon got back from the woods or not?

A. I can't tell you whether the final application was.

Q. How long was it that this matter was under negotiation and discussion in the office from the first suggestion of the exchange down to the time Garmon made his report?

A. I think it was running about a year; somewhere along there.

Q. Garmon came in and made a report finally?

A. Yes, sir.

Q. How long after he made his report was it before the commission acted upon this application?

A. Shortly after.

Q. Do you recollect the date?

A. I couldn't tell you the exact date.

Q. Was a resolution passed recommending the exchange?

A. Yes, sir.

Q. And those papers were all sent to the Comptroller's office?

A. The instructions were that they be sent there; I didn't follow them up to see if it was done.

Mr. ADAMS.—Before continuing the further examination of Commissioner Basselin, if the chairman please, I desire to introduce from the Comptroller's office this application, and the proceedings under it, in regard to the Everton company, and also a formal proposition to exchange, shortly after the passage of the law of 1887. If the clerk is present I would like to have the papers presented. If Mr. Basselin will give away to Mr. Sanger for the present I will introduce the papers.

WILLIAM H. SANGER, being duly sworn, testified as follows:

By Mr. ADAMS:

Q. You are from the Comptroller's office?

A. Yes, sir.

Q. You have charge of the land or tax department?

A. Land department.

Q. In obedience to the request or subpoena from the committee, you produce certain papers here?

A. Yes, sir.

Q. After the passage of the Hadley act in 1887, amending one of the sections of the act of 1885, were any applications filed in the Comptroller's office to exchange private lands for State lands?

A. Yes, sir; there were.

Q. Have you brought from the Comptroller's office those applications, or memoranda of them?

A. Yes, sir; I have brought several.

Q. What was the first application?

A. There was one made by John Hurd.

Q. Have you the application?

A. Yes, sir. [Producing same.]

Q. This application was dated at what time, or brought to the Comptroller's office at what time?

A. It was dated at Santa Clara, July 18, 1887.

Q. Where is Santa Clara?

A. In Franklin county; it is now the principal town of the new town of Santa Clara.

Q. He proposed to exchange certain lands with the State; accompanying that application was there a map showing the land?

A. Yes, sir.

Q. Is that the map attached?

A. Yes, sir; it is attached to the application.

Q. Have you seen the application of the Everton Lumber Company to exchange lands?

A. Yes, sir.

Q. Are the lands in Mr. Hurd's application the same lands mentioned in the application of the Everton Lumber Company?

A. Essentially so.

Q. Substantially the same land?

A. Yes, sir; that is the Everton Lumber Company proposed to exchange more lands than were offered by John Hurd, but almost all the lands offered by Mr. Hurd are included in the same application of the Everton company.

Q. The State land desired by Mr. Hurd and the Everton company were substantially the same lands?

A. Yes, sir.

Q. And the map accompanying it shows the land?

A. Yes, sir.

Q. On receiving that application at that time, what was done with it?

A. We referred it to the forest commission, dated July 25, 1887.

Q. That went up to the forest commission?

A. Yes, sir.

Q. What action did they take upon it?

A. We received from the forest commission a letter in which was incorporated a resolution that was passed stating that they disapproved at that time of making any exchanges.

Q. You received from the forest commission, under the hand of their clerk, a communication reciting a resolution?

A. Yes, sir.

Q. Will you please read the whole letter?

A. (Reading) :

STATE OF NEW YORK — THE FOREST COMMISSION, }
ALBANY, N. Y., July 28, 1887. }

To the Comptroller of the State of New York :

SIR. — Your letter of the twenty-fifth inst., with the proposition of John Hurd to exchange twelve lots E. end of N. 1-3 of Township Great Tract 1, McComb's Purchase, for certain State land in the S. 1-2 and N. 1-4 of township 14 adjoining, duly received. In reply, would call your attention to the following resolution which was unanimously adopted at the meeting of the commission held June 10, 1887. "That in the opinion of this commission it is inexpedient to sell any State land, and that the commissioners hereby

express their entire disapproval of the sale of any State land as provided for in chapter 475 of the Laws of New York, 1887, commonly known as the Hadley Bill.

Yours respectfully.

ABNER L. TRAIN,

Secretary.

Q. Was any valuation put upon this land by Mr. Hurd in his letter of application, and if so what?

A. I will read his letter; it is a letter dated Santa Clara, N. Y., July 19, 1887, directed to C. R. Hall, deputy comptroller. He says:

DEAR SIR.—I enclose you plot showing in a rough way what is wanted of your land township 14, and what we propose to offer in exchange, and for any deficiency in acres will pay three dollars per acre, which I think is the valuation.

Yours truly.

JOHN HURD.

Q. After receiving Mr. Train's letter communicating the action of the forest commission, what was done at the office of the Comptroller in regard to notifying Mr. Hurd?

A. We notified him by letter, stating that the forest commission disapproved of making exchanges under the Hadley bill, and without such approval no exchanges could be made.

Q. After Mr. Hurd's application were there other applications?

A. Yes, a few.

Q. Name them?

A. One by R. W. Woodruff, of Duane, of various lands in Franklin county.

Q. What was done with it?

A. We replied that we had been notified by the forest commission officially that they disapproved of taking any action upon that act.

Q. What date was that?

A. February 9, 1890; also one by Fred. H. Bullard, of Glens Falls, dated July 30, 1889; a similar reply was made to that.

Q. Where were the lands situated that he desired to exchange?

A. Those were lands in Warren county.

By Mr. HITT:

Q. Does it state the town?

A. Located in Lake George.

By Mr. ADAMS:

Q. What reply did you make to him?

A. The same as to the others.

Q. What was the next?

A. A letter of June 25, 1887, from Badger, Cantwell & Badger, of Malone, N. Y.; the application was to exchange land in Franklin county; they wanted to obtain lot 219, township 10, in the old military tract, and offered lot 184 and lot 219 of the same township; that is, they wanted to obtain lot 219 and offered lot 184, which adjoined State lands, lot 219 being detached; those are all the applications I have.

By Mr. RYAN:

Q. Will you please read the resolution again?

A. (Reading): "That in the opinion of the commission it is inexpedient to sell any State land, and that the commissioners hereby express their entire disapproval of the sale of any State land, as provided for in chapter 475 of the laws of New York, commonly known as the Hadley bill."

By Mr. ADAMS:

Q. Were there other applications to the Comptroller's office which were sent to the office of the forest commission?

A. The only application that I remember of that was referred to the forest commission was the one that I first read, which was read by John Hurd; upon receiving the reply and receiving official notification of the resolution that had been passed, we filed the other applications in the office and communicated to them the action that had been taken by the forest commission.

Q. Referring to this resolution you have just read?

A. Yes, sir.

Q. And so matters stood in the Comptroller's office down to the time of the application of the Everton Land Company?

A. Yes, sir.

Q. Have you the papers in that case?

A. These are the papers in the application of the Everton Land Company.

Q. Was that application brought to the Comptroller's office (made there) or to the forest commission, and referred by the forest commission office to the Comptroller's office, with their action?

A. This application was received at the Comptroller's office with the indorsement of the forest commission attached.

Q. What papers came down from the forest commission?

A. All these papers which I hold in my hand.

Q. What is the first paper?

A. An application by the Everton Land Company for exchange land with the State.

Q. What date is it?

A. December 29, 1890; that is the report.

Q. I want the application?

A. Dated August 7, 1890.

Q. The date of the application is August 7, 1890?

A. Yes, sir.

Q. What is that application; what does it ask for?

A. It is an application on the part of the Everton Land Company for an incorporation duly formed and organized under the laws of the State.

Q. Read the application in full?

A. (Reading):

To the Forest Commission:

The application of the Everton Lumber Company respectfully shows:

That it is a corporation duly formed and organized under and pursuant to the laws of the State of New York:

That it is desirous of acquiring certain lands now owned by the State of New York and hereinafter described, by exchanging thereof other lands adjoining the main tracts of the Forest Preserve, and in pursuance of chapter 475 of the Laws of 1887.

The lands desired by it in this application are the following:

IN FRANKLIN COUNTY, N. Y., MACOMB'S PURCHASE, GREAT TRACT 1,
TOWNSHIP 12.

	Acre
In the town of Duane, lot 9, about	6½
In the town of Duane, lot 10, about	6½
In the town of Duane, lot 17, about	6½
In the town of Duane, lot 25, about	6½
In the town of Duane, lot 26, about	6½

Being in all, about..... 3,24

That the lands above described, and which it is so desirous to acquire, are detached from the main portions of the Forest Preserve and bounded in whole or in part by lands not belonging to or owned by the State of New York; and the Everton Lumber Company respectfully solicits that an exchange thereof by the Comptroller for other lands that lie adjoining the main tracts of the Forest Preserve be recommended; and the following list of lands not now belonging

to the State, but lying adjoining to or surrounded by lands of the State, constituting a part of the Forest Preserve, is submitted by said company, from which to select lands for the purpose of such exchange, to wit:

IN HAMILTON COUNTY, NEW YORK.

In Gore between Townships 29 and 31 of T. & C. Purchase:

	Acres.
Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, each 169.60 acres.....	1,526.40

In Township 17, T. & C. Purchase:

Gospel, School and Literary lots.....	1,280.00
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In Township 19, T. & C. Purchase:

Gospel, School and Literature lots.....	1,280.00
---	----------

In Township 32, T. & C. Purchase:

Gospel, School and Literature lots.....	1,280.00
---	----------

In N. W. corner of Township 32, T. & C. Purchase.....	273.00
---	--------

In Township 20, T. & C. Purchase:

Lot A, undivided half.....	2,100.00
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Lot B, whole lot.....	1,058.00
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Lot C, whole lot.....	1,842.50
-----------------------	----------

In Township 22, T. & C. Purchase:

Lots 1, 2, 3, 4, 10, 11, 12, 13, 15, 22, each 194 acres.....	1,940.00
--	----------

Of lot 9, rem. after 150 acres, S. part.....	36.00
--	-------

Of lot 55, rem. after 142 acres, E. part.....	52.00
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In Township 50, T. & C. Purchase:

Lots 4, 7, 8, each 124 acres.....	372.00
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Lots 33, 46, 73, each 120 acres.....	360.00
--------------------------------------	--------

Lots 41, 59, 88, each 160 acres.....	480.00
--------------------------------------	--------

Lot 31.....	90.00
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In all, 13,969.90 acres.

And the said company respectfully asks that it be given a hearing, upon this application, if necessary.

Dated, *August 7, 1890.*

THE EVERTON LUMBER COMPANY.

By HENRY PATTON,

President.

Q. Was that accompanied by a map?

A. No, sir; there is another application by the same party; I call it all one application.

Q. What date is that?

A. August 7, 1890, same date as the other; it is considered all one. (Reading). "To the Forest Commission: The application of the Everton Lumber Company respectfully shows—"

Q. (Interrupting.) Give the list of lands desired by it?

A. (Reading): "The lands desired by it in this application are the following:

IN FRANKLIN COUNTY, MACOMB'S PURCHASE, GREAT TRACT 1, IN
TOWNSHIP 12.

In the town of Duane —		Acres.
Lot 33, about.....		595.00
Lot 34, about.....		685.00
Lot 35, the W. 1-2, about.....		338.00
Lot 42, about.....		667.00
Lot 42, ex. 89 ac. N. E. cor., about.....		554.00
Lot 50, about.....		483.00

In the town of Duane —		
Lot 4, about.....		119.00
Lot 7, about.....		163.50
Lot 16, about.....		117.00
Lot 18, about.....		166.00

In all, about 4,092.50 acres.

That the lands above described and which it so desires to acquire, are detached from the main portions of the Forest Purchase, and are bounded in whole or in part by lands not belonging to or owned by the State of New York. And the Everton Lumber Company respectfully solicits that an exchange thereof by the Comptroller for other lands that lie adjoining the main tracts of the Forest Preserve be recommended. And the following lists of lands not now belonging to the State but lying adjoining to or surrounded by lands of the State, constituting a part of the Forest Preserve, is submitted by said company, from which to select lands for the purpose of such exchange, to wit:

IN OLD MILITARY TRACT: RICHARD'S SURVEY, TOWNSHIP 12.

	Acres.
Lots 20 and 21, 620 acres each.....	1,240.00
Lot 36 ex. 40 acres, N. W. cor. of S. W. 1-4..	762.00
Lot 151, Thorn's survey.....	160.00
Lot 37, Richard's survey.....	1,121.00

IN TOTTEN & CROSSFIELDS PURCHASE—TOWNSHIP 14, NORTH 1-2.

	Acres.
Lot 13.....	240.00
Lot 35.....	160.00
Lot 36.....	240.00
Lot 49, in W. 1-2 of residue of the Township.....	120.00

TOWNSHIP 16.

Lot 16, south 1-2.....	500.00
Lot 17, south 1-2.....	500.00
Lot 18, whole lot.....	1,000.00
Lot 19, whole lot.....	1,000.00

TOWNSHIP 26.

Lot 6, 38-48 of 220 acres	174.15
Lot 13, ex. 180 acres N. W	20.00
Lot 30, N. E. corner.....	50.00
Lot 32, whole lot	160.00
Lot 38, whole lot	210.00
Lot 40, whole lot	200.00
Lot 51, whole lot	200.00
Lot 61, whole lot	210.00
Lot 64, whole lot	210.00
Lot 86, 28-48 of 162 acres.....	128.25
Lot 100, 38-48 of 86 acres.....	68.00
Lot 102, 38-48 of 50 acres.....	39.58
Lot 103, rem. after 50 acres N. pt and 43 acres S. E.....	103.00
Lot 105, rem. after 50 acres.....	161.00
Lot 106, rem. after 76 acres S. part	160.00
Lot 111, 38-48 of 148 acres, rem. after 34 acres, pd. by P. McIntyre.....	117.16
Lot 115, 38-48 of 236 acres.....	186.83
Lot 120, whole lot.....	283.00

TOWNSHIP 27, THORN'S SURVEY.

Lot 15, whole lot	62.00
Lot 28, whole lot	160.00
Lot 29, whole lot	160.00
Lot 31, rem. after 45 acres N. W. cor.	115.00
Lot 38, whole lot	160.00
Lot 39, whole lot	160.00

TOWNSHIP 45.

Lot 33, 38-48 of 500 acres.....	395.83
Lot 48, 38-48 of 500 acres.....	395.83

TOWNSHIP 46.		Acres.
Lot 24, rem. after 120 acres N. W. cor.....		130.00
Lot 36, whole lot		244.00
Lot 67, rem. after 50 acres N. W. cor.....		200.00

TOWNSHIP 50.		
Lots 62 and 63		194.48
Lots 64, 78, 79, each 160 acres.....		480.00
Lots 80 and 81		195.48
Lots 84, 85, 86, 93, 94 each 160 acres.....		800.00
Lots 100 and 101		224.55
Lot 102.....		180.00
Lot 107, S. W. cor.....		50.00
Lots 113 and 114.....		201.40

In all, 14,232.54 acres.

And the said company respectfully asks that it be given a hearing upon this application, if necessary.

THE EVERTON LUMBER CO.

By HENRY PATTON,
President.

Another portion of the application, dated August 28, 1890, I will read as follows:

"The lands desired by it in this application are the following:"

By Mr. HITT:

Q. Do I understand this is what they desire to get?

A. Yes, sir; I read first what they desire to get, and then what they desire to give.

IN FRANKLIN COUNTY, IN MACOMB'S PURCHASE, GREAT TRACT 1,
TOWNSHIP 14.

In the S. 1-2 and N. E. 1-4, Nathan Ward's subdivision; in the town of Brandon,

	Acres.
Lot 8, the N. 1-2 of the S. 1-2.....	40 1-4
Lot 11, the N. 1-2 of the S. 1-2.....	33
Lot 11, the S. 1-4.....	33
Lot 12, the S. 1-2 of the N. W. 1-4	35 1-2
Lot 13, the N. 3-4.....	101 3-4
Lot 14, the N. 2-3 of the S. 3-4.....	76
Lot 14, the N. 3-4	114
Lot 15, the S. 1-2.....	73
Lot 16, the S. 2-3 of the N. 3-5.....	70 2-5

	Acres.
Lot 16, the N. 1-2 of the S. 2-5.....	35 1-5
Lot 17, the S. 2-3	83 2-3
Lot 18, the N. W. 1-4 and S. 1-2 of S. E. 1-4.....	97 1-2
Lot 19, all.....	169
Lot 20, all N. 1-5, the S. 1-5, and N. 1-2 of S. 3-5.....	106 4-5
Lot 20, all ex. N. 1-2 of S. 2-5, and S. 1-2 of N. 2-5.....	106 4-5
Lot 23, the N. 1-4.....	36
Lot 24, the N. 1-4 of E. 1-2 and N. 1-2 of S. W. 1-4.....	72
Lot 25, all ex. N. 1-4 and S. 1-4.....	65 1-2
Lot 27, the N. 1-2 of the S. 1-2.....	39
Lot 28, the N. 1-3 of the S. 3-5	34 2-5
Lot 28, the S. 1-5 and N. 1-3 of S. 3-5	68 4-5
Lot 29, the N. 1-3.....	42
Lot 34, the S. 2-5.....	78
Lot 35, all ex. N. 1-4 and S. 1-4.....	69 1-2
Lot 36, the W. 1-2 ex. N. 1-3 and S. 1-3 thereof.....	42 1-3
Lot 38, the S. 1-2 of the N. 2-5.....	39 2-5
Lot 41, all.....	178
Lot 42, the N. 2-5.....	69 1-5
Lot 44, the N. 1-4.....	40 3-4
Lot 45, the N. 1-2 of the S. 1-2	41 3-4
Lot 46, the N. 1-4 and S. 1-2	123 3-4
Lot 47, square in N. W. cor. of all ex. the N. 1-3 and S. 1-3	5
Lot 47, all ex. N. 1-3 and S. 1-3.....	43
Lot 47, the S. 1-2 of the N. 1-3.....	43
Lot 47, all ex. N. 1-3 and S. 1-3, and 5 ac. square in N. W. cor. of rem.....	38
Lot 48, the N. 2-3 of W. 1-2.....	78
Lot 51, the N. 3-5 and S. 1-5	148
Lot 52, the N. 3-5.....	109 1-5
Lot 54, the S. 1-2 of N. 2-5	37 4-5
Lot 55, the N. 2-5 and N. 1-2 of S. 2-5.....	111
Lot 57, the N. 1-5 and S. 3-5.....	156 4-5
Lot 58, the N. 2-5 of S. 3-5.....	76 2-5
Lot 59, the S. 1-3.....	43
Lot 59, all	120
Lot 61, the N. 1-4 and N. 1-2 of S. 1-2.....	83
Lot 62, the N. 1-5.....	35 4-5
Lot 64, the S. S. 1-5 and S. 1-2 of N. 2-5.....	70
Lot 66, all ex. N. 1-5 and S. 1-5.....	108
Lot 66, the S. 3-4 of N. 4-5.....	108

	Acres.
Lot 68, the N. 1-5 and N. 1-3 of S. 3-5.....	73 1-5
Lot 69, the N. 1-2 of S. 2-5 and S. 1-2 of N. 2-5.....	78
Lot 70, the N. 1-5.....	37 4-5
Lot 71, the S. 1-2 of N. 1-2.....	32 1-4
Lot 71, the N. 1-4.....	34 3-4
Lot 72, the S. 1-3 of N. 3-5.....	42 1-5
Lot 72, the S. 1-5 and N. 1-2 of S. 2-5.....	84 2-5
Lot 72, the N. 1-2 of S. 2-5.....	42 3-8
Lot 73, the N. 3-4.....	125 1-4
Lot 74, the N. 1-2 of S. 2-5.....	36 1-5
Lot 77, the N. 1-5 and N. 1-2 of S. 2-5.....	73 1-5
Lot 78, the N. 1-2 of S. 2-5.....	37 2-5
Lot 81, the N. 1-5.....	37 2-5
Lot 82, the S. 1-5.....	36 4-5
Lot 84, the N. 1-2 of S. 2-5, and S. 1-2 of N. 2-5.....	78
Lot 86, the N. 1-2.....	84
Lot 86, the N. 1-2 and S. 1-4.....	126
Lot 86, the S. 1-4.....	42
Lot 90, the N. 1-2 of S. 1-2.....	42 1-2
Lot 92, the N. 1-4 and S. 1-2.....	129
Lot 96, the N. 1-4.....	41
Lot 99, the N. E. 1-4.....	37
Lot 100, the S. 1-4.....	37 1-4
Lot 101, the N. 1-4.....	39
Lot 103, the S. 3-4.....	120
Lot 104, all.....	178
Lot 106, all N. 1-5 and S. 2-5.....	109 1-5
Lot 107, all.....	128
Lot 108, the N. 1-5.....	36

In all about 5,088 acres.

That the lands above described and which it so desires to acquire, are detached from the main portions of the Forest Preserve, and bounded in whole or in part by lands not belonging to or owned by the State of New York. And the Everton Lumber Company respectfully solicits that an exchange thereof by the Comptroller for other lands that lie adjoining the main tracts of the Forest Preserve be recommended.

By Chairman RYAN:

Q. Give the lots, and the aggregate amount they propose to give?

A. (Reading) :

IN HAMILTON COUNTY IN OXBOW TRACT.

	Acres.
Lot 39	200
Lots 49, 171, 172, 174, 197, 198, 216, each 155 acres	1,985
Lot 219	379
Lot 223	457 1-
Lot 226	633
Lot 227	640
Lots 276, 277 and 278, each 254 acres	762
Lot 84	80

IN MOOSE RIVER TRACT, TOWNSHIP 9.

Lots 75, 76, 77, 78, 79, 80, 81, 82, 83, each 200 acres	1,800
Lots 84 and 85, each 210 acres	420
Lots 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, each 200 acres	4,200 1-

IN TOWNSHIP 10 AND 29 OF TOTTEN AND CROSSFIELDS' PURCHASE.

Lot 3, ex. subs. 1, 9, 10	76
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IN TOWNSHIP 1 OF TOTTEN AND CROSSFIELDS' PURCHASE.

Gospel, and school and literature lots	1,280
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In all amounting to 12,697 acres.

Additional lands to be appraised, and from which selection can be made for exchange:

IN HAMILTON COUNTY, IN TOWNSHIP 9, OF MOOSE RIVER TRACT

	Acres
Lot 107	224
Lot 108	200
Lot 109	210
Lot 110	200
Lot 111	200
Lot 112	200
Lot 114	200
Lot 115	200
Lot 119	200
Lot 122	200
Lot 124	200
Lot 126	200
Lot 127	200
Lot 128, the W	180

	Acres.
Lot 129.....	200
Lot 131.....	210
Lot 136.....	210
Lot 140.....	163
Lot 144, N. part.....	200
Lot 149, ex. 75 acres, S. E. cor.....	135
Lot 150, the N. $\frac{1}{2}$	105
Lot 151.....	200
Lot 152.....	128
Lot 153, 150 acres, E. part.....	150
Lot 156.....	200

IN OXBOW TRACT.

Lot 232.....	500
Lot 295.....	100

IN BENSON TOWNSHIP.

Lot 20.....	160
Lot 21.....	160
Lot 22.....	160
Lot 23.....	160
Lot 38.....	160
Lot 39.....	160
Lot 81.....	160
Lot 82.....	160
Lot 98.....	160
Lot 99.....	160
Lot 119.....	160
Lot 136.....	160
Lot 139.....	160
Lot 140.....	160
Lot 148.....	160
Lot 151.....	160
Lot 171.....	160
Lot 227.....	160
Lot 235.....	160
Lot 236.....	160
Lot 237.....	160
Lot 238.....	160
Lot 240.....	160
Lot 241.....	160
Lot 242.....	160
Lot 280.....	160

	Acre
Lot 312.....	16
Lot 313.....	16
Lot 314.....	16
Lot 315.....	16
Lot 243.....	16
Lot 238.....	22
Lot 279, an un	12

By Chairman RYAN:

Q. A few moments ago you referred to "military lands;" what are they?

A. Lands in the old military tract.

Q. Is that a part of the Adirondack region?

A. It is.

By Mr. HITT:

Q. What is meant by "Military Tract" and "Gospel Tract;" what do you want to know about that "Gospel Tract?"

A. It is a large tract in Clinton, Essex and Franklin counties divided into townships; there are eleven of these townships, and the tract is called the "Old Military Tract."

Mr. ADAMS.—Soon after the revolution the State of New York paid off the soldiers in lands of the old colonial patents, which were set aside for the payment of soldiers, and these lands were divided out into townships and given over to people who had done service, and on the old maps on the east and north side of the Adirondack region that tract is laid out.

Q. Where does the "Gospel" come in?

A. In the Totten and Crossfield purchase a large tract of land was granted to Ebenezer Jessup and his associates, and this tract was divided into townships, each township containing about 26,000 acres; 1,280 acres were reserved by the State for gospel, school and literature purposes; there would be 640 acres in the north half and 640 acres in the south half (320 acres in each quarter), the 640 acres in the north half being called "Gospel," and the 640 acres in the south half being called "School and Literature;" these lands were mainly sold in 1856 to the Adirondack company, a railroad company known as the Sackett's Harbor and Saratoga Railroad Company.

By Chairman RYAN:

Q. The whole tract?

A. The gospel and literature lands; the state obtained no revenue from this gospel, school and literature land; the State sold those lands

to the Adirondack company, then known as the Sackett's Harbor and Saratoga Railroad Company.

Mr. ANIBAL — They gave then for the purpose of building that railroad for five cents an acre, I think. This Adirondack company was organized out of it.

By Mr. ADAMS :

Q. Can you state the aggregate of the lands desired by the Everton company from the State in these three several applications?

A. In Franklin county, 13,355.98 acres, at an average valuation of \$1.82.06 per acre.

By Chairman RYAN :

Q. Does that include the lands in all three petitions?

A. Yes, sir; which the company desires to obtain of the State; they offer to the State to make the selection of acreage from, a grand total of 36,399.40 acres; they do not offer the whole of it, but they offer that to select from.

By Mr. ADAMS :

Q. These petitions were filed in the office of the forest commission, and what action was had upon them by the forest commission?

A. (Reading):

STATE FOREST COMMISSION,
ALBANY, N. Y., September 22, 1890. }

Hon. EDWARD WEMPLE, *Comptroller, Albany, N. Y.*

SIR.—Inclosed are copies of applications made to the forest commission by the Everton Lumber company for the exchange of lands as specified therein, under the provisions of chapter 475, Laws of 1887,

At a meeting of the forest commission, held September 17, 1890. it was,

Voted, That this commission recommend an exchange of lands with the Everton Lumber Company in accordance with the terms of the applications of said company under date of August 7 and 20, 1890, *provided*, that in effecting such exchange the State shall acquire legal title to at least 26,000 acres in return for 12,000 acres, the title to which the State is asked to convey to the said Everton Lumber Company.

Very respectfully yours.

ABNER L. TRAIN,

Secretary.

Q. What is the date of that?

A. September 22, 1890.

Q. Recommending the exchange?

A. Yes, sir.

Mr. FIERO.—On certain conditions.

Q. After receiving the application and resolution or recommendation, what was done at the Comptroller's office?

A. The Comptroller thought the Attorney-General was the proper party, under a new statute, the terms of which were first then being complied with, who should attend to the appraising of these lands. The appraisers have to be designated by the county judge of the county in which the land is located, and, therefore, the application is referred to the Attorney-General to have the land legally appraised.

Q. Have you the letter from the Comptroller to the Attorney-General?

A. Yes, sir. (Reading):

, STATE OF NEW YORK:

COMPTROLLER'S OFFICE,

ALBANY, October 1, 1890. }

[Hon. CHARLES F. TABOR, *Attorney-General, Albany, N. Y.* :

DEAR SIR.—Inclosed herewith please find the application of the Verton Lumber Company for an exchange of lands in the forest reserve, together with a communication from the forest commission recommending that such exchange be made, which are referred to you for the appraisal of the lands in question.

It is the wish of said company, which pays the expense of appraisal, that all its lands offered in exchange should be appraised prior to the selection of any by the State.

As we interpret the provisions of chapter 475, Laws of 1887, under which said application is made, it properly devolves on your department to procure the required appraisals, and also to pass on the title of the lands to be received in exchange. After such appraisal and the subsequent selection of the lands by this department, the company will submit to you for examination its abstract of title to such selected land.

Respectfully yours,

EDWARD WEMPLE,

Comptroller.

Q. It was so referred to the Attorney-General.

A. Yes, sir.

Q. What proceedings were had in the Attorney-General's office after such referring?

Mr. FIERO.—I submit those ought to be read and made a part of this record.

Mr. ADAMS.— Very well, they may be read then.

Q. What is the next in order after the reference to the Attorney-General?

A. There is a notice issued by the Attorney-General as follows:

Take notice.— That upon an application made by the Everton Lumber Company to the forest commission, a copy of which is hereto annexed, and also upon the resolution of the forest commission, a copy of which is also hereto annexed, I shall, under the provision of chapter 283 of the Laws of 1885, as amended by chapter 475 of the Laws of 1887, said lands being situate in two counties, apply to Hon. Samuel A. Beman, county judge of the county of Franklin, on the 16th day of October, 1890, at 10 o'clock A. M., and on the 21st day of October, 1890, at 10 A. M., I shall apply to the Hon. William H. Fry, county judge of Hamilton county, for an order appointing one appraiser by each of said judges, for the purpose of appraising the value of the lands described in the annexed application above referred to, and reporting to the Comptroller of the State of New York the result of said appraisal.

Yours, etc.,

CHAS. F. TABOR, *Attorney-General.*

Attorney for Comptroller and Forest Commission.

Q. Were appraisers appointed by the respective county judges, and if so who was appointed by the Franklin county judge?

A. Hon. Samuel A. Beman, of Franklin county, designated Hon. Floyd J. Hadley, of Malone, Franklin county; that was October 16, 1890; Hon. William H. Fry, county judge of Hamilton county, designated Peter Harris, of the town of Hope, for Hamilton county; under the statutes these two appraisers met and designated the third appraiser.

Q. Who was it and what is the date of the designation?

A. On the 20th of November, 1890, Floyd J. Hadley and Peter Harris both certified that they designated as the third appraiser Horace B. King, of Champlain, N. Y.; then they were duly sworn; Floyd J. Hadley took the oath November 20, 1890; Peter Harris took the oath November 20, 1890; Horace B. King took his oath of office November 20, 1890.

Q. Did you receive after that from the Attorney-General's office the appraisal and papers under these proceedings?

A. Yes, sir.

Q. Have you the papers here?

A. Yes, sir; the official letter accompanying the same is here.

Q. It was officially transmitted from the Attorney-General's office to your office?

A. Yes, sir.

Q. What is the date of the Attorney-General's letter?

A. December 29, 1890, he transmitted the appraisal with a letter of that date.

Q. Please read the appraisal?

Mr. FIERO. — I would like to have it noted that the appearance on the motion was Edward D. Ronan for the Attorney-General.

Mr. ADAMS. — Mr. Ronan was the special attorney; that is conceded.

Q. Read the appraisal of the land by the three commissioners, transmitted by the Attorney-General's office to the Comptroller's office?

A. (Reading):

To the Hon. EDWARD WEMPLE, *Comptroller*:

We, the undersigned appraisers, appointed pursuant to chapter 475 of the Laws of 1887, to appraise the value of certain lands belonging to the State of New York, situated in townships Nos. 12, 14, 15 and 18 of Franklin county, and of certain other lands situated in Hamilton county, and offered by the Everton Lumber Company, from which to select lands in exchange for State lands in Franklin county, beg to submit the following report:

In township 12, Macomb's purchase, great tract 1, Franklin county, lie the most desirable lots of timber land in possession of the State appraised or viewed by us. The size and shape of the lots and their location within tolerably convenient distance from the east branch of the St. Regis river, down which the timber from this township will naturally go, gives these lots a commercial value largely in excess of the lots in townships 14 and 15. The east branch of the St. Regis river takes its rise in the outlet of Osgood pond and flows in a northerly direction through Meacham lake, from which point it flows in a more westerly course through the southwestern corner of township 12.

Lots 9, 10 and 17 were long since cut over by lumbermen. These lots contain respectively 619, 636 and 650 acres, aggregating 1,905 acres, which we valued at one dollar per acre. Lots 25 and 26 are marked on the sheet herewith as "partially lumbered" and valued at one dollar and twenty-five cents per acre, while the real fact is the soft-sawing timber was several years since almost wholly removed, and when these lots fell under the supervision of the forest commission even the available hop-poles had been removed. Since

cared for by the commission a second growth of soft timber has sprung up that within fifteen or twenty years will probably attain proportions sufficient to excite the cupidity of predatory timber-cutters or enlist the capital of honest lumbermen. Lots 33 and 50, containing 1,078 acres, because of their accessibility to the river and the size of the lots, are valued at four dollars per acre. Lot 34 and 567 acres of lot 42, aggregating 1,252 acres, we valued at three dollars and a half per acre. Lot 42 has 100 acres denuded and of no value. The west one-half of lot 35 and 416 acres of lot 43, in all 754 acres, are put in at three dollars per acre. Lot 43 has 100 acres denuded and valueless. In this township are 6,528 acres of State land, of which 1,339 acres are partially lumbered, 1,905 acres lumbered, 200 acres denuded of no value, and 3,084 acres of forest at $\$3.55\frac{2}{10}$ per acre.

In township 15, Franklin county, lot 4, 4.119 acres, we valued at four dollars per acre. Lot 7, forty-three acres of forest, 120 acres denuded, we placed the value on forest land at two dollars and fifty cents per acre. Lots 16 and 18 contain 283 acres which we valued at three dollars per acre. There are in these lots $445\frac{1}{2}$ acres at $\$3.21\frac{8}{10}$ per acre. These are forest lands, 120 acres denuded and valueless, making a total of $565\frac{1}{2}$ acres in township 15 at an average valuation of $\$2.53\frac{1}{2}$ per acre.

In township 18, lots 56, 57, 66 and $34\frac{44}{100}$ acres of lot 58 aggregating $1,261\frac{44}{100}$ acres of denuded land lying upon and contiguous to the shores of Osgood pond. These lots were long since denuded by axe and fire and their value is largely hypothetical, but because the outlet of Osgood pond can be easily damned and its waters held back for the purpose of flooding the river below, to facilitate the running of logs, and because these waters flowing down through Meacham lake, form the east branch of the St. Regis river, that these lands have some value to the Eyerton Lumber Company, and were appraised by us at seventy-five cents per acre. The assessment-roll of the town shows that these lands are assessed at about seventy cents per acre.

In fixing values upon the eighty-one parcels of land enumerated on sheets marked Township 14, Franklin county, many perplexing difficulties confronted the appraisers, to appreciate which a glance at the map appended to the sheets is necessary. The marvellous irregularity of shape and size and the singular isolation of many of the lots can only be understood by studying the map. Of these eighty-one lots there are only nineteen that contain 100 or more acres, while there are twenty-four lots containing less than fifty acres each. Some of these small parcels are partly cut over and partly

primeval forests. Others are partially cut over and partially denuded and burned over. Ten lots or parts of lots were found to be denuded by axe and fire, or to be marsh land. The great Madawasca marsh covers several parcels, and renders them valueless. Lots 61, 62, 64 and 66, containing in all $296\frac{3}{10}$ acres, of which ten acres only have their original growth of timber standing, we valued the ten acres of forest at two dollars per acre and the balance at one dollar per acre. In fixing the value upon each parcel we have been governed by its size and condition, the cost of building necessary roads for removing the timber and its remoteness from or accessibility to water courses. The cost of making a road to an isolated lot of thirty-five acres is as great per mile as though it were built to transport the timber from a lot of ten times its size. The State lands in this township aggregate $5,001\frac{4}{10}$ acres, of which $3,219\frac{34}{100}$ acres we have appraised at one dollar and sixty-six and two-thirds cents per acre, the lots varying in valuation from one dollar and fifty cents to two dollars and fifty cents per acre, according to size and location. In this township $1,035\frac{60}{100}$ acres have been cut over by lumbermen and we placed a valuation of one dollar per acre upon such, while $745\frac{60}{100}$ are either marsh or denuded lands and of no value. The lots lying most convenient to the St. Regis river were assailed years ago by predatory lumbermen and shinglemakers who cut away the best trees. The timber being on the State land, no especial care was formerly taken to preserve this timber. Since the creation of the forest commission and the appointment of Chief Warden Garmon, the State has been reimbursed in the sum of \$5,000 for trespass upon the lands in township 14, and the lands thus lumbered are included in the lots enumerated in this township. The watchfulness and vigor with which Warden Garmon has performed his duties has had a salutary effect on trespassers, who, formerly, by accident or design, despoiled the lands of the State. Of the lands lying in Hamilton county, and offered by the Everton Lumber Company in exchange for State lands in Franklin county, we first visited the lots in township 9 and in the Oxbow tract. Lot 223 is situated in the northwest corner of Piseco lake and has a frontage on the lake of more than a mile, its shores are bold and the lands slopes back to the northwest to the foot of rugged hills that, in common with the table land just back from the lake, is covered with a noble growth of hard timber, from which the soft-sawing timber was removed several years ago, and the danger of fires, resulting from lumbering operations, has passed. The foliage of the hardwood timber, interspersed with the dark foliage of the young and thrifty evergreen timber, left by lumbermen, because

of its size, makes a perfect forest shade on this lot, down whose slopes flow numerous clear spring brooks to the lake. This lot contains $457\frac{1}{2}$ acres, and in view of its accessibility and adaptability to camp sites, we placed a valuation of four dollars per acre upon it. In the balance of this tract, lots 171, 174, 219, 226 and 227, because of the size of the lots and in consideration of their location and the condition of the timber standing on them, were put into the appraisal at one dollar and twenty-five cents per acre. Lot 175, situated on Sand lake, and well suited to camping purposes, we appraised at one dollar and fifty cents per acre, while the remaining lots in this tract, containing 2,262 acres, were valued at one dollars per acre.

Moose River tract township 9 comprises fifty-seven lots and parts of lots, aggregating 11,136 acres, lies northwest of Piseco lake, and with the lands now in possession of the State makes practically 20,000 acres of land stretching back from the northwest shore of the lake, and this block touches, or nearly so, the southwest corner of township 3, nearly all of which township is now in possession of the State. This tract in township 9 includes several ponds of considerable size, and is well watered by brooks and streams and covered with original growth of hard wood timber, well flecked with the dark timber that was too small to be cut for lumber when these lots were cut over. No forest fires have ever marred its beauty, nor have settlers cleared up or denuded it in patches. It is for all purposes of the State, as a watershed to the Hudson river or as a part of the State preserve, equally as valuable as though it were primeval forest. Lake Piseco is a beautiful sheet of water, a mile or more in width and six miles long. Its waters are clear and cool and abound in trout. We valued these lots in Moose river tract at one dollar and fifty cents per acre. In the gore between townships 29 and 31, Totten and Crossfield's purchase, lots 1 to 9 inclusive, $1,526\frac{40}{100}$ acres, we valued at one dollar per acre, for while they are well timbered with hard wood they do not lie contiguous to any considerable body of water. Congermunk creek takes its rise in a nameless pond lying north of these nine lots about half of a mile, and flows through Elm lake into the Sacandaga river, three or four miles east of Lake Pleasant. In township 19, T. & C. purchase, Gospel, school and literature lots 1,280 acres, lying on the western shore of Tywell pond, well timbered and a solid block one mile wide and two miles long are valued at one dollar and fifty cents per acre. In township 17, T. and C. purchase G. S. and L. lots 1,280 acres one mile wide and two miles long, with a small pond on one lot and another just east of the lots through which a creek flows to the Cedar river,

a distance of a little more than a mile; these lots we appraised at one dollar and twenty-five cents per acre.

In township 32, T. and C. purchase, G. S. and L. lots 1,280 acres, lying on the south-east side of Indian lake are put in at one dollar and fifty cents per acre because of the size, location and condition of the lots. The north-west one-quarter corner lot of the township we valued at one dollar per acre; the lot contains 273 acres.

In township 20, lot "A," the undivided one-half 2,100 acres, and lot "C", all 1,842½ acres we valued at one dollar per acre. Lot "B" lying against the north shore of Pigwaket pond, and forming the southern line of the solid body of lots reaching down to the southeast shore of Long lake, and containing 1,058 acres, was valued at one dollar and twenty-five cents per acre.

In township 22, lot 1, on Chain pond, and lot 4, lying on southeast shore of Long lake, containing together 388 acres, we valued at one dollar and fifty cents per acre. Lots 2, 3, 10, 11, 12, 12, 15 and 22, aggregating 1,552 acres, and forming a part of the solid block, lying southeast of Long lake, we appraised at one dollar and twenty-five cents per acre. Lot 9, the northern part lying on the southeast shore of Long lake, forty-four acres, we priced at two dollars per acre. Lot 55, east part, fifty-two acres, at one dollar per acre.

In township fifty, T. and C. purchase, lots 7, 47 and 41, contain 404 acres, we valued at one dollar and twenty-five cents per acre. Lot 7 and 46 lie on Long lake and 41 on Round pond. Lot 8 lies on the south shore of Long lake we appraised at two dollars per acre. Lot 59 on Round pond we valued at one dollar and fifty cents per acre. Lots 73, 4, 88, 33 and 31 were put down at one dollar per acre.

Seven hundred and sixty-one acres in township 10, T. and C. purchase, we appraised at one dollar. G. S. and L. lots, 1,280 acres, we placed a valuation of one dollar per acre.

In Oxbow tract, lots 232 and 295 contain 600 acres, valued at one dollar per acre. In Benson township, lots 239, 234 and the undivided one-half of lot 279, aggregating 364, at one dollar per acre. All other lots in this township, offered by the Everton Lumber Company, are put down in the valuation at one dollar per acre.

As an index to the value of the land in Hamilton county, it may be stated that the Durant estate recently sold 80,000 acres of land that had been lumbered, at one dollar and fifty-six cents per acre. This land was embodied in a sale comprising 390,000 acres.

FLOYD J. HADLEY,
PETER HARRIS,
HORACE B. KING,

Appraisers.

Q. Accompanying this report is there a map of the State lands and of the lands offered in exchange?

A. There is a map of the State lands, but no map of the lands offered in exchange.

Mr. ADAMS.—I would like the committee to examine the map of the State land. The lands, as I understand it, that are desired are those marked in red.

Q. (Interrupting.) What is that?

A. This is the schedule of appraisement mentioned in the foregoing; they are given a recapitulation of all the land in each township, with a general recapitulation at the end.

Q. Read the recapitulation?

A. In Franklin county, township 12, great tract 1, McCombs' purchase, 6,528 acres, average price, \$2.22.6.; 1,339 acres, partially lumbered, at \$1.25, \$1,673.75; 1,905 acres, lumbered, at \$1, \$1,905; 200 acres, denuded, no value; 3,084 acres, forest, at \$3.55.2, \$10.936. Township No. 15, great tract 1, McCombs' purchase: 561 1-2 acres, at \$2.53.5; forest, 445 1-2 acres, at \$3.21.8; 120 acres, denuded, no value. Recapitulation of State land and township No. 14, 5,001.04 acres, average price, \$1.48.008; 3,219.84 acres, average price, \$1.66 2-3; 1,035.60 acres, average price \$1; 745.60 acres, no value; grand total of State lands in Franklin county, 13,353.98 acres, at an average valuation of \$1.82.06 per acre.

Q. That is the land on the Everton application?

A. Yes, sir; it is made up as follows: Forest, 6,749.34 acres, at an average valuation \$2.77.3 per acre; lumbered, 2,940.60, at an average valuation \$1 per acre; denuded, 1,065.60, no value; partially lumbered, 1,339 acres, at an average valuation \$1.25 per acre; burned over, 1,261.44 acres, at an average valuation 75 cents per acre.

Q. Of the 13,000 acres there are how many acres which are denuded or of no value?

A. One thousand and sixty-five and sixty-hundredths; the schedule submitted by the appraisers, in the matter of the lands offered in exchange for the lands of the State, is as follows: Total acres offered by Everton Lumber Company 36,399.40, at an average valuation of \$1.30.852 per acre, which is practically \$1.31.

Q. Is there any mention of any denuded lands in the lands offered, or any deduction on account of denuded lands?

A. Lump sums are given for the value of each lot without mentioning its character.

Q. Without making any deduction on account of denuded lands?

A. No, sir.

Mr. FIERO. — Does it state there that there are denuded lands?

Mr. ADAMS. — There is no mention of denuded lands; they are charged a lump sum on the whole; the question may be whether they are not denuded lands, and they are selling the State their denuded lands and claiming that the State's denuded lands ought not to be paid for; I think that is all of the documentary evidence from the Comptroller's office.

Mr. HITT. — Mr. Chairman, I would ask how long we are to sit to-night?

Chairman RYAN. — Mr. Adams, have you all the information you require from the Comptroller's office?

Mr. ADAMS. — Yes, sir.

Mr. ANIBAL. — We would like to ask this gentleman several questions hereafter.

Mr. ADAMS. — Mr. Chairman, I do not recognize the right of counsel to cross-examine here. My view about the investigation is that the State is pursuing an investigation for information; they can seek this information in any way and from any source. If the members of this commission think anything has come out that requires explanation, the other side may ask leave for the witness to explain, and the committee may grant such request, because in that way they will secure further light. I do not understand that counsel of the commissioners have anything more now to do than to see that the commissioners are not asked improper questions, going beyond the jurisdiction of a legislative body, or if questions are asked that may tend to criminate the commissioners, they may consult with counsel as to the propriety of answering the questions. After the committee conclude their investigation, then as a matter of favor the explanation may be drawn out by the other side, and questions may be asked tending to explain the views which they entertain.

Mr. FIERO. — I do not understand the counsel. I understood him to start out by denying any right whatever to cross-examine, and then at the close he says we have a right to examine.

Chairman RYAN. — As a matter of courtesy.

Mr. ADAMS. — I say it is a matter of courtesy.

Mr. FIERO. — I am not going to bandy words as to whether it is a matter of right or a question of courtesy. It is an extraordinary proposition that any one summoned before a committee of this character should not be represented by counsel and the witnesses examined by counsel. It does not seem to me that it is worth while to argue to this committee that it is not only proper but absolutely right, a right to which no legislative committee has ever attempted to

deprive any citizen of under any circumstances whatever. I do not think there has been anything of that sort in the history of investigations. Now the point in regard to which I wish to be informed is as to what the counsel means by his suggestions at the close of what he had to say, that when they are through with the witness we may ask questions. We do not want to be put to the trouble, annoyance, expense and delay of bringing back a witness to ask a few questions which will bring out the facts, when we ought to be allowed to ask the questions as they are always asked from the witness at the time he is upon the stand in all courts.

Mr. ADAMS.—I mean this: At the conclusion of Mr. Basselin's testimony —

Mr. FIERO (Interrupting).—Permit me to make one suggestion. My attention is called, by way of illustration, to the fact that when the Fassett committee sat in New York, when the city departments were being investigated counsel appeared, and, as I understand, without question or contrôvery, and I do not understand that anybody ever thought of such a thing as raising the question that the departments should not be represented by counsel before that committee, or any other committee, until to-night.

Chairman RYAN.—Were counsel permitted to cross-examine the witnesses for the purpose of gaining information in that investigation?

Mr. FIERO.—Certainly, fully and at large. They were allowed to cross-examine every body brought before the committee. The chairman will recollect that Mr. Choate and Mr. Cochrane appeared and examined the witnesses. It is customary upon all occasions and at all times, and it would be a most unusual thing to refuse that right.

Mr. ADAMS.—What I intended to say was this: That when Mr. Basselin's examination should be concluded upon the part of the committee and he should desire to explain anything in regard to any answer he has made or any information which was not called for by me as council for the committee, he may be asked to explain and his counsel may conduct the examination by way of securing such further information. He has the right to be represented by counsel. First, to protect him against questions not before the committee, because the committee has jurisdiction only to a certain extent, and in the second place if questions are asked which may tend to criminate him, he may advise with counsel as to whether he would be justified in refusing to answer and putting himself upon his privilege. But I do not understand that as a matter of right the counsel of the commissioners have any right whatever to cross-examine other witnesses. Take for example, the witness from the Comptroller's office and the

witness from the Treasurer's office. If they should be asked to furnish further information upon the part of the counsel the committee might permit it in order to get more light. The committee is in search of information for the purpose of legislation, to see whether the laws need amending in any respect, or to be enlarged or restricted, or whether they should be repealed, etc. This information is all for that purpose. This is not a trial or contest, it is more in the nature of an inquest. It is a search for information where it is in the breast of the committee to say how far they will permit the inquiry to go upon the part of their own counsel or upon the part of the other side. That is what I mean to say. There is no absolute right. I suppose if the committee desire to cross-examine Mr. Basselin by way of information they will permit it, and if there be facts in regard to any other witness which the committee desire the committee would permit such witnesses to be examined; but to put it in the form of a contest, who is the contest against, and what is the point of the contest? What is this inquiry? It is the seeking of information by a committee of the Legislature upon which to found legislation and to recommend legislation for the whole body.

Mr. HITT.—To bring this matter up definitely I move that the commissioners be allowed to appear generally by counsel. I make this motion to test the question.

Mr. BUSH.—I think the limits in which counsel may interrogate the the witnesses should be defined. They might cross-examine witnesses upon their own part and have all the various rights of counsel in any court.

Mr. HITT.—Subject to the control of the committee, of course.

Mr. BUSH.—I have no objection to any counsel appearing, but I think for the proper progress of this investigation and for the best interests of it, it would be better to decide here whether the cross-examination upon the part of one of four different attorneys should be permitted.

Mr. HITT.—I do not think any one on the committee would permit that. Let one gentleman begin and conduct the examination the same as in court.

Mr. BUSH.—I am willing to allow the greatest latitude consistent with the interests of legislation, but not for the purposes of obstruction.

Mr. ADAMS.—I made some remarks as to what I understood was the orderly way of procedure. Now, as counsel for the committee, I do not propose to make any objection to anything that may be offered or to any question they desire to ask. I am simply the servant of the

committee. Instead of interposing myself I shall wait until the committee make the suggestion.

Mr. HITT.—My idea in making the motion was this: We are here seeking the truth, and it is an old rule followed as long as I have known about evidence, that we generally get the most on a cross-examination. We are apt to, because leading questions can be put. In this State we have had, in the last few years, several investigations. As has been stated, the Senate committee in New York have allowed counsel to appear and cross-examine any of the witnesses, and I never heard that any objection was made to such course. I remember a year ago last winter that two investigations were conducted in this room. One committee admitted counsel and the other excluded counsel. The moment the committee excluded counsel the people lost confidence in the committee, and so did the Legislature, as evinced in its final action. But for all that, I think, as Mr. Bush suggests, it should be under the control of the committee.

Chairman RYAN.—Your motion is that the commission be allowed counsel, to be represented by counsel?

Mr. HITT.—Yes, sir.

Chairman RYAN.—And that is all?

Mr. HITT.—That is the motion.

Mr. BUSH.—I second it.

Chairman Ryan then submitted the motion, and it was carried.

Mr. BUSH.—The extent of the examination is not yet defined.

Mr. HITT.—That is left to the judgment of the committee. We are simply directed to get some information as to the administration of the laws relating to the forests. No one is accused of anything. There is no trial. There is no accused party. We call the parties before us for the purpose of getting information through the readiest channel. There is nothing in the way of a trial contemplated, nor is an accusation made. Our committee is directed by the resolution to make an inquiry as to the administration of the law, and upon that information so obtained to recommend legislation if we deem it necessary. We do not want a very protracted examination or investigation, but we wish it to be searching, thorough and practical, and for that reason we would like to have counsel confine their proceedings within a reasonable limit. We are as desirous as counsel to arrive at all the information possible.

Mr. ANIBAL.—As an adjournment was suggested, I would say that we have several questions which we would like to ask Mr. Sanger. I think the counsel upon the part of the commission (Mr. Fiero, Mr. Hessberg and myself) have tried to be as expeditious as we could. We

have not interposed a single objection, and do not intend to, unless the investigation proceeds beyond the scope that ought to be allowed upon a direct examination. It is now half-past 10 o'clock, and if the committee wish to adjourn, it will be agreeable to us.

Mr. CAMERON.—I move we adjourn to 7.30 p. m. to-morrow.

Chairman RYAN.—Is there any objection upon the part of any member?

Mr. KNEVALS.—I wish to say a word in personal explanation. I received a dispatch to-day from Col. Fox, of our office, saying that Mr. Garmon had been subpoenaed, but that it was not expected that the commissioners would be present. Subsequently, later in the day, I received another dispatch saying that the clerk of the committee had stated to the officers in the forest commission office that the commissioners were required to be present; I supposed it was a requisition.

Chairman RYAN.—That arose from a misunderstanding between the clerk of this committee and the clerk of the forest commission. It is moved and seconded that the committee do now adjourn until half-past 7 o'clock to-morrow evening.

Motion carried, and the committee adjourned.

ALBANY, N. Y., *February 5, 1891, 7.30 p. m.*

The committee met pursuant to adjournment, the following members being present: Chairman Ryan, Messrs. Connelly, Davie, Hitt, Cameron, Dempsey, Lane and Brown.

Mr. ADAMS.—There is a question I desire to ask Mr. Sanger before the other side examine him, if they shall so desire.

WILLIAM H. SANGER, recalled:

By Mr. ADAMS:

Q. Mr. Sanger, you may state the date when this appraisal was finished?

A. The date of the report made by the appraisers, seems to be undated; it was received at the Attorney-General's office December 30, 1890.

Q. There is the mark of that office on that date?

A. Yes, sir.

Q. What date did it come to the Comptroller's office?

Chairman RYAN.—Is that the appraisal we had under consideration last evening?

Mr. ADAMS.—It is.

A. The Attorney-General's communication was received at the Comptroller's office December 30, 1890.

Q. Has any conveyance been made by the Comptroller under this appraisal?

A. No, sir.

Q. At the tax sales of 1890 are you able to state who bid off the lands, or the most of the lands, offered for sale at that time?

A. Do you confine your statement to any particular county?

Q. No; I refer to the sales for taxes in the Adirondack region; state the names of the principal purchasers, and about the amount that they bid them off at, those who made the largest purchases?

A. I am unable to state without reference to the books, the acreage bid off by the various parties; the largest bidders were lumbermen; Henry Patton was the largest bidder at the tax sale.

Q. About how many acres did he bid off?

A. It is impossible for me to tell.

Q. Can you give an approximate estimate?

A. It is mere guess work; I should say he bid off at least 200,000 acres.

Q. Who else besides Henry Patton?

A. Finch, Pruyn & Co. were the next largest bidders to the best of my recollection; they were from Glens Falls.

Q. About how much did they bid off?

A. About 100,000 acres.

Q. Who else bid off large quantities?

A. The Morgan Lumber Company of Glens Falls bid off a large amount of land; I am unable to state the acreage they bid in.

Q. It was a large quantity of land?

A. Yes, sir.

Q. Who next?

A. I am unable to state who was the next largest bidder, but Erastus Darling bid off a large quantity of land in the Adirondacks.

Q. Who is he?

A. A lumberman; I think his headquarters are at Gloversville; another was George F. Underwood, a lumberman, with headquarters at Fort Edward; also George W. Ostrander bid in a large quantity of lands; he is a real estate agent.

Q. About how many acres were bid off at this State tax sale of 1890?

A. As near as I can estimate it or recollect it—I can not make any estimate of acreage—but we have computed it simply by the amount paid in to the Treasurer, the individual bids amounted to three hundred and ninety odd thousand dollars.

Q. How many has the State bid in?

A. Very few.

Q. How many acres did you say?

A. That is also mere guess-work; in what is called the Adirondack country, I should say the State did not obtain to exceed 3,000 acres, if it did as much as that; I think I am safe in saying that the State did not bid in to exceed 3,000 acres in the Adirondacks.

Q. Can you state the character of the lands as to timber; I should qualify that statement; the State bid in all the lands which it held title to — I mean the State did not bid in at the tax sale more than 3,000 acres of new land, land that it did not have title to before.

Mr. ADAMS.—That is what I desire to show, the increase likely to be perfected by title.

Q. These lands in Franklin county proposed to be exchanged by the Everton Lumber Company, are you familiar with the value of lands in that region of the State, from your official position, what they are considered worth?

A. I have never visited these lands and I have never seen them, and of my own personal knowledge I can give no information whatever as to their value.

Q. But from what you have heard people from that region and familiar with these lands state about them, are you able to put a valuation upon those lands?

Mr. FIERO.—We desire to object to that as not being proper proof as to the value of these lands; whatever the witness knows in regard to the matter is entirely proper.

Chairman RYAN.—Repeat the question, will you?

Mr. ADAMS.—The question is, from what he has heard people say or state, who were familiar with the lands and know their value, what estimate he will put upon those lands that the Everton company proposed to acquire by this exchange.

Chairman RYAN.—The witness may answer that question.

A. I have heard that they were worth at least five dollars per acre.

Mr. HITT.—I don't understand that to be Mr. Adams' question. From what knowledge he has gained, what estimate would he put upon them.

Mr. ADAMS.—What knowledge he has gained from reliable parties owning land—from knowledge acquired that way—what estimate he would put upon it.

Mr. FIERO.—We object; that he does not speak from his own knowledge.

Chairman RYAN.—The committee understand that. The witness did not state he knew from his own knowledge, but his judgment was gained from the information derived from others.

Mr. HITT.—He is to make an estimate from the knowledge he has.

Mr. ADAMS.—I ask him to base his estimate upon his general knowledge, from his official position and what he had heard from sources upon which he relied.

Mr. HITT.—That was not his answer.

The WITNESS.—My answer is this: That I have never visited these lands; I have never seen them, personally, and I know nothing, of my own knowledge, as to their value; I am incompetent to state what their real value is; I simply state that I have heard they were worth five dollars per acre.

Q. And you heard from what class of persons and in what way?

A. I can't recall now; I have asked about the value of these lands, and I can not recall now any persons who have told me positively what they were worth, but I remember—at least I have heard from some sources which I can not now distinctly recall—that they are worth about five dollars per acre.

Mr. FIERO.—Now we ask that that answer as to what he has heard be stricken out as being no evidence whatever.

Mr. ADAMS.—I do not suppose that an investigation of this sort is to be governed by the strict rules of evidence.

Mr. FIERO.—Nor do I; only I want something that is tangible.

Mr. ADAMS.—Whatever is probable, even if it is founded upon hearsay, that source from which the information has been heard, may be repeated, and this committee would have the right to act upon it the same as an individual would in his own affairs. We do not know everything from legal evidence, but we do hear things from reliable sources, and they are so reliable that we act upon them, and I suppose statements of that kind are proper in an investigation of this kind for what they are worth.

Mr. HITT.—The question is, whether they are worth anything. The witness says that he knew nothing about them; he does not know who the party is; he has heard what some one has stated, that those lands are worth five dollars an acre.

Mr. ADAMS.—Perhaps he does not come up to the proposition that I stated, but suppose Mr. Patton, for example, should come into the Comptroller's office and say that these lands in that vicinity were worth five dollars an acre; although it would not be legal evidence, it would be proper to be received and be acted upon to aid this committee in their duty.

Mr. HITT.—Certainly; but he don't do that.

Mr. ADAMS.—If the committee think the witness does not come up to that point, the evidence is less valuable than I had hoped it would be.

Chairman RYAN.—I should allow the evidence to stand for what it is worth.

Mr. ADAMS.—I think that is all I desire to ask Mr. Sanger.

Cross-examination:

By Mr. FIERO:

Q. Did these papers in this Everton land matter come from the Attorney-General's office to the Comptroller?

A. After the appraisalment.

Q. Were they accompanied by a communication from the Attorney-General to the Comptroller?

A. Yes, sir,

Q. And that communication was attached to the papers?

A. Yes, sir.

Q. So that it came down from the Attorney-General's office in an official and regular way?

A. Yes, sir.

Mr. ADAMS.—That is what he said.

Q. Do you know why no action had been taken upon it?

A. The Comptroller has decided that he would take no action whatever upon the application until he could definitely ascertain what would probably be the exterior lines of the proposed Adirondack park; inasmuch as he had to select the lands, he wished to select no lands that would be outside of the lines of the park.

Q. Are you also aware of the fact that the report is not in conformity with the view of the forest commission recommending it, so no action could be taken; has your attention been called to the resolution that the forest commission only approved it provided 26,000 acres should be returned for 12,000 acres?

A. We understand that perfectly.

Q. Has that influenced the action of the Comptroller in the matter?

A. No.

Q. Do you understand the Comptroller could act in the matter with that recommendation in that form?

A. Yes, sir; he understands he can.

Q. And that that would be an absolute approval if those terms were not complied with?

A. He understands that he can select 26,000 acres for 12,000 acres.

Q. But the appraisal is upon a different basis; does not the Comptroller understand he may act upon the resolution of the forest commission, and not upon the report of the three appraisers?

A. The appraisers have set their value upon the lands; he makes a selection, not according to the value, but in accordance with the acreage which he can select from; if he should convey to the Everton company 12,000 acres of the State land, he must receive in exchange the 26,000 acres which he would select.

Q. But you do not understand he can do that in conformity with the appraisal?

A. That is the only way he could have.

Q. But the appraisal does not put it in the form of 26,000 to 12,000?

A. No, sir; the lands were appraised, and the law under which the appraisal is made states that if there be any difference in value, the State is not compelled to pay that difference, and shall not pay that difference.

Q. That is why I ask you how the arrangement could be perfected and carried out?

A. In this way, that if the value of the 26,000 acres to be selected by the Comptroller should be \$10,000, that will put it in excess of the State lands, and that would have no influence whatever upon the exchange; we would not go upon values; the State would not have to pay that difference, but, under the law and under the recommendation of the forest commission, we could give 12,000 acres away and take in exchange 26,000 that we might select.

Q. Then, the only way in which the exchange could be carried out would be in conformity with the view of the forest commission and not upon the views of the appraisal?

A. Only in conformity with the recommendation of the forest commission.

Q. There is no approval whatever of the appraisal from the forest commission which has come to your office, is there?

Mr. ADAMS.—I suggest that the inquiry goes beyond the scope of the resolution.

Chairman RYAN.—Will you repeat the question?

[Stenographer Rodgers read the same.]

Mr. ADAMS.—Under the act, as I understand it, it is not necessary for the forest commission to approve the appraisal. All the forest commission does is to approve the exchange, the proposition; then follows the appraisal, and then the Comptroller acts upon that. It requires no further action on the part of the forest commission. The proposition to exchange goes before the forest commission, and they do one of two things: They recommend the exchange or refuse to recommend. If they refuse to recommend, that is the end of the matter. If they recommend the exchange, then it is sent to the

Comptroller to act upon that recommendation, and the Attorney-General and the Comptroller proceed with the appraisal, and after the appraisal the exchange is effected, in which exchange the State is to pay no boot whatever, no matter what the appraisal is. If the appraisal shows that the State lands are worth in excess of the proposed land, then the private individual pays that difference; he pays boot, but the State does not. The point of this evidence we gave last night is to show that the forest commission, in the administration of this law, have consented to this exchange in 1890 under these circumstances, and to give it point that for three years they refused to consent to any exchanges. Now, after the expiration of three years, they consent to an exchange, which it is submitted is a most extraordinary proposition to exchange under the most extraordinary circumstances. Therefore, it may be very proper to make some new law or to change the old law to prevent any such extraordinary thing again happening.

Mr. FIERO.—One moment, if the committee please. It is intimated by the course of the examination, that the forest commission have recommended a certain exchange which is not for the benefit of the State. To that end there has been put in evidence here a resolution by the forest commission by which they recommend that, at least, 26,000 acres of the Everton company shall be taken for 12,000 acres of the State lands. Now that goes to the appraisers, and the appraisers report more unfavorably to the State and more favorably to the Everton company. That is the situation of affairs by this report as it stands to-day. No action has been taken, and what I desire to show to this committee and to bring clearly before the committee is the fact that the action of these commissioners in the first instance was exceedingly favorable to the State, and that the action of the appraisers has not been carried out for the reason that there is no approval anywhere of the forest commission which will authorize the carrying out of the action of the appraisers, but that the only assent they have given is a qualified assent where there must be 26,000 acres given for 12,000 acres, which is clearly beneficial to the State; and it is for the purpose of showing that the forest commission have acted in that single respect only in favor of 26,000 acres for 12,000 acres that I desire to show by the witness that they have taken no other or further action in the matter. They were not required to, but if they saw fit to approve of the action of these appraisers, which is less favorable to the State than their first resolution, they might have done so. I want to show that they have not done so, and that the reason the Comptroller does not act in this matter is because the forest commission say that the terms of the

appraisal are not such as to authorize it. In view of it being clearly a part of the history of this transaction it seems to me it is proper to show this fact. * The provision of the law is, "Such separate tracts or parcels of land may be exchanged by the Comptroller for lands that lie adjoining the main tracts of the forest preserve upon the recommendation of the forest commission, or a majority thereof, together with the advice of the Attorney-General on behalf of the State, but the values of said lands so exchanged must be first appraised by three disinterested appraisers sworn to faithfully and fully appraise the value of said lands, and the difference, if any, between the values of such parcels so proposed to be exchanged, shall be paid by the party so exchanging with the State into the State treasury, but the State shall not pay the amount of any such difference." Now the forest commission did make a recommendation, but they coupled with it a condition that it was only upon certain terms. Those terms have not been complied with. Therefore, the Comptroller, and everyone else in connection with it, is powerless to move in the matter, and the exchange is at a standstill because the appraisers have not found the value of the lands so favorable to the State as the forest commission—

Mr. HITT.—(Interrupting.)—What have the commissioners to do with it after the appraisers report to the Attorney-General?

Mr. FIERO.—Nothing. But there is something they must do before that. They must recommend it, and after they have recommended it, accepting upon certain conditions which are complied with, the result is that there is no recommendation whatever except in a certain specified method which is favorable to the State. That is the position we stand upon. The forest commission has nothing to do with it at all. I simply want it to appear that they have taken no further action. I suppose it would be in their power to recommend now that the action of the appraisers should be carried out. I take it under the language of the statute that that recommendation might be made after the appraisal as well as before if they see fit to make it, but they have absolutely refused to act in the matter, and will not act in the matter because the appraisal is not so favorable to the State as they thought it should be when they gave this qualified assent and approval. The forest commission have not acted, and because they have not acted this exchange has not been carried through. I simply asked him the question with the view of showing that the forest commission have not ratified this appraisal. They are not bound to do it in order to carry it through, provided they had in the first place said, "we recommend an exchange." They might have said "we recommend an exchange of State land." Then it would have been

the duty of the Attorney-General to have acted as he has and appraisers to approve as they have, and in all human probability State would have been bound by the action. But the commission looking forward to the interests of the State, said that ought to be done only upon terms favorable to state, and they provided for that in their resolution embodied that in their resolution, and because they did that, the exchange has not been consummated, and it has not been consummated because of their care and foresight in this matter. It seems me that that is just what this committee wants to know when they want to know in regard to the manner in which this is carried out, they want to know how carefully this work has been done by the commission, and this is one of the things to show it.

Mr. ADAMS.— A single observation, and that is this: If my experience is right, it is a very bad law, and the sooner it is remedied the better. Another observation: That when this forestry commission passed this resolution on the coming in of the offer to exchange, it did all that it could do to affect it; it exercised all the power that the state gave it, and to the furthest extent. They recommended the exchange of the Franklin county land for the land about Piseco lake. When they recommended that exchange and sent it with the petition to the Comptroller's office, they had no further power.

Mr. FIERO.— And, further, nothing could be done unless it was in accordance with their resolution, which is provided that 26,000 acres shall be secured.

Mr. HITT.— What is the question? We have got a good way from

Mr. FIERO.— The question is: Did the forest commission take any action subsequent to the appraisal by way of recommending the exchange?

Mr. ADAMS.— My suggestion was that it was wholly immaterial and foreign to the inquiry proposed by the resolution of the Legislature.

Mr. HITT.— I am only one of the committee, and I do not see what any subsequent action had to do with it. They had discharged their official duty when they made the recommendation, and it went to the Comptroller, from there to the Attorney-General, then to the appraisers, and then to the Comptroller.

Chairman RYAN.— It seems to me they had exhausted their function when they made that communication to the Comptroller.

Mr. FIERO.— If the committee is satisfied that that is the true situation of affairs, I am satisfied. I wanted to bring it out by a single question instead of doing so upon an argument.

Chairman RYAN.— Go on, counselor.

Q. Now, Mr. Sanger, there is a proviso that the State shall receive 26,000 acres in return for 12,000 acres; you understand that that proviso must be complied with before this exchange can be carried out?

A. Yes, sir; I do.

MR. ADAMS.—Another suggestion I make is that after that resolution went down it was sent to the Attorney-General's office from the Comptroller's office, and he took charge of the legal proceedings, that these individuals who proposed the exchange participated in the legal proceedings based upon this resolution with the proviso in it, and having done that nothing can be said now; they are bound by it.

MR. FIERO.—Certainly; everybody is bound by it.

MR. ADAMS.—And there was authority to carry out the exchange if the Comptroller saw fit.

MR. FIERO.—If it was upon the terms here provided. We do not differ at all.

Q. With regard to the sales at the State tax sale, were these bidders men who had originally owned this property, or portions of it, to a considerable extent?

A. You mean the bidders I have mentioned?

Q. Yes, sir.

A. In the great majority of instances they claimed to own the land and bid in the land as owners.

Q. It was land which had been allowed by some means to be sold for taxes and which they bought in in order to perfect a title?

A. They bid it in representing themselves as owners of the land.

Q. To protect their title?

A. Yes, sir.

Q. Who bids for the State at these sales?

A. The agent that is designated by the Comptroller to do so.

Q. The forest commission have nothing to do whatever with bidding for the State at these sales?

A. No, sir.

Q. Have they any power or authority with reference to cancellations or redemptions of land sold for taxes?

A. That lays entirely with the Comptroller.

Q. Have they (the forest commission) any power to convey land?

A. No, sir.

Q. So far as the State lands are concerned that must be done by the Comptroller?

A. Yes, sir.

Q. As to any other lands have they any power to convey?

A. Not to my knowledge.

Q. Wherever cancellations have been made or redemptions allowed since the commission has been in existence, it has been done by the Comptroller's office?

A. Yes, sir.

Q. And the reason that these bidders got this land was because they offered more than any one else — that is, took it on more favorable terms?

A. There was no one to oppose their bid.

Q. The State didn't oppose it?

A. I acted as auctioneer at the tax sale, and I can state of my own knowledge that the custom that has usually prevailed at our tax sales is, that when a bidder announced himself as an owner of land, it is a matter of courtesy not to run his land down, but to allow him to bid it in for the whole amount for which the land is offered for sale.

By Chairman RYAN:

Q. He paying the expenses to the State up to that time?

A. Yes, sir; and accrued interest, together with the principal sum due for taxes.

By Mr. FIERO:

Q. Has it not been the policy up to a recent date to encourage other parties to buy the lands rather than to have the State bid them in?

A. We always try to get the individual to bid in the land rather than to have it go to the State.

Q. That has been the policy of the office always up to this time?

A. To make a fair sale of the land, to offer it fairly, and if there is no bidder the State bids it in; if any one will take it of course we are glad to have them do so.

Q. There has been no effort made for the State to obtain the title to this land through the tax sales, except so far as to protect itself in the payment of taxes, has there?

A. That is right.

Q. As to some of these lands the State had previously bid them in and had title through some tax sale — I mean those that the State bid in itself?

A. Yes, sir.

Q. That was to protect its title?

A. Yes, sir.

Q. What other lands did the State buy; you say about 3,000 acres besides?

A. I say that, in my judgment, never having counted it up, the State did not bid in more than 3,000 acres of new territory in the Adirondack country.

Q. That was in cases where the owners didn't come forward to protect it and there were no bidders?

A. Yes, sir.

By Mr. HITT:

Q. Did the State tax its own land and sell its own land for taxes?

A. No, sir; I can explain that to the committee very quickly; take the 1885 tax sale and it was for taxes from 1876 to 1882; the State bought in the land at the 1885 tax sale; its title matured; it obtained title in 1885; hence the tax of 1883, 1884 and 1885 could have been legally imposed upon the land, the State not having title to it; now these lands at this tax sale were sold for these legal taxes of 1883, 1884, 1885, and we allow them to go to sale, and under the law the Comptroller is compelled to bid such in in the name of the State.

By Chairman RYAN:

Q. Explain how it is that the counties in which these towns are situated do not buy them in for their taxes; we are at a loss to know the mode by which the State obtains these lands?

A. These taxes by law are not collected by the county only through the authorized town collectors; being unpaid they are returned by the collectors to the county treasurer, who must submit the non-resident taxes and unpaid taxes to the Comptroller's office; such of the taxes as are found to be correctly described we advance the amount of to the county and become the collectors of that tax ourselves.

Q. In how many counties of the State does that mode prevail?

A. In the majority of counties; I think that thirty counties collect their own taxes under special laws, but special laws had to be passed by the Legislature in each case authorizing those counties to collect their taxes; where that is done it is under a special law.

By Mr. FIERO:

Q. That is to say, the State pays the tax and then must bid in the land to protect itself?

A. When the Comptroller's office receives an account of unpaid taxes from a town, all the taxes that are admitted by the Comptroller upon that account are credited to the county, and we send the statement to the county treasurer so he can distribute it among the towns to which it properly belongs.

Q. Then the only remedy of the State is to buy the land, unless some one else buys it and pays the State?

A. Yes, sir.

Q. Did the State, at this sale, buy any of the land to which it previously had title by previous tax sale?

A. Yes, sir.

Chairman RYAN.—We do not wish to curtail you, Mr. Fiero, but we would like you to be as brief as possible and come right to the point.

Mr. FIERO.—I trust I have not been tedious; I have not intended to be.

Chairman RYAN.—It would be impossible for the counsel to be tedious upon any subject, but our time is limited.

Mr. FIERO.—I supposed these were things which would be valuable to the committee; however, I am through with this branch of the case; if the chairman will bear with me I shall not occupy any more time than is absolutely necessary.

Q. The minutes of the stenographer of your testimony last night show the following:

“Q. Are the lands in Mr. Hurd’s application the same lands mentioned in the Everton Lumber Company?

“A. Essentially so.

“Q. Substantially the same land?

“A. Yes, sir; that is the Everton Lumber Company proposed to exchange more lands than were offered by John Hurd, but almost all the lands offered by Mr. Hurd are included in the same application of the Everton company.”

Q. Will you explain what the fact is in regard to that, and whether that is a correct statement?

A. That is hardly a correct statement; I should have said that practically all the lands belonging to the State, applied for by Mr. Hurd, are also applied for by the Everton Land Company.

Chairman RYAN.—We understood that was what was meant by your answer last night.

The WITNESS.—I would say that practically all the lands belonging to the State applied for by John Hurd are now applied for by the Everton company.

Q. That was what you meant to be understood as saying last night instead of the statement as read?

A. Yes, sir.

Mr. FIERO.—I think Mr. Sanger then intended to state what he states to-night; I understood him to state as appears by the stenographer’s minutes.

Redirect-examination :

By Mr. ADAMS :

Q. Have the State tax laws been changed since 1885 at the direction of the forest commission, I mean in the method of collecting the tax and tax sales?

A. They remain practically the same; one or two minor changes in regard to redemptions and cancellations. .

Q. As I understand you, non-resident lands embracing the Adirondack region are put upon the tax-list, and if the taxes are not paid in the county they are returned through the county treasurer to the Comptroller's office.

A. Yes, sir.

Q. And the Comptroller examines and ascertains whether the description is such that they can be sold, and if so, they are admitted by the Comptroller and notice given to the various counties?

A. Yes, sir.

Q. Then the Comptroller advances to the county the sum total of the tax of each county?

A. Yes, sir; that is right.

Q. To reimburse the State they sell the land?

A. Yes, sir; if the owners can, they pay it to the Comptroller's office, and if it is omitted, then the lien is enforced by sale at the Comptroller's office.

Q. Under a tax sale does the State bid against any owner or any person who comes to bid upon the land to the amount of the tax?

A. Never.

Q. And the State is only required to bid in when there are no other bidders?

A. Yes, sir.

Q. In that way the State acquires title?

A. Yes, sir.

Q. To guard its title, it sometimes, as owner, becomes a bidder at sales?

A. Yes, sir; it must bid, under the law, to protect its own rights.

By Chairman RYAN:

Q. Does the State bid the land in under a lien or buy in fee?

A. If the State has any interest in the land, either by a loan commissioner's mortgage being upon the land — will you repeat your question?

Q. When we sell land by tax sale in our part of the State, we bid it in for the shortest number of years for which the buyer will take it

and pay the amount charged against it; now does the State buy the lands in that way, or absolutely?

A. Absolutely; if not redeemed in two years, then the statute gives to the purchaser of the land, or the one who holds the tax certificate, an indefeasible title.

By Mr. ADAMS:

Q. Are you able to state about how many acres of land the lumber companies own in the Adirondack region; first, I will ask you if you have read the bill proposed by the forest commission for a park; the bill attached to their report laid before the Legislature the first of January?

A. I just received the report this afternoon and simply glanced over it.

Q. Do you know the boundaries of the proposed park in that bill?

A. I understand them fairly well.

Q. Within that boundary can you state about how many acres these different companies own; how many does the Everton company own?

A. I could not state without close examination.

Q. Are you able to give any reasonable estimate?

Chairman RYAN—Do you mean within this blue line, Mr. Adams?

Mr. ADAMS—Yes, sir; the blue line embraces the park proposed in the bill.

A. How much of the lands are owned by lumber companies?

Q. Yes, can you give us an approximate estimate, and if you think you can you may give me the Everton company?

A. I consider myself quite incompetent at this time to give a proper and correct answer to the question; I can only say that a very large proportion (how much I am not prepared to state) of these lands is owned by lumber companies.

Chairman RYAN.—Is there any information in this table upon this subject?

Mr. ANIBAL.—I have no doubt that at the end of the table you will find a computation of what the State owns, and what is owned by individuals, and I assume that all the persons who are farmers in that locality, and lumbermen, own all in that section of the State that the State does not own.

Chairman RYAN.—This table B, so called, has reference to that inclosed in the blue line?

Mr. ANIBAL.—Yes, sir. In the blue line is included about 23,000 acres of land. The State owns in there something about 2,300,000 acres. The State owns within the blue line something between 700,000

and 800,000 acres, and the balance is undoubtedly owned by farmers and lumbermen; lumber companies and the individuals residing there in that section of country own the balance of the land.

Mr. HITT.— This gives the number of acres in the different towns?

Mr. ANIBAL.— Yes, sir; at the bottom is the total footing.

Mr. HITT.— It don't give the ownership.

Mr. ANIBAL.— It gives the State ownership.

Chairman RYAN.— Five hundred and twelve thousand acres is the State ownership.

Mr. ANIBAL.— I think so.

Mr. FIERO.— The resident land is probably that owned by farmers and small holdings, and the non-resident is probably that held by corporations substantially. The resident is 300,000 acres. The 1,495,000 of non-resident is wild land which is held by lumber companies and different corporations, in all probability, and wealthy owners.

Mr. HITT.— There is nothing here to show that, Mr. Fiero.

Mr. FIERO.— No, sir; nothing absolutely, except that resident land upon assessment-roll means land upon which people reside. That would indicate that the lands were in possession.

Mr. HITT.— Wouldn't your remark apply to that owned by the lumbermen?

Mr. FIERO.— Not at all.

Mr. ANIBAL.— They are taxed upon the books as non-resident lands.

Mr. FIERO.— As a rule the corporations would have their residence outside.

Mr. HESSBERG.— There are two systems of taxation, and different methods of sale.

Mr. ADAMS.— My question would go this point: Assuming that there is a certain number of acres of non-resident lands within the blue lines (a given number of acres), to distribute it among the different companies, how much one company owned of that and how much another company owned.

Chairman RYAN.— Perhaps the witness can ascertain that fact by the next meeting of the committee, or get very near to it.

The WITNESS.— I could give, probably, an approximately correct answer by the next meeting of the committee. I can not at present. I can only state the holdings of the large clubs. I can designate that and then I would have to state generally after such statement that the great majority of the land, excluding the few resident holdings, is held by lumber companies.

Mr. ADAMS.—I suggest that the question stand over for future answer.

Chairman RYAN.—Very well.

Mr. ADAMS.—Have you anything more from this witness, Mr. Fier

Mr. FIERRO.—I want to ask Mr. Sanger a question in regard to State lands.

Q. Inquiry has been made about bidding them in for taxes; they not, under the present system, taxed?

A. They are taxed under special laws, but they are not sold if a tax remains unpaid; the State pays it; the Comptroller examines the tax and payment is made by giving the county credit upon the amount of the Comptroller's certificate, but if the Comptroller does not give that certificate then the lands could be sold for tax upon State land; I confine my reply to the general law in regard to unpaid taxes to the State.

THEODORE B. BASSELIN, recalled:

By Mr. ADAMS:

Q. I now ask you when and where the meetings of the forest commissioners are held?

A. They are held at the office in Albany, but the most of the meetings have been held in New York.

Q. For how long a period have they been held in New York?

A. They have been held in Albany and New York, both; there has been no special time.

Q. You stated they were mostly held in New York?

A. Lately in New York, the larger number have been held in New York.

Q. What proportion of the meetings have been held in New York?

A. I can't tell; the larger proportion.

Q. Where in New York?

A. At 34 Nassau street, in Mr. Kneval's office.

Q. How are the meetings called?

A. By a printed form or notice of meeting being sent to the commissioners.

Q. Each commissioner being notified of each meeting?

A. Yes, sir.

Q. By whom are the notices sent?

A. By the secretary.

Q. On the call of any member who desires a meeting?

A. We generally agree to a meeting, or if anything special occurs before that meeting then we notify the secretary and he notifies the members of the commission.

Q. I speak of the practice as to whether any commissioner can give notice to the secretary to call a meeting and send notices?

A. Yes, sir.

Q. Are minutes of those meetings kept?

A. They are supposed to be kept.

Q. Is there a book of minutes?

A. Yes, sir.

Q. Is that book here?

A. No; it is not here; we can send for it in five minutes.

Mr. ADAMS.—I ask to have it brought in to-night.

The WITNESS.—Mr. Fox will get the book of minutes.

Q. After this act of 1887 was passed (the Hadley act, as it is called) were propositions for exchange of land between individuals and the State filed in the office of the commission; were such propositions filed?

A. After the Hadley act do you ask if such propositions were filed?

Q. Yes, sir.

A. Yes, sir; they were.

Q. An the first one was the Hurd proposition, and the resolution upon that was read last night?

A. Yes, sir; one moment, do I understand you to say that the first one was the Hurd proposition that was filed in our office?

Q. It came there, didn't it?

A. Let me understand the question and I will try and answer it.

Q. The question is, were propositions for exchange filed in your office?

A. Yes, sir.

Q. Other propositions of like kind were filed in the Comptroller's office and sent to your office?

A. Yes, sir; I so understand from Mr. Sanger.

Q. And the first proposition acted upon was the Hurd proposition, and the action upon it was read here last night?

A. Yes, sir.

Q. The next action was had on the Everton Lumber Company proposition?

A. Yes, sir.

Q. That was read last night?

A. Yes, sir.

Q. Between those two propositions how many other propositions did you have between 1887 and last fall?

A. I don't understand you exactly.

Q. How many such propositions were filed between the Hurd proposition and the Everton proposition?

A. The Hurd proposition was not filed in our office.

Q. My question embraces not only those filed in your office those sent to your office from the Comptroller's office for your a

A. I find only one here.

Q. Only one?

A. That is all; I have got to qualify that answer.

Q. I want all the propositions filed in the office that went from Comptroller's office to yours?

A. There were three as the record shows.

Q. Only three?

A. That is all it shows here.

Q. Is there a proposition from John M. Peck, of Albany, on list, to exchange lands?

A. None that I can see.

Q. Only three in that time?

A. That is all the record I see here.

Q. What inquiry was returned to these persons making the propositions?

A. That is more than I can remember at this date; the propositions as they were filed were read before the board, and the board directed certain answers to be given; what those answers were I don't remember.

Q. Did they direct the same answer to be given as in Mr. Peck's case?

A. I should judge so.

Q. What explanation can you make to the committee upon this subject—why are the Everton company favored by the commission? In September, 1890, a month after the Beaver River company was formed, while from 1887 to 1890, all the rest of the applicants were refused?

A. The answer to that is, that that was the first proposition that seemed in any way favorable to the State, that was made after the message of the Governor to the Legislature and the agitation for a State park; before that time there was nothing said, no talk of setting aside a park particularly, and my recollection is that the propositions of exchange were simply for parcels within the forest preserve parcels that were within the forest preserve, and as such didn't seem to us favorably.

Q. Was not the land offered by the Everton company just as in the park, or in the preserve rather, as any of the other?

A. It was in the preserve.

Q. There never yet has been any park?

A. No, sir.

Q. All known to the law as the preserve?

A. Yes, sir.

Q. And you say that the land that the Everton company had was in the preserve just as much as the other?

A. Yes, sir.

Q. Have you any other explanation to offer than what you have given?

A. Well, the explanation I gave before—the strong recommendation of the Governor that the exchange should be effected, was one reason.

Q. The Governor's message is what did it?

A. That was one of the reasons; the main reason, as far as I am concerned, is from a talk I had in the Attorney-General's office, in which the Attorney-General interpreted the law of the Hadley act that we should endeavor to exchange wherever we thought it would result for the benefit of the State.

By Chairman RYAN:

Q. You mean the message sent a year ago?

A. Yes, sir.

By Mr. ADAMS:

Q. Now you say that what was said in the Attorney-General's office had an influence?

A. Yes, sir.

Q. Is there any other explanation you desire to make?

A. None I think of at present.

Q. You think that furnishes all the information you have upon that subject?

A. All I have at present.

Q. Have you ever heard that the Everton company didn't own the lands or portions of the lands which they offered in exchange—that they only had options?

A. No, sir, I never did.

Q. You never heard of such a thing?

A. No, sir.

Q. You don't know whether they owned it or not, or whether they had options?

A. They offered a certain lot of land—

Q. (Interrupting.) That don't answer the question; answer it.

A. I can only answer it by giving an explanation.

Q. Do you know whether they were owners or not?

A. No, sir.

Q. Or had options or not?

A. We took it for granted they were owners when they made offer.

Q. Personally were you ever upon the State lands in Franklin county that the Everton company wanted?

A. I think I was on portions of it.

Q. When?

A. Well, two or three years ago.

Q. While there did you examine and give attention to those lands sufficiently to put a value upon them?

A. No, sir.

Q. Are you able to give an estimate of the market value of those lands?

A. No, sir.

Q. Were you ever upon the lands in the south part of the preserve the 26,000 acres they wanted to give the State for northern lands?

A. Yes, sir; I was.

Q. When were you upon those lands?

A. About the same time.

Q. Did you notice them sufficiently to put a valuation upon them?

A. No, sir.

Q. Are you able now to say what those lands are worth?

A. No, sir; not from my own personal knowledge.

Q. Were annual reports made by your commission to the Legislature each year?

A. Yes, sir.

Q. Is there a file of those reports in your office?

A. Yes, sir; I think so.

Q. You signed them at the time and were familiar with their contents?

A. Yes, sir.

Q. I call your attention to sections 14, 15 and 16 of the act of 1891.

"§ 14. All income that may hereafter be derived from State forest lands shall be paid over by the forest commission to the treasury of the State.

"§ 15. A strict account shall be kept of all receipts and expenditures which account shall be audited by the Comptroller, and a general summary thereof shall be reported annually to the Legislature.

"§ 16. The forest commission shall, in January of every year, make a written report to the Legislature of their proceedings, together with such recommendations of further legislative or official action as they may deem proper."

Now has "all income derived from State forest lands" been paid over?

A. That is my understanding of it.

Q. Has "a strict account" been "kept of all receipts and expenses?"

A. I am so informed.

Q. Have those accounts been "audited by the Comptroller?"

A. That is something I couldn't tell you.

Q. And has "a general summary" of this financial matter appeared in the annual reports to the Legislature?

A. That I don't remember.

Q. Have you reported to the Legislature the "proceedings" of your body during the year; is there any report you have ever sent to the Legislature which shows the proceedings of your body?

A. Let me understand what you mean by "proceedings"—the meetings or action?

Q. They shall "report to the Legislature their proceedings, together with recommendation"—you say you have proceedings and kept a book of minutes, and all that sort of thing; I ask you first whether they were reported to the legislature in compliance with this section—any report you have made?

A. I don't think we made any report of the minutes of our meetings.

Q. Have you reported any of your proceedings in any single report?

A. Well, I think we have reported some.

Q. What explanation have you to offer to the committee why the Legislature has not been informed upon these financial matters, and as to what you have done in your body?

A. I think the Legislature has been informed upon the financial matters.

Q. Your other proceedings, then?

A. That is more than I can tell you.

Q. What explanation have you to offer that the Legislature had not been informed according to the provisions of the law?

Mr. FIERO.—Is there any evidence to show they have not been?

Mr. ADAMS.—He don't seem to know.

Mr. FIERO.—It seems to me it would be well to get the fact first that the Legislature has not been informed.

Mr. ADAMS.—I got the fact from Mr. Basselin as well as I could; I have been to the office to endeavor to see these reports, and I was told by the clerk that they had no copies.

Mr. FIERO.—You shall have copies immediately.

Mr. ADAMS.—I found that the "chestnut burr was under the saddle" upon two occasions when I called at the office.

Mr. FIERO.—I think you have been sitting on "chestnut burrs."

Q. What explanation have you to make?

A. None at all.

Q. Mr. Basselin, can you state to the committee where the fifty foresters reside, or have their habitation or home; what particular portion of the forest they have charge of?

[Mr. Anibal here handed the witness a paper.]

Mr. ADAMS.—The appointments and removals would be a part of the proceedings each year, and where the appointees reside, and that?

A. I can't give you their residence for this; I called for it and thought they were on here.

Mr. ANIBAL.—The girl in making them didn't happen to put them

The WITNESS.—I can give you a general idea; Robert Klein, residing at Croghan, Lewis county.

Q. What part of the forest has he charge of?

A. From my recollection he has charge of the Beaver River country; the different territories were allotted to the foresters by the wardens, and I can't remember the exact allotments of each.

Q. We shall have to go to the warden to find that out?

A. I think he can give you the information.

Q. Does the warden in your body make the allotments and prescribe the duties of the various foresters?

A. He makes the allotment as to what they shall do and where they shall go; they are under his orders more immediately.

Q. Where does the warden get his orders?

A. From the commissioners.

Q. Where are the orders from the commission to the warden transmitted down to the foresters; is there any such record in your proceedings?

A. There are records.

Q. Are there records to show this whole subject in an orderly manner?

A. I think so.

Q. Do you know so?

A. I know we gave him both oral and written instruction; I presume the written instructions are in the office.

Q. Were the oral instructions given by your body as a body conveyed in a meeting?

A. Yes, sir.

Q. Written proceedings of that meeting and those instructions appearing in the proceedings?

A. They appear in the minutes of the meetings.

Q. The oral instructions given by your body, were they carried into the minutes of that meeting?

A. No, sir; not necessarily.

Q. The question is, were they?

A. I don't believe they were.

Q. How much of the instructions to your warden have been given in that way?

A. Quite a good many of them.

Q. To a large extent?

A. Quite a good many; I couldn't tell you to what extent.

Q. All instructions not appearing in your minutes, or on file in your office, were given that way?

A. Yes, sir.

Q. No record or anything about it?

A. No, sir.

Q. You stated that you were in the woods several times; your expenses are paid and that is all the pay you get?

A. Yes, sir.

Q. Whenever you incur expense you make a bill and put it in and get your pay?

A. Yes, sir.

Q. Have you ever been in the woods on official business when you didn't charge and render a bill for it?

A. That I couldn't tell you; wherever I have been on official business I have put in a bill and got my pay.

Q. Have you ever put in more than two bills for going into the woods since you have been commissioner?

A. I couldn't tell you; there were quite a number of times—

Q. (Interrupting.) Wait a moment?

The WITNESS.—Let me explain.

MR. FIERO.—Oh, no, don't let him explain.

Q. Will you swear you have ever put in more than two bills?

A. I couldn't tell you; if you will allow me to, I think I can explain to the committee so they will be satisfied.

Q. Have you put in more than two bills?

A. I couldn't say.

MR. ANIBAL.—I suggest that when the witness says that he can not tell without explaining, the committee should give him an opportunity to explain; under the resolution you are simply calling for information.

Q. What have you to say in explanation of putting in bills and taking the vouchers two or more times; I will accept the suggestion of counsel; I understand you to say that when you went into the

woods upon official business, you charged for it and got your voucher; did you ever put in more than two vouchers and get pay more than twice?

A. That is more than I can tell you; I don't know.

Q. It is suggested that you be asked to explain what there about it.

A. I want to explain to the committee that I went through the woods quite a number of times when I didn't go wholly upon official business, and I didn't think it right to charge the State the expenses when I didn't go entirely on official business; I tried to make an inspection of the woods about once a year; I think with the omission of one year during my term of office I did so; some of the time I combined pleasure with my business and I may not have charged, deeming it not right to charge unless I went expressly upon official business.

Q. When you were partly on private business and partly on official business —

A. (Interrupting.) I didn't say "private business;" I said sometimes I went on a pleasure excursion and combined official business with it, and I may not have deemed it right to make a charge for

Chairman RYAN.— We did not understand him to say he combined private business with official business, but that he sometimes combined pleasure with business.

Q. Last night you said you were in the woods twice, once with Garmon and once with Mr. Knevals; did you put in a bill for each of those occasions and receive a voucher?

A. I put in a bill for the time; yes, I think so.

Q. Will you swear you ever put in any other bill and received pay for going in any other time?

A. That I couldn't tell you from recollection.

Q. If you put in only those two, what explanation do you make when you say you went in every year upon official business?

A. If you will try and not distort me so, I will endeavor to answer to the best of my ability; I made the statement that I tried to make an investigation or a visit over the woods once a year, and that, with the exception of one year, I did do so; some years I went quite a number of times to different parts of the woods, and that I may have combined pleasure with it, at the same time looking after the matters pertaining to the State, and I did not deem it right to make a charge on that account.

Q. On the several occasions when you went into the woods did you go beyond your own lumber jobs and look after your own affairs?

A. Yes, assuredly I did.

Q. How many reports have you ever made and filed in the office concerning matters which were committed to your examination and calling for your report?

A. I can't recall that from memory; the records of the office show that.

Q. Are you able to say that you have ever filed more than one such report since you have been a commissioner?

A. Yes, sir; I think we did.

Q. I mean did you ever file a report on more than one occasion?

A. Yes, sir; I think so.

Q. Are you sure; will you be certain about it?

A. Things that are matters of record I didn't burthen my mind with; we made reports and it was a matter of record, and I burthened my mind no further with it; to the extent of being able to remember these minutes I can not.

Q. You stated that some of the official meetings of your commission were in Albany and some in New York; when you had meetings in Albany were the employes given a holiday, and did they leave the office so that the commissioners were alone?

A. I don't remember any such occasion.

Q. So that you were alone in secret meeting?

A. No, sir; I don't think that we were; not that I remember of.

Q. On no occasion?

A. We may have had for a time; will you allow me to explain?

Q. Yes sir.

A. For a time we had the use of a small room, by courtesy of the civil service commission, adjoining our room, in which we held our meetings, and at which we did not invite all the employes of the office very likely.

Q. Were not the employes told that they might have a holiday?

A. I have no such recollection.

Q. Who suggested the appointment of Mr. Train for clerk, or who named him?

A. It was Mr. Knevals.

Q. Who suggested and named Mr. Garmon?

A. Myself.

Q. For the report of 1888, was the list of lands prepared and ready for the printer before the body of the report, do you remember?

A. That is more than I can remember.

Q. How much did it cost to print the list of lands in 1888 embraced in this report?

A. I don't remember; I think I can explain that matter; that is a matter that I did not concern myself especially about; we elected a treasurer who looked after those matters and who audited accounts, and as far as that is concerned, I couldn't remember; in regard to one report there was some question in regard to the printer as to price, some mistake or some destruction of copy, but just what that is I can't remember; I remember there was some question for a while, and I opposed the auditing of the bill some way, but just what that was is more than I can tell you.

Q. Let me try and refresh your recollection; wasn't this the case, that the land list was prepared and ready in the spring and the body of the report was not ready until along in the fall sometime, and in the meantime the land list had been sent to the printer and was set up, and in the course of the summer some of the lands had been redeemed so that they were taken out, and the proposition was that an addenda be made showing the change, and somebody objected to that and ordered the printers to set it all up again, the expense of which was about \$1,200, so that the office had to pay twice for the same work substantially?

A. The tabulation of the State lands was a matter left entirely with the secretary, or with that received from the Comptroller's office—I don't know which; that is a matter that I can't state about.

Q. It was set up twice, costing \$1,200, and that sum was audited and paid once, and afterward do not your minutes of proceedings show that the other bill of \$1,200 was also audited and paid?

A. That is more than I can tell you; the minutes will show that, I presume.

Q. What is your recollection about it; didn't you vote, after the first \$1,200 was paid, in the commission meeting, to audit the other \$1,200, and upon that resolution wasn't it paid?

A. It may be that I voted upon it; I wouldn't say I did not; my recollection is that the opinion of the Attorney-General was asked as to the property or the justice, or the right of the forest commission to pay that, and I think the opinion of the Attorney-General is on file in the office.

By Chairman RYAN:

Q. For the additional \$1,200.

A. Yes, sir; I think so.

By Mr. ADAMS:

Q. Do I understand you to say that it is on file?

A. I think it is; it should be.

Q. Will you produce it at the next meeting?

A. I will endeavor to.

Q. Are the minutes of your proceedings in the room?

A. Yes, sir.

Mr. ADAMS.—I desire to read to the committee from page 125 of the book of minutes, under date of January 21, 1891.

Chairman RYAN.—Those are the minutes of the forest commission?

Mr. ADAMS.—Yes, sir; that was after the appraisal of the land in Franklin county and the land of Piseco lake had been made and filed in the Comptroller's office. It seems there was a meeting of the forest commission, and this is a minute of the proceedings:

“JANUARY 21, 1891.

“A meeting of the forest commission was held this day in Albany. It was voted that as the proposed exchange of lands with the Everton Lumber Company is the first transaction of that nature under chapter 475 of the Laws of 1887, and as no mode of procedure in making such exchanges is established, in order to establish a precedent it is respectfully requested that the Comptroller submit to the forest commission for its formal approval the terms upon which said exchange is proposed to be effected before final action be taken. An application from P. J. Marsh for an exchange of land was received, and in view of the fact that all the lands included in said proposal might possibly come within the limits of the proposed State park when established, it was voted to let it lie on the table until the Legislature had defined the park boundary lines. Another proposition from G. W. & W. W. Hartwell was tabled on the same ground.”

Q. Have rules and regulations under the statute of 1885 been made by the commission?

A. Yes, sir.

Q. Is there a record of those rules and regulations?

A. I think there has been a record of those.

Q. Have they been published?

A. Yes, sir; I think so.

Q. Were they ever printed in any annual report of the Legislature?

A. That is more than I can tell; here [indicating] are some of the rules and regulations.

Q. You have answered my question that there were rules and regulations and they were not put into the annual report?

A. I didn't say they were not put there; I had no recollection whether they were put in or not.

Q. You have no recollection upon that subject?

A. No, sir; the record itself will show.

Mr. ADAMS.—I would like a file of the reports brought before the committee so the members can examine them.

Mr. FIERO.—You shall have them.

Q. Section 10 of the act of 1885 allows arrests without warrant to be made on the preserve; do you know of any cases of such arrests?

A. I have no knowledge of it just now.

Q. Have you any information from any employe, agent, officer or warden?

A. I don't remember any.

Q. Under section 11 has the forest commission brought actions against persons?

A. What is section 11?

Q. Look at it and see. [Reading statute to witness.] Has the commission brought actions under section 11?

A. That is, as I understand the statute, in regard to trespasses?

Q. Yes.

A. Yes, sir.

Q. How many actions have been brought under that section.

A. I couldn't tell you; I don't know how many; quite a good many.

Q. What attorneys have appeared for the forest commission, beginning in 1885, and give every attorney who has appeared that you can recollect?

A. That is a pretty hard matter; I can give some; Cantwell & Badger, at Malone; William W. Dewey, of Lowville; Thomas Jones, of Utica; Gen. Hughes, of Sandy Hill, I think; Peter Palmer, of Plattsburgh; I think we employed a man by the name of Carroll, either as associate or as counsel in a matter.

Q. Where is he located?

A. At Johnstown.

Q. Who else?

A. Mr. Hessberg, of Albany.

Q. Who else?

A. Mr. Fiero, of Kingston.

Q. Who else?

A. That is about all I can remember just now.

Q. Did you have the consent of the Attorney-General and the Comptroller to employ this counsel?

A. Yes, sir; I think so; we couldn't employ counsel without it.

Q. Before employing them you procured the consent of the Attorney-General and Comptroller in each case.

A. I think so.

Q. Was that in writing?

A. I think it had to be in writing.

Q. Where is it, on file in your office?

A. Yes, sir; I think so.

Q. Were there any other attorneys?

A. That is all I can remember now; I couldn't say.

Q. Do you know of actions being instituted by any attorney, or instituted by the commission or anybody else, without the consent of the Comptroller and the Attorney-General?

A. No, sir; I have no recollection of any.

Q. Have you in your office a record of all the suits that have been brought by the forest commission?

A. We ought to have; I think we have.

Q. In what form is that record?

A. Well, now, I don't know just what form it is; that is a matter for the secretary.

Q. You can't tell anything about that?

A. No, sir.

Mr. FIERO.— We will produce the record.

Q. How are suits brought; who had charge of them?

A. Our attorneys had charge of them.

Q. Who went and saw the attorneys and employed them and put the case into their hands?

A. The commission as a body.

Q. Was it an official act?

A. I think so.

Q. Was a minute of the official action in regard to the suits entered upon the minutes?

A. That is more than I can tell you; we ordered it in meeting; whether there was a record of it kept or not, I can't tell; I have not examined to see.

Q. No suits were ever brought in any other way in the name of the commission that you know of?

A. Not that I can recollect of at present.

Q. Did you keep minutes of suits, the cause, and the parties against whom they were brought?

A. Yes, sir.

Q. How many suits were brought?

A. That is more than I can tell you; quite a good many; I can't give you the number of them.

Q. Did the warden ever institute suits in the name of the commission?

A. That is more than I can recollect.

Q. Was authority delegated to him?

A. If he did so he was ordered to do it.

Q. Was ever authority delegated to the warden to commence suits in the name of the commission?

A. That is more than I can recall; if he did so it was ordered by the commission.

Q. In each particular case?

A. I think so.

Q. Did he have any general authority delegated to him to sue people when he found them trespassing?

A. No, sir.

Q. All directions of that sort should be entered and found in the minutes?

A. There should be a record of it.

Q. Are you able to say anything more about the suits than what you have said?

A. No, I guess not.

Q. Who took charge of the suits after they were instituted; was it delegated to the warden to do that?

A. Our attorneys took charge of them.

Q. To get evidence and to look after them?

A. The warden was instructed to get whatever evidence was necessary.

Q. Was that an official act?

A. He was instructed to do it; that is part of his duty, as I understand it.

Q. To look after it all the way through?

A. To act on behalf of the commission in subpoenaing witnesses and getting evidence.

Q. Were all these actions prosecuted to judgment, or were some settled before?

A. I think some were settled before.

Q. How were they settled?

A. By authority of the commission.

Q. Acting as a body in the meeting?

A. Yes, sir.

Q. That would appear upon the minutes, would it?

A. I couldn't tell you whether it would appear or not.

Q. It should appear as part of the proceedings, shouldn't it?

A. It might and it might not; we may have directed —

Q. (Interrupting.) When you kept minutes I suppose the minutes covered all your proceedings; they should, shouldn't they?

A. I don't know that they should.

By Chairman RYAN :

Q. Have you any record books of the suits?

A. I think there is; I am not positive; I have not examined into the minutes of the office.

Mr. FIERO.—I would say that there is such a book, which will be presented to the committee.

By Mr. ADAMS :

Q. What do you think ought to go on the minutes of your proceedings when you meet?

A. I presume it ought to all go on; that is my understanding.

Q. If certain things you have spoken of that you don't know whether they went on or not turn out not to have gone on, what explanation have you to give of their being left off?

A. I can't give you any explanation.

Q. Were any suits settled before judgment?

A. I think I answered that before.

Q. I believe you did; were claims or causes of action settled without suit?

A. Yes, sir; trespasses were settled.

Q. They were settled in some instances without any action at all?

A. Yes, sir.

Q. Negotiations were had and they were settled?

A. Yes, sir.

Q. Who settled suits, or authorized them to be settled?

A. The attorneys sometimes, and other times the warden was instructed.

Q. How much was the warden instructed to make settlement without suit?

A. His authority extended to each individual case and each was ordered by the commission.

Q. He had authority where he found a trespass to go on and make the claim and that he could settle it?

A. No; I mean to say that he was directed by the commission to make settlement in each individual case.

Q. Where a complaint came in and claim was made, what was done with it?

A. It was reported to the board and they ordered the action.

Q. What did you do as an official act in regard to it?

A. Where a settlement was deemed advisable by the commission we ordered it settled.

Q. And to effect it or carry it out who was ordered to do it?

A. Sometimes the attorney and sometimes the warden.

Q. Were they given instructions as to what amount to settle at, or was it left discretionary with them to make the best settlement they could?

A. I think that the heft of the settlements were under the direction of the board for a suitable sum.

Q. Were those entered upon your minutes?

A. I think so.

Q. Suppose it was not entered, what explanation can you make?

A. The simple explanation that we ordered it.

Q. Was not the warden given authority to make claims and to settle without the action of the board in the particular case; wasn't he given general authority?

A. I don't think so.

Q. Do you know whether he ever settled any cases?

A. I have no knowledge of it.

Q. When settlements were made and judgments collected, where suits were commenced or without suit, by what method did the money come into the office?

A. Generally by a check to the treasurer.

Q. You have a treasurer?

A. We have.

Q. Who gave the checks?

A. The parties who settled, I presume.

Q. Suppose they paid money?

A. I have no recollection of any money paid in.

Q. Always came by check?

A. That is my understanding of it.

Q. It went to the treasurer of your commission?

A. Yes, sir.

Q. And that was paid into the State treasury and vouchers taken?

A. I presume so.

Q. How did you get information of trespasses and wrongs, and causes of action; how did that knowledge reach you officially?

A. The information came into the office and was reported to the board at their meetings.

Q. From what sources did the information come?

A. As I remember now the sources of information varied; trespassers were reported by private individuals and by our foresters, inspectors and warden.

Q. Were those reports in writing?

A. I think so.

Q. Have they been preserved and put on file?

A. Yes, sir; I think so.

Q. These various complaints coming in from these various sources were acted upon officially?

A. Yes, directions given to investigate.

Q. Were there any complaints which came in which were not acted upon?

A. Yes, sir; I think there were some; none that were not acted upon, but some came in on which there was no action taken; they were all acted upon.

Q. Every complaint that came in from any source was considered?

A. Yes, sir; as I understand it.

Q. It is said that settlements were made in Essex county for standard logs that were cut upon State lands; do you remember what sums were received?

A. No, sir.

Q. Do you recollect the individuals from whom they were received?

A. I couldn't tell you from memory.

Q. Were those sums fixed by the commission officially?

A. Yes, sir.

Q. In every instance?

A. Yes, sir; I think so.

Q. Do those appear upon your minutes of proceedings?

A. Yes, sir; I think so.

Q. If they do not want explanation have you to give why they don't?

A. Wouldn't it be well to find out first whether they do not?

Mr. ADAMS.—Perhaps so. I desire to place before the committee this book of minutes so the members may examine it.

Q. In regard to the proposition from the Everton company to exchange land, was there any other action taken than upon those two occasions?

A. What "two occasions?"

Q. When the papers were sent to the Comptroller's office with your resolution recommending it, and the second occasion of January 21st—that was the only action taken by you officially?

A. The matter was under consideration for quite a long while.

Q. The question is whether you ever took official action except upon those two occasions?

A. What do you mean by "official action?"

Q. I mean some conclusion, or passing some resolution which you entered upon you minutes?

A. The matter was under consideration for quite a while; whether any special action was taken I can't tell; these are the final actions.

Q. That is the final action?

A. Yes, sir.

Q. You can't call to mind any other official action except upon those two occasions?

A. The matter was under consideration—

Q. (Interrupting.) You passed no resolution, or made any orders except those two times?

A. No, sir; not in regard to exchange.

Q. You, of course, have seen this report handed in to the Legislature in January, 1891?

A. Yes, sir.

Q. You read the Governor's message recommending an examination with the view to erecting a park mentioned in this report?

A. Yes, sir.

Q. You know of the resolution of the Senate giving this matter in charge to the commission?

A. Yes, sir.

Q. About that time was an act passed, which you recommended in 1888, putting at the disposal of the commission money to acquire lands by purchase?

A. Yes, sir; last year.

Q. And that appropriated for the use of the commission for that purpose \$25,000 to buy land, at not exceeding one dollar and fifty cents per acre?

A. Yes, sir.

Q. Have there been any offers made to your body to sell land to the State within the Adirondack region?

A. Yes, sir.

Q. How many of those applications have been made?

A. Well, twelve, I think.

Q. No more than that; about fourteen?

A. No, sir; I don't think so.

Q. When were those applications made?

A. The first one was made May 3, 1889.

Q. Have you purchased, or used a cent of these \$25,000 in the purchase of land offered in that region?

A. No, sir; not that I recollect of.

Q. Was there an application made by John M. Peck to sell about 3,000 acres under this act?

A. There was an application made by him.

Q. Of lands in Essex, Franklin and Warren counties; forest lands; 3,000 acres; what explanation have you to make why you didn't buy those lands when you had the money to do it with and the price was within the statute?

A. The explanation is that we solicited from Mr. Peck, through our agent, a list of lands that he wanted to sell; the list was submitted to us November 20, 1890, of twenty different parcels, ranging anywhere from thirty to 800 acres, going from Essex county to Duane, Franklin county, Johnsburgh, Warren county, and Belmont and Waverly; our available force that we had was employed in getting the material, in pursuance of the resolution of the Legislature, and these were small, detached parcels which would necessitate a long investigation by our employes going on to the land and estimating its worth and seeing what there was of it, and we hadn't the time to give to this matter, nor had we the men to put on for the proper investigation of it, and as the appropriation does not lapse for another year to come, we decided that upon the completion of our report we would then have our force at disposal to make the proper investigation, and if we found it desirable to purchase we could do so in the following year.

Q. You expected that he would keep his offer good?

A. We so understand.

Q. And he wouldn't sell to lumbermen if they came along and offered him more?

A. That is hardly a supposition.

Q. Do you regard it as a permanent, indefinite offer to sell these lands to you for one dollar and fifty cents an acre or less, and that he wouldn't sell to any other person if he should be offered a larger price?

A. I consider the offer is made to the State the same as to a private individual, and that he didn't expect we would go on and purchase these lands without knowing something about them any more than any private individual would do it, and that the offer was subject to a proper inspection of the land.

Q. Didn't you know that this man Peck desired money and offered or desired to sell the land cheap for the purpose of getting ready money?

A. I don't know whether the land was cheap or not.

Q. I didn't ask that question.

A. The statement you made was: "Didn't you know this man Peck wanted the money, and was desirous of selling the land cheap for the purpose of obtaining money," and my answer is that I don't know that they are cheap.

Q. Cheap in his estimation; he made the offer to raise the ready money, and I ask if you didn't think he would sell to someone else, and your explanation is that you were too busy to attend to it?

A. We were at that time.

Q. Do you expect in the future to have more time and opportunity to follow this matter up than now?

A. Yes, sir; we expect our employes will have more time than they have had.

Q. Having the right to have as many employes as you deem necessary, what explanation can you make for not appointing special agents to go and examine the land at the expense of the State and close up the bargain; you have full power to appoint all the agents you want, and what explanation have you for not employing special agents to go and examine the land?

A. I don't understand we had the right to employ all the agents we wanted.

Q. Does not the act say you may?

A. Yes, sir; but the Legislature limited us.

Q. When was that?

A. In the appropriation bill.

Q. That is, they appropriated so much?

A. That was a practical limitation to us.

Q. What was to hinder you from employing a special agent, when you were charged with the special duty to buy lands; you looked to the purchase of land to enlarge your park, and the opportunity to purchase; charged with this special duty, why didn't you appoint a special agent to examine the land to see if it was worth what it was offered for?

A. I don't really understand we could do it.

Q. You think you hadn't the power?

A. I don't think we would be justified in appointing any special agent to do it; we were not justified after the action of the Legislature.

Q. That is all the explanation you can make of that?

A. Isn't that sufficient?

Q. You say these lands were small parcels; weren't they as large as other parcels that the State acquired through tax sale?

A. I don't know as to their desirability; they were just as large.

Q. Just as desirable in point of location?

A. I couldn't tell you that; I can give another reason if you desire.

Q. Give it.

A. I can give a reason which it seems to me is a very pertinent one; the Legislature has under consideration the formation of a park; we have every reason to believe and to hope that a park will be set aside; wouldn't it be a matter of prudence and justice to the State to await the action of this Legislature before purchasing something that we might have to turn off hereafter?

Q. You think the State needs a guardian, and the forest commission is a good guardian of the State?

A. That is what we were put there for.

Q. I am trying to find an explanation for your not performing that duty with the money at your disposal?

A. I have given the explanation.

Q. Did J. Leslie Crary made an offer to sell 6,000 acres on the Raquette river and Tupper's lake?

A. Yes, sir.

Q. That is within the park?

A. No, sir; I don't think so.

Q. It is in the Adirondack region?

A. Yes, sir.

Q. What did you do about that application?

A. I can't remember what action was taken in regard to that; my recollection is that Mr. Crary was asked to make his proposition in proper form so that we could send our men to view the land, and if we thought best we could close with the bargain; I don't understand that that was ever made.

By Chairman RYAN:

Q. Would you expect that the action you speak of with reference to these propositions would be embodied in the minutes?

A. What proposition?

Q. For the sale of these lands?

A. Whatever action was taken certainly should be in the minutes; whether it is or not I can't tell you.

Q. Would you expect to find the action here?

A. It ought to be there.

By Mr. CONNELLY:

Q. What reason or reasons do you give to the committee for the strange lack of knowledge you display as to the duties of the

commissioners? You have been five years in office, and you don't seem to know what your duties are, or else you have failed to perform them.

A. In what respect, may I ask?

Q. The questions that have been put to you, you have either evaded or given no answer to that has made the slightest impression upon the committee; for your own sake I will say that it would be much better for you to clear that up and show the committee that you know something about the duties of the office; so far you have displayed alarming ignorance.

A. I expected I had performed the duties to the best of my ability, and that I had fulfilled all of the duties required by the office, but if there is anything in which I have been derelict, I will endeavor to explain if I can.

Q. Why don't you know something about the lands; you evidently have not performed some of the duties; will you tell us if any of the other commissioners know about them if you don't know?

A. In regard to what lands?

Q. Lands mentioned by the counsel; he has drawn you out as well as any lawyer could, and I am only saying that we want to get some light, and so far we are completely in the dark; we would like to get you out of the fog?

A. I will do all in my limited capacity to help you out of the fog; my knowledge of the Adirondack lands I believe is fairly good; as to my remembering lot lines and the location of any particular spot from memory, that is something that it seems to me no man could do exactly.

By Mr. ADAMS:

Q. There was a piece of fifty acres in Essex county, of Jeannette Russell?

A. That was made October twenty-ninth, and comes under the same explanation.

Q. Melvin Warner, Hamilton county, about 165 acres, for one dollar an acre?

A. That was October 3, 1890.

Q. Was there an application from James A. Baldwin, Warren county, November 24, 1890, to sell 160 acres at \$1.50 an acre?

A. I don't find any such on this record here.

Q. A. D. Buskirk, June 16, 1890, 610 acres, at \$1.50?

A. Presented October 20, 1890.

Q. What do you say to that?

A. The same thing.

Q. Henry Bradley, Minerva, Essex county, 160 acres at \$1.50, August 1, 1890?

A. Yes, the same thing.

Q. H. Summer, June 3, 1890, 130 acres, at \$1.50?

A. The same thing.

Q. A. H. Munger, August 6, 1889, for \$1.50, a large number of acres?

A. Filed June 2, 1890.

Q. That is in the north part of the Adirondack region?

A. Yes, sir; I say the same thing as to that.

Q. P. J. Marsh, 1,000 acres at \$1.50 an acre, November 10, 1890?

A. The same thing.

Q. John H. Millard, 1,241 acres, at \$1.50?

A. October 24, 1890.

Q. George Parmenter, 480 acres, at \$1.25, in Hamilton county, November 25, 1890?

A. That was November 25, 1890.

Q. Thurston & Parker, 2,366 acres at twenty-five cents per acre?

A. Yes, sir; it was offered at twenty-five cents an acre, subject to taxes; we asked Mr. Thurston to give us the amount of taxes, and when he gave us the amount of the taxes at a subsequent meeting they amounted to something like eighteen shillings an acre above the twenty-five cents, and we told him we couldn't buy any land that we couldn't get a clear title to, and that under the resolution we could not pay more than \$1.50 an acre.

Q. Ostrander and Marsh, of Albany, did they ever file a proposition in your office to sell about 25,000 acres?

A. I have no recollection of that.

Q. Was no such paper as that filed in your office?

A. I don't think so; I don't think there was any such paper filed in the office.

Q. Have you any such proposition filed with you?

A. No, sir.

Q. Did ever any such proposition from Ostrander and Marsh come to you?

A. No, sir.

Q. What is there about that Ostrander and Marsh matter?

A. I have no recollection of any Ostrander and Marsh; a copy of the proposition was sent to me by the clerk for my inspection upon my asking for it, a proposition by P. J. Marsh.

Q. Where does he live?

A. In Albany.

Q. You asked for the proposition and the clerk sent it to you?

A. I made the explanation that a copy of the offer of Marsh was sent to me from our office at my request so that I could look at it.

Q. A proposition from Marsh was filed in your office, and you requested your clerk to send you a copy of it?

A. Yes, sir; the proposition to us was to sell about 1,100 acres at one dollar and fifty cents an acre; it was made November twentieth; they were in a good many different lots, and could not be examined.

Q. That was an offer of about 1,100 acres?

A. Yes, sir.

Q. None of these has been considered or acted upon or negotiations opened?

A. No, sir; there has been no official action in the matter; they are on file in the office for subsequent action.

By. Mr. CONNELLY:

Q. Now, Mr. Basselin, your commission asked for \$25,000 for the purpose of purchasing land at one dollar and fifty cents an acre; it was a wise suggestion upon the part of the commission; what is the reason you didn't go to work and carry into effect the suggestion you made voluntarily yourself; those parcels you intended to purchase for one dollar and fifty cents; you knew the location of them, you knew all about them and the value of each part, and what is the reason you couldn't get help to go and value those lands; why should you get anybody when you could go there, as you knew the value of the land yourself; the people demanded of you to purchase the land?

A. Up to the seventh of November, as near as I can recollect, there were not to exceed 500 acres of land offered that would come within the proposed park or within the scope of the resolution; we, through our agent, asked at that time Mr. Peck and Mr. Marsh to offer to the commission any lands that they had; those lands were offered November seventh and November twentieth; the only answer I can give you is to say that as a prudent business man, as I have a knowledge of the woods, I should not recommend the purchase nor would I myself purchase any piece of land without first sending my agent up there to see it.

Q. Why should you send anybody to see about that which you could see about better yourself?

A. It is something I have not done; I do not consider myself expert enough, nor have I the physical ability to tramp there; I have pursued that course in my private business; I prefer to take the

testimony of an expert who knows more of these matters than I do individually; I rely more upon an expert than upon myself.

Q. Who were the experts?

A. In what instance?

Q. In the instances of your sending experts to value the lands and purchase them.

A. What lands; I have suggested that the appropriation to purchase land—it is the proper step in the right direction—and I explained before that up to November seventh we had not received propositions for over 500 acres, for the sale of over 500 acres that would properly come within the park; we then sent our agent, Warden Garmon, asking them (Peck and Marsh), to submit—we knew they were land owners there—propositions to this commission for the purchase of land within the scope of the resolution; those propositions were submitted to us November twentieth; we certainly have not had the time nor the force at our disposal to make the proper examination of those lands; if the gentleman (Connelly), has been in the woods, or anywhere near them, he knows it is a very hard matter to examine timber lands.

Q. If I had been in the woods as long as you have been I would know something about it, I think.

A. I have been in the woods a good many years, and I am free to confess that the more I am in the woods the less I know about them particularly; I think there was a time, when I was younger, that I knew more about the woods than I do now, in my self-estimation; in regard to this matter, I have pursued exactly the policy that I deem any business man would pursue; these lands are not going to be taken away.

Q. I think you mentioned something about 500 acres in the boundary; why didn't you purchase those 500 acres?

A. For the same reason I have told you, that a large portion of that didn't come until October, and we have not had the time to make the proper examination of them.

Q. I am sorry to say it, but I ask these questions with all due respect, for your own benefit, and the committee will take more pleasure in hearing questions answered creditably than otherwise, but I must say you have not answered satisfactorily.

A. I have given the very best answers I can.

Mr. HITT.—I move we adjourn.

The WITNESS.—I have been here two days, and, if possible, I would like to have you ask me what questions you can now or postpone it until another week to allow me to go home and look after my business,

which requires my attention. I do not urge the committee to do violence to themselves, but still if you can do it, it will accommodate me to either finish now or adjourn over to next week.

Mr. HITT.—I will change the motion to adjourn to Tuesday evening, at 7.30, if that suits you.

The WITNESS.—Any time.

The motion to adjourn prevailed and the committee adjourned.

ALBANY, N. Y., *February 10, 1891, 7.30 P. M.*

The committee met pursuant to adjournment, the following members being present: Chairman Ryan, Messrs. Connolly, Davie, Hitt, Cameron, Dempsey, Bush, Lane, Dickinson and Brown.

Mr. HESSBERG.—Mr. Chairman, a few moments ago the announcement was made, and communicated to the counsel for the commissioners in this investigation, that Mr. Abner L. Train, their private secretary, who was appointed to that position at the time of the organization of the commission, and who has ever since that time acted in the capacity of secretary, died at about 3 o'clock this afternoon. I understand, on the part of the counsel for the committee, that he is ready to proceed, and I can say, on behalf of the commission and their counsel, that we are also ready to proceed, but we deem it our duty to communicate that fact to the committee, and say that, in all justice, we believe that an adjournment ought to be granted until after the funeral of the deceased. Mr. Train, if not a relative of one member of the commission, was at least the confidential and warm and intimate friend of that member of the commission, and was upon friendly terms with all the other members. The commission itself is in no frame of mind to proceed this evening under those circumstances, nor are the counsel for the commission, unless the committee insists upon proceeding. As I have stated, we think the mere statement of the facts will be sufficient to warrant the committee in granting an adjournment till after the funeral.

Mr. HITT.—When is the funeral?

Mr. HESSBERG.—I do not think it has been announced. He is not a resident of this city. If a resident, this is not his home. I have been informed his friends and relatives have been communicated with, and I presume the funeral will occur in the course of two or three days.

Chairman RYAN.—In view of the sad intelligence which has been communicated to the committee by the counsel I would like to confer with the committee in executive session for a few moments.

The committee then went into executive session and on opening the doors the chairman said:

Chairman RYAN.—The chair is directed by the committee to announce to the counsel that in view of the fact of the death of Mr. Train, that the commissioners will be excused from attending on any session of the committee until after the funeral. We will examine Mr. Sanger, finish the examination of Mr. Sanger and Mr. Lynch and Mr. Turner, who have come here from a distance. Mr. Lynch has been in attendance since last Thursday and is anxious to go home. We will examine him. The commissioners may be excused until after the funeral.

Mr. HITT.—Mr. Chairman, I move you, when we do adjourn to-night, it be until Tuesday evening. I do not presume we could meet again this week.

Chairman RYAN.—We can tell better later.

Mr. HITT.—They will be excused until next Tuesday night?

Chairman RYAN.—The commissioners?

A. Yes.

Mr. DAVIE.—I second the motion.

Mr. HITT.—There is no necessity of a motion at all; you can excuse them until Tuesday night.

Chairman RYAN.—Is Mr. Sanger present?

Mr. HESSBERG.—Mr. Chairman, I desire to present this fact to the committee. We are entirely willing to go on and ready to go on if the commission insist upon it. We feel that our clients, by rights, should be present, at least one of them, when this investigation proceed, and when these witnesses are sworn, when they testify here. Of course, under the rulings of the committee or under this decision, without understanding all the facts and circumstances, we will probably be deprived of the presence of our clients and we feel, under those circumstances, we should ask that the entire investigation be suspended until after the funeral. We will be under a great disadvantage, it will probably necessitate the recalling of some of these witnesses after the examination of their testimony, etc., and probably we will make greater progress and accomplish more in adjourning to some future day when all can be present, and when we can proceed without any hitch and without any delay. It is not our purpose to obstruct, we are not asking this on account of delay. I desire to repeat that we are prepared and ready to proceed, but it is very unusual in any court, or any tribunal to proceed without the presence of your client, and that is what the committee is asking us to do now.

Chairman RYAN.—Are you willing to go on with the investigation to-night?

Mr. HESSBERG.— Our clients feel that out of respect to the memory of their secretary —

Chairman RYAN (interrupting) — When we say we will excuse them we do not mean that we will exclude them.

Mr. CAMERON.— They will not be obliged to go away this evening.

Mr. HESSBERG.— They will not be obliged to go, it is a question of feeling and sentiment. We submit and bow to the decision of the committee. We simply present it to your fairness and to your judgment of mind whether, under these circumstances, you insist we shall proceed. If you say so, we say amen to it.

Chairman RYAN. — We do not insist, counselor, you shall proceed; we are trying to get some knowledge from these men whom we have asked to come from a distant part of the State here to this investigation. The committee do not know that they have any relation whatever, or that their testimony will have any relation whatever to the commission in any way. We think something is due to them as well as to other parties.

Mr. HESSBERG. — Their testimony must necessarily refer to the acts of the commission, or facts in which the commissioners are interested, otherwise their testimony would be entirely immaterial, would not be admissible here.

Mr. BUSH. — I suggest the relation the counsel maintain to this committee is becoming somewhat obscured. This committee is taking the testimony of certain individuals with reference to the administration of the laws relating to forest preserves. Counsel are permitted to be present by courtesy and have been permitted to cross-examine the witnesses, if they see fit. If the committee decide to go on and examine certain witnesses, I do not see what right the counsel or anyone else has to object. He can be present if he chooses, and all the commissioners may be absent if they see fit. This is not an action at law where the rights of any particular individual, or the rights of counsel or his clients are being put in jeopardy.

Mr. HESSBERG. — We are not objecting, we have not objected, we have simply made a statement of facts, and upon that we say we think an adjournment should be granted. If the committee say otherwise, we are prepared to proceed. We do not desire to be misunderstood in relation to this statement of fact. It is not an application for adjournment whatsoever, we are not asking for adjournment, we think, under all the circumstances, our clients should be present during this investigation, and under the circumstances we do not feel they should be asked to remain here to-night; if the committee decide, otherwise, we submit.

Chairman RYAN.— If this was a trial and the commissioners were on trial it might be otherwise, but we are seeking an investigation; and I think there can be no objection whatever to our investigating parties out of the commission, whose testimony perhaps may not refer to them at all, notwithstanding what the counsel has said. Mr. Sanger.

WM. H. SANGER, recalled.

By Mr. ADAMS:

Q. A question was asked you last night and the answer was deferred; are you prepared to answer the question to-night?

A. I am.

Q. State the answer?

A. Before proceeding I would ask to be allowed to state to the committee that in my examination the last evening that was held, I made a wrong answer to an inquiry that was put to me; the question that was put to me was, who was the largest bidder of lands within the blue lines, as marked down by the forest commission, at the last tax sale and I responded, Henry Patton; the statement was erroneous; Henry Patton was not the largest bidder; the largest bidder was Elbert Crandell who bid off the number of acres I stated; how I came to make the error I can not explain; I think it was through the power of association; I was auctioneer at the tax sale; one person bid in the lands for Elbert Crandall, Mr. Patton for himself and other parties, but I promptly responded to the question, Henry Patton, because his name had been so prominent before the committee; I can account for it in no other way; I hope the reporters will give as much publicity to this correction as they did to my answer to the question; Mr. Patton bid of 17,837 acres; Mr. Crandall bid off about 150,000 acres.

Q. The question I asked last night in substance was, if you could state the extent of the ownership of the non-resident lands within the blue line, who owned them and the amount they owned.

A. I would ask whether or not I should state it in detail taking up the townships in such order as you could follow it on the maps?

Chairman RYAN.— What is the question?

Mr. ADAMS.— I asked him last night if he could tell who owned the lands within the blue lines, the non-resident owners. He said he could not but would ascertain, and would answer at a future time. I understand the witness, he has made an examination and has the schedules and the names and I would suggest, perhaps it might be put in as an exhibit with a general explanation.

Chairman RYAN.— If there be no objection the suggestion of the counsel will be acted upon and they will be put in as an exhibit.

Q. Explain how it is made up and make a statement about it.

A. The exhibit has been made up from taking the last payment of taxes upon those sales as recorded in the Comptroller's books, also from our last book of tax sales showing who are the owners of the lands, and to some extent the names of the parties who bid in the lands at the last tax sale; I have purposely avoided naming the parties who bid in the lands at the tax sales because it did not know they were the owners; the exhibit is entirely made up from records of payments made, either of taxes or redemption and from tax sales, or parties who acquired title through tax sales; those are the only records that can be relied upon as showing the owners of lands; I have also consulted the assessment-rolls, and my exhibit is partly made up from information gained from the study of those assessment-rolls. I can state, and in detail, the owners of the various townships, going through on the map; or else I can give a summary of it, as would be preferable.

Q. Have you the schedule showing the owners by townships and also another schedule showing the summary?

A. I have, certainly.

Chairman RYAN.—The summary will be sufficient.

The WITNESS.—Shall I read it off?

Mr. ADAMS.—Yes, if you please.

SUMMARY.

	Acres.
Eliza Carter.....	3,254
A. A. Smith.....	6,000
N. Strause.....	9,913
Dodge, Meigs & Co.....	49,258
Benton Turner.....	7,500
Emerson, Patten & Hall.....	4,000
M. V. B. Turner.....	940
Miller and others.....	3,200
Upper Saranac Lake Association.....	6,770
S. A. Whitney.....	5,067
R. C. Gilchrist.....	3,654
M. A. Herrick.....	33,840
Henry L. Sprague.....	5,423
Kildare Club.....	3,213
Luke Usher.....	6,000
Ellen Saxe, guardian.....	4,456
B. B. Webster.....	2,441

	Acres.
Clark & Thompson.....	6,894
J. H. Gilbert.....	7,119
Fine Tannery Co.....	2,174
F. F. Flint & Co.....	6,545
J. Mason.....	2,070
M. L. Keyes.....	7,369
David Connell.....	8,266
Thomas E. Proctor.....	69,386
Harmon & Rice.....	31,176
A. Sherman Lumber Co.....	27,580
Weston, Dean & Aldrich.....	34,287
Geo. W. Sisson.....	15,232
Hepburn & Spear.....	11,032 $\frac{1}{2}$
George B. James.....	7,610
G. H. P. Gould, receiver.....	1,801
A. Lee Wager.....	26,203
Jas. G. Livingston & Co.....	7,351
Sidney Wilder.....	2,600
C. P. Williams.....	5,718
L. E. Marsh.....	8,000
Wilmurt Lake Club.....	1,800
Morehouse Lake Club.....	1,600
Mountain Home Club.....	350
Underwood & Whitman.....	4,000
Henry B. Barnes.....	5,000
Thomas E. Munn.....	9,250
C. S. Benedict and T. S. Gold (sold).....	6,300
Blake estate.....	77,406
E. Darling.....	1,000
M. B. Hosley.....	1,200
Wm. Harris.....	5,000
Gouveneur estate.....	1,500
Thurston & Parker.....	4,600
McEchron & Underwood.....	2,000
Underwood, Marsh & Ostrander.....	1,500
Palmer Falls Paper & Pulp Co.....	19,720
Rayner estate.....	4,766
Wood.....	1,100
Aaron Lloyd.....	2,250
Benedict & Raymond.....	3,758

	Acres
Clarence P. Colton.....	4,53½
T. T. Jackson.....	83½
G. A. Brandreth.....	24,19½
Warren Curtis.....	12,450
Coddington estate.....	2,000
Wm. Harris & Brownell Bros.....	6,000
James M. Smith.....	1,15½
Rhineland estate.....	1,260
E. F. Freeman.....	12,600
Catholic Protectory.....	320
McEchron, Underwood & Moynehan.....	18,000
Norwood Mfg. Co.....	17,41½
Hamilton Park Co.....	23,98½
Adirondack Timber and Mineral Co.....	13,300
L. J. Goodale.....	800
Wood (Prof.).....	5,86½
Hadley and others.....	36,58½
McQuade and others.....	4,000
Geo. H. Freeman.....	16,03½
Adirondack Forest Preserve Association.....	4,58½
Wm. Harris.....	3,000
Russell estate.....	1,600
Lemon Thompson.....	21,000
P. Moynehan.....	4,000
Chas. H. Faxon.....	750
Geo. F. Underwood.....	14,500
H. Patten.....	17,830
Adirondack Mountain Reserve Co.....	23,000
Ostrander & Marsh.....	9,400
Underwood & Marsh.....	17,55½
Sherman (H. L. & D. W.).....	45,62½
Wm. W. Durant.....	55,34½
James McNaughton.....	66,16½
Morgan Lumber Co.....	69,21½
Finch, Pruyn & Co.....	135,15½
Adirondack Co.....	317,31½

1,604,36

Non-resident owners of considerable tracts within the blue line on map presented by the forest commission, January, 1891:

Tract or Patent.	Town- ship.
White Face Mountain } Tract }	— Mrs. Eliza Carter, 3,254a.
Macomb's Purchase,	21. A. A. Smith, 6,000a; N. Strause, 9,913a; balance residents.
Great Tract 1	24. E. 1-2 of N. E. 1-4 3,200a; Millen and others. 27. Dodge, Meigs & Co., 20,500a; Benton Turner, 7,500a. 26. Dodge, Meigs & Co., 28,758a. 23. Adirondack Co., 6,661a; Emerson, Patten & Hall, 4,000a; Weston, Dean & Ald- rich, 7,100a; M. V. B. Turner, 940a. 20. Upper Saranac Lake Association. 6,770a. 19. Unknown. 22. S. A. Whitney, Glassboro, 5,067a; Wes- ton, Dean & Aldrich, 20,933a. 25. R. C. Gilchrist, 8,654a; G. W. Sisson, 8,654a; A. Sherman Lumber Co., 2,400a; Weston, Dean & Aldrich, 6,252a.
Great Tract 2	3. M. A. Herrick, Boston, 33,840a. 6. Adirondack Co., 5,786a; Henry L. Sprague, 5,423a; Kildare Club, 3,213a; Lake Usher, 6,000a; Geo. W. Sisson, 6,578a; A. Sherman Lumber Co., 6,900a. 5. Ellen Saxe, guardian, 4,456a; Harmon & Rice, 5,570a; A. Sherman Lumber Co., 2,040a; Thos. E. Proctor, 16,818a. 2. A. Sherman Lumber Co., 17,140a; Hep- burn & Spear, 3,342½a; Harmon & Rice, 5,227a. 1. Thos. E. Proctor, 11,425a; B. C. Webster, 2,441a; Harmon & Rice, 16,202a. 4. Clark & Thompson, 6,894a; J. H. Gilbert, 1,719a; F. F. Flint & Co., 6,545a; J Mason, 2,070a.
Great Tract 3	13. T. E. Proctor, 21,442a; balance unknown. 15. T. E. Proctor, 9,701a; M. L. Keyes, 8,389a; David Connell, 8,266a.

Tract or Patent.	Town- ship.
Totten & Crossfield's } Purchase.....	43. Adirondack Co., 25,288a.
	42. Geo. B. James, 7,610a; Adirondack Co., 18,000a.
Moose River Tract . . .	8. Adirondack Co., 32,648a.
	1. G. H. P. Gould, receiver, 1,801a; A. Lee Wager, 26,203a.
	2. Estate of Anson Blake, 23,075a.
	3. Adirondack Co., 22,427a.
	3. Adirondack Co., 15,200a; T. E. Munn, 6,050a.
	6. Estate of Anson Blake, 11,810a.
Nobleboro Patent.....	— T. E. Proctor, 10,000a; Ostrander & Marsh, 7,000a.
Lawrence Patent.....	— Jas. C. Livingston & Co., 7,351a; Sidney Wilder, 1,400a; C. P. Williams, 5,718a.
Arthurboro Patent . . .	— L. E. Marsh, 8,000a; Wilmurt Lake Club, 1,800a; Morehouse Lake Club, 1,600a; Mountain Home Club, 350a; S. Wilder, 1,200a.
Oxbow Tract.....	— Adirondack Co., 6,752a; Morgan Lumber Co., 5,825a; Underwood & Whitman, 4,000a.
Benson Township.....	— Adirondack Co., 10,672a; Finch, Pruyn & Co., 1,600a.
Palmer's Purchase.....	— Finch, Pruyn & Co., 3,500a; Adirondack Co., 9,248a.
Moose River Tract . . .	10. Adirondack Co., 9,870a.
	9. Adirondack Co., 24,096a; Rem. Wm. & J. P. Harris.
	8. Anson Blake, Esq., 18,521a; Henry B. Barnes, 5,000a.
	7. Anson Blake, Esq., 24,000a.
	4. Adirondack Co., 14,120a; Chas. L. Bene- dict, T. E. Munn & T. S. Gold, Und. 9,500a; Underwood & Marsh, 1,500a.
Totten & Crossfield's } Purchase.	1. E. Darling 1,000a; Adirondack Co., 1,491a; Underwood & Marsh, 2,400a.
	2. M. B. Hosley, 1,200a; Wm. Harris, 5,000a; Gouverneur est., 1,500a; Thurston & Parker, 1,000a; balance scattering.

Tract or Patent.	Town- ship.
Gore	— Ostrander & Marsh, 2,400a.
	3. Adirondack Co., 777a; McEchron & Underwood, 2,000a; Underwood, Marsh & Ostrander, 1,500a.
	4. Palmer's Falls Paper & Pulp Co., 19,720a; Raynor, Esq., 4,766a; Adirondack Co., 1,280a.
	5. W. W. Durant, 4,000a; Wood, 1,100a; Adirondack Co., 1,280a.
	41. Adirondack Co., 4,800a; Chas. Benedict and Mrs. Raymond, 3,758a; Marsh & Underwood, 1,655a; Aaron Lloyd, 2,250a; Triangle North of Township, 38a; Adirondack Co., 6,851a.
	38. Adirondack Co., 18,176a; Clarence P Colton, 4,532a; Theo. T. Jackson, 832a.
	39. G. A. Brandreth, 24,102a.
	40. Small holdings, compromised.
	6. W. W. Durant, 28,347a.
	7. Finch, Pruyn & Co., 3,000a; Warran Curtis, 12,450a; Adirondack Co., 9,750a.
	8. Coddington estate, around Lewi lake, 2,000a; Wm. Harris & Brownell Bros., 6,000a; Underwood & Marsh, 300a.
	9. Morgan Lumber Co., 20,786a; James M. Smith 1,154a; Rhinelander estate, 1,260a.
	10. Morgan Lumber Co., 20,000a; balance resident; Adirondack Co., 1,187a.
	31. Morgan Lumber Co., 6,300a; E. F. Freeman, 12,600; Adirondack Co., 2,780a; Catholic Protectory, 320a.
	32. McEchron, Underwood & Moynehan, 18,000a; Thurston & Parker, 3,600a; Adirondack Co., 1,553a.
	33. Finch, Pruyn & Co., 10,920a; Adirondack Co., 14,280a.
	34. W. W. Durant, 16,000a.
	35. Norwood Manufacturing Co., 11,000a; Hamilton Park Co., 3,036a; Adirondack Co., 1,280a.

Tract or Patent.	Town- ship.
Gore	36. Hamilton Park Co., 20,945a; Adirondack Co., claim 5,280a.
	37. Adirondack Timber and Mineral Co., 13,306a; L. J. Goodale, 800a; Wood, 5,863a.
	23. And Triangle, Hadley, Allen, etc., 36,583a.
	21. State.
	19. Adirondack Co., 4,280a; Finch, Pruyn & Co., 16,920a; Glens Falls parties, 4,000a.
	17. Sherman (Henry L. and Darwin W.), 23,920a; Adirondack Co., 1,280a.
	15. Finch, Pruyn & Co., 23,200a.
	13. George H. Freeman, 16,037a.
	16. Adirondack Forest Preserve Association, 4,582a.
	18. Sherman (Henry L. and Darwin W.), 21,700a; Finch, Pruyn & Co., 3,500a.
	20. Finch, Pruyn & Co., 20,100a; Adirondack Co., 5,100a.
	22. Adirondack Co., 16,866a; Harris, 3,000a; W. W. Durant, 2,000a.
	50. Russell estate, 1,600a; Underwood & Marsh, 4,500a; Adirondack Co., 7,000a.
	28. Lemon Thompson, 21,000a; W. W. Durant, 5,000a.
	27. Adirondack Co., or Durant, 6,000a; P. Moynehan, 4,000a; balance resident.
	26. Marsh & Underwood, 7,000a; Durant, 3,000a; balance resident.
	30. James McNaughton, 1,000a; Chas. H. Faxon, 750a.
	46. James McNaughton, 23,312a; Geo. F. Underwood, 2,500a.
	47. James McNaughton, 26,025a.
	— Triangle North of Township 47, Norwood Mfg. Co., 6,412a.
	— Gore, North of Township 45, James McNaughton, 13,826a.
	45. Finch, Pruyn & Co., 19,217a; Geo. F. Underwood, 2,000a; H. Patten, 1,500a.
	44. Adirondack Co., 3,000a; Finch, Pruyn & Co., 22,200a.

Tract or Patent.	Town- ship.
Gore	49. Adirondack Co., 1,583a; Finch, Pruyn & Co., 11,000a; Geo. F. Underwood, 10,000a.
	48. Adirondack Mountain Reserve Co., 23,000a.

The WITNESS.—The bids in the name of the Adirondack Timber and Mineral Company and William W. Durant and the Adirondack company constitute, as I understand it, the lands formerly owned by the Adirondack company; I have given them separately, and the aggregate of the acreage report as applying to them shows the acres formerly owned, as I understand, by the Adirondack company within the blue line.

Mr. ADAMS.—That is all from Mr. Sanger; if the other side desire to ask anything, I will call another witness.

Chairman RYAN.—Mr. Fiero, do you wish to ask Mr. Sanger any questions?

Mr. FIERO.—No, sir; no questions.

Mr. ADAMS.—I will call Daniel Lynch.

DANIEL LYNCH, being duly sworn, testified:

By Mr. ADAMS:

Q. Mr. Lynch, where do you reside?

A. Town of Minerva, Essex county.

Q. How long have you resided there?

A. Fifty years it has been my home; fifty years.

Q. What business do you follow?

A. Farmer, lumberman, surveyor, miner, etc.

Q. You are a practical land surveyor?

A. Yes, sir.

Q. Previous to 1885 you were employed by the Comptroller of this State to look after State lands in Essex county, in the vicinity of your residence?

A. I was.

Q. How long had you been so employed?

A. From about the first of January until the time the Comptroller turned the matter over to the forest commission, or, about that time.

Q. What did you do under that employment; the general nature of your services?

A. I simply looked up and reported trespasses, as it appeared to me there were trespasses.

Q. That was reported to the Comptroller's office?

A. Yes.

Q. After the forest commission was organized were you employed by them?

A. I was, verbally; some of the members, I can't say for certain, but I think it was Mr. Fox and Mr. Garmon, directed me to keep right on as I had been doing, only to report to them instead of the Comptroller.

Q. Did you make reports to the commission?

A. I did.

Q. Reported to the office in Albany?

A. Yes, sir.

Q. How long did you act under that employment?

A. Until the 25th of September, 1886, of the same year.

Q. That was up to the 26th of September, 1886; what occurred then?

A. A few days before that I received a notice from the commission to this effect, as nearly as I can recollect: Do no more work and make no more expense for this commission after the twenty-fifth of this month unless especially ordered.

Q. At the time you received this notice, and after the twenty-fifth of September, or twenty-sixth of September, were there trespasses on the State lands that have not been looked up and finished?

A. Yes, sir; I was at work then looking up trespasses.

Q. Where were these trespasses?

A. During that term I simply looked up trespasses in Essex county, in the towns of Minerva and Newcomb, all in Totten & Crossfield's patent, in the 14th, 16th, 25th, 26th and 27th townships.

Q. Have you a memorandum or statement tabulated of the trespasses that you looked up and so reported to the commission up to this time in September?

A. I have.

Q. You may produce it and I will give it in evidence. [The witness produces same.] That is the list of trespasses reported?

A. That is a partial list; that is the list; if they have been settled, I do not know it; here is a list that has been settled.

Q. Were a portion of these trespasses settled and a portion not?

A. As I understand a portion of them were settled; the commission so reported in the next annual report.

Q. These two papers contain all the trespasses you reported, and one paper contains those that were settled, and the other contains those that were not settled?

A. Yes.

AMOUNTS COLLECTED BY THE FOREST COMMISSION FOR TRESPASSES ON STATE LANDS, REPORTED BY DANIEL LYNCH.

Lot.	NAME OF TRESPASSER.	Market logs.	Amount paid.	Date of trespass.	Date of report.
14, 38, 40	Finch & Pruyn.....	\$784 84	\$478 46	1886	February 20, 1886, reported to Comptroller.
16	D. W. Sherman.....	1,017 00	763 20	1886	February 22, 1886, reported to Comptroller.
16	D. W. Sherman.....	442 14	644 40	1886	February 22, 1886, reported to Comptroller.
26	D. W. Sherman.....	417 06		1886	February 22, 1886, reported to Comptroller.
14	D. W. Sherman.....	36 00	18 23	1886	February 22, 1886, reported to Comptroller.
26	D. W. Sherman.....	115 02	58 82	1886	February 22, 1886, reported to Comptroller.
16	D. W. Sherman.....	48 00	24 71	1886	February 22, 1886, reported to Comptroller.
16	D. W. Sherman.....	586 60	439 88	1886	March 3, 1886, reported to Comptroller.
16	D. W. Sherman.....	486 00	364 68	1886	March 3, 1886, reported to Comptroller.
16	D. W. Sherman.....	580 10	290 04	1886	March 3, 1886, reported to Comptroller.
30	D. W. Sherman.....	269 10	134 53	1886	January 25, 1886, reported to Comptroller.
30	D. W. Sherman.....	125 00	67 44	1886	January 25, 1886, reported to Comptroller.
30	D. W. Sherman.....	1,267 00	*950 26	1886	January 11, 1886, reported to Comptroller.
30	D. W. Sherman.....	159 50	119 58	1886	January 1886, reported to Comptroller.
30	D. W. Sherman.....	40 00	25 00	1886	January 1886, reported to Comptroller.
26	Faxon & Knapp.....	18 28	13 79	1886	January 4, 1886, reported to commission.
26	Faxon & Knapp.....	100 00	126 00	1887	March 16, 1886, reported to Comptroller.
26	Faxon & Knapp.....	30 00	37 50	1886	January 11, 1887, reported to commission.
26	Faxon & Knapp.....	230 00	287 50	1886	May, 1886, reported to commission.
26	Faxon & Knapp.....	450 00	522 50	1886	January, 1886, reported to Comptroller.
26	Faxon & Knapp.....	582 60	443 25	1886	January, 1886, reported to Comptroller.
30	Faxon & Knapp.....	517 00	646 25	1886	January, 1886, reported to Comptroller.
7	Lemon Thomson.....	95 64	71 73	1886	May 5, 1886, reported to commission.
26	John Lynch.....	125 00	102 50	1886	June 1, 1886, reported to commission.
26	Faxon & Knapp.....	342 00	427 50	1883, 1884	September 8, 1886, reported to commission.

* The State paid \$431.66 for drawing this job.

TRESPASSES ON STATE LANDS REPORTED TO THE FOREST COMMISSION BY DANIEL LYNCH (UNCOLLECTED).

Township. to O. P.	Lot.	NAME OF TRESPASSER.	Market logs.	Pieces.	Trees.	Cords of bark.	Logs sold to.	Date of trespass.	Date of report.
16.	21, 22	E. Butler	\$1,200 00	.....	.....	.....	D. W. Sherman	1884	July 9, 1886
16.	22	Geo. Griffin	100 00	.....	.....	.....	.....	1884	July 9, 1886
16.	20	D. W. Sherman	.....	188	.....	.....	D. W. Sherman	1886	July 12, 1886
16.	13	I. Champlin	250	.....	.....	.....	Kenyon & Baldwin	1886	Mar. 3, 1886
16 1/2 State.	21	Thos. Powers	4,000 00	.....	.....	600	.....	1883-1884	July 7, 1886
16 1/2 State.	21	Thos. Powers	1,500 00	.....	.....	800	.....	1884	July 17, 1886
16 1/2 State.	21	Thos. Powers	\$574 10	.....	.....	.....	Finch & Pruyn	1885	July 8, 1886
16 1/2 State.	21	Fred. Gay	391 11	.....	.....	.....	.....	1885-1886	Feb. 20, 1886
16 1/2 State.	21	John Pratt	335 41	.....	.....	.....	Thos. Powers	1886	Feb. 20, 1886
25	21	D. O'Neill	213 96	.....	.....	.....	Thos. Powers	1886	Feb. 20, 1886
25	21	D. O'Neill	200 00	.....	.....	.....	Lemon Thomson	1887	Jan. 10, 1887
25	21	D. O'Neill	27 13	.....	.....	.....	Thos. Powers	1886	Feb. 20, 1887
25	15, 16	Finch & Pruyn	65 00	.....	.....	.....	Thos. Powers	1886	Aug. 24, 1887
25	53	Thos. Powers (Jobber, Loveland)	75 00	.....	.....	.....	D. W. Sherman	1886	Aug. 18, 1887
25	92, 93	Thos. Powers (D. Lynn)	60 00	.....	.....	.....	D. W. Sherman	1886	Aug. 11, 1886
26	93	.....	.....	39	.....	.....	Sherman's mark	1886	April 12, 1886
26	103	John Gates	.....	48	.....	.....	Sherman's mark	1886	March 16, 1886
26	87, 68, 78	D. Lynn	400 00	.....	.....	.....	Sherman's mark	1886	Sept. 14, 1886
26	87, 68	D. Lynn	240 00	.....	.....	.....	Sherman's mark	1886	Sept. 21, 1886
26	78	D. Lynn	350 00	.....	.....	.....	Sherman's mark	1886	Sept. 21, 1886
26	78	D. Lynn	160 00	.....	.....	.....	Sherman's mark	1886	Sept. 23, 1886
26	66	Faxon & Knapp	80 00	.....	.....	.....	.....	1886	March 13, 1886
26	68	Faxon & Knapp	70 00	.....	.....	.....	.....	1886	Sept. 16, 1886
26	20	Faxon & Knapp	212 00	.....	.....	.....	.....	1886	Sept. 4, 1886
26	76	Faxon & Knapp	15 00	.....	.....	.....	.....	1886	Sept. 14, 1886
26	43	Faxon & Knapp	126 00	.....	.....	.....	.....	1886	Sept. 18, 1886
26	43	Faxon & Knapp	.....	360	.....	.....	.....	1886	July 2, 1886
26	17	Faxon & Knapp	675 00	.....	.....	.....	.....	1886	July 23, 1886
27	61, 62	Faxon & Knapp	705 00	.....	.....	.....	.....	1886	Feb. 22, 1886
80	7	Faxon & Knapp	500 00	.....	.....	.....	.....	1886	May 28, 1886
27	35	Lemon Thomson	.....	700	.....	.....	.....	1886	July 21, 1886
27	35	Lemon Thomson	152, 131, 91	.....	.....	.....	.....	1871-1880	Aug. 5, 1886
27	.....	Charles Farr	.....	769	.....	.....	Lemon Thomson	1881-1886	May 27, 1886
27	6 and 7	.....	.....	.....	.....	.....	.....	.....	.....

* Powers sold the timber to C. Griffin; Ordway paid Powers seventy-five dollars stumpage

† This lot, probably, could not have been collected.

TRESPASSES ON STATE LANDS REPORTED TO THE FOREST COMMISSION, ETC. — (Concluded).

Township, to C. P.	Lot.	NAME OF TRESPASSER.	Market logs.	Pieces.	Trees.	Cords of bark.	Logs sold to.	Date of trespass.	Date of report.
26.....	99.....	James Lindsay.....	\$500 00	.....	.....	.....	Lemon Thomson.....	1885	Aug. 12, 1886
27.....	61, 62, 63.....	George Bissell.....	4,500 00	.....	.....	.....	Lemon Thomson.....	1880-1882	July 22, 1886
28.....	Island in Lake Delia,	Lemon Thomson.....	.....	765	.....	.....	Henry Tefft.....	1885-1886	July 31, 1886
27.....	36, 37.....	M. Lynch.....	.....	370	.....	.....	.....	1886	May 28, 1886
27.....	22, 64.....	O. & C. H. Bissell.....	.....	.....	217	.....	.....	1886-1886	July 21, 1886
27.....	79.....	George Bissell.....	.....	60	.....	.....	.....	1885-1886	July 21, 1886
27.....	22.....	F. Fervier.....	.....	50	.....	.....	.....	1885-1886	July 21, 1886
27.....	21.....	B. Sibley.....	.....	30	.....	.....	.....	1885-1886	July 21, 1886

The WITNESS.—There may be some trifling trespass, two or three trees left out.

Q. Were these settlements without suit?

A. I did not know of any suits.

Q. About how many of those trespasses, the number?

A. I could not say now; there are twenty-four on that list, making forty-one unsettled.

Q. Forty-one unsettled and twenty-four settled?

A. Unsettled, as I understand.

Q. Those that were settled, as you understand, were settled without a suit?

A. As far as I knew.

Q. These settlements were conducted by whom, or under whose direction?

A. I knew personally of three; the warden told me to tell one trespasser, two trespassers how much to pay and they could settle; they paid and settled; the third was a petty trespass, a wood trespass; I settled that under the direction of Mr. Train, and so reported to him; Mr. Train directed me to settle it to the best of my judgment.

Q. As to the others, what is your understanding about them?

A. I do not know.

Q. These trespasses that you reported, these sixty-five cases as you make them, embraced how many logs in the aggregate?

A. In the neighborhood of 30,000, market logs.

Q. Was there a claim reported against L. Thomson?

A. There were several.

Q. Were any of those settled, as you understand it?

A. I understood that one was a trespass.

Q. You understood some of the other logs involved he was discharged from by reason of the redemption of land?

A. Yes, one case.

Q. I will speak about that hereafter; after the twenty-fifth or twenty-sixth of September did you come to the office of the commission in Albany?

A. I did.

Q. What took place?

A. I came to know why I was to stop work because, although I reported such a large number, there were quite a number still left unlooked up; my idea was fair play; I understood at the office, I could not tell which of the officers told me, the reason was simply the commission's appropriation was exhausted and there was no funds from which to draw my pay; I offered to do my work in Minerva and

Newcomb townships and present no bill for salary or expense till the commission got their next appropriation.

Q. After being told they had no funds to continue you in their employ and your making that offer, what was said?

A. There was nothing particular said and I never heard anything more about it, that is on the strength of that offer.

Q. That was all there was of that transaction?

A. That was all.

Q. The offer was not accepted?

A. No.

Q. What occurred next?

A. The next was a couple of petty trespasses that I was notified of by the man acting as forester in Minerva and I looked them up and reported them in January, 1887; those I was specially ordered to.

Q. By the forester?

A. I reported them directly to the office, but the forester directed me to hunt them up.

Q. August, 1888, was there any transaction?

A. About the first of August, or just before I received notice from the commission, I had been appointed temporarily inspector to date, from the first day of August.

Q. You received that from the office; what did you do on receiving that notice?

A. I immediately, not knowing what was expected of that office I had before been acting — my name — I did not know in what light they considered me; I found my name entered on their books as special agent; I immediately wrote to the warden and he replied to me simply to look up trespasses and report them wherever I knew of them, or suspected any.

Q. After that did you look up any trespasses?

A. I did; I consulted with the deputy warden and we talked over what was the most important that I knew of; I said the most important trespass that I knew of, the largest had been reported to me as a trespass of 10,000 market logs, on a tract of land in which the State owns one-third; that is in the southeast corner of the 33d township; the deputy warden wanted me to look that up first, and I went and looked it up and was in communication with the office.

Q. You got that up and reported it?

A. Reported it.

Q. Was any portion of this trespass settled?

A. Not that I know of; the State was one-third interested in it.

Q. I mean the State interest; was that ever settled?

A. I knew nothing of it; when I reported my work was done.

Q. Did Garmon tell you he had settled some trespass that you discovered and reported?

A. I do not recollect that he did; I do not recollect of any; perhaps he did, but I have no recollection of it.

Q. Anything of William Keays' job; what was there about that?

A. I reported that by the estimation; I went and looked it up in the winter, and it was in such shape that I could not measure the logs just then, so I simply made an estimation of 1,800 market logs, and they were practically all on State land; there might have been a very few cut on private land, but practically all on State land.

Q. Do you know whether that was ever settled; did Garmon ever tell you that was settled?

A. I could not say; I do not think Mr. Garmon told me the trespass was settled, but there had been some partial settlements.

Q. William Lavery case; what was there about that?

A. I do not think I had better say anything about that; Mr. Lavery wanted to avoid coming down, if possible, and sent his statement down under affidavit with me.

Q. That is his case?

A. That is his case.

Q. That I will place before the commission; there were 1,003 market logs in the winter of 1886 reported, which logs Mr. Thomson got?

A. They had been cut in the winter of 1885 and 1886 by men up there; Mr. Thomson had them; I do not know but they were cut by some parties up there; Lindsay and Thomson had the logs; whether it was job or purchase I do not know.

Q. Was it claimed these logs were cut on State lands and a claim made against Mr. Thomson?

A. I made that claim.

Q. Was that ever settled?

A. I do not know that it was; Mr. Thomson, as I understood, disputed the correctness of my report; that it was not on State land; and then I came to the secretary and surveyor-general's office and got the original field notes and map, and made an official survey, and established that trespass was on State land, and so reported; then I went on and measured the stumps and tops and counted the pieces in each tree, and got that number, 1,003; up to that time I could not say officially it was on State land.

Q. After making a survey you found it was on State land?

A. I found it was and so reported.

Q. Was that settled?

A. Not that I know about.

Q. What land was it that Mr. Thomson redeemed and claimed that let him out of some trespass?

A. That was lot 38 in the same township; in the same tract, this last was.

Q. How many logs had been cut on that land and been reported?

A. It had been cut and haggled over and over; I think I reported 500 market logs cut recently, as well as 700 cedar trees cut for posts; that is what I think my report was.

Q. It was claimed that was on some land which he had the right to redeem, and it is claimed he did redeem?

A. Yes.

Q. Was that redemption correct; did you look in the redemption?

A. I did.

Q. State what you found?

Chairman RYAN.—About what was the average size of those cedars?

A. They were a small size lot of trees, probably cut down to from eight inches on the stump, some very few less than eight inches, but I do not think I counted any less than eight inches, certainly not less than six up to twenty; they were cut for posts; I did not count anything but what would be of some value.

Q. What did you do about investigating this redemption?

A. I will give the minutes of that; I reported with regard to this lot; here is the rest: January 24, 1887, the forest commission action against Lemon Thomson, for 700 penalties for trespass on lot 35, Richard's survey township 27, to C. P., trespass reported July 21, 1886; March 17, 1887, Lemon Thomson applied to the Comptroller for a cancellation of the 1881 tax-sale of the above lot, on the ground of occupancy on November 23, 1883, and that no notice of the sale or any other sale had been served on the said occupants.

Evidence:

E. J. Houghton of the town of Newcomb deposes: "That from October 1, 1883, until April 1, 1884, there was a dwelling-house and barn on the above mentioned lot, which were occupied by himself and family during the time above named."

Josiah Houghton, of the same town, deposes substantially the same as above, and both these men testify that they were well acquainted with the location and lines of said lot.

Contradictory evidence:

Charles H. Bissell, George M. Bissell, George W. Johnson and Edison J. Dimick severally testify that they are residents of the town

of Newcomb, and that after carefully investigating said lot 35, they find no part of it under cultivation, nor showing any appearance of having been cultivated, nor did they find any house, shanty or barn thereon, nor anything to show that such buildings might heretofore have been on said lot; C. H. and George M. Bissell depose that they are well acquainted with the location of the said lot.

Direct evidence :

October 19, 1887, Orson P. Morse deposes: "That he is a practical surveyor, that he has followed the business over thirty years, and is well acquainted with the surveys of township 27, and that on the 22d and 23d days of September, 1887, he re-surveyed the line between lots 34 and 35 in Richard's Survey to 27, to C. P., and that after the survey he saw two shanties on lot 35. The shanties appeared to have been built fifteen years or more.

Application granted June 26, 1888.

Q. That you take from the Comptroller's office?

A. Yes; on making a survey in January, 1889, to investigate the evidence on which the above cancellation was obtained; before making this survey I went to the surveyor-general's office, the Secretary of State's office, and copied the original maps and field notes of this tract, and from that I made the survey so that I know it is correct; then here is that resolution; I found that Mr. Morse's statement was correct, and saw the two shanties.

Q. Statement as to the line?

A. As to the two shanties that he saw as to which I believe he refers, they were two old stables, one of which was large enough to shelter one team and the other might shelter two, but the missing link in the chain of testimony is, that there is nothing in it to connect the shanties which Morse saw with the dwelling-house and barn which the Houghtons swore they occupied and the fact, as I showed in my report to the forest commission during the time covered by their testimony, they occupied a shanty and barn on lot 34.

Q. You surveyed this land?

A. Yes, sir.

Q. Did you agree in your survey with the survey of this other man?

A. I could not tell.

Q. Your survey was based on what you found in the surveyor-general's office?

A. Yes; and as I went along I found the ancient land marks.

Q. This house was not on the lot that was redeemed, but on the adjoining lot?

A. Yes; it was on another lot just over the line.

Q. Did you report that fact to the forest commission?

A. I did, just as it is here.

Q. By the application the redemption would be set aside?

A. I do not know anything about that.

Q. Did you state that?

A. I don't believe that I did; I simply reported what I had done myself.

Q. Or show that fact at the Comptroller's office the redemption would have been set aside, that is the practice?

A. Yes, but I don't remember reporting any such thing to them.

Q. I ask you, from your knowledge of the business at the Comptroller's office, if this mistake had been made to appear at the Comptroller's office it would be sufficient cause to cancel the redemption?

A. That is my opinion.

Q. And you reported the fact to the office of the commission?

A. Yes; I always considered when I made my report, my part of the work was done.

Q. Did you continue in the employ of the commission from August 1, to February 1, 1889?

A. Yes; I did.

Q. Between those times did you report constantly?

A. I was at work and reported all the time.

Q. Was any fault found with that work?

A. Up to the first of February I never knew the commission had a particle of fault to find with me; if they had I did not know it; they appeared to approve of my work.

Q. About the 1st of February, 1889, what occurred?

A. I simply got a letter from the office stating that, at a meeting held by the commission in New York; it had been decided that the appointment of Daniel Lynch, as inspector, should be discontinued.

Q. What did you do about it?

A. Not knowing what it meant and the way I was at work I came down to see if there was any fault.

Q. Who did you see and what conversation occurred?

A. I came down here; there was no one in the office; the commission was going to have a meeting, I think, the following Tuesday; I waited to see when they came, and made a written statement to them as to how the facts were; told them I had got almost through, as far as I knew, looking up trespasses in Minerva, and asked for a re-appointment, if only for one month, to close up.

Q. Did you ever have a conversation with Garmon?

A. It was principally with Garmon I had the conversation.

Q. What did Garmon say?

A. They went in and talked it over, and Garmon came out and said it was decided to give me this reappointment.

Q. Did Garmon on that occasion say there were some trespasses here other than you had reported?

A. Yes, sir; that I had not looked up all the trespasses.

Q. That was the allegation that he made?

A. Yes, that I had not looked up all the trespasses.

Q. After this time did you, during this month, make reports?

A. I did of several trespasses.

Q. After that time did you look in the office to see whether the reports and letters you had sent in were there?

A. I noticed that it was charged against me that I was favoring certain persons in not reporting their trespasses; it happened I had written during the preceding month or two, I think four times, mentioning these very reports, these very persons, and in the last report I had mentioned some five or six of them, and said I would get around to them just as quick as possible; well, I went searching to get these letters and I could not find them.

Q. Could not find them in the office?

A. No.

Q. Did anybody in the office say to you they had been there?

A. Mr. Train admitted receiving these letters; he said especially he remembered perfectly well the last one, because he remembered the way I expressed it.

Q. Now, previous to your coming to Albany on this occasion, had you had any conversation with a man by the name of Talbot?

A. I had, or he had with me.

Q. How long was that before you came to Albany?

A. This conversation of him with me was the 25th of December, 1888.

Q. You were in Albany the February after?

A. About the first of the following February I got this notice of dismissal.

Q. Hold your mind right there; who is this Talbot?

A. E. H. Talbot, son of Charles Talbot; born and brought up in the town of Minerva.

Q. What does he do there?

A. He has left it just now; he got a living the best way he could.

Q. Was he engaged in the lumber business or have anything to do with logs cut on the State lands?

A. Not at that time.

Q. Did he know you had been reporting certain parties as trespassers to the office at Albany?

A. Well, certainly he did.

Q. When he came to you in December, what conversation was had between you and him on that subject?

Mr. FIERO.—Mr. Chairman, I would like to interpose an objection to this talk with Talbot. He did not in any way represent the forest commission and did not have any right to speak for them, or say anything that could be binding upon them, and I submit that there ought not to be brought into evidence here a loose statement which some man, somewhere in the woods, had made without its being shown that he was in any way connected with or related to this commission, or have any right to say what he may have said in reference to it. It does not throw any light upon this investigation.

Chairman RYAN.—If it does not relate in any way, it certainly cannot injure them. Go on and answer the question.

Mr. ADAMS.—I propose to connect Talbot.

Q. State the conversation between you and Talbot.

A. Mr. Talbot came to me that day, and referred to that very trespass of 1,003 markets; insisted that I would give him a statement to take to the forest commission, that that report was a mistake, that it was not on State land; I told him I could not do it, I hadn't made an official survey then because I thought it was correct; "well," said he, "the fact is if you will give me this paper you will be continued in office, probably promoted, certainly continued; if not, you must go."

Q. Who was this complaint of 1,003 logs against?

A. Lemon Thomson had the logs.

Q. He said if you would change that report you would be continued?

A. Yes, sir.

Q. Afterwards did you see Talbot in Albany?

A. I did.

Q. What time was that?

A. That was about the second or third of January following.

Q. Where did you see him?

A. In the room adjoining the forest commission office, in this building.

Q. Was he in the office apparently on business, as well as yourself?

A. I could not tell about that.

Q. Appeared to be ?

A. Yes.

Q. Met him there in the office ?

A. Yes.

Q. What conversation did you have with him on that occasion ?

A. He asked me, in the first place, he ask me into this little room and he brought around the conversation about money; said he — in the first place he asked me to let him have have some money; I said I would just as soon as not, "I have none to-day, to-morrow I will let you have some;" he stopped and looked at me and said: "Don't you want some money?" I looked at him; he says: "The fact is this, if you want money say so and you needn't be mild about it either, and you can have it to-day."

Q. What did he say to introduce the conversation ?

A. The talk was, he wanted me as long as I would not write anything, he wanted me to come before the deputy warden or secretary and make a statement that I thought this was not on State land.

Q. When did he say that ?

A. Then; that day.

Q. Was that before or after he said if you wanted money you could have some ?

A. It was all at the same time and I could not say for certain whether it was just before or after; I told him like this: All the statement I can make I will make it, that I did not want any money; I went before the deputy warden and made this statement that I had reported that trespass just the same as I had the others; that to the best of my judgment that was on State lands, but I couldn't say positively it was so until I made a survey; then I went on and made a survey and reported it.

Q. You took no money from Talbot ?

A. I think not.

Q. This was in Janurry, at the time you came and asked to be continued ?

A. This was before; I was down on business for the commission then; looking up some records and preparing for some further work, in fact, to look up the records to prepare for this very work.

Q. You were continued a month, until about the first of February ?

A. Yes, sir; the first day of February I was dismissed.

Q. An arrangement was made you should finish up and take another month ?

A. Yes.

Q. Before the month came around did you see any of the commission?

A. Immediately after Mr. Garmon gave me this appointment we talked over the matter in a friendly way and he instructed me orally to not be too fast about hurrying up these fellows; the trespass had been done; they were then drawing the logs to the river; he said in this way: "Let them draw a while; the logs will be worth more in the river than in the woods;" it was my duty to obey orders; that was reasonable; that was right; then I went on a little while after and reported some four or five of them; this was about the middle of February that I got the second appointment of one month.

Q. Before the month was out, did you attend a meeting of the forest commission?

A. Yes; about two weeks after, I received a circular from the commission requesting all their employes to be in the office at a certain day, and I came down.

Q. What occurred then?

A. There was a sort of general inquiry.

Q. I mean as between you?

A. General inquiry; I didn't even then know what particular charges were against me, if any; well, made sort of a general inquiry, and I stated how I had done my work, and that I had done the best I could; when I had finished my statement there, the last one, they called in one of the commissioners, Mr. Basselin, and said, as near as I can recollect, that while he saw no especial evidence of guilt, he considered me worthy of censure for negligence, and that closed down the meeting for them.

Q. Negligence in what; did he specify?

A. In my work.

Q. Did he specify anything more than that?

A. Nothing more; that was the end.

Q. After saying that, what did he do?

A. There was nothing more; that wound up the meeting; they adjourned at once; I was rather thunderstruck at that; I understood then they were to have a meeting the next day, at New York; I went right to New York that night, but before going I took some letters from the secretary and others to show I had been at work all this time; that I hadn't neglected anything, and went down into the office, and was going to make my statement.

Q. That was in New York?

A. In New York, in Mr. Kneval's office; well, I suppose they were in a hurry; Mr. Basselin stood up the moment I entered the room;

didn't allow me to make any statement, but said they had decided to drop me, and that was all there was of it.

Q. That was in February of what year?

A. That was about the 1st of March, 1889.

Q. Afterwards who was appointed in your place?

A. As I understood it, the appointee in my place was a Mr. Burke, of Mechanicville; that is in my office, but in my place, taking care of the land in that vicinity; I understood it was a Mr. Powers, of Minerva.

Q. Have they continued from that time until this?

A. I do not know; I have understood so.

Q. Had complaints been made against either or both of these men previous to their appointment, for being trespassers upon the State land?

A. With regard to Mr. Burke, I never knew anything about him until then; in regard to Mr. Powers, he was reported with a number of others.

Q. Reported by you?

A. During the first term by me to the Comptroller and to the commission.

Q. Were his trespasses ever settled for to your knowledge?

A. Not that I know of; I can't say it that way; there was one trespass that I reported; the first one I looked up Mr. Sherman settled; that is all that I know about being settled.

Q. Was there a man by the name of Kline, from Croghan, who came over to your place during your term of service?

A. Yes.

Q. About what time was that?

A. I can't state that date exactly, but it was about this same time, probably in February; it was in February of that same year, and after I had got this second appointment.

Q. While you were running on this month?

A. While I was running on this last month.

Q. How long before you came to Albany and went to New York did Kline appear?

A. It was just before; I think he was down with me; I think he got this notice at the same time I did.

Q. What did he do over there?

A. In the first place, as far as I knew, he got Mr. Morse, a surveyor, of Minerva, and went to Newcomb to look up a trespass that I had reported two years before of my brothers; then he went one day with me to look up a trespass of James Lindsay on the Boreas river.

Q. Did he say how he came to be there?

A. I understood in a general way the commission sent him; yes, he told me the commission sent him to investigate.

Q. All he proposed to investigate was this trespass your brother had made two or three years before, which was already reported?

A. He might have gone other places.

Q. That, I believe, is all I desire to ask you; is there anything else that I have omitted?

A. I do not know of anything in regard to my work.

Q. One other subject in regard to the settlements that were made with trespassers, was there any discrimination, some being charged more for settling than others?

A. I never understood there was any settled price; as I understood it there were all prices from twenty-five cents up to one dollar and twenty-five cents.

Q. You mean per market log?

A. Yes.

Q. Some cases twenty-five cents?

A. So I understood it; some, I know, were twenty-five cents, because the money was paid to me, and I sent it on.

Q. Who made these settlements?

A. I do not know of any only these two I have just spoken of; one was my cousin, John Lynch; had cut 125 market logs; I reported it; Mr. Garmon told me to tell John Lynch he could settle for seventy-five cents a market log, and the cost of looking it up, and I so told him and he sent the money; it came to \$102.50.

Q. Whose cost of reporting was this?

A. My working of looking it up and the assistant.

Q. And the whole thing was sent to the office?

A. The whole thing was sent to the office.

Q. What cases were settled for twenty-five cents a log, as you understand it?

A. I understood there was one of these very cases I reported the last winter; William Keays cut the logs, Lemon Thomson had them; this is my understanding; it was settled partly for twenty-five cents a log, perhaps more.

Q. What difference was there in these logs and those where settlements were one dollar and twenty-five cents required?

A. I do not know.

Q. Do you know of any difference between them?

A. I do not.

Q. That is all?

Cross-examination :

By Mr. FIERO:

Q. Do you know whether in those cases there was a difference in the character of the trespasses; whether some of the trespasses were wilful and malicious and others were under claim; the men were on their own lots?

A. As a rule I reported trespasses the same as I found them, but where I had every reason to think men had got over innocently, I so reported to the commission; it was none of my business to plead for anybody.

Q. But where settlements were made for different prices, do you know there was a difference in the fact in regard to the character of the trespass?

A. There was — well, I don't know.

Q. You do not know whether there was or not?

A. I don't know — how do you mean with regard to the ground or with regard to their getting on willfully or innocently?

Q. Willfully or innocently?

A. Well, I don't know that there was any difference made in the settlement on those grounds.

Q. You know there was a difference in the character of the offense?

A. Certainly, and I so reported.

Q. You do not know whether those were the ones in which the difference was made in the settlement or not?

A. I don't.

Q. What are logs worth there?

A. Spruce logs are usually worth from one dollar and ten cents up to one dollar and forty cents and one dollar and fifty cents in the river; hemlock from ninety cents to one dollar and one dollar and ten cents in the river.

Q. What are they worth on the ground where they are cut?

A. They are worth usually from ten to thirty or forty cents; thirty or forty cents is a pretty high price.

Q. An outside price?

A. It is, as a rule, for timber on the ground.

Q. Forty cents would be the highest price for timber on the ground?

A. I think it is the highest I have ever known being paid for timber on the ground.

Q. When you had the talk with Garmon about your being reinstated, after the talk that you had with Talbot, did you tell Mr. Garmon of that talk?

A. I did.

Q. Told him what there was of it?

A. I did; I made a written report of it to the commission.

Q. What, if anything, did Mr. Garmon say in regard to it?

A. He laughed at it; I never accused Mr. Garmon with having anything to do with that.

Q. You do not know the commission had anything to do with that?

A. Of course I don't; I don't mean to intimate they had anything to do with Talbot; Talbot told me like this: This commission will never collect — this is what he told me, but I don't consider it worth anything — said he: "You know this commission will never collect a dollar of Thomson, and you might as well sign this first thing;" "Well," I says, "let them do it on their own responsibility;" now, mind me, I don't say that is worthy of being noted down, that was his opinion to me, but I don't mean to intimate they were back of that.

Q. You have no reason to suppose they were in any way connected with Talbot?

A. I have not; not in the least.

Q. With regard to the matter of redemptions, where does that matter go, to the Comptroller?

A. To the Comptroller.

Q. He has the entire control of it?

A. He has.

Q. He hears the matter and determines it?

A. He does.

Q. Acts on behalf of the State?

A. On behalf of the State.

Q. You do not understand the forest commission have anything whatever to do with cancellation or redemption?

A. Not in the least.

Q. No control over it?

A. No.

Q. When you reported to them it was after the suit had been brought by them?

A. Yes; when I reported this survey to them it was after the suit had been brought by them that he sent on and obtained his cancellation.

Q. At the time the suit was brought the forest commission, as far as you understood, the State owned the land?

A. Oh, yes, it was State land then.

Q. And was afterwards canceled by the Comptroller?

A. By the Comptroller.

Q. The forest commission had nothing whatever to do with the cancellation ?

A. They could have nothing to do with that cancellation.

Q. That is all.

Redirect examination :

By Mr. ADAMS:

Q. What you reported was, that there was an error in the cancellation which might be corrected ?

A. That was my intention in reporting to the commission.

Q. Calling their attention to the fact there was an error ?

A. Yes.

Recross-examination :

By Mr. FIERO:

Q. You did not understand they had any power over the correction ?

A. As I understood it, the only place they could come in in this was to ask of the Comptroller a cancellation of that cancellation.

Q. Did you ever know that to be done ?

A. I didn't, because I didn't know of any such case, but that is the way I understood it at the time.

Mr. ADAMS.—The witness I have from the northern part of the State I have not conferred with, and I am not prepared to put him on the stand. I desire some time to examine Mr. Garmon. It is now half-past nine, and I could put Mr. Garmon on the stand the first thing to-morrow evening, and have the other witnesses ready so as to be able to resume to-morrow evening whatever time the committee desire to sit.

Chairman RYAN.—Do you wish to put any witness on the stand to-night ?

Mr. ADAMS.—I am prepared to put no other witness on the stand to-night.

Mr. CAMERON.—I move we adjourn until next Tuesday night at 7.30 o'clock.

Mr. HITT.—I second the motion.

Chairman RYAN.—Will next Tuesday evening suit you, Mr. Adams ?

Mr. ADAMS.—If it suits the committee it will suit me.

Chairman RYAN.—It is moved and seconded we adjourn until next Tuesday evening at 7.30 o'clock.

The motion was then put and carried, and the committee adjourned until Tuesday evening, February 17, 1891, at 7.30.

ALBANY, TUESDAY, *February 17, 1891, 7.30 P. M.*

The committee met pursuant to adjournment.

Present — Chairman Ryan, Messrs. Connelly, Davie, Hitt, Cameron, Lane, Dempsey and Brown.

Chairman RYAN.— The committee is now ready to proceed.

Mr. ADAMS.— Mr. Chairman, I desire to recall Mr. Lynch on a single point; it will be brief.

DANIEL LYNCH, recalled.

Examination continued by Mr. ADAMS.

Q. Mr. Lynch, what knowledge or information have you in regard to trespasses being committed upon the State lands in your vicinity, Minerva and Long Lake, last winter a year ago?

A. In my travels through the woods I saw several lots in the town of Minerva of State land where the timber had been cut last winter; with regard to Long Lake I have heard —

Q. I am speaking now of a year ago.

A. I heard there were trespasses at Long Lake a year ago.

Q. To what extent did you see trespasses on State lands, evidence of trespasses on State land, when you were through the woods last summer?

A. I didn't take steps looking for trespasses, but just following my own business I saw four lots; I can name them; I saw this summer in my travels through the woods four State lots in the town of Minerva that timber had been cut on last winter to quite a little extent, probably all that was feasible.

Q. About what quantity; give the committee some idea of the quantity or extent of the cutting or trespassing?

A. As to that I couldn't say; it was simply this: These lots vary from a hundred to 236 acres, as far as I saw the lots and there was any timber on them to cut it was cut.

Q. Appeared to be stripped of all timber that was valuable?

A. Yes.

Q. In regard to Long Lake, what information and the sources of them?

A. That is merely heresay, I have understood there was timber cut to quite an extent at Long Lake last winter and this winter; that is all I know about it.

Q. What are the sources of your information on the subject?

A. Men living at Long Lake that claim to know where the lots and lines are, and that I consider reliable.

Q. Give the names of some of them.

A. I don't think I ought to do that, but I will say so if you say so; this was given to me in confidence, and if you decide I shall tell, who told me, I shall.

Q. I will relieve you from all confidence; who are your informants?

A. One of them was a Mr. David Helmes, the other was a Mr. Robert Shaw.

Q. Reputable men living at Long Lake?

A. I so consider them.

Q. Do you know of any other depredations in that country last winter and this winter that you have not mentioned?

A. I do not.

Q. That is all.

Cross-examination:

By Mr. FIERO:

Q. Mr. Lynch, did you inform any one of these trespasses in the town of Minerva, the ones you speak of?

A. I did.

Q. Who?

A. Mr. Garmon.

Q. Did Mr. Garmon send Mr. Burke to you to employ you to assist in looking up the trespasses and detecting the trespasses?

A. I don't know whether he did or not.

Q. Did Mr. Burke come to you or say he had been sent?

A. He came to me and asked me to go.

Q. And say he wanted to employ you for the commission and would pay you well?

A. He did.

Q. Did you go?

A. I did not.

Q. What did you say to him?

A. I said to him that there was no need of saying anything to him; he understood it in the first place when I told Mr. Garmon of these trespasses, he asked me where they were; I told him I couldn't say, that I wasn't an informer; that when it was my duty to look up and report trespasses on State lands I did so without fear or favor; then Mr. Garmon said in that case after some further conversation that he would make me out an appointment to look this up; I said in that case I will do it; Mr. Burke was there and understood the whole of it; then Mr. Burke came afterwards and asked me to go with him and show him these trespasses; I flatly refused to do it.

Q. Offered to pay you?

A. Yes, sir.

Q. You refused to give him the information?

A. In that way I refused to go with him.

Q. Did you refuse to give him the information?

A. No, not of repeating what I have already said.

Q. I ask you that question?

A. I refused in the first place to give Mr. Garmon information as an informer, that it was not my duty to report to him.

Q. Did you refuse to give Mr. Burke the information you have now given this committee?

Chairman RYAN.—Mr. Lynch please answer that direct.

A. I refused to go with him in that way or give him any information.

Q. But you have now come and given the information to this committee which is the first information that any member of the forestry commission has had, or the warden, in reference to any particular trespass?

A. Yes, sir.

Q. How did they get it?

A. I told Mr. Garmon at the time where these trespasses were, even to naming one of the lots, and I gave the number of the lot.

Q. Did you tell him who the trespassers were?

A. I told him my suspicions.

Q. Did Mr. Burke proceed to look the matter up?

A. I don't know.

Q. Then you don't know but what your information was acted on?

A. I don't know; I can't tell about that.

Q. Then you are not giving the information in the first instance now, but gave it to the commission several months ago, and for all you know it has been acted on previous to this time?

A. Certainly; I don't know what they have done or haven't done in that way.

Q. Do you know anything at all with reference to those trespasses at Long Lake; did you make any inquiry from those men as to the lots or localities?

A. I did not; I told all that I had to say in regard to that; all that I knew of it I told in my direct testimony.

Q. Did you ever communicate that fact to any one connected with the forestry commission?

A. I did not because all this has come there lately.

Q. How long ago?

A. I can't say as to days, but within some weeks.

Q. So that it is a recent matter?

A. My knowledge of it is a recent matter.

Q. Do you know the fact there is to-day a suit pending at the instance of the forest commission against this man, Robert Shaw, that you have mentioned as an informer?

A. I have understood so.

Redirect examination :

By Mr. ADAMS:

Q. Who is the forester or agent in Minerva and has been the last two years?

A. I understand a Mr. Powers is the guardian; I don't know in what capacity.

Q. What is his full name?

A. Thomas Powers.

Q. Does his duty embrace Minerva and the Long Lake country?

A. I don't know as to that.

Q. That is your understanding?

A. That is my understanding.

Q. When you were in the services of the State your district embraced that?

A. That was my understanding of it.

Q. And he is your successor as you understand it, and has been your successor for two years?

A. In looking up the trespasses there, yes.

Q. That is all.

Recross-examination :

Q. Are you quite correct about that; isn't Mr. Burke your successor?

A. In office, but as to taking care of the timber, as I understand it, Mr. Powers is.

Q. Mr. Powers is a forester?

A. Yes.

Q. He is not your successor in office?

A. Not in office, but in taking care of the timber.

Q. What lots are those trespasses on?

A. I named one of them at the time as I said to Mr. Garmon, lot 90, in 26 township in Totten & Crossfield purchase.

Q. Name the others?

A. I don't recollect that I did; the others are in the 25th township in Bailey's patent, lots 69 and 71 and, I think, 72.

Q. Do you know the names of the alleged trespassers?

A. I do not.

Q. Have you any other information with regard to it?

A. I have not with regard to that.

By Chairman RYAN:

Q. How long since you were out where those lots are?

A. Just before snow come this winter was the last time I was on any of them.

Q. From the evidence you saw there of the timber being cut, it was how long since?

A. It was cut last winter.

Q. About a thousand acres in this tract that you speak of?

A. This largest lot, the one I named to Mr. Garmon, was a 236 acre lot, lot 90 in 26th township.

Q. Were the logs on the ground when you were there?

A. They had been removed as far as I saw.

Q. Is that all?

Mr. ADAMS.—That is all.

By Mr. FIERO:

Q. Let me ask a single question, you know of the policy of the Comptrollers' office in regard to settling for trespasses at the time the Comptroller had charge of this matter?

A. I don't know except as I might hear accidentally the way people settle up; I understood it was left largely to the county agents to settle on their own judgments.

Q. Are you aware of the fact a new policy was adopted by the forest commission?

A. I couldn't say it was a new policy as far as I knew it; these agents before appeared to settle according to circumstances as far as I knew it; at different prices.

Q. Isn't it a fact, within your knowledge, that the settlements that have been made by the forest commission have been more just to the State than those that were made previous to that time?

A. Yes.

Q. What is the difference in the price that was charged during the time the Comptroller had charge of it and the forest commission?

A. I didn't know of the Comptroller's agents making any settlements and charging more than fifty cents for market logs, and from that down the forest commission agents on commission as far as I have known to settle a great many at one dollar and twenty-five cents some at seventy-five cents.

Q. Isn't it a fact that the trespassers are very much less than they were at the time the forest commission commenced?

A. It is an inevitable fact, because the timber is gone.

Q. Is it all gone; no timber there?

A. Not all, but to a great extent it is gone.

Q. Then you didn't have much of anything to do if the timber is all gone?

A. I didn't say all gone, but the timber that was cut then is gone.

Q. I am asking you whether the trespasses are not much fewer than they were before the forest commission took charge of this matter?

A. I think they are.

Q. You know the fact, don't you?

A. I think they are.

By Chairman RYAN:

Q. They are because there is less timber to cut there?

A. That would be one reason, whether it would account for the whole of it I can't say.

By Mr. FIERO:

Q. Is the quantity of timber appreciably less than it was at that time?

A. It is, certainly.

Q. How so?

A. Because there has been some cutting more or less.

Q. The amount of cutting, so far as trespasses is concerned, is a trifle compared with the whole amount, isn't it?

A. I couldn't say.

Q. During the last five years?

A. During the last five years.

Q. Hasn't it been very trifling during the last five years as compared with the amount of State lands?

A. No, it hasn't during the last couple of years; there has been considerable trespasses in my locality; for the two years previous there were scarcely any.

Q. How much timber do you think has been cut during that period in proportion; isn't it small as compared to the whole amount?

A. To the whole amount left standing?

Q. Yes.

A. It is not in my vicinity in the town of Minerva.

Q. I don't mean your immediate vicinity, but I mean in that neighborhood?

A. Of course; up in Long Lake country and up there there are vast tracts of State land that have never been cut into; I am speaking of the accessible timber.

By Chairman RYAN:

Q. How long since your connection was severed finally with the forest commission?

A. It was about the 1st of March, 1889.

Q. Are these four lots all that you have since seen yourself from which timber has been cut that belongs to the State?

A. I think not; in my travels through the wood I saw a good deal more timber that I thought and think was cut on State land, but a man in going through these woods, no matter how well he is acquainted with them, can not always tell what lot he is on; I took no surveys of them; I thought they were State lots; I couldn't tell without making a survey.

Q. You had been in the employ of this commission and got familiar with the localities about there?

A. I am as familiar with the lines, I think, as any man up there.

Q. You had a pretty good idea which were State lands and which were not?

A. My idea was this was only a small part of the trespass, but as I wasn't certain this was State lands I couldn't say it.

Q. With that knowledge you saw in several other places, you say, tracts of what you supposed to be State lands from which the timber had been cut since you severed your connection with the commission?

A. Yes; that is the fact.

Q. How many such tracts and what was the size of those tracts?

A. Lots about the same size as the others; and I have named four, I think, of what I saw there would have been three or four more right in that immediate vicinity from which the timber had been cut; that was my judgment, on the ground that they were such and such lots, but I couldn't say positively so for that reason; I couldn't name the lots.

Q. About four other pieces besides this tract you spoke of first?

A. Yes, according to my judgment that had been cut on State land?

Q. Is that all?

A. That is all.

Q. You haven't been at Long Lake?

A. Not since I was to work for the commission.

MR. ADAMS. — We will call Mr. Theodore B. Basselin.

THEODORE B. BASSELIN, recalled:

Examination continued:

MR. ADAMS. — I desire to call the attention of the committee to the book of minutes of the commission at page 81.

Chairman RYAN.— That is the book we had here the other evening?

Mr. ADAMS — Yes; it is under date of February 12, 1889: "A meeting of the forest commission held to-day, and full board present; in the matter of trespasses and redemption by Lemon Thomson, Lynch reported that upon the survey made by him it was found that no shanty ever stood upon lot 25; Richard's survey as it claimed as a proof of occupancy by Lemon Thomson, that there were no evidences of any occupation of that lot; voted that the secretary especially request the Comptroller to give thirty days' notice to this commission before granting any application for redemption or cancellations."

Q. Now I ask you, Mr. Basselin, whether the commission, after this report of Lynch, as he testified the last meeting and as recorded here, was before the full board; I ask, Mr. Basselin, whether the commission took any measures to show the false suggestions to prevent a cancellation by the Comptroller of this tax deed?

A. My understanding of it is the cancellation had already been made, and if I remember right.

Q. Then you took no measures to prevent the cancellation, because it had already been made; that answers the question?

A. If I remember right, we called the attention of the Comptroller to the fact that he was misinformed as to the cancellation.

Q. Did you ever do anything more to call his attention; did you ever take any measures to prove to the Comptroller that he had made the cancellation upon false suggestion so as to have it stricken out; what action did your board ever take upon that subject?

A. Well, sir; I can't remember.

Q. This suit against Thomson, pending suit, claimed a judgment for eight or ten thousand dollars, did it not?

A. I don't remember.

Q. For a large amount?

A. I don't remember what the amount was.

Q. You can state whether it was a large amount or small?

A. My impression was it was a pretty fair amount, but just what the amount is I couldn't remember.

Q. And after this cancellation the suit was discontinued — fell?

A. Naturally would have to.

Chairman RYAN — What is that question?

Mr. ADAMS — The question is, after this cancellation by the comptroller the suit fell.

By Chairman RYAN:

Q. Can you tell, Mr. Basselin, within three or four thousand dollars the amount that was involved in that suit?

A. What the amount we commenced the suit for I don't remember at this time; I know it was quite a little amount; we felt very indignant over the cancellation taking place when the matter was in court.

Q. Why didn't you do something about it to set it aside, show the Comptroller it was a false suggestion, false case, the office was imposed upon?

By Mr. CAMERON:

Q. The amount claimed was between \$17,000 and \$18,000, was it not, in the complaint?

A. I don't remember; I don't think it was that amount, but I don't remember what the amount was; I don't think it was that much; it was quite a good-sized amount.

Q. You are not sure about it?

A. No; I am not sure about it.

Q. You have in your office a book called trespass book, in which complaints are set down?

A. Yes.

Q. This case of Thomson was set down on this trespass book, wasn't it?

A. That is more than I can tell you; I presume so.

Q. Are you able to say whether it was set down on page 136?

A. No; I haven't made any examination.

Q. Are you able to say the trespass book shows this report of Lynch?

A. That I couldn't tell you.

Q. Are you able to say the trespass book shows that the suit was discontinued — given up?

A. That is more than I can tell you; what is a matter of record, I, of course, didn't burthen my mind with it; it seems to me that would be the best evidence.

Q. Has the board, by any official action, passed and promulgated any rules and orders for the use and preservation of the forest preserves; under section 9, I think, it has passed a code of rules; requires the commission to make rules and regulations, for the use, preservation and enjoyment, I think it is of the preserve?

A. I think we did, yes, sir; yes, we published, that is, we had rules printed and set up all around the forest preserves.

Q. That was in regard to fires?

A. With regard to the management of fires and so on.

Q. I looked for such rules in the office and was told by the clerk there was none such, none had ever been passed; if he is mistaken about it, at the next hearing will you produce the rules under section 9, for the use, preservation and enjoyment of the preserves?

A. What we consider the greatest danger of the forest was the fires and those rules we caused to be put up everywhere.

Q. The particular class of rules I want is on that subject under section 9?

A. I don't know as there was any particular class covering all that section or lot; the laws of the State, it seems to me, were sufficient in regard to that.

Q. I call the attention of the committee to a meeting held June 17, 1890: "The warden is instructed to investigate the facts in regard to the proposal of the Everton Lumber Company to exchange lands with the State, and report the same to the commission at the next meeting, with his opinion." I call attention to the fact that this meeting was in New York and Mr. Basselin and Mr. Knevals were present only. I call attention to another meeting held July 31, 1890, when all were present. On page 110: "Resolved, That the resolution previously passed by the commission to the effect that the State will not exchange lands with private individuals be rescinded." Further: "The report of the warden in regard to the proposition to exchange land with the Everton Lumber Company was read, fully discussed, and the propriety of an exchange, of the nature and general character proposed by the Everton Lumber Company, was approved, but it was the opinion of the commission that the offer of two acres for one was not a fair one for the State, and, therefore, the following resolution was adopted: Resolved, That if the Everton Lumber Company will amend their offer so as to give the State three acres for one in the exchange proposed, this commission will recommend to the Attorney-General, for his consideration, the acceptance of the proposition, and do recommend, to the extent of the land owned by said company, so far as they are available in the laying out of a State park."

Chairman RYAN.—That at the same meeting?

Mr. ADAMS.—That is the same meeting the resolution was rescinded and the report of the warden was received and was acted upon, and I call attention to the fact that the application of the Everton company, a formal application, was the seventh of August and the twenty-eighth of August, I think, still after this. It was on the seventeenth of September that the resolution was passed which was sent down with the application to the Comptroller's office. Those are already in evidence.

Mr. ANIBAL.—I think, Mr. Chairman and gentlemen of the committee, it would be hardly fair to take the assertions of the counsel for the committee with reference to when this application was filed in the forest commission office with reference to this exchange of lands. As a matter of fact, a formal application had been made and shown

by the minutes there more than one year anterior to that time, also a written application had been filed there for the exchange of these lands several months prior to that time, and the minutes so show and the application shows so.

Mr. ADAMS.—My friend entirely mistakes; I made reference to the minutes which were already taken before this committee, and in the minutes were carried the papers produced from the Comptroller's office, and those papers I desire to call the attention of the committee to were dated on the seventh day of August; there were three applications, two of them the seventh day of August and the other the twenty-eighth of August.

Chairman RYAN.—Those were the ones that were read?

Mr. ADAMS.—Yes, calling the attention of the committee to the past testimony.

Mr. ANIBAL.—There were no applications prior to that time; there was a verbal application appearing by counsel, also an application for exchange of land; the application on the seventh of August was largely amended, including more lands than what were included in the first application, it took three applications to cover the land. One of them was a duplicate of the one that had been filed anterior to the seventh of August; the other was for lands asked in excess of what had been asked in the first application, and the other was embodying the two, and also exchanging several thousand acres in addition.

Mr. ADAMS.—My friend is asking the committee to do what he refused me to do.

Mr. FIERO.—The minutes will show what the fact is.

Mr. ADAMS.—There isn't a word of evidence to back up my friend's statement; I referred to the evidence already gone in.

Mr. FIERO.—Don't let us examine it now.

Chairman RYAN.—The committee understood the counsel to refer to the testimony that has been taken here.

Mr. ANIBAL.—The counsel makes the statement in regard to this and which goes upon the records of the proceedings before this committee, and it is hardly fair to the commission, under the resolution under which we are all acting here, to furnish information in regard to this thing; it is hardly fair the counsel's one-sided statement should be taken as a concession, or that we sit by and have it taken as a concession, when the facts will not warrant that conclusion to be placed upon it.

Mr. ADAMS.—I don't ask the commission to take my word for anything; I simply refer to the evidence already in in reference to those

dates; whether my statement is right or wrong, the commission will readily see by referring to the minutes.

Mr. FIERO.—Hadn't we better stand by the minutes all the while, and not repeat them?

Mr. ADAMS.—That is what we are trying to do. I refer to the book of minutes, meetings held on the 5th of November, 1890, December sixteenth, twenty-third and twenty-ninth, where the matter of a State park was discussed and the action of the committee on it. I will refer to those so that the committee can examine the books, it is, perhaps, too long to read. Those meetings are between pages 122 and 125. Now, in accordance with the action at those meetings the special report was published and the map with it, was it not?

A. I presume so.

Q. Don't you know so?

A. I don't know what the minutes are you refer to; we had a great many discussions in regard to the State park and we didn't arrive at it in a day.

Chairman RYAN.—You can look on the minute book and see the meetings to which he refers.

The WITNESS.—What meetings do you refer to?

Q. Between pages 122 and 125, November fifth, December sixteenth, twenty-third, twenty-fourth and twenty-ninth.

Chairman RYAN.—I don't suppose it will be necessary for you to read all the minutes in detail.

A. Let me understand the question?

Q. The question is, in consequence of the proceedings of these various meetings and to carry out the official action of the board, this special report, 1891, and the map accompanying it were put out, reported to the Legislature?

A. I don't understand it was in consequence of those meetings; that special report and map was put out in accordance with a resolution of the Legislature asking us to do so, and these meetings were discussions appertaining to that fact.

Q. Didn't you act, didn't you agree what the park should contain, fix lands for it, boundaries for it in those various meetings?

A. I don't know whether we did in these various meetings here, we certainly did in some of the meeting as to the park and the lines.

Q. When you did agree this report was published with a map?

A. Yes, sir.

Mr. FIERO.—Is there any objection to having so much of the minutes as relates to that spread on the minutes?

Mr. ADAMS.—Not a bit.

Mr. FIERO.— I suggest so much of the minutes of the commission as relate to the park be spread on the minutes for the information of the committee; Mr. Adams accedes to that.

Mr. ADAMS.— Not the slightest objection.

Chairman RYAN.— How many pages?

Mr. ANIBAL.— About two pages and a half.

Mr. ADAMS.— There will be no objection to that; the majority of the commission agreed upon boundaries which are shown by the blue lines upon this map, didn't they?

Mr. HITT.— Wasn't it the intention to have these minutes read now so as to have them appear right in this connection?

Mr. ADAMS.— Can be if the committee desire it.

Mr. HITT.— Just as you say.

Mr. ADAMS.— It would save some little time to omit the reading; let me get that question again.

Mr. HITT.— Some of the committee suggest the evidence would be in better shape if you read it now.

Mr. ADAMS.— All right: "The first meeting is November 5, 1890, Mr. Knevals' office, New York, for the special purpose of discussing the question of establishing the Adirondack State park and to hear opinions and suggestions from all parties interested to-wit, the representative of private reserves, clubs, sanitariums and other associations existing in the Adirondack region. The land owners generally who have been invited to attend the meetings for the purpose of mutual consultation and informal discussion, the invitation was generally accepted and the attendance of the meeting very large and prolonged. An informal discussion and expression of opinion of all parties interested was had, for which see the stenographer's notes of the meeting on file in this office. Next meeting is December sixteenth, Mr. Knevals' office, New York, the time was consumed in endeavoring to establish the boundaries and to decide upon what lands were proper to be included within State park and other matters relating to the general subject. Next meeting December twenty-third and twenty-fourth; the board of forest commission were in session on both days, continuing the discussion of plans for the proposed Adirondack State park; the members of the commission each presented a diagram corresponding with their ideas which were comprehended and the general outlines of a park and lands to be embraced therein were practically decided, and the secretary instructed to have a diagram draw in blank corresponding to the wishes of the commission. Twenty-ninth, meeting held in Albany. The time generally occupied in continuing the discussion of plans relating

to the proposed Adirondack park and examining the diagram of the boundaries proposed and the lands to be included therein for the purpose of bringing affairs to a definite conclusion. Mr. Knevals asked that an informal vote be taken upon the diagram which he presented as ascertained on a Butler map embracing a then estimated area of about 2,100,000 acres. Mr. Cox said rather than there should be a disagreement, although he wished a larger park, he would vote for Mr. Knevals' plan. Some changes were suggested and agreed to and the commission voted informally then to adopt the general plan of Mr. Knevals, with the understanding that the area should not be less than 2,000,000 acres, which was afterwards ratified by a formal vote. An accurate measurement of the plan this day adopted, subsequently made, elicited the fact that the area embraced therein amounted to 2,307,760 acres. Mr. Cox then read the following paper which he wished to have entered on the minutes." Then follows a paper of two or three pages by Mr. Cox.

Q. Now the question I asked upon this map, the blue line represents the park that was agreed to?

A. Yes, sir.

Q. What are the red lines outside of the blue-lines?

A. My understanding of the red lines outside of the blue lines are the entire Adirondack wilderness.

Q. The Adirondack region?

A. Yes, that is my understanding of it.

Q. Do not the park lines correspond or come up to the other lines, the boundary of the Adirondack region on the west or on the north?

A. No, sir; not on the east, nor on the south; they neither come to the entire Adirondack wilderness, neither north, south, east or west.

Q. The largest leaving out is on the north and west?

A. By that map.

Q. Let me inquire if the 13,000 acres that was voted to exchange with the Everton Lumber Company are north of the blue lines on this map?

A. Yes.

Q. How far north?

A. That is more than I can tell you; quite a little ways.

Q. Quite a distance?

A. Yes

Q. Is it not true that the green space north of the blue line in Franklin county and St. Lawrence county is virgin timber, heavy timber?

A. That is more than I can tell you; that I don't know.

Q. It is marked on the map as such, isn't it?

A. Yes; I should judge it was.

Q. The commission have put forward this map as a correct representation of the country?

A. As correct as anything we have got for the present.

Q. You put it forward to the world as containing a large amount of heavy timbered lands north of this blue line; that is so, isn't it?

A. Yes, sir.

Q. Now what reason can you give to this committee for omitting so large an amount of primeval forest in this proposed tract?

A. My reasons I will have to state at some little length.

Q. Explain it?

A. When we started on this investigation of this park matter under the resolution of the Legislature —

Chairman RYAN.—(Interrupting.) A year ago?

The WITNESS.—Yes; we tacitly agreed among ourselves that each individual should question and talk with people in his vicinity and throughout the State as to the size of the park, which, I think we faithfully carried out. One of the commissioners found that the people whom he saw wanted a very large park, something over 3,000,000 acres; I, on the other hand, gathered the impression from the rural districts and from the people who are acquainted up there, that a much smaller park would be sufficient. When we came to compare notes with regard to the size of the park there was quite a strong diversity of opinion as to the size of the park, and when we came to finally agree upon this matter, we found that we could agree upon the park as laid out in this blue line. One of the commissioners who wanted more and one of the commissioners who wanted less, found that they could agree upon the plan of the third commissioner of this, and it was agreed, as by our minutes, that this park should take in about 2,000,000 acres. In order to do that, as the main object and the first object for the park was the preservation of the water-shed of the Hudson river, and as one of the commissioners by conference with members of the Legislature found that they were very anxious to have the park on the southeast, come down so as to take in the Sacandaga, and as almost there was a unanimity of opinion that Mount Marcy should be taken in on the east and in order to take in all of the watersheds of all of the rivers of the park we practically agreed upon this here as taking the almost entire watershed of the Hudson, actually taking in the headquarters of all of the streams going out of Adirondacks, and in order to confine ourselves to two or two million and a quarter acres — two million two hundred and fifty

thousand — we had drew these lines as they are here; we could neither go north as far as the red line, nor could we go west as far as the red line, nor could we go east as far as the red line, nor south; we drew this as embodying what in our opinion was a feasible project for a park covering all the points named.

Q. Now, is it not true that the State owned north of this blue line in this wooded country, other lands besides the 13,000 acres you proposed to exchange with the Everton Lumber Company?

A. Yes, sir.

Q. Can you tell about how many acres the State owned up there, besides the 13,000?

A. No, that I couldn't tell.

Q. Wasn't it a large number of acres?

A. Quite a number of acres.

Q. Up in the thousands?

A. Yes.

Q. Let me ask you another question; is not all of this country north of the blue line so situated, the streams on it so situated, that the timber and lumber can be brought down to the mills of the Everton Lumber Company?

A. No, I don't think so; I don't know about; I don't think so.

Q. Does it not command the Everton Lumber Company and their mills; command the matters of this country north of the blue lines that you left out the park?

A. I don't know; I don't believe it was.

Q. You don't know?

A. No, I don't know.

Q. What lakes are those north of the blue line?

A. That is Mecham lake.

Q. There are a large number of small lakes scattered through?

A. Quite a number of small ponds.

Q. This blue line is but a short distance north of the upper Saranac lake?

A. Yes.

Q. So you shove the park south almost to the Upper Saranac; what is the elevation of this country, how many feet above tide-water, between the blue line on the north and the red line north of that?

A. I couldn't tell you.

Q. That you can't tell?

A. No, I don't know.

Q. I refer to Mr. Colvin's books to show, his report already in evidence, the elevation of this country between the blue line and the

red line, the elevations are given; on the west the blue line is shoved toward the wilderness, is it not, and is it not true that it leaves out all of what is known as the John Brown tract; the eight or nine towns of the John Brown tract?

A. That I don't know.

Q. Look on the map, Enterprise and Frugality?

A. It leaves out those marked on there, whether they are John Brown's tract or not I couldn't tell you.

Q. What stream is that running down in that direction?

A. Beaver river.

Q. How far is the blue line on the east above the mouth of Beaver river, how many miles?

A. Somewhere about forty miles I should think.

Q. How far is that line above the foot or still water on the Beaver river; how far do you go from Dunbar's east before you strike that blue line?

A. That is more than I can tell you.

Q. About how many miles?

A. I should judge that it was somewhere around four or five miles.

Q. Further than that?

A. I don't think so; I can't, of course, tell from this map accurately, but that is my judgment in the matter.

Q. Now, your interest in the lands that contributed to your mills in Denmark are excluded by this blue line, are they not, out of the preserve?

A. Not wholly.

Q. A good deal of it is excluded?

A. What do you call my interest?

Q. Lands that are tributary to your mill.

A. All the lands on Beaver river would be tributary to my mill.

Q. But this is marked as heavy forest west of this blue line and that all would come to Beaver river and finally contributed to the business of your mill?

A. The entire length of the Beaver river would come to my mill.

Q. This blue color which indicates heavy timber?

A. Green color.

Q. Which is excluded by this line that naturally comes to your mill, does it not?

A. A small percentage of it does.

Q. What other mill does it go to and can it go to?

A. Well, quite a large percentage of that would go to the Oswegatchie; some of it would go to the Moose and the Black,

Q. How far is it from the Beaver river on this blue line where it crosses Beaver river, how far is it from that point to the point where the blue line crosses Moose river?

A. That is more than I can tell you.

Q. Thirty or forty miles?

A. I don't think it is that much.

Q. Twenty or thirty?

A. No, I don't think it is; I should judge about twenty miles.

Q. So that as these lines are run, if a park were laid out and the State were to exercise the right of eminent domain within its lines it would leave out the Everton Lumber Company and the Beaver River Lumber Company mills' territory, or to a very large extent?

A. The Beaver River Lumber Company hasn't any mills.

Chairman RYAN.—We didn't hear the answer.

The WITNESS.—The Beaver River Lumber Company hasn't any mills.

Q. I understood you to testify that they had made a long contract with you to do their sawing at your mill?

A. Yes, sir.

Q. So in that sense they command your mill at the rate of ten millions and twenty and thirty millions a year until this country is exhausted?

A. Yes, sir.

Q. What I say is, if the right of eminent domain were to be exercised within the blue lines it would exclude the Everton Lumber Company operations and the Beaver River Lumber Company operations, would it not?

A. It would exclude how; let me understand; I don't quite grasp that.

A. If the State didn't go west of this blue line they couldn't condemn these lands through here; they would be saved for the lumber operations of your mill?

A. I don't see how that would affect my mill or contract.

Chairman RYAN.—Can't you answer that question?

The WITNESS.—I will endeavor to answer; I don't want counsel to answer for me; it would not affect either my mills or myself individually in any shape, form or manner.

Q. I don't ask that question; the question I asked was, wouldn't it save to the Beaver River Lumber Company this timber to be sawed out at your mill under the contract they have with you?

A. If this line goes as it is?

Q. Yes?

A. Yes; I think it would.

Q. That is what I meant if I did not make myself plainly understood; you were in favor yourself of a much more restricted park, were you not?

A. Yes, sir; I was at that time.

Q. So as to crowd in more from the west and from the north, is that true?

A. That seems to me a somewhat unfair question, very.

Q. I asked you if the lines you proposed wouldn't crowd more land to the north and more land to the west than the blue lines you finally agreed on, out of the power of eminent domain of the State?

A. If you will let me understand the question I will try and answer it to the best of my ability.

Q. Were you in favor of making this north line of the blue line further south?

A. Yes.

Q. Were you in favor of having the west line of this blue line set further to the east?

A. No, sir.

Q. Were you in favor of having it stand where it is?

A. About there; yes, sir.

Q. Where else were you going to have your lines less?

A. My idea was taking off some here east and some off the south side; will the committee allow me a little further explanation with regard to the line?

Chairman RYAN.—Certainly.

The WITNESS.—By referring to our report, we report this park can be acquired by a purchase and by exchange; now, then, for the purpose of exchange, it is very necessary that the State should have some lands to exchange; these lands up here, I think, can be exchanged, as we have an instance in this exchange before us now, for lands within here, and we can acquire lands within the park more readily by reason of the exchange than we can by the purchase; and so for all the holdings on the outside of the park; that's all.

Q. Do you know at what elevation spruce flourishes the best?

A. No, sir; I do not.

Q. Do you know above what line it does not flourish well?

A. No, sir; I do not.

Q. Are you acquainted with the elevation of the Adirondack region?

A. Well, in a general way.

Q. Do you know what the elevation is along the north blue line?

A. I do not.

Q. Do you know what the elevation is on the west blue line?

A. No, sir.

Q. The policy of the State in obtaining and desiring to increase this preserve is to protect and save the water, is it not, the flow of water from that region?

A. I so stated.

Q. And to save as much as possible, the flow of water, make it as extensive?

A. The main policy of the State, the first object is the preservation of the watersheds of the Hudson; there is no question about that.

Q. Watershed of the Black river, Moose river and Beaver river is of no consequence?

A. Not as much consequence as the Hudson.

Q. Your idea was to take care of the Hudson and let the rest go?

A. No, sir; that wasn't my idea at all; I stated we endeavored to take in the head waters of all the streams, which we did practically in this line.

Q. That is, the very sources?

A. The head waters and the best lakes upon all the streams.

Q. With this policy of the State, why should not a park to protect the water and to protect the forest for the public health, why should not it cover the entire Adirondack region; what objection is there to that?

A. I don't see any objection to it.

Q. Then why didn't you recommend lines that would take in the whole region as Mr. Cox did?

A. We were asked to recommend such lines as we deemed for the best interest of the State, and in arriving at that conclusion we also thought it best to think something as to ways and means; in my opinion a park taking in all of the Adirondacks would have defeated a report, would have defeated the object of the park; by recommending a large area and in consequence an immense expenditure of money, we would have defeated the object for which we were all striving, a park.

By Chairman RYAN:

Q. You would have preferred a larger area than you recommended; you alone?

A. No, I wouldn't have preferred a larger area than we recommended; the counsel asked me whether it would not have been as well for the State to have had it all; I said I could see no objection to that, but a question that we were also asked to report with regard to ways and means; the question arose naturally to us to what extent do the people of the State of New York wish to tax themselves for the

purpose of a park, and we reported on the minimum area that we could, thinking to make the burthen of taxation as light as possible, and still accomplish the objects for which the park was intended.

Chairman RYAN.— Apart from the question of cost you would have preferred a larger area than you recommended, would you?

A. My opinion is the area that we recommended answers all the purposes; it protects the watersheds of all of the rivers, protects the watershed of the Hudson, furnishes a very large park for the people of the State of New York and the people of the United States to go, and I think that the park that we recommended covers all the ground that is necessary.

Q. How did you suppose the State was to acquire title to the lands if it did not already own?

A. We recommended it all by purchase and by exchange.

Q. And in no other way?

A. We didn't think for the present it was best to suggest any other way; suggest any other way might defeat the park.

Q. You expressed yourself as opposed to the idea of condemnation?

A. For the present, yes.

Q. What does the commission mean by this part of this report, page 15: Only two methods have ever been suggested; one that the State should condemn and take the land necessary to form the park by the exercise of its right of eminent domain; the other that the State should acquire the land by purchase. The first method, after consideration, was looked upon by the commission as of doubtful policy and at present impracticable. It was evident that to urge a plan for the condemnation of private lands would arouse much hostility, and, doubtless, defeat the entire park scheme. The other plan, that by purchase, could easily be carried out, provided that the present owners of the lands were willing to sell them, and, provided, also, if the lands could be bought, that the State would provide the necessary purchase-money, two rather important provisos. Some of these lands were for sale; others, it was understood, were not in the market, or were held at exceedingly high prices. The sum required for the purchase of park lands, as fixed by the appraisers, was then, of course, merely a matter of conjecture, as no definite estimate of their value could at once be obtained." Then, on page 21: "Having put aside the plan for acquiring land for the park by condemnation, the only method left for the State to acquire the private reserve lands is by purchase — a method that has two great impediments; one, the high price at which those lands are held, the other, that they are not now for sale. If it be delegated to this commission, or to any other power appointed

by the State to establish the park, to make a satisfactory arrangement with the owners of the private reserves, such as we have briefly stated, and which shall at once permit the park to be formed and the private reserve owners left undisturbed in the enjoyment of rational privileges, so long as they act in accord with the State, we believe that thus all difficulties with them can be overcome, and that the ultimate purposes of the park can be fully accomplished at a largely diminished cost. As to the lands held by the lumbermen, it is essential that much of that area should be eventually owned by the State. Not that it is necessary to buy it all at once, and in large tracts, even supposing that it were offered for sale, but there should be a method inaugurated, having for its object the gradual acquisition of lands for the park, as opportunities arise." Then it speaks of timbered land; the State should wait until the lumber was cut out before the purchase was made. Now with such a report and such views, can you explain to the committee how you ever expected that a park could be acquired by the State?

A. Let me understand; do you say that in that report we suggest the lands first be lumbered over?

Q. As I understand the report.

A. I don't so understand it; we were confronted with a difficulty—

Q. (Interrupting.) Wait one moment; I say that is my inference from what the report says; now, I ask you if my inference is correct?

A. I think your inference is wrong.

Q. What is the true inference; what is the true position of that report?

Mr. ANIBAL.— If the committee will excuse me, I think there was a bill proposed by this commission, accompanying this report, which in substance — I think I have a copy of it here with me —

Chairman RYAN.— (Interrupting.) There is a copy of it in the book.

Mr. ANIBAL.— Which substantially embodies their suggestion as to how they were to acquire the land.

By Mr. ADAMS:

Q. What is your position about it?

A. The position of the commission is exactly in accordance with that report and the bill; if the committee will allow me, I think I can give some explanation.

By Chairman RYAN:

Q. As to the bill which you offered?

A. No; as to the reason of coming to this conclusion from what the counselor has just been reading.

By Chairman RYAN:

Q. Have you any reasons other than those reported?

A. Not specially; we tried to cover the ground fully in that report; part of that report is argumentative, showing the obstacles in the way and trying to devise a way of getting around them without a too large expenditure of money.

Mr. FIERO.—Let me call the attention of the committee to the bill just proposed in section 4, which gives the views of the commission with regard to the lumbering and shows that they don't propose to have lumbering, only simply the cutting of the soft wood.

By Mr. CONNELLY:

Q. Mr. Basselin, how do you reconcile the marked distinction in your very elaborate report, which reads very well, and the lack of knowledge you display, as indicated by the questions put to you by Mr. Adams; there is a striking difference between the two which I, as a member of the committee, can not understand?

A. Well, it does not; that lack that the gentleman refers to does not strike me as very forcible.

Q. From your standpoint; but I am speaking from mine?

A. As far as the gentleman speaks there, I certainly can't vouch for that part of it.

Q. What I mean is this: Mr. Adams endeavored to reflect some little on the subject for the information of the committee, by depending on the fact your being up there a great many years, knew something about the topography and geography and outlines of the land, and I have not seen wherein you have any conception as to the real character of the woods there, and how you would procure the land if you have the money to purchase; now, it is evident from your report a man could do all those things, and what I want is to reconcile the difference?

A. All I can say to that, if the gentleman will give me a little hearing outside of the committee, I will endeavor to enlighten him to the best of my ability, as to the means, ways and so on; I thought I had answered the questions as best I knew how.

Q. Thank you, Mr. Basselin, that is all I want to know; I find now I have no information.

By Mr. ADAMS:

Q. Daniel Lynch, an agent of the commission over in Essex county, at Minerva, was removed, as he stated; who was his successor in office?

A. Mr. Burke.

Q. How long did he stay in the employ of the commission ?

A. Something about like a year, I guess.

Q. Who after Mr. Burke was appointed ?

A. Mr. Burke is still an incumbent.

Q. Thomas Powers, is there such a man as that over there ?

A. Yes, sir.

Q. Has he not been in the employ of the commission ?

A. Yes, sir.

Q. What has he been employed to do ?

A. He is a forester.

Q. How long has he been forester ?

A. I think about eighteen months.

Q. Has not Thomas Powers been reported to the commission as a trespasser on the State lands, or any complaints set against him on the trespass book ?

A. I couldn't tell you; if there has been any complaint of him it is on the trespass book.

Q. Were any complaints entered against him before he was appointed forester standing over on the book at the time ?

A. I don't remember.

Q. If such complaints stood against him at the time of his appointment, do you consider he was a fit person to be appointed forester to look after the interests of the State ?

A. That depends altogether on the nature of the complaint.

Q. Isn't it true there is a complaint against him, that he cut 6,402 market logs and 1,400 cords of bark on State land ?

A. That is more than I can tell you.

Q. Has he ever paid or settled ?

A. That is more than I can tell.

Q. Has he ever been called to account for such an alleged trespass ?

A. If such a trespass was made, he was called to account.

Q. Do you know whether he was called to account ?

A. I don't bear it in mind now.

Q. Do you think a man who had committed such trespass to that amount, even if he had paid them, was a fit person to be appointed to such a place ?

A. I have to answer again that it depends altogether on how a trespass was committed.

Chairman RYAN.—As to whether he was a fit man to be appointed or not ?

A. Yes, sir.

Chairman RYAN.—Will you explain that, Mr. Basselin ?

A. Well, I mean in this way; if the man went willfully on State lands and cut them, that is one thing; on the other hand, if he went on State lands by an error or mistake of lines, or something of that kind, that is another; in our appointments of a force we endeavored to appoint such men as would be most useful to us in stopping and reporting trespasses to us, and their evidence was something that was generally vouched for by some parties.

Chairman RYAN.— While the charges were against him you appointed him to that position?

A. That is more than I can tell you; I hardly think it would be fair to draw that inference.

Q. I think it is in evidence already before the committee that such complaints were made against this man.

Mr. ANIBAL.— I would suggest to Mr. Adams that Mr. Powers is in the room here; he can tell him all there is about it, and that they were settled long ago; long before his appointment; years before it.

Mr. ADAMS.— That won't do before this committee; it may out in small courts in the country.

Mr. ANIBAL.— I made the suggestion. I supposed you wanted information.

Mr. ADAMS.— I do when it is in proof here what reports were made against this man as a trespasser anterior to his appointment, and his case was not settled; the information I want.

Mr. FIERO.— That isn't in proof; the case wasn't settled.

Mr. ADAMS.— The information I want is whether Mr. Basselin thinks he was properly appointed.

Mr. FIERO.— That is the point in regard to it; I challenge the proof.

Mr. ADAMS.— The evidence is there; the committee will correct me if I am wrong.

Mr. FIERO.— The minutes will correct you.

Q. Do you know a man over in Essex county by the name of Ed. Talbot?

A. Whether he is in Essex county or not I couldn't tell you; he was sergeant-at-arms, I think, of the Assembly for two years, and sheriff of the county, I think.

Q. Did he hold any appointment under your commission?

A. No, sir; I don't think he did.

Q. Was he at your office; did you ever see him at your office?

A. I think he was.

Q. Did you ever see him there with Lynch?

A. That is more than I can tell you.

Q. Is he in any wise connected with any of the lumbermen, Mr. Thomson or the Everton company, or any of the lumbermen in Essex county?

A. That is more than I can tell you.

Q. How long have you known Talbot?

A. My first acquaintance was when he was sergeant-at-arms here.

Q. How many times has he been over to your office in the capitol?

A. That is more than I can tell you.

Q. He has been over frequently?

A. No; that isn't my impression.

Q. Been there sometimes?

A. Been there sometimes; yes, he was there when he was sergeant-at-arms, once or twice.

Q. I mean since that?

A. I do not recollect of his being there since that.

Q. You stated you recollected his being there when Lynch was there?

A. No, sir; I did not so state.

Q. I beg your pardon; I will ask you the question, are you able to say that he was there at any time when Lynch was there?

A. I answered and said I was not.

Q. You were not able to say one way or the other?

A. No, sir.

Q. Did you ever hear of a scheme over at Long Point, Long Lake, to build a town hall out of public funds?

A. Something of that style.

Q. Did you ever hear that the matter came up in town meeting?

A. No.

Q. Over there?

A. No.

Q. Who is the forester and agent over there at Long Lake the last two or three years, the agent of the forest commission?

A. I couldn't tell you; I don't know what district that is in?

Q. Did you ever hear that men who opposed that scheme of building a town hall at public expense, people who opposed that scheme, were complained of by the agents of your commission?

A. Let me understand that question, please.

Q. Did you ever hear that the people over at Long Lake who opposed furnishing \$12,000 by the town to building this public hall, that they were complained of by your agent for trespasses over there right along after that opposition; right along at the time of it?

A. Last week a man whom we had commenced action against came and settled; he understood that was the motive; that was the first I had heard anything of it.

Q. Did he say who entered the complaint?

A. We knew who entered the complaint against him.

Q. Who was it?

A. Thomas Powers; he did so after we had sent him up there especially.

Q. That is this same Thomas Powers we have been talking about?

A. Yes.

Q. Who was the man?

A. Robert Shaw.

Q. What does he do over there?

A. If you ask me what he didn't do I could tell you better than what he does; he is supervisor; was at one time town clerk, blacksmith, minister, justice of the peace, chief citizen in general; he opposed this scheme by making the town building a town hall.

Mr. ADAMS.—I wasn't aware of it.

Chairman RYAN.—Did you ever hear he was a candidate for the Legislature?

A. No; I never did.

Q. Who was this man that wanted to build the tavern over there?

A. I don't know; the forest commission filed a memorandum before the Governor.

Q. No, answer my question; who was the man that wanted this aid of \$12,000 to build the town hall?

A. I couldn't tell you; I don't know.

Q. Did you ever hear that he was a brother-in-law of this Thomas Powers?

A. I heard so the other day; will the counsel allow me one word?

Q. Yes.

A. If I remember right the forest commission opposed that very strictly and defeated it once, that very bill; I presume they ought to have been complained against for doing it.

Q. Do you know of cases of trespasses over in Essex county that have been settled, some for twenty-five cents a log and others for one dollar and twenty-five cents?

A. Yes, I think I do.

Q. What was the reason for this difference?

A. The attending circumstances of the trespass.

Q. What were they?

A. In what way, please?

Q. What were the attending circumstances that should make this distinction in price?

A. The one dollar and twenty-five was where men went on and cut timber on State lands themselves, and the others were, probably, where they had cut on what they thought was their own lands, and it was afterwards ascertained that it was on State lands.

Q. Lumbermen over there who had bought logs that were taken from the State lands, for example Mr. Thomson; they had bought them and got them into their possession; were they settled at a cheaper rate than the people who cut logs?

A. If the committee will let me I will try and explain that, so you will understand it.

Chairman RYAN.—Mr. Adams, please ask the question once more.

Q. The question I asked is, when logs had been sold to lumbermen dealing over there, for example like Lemon Thomson, were they charged this cheap rate of twenty-five cents, while the men who cut the logs were charged one dollar and twenty-five cents?

A. No, sir.

Q. Were not some cases settled with Mr. Thomson for twenty-five cents?

A. Not that I remember.

Q. Will you swear there were none?

A. I do not think there were.

Q. That is only your opinion; I want your knowledge.

A. My knowledge says no.

Q. How do you mean to give that?

A. To the best of my recollection we settled with no lumbermen for twenty-five cents; if the committee will allow me I will try and explain this matter.

Chairman RYAN.—That is a sufficient answer for the question.

Q. I asked you the other evening why you did not employ experts when you had \$25,000 on hand; lands were offered one dollar and fifty cents, or else I asked you why you didn't employ experts to go and examine the lands, to see whether they were proper to be bought; I understood you to answer, you had no funds, something about the appropriation being short; now I want to ask the question, has there been any time since you have had the \$25,000 that you have been out of funds?

A. No, sir.

Q. Always had funds in the appropriation so that you might have employed experts if you desired.

A. I do not so understand it.

Q. Don't understand what?

A. I don't understand we might have employed experts.

Q. You stated for want of money?

A. No, sir; I did not state for want of money; I said our appropriations had been tied up, and that we were limited to certain numbers of employes; that is what I said.

Q. Where is there any statute or laws limiting you?

A. It was done in the appropriation bill.

Q. Limiting you to how many?

A. To fifteen foresters, two inspectors, secretary, warden, assistant warden.

Q. Have you ever employed special agents for special work since that time?

A. We have.

Q. What objection was there to employing experts for the value of this land there, if you had been employing them for other purposes?

A. We had a force that we considered adequate to do that matter, the applications that you refer to came in later; that force had very nearly completed, or was about completing, the work that we had for it, and we decided that we would use that same force for the estimation of these lands, after they had completed the work that we had laid out for them; we could see no particular reason for employing experts, and if we had our appropriation that we had would not have been a drop in the bucket; these lands that were offered were in small, detached parcels, and in order to know just what those are we have, in many instances, got to make surveys or have got to employ men to show the lines; it isn't an easy matter to go into that Adirondack wilderness and pick out a small lot of thirty acres that had not been surveyed out, that is part of a lot of 160 or 230 acres, of which the lines were run some ninety years ago, possibly, or possibly longer; it is rather a difficult matter to do and will take time to do it; well, every man who is conversant with the woods knows that to be a fact.

Q. Now, my recollection is that there were about 10,000 acres offered in large bodies; one 6,000, 2,000, 3,000; what is the objection to have those examined?

A. The 6,000 the counsel refers to was entirely outside of the park lines.

Q. It was within the forest preserve, wasn't it?

A. Yes.

Q. What have the park lines to do with it then if the appropriation was not to be within the park lines, the park laid out?

A. The 6,000, if I remember right, there never was any formal application made for the sale of it; all we had was a letter saying that

a man had certain lands that he wished to sell, about 6,000 acres; we asked him, if I remember right, to send us a map or something so that we might examine those lands; we have never heard from the lands since that; that is the only large body I remember.

Q. Wasn't this man brought there at Long Lake that wanted to build this town hall, wasn't his name E. Butler?

A. I couldn't tell you whether it was Butler or not; I don't know.

Q. What did Shaw say?

A. Shaw said in extenuation of his trespass —

Q. What did Shaw say on that subject?

A. That he had opposed the bill and he supposed that the report was instigated because he had opposed this brother-in-law in building this, but whether he said it was Butler or not I couldn't tell you; I knew that that was not the facts of the case; I knew that the warden had ordered Thomas Powers especially to go on that trespass; that he had heard of the trespass through some means, and I know he ordered Mr. Powers to go there and see whether there was a trespass, and when Mr. Powers went there he caught this man, Mr. Shaw, on the land taking off the timber; he ordered him not to remove the timber surrounding that, this was State land; Mr. Shaw, on the other hand, said he had purchased it at a market sale, and understood he could redeem it; those are the facts of the case as they are.

Q. How much was the complaint against Shaw?

A. What do you mean, the suit we commenced?

Q. Yes.

A. I don't remember.

Q. How many trees did Shaw cut there?

A. It is a difficult matter for me to say exactly how many trees he cut; Mr. Shaw explained a great deal of this timber was down; our agent explained that there was a very small quantity of green timber cut, and we commenced an action against Mr. Shaw covering a certain number of trees that we could prove; what that number was, I couldn't tell.

Q. Did you settle with Shaw the other day when he was here?

A. No, sir, we did not.

Q. I do not think I have anything further to examine, Mr. Basselin, unless the committee suggest something.

Chairman RYAN.—Mr. Fiero, have you any questions to ask?

Mr. FIERO.—With the permission of the committee, Judge Anibal, who has devoted some time and attention to the matter, will ask Mr. Basselin some questions.

Cross-examination :

By Mr. ANIBAL:

Q. When were you appointed forest commissioner?

A. I think it was in 1885.

Q. What salary did you get, if any compensation, for your services?

A. We get no compensation.

Q. You simply get traveling expenses?

A. Necessary traveling expenses.

Q. Will you explain to the committee and state to them about what condition you found the Adirondack wilderness, or that part of it known as the forest preserve, when the forest commissioners came in office; explain it in your way, and tell them in what condition you found it in, with regard to trespasses and fires and such things, as you think of?

A. When we took office in 1885, we knew but very little of the State management of the forest; upon estimation we found that the Comptroller had had an annual appropriation of several thousand dollars, with the view of the management of the forest, and had employed county agents; we sent out our inspector and our warden around the outside of the woods, one to the east and one to the west, to look up the matter and see what was being done in order to familiarize ourselves with the subject-matter; we found a large number of trespasses, some very large and some small — the number so large that we were very much surprised; upon examining as to the mode of treating those trespasses, we found it had been customary to settle those trespasses at a nominal figure, which seemed to me, as a lumberman, a nominal figure.

Chairman RYAN.—With whom were they settled; who had the settlement of those?

A. I think they were made by the county agents and reported to the Comptroller; we found settlements were being made from five to twenty-five cents a standard, and it seemed to me as though that was rather an encouragement than a prohibition, that as soon as men could go on to State lands and cut timber and then settle for it at a nominal sum, so long they would want to do it, and we proposed a resolution, or agreed that we would endeavor to make the cutting of timber — put the price so high that people should buy the timber — would stop the cutting.

Q. You may state right in this connection what price you put upon the lumber?

A. We made this rule for the time being, that where men had been purchasing logs without going on to lots and cut the timber, we

would make them settle at seventy-five cents a standard, and where they had been cutting the timber themselves, we would make the price one dollar and twenty-five cents the standard, a rule that we have adhered to wherever settlements have been made, with only the two exceptions.

Q. State what there is of that exception; has there been an exception to that rule, and if so, how many; and state what the attending circumstances were in regard to that particular settlement?

A. I have but one settlement in mind, and that was one for twenty-five cents a standard; our agents reported that a certain man had been cutting on State lands and stopped him cutting, and thereupon the owner of those lands came and made a statement before the commission that he had sold these logs to this man in good faith, thinking that he had owned the land, but by some error in the tax arrangements the land had been sold for taxes, and that he had sold these logs to this man for twenty-five cents a standard; that, rather than see this man have to pay an exorbitant price, or seventy-five cents or one dollar and twenty-five cents, he would redeem the land from the State and would settle with the men for that figure; upon investigation we found that was a fact, that the chances for redemption were very strong and that we would, by pressing the matter for seventy-cents or one dollar and twenty-five cents, lose the land and lose the settlement, and we accepted, on these representations, a settlement of twenty-five cents a standard.

Q. That is the only case you have any recollection of now?

A. That is the only case I remember of being settled for any less than our stated price of seventy-five cents and one dollar and twenty-five cents; the report of our men was such, as I said before, as to surprise us as to the large extent of cutting that was going on, and as the Legislature had only set aside \$5,000 for the prosecution of suits, and as I had a pretty fair knowledge of the difficulty of prosecuting such suits against anybody else where they were tried in counties where the jurors themselves were either friends or neighbors, it was quite a dilemma as to how to proceed to stop this cutting; we finally made up our minds that the best thing we could do in regard to that was to send out some noted cases of cutting, and we took one to the north, one at the east and one at the south and prosecuted them; when we commenced the prosecution we were informed that it would be almost impossible for us to carry that out, adding to the general opinion then prevailing, that any bright lawyer could beat the State title, which was a tax title, and was somewhat risky; when we came in the Comptroller had just been

defeated in a very large case, called the Mitchell case, where the State had been defeated and lost its land and lost its suit, and we prosecuted these three suits and brought them to a successful termination; that is, one of them was settled by the payment of five thousand dollars, the other we recovered a verdict of twelve hundred dollars, I think, which went to the Court of Appeals and was affirmed by the Court of Appeals, the third we recovered a verdict of six thousand and some odd dollars, but when we came to enforce the judgement we found that the parties were no good, and that one of them had skipped the country and gone to Canada, but we thought that was beneficial and it was; we endeavored in every instance, as we could not prosecute all these cases, we endeavored to single out the more glaring ones and endeavored to strike terror, as it was, into the people who were trespassing in that way.

Mr. RYAN.—Did you get any money at all out of either of these three suits after the lawyers were paid?

Mr. HITT.—One moment, I object to questioning lawyer's fees.

Chairman RYAN.—The lawyers, I presume, fixed their own fees in this case, whether there was anything left?

A. I think there was; the Comptroller's report for that year will show that; we found the state of affairs when we came in, the State's policy up to that time had been to turn off such of the State land as it could, that is, wherever it could find a purchaser at tax sales, and anybody that was willing to take it and pay the taxes to let him have it; we also found that the people around about the borders of this wilderness had been educated from time immemorial, that is, from the first settlement of the country, that what belonged to the State was public property, and that they had a right to go in there and cut as they wanted to; that their fathers and forefathers had been doing that, and that they had a birthright there that no one could question; our endeavor and our efforts were all placed toward trying to educate those people in a different line; the State had assumed a different line of policy, the protecting of the forest, instead of cutting it off; now, in regard to the small depredators along the borders of the wilderness, who had looked upon it as a birthright, it was necessary for us to proceed carefully, as no one knew better than I did what danger an enemy or a man who had a spite could cause to the State by fires, and it would be almost an impossibility to convict him, and our endeavor was to say to these men, "the policy of the State has changed; you must not go on there and cut, if you do we will punish you;" our endeavor was to pursue such mild, and at the same time firm policy, to teach those people that

they had to stop; another thing, we found the policy of cancellation and redemptions had been carried out right along, and it was necessary for us to stop that as best we could, which we did to the best of our ability, and the resolution which the counsel here read some time ago was passed with that end in view, endeavoring to protect the State's interests as far as we could, with regard to improper cancellations and redemptions; we appointed a corps of fire wardens, made such rules and regulations as we thought best, instructed our foresters to examine the lands personally, to patrol them, to report to us trespasses, to investigate when they heard of trespasses, and to give such aid, information and assistance to people visiting those woods as was in their power.

Chairman RYAN.— Were those in writing or given orally ?

A. They were given both orally and in writing.

Mr. ANIBAL.— I hold in my hand, in connection with this, a package of papers which is but a small portion of the number of pamphlets and posters, some upon linen, some upon this pasteboard, and the instructions that were given to the fire wardens and to the foresters. This whole package is some that I have selected out, not specially with reference to introducing them in evidence, but here is one directing the duties of supervisors, and they are the laws and rules of the forest commission of the State of New York. Here is a large pamphlet published; was this pamphlet circulated throughout the entire forest preserve ?

A. It was.

Mr. HITT.— Any instruction there to the lawyers ?

Mr. ANIBAL.— No, sir.

Chairman RYAN.— They don't take instructions.

Mr. ANIBAL.— Lawyers do not; still they don't need it so far as cutting timber is concerned. I will offer this whole package in evidence here; it constitutes about twenty-five different sets of rules and regulations that have been published from time to time.

Mr. BROWN.— Do they bear dates ?

Mr. ANIBAL.— They bear dates some in 1886, some in 1890; I have tried to cover the entire period that I could get them at. I want to call the committee's especial attention.

Chairman RYAN.— We will look those over if you will hand them to the secretary. Accompanying the appointment of each forester and each fire warden was there a copy of rules and regulations which embodied substantially this forest law, contained in their appointment, as you understand it ?

A. Yes, sir,

Q. Was there also furnished to each of the wardens, the foresters and fire wardens, blanks for reports such as I have in my hand here?

A. Yes, sir.

Q. Did they make their reports and have you a great number, a package of them, in the office?

A. A very large quantity of them in the office.

Q. They are filed up almost ceiling high in the office, the reports of the different fire wardens and foresters; here I have some printed instructions, printed upon linen and also some upon pasteboard, what was done each year with regard to those?

A. Foresters and fire wardens were instructed to go over their territory and post up, keep posted up those rules and regulations and instructions; I myself saw a large number of them, it was done to a large extent.

Q. Were the colors of these posters that were posted up in this form changed each year so as to attract attention of the persons in the woods?

A. Yes, sir.

Q. That has been done each year successively?

A. Yes.

Mr. HITT.—Did I understand you to say you keep a big pile of those in the office?

Mr. ANIBAL.—They have a big pile of reports there.

Mr. HITT.—I beg your pardon, I thought you said you had kept a pile of those there; where were the wardens and foresters instructed to keep these?

A. In the most conspicuous places; everywhere where people going through the woods were liable to see them; in hotels, on carries; in fact everywhere where they could be seen, where they would attract attention.

Q. Were they posted by the wardens and foresters?

A. They were.

Mr. ANIBAL.—I want to offer in evidence and call your attention especially to it, to that part of the report of the Comptroller of the State of New York. I have a set of the reports furnished to the Legislature by the Comptroller of this State, which each year reported in detail the amount of moneys received from the hands of the forest commission for trespasses upon lands, and so reported by the Comptroller under the section that was read by the counselor, and in regard to reports of the finances of the commissioners, and call the committee's attention to this question of law in regard to the matter. I see, from this report of 1888 of the forest commission: "A strict account

shall be kept of all receipts and expenses, which account shall be audited by the Comptroller, and a general summary therein shall be reported annually to the Legislature." Was that section of this statute in the minds of the commissioners; did it make it incumbent upon the Comptroller to furnish that summary of the finances of the forest commission?

A. Yes, sir.

Q. And that report in each one of these State reports that we have here; I offer these reports without stopping to read over each one of them, that that section of the law in every instance has been complied with by the Comptroller of the State of New York?

Mr. ADAMS.—Is that a State report of the forest commission?

Mr. ANIBAL.—No, that is a set of the Comptroller's reports. I have marked each one on the inside and on the outside of the package with my own name. Now, it offer in evidence right in this connection the reports each year of the forest commissioners to the Legislature, also including the special report in reference to the Adirondack park, and the proposed bill or law that was introduced to your body and of which you are members.

Chairman RYAN.—The clerk will take charge of these documents.

Mr. ANIBAL.—We offer these specially wishing to read from these books and call the committee's attention specially that in the judgment of the commission and in the judgment of counsel employed here, that very section of the statute has been substantially complied with by the forest commission in making those annual reports to the Legislature. Now, I will have this book of minutes and will ask Mr. Basselin to turn to page 80 in this book of minutes, which is of the date of January 31, 1889, if you will see there what it says, gentlemen of the committee yourselves, it particularly refers to this Everton Lumber Company transaction of which we have heard so much about. Will you read the whole of the proceedings? "The proposition of the Everton Lumber Company, of Albany, for an exchange of lands was considered and passed upon it for after consideration until the next meeting; the president of the company notified to be present with maps and plans and propositions in detail."

I call your attention to the next date on page 82, of February 12, 1889, so you see this Everton Lumber Company had sent in this proposition to exchange lands more than two years ago.

"Proposition by the Everton Lumber Company, Henry Patton president, for the exchange of lands were discussed but laid upon the table, the commission agreeing that it is much against their inclination

and judgment to enter fully into a matter of that nature." I call your attention to page 92, of November 15, 1889.

Chairman RYAN.—That was the same land that was afterwards agreed to recommend an exchange?

A. Yes, sir.

Q. I hold in my hands one of the original applications of the Everton Lumber Company, which is dated on November 1, 1889, asking for the very identical lands that were passed upon by the forest commission, to which they gave their assent to the exchange; this proposition comes from the Everton Lumber Company and is dated November 1, 1889, filed in the office of the forest commission on the same day, Messrs. Lawson, attorneys of this city, appearing for the Everton Lumber Company in the matter, and I want to read in this connection just a little part of it; "the application of the Everton Lumber Company, respectfully shows.

That it is a corporation duly formed and organized and pursuant to the laws of the State of New York.

That it is desirous of acquiring certain lands now owned by the State of New York and hereinafter described, by exchanging therefor other lands adjoining the main tracts of the forest preserve, under and in pursuance of chapter 475 of the Laws of 1887.

Then follows a description of these lands that they propose to acquire from the State; then follows the same allegations as are in the other applications of the Everton Lumber Company, which was filed later on, and then a description of the lands which they wished to exchange; now if you will read from November 15, 1889, the resolution for receiving of this proposition:

"Mr. James W. Eaton, Jr., of Albany, attorneys for the Everton Lumber Company, appeared before the board, in the matter of the application of that company for an exchange of lands. After a hearing in the matter, Mr. Eaton was instructed to present his proposition in some definite form, and another hearing would be given him at the next meeting."

Q. I understand, Mr. Basselin, at that time that this present application was not by the commission considered in the form as required by the statute, in one respect, that they didn't propose to comply with the statute with reference to paying the expenses of the commission or the appraisers in making the appraisal of the land?

A. Yes, sir.

Q. That, as you understand, is one of the provisos in this bill, which is known as the Hadley bill?

A. Yes, sir.

Q. That the applicant must pay those expenses; I call your attention to page 95 of those same minutes, December 26, 1889; read that, if you please?

A. "On motion of Commissioner Cox the application of the Everton Lumber Company was made a special order for the first meeting in February."

Q. I call your attention to page 107, of July 17, 1890?

A. "The warden is instructed to investigate the facts in regard to the proposition of the Everton Lumber Company, to exchange lands with the State, and report the same to the commission at the next meeting with his opinion."

Q. That was the date of July 17, 1890?

A. Yes, sir.

Q. Pages 107 and 108?

A. Yes.

Q. Now, I call your attention again to the page that was read by the counsel, at page 110 and 111, and ask you to read all that was said there by the acts of the commission, which is of July twenty-first?

A. "The following resolution was passed: Resolved, that the resolution previously passed by the commissioners to the effect that the State will not exchange lands with private individuals or rescind, and the report of the warden in regard to the proposition to exchange lands with the Everton Lumber Company, was read, fully discussed, and the propriety of an exchange of the nature and general character as proposed by the Everton Lumber Company was approved, and it was the opinion of the commission that the offer of two acres for one was not a fair one for the State, and therefore the following resolution was adopted: Resolved, if the Everton Lumber Company will amend their offer so as to give the State three acres for one in the exchange proposed, this commission will recommend to the Attorney-General for his consideration the acceptance of the proposal and do recommend to the extent of the lands owned by said company, so far as they are available in the laying out of the State park."

Afterwards, on August 7th, follows these other two applications which are identically like the one that was presented back a year before, but it includes more lands both in the application and both in the offer to exchange and convey to the State. Also another application was on August 28th, of 1890, filed in the forest commission office, addressed to the forest commission, which embodies this 13,000 and some odd acres; taking these three applications together they embody it all; the first application upon which they passed a favorable resolution for the exchange embraced but a portion

of it, but they were made to comply with the statute more fully and the three applications which I hold in my hands are duplicates of the one contained and made up in the proposed case sent to the Comptroller, read from page 14, September 14, 1890. This was the act upon the three applications which are considered as one:

"Application of the Everton Lumber Company, for the exchange of lands which have been theretofore under consideration were again taken up and the commission voted to recommend an exchange of lands with that company, as proposed in their application, provided that in affecting such exchange the State shall acquire a legal title to at least 26,000 acres, in return for 12,000 acres, thereby intending, in affecting such exchange, to acquire three acres for one in the 12th township, two acres for one in the east one-half of the 14th township, and one acre for one in the southwest one-fourth of the 14th township. The title to which the State is asked to convey to the said Everton Lumber Company."

Chairman RYAN.—We had that testimony before, didn't we?

Mr. ANIBAL.—No; that resolution was not in at all; in the Everton Land Company the first application contained, as you understand, the lands in the 12th township, did it not?

A. Yes.

Q. The second and third application contained lands, also those in the 14th township which was known as the east one-half?

A. East one-half and southwest one-fourth.

Q. Those were in the 14th township?

A. Yes, sir.

Q. I wish to call the committee's attention to this large map, right in this connection, where these lands that were asked for in this 14th township, what part of the lands, as you understand, on that map indicate the lands that was required by the Everton Lumber Company in the 14th township?

A. The lands of the 14th township, as I understand it, embrace all of the State lands and they were as you see them there, in small, detached parcels.

Q. These lands in the fourteenth township which are asked for belonging to the State, which are asked for in the applications of the Everton Land Company, are a portion of those lands, or nearly all of them; the very lands that the state commenced an action against Mr. Hurd, or the Northern Adirondack Railroad Company, and recovered \$5,000 for trespasses upon, as you understand it?

A. Yes, sir.

Q. Did they also include in there that portion of the lands which are known as Modawasco pond?

A. That is more than I can tell you.

Mr. ANIBAL.—I have made a computation with Mr. Basselin of the lands proposed to secure here that the Everton company asked, having reference specially to the appraisal as made by the appraisers under the direction of the Attorney-General, etc. The lands wished to be acquired by the Everton company was $11,355\frac{98}{100}$ acres; the lands they offered in exchange, from which they were to take a selection, was $36,399\frac{40}{100}$. These lands were appraised by the appraisers, the State lands at one dollar and eighty-two cents and a fraction per acre, which amounted to \$24,315.89. The Everton company lands they appraised at one dollar and thirty cents an acre, namely, the 36,399 acres, which amounted to \$47,629.34. Under this particular appraisal, having reference to the statutes of this State which absolutely forbids any sale of lands by the State to anyone; the statute of 1863, 1866, 1887, the State would get for its 13,355 acres, by taking it in land, which seems to be the policy of the State, would get 18,582 acres. That is exactly what the State would get according to the appraisers that were appointed by the Attorney-General. Under the forest commission recommendation the State would get for its $13,355\frac{98}{100}$ acres upon the basis of at least 26,000 acres for 12,000 acres, it would get 28,937 acres of land. The excess, under the special consent by the forest commission and as made up in the proposed case and sent to the Comptroller, that the State would acquire from the forest commission's judgment $10,355\frac{21}{100}$ acres more under the conditional consent that the forest commission gave to the Comptroller and the Attorney-General than they would under the appraisal as made by the appraiser.

Mr. ADAMS.—What book is that you read from?

Mr. ANIBAL.—I read from computations of minutes I have made myself. Those figures are specially correct. I took these from the stenographer's minutes, at pages 69 and 70, as reported by the appraiser's report book to the Comptroller.

Q. I call your attention, Mr. Basselin, specifically to the application now of what is known as the Morrison sale and exchange of land; did you have an application in your office for the exchange of lands from one Morrison?

A. Yes, sir.

Q. I ask you to turn to your minutes on pages 98 and 99 and read:

A. "Mr. Moore, of the firm of Morrison & Moore, appeared before the commission and made a verbal application for the exchange of

lots 27 and 28, township 38, Totten & Crossfield's purchase, Hamilton county, for lots 6 and 7 tract, township and county, also offered to purchase a tract of land of 2,160 acres, including the said lots 6 and 7, and reconvey it all but fifty acres thereof back to the State. Agreed if said applications are made in writing, in accordance with chapter 475 of the Laws of 1887 the commission will recommend the adoption of one or other of said propositions."

Q. Give me the date of that resolution as passed by the forest commission?

A. May 20, 1890.

Q. Afterwards was there an application presented to the forest commission by Mr. Morrison?

A. There was.

Q. Was a proposed case made wherein this application and the whole matter was made up in a form and signed by the commissioners, giving their assent to this proposed exchange of property?

A. Yes, sir; this proposition was offered.

Q. And the consent was given by the forest commission?

A. Yes.

By Mr. ADAMS:

Q. When was that recommendation made?

A. May 20, 1890.

Q. Recommended the same day?

A. Yes; I think so.

Q. Who made up the papers for Morrison?

A. I don't know.

Mr. ANIBAL.—I have the applications, all of them, here.

Mr. ADAMS.—As I understand, a verbal offer was made May 20, 1890; papers were made up and recommendation made the same day.

Mr. ANIBAL.—Signed William H. Morrison and dated May 31, 1890.

Mr. ADAMS.—It was recommended then practically the thirty-first?

Mr. ANIBAL.—Yes.

Chairman RYAN.—Do we understand the day before that he had made an application?

Mr. BASSELIN.—May twentieth, they made a verbal application, and May thirty-first they made it in proper form.

By Mr. ADAMS:

Q. How many acres did Morrison get?

A. It would have affected simply fifty acres; as I understand it, under the sale there were 2,160 acres sold under tax sale and under redemption; that whole would have to be redeemed, and Messrs. Morrison &

Moore made a statement, they didn't care to redeem the whole of it, and in order to save this to the State we made that.

Q. That was to secure to these gentlemen a calm sight on some stream or lake.

A. On Smith's lake they had purchased a hotel that was built there, and this was to cover that right.

Q. Did you also investigate somewhat, through your warden, the probabilities or the practicability of Mr. Morrison's redeeming the same through that tax sale?

A. We were pretty sure that was redeemed.

Q. I think the committee understand there was an arrangement made there, the State should have all except the fifty acres and save them their sight?

A. Under the occupancy clause they could redeem the 2,160 acres, that is, there had been an occupancy of that, and from the law of occupancy they could redeem.

Chairman RYAN.—In consequence of that they only got possession of this small quantity?

A. That was the understanding between the commissioners and those parties.

Mr. ADAMS.—That is a good trade; nobody objects to that.

Mr. HITT.—How long will it take you with Mr. Basselin?

Mr. ANIBAL.—About half as long as it took Mr. Adams to examine me in chief.

Mr. HITT.—It is now about 10.30, and I feel I have done enough for the State to-day.

Chairman RYAN.—Will it be convenient for the members of the committee to have a meeting of the committee to-morrow evening. One session a week won't pay.

Mr. ADAMS.—There are some witnesses in attendance, and if it would be convenient for the committee it would be equally convenient for me to go on to-morrow evening, and it would save the trouble of keeping witnesses or having them come back. I would be very much pleased with an evening session to-morrow.

Mr. ANIBAL.—I suggested you ask us to suspend the cross-examination of Mr. Basselin for you to put in these other witnesses. It will take a whole session to complete Mr. Basselin's examination; there are quite a good many of these papers I want to call his attention to, and I want to place it properly before the committee so I can see the whole thing in detail.

Chairman RYAN.—For the purpose of explaining some testimony he has already gone?

Mr. ANIBAL.—Allow that.

Chairman RYAN.—This investigation will have to be brought to a close some time during the present year.

Mr. ANIBAL.—On the part of the attorneys for the forest commission, and the forest commission, those that are here and will work all the hours that the committee ask us to. There is such a thing as person overdoing things. That is subject to the control of the commission.

Mr. HITT.—I move we adjourn until 3 o'clock, to-morrow.

Chairman RYAN.—I am afraid we can't have a meeting to do any business before this committee again until next Tuesday evening.

Mr. HITT.—I move we adjourn until 3 o'clock, to-morrow.

Mr. ANIBAL.—I am ready to go on at the convenience of the committee.

Chairman RYAN.—It is moved and seconded we adjourn until to-morrow afternoon at 3 o'clock.

The question was then put and carried and the commission adjourned until Wednesday, February eighteenth, at 3 P. M.

WEDNESDAY, *February* 18, 1891, 3 P. M.

The commission met pursuant to adjournment.

Present—Chairman Ryan, Messrs. Connelly, Davie, Cameron, Dempsey, Hitt, Bush, Brown, Gifford.

Chairman RYAN.—Judge Anibal, are you ready to go on?

Mr. ANIBAL.—We are in half a moment. They had a meeting of the forest commission, and he will be here in a moment. We have sent for him.

Chairman RYAN.—Gentlemen of the committee, I would like to take the sense of the committee as to when the next meeting will be held.

Mr. BUSH.—The house will probably adjourn to-night; you can't have it before next Tuesday.

Chairman RYAN.—Speaking for myself I am willing to stay over here and have a meeting every day this week.

Mr. CAMERON.—Mr. Chairman, I am ready to go on from now until next week.

Mr. DAVIE.—I move we have meetings to-morrow and Friday.

Mr. ADAMS.—Mr. Chairman, if it is thought wise to adjourn until to-morrow morning at nine o'clock it will satisfy me and to hold a session all day to-morrow. I have a matter that has been dragging for a month or six weeks so that on Friday morning I had made an engagement to be at Boonville to close up a hearing for discharging

a receiver and made arrangements to be in Syracuse on Saturday to take proper orders; unless it is done then it will have to be postponed for two or three weeks, but I can leave here at ten o'clock to-morrow night and accomplish all that.

Chairman RYAN.—It may be the committee can devote the entire day to-morrow for this work.

Mr. ADAMS.—Practically there could be two long sessions or three, one in the evening and I leave here by 10 o'clock. With that engagement in view I have nothing else but what I can postpone next week so as to give the entire week to it. It is a large matter and has been dragging for some time and it is quite necessary it should be closed.

THEODORE B. BASSELIN, recalled:

By Mr. ANIBAL :

Q. Commissioner Basselin, after your appointment as commissioner and your organization was the Adirondack region, known as the forest preserve divided into districts, foresters' districts?

A. Yes, sir.

Q. Is this map, that I hold in my hands, one of the divisions and the division which has remained for some little time; the division of those districts?

A. Yes, sir; this is a map of the districts as set aside for each special forester and the district is the one that each forester was expected to take charge of and patrol.

Q. It is shown on the map by those red lines?

A. Yes, sir.

Q. How many districts?

A. Thirteen on the map.

Q. Has it been found necessary, on the part of the commissioners, to detail the foresters, from time to time, to other districts than where they are located?

A. It was very frequently necessary in order to get certain trespasses and to get evidence to transpose the forester, that is, to send the forester into an entirely new district where he wasn't known for the purpose of catching or getting on to the evidence of trespasses.

Mr. ANIBAL.—I will offer this in evidence before the committee representing the districts.

Q. There has been no other division besides this one anterior to this?

A. Yes, sir.

Q. You speak about fire wardens; where are they located and what is their mode of appointment?

A. They are located in every town; we endeavored, as far as possible, to locate from one to two fire wardens in every town in the forest preserve; we found it sometimes difficult to get a fire warden to act because the compensation was rather nebulous; they were to get their pay from the towns and the counties in which they were, and we had quite a large correspondence with prominent men throughout the forest asking them to suggest names of fire wardens and appointed them as near as could be in all the districts, instructing them as to what they should do in regard to the prevention of fires and report fires and calling on help to subdue fires, etc.

Q. The instructions introduced in evidence last night were instructions sent to the respective fire wardens in the towns?

A. Yes, sir.

Q. Was there any compensation made to any of these fire wardens from the forest commission before?

A. No, sir; I don't think there was.

Q. You have had occasion since your appointment as commissioner to employ several attorneys throughout the State of New York in the bringing of actions, have you not?

A. Yes, sir.

Q. You were examined by the counselor upon the other side with reference to this matter if in each instance you complied with the statute by securing the consent and approval of the Attorney-General as well as the Comptroller.

A. Yes, sir.

Q. I hold in my hands, which I offer in evidence, the appointments of the respective attorneys who have been engaged in the various litigations throughout the State brought by and on behalf of the forest commission with reference to the various lands and depredations upon them; one of Thomas Jones of Utica, which contains the consent and approval of the Attorney-General; appointment by the forest commission.

Mr. ADAMS.—That is so in regard to all of them?

Mr. ANIBAL.—Yes; and the Comptroller of the State of New York. The appointment of Peter S. Palmer, J. Newton Fiero, John H. Burke, John B. Riley, Frederick Lansing, Develin & Miller, Charles Hughes, John M. Carroll, Albert Hessberg, two covering Mr. Hessberg's appointment, William W. Dewey, two. I will not stop to read all these; I offer them all in evidence, together with the appointment of the commissioners and the approval of the Attorney-General and the Comptroller.

OFFICE OF THE NEW YORK STATE FORESTRY COMMISSION, }
ALBANY, N. Y., *January 21, 1886.* }

SHERMAN W. KNEVALS, *New York city*; THEODORE B. BASSELIN, *Croghan, N. Y.*; TOWNSEND COX, *New York city.*

HON. DENNIS O'BRIEN, *Attorney-General*:

DEAR SIR.—We have retained and appointed under the provisions of section 11, chapter 283, of the Laws of 1885, and subject to the consent and approval of yourself and the Comptroller, William W. Dewey, Esq., of Lowville, Lewis county, N. Y., as our attorney, to bring and prosecute actions and proceedings against trespassers on the State lands in Herkimer and Hamilton counties. We are,

Yours very respectfully,

SHERMAN W. KNEVALS.
TOWNSEND COX.
THEO. B. BASSELIN.

Approved, January 21, 1886.

ALFRED C. CHAPIN.

D. O'BRIEN,

Attorney-General.

STATE OF NEW YORK:

THE FOREST COMMISSION, }
ALBANY, N. Y., *January 21, 1886.* }

HON. DENNIS O'BRIEN, *Attorney-General*:

DEAR SIR — Under an act passed May 15, 1885, laws of New York, we have retained and appointed, subject to the consent and approval of yourself and the Comptroller, W. W. Dewey, Esq., of Lowville, N. Y., as attorney for this commission in the counties of Herkimer, Hamilton, Fulton and Oneida.

Yours respectfully,

TOWNSEND COX,
President.
THEO. B. BASSELIN.

Approved:

D. O'BRIEN,

Attorney-General.

ALFRED C. CHAPIN,

Comptroller.

[Dictated.]

STATE FOREST COMMISSION,
ALBANY, N. Y., *September 19, 1890.* }

HON. CHARLES F. TABOR, *Attorney-General, Albany, N. Y.:*

DEAR SIR: — Under the provisions of section 11, chapter 283, Laws of 1885, the forest commission has appointed, subject to the approval of yourself and of the Comptroller, Albert Hessberg, as an attorney of record in place of Peter S. Palmer, deceased, in the action of the People of the State of New York against Benton Turner now pending before Richard L. Hand, Esq., referee.

Very truly yours.

ABNER L. TRAIN,
Secretary.

Approved:

CHARLES F. TABOR,
Attorney-General.

STATE FOREST COMMISSION,
ALBANY, N. Y., *September 19, 1890.* }

HON. EDWARD WEMPLE, *Comptroller, Albany, N. Y.:*

DEAR SIR: — Under the provisions of section 11, chapter 283, Laws of 1885, the forest commission has appointed, subject to the approval of yourself and the Attorney-General, Albert Hessberg, as an attorney of record, in place of Peter S. Palmer, deceased, in the action of the People of the State of New York against Benton Turner, now pending before Richard L. Hand, referee.

Very truly yours.

ABNER L. TRAIN,
Secretary.

Approved September 22, 1890.

EDWARD WEMPLE,
Comptroller.

All official communications should be addressed to the forest commission, Albany, N. Y.

STATE OF NEW YORK:

THE FOREST COMMISSION, }
ALBANY, N. Y., March 29, '88. }

HON. CHAS. F. TABOR, *Attorney-General*, and HON. EDWARD WEMPLE,
Comptroller:

GENTLEMEN.—Under the provisions of chapter 283, Laws of New York, 1883, the forest commission has appointed, subject to the approval of the Attorney-General and Comptroller, Albert Hessberg, of Albany, as a special attorney to examine certain propositions made by Benton Turner, of Plattsburgh, N. Y., for the exchange of certain lands lying in S. E. quarter township 24 and townships 18 and 27, Great Tract 1, McComb's purchase, Franklin county and township 12, Thorn's survey O. M. T. and township 10, O. M. T., Essex county, or elsewhere as well as may be described in said Turner's proposition; such examinations to include a search of title of said lands, together with an investigation of the question of redemption from the 1881 tax of the S. E. quarter of township 24, Great Tract 1, McComb's purchase.

In case of your approval of said appointment, please return this letter of appointment to this office with your indorsement thereon.

Very respectfully yours.

ABNER L. TRAIN,
Secretary.

May 30, 1888.

We hereby approve the within appointment.

CHAS. F. TABOR,
Attorney-General.

EDWARD WEMPLE,
Comptroller.

SUPREME COURT.

THE PEOPLE OF THE STATE OF NEW YORK, *Plaintiffs*, v. CHARLES BOWLLY
et al., *Defendants*.

THE SAME, v. HENRY COOL *et al.*, *Defendants*.

THE SAME v. CHARLES BOYER *et al.*, *Defendants*.

THE SAME v. GILBERT BRADT, *Defendant*.

THE SAME v. JAMES EDICK, *Defendant*.

We hereby consent to and approve of the employment of John M. Carroll, of Johnstown, N. Y., by the forest commission of this State as counsel for the plaintiff in the above entitled actions, brought by said commission by and under the provisions of section 11 of chapter 283, of the Laws of 1885, for trespasses, etc., upon lands within the forest preserve, and now pending, triable in Fulton county.

Dated November 15, 1886.

DENIS O'BRIEN,
Attorney-General.

C. R. HALL,
Deputy Comptroller.

STATE OF NEW YORK:

THE FOREST COMMISSION,
ALBANY, N. Y., September 4, 1886. }

HON. DENNIS O'BRIEN, *Attorney-General, Albany, N. Y.*:

DEAR SIR.— Under an act passed May 15, 1885, Laws of New York, we have retained and appointed, subject to the consent and approval of yourself and the Comptroller, Charles Hughes, Esq., of Sandy Hill, N. Y., as attorney for this commission in the counties of Warren and Essex.

Yours very respectfully.

TOWNSEND COX.
S. W. KNEVALS.
THOMAS BASSELIN.

Approved:

D. O'BRIEN,
Attorney-General.

C. R. HALL,
Deputy Comptroller.

STATE BOARD OF FORESTRY COMMISSIONERS, }
ALBANY, N. Y., June 12, 1886. }

SHERMAN W. KNEVALS, *New York city.*

THEO. B. BASSELIN, *Croghan, Lewis county, N. Y.*

TOWNSEND COX, *New York city.*

The forest commission hereby retain and employ Messrs. Devlin and Miller, of the city of New York, as their attorneys and counsel to take legal proceedings against Dr. Delavan Bloodgood, of Brooklyn, N. Y., by reason of his illegal occupation of the islands in Lake George known as the Hen and Chickens.

THE FOREST COMMISSION.

We hereby consent to the above employment of Messrs. Develin and Miller without expressing any opinion in regard to the legality of Dr. Bloodgood's occupancy.

D. O'BRIEN,
Attorney-General.

ALFRED C. CHAPIN,
Comptroller.

(See the vote.)

STATE OF NEW YORK:

THE FOREST COMMISSION, }
ALBANY, N. Y., September 30, 1886. }

Hon. DENIS O'BRIEN, *Attorney-General, Albany, N. Y.:*

DEAR SIR.—Under an act passed May 15, 1885, Laws of New York, we have retained and appointed, subject to the consent and approval of yourself and the Comptroller, Hon. Frederick Lansing, of Watertown, N. Y., as attorney for this commission to prosecute trespasses in the town of Kildare, St. Lawrence county.

Yours very respectfully,

TOWNSEND COX.
S. W. KNEVALS.
THEO. B. BASSELIN,

Approved:

D. O'BRIEN,
Attorney-General,

C. R. HALL,
Deputy Comptroller.

STATE OF NEW YORK:

THE FOREST COMMISSION,
ALBANY, N. Y., *January 21, 1886.* }

HON. DENNIS O'BRIEN, *Attorney-General, Albany, N. Y.*

DEAR SIR. — Under an act passed May 15, 1885, Laws of New York, we have retained and appointed, subject to the consent and approval of yourself and the Comptroller, John B. Riley, Esq., of Plattsburgh, N. Y., as attorney for this commission in the counties of Clinton, Essex and Warren.

Yours respectfully,

TOWNSEND COX,
President.

THEO. B. BASSELIN,

Approved:

D. O'BRIEN,
Attorney-General.

ALFRED C. CHAPIN,
Comptroller.

STATE OF NEW YORK:

THE FOREST COMMISSION. }
ALBANY, N. Y., *November 22, 1889.* }

HON. CHARLES F. TABOR, *Attorney-General, Albany, N. Y.*

SIR. — Under an act of the Legislature passed May 15, 1885, (section 11, chapter 283, Laws of 1885) we have retained and appointed, subject to the consent and approval of yourself and the Comptroller, Mr. John H. Burke, of Mechanicville, N. Y., as attorney for this commission in the prosecution of minor trespasses in the counties included in the forest preserve.

Yours very respectfully.

WILLIAM F. FOX,
Acting Secretary.

Approved, December 11, 1889:

CHARLES F. TABOR,
Attorney-General.

EDWARD WEMPLE,
Comptroller.

STATE OF NEW YORK :

THE FOREST COMMISSION, }
ALBANY, N. Y., March 26, 1890. }

To HON. CHARLES F. TABOR, *Attorney-General*, and HON. EDWARD WEMPLE,
Comptroller, Albany, N. Y.:

GENTLEMEN.—This commission has appointed, subject to your approval, J. Newton Fiero, of Kingston, N. Y., to act as attorney for the commission, in the counties of Delaware, Greene, Sullivan and Ulster, under the provisions of the eleventh section of chapter 283, Laws of New York, 1883, entitled "An act to establish a forest commission," etc.

Yours very respectfully.

ABNER L. TRAIN,
Secretary.

Approved:

CHARLES F. TABOR,
Attorney-General.

EDWARD WEMPLE,
Comptroller.

STATE OF NEW YORK:

THE FOREST COMMISSION, }
ALBANY, N. Y., September 4, 1886. }

HON. DENNIS O'BRIEN, *Attorney-General, Albany, N. Y.* :

DEAR SIR.—Under an act passed May 15, 1885, Laws of New York, we have retained and appointed, subject to the consent and approval of yourself and the Comptroller, Hon. Peter S. Palmer, of Plattsburgh, N. Y., as attorney for this commission in the counties of Clinton and Franklin.

Yours very respectfully,

TOWNSEND COX,
S. W. KNEVALS,
THEO. B. BASSELIN.

Approved:

D. O'BRIEN,
Attorney-General.

C. R. HALL,
Deputy Comptroller.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE, }
ALBANY, May 18, 1887. }

To the Forest Commissioners :

We hereby approve the appointment of William P. Cantwell, of Malone, N. Y., and Thomas S. Jones, of Booneville, N. Y., as special counsel for the purposes indicated in your communication of the sixth inst.

Yours very truly.

D. O'BRIEN,
Attorney-General.
ALFRED C. CHAPIN,
Comptroller.

All official communications should be addressed: The Forest Commission, Albany, N. Y.

STATE OF NEW YORK:

THE FOREST COMMISSION. }
ALBANY, N. Y., May 6, 1887. }

To the Honorable Attorney-General and the Comptroller of the State of New York.

SIR.—Pursuant to the provisions of the "Act to establish a forest commission," etc., chapter 283 of the Laws of New York, 1885, the forest commission has appointed William P. Cantwell of Malone, Franklin county, a special attorney to assist the district attorney of Franklin county in the trial of actions that have been, or may be brought by the state against Chauncey Furner, Benton Turner and Charles Turner for alleged trespasses and damages committed by them on lots 37, 38, 39, 46, 47, 48 and 50, Tp. 18, Great Tract 1, McComb's, Franklin county, said appointment to be subject to the approval of the Attorney-General and the Comptroller of this state.

Very Respectfully,

ABNER L. TRAIN,
Secretary.

All official communications should be addressed: The Forest Commission, Albany, N. Y.

STATE OF NEW YORK :

THE FOREST COMMISSION. }
 ALBANY, N. Y., May 6, 1887. }

To the Honorable Attorney-General and the Comptroller of the State of New York.

SIR.—Pursuant to the provisions of the “Act to establish a Forest Commission,” etc., chapter 283 of the Laws of New York, 1885, the forest commission has appointed Thomas S. Jones, of Booneville, Oneida county, a special attorney to take charge of all legal matters heretofore placed by the State in the charge of William W. Dewey, of Lowville, Lewis county, deceased; said appointment to be subject to the approval of the Attorney-General and the Comptroller of this State.

Very respectfully.

ABNER L. TRAIN,
Secretary.

Q. Your attention was called by the counsel upon the other side with reference to a printing bill for the printing of one of your annual reports wherein there was a bill of some \$1,155 for matter that had been once set up or partially set up, and then it became necessary it should be reprinted over, is that the opinion that you received in regard to the matter from that Attorney-General of the State of New York?

A. Yes, sir; that is the opinion.

Q. Did you refer the matter, before acting upon it, to the Attorney-General for his opinion in regard to the allowance of that bill?

A. Yes, sir.

Chairman RYAN.—That is the opinion you got in reference to your request?

Mr. ANIBAL.—Yes, sir; it was spoken of on the other side and Mr. Adams asked for the opinion and we have brought it. I will not stop to read it all, but give it to the stenographer for him to put in the minutes unless some member of the committee wishes to have it read.

Chairman RYAN.—You leave it in charge of the committee?

Mr. ANIBAL.—Certainly, to put in the stenographer's minutes together with each one of these particular appointment, showing the complete record of the forest commission in these matters; I will pass them over to the stenographer or to the hands of the clerk for him when we get through.

STATE OF NEW YORK:

ATTORNEY-GENERAL'S OFFICE, }
 ALBANY, November 13, 1889. }

To the Forest Commission :

I have a communication from your honorable commission, in which you present to me the following facts:

In December of last year you presented to the person having the contract for Legislative printing, a copy of your report for the then current year. Such contractor proceeded to set up and print such report. Subsequently, and prior to the first of January, it was found that the list of State lands in the forest preserve contained in such report, and covering from page 113 to page 400 of the printed book, was incorrect and misleading as a public record. The secretary of your board, after procuring the correct copy, desired said contractor to "kill" the printed matter and composition and substitute the new. The said contractor refused to do so without the written consent of your board. Thereupon, on the 19th day of December, 1888, your commission made a written request upon such contractor, as follows: "Will you be kind enough to reprint for this commission, for their annual report, eighteen signatures of sixteen pages each, at the rate specified in your statement, namely:

Composition	\$351 36
Printing 5,000 copies	720 00
Printing 719 copies	84 60
Total	<u>\$1,155 96</u>

Yours very truly.

ABNER L. TRAIN,
Secretary.

Thereupon the contractor reprinted 5,719 copies of the corrected matter. He now presents a bill to your commission for such work which calls for the payment of \$955.

It is conceded that the rate at which the charges are made for such work is the same as specified in the contract for State printing.

Upon the foregoing facts, you ask my opinion whether you have power to approve such a bill.

As to the item for composition, \$351.36, and the item for printing 719 copies, \$84.60, there would not seem to be much doubt as to the liability of the State.

The expense of resetting up and reprinting 719 copies of the eighteen signatures of sixteen pages each, rendered necessary by the discovery of manifold errors and inaccuracies in the copy, should not be borne by the contractor.

Section 4 of chapter 588 of the Laws of 1886 provides that there shall be printed by the said contractor 719 copies of the reports made to the Legislature in pursuance of law.

Your question also calls upon me to pass upon the legality of the charge for printing 5,000 additional copies, \$720.

Certain difficulties might be presented by this question if it were *res nova*. I am informed, however, by the Comptroller, that he has decided that in cases where the Legislature has made an appropriation for the printing expenses of a State department or commission, he will audit bills for printing copies of the report of such department or commission, in addition to the statutory number, 719, within the limits of such appropriation.

Inasmuch as the Legislature has for several years last past made appropriations to pay the printing expenses of your commission, and in view of this decision of the Comptroller, and on account of the respect which is due to his interpretation of the law, as the auditing officer of the State, I deem it unnecessary for me to pass upon or consider the question whether your board has any power to order 5,000 copies of your report to be printed, in addition to the statutory number, 719.

All, therefore, that you seem to be called upon to do in the premises is to certify to the Comptroller whether or not the services mentioned in the bill for printing and composition above mentioned were actually rendered, leaving the question of the legality of such work and the charge therefor to be passed upon by the Comptroller in accordance with the precedents laid down by him.

I have the honor to be, very respectfully, your obedient servant.

CHAS. F. TABOR,

Attorney-General.

Q. At this point you may state for the benefit of the committee — give them a general knowledge of what condition you found the Adirondack forest in with reference to the prevalence of fires at the time when you became forest commission of the State of New York, you and your associates, briefly state what there was and how you found it at that time?

A. Referring to Sargeant's report of the former commission, which showed there were very large areas of burnt district within there,

showed there had been numerous and large fires, and we recognized that that was the great enemy to the woods, and we did everything in fact, made our principal effort against and for the prevention of fires, making the heart of our instructions to the foresters and to the fire wardens with that end in view, and for the last five years we have had but very little fire within the woods.

Q. Your knowledge gained as commissioner and your knowledge as a resident in the region of the forest preserve known as the Adirondack wilderness, what do you say to the committee here, how these fires were caused?

A. There are two principal causes of fire in the woods, the main and the one most to be guarded against is from the settlers around the outskirts, small farmers, men who have taken up a piece of woodland and start burning a fallow; they are wholly irresponsible men and watch the driest time and the heaviest wind to start a fire in their follow for the purpose of getting what they call a good burn; if the time isn't very propitious for a fire they don't like to start the fire, because they don't get a good burn, as they call it; before my appointment as commissioner and since then I have had a great deal of chance to see those men; you go to them and say, "You musn't start this fire," and they will give you the answer and say, "We have got to burn this fallow because we have got to plant potatoes or something else, and it is the only means of subsistence we have;" that has been the most difficult class for us to deal with and our strongest tools have been directed towards those; the second class which has not been quite so bad, still has been a source of a great deal of fire, is hunters, fishermen and campers; some of the fires have been caused by the wads from a shot gun falling into a brush heap or some fallen leaves or duff, or something of that kind, and smouldering away, and the other has been parties a little bit careless going through the woods, building a fire for lunch or dinner or for their meals, and then not putting them out, allowing fire to remain which, if there was no high wind or rain falling, would be all right, but very frequently and in building a fire it has been customary for them to pick out some old tree or stump, that they could build a fire against so as to have the fire burn quickly; they go to work and light that fire, cook their dinners and go away; that fire may smoulder from three or four or five weeks, until a heavy wind comes up and starts that, and causes a large conflagration; our instructions to our foresters and fire wardens, and our instructions in regard to fire have been also directed in that line, and we have endeavored to instruct our foresters and ask them to patrol the woods to see in regard to

that, and we have made stringent rules and regulations in regard to putting out fires when they were built; those are the two chief causes for fire; there is another cause our attention was called to by a judge of the Court of Appeals, and that is the railroads going into the woods; he called our attention in a very fine, long letter, to the fact that on one of the railroads going into the woods there was a strip on each side of the railroad for over half a mile burned, there was nothing left whatever, and asked if there wasn't some way we could prevent it and stop it; we have caused annual copies of the law in regard to fire to be sent to the railroads and have endeavored to have them comply with that law as far as may be; since that time there has not been very large fires from that cause.

Q. One other thing that you didn't call out, and I don't know but you did, and that is in reference to these fires that were set by settlers in the woods and along its borders; what has been your instructions to the wardens with reference to calling the attention of the settlers to the fact that they should, before setting the fire, notify your wardens?

A. Our instructions and the fire rules were, before any one set fire we cautioned them strongly against setting fire in the spring of the year before the leaves and the verdure had come out, and in the fall of the year when it had become dry, and that between these two times we made it a rule that whoever wished to set fire to a fallow must previously notify the fire warden in that district of his intention to set fire, and that he must provide suitable help and watchers with the view of preventing the spread of the fire, to the end that there could be no question as to the fire wardens; we caused a list of the fire wardens of each district to be printed and posted up along the woods; I myself in our immediate neighborhoods repeatedly sent our forester to these people whenever I saw a fallow started, and have prevented to a large extent fires in that way; still, I have had instances in my own individual matter where I went to the man in question, saw that he was going to set the fire and said to him, "Now you must not set fire at the present time; rather than have you set fire at the present time to this fallow I will buy your land or I will pay you what your crops will be for a year or two;" in opposition to that he did set fire and burned over about 2,000 acres of my individual lands.

By Chairman RYAN:

Q. Have you as commissioner authority to prevent them setting fire to this fallow?

A. No, sir; we have not.

By Mr. ANIBAL:

Q. They have a supervisory interest under the law?

A. We asked the opinion of the Attorney-General with regard to the fire matter, recognizing that fact that the fire was the great enemy to the woods; the question that we put to the Attorney-General, had we a right to make arrests where fires were lit contrary to our orders, and my understanding of it is that the Attorney-General said that under the laws of the State, as they were now, we could not do it; our function has been one entirely of prevention.

By Chairman RYAN:

Q. You could merely advise?

A. We advise and prescribe such rules and regulations as under the law we could; it would be a very difficult matter to convict these men; the law is a little bit open with regard to that, it says, where a fire is willfully kindled; the word "willfully" is a stumbling block in our way, to commence an action against a man who sets a fire after we have warned him to comply with all of these rules, he then does it, as in this instance I cited, as far as I was concerned in my own lands; it is a difficult matter to bring that man before a jury of his own people; he pleads poverty; he says: "All I have in the world to live from is this little patch of land; I have got to plant my potatoes, or sow my rye, or I can't live," and pleads sympathy, and it is a very difficult matter to convict, and we have asked that a little more stringent rules as to those fires should be made.

Q. Have you recommended anything of that kind?

A. I think we have.

Mr. ANIBAL.—I will try to reach in as consecutive order as I can, the proposed measures we have submitted to the Legislature and suggested in regard to this matter.

Chairman RYAN.—That is all in the law.

Mr. ANIBAL.—In that particular.

Mr. ADAMS.—I would suggest that so far as this subject of fire is concerned, it is not pertinent at this time because no question has been made upon that subject.

Chairman RYAN.—This will give the committee some information.

Q. We will pass not to this question of the proposition to exchange land under the Hadley bill; I want to call the committee's attention specially to the very application which was spoken of but not read in detail?

A. If the counselor will allow me in regard to fires while on that subject I feel as though I would like to say a word more to the com-

mittee; we found one great trouble with regard to extinguishing fires after they had gone on a little bit, that is, got headway, in this; the fire warden would order out the people of the surrounding country to help fight the fires, and in several instances questions have been raised by those fire wardens as to how they were going to feed those people while they were fighting the fires; I have in my mind an instance on the east side of the woods where a large fire had occurred, covering a hundred acres or so, and the fire warden had warned out the neighbors to fight this fire, and the fire warden had procured a dinner for those people, as they couldn't leave the fire to go and eat, and sent us in a bill which I think the commission paid, although strictly saying we had no right to do it, and that called our attention to a matter that we found a great deal of trouble with regard to fires; in my immediate neighborhood, when we had that large fire, I employed, of my own men, somewhere around seventy-five, and I had to keep them, feed them, and get beds for them, for about four days; we made a guerdon around the fire with shovels and axes, and every way that we could fight it, and I then took care of those out of my own expenses, as it was on my own lands; that called the attention to me that there should be some provision made with regard to fires, by which the order of the fire warden to fight fires should be as imperative as the order of the supervisor, which now is the law, and that some arrangement should be made by which those people could be taken care of, that is, food could be given to them while they are fighting the fire, and that there should be some way by which, upon proper vouchers being furnished and bills presented, we could, in some way, pay those bills; I think it would be a great step in the right direction.

Q. While speaking of this, I don't know but what it would be very valuable to the committee, it certainly has been of some interest to me, talking to Mr. Basselin in regard to it; I saw upon the map furnished with your report here, certain marks upon there which are denoted as burnt districts; what do you say with regard to fires in the spring or in the fall of the year producing this burnt district, where, in fact, the entire soil is burned off and it produces no growing timber; what do you say in reference to the damage and injury it does to forest lands by being burned over, either in the spring or late in the season?

A. The greatest danger for fires in the woods is in the spring of the year, between the period when the snows have gone and the March winds have dried the soil and the time when the trees put forth their foliage, the heaviest fires

and the greatest danger to the woods is at that time of year, and we have tried to prohibit, as far as could be, the making of fires at that time; the next greatest danger is in the fall of the year after the foliage has become somewhat dead and dried; during the time when the foliage is green in the summer there is but very little danger then to the woods.

Q. Passing to the other subject, calling your attention specially to what has been known as the Hurd application, your honors will remember that the Hurd application, as stated by Mr. Sanger, Mr. Hurd requested to secure some of the same lands that the Everton company asked to secure, therefore, I wish to read, calling your special attention to it, to the letter of Mr. Hurd himself to the forest commission.

Mr. ADAMS.—That was read.

Mr. ANIBAL.—It is pretty brief.

“DEAR SIR.—I inclose you plot, showing in a rough way what is wanted of your land in Township 14, and what we propose to offer in exchange and for any difference in acres will pay three dollars per acre, which, I think, is the valuation.”

Q. Now he refers to the map which I hold in my hands; and upon the map in the same handwriting as the map is made I find this memorandum on it to which he refers by this letter: “The following lots in Township 17, belonging the St. Regis River Lumber Company proposed to exchange:

	Acres.
Lot 10.....	160
Lot 11.....	160
Lot 12.....	160
Lot 22.....	160
Lot 23.....	160
Lot 24.....	160
Lot 34.....	200
Lot 35.....	200
Lot 36.....	200
Lot 46.....	200
Lot 47.....	200
Lot 48.....	200
Total.....	<u>2,160</u>

For about the same number of acres in township 14 as inclosed with red on the accompanying sketch.” That is all there is of Mr. Hurd’s application. I wish to call your honors attention to this

one proposition in the law that there is no provision made in here by Mr. Hurd, though I say that would be technical, there is no proposition in here that he will pay the appraisal difference as provided for by the Hadley bill. Now, again, there isn't a single thing upon this map, and I will ask the committee to examine it, that this forest commission or any other person in the world can tell what land this man Hurd wants. I have tried to study it and I am quiet familiar with the northern woods and all the townships and lots there, and I can't tell because I find inclosed all over this map lots in plots representing, as I suppose, pieces of land such as are inclosed absolutely in red. He says this is the land he wants to give and those pieces inclosed in red is the land he wants to get, and where it is and what it is the forest commission couldn't tell, as an intelligent man he couldn't possibly make a selection from it and act on such an application as that. With reference to the Hurd application this was before your coming from the Comptroller's office as I understand.

MR. ADAMS. — I would like to inquire of my friend whether he is examining witness or summing up the case?

MR. ANIBAL. — I wish, in this way, to be as brief as I can, and I thought a suggestion made at the time would aid very much in brevity, and I would take that course.

Q. You have, upon careful examination, seen the papers when in your former testimony you didn't recollect whether you had seen it or not, you now remember making?

A. I want to make this explanation with regard to that; this exchange had entirely slipped my mind, because it was not a matter of record in our office; the application for exchange was made before the Comptroller at the Comptroller's office, and by him sent to us, and we took action upon it; and it was returned some four or five years ago, and it had entirely slipped my mind; I remember now the reasons for our adverse action in this matter.

Q. You may state them.

A. The reasons are that the proposition here, as we looked at it, didn't take that checker board of the fourteen townships; it simply took the lots that Mr. Hurd had left; he had lumber upon certain lots, and had been forced to pay a penalty, and upon the balance of them he wanted them and wanted to exchange with us acre for acre, of which we had virgin forest and his denuded lands; the main object for refusing the exchange was, that upon an examination at the county clerk's office we found that Mr. Hurd's property had been covered with large mortgages and judgments, and it didn't seem to us as though his title could be perfect, and all these things taken into consideration, we rejected or acted adversely upon the application; I had

entirely forgotten it, because it was a long time ago, and it wasn't a matter of record in our office.

By Chairman RYAN:

Q. Was it a part of the duty of the commission to inquire into the title of this property?

A. It was not; but the way we came to know this, Mr. Chairman, we had just settled a suit with Mr. Hurd for which we accepted a judgment of a much smaller, or a payment much smaller than what we thought we could recover in the courts, but upon an examination at that time with regard to that suit and representations made by the defendant's attorney, that if we pressed the suit at that time to a successful termination, that would throw him into bankruptcy, and the whole thing would be tied up and the State would lose its judgment, and it was at that time a question whether we had better accept \$5,000 and get the money or get a judgment against him for \$15,000 or \$20,000.

Q. I don't see what that has to do with what you are trying to explain?

A. You asked me whether it was the duty of the commission to examine into the title; I gave that in explanation.

Q. That is all right?

A. Of how we came to know something about the title.

Chairman RYAN.—We would like to get the facts in the case.

Mr. ANIBAL.—I will as rapidly as we can; calling the committee's attention to the loss; they would be very unwise and unfaithful public servants if they recommended it and knew this condition of affairs.

Mr. ADAMS.—I would simply suggest to the committee the resolution in this case is before the committee and upon what ground it is put.

Q. I call your attention to one of the applications that was on file in the Comptroller's office that was spoken of by Mr. Sanger in his testimony; will you please read it?

A. I hereby make application, under chapter 475, Laws of 1887, for the purchase of an island in Lake George, now belonging to the State of New York, located in "the narrows," nearly opposite Pearl Point, which island is sometimes known as Centipede island, but latterly as Juanita island, by which latter name it has been designated on the late editions of Stoddard's map of Lake George. And in payment therefor I offer the sum of \$250 (two hundred and fifty dollars).

Respectfully yours.

FRED H. BULLARD.

Q. In connection here I will call the committee's attention to the statute of 1883, where the State is prohibited from selling any of its possessions in Lake George; again in 1885, two statutes upon that subject, positive prohibition against any sale; there is another application which was spoken of by Mr. Sanger in the office; I ask you to read that?

HON. A. C. CHAPIN, *Comptroller*:

SIR.—We desire to make application on behalf of Ferd W. Chaes, of Loon Lake, to purchase or exchange for lot 219, township 10, O. M. T. Will give in exchange lot 184, same township, and if there is any difference in value, will pay it. Lot 184 adjoins other State lands, while, as we understand it, lot 219 is detached.

We are very respectfully yours.

CANTWELL, BADGER & CANTWELL.

Q. Do you find attached to this a memorandum that an application has been made by these very parties that proposed to make this exchange to cancel the State's title on this very land they tried to buy?

A. Yes, sir.

Q. That was all there was of the application?

A. That's all there was of the application.

Q. Here is another application we get from there which are the three spoken of by Mr. Sanger?

DUANE, N. Y., *February 9, 1890.*

To the Comptroller of New York State:

SIR.—There is a piece of state land that joins my land that I am occupying and cultivating that I would like to get possession of if I could do so I will pay the taxes on said lot at any time or I have a piece of land that is in 35 and 43, township 12 McComb's purchases acres sixty that I will exchange for the piece that joins my farm the piece I speak is of no value to the state as it is almost if not quite surrounded by resedent lands while the piece I now own is in a solid body of wood land that will not be cleared and is not exposed to fire the object of the exchange is to get my land in a body timber not all out on the 60 acres not any hard wood if I can get any chance to buy or exchange or get the refusal of it in any way. Please let me know description, Township 12, MacComb's Purchase. N. E. corner 23 acres 1.13 sub lot 3. Think I have the first claim but leave that for you to decide.

Yours with respect.

R. R. WOODRUFF,

DUANE, FRANKLIN Co., NEW YORK STATE.

Q. I will only read one other; here is another application which was received at your office, was it?

A. Yes, sir.

BLEECKER, October 21, '90.

Forest Commissioners, Albany, N. Y.:

DEAR SIR.—I see the State trades and buys land this fall; if so, I would like to trade with you. I own lots 54 and 55 in Chase's Pt. that is nearly all surrounded with State land, for which I would like to trade you for lot 9 in which joins my mother's land, and the east half of lot 37 in Chase's Pt., if we can make a bargain that will make the State land more together and will fetch mine and my mother's closer together. I would like to hear from you soon in regard to this.

Respt. yours,

GEO. SHAMBERGER.

Post-office address, Gloversville, N. Y.

Q. There is but one other application I want to call attention to and that was one where there was a body of land spoken of by the counsel on the other side, of several acres, and I can't remember the person's name, the one in St. Lawrence county of 6,000 acres.

Chairman RYAN.—Is that one of those spoken of by Mr. Sanger?

Mr. ANIBAL.—This is the one that was spoken of by Mr. Adams specially.

Chairman RYAN.—What do you propose to show by the letter?

Mr. ANIBAL.—I want to show to the committee the class of applications these were. A question has been made against the commission by the other side, or pointed in that direction as we assume, that they didn't act upon other applications, but acted simply upon the Everton company application, and to argue from that because some person connected with the Everton company was lately, and after that matter was before them, interested with Mr. Basselin in business, that favoritism was shown to the Everton company. I want to show the applications to show the utter worthlessness of them, the utter unreliability.

Mr. ADAMS.—Perhaps it would save time for me to state definitely the point I had in mind in giving this evidence. The first resolution passed on the Hurd application laid down a settled policy on the part of the forest commission, that they wouldn't exchange land with anybody; that they are going to preserve and keep all they have; I understood Mr. Basselin to say that was the policy. That continued for

that was the policy, and I read yesterday from the book of minutes along in the summer before August, before the date of the formal application on the part of the Everton company, the meeting in New York in July, I think, they rescinded the former resolution in the Hurd case changing the policy; then were filed the two applications on the seventh of August on the part of the Everton company, and subsequently another the twenty-eighth of August, three applications being taken as one, and a few days afterward, in early September they passed a resolution recommending this exchange. The point I make is, that this commission laid down a settled line of policy immediately after 1887, adhered to it for three years or more and then changed their policy by a rescision of that resolution and in a short time recommending this exchange.

Mr. FIERO.—The tendency of this evidence is to show there wasn't anybody hurt by it.

Chairman RYAN.—I see I didn't save much time by interrupting. Perhaps if we had the letter read we would have got on to something else by this time.

Mr. ANIBAL.—I will find it and put it in with the balance. I offer in evidence the various applications, without stopping to read them in detail, so that they may be referred to by the committee, and we can refer to them subsequently without taking your time in regard to them.

CRARY'S MILLS, *December 10, 1890.*

Mr. FOX:

DEAR SIR.—I just arrived from the south woods, as we call it down here, and I find yours of October seventeenth; in reply would say I have not as much land to sell as I had when I wrote you before; I have 900 acres to sell for other parties, it is one and one-half section, lying on north side of middle branch of River Degross, in the town of Clair, nine miles from settlement, save one lone cabin with small clearing, two miles a squater hunter it takes part and some of the way all of the river for a distance of about two miles along still water at the foot about a fifty-foot falls and rappeds below, including one mile or so of stony brooks which runs through the lot on northeast side, both brooks and river chuck full, as the fishers term it, of specked trout, from one or two pounds down to a little fry. You asked for a map; I have no map, but have sent to owners for same. I am familiar with every foot of it, however, having been a guide for the last twenty-eight years. All fishing and hunting grounds are familiar with me. I know this is one of the best. It has been lumbered of spruce and pine once. It is estimated one dollar per acre is

left of spruce. All the hemlock but a little is left. Some nice black ash. All the hard-wood spruce on most of it was light. It is some hilly; not much swampy; a good many springs. Some beautiful beach and maple flats price as it is four dollars per acre; with hemlock off, three dollars. I may be able to shade that, but don't look like it now. The parties that own it would not sell to State if they knew it, for railroad from Canada is expected to go through it in a few years; but it makes no odds to me, if I get their price I shall sell. I will give you the outlines of lot until I am able to get map.

Yours respectfully.

I. LESLIE CRARY.

(Diagram.)

October 17, 1890.

GEO. PARMENTER, Esq., *Northville, N. Y.*

DEAR SIR:— Your letter of May fourteenth, in which you propose to sell some land to the State, was duly received.

Please state the number of acres which you offer for sale, the tract or patent in which the land is situated; the number of each lot; the town in which it is located; and the lowest price per acre that you will accept. We will need also a full description of the land; something showing the quantity and character of the timber, and whether the lots are lowland, hilly or mountainous. It would be well to file, with this description, some small map or pencil drawing which will show the location of the lots, together with any streams, lakes or highways on or near them. No proposition will be considered unless the price per acre is stated.

Yours respectfully.

WILLIAM F. FOX,

Assistant Warden.

By order of the commission.

NORTHVILLE, *November 25, 1890.*

MR. WILLIAM F. FOX, *Assistant Warden, Albany, N. Y.:*

DEAR SIR.— Referring to the inclosed circular on the back of which is small pencil sketch of lots, numbers and location of streams, mountains, swamps, etc., and would say there are 430 acres; number of lots are 133, 134, 135, in Benson township, town of Benson, Hamilton county; timber, maple, birch, beach, spruce and hemlock. There is a small lake on lots 134 and 135 near the south side of said lots; the line between said lots runs through said lake. On lot 135 is a small

swamp of tamarack, the north side 132 and 124 are on the side of a mountain; the balance of the land is fair rolling, part quite level, the rest sloping, not swampy. The water from the lake runs westerly, and finds its way to the West river. The water from 133 and part of 134 runs to West Stoney creek. The divide is on 134. There is a chance for a very good road to said lots; there is no bad hills. Said lots, should think, covered about from ten to fifteen years. We will give a good warranty deed for one dollar twenty-five cents per acre.

Yours truly,

GEORGE PARMENTER,

Northville, N. Y.

CRARY'S MILLS, *May 3, 1889.*

Mr. WEMPLE, *Comptroller:*

DEAR SIR.—I see by the papers that the State will buy a certain amount of wild land in the Adirondikes for which on dollar and fifty cents an acre will be paid for forest preserve, if that be true will you please give me the name of the committy that have charge of buying said land if there is any such committy, if not will you please answer if you or your committy, on forest preserve, want about 6,000 acres lying each of Raquet river below Tupters lake, coming to the Raquet and reaching to a part of the Vanderbilts hunting grounds on the Yerdon river and to the hay meadows beyond Vanderbilts ground. The spruce, the largest and the pines, has been cut, but the most of it is well timbered with small spruce and other timber, and has good hunting as the State afords, I think. If the State wants it, I would like to know soon, for a pulp company will look at it soon, if the State does not want it at one dollar fifty cents an acre.

Yours, etc.,

Please address.

I. LESLIE CRARY,

Crary Mills, N. Y.

BROOKLYN, *October 29, 1890.*

DEAR SIR.—Yours of the twenty-fifth received, asking for a description of land. I have never seen the property. It is in Essex county, Totten & Crossfield's purchase. Township 28, lot 30, northerly end of westerly 1-2. This is all the description I can give unless you wish me to copy a portion of my deed. As to the price, I will have to leave that to the commission to state the highest price they would be willing to give.

Yours respectfully.

JANET RUSSELL,

336 South Second Street, Brooklyn, E. D., New York.

BROOKLYN, October 23, 1890.

To the Forest Commission :

DEAR SIRs.—Excuse me for addressing you. I own fifty acres of forest land in Essex county. Totten & Crossfield's purchase, that I would like to dispose of. I asked Comptroller Wemple if he knew of a purchase for my property. He kindly referred me to the forest commission, saying that probably the State would purchase. If you wish to purchase please inform me the highest price you will be willing to pay and oblige,

Yours respectfully.

JANET RUSSELL,

336 South Second Street, Brooklyn, E. D., New York.

COLTON, June 2, 1890.

Forest Commission :

GENTS.—I have 6,000 acres of land to sell you at \$1.50 per acre, situated in the S. E. corner of the township of Piercefield, in the town of Hopkinton, known on the map as the Giddings tract. Please let me hear from you in regard to this matter and oblige,

A. H. MUNGER,

Colton, St. Lawrence Co., N. Y.

COLTON, June 9, 1890.

State Forest Commission :

GENTS.—On the other side of this sheet you will find description of the land I offer for sale. I have drawn this map from the atlas of St. Lawrence county, the tract in Piercefield marked Munger containing 5,423 acres; also lot 16 in Kildar. You will see by the lots that the State owns all sections in Kildar that join my lot. Mr. Olmstead, one of the commission in this locality, knows all about the land I offer for sale. If there is anything more you want from me, please write and oblige,

Yours respectfully.

A. H. MUNGER.

Answered Oct. 17, W. F. F.

Diagram accompanies letter.

HAGUE, WARREN COUNTY, N. Y. (Box 2,) }
Nov. 24, 1890. }

HON. ABNER L. TRAIN, Secretary State Forest Commission :

DEAR SIR.—Yours of the twenty-seventh received and contents noted. In reply, will say the land in question, No. 43, Tongue Mountain tract,

is not virgin forest, but has been lumbered upon. That no part of said lot has been denuded of wood and timber. John L. Jenkins, the owner of said land, informs me that there is at present on said land 300 market logs or more; that there is quite a large amount of small timber growing on said land which is too small to count as market timber, besides a large amount of wood. Mr. Jenkins thinks he should receive one dollar and fifty cents per acre for said land. I will take this opportunity to say that I live in a section where non-resident lands are bought and sold considerably, and that Mr. J.'s price is below the average. I have no interest either directly or indirectly in the sale of said land.

On the back of this sheet you will find the diagram of the tract; also its location as near as I can give it from my map of said town.

Most respectfully yours.

JAMES A. BALCOM.

Hon. ABNER L. TRAIN, *Secretary State Forest Commission, Albany, N. Y.*

Diagram accompanies same.

MALONE, N. Y., June 9, 1890.

Mr. ABNER L. TRAIN, *Secretary Forest Commission, Albany, N. Y. :*

DEAR SIR.—Answering yours of the sixth instant. The cutting of the mature spruce timber (much of which is dead) would not of itself injure the forest as a preserver of moisture. It, however, opens new avenues for trespass and fires, and destroys the primitive integrity of the forest. We would not advise (or seek for any selfish ends of our own) any break into the great body of the preserve, as now held by the State. It ought to be added to. The lot we referred to, viz.: 296 and 300 in Town 9, and 87, 86 and 85 in Township 8 lie in townships where the State has very few holdings, and are entirely surrounded by our own or other lands. This you will readily see by referring to a map. To sell them and use the money towards consolidating the State's preserve deeper in the woods would be good policy.

We will give two dollars per acre cash for these lots, some 1,830 acres in all. They are worth more to us than anyone else. This offer to remain open till August first, next — no longer.

Yours truly.

A. B. PARMALEE & SON.

RUSSELL, *October 20, 1890.*

WILLIAM F. FOX, Esq.:

Yours of October seventeenth at hand. In reply will say the section of land I offer you is in the township of Kildare, St. Lawrence county. It is section 13, lot 9, Macomb's purchase, 610 acres. I think it seems to be not a full section, 140 acres. It lies east of the Rackett river about three miles. I draw you a map of it, as I am well acquainted with the woods all about in that vicinity, I offered it to you last June at one dollar and fifty cents per acre, and I will take that now, although the marketable spruce and pine on it is worth more than that standing in the woods. The timber is all green. There has been no fires upon it. It is not very hilly, though somewhat rolling. There is one of the best trout brooks in the woods on it, which you will see, and a very pretty pond on it, about sixty rods across it, and it is nearly round. There is a narrow flat along the brook and some alders; meadow in some places. It is principally timbered with spruce, maple and pine; some cedar. It never has been surveyed out in smaller lots than the whole section. If any further description is needed, will give it to you with pleasure, or any information that you may want in regard to any other land, will give you a correct statement of it, as I am well acquainted with the whole woods all around Tupper's lake and nearly through to the Sarynaets lakes. I could get you a small map of all the sections joining mine, and in the township of Kildare. A friend of mine has one in Potsdam, a short distance from here, and he would let me have it. Anything further you wish to know, let me hear and I will answer you promptly.

Yours respectfully.

A. D. DUSKIRK.

December 11, 1889.

Mr. FOREST COMMISSION :

Will you please write and tell me what you will do about that lot, and oblige,

MELVIN WARNER,

Oranberry Creek.

Answer by return mail.

October 23, 1890.

Mr. FOREST COMMISSION :

Received your answer and will say in reply that there are 160 acres in one lot, No. 52, fifty-two in Benson Patent; joining State land No. 9 of the same patent and also five acres of lot No. 10 correneren with the southwest corner of said lot leading to the highway from

Benson to Northville, all in Benson Patent ; hard wood and excelsior timber ; part on a hill, part of woods lake, and I think it ought to be worth one dollar per acre. Please write and tell what you will do by return mail, and oblige

MELVIN WARNER,
Cranberry Creek, N. Y.

(Diagram.)

UPPER JAY, ESSEX CO., June 3.

To the Comptroller's office :

I wrote you last fall, which you answered, asking you if I could sell to the State the north 200 acres, except sixty-two acres which is owned by other parties; 138 acres I would like to sell No. of lot 52, lying in the town of Wilmington, Essex county, said land joins 150 acres now State property.

Will sell at one dollar per acre, taxes paid to date.

Please answer this and oblige,

N. H. SUMNER.

Answered October 17, W. F. F.

ALBANY, N. Y., November 10, 1890.

Hon. Board of Forest Commissioners of State of New York :

GENTLEMEN.—The undersigned respectfully represents the owner of lots of land Nos. 80, 89, 90, 91 and 92, in township 14, Totten and Crossfield purchase, Essex county, N. Y., about one thousand acres; that said owner would be pleased to sell said lands to the people of the State of New York, as a portion of the contemplated Adirondack park, for the sum of \$1.50 per acre, free of all incumbrances and taxes, excepting as to the tax of 1890, reserving to himself the right to cut and remove from said lands all the soft timber thereon, to wit.: Cedar, balsam, tamarac, cherry, ash, pine, spruce and hemlock. The party will stipulate not to cut any cherry, ash, cedar, balsam or tamarac less than twelve inches in diameter, two feet from the ground, and quit and surrender all his rights in said timber to the State on or before the 1st day of April, 1892.

Search of title and any other evidence or information required will be furnished, if this application is accepted.

An early answer is most respectfully requested.

Yours truly.

P. F. MARSH,
Agent.

POUGHKEEPSIE, N. Y., *October 28, 1890.*Hon. ABNER L. TRAIN, *Secretary :*

DEAR SIR.—I am in receipt of your favor of the 25th inst., and please to accept thanks for your promptness.

I regret to say that the only map I have showing my lands is the one made by State Engineer Sweet for your commission some five years ago, and this map you have in your office, so I could not enlighten you by giving you a diagram of my lands from it. The land in the list I sent you can be easily located on it as they are all full lots with the exception of two parcels.

Hoping to receive an early disposition of my offer, I am

Yours respectfully.

JOHN H. MILLARD.

POUGHKEEPSIE, N. Y., *October 24, 1889.*

To the Honorable Forest Commission :

GENTLEMEN.—I desire to take advantage of the law passed by our last Legislature, authorizing your honorable commission to purchase certain lands with a view to forming a forest preserve, and offer to you the following lots which are described as follows :

ESSEX COUNTY.

Old Military Tract, Township 12, Richard's survey.

	Acres.
Lot 7, sub. 4, und 4-9	83 $\frac{2}{3}$
Lot 16, sub. 2, und	164

Roaring Brook Tract.

	Acres.
Lot 1	160
Lot 24	351

Tract of Road Patent.

	Acres.
Lot 44	160
Lot 45	160

Totten and Crossfield's Purchase, Township 14, N. $\frac{1}{2}$, S. E. $\frac{1}{4}$ Pond's survey.

	Acres.
Lot 31, N. part	60

Same Purchase, Township 25 — Bailey's Patent.

	Acres
Lot 4	78
Lot 12, N. easterly part	25

The total acreage of the above lots is 1,241 $\frac{3}{4}$ acres, which I offer to your commission at one dollar and fifty cents per acre.

Hoping to receive a favorable reply at an early date, I am,

Yours respectfully.

JOHN H. MILLARD.

RUSSELL, N. Y., *June 24, 1890.*

A. L. TRAIN, Esq.:

Yours of the seventeenth received, and in reply will say my land lies in St. Lawrence county, N. Y.; it is described as Lot 9, Macomb's Purchase, town of Kildare and section 13; it is one section. The State has lands adjoining; this section has some valuable timber on it and is all good farming lands if it was under cultivation, except a small pond of about twenty acres; one of the nicest trout brooks in the woods runs across it; if I could sell it at once, I think I would sell the land at one dollar and fifty cents per acre. Please let me hear from you on receipt of, and oblige.

A. D. BUSKIRK, Esq.

NORTHVILLE, *May 14, 1890.*

To the Hon. ABNER L. TRAIN, *Albany* :

DEAR SIR.—I saw an article in a paper a short time ago in relation to organizing a State park, and they contemplated purchasing land adjoining that they now owned. Myself and a brother own three lots, viz.: 133, 134, 135 in Benson, which we would sell. The lots were partially lumbered some years since for the soft-wood timber, yet there is heavy growth of hard wood, and young thrifty spruce and hemlock. Forest fires have never reached it. There is a small lake on the tract called Rock lake. It is a small body of water. There is a small stream of water runs through it.

It is the head waters of branch of Sacandaga river. We can give a clear title. If it is desirable, and you wish to purchase, write me.

Yours respectfully.

GEORGE PARMENTER,

Northville, N. Y.

Answered October seventeenth. W. F. F.

OLMSTEADVILLE, August 1, 1890.

Forest Commission Office, Albany, N. Y.

Would you buy lot No. 5 in the 14 township Totton, and Crossfield, purchase, town of Minerva, Essex county, N. Y. The lot has been owned by W. & R. Evans for years. They several years ago move west and one of their sons came here this summer and is looking the land up. He would like to sell this lot to you. There is 160 acres in the lot, and there is now due the State for taxes \$67.24 which amount he will pay or you can keep it out of the purchase price. I think the title is O. K. You can have the lot for \$1.50 per acre. Please answer on receipt of this and oblige,

Yours very truly.

HENRY BRADLEY.

Answered October seventeenth.

Wrote W. R. Evans, care Henry Bradley.

RUSSELL, ST. LAWRENCE COUNTY, N. Y., June 16, 1890.

State Forest Commissioner, Albany, N. Y.

I understand the State has appropriated funds to buy wild timbered lands in St. Lawrence county. I have some lands in this county, and in the township of Kildare. Will you please on receipt of this let me hear if you are buying such lands, as I would like to sell mine. Direct to

A. D. BUSHKIRK,

Russell, St. Lawrence county, N. Y.

Answered October seventeenth. W. F. F.

To the Forest Commission of the State of New York:

In accordance with intimation contained in your letter of the fifth inst., addressed to Thurston & Parker, I make you this proposition: I hold a Comptroller's deed from the tax sale of 1881 to the following lots in Township No. 2, Totten & Crossfield's purchase, Hamilton county, N. Y., viz.: Lots Nos. 43, 48, fifty acres south end; lot No. 58, seventy-five acres north end thereof; lots Nos. 64, 69, 70, 73, 74, 81 and west one-third lot 84, being eighty-nine and two-thirds acres thereof, in all 2,366 $\frac{2}{3}$ acres.

I will convey the above to the State for the sum of twenty-five cents per acre, subject to all taxes and assessments therein, and reserving

all standing hemlock timber to twelve inches and all standing spruce timber on the stump to ten inches on about fifty acres northwest corner lot 43, and all the lots now cut and piled on lots 43, 58, 69 and 70, with privilege of removing same.

ANDREW C. THURSTON.

Dated CHESTERTOWN, November 7, 1890.

COLTON, August 6, 1889.

MR. COMPTROLLER:

DEAR SIR.—I have got 6,063 acres of wild land that I want to sell the State for one dollar and fifty cents per acre. Mr. Erwin tells me there was a law passed this spring authorizing you to buy some wild land. My land is situated as follows: Five thousand four hundred and twenty-three acres in the north-east corner of the township of Piercefield known as the Gidden's tract. I own also lot 16 in the township of Kildar, containing 640 acres. The Northern Adirondack railroad runs within half a mile of the 5,423 acres tract; it is timbered with hemlock and hard wood and some spruce, but the most of the spruce is cut off. Please let me hear from you by return mail, if possible, and oblige

Yours, etc.

A. H. MUNGER,

Colton, St. Lawrence Co., N. Y.

JOHN M. PECK.

TOWN.	Lot.	Township.	Tract.	Acres.
North Elba.....	36	12	Richard's Survey.....	362
Franklin.....	279	10	O. M. T.....	200
Franklin, S. E. 1-4.....	322	10	O. M. T.....	50
Franklin, N. W. 1-4.....	322	10	O. M. T.....	50
Franklin, S. W. 1-4.....	322	10	O. M. T.....	50
Franklin, Sub.....	23	12	Macomb's Purchase.....	50
Franklin.....	103	1	Macomb's Purchase.....	100
Franklin.....	104	1	Macomb's Purchase.....	45
Franklin.....	13	1	Macomb's Purchase.....	154
Stony creek.....	13	Rge. 4	Dartmouth.....	234
Johnsburgh.....	105	14	T. & C.....	20
Duane, S. W. 1-4.....	.....	12	Macomb's.....	50
Duane, N. E. Cor.....	35	12	Macomb's.....	94
Duane, S. W. 1-4.....	5	15	Macomb's.....	100
Duane, S. W. 1-4.....	79	15	Macomb's.....	100
Duane, S. W. 1-4.....	80	15	Macomb's.....	100
Waverly, N. W. Cor.....	122	22	Macomb's.....	30
Waverly.....	123	22	Macomb's.....	90
Belmont, S. 1-2 & N. W. 1-4.....	81	9	O. M. T.....	120
Franklin, S. W. Cor.....	198	10	O. M. T.....	50
Franklin, W. 1-2.....	320	10	O. M. T.....	100

Q. Did you receive at your office several applications to sell to the State lands under the appropriation of \$25,000 passed last year by the Legislature?

A. Yes, sir.

Q. Mr. Basselin has spoken on that subject, so I don't wish to go over what he spoke of on the direct examination; I speak specially of the one of J. Leslie Crary, to which his special attention was called by the counsel for the committee.

Mr. ADAMS.—To be paid out of the \$25,000 fund?

Mr. ANIBAL.—Yes, sir.

Q. What is your recollection with reference to the Crary application, whether it wished to reserve the timber upon the lands or not?

A. That I couldn't remember; if I had the letter here I could tell.

Q. Were some of those applications, their proposition to sell, accompanied with a reservation to reserve the timber upon the lands?

A. Yes; quite a number of those applications were such.

Q. Were there one or more of the applications that they were to be sold to the State subject to the taxes upon them?

A. Yes.

Q. Do you remember an instance when it was investigated to find what the amount of taxes were upon any particular lands, and if so, what amount of taxes did you find upon investigation were against them?

A. The only instance I remember was the one I spoke of before the committee, that the lands were offered, and when we investigated the matter we found the taxes were a great deal more than the one dollar and fifty cents an acre would be; the taxes amounted to about two dollars and twenty-five cents an acre, and we argued that at the tax sale the State would acquire that piece of land without a purchase, which the State did do, so that the State acquired possession without paying the twenty-five cents, and we refused to pay the twenty-five cents.

Q. Calling the committee's attention specially to the Crary application, I wish you would read what there was of that application?

CRARY'S MILLS, *December 10, 1890.*

Mr. FOX:

DEAR SIR.—I just arrived from the south woods, as we call it here, and find yours of October seventeenth. In reply would say I have not as much land to sell as I had when I wrote you before. I have 900 acres to sell for other parties; it is one and one-half section lying on north side of middle branch of river Degraas, in the town of Clair, nine miles from settlement, save one lone cabin with small clearing, two miles, a squatter hunter; it takes part, and some of the way all, of the river for a distance of about two miles along still water; at the foot about a fifty-foot falls and rapids; below, including one mile or so of stony brooks, which runs through the lot on north-east side,

both brook and river chuck full, as the fishers term it, of speckled trout, from one to two pounds down to little fry. You asked for map; I have no map, but have sent to owners for same. I am familiar with every foot of it, however, having been a guide for the last twenty-eight years. All fishing and hunting grounds are familiar with me. I know this is one of the best. It has been lumbered of spruce and pine once. It is estimated one dollar per acre is left of spruce. All the hemlock but little is left. Some nice black ash. All the hardwood. Spruce on most of it was light. It is some hilly, not much swampy. A good many springs. Some beautiful beach and maple flats. Price as it is, four dollars per acre; with hemlock off, three dollars. I may be able to shade that, but don't look like it now. The parties that own it would not sell to State if they knew it for railroad from Canada, is expected to go through it in a few years, but it makes no odds to me if I get their price I shall sell. I will give you the outlines of lot until I am able to get map.

Yours respectfully.

J. LESLIE CRARY.

Q. He wanted three dollars an acre after taking the timber; the date of that is December 10, 1890; it appears from the letter itself that negotiations had been entered into with this man when he said he had 6,000 acres; they commenced negotiating with him, and it now dwindles down to 900 and he wanted four dollars per acre?

A. He said he hadn't as much land as he thought he had, but there was a piece of 900 acres that belonged to somebody else that he could sell to the State for four dollars, with the hemlock on.

Chairman RYAN.—Were any of these applications received by the commission prior to the time you rescinded the resolution?

Mr. ANIBAL.—The matter where the resolution was in reference to was the exchange of lands under the Hadley bill; these are applications under the appropriation of \$25,000 passed by the Legislature to buy.

Chairman RYAN.—You have read some applications for the exchange of the lands?

Mr. ANIBAL.—Yes.

Chairman RYAN.—Were they submitted to the commission prior to the time you rescinded the resolution which you passed shortly after the commission was established?

Mr. BASSELIN.—The application of Mr. Hurd was before that.

Chairman RYAN.—That was during the time your resolution was in vogue?

Mr. BASSELIN.—Yes, sir.

By Chairman RYAN:

Q. The fact there were liens or claims against that wasn't a reason you rejected it?

A. Yes, sir; that was the reason, as I stated, why we rejected the exchange.

Q. But you had already passed a resolution which was in force at that time?

A. I think not.

Mr. ANIBAL.—The resolution was passed directly upon the Hurd application. The Hurd application came into the office, which was the first one.

Chairman RYAN.—Then they passed a resolution that they wouldn't make any exchanges under the Hadley bill.

Mr. ADAMS.—That is the resolution they passed on the application.

Mr. ANIBAL.—The date of these applications are dated all of them, nearly, in December of 1890, after the passage of this resolution, the rescinding of this resolution, all of them I think but two, as my record shows, as I took from the dates. The applications that I have introduced in evidence will show each particular fact; that is why I wanted them in evidence.

Mr. ADAMS—These applications you produce now are applications to sell to the State to be paid out of the \$25,000 fund appropriated by the Legislature a year ago?

Mr. BASSELIN.—You referred to the 6,000 acre matter and this was in explanation of the non-action.

Q. Some of the committee understood, the other evening, you to say that shortly after the formation of this commission and while you were supposed to be empowered by the Hadley bill to make exchanges, you passed a resolution that you would not make exchanges in accordance with the Hadley bill, and during that time, or about the time you passed that resolution, this application came in from Hurd; now, I would infer, from what you testify to-day, that the reason why you didn't make the exchange as offered by Mr. Hurd was because you understood his title to the property wasn't good?

A. That was one of the reasons.

Q. Was that supposed to apply to other applications?

A. No, sir; not at all.

Q. You laid that down as a general policy of the commission?

A. We did at that time.

Mr. ANIBAL.—Those applications to exchange, as the chairman of the committee has called special attention, I call the attention to those particular dates. The Hurd application was dated as stated; then

the application of Mr. Marsh of November 18, 1890; John Murtaugh, December 19; George Schamberger, December; Wales Parsons, without date, and Sullivan of August 9, 1889, and Underwood of October 29, 1887, and those are the only two; the Hurd application and the Underwood application and the Sullivan application were in time — were all the applications they had filed in the office prior to some time in the latter part of 1890. Those were propositions to exchange.

Chairman RYAN.—But the committee understand that you didn't invite propositions to exchange. You passed a resolution you would not exchange; that may have been the means of deterring people from making efforts, knowing that such a resolution passed your commission, and that was the policy you intended to adopt, therefore it would be natural to suppose you wouldn't have many applications to exchange while such was the policy of your commission; are we right?

Mr. ANIBAL.—If the applications were all of the kind that the Hurd application was I think the policy was very good, on whatever ground they put it, because it was an application to get good lots and an offer to exchange acre for acre.

Chairman RYAN.—That was that particular application.

Mr. ANIBAL.—There isn't any application to the others, except merely a letter without description of the lands, and didn't comply with the statute in a single particular. I was speaking specifically when the chairman called our attention to the Hurd application, or the exchanges, to the propositions to sell the State lands under the act of last winter appropriating the \$25,000, and had read the J. Leslie Cary application in pursuance of that, so we offer in evidence the application of A. H. Munger, June 2, 1890; H. Sumner, June 13, 1890; Henry Bradley, August 1, 1890; A. D. Buskirk, October 20, 1890; James A. Balcom, November 24, 1890; George Parmenter, November 25, 1890; Janet Russell, October 29, 1890; James H. Millard, October 29, 1890; Melville Warner, October 29, 1890; Danker, November 9, 1890; John M. Peck, November 20, 1890; P. J. Marsh, November 20, 1890; Ostrander & Merritt, November 18, 1890; and an application from a man by the name of Turner, which I haven't any date of; these are the dates taken from the applications.

Mr. ADAMS.—Does that list contain any other name than those I examined about and put in evidence?

Mr. ANIBAL.—I think not; I think you examined generally upon all the applications; I think there are some in here you did not go through; I think you asked if those were all there were, and the commissioner answered they were all he had in his mind at the time; I think it does contain some further names that he did not mention;

So that it will be considered that all these applications as to sale of lands are to be considered in evidence. The exchanges I have already introduced.

Mr. ADAMS.—Now you introduce propositions to sell?

Mr. ANIBAL.—Now I introduce all the propositions to sell and call the committee's attention and the commissioners to the statement he gave why he didn't act upon those.

GLENS FALLS, N. Y., July 30, 1887.

To the Comptroller of the State of New York, Albany, N. Y.:

DEAR SIR.—I hereby make application, under chapter 475, Laws of 1887, for the purchase of an island in Lake George, now belonging to the State of New York, located in "The Narrows," nearly opposite Pearl Point, which island is sometimes called Centipede island, but latterly as Juanita island, by which latter name it has been designated on the late editions of Stoddard's map of Lake George.

And in payment therefor I offer the sum of \$250 (two hundred and fifty dollars).

Respectfully yours.

FRED. H. BULLARD.

MALONE, N. Y., June 25, 1887.

Hon. A. C. CHAPIN, *Comptroller*:

SIR.—We desire to make application on behalf of Ferd W. Chaes, of Loon lake, to purchase or exchange for lot 219, township 10, O. M. T. Will give in exchange lot 184, same township, and if there is any difference in value will pay it. Lot 184 adjoins other State lands. While, as we understand it, lot 219 is detached.

We are very respectfully yours.

CANTWELL, BADGER & CANTWELL.

June 21, 1887.

Application of Charlotte S. Hall to redeem said lot 219 from the 1871 and 1877 tax sales was received June 21, 1887.

BLEEKER, October 21, 1890.

Forest Commissioners, Albany, N. Y.:

DEAR SIR.—I see the State trades and buys land this fall. If so I would like to trade with you. I own lots 54 and 55 in Chase's pt., that is nearly all surrounded with State land, for which I would like to trade you for lot 8, in which joins my mother's land and the east

half of lot 37 in Chase's pt. If you can make a bargain that will make the State land more together and will fetch mine and my mother's closer together, I would like to hear from you soon in regard to this.

Respectfully yours.

GEO. SCHAMBERGER.

P. O. Address, GLOVERSVILLE, N. Y.

KEENE VALLEY, N. Y., June 16, 1887.

New York State Land Office :

GENTLEMEN.—I have a well timbered lot that I would like to exchange for a wild lot in Roaring Brook tract, lots 11 and 12; my lot is situated in Johns Brook valley, and corners with State lot 69, old military tract, township 1 and 2, also with lot 93. There is about 400 acres in my lot and is mostly well covered with forest. I would like to exchange this for those lots in Roaring Brook tract, not for lumbering purposes, but for a place for a building site that would be more convenient for my purpose. As near as I can find out there is but little lumber on those lots. There are two little ponds which are used for camping purposes. If I can not exchange this property I would like to buy. I will refer you to F. C. Parker, forester, as to the location and timber on my lot.

Hoping to receive an immediate reply, I remain,

Yours respectfully.

MONROE HOLT,

Keene Valley, Essex county, N. Y.

PORT HENRY, N. Y., June 8, 1887.

Land Commissioners of New York, Albany, N. Y. :

DEAR SIR.—I have formerly applied for purchase of lot No. 11, Roaring Brook tract, town Keene, Essex county. See letter of Comptroller to me dated February 27, 1885.

Under the law, as it now stands, I think you can sell this lot, and if so, wish you would let me know under what terms. Want the first chance to buy it.

Yours truly.

E. W. COGGIN,

PORT HENRY, N. Y., *June 24, 1887.*

Forest Commission, State of New York :

I hereby apply to your honorable body to lease lot No. 11, Roaring Brook tract, Keene, Essex county, N. Y., for camping purposes, for such terms as you may require. If the land can't be leased, I hereby apply for permission to occupy it for said purposes.

Yours truly.

E. W. COGIN.

Hon. TITUS SHEARD, *Little Falls, N. Y. :*

The "Wilmurt Club," of which Mr. Sheard is a member, desires to get possession of about two lots boardering on "Big Rock lake," Morehouse tract, county of Hamilton.

Will exchange any lands the State may accept for same. Hon. O. B. Matteson wants to get the same lots. J. H. Cookingham, attorney for Matteson.

Mr. Sheard can not be present Thursday, but would like the matter presented to the board at that meeting. Wants this to be considered the first application. Will present a formal one later.

D. H. BURKE.

GLENDALÉ, LEWIS CO., N. Y., *December 13, 1890.*

State Forest Commission, Albany, N. Y. :

Your letter of November fourteenth received. In reply I would say that I would exchange lot 46 in Brantingham tract, in town of Greig, Lewis county, for lot 43 in same tract. My lot has been lumbered on twelve years ago, but I did not cut but the sawable timber and left the small timber standing. There is a large stream of water running through my lot and a very beautiful lake in the center of it; the name of the stream is Otter creek; here is a diagram of the lot. (Diagram.) There is a very good chance to build a large reservoir on the stream for State use. The lot I spoke of, lot 43, has been all cut, and about twenty acres cleared; the rest of it is covered with blackberry briars and small wild cherry, and there is not a drop of water on it except to dig for it. The man that cleared it dug a well sixty-nine feet without finding water, and he let the lot be sold for taxes and moved off it. My lot is worth more than ten lots like this for the State, but not to me, for I live but a short distance from it and I

could use it for agricultural purposes; that is what I want this lot for. If I have got to use mine I will have to go about two and one-half miles back.

What title can the State give? I can give a good one.

I remain, very respectfully yours,

JOHN MURTAUGH.

OLMSTEADVILLE, N. Y., *August 9, 1889.*

SAMUEL F. GARMEN, *Albany, N. Y.*

DEAR SIR.—I have sent to the forest commissioners, through Mr. Burke, application for an exchange of lots. My reason is that the one I own is seven or eight miles from here, while the one I wish to own is but about three miles away.

My lot is No. 157, tract W. of road patent. State lot is No. 31 in town 25, Totten & Crossfield purchase, Thorne's survey. Will you be so kind as to use your influence with the commission to effect the exchange.

Hoping that you will think well of it, and decide to help me in the matter, I am,

Yours truly.

PATRICK SULLIVAN.

Per W. H. S.

BRANDON, N. Y., *March 27, 1890.*

Hon. TOWNSEND COX, *Head Forest Commission,*

SIR.—This company owns the south two-thirds of township 17, Franklin county, which lies north of township 20 in same county. There is some pine timber on 20 and adjoining ours on 17 which is very old, and in a very few years will be entirely lost, as most of the pine in this section is of the same kind. It would be no detriment to the forests to cut it and save whatever value there is in it. We would trade some of our land in 17 for the pine that would be tributary to our mill on fair amicable terms, if the Legislature would authorize your honorable commission to make the exchange. We would be very glad to meet you, or some party authorized by you, and estimate the amount of timber that would come to the St. Regis river, and make such an exchange, as would be profitable to the State and ourselves. The south side of 17 is as fine sporting ground as there is in the Adirondacks and frequented largely by tourists.

Very respectfully your obedient servant,

THE DUCEY AND BACKUS LUMBER CO.

By W. C. STEVEN,

Member of Assembly.

To the Honorable Board of Forest Commissioners of the State of New York:

The undersigned most respectfully represent that he is the owner of lots number 10, 11, 12, 13, 14, 15, 16, 18, 19, 20, 22, 36, 42, 47, 57, 72, 77, and that portion of lots number 60, 61 and 65 in Hamilton county, also that portion of lot 76 in Essex county, in township No. 50, Totten & Crossfield's purchase in Essex and Hamilton counties of this State; that the people of the State of New York claim to own among other lots in said township lots number 9, 17, 35, 37 and 38, 43, 44, 45 and that portion of lot number 60, 61 and 65 in Essex county, therefore to more properly show your honorable board the exact location of said lots your petitioner herewith submits a map of said township, showing the county line between Hamilton and Essex counties as it passes through the several lots in said township; the colored lots are supposed to represent the State lands, and those not colored lands of private individuals or railroad lands. Your petitioner, therefore, respectfully asks, for the purpose of consolidation, his own lands as well as those of the people of the State of New York, to sell and deed to him the land above mentioned as belonging to the people of the State of New York, to wit: lots number 9, 17, 35, 37, 38, 43, 44, 45, and the fractions of lots number 60, 61, and 65, for the sum of two dollars per acre; that your honorable board will perceive from said map submitted that the lots, above named, are mostly detached lots or parts of lots from the other State lands in said township, that the people of the State of New York own no lands adjoining said township No. 50. That your petitioner will deed over to the State in part payment for said purchase that portion of lot number 76, lying in Essex county, and lots number 22, 26, and 72, and pay to the State at the rate of two dollars per acre for the differences of acreages between said lands, that the number of acres embraced in the land belonging to the State and above numerated to wit, lots number 9, 17, 25, 37, 38, 43, 44, 45, and parts of lots 60 and 65, is 1,233 acres; that the lots belonging to your petitioner, to wit, lots number 22, 26, 72, and part of 76, contain 461 acres; differences of acreages in favor of the State, 772 acres, for which lands your petitioner will pay the State \$1,544 in cash, and deed to the State the said 461 acres, all of which is most respectfully submitted for your earliest consideration.

Dated, FORT EDWARD, October 29, 1887.

G. F. UNDERWOOD.

(Map accompanies application.)

MINERVA, ESSEX COUNTY, N. Y., August 2, 1889.

To the Board of Forest Commissioners of the State of New York:

The undersigned, a resident of the town of Minerva, Essex county, respectfully makes application to the board of forest commissioners, for the exchange of that parcel of land belonging to the State of New York, known as lot 31, township 25, Totten & Crossfield's purchase, Thorn's survey, containing 140 acres, all in Minerva; for the following described parcel of land, belonging to the undersigned, known as lot 157, tract, west of road patent, containing 160 acres, all in Minerva.

The reason I desire this exchange is, that lot 31, above mentioned, is situated but about three miles from my home, while lot 157, above mentioned is about eight miles away, and therefore not so easily accessible for the purpose of getting the wood from it.

PATRICK SULLIVAN.

To the Honorable Board of Land Commissioners of the State of New York:

The undersigned would most respectfully represent the consideration of a proposition made by the owners of the following described lands for the purpose of an exchange of equal number of acres with the State of New York, with the idea of a mutual benefit. The party who I represent owns in township 41, Totten & Crossfield's purchase, Hamilton county, N. Y., north-west corner of south-west quarter, 1655 acres in township 21, same purchase and county, lots Nos. 45, 67, 128, containing 600 acres; in Moose river tract, township 4, Hamilton county, N. Y., in lot 15, undivided one-third, forty acres; lot 17, undivided one-third, forty acres; lot 31, undivided one-third, forty acres; lot 32, undivided one-third, forty acres; lot 35, undivided one-third, forty acres; lot 41, undivided one-third, forty acres; lot 57, fifty-eight acres; lot 66, twenty-nine acres; lot 82, 2,213 acres; total, 537 acres. Also in lots 29, 40, 42, 45, 56, 65, 69 and undivided being 279 acres; being about 3,071 acres. The owners would respectfully submit an exchange with the State for the above named lands for lands belonging to the State of New York, to wit: Arthurboro patent, Hamilton county, N. Y., lots 97, 200 acres; Ox Bow tract, lot 218, 155 acres; lot 292, 233 acres; lot 293, 233 acres; in township 2, Totten and Crossfield's purchase, Hamilton county, N. Y., lot 29, 269 acres, in lot 25, the northeast corner, thirty acres; in Essex county, North river head, tract lots No. 13, 160 acres; 14, 160 acres; 22, 160 acres; 23, 160 acres; Roaring Brook tract, Essex county, N. Y., lot 11, 240 acres; lot 12, 240 acres; lot 14, 240 acres; lot 15, 240 acres; and old military tract, township

11, Richard's survey, Essex county, N. Y., lot 215, 160 acres; lot 234, excepting the southeast quarter, eighty acres; lot 275, 160 acres; total, 3,015 acres.

Your petitioner would represent that the land he herewith offers to exchange with the State are verdant forest lands, and mainly surrounded by State lands; that the lands belonging to the State of New York are mainly detached portions of lands in adjacent to lands of the State of New York. If this proposition is favorably accepted, I will furnish proof of title and deed for same, or any other information that the State might require appertaining to said lands. An early consideration of the above proposition is most respectfully solicited.

Respectfully yours, etc.

P. J. MARSH.

Dated, ALBANY, N. Y., *November 18, 1890.*

No. 55, M. H.

To the Forest Commission of the State of New York:

I, the undersigned, hereby make application to your honorable board for the exchange of the following lands, situate, lying and being in Franklin county, N. Y., in McComb's purchase, Great Tract 1, township 18, now owned jointly by the State of New York and myself, each owning an undivided half thereof.

Said lands are described as follows, viz.: Lots 46, 47, 49, 50, 37, 38 and 39, and one-fourth of lot 48, in said purchase, tract and township, owned by me, and the remaining three-fourths of said lot 48, owned by the State.

I hereby offer and agree to deed to the State of New York all of my right, title and interest in and to the above described lands, on condition that the State of New York, through its proper officers, deed to me all the spruce, hemlock, pine and cedar on the following named lands or lots belonging to and owned by the State of New York, viz.: All of lot 6, undivided three-fourths of lot 7, three-fourths of lot 8, one-half of lot 9, one undivided half of lots 17, 18, 19 to 28 and 29, in McComb's purchase, Great Tract 1, township 18, Franklin county, N. Y., with the right and privilege of entering upon said lots and cutting and removing the same therefrom.

BENTON TURNER.

PLATTSBURGH, N. Y., *December 14, 1887.*

PLATTSBURGH, CLINTON COUNTY, N. Y., *December 15, 1887.*

MESSRS. THEO. B. BASSELIN, SHERMAN W. KNEVALS and TOWNSEND COX
Forest Commissioners :

GENTLEMEN.—In consideration of the conveyance to be made to the State by me of the several tracts of land hereinafter described, I wish to have you convey the following tract to me, viz.:

MACOMB'S PURCHASE, GREAT TRACT 1, TOWNSHIP 27, FRANKLIN COUNTY,
NORTHWEST QUARTER.

East end of 5,533½ acres bounded north part of northwest quarter east and west by lines of northwest quarter and south by Ampersand pond or lake and branch of Racquette river flowing therefrom 1,000 acres. And, also, all the hemlock, spruce, cedar and pine standing and being on the following lots, viz.:

OLD MILITARY TRACT, TOWNSHIP 12, ESSEX COUNTY, THORN'S SURVEY.

	Acres.
Lot No. 4 ox S. E. Quarter.....	120
Lot No. 5	160
Lot No. 6	160
Lot No. 7	160
Lot No. 11	160
Lot No. 12	160
Lot No. 14	160
Lot No. 18	160
Lot No. 19	160
Lot No. 20	160
Lot No. 25	160
Lot No. 26	160
Lot No. 27	160
Lot No. 28	106

2,360

with the right to cut and remove the same.

I propose to convey to the State forest commission, in consideration of the above conveyance being made to me, my wife joining in the conveyance, the following described tracts of land; viz.:

MACOMB'S PURCHASE, GREAT TRACT 1, TOWNSHIP 24, FRANKLIN COUNTY.

All of the southeast quarter.

Seven thousand five hundred acres, reserving all the hemlock, spruce, cedar and pine, standing or being on said lot, with the right to cut and remove same. The State must convey from the 1887 sale their claim to the spruce, hemlock, cedar and pine.

OLD MILITARY TRACT, TOWNSHIP 12, ESSEX COUNTY, THORN'S SURVEY.

	Acres.
Lot 4, S. E. quarter.....	40
Lot 13, S. E. quarter.....	160

OLD MILITARY, TOWNSHIP 10, FRANKLIN COUNTY.

	Acres.
Lot 266.....	200
Lot 294.....	200

reserving all the hemlock, spruce, cedar and pine standing and being on said lots 4, 13, 266 and 294, and amounting in all to 800 acres.

I transmit herewith an abstract of title sufficient, I presume, for your purpose, but can give other and fuller ones if required.

I have also Comptroller's deed from sale of 1871 of the lots in Thorn's survey, T. 12, O. M. T., Essex county.

Yours respectfully.

B. TURNER.

SANTA CLARA, N. Y., July 18, 1887.

C. R. HALL, Esq., *Deputy Comptroller*:

DEAR SIR.—I inclose you plot showing, in a rough way, what is wanted of your land in Township 14, and what we propose to offer in exchange, and for any difference in acres will pay three dollars per acre, which, I think, is the valuation.

Yours truly.

JOHN HURD.

ALBANY, N. Y., July 25, 1887.

To the Forest Commission, Albany, N. Y.:

GENTLEMEN.—Inclosed herewith we send you a proposition by John Hurd, president of the St. Regis River Lumber Company, to exchange twelve lots, east end of the N. $\frac{1}{2}$ of Township 17, Great Tract 1, Macomb's Purchase, for certain State lands in the S. $\frac{1}{2}$ and N. E. $\frac{1}{4}$ of Township 14, adjoining.

Please return same as soon as practicable, with such recommendation as you may deem proper.

Respectfully yours.

C. R. HALL,

Deputy Comptroller.

W. H. S.

ALBANY, N. Y., July 28, 1887.

To the Comptroller of the State of New York :

SIR.—Your letter of the twenty-fifth inst., with the proposition of John Hurd, to exchange twelve lots E. end of N. one-third of Township Great Tract 1, McComb's Purchase, for certain State land in the S. one-half and N. one-quarter of Township 14, adjoining, duly received. In reply would call your attention to the following resolution, which was unanimously adopted at the meeting of the commission, held June 10, 1887: "That in the opinion of this commission it is inexpedient to sell any State land, and that the commissioners hereby express their entire disapproval of the sale of any State land as provided for in chapter 475 of the Laws of New York, 1887, commonly known as the Hadley bill."

Yours respectfully.

ABNER L. TRAIN,

Secretary.

DUANE, N. Y., February 9, 1890.

To the Comptroller of New York State :

SIR.—There is a piece of State land that joins my land that I am occupying and cultivating, that I would like to get possession of if I could do so. I will pay the taxes on said lot at any time, or I have a piece of land that is in lot 35 and 43, Township 12, McComb's Purchase, acres sixty, that I will exchange for the piece that joins my farm. The piece I speak of is of no value to the State, as it is almost, if not quite, surrounded by resident land, while the piece I now own is in a solid body of wild land that will not be cleared, and is not exposed to fire. The object of the exchange is to get my land in a body; timber not all cut on the sixty acres, not any hard wood. If I can get any chance to buy or exchange, or get the refusal of it in any way, please let me know.

Description, Township 12, McComb's Purchase, N. E. corner 23 acres, 1.15 sub. lot 3. Think I have the first claim, but leave that for you to decide.

Yours with respects.

R. R. WOODRUFF,

Duane, Franklin Co.

N. YORK STATE.

PLATTSBURGH, N. Y., *August 30, 1888.**Forest Commission :*

I hereby make application to your board to purchase, under the law passed in 1887, a parcel of land which seems to me is properly a detached parcel.

I will give for lot No. 45, township No. 9, Old Military Tract, Franklin county, two dollars per acre, and for lot No. 144, township No. 10, Old Military Tract, one dollar per acre. This first lot has been trespassed on by lumbermen, and the second piece has all been lumbered on, and is still being run over for small limbs by trespassers. Or, if the commission prefers, I will exchange lands for this lot. I understand the State now only owns about 1,200 acres of land in said township No. 10, and if so dispersed I would buy the whole, as there is no probability of the State getting more there.

I understand the following comprise all the lands claimed by the State at this time in township No. 9, Old Military Tract, and, if correct, will offer one dollar per acre for the lot, good and bad together. Many of these are burned and lumbered over :

	Acres.
Lot 7, N. W. 1-4	40
Lot 45	160
Lot 81	160
Lot 138, S. W. 1-4	40
Lot 273	160
Lot 296	160
Lot 300	160
Lot 308, E. 1-2 Ex. 130 W. side	67
Lot 309, S. W. 1-4	40
Lot 310	160
Lot 338, S. W. 1-4	40
Total	1,187

Respectfully.

M. V. B. TURNER.

Wales Parsons wants the State to exchange lot 296, township 10, O. M. T., one-half under water (Round pond), for lot 151, same township, adjoining other State land.

Lot 296 is entirely detached from other State lands, being on opposite side of Round pond from State lots.

Both lots were lumbered several years since.

Lot 151 contains at least 100 acres more of land out of water, and has more timber than 296.

Q. You may state why weren't these applications or purchases made under these propositions to sell the State lands at one dollar and fifty cents per acre, why weren't they acted upon, and why haven't they been up to this time.

A. I stated at that time that the applications were of too recent date to allow us the proper examination of those lands with the force at our disposal which, at that time, was busy getting data with regard to this report that we presented; I want to call the attention of the committee a little bit to the difficulty of the examination of these lands. These lands are in small parcels in thirty, fifty acres and 150, a large majority of them that have never been surveyed; that is, there will be thirty acres out of a lot of 160 that was surveyed, but there is no survey made of that; for the proper looking over of these lands and seeing whether they were denuded, or whether they were lumbered, or whether there was anything else the matter with these lands, it is necessary for whoever goes on there to know where those lands are located; in order to know where those lands are located, if you will imagine to yourself a large country twenty-five or thirty miles in extent, with old lot lines that are almost obliterated, and ask a man to go on and pick out a thirty acre lot that has not been surveyed without knowing exactly where the lines and corners are, you can see for yourself the difficulty in getting on that; it is absolutely necessary for the man to examine this land to know where the lines are so that he may not examine a piece of land adjoining which is very well timbered for the one that he should examine which is next to it, and which is entirely denuded; we haven't had time for our force to do it; we expect to put our force on immediately now looking up these lands; it also has been a rather difficult matter, the snows are very deep in the woods, and it isn't a very nice time to examine lands at the present time, for men to go in there and look up the lot lines and the corners in lots of instances where they are down; a great many of those lot lines are corners, where the corner tree has dropped down, where the corner has been a stake, where you can't very well examine and it has been almost an impossibility for the proper carrying out of the purchase to get at that; myself, individually, would never think of sending a man on there at the present time to look these lands over to find out what they were; if I wanted to buy them individually, and I wouldn't want to do for the State what I wouldn't want to do for myself.

Q. Substantially all of the applications were of very recent date?

A. Very recent date.

Q. How came many of these applications to be made to your office?

A. The larger part of the applications were made at our office; in looking over during the fall the applications that were sent to us, we found that only about 500 acres were lands within this proposed park, and as we were anxious to purchase lands out of this \$25,000 we sent some of our employes to men whom we knew had lands to sell, asking them to submit a list to us of the lands they were willing to sell at one dollar and fifty cents, an acre; in compliance with that request Peck, Ostrander and Merritt presented the larger quantity of lands we have now under consideration.

Q. Those, as you understand it, were presented in November?

A. November sixteenth and twentieth.

Q. Attention has been called and you were asked if you had a trespass book in which was entered the trespasses, such as had been committed upon the lands, or a reference to the trespasses; have you glanced over that to see about how many separate trespasses there are entered in that book?

A. My recollection is, somewhere around 296; somewhere along there.

Q. Who keeps the account of the finances in your office?

A. The assistant warden keeps the finances, William F. Fox.

Q. Did he keep an account of every dollar received from any trespasses, or any sales of acres, or any of the funds that came into the hands of the forest commission, either by appropriation of the Legislature or otherwise?

A. Yes, sir; I think he did; I so understand it.

Q. Have you a book that you understand contains all of them?

A. We have.

Q. Have you a book also which contains the moneys received from every individual that has paid money to the State on account of trespasses or otherwise?

A. Yes, sir.

Q. Has that account book any entries, as you understand it, which shows upon what lot the trespasses were made, and that this person settled for, upon what particular lot, entered in the book?

A. My understanding of that is that the trespasses, the moneys received, are entered, and the recent survey of the premises, and in what manner settlement was made, and the entire detail of the transaction.

Q. Both the number of logs they took off the lot, and the price per log and all that?

A. Yes.

Mr. ADAMS.—Is that a book separate from the trespass book?

Mr. ANIBAL.—Most assuredly, it is kept by Mr. Fox; we have that book and shall introduce it a little later on.

Q. Have you given either of your wardens, or any of your foresters, any permission ever to settle any trespass upon his own volition and account?

A. We haven't delegated, nor we haven't allowed any one to settle any trespass of any given name or nature without our sanction; we have delegated to the warden and inspector to make settlements but they were to be made subject to our approval before being final or going into effect.

Q. Is that in every instance the case?

A. In every instance, positively.

Q. Have you heard during the five years you have been commissioner, or know by intimation from anybody or in any way that your warden, Mr. Garmon, or any forester, or any inspector, has at any time or under any circumstances settled any case of trespass or change to State lands, without bringing the matter to your attention and for your approval?

A. No, sir.

Q. Have you also in your office, and kept by the commission, an account of the disbursements of your office, for what purpose and where all the moneys have been paid?

A. I think we have.

Q. Who has kept that book?

A. Colonel Fox.

Q. Where do you deposit the funds of your office?

A. They are sent to the State Treasurer and the receipt for each individual item received from that office and placed on file, as I understand it, in our office.

Q. Have you any deposit of moneys in any bank or any place directly outside of the State Treasurer's office, directly on account of the forest commission?

A. No, sir.

Q. Then your moneys are drawn directly from the Treasurer?

A. They are drawn from the Comptroller.

Q. And go into the Treasurer's office?

A. No; the question that you asked—

Q. (Interrupting.) Have you any funds directly on deposit in the name of the forest commission with any bank?

A. No, sir.

Q. (Mr. Adams.) All the expenses of the office are paid out of the Treasurer's office?

A. All the expenses of the office are paid by the Comptroller—that is, the Comptroller audits the accounts, as I understand it.

Chairman RYAN.—The money appropriated by the Legislature is in the hands of the Treasurer?

A. Yes; we draw out of that for our expenses; the money we get for trespasses we turn over to the State Treasurer and get a receipt from him.

Chairman RYAN.—That is understood perfectly.

Q. I want to call your attention to one thing, at one time, it has been suggested by examination, or at least I have heard the suggestion that your secretary, Mr. Train, was absent some length of time, a year ago; what length of time was he absent?

A. That I couldn't tell you, exactly; his health was very poor, and we granted him leave of absence, I should say for two or three months. •

Q. He went to Europe?

A. Yes.

Mr. ADAMS.—I would like to inquire how that was pertinent?

Mr. ANIBAL.—It is simply the doings of the forest commission in a brief way.

Chairman RYAN.—Have we had any testimony before in regard to this?

Mr. ADAMS.—Not at all.

Mr. ANIBAL.—I assume not, but my idea was this, it is simply but one question, whether or no during his absence he was under pay, or otherwise, from the State or forest commission, that is all I wanted to ask.

Chairman RYAN.—We expected you would conduct the examination, so called, so as to throw light on anything that has been brought before the committee on the direct examination. We understand if we allow this examination to go on, take in every conceivable subject that may be attached to the commission, we would never get ready to report to the Legislature or anything else.

Mr. ANIBAL.—I didn't suppose the committee would take exactly that course, we assumed the counsel for the commission, Messrs. Fiero, Hessberg and myself, that under this resolution this course has been taken by us, much of it has been squinted at and we wished to give a fair and full explanation of the doings and acts for the past five years, as far as the committee will permit us to go, and it is with that object in view solely that these things were put directly, as we understood the scope of the resolution and the purpose for which the

inquiry was. To see what they had been doing with the people's finances.

Chairman RYAN.—Does the judge propose to conduct the inquiry for the commission?

Mr. ANIBAL.—We propose to conduct the inquiry for the commission, yes, sir, for this reason; certain pointed questions have been asked which we say might be interpreted as against the acts of the commission, but when the whole facts were out, having a full history of the policy of this commission, its acts and doings under that policy and all they have done since they have been in here would be not only a complete vindication but more than that, they would be entitled to commendation for their zeal and intelligence in dealing with the State lands and finances.

Chairman RYAN.—No questions had been asked bearing on the business of the secretary. It isn't germane to the subject-matter before the court.

Mr. ANIBAL.—I wouldn't press it. He asked who the officers were of the commission and what their salaries were, and we thought this was a pertinent statement with reference to just that.

Mr. ADAMS.—We never made any question Mr. Train didn't earn his salary or conduct himself properly.

Mr. ANIBAL.—We wanted to show that.

Chairman RYAN.—I suppose there would be somewhere a statement from this commission showing the money they had paid out since they have been in existence, and to whom they paid it, and we would ascertain the amount of money that was paid to Mr. Train from such report without taking up any more time.

Mr. ANIBAL.—Then we will pass it. I want to offer in evidence and, without bringing them here, submit one, two or three of the bound volumes of field notes, to simply show the field notes that have been taken by the foresters and wardens under the direction of the forest commission. It may be claimed they haven't been doing anything.

Chairman RYAN.—There is no claim made of that kind.

Mr. ANIBAL.—I want to have considered in evidence the bound volumes of the report of the foresters.

Chairman RYAN.—You want to offer now the reports?

Mr. ANIBAL.—I want to offer the reports of the foresters. Some of the latter ones are not bound yet, but they have five or six volumes that are already bound.

Chairman RYAN.—We will consider them in.

Mr. ANIBAL.—I want to also offer the special report of the forest commission of the State lands particularly examined, and their lines,

which is in a book here; State lands specially examined. That includes where there has been some particular trespass or where they have understood there have been trespasses, a book containing the special examination of the State lots and State lands which is in another book called "Special examination of State lands." I offer that also in evidence.

Mr. ADAMS.—By whom were those examinations made?

Mr. ANIBAL.—They were made by the warden, some of them by some of the foresters and by their surveyors and engineers, and also some portion of the reports were made by their civil engineer, Mr. Carpenter; made by the officials in the office and under the direction of the forest commission; I also offer in evidence, and the only copy my attention has been called to of the report, was one furnished by Mr. Fiero, a special report of the forestry commission, appointed by the Comptroller and dated in 1865, and want to read specially therefrom on several pages and among them on page twenty, known as the warden's report.

Chairman RYAN — These reports you refer to will be laid before the committee?

Mr. ANIBAL.—Certainly, all of them will be laid before the committee.

Mr. ADAMS.—When was that Comptroller's commission appointed?

Mr. BASSELIN.—Eighteen hundred and eighty-three and 1884, anterior to the formation of this commission.

Mr. ANIBAL.—We will now offer in evidence, without having them here, they are in Mr. Fox's possession, the account books spoken of by the witness, which contains a receipt of all of the finances, since this forest commission has been appointed, from whatever source the same came.

Mr. BASSELIN.—Mr. Fox was the first appointed.

Mr. ADAMS.—That book is a book containing an account of all the moneys received by the forest commission from all sources?

Mr. ANIBAL.—There are three books containing it; one contains in bookkeeping form all these finances; there is another which is termed a book, I can't give the name of it exactly, which contains the receipts from all sources outside of the State appropriations from the Legislature, that contains not only the name of the person who paid it, the date of this payment, the lot upon which that was paid by reason of trespass or any grass cut upon it, the number of tons of hay sold or logs sold, the price per log and value; a detailed account of every one of these transactions. We offer each of these in evidence, showing the receipts of that office from top to bottom, without any reser-

vation of any of the books, which will be in the hands of Mr. Fox to show to any member of the committee.

Chairman RYAN.—That includes all the money the commission has handled, excluding the money in the Comptroller's office?

Mr. ANIBAL.—Includes that also; includes not only the appropriation, but that which came from lotsters' trespasses and the taking of hay, timber and everything else, also where it has been paid and to whom; it is the cash transaction.

By Mr. ANIBAL:

Q. You have spoken of the trespasses you found, and we have purposed somewhat to try and show what we have been doing along as far as the books, records and papers will show; now, what are the conditions, so far as trespassers are concerned, of the present forest preserve at the present time?

A. As I understand it, trespassing on a large scale is entirely stopped; trespassing on a small scale, there is still some going on; we had calculated largely upon the efficacy of the bill passed a year ago, which became a law the first of October, in regard to punishing the small trespassers; as I said before, it was a difficult matter to punish these small trespasses; we have rather been letting small trespasses lay in abeyance, waiting the going into effect of the bill allowing us to take them into adjoining counties, and were preparing to act upon that when our attention was called to the fact the fish and game commission had a suit that had gone to the Court of Appeals on that and the constitutionality of the bill was questioned; since then, we find that the Court of Appeals have decided against the bill, that is, they claim it is unconstitutional to take them into adjoining counties, which throws us back into the old rut, that we have got to go into the counties where the trespasses are committed, and we have got to try them before a jury of their peers, who are neighbors and friends and relatives, and who probably have been doing the same as they have; as far as trespassing is concerned, when we first came in we were very much at a loss to see how we could prevent, by prosecution, trespasses, and we were very much relieved upon discovering an old statute, passed in 1856, allowing the State to sue for twenty-five dollars for each tree cut, and most of our suits have been prosecuted under that old law, which has proved a very good thing for the State; 1826, instead of 1856; I thought it was 1856.

By Mr. ANIBAL:

Q. The statute is referred to in the Forest Commission Report of 1888, which contains all of the laws published?

A. We feel that the trespassing in the forest, as compared when we came in, has been practically stopped, and I think that if the Court of Appeals could have held with us that we could take the parties into adjoining counties, we could stop them altogether.

Q. How in regard to fires, have they been substantially lessened?

A. The last five years the fires have been very small; very little fires in the woods the last five years.

By Chairman RYAN:

Q. Especially in those places that were burned over before or lumbered over?

A. No, sir; the danger of fire to a place already burned over is far in excess for one that has not been; it has been our experience in the woods that when a fire has once been over a tract of land that it will keep burning over until it is all gone, until everything is gone that will burn; a fire sweeping over a piece of woods does not kill everything, does not consume everything, but it causes what is left green to dry up and then fires will start again there, no one knows how; the piece that is burned over is a great deal more apt to catch fire than one that has not been.

Q. Are the trees in large tracts of this preserve resinous trees that burn when they are green rather better than when they are dry?

A. There is but very little danger in the woods and I don't know of any tree in the woods that burns better when green than when it is dry.

Q. The large fires in the Rocky Mountains—the most dangerous time of year for people to go in the woods is in the summer when they are green, the fire leaps from tree to tree?

A. We have not got that resinous pine in the Adirondacks; our tree most apt to catch fire is the spruce tree, but I don't think the same condition applies to that; there is very little pine in the Adirondack wilderness; there are cases of tracts of pine, small groves, but never of any great quantity.

By Mr. ANIBAL:

Q. The bill that you speak about with reference to trying these cases for trespasses and depredations of land, trying in adjoining counties, did the forest commission have that bill drawn?

A. Yes, sir; we had it drawn and it was passed last year at our instigation; the Court of Appeals decided it was unconstitutional, in a suit brought by the game and fish commission; I wish to make an explanation in regard to this map, the counsel, Mr. Adams, called my attention and the attention of the committee to the dark green as

representing the virgin forest; by reference to this map you will find it was a map made by the Sargeant commission in 1884, and it then represented pretty nearly accurate the denuded land, the burned land, the virgin timber land and so on; we adopted this map, not as showing this at the present time, but because it was the nearest accurate topographical map that we had in our possession, and we used that to show to the commission, and to the people generally, the lines in that, whereas at the time that map was made these green lines were correct; they are so no longer.

Chairman RYAN.—You stated all that in the report you made this year, and I think the committee understand all that.

A. All right.

Q. Some question has been asked you with reference to the time of the organization of what is known as the Beaver River Lumber Company; my recollection is, and if the committee will bear me out in that, that the articles of the formation of that company were filed the fourteenth of August last?

A. Yes, sir.

Q. That, I think, is right; are you the owner of any lands within the inside of these outer red lines, which is the border of the forest, inside of there which is know as the forest preserve?

A. Yes, sir; I am.

Q. Where are those lands situated?

A. They are situated on Moose river, somewhere about Fourth lake.

Q. Whereabouts with reference to the proposed park lines?

A. They come within the park lines a few miles.

Q. Then all the lands you own within the bounds of this forest preserve, as represented by this red line on the map, are inside of what is termed the park line?

A. No, sir.

Q. Where are the others?

A. The others of my land are located there, but they are, to my sorrow, all covered,—

Q. Are they outside?

A. Outside of the blue line.

Q. They are over in what locality?

A. In the towns of Croghan and Watson, and Watson east and west triangle; they are in Lewis county.

Q. They are outside of the blue lines upon this map?

A. Yes, sir.

Q. Mr. Adams asked you something with regard to land that the Beaver River Lumber Company had the timber rights upon, or the stumpage rights, what is termed stumpage privileges; where are those lands located upon which they have this stumpage privilege?

A. Three Perseverance, four Unanimity, five Frugality, with the exception of 9,000 acres out of the center of that, belongs to another individual, a part of 42 Totten & Crossfield's purchase.

Q. Where are they situated with reference to the proposed park line?

A. Situated on the outside of the park.

Q. Some on the inside, also?

A. There is, part of the 42d is within the park.

Q. As I understand it, if the committee understand it clearly I don't want to go over it, the Beaver River company do not own any of the lands you have mentioned?

A. No, sir.

Q. They simply have some stumpage privileges?

A. Yes; I am assured by the owners of the land they are very anxious to get in the park, to have the lines of the park come on the outside of them, to have the park take them in; it seems to me if I was in their place I would want to get in; we are simply recommending what we thought was, in our best judgment, the lines of the park.

Q. Have you any personal privilege to, in anywise, influence your action, as a forest commissioner, whether these lands upon which the Beaver River company have stumpage privileges, whether they are inside or outside the park?

A. I haven't any interest whatever personally, nor as the Beaver River Lumber Company, in leaving out or taking in these lands.

Q. And in making this proposition did the fact that there was the existence of the Beaver River company, of which you were a member, have anything to do in any wise with the location of the proposed park lands?

A. Not the slightest, in any way, shape, form or manner.

Q. You have no feeling or interest upon this subject now?

A. I have no feeling or interest in it whatever.

Q. Did you have any feeling or interest on your part as commissioner or otherwise, with reference to drawing the lines in on the north in Franklin and St. Lawrence counties?

A. I have no interest whatever; I did not think that line should not go as far north, but upon a personal interview with a gentleman who owns land upon the Saranacs, he called my attention to the fact that I left out the head waters of the

Saranac, which was a surprise to me, and on looking at the map I found that to be the case, and in order to take in the head waters of the Saranac, as we had taken in the head waters of all the other streams, I consented and thought the line ought to be where it is now.

Q. As suggested by Mr. Connelly, what was the reason that you didn't buy any of the lands that have been offered to the State under the appropriation of last year?

A. I gave the reasons once, that upon an examination of the lands offered to us we found about 500 acres of those lands within the proposed park and that the offers for those lands didn't come to us until November twentieth, a time too late for us to make the proper examination of those lands with the view of purchasing.

Q. What year?

A. November 20, 1890.

MR. CONNELLY.—Will you please ask Mr. Basselin, inasmuch as he knew all about lands, their value, why he took so much time to find out?

MR. ANIBAL.—I assume he didn't know about the value of them.

A. I said I didn't know.

Q. It required investigation?

A. The value of lands, if the committee will allow me, I will try and define what constitutes the value of land in the Adirondack heretofore; a township is about six miles square; in that township there may be three or four or five values upon the land; the land in the Adirondack's for the purpose of husbandry or farming is entirely worthless; it only had a market value as to the amount of timber upon that land; the timber simply bore a value as to its accessibility to a market; that is, the land immediately adjoining a navigable stream was worth more than it was worth two miles back, and was worth more two miles back than it was six miles, so that whereas a man may have a thorough knowledge of the timber upon a township he still, without going upon that, could by no possible means know the value of that land; then there are tracts interspersed here throughout the wilderness of virgin forest and denuded lands; lands from which the pine and spruce had been removed; lands from which pine, spruce and hemlock had been removed; lands from which the hemlock alone had been removed; lands upon which there was a very little marketable timber; lands where the timber had been entirely burned over and there was not anything left, and it is an entire and utter impossibility for any man to know the entire wilderness; he may be familiar with a certain part of that, but to know the entire wilderness and know whether the land is

worth a dollar or whether it is worth a cent or five dollars, without an examination by an expert.

By Mr. CAMERON:

Q. You have a contract with the Beaver River company, haven't you?

A. Yes, sir.

Q. To saw their timber from their lands?

A. They have no lands.

Q. The stumpage?

A. Yes, sir.

Q. Have you any objection to stating the terms of that contract to the committee?

A. In what way, may I ask?

Q. On what conditions you saw that timber?

A. I have no objection, although I don't care particularly; I get one dollar and eighty-seven and one-half cents a thousand for sawing and piling.

Q. Does all the timber come to your mill off the lands up there in Franklin county; would that timber come down to your mill?

A. No; that can't come there at all.

Q. Which way would it go?

A. The lands in Franklin county, I presume you refer to the Everton company?

Q. Yes.

A. That goes to the Everton mill somewhere on the St. Regis; where it is I don't know; it doesn't come to me at all.

Q. I doesn't come down the Beaver river?

A. No, sir.

By Chairman RYAN:

Q. You stated that lands had no value from an agricultural point; does that have reference to nearly all the 622,000 acres?

A. It has, practically all; there are isolated cases in the woods such as an isolated meadow, "beaver meadow," they call it, that would have a certain value outside of the timber, but those tracts are very small; what I had reference to was with regard to the prevailing topography of the land.

Q. I suppose there is some farming in there?

A. There are some farms in there within that 2,000,000 acres.

By Mr. CAMERON:

Q. This one dollar and eighty-seven and one-half cents is for 1,000 feet?

A. Yes, sir.

Q. That is all the interest you have?

A. That is all the interest I have; the farms up in there are called farms, because there is no other name for them, but the inhabitants generally have a pretty hard time to make a living; they make a living in this way, during the summer they till this unproductive soil; in the winter they have a team; that they go into the woods and haul logs, and work all winter for the lumbermen, and thereby make both ends meet.

Q. You live in that region?

A. Yes, sir.

Q. Within the 2,000,000 acres?

A. No; I live just on the outside, about twenty-five miles from there, but I live in what is known that northern country there.

Q. We saw some of the people during this investigation; my observation led me to think they made a pretty good living.

A. Does the gentleman refer to me?

By Mr. CONNELLY:

Q. Will you ask Mr. Basselin to explain to the committee some of the largest detachments of land are outside of the blue lines, and the lines were made by the commission, and why those detachments were left outside of the lines?

A. I covered that ground last night, I thought, when I said I thought it was for the interest of the park to confine it to 2,500,000 acres and that in our report we suggested that the acquiring of lands within that park could be done more readily by exchange for lands that the State owned outside of the park; if we took in all of the land the State owned in this wilderness, we would have none to exchange, and in order to take in the State lands and not take in more than 2,250,000 acres, we would have to make a park that I don't believe any surveyor or woodsman in this country would have been able to follow the lines; in making these lines we endeavored, as far as may be, to follow given surveys of lot lines, township lines and river courses so that if the Legislature, or we so intended, we could take a deed from the description of these lines as they now are, without going to the expense of a costly survey.

Mr. ANIBAL.—I want to ask the committee one question. There is a little of the topography of the Adirondack wilderness which I want to call especial attention to, and I want to call it from persons who have been actually over the ground for themselves, for instance Mr. Garmon and Mr. Kittridge, what would be the line of the com-

mittee's course with reference to our calling witnesses? If not, I would have to take the best I could get from Mr. Basselin.

Chairman RYAN.—We understand you wish to suspend his examination now?

Mr. ANIBAL.—No; not now. Simply whether I would suspend now and submit that to be called in further on.

Chairman RYAN.—I think you had better finish with Mr. Basselin.

By Mr. ANIBAL:

Q. Take the land, for instance, that are north of what is termed the blue lines, which way do the waters, take it from the upper Saranac lake, which way do the waters run?

Mr. ADAMS.—Don't the map show the water-courses so that, by reference to the map that can be ascertained?

Mr. ANIBAL.—I don't think it does.

Mr. ADAMS.—I think the water courses there are pretty correct.

Q. Don't the waters from the upper Saranac run in the St. Lawrence?

A. Yes; you gentlemen, will see a blue line rather erratic there that outlines and covers pretty near all of the waters that go into the Hudson, the waters outside of that go to the St. Lawrence.

Chairman RYAN.—I think we understood all of that last evening, you explained why you didn't go further north, you only wanted the waters that flow into the Hudson.

Q. At that meeting in New York or at others times, in consultation with people with reference to this proposed park, has it been broached to you as commissioner that some of the persons were opposed to a park for reasons that they themselves wished to own private residences and park lands in the Adirondack, for a summer resort for themselves and for their clubs, which would be outside of the State park; in other words, they would be amenable to no persons except State law?

A. The point was raised to me by an individual whom we considered well informed, that a smaller part taking in the heart of the wilderness—that the State, if it acquired this park, must acquire the park in its entirety; this is the argument of this gentleman, that it couldn't have any signs, "Keep off the grass," and fences and one thing and another put up in the park; that the State must own this park; he said, there is a strong feeling of private clubs wanting hunting privileges, and so on, by taking a smaller area you would still leave forest enough to satisfy that craving of the people of the State, that is, wealthy individuals

could purchase the lands outside for their private preserves, and would still leave a park for the State, and would cover the water shed, and thereby satisfy all hands; that was the argument; that was all; whether fallacious or right I am not prepared to say.

Chairman RYAN.—This would be a park surrounded by a series of little parks, the center owned by the State?

A. Not necessarily; that condition of affairs could not take place; the idea was, it would leave land on the outside for these people to acquire, and thereby not interfering.

Chairman RYAN.—For all practical purposes for which the State desires this park, this series of private holdings outside.

A. Would cover more of the land, and would be, for all practical purposes of the State, fully as effective as those the State owned.

Q. In the appointment of the appraisers that appraised this land under the Everton company proposal, did you have anything to do with the appointment of appraisers?

A. No, sir; we had nothing to do with it; we didn't know who they were until they reported.

Q. Do you own any timber lands that are outside of the proposed park that has sawable timber upon it?

A. Yes; I think I own somewheres around a thousand acres yet that have still got the merchantable timber on it.

Q. Your 16,000 or 17,000 acres are still inside the park lines?

A. No, sir.

Q. You spoke about owning this strip of land up there?

A. You asked me if I owned any timber lands within the park; I said, yes.

Q. What timber land, if any, do you own outside of the park?

A. In that region where I told you I still have about a thousand acres; I haven't cut over the 17,000 to 25,000 that I testified on my previous examination, that I owned individually.

Q. When you were appointed commissioner, were you a lumberman at that time?

A. Yes, sir.

Q. And had been at that time for how long?

A. Ten or twelve years; I understood I was appointed because I was a lumberman, representing that interest.

Mr. ANIBAL.—I want to ask the indulgence of the commission if, on looking the matter over, we have omitted some few questions, I call Mr. Basselin's attention to it; I have tried to hurry as fast as I could.

Chairman RYAN.—Are you through?

Mr. ANIBAL.—Yes, unless we have omitted something.

Cross-examination :

By Mr. ADAMS:

Q. In regard to trespasses, you state you think trespasses have diminished?

A. Oh, yes; largely.

Q. Have reports been brought in during the last year of trespasses?

A. I think so.

Q. In regard to fires, have you ever done anything about fires within the blue lines?

A. Yes.

Q. Where were fire forces ever called out?

A. I don't remember, but somewhere on this side; the exact locality I couldn't remember.

Q. The fires you refer to are on the west side of the blue line?

A. What fires?

Q. Where they were organized and fought the fire?

A. That was on my own lands that I referred to; I referred to one case where our fire warden had called out a force and had sent in a bill for meals.

Q. I was only asking about the locality.

A. That is on the east side somewhere in this neighborhood, just where I couldn't tell.

Q. The fires you know about are on the west side of this blue line, are they?

A. The other I referred to was a fire on my own land.

Q. What other fire do you know about besides your own fire?

A. Whatever fires took place in there we had heard from generally, I couldn't specify them now.

Q. How was it you thought that fires had been so fought and suppressed that they had diminished?

A. I made the statement that fires within the last five years had been very little and I think the facts will hold me out.

Q. I wanted to see the connection between the cessation of fires and the forest commission.

A. The fact remains that there are less fires, have been less fires the last five years than there was before.

Q. You own lands on Fourth lake, Moose river?

A. Yes, nine hundred and some acres.

Q. Who owns it with you?

A. Nobody.

Q. Own it alone?

A. Yes, sir.

Q. Are you interested in any lands up there on the Moose river chain, Fulton chain, with Mr. Garmon?

A. No, sir.

Q. Was Garmon at one time interested in this tract of land?

A. No, sir.

Q. Were you ever interested with Garmon in lands up there?

A. No, sir.

Q. The stumpage, to be a little more particular, is where you buy the trees on land with the right to cut and remove them within some certain time.

A. Yes, sir.

Q. The standing, growing trees?

A. Yes.

Q. I understood you to say that you and somebody else, as individuals, had bought the stumpage up the Beaver river, just outside of the blue lines, perhaps a little over, and you, as individuals, had sold to the Beaver River Lumber Company?

A. Yes, sir.

Q. So that you make a profit on your sale of some sort?

A. No, sir.

Q. Do you sell to the Beaver River Lumber Company for just what you buy, individually, without profit?

A. Yes, sir.

Q. Then you have a contract with the Beaver River Lumber Company to saw at your mill this timber, at the price you name?

A. Yes.

Q. Running from ten to thirty millions a year?

A. Twenty-five millions.

Q. So that while you don't own the soil you own all the value there is there?

A. No.

Q. What is the land worth after you get the trees off?

A. I would like to pay a dollar and a dollar and a half for it, after you get the trees off.

Chairman RYAN.—Why is that land worth so much more after it has been lumbered than the other land; I understood you to say that land was practically useless except for the timber?

A. Yes, sir; let me explain; the merchantable timber on this land is but a very small percentage of the timber on the land; I have been buying lands ever since I was in the business of lumbering, and with the exception of probably fifteen or twenty acres, haven't sold an acre; I may be called a timber crank; I have faith in this land; I have lumbered my land, as I consider, judiciously, and I believe to-day

my individual lands would sell for as much as I paid for them when I purchased them; I believe that if land is properly lumbered over the old and overgrown tree taken off and the drain from the soil removed that the old and overgrown tree takes in order to sustain life, that the young and new growth will grow up so much faster that in itself it would be worth more in fifteen years than if the old, overgrown timber were allowed to remain on; I believe in these lands; I believe they are a good investment; I believe they are the best investment a man can make and leave to his heirs.

Q. According to your views you have no lands to sell to the State now or heretofore at any time?

A. No, sir, I haven't.

Q. Your case is true of every other lumberman in that region?

A. I don't think it is; at one of our meetings in New York one of the largest landowners in—

Q. (Interrupting.) You misapprehend me again; the same reasons that make you keep your lands should operate upon other people to keep their lands, should they not?

A. I don't know; I don't think they would particularly.

Q. What is true in your case is true of every other lumberman who owns land there?

A. No, sir; it is not.

Q. What is the difference between your situation and the lands of other lumbermen and their situation?

A. Because they think differently from what I do; I started to explain to you that one of the largest lumbermen said they would be very glad to sell the State their lands at a certain figure which he named, and I have reason to believe that such is the case with nine-tenths of the lumbermen who own lands outside.

Q. But the same facts and the same reasons ought to lead to the same conclusion, ought they not?

A. There doesn't everybody look at it as I do.

Q. You make the distinction?

A. I do.

Q. The facts are the same with other lumbermen as in your case?

A. You raised the point I had no lands to sell to the State; I am not anxious to sell lands.

By Chairman RYAN:

Q. The committee have been led to suppose from the testimony that has been given here that this land in the Adirondack region was valuable property if not entirely for the timber?

A. Yes, sir.

Q. You state the land you have there you consider worth one dollar and fifty cents an acre after it has been lumbered, or more?

A. After I have taken off, in my way of doing it, the merchantable timber, that is what I stated.

By Mr. ADAMS:

Q. Take your tract where you bought the stumpage and practically own the trees, on the average how many trees will that produce to the acre?

A. I can't tell.

Q. Will it run from twenty to thirty trees to the acre?

A. I don't think it will.

Q. Will it run from fifteen to twenty trees to the acre?

A. No, I don't think it will; as we estimated on this tract there is about a cord and a half of bark to the acre, and we estimated that it takes four trees for a cord, which would make six trees to the acre of hemlock; that makes a thousand and a half of lumber and we estimated that there is somewhere between a thousand and fifteen hundred feet of spruce per acre on there.

Q. How many trees?

A. It would take about ten logs for a thousand and an average tree would make about—say four trees per thousand.

Q. That would make how many trees you expect to cut of spruce and hemlock?

A. Somewhere along twelve to fifteen trees.

Q. In the ordinary way of lumbering the tree is felled, the logs are cut out and the top is allowed to remain?

A. Yes.

Q. And on the acre you may have the tree tops of twelve or fifteen trees?

A. Yes, sir.

Q. Are they cut up or anything done with them?

A. No, sir.

Q. And after a year they get pretty dry?

A. Yes, sir.

Q. Suppose a fire gets into a tract of land that has been lumbered in this way, what is the effect?

A. It burns over.

Q. Does it promote fire, make fire a great deal more dangerous?

A. That is the one objection to lumbering, is that it promotes fire.

Q. After the land is lumbered the greater the danger to fire?

A. For two years after it is lumbered; it rots down after about two

years; it mosses over and gets heavy and gets down; we calculate about two years.

Q. When a fire gets in I differ with you about that?

A. You probably know more about lumber than I do.

Q. When fire gets in so it will run, what does it do to green timber?

A. It has the tendency of killing it.

Q. In what way?

A. Heating the upright and also burning the soil around it.

Q. So that it kills it off, and if a fire runs through the remaining timber is generally spoiled?

A. Very apt to be.

By Mr. CAMERON:

Q. You peel the hemlock trees?

A. Yes, sir.

Q. You leave the bark in the woods?

A. No, sir; we take the bark out; we deliver it to our tanners outside or sell the bark on the trees, which is the course we have generally pursued.

Q. Are there tanneries up there near your mill?

A. Yes, sir; three.

Q. You draw that bark from the woods to those tanneries?

A. Yes, sir.

Q. What do you get for it?

A. The general price is about a dollar on the tree; it nets about a dollar on the tree.

Q. You sell the bark on the tree?

A. That has been the course we pursued in most cases; sometimes we delivered; this summer I delivered.

Q. What do you get for it delivered?

A. Five to six dollars a cord.

Q. Do you measure it or weigh it?

A. It is weighed.

Mr. ANIBAL.—How many pounds to the cord, they have been changing that rule?

A. That depends altogether on the tannery you sell to; one tannery takes 2,000 pounds and the other 2,240; it is a subject of agreement at the time of sale.

By Chairman RYAN:

Q. Weighed at the tannery or in the woods?

A. It is weighed at the tannery; it is fair to say that even at the 2,000 pounds they put in fifty and a hundred pounds a load for damp weather, if you are caught in a rain shower or a little snow.

By Mr. CAMERON:

Q. The bark is really as valuable as the tree?

A. We consider the bark possesses the value, and the tree, not the timber itself, is worth but very little; the hemlock timber, what possesses the value, is the bark on the tree in our neighborhood.

By Mr. ADAMS:

Q. Going back, the lumbering operations from the borders of the wilderness into it by large lumbering establishments and cutting twelve or fifteen trees, and leaving the debris, the tendency to fire is largely increased?

A. Yes, sir.

Q. And the soil is made soil, spruce duff?

A. I have heard a great deal of spruce duff, but up to the present time I haven't been able to discover it.

Q. The chief soil above the sand and rocks is made from vegetable decomposition, isn't it?

A. There is certainly a vegetable covering of that.

Q. Some places pretty deep?

A. It depends a great deal upon where it is; in some swamps it is, in uplands it is not.

Q. When the trees are cut out and the sun is allowed to come in, does not this vegetable decomposition dry up?

A. The cutting out of twelve to fifteen trees off an acre doesn't allow a great deal more sun to get in; my experience has been it does not.

Q. If the forest is open so that the sun can strike the ground it does dry up?

A. I have been able to find no perceptible change where the timber had been cut off, as I say the soft wood —

By Mr. CAMERON:

Q. How many markets does it take to make 1,000 feet of lumber?

A. Now, you are asking me a question it is very difficult for me to say; we measure on our side of the woods per thousand feet by Scribner or Doyle's rule; on the east side of the woods they go by markets; markets I know very little about; it is generally conceded it takes five markets and something for 1,000 feet; a market is a nineteen-inch log — 190 odd feet — and it takes a little over five for 1,000 feet.

Q. You call a twenty-seven-inch log two markets? A. Yes, sir.

By Mr. ADAMS :

Q. You said the fire would run through the trees and run on the ground and burn out the ground; what is it burns out in the ground?

A. There is always a coating of leaves, especially in hard timber, and it runs along that coating of leaves; my experience has been that it doesn't get into the fire, or into the ground very much, except around swamps, in what is called muck, which possibly may be spruce duff, but I don't so understand it.

By Chairman RYAN :

Q. In trees growing on the edge?

A. It is a small growth along the swamps; it is a little, thick growth of spruce, balsam and tamarack, which is of no merchantable value.

Q. Land that would burn, that is earth that would burn, is not such as produces trees?

A. No, sir.

By Mr. ADAMS :

Q. It runs on the ground; what does it take on the ground?

A. Dry leaves.

Q. If there is any muck it takes that?

A. It goes into that.

Q. Wet muck won't burn, will it?

A. I have known wet muck to burn for two months, I myself have stamped out muck until I thought I had destroyed every vestige of fire, and have come there four or five weeks afterwards and found it smoldering.

Q. So that the danger when fire starts and runs through tree tops is not only to injure and burn the standing timber, but also to burn off the surface of the ground, taking the muck where there is muck?

A. Yes, sir.

Q. In this burned land that has been burned over it takes it clear down to the sand?

A. Not generally.

Q. What is there above the sand?

A. It is only after repeated burnings that it goes down to the sand.

Q. Do you say that, as a matter of fact, or experience, it takes several burnings in the woods to get down to the sand?

A. Yes, sir.

Q. You state in making the park lines you were spoken to by several rich people who wanted sites and places for cottages?

A. I didn't say rich people; I said one gentleman had called my attention.

Q. That the wealthy people wanted places, they didn't want to be included in the lines, I am calling your attention to it; did that influence you, what these people told you, did it have any influence upon you in fixing this blue line?

A. No, sir.

Q. You spoke about clubs, they wanted room; are not all the clubs in the Adirondack region within the blue line?

A. I don't think they are; no, sir.

Q. What club is outside of the blue line that you know of, club and club lands?

A. I couldn't tell you, but I know there are some outside.

Q. Tell me what ones are outside?

A. That I couldn't tell you; I couldn't name you all the clubs now.

By Chairman RYAN :

Q. Do you know of any outside?

A. I have in my mind just now the Vanderbilt interest or club; that, I think, is on the outside of this park; that is in the northwest part.

By Mr. ADAMS :

Q. The blue line to the north throws that out?

A. That is one of them I call to mind.

Q. You spoke of advice from the Attorney-General with regard to this exchange of land with the Everton company; was that advice given verbally or in writing?

A. It was given verbally.

Q. Who gave it to you?

A. A gentleman in the Attorney-General's office.

Q. It was not the Attorney-General?

A. No, sir.

Q. Can you state who it was and when it was?

A. I have no objection; it was Mr. Whitaker.

Q. About what time did he give you the advice?

A. I consulted him on another matter; the matter of the Everton Lumber Company wasn't in question at all and wasn't mentioned; I was consulting him on the advisability and whether we could make an exchange with Mr. Morrison that we proposed to do; whether, in his opinion, the law would warrant us to do that, and he gave himself as of the opinion that wherever there was a chance to exchange, the interpretation of the

Hadley bill was, that this commission should try to exchange and should be anxious to do it to the end the State might acquire a more solid body of land.

Q. The Everton company was not mentioned?

A. Never was mentioned.

By Mr. ANIBAL:

Q. You spoke about the stumpage rights that the Beaver River company had; to what timber does it apply, and what do they cut?

A. The hemlock, spruce and pine.

Q. Is there any of the hard wood or any amount of it considered of any particular value to lumbermen in the woods?

A. That depends altogether on where it is.

Q. Especially with reference to lands where the Everton company had their stumpage rights?

A. I am not familiar with the lands around the Everton company; in fact, I don't know just where the Everton company mill is.

Q. I meant the Beaver company; have you any interest in the hard wood; has the Beaver River company any interest in the hard wood where they have the stumpage rights?

A. Let me understand your question.

Q. The Beaver River company has the stumpage privilege to the hemlock, spruce and pine?

A. Yes.

Q. That is all there is of it?

A. Yes.

Q. When you speak of lumbering, particularly to what timber does that refer?

A. The term is generally understood to be floatable timber, that is, soft timber.

Q. Hemlock, spruce and pine?

A. Yes.

By Mr. CAMERON:

Q. How low down do you cut that?

A. The spruce is generally cut down to nine inches and the hemlock down to ten; the pine, also, it doesn't pay to put it below twelve.

Q. You intend to leave the second growth?

A. Yes.

By Mr. ANIBAL:

Q. Your experience is, a lot that is judiciously lumbered in fifteen years the growth of timber on there is equal if not superior in value to the timber that was on there when first lumbered?

A. That is my experience and my idea about it.

Q. When the spruce, hemlock and pine is taken off, what timber is left upon the land there?

A. The hard wood, birch, maple and beach.

Q. Balsams?

A. Balsams and tamarack and bass wood, ash, etc., all of the timber that belongs to that northern wilderness.

Q. That is all.

Mr. DICKINSON.—Mr. Chairman, I move we adjourn until next Tuesday evening, at half-past 7.

Chairman RYAN.—The chair has been requested by a couple of members of the committee to state that they would like to have the examination postponed until next Tuesday. Personally, the chair would like to go on with the examination.

Mr. CAMERON.—I move to amend by moving we adjourn until 10 o'clock to-morrow.

Mr. BROWN.—I second that amendment.

The amendment was then put and lost.

The question was then put on the original motion and carried, and the committee adjourned to Tuesday, February 24, 1891, at 7.30 P. M.

ALBANY, N. Y., *February 24, 1891, 7.30 P. M.*

The committee met pursuant to adjournment.

The roll was called and the following members responded: Chairman Ryan, Messrs. Davie, Cameron, Dempsey, Brown and Gifford.

Mr. ADAMS.—I will call Mr. Samuel F. Garmon.

SAMUEL F. GARMON, being duly sworn, testified:

By Mr. ADAMS:

Q. Mr. Garmon, you are the warden of the forest commission?

A. Yes, sir.

Q. When were you appointed?

A. During the season of 1886; some time in the course of the season; I think in September, 1886.

Q. Commissioner Basselin stated that your duties were to take charge of the outside business of the commission?

A. Yes, sir; that is what I understand.

Q. And that you had charge of all the foresters?

A. Yes, sir.

Q. They were immediately under your care?

A. They were under my direction so far as my calling upon them to do any special work; they have been also ordered from the office for examination of lands, etc., but I could call on them at any time.

Q. What were your special duties; define them more specifically?

A. My special duties were to look after trespasses to the end to stopping the cutting of timber on the State lands.

Q. What did you direct the foresters to do?

A. I directed them to look up trespasses on State lands, and then I would call on them to go in and measure up timber on trespasses established; served in that capacity where timber was improved—measure the stumps and tops to get the measurement of the amount of timber in a great many cases.

Q. Did you have any written orders or directions from the commission?

A. Yes, sir.

Q. And where are they?

A. You will find minutes of them on the book of minutes, I think.

Q. Did you ever receive any other written orders than appear on the book of minutes?

A. I couldn't say.

Q. From whom did you receive verbal directions?

A. From the forest commission.

Q. In their meetings?

A. Yes, sir.

Q. Did you ever receive any out of the meeting?

A. I don't know that I did; I don't remember now; I perhaps did, if I met either of the commissioners and happened to talk with them about it—I may have talked with them about it, but I don't recollect receiving any orders except in the commission.

Q. When you received these instruction that appear upon the minutes, and verbal instructions in the meetings, did you make reports?

A. Yes, sir.

Q. And how were these reports made?

A. In both ways, writing and verbally.

Q. How many written reports did you ever make?

A. I can't tell you.

Q. Did you look after trespasses personally?

A. Yes, sir.

Q. To what extent?

A. It is hard telling to what extent; in the first place, I was on the border of Herkimer county, and there was considerable trespassing

there in a small way — what I call sneak thief way, men stealing shingle trees and fire wood; no lumbering operations proper there, and from there in February I went in on the Lawrence patent; there was a trespass in there, by what I called a “bad gang;” I went in there to survey those lands to lay the ground for suits against those parties; that was in February, I guess, 1886; I was in camp there three weeks or somewhere along there.

Q. How many foresters are there?

A. Thirteen, I believe at the present time.

Q. Who are they, what are their districts, and where do they reside?

A. I will commence, in the first place with their residences, shall I?

Q. I want to know their names and residence and what district they have supervision of or jurisdiction over?

A. Well, in the first place we will commence with one corner and go around; Fulton county, Mr. Houck, who has just died; he is out now; he had been in service about two or three years; he was in Fulton county.

Q. Who is the next?

A. The next man is Henry Studer,

Q. Where does he live?

A. At White Lake Corners proper, I believe.

Q. What is his district?

A. His district embraces the territory practically between Moose river and West Canada creek; there is a map that shows those districts more properly.

Q. How long since you have been there at that place?

A. About ten days.

Q. What is Studer about?

A. He had just been looking up the trespasses there on lands in Forestport; I went there to adjust the matter and see what shape it was in; that was two weeks ago, I guess.

Q. What did you do towards adjusting the matter?

A. I went and saw the man (Mr. Pratt) that the timber had gone with, who had bought the timber; I went then to see if the evidence was complete as against the man that cut the timber.

Q. Go on.

A. It was satisfactory, as I went there, as I felt sure; I then notified Mr. Pratt that we would hold him for the full value of the timber that was in the canal at Hawkinsville.

Q. How much is the timber worth?

A. About two dollars a stick.

Q. That don't give any idea; what is the whole trespass worth?

A. About ninety dollars, I think.

Q. After giving him that notice, what then ?

A. That is all there was of it so far as he was concerned; he dislikes paying it, but I think he will do it.

Q. What else have you done except that ?

A. Nothing; if he doesn't pay it we have nothing to do except to ask for our timber.

Q. How long before that were you at Studer's district ?

A. About a year; I don't know but over a year.

Q. How long before that were you there ?

A. I can't tell.

Q. How many times can you ever remember you were at Studer's district ?

A. Three times.

Q. Since you have been warden ?

A. Not in the district, but I have been in the district half a dozen times, and, I presume, more than that.

Q. You never were there to do any business with him, or to get any information from him ?

A. No, sir.

Q. Who is the next one ?

A. Scudder Todd, extending from Moose river and Independence creek and that section of country in there.

Q. How many times have you been in his district ?

A. A good many times.

Q. How many times have you seen him ?

A. A dozen times, I presume.

Q. What did you ever do there ?

A. Very little ; there is no State land in that district.

Q. Very little for him to do ?

A. No, sir; except to post notices against fires, and regulations against girdling trees for making shanties, and things of that kind ; the same vigilance is exercised over private lands as over State lands to a large extent.

Q. Who is the next ?

A. Mr. Klein.

Q. Where is he ?

A. At Croghan ; it is in the Beaver river district up to Smith's lake.

Q. How much have you been in his district ?

A. I have been there a good many times, of course, because it is near my home.

Q. What has he done ?

A. The same — posting notices ; there is no State land in his district except some bits of land, I believe, in Watson's triangle and Smith's lake.

Q. There is very little for him to do in his district?

A. No, sir; as far as State land is concerned.

Q. These foresters there have State land mainly in charge?

A. No, sir; I don't so understand it; they exercise vigilance against fires on private as well as on State lands, as fire might run over on the State lands.

Q. If there is no State land there is no danger of a fire?

A. There is danger of fire from tourists going over it?

Q. There is not much danger to the State land if there is none there?

A. No, sir; of course not.

Q. Croghan is Mr. Basselin's home, isn't it?

A. Yes, sir.

Q. Who is the next?

A. George Salisbury; he has the Raquette lake district to the "center of the woods," as we call it.

Q. How many times have you been there?

A. I have been there I should presume a dozen times.

Q. When last?

A. A year ago.

Q. When were you there next before that?

A. Well, that I can't tell; at one time I was there three or four times within a short time; it depends upon what is being done there.

Q. How many times can you remember of being out in Salisbury's district?

A. Four or five or six times.

Q. What has he been doing there that you know of?

A. He reported a matter; we have serious difficulties at Raquette lake on the question of occupying State land there by "squatters."

Q. People going in for summering?

A. No, sir; it is residents who have been there for twenty or twenty-five years, some of them; it is very similar to the islands in Lake George.

Q. His chief business is to keep "squatters" off the State lands?

A. It is to guard against the cutting of timber.

Q. Have any trespasses been reported from that quarter?

A. Yes, sir.

Q. How many?

A. I can't tell you how many.

Q. Did you ever settle any?

A. No, sir.

Q. What was done with them?

A. There was nothing done with them up to this time.

Q. The next after Salisbury?

A. The next is Mr. Muir.

Q. Where is he?

A. His district is the westerly portion of St. Lawrence county.

Q. How much State land in that territory?

A. There is quite a bit; several quite large blocks of State land there.

Q. What has he ever done that you know of?

A. He has been off of his district; he has been into Raquette lake and Long lake; he has helped do surveying and things of that kind; he has been called off of his district; it is fair to say that most of these other men have been also.

Q. He has been in his district and sometimes has been sent out on some special service?

A. Yes, sir.

Q. How many times have you been at Muir's district to do anything with him?

A. Not but a few times.

Q. How long since you were there last?

A. About a year and a half ago; what I call his district there is going up into the wilderness.

Q. How long before that were you there?

A. I can't tell you.

Q. About how long before that?

A. I can't tell you.

Q. Can you tell how many times you went to see him in his district?

A. No, sir; I can't.

Q. Who is the next one?

A. Mr. Olmstead.

Q. Much State land in his district?

A. Yes, sir; quite a little of it; then he takes in over in Franklin county, and there is a good deal of State land there.

Q. How many times have you been to Olmstead's place?

A. I don't know; I presume a dozen times; more than that, too.

Q. When were you there last?

A. Three or four weeks ago — five or six weeks ago.

Q. When were you there before that?

A. I should think two or three weeks before that.

Q. What were you doing there those times?

A. Well, I went up there once to look at the lands in the eighteenth township with the idea of dividing them off with Mr. Turner, who owns a joint interest with the State, and at another time I went across to get some witnesses to go to Platsburgh on a case that was coming on on the twenty-third of December.

Q. Before that what business did you have there?

A. I was there at one time camping for three weeks, surveying lands in the 14th township and getting ready for the suit with the Adirondack Northern Railroad Company.

Q. Any trespasses in his district?

A. Very little.

Q. Did you ever settle any of them?

A. We settled the main one and that was a man named Turner.

Q. What Turner was that?

A. Benton Turner.

Q. Where was that trespass?

A. There were three or four, or half a dozen of them; one was on the southeast corner of the 24th township.

Q. Anyone else's trespasses up there that you settled?

A. Very little; Turner was the leading spirit in the thing; there were suits brought against him; he was indicted for it.

Q. Who was the next?

A. At the present time you mean?

Q. I am going right around there; whose district is next?

A. Frank C. Parker.

Q. Where is his district?

A. He takes in from Keene valley and runs up to Saranac lake; he takes the southerly portion of Franklin county.

Q. What has Frank Parker done up there?

A. Well, he has looked up quite a number of trespasses, posted notices, rules and regulations, and notices against fires, etc.

Q. How many trespasses has he looked up?

A. I can't tell you how many.

Q. Has he settled any of them?

A. I can't say as to that either.

Q. Have you settled any of the trespasses up there?

A. I couldn't tell what have been settled without looking at the book.

Q. Have you looked up any trespasses, and if so, how many did you look up?

- A. I can't tell how many I looked up.
- Q. When were you last there in that district?
- A. I was there in December, on the twenty-second, I guess.
- Q. How long were you there?
- A. I think two days.
- Q. When were you there before that?
- A. I can't tell you that; it was not a very great while before.
- Q. How long were you there at that time?
- A. I think two or three days.
- Q. When were you there before that?
- A. I can't tell you.
- Q. Do you know how long you stayed?
- A. No, sir.
- Q. Can you tell the number of times you have been in this district within the last three years?
- A. No, sir.
- Q. Who is the forester in the next district, and where does he live?
- A. There is one district that takes in a portion of Saratoga and Washington counties under a man named Flynn; you might say the next district is the lower end of Hamilton county.
- Q. Where does Flynn live?
- A. Shushan, I believe the name of the place is.
- Q. Whereabouts is that?
- A. Washington county.
- Q. When were you there last?
- A. About two years ago.
- Q. When were you there before that?
- A. Never.
- Q. So you have been there only once?
- A. Only been there once.
- Q. What has he been about there?
- A. Posting notices and rules and regulations.
- Q. You mean the notices that were put in evidence here the other night in regard to fires?
- A. Yes, sir; then he has been ordered off of his district and been in the vicinity of Lake George and other points looking up some matters.
- Q. Who has the next district?
- A. Robert M. Kirk.
- Q. What district is that?
- A. Lower part of Hamilton county.
- Q. Which direction is that?
- A. The south part.

Q. Where does he live ?

A. He lives right there by Lake Pleasant.

Mr. ANIBAL.— Newton Corners — Sturges ?

The WITNESS.— Yes, Sturges I guess it is.

Q. When were you there last ?

A. Three years ago.

Q. When were you there before that ?

A. I can't tell you.

Q. Has he looked up any trespasses in that country ?

A. Yes, sir; he has looked some little.

Q. When before that ?

A. Two years ago or more.

Q. Did he settle them ?

A. No, sir; none of these little things I am telling you about now.

Q. These were all inconsiderable trespasses ?

A. Three or four of these trespasses now are lands that were occupied—

Q. (Interrupting.) These were all inconsiderable trespasses ?

A. Yes, sir.

Q. What trespasses had he recently looked up ?

A. The name of the man that committed the trespass is Orville.

Q. How much of a trespass ?

A. It amounts to 150 logs, and I don't know but it is 200 logs; it was about that amount; that is as I remember it now.

Q. Where is the next district and who is the forester, and where does he live ?

A. The next district is in the Catskills.

Q. Who is the forester there ?

A. Mr. Riselin.

Q. Where does he live ?

A. He lives at Rondout.

Q. Have you ever been down there ?

A. Yes, sir.

Q. How many times ?

A. Twice.

Q. When ?

A. Two years ago or about that; when we were building a deer park there.

Q. What does this forester do ?

A. He keeps watch of the land in the Catskills; there are about 50,000 acres in the Catskills.

Q. What do you mean by "keeping watch" of it ?

A. To prevent fires and trespassing by cutting hoop-poles.

Q. Has he ever reported any trespasses?

A. Yes, sir; one or two small matters.

Q. Who was the forester before Mr. Riselin?

A. Mr. Hogan.

Q. How long was he forester before Riselin?

A. Two or two and a half years, I think.

Q. What did Hogan do there?

A. The same.

Q. Were you there when he was there?

A. Yes, sir.

Q. How many times?

A. I couldn't tell you.

Q. How much did the hoop-poles amount to?

A. A few bundles; a small affair.

Q. Did you ever hear that Hogan sent in reports to the office of the commission?

A. Yes, sir.

Q. Letters?

A. I can't say about letters; I wouldn't say as to that.

Q. Do you know whether he ever went around this deer park?

A. It is said he did, but I don't know; he went with me up to the west branch of the Neversink when I went in there.

Q. Did you ever hear that Hogan would send by private hand letters to various places around the park, to be mailed to the office so as to convey the impression that he had been doing something down there?

A. I don't think I ever did.

Q. Did you hear as a matter of laughter and mirth in the commissioners' office that that thing was done?

A. I don't think I ever heard it.

Q. You never heard of that?

A. Not that I remember.

Q. Did he use to send out a dozen letters and scatter them all about to his friends in various places, and then have them mailed from those places to the office, to show how diligent he was?

MR. ANIBAL.—Fiero is down in that district.

MR. FIERO.—Yes; but we have no proof of the fact is the difficulty with Mr. Adams. I know Mr. Hogan, and he is an efficient man.

Q. How long since you were in the district in which Herkimer county is?

A. Oh, it is not more than four or five weeks.

Q. How long were you there then?

A. I was there over night and until about noon of the next day.

Q. Who is the forester of Herkimer county?

A. It would come in Studer's district, properly.

Q. Is there any agent down there to help Studer?

A. No, sir; but it is fair to say that there is an agent there now, who is "laying" for two or three sneak thieves there; special man.

Q. How long has he been there?

A. Two to three weeks.

Q. What is his name?

A. Loren Kelly.

Q. Did you hear or have any information that somebody would go around on the State land to see whether trespasses had been committed and word was sent in advance, whereupon they would all stop, and there was nothing done, and then timber would be cut and drawn again?

A. I know something of it.

Q. You have heard of it?

A. Yes, sir.

Q. Do you read the New York papers?

A. Some of them; I have been reading the *Herald* along back.

Q. Have you read the *Sun*, a very excellent Democratic paper?

A. I occasionally read it.

Q. What do you say to this information from the *Herald* of the twenty-first of February, that thousands of feet of lumber have been taken from the State lands through Dolgeville, and that extensive trespasses are going on there constantly and have been all winter?

A. I say it is not true.

Q. How do you know it is not true if you haven't been there?

A. I have been up there a while ago; this Mr. Keller that I have had dealings with was here and I had a talk with him the week before, and then I had him arrange to go in and pick up a few fellows.

Q. You have not been there yourself?

A. No, sir.

Q. How do you know these depredations have not been committed if you haven't been there?

A. I know because I have the report.

Q. You know it because this agent says so?

A. Yes, sir.

Q. That is the only way you know it?

A. I know it from —

Q. (Interrupting.) How do you know he is not in collusion with those men and aiding them in getting in this timber?

A. I know because they have been stealing his timber severely for the last year or two.

Q. How do you know that?

A. From what he has told me.

Q. You rely upon his word rather than upon common rumor?

A. Yes, you are quite right.

Q. All you know is what this forester tells you?

A. No, sir; I was going to tell you what other men told me—that they agree.

Q. In what district is Minerva, Essex county, and Long Lake?

A. I don't know in what district it is; what district do you say?

Q. Who is the forester?

A. Mr. Powers.

Q. Did you give me his name before?

A. No, sir.

Q. What did Powers have charge of?

A. He had charge of the land in Minerva and Newcomb and the surrounding country, and he had been to Long Lake a good deal; when he is there, he is off of his district proper.

Q. When were you over in that section of country?

A. Last season was the last time I was there.

Q. When were you there before that time?

A. I can't tell you that; back of that I was there a great deal.

Q. Did you ever hear that Powers had been complained of for taking timber, and his name is entered on the complaint or trespass book at the commissioners' office?

A. I know all about it.

Q. Powers is a brother-in-law of Mr. Hurlburt over at Long Lake.

A. No, sir; Mr. Butler.

Q. Butler is on the complaint book for trespass to a large extent?

A. No, he is on for trespasses upon two lots; Mr Butler was on for a trespass five years ago, in the first place, over in the vicinity of Minerva; when I speak of the two trespasses now I mean at Long Lake just recently.

Q. Do you know Shaw over there?

A. Yes, sir.

Q. Did you ever hear that Shaw was opposing a scheme for raising \$12,000 in the town to help build a town house or tavern or hall?

A. Yes, Shaw told me he opposed it.

Q. After that opposition did you understand or hear that complaints were made against him?

A. Well, in what do you mean; do you mean he was caught trespassing on State land?

Q. No; he was complained of to the forest commission?

A. Yes, sir; he was reported as cutting timber on State land.

Q. Who reported him?

A. Mr. Powers.

Q. And the man who wanted the \$12,000 was Mr. Butler, his brother-in-law?

A. Yes, sir.

Q. Lemon Thomson has dealt in logs over in that section pretty extensively?

A. In Essex county he has.

Q. To what extent has it been claimed that he has bought or dealt in logs cut from State land, how many logs?

A. Without going back — because we couldn't meddle with the old contracts — I should judge he has cut into the millions, several millions; I can guess that in years gone by he has cut several millions of feet; Lemon Thomson has not cut any timber in the last four years; he was a large trespasser when he went there.

Q. [Presenting same.] Is that a circular that you put out, or letter, or advertisement?

A. Yes, sir.

Q. How many of these have you scattered or put out?

A. I think we put out eight of them.

Q. Where did you put them?

A. We instructed the men to post them at all public places around there.

Q. Around where?

A. In town there so as to sell these lots.

Q. What town?

A. Let me see it again; have you got the Long Lake trespass; we have two sets of these out?

Q. Where did you direct them to be posted?

A. [Looking at notice.] Around the town of Minerva at public places.

Q. Who did you tell to post them?

A. Mr. Powers.

Q. This same forester over there?

A. Yes, sir.

Mr. ADAMS.—I will read the notice.

AUCTION SALE OF LOGS.

Notice is hereby given that the forest commission of the State of New York will sell at public auction, on Saturday, February 28, 1891, at 2 o'clock, P. M., at the hotel of Orson Kellogg, in the town of Minerva, Essex county, N. Y., the following described property, viz.: A quantity of spruce and hemlock logs now cut, part or all of which are skidded, situate on lots 67, 68, 78, 112 and 114, township 26, Totten & Crossfield's purchase, Essex county, N. Y.; terms cash.

THE FOREST COMMISSION.

S. F. GARMON,
Warden.

ALBANY, N. Y., *February 19, 1891.*

Q. When were these notices sent out?

A. Sent out about a week ago; ten days or so; I can't tell you just when.

Q. About a week or ten days ago?

A. Yes, sir.

Q. Who directed these notices?

A. I did.

Q. Was there any meeting of the commission that ordered these notices sent out?

A. No, not directly that.

Q. How came you to be sending out notices to sell logs without an order from the commission?

A. I had an order here two weeks ago in relation to a few logs which were cut on the State land, and they said instead of selling them at private sale to sell them at public auction.

Q. Who said so?

A. The forest commission.

Q. When?

A. About two weeks ago; ten days or two weeks ago.

Q. Where did they say it?

A. Up in the room.

Q. At a regular, official meeting?

A. Yes, sir.

Q. How many logs are there in this lot?

A. Oh, I think 700 or 800; those are old logs.

Q. Whereabouts are they?

A. They are on those lots there.

Q. How far is that hotel of Kellogg's from the village of Minerva?

A. I can't tell you how many miles; you mean from Olmsteadville?

Q. I mean from the village where this hotel is; is it four or five or six miles?

A. I should think so.

Q. Are not these logs covered up with snow?

A. No, sir; if they were skidded they would be covered with snow, but they wouldn't be out of sight at all.

Q. How long have they been skidded there?

A. About two years.

Q. How long have they been cut?

A. About two years.

Q. Did you have anything to do with them before this notice was put up, or about that time?

A. Yes, sir.

Q. How long have you known those logs to be skidded there?

A. For a year and a half.

Q. Any longer than that?

A. Nearly two years; I don't think it was more than two or three months after they were cut.

Q. What explanation can you give for allowing those logs to remain two years and spoil without selling them?

A. When I can look up the record I will give an explanation, to-morrow night, for instance, I will explain the matter fully.

Q. What is the haste of selling them at this time?

A. Because some men were here and said those logs would be utterly ruined if they laid over another year.

Q. They would have been pretty good logs a year ago?

A. Yes, sir.

Q. How many logs are there?

A. Seven hundred or 800.

Q. Standard logs?

A. Yes, sir.

Q. Are there not 2,000 or 3,000 of them?

A. I will tell you all about it when I look it up.

Q. More logs were cut upon those same lots and drawn away?

A. Yes, sir; a few; I think it is the same lots, but I will not be sure.

Q. Weren't there more drawn away than were left?

A. Mr. Faxon cut on those same lots, I think.

Q. Did you ever cause those other logs to be looked up?

A. Yes, sir.

Q. Who did you find had had them?

A. Faxon & Knapp; they drew them away for one party.

Q. Didn't Lemon Thomson have some of them?

A. Yes; he had a few, but they were not on those lots though,

Q. Did you ever make any claim on Knapp or on Thomson for the part they had of those logs?

A. We did on Faxon & Knapp; Mr. Thomson didn't cut these logs and had nothing to do with them at all.

Q. They were cut and Thomson had some of them and Knapp had some of them; finding out that they had these logs didn't you follow them up just as you did Pratt up in Oneida county?

A. Thomson hadn't had these logs.

Q. Why didn't you go after whoever had them and claim pay for them in the time of it; is there any reason you can give?

A. I can tell you all about it as soon as I look at the record.

Q. Is there any reason you can give why you didn't follow up those logs?

A. Mr. Thomson didn't have those logs; some fellows cut the logs and intended to sell them to Thomson and the other logs that Thomson had were cut on some other land.

Q. You can't evade it in that way; you said that a portion of the logs cut upon this lot were sold and carried away, and that Thomson had part and Knapp had part and that you knew about it?

A. Faxon & Knapp.

Q. I want to know why you didn't make a claim on Thomson for what he had, or on Knapp for what he had, if he had any of them?

A. We did make a claim on Knapp; they cut the timber and drew it off themselves, and we commenced a suit against them for it—three suits in fact.

Q. For these very logs?

A. No, sir; not for those logs; I thought you were talking about the logs that Knapp had.

Q. I mean the logs cut upon these lots named in the notice?

A. No, sir; we didn't sue them for those.

Q. You didn't make any claim on them for them?

A. No, sir.

Q. Why didn't you?

A. Because they didn't cut them.

Q. They had them?

A. No, sir; they didn't take them; the logs are there now.

Q. You said they had a large part?

A. You said you were talking about the logs there.

Q. I am talking about the logs cut upon these lots, and part of them were sold to or carried off by these men, and why didn't you claim of the men that carried them off?

A. We claimed of Faxon & Knapp, and brought suits against them for the logs.

Q. For the logs cut upon these lots?

A. I can't say; I can't tell now about those; gad, we have trespasses upon any number of lots, and I can't pick them out at all.

Q. What kind of logs are those?

A. Spruce, in the main.

Q. How much have they deteriorated in value since they were cut?

A. I can't tell you that.

Q. Worth half what they were worth when they were cut?

A. Yes, just about.

Q. How long after they were cut before you found out they had been cut?

A. I should think two months, perhaps; not a great while anyway.

Q. Why haven't you moved in this matter quicker?

A. I can't tell you, but there are some reasons; when I look at the record I can tell you what there is about it.

Q. How large a place is Olmsteadville?

A. I should think 300 inhabitants, to guess at it; I can't tell you for a certainty.

By Chairman RYAN:

Q. Is it any more than five or six miles?

A. I don't think it is to the lots.

Q. There is nothing upon that notice to indicate how many logs are there?

A. No, sir; it is just whatever logs there are there.

Q. They were to be sold in a lump?

A. No, sir; by the log; all business is done there by what is called a "standard log," which means a nineteen-inch log.

Q. Is it on the same lot of land upon which these logs that are advertised were cut that the committee understands you to say other logs were cut?

A. I can't tell; Faxon and Knapp cut some timber, but whether it was on these lots I can't tell; they cut some logs, and then the logs were held there, and they went on a year ago and drew the logs off; in the first place you couldn't hold them for the cutting, as they hadn't done it, but we seized the logs and held them, and forbid them moving them; a year ago they massed teams there and skipped the logs off in forty-eight hours, and then we immediately brought suit against them for the timber; that was drawing it from the State

land, and we had a square hold on them; those suits, it is fair to say, were settled.

By Mr. ADAMS:

Q. How much did they pay?

A. I think their bill was about \$900 and odd; I think that is what they paid.

Q. How many logs did \$900 settle for?

A. If you divide it by one dollar and twenty-five cents it will tell about the number of logs pretty close, I guess; I think the whole of it was settled upon that basis.

Q. Up in Franklin county and in that district are there other employes of the commission besides the foresters — any special agents?

A. No, sir; not at present.

Q. Have there been any within the last year or two?

A. No, sir; I don't think there has.

Q. For the last two or three years?

A. I don't recollect now of any.

Q. Do you remember that there was any special agents in the district?

A. Mr. Muir has been sent in there examining lands.

Q. I mean people who are not foresters?

A. I don't think there has been; I wouldn't be positive.

Q. Do you know Wales Parsons?

A. Yes, sir.

Q. Do you know whether he settled for any alleged trespass?

A. Yes, sir; I know he did.

Q. What did he settle for?

A. I can't tell you; there was one trespass he settled for three years ago, that I remember of, for some \$700.

Q. Do you know of his settling for any other trespass?

A. Yes, there has been one settled a little over a year ago.

Q. How much was that?

A. I can't tell you.

Q. Who did he settle with?

A. I guess he came right here and settled with the forest commission; I will not be positive about that, however.

Q. Settled with the commission?

A. I say I think so; without looking it up I wouldn't say.

Q. Do you know of any such men as Toby & Boice up in that district?

A. Yes, sir.

Q. Where are they?

A. I believe in the town of Duane; in the county of Franklin, anyway; they are back of Malone, anyway, in the edge of the forest.

Q. Did you ever settle for any alleged trespass?

A. No, sir; never with the forest commission.

Q. Do you know Grimes & O'Neil?

A. No, sir; I don't call them to mind; as to Toby & Boice they have never settled any trespass with this forest commission.

Q. Have Grimes & O'Neil ever settled any?

A. Can't say.

Q. Albert Stickney, has he ever settled any?

A. I think not; I don't think he has with the commission.

Q. W. W. & G. W. Hartwell, have they ever settled any?

A. No, I think not; there is a small trespass, apparently where they cut a log against the corner of lot 228—seven skidways.

Q. It is an inconsiderable thing?

A. Yes; it is sufficient, however, it is a small affair; they are good for it; Grimes & O'Neil I can't recall.

Q. Is there a man up in that country named Sittle?

A. I don't bring to my mind any man by that name.

Q. Or Sidney.

A. No, sir.

Q. Any such man as that ever settled for any alleged trespass?

A. No, sir; I am trying to think of any similar name, but I don't bring him to mind.

Q. Do you know a man up there by the name of Albert Turner?

A. Yes, sir.

Q. What has he had to do with the forest commissioners?

A. He had the position of forester for a year or a year and a half.

Q. Who succeeded him?

A. No one.

Q. What district was he in?

A. He was in Franklin county, and taking a portion of Clinton over by the Chazy lakes and that country there.

Q. Do you know a man named Martin Van Buren Turner?

A. Yes, at Plattsburgh.

Q. Was he in the employ of the forest commission?

A. No, sir; he never was.

Q. In no capacity?

A. No, sir; well, I say in no capacity—I told him I would pay him if he could find a trespass and report it to me; he said to me that he was impressed with the idea that there was a trespass in the vicinity

of Loon lake; I said to him as he was going up there he might find out about it, and if it was any trouble I would pay him for it.

Q. What trespasses have you settled in behalf of the commission that you can recall?

A. I settled a large part of the trespasses from Essex county, subject to the approval of the forest commission, under orders; I think Mr. Sherman, of over \$4,000, was settled with.

Q. What other cases have you settled?

A. I can't tell exactly; the Adirondack railroad was settled with at the end of a suit, and I brought the funds here of \$5,000; I settled a few on the Herkimer county boarder.

Q. When did you settle those in Herkimer county?

A. About four or four and a half years ago.

Q. Do you call to mind any other cases you have settled?

A. No, sir; I don't know that I do; I have settled a good many, but as to which ones I couldn't tell without looking them up.

Q. Do you know a man by the name of Ed. Talbot, who lives in Essex county?

A. Yes, sir.

Q. How long have you known him?

A. For five years; about that.

Q. Have you ever seen him in the office of the forest commission?

A. I think so.

Q. How many times have you ever seen him there?

A. Well, three or four times, I should think.

Q. Did you ever see him there on an occasion when Mr. Lynch was there?

A. I can't say I did, but I presume I did; I heard Mr. Lynch say that, and I presume it is so; I have no reason to dispute it.

Q. What business had he at the forest commission office?

A. He was a man that had a good deal of news about him and he used to tell us of the forest being cut down and destroyed in its early days (five or six years ago) for a time; he brought a good deal of news here about timber thieves up there five years ago, when the commission was first organized.

Q. Was he ever employed by the forest commission?

A. I don't think so.

Q. In whose employment was he over there?

A. He was in his own employ.

Q. What was he doing over there?

A. It was his home; he was sergeant-at-arms; Olmsteadville is his home.

Q. What did he do over there?

A. I don't know of his doing anything, practically.

Q. Was he connected with anybody in business or in employ?

A. No, sir; I don't know that he was; he had an interest with Barnes and some other parties, I heard Mr. Lynch stating, in a mine or something of that kind.

Q. Did he have any interest in any lumber transactions?

A. Yes, sir, he did; a year ago he cut some timber there.

Q. Mr. Basselin testified that in the summer of 1890 you went out to examine this land (these 13,000 acres) in Franklin county, and to examine the 26,000 acres down in the south end of the Adirondack region.

MR. ANIBAL.—I submit that your characterization of Mr. Basselin's testimony is hardly borne out by the evidence given, Mr. Adams.

MR. ADAMS.—I want to call his attention to it.

Q. Did you go in person to examine these lands?

A. I went to Franklin county the last time the appraisers were there on township 14 of the State land.

Q. That doesn't answer the question; it is not the question I asked you; I asked you if in the summer of 1890 you went for the purpose of examining these lands in Franklin county with anybody or alone?

A. No, sir.

Q. Before the middle or latter part of July did you go up there?

A. No, sir.

Q. Were you upon these lands?

A. I was, I think, because you are on them whenever you are up that way.

Q. Were you upon those lands to know them and to make examinations?

A. Yes, sir.

Q. How many times?

A. Three or four times in the course of the season; I was right across 14 township.

Q. Do you think that is a correct answer?

A. I didn't understand your question; do you mean I was there for these special purposes?

Q. In the summer of 1890, before the middle or latter part of July, did you go upon this land in Herkimer county with a view to examine that land alone or with anybody?

A. No, sir; as I said before.

Q. In the summer of 1890, before the middle or latter part of July, did you go upon the 26,000 acres spoken of, alone or with anybody, to examine them?

A. Not to examine them to any great extent.

Q. Did you make any report to the forest commission in regard to this land, or on the subject of the land in Herkimer county?

A. Yes, sir.

Q. When?

A. I can't tell you the date; sometime in August or September.

Q. In 1890?

A. Yes, sir.

Q. How came you to make a report in August or September, 1890, to the forest commission as to the 12,000 acres?

A. They asked me; they directed me to.

Q. Did you make the report without making an examination?

A. No, sir; I had made examination—

Q. (Interrupting.) Did you make a report without making an examination?

A. What is an "examination"?

Q. You know what an examination of lands is as well as I do?

A. Do you mean having looked over the land?

Q. Do you say you made a report at that time on this land without having examined it?

A. No, sir; I had examined it; I don't say any such thing.

Q. Did you ever examine it with reference to making a report to the forest commission?

A. No, sir.

Q. How came you to make a report without making an examination?

A. Because I knew the lands perfectly well; I had camped on them for three weeks at the time of the Hurd trespass.

Q. You made a report without going there?

A. Yes, sir; that would indicate trespass there, wouldn't it?

Q. Did you make the report as to the 26,000 acres without having examined?

A. Yes, without going there for that special purpose.

Q. Do you state to this committee that the report you made to the forest commission in July was made without having one to see these lands.

A. No, sir.

Q. I mean specially to see them?

A. Just at that time?

Q. Yes?

A. Yes, sir.

Q. When had you seen these lands to examine them?

A. You speak now of the 26,000 acres.

Q. When did you see them to examine them?

A. Three or four years ago when I was camped on the Lawrence patent.

Q. How long did you camp?

A. A little over three weeks.

Q. Did you go and make a careful examination of the 26,000 acres at that time?

A. No, sir; they are lumbered lands; there is soft sawing timber cut off of them.

Q. Having camped in the vicinity without having gone on to examine the lands, you felt justified in making the report to the commission?

A. Yes, sir.

Q. When did you examine the 13,000 acres in Franklin county sufficiently to be able to make a report upon them?

A. I was there about three weeks with a surveying party surveying those lands and the lines previous to the suit with the Northern Adirondack company.

Q. When was it?

A. In 1886 or 1887.

Q. You were there three weeks surveying, and what did you survey?

A. We surveyed the land in the fourteenth township where the railroad company had been trespassing; that involved the running out of the township lines; we had no field notes.

Q. Who was with you?

A. The first surveyor was named Putnam, because I couldn't get a man used to the woods.

Q. During the time you were there, were you engaged in surveying the land?

A. Yes, sir; let me add to this—

Mr. ADAMS (interrupting).— No, I will not.

Mr. FIERO.— Let him answer the question.

Mr. ADAMS.— He has answered it.

The WITNESS.— He asked about the survey I made; I said I employed Mr. Putnam.

Q. You and Putnam surveyed it?

A. No, sir; I didn't say so.

Q. You and Putnam surveyed these lands?

A. No, sir; we didn't.

Q. Who did?

A. Mr. Whitman.

Mr. FIERO.— Wouldn't it be a good idea to let the witness answer the question when it was asked?

Mr. ADAMS.— I don't propose to have him run off on something else when I ask him a question, not even to please my friend Mr. Fiero.

Mr. FIERO.— Not to please me, but to be fair.

Q. You were there with the surveyor and surveyed the lines of these lands?

A. Yes, sir.

Q. And how large are these lots?

A. Those lots were cut up, in the main, into fifths of lots; the lots were intended for 160 acres and subdivided into fifths to a great extent.

Q. Did you survey all the fifths in this township?

A. No, sir; not in three weeks.

Q. Were you engaged in surveying longer than three weeks?

A. It was about three weeks.

Q. From surveying three weeks and not surveying all the lands, and doing it three or four years before you made your report, did you feel justified in making the report?

A. I have been there every year since and sometimes half a dozen times a year.

[The stenographer repeated the question.]

Chairman RYAN.— Answer the question, directly, yes or no; it is a question that does not require a long answer; you can tell whether you felt justified.

The WITNESS.— Mr. Chairman, will you allow me to say a word in relation to that?

Chairman RYAN.— Just answer the question as it was put to you, and if there is any explanation there will be time given you in which to explain.

A. I will say no, then.

By Mr. ADAMS:

Q. Did you understand after you made your report in July, 1890, mentioned in the minutes of the commission, that appraisers were appointed and appraised these lands?

A. Yes, sir.

Q. Did you go with the appraisers?

A. I was with them the last day they were on township 14; that is all I was with them.

Q. How many days were they there in all?

A. Two days upon those lands there; they had been there the day before, I understood; I was with them the last day.

Q. How came you to be with them the last day?

A. I went up there for the purpose of meeting them right there; that is what I went for.

Q. How came you to go there to meet them?

A. I can't tell you, but I think the gentlemen suggested that I ought to go up on these State lands to show those men, but I wouldn't be positive about it.

Q. Where was that suggestion made and at what meeting of the commission?

A. I couldn't tell you that now.

Q. Was it some individual member of the commission that suggested it?

A. I wouldn't say as to that either.

Q. Reflect now; didn't Mr. Basselin suggest that you go up there?

A. I couldn't say.

Q. Will you swear that he didn't suggest it?

A. No, sir; I wouldn't swear anything about it without I could find some memorandum of it.

Q. You were there with them one day?

A. Yes, sir.

Q. At the close of the day where did you go and where did they go?

A. They went home and I went to Moira, and I am inclined to think I went to Norwood, but I am not sure.

Q. Were you with them when they viewed and appraised the 26,000 acres?

A. No, sir; all I was with them was this one time.

Q. About what time was this appraisal — the month you were on the land in Franklin?

A. I should think, well into October; I should think the latter part perhaps of October; there was some snow on the ground, and I wouldn't be surprised if it struck the first of November.

Q. How far are these lands from any settlement or village?

A. Do you understand the railroad runs through this?

Q. I didn't ask you anything about the railroad, did I?

A. No, sir; what village do you want to know about?

Q. Are they near any village or settlement?

A. They are not a very great ways from the village of Santa Clara; I can't tell you how far it is; we go there of late years by railroad; the Adirondack Northern railroad runs through.

Q. Did I ask you that?

A. Well, I am offering that as an explanation of why I don't know the distance as I didn't walk it.

Q. How far is it from that village to these lands?

A. I would put it at three or four miles.

Q. Is there any public road or highway through the land?

A. Yes, sir; there is a road anyway and I think it is a public highway; I wouldn't swear to that; it is to take supplies over, etc.

Q. How do you go from this village or settlement up upon this land?

A. Upon the cars.

Q. Is there a station upon this tract?

A. Yes, sir.

Q. Whereabouts?

A. Mudawaskie Point and Cove Spring I think is on the north side of the same township.

Q. I am speaking about the State lands; where is the depot with reference to them?

A. I couldn't tell you about that, whether the depot stands — well, she doesn't stand on the State land, but there is State land close to it.

Q. Did you walk from the depot with these gentlemen?

A. Yes, sir.

Q. How far did you walk?

A. Some of them thought it was eighteen or twenty miles, but I put it about eight or ten.

By Mr. CAMERON:

Q. Did you go all over this tract at that time?

A. We were wholly on the 14 township that day; why not have a map brought in of that 14 township so we can see it?

By Mr. ADAMS:

Q. Down what streams can you timber from these 12,000 acres best to the mills?

A. Well, a portion of it would go down a branch of the St. Regis and the balance of it would go down the railroad.

Q. To where?

A. Moira; there it strikes the Lake Champlain road.

Q. Where did the timber finally get to by railroad?

A. To Albany, or New York, or Boston, or any other place where you wanted it.

Q. Suppose it was desired to make it into board, where would you take it first?

A. Well, Hurd puts the logs on the cars and takes them to his mills.

Q. Where is the Everton Lumber Company with reference to these lots?

A. About seven miles east.

Q. What method is there to get the logs from these lands to the Everton mill?

A. Well, the easterly portion of the land would go to the Everton mills very conveniently; the westerly portion will not.

Q. How would the eastern portion go?

A. Draw it with teams.

Q. How would the westerly portion go?

A. They wouldn't go.

Q. What would the Everton company do with them if they had those lands?

A. I don't know.

Q. Are there water facilities for taking the logs from the western portion to the mills below?

A. You could do so by hauling them far enough.

Q. How far would you have to haul?

A. I couldn't tell you how far; it is quite a distance over to the branch; I don't know how far, because that road was built in there six years ago and they don't pay any attention to the streams at all after they get a road; the streams were of no account after the railroad was built there six years ago.

Q. Do you know the market price of timber lands in Franklin county at the north end of the woods?

A. I don't know as I do; I suppose their value ought to be subject the same as another point near a stream—it will depend upon how much timber is on the land and how near a stream it is.

Q. How much is well-timber land worth an acre?

A. Virgin forest well located, do you mean?

Q. Yes, sir.

A. Four dollars and thirty-five cents and \$4.50 has been the sales.

Q. That is all it is worth?

A. I say it is what the sales are.

Q. What sales have you in mind?

A. Of the twenty-sixth and twenty-seventh townships by Meigs, Dodge & Co., and the Norwood Lumber Company bought half of the thirty-seventh township, and I am told recently that the Morgan Lumber Company bought some in thirty-fifth township at \$35 an acre; that is very nice pine land.

By Chairman RYAN:

Q. By whom were those lands purchased?

A. The Norwood company bought of the Adirondack Timber & Mineral Company, and Meigs, Dodge & Co. bought of the same party; McEachron bought of Russell & Powers, I think.

Q. How does their value now compare with what it was five or six years ago?

A. It is two to three times the value it was five years ago; there has been a very large advance in timber land in five years.

By Mr. ADAMS:

Q. Isn't it true that such lands as these are worth ten dollars an acre?

A. I can't tell you; I am not a lumberman and I can't say anything about values any further than I see actual sales.

Q. You own some land on the Fulton chain, in Herkimer county?

A. Yes, sir.

Q. How much are those lands worth for cash?

A. You mean virgin forest?

Q. Yes, sir?

A. I will sell my land for four dollars an acre.

Q. How much land have you got up there?

A. I have got about 1,400 acres; I will sell it for four dollars an acre; that is what I ask for it; it is a very nice piece of timber, too.

By Mr. CONNELLY:

Q. May I ask you how many foresters there are under you?

A. Thirteen I believe now; there was a man died the other day; I believe there are thirteen left.

Q. What are the duties of foresters?

A. Their duties are to post notices and rules and regulations; if a fire occurs their duty is to go there at once and do anything and everything they can to put it out; their duties are to prevent trespasses and hunt up if they can any trespassers — that is nearly obsolete now — men going in and peeling spruce trees and making Indian shanties.

Q. Does that outline the entire duties of the foresters?

A. No, sir; they are looking after trespassers upon their districts, and for the last year or two foresters are moved around from one district to another so it puts them as a stranger in a district.

Q. When those foresters were appointed by whom were they appointed?

A. By the forest commission.

Q. Who recommended any particular one or any number?

A. Well, now, I can't tell you any more than, for instance, Mr. Houck, who just died, I myself recommended.

Q. You were familiar with his capacity to perform his duty?

A. Yes, sir.

Q. What acquaintance did he have with the forest to warrant his appointment?

A. He was a resident, and he had been what they call a log measurer; that is, a man who goes around and measures logs as a business for any company that wants him.

Q. He was appointed upon your recommendation?

A. Yes, sir.

Q. You felt that he was competent to perform the duty?

A. Yes, sir; he was thoroughly competent.

Q. Do you know who recommended any of the other foresters?

A. I don't know as I do.

Q. You, as warden, are of the opinion that they were all competent?

A. Yes, sir.

Q. That is, that they perform their duty satisfactorily?

A. Yes, sir; fairly well.

Q. What was the system you had for finding out how they performed their duty; how did they report to you?

A. They make the reports ordinarily every week; we have bushels of them in the office; these foresters for two years back were describing the State lands, giving the topography of each lot by itself, and what portion was forest and what portion was denuded, etc.

Q. Do you mean to say that there has been no dissatisfaction with the foresters in the performance of their duty by the commission or by people who are interested in seeing the forest preserved?

A. No, I don't know that we have any complaint from outside people against the foresters; it is fair to state that the foresters get forty dollars a month and no expenses, unless it is a very special case, where it is a very expensive trip; it is hardly fair to expect they would be on continuous duty.

Q. When the commission talked about purchasing land, did you hear any person state whether lands could be purchased and purchased cheaply for the purpose of comprising the park—are you of the opinion that land could have been had easily and at a moderate rate?

A. No, sir; I never heard so; I know it is not so; if you want me to, I will tell you what I know about it; the forest commission directed

ne, I think in August, to look over what land had been submitted or sale; I went and examined them and of what few lands were offered, I didn't look upon it as a certainty to come within the park to be above 500 acres; that was reported in a meeting, and I think I suggested it, or at all events they agreed to it and directed it, and I told them that other parties owned land that I thought would be willing to sell them which would absorb the money, and they directed me or allowed me to, and I went into the office and told Col. Fox that I wished he would go to Mr. Peck, who had been in the office two years before and wanted to sell a lot of land, and say to him that the forest commission were liable in the next two or three weeks to take action on the purchase of land; that there were a good many parcels before the commission, and to submit those lands which he had to sell; I went down to these land dealers (Mr. Ostrander and Mr. Marsh) and said the same thing to them, but the result was it only brought in very little; they had no land in their hands; Mr. Peck had some scattered lands, but they were largely on the border; he brought in I think 2,000 to 3,000 acres that don't come inside the park; there is but a limited amount of land inside the park now that is offered for sale; even those lumbered lands have gone up in value; this paper industry has put a positive value into lumber lands, as high as four or five dollars an acre for just the pulp wood; it has changed the whole condition of those lands as to value and changed it very radically too; those lands the State of New York and no one else can buy now and buy cheaply; they should have been bought some time ago if they desired to buy them.

By Mr. ADAMS:

Q. I showed you a notice sent out to sell logs at Olmsteadville and you said there was another notice for selling at Long Lake?

A. Yes, sir.

Q. What length of notice is that?

A. About seven or eight days.

Q. What day is that sale advertised for?

A. I believe yesterday.

Q. At what place?

A. At Kellogg's hotel I think.

Q. Over at Minerva?

A. No, sir; Long Lake.

Q. Did you attend the sale yesterday?

A. No, sir; I couldn't have got back here if I had went over there,

Q. In whose charge did you put it?

A. Powers'.

Q. Do you know whether Mr. Powers held the sale?

A. I don't.

Q. How many logs were embraced in that sale?

A. About 500 to 600.

Q. Where were they?

A. One lot is 112 and I think another lot is 66.

Q. How long have those logs been cut?

A. About a month.

Q. Who cut them?

A. Mr. Edward Butler; he cut them to build that hotel or town hall.

By Chairman RYAN:

Q. In whose charge did you say you left the sale of the logs?

A. Mr. Powers.

Q. Have you seen him here to-night?

A. No, sir.

By Mr. CAMERON:

Q. Do you know whether he is here or not?

A. No; sir, I don't.

By Mr. ADAMS:

Q. How many notices of that sale did you send out?

A. I think eight of them.

Q. Where were they to be posted?

A. In conspicuous places around Long Lake.

Q. Who posted them?

A. Mr. Powers, I think.

Q. He posted them where he saw fit and held the sale?

A. Yes, sir.

Q. They were Butler's logs?

A. Yes, sir.

Q. When were those logs cut?

A. About a month ago.

Q. Who first discovered that they were cut?

A. Mr. Powers.

Q. Did he report them to you?

A. Yes, sir.

Q. Is Mr. Butler a man of responsibility?

A. I don't know about that.

Q. Did you try to collect pay of Butler for the logs or the trespass?

A. No, sir.

Q. If he was a man of responsibility why didn't you make him pay for the logs instead of selling them at auction?

A. Mr. Butler made this proposition — he came there and —

Q. (Interrupting.) No, no, that is going off; if he was a man of responsibility why didn't you make claim against him and make him pay the value of the logs instead of having his brother-in-law sell them at auction and closing it up that way?

A. That is a hard question to answer, unless you allow me to say —

Q. (Interrupting) I want to know why that course was taken instead of the other?

A. Will you let me tell about the sale of the logs?

Q. No, sir; I will not now, but I want you to answer my question.

A. In the first place it would be pretty hard doing anything with a man who came to you and said: "You don't suppose I want you to submit a proposition to the forest commission? I want them to say how much I am to pay and I am ready to pay it; I don't want any lawsuit at all."

Q. If you knew so why didn't you say it before the forest commission the same as any other case?

A. I will as soon as they hold a meeting.

Q. Why did you hurry up selling them?

A. Because sleighing is going fast and the logs would be laying here; the logs are not to be sold except at a set value to start with; they are not to be sold at haphazard by any means; I have taken all those precautions.

Q. How have you taken precautions?

A. The State will continue to own them if they don't start them above sixty cents a log.

Q. Sixty cents a log?

A. Yes, sir; that is a good price up there.

Q. Why is that a good price when you have been charging a dollar and twenty-five cents?

A. That's the man that cuts the logs; we are not dealing with Mr. Butler but we are taking the logs and selling them to the public.

Q. Why don't you make Butler pay the one dollar and twenty-five cents?

A. Well, 'aint we going to; he is liable for this trespass in the sum of twenty-five dollars a tree, under the penalty of the law; it don't relieve him a particle to take these logs and sell them.

Q. Have you any idea that if these logs are sold at sixty cents he will be sued for twenty-five dollars a tree for smart money, and with

his brother-in-law up there as factotum of this commission and under you?

A. Yes, sir; I have; I will say I believe he has got to pay for that trespass.

Q. If you are satisfied with the explanation I am.

A. It is fair to say you can't put many trees in a complaint at twenty-five dollars a tree, and get a jury to give you a verdict; I have had some experience that way.

Mr. ADAMS.—That is what I thought.

By Mr. CAMERON:

Q. You say that Mr. Powers is to take charge of the sale up there?

A. Yes, sir.

Q. In case he was not there, who else was to take charge of it?

A. There would be no sale.

Q. Do you know whether there has been any sale or not?

A. No, sir.

Q. What is your impression?

A. My impression is that there has; it is only a question whether anybody was there to commence bidding to carry them above sixty cents.

Cross-examination:

By Mr. FIERO:

Q. When was that sale to be held?

A. Saturday or Monday.

Q. Not to-day?

A. No, sir.

Chairman RYAN.—Yesterday, you said before.

Q. Will you state what condition of affairs you found in reference to trespasses when the forest commission took charge of the forest, and what policy was adopted in disposing of them, and what the present condition is in reference to trespasses?

A. In 1886, when the forest commission began to take charge of the forests, they only took charge of them as an agent went on or myself, in a general way, and relieved the Comptroller's office of the care and custody of the lands; in Essex county it is fair to say that there was about, I don't think it would vary materially, some 30,000 logs cut in the town of Minerva in the main; those logs had been cut that season, or commencing the season before, in the summer, and the logs skidded in 1885 to be moved in the winter of 1886; the forest commission knew nothing of that condition of affairs there until about spring.

By Chairman RYAN:

Q. We understand you to say that there were 30,000 logs in one county?

A. In one town; in Minerva.

Q. Cut on State land?

A. Yes, sir.

By Mr. FIERO:

Q. Continue.

A. We followed about 22,000 of those logs into these "drives;" that is, 22,000 pieces; into the "drives" of the lumbermen; they put their agents upon the streams; a log measurer will go along with a brand and buy those logs and scale them and brand them with the firm's brand and give the man an order on the firm for his pay, and then goes on; that brand is filed in the county clerk's office, and that log is their property everywhere, that has their brand on it; you go from there to the Saranac country, and there were quite large cuttings over that country; this man Benton was the great trespasser; he was the man that the Comptroller's office said was entirely irresponsible; he had been stealing for years and they couldn't do anything with him; they told me he had just gone away with another lot of logs; mixed them up with logs on the Saranac river; that they couldn't get their logs; I met Mr. Turner at Plattsburgh, in John B. Riley's office, by accident; Mr. Riley told him who I was, and he didn't delay any time in telling me that he supposed I was up there to get into a lawsuit; he said he "had a circus" with State agents for the last few years, and he was glad to have somebody new come in; he said there was two devils up there that cut for fire-wood, but if I wanted to get into a lawsuit, he said, "Law me; I have got money enough to law the State through the courts up and down both ways;" after he quit talking I suggested to Mr. Turner that I had heard of him; I told him that I was satisfied, from my observation, before I left Albany, what was wanted of him; that they intended now to go around him and not needle with him; soon after that I struck upon some of his heavy respases, and commenced suit against him, and one suit was carried through the Court of Appeals, and another one was returnable, but just before the suit was to be tried, he sent all the witnesses on both sides into Canada, and we were slightly left; I gathered testimony to try the trespasses on 219, and put the other one over the term, and as to the lots upon which that trespass was, it turned out to be not State land, but that it belonged to Mr. Weed; that was 213 and 214 that he title of the State failed in.

Q. What was the fact with reference to the case that went to the Court of Appeals?

A. We tried that at that term of the court, and got a judgment against him, and he appealed it up to the Court of Appeals.

Q. Did you collect the amount?

A. Yes, sir.

Q. How much?

A. \$1,250 or \$1,310 I guess it amounted to.

Q (Mr. Anibal). That is, the damages besides the costs?

A. Yes, sir; then I had a strong case right there where a man named Miller had been the agent for the Comptroller on another lot, and Turner still said they couldn't stop him; he had cut the timber; those men went before the grand jury and indicted him for grand larceny in stealing timber.

Q. Had there been a case, known as the Mitchell case, that had gone through the courts just before, in which the State was defeated?

A. Yes, sir; that was brought in 1884, at Johnstown; that was a very celebrated case.

Q. It was upon the question of the title of the State?

A. Yes, sir.

Q. Was an action brought by direction of the forest commission shortly afterward in that locality?

A. Yes, sir.

Q. The McCool case?

A. Yes, sir.

Q. What has become of it?

A. There were two or three other defendants with him; they were jointly on a lot and an action was brought against the whole of them and they were beaten.

Q. Did you get judgment?

A. Yes, sir.

Q. Collect it?

A. No, sir.

Q. Why not?

A. You couldn't collect it except you put the men in jail; some respectable citizens begged them off and they begged largely for themselves, and agreed that if the State wouldn't do anything they would protect the forest as against others and would furnish information.

Q. State in a general way what the policy of the commission was with reference to trespassers, and how you treated them, and what you did with them?

A. The forest commission, in the first place, said they would proceed under this penalty law, suing people who had cut timber upon the State lands, for the \$25 a tree; I went into Essex county and was gone ten days or two weeks to look the country over and I came back to the forest commission and told them the condition of affairs; I told them that they were blockaded by the courts, and that there were not surveyors enough in the whole northern part of the State to get the cases ready for trial; after looking the matter all over they finally decided to establish rules of settlement for all those cases at one dollar and twenty-five cents where the lumbermen had cut the timber, and when he bought it of other parties, seventy cents the log; that means a market log, hemlock and spruce; no discrimination.

Q. How did that compare with the actual value?

A. The ten shillings was the full value in the dams at the mills in Glens Falls.

Q. How did it compare with the value standing in the woods there?

A. That depends largely on where the timber stood with reference to getting it to a stream; a good deal of timber wasn't worth over twenty cents standing for hemlock logs, and others were worth thirty five and forty cents, depending upon how near the timber was to a stream; values varied all the time.

Q. What difficulties did you find in the way of prosecution?

A. The difficulty in the way of prosecution was the knowing of the correct lines of these lots; in the first place you go to a man to secure him as a surveyor and unless he is educated as a surveyor so he can stand an examination from the opposite counsel, it is of no account he has got to be a first-class surveyor in order to run those lines; the counsel will examine him, with another surveyor behind him to furnish the questions, and if he can't answer the questions they will ask the court to declare him an incompetent witness, and the court has the disposition to do it.

By Chairman RYAN:

Q. These lawyers will do that?

A. Yes, sir; they will when they are on the other side; now many of these lines were run many years ago; we ran the line on the Lawrence patent, and it had been ninety-three years since those lines had been run, and it had been eighty-seven years when we were there since the lines of the Oxbow tract had been run; when you get your lines and have your surveyor so he can get through the court, you have got to get your witnesses who can swear to the cutting, and

they have got to give all the lines and they have got to cover the territory and examine it so they can swear that the cutting is inside the lines.

Q. How about conflicting lines?

A. There is a world of them; you have those patents up there, and one patent will overlap another.

Q. What about the difficulty of proving title in the State through tax sales?

A. Tax title at that time was no title was the talk; that state of affairs continued until this Turner suit went through the Court of Appeals and they sustained the law of 1885, what we call the statute of limitations; I can't recollect but one exception among the lawyers, clear around the woods, but what said up to that decision that that law would be broken by the Court of Appeals, and that it was retro-active; that it was not better than the paper upon which it was written; up to that time no one believed in a general way that you could hold them; they carried the case through the Court of Appeals upon the constitutionality of that law, and the Court of Appeals said it was good; from that time on we have not had much trouble with trespassers.

Q. What do you find as to the state of feeling in the way of trying to intimidate witnesses?

A. For instance, on the Herkimer county border there was a nest of little, petty thieves stealing the shingle trees; if they could find a nice tree they would cut the butt out and take the butt down to Dolgeville to use for sounding boards; these men were getting their fire wood off the State and stealing the shingle timber, and they made a great many shingles in there and these sounding boards; that was a whole gang banded together and they were a very hard nest; they came very near shooting Mr. Dolge's men that he had watching his land, and they threatened to leave the bones in the woods of any one who came through the woods.

Q. Did they threaten you?

A. I don't know; we had one very common notice in which they said, "Anybody that comes here to watch, their bones will be left in these woods, so help us, Jesus!" there was no intelligent name signed to it, so I don't know whether it was intended for me or not.

By Chairman RYAN:

Q. You are not describing anything inside of the State of New York but something down in the southwest are you not?

A. No, sir; this is in the State of New York; further than this you will get a good description of this thing from the report of District-

Attorney Steele, of Herkimer county, made a few years ago, when he tried to prosecute these men, and as to how men would perjure themselves and swear for one another.

By a MEMBER:

Q. What county is it these desperados live in?

A. That is Herkimer county where these fellows are?

Q. That is a Republican county, isn't it?

A. Yes, sir.

By a MEMBER:

Q. Any such state of affairs up in St. Lawrence county?

A. No, sir; no such state of affairs there at all; they are a well behaved and orderly set of people there.

By a MEMBER:

Q. Any school-houses in Herkimer county?

A. None back on that border.

By Mr. FIERO:

Q. What do you find to be the sentiment of jurors, and the difficulties of convicting?

A. You will find that this law provides that the warden or men in his employ, if they catch a man trespassing on a lot, may arrest him if so they must take him to the nearest justice of the peace; that rendered the law imperative; those justices of the peace wouldn't convict a man or hold a man, so the forest commission proceeded wholly under the penalty act, and decided to bring them into the Supreme Court and thus get away from their neighbors.

Q. What is the condition of affairs in regard to trespasses now as compared with the time when the forest commission took charge of the woods?

A. We have had very little trespass in the last three years; in the last year the trespassing has been almost nothing; we had a little outbreak in Minerva two years ago, and aside from that the trespassing has been a very inconsiderable matter since the Turner decision in the Court of Appeals.

Q. What do you say as to the settlement with Mr. Thomson as to the logs in his possession, as to the price charged?

A. Mr. Thomson is a very large lumberman living in this city; he owns mills up here at Fort Miller or Schuylerville, and he owns some land up there; and he had cut, from reports in years gone by (I mean previous to 1886), to a large amount upon the State lands year after

year, and the year just prior to our coming on the grounds, his cuttings had been very large, and the forest commission decided to bring a solid suit against him for penalties; that is the suit Mr. Lynch spoke of the other night, when just before it was to be tried Mr. Thomson quietly dropped the title out from under us.

Q. Done in the Comptroller's office?

A. Yes, sir; by cancellations.

Q. Nothing the commission had anything to do with?

A. No, sir.

Q. Did you make settlement with Mr. Thomson in some matters?

A. No, sir; there we had a good case, and we looked up the evidence and we thought we were all solid and on solid footing for the big suit with Mr. Thomson.

Q. The title was right when the suit was commenced?

A. Yes, sir; I thought it was good; he brought affidavits of some men there that there was an occupancy on the land, and the Comptroller's office had a right to believe those affidavits, but they were pure perjury in my opinion; it has been spoken of that settlements were made with individuals at different prices, but there is very little of it; we had more difficulty on settling upon settled rules where men made charges and the defense was that they were there innocently through taking of some other man; a man would sell the timber and the man had cut it in good faith; they were settled at that time under those settled rules, I think every case was settled under the settled rules, and we adhered to that course for the reason that there were so many of those cases that if you commenced a variation on account of their not intending to commit a trespass, we were going to be hounded to death with them; every man would seek to find an excuse, and he would insist, "I didn't intend to steal the timber," etc.

Q. Do you recollect any exceptions to those rules?

A. There was an exception here two years ago of a trespass, and that was just similar to what I say; a gentleman named Keyes bought some land of a man who was to cut for Durant; there was part of the lot that escaped their notice and went into the sale of 1885; that is all the title the State had; we immediately seized the timber, being State land, and Mr. Hall came here and went before the commission, and stated the facts of the case to them; he said he was going to redeem the lot; he said that before he would pay any exorbitant price he would go and redeem the lot; the forest commission after he left the room directed me to look the matter over and make such settlement of the case with him as I thought best; the settlement was

made at twenty-five cents on the log, and the State retain the land, the same as he was to pay them for the timber standing.

Q. Did you investigate as to whether the title could be canceled or not?

A. No, sir; I didn't investigate the occupancy, although I think they could have sustained the occupancy and affirmed title; you can redeem for two years, you know.

Q. There was mention made here of trespasses reported by Mr. Lynch, in regard to which he said he didn't know whether any action had been taken or not — some two or three years ago — do you know about the fact?

A. No, sir; if he had given the date of those trespasses I might tell; he had a lot of trespasses, some of them four years old — particularly against Thomson as I remember; it is fair to say that the forest commission had more trespasses going back one year than they could take care of; you can't bring a suit for penalties after two years.

Q. The forest commission only took charge in 1886.

A. Yes, sir.

Q. And these trespasses extended back to that time?

A. Yes, sir; there are exceptions to this rule in some of these trespasses; if you can't crowd a man to settle what you have got to do is to see if you have evidence sufficient to go into court, and if you haven't why then all you can do is to quit.

Q. What you mean to say is that it is not safe to bring suit upon all trespasses that are reported?

A. No, sir; you couldn't do that; it couldn't be done.

By MR. ANIBAL:

Q. Why not?

A. There are not surveyers enough to get the cases ready for trial.

By MR. FIERO:

Q. What about the evidence?

A. The man can send his men on there and cut the timber and draw it off; you will go there and find stumps there, and there is no question but what the timber has been stolen; you can get evidence to satisfy you who got that timber but that will not satisfy the court; you will have to get some of the men who were present at the time, and get them to go on the lines described by the surveyor; you take men who work for a man who pays them good wages and are friendly with them, they will tell you that "they are busy, and haven't time;" therefore, you have to search for men who have been discharged and

the like of that — men who have some grudge against those men — such men you can get to go on there, but the men who are friendly with these men are not inclined to turn against them for a stranger.

Q. Has the business of the foresters largely been in preventing this sort of trespass as well as in looking it up?

A. Yes, sir; of course, it is their business.

Q. Is it a part of their duty to patrol the woods and watch them?

A. Yes, sir.

Q. Has that patrolling been effectual and salutary?

A. Yes, sir; I think so; since the decision in the Turner case the trespasses are a mere minimum.

Q. You were asked in reference to your reporting as to the 26,000 acres whether you felt justified in reporting upon your knowledge obtained three or four years ago and you said you did not, I believe; what knowledge did you have?

A. That is the 12,000 acres; what I meant to say was that I wouldn't make a report on seeing the land four years before, but after I had seen them four years ago and was intimate with them, and had been over them every year since two or three times, I was satisfied that they were in the same condition; the lands in the fourteenth township have depreciated for the reason that after we brought that suit against the Northern Adirondack railroad, they were obliged to go on and survey out these lots; the timber blows down badly; the railroad company has cut its land perfectly clean to burn coal with; clean enough to sow grain on.

Q. You speak of well located timber — what do you call that?

A. A virgin forest anywhere from the bank of the stream two miles back; you can average it that way.

Q. What sort of a stream?

Q. A stream that will float the logs and run them out to the thoroughfare where they can be manufactured; I call them well located because it would be a moderate haul.

Q. You know Mr. Powers, the forester?

A. Yes, sir.

Q. What is there about his name having been on the complaint book originally, and what was done about it?

A. At the time of these trespasses which were committed when the forest commission came into power, Mr. Powers and Mr. Keyes had made arrangements on two lots — they had bought this land of the Bank of Glens Falls, but it had been sold to the State at a tax sale; they had letters from Mr. Sanger, in the Comptroller's office, saying that they could redeem the lots; after the

forest commission came in here some rumpus was stirred up, and the Comptroller's office decided that they could not redeem those lots, so they were left on them as trespassers.

Q. Is that the trespass that was upon the complaint book?

A. Yes, sir.

Q. What was done in regard to it?

A. It was paid for at seventy-five cents a log by Sherman; Mr. Sherman paid for the logs as they had gone into his hands.

Q. How long before Powers came into the employment of the commission?

A. It was three or three and a half years.

Q. Was the commission satisfied that that trespass was done under claim of title at that time?

A. Yes, sir.

Q. Did you go to see Powers about it?

A. Yes, sir.

Q. What did you find in reference to it as the result of your personal investigation?

A. He had the letters from here and he had a sort of quit-claim deed; it was the bank in Glens Falls.

Q. Did he give you the information in regard to it?

A. Yes, sir; as to the quantity, etc.

Q. He was willing to pay for it?

A. Yes, sir.

Q. State the circumstances about it?

A. He says: "Whatever other men have to pay for this timber I expect to pay now; I can't get the lots, and I have no fault to find if I am treated the same as the other men."

Q. What about the town hall at Long Lake?

A. Mr. Butler came down here last winter and got a bill in the Legislature giving them power there to bond the town of Long Lake for \$12,000 for the purpose of building the town hall; that was vetoed by the governor, I think; then he went back home and convened the board of supervisors of the county of Hamilton, and I don't know how, but anyway the board of supervisor granted the issuing of the bonds of the town.

Q. Has the forest commission taken any interest in the matter?

A. They furnished a memorandum to the governor stating that it would be a large tax upon the State and that it would be a large expense upon the taxpayers of the town when there were only 117 voters in the town; they furnished a memorandum of those facts in the case

and sent it to the governor and the governor concluded it was too much money for a town hall for that many inhabitants.

Q. Do you know whether Powers and Butler are on friendly terms?

A. They are not on very friendly terms from what I know of them.

Q. How far did you investigate this Dolgeville matter which you said there was nothing of?

A. I had Mr. Miller, a very reliable man, go over the lots upon that border six weeks ago; he spent two weeks looking over these lots to see how much cutting had been done.

Q. They were lots from the Jersey field patent; just a few scattering lots owned by the State; Loren Kellogg is a very reliable man, and he was very anxious for us to get hold of some of the thieves who were stealing off of the State land and from his land, and they were getting the private lands all to themselves and they were moving jointly against them to try to break it up, and they wanted the forest commission to make a general attack upon the sneak thieves; why they go in the night and steal the timber; those men have no hired help; a man will go with his boy or his neighbor and cut two or three trees and take them away in the middle of the night; there is no way of getting hold of them except you "lay for them."

Q. Is it a fact that there are trespasses on private lands up there?

A. Yes, sir; they are alive with them; I saw Mr. Ballor the other day, and he said he had got to bring a number of suits for Proctor and Hill.

Q. What is the pay of the foresters, and do they receive any compensation for expenses?

A. Forty dollars a month without expenses, except if a man is sent away out of his district at a large expense he is allowed some part of his expenses.

Q. In his own district is he expected to pay his own expenses?

A. Yes, sir.

Q. Did you attend the meetings of the commissioners when they met usually?

A. Yes; a great many times I did; there were other times I was not present.

Q. In regard to the removal of soft wood from the forests what do you say as to the custom in lumbering, and what is meant by "lumbering?"

A. As the term is usually used that means floating logs down a stream to a mill.

Q. What kind of timber?

A. In that case they can only float the soft timber — pine, hemlock and spruce.

Q. What proportion of the timber is soft timber on an average?

A. Oh, from a quarter to two-fifths.

By Chairman RYAN:

Q. Is there some land that yields exclusively soft timber?

A. Once in a while if land lays rolling you will find on the ridge a very clean cut of soft timber, but you will generally find two or three thousand feet of spruce scattered there 1,500 feet on an acre.

By Mr. FIERO:

Q. How many trees make 1,500 feet?

A. About eight trees.

Q. What is the average of soft woods there?

A. On large tracks of land they run from a thousand and a quarter for spruce, and the same land will cut a little hemlock and pine; there is very little pine in the whole woods, anyway.

Q. Take a virgin forest, what is the proportion of soft wood to an acre.

A. About one-quarter.

By Mr. CAMERON:

Q. There would be more spruce than hemlock?

A. Yes, sir; in a general way very much larger.

By Mr. FIERO:

Q. How many trees to an acre of all kinds?

A. Will you draw the line as to what is a "tree" and what is brush?"

Q. No, I will not; I will leave that for you?

A. We had that in court at one time.

By Mr. ANIBAL:

Q. Call it down to ten-inch trees.

A. Fifty to sixty or seventy trees to the acre; that is hard wood and soft wood.

By Mr. CAMERON:

Q. Wouldn't it be more than that?

A. It varies as it goes over the forests; if you take 500,000 acres or so you take in all kinds; I mean spruce and hemlock together.

By Mr. FIERO:

Q. What is the effect of the removal of that soft wood so far as the forest is concerned, as to appearance?

A. If it is only cut down to twelve inches, or even to ten inches —

Chairman RYAN.—(Interrupting) What is the object of that question; does it throw light upon anything we have had before?

Mr. FIERO.—It is to show the effect of taking the soft wood from the forest, which is recommended in this report of the commission, and it seems to be very important as bearing upon that question in view of the fact of that recommendation that the park be free, that lumbering (so to speak) may be continued by taking out the soft woods; also for the purpose of showing that lumbering takes only a small proportion of the woods.

Chairman RYAN.—What has that to do with the charges which we are investigating that have been made against the commissioners?

Mr. FIERO.—This is the first intimation we have had that there are any charges against the commission. We have been assured that this was an investigation for the purpose of arriving at the proof. We did not understand that anybody is charged. Mr. Adams has informed us that there was no one charged. For the purpose of arriving at what the committee should report as to a park we deem it quite material. However, if the committee do not care for it we do not wish to press it. We believed it would place information before the committee, and that the committee would desire to understand the custom in regard to the woods, which to one not accustomed to the woods is a somewhat novel thing. It seems to me to be very pertinent to this investigation.

Chairman RYAN.—We have been attempting to investigate the workings of the commission relative to what they were expected to do. I do not see the relevancy of the question asked, but we want all the investigation that can be had which will shed any light.

Mr. FIERO.—When you say you want information as to what the commission is expected to do, this being the recommendation as to the park, and I understand this committee desires information in regard to the park, it seems to be a substantial and important inquiry in reference to the manner in which the State shall acquire land for the park and to throw light upon their report in that respect. It also explains the contract with the Beaver River company, and shows the effect of that upon the whole question that is before this committee, and as to what "lumbering" is, for without it there would be a very different notion as to what "lumbering" is. Almost every one would suppose that "lumbering" meant cutting the forest clean, and what

we are undertaking to now show is that it is only taking a small percentage of the trees — some eight or ten to the acre. However, I think that probably it is fully understood, and I do not desire to further press it upon the committee. If these facts are fully understood, of course, there is no use in going further with the evidence.

Q. Where is Orson Kellogg's place with reference to the logs that are advertised to be sold?

A. I can't tell you; I can't remember Orson Kellogg's hotel; I think it is up towards Olmsteadville, up towards Newcomb.

Q. Is it the nearest public place?

A. Yes, sir.

Q. And the logs are scattered around the lots?

A. Yes, sir.

Mr. FIERO.—Allow me to say, Mr. Chairman, that while I think we have probably closed, there may be some things that will suggest themselves which you will permit us to ask about at a subsequent hearing; that is, if we care to ask anything more of this witness.

By Mr. ADAMS:

Q. Now up in this wicked Herkimer county, you have spoken of, up at Dolgeville and about there; how many suits have the forest commission brought against trespassers and transgressors in the county of Herkimer?

A. I think eight or ten.

Q. When were they brought?

A. Four or five years ago.

Q. So no suits have been brought there in four or five years?

A. Yes, sir; there has.

Q. Within what time?

A. I guess the last suit was brought here two months ago against some parties there.

Q. I understand you three or four or five years ago?

A. Yes, sir; eight or ten suits were brought along about that time.

Q. How many suits have been brought within the last year?

A. I can't tell you.

Q. How many suits the year before that?

A. I can't tell you.

Q. You spoke of there being such enormous trespasses over in Minerva, of 30,000 logs; what was done with the bark; any tanneries over in that region?

A. No, sir.

Q. Where was the bark taken?

A. I guess a good deal of it wasn't taken at all; the bark was put in with the logs, probably; I think some of the bark was peeled; but I know a good many were put in; I think Chestertown was the nearest tannery.

Q. Is that tannery running now?

A. I don't know.

Q. The tanneries are mostly abandoned along the borders of the Adirondack region?

A. Yes, sir.

Q. The tanneries have eaten up the hemlock forests?

A. Yes, sir.

Q. That would account for the failure of getting the hemlock timber?

A. Yes, sir.

Q. This good Mr. Powers, after you and he had a talk, and he told you how bad he felt and how nice this thing was, did you ever make him pay anything for any of these trespasses after that nice talk with you?

A. No.

Q. Did he melt your heart?

A. Yes, slightly.

Q. Did he pay?

A. Sherman paid it.

Q. Did you ever make Powers pay you anything for the trespasses alleged against him?

A. No, sir; not personally.

By Mr. FIERO:

Q. Who paid for the trespasses?

A. Mr. Sherman, of Glens Falls; the logs had gone into his hands and he had to pay for them and did pay for them.

Q. And you paid the commission?

A. Yes, sir.

Q. Did you ever settle a trespass without reporting it to the commission and receiving their directions in regard to it?

A. No, sir.

Q. Was that the usual course?

A. No, sir; they laid down the rules, and the settlements were made upon these two lines, as usually.

Q. Will you state what condition the lands of the State were in that the Everton company applied for?

A. The lands in the 14th township were almost entirely in the southwest quarter; they owned all the intervening land — the Adiron-

lack Railroad Company — and they cut clean as they went; that trespass covered, as near as we could measure it, about 700 acres on State land; there was a fire in the southwest corner which burned over two or three small parcels in connection with their land.

Q. Was that the trespass you collected for from Hurd?

A. No, sir; he paid \$5,000 for that trespass and the costs of the suit, which were \$300 more.

By Chairman RYAN:

Q. You testified that there are less trespasses now than formerly; do you think the fact that there is less timber there than formerly has anything to do with that?

A. No, sir; there is plenty of timber for them to steal.

Q. You spoke of the difficulty of prosecuting these cases by reason of inability to secure competent surveyors to locate the lines; is that the greatest difficulty you have to contend with?

A. The greatest difficulties are to get the surveyors to locate those lines, when they get into court, and to get men who were present when the cutting was done to go upon the lot and swear when they get into court that the cutting is inside of those lines.

Q. You find it very difficult up in that country to get jurors to convict men of stealing from the State, after you have offered sufficient proof?

A. Yes, sir; very difficult; we had a case on trial in Johnstown for four or five days, and Mr. Anibal defended him, and the jury staid out and couldn't agree, and they said they would have staid there for six months.

By Mr. ANIBAL:

Q. How long a time did it take up in its trial?

A. Two weeks' circuit at Johnstown was taken up in trying three cases.

Q. What attorneys did you have representing the forest commission?

A. T. S. Jones, of Oneida, assisted by John M. Carroll, of Johnstown.

Mr. DICKINSON.—I move we adjourn until to-morrow, 3 o'clock.

Chairman RYAN.—The clerk will call the roll upon that and we will see whether we can have a meeting to-morrow evening or to-morrow afternoon at three o'clock. From present indications it is quite likely that the Assembly will not adjourn very early to-morrow. We can meet one hour after the adjournment of the Assembly.

Mr. ANIBAL.—A suggestion has been made, and we submit it to the committee for the committee to take such action as their good judg-

ment may dictate. I understand from the witness, Mr. Garmon, that the lands in what is known as the fourteenth township—a portion of these lands that were applied for by the Everton Land Company, which has been the subject of considerable testimony and quite a good deal of comment outside of the committee room from others outside of the committee—the Northern Adirondack railroad runs up through, and it would give the commission pleasure if the committee or a subcommittee of this committee would go up and examine those lands. They can go there by rail at this time of the year without any serious difficulty and see the lands that are pictured upon this map here; you can get some idea of the condition of those lands there. It would afford pleasure to the forest commission if this committee would take a trip up there. We submit this proposition for your consideration and good judgment.

Chairman RYAN.—It is moved and carried that the committee adjourn to to-morrow afternoon, one hour after the Assembly adjournment.

Adjourned.

ALBANY, N. Y., *February 27, 1891, 5 P. M.*

The committee met pursuant to adjournment.

Present — Chairman Ryan, Messrs. Davie, Hitt, Cameron, Lane, Dickinson and Brown.

THOMAS POWERS, being duly sworn testified.

By Mr. FIERO.

Q. Where do you reside?

A. Olmsteadville, town of Minerva.

Q. In what business are you now engaged?

A. I am a forester and special agent of the forest commission.

Q. How long have you been so?

A. It will be two years the first of April.

Q. What do you do as such officer?

A. My duties are to patrol the woods, look after fires and look after trespasses and protect the woods in general, and this last season since June until into December we had a special report to make in regard to the forests, a description of the forest land, etc.

Q. What do you say in reference to an examination of the woods when lumbering is going on in the vicinity of the State lands?

A. We go through the woods and look up the lots and lines that are surrounding the State lands, and see that no trespass is committed on the State lands.

Q. Give notice to the parties if you find them going over the land?

A. We give them notice to stop and then report it to the commission.

Q. Have you been over lots 69 and 71 in township 26?

A. Yes, sir; I have been over those lots.

Q. Do you know in reference to lots 72 and 90, township No. 26, what the condition is?

A. I have not had time to go over lot 90; I have been over the other lots.

Q. Do you have an investigation made of lot 90 and have you a report in regard to it from the person who made the examination?

A. No, sir.

Q. What was done in regard to lots 69, 71, and 72; as to whether or not there has been any trespass there within a considerable time so far as you are able to ascertain from your examination and from what you saw in reference to it?

A. I should say there had not been anything cut on 71, 69 or 72 in that patent in the last five years to the best of my knowledge; there has been certainly nothing cut in the last three years.

Q. When did you go over them?

A. The twentieth and twenty-first of this month.

Q. Was there any one with you?

A. Yes, sir; Henry Bradley and O. P. Morse, (surveyor); Mr. Morse went with us to show us the lot lines.

Q. Has either of them gone over lot 90 since, as you are informed?

A. I don't know that they have.

Q. Did you go over them for the purpose of seeing whether or not there had been trespass upon them, and make examination with that view after the testimony of Mr. Lynch was given?

A. Yes, sir.

Q. What you have given is the result of your examination?

A. Yes, sir.

Q. The other lots you didn't go on for what reason?

A. I didn't have time.

Q. Why not?

A. I had to be at Long Lake to make a sale of some logs on Monday, the twenty-third.

Q. Did you sell those logs?

A. Yes, sir.

Q. What did they bring?

A. Sixty-two cents per market log.

Q. How does that price compare with the price of logs there?

A. I should think it was all they would bring at public auction, and I should say it was all they were worth.

Q. Do you know Shaw?

A. Robert Shaw I know.

Q. Have you reported trespasses against him?

A. One.

Q. When?

A. In April, 1890.

Q. Did you make that examination in reference to that trespass yourself?

A. Yes, sir.

Q. What did you find in regard to it?

A. I found quite a number of logs; I didn't examine it accurately for the reason that I intended to go back there and survey it out, but it was on lot 108 which was State land and we didn't look it up accurately to ascertain the exact amount; found some logs skidded and several more that had been hauled away.

Q. You reported it to the commission?

A. Yes, sir.

Q. What is there in reference to the matter of the town hall which Mr. Shaw is said to be opposed to?

A. I understood that there was a vote taken there last town meeting to bond the town to build a town hall, and that they got some bill through the Legislature and it was vetoed, and afterwards they went before the board of supervisors, and that Shaw helped them to get the bill through before the board of supervisors; I understand so; in fact, I know it to be so.

Q. Did this discovery of trespass have anything to do with it at all?

A. No, sir; nothing whatever.

Q. Is Butler your brother-in-law?

A. Yes; sir.

Q. Did he have anything to do with having this trespass of Shaw reported?

A. I hadn't spoken with Butler in six months at the time.

Q. Are the relations between Butler and yourself friendly or otherwise?

A. Not very friendly.

Q. Do you know what position the forest commission took in regard to that town hall?

A. I saw a copy of something that was sent to the Governor, drawing his attention to the bill, that if he signed it or if it became a law the State would have to pay a large portion of this tax.

Q. Opposing the bill?

A. Yes; rather opposing it.

Q. Did you take an active part in that matter in any way?

A. No, sir; no part in it.

Q. You spoke of special work which had been done during the last summer and fall; will you describe it?

A. We gave a description; blanks were sent out and we filled them out giving a description of the land, how much forest and how much water, the different streams, the kind of soil, how much was lumbered, how much was virgin forest, how much was second growth, what kind of timber, hard wood, spruce and pine, etc., as near as we could estimate it.

Q. [Presenting same.] I show you a bundle of reports; are those your reports?

A. That is a part of them.

Q. Filed in the office here?

A. Yes, sir.

Q. About how long were you engaged in this special work?

A. About six months.

Q. About how many reports did you make altogether?

A. I couldn't say; there is that bundle and quite a number more; they tell me there are more in the office.

Mr. FIERO.—I call the attention of the committee to the form and character of these reports, which show that they are reports of the recorder, showing the number of tract or patent; the township; county; number of acres in the whole lot; whether thickly timbered or otherwise; cleared land; swamp land; waste land; wild meadow land; names and kinds of timber; how much is virgin forest; how much is second growth; whether it has been burned over, and if so how many acres; whether it has been lumbered over, and if so what kind of timber has been cut; who is at present lumbering in that vicinity; size of timber; nature of the ground, whether rocky or well covered; whether there is any stream in the lot; whether there is any dam on the stream; any back flow or drowned land; how large an area is included; whether there are any roads crossing the lot and whether they are highways or wood roads; whether there are any buildings on the lots, whether they are occupied and the names of the residents; whether there are any camps; whether the surrounding lands are forest lands or not; who is the owner; and with the direction to note any sale that has been made of this lot or tract, or the timber on it, within the past year, and the price paid per acre," and "any additional information," and in some cases there is additional infor-

mation given. It shows the nature of the reports and the character of them.

Q. Were these blanks furnished by the office and sent to you?

A. Yes, sir.

Q. You were instructed to make these examinations and report to the office, which you did?

A. Yes, sir.

Q. Have there been trespasses in that locality recently, in the town of Minerva or Newcomb?

A. I have not known any in the town of Minerva, lately; there has been a small one in the town of Newcomb; there have been some few in Long Lake, light trespasses, this fall.

Q. What have you done about them?

A. I reported all but one of them, of which I have the report ready to send into the office now.

Q. What is the fact in regard to the trespasses there; do you know what the condition of affairs was at the time the forest commission took the control of the forest land in that vicinity?

A. Yes, sir.

Q. State about the trespasses?

A. They were heavy; in fact until about the time that the forest commission was organized, people cut wherever they pleased; cut wherever there was the best timber and the easiest got; since the forest commission has been organized, there has been very little trespassing; there was some one winter there; very little.

Q. Do you know of a large number of "markets" being cut on State land just previous to the time that the forest commission took control of the matter?

A. Yes, sir; on twenty-six township, Totten & Crossfield's purchase that was about along in 1884.

Q. To what extent?

A. I should say there was, at an estimate, 20,000 or 25,000 "stands" cut there.

Q. Anything since 1886 to your knowledge?

A. No, sir.

Q. When information is brought to you of a trespass, do you follow the matter up and investigate it?

A. Yes, sir; as soon as possible.

Q. Is that your invariable custom?

A. Yes, sir.

Q. In case there is anything of it, do you report it to the office for their action?

A. As soon as I have investigated it, I report it as I find it.

Q. I want to ask you in reference to a trespass which it is alleged you committed several years ago before your appointment; what is the fact about it?

A. The trespass, as I understand that Mr. Lynch speaks of, was this: I cut some logs on some land there, with the assurance from the Comptroller's office and the State agent that I had a perfect right to cut them.

Q. Did you have a contract for them from some person?

A. Yes, sir; from the person who had owned the land, but it was reverted to the State, and I wrote on to Captain Sanger to find out in regard to the land, and if I could get a title by paying up the back taxes; he wrote me I could bid the lands off at the tax sale at the coming fall, and that I had a right to cut logs; I saw the State agent, R. M. Trumbull, Ausable Forks, and he told me to go on and cut the timber, and it was all right; I cut about 1,267 market logs; afterwards when the commission was organized, they made me pay seventy-five cents per log.

Q. Was that paid by you directly?

A. The logs had gone into D. W. Sherman's hands, and he paid for the logs and charged the amount to me.

Q. Did you give the warden a statement of that trespass?

A. Yes, sir; when he came to see me I gave him the marker's measurement and the amount, and told him I was ready to pay for them at any time he fixed the price.

Q. Has there been any complaint made against you in regard to trespasses since that time to your knowledge?

A. I haven't heard of any.

Q. Have you trespassed upon State lands since that time?

A. No, sir; not one tree have I touched since that time.

Q. Are you familiar with the character of the woods with reference to the soft and hard wood, the comparative quantity in your neighborhood and district?

A. Yes, sir; I have followed lumbering a great many years; I am experienced.

Q. What do you say in regard to the percentage of soft woods on those lands, spruce and hemlock, as compared with the hard woods?

A. I should say that the spruce and hard wood—you mean the merchantable timber?

Q. Yes, sir.

A. You mean the percentage of merchantable timber, merchantable spruce and hemlock; I should say the merchantable timber was about ten per cent—not higher than that.

Q. What timber is taken in lumbering?

A. In our country; it is spruce, hemlock and pine, and some few balsams.

Q. That is the percentage of timber fit for lumbering in that locality?

A. Yes, sir; I should say it was not higher than ten per cent.

Q. How would the taking out of that percentage of trees affect the forest?

A. As a general thing, in three or four years, if you didn't see the stumps, you wouldn't know that there had ever been any cut.

Cross-examined :

By Mr. ADAMS:

Q. How many soft-wood trees would an acre there cut on the average?

A. I never have made an estimate in regard to the trees; we estimate it by standard logs.

Q. You have been over a good many acres of land that have been lumbered, and seen the stumps; how long have you been a lumberman?

A. I have lumbered, with the exception of two years, until 1885, since 1857.

Q. You have been a lumberman since 1857, and have cut a great many trees, and cut over a great many acres?

A. Yes, sir.

Q. Can you tell this committee how many lumber trees you take off of an acre?

A. I have never figured it in that way; we have always figured by the standard log; when we go in to estimate a lumber lot for the purpose of buying it, we estimate how many standard logs there are.

Q. I didn't ask that; I ask you from your own experience and your own recollection to give an estimate of the number of trees that was taken off to the acre on the average—what you have done yourself and seen since 1857?

A. I couldn't give anything accurate.

Q. Would it be as many as thirteen trees to the acre, in your judgment?

A. I think not on an average.

Q. How many on the average, if you can bring before your mind several years of your life?

A. We calculate about twenty market, standard logs, to the acre; it might run as high as fifteen; twelve to fifteen.

Q. And in cutting them you leave the tops?

A. Yes, sir.

Q. You cut the logs out and leave the tops there, and there would be scattered over an acre fifteen to twenty tops?

A. Yes, sir.

Q. Will that help fire to run?

A. Yes, sir; to a certain extent the first year.

Q. While those tops lie there, don't it promote fire running over the tract of 500 acres?

A. Yes, sir; the first year after the chopping is done.

Q. How about the second year?

A. After the first year a spruce or hemlock top is about as hard a thing as we have to burn; we learn that in the clearing up of land.

Q. So there is no danger after the first year?

A. No, sir; not the least.

Q. How long does it take the limbs and brush of a spruce tree to decay?

A. They will not rot away entirely in several years, but they get soaked and the bark is wet.

Q. Suppose they get dry, isn't fire likely to run through the old stuff when it is dry?

A. It will run anywhere when it is dry.

Q. The more spruce tops dried out in a dry time the more danger of fire running?

A. I shouldn't say there would be any more danger by it running, or of it running, where there were spruce tops, than in any other part of the woods in a dry time.

Q. That is your opinion and experience?

A. Yes, sir.

Q. How recent a trespass do you know of or have you heard of?

A. I have found one only about a week or ten days ago; the cutting had been done some three or four weeks.

Q. Did you find more than one?

A. Yes, sir.

Q. How many?

A. I have found at least six since December.

Q. How large trespasses were they, how many logs did you find had been cut?

A. To the best of my recollection I think there were about 600 pieces in one parcel, 500 and some odd in another, I think 600 and some odd in another parcel, 500 and some odd in another, 200 in another, and 160, I think, in another parcel.

Q. When you say "pieces" you mean logs.

A. I mean pieces; those are not standard logs.

Q. You mean logs?

A. Yes, sir.

Q. "Standard logs" are logs of a certain size.

A. Yes, sir.

Q. I understood you to say that the trespassing had pretty much given up in your country?

A. I say those are light.

Q. You don't call that a large trespass up in your country?

A. Not compared with what it used to be.

Q. Can you tell from the looks of a stump when a tree was cut?

A. I can give quite an idea of it.

Q. How close an idea can you get from the appearance of a stump as to when the tree was cut?

A. I can tell whether a tree was cut this winter or last winter, or the winter previous; I couldn't tell back of that.

Q. Then I understand you to say that the statement of Mr. Lynch in regard to the cutting on certain lots is not correct?

A. I say that that is false from my own personal knowledge.

Q. Were there no stumps upon those lots?

A. Yes, sir.

Q. How many stumps were there upon those lots?

A. I didn't count them; there was a number of them; they lumbered one of those lots, I think, in 1881.

Q. So it is true those lots have been cut over, and where Mr. Lynch is false in his statement is as to the time when the trees were cut—that is where you differ?

A. He reported some that were cut before in 1885.

Q. The difference between you and Mr. Lynch as to the cutting upon these lots is as to the time when the cutting was done, judging from the appearance of the stump?

A. He said they were cut a year ago this winter or last winter.

Q. You differ as to the time?

A. We differ in the time; they were cut in 1885, I have learned.

Q. On the strength of that you are willing to say that his statement is false?

A. Yes, sir; it is false.

Q. Referring to this special work and this bundle of papers, how many sections of land did you examine and put into those papers?

A. I couldn't tell; I think there is some 300,000 acres, upwards of that; there may not be quite that and there may be more.

Q. Where were the 300,000 acres situated?

A. In the town of Minerva, town of North Hudson, town of Newcomb, town of Long Lake, and town of Indian Lake.

Q. Those are all State lands?

A. No, sir; some of them are; I have not described any State lands here; those are all private lands.

Q. What is the forest commission sending out foresters to make reports on private lands for?

A. I understood the Legislature a year ago called for it.

Q. This forest commission, as you understood, were charged with the examination of private lands and making reports, and all these reports you have made relate to those private lands, do they?

A. Yes, sir.

Q. Some 300,000 acres?

A. Yes, sir; there may be more or less.

Q. Where does Butler live?

A. In the town of Long Lake.

Q. Do you say that he and you are not on good terms?

A. At present we are not enemies or particular friends, but for a year or such a matter we were what you might call enemies.

Q. When did you "make up"?

A. There was no particular "making up" about it.

Q. Robert Shaw over there is the minister?

A. Yes; I understand he is a minister, beside many other trades.

Q. Has to do a good many things to make a living?

A. Yes; I suppose so.

Q. You reported Shaw's trespass?

A. Yes, sir.

Q. When was that report made in reference to the agitation of this question about raising \$12,000 to build a town hall?

A. I think their town meeting was some time in March; I am not sure; this report was made in April.

Q. So that this question about the town house came up in March, and whatever he had to do with it (whether he opposed it, or favored it, makes no difference), was the next month after that?

A. I don't know that he opposed it at any time.

Q. You don't know what his views are?

A. No, sir.

Q. This report was made the month after that question was up?

A. Yes; it might not be a month.

Q. Were you in favor of bonding the town for \$12,000?

A. I had nothing to do with it; I had no taxes to pay; I had no interest in it.

Q. Did you live in that town?

A. No, sir.

Q. How did you hear of Shaw's trespass?

A. I had a surveyor up there with me and he told me, and a number of other people told me; Captain Parker told me he had been trespassing.

Q. Did the information come from Long Lake?

A. Those people lived in Long Lake.

Q. After that information you looked into it and made the complaint?

A. Yes, sir.

Q. On the twenty-third, which was Monday, you sold these logs under Warden Garmon's notice?

A. Yes, sir.

Q. How long was that notice?

A. Those notices were posted somewheres about eight days.

Q. How many of them were posted?

A. I couldn't say as to how many; I think there were eight.

Q. Did you post any of them?

A. No, sir.

Q. Did you see any of them posted?

A. Yes, sir.

Q. How many did you see posted up?

A. I saw four posted.

Q. Whereabouts?

A. Long Lake.

Q. Whereabouts there?

A. One at Helms'; one over on the Long Lake hotel; there was another at Albert Hammon's store, and another on another store I saw; I sent one to David Helms to post at the head of Long lake.

Q. Where was this sale held?

A. On the front steps of the Long Lake hotel.

Q. How far was that from these logs?

A. Four miles from one parcel and about a mile and a half from the other.

Q. How many logs were there?

A. I counted them, I think there was eleven hundred and some thing pieces.

Q. That would make about how much lumber?

A. I think I estimated it at something over three for a "market;" they were sold subject to the measurement by the Norwood Lumber Company measurer.

Q. Who bought these logs?

A. E. Butler.

Q. The hateful brother-in-law of yours?

A. Yes, sir.

Q. Did anybody see these logs; were they exhibited to view at the time of the sale?

A. I didn't have them there.

Q. Do you know whether anybody had an opportunity to or did examine them before the sale?

A. Plenty; I know they were examined.

Q. How do you know?

A. Men told me so.

Q. So you sold them in the woods four miles away to E. Butler for sixty-two cents?

A. Yes, sir.

Q. How many were there at the sale?

A. About forty, as near as I could ascertain.

Q. How many bids did you have?

A. Three.

Q. Whose was the first bid?

A. E. Butler.

Q. How much?

A. Sixty cents.

Q. Then who bid?

A. The Norwood Lumber Company's agent, Mr. Barber.

Q. How much did he bid?

A. Sixty-one.

Q. What was the next bid?

A. E. Butler.

Q. How much was his bid?

A. Sixty-two.

Q. Sixty, sixty-one and sixty-two were the bids?

A. Yes, sir.

Q. And you struck them off?

A. Yes, sir.

Q. How long was it from the time you put up the logs until you struck them off?

A. About fifteen minutes, I think, as near as I can judge.

Q. Who cut those logs?

A. They were cut by a man named Sabbaters; they were caused to be cut by E. Butler.

Q. He bid them off at sixty-two cents?

A. Yes, sir.

Q. They were on State lands?

A. Yes, sir.

Q. No mistake about that?

A. No, sir.

Q. You knew Butler had cut them when you put them up for sale?

A. Yes, sir.

Q. And Mr. Garmon knew or heard he had cut them?

A. Yes, sir.

Q. Butler is a responsible man?

A. I don't know as to that; I should say not very.

Q. Has he property in his hands?

A. Not that I know of particularly.

Q. Own and run a hotel there?

A. No.

Q. What does he do?

A. I guess he is lumbering a little there.

Q. How long has he been in the lumber business?

A. I should say he has been in the lumber business since 1860, probably.

Q. Lumbered right along ever since?

A. No, sir; not all the time; he has been in the hotel business, merchant, etc.

Q. How much of the time?

A. I should say he had been in the lumber business more or less all the time, except, may be, from five to eight years.

Q. Do you know any reason why this forest commission didn't come down on Butler and make him pay one dollar and twenty-five cents a thousand?

A. I understood they were going to first sell and get what they could out of the logs and prosecute Butler and get the balance.

Q. Did Butler pay you for the logs?

A. No, sir; I sold the logs subject to the measurement by the Norwood Lumber Company's market measurer, and as soon as he measured the logs the bill of the logs and the check for the same was to be sent to the forest commission here; that was the conditions of the sale.

Q. When were the logs to be measured?

A. Tuesday.

Q. Who told you that the forest commission were going to sell the logs?

A. Mr. Butler.

Q. And after he made his bid for the logs that they were going to sue him for the trespass?

A. I heard Warden Garmon say so.

Q. Have you any idea that that thing can be done successfully?

A. I have no doubt that there can be an action commenced for the collecting of it and that judgment can be got, but the collecting of it is another thing.

Q. You think he will beat the State on the execution out of the balance?

A. That's a question; I don't know his circumstances well enough to know whether that is so or not.

Q. How long have you been forester up there?

A. I was appointed, I think, two years ago the first of April next or the latter part of March.

Q. How many complaints have you sent in since you have been forester?

A. I think in the summer of 1889 and the spring of 1889 Inspector Burke and I together looked up twenty-six or twenty-seven trespasses committed the winter previous.

Q. Were they those little trespasses you have spoken of?

A. Well, there was none of them large, not what we call large.

Q. Did you send any in in 1890?

A. In 1890 there was but very little; I think Faxon & Knapp removed some logs from township 26 that had been cut the year before.

Q. In 1891 how many?

A. I don't know but some of Butler's were cut in the summer.

Q. Isn't it true that the hemlock and heavy timber up in that region is pretty well cut off, and there is not very much left to cut?

A. There is a good deal of hemlock and spruce timber in the country yet.

Q. On the State lands?

A. Quite an amount.

Q. How many acres of the State land are in the vicinity?

A. I couldn't tell you exactly; there is quite an amount in the towns of Minerva, Newcomb and Long Lake; I couldn't give an estimate of the acres.

Q. Five thousand acres?

A. Yes, there is a great deal more than that of State land.

Q. How much, as near as you can estimate?

A. I think it is assessed for \$23,000 or \$24,000 in our town, as near as I can estimate, and I don't think any of it is assessed at one dollar an acre.

Q. Thirty thousand acres in all?

A. Yes, sir; more than that in the three towns.

Q. Has not the soft timber on the State lands in this vicinity been taken away from the streams so it is not accessible?

A. Pretty much all the State land was lumbered over before it reverted to the State; hardly any lands were let go back to the State until they were lumbered over.

Q. My question was if this is not true — that the accessible timber near the streams on the State land has been cut off, and what lumber or timber you speak of being left is away from the streams and difficult to get down and float?

A. Since it became State land?

Q. Yes, sir.

A. No, sir; I should not say it was.

Q. Where is the timber situated with reference to the streams that are usually used to float logs?

A. It is on the Boreas river and on the North river; it is on what we call Minerva creek; it is up Long lake.

Q. Upon those streams you have mentioned is there any considerable amount of this timber standing?

A. There is quite an amount of timber standing on the State lands.

Q. I mean on the borders of these streams?

A. Yes, sir; there is quite an amount.

Q. Most of it is back from the streams, isn't it?

A. There is not a great difference; there may be more back from the streams, because men in lumbering there the first time have left some way back on the tops of the mountains, and that has not been cut over, and is really virgin forest, so I think there would be more timber back from the streams.

Q. These trespasses that occurred before 1885, and the trespasses that have occurred since, haven't they occurred near the borders of these streams?

A. No, sir; I should say not.

Q. Where have they occurred with reference to the streams?

A. Wherever they thought they had the best chance to steal it; for instance, a man lumbering a lot of his own he is apt to get over on adjoining lots; and so with the State lands, whether it is back from the stream, or adjoining the stream.

By Mr. FIERO:

Q. How many "standards" to a tree?

A. Well, they will average about two and a half pieces to a tree; we calculate now where they cut them down to eight inches that it takes

on an average with a spruce about four and five or four pieces to one; hemlock and pine runs larger; hemlock will average over twice as much to the tree as the spruce will.

Q. This trespass of Butler was of the logs you spoke of that you reported to the commission?

A. Yes, sir; as soon as I found it out.

FRANK C. PARKER, being duly sworn, testified as follows:

By Mr. FIERO:

Q. Where do you reside?

A. Keene Valley, town of Keene, Essex county.

Q. Where is that with reference to the head waters of the Hudson?

A. It is about fifteen miles in an air line.

Q. Does your district as forester embrace the head waters of the Hudson?

A. Yes, sir.

Q. About what is the size of your district that you have to go over?

A. I should say fifteen miles one way by thirty the other.

Q. About how many acres of State land are there in it?

A. I should estimate close on to 100,000.

Q. How long have you been a forester?

A. Since the 10th of June, 1886.

Q. What was your business previous to that?

A. I was a guide.

Q. Did you become acquainted with the woods in that locality at that time?

A. Yes, sir; acquainted as much as a guide could be.

Q. What do you say in reference to your acquaintance with the woods at the time of your appointment?

A. I was acquainted with the woods as much as a guide could be.

Q. How long have you been in that business?

A. About seven years.

Q. Do you know the state of affairs in your district with reference to trespasses on State land and the cutting of timber on State land at the time that you were appointed when the forest commission took control of the matter?

A. Yes, sir; I know that there was a good deal of cutting done then on State land.

Q. Can you state to what extent?

A. In my own district it was done in a petty or small way; people would lumber off an 160-acre lot, take off enough to build a house or two, and draw it away and sell it; there were no streams where they

could run the logs down in that part that I have reference to; the other portions, where the larger trespasses were, I couldn't say about.

Q. How near do you live to the nearest State land?

A. Within three-quarters of a mile.

Q. What compensation do you receive?

A. Forty dollars a month.

Q. Does that also cover your expenses?

A. No, sir.

Q. Do you get any extra compensation for expenses?

A. I have received expenses when I have been on special duty; when I have been off on special duty.

Q. But not in the course of your regular employment?

A. No, sir.

Q. What is the nature of your duty and how much time do you spend at it; does it take your entire time?

A. I spend my entire time; I have no other occupation.

Q. What do you do?

A. I patrol the woods and look after trespassers; I locate State lots and determine the boundaries and the corners, boundary lines, and gain all the information I can; I give all the information I can to anybody that comes there; I look after the lands with relation to fires in the summer time and see that nobody leaves fire out carelessly, and I instruct them all I can; persons might be careless in leaving fire out.

Q. How often do you go over your district?

A. Well, sir, as I say; I spend the entire time; I have been, probably, two or three times a season over the district.

Q. What do you do when you go over the district; state your method in starting out; how you travel and what you do?

A. In the first place, I always make it a point, when I want to find out something about the land I am to look after, to make a diagram of the lots, and on my journey I make any notes that I can in regard to the lands; I gain all the information I can; if any trespass comes under my notice I report it to the forest commission at once after I determine that it is a trespass.

Q. What does the "special work" consist of; what have you been engaged in recently in that line?

A. This past summer I have been sent to investigate the main descriptions of different lots and townships allotted to me by Warden Garmon to look over.

Q. What did you do in that connection?

A. My instructions were to look over these townships by quarters—that is, take the northeast or the southeast quarter and give a

description of each one as near as I could, and gain all the information I could from local surveyors and men around there; I did so; in some townships I located the lots and gave descriptions of lots by number when there was more than 1,000 acres.

Q. Did you follow up any lot lines?

A. Yes, sir; and I determined each lot line of each township that I looked over; I made no report but what I knew accurately.

Q. Did you fill out printed blanks?

A. Yes, sir; a good number of them.

Q. Did you add statements of fact in regard to the lots as in the case I show you?

A. Yes, sir.

Q. [Presenting same.]. Is that one of your reports?

A. Yes, sir; that is one of them.

Q. Will you read that part of your report, aside from the answers to the questions which relates to a lot on the Totten and Crossfield purchase, Township 48, town of Keene, county of Essex, so the committee may see the character of the report?

A. "Please add any additional information which you may have, and which may be necessary to a full and complete description of this lot. The Adirondack Mountain Reserve Company, W. C. Neelson, of Philadelphia, president; W. C. Alderson, of Philadelphia, treasurer; Sidney Smith, of New York, secretary; this company claim that they have bought this land, and wish to preserve the forests, and to propagate fish and game; they have improved the lands between Beeds and the lower Ausable by building a very fine road, and have surveyed the land with the intention of building cottages and leasing them; they charge the public tolls over the road, and also for the privilege of camping on the lake; they also control all of the water shed of the Ausable in the 45th township, which they lease from the Adirondack Iron and Steel Company; when this company bought this land there was some trouble about the lands in the southeast part, W. Barnes having some claim; the company have compromised with Mr. Barnes, giving him the spruce timber on 3,020 acres, they holding the lands after the timber is cut."

Q. What is the fact about the toll upon that road, what does that company charge?

A. Well, sir, they charge one dollar I believe for teams, and for foot passengers ten cents; that, I believe, has been removed.

Q. What is the length of the road?

A. About three and a half miles.

Q. About how many reports did you make?

A. I really couldn't give you the exact number, but in all probability seventy-five or more.

Mr. FIERO.—I offer in evidence the one already read by the witness and also the description of lot No. 10, Old Military Tract, and of the gore east of Township 47. I offer the whole of them in order that it may appear what the character of the work was, and also because there may be some that the committee desire to examine which were testified to by Mr. Powers. I would like to call the attention of the committee right here to the fact that this work was done; as there seems to be criticism, and to a joint resolution which was passed last winter, which resolution is as follows:

“Resolved (if the Assembly concur), that the forest commission be and hereby is directed to take into consideration the message of the Governor addressed to the Legislature, calling attention to the subject of establishing a State park in and about the head waters of the rivers having their source in the Adirondack wilderness, and, after thoroughly investigating the possibilities of such an undertaking, to report to the Legislature its conclusion thereon, and its recommendations as to the most effective methods to be employed to accomplish that end — either by bill or otherwise — together with any pertinent facts within the knowledge of the commission relating to the general subject of forest preservation or extension, and further to report the number of acres or square miles of land essential to fulfilling the requirements of a suitable reservation or park, and the probable cost thereof, and to report also in regard to the other subjects referred to in said message of the Governor.”

Under that resolution an examination was made of the private lands in order to ascertain what the conditions of those lands were, and in reference to their utility for park purposes. That is all that these special reports were intended for, and is the special work which has been referred to here frequently. The following are the exhibits:

FOREST COMMISSION, S. N. Y., }
KEENE VALLEY, N. Y., July 16, 1890. }

*Report of forester, describing ;
tract or patent, Totten & Crossfield purchase, township 48, town of Keene,
county of Essex.*

Number of acres in the whole lot or parcel, 21,000.

Number of acres owned by the State,

How timbered, thickly or partially? Thickly.

Any cleared land; if so, how many acres? Yes, three or four acres in east part.

Any swamp land; if so, how many acres? No.

Any waste land or land whose productiveness has been injured by fire? Yes.

Any wild meadow land; if so, how many acres? A few acres of wild beaver meadow on the Ausable river, but grown up in brush, etc.

Name the kinds of timber in the order of quantity. Spruce, birch, maple, buck, etc.

How much of this lot or parcel is virgin forest? All except the cleared land.

How much is second growth?.....

Has it been burned over; if so, how many acres were burned? About 100 acres around the Lower Ausable, quite a number of years ago, mostly grown up in brush, etc.

Has it been lumbered over? Yes, a portion, S. E. part.

If so, what kind of timber was cut? Spruce.

Who is, at the present time, lumbering in that vicinity? G. Underwood and Burnes.

Is the timber there now, large, medium or small? Medium.

Is the ground rocky, or well covered? Rocky.

Is there any stream in this lot or parcel? If so, state the name. Ausable River Boquet.

Is there any dam on this stream within this lot? Yes, at Lower Ausable lake.

Is there any back flow or drowned land? Very little on shores of lake.

If so, how large an area is flooded?

Do any roads cross this lot? Yes, what was formerly a State road.

Are they highways or "wood roads?" Toll road.

Are there any buildings on this lot? Yes, cottages leased by the Adirondack Mountain Reserve.

If occupied by residents, give their names.....

Are there any camps on this lot? Yes.

Are the surrounding lands forest or farm lands? Farm lands on northeast.

Who is owner of this lot? The Adirondack Mountain Reserve.

Note any sales that has been made of this lot or tract, or the timber on it, within the past year; and the price paid per acre.

Please add any additional information which you may have, and which may be necessary to a full and complete description of this lot. The Adirondack Mountain Reserve Company, W. G. Neelson, of Philadelphia, president, W. C. Alderson, of Philadelphia, treasurer, Sydney Smith, of New York, secretary. This company claim that they have

bought this land and wish to preserve the forests, and to propagate fish and game. They have improved the lands between Beeds and the Lower Ausable by building a very fine road, and have surveyed the land with the intention of building cottages and leasing them. They charge the public tolls over the road, and also for the privilege of camping on the lake. They also control all of the water shed of the Ausable in the 45th township, which they lease from the Adirondack Iron and Steel Company. When this company bought this land there was some trouble about the lands in the southeast part, W. Barnes having some claim. The company have compromised with Mr. Barnes, giving him the spruce timber on 3,020 acres, they holding the lands after the timber is cut.

(Signature)

FRANK C. PARKER.

Dated, July 16, 1890.

FOREST COMMISSION, S. N. Y.,

CASCADEVILLE, N. Y., June 24, 1890. }

Report of Frank C. Parker, forester, describing lot No. 10; tract or patent, Old Military Township 12, town of North Elba, county of Essex:

Number of acres in the whole lot or parcel, 460.

Number of acres owned by the State, 327.

How timbered, thickly or partially? Thickly.

Any cleared lands; if so, how many acres? No.

Any swamp land; if so, how many acres? About twenty acres.

Any waste land, or land whose productiveness has been injured by fire? Yes.

Any wild meadow land; if so, how many acres? About 100 acres.

Name the kinds of timber in the order of quantity. Spruce, balsam, cedar and hard woods.

How much of this lot or parcel is virgin forest? All except the meadow land.

How much is second growth?

Has it been burned over; if so, how many acres were burned? Yes; between fifty and one hundred acres.

Has it been lumbered over? No.

If so, what kind of timber was cut?

Who is, at the present time, lumbering in that vicinity? No one.

Is the timber there now large, medium or small? Medium.

Is the ground rocky or well covered? Well covered.

Is there any stream on this lot or parcel; if so, state the name. South meadow streams.

Is there any dam on this stream within this lot? No.

Is there any back flow or drowned land? Only what was originally made by Beaver dam.

If so, how large an area is flooded? Over a hundred acres.

Do any roads cross this lot? No.

Are they highways or "wood roads?"

Are there any buildings on this lot? No.

If occupied by residents, give their names.

Are there any camps on this lot? No.

Are the surrounding lands forests or farm lands? Forests.

Who is the owner of this lot? C. Williams, O. Abells and David Jones in sub. 3 and 4, undivided interest.

Note any sale that has been made of this lot or tract, or the timber on it, within the past year; and the price paid per acre.

Please add any additional information which you may have and which may be necessary to a full and complete description of this lot.

This lot is situated near what is called here the South meadows, which cover a large area of land; this land has never been cleared, but years ago when people cut the grass on these meadows they were in the habit of burning it over every spring, which destroyed the timber, and now it covers nearly 500 acres, more or less. The land is very low and is fed by a number of mountain streams; a dam built ten feet high at the lower end of these meadows would flow over 300 acres. The main south meadow stream is one of the tributaries of the west branch of the Ausable. Now if there ever was a dam built here it would be the only way of running the timber from this township down the Ausable.

It seems very important, that the State should prevent this as the timber is really in a virgin state almost all through the township.

(Signature) FRANK C. PARKER.

Dated June 24, 1890.

FOREST COMMISSION, S. N. Y.,
TAHAWUS, N. Y., August 6, 1890. }

Report of Frank C. Parker, forester, describing gore east Tp. 47, and south of Tp. 12, O. M. T., Richard's survey. Tract or patent township, town of Newcomb, county of Essex.

Number of acres in the whole lot or parcel.

Number of acres owned by the State.

How timbered, thickly or partially? Thickly in parts, but lumbered extensively.

Any cleared land; if so, how many acres? No.

Any swamp land; if so, how many acres? Yes; a few acres around ponds.

Any waste land, or land whose productiveness has been injured by fire? Yes.

Any wild meadow land; if so, how many acres? No.

Name the kinds of timber in the order of quantity. Spruce, balsam, birch, cedar, pine, etc.

How much of this lot or parcel is virgin forest? All.

How much is second growth? None.

Has it been burned over; if so, how many acres were burned? No.

Has it been lumbered over? Yes.

If so, what kind of timber was cut? Spruce.

Who is, at the present time, lumbering in that vicinity? Finch & Pruyn, agents.

Is the timber there now large, medium or small? Medium.

Is the ground rocky or well covered? Rocky and mountainous.

Is there any stream on this lot or parcel? If so, state the name. East branch Hudson river.

Is there any dam on this stream within this lot? Yes.

Is there any back flow or drowned land? Yes, about seventy-five acres.

If so, how large an area is flooded?

Do any roads cross this lot? Yes.

Are they highways or "wood roads?" Lumber roads.

Are there any buildings on this lot? Only lumber shanties, etc.

If occupied by residents, give their names?

Are there any camps on this lot? Yes; two at Lake Colden and others in different parts.

Are the surrounding lands forests or farm lands? Forests.

Who is the owner of this lot? Adirondack Iron and Steel Company.

Note any sale that has been made of this lot or tract, or the timber on it, within the past year; and the price paid per acre.

Please add any additional information which you may have, and which may be necessary to a full and complete description of this lot.

I can not say too much in regard to this gore; on it are the head waters of the Hudson river, and it is one of the main points to be saved if the State wishes to benefit the water supply of the Hudson. Lake Colden, a beautiful little lake, one of the highest reservoirs of Hudson on its last branch, is surrounded with high mountains whose water shed come into this lake and thence down the Hudson. This lake is not deep except in the channels where these brooks run in. It is more like a river. Now the shores are covered with a dense

growth of spruce, hardly anything else. The soil is covered with a heavy moss, and all the water that comes from Mt. McIntire and Colden is held by this moss, besides in this place the snow will stay longer than in any other part. They are making preparations to lumber in this part this fall. I have heard lumber men say that they could set about eighteen thousand markets around Colden this winter. The other parts of this gore along the east branch and from Calamity pond down the brook to the North river has been lumbered. From Lake Colden up the Opalescent river is still in its virgin state.

(Signature) FRANK C. PARKER.

Dated August 6, 1890.

Cross-examined :

By Mr. ADAMS:

Q. How many trespasses did you report the present year?

A. Well, sir; I have reported four.

Q. How large were those trespasses?

A. Well, one of them was between 400 and 500 standard logs.

Q. That was the largest one, was it?

A. Yes, sir.

Q. Give some idea of the others?

A. Less than ten standards.

Q. The year before how many trespasses did you report?

A. I reported two.

Q. How many did you report the year before that?

A. I think not more than one; I can't say positively; very small.

Q. In making these examinations and reports did you have anybody with you?

A. Yes, sir.

Q. I mean last summer in the special work?

A. Yes, sir.

Q. Who did you have with you?

A. Occasionally when I had to do anything of that kind, I had some expert, some man who was familiar with the lines, to show me where the township line across was, so I could identify them, and know something about them.

Q. Were these persons paid?

A. I paid them; they were paid; I paid some of them some small consideration for their time.

Q. That was carried into your bill?

A. Yes, sir.

Q. Was anybody employed by the day, or week, or month, to go with you?

A. No, sir.

Q. Were your own expenses charged for and paid?

A. Yes, sir.

Q. All these examinations and reports you speak of related to other than the State land?

A. Some of the lots I reported were State lands; I reported the whole township, State land and all.

Q. What proportion of the lands were private lands?

A. I should say over two-thirds, as near as I can estimate it.

Q. How much State land is there in your district?

A. I should calculate very nearly 100,000 acres all together.

Q. Have these lands been lumbered on?

A. A greater portion of them is worthless land; then there is some very nice land.

Q. What proportion of them is worthless land?

A. I should say a good half.

Q. And the other half of the State land has what sort of timber upon it?

A. In township 12, old military tract, the timber is in very nice condition; hard wood; mixture of spruce in portions of it; on the mountains there is a great deal of spruce; it is almost all virgin forest.

Q. How many acres of that?

A. I should say about 32,000 acres.

Q. Is that back from the streams?

A. The west branch of Ausable river runs right through the township.

Q. Can you drive logs down the Ausable?

A. It is not a log thoroughfare at that point; it can be made so.

Q. Is it not now and never has been used to drive logs?

A. No, sir; not up as high as that.

Q. Since you have been a forester have you ever done anything in the way of guiding people?

A. No, sir; only in showing people attention and giving them information, as I have been directed to do.

Q. You have given up guiding people?

A. Yes, sir.

Q. Are you a married man?

A. Yes, sir.

Q. You have a family?

A. Yes, sir.

Q. Did you pursue any other business except this business of forester in any part of the year?

A. No, sir.

By Mr. ANIBAL:

Q. Has Mr. Garmon visited you and been in your district repeatedly during the time you have been a forester?

A. I have seen him a good many times on the district—on Saranac lake and at Elizabeth town; met him a great deal.

By Mr. ADAMS:

Q. How many times did you meet him last year?

A. Last year, four or five times; I haven't met him this year.

Q. At what places did you meet him?

A. I can't call to mind all; Saranac lake, I think is one place; I have seen him in Albany.

Q. I speak of up in your district?

A. I can't think of any other place; that is the central point where we would generally meet.

Q. The year before that how many times did you see him in your district?

A. I can't call to mind, but it was a number of times; probably half a dozen times; we had a suit.

Q. Whereabouts?

A. At Saranac lake.

Q. At that time a lawsuit was progressing that he had charge of?

A. Yes, sir.

Q. He was there on the business of the lawsuit?

A. Yes, sir.

HENRY BRADLEY, being duly sworn, testified:

By Mr. FIERO:

Q. Where do you reside?

A. Minerva.

Q. Do you know Thomas Powers?

A. Yes, sir.

Q. So you know lots 69, 71 and 72 of township 25?

A. Yes, sir.

Q. Have you been upon those lots lately?

A. Yes, sir.

Q. With whom?

A. Orson P. Morse and Thomas Powers.

Q. For what purpose did you go there?

A. To see if there had been any timber cut up on them.

Q. What is your business?

A. Well, sir; I am some like brother Shaw,

Q. Do you know anything about the woods?

A. Yes, sir.

Q. In what way have you acquired that knowledge?

A. By experience.

Q. In what line?

A. In surveying and lumbering; also as forester.

Q. What did you find with reference to timber having been cut on lots 69, 71 and 72?

A. I found that timber had been cut there, the spruce and hemlock; judging from the appearance of the tops and stumps they had been cut about five years.

Q. Is a man of experience and acquainted with that business able to determine that fact?

A. Nearly so.

Q. You could tell to a certainty substantially as to whether it had been done within a year or two?

A. Yes, sir.

Q. What do you say in reference to that?

A. I should say it was done about five years ago.

Q. You would be clear that it hadn't been done within the last year or two?

A. Yes, sir.

Q. Are you the Mr. Powers who made a proposition to the commission to exchange the lands under the Hadley bill?

A. No, sir; my name is Bradley; I offered to exchange lands with them.

Q. What became of the offer?

A. They sent me back a blank to fill out; I made an examination and I found that they had no title to it; that the person who wanted I should make this application had no title; that it then belonged to the State.

Q. And the whole matter fell through for that reason?

A. Yes, sir.

By Mr. ADAMS:

Q. You only acted as agent or broker for some other party?

A. It was my son-in-law, Mr. Evans.

Q. You were acting for a third person?

A. Yes, sir.

Q. The land he offered belonged to the State and not to him, and that ended it?

A. Yes, sir.

MR. ADAMS.—I have a witness whom I expect here to-night, or in the morning, and with that witness and one other to give some explanation, those are all the witnesses I desire to call. On conference with the chairman of the committee, it seems to be all we have, unless we put on Mr. Cox or Mr. Knevals. I desire, if the committee please, to call Mr. Lynch to an explanation of testimony given in answer to his testimony already given.

MR. ANIBAL.—I submit that he has told his story, and special messengers have been sent up there to examine the lands, and they have come here and given their story. If you see-saw in this form we can be all winter and summer in this investigation.

MR. HITT.—I guess the quickest way is to hear what he has to say.

DANIEL LYNCH recalled.

By Mr. ADAMS:

Q. You have heard the testimony of the last two witnesses, and what do you say as to their testimony?

A. I don't know; I don't see where it concerns me, but it appears to be considered to; I testified the other evening to this effect: that on certain lots, 90 of township 26 and 69, 70 and 71 of township 25 I saw recent trespass; it seems they have looked up three of the lots; in regard to the three lots they form an L and join together; I have simply to say that I saw trespasses which I then believed, and now believe under oath, were on that land, and I am positive I saw it last summer and that they had been committed within two years.

MR. HITT.—That is what you swore to the other night.

THE WITNESS.—Yes, sir.

MR. HITT.—It is a direct contradiction between the witnesses simply.

MR. DICKINSON moved that the committee meet to-morrow evening at half-past seven. Carried, and adjourned to February 26, 1891, 7.30 P. M.

ALBANY, N. Y., *February, 26, 7.30 P. M.*

The committee met pursuant to adjournment.

Chairman RYAN called the committee to order.

Present — Chairman Ryan, Messrs Davie, Hitt, Cameron, Dempsey, Dickinson, Gifford.

MR. ADAMS.—I supposed witnesses would be here this evening, but on account of the break in the railroad they have not arrived. I suggested to Judge Anibal, before we came up, that if they had any witnesses on the other side it would be well to call them. He says, I

understand that they have no witnesses. I will, therefore, call Mr. Cox, as there are some things which he knows which it would be proper that the committee should understand.

Mr. ANIBAL.—Mr. Chairman, in order that there may be no misunderstanding from what the counsel has said, I would say that he spoke to me between five and six o'clock, and asked if we had any witnesses for to-night. I told him it was very doubtful; that I didn't think we had, as we had labored under the impression last night, and so understood him, that it would take this evening to put in what evidence he had, and we have thought it would require but a short time to put in what evidence we have in a consecutive order.

Chairman RYAN.—We understand that Mr. Cox will be sworn.

TOWNSEND Cox, being duly sworn, testified :

By Mr. ADAMS:

Q. Mr. Cox are you one of the forest commission?

A. Yes, sir.

Q. You have been since that commission was organized?

A. Since September, 1885; we were organized, I think, just after that.

Q. Have you attended the meetings of the commission?

A. Nearly all, sir.

Q. Where have those meetings been held mainly?

A. In New York city and in Albany.

Q. The commission has appointed a warden, an assistant warden, a clerk, and forester; how many of those have you nominated?

A. One forester, I think, sir; I did nominate another, one who was very soon dismissed; that is two that I remember of.

Q. You have had charge mainly of what is known as the Catskill park?

A. Yes, sir; the Catskill region more than the park, in the four counties constituting the Catskill region, belonging to the forest preserve.

Q. On the 17th of July, 1890, as appears by the minutes of the commission, at page 107, there was a meeting of the commission held at New York at which you were present, at which meeting the warden was directed to make investigation and report at the next meeting in reference to the exchange of lands in Franklin county for the lands in the south end of the Adirondack preserve region—13,000 acres for 26,000 acres—and the record shows that the next meeting was held on the thirty-first of July, that you were present and that a report was made, discussion had and some action taken; state to the commis-

sion what was stated by Mr. Garmon upon that occasion with reference to his having examined these lands, both bodies?

Mr. ANIBAL.—I would submit in this connection that the report of Mr. Garmon is in writing, as shown by the clerk's minutes of that meeting.

Mr. ADAMS.—I do not so understand it from the minutes.

Mr. ANIBAL.—The minutes show that Mr. Garmon made a report in pursuance of the resolution passed at the prior meeting, and that report in writing was fully discussed.

Mr. ADAMS.—I do not understand it so, but whether it is so or not I ask for what Mr. Garmon said in the meeting upon the subject of having examined the two bodies of land.

Mr. FIERO.—If there is such a report in writing that report ought to go in, and I suppose we ought to produce it as part of the record; I have no objection to the testimony being given.

Mr. ADAMS.—I want to know what conversation was had between Mr. Cox and the warden and what the warden said in the meeting.

A. I don't remember the date of the meeting, but I do remember during the latter part of the summer, say about that time, asking Mr. Garmon about these lands that were proposed to be exchanged for lands belonging to the State, and Mr. Garmon told me that a great many of the lands or a great deal of the land that was offered by the Everton Land and Lumber Company was worth dollar for dollar as much as the lands belonging to the State.

By Chairman RYAN:

Q. "Dollar for dollar" do you say?

A. I mean acre for acre, not dollar for dollar.

By Mr. ADAMS:

Q. What did he say upon the subject of having examined the land, if anything?

A. I don't think he said anything about it, but I understood that he was to examine the lands, but I don't think he told me at that time that he had done so; I suppose, of course, he had.

Q. Your understanding was that he was to examine the lands before making a report?

A. Yes, sir.

Q. At that meeting the former resolution, passed when the application of Mr. Hurd was made to exchange in 1887, was rescinded and the vote of the commission was unanimous upon that point; did you rely upon the statement of Mr. Garmon in regard to the value of these two bodies of land in casting your vote?

A. Entirely, sir.

Q. You personally had never seen the land ?

A. No, sir; not to my knowledge; I have been up there, but I don't know whether I saw them.

Q. You never saw them to identify them or call them to mind, or have any judgment of your own ?

A. No, sir.

Q. You relied wholly upon what he stated ?

A. Yes, sir; at that time.

Q. You were under the impression that he had made the examination of the lands and reported from that examination ?

A. Yes, sir; certainly.

Q. You heard the testimony of Mr. Basselin and Mr. Garmon as given here ?

A. Yes, sir.

Q. Is there any other point upon which they have testified that you desire to make explanation about, or to say anything upon, and if so, please state it ?

A. I have not thought about it in that way; I would rather read the evidence before answering that; if I had known I was going to be a witness I would have read the evidence.

Q. You would have read up the testimony ?

A. Yes, sir.

Q. I supposed that hearing it you had kept the points in mind ?

A. No, sir; I didn't; I would rather read the evidence over before I replied to it; I hadn't thought that I was going to be a witness tonight, and I have not read their testimony over; I should like to do so before answering the question; I didn't think of anything.

Q. Then I will ask you some more questions; this meeting we have been speaking of was the last of July (thirty-first of July) and you voted to rescind the resolution, relying upon what Mr. Garmon stated ?

A. Rescinded the resolution ?

Q. Rescinded the Hurd resolution ?

A. I didn't do that on account of what Mr. Garmon stated.

Q. The Hurd resolution was that the commission would exchange no lands, and that resolution stood until the thirty-first of July when it was rescinded ?

A. Yes, sir.

Q. I ask if in consequence of what Mr. Garmon said about these lands, and the impression that you had that he had made an examination, that influenced you in voting to rescind the resolution ?

A. No, sir; only so that we might vote the exchange with the Everton Land and Lumber Company.

Q. It was preparatory to that?

A. That was a part of the whole.

Q. The minutes show that on the seventeenth of September another resolution was passed recommending this exchange with the Everton company; I will put the same question as to whether your vote was influenced upon that occasion by what Mr. Garmon had stated?

A. It certainly was; that is all I knew about it.

Q. You relied upon that in recommending this particular exchange?

A. Yes, sir; but I didn't think it was final or anything of the kind; my idea was that we recommended this trade provided that upon an examination and a report of the appraisers we should know whether the interests of the State were being taken care of or not, and it was not final; I am no lawyer, and I thought it worked in that way, and I don't consider now that I have voted for the exchange finally; I consider that I voted recommending it and that the appraisers should report, and the report of the appraisers has never come to our office; we have never seen it, and it seems to me a queer kind of law that we would be bound by such a thing; I don't say but what it does so, because I am no lawyer, but when I voted for recommending the exchange I thought we would have the appraiser's report, and that we could look into it fully before we finally decided.

By Chairman RYAN:

Q. You didn't know or think that your recommendation was final, so far as your commission was concerned?

A. No, sir; certainly not; I wouldn't have done it if I had thought it was final, without having a thorough examination and report; it seems to me it would be absurd.

By Mr. ADAMS:

Q. What has been the state of cordiality between the members of the commission for the last two years; have they been harmonious in their action and intercourse officially?

A. Well, for the last year they have been pretty harmonious.

By Chairman RYAN:

Q. They have been?

A. Yes, sir; for the last year.

By Mr. ADAMS:

Q. How was it before that time?

A. Well, before that I don't think that we got along very harmoniously, that is as far as I was concerned.

Q. What seemed to be the difficulty?

A. I hardly know, sir; I don't think that I was liked very much by the others; at least not very much.

Q. Were you taken into the confidence of the other two commissioners as to what was desired to be done, consulted by them as to the action of the commission?

A. I don't think that it seemed to make very much difference to them what I thought.

Q. The notices of the meetings that were to be held, did you receive those in due time?

A. A great many meetings I received no notice of, sir; I think that was the fault of the secretary, as he was sick, and I think it was pardonable.

Q. Did the notices which you did receive specify the places where the meetings were to be held, whether in New York or in Albany?

A. Almost always.

Q. How many times have you been in the Adirondack region?

A. Very few; about three times I think.

Q. To what extent did you go over that region at those times you were there?

A. I took a great interest in the country from Blue Mountain lake, Marion river, Round lake, Raquette river, Forked lake, and down below there towards Indian lake, and that section of country around Blue Mountain lake and the North river; there is where I took the most interest; I have taken trips around the upper part, around Paul Smith's and that way, running near to Mt. Marcy, but I have not been there; I have confined my visits to the Catskill region; I spent a great deal of time there during the summer season, considering that was my department.

Q. When you were in the Adirondack region how much time did you spend there upon each occasion?

A. Once nearly two weeks; once about ten or twelve days; more than that I guess; once a little over two weeks, once about two weeks, and the other time but a few days, three or four days.

Q. On either occasion were you accompanied by either of the other commissioners or the warden?

A. No, sir; I went alone; I had a forester with me part of the time.

Q. So you had no opportunity of discussing with either of the commissioners the country and what was good policy in regard to it?

A. Not having them with me, I naturally could not; I had a great deal of talk with the forester that was with me.

Q. Which forester?

A. Henry Bradley.

Q. Each time?

A. No, sir; only the time that I made the long visit to Blue Mountain lake, Forked lake, Marion river and those localities.

Q. Who went with you?

A. I went alone upon the other occasions.

Q. Was Bradley, "Commodore" Bradley, as he is called?

A. Yes, sir.

Q. He was at that time a forester?

A. Yes, sir; I had a very complete trip then.

Cross-examination:

By Mr. FIERO:

Q. Is Bradley a competent man?

A. Yes, very.

Q. The part of the Adirondacks which you visited, was that the choice part?

A. I have no doubt that it is the most beautiful part of the world, that Raquette lake property.

Q. The part most frequented by the public?

A. Yes, sir.

Q. And regarded generally as the most beautiful?

A. Yes, sir; ninety-five miles coast line around Raquette lake; primeval forest all around it nearly, all belonging to the State.

Q. How far did you go on your walk around it?

A. I started to walk around that ninety-five or ninety-six miles and I got "bushed" very quickly; that was three years ago, and I don't believe I would have been back yet if I had kept on; and the black flies got all of the skin off of my nose, and when I got home there wasn't much of me left except legs.

Q. Mr. Commissioner, there has been some talk about the meetings of the commission in New York city; state what the condition of affairs is in regard to the rooms assigned to the commission in the capitol here.

A. We have no convenience at all in our room for a meeting; before the lunatic commission had the room that belonged to the civil service reform, the civil service people were kind enough to let us have that room for meetings, but after the lunatic commission got in they had it.

By Chairman RYAN:

Q. Were the "lunatic commission," the civil service commission and the forest commission all together?

A. Yes, sir; we were all together; I would like to tell about those rooms; the room is filled with maps and pamphlets and papers, and we haven't any room there for a meeting; occasionally coming up here for meetings we have adjourned to the Delavan House and taken rooms there, so we could have a meeting; I will simply say this, that we ought to be taken care of in that way; I know one thing, I haven't even a desk there; I have got somebody else to move when I wanted to write a letter to my wife telling about how things were going; I think it is quite an excuse that we haven't any comfortable place for a meeting; we have held our meetings in New York city in this way; Mr. Knevals has been very kind and nice in doing his part of the work, and very pleasantly to me, and I esteem him very highly, and he wished to resign because his business was such that he couldn't leave it and come to Albany all the time; I said to him that as far as I was concerned, and I knew Mr. Basselin felt so also, we would rather have him stay in and hold our meetings in New York as there was nothing in the law, as we understood it, preventing us holding our meetings there, and he gave up his office and his hours to us, making it pleasant for us to go there, and thus he was not obliged to leave his business, and that is the reason we have had so many meetings in New York city.

Q. You are living near New York city?

A. Yes, sir.

Q. And Mr. Knevals at New York city, so it was more convenient for both of you than to come to Albany?

A. Well, I don't know — I like to come to Albany; it suits me here.

Q. New York was a convenient place to meet?

A. Yes, sir; it was; there is no doubt about it; I really thought we ought to have a branch office in New York; I have got two, but they wouldn't come there, for that is only desk room.

Q. On the question of nomination of officers you named two; any one besides the foresters?

A. No, sir.

Q. No assistant warden?

A. No, sir; I gladly accepted the name which was offered.

Q. You have been the chairman of the commission ever since the organization?

A. Yes, sir; and I am proud of it.

Q. Upon the question of accommodations, has any application been made to the superintendent of the capitol for additional room?

A. I don't think I have asked the present superintendent, but I asked Mr. Andrews continuously and continuously for room enough

for us to do our work in ; he not only said that he couldn't give us any, but he intimated that it was pretty likely he would turn us out of this.

By Chairman RYAN :

Q. Have you had an intimation that you were to be turned out ?

A. No, sir ; not intimation, but he thought it likely.

By Mr. FIERO :

Q. You say your duties have been confined to the Catskill ; will you briefly state what has been done there, for I take it that the committee would be glad to know that there is something else that has engaged the attention of the commission besides the Adirondacks.

A. Won't my talk about it be too long.

Q. I think not ; it is a part of the forest preserve ?

A. I think I could make it interesting to the gentlemen and I would like to have them come down there and see it in the summer time if you will only hold over until that time ; some time in 1886, I think it was, our commission were invited by the supervisors of Ulster county to make a trip through the Catskill region to examine the lands belonging to the State and certain lands belonging to the county that the county proposed to turn over to the State if the forest commission approved ; that invitation was extended, and in addition to the supervisors of the county, several other eminent gentlemen were in the party and we made the trip ; we were there about ten days ; we had two four-horse mountain wagons and four saddle horses, and the bottom of the wagons filled with lunch and everything nice, all provided by the supervisors, and we made the trip around Slide mountain and to Claryville and so around into Sullivan and Delaware counties and spent quite a long time examining there ; I was the only one of the commissioners that could get away to go with this party.

By Chairman RYAN :

Q. This expedition was all fitted out for your accommodation ?

A. For the commissioners to examine the State lands to see what was best to do with them and how they were located ; we had the maps and we had gentlemen with us who knew all about the lands and could point them out to us ; I should say that in the meantime I had been up to Kingston attending some meetings of the supervisors and I had addressed them some two or three times, and then I went on this excursion and I was so impressed with the beauty of the Catskill region, and with the fact that it was so near New York city that people in moderate circumstances could go up there and take their sum-

mer outing at a very moderate expense, for at times they can get to Rondout by steamboat for one dollar and fifty cents and can travel through the mountains at an expense not greater than a dollar a day, that I gave that to the newspaper reporters at Kingston after I came back; being an old sportsman, having followed game for over half a century, I was deeply impressed with the fact that there was a region primeval forest, a great part of which was without a deer in it, while there were a great many bears and some other animals; from that the idea came to me, and on some visits after that time to Kingston I addressed gentlemen of Kingston, mainly supervisors and others interested in the thing, upon the subject, and out of this came a determination that we would establish a breeding park there, if we could get an appropriation; I had the bill drawn up and the Legislature passed it, and we went on and put up a park for deer of about 150 acres of State lands, with a fence ten feet high, and then gradually began to get the deer in. We bought some and we have had some few given us. One doe I caught myself, and we bought some, and now we have a little herd there; it was not a large herd, but I hadn't much money to work with, and I am happy to say that all my does have bred, all have had fawns; that is one of the greatest successes in the United States with a deer park; we also have a very handsome artificial lake made by damming up one of the branches of the Neversink, a natural trout stream, and the Legislature passed a bill that we should have three deer parks but they only gave us appropriation enough for one; since that time the people in the Catskills, everybody, has taken a very great interest, not only in the park but in everything connected with the forest commission, and those in authority have turned over to the State a great deal of land from the counties, so that now we run up pretty well on to 80,000 acres and it is quite a compact body; we are not tied down to deer, and I feel very much like breeding bears myself because they are very interesting, but some wouldn't like it I suppose — but I want all kinds of game; we have porcupines and we have got some foxes in the deer park and can't get rid of them; we have plenty of trout, and the deer thrive on the food that they find there, and the number of acres is being added to there; in the township of Denning, in Ulster county, which is one of the most remarkable townships we have, we own nearly the entire township, and in that township the water shed of the Catskills takes its rise; the streams run from a very near point to each other four different ways, some to the Hudson and some to the Susquehanna; we have a very interesting country there; I found some few trespasses going on; we

stopped them entirely; everybody is deeply interested in the work that we have laid out, and the people who have trespassed there are ashamed of it and have stopped it; we have not had to bring a suit because it seemed to suit them to quit, is that enough?

Q. You have nearly as much there in one compact body as in any one block or compact body up in the Adirondacks?

A. I can't say; but I should think that it is very compact there?

Mr. BASSELIN.—I think the largest compact body in the Adirondacks is 45,000 acres.

The WITNESS.—I don't think you can say that it is all together, but it is pretty near all together.

Mr. FIERO.—It is in two townships substantially.

The WITNESS.—Denning and Hardenburgh; we run over into two other counties.

Q. Have you a forester down there?

A. Yes, sir; a very eminent gentleman, ex-Sheriff Joseph Risely, who does it more for love than the little forty dollars; I guess he spends more than that in entertaining anybody who goes there; I forgot to tell you that we have a little lodge up at the deer park; we have a nice log house there, and if the committee would only come down we could give you some trout; it is the most interesting part of the country I think; it is very easy of access; it is very valuable to the State, and primeval forests on much of it.

By Mr. FIERO:

Q. How as to means of access to the river?

A. You go to Rondout and then take the Ulster and Delaware railroad and go up to Big Indian, where I start generally, for that takes us to the deer park; you get there at 6:20, you stay at Kingston ten minutes for supper and get up to Big Indian at 8:20.

Q. It is about twenty-five miles?

A. Yes, sir; from there is a stage or mail line that runs from Big Indian to Claryville and goes to Slide mountain; Slide mountain belongs to the State, and this past summer—

By Chairman RYAN:

Q. (Interrupting.) Is that included in this park?

A. It is within the cover of it; it is the second highest mountain in the State of New York, Mt. Marcy is the highest and Slide mountain is the next; it has been very difficult to get up it unless a person was very vigorous; if persons are at all feeble, some go ahead and drag the others up; I had \$250 appropriated by the Legislature last year

to improve the road to the summit of Slide mountain; we have done it so well by going back and surrounding it that anybody can go up easily; we have not spent all of the \$250 yet; we ask for \$250 more this coming year; it is in the ways and means committee.

Q. Are you open to engagement as road commissioner in some of the lower regions?

A. The people are so much interested in the work you are doing that they do a great deal without charge, and if they make a charge, it is very slight; they know it is for the interest of that part of the country; at least I should think that nearly 3,000 people have been in the habit of going to Slide mountain in the last two summers, and going to the summit.

Q. The land that has come into the possession of the State recently, was it formerly occupied for farming purposes?

A. No, sir; it was used for camping purposes; there is very little of it that was ever used for farming purposes; there are very few cleared patches there, although it is good soil when you clear it.

Q. Have you had to purchase any of it?

A. No, sir; it has been turned over to us mainly by the counties.

Q. What is the character of the wood upon it?

A. Very good, hard wood; primeval forest mostly; there is quite a good deal of soft wood; there is no lumbering going on there at all except lower down there is some; I know of one saw-mill there right near our deer park, but there is very little hauling of lumber to market, and what is sawed there is for the use of the people in the neighborhood; there is a little used in the winter.

Q. Have you a residence there?

A. No, sir; but I am going to try to get one this summer; I want to have one very much.

Q. How much land did the State own there when the commission was formed?

A. I think they owned somewhere about 40,000 acres in Ulster county, and since then it has been increased to about 48,000; I don't say positively, but it is about that.

Q. I understood from what you said a little while ago —

A. (Interrupting) We have about 80,000 acres, but it is all in the Catskill region.

Q. About how much was there at the time of the formation of the commission?

A. Somewhere between 50,000 and 60,000; it has increased up to 80,000 acres.

Q. You have got about 20,000?

A. Yes, sir; but you must remember that Delaware county at first didn't wish at first to come in the forest preserve (and for a while they stayed out), and within the last two years they have applied to be put in with the rest, as they were so much pleased with the way that the forest commission was managed.

By Mr. DAVIE:

Q. About how much land is in Delaware county?

A. I am not positive, but I think it is 14,000 acres.

Q. In what town?

A. I couldn't tell you that; I know one thing, that it is so large that it is expected that one of these deer parks will be put into Delaware county, very near where it joins the line with Sullivan, and in that region there is a very beautiful tract of country, and well fitted for a deer park; it has been our intention as soon as we can get an appropriation of \$2,000 or \$3,000 or \$4,000 to put a deer park there; we have been very anxious to do so; very soon, if my does behave as well for the next few years as in the past, I will have enough for two or three parks.

Q. You caught the first doe in that deer park?

A. No, sir; not the first one, but I caught one, a wild doe; that is, we coaxed her in.

Q. How many deer have you altogether?

A. Twenty-four.

Q. Do you know what streams in Delaware county are in that 14,000 acres?

A. I don't recollect; I have a memorandum somewhere that will tell; I was talking with Judge Maynard about it to-day, and he has been promising to go over there with me; I could tell the name of it if I was to hear it; I can't remember without doing so; I have it here and I will read it to you: Go up the Ontario and Western to Rockland post-office — Roscoe, Lower Beaverkill; they say it is perfectly beautiful; they say it is one of the most exquisite places for a deer park that can be imagined; there is a stream named the Willowwemoc; this is part in Sullivan and part in Delaware county.

By Mr. FIERO:

Q. I would like to have you state a little more fully as to the importance of the locality, as to the water shed for the Hudson?

A. It is very important; the Catskill water sheds are well known to be important, and in the township of Denning there are the head waters of streams running four different ways; I can only name where two go — one into the Hudson and one into the Susquehanna; it is

one of the most important parts of the water shed on this side of the Hudson from New York to Albany; it is celebrated as an important water shed.

By Chairman RYAN:

Q. How much land is there in that section of the same general character as that that the State has?

A. The whole township of Denning; I forget how much the township is.

Q. I don't mean what the State owns, but how much is there besides that?

A. A vast amount; really it is something that if we take care of it properly we can get the Helderberg mountains put into the State land; from the Helderbergs to the Pennsylvania line it is a continuous forest, where all kinds of game can be bred; around about all the country where the State owns land in the Catskill region, and there is twenty-five miles at least in length of primeval forest fitted for the habitat of deer; it is very wide; I should say it was somewhere in the neighborhood of twenty-five miles square; it is perfectly grand; excuse me for being a little enthusiastic, for I have got to be so fond of it that when you begin to take up the "Catskill region" I warm up a little.

Q. Do you think it would not be a difficult thing to carry out the present policy, or that which you have pursued, to obtain a tract of land of nearly 300,000 acres, or four times as much as you already have?

A. I don't think they will get it as fast in the future as we have heretofore; we have had a great deal of help from the gentlemen, and we are going to have some more this year; of course if there was money to be appropriated you can buy land there; you can get a great deal of that land for a dollar and a dollar and a half an acre; so if the State was a mind to appropriate money for that purpose, we could have a park very nearly twenty-five miles square.

By Mr. DAVIE:

Q. How did you get those 20,000 acres additional; have you bought any?

A. No, sir; when we commenced we didn't have Delaware in, and that added about 14,000 acres.

Q. How did you get that?

A. Because they came in; the land belonged to the State, but the county was not included in the preserve at first.

By Mr. FIERO :

Q. Was there not a large quantity of land bought in by the State and charged to the county, borne on the records of the State as county land, and afterward turned over to the State?

A. Yes, sir; I said that at first.

By Mr. ANIBAL:

Q. That was turned over by an act of the Legislature?

A. Yes, sir; or by an act of the county.

By Chairman RYAN:

Q. Is that the way you got these additional 20,000 acres?

A. Yes, sir; we have not bought an acre; 14,000 acres came in through Delaware, and about 6,000, or 7,000 or 8,000 acres have been added through the counties turning it over to us.

Mr. FIERO.—As I am somewhat familiar with this matter, having had considerable to do with it in the time of it, I will say that under the law, as it stood at the time the forest commission came into existence, the county of Ulster was buying in at tax sale for its own benefit under a special act, and bid in a large amount; afterward by an act of the Legislature, the Comptroller was directed to buy in all the land in Ulster county for the county, and charge it to the county; that ran along until Ulster county had a great quantity of this wild land which did not belong to the State, and then an act of the Legislature was procured, by virtue of which the county turned over the land to the State by the State refunding the amount of taxes advanced, and in that way a considerable amount came into the hands of the State through the action of the county, which was influenced by the action of the commissioners in that respect, they taking an interest in the land, and the people of the county being desirous that the State should have it for the preserve; that is the history of the transaction, with which I am perfectly familiar.

By Chairman RYAN:

Q. You are much more familiar with that part down there than with the Adirondack region?

A. Yes, sir.

Q. On the three occasions upon which you have been in the Adirondack park, did you go there for pleasure, or by virtue of your office?

A. By virtue of my office, and it was a very pleasant trip except the black flies skinning me; I enjoyed it except that part.

By Mr. DAVIE:

Q. How does the Catskill region compare with the Adirondack region?

A. We have not the great lakes or anything of that kind; I would rather live in the Catskills because there are no black flies to amount to anything; I think the fishing in the Catskills is fully as good, and better if anything, for small trout.

By Mr. CONNELLY:

Q. Have the commission always acted in harmony in regard to matters pertaining to the forest lands belonging to the State; in other words, have you been in accord with the policy of the commission?

A. Well, as I stated when asked whether there was harmony, I would say that for the past year there has been; before that there was a little feeling between myself and the others; I didn't consider it very much harmony.

Q. What was the occasion or cause of non-harmony?

A. I don't think that they liked me very much.

Q. Of course they had some reason for disliking you, for you are a very amiable man — the very "milk of human kindness" I should think; now what was the reason for their strange antipathy?

A. I suppose, although being very nice, etc., I was a little cantankerous at times; I will tell you — I didn't like it very much when there was a meeting held and the patronage was divided between the others and I didn't have any.

By Chairman RYAN:

Q. Was the meeting at which that was done held up in the office of the civil service commission?

A. No, sir; in the lunatic place.

By Mr. CONNELLY:

Q. Were you dissatisfied, of course you had great reason for not being satisfied; were you dissatisfied with the appointment made by the other commissioners, did they meet with your approbation?

A. I voted no to all them, but after they were appointed I told Mr. Garmon — I am very much pleased with him and I like him very much, and Mr. Train was a very charming and pleasant gentleman, although he was too sick to do his duty, and he is now dead you know — and I simply voted no because I didn't like it; I thought I ought to have at least something to say about it, but after the appointments were made I liked them very much; I told both of them frankly that I had voted no, but that I should act toward them and with them just exactly

the same because they were our warden and our secretary, but of course my heart was very much put out — I felt awfully about it, and in fact when I was told that it was going to be done at the meeting I at first said I wouldn't go.

Q. What was the reason for not giving you the recognition you desired?

A. Well there was nothing to recognize after they had it all.

Q. That is not the point; what the committee would like to know is why the other two commissioners acted without consulting you in regard to the appointments; did you ever discover why; was there any conspiracy between them to freeze you out?

A. I guess that was it; I don't know; at any rate they wanted the positions and they got them.

Q. When the appointments were made by the other two commissioners, do you believe, from coming in contact with the various employes, that they performed their duties faithfully; were there any derelict ones among them?

A. No, sir; I think Mr. Garmon has done his work well, except what little I have complained about, but Mr. Train could not do his duty, his health was such that he was not able to do his duty.

Q. His duty was not performed?

A. No, sir; not by himself, but it was done by other people; Mr. Fox, who is a most superb man for an office man, the best I ever was acquainted with in my life, the most complete office man, did the work while Mr. Train was away sick; the work was not neglected in that way, for Mr. Fox did it while Mr. Train was away; Mr. Train had no salary while he was away; I guess he would like to have had it though, but he couldn't get it.

Q. When the meetings were called by the commission, they were called by Commissioner Basselin, or by the secretary through Mr. Basselin?

A. Well, I know I was the chairman; I never called a meeting.

Q. You were chairman?

A. Yes, sir.

Q. With you as chairman, no meeting could be called except by you speaking through the secretary?

A. It was this way generally; Mr. Basselin and Mr. Knevals, because they were in business, and their time was precious to them, and they were giving up their time to the State without pay, I would tell them that I could come at any time; I would liked to have had a meeting almost every day if we could; I told them I could come at any time, and they would say what time it would suit;

sometimes Mr. Basselin would say what time would suit him, etc., and they would ask me, and the meeting would then be called for any time that they agreed upon, for I would tell them that any time would suit me.

Q. When they named a particular time did they generally meet upon that day?

A. They would generally, but frequently meetings were called when Mr. Knevals or Mr. Basselin thought of something important to have a meeting upon, and they would tell Mr. Train to send out the notice.

Q. Pardon me, but you were the chairman and you had the absolute right and the prerogative, and no meeting should be held without your authorizing the secretary to call it?

A. I told them I would agree to it; I told them that I could attend at any time.

Q. You were the chairman and every meeting not called by you was an illegal meeting?

A. Then we have not had any legal meetings?

Q. When you were summoned to come to Albany were the other commissioners in Albany; did you find the other two commissioners when you were notified and attended?

A. I saw it in the *Herald* that there were two or three meetings that I got notice were to be in Albany; I came to Albany—it is almost just word for word as it was in the *Herald*—that I walked into the office with my little gripsack, as they said—I didn't have a gripsack there, for I left it in the Delavan House—and I walked into the office to attend the meeting and Mr. Train, the secretary, now dead, said: "What are you here for?" I says, "I am here to attend the meeting;" "Why," he said, "the meeting is in New York;" I said, "I didn't hear of it; I had no notice of it."

Q. That was an illegal meeting, and you as chairman should have known it?

A. Well.

Q. When you were summoned by the secretary, who certainly seemed to be the commission, to meet in New York, and you went with your gripsack, did you find the other two commissioners there in New York?

A. Generally they would be there.

Q. Were they always there when the meeting was called for New York, or did you sometimes find them in Albany?

A. I don't remember being changed from New York to Albany.

Q. When they notified you to come to Albany you invariably found the two commissioners here?

A. Yes, sir; unless something unforeseen occurred; for instance, Mr. Basselin would sometimes send word that he couldn't come.

Q. Then the disposition was to call meetings in Albany; but when you came here the other commissioners were not here?

A. That was only two or three times, and I think that was an accident; I don't think it was anything intentional; but it was queer, funny.

Q. Didn't the same thing occur in New York?

A. Not in that way; but there were a great many meetings that I received no notice of.

Q. How long have you been chairman of the commission?

A. Ever since we started.

Q. Pardon me; you have not exercised the prerogative of chairman?

A. I think not.

Q. You were chairman, and you were responsible to the State, and if you permitted those two commissioners to run the commission you certainly (and I say it with due respect) violated the duties of your office; because they were subordinate to you, so far as calling meetings were concerned?

A. Yes, sir.

Q. Unless they elected some one else in your place, you should have exercised the powers with which the State clothed you?

A. I didn't have much to do though; I thought one couldn't handle two.

Q. Did you find the duties of the commission were talked of at the meeting and those rumors and reports up through the Adirondacks that came from various sources, and an indisposition of the committee to carry out the purposes of the law in preserving the State land and in using the \$25,000 — did the commission at the meetings ever talk about where and how land could be purchased and for how much per acre?

A. Yes, we talked about that \$25,000 a great deal; I will say this: I was talking to Mr. Garmon about that, say along in September, somewhere along there, and I was asking him why we couldn't get hold of anything that was worth buying, and he said there wasn't any land that had been offered to us at that time that was worth buying for the State.

Q. Did you know, from information and believe, that Garmon was informing you correctly; did you take his word or did you have information yourself to warrant you in believing that he was mistaken?

A. No, sir; I believed what he said.

Q. Why is there such a disposition, on the part of most people, to believe that at any time, during the last two years, the commission could have purchased, for the \$25,000, land in many parts?

A. The money was only appropriated last year.

Q. Pardon me, but previous to that you were aware that lands could be purchased?

A. We believed it.

Q. How did you find out?

A. The land offered to us there, so Mr. Garmon said and so we had reason to believe, was small in amount up to November, and extra efforts were made on his part to get somebody to say they would sell some; as I understand from Mr. Garmon, there was nothing offered to us that was worthy of being purchased by the State; I know there was a lot of land that I thought was going to be a big trade; a man offered some land to us right on the streams for twenty-five cents an acre and back taxes; we had that looked into and as near as I can remember the back taxes amounted to six dollars an acre; I will tell you a little about not spending that \$25,000; it was a very small amount to use for that purpose, but while I was all the time thinking about it and talking to Mr. Garmon and wondering if we couldn't buy some nice land with the \$25,000, and we thought it was something that would give us an insight into the lands that were held in that section of the Adirondacks, that might be available to buy for park purposes, when it was decided by the Legislature that we should buy that, so that I didn't press the matter, thinking it was a source of information to us; Bishop Doane I was talking with after the Herald came out against us in that way; he takes a good deal of interest in our work, and in the idea of a park and all that; he said it was the first time that he had ever heard a commission complained of for not spending money; I was going to get the bishop to come here and tell you that, but he is over on the other side enjoying himself; I wished we had worked a little harder upon it now; I did fret a little about it, but I thought it would be all right in the end; we have got it now anyway, and it can't lapse for another year; I think we will buy some within a week or two if we can get hold of anything that's good.

By Chairman RYAN:

Q. Did you take as much interest in the park in the Adirondack region as in the park below?

A. I have taken a very deep interest in it; I have argued in favor of a park for several years, and I would have liked to have been there a great deal more.

Q. Why didn't you go up oftener?

A. It costs a good deal of money to go up in the Adirondacks; I never went up there but what before my trip was half way through I had to borrow money to get back.

Q. Don't the State pay your expenses?

A. Yes, sir; but I only use up what we are allowed; we tried to fix it so that no commissioner would spend more than a \$1,000 a year, and I have been running for the last two years up to \$1,500; down at the Catskills it doesn't cost so much; I can get around there at a very moderate price; I know on this trip I spoke of where we were invited guests, I was there about two weeks and had everything I wanted, and it cost me one dollar and ninety-nine cents for two weeks; I had everything, lager and everything.

Q. Who furnished all that?

A. The supervisors.

Q. All the "provender" in the bottom of those wagons?

A. Yes, sir; the supervisors; they were a splendid lot of men.

By Mr. DAVIE:

Q. The commission were in perfect harmony so far as the Catskill region was concerned?

A. Yes, sir; there was nothing but harmony.

By Chairman RYAN:

Q. When you assumed the duties of your office what did you understand they were?

A. The commissioners' duties were to see that the lands belonging to the State in the forest preserve were properly protected by the men that we appointed foresters; you will please understand that I think we had but a beggarly number (fifteen) allowed us to take care of fifteen counties, but it was our duty to have the forest preserve policed as far as it was possible by the limited number of men we had to save trespassing; I have talked with nearly everybody in New York or in Albany, and all over, in regard to forest preservation, and I am very well pleased in regard to it; I believe when this commission was appointed and took charge of affairs at least a \$100,000 worth of timber a year was stolen off of the State land by the people living there; I have never yet seen anybody who lived up there that didn't think and feel that it was one of the things they should do was to cut timber on State land and use it and sell it; I have known of Methodist clergymen—I will not say Methodist—that thought it was no wrong, during the week, to cut the timber on forest land and sell it; for years I think there was \$100,000 worth being taken; it was our

duty to stop it, and we have stopped it except in isolated cases here and there; the great stealing is done away with; one thing that we had to do was to stop, as far as it was possible, forest fires; in that we have been most particularly successful; we have given a great deal of time and attention to it; in fact there are resolutions that are not entirely carried out, although somewhat; we felt so deeply interested in the subject of forest fires that we passed resolutions that every forest fire should be thoroughly noticed in a book, that we should keep a book in which should be entered the cause of the fire, its extent, the damage done, the reason why, when it was stopped, and all that; that has not been done, I am sorry to say, but the fact is that the fires have ceased to a very great extent, almost entirely stopped; we have stopped the forest fires, and we have stopped the trespassing to a very great extent; our duty was to do this, and I think we have done it; then I might go on to say that it should be our duty to encourage the Legislature in granting us appropriations; that is one of our duties; I made it a point to go before the Legislature and to ask them to give us appropriations; to be sure Mr. Connelly might say, "Why didn't you spend the \$25,000?" We have not yet, but we are going to; I tried three years ago to get money appropriated to buy lands when we could have bought them a great deal cheaper; I thought it was very wise that we should do it; I have recommended the establishment of a park for a long time; our duty has been to educate the public up to knowing the value of the Adirondacks and the Catskill preserve, and really get the Legislature to take an interest in it; I know I have addressed a great many committees upon that subject, and very kindly a very great many of them have listened to me; when first I was commissioner we didn't have any money and were not going to have any appropriation, and I went before one of the eminent gentlemen of the Legislature who had charge of that department at that time and asked him to see that our appropriation was granted; the reply I got was this: "I don't favor any appropriation; I don't think that the State ought to expend any money that way; I don't think the people of the State ought to be taxed to take care of trees; trees can take care of themselves; I see trees and they don't want any help, they don't want any money to protect them;" I said, "Suppose a man comes in with an ax and cuts them down and carries them away, what then?" he said, "I haven't thought of that;" when we took hold of this thing it was new; it hadn't been thought of hardly except shortly before the commission was formed, and I think the interest that is taken in the Adirondacks by all of you gentlemen — every member of the Legislature seems to

be interested in it, the Governor is interested in it and all the people of the State are interested in it — I say I think that interest is owing to the work we have done, and the interest we have created by bringing it before the people; I think it was our duty to do that and I think we have done it; I don't say but what we might have done better.

Q. Don't you think these articles in the New York papers have done something to create an interest in the subject in the last two or three years?

A. Yes, sir; I do; I don't know but what it will work good in the end.

Q. You don't say that they have yet?

A. Yes, sir; I feel more stirred up; I am going to pile into any work I have got to do; I was never more stirred up; I know my boys — I have got a lot of boys — every time I get home read these articles to me and I get a little tired of that.

Q. You have got tired of these articles?

A. Yes, sir.

Q. Do you get any ideas from them?

A. Yes, sir.

Q. Valuable ideas?

A. Yes, sir; I think so to me; I am going to be on the alert.

Q. You think the articles in the papers have done as much to stir up public sentiment in favor of the park as the commission?

A. No, sir; I don't think so; I think maybe they will delay the action; perhaps those very articles will delay the action upon the park; I don't think the interest is quite so great in being willing to appropriate several million dollars this session for the park; I think it looked very much at one time as if we could have several millions, and I don't think we will get one million this year.

Q. Do you know how much you have added to the State land since the commission has been in existence in the Adirondack region?

A. No, sir; it is not any very great amount.

Mr. ANIBAL.— About 100,000 acres?

The WITNESS.— Yes, it is about that.

Q. For some years previous to the formation of this commission the State lands have been denuded of timber to the amount of \$100,000 a year?

A. I don't say denuded; I say the timber has been stolen; "denuding" means to take the trees entirely off; the simple fact of taking out twelve to fifteen trees on an acre in a primeval forest does not denude it; it is almost impossible for you to tell that there have

been any trees cut off unless you see the tops and stumps; denuding follows where railroads go and where fires go, where they make a clean sweep of it; hard wood is no use at all in a primeval forest if you cut it down, for it would sink in the streams instead of floating.

Q. Your opinion is and was that \$100,000 worth a year was taken from the State land for some years before the organization of the commission?

A. Yes, sir.

Q. For how many years?

A. I suppose since they began to want any wood; they have been stealing ever since they got up there.

Q. Is it your opinion that there was \$100,000 worth a year stolen for ten years before the formation of the commission?

A. Yes, sir.

Q. How many acres did they have there at the time this commission was formed?

A. Just about 700,000 all together; I think if we work judiciously, and are allowed to do something in the way of selling soft wood, we could get an income of \$100,000.

Q. You think there was as much damage done there by fires as by thieves previous to the formation of the commission?

A. Well, I don't know but what there was; you see some localities there where it is all cleaned; take twenty-five miles square and there is nothing but raspberries and huckleberry bushes; I will tell you something more about our duties; it is our duty to plant those denuded lots.

Q. Have you done it?

A. No, sir; the Legislature wouldn't give us any money to do it; we want to do it.

By Mr. ANIBAL :

Q. You would if you had the money?

A. I don't say that, but I say we would like to; we would make an attempt to do it if we had the money.

By Chairman RYAN :

Q. Have you made any effort since you have been in office up to last fall to add anything to the State land?

A. Yes, sir; I tried to get the Legislature to favor the buying of any cheap land for the last four years; when this \$25,000 was appropriated I tried to get that to be interest instead of principal, so there would be something to be paid each year, and we could have bonded.

the State for about \$800,000 or \$900,000, and that \$25,000 would have been used for interest; I made every effort to increase the holdings of the State, and I have been in favor of getting the whole of the Adirondacks into the State possession as fast as we could.

By Mr. HESSBERG :

Q. You asked for a large appropriation last year?

A. I was in favor of it, but we were told that we couldn't have but \$25,000; I wanted this to be interest instead of principal, so this \$25,000 would have paid the interest on about \$800,000.

Q. This bill for the purpose of purchasing land was drawn by the commission?

A. We had our counsel draw it.

Q. And presented in blank?

A. Yes, sir; but we knew that we were not going to get but \$25,000, although I tried to get more; I made an effort for \$250,000; and so ever since I grasped slightly the matters connected with the Adirondacks I have been in favor of the State buying the land wherever it could; I have argued in favor of it and argued in favor of a park — not as large a park as this — but that we should have a park within the forest preserve; I thought it was important; I have endeavored in every way to have an increased acreage.

By Chairman RYAN:

Q. Shortly after the commission was formed the Legislature passed what was known as the Hadley bill?

A. Yes, sir.

Q. What did you understand was the object of that bill?

A. I didn't know anything about it until it had gotten through the Assembly.

Q. After it had passed?

A. There is a little history connected with it.

Q. What did you understand was the object of passing the bill?

A. I was informed that it was in somebody's interest; I don't know who's, and I felt that we should oppose that law; I was in favor of having every —

Q. (Interrupting.) What did you understand to be the object of the law?

A. To exchange land for the benefit of the State; so we could exchange, as Mr. Hadley explained it to me, with the outlying portions where there was a little tract here and there, in order to consolidate as much as possible.

Q. Shortly after the passage of that act your commission passed a resolution that you would not exchange any land?

A. Yes, sir.

Q. You would not carry out the policy?

A. Yes, sir; I was not in favor of that although I didn't vote against it; I didn't like that resolution.

Q. Did you make any protest against it?

A. No, sir; what was the use; I got tired of arguing about that sort of thing.

Q. Didn't you feel that it was your duty as an official of the State to protest against the action of the commission in refusing to obey an act of the Legislature?

A. I didn't take it in that light; I talked with some of my friends and asked them if they thought I had better bring in a minority report, and they recommended me to try and make it as harmonious as possible.

Q. Did you bring in a minority report?

A. No, sir; I was recommended not to.

Q. Where were you to bring it in?

A. Anywhere; for instance, if we were going to report to the Legislature I thought I might bring in a minority report on some subjects, and I was recommended not to do so; it was thought better for the workings of the department that it should be as harmonious as possible.

Q. In order to induce harmony, to let the others do as they chose?

A. No, sir; I didn't let them do it; they did it themselves.

Q. When they did it you didn't protest?

A. No, sir; except silently in my heart.

Q. Can you tell us who it was that advised you not to make any protest?

A. No, sir.

Q. Have you ever transmitted any report to the Legislature in obedience to the law passed about a year ago?

A. I guess that is the only one; the only one that has been sent in has been sent in.

By Mr. CONNELLY:

Q. Did you used to preside at the meetings of the commission?

A. I sat there.

Q. When the commission met for the purpose of transacting business, did you take the chair and preside?

A. I sat between the two; I sat at the head of the table.

Q. Did you put motions?

A. Once in a while when I got a chance.

Q. You put the motions as chairman?

A. When there were any of them put; a good many of them weren't put.

By Chairman RYAN:

Q. How did you transact business there?

A. By a sort of conversation; Mr. Knevals and Mr. Basselin would talk the thing over and agree to do a thing and tell Mr. Train to put it down; once in a while I got a chance to ask them if they would vote upon it.

By Mr. CONNELLY:

Q. When you presided the secretary was always present; at the meeting of any commission there have to be minutes kept of the proceedings and at the next meeting the minutes of the preceding meeting are always read?

A. They ought to be.

Q. The minutes read that Mr. Cox presided?

A. Yes, sir.

Q. When you adjourned you adjourned subject to the call of the chair?

A. No, sir, never; the chair never called a meeting.

Q. How were the meetings called?

A. They agreed they would have one and I said I would come?

By Chairman RYAN:

Q. Do you mean to say you were always agreed to whatever they said?

A. About meetings.

Q. About the policy of the commission?

A. No, sir; I was not.

Q. You only made silent protests?

A. Yes, sir; a great many of them, but on the minutes you will clearly find where I voted no; it didn't do any good, though.

Q. Did the secretary of the commission ever furnish a copy of the "blue book", containing the *modus operandi* of doing business?

A. Yes, sir.

Q. Did you find the way to preside?

A. Yes, sir; I am first rate in parliamentary work; I have been at it for half of my life, and I know how to do it; I tried to start off in the way that it should be done in order, and I requested that any one having a resolution of any importance to make should make it in

writing, and it should be formal, and his initial should be put to it, and that the book of minutes should be kept and read, but it was not done; I don't think we ever had the —

Q. (Interrupting.) Every meeting, in your opinion, has been illegal?

A. I don't know; like enough; I can't help it.

Q. While you were chairman, there could be no meeting held without it emanating from the chair?

A. I told them whenever they wanted a meeting I would come; that meeting was legal enough as to that; I don't think I ever said that I couldn't come.

By Chairman RYAN:

Q. Since the passage of the Hadley bill, passed, as you believe, for the purpose of collecting the property of the State in one compact body, you have made no effort to carry out the policy of the State?

A. No, sir; Mr. Basselin said he didn't believe it was a good thing to do, and that resolution was offered, and I didn't oppose it.

Q. Mr. Basselin said it was not a good thing?

A. That he didn't believe it; I don't think that any of us liked the law; Mr. Hadley got it up and got it through the Legislature before we saw it; then they come up to see us and we looked at it, and we didn't like the bill; it had to go to the Senate then, and we decided that unless there was a certain amendment added to the bill we would oppose it in the Senate; the amendment was agreed upon; Mr. Hadley agreed to it, and the bill then went into the Senate and we approved it with that amendment; it was passed with that amendment, but, strange to say, after having passed the Senate, and on its way back to the Assembly for concurrence, the amendment slipped out and was never found; so that we never have felt very kindly disposed towards the bill, although I think it was our duty to examine every piece of property.

Q. Because the act of the Legislature did not appeal to your judgment and that of the commission as a whole and you didn't like it, you didn't propose to obey it?

A. I would liked to have tried to do it; I don't know what they thought.

Q. Was that the policy of the board?

A. The policy of the board was that we would not do anything in the way of those exchanges.

Q. Because the act didn't suit the board?

A. Yes, sir; that seemed to be the reason.

Q. Had the law been passed with the amendment you suggested you would have felt it your duty to have obeyed it?

A. I felt that my duty was to obey the law anyhow; I can't say what the other commissioners thought about it; I think they didn't like it because the amendment was lost.

Q. You think that is the reason the law was nullified?

A. I don't know what the reasons of the others were.

Q. Yet I understand you to say that the reason why no effort was made to carry the law into effect was that it didn't suit you, and that Mr. Basselin didn't say he liked it?

A. He didn't say it in that way exactly; he didn't think it was for the best interest.

Q. Didn't you say he didn't like it?

A. I know he didn't like it; I don't think that was the only reason; I don't know what his reasons were; I think he didn't like the bill.

Q. As a matter of fact you made no effort to carry out the provisions of that law?

A. No, sir; none at all; never have tried.

Q. The only reason you can assign for it is that the Senate amendment you proposed to the law was not concurred in by the Assembly?

A. Yes, I think that had a great deal to do with it; I have forgotten what was done though, what it was, but I know we placed a good deal of importance upon it.

Q. After that was out you didn't consider the law of any importance?

A. I consider it of importance, but it was not acted upon by the commission.

Q. Did you ever make a motion in the commission to carry out the provisions of that law?

A. No, sir; I don't think I ever did.

Q. Did you ever suggest to the other commissioners that the provisions of that law should be carried out?

A. Yes, sir; in the early part I said I thought we ought to look into it and see whether it wouldn't be a good thing for the State.

Q. To look into the law?

A. No, sir; into the offers of exchange; for instance, somebody sends word that they would like to exchange, and I have frequently said, after the bill was passed, that I thought we had better look into it and see whether it was a good thing.

Q. Into what?

A. Into the land that was offered to us; when the thing was laid before us and an application made to exchange land, I would say, "Hadn't we better look into it?" or something like that; I made no formal motion upon the subject, only I always thought we should look into such things every time that anything is offered us.

Q. When you found that this Hadley bill has passed the Assembly, did the commission have a meeting to confer about the bill?

A. No, sir.

Q. Who proposed this amendment to the Senate?

A. I think I heard about this bill first; Mr. Hadley then came up and said it had been passed through the Assembly and explained it; then Mr. Knevals and Mr. Basselin also saw the bill; it might not have been a regular, formally called meeting, but at any rate the amendment was decided upon by the whole of us.

Q. At a meeting?

A. Yes, sir.

Q. You presided?

A. I can't say; I suppose so; I remember being there; of course I would preside, nobody else ever presided.

Q. You urged that amendment to the bill in the Senate?

A. I was in favor of it.

Q. But after that amendment failed to pass and become a part of the bill, the commission was not in favor of carrying out the provisions of the Hadley act?

A. That seemed to be the result.

Q. During those years you didn't make any protest?

A. No, sir; no formal protest; I simply said I thought we ought to look into those things.

Q. You knew that the commission was not carrying out the objects of the bill?

A. Yes, sir.

Q. Therefore, to the extent that it was possible, the commission was nullifying a law of the Legislature?

A. Yes, sir.

By Mr. DAVIE:

Q. What was the substance of the amendment which slipped out?

A. I have forgotten it; I can't remember the substance; it was something or other that made it safer to do.

Mr. FIERO.—I offer in evidence the Hadley bill.

CHAPTER 475.

"AN ACT to amend chapter 283 of the Laws of 1885, entitled 'An act to establish a forest commission and to define its powers and duties, and for the preservation of the forests.'"

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SECTION 1. Section 8 of chapter 283 of the Laws of 1885, entitled "An act to establish a forest commission and to define its powers and

duties, and for the preservation of the forests," is hereby amended so as to read as follows:

§ 8. The lands now or hereafter constituting the forest preserve, shall be forever kept as wild forest lands, and shall not be sold nor shall they be leased or taken by any person or corporation, public or private, except that whenever any of the lands now constituting the forest preserve, or which may hereafter become a part thereof, owned by the State within any county specified in section 7 of the act hereby amended, shall consist of separate small parcels or tracts wholly detached from the main portions of the forest preserve, and bounded on every side by lands not owned by the State, then it shall be lawful, and the Comptroller shall have power to sell and convey such separate tracts or parcels, or the timber thereon, to such person or persons, corporation or association, as shall have offered the highest price therefor; but no such tracts or parcels of land, or the timber thereon, shall be sold by the Comptroller, except upon the recommendation of the forest commission or a majority thereof, together with the advice of the Attorney-General in behalf of the State. Such separate tracts or parcels of land may be exchanged by the Comptroller for lands that lie adjoining the main tracts of the forest preserve upon the recommendation of the forest commission or a majority thereof, together with the advice of the Attorney-General on behalf of the State; but the value of said lands so exchanged, must be first appraised by three disinterested appraisers, sworn to faithfully and fairly appraise the values of said lands and the difference, if any, between the values of such parcels so proposed to be exchanged shall be paid by the party so exchanging with the State into the State treasury, but the State shall not pay the amount of any such difference. Two of said appraisers shall be nominated and appointed by the county judge of each county, in which said lands proposed to be exchanged are situate, or in case such lands are situate in two counties, then the county judge of each county shall nominate and appoint each one appraiser. The two appraisers so appointed shall select a third appraiser, and they shall report to the Comptroller the result of said appraisal before such lands shall be exchanged as aforesaid. The said appraisers so appointed shall receive the same compensation for their services as is provided for appraisers of the decedent's estates, to be paid by the party so proposing to exchange lands with the State. It shall be the duty of the Comptroller annually to report to the Legislature all sales or exchanges of lands made under the provisions of this act, together with all bids and amounts received therefor, and in said

report shall be included the reports of appraisers of lands exchanged in accordance with the foregoing provisions. The proceeds of all land so sold, or the receipts from all exchanges so made, shall be invested by the Comptroller, with the approval of the forest commission, in the purchase of forest land adjoining the great blocks of the forest preserve now owned by the State.

§ 2. This act shall take effect immediately.

Mr. FIERO.— I call attention to this bill and offer it in evidence for this purpose; I think there is a misapprehension of its character in that the committee are under the impression that it is directory; it simply authorize exchanges to be made; it is not mandatory.

Chairman RYAN.— We understand that.

Mr. FIERO.— I did not suppose that was understood from the fact that questions were asked in regard to the duty of the commission in that respect. It say, "Such separate tracts or parcels of land may be exchanged by the Comptroller for lands that lie adjoining the main tracts of the forest preserve upon the recommendation of the forest commission," so that it simply gives them the power so to do; it is purely discretionary.

By Mr. FIERO:

Q. I want to ask you whether you were at that time familiar with the provisions of the act, and knew its general character?

A. Yes, sir; I knew it was not mandatory; I wanted to work under it if I could; I suppose, however, that is not a responsive answer.

Mr. ADAMS.— I was desired by the chairman of the committee to ascertain the amount of land in the Adirondack region with which the forest commission commenced, and the amount of land they now have.

Mr. ANIBAL.— I would answer that by saying that we have put that in already in these reports, and to meet just that question by the reports of the forest commission for each year, as well as the report of the Comptroller which states that, and we are having a compilation made and we are going to put in the figures before the committee.

Chairman RYAN.— Counsel was requested to show in one sum the amount of land owned there by the State then and now.

Mr. ANIBAL.— We will do that.

Mr. ADAMS.— On reference to the matter which I put in evidence—the report of Mr. Colvin—he was directed by special act of the Legislature to survey the State land, and that report was made the year before this commission went into effect, and the Comptroller furnished him a list of the State land in the Adirondack region and that

list comprised 746,800 acres. That is found on page 188 of that report.

Chairman RYAN.—That is the Adirondack region?

Mr. ADAMS.—Yes, sir. Then there is a list of land redeemed and tax bids cancelled at page 325 of that report and that shows 26,000 acres, leaving 720,800 acres. With that amount the forest commission commenced. I refer now to the report made by the forest commission January 1, 1891, which we put in evidence, which shows that the forest commission had on the first of January last 644,800 acres, showing a diminution of 76,000 acres since they came into office in 1885.

Mr. FIERO.—Pardon me a moment. I think there is an error there, because the figures which the counsel gives by inadvertence consists only of those lands within certain lines and does not include all the lines in the Adirondack region. I am so informed by the secretary of the commission.

Mr. ADAMS.—I have taken these figures from public documents which are in evidence, and the last document is the report of this commission itself, in which they state that the present number of acres is 644,800. If my friend will furnish me, if he has it here, with the report of 1891 I will turn to it.

Mr. FIERO.—I haven't it here.

Chairman RYAN.—It seems to me there is a discrepancy there which may have arisen from the fact that the lands outside of the lines of the proposed park are not tabulated in the figures which the counsel has just now given. At any rate, that will be discovered later.

Mr. FIERO.—We shall call Mr. Fox, who, at our request, has made a computation.

Chairman RYAN.—From a somewhat careful reading of the report, I had formed the opinion that the State owned some more land at present than at the commencement of the commission.

Mr. ANIBAL.—It is about 100,000 acres more.

Chairman RYAN.—Hardly so much as that. At this time it will not be 100,000 acres more than by the Colvin report.

Mr. ANIBAL.—The statute of 1885, chapter 440, which made all of the tax sales and tax titles—that is, it protected them six months after the passage of that act—was passed in 1885, and in October of that year the Comptroller's office, to my personal knowledge, being interested in it, filed redemptions or for cancellations of these tax titles—they had to file them in six months, and there was a large amount of cancellations following the year 1885 and in 1886. It reduced the acreage down quite a considerable, so that figuring from

that it shows just about 100,000 acres. Figuring from the Colvin report there would be about 70,000 acres; that is my recollection of it; I have made several computations upon it, but we have asked the secretary to make a list, which we are going to lay before the committee.

Mr. CAMERON.—I move to adjourn to Tuesday night at 7.30.

Chairman RYAN.—I think, from conversation with counsel, we will be ready to close this branch of the investigation in another hearing. If counsel on the other side have witnesses whom they want to examine, or if they want to call any one else, we would like to have them present at the next meeting.

Mr. ANIBAL.—Would the committee in the calling of such witnesses as they wish, through their counsel, occupy the next session entirely?

Mr. ADAMS.—I desire to call two witnesses, if they are here. I expected a distant witness to-day, but I understand the flood has interrupted travel between his place and Albany, which probably accounts for his not being here. The other witness can be here Wednesday night, and if he is here I will examine him; if not, I would like my friends to proceed. There need be no formality in the calling of witnesses.

Chairman RYAN.—It is to be hoped you will be ready to go on upon Tuesday evening, if the committee adjourns to that time.

Mr. CONNELLY.—How many witnesses has the other side?

Mr. ANIBAL.—Four or five; they will be short; we will make it quick enough to suit you.

Chairman RYAN.—We wish to say this; we would like to have the counsel ready to go on at the next hearing if necessary, because from the best information I can get it will not take all the evening for the committee to hear the testimony of the witnesses they wish to produce.

Mr. ANIBAL.—We will close next week; we will be very brief with our witnesses and very prompt; we will put the evidence in exceedingly concise.

Mr. HITT.—I move to adjourn to Wednesday evening.

Mr. CAMERON.—I accept that amendment.

Chairman RYAN.—The committee is very anxious to get through with the evidence next week.

Mr. ANIBAL.—I don't think there is any question about it if we adjourn to Wednesday evening.

Mr. CONNELLY.—I move to include in the amendment that only next week be given to close the testimony.

Mr. HITT.—I should oppose any such amendment as that. Of course we will give everybody reasonable time.

Mr. ADAMS.—May I make an inquiry? If we adjourn to Wednesday evening, if it should be necessary to conclude it next week, would there be likely to be an afternoon session to accomplish that end?

Chairman RYAN.—The committee can hardly hold a session in the afternoon, as every member of this committee is a member of other important committees. From what I learn from members who have been here longer than I have, I presume we will shortly hold evening sessions. We must try and get through with this part of the investigation next week.

Mr. CONNELLY.—I move, as an amendment, that we meet Tuesday evening.

The motion to adjourn to Tuesday evening prevailing, the committee adjourned.

ALBANY, *Tuesday, March 3, 1891* — 7:30 P. M.

The committee met pursuant to adjournment.

Present — Chairman Ryan, Messrs. Davie, Cameron, Dempsey, Brown and Gifford.

Chairman RYAN.—Mr. Adams have you any testimony that you wish to introduce now?

Mr. ADAMS.—Mr. Chairman, I have had sent to me two short affidavits that I desire to read and the point they cover is in regard to the recent trespass spoken of by Mr. Lynch. He testified that it appeared to him to have been done inside of two years, and some other witness testified it was longer; I have the affidavit of the two men who were engaged in the cutting I desire to read.

Chairman RYAN.—Counsel may read.

Mr. ADAMS.—The first is of Joseph Murphy, Essex county, town of Minerva.

ESSEX COUNTY, }
TOWN OF MINERVA, } ss.:

Joseph Murphy, being duly sworn, deposes and says that in the fall of 1889 he purchased timber of E. H. Talbot, at twenty-five cents per market log, on lot 68 in township 25, of Totten and Crossfield's purchase, Bailey's patent. That he believes Joseph Lorrimer cut timber on the adjoining lot 69 while working for him; that there was no line run between said lots 68 and 69 at the time; that he paid said Talbot for all the timber cut at that time, which amounted to thirty-three

dollars and forty-five cents; also that said Talbot told him to cut the timber on lot 120 in township 26, and to cut all the logs he could find no matter where it was, on the State or not, that it would be all right.

JOSEPH MURPHY.

Subscribed and sworn to before me, }
this 2d day of March, 1891. }

MICHAEL LYNCH,

Justice of the Peace.

Mr. ADAMS.—The other affidavit.

ESSEX COUNTY, }
TOWN OF MINERVA. } ss.:

Joseph Borrimer, being duly sworn, deposes and says, he was with Daniel Lynch and Orson P. Morse on the 2d day of March, 1891; that said Morse showed him the lot line between the lots 68 and 69, in the twenty-fifth township of Totten and Crossfield's purchase, Bailey's patent; that he examined the timber then cut, and that he found timber cut on said lot 69, cut by him for Joseph Murphy in the fall of 1889.

JOSEPH H. LORRIMER.

Subscribed and sworn to before me, }
this 2d day of March, 1891. }

MICHAEL LYNCH,

Justice of the Peace.

Mr. ADAMS.—I want also to put in a statement from the Treasurer's office.

Mr. FIERO.—Pardon me a moment, Mr. Adams. We ask, on the part of the commissioners that these men be produced here for examination, and cross-examination, Mr. Chairman. These affidavits are very vague and very unsatisfactory, and it is very apparent from the form in which they are drawn that those men don't dare present themselves here to be examined in regard to it. All there is in one of them is a statement he believes the other man cut; all there is of the other affidavit is a mere statement with regard to the matter which isn't evidence at all, that somebody showed him the lines, and that he cut over what this man showed him to be the lines; now, it is apparent those men don't know where the lines are, and their notion and ideas in regard to the matter are such they don't dare come here to be cross-examined, and we ask subpoenas be issued for them, and those men brought here.

Chairman RYAN.—The affidavits will be received, and the committee will receive the request of counsel afterwards.

Mr. ADAMS.— One man bought the timber on both lots; he cut himself on one lot, and he employed the other man to cut, and he believes he cut on the other lot; the man who cut on the other lot makes an affidavit and says he did cut; Morse spoken of is the same surveyor spoken of by their witness; they took Morse and went over to identify this land; I have a statement from the Treasurer's office showing receipts from the forest commission, showing all money they received on account of trespasses and other things, from May 15, 1885, to September, 1890, as per records in the office of the State Treasurer, showing each month how much was received, and a balance is struck at the end of each fiscal year; the sum total amounts to \$19,000; the affidavits and the statement I will file with the clerk; the following is a copy of the statement:

Statement of receipts from forest commission from May 15, 1885; passage of act to September 30, 1890, as per records in the office of the State Treasurer:

1886.

June	\$2,682 08
July	695 77
September	131 77
	<hr/>
	\$3,309 62

1886.

October	\$3,240 20
December	5,210 49

1887.

January	775 00
February	1,173 73
May	140 05
August	230 10
	<hr/>
	\$10,769 57

1887.

October	\$6 50
November	10 00

1888.

March	823 86
September	15 00
	<hr/>
	\$855 36

1889.	
January	\$75 00
March	141 50
August	25 25
September	1,000 09
	<hr/>
	\$1,241 84
	<hr/>
1890.	
January	\$1,453 00
March	451 83
June.....	12 00
July.....	10 00
	<hr/>
	\$1,926 83
	<hr/>
1890.	
December*	\$7 00
December	940 99
	<hr/>
	\$947 99
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Mr. FIERO.— We desire to object formally to the introduction of the affidavits as not being competent evidence upon the ground we are not able to cross-examine the parties making them.

Mr. ADAMS.— I will say to the committee the remaining witness I have, a telegram was received from him this afternoon that he will be unable to be here before Thursday morning, I suppose owing to the flood he was unable to come and his business affairs may require his attention at home ; I wrote to him myself on the adjournment and directed him to reply to me here, and no letter came ; this telegram the clerk informs me was from his wife, who says he was away, but would be home so as to be here on Thursday morning ; of course I have nothing to say if the committee desire to hear his testimony, and if he testifies to what he tells me it will be important testimony ; if they desire to hear him they will take such action as seems to be best.

Chairman RYAN.— It is probable then that if he be here on Thursday morning and another witness that has been requested to be here also, and who has been asked to come to-morrow evening, the probabilities are we can get through with both of these witnesses on Thursday?

Mr. ADAMS.— Yes.

Chairman RYAN.— That will finish one part of the testimony as far as will be taken here.

Mr. ADAMS.—My suggestion was if the other side have anything that they desire to put in evidence this evening, if this witness did not come, to go on with it, and if the committee is still holding the investigation when this witness arrives, we will put him on; if they think it isn't worth their while to wait for him he won't be called.

Mr. FIERO.—Do the committee desire to proceed with witnesses?

Chairman RYAN.—Yes, we are ready now to hear you.

Mr. FIERO.—Mr. Burke.

JOHN H. BURKE, being duly sworn, testified as follows:

By Mr. FIERO:

Q. In what capacity are you connected with the forest commission?

A. Inspector.

Q. How long have you acted as inspector?

A. About two years.

Q. What are your duties and the duties of inspector?

Q. My duties have been principally outside, partly in the office and partly outside.

Q. State generally what they consisted of?

A. When notice is received at the office of a trespass—we are receiving information from so many sources, from letters through personal pique and such things that the first thing we proceed to do, that usually falls to my part to ascertain what probable credence should be given to the report, and by correspondence or in some such way we ascertain who the person is who sends in the report and what their relations are to the party against whom the report is made, and in general ascertain whether or not there is likely to be a trespass as reported and then—

Q. (Interrupting.) Right here; what is the nature of very many of those reports which come by letter to the office as to their being reliable or otherwise?

A. Well, we have found—I have found that quite a good many of the reports are entirely unreliable; a man may have some ill-will against his neighbor and hoping to get him into trouble will send in to the office reports of trespass, which, upon investigation, we find there are none.

Q. How do you investigate those matters before going into the woods?

A. There are many ways, you can sometimes ascertain by letter to some reliable party that happens to be in the locality, whether there is likely to be anything in that trespass or not; if we can't do that we go directly there.

Q. What is the method when you go there, what course do you take with reference to the matter in connection with the forester, with reference to trespassers?

A. I usually go and take the forester in the locality where the trespass happens to be located and take also a local surveyor; it is impossible, I have found, for any man that is a stranger in the locality to go in any particular place and in traveling through the woods learn anything about where the lot and lot lines are located, and there are very few men even in the localities who can tell you; they may tell you in a general way where a man is lumbering, but they are unable to tell you upon what lot he is; they may tell you in the township or something nearer than that; I usually go and take the forester and local surveyor, drive as far as we can, so far as the roads go and leaving the team then go on foot to these lots, and many of them are reached sometimes with a great deal of difficulty.

Q. What do you find with reference to lot lines, as to the locating of the lines?

A. I find it very difficult work because they were marked many years ago, some in 1811, some in 1797, and in localities which have been lumbered over once; sometimes we may run on a course for a half a mile, and not find any mark of any character whatever; I have in mind one case where a certain part of the lot belonged to the State and very many of the State lots have been sold at tax sales, part of them, for instance forty acres in the northwest quarter of a certain lot, has been bid in by an individual, the rest of the lot, if it is 160 acre lot may be owned by the State; now that forty acres has never been run off; we often find that the individual who owns the forty acres, the State owning the rest, will begin to lumber on that forty acres, he has no lines to guide him, the lot has never been run out and sometimes before he is aware of it, or before we can tell what he is doing, if he is reported as being on State land, we must first have the State land run out and the corners to those particular lots can not be determined often without beginning at a township line; as I was about to say, I have in mind where we had one certain survey which we had to make that we were obliged to chain a half a mile or a mile from a township corner which had been established by Mr. Colvin and then chain across an entire lot again another half mile without any lines and spent days, we spent a whole day, a day and a half I think, trying with three men; I carried the chain myself, the forester carrying the other chain, and the surveyor, we spent a whole day, a day and a half I think, trying to get the corner of the lot which we proposed to survey before we could ascertain whether

there had been any kind of a trespass thereon; we wanted to survey out that part of the land owned by the State.

Q. What is your method of arriving at the character and extent of the trespass?

A. It depends somewhat upon what time, how long before that the trespass had been committed; the logs are first cut down and then drawn to the skidway and from the skidways to the river and then floated out; if we find the logs on the skidways on the lots then we count the logs which are on the skidways, the number of markets which those pieces are likely to make; if we do not find the logs there, we usually have the surveyor follow the lot lines and we keep with the men who are making the estimate; I have in mind one particular lot where the surveyor—after leaving the road we went five miles, following the compass across the hills and over the mountains, to reach this lot, knowing where it was located on the map and we found the corners; this surveyor ran along the line, following the line and we keeping to the left of him followed down along the log roads; when there were two of us we would follow up one snake road, as the lumbermen term them —

Q. What is a "snake" road?

A. The snake roads are the short roads through which the logs are dragged by the horses or the oxen to the skidways; we can see the number of skidways but we can't tell the number of logs provided the logs were drawn; of course, all of those snake roads lead to the main log road; following down the main log road one would take one skidway and count the trees which comes to that snake road from each side; usually the snake road would follow up through the valleys so the trees would naturally come down hill to them, and the next one would take the next snake road; we spent one entire day in counting, three of us, myself and the forester, with the assistance of the surveyor, we two doing the counting; in counting the logs and trees which had been cut on this one lot and then we would observe the size of the trees, and an experienced lumberman can tell about how many pieces would come from a tree of a certain size, and in that way we could get at a very careful estimate of the amount of the trespasses; I never made any reports of trespass but those I had investigated in that way, and then where it was possible I would afterwards get the figures from the men who had bought the logs and in many cases they would furnish those and after making our own judgment, we would try to verify them, if possible, by the

figures of the men who had had the logs, marketers and measurer's figures.

Q. After ascertaining these facts what course was taken with reference to getting the trespass adjusted.

A. The matters were, as soon as we could finish the work in a particular locality or as soon as was convenient, the matter was promptly reported to the commission, and at their next meeting it was acted upon by them and directions were given as to what should be done.

Q. In case directions were given that the matter should be looked into and collection made, what course was taken in order to make the collection?

A. The warden or myself, usually the warden, was directed, if the price for which the log—if the settlement was agreed upon, the commission would fix as they had an established rule as to what should be paid for the logs.

Q. What price?

A. One dollar and twenty-five cents a market, and we usually made nothing of a penalty and because in most places many of these logs were only worth 25 cents a market and if they decided to collect \$1.25 a market, we were instructed to go there and demand of these gentlemen who had had the logs that price for the number of markets according to the report which had been made of it either by myself, if I investigated, or by the forester, and if it was paid, that paid for the logs without settling the trespass and if it did not we proceeded to collect them.

Q. In case suits were brought what, if anything, did you do with reference to bringing the suit?

A. In some cases I acted as attorney of record for the commission.

Q. Where you acted as attorney was it under your salary; did you receive any additional compensation?

A. No, sir; my salary simply.

Q. In case you didn't act as attorney or where you did what steps did you take; what did you do with reference to looking up the matter?

A. I usually, that is, in many cases I had charge of looking up the evidence upon which to base a suit and I made a number of surveys for the purpose of bringing suit.

Q. You would take charge of the preparation for the trial?

A. Yes, sir.

Q. Getting witnesses?

A. Yes, sir.

Q. What do you say with reference to the difficulty of obtaining evidence and with regard to the difficulty of obtaining verdicts of juries in that locality where the trespasses are committed?

A. It is very difficult to obtain evidence; it is almost impossible to obtain evidence against any individual in a locality unless there is some man in that section who has some ill will against him; if they are all friendly it is almost an impossibility, because the persons who go there, the State officials, are strangers; the men who live in the locality expect no favors from them and if they tell what they know in regard to these trespasses to the State officials they subject themselves to the annoyance and to the ill will of their neighbors and it makes their life unpleasant for them at home when they gain nothing by it; the most they could possibly gain would be the pay for their day's labor and perhaps leave them, the men whom they reported against, their enemies for life; very many cases, or some cases by making a fair statement to the men that we proposed to look up the trespass, these men have gone on the lots themselves with me and shown me just where they cut, but we always never depended entirely upon that; we satisfy ourselves as to what the actual cutting was from our own personal observation and investigation.

Q. Where you depended upon them was where it had been done by cutting over the lines, or something of that sort mainly?

A. Yes; of course.

Q. Where are different characters of trespass, that is, those which are malicious with the intent of cutting the State timber, and those which arise from a mistake with regard to lines which are mistaken?

A. Yes, a great many of that kind; I have in mind one now which was—the trespass occurred at the corners of three lots; the man who did the cutting had brought a surveyor there and had two or three corners which met at that point surveyed out, had spent two days in there with that surveyor, when he came to run the third corner just before they reached, I mean the third line which made the corner, just before they reached that corner they came to a pond, they stopped there, it was in the summer time, they couldn't cross it very well; they stopped there and sighted over across and pointed out to this man and said, "That clump of trees will be on your land;" he cut them and they proved to be a half of them upon State land; the surveyor was at fault; they didn't finish out the line, it was only two or three or four or half a dozen, not more than half a dozen rods on the other side of the pond, where if he had gone over there he would have established the corner; it was difficult to establish the corner; we

spent a day and a half, I think, trying to find just where that corner was, the trespass was inconsiderable it is true, but it was an unintentional trespass, the man had done everything he could to find out the lines, and thinking they had gone far enough stopped at the point where it left a trespass.

Q. In what localities has your examination of the forest been made, has your work been done?

A. I have been mostly in Essex county and some in Hamilton.

Q. Warren?

A. Not very much in Warren, some in Fulton.

Q. Were you with Mr. Powers investigating some trespasses that he spoke of?

A. Yes sir; I was.

Q. Were there a number of those?

A. There were quite a number.

Q. Do you recollect about how many, in a general way?

A. I should think, large and small, twenty-four or twenty-five; I should think there were as many names as we reported, which we had some information that had been cutting; I know we spent two days and a half in looking over one man's lumber jobs, and found that he hadn't cut a single tree; he was reported as having cut, and we went there with a surveyor; of course the report was made to us, and he had done his lumber jobs on two or three different lots, and there was State land in that vicinity; the only way we could tell whether he had committed a trespass in that vicinity was to go there and make an examination; the lots were two and three miles apart, and we spent, as I say, two or three days examining those lines in the vicinity of where he had been cutting, and we found in cutting, I think, there was one or two trees which we were uncertain about; we didn't determine he had cut a single tree.

Q. When a trespass was reported which needed investigation in the locality of which you had charge, was it your custom to go there upon the ground and examine it?

A. Yes, sir; it was usually.

Q. In connection with the forester?

A. In connection with the forester.

Q. In whatever locality you might be sent?

A. I was under the direction of the warden and I went wherever he directed.

Q. It was upon that you were sent mainly to these localities which you have mentioned?

A. I became familiar with those localities and was sent there oftener, probably, than any other part.

Q. Your object in going there was to investigate whether there had been a trespass and to ascertain whether such evidence could be obtained as would be necessary in a prosecution?

A. Yes, sir.

Q. You are an attorney-at-law?

A. Yes, sir.

Q. How long have you been an attorney?

A. Four years.

Q. Been a member of the Legislature of the State of New York?

A. Yes, sir.

Q. Acquainted with surveying?

A. Yes, sir.

Q. With reference to the trespass of Edward Butler, has any action been taken by the forest commission with reference to that?

A. A late trespass?

Q. Yes.

A. Suit has been ordered to be brought against Butler by the forest commission.

Mr. FIERO.—Mr. Adams, that is all.

Cross-examination :

By Mr. ADAMS:

Q. When was suit ordered to be brought against Edward Butler?

A. I think about two weeks ago.

Q. Since the investigation began?

A. Yes, sir.

Mr. ANIBAL.—They haven't stopped all business since this investigation commenced.

Q. Was it before or after the sale of the logs up at Long Lake that the suit was ordered?

A. I think it was before.

Q. How long before?

A. I don't recollect.

Q. Do you know whether the notices to sell logs up there, those logs he said he bought had been sent before the suit was directed?

A. Those matters were done about the same time, I think the same day.

Q. So in Butler's case, the warden sent out his notice of sale and the commission ordered him to be sued all the same day, two weeks ago?

A. I think it was about the same time.

Q. You stated you were a member of the Legislature, from what county?

A. Saratoga county.

Q. What experience have you had as a surveyor and woodsman, or did you have before coming into the office of the forest commission?

A. Not very much experience-as a surveyor.

Q. Or as a woodsman?

A. Or as a woodsman.

Q. How many times have ever you been out, detailed from the office to go into the woods and personally look up trespasses?

A. A great many times.

Q. How many times; give some idea?

A. There were so many I couldn't at present give any idea of the number; very often.

Q. Several times detailed?

A. A great many times.

Q. When people sent in complaints against those with whom they were angry, did you pay any attention to those?

A. Paid attention to every complaint that came in.

Q. I understood you to say you first wrote, when a complaint came in, you wrote to some reliable man, and a good many of those complaints were the result of anger, some of them you knew; when you found that a person sent them in to gratify his anger, did you pay any attention to such complaint?

A. Yes, sir.

Q. Where you found a man angry did you find out anything about the trespass; he wasn't so friendly with his neighbors that he wouldn't give you information?

A. Let me understand your question.

Q. Where a man was angry with his neighbor and sent in a complaint, you went down to investigate it, you found no difficulty in getting information in the locality?

A. Not so much difficulty; no, sir.

Q. In what proportion of the cases that you went out to examine did you find that the complaints had been made as the result of anger?

A. I couldn't always tell that.

Q. How many of the complaints that you went to investigate did you find were serious complaints, trespass had actually been committed?

A. I couldn't say that; we found, of course, the trespass might be large or small.

Q. What were the magnitude of these trespasses you went to look after?

A. In what locality?

Q. You say you went in three counties; in Essex county what was the magnitude of the trespasses you found there, how many trees or logs?

A. They varied from half a dozen trees to several hundred trees.

Q. In how many of the cases did you take proceeding or force settlements?

A. I think in nearly all.

Q. Did they result in the receipt of money?

A. Yes, sir.

Q. What was the amount; to what amount; give the committee some idea?

A. One receipt of \$1,300 and some odd cents, another on one occasion of \$557, another of \$443 and another of \$990, I think.

Q. Were these all the cases that you call to mind that were settled and money received from in Essex county?

A. There were some others; those embraced, when I mentioned those, the case of Paxton & Knapp; covered a great number of these trespasses which were reported and investigated by me in Essex county.

Q. Timber found its way into their hands and you made claim of them?

A. Yes.

Q. And you collected it of Knapp & Co. and that settled for all the men they had bought of?

A. That settled for the timber; trespass still stands against those parties.

Q. You settled for the timber; the timber has been paid for; have the men been sued for the trespass; anything been done with that; those in Essex county?

A. Suit was begun against Paxton & Knapp for the penalty.

Q. You settled with them?

A. Yes.

Q. I mean the men from whom they got timber; any of those men sued?

A. Not in that particular locality, I think.

Q. How many cases in Hamilton county did you go to investigate?

A. Well, there were some cases at Long Lake.

Q. About how many?

A. I can't tell; there might have been — I didn't finish the investigation there.

Q. Can't you give the committee an idea of about how many cases you went to Hamilton county about to investigate officially?

A. There might have been half a dozen cases there; very many times I went —

Q. (Interrupting.) That answers the question; what was the magnitude of those?

A. Small trespasses.

Q. Fulton county; how many times did you go there?

A. I went there; I investigated one trespass there; yes, two.

Q. You call to mind two cases; what force is there in the office of the commissioners at work; in the office there is a clerk; what else?

A. Secretary.

Q. Secretary and clerk, the same are they not?

A. There is the financial clerk, two inspectors; I had some work in the office and some outside.

Q. What is the salary of the financial clerk?

A. I don't know certain; I think it is \$2,000.

Q. That is in addition to the other clerk, Mr. Train, the secretary?

A. Yes.

Q. Then the financial clerk had a salary of \$2,000; the inspector, how much do they get each?

A. Fifteen.

Q. What besides the two inspectors in the office, stenographer?

A. Yes.

Q. How much is the salary of the stenographer?

A. I don't know; I think it is —

Q. (Interrupting.) Three hundred dollars?

A. Yes, more; I think it is about sixty dollars a month.

Q. What other employes in the office besides these?

A. There are none.

Q. Mr. Train had \$2,400 a year, I understand?

A. I don't know, sir.

Q. How many suits have you brought as attorney for the commission?

A. I should think six or seven, I have a record of them.

Q. Are those suits now pending?

A. Some of them are.

Q. When you were detailed to go into Essex and Hamilton and Fulton counties on this business were your expenses paid as incidental charges of the office?

A. Yes.

Q. Whenever any one has been sent out of the office the expenses have been paid?

A. I don't know about that; I think so.

Q. Incidental expenses of the office?

A. I guess that is all.

Redirect examination:

By Mr. FIERO:

Q. Is a record of the trespasses and the suits brought kept and if so by whom?

A. Yes, sir; recently I have been keeping a record of the trespasses and I have a register in which I keep a record of the cases that are brought by myself.

Q. With reference to this trespass of Paxton & Knapp were many of these trespasses committed by men in their employ under their direction?

A. Some of them were and some of them were for timber which they had bought of other parties who were cutting independent of them.

Q. You say you have been in the woods a great many times and you are not able to state about the number of times; can you give any idea with reference to that matter to the committee as to the number of times you have been up or the proportion of the time you spent there, or the number of times you have been up in the last three or four months?

A. I couldn't give any idea of the number; during the first year that I was appointed I spent in the woods and in the locality, with some few exceptions, nearly the entire summer, and I endeavored to do the work as thoroughly as possible so that these men, against whom reports were made, couldn't question the extent or the location of the trespass and, as a matter of fact, I think they never did anything to this case; we tried to do the work thoroughly; we had no object particularly in making the examination only to protect the State interests; no particular animus against these individuals, but simply to get at the facts honestly and fairly, and we took whatever time was necessary to do that and, in some cases, a great deal of time was necessary.

Q. You speak of there being a financial secretary; is that the same as the assistant warden?

A. Yes, sir.

Q. (Chairman RYAN).—He acts in the dual capacity of assistant warden and financial secretary?

A. Yes, sir.

Q. And is now acting as secretary?

A. Yes, sir; Colonel Fox.

Q. The office force then consists, when the force is full, of the secretary, assistant warden and the stenographer; their duties are in the office, as you understand?

A. Yes sir.

Q. The two inspectors, their duties are under the direction of the warden, either in the office or in the woods as may be directed?

A. Yes, sir.

Q. And the foresters, their business is exclusively in the woods?

A. Entirely so.

Q. That is all?

Recross-examination:

By Mr. ADAMS:

Q. One question I forgot to ask; at what price did you settle with Paxton and Knapp for logs?

A. One dollar and twenty-five cents per market.

Q. For all the logs they had did they pay one dollar and twenty-five cents a market?

A. Yes, sir.

Q. How many logs did they have?

A. Enough to — I can't give the number of the logs but the amount of money that was received from them was \$557.39 at one time, and about, I think, \$940 at another time; that represented a certain number of logs at one dollar and twenty-five cents per market.

Q. When was the \$557.59 paid; what year?

A. I think that was paid in 1889; I won't be positive, but that is my impression.

Q. What time did that cover?

A. I don't understand you.

Q. They had been getting logs in, and accumulating them, and you settled at that time; how far back did that reach?

A. For the logs that had been cutting that preceding winter.

Q. That covered what was cut the winter before?

A. Not all of them, part of them.

Q. What other time did it cover; did it reach further back?

A. No, it only covered the logs which had been cut that winter, but it didn't cover all the logs which had been cut that winter.

Q. That covered the logs of 1889 for which you claimed they were liable?

A. Yes, sir.

Q. For cutting themselves, or buying of others?

A. Those were for logs, that payment was for logs entirely which had been bought by them of other parties.

Q. Those were bought logs, the 940; when was that paid?

A. Within the past year.

Q. About what time was it paid?

A. Some time last December.

Q. December, 1890?

A. Yes, sir.

Q. For what time did that cover?

A. It covered some logs that had been, principally the logs that were cut that same winter.

Q. Which winter?

A. The winter of 1888 and 1889; I am not quite positive in regard to the dates.

Q. Were these logs which they had cut themselves or bought?

A. Some of those were for logs which they had cut themselves and some that they had bought.

Q. Since that time has information come to the office of trespasses where these same parties, Paxton & Knapp, of their purchasing logs which had been wrongfully cut by others?

A. I think not.

Q. There has been no further complaint against them?

A. No, sir; I don't think there has been.

Q. For anything done since 1888 or 1889?

A. No, sir; I don't think there has been; that is my recollection now; there hasn't been anything since that last cutting.

Q. That is 1888 and 1889?

A. If I am right as to the dates; I think I am.

Q. No complaints have come; have you had any information they have been dealing with logs cut from State land?

A. No, sir.

Q. They are up at Minerva?

A. The firm is located at Chestertown, Warren county.

Q. That is all.

By Chairman RYAN: •

Q. What time of year are trespasses most numerous on those lands?

A. They begin their lumbering along—if it is cutting hemlock, they begin to peel the bark in July and August, and begin to cut the trees down for that purpose; then a little later in the season the real lumbering operations, cutting for lumber, begins in October and

November, and continues for those two or three months, and that is the time when the cutting is most likely to be done; then the rest of the time during the rest of the winter, or during the early part of the winter, the logs are piled up and skidded before the heavy snow comes, then when the heavy snow falls they draw them to the rivers.

Q. What part of the Adirondack region do you find it the most difficult to secure conviction for trespasses?

A. Well, I haven't had experience enough with the commission in that particular to be able to state; but I have found it in the locality where I have been up there in Hamilton county and in Essex county difficult to get the evidence upon which to base the suit.

Q. And, having obtained the evidence, do you find it difficult to secure a conviction by a jury?

A. Yes, sir; it is because if this man happens to be a poor man who is being prosecuted, he has the sympathy of his friends and neighbors, and the very men who are on the jury are men possibly who have been engaged in some such operations themselves, and I found in going into the woods that the general spirit of the people and the general feeling has been that it is no crime, no harm whatever, to take the logs from State land; they have been bred and brought up in that belief.

Q. Do the same feelings prevail in the country all around the park?

A. So far as I have been the feeling is somewhat changed now, and they are beginning to feel that the State timber should be cared for as well as that of private individuals, but that feeling it was difficult to combat; men we would call in this locality honest, straight, law-abiding citizens would consider it no crime whatever to take a few logs from State land, and with that feeling it required some finesse in dealing with these men to have them understand what we believed to be right.

Q. Do you suggest any additional safeguards that can be employed other than those that the commission have made to secure greater security for the timber on the State land?

A. Well, as it struck me, the most important thing that would stop a great deal of trespassing, if there could be careful, full and complete surveys made of the lots; it is a very expensive proceeding; if the lots could be surveyed by the State, its own land and the lines marked out clearly, then no man would have an excuse for cutting over the line, and when he goes on his own lot and thinks he knows where the lines are and finds no line-mark at all, his excuse is often, "The line was here, it wasn't plainly marked; I couldn't see it;" I believe if the State would adopt some method of having its land sur-

veyed that it would be a good thing to have the principal corners, the township and lot corners.

Q. Wouldn't it be a pretty costly thing to do for these small, detached pieces of territory owned by the State?

A. Yes, sir; it would without a doubt, because it requires, of course, half a dozen men.

Q. Suppose it should become the policy of the State to secure all the territory that has been mapped out on the map within the blue lines, would you advise now that the State go to work and have these little pieces of land surveyed that they own or retain it in its present condition, so that they could eventually, by buying and trading, get the whole block?

A. It would seem to me advisable to retain it; the line which has been run around, the blue line as it is termed, has been run as near as can be, so as to correspond with township lines, town lines and old established lines, so that that line is already throughout a great part of its length already established, already marked.

Q. Would it be necessary in case the State should determine to secure a park whose boundaries would conform to the blue line, to go there and survey these tracts of ground which the State owns, and survey each piece separately?

A. Inside?

Q. Yes?

A. I should say not; they would only need to survey, if they purchased they would only need to survey the parcels which they decided to purchase; it isn't so difficult always to find the general location, and to get on to this particular lot, whether it is a State lot or otherwise, but to know whether any cutting has been done on that lot, you have got to know where the four lines are which surround it, and for the purpose of evidence of course.

Q. That is all?

Mr. FIERO.—Colonel Fox.

WILLIAM F. FOX, being duly sworn, testified as follows:

By Mr. FIERO:

Q. Are you the assistant warden of the forest commission?

A. Yes, sir.

Q. Are you also termed the financial clerk, so spoken of to-night?

A. Yes, sir.

Q. Are you at present the acting secretary of the commission?

A. Yes, sir.

Q. How long have you been connected with the commission?

A. Ever since it was organized.

Q. In what capacity?

A. In the same position that I hold now, charge of the books and accounts and acting secretary in the absence of the secretary.

Q. What are your duties?

A. Making out and looking after the payment of the vouchers, keeping the books and assisting in the office whenever there is any work to be done that I can find time to do in addition to other duties.

Q. You have had charge of the books and of the statistics mainly?

A. I have.

Q. Have you examined the records and the statistics with reference to the quantity of land owned by the State at the time the commission took charge of the forest preserve, land lying within the forest preserve and owned by the State?

A. Yes, sir.

Q. What was the number of acres?

A. When the commission was organized the Comptroller turned over to the commission 715,000 acres in round numbers; I can give it to you exact if you wish; the exact figures were 715,267 acres turned over by the Comptroller, under date of May 18, 1886, and that was the date on which the first report of the commission was made, and the land so turned over and copied from the Comptroller's books were scheduled in the appendix of the first report of the commission; their aggregate was that amount.

Q. What do you say with reference to their increase or decrease up to the present time, and how brought about?

A. By an amendment to the forest commission act the counties of Delaware and Oneida were added to the counties known as the forest preserve counties; by the addition of Delaware the preserve was increased 12,584 acres State land; by the addition of Oneida we gained 4,808 acres; by the tax sale of 1885 we gained, after the period of redemption had passed, 119,044, making a total of 851,703; that amount was decreased again, as reported December 20, 1888, by the Comptroller's office, by redemptions, 3,306 acres, by cancellations, 27,500; since December 20, 1888, the office has been officially notified by the Comptroller that further cancellations had been made amounting in the aggregate to 24,472 acres, leaving at the present time the State holding in the sixteen counties, amounting to 796,416.

Q. Does that include anything acquired at the State sale?

A. The sale of last fall doesn't enter into this calculation at all and can't until two years and six months elapse from the date of the sale.

Q. That is the time allowed for redemption?

A. Yes.

Q. So that the lands the State might have purchased at that time wouldn't belong to the State absolutely until the expiration of that length of time?

A. That is the way I understand it.

Q. What is the net gain from May 18, 1886, up to January, 1891?

A. Eighty-one thousand one hundred and forty-nine acres.

Q. You speak of there being lessened by cancellations and redemptions; will you state briefly to the committee how that redemption of 20,888 acres was brought about and also the cancellation of 24,472?

A. It was brought about by the parties who had the right under the law to do so; they redeemed the land.

Q. What does that mean in ordinary language, that they redeemed the land?

A. Within the time specified by law they tendered the amount of the tax and the land was turned over to them.

Q. That is to say, the State does not take the absolute title when it bids in at the tax sale, but there is a certain period which is allowed within which the money may be paid in with certain percentage; is that what it is?

A. Yes; but the redemptions form one-tenth part of the loss of the land; the greater part of this land was lost through what is termed the cancellation; as I understand it the cancellation is distinct from the redemption in this, that the Comptroller parts with the land, or the State parts with the land on account of some error in the process by which they acquired it, some error on the part of the assessor from the fact that the land may have been assessed in the wrong town or various ways in which an error may have been committed.

Mr. ADAMS.—The tax is not a valid lien on the land?

A. That is as I understand it.

Mr. ADAMS.—Anything shown in the Comptroller's office that the tax was not a valid lien, he must cancel the tax certificate.

Mr. ANIBAL.—That is so.

The WITNESS.—There were only 3,306 acres redeemed.

Q. As to these cancellations are they a matter with which the forest commission has anything to do under the statute?

A. The attention of the commission was called to the fact that there was so large a loss of land by cancellations and redemptions that they asked permission to put in an appearance, or to be heard in each application, and through the courtesy of the Comptroller, the office has been notified where application was made for redemptions and cancellations, and the attorney of the commission has appeared there

in all cases where it was supposed to be a case that was anyway doubtful, or where the State would be benefited by contesting the action in the matter, and a large amount of land has not been cancelled by reason of such action; one case of 7,500 acres, very valuable land, the matter as I understand, is still held open, and it is doubtful whether the cancellation will now be made by reason of the action of the commission, and others which I could refer to from the books; I mention that one which I have in mind.

Q. Before that time, had the method of procedure been, for the parties to go to the Comptroller with their evidence, and present it to him without any appearance on the part of the State?

A. There was no one to appear on the part of the State before the commission was organized, and the policy of the land office and of the Comptroller was to get rid of this land, the State didn't want it, and anything like a fair showing in the matter of redemption or cancellation, the land was given up; as I understand it, the land office encouraged people to take back the land and pay the taxes; the State's policy was to get all the money they could and collect the taxes and not to hold the land; at the organization of the commission the policy was reversed and now it is very difficult to get a cancellation or redemption except on the very best of evidence.

Q. It was some time before the attention of the commission was called to this matter before they appeared before the Comptroller?

A. Yes, sir; the commission was new to this work, the work was all new to members of the commission; their attention had never been called to this matter and some cancellations and redemptions may have taken place and did take place before the commission got organized far enough to take that branch of the work in hand.

Q. How was it brought to the attention of the commission?

A. By the repeated notices of the loss of land.

Q. Do you recollect one case where the cancellations were made pending a lawsuit where the attention of the commission was brought to it?

A. I don't remember the details of it; I remember something about it but not enough about it to speak regarding it.

Q. Have you tabulated the number of acres of virgin forest in the towns of Minerva and Newcomb?

A. Yes, sir; I tabulated ever acre.

Q. What do you find to be the number of acres?

A. I couldn't say from memory; I would have to have the copy of the report; from memory I should say there is about 45,000 of virgin

forest lands in those two towns or in so much of those two towns as is included within the proposed park line.

Q. (Mr. ADAMS.) Within the blue line on the map?

A. Yes, sir.

Q. I show you a book, cash account trespass cases, who is that book kept by?

A. I kept that book.

Q. Will you state to the committee in a general way how it is kept, what it shows?

A. In the office of the commission there is a regular set of large, canvas-bound account books and the books are kept double entry system, and they show every dollar that has been received by the commission since it was organized; they also show that every dollar of that money has been turned over and is accounted for on another page which is headed "State Treasurer," but as it was inconvenient sometimes to turn to the large, heavy account books to hunt for every item, for my own convenience I made a petty account book in which every sum is recorded, together with a detailed description of the circumstances from which — and of the parties and of the trespasses or sale, whatever it was from which the money was received, details which couldn't be entered up in the ordinary journal or ledger.

Chairman RYAN.— Merely memorandums of each case?

Mr. ANIBAL.— It is little more than that.

Chairman RYAN.— More than memorandum of each particular case?

Mr. ANIBAL.— No, it isn't any more than that, but it comes in such a form that each explains each particular trespass and what it was settled for and how.

Q. Just read one statement there with two or three items; it will show the manner in which it is kept, and that they are able to show what is obtained from each person and the number of logs.

Chairman RYAN.— Will the witness read a specimen?

A. On the first page there is an entry which reads, June 23, 1886, State Treasurer debtor to cash, with an explanatory word D. W. Sherman; Mr. Sherman paid over \$5,000 to the commission for trespasses and it was divided into different amounts because he drew different checks, some of which belonged to one account and some to another; corresponding to his own private business, this one check of \$2,582.08, this one amount was also given in two checks for logs that were cut by eight different parties.

Mr. ANIBAL.— Read the account right along.

A. Logs cut by J. Champine on lot 13, township 16, 66 market at seventy-five cents, \$49.50; by Robert Beebe on lot 71, township 26,

586.51 market at seventy-five cents, \$439.88; by John Coates, lot 103, township 26, 18.38 markets at seventy-five cents, \$13.79; Powers & Coates,' lots 22 and 23, township 30, 1,267 markets.

Chairman RYAN.— Who was this party that paid that \$5,000 ?

A. D. W. Sherman of Glens Falls.

Q. As attorney or what ?

A. No, sir; he is a lumberman; he paid this because the logs were in his possession.

Q. He had all the logs that had been cut by these parties that you name there ?

A. Yes; these were the jobbers who had cut the logs and the amount is divided up for our own information, and these different lots specified so they wouldn't be confounded with any other trespass or any other man cutting on the same lots.

Chairman RYAN.— That will do, I think.

Mr. ADAMS.— Let me ask one question with your permission; this settlement, I thought you said, was seventy-five cents a log that \$5,000, is that so, colonel ?

A. Some of them were seventy-five cents, yes, sir; these were settled for at seventy-five cents.

Q. Do you know how that price came to be fixed, what there is of that, and when they fixed the price of one dollar and twenty-five cents ?

A. I don't remember the exact time or which logs for the reason some were settled for at one dollar and twenty-five cents, and some were paid for at seventy-five cents.

Mr. ADAMS.— What date was that ?

A. October 26, 1886; that was fully explained in Mr. Garmon's testimony; I couldn't improve on Mr. Garmon's description of that.

Mr. ADAMS.— I am only asking what appears on the book, you are not supposed to have any responsibility in it.

Q. Now, I show you this map accompanying the special report of the commission which shows the lines of the proposed park; will you state by whom those lines were drawn and by what direction of the commission they were drawn as they appear upon that map ?

A. The lines as shown there in the details, I attended to them and drew them; the general outlines of the park and its size was established by a vote of the commission or by orders from the commission, and working under those orders I drew these lines.

Q. What directions did they give in a general way ?

A. They furnished me a map upon which they had drawn in a general way outlines corresponding in the main to those lines, to the blue line.

Q. What was the direction with reference to the number of acres?

A. I understood it was to be about 2,250,000 acres; I made one computation, made one outline and tabulation, the acreage amounted to 2,110,000, but after looking it over and looking at the lines, the commissioners thought they would push it over a little further into Herkimer county, and increase it to 2,250,000, and under those instructions I made this final tabulation and drew these boundary lines.

Q. Let me call your attention to the fact whether there were any specific directions in regard to the head waters of the Hudson and other localities?

A. Yes; I had full instructions regarding all those points.

Q. Will you state what they were?

A. There were a great many of them and they were very long and explicit and full in some points, if the committee wish to hear them.

Chairman RYAN.— Were they written?

A. No, sir.

Chairman RYAN.— Give in a brief manner.

A. As I understand this thing, I can't speak for the commissioners, I can only give it as I understood it; the main point first explained to me was this; the first thing was to fix the park so as to preserve all of the Hudson river water shed that came within the forest boundary, not the forest preserve, the Adirondack forest, but within the boundary of the north woods; that the line was to take in, include, all of the forest which covered the water shed of the Hudson; I was also instructed to run the line on the east to the Schroon river, the valley of the Schroon river; it was also decided that it wouldn't be advisable to cross the Keene valley, because that is a large summer resort, filled with hotels and a large amount of private property and buildings, a village there that it wasn't considered desirable to embrace within the lines of the park, and as it laid so near the edge of the wilderness the blue line was drawn just to the west of the Keese valley, and going north from the Keene valley, the next point was to be through and take in Lake Placid and the Saranacs; there are more people come into Lake Placid than any other part of the Adirondacks; there are more summer visitors there and in discussing the park question the matter of tourists and summer visitors had to be considered in connection with the park idea fully, such as the theory of the water shed and the preservation of the water shed; another thing, at Saranac lake is located a sanitarium and nearly all of the people who go to the Adirondacks for sanitary purposes, people going there to be cured of pulmonary complaints, etc., probably nearly

all of them go into the Saranacs, so the line had to include that region also; then when I came to draw this line I found myself tied down by these facts or by these instructions; first, there was the Hudson river water shed, all of which had to be taken in, the summer resorts and the sanitarium in the northeast corner around Lake Placid and the Saranacs; then to go as far west with the line as a park of 2,250,000 acres would carry it; those instructions limited a park, outlined the park; the only thing left to my discretion were details regarding lot lines and the exclusion of denuded and burned territory that might lie contiguous to the general outline.

Chairman RYAN.—You wanted to leave that outside of the proposed park as far as practicable?

A. Yes, sir; where undesirable territory, waste lands, burned, denuded or open lands laid over near the line, the line was drawn so as to leave such lands outside; in the Herkimer county line there is a great deal of difficulty in getting what would be a fair looking line from the fact that all the lot lines in that part of the forest run northwest and southeast; they run diagonally, and only in one place could I run the line out north or south to correspond with the general north and south line which is marked out through the middle of Herkimer county; that is the straight line which shows on this map which is on the west border of township eight of the John Brown tract; the zigzag lines below there were occasioned by running out in one place to take in the Woodhull reservoirs which are owned by the State, and south of that the other line running contrary to the north and south line was caused by the direction of the lots in the Nobleborough Patent; the sharp angle in the town of Morehouse was made so as to exclude the village of Morehouseville, and that was put in there because there is a small tract known as B—— & Maxwell tract which has a plainly defined survey line well marked and it was considered advisable to make that recess in the line so as to leave the village of Morehouseville out; wherever it was possible we preferred to leave villages and settlements of any size outside of the line, in case they were anywhere near the edge of the line.

By Chairman RYAN:

Q. What is the largest settlement you have included within the boundaries of the whole park?

A. I think the town of Wells is as large a village as any; up in the Saranac region there are several large places; as to the relative size I couldn't tell without looking the matter up some.

Q. No business up there except hotel people?

A. Saranac Lake, I suppose, is quite a large place; that is the terminus of the Chataugay railroad; that is probably the largest place inside the forest preserve; that couldn't be left out because the line ran too far to the north.

Q. Approximately about how many miles north of that post-office is your north line?

A. About fifteen miles; the line was run pretty well to the north there because the State owned so much land in township 20 and township 11, and in the town of St. Armond, and in township 20 of Santa Clara.

Q. Now, Mr. Fox, if you will continue the statement you were making with reference to those lands?

A. On the line that ran along here, as we came over into Herkimer county, in order to get the north and south line, I had to reach it by running along on the lines of the Nobleborough Patent; that is a large piece of land in here which is a very valuable land; I put the blue line south so as to include the last lot; these lines run in that direction; as soon as I passed the last lot of land, I came back to the main north and south line, and I had no sooner got there than it was necessary to take in Woodhull reservoir; the State owns that reservoir; this map was made and engraved and printed before the forest commission was organized; this map was made in 1884, and having taken in the Woodhull reservoirs we then came back and took in this straight line on the side of township 8, taking in the Fulton chain, which shows on the small map; I refer to that more particularly because there has been a great deal of criticism in the paper regarding that zigzag line; there could be no straight line drawn through there.

Q. What is the condition of the land there with reference to the survey?

A. These lines are all well marked; the line of Herkimer county, however, is not surveyed, and to have gone much further we would have had no survey line to run on; but we didn't enter into the question, because the allotted number of acres was used up by the time we got to the middle of Herkimer county; the north line, the large, bell-shaped piece of red on the corner of township 20, and also the checker piece to the right, forms the north line; the blue line corresponds here to the line of the forest, as marked on this map, with the exception of the town of Stony Creek, and Thurman, in Warren county, was omitted because the land there was not as desirable or as much needed as the land in the Fulton chain, therefore they

were omitted; they are forest land, but they are not so well wooded and the timber is not so desirable; to have taken in these two towns would have necessitated moving in the line in Herkimer county, where the land was more needed; the Fulton chain is probably the finest piece of lake property in the whole forest, with the exception of Raquette lake.

Chairman RYAN.— You thought the lakes were more desirable than what you left out at that corner ?

A. This has all been cut over; I think I had a long talk with people in Warren county who lived right here, and were familiar with the lands and the report of the forester on each lot, and the report of the assessors on each lot, who are obliged by law to describe each lot on the assessment-roll, was carefully studied; I suppose there was two or three weeks of several hours a day devoted to studying lots in these two towns.

Q. Did you have reports of the foresters in different part of the preserve ?

A. We had reports of the foresters on every lot; detailed reports through the eastern part and the southern part, also including the central part.

Q. What was done after you had drawn that line upon the map with reference to sending it to the commissioners, was there a draft sent ?

A. I turned it over to Mr. Train, the secretary, and I suppose furnished to the commissioners.

Q. I want to call your attention again to the reason why you adopted these lot lines rather than the straight lines upon the question of the necessity of a line which could be followed, and with reference to the expense of a survey, and to the fact whether such a survey was available ?

A. The whole idea was to run lines on well-known surveyed lines, first, so as to save the cost of a survey; secondly, and what is more important, there could be no computation whatever of the acreage of that park unless it ran on the lines of lots whose acreage was known; to have run a line by compass through there, or traced a line on the map without reference to the lots, it would have been impossible to have made the computation that accompanied the report; over 7,000 parcels were examined to make that computation; the third reason was it was considered advisable to lay out such a line so that if necessary, if the park was ever adopted, and that line was adopted, it could be described in an act of the Legislature so there would be no question about the particular lands included, and their boundaries; they could always be found and would always be known.

Q. With regard to the expense of that survey, have you an idea as to that; was that discussed?

A. From the fact the State has never been willing to go to the expense of surveying as important a line as the line between Herkimer and Lewis counties, I hardly thought they would want to go to the expense of surveying any proposed park line, any imaginary line we might draw there.

Q. Could you form any estimate, in a general way, of the expense?

A. I couldn't answer such a question off-hand.

Q. A \$100,000?

A. Yes; they would use that up before they were through with it.

Chairman RYAN.—Do you mean as to making an accurate survey of this blue line?

Mr. FIERO.—Yes; so as to be able to describe it off; they didn't follow lot lines.

The WITNESS.—I judge from the amount that has been expended on surveys already made by the State in that region and from the results; it is very costly work to survey in the Adirondacks; it requires a very large number of men; it is difficult and hard work, and it would run into a great many thousand dollars; as to the exact amount, of course it would be impossible for me to say.

Chairman RYAN.—It would be as easy to survey on the red line?

A. Yes, sir; the red line follows established surveys.

Chairman RYAN.—The only reason why you put the blue line there was the extra expense you thought would be necessary to include all inside the red line?

A. Oh, no, sir; the blue line was drawn there, not with reference to any particular expense of surveying.

Chairman RYAN.—The expense of the park?

A. It was because that included the allotted territory.

Q. That you understood the forest commission were willing to recommend?

A. As I understood them their idea was to lay out that park, and whenever the State was fortunate enough to get the money appropriated to buy that much the rest could easily be added to it, but didn't want to imperil the whole scheme by calling for the whole territory shown within the red line.

Q. The expense of a survey would be saved to put in land if the State wanted to buy following the lot lines as they are followed there; that is all?

Cross-examination :

By Mr. ADAMS :

Q. Are you an engineer ?

A. Well, I have worked on building railroads, civil engineering and a graduate of Union College Civil Engineering School.

Q. You are familiar with Mr. Colvin's survey ?

A. I have read everything that Mr. Colvin has written on the matter.

Q. So you know the fact that the corner of the line, south corner of the line, between Herkimer and Lewis county, was established by Mr. Colvin ?

A. Mr. Colvin, I understand, ran part of the line.

Q. He ran up so that he established the corner in the Oneida county line between Herkimer and Lewis on the banks of the south branch of Moose river, I think ?

A. The particulars I don't recollect now.

Q. You recollect the general fact ?

A. He did a large amount of work there and established part of the line.

Q. What was the traditional corner he established as the real corner by following up the lines of their surveys, went way back to Canada creek ?

A. Yes.

Q. And erected an observatory on Conner hill and made some triangulation, that being so the true corner in the Oneida county line, between Lewis and Herkimer; what is the objection to surveying out that line; having a well-established corner and the direction of the statute, why couldn't the Herkimer county line be made the west boundary of the park and that line established just as well as any of the old lines in the woods that Mr. Colvin did establish; that would take down, far to the west of the blue line, a wooded country, with an elevation of 1,000 feet on the Herkimer county line; what is the objection to making that line ?

A. The other lines that you refer to he re-established; he, in a great many cases, found the old lines and re-established them, but, as I understand it, there is no line there to re-establish; there is nothing but a meridian line there.

Q. There is a description in the statute of the line between the two counties, which, in point of fact, has never been run, and the taxes from Lewis county extends in Herkimer, and the taxes from Herkimer extends in Lewis, so that a large belt of land, a mile or two miles wide, is in a constant dispute, so that no tax title can be got ?

A. They manage to tax every lot.

Q. And tax it twice and get it set aside, and having found this mark and having the description of the statute, what difficulty is there in establishing that line as well as any other old line?

A. Would be no difficulty.

Q. Inasmuch as that would draw this west line of the park several miles to the west and make a straight line, what is the objection; why shouldn't it be done, in your judgment?

A. I see no objection to it, except the expense of buying the land.

Q. If you are going to lay out the park and make the boundary, it would be no different west of this blue line as well as here; there is a great deal of land east of it the State don't own; what is the objection to making a survey of the Herkimer county land and making the Herkimer land the west boundary of the park?

A. One reason why the line wasn't run over there —

Q. The question is, what objection is there to having the park line the west line of the proposed park on the Herkimer county line?

A. To start with, there is no State land, with the exception of three very small parcels, between the supposed Herkimer county line and the blue line, as shown on that map.

Q. Isn't it true east of the blue line there is a great deal of land that isn't State land; more than half of it?

A. Yes.

Q. How is that a valid objection to moving the line of this proposed park further west?

A. Because there is a greater proportion of State land in every town of the outlined park as it is shown there than in the park which lies to the west of the blue line.

Q. Suppose the State didn't own any land west of this blue line, what objection is there to extending, making a straight line on the Herkimer county line north?

A. Merely a question of expense.

Q. Expense of survey?

A. No, sir; buying the land.

Q. Only the lands east of the blue line, as you have laid it down, have to be bought?

A. I say a large proportion of it.

Q. If this land west of the blue line and up to the Herkimer county line is good, dense forest and has a 1,000 feet elevation, it is just as desirable for park property as it is to the south and where it is denuded land, isn't it?

A. It is desirable park land in there.

Q. And the State may, in the future, require it in the course of its policy ten, fifteen or twenty years?

A. Yes, sir; I hope so.

Q. So there would be objection to the State owning it when it could?

A. No, sir.

Q. And having it in the park clear up to the Herkimer county line?

A. No, sir; I never heard any objection whatever on the part of the commission.

Q. Mr. Fiero examined you a little on the subject of cancellation and what was said a while ago; a cancellation takes place where the tax is not, or the supposed tax is not a valid lien upon upon the land; on making that appear in the Comptroller's office he will cancel the tax certificate or tax deed; that is what is meant by cancellation?

A. Yes.

Q. That is entirely in the Comptroller's office and not in the office of the forest commission?

A. Yes, sir.

Q. And also the matter of redemption?

A. Yes, sir.

Q. I understood you to say that the Comptroller, by courtesy, had notified the office of the forest commission when applications were made for cancellation, or sometimes gave notice?

A. Yes, sir; very often; I don't know whether it covered every case or not.

Q. That has been considered an invitation to appear and look into the matter, and to see whether the cancellation is proper and so considered?

A. I don't understand that that applies to a cancellation because that is a matter in which the Comptroller, as I understand it, would be his own judge as to whether there had been any error on the part of the assessors; I understand it refers only to applications to redeem on the ground of occupancy, or some other pleas which are put in to redeem land.

Q. Since what time has the forest commission attended at the Comptroller's office to oppose either a redemption or a cancellation?

A. I can't say; that doesn't come within the line of my work, and it is outside the office.

Q. You don't know?

A. No.

Q. Do you know as a matter of fact whether the forest commission ever have appeared at the Comptroller's office to oppose either a redemption or a cancellation?

A. That is my understanding; they have opposed it vigorously at times.

Q. How lately?

A. My impression is during the last two years.

Q. And where they appear and look into the papers to see whether either the redemption or cancellation is proper, the Comptroller considers the objection?

A. Yes, sir.

Q. So that it is in the nature of a test on the part of the forest commission against the supposed owner or pretended owner of the land?

A. Yes, sir.

Mr. HESSBERG.—That is by the courtesy of the Comptroller they appear there, there is nothing in the statute?

Mr. ADAMS.—Nothing in the statute. What I was inquiring was whether they understood they could do that, and whether they did do it, is the point I am getting at. There is no statute compelling, and it is a practice that has grown up, as I understand.

Mr. HESSBERG.—No even permitting; no statute.

Mr. ADAMS.—I know that in the absence of any statute a practice has grown up to receive notice from the Comptroller's office, and the commission have gone down to oppose either a redemption or a cancellation.

Q. Where a redemption has been allowed improperly, and where a cancellation has been made improperly, do you understand the Comptroller has the right to correct it and vacate his own action and restore the statute?

A. I don't know anything about that.

Mr. HESSBERG.—There was a special act passed in 1873, I think.

Mr. ADAMS.—That has been the law, then, since 1873?

Mr. HESSBERG.—Not upon any ground.

Mr. ADAMS.—It has been the law where it appears he has acted under a mistake, he shall rectify his action by a vacator.

Mr. HESSBERG.—No, sir; that is not the law.

Mr. ADAMS.—There is a power that he may vacate.

Mr. HESSBERG.—Yes, limited power on certain grounds.

Mr. ADAMS.—One of the grounds where a fraud has been practiced on the office?

Mr. HESSBERG.—I don't recall the terms of the statute at the present time, but not a general fraud. It is specified.

Q. I ask this witness if he knows, can call to mind, any case, and if he can, about when did it occur; any case where the forest commission have gone down to the Comptroller's office and opposed a cancellation or redemption?

A. Not within my own knowledge, it doesn't come within the line of my work, so I couldn't say positively.

Q. I think that is all I care to ask now?

Mr. FIERO.— That is all.

Chairman RYAN.— Have you any other witness?

Mr. FIERO.— Not this evening.

Chairman RYAN.— Will you have any more?

Mr. FIERO.— Yes, sir; we have two or three others we think we can finish in one evening.

Chairman RYAN.— To-morrow evening?

Mr. FIERO.— Yes, sir.

Mr. ANIBAL.— We have some witnesses, Mr. Chairman, that of course would be material as we deem them, provided testimony was given which might call for some explanation.

Chairman RYAN.— That is testimony that is offered on the part of the counsel for the committee hereafter?

Mr. ANIBAL.— Yes; of course we want time to reply to them and look after that carefully so that no errors would creep in, or any misrepresentations had before the committee. When the other side close up finally we can then inform you very readily how long it will take us. We shall be very brief; I think the committee will bear us out in the fact that we have been very expeditious when they haven't had anything to go with we have taken it up and gone on by piece-meal.

Chairman RYAN.— Will you have witnesses here to-morrow evening?

Mr. FIERO.— We expect to have.

Mr. ANIBAL.— I don't think we could have them all here possibly to-morrow evening.

Mr. ADAMS.— If the committee will allow I want to ask Mr. Fox a question which is suggested.

WILLIAM F. FOX, recalled:

By Mr. ADAMS:

Q. The mail for the commissioners is brought to their office in this building, is it not?

A. Yes, sir.

Q. When meetings have been held in New York has the mail been sent to that meeting unopened, to Mr. Kneval's office?

A. I don't know what the secretary's custom was in that respect.

Q. Do you know of any occasion where the mail was sent there addressed to the commissioners and it was returned not opened and remained unopened for some length of time?

A. No, sir.

Q. Did you ever hear in the office of such an occurrence?

A. No, sir.

TOWNSEND Cox recalled:

By Chairman RYAN:

Q. In your testimony the last evening that you were here you said that you had been very much in favor of raising bears in this forest preserve, did you ever offer any such resolution in the commission?

A. No, sir; I would be prepared to show an experiment, not at the expense of the State, but private matter, down at Big Indian, Ulster county, where we have some bears; we are trying to raise some young bears; we haven't succeeded yet; I will be better able to report at the next investigation.

Q. Can you explain to the committee why it was you thought it would be for the interest of the State to raise bears on the forest preserve?

A. The black bear of our part of the country is very interesting, playful, and, when young, great pets have been made of them about the house; as they become older it is necessary to keep them in a cage or inclosure; they afford a great deal of sport to any one who cares to follow wild animals in the woods; they do very little damage, occasionally a lamb or a pig, a few things of that kind, eat up honey that is raised, but do very little damage indeed in comparison with the sport they afford to those who frequent the woods; I will send for some photographs of them.

MR. BROWN.—Mr. Chairman, I move to adjourn until to-morrow night at half-past 7.

The motion was put and carried and the commission then adjourned until Wednesday evening, March 4, 1891, 7.30 P. M.

ALBANY, WEDNESDAY, *March 4*, 1891, 7.30 P. M.

The committee met pursuant to adjournment.

PRESENT — Chairman Ryan, Messrs. Connelly, Davie, Gifford, Hitt, Cameron and Brown.

Chairman RYAN.—Are the counsel ready?

MR. FIERO.—We will call Mr. Knevals.

SHERMAN W. KNEVALS, being duly sworn, testified as follows:

By MR. FIERO:

Q. You are one of the forest commissioners; how long have you been?

A. I was appointed in the fall of 1885.

Q. Who were your colleagues appointed at that time?

A. Townsend Cox and Mr. Theodore B. Basselin.

Q. You have all continued in office up to this time, Mr. Basselin having been reappointed?

A. We have; Mr. Basselin was reappointed three years ago; Mr. Cox's term expired last year, and he has held over a year.

Q. How long after your appointment did you organize and enter upon your duties?

A. Very soon thereafter; we met in Albany, organized and drew lots for the terms; upon my motion Mr. Cox was appointed president of the commission; for the convenience of the transaction of business, I consented to act as treasurer and auditor of the commission.

Q. What was there with regard to the office of president; were there any duties assigned him?

A. Neither by statute nor by resolution were any special powers conferred upon the president; his function was to preside at the meetings, and be the medium of communication, whether oral or written, where the commission had occasion to make any formal communications.

Q. Did you select other officers at or about that time?

A. Mr. Fox was appointed as clerk of the commission; subsequently Mr. Train was appointed secretary, and Mr. Garmon, warden, and Mr. Fox was appointed assistant warden.

Q. By whom were these respective officers nominated?

A. Mr. Garmon was nominated by Mr. Basselin; as to Mr. Fox, when his title was changed and he was made assistant warden, I don't know who nominated him.

Q. Was he unanimously selected for that office—assistant warden?

A. Well, I should suppose not from what Mr. Cox has told me, it isn't within my recollection, I understand Mr. Cox voted against him; I see by his testimony he voted against all the appointments we made then.

Q. What did you proceed to do in the way of discharging the duties of the office of commissioner, yourself and your colleagues, and what have been the duties you have taken upon you from the time of the existence of the commission?

A. We have done our best to carry out the declarations of the act creating the commission in maintaining and preserving the forests; do you wish to know about the order of business?

Q. Yes, as to your methods of doing business, what you have done for the purpose of protecting the forests; as to whether your duties

have been advisory or executory, state with reference to that, if you will?

A. Our duties have been both advisory and executory; it has been stated that the office is one of honor and no profit, and that is a fact; we have never received any salaries, and in the transaction of business and the arrangement of meetings, Mr. Cox being a man out of business, of leisure, and Mr. Basselin and myself being in active business, it became more convenient to have the meetings in New York; at first we arranged to have a meeting on the second Wednesday, I think, of every month; that was our rule; we adhered to it as far as we could, but it became impractical to carry that plan out; the meetings were called by the secretary and open notices sent from the Albany office to the different members of the commission; in many cases it was found that it was inconvenient for members to be present and then either by letter or by telegram, the arrangement for a meeting was countermanded; the only formality observed was in the secretary sending a notice to each one of the commissioners.

Q. It happened at different times different members of the commission were unable to be present?

A. It frequently happened so and a new arrangement was made; in some cases men were absent on account of sickness; I remember on several occasions when the meetings were prevented in that way.

Q. With reference to the formality or otherwise in the transaction of business?

A. There was no order of business except the reading of the minutes; that was sometimes dispensed with; the secretary had his budget of matters which he brought on one after the other and we discussed them and passed upon them; I don't think—I am speaking now from my recollection—I don't think that during the five years, and in the eighty-nine or ninety meetings which we have held during that time, I should say very few matters were discussed and passed upon, on which there could, by any possibility, be difference of opinion; most of those matters were routine matters and the action of the commission was harmonious and unanimous; I can't recall at this moment, with one exception, any difference of opinion; the discussion of matters connected with the annual report, the adoption of the report, the appointment of foresters, the prosecution of trespassers, the enforcement of regulations in regard to fires, were matters on which there was and could be no difference of opinion.

Q. What do you say in reference to your personal relations toward the other commissioners?

A. They have been extremely friendly during the latter part of the existence of the commission.

Q. With reference to your meeting at other places than the rooms of the commission, what is the fact with regard to the accommodations which have been furnished in the capitol?

A. When the commission was first created we met in a miserable committee room on the first floor of this building, of the capitol, and I think we met there four or five times and we were finally accommodated in our present quarters; we were allowed to use the small room of the civil service commission, they met very seldom and we never happened to appoint a meeting at the same time they held one, and that was a very great convenience to us, our own room was very much crowded and it became very irksome to me to meet there, so that we have had meetings at the Delavan House, and except in cases where it was necessary to meet people by appointment, people from the woods from the northern part of the State, I always favored meeting in New York.

Q. What do your quarters in the capitol consist of?

A. One large room.

Q. All the business of the office is carried on there?

A. Yes, sir.

Q. Have there at times been other officials placed there?

A. I think the chief constable of the game and fish protectors was there for some time; by act of the Legislature, wasn't it?

Q. What is the fact in regard to the convenience of meeting there?

A. I think they are wretched; I have spoken to Mr. Perry about it; our secretary did frequently, and we made strenuous efforts to get better accommodations there, but we couldn't.

Q. The room is substantially filled with the desks of the people whose business it is to be there?

A. It is.

Q. Will you state briefly what the commission has done in the way of looking after the forests, beginning with the legislation which they have recommended?

A. We have presented and promoted quite a large number of bills during the last five years, some of which have passed and some of which have been defeated, some of which have failed; I think this is a list; chapter 11 of the Laws of 1890 is an amendment to section 20 of the act creating the commission; it fixes the compensation of persons assisting in extinguishing fires and authorizes town auditors to audit their accounts; chapter 37 of the Laws of 1890 is another of our acts, authorizes the purchase of lands; that act we prepared and presented

a bill the session before which was defeated; by the act of chapter 179 of the Laws of 1890, which is an amendment to section 179 of the Code of Civil Procedure, actions which are authorized for penalties are to be tried in the county adjoining the one where the trespass was committed.

Q. What is the object of that?

A. That was to enable us to obtain convictions in trespass cases or verdicts; matters of extreme difficulty, and I understand, a similar act has been declared unconstitutional by a late decision of the Court of Appeals; we gained nothing by the passage of this act.

By Chairman RYAN:

Q. Did you ever bring suits under that act?

A. I think Mr. Burke has brought several actions under that act; chapter 556 of the Laws of 1890 amends the act in relation to the collection of taxes, a statute of limitations within which redemptions may be made upon the ground of occupancy, and it also shifts the burden of proof from the Comptroller to the occupant himself, compels him to show actual occupancy, not presumptive occupancy; we prepared and presented a bill in 1889 to prevent the building and extension of railroads through the forest preserve; the Senate amended it and passed it, but it died in the Assembly; the same bill was introduced in 1890 and failed.

Q. What was the purpose of that bill and the reason for it?

A. Well, I think it the almost unanimous opinion of all who know anything about the North Woods that the most destructive element at work is fire; railroads are responsible very largely for fires wherever they exist there; I know that I went through from Moriah to Paul Smith's station over the Northern Adirondack road, and the destruction on both sides of the road is terrible, and absolutely unnecessary in my judgment; one of the first letters that I got after my appointment as commissioner, was from one of the judges of the Supreme Court of that district, who called my attention to that scene of havoc through there; it is worse than the destruction by water in the Raquette river; not only that, but the railroads render it possible to carry away all woods, hard and soft, and can take every thing off on wheels; as Sargent says in his report: "The new methods of lumbering by aid of railroads, means the absolute destruction of the forests;" we have thought that we were voicing the sentiment of the people in trying to check the creation of railroads, especially those for lumbering purposes, and freighting purposes there; besides these bills that I have mentioned, we also introduced a bill to permit leasing small parcels of

State lands in the Adirondack region; that bill failed to become a law.

Q. What was the reason for that bill?

A. Soon after the creation of the commission I went with one other commissioner, I think both of my colleagues went with me, to Lake George; we made an official tour of Lake George, and the islands, and we found that quite a number of the islands were in the possession of private individuals who held them under permits from the commissioners of the land office; they were called custodians; the practice had sprung up as much as twenty-five or thirty years ago, these people had then obtained from the commissioners of the land office permits to erect houses, cottages, and we discovered about that time, soon after that trip, that the commissioners of the land office had taken action in regard to one of those islands, appointed a custodian; we appeared in a body before the commissioners of the land office and called attention to the act creating the forest commission and claimed they had no further jurisdiction over that region; the matter was referred to the Attorney-General; he wrote an opinion against us, held the commissioners of the land office still had jurisdiction over Lake George, notwithstanding the act creating the forest commission; we thought the matter one of great importance and we applied for a reargument and a representation of the case to the Attorney-General and he reversed his opinion, wrote an opinion on the other side in our favor; then we were confronted with this problem, of a large number of people who, under claim of right, had acquired possession of islands in Lake George and of lands in the Adirondacks and had built camps and cottages and we thought that rather than bring a very large number of ejectment suits that it would be better to ask permission of the Legislature to grant leases of small parcels in order that those people might recognize the title of the State and by the payment of a small rent, the matter might be adjusted in that way; the Legislature thought otherwise and refused to pass the bill; I speak of that because our present park bill contains a similar clause; those are all the acts, I think, we have promoted and all that occur to me at the present time.

Q. Who looks after those matters?

A. I want to say in regard to that matter of leasing lands, I think that tenants, heads of families, occupying small holdings became an important police for the preservation of the forest, preventing trespassing and fires and, I think, on all accounts it would be very desirable if some such act would pass.

Chairman RYAN.—Do those parties continue to hold the islands in Lake George under the leases they obtained?

A. Under the permits from the land office, the action of the land office was two-fold, first, they would pass a resolution appointing a man custodian of an island or a portion of an island; that gave him no right to build, but they almost invariably supplemented it with another resolution permitting him to erect a cottage; here is a recital of these facts I have stated and a concurrent resolution proposed, reciting the forest commission have now the care, custody and control of such lands, but those resolutions were never passed; the first act for the purchase of land was introduced in the Senate, April 2, 1889, and was prepared under our instructions and provided \$10,000; one of the measures that we proposed in 1889 provided for making the compensation to fire wardens a county charge instead of a town charge; that did not pass.

Q. What was the object of that?

A. These men, finding it impossible to get from their towns any compensation for labor done in that way, were unwilling to go out in case of fire.

Q. Thought if it was made a county charge it would be more likely to be paid?

A. Make it more efficient and make it possible to get good men to take the office.

Chairman RYAN.—As the law is now, it is a town charge?

A. Yes.

Mr. HESSBERG.—In 1889 the Legislature did come to the relief of the forest commission and they passed an act continuing these officers as town officers, giving town boards the right to audit and limit their compensation to a dollar a day when they were actually employed in putting out fires and making it the duty of these parties to come to the rescue of the fire wardens when there was any conflagration; in that relation it is still a town charge; the agreement was made in the small towns, there is very little land taxed and towns couldn't stand the burden; they drafted a bill, but the legislative committee thought otherwise and continued it as it was provided for in the original act; we prepared an act in 1889 which failed to become a law; an amendment to our original act makes section 34 read: "Any person violating any rule or regulation of the forest commission shall be deemed guilty of a misdemeanor and shall be liable upon conviction therefor before any justice of the peace of the county wherein the offense may be committed, to a fine not to exceed \$50 for every offense or to be subject to not more than three months imprisonment in the county jail." That did not pass.

Q. What was the occasion for that?

A. The original act is defective in that regard.

Q. That is to show there is power to make rules and regulations, but no power to enforce?

A. No penalties prescribed for a violation.

Chairman RYAN.—I don't understand that last.

Q. We can't punish the violation of those rules and regulations which we have authority by our act to pass and put into practice.

Mr. HITT.—You have power by your act to ordain certain rules and regulations, that a violation of those without any special provision is a misdemeanor.

Mr. FIERO.—It don't make it a misdemeanor.

Mr. HITT.—An act forbidding and no punishment prescribed—doesn't it make it a misdemeanor?

Mr. HESSBERG.—There is such a provision in the Penal Code, where it isn't defined by law as a crime it shall be regarded as a misdemeanor, but it only relates to the statutory provisions.

Mr. HITT.—Some violation of some act forbidden by statute.

Mr. HESSBERG.—But does not relate to any rule made by any commission or board of the State.

Mr. ADAMS.—Why could not the forest commission attach penalties to their ordinances the same as a municipal corporation?

Mr. HESSBERG.—Because a municipal corporation gets the special right by its charter to do it, there is no such power given to to these bodies or subordinate divisions of the State government; every village charter and every municipal charter provides its common council or board of trustees may adopt rules and regulations, and define what the penalty may be and generally puts a maximum sum as a fine and a certain number of days imprisonment, and I think you will find by examination of Dillon, unless that power is given, they haven't any right to prescribe any punishment.

Chairman RYAN.—Were these commissioners by the act created—

Mr. HESSBERG.—The Attorney-General gave such an opinion, I am told by Mr. Basselin.

Chairman RYAN.—Were these commissioners by the act created a commission not authorized to make certain rules and regulations?

Mr. HESSBERG.—They are.

Chairman RYAN.—Was there any authority given them to enforce?

Mr. HESSBERG.—No authority to impose penalties; I have just been informed the opinion of the Attorney-General was asked upon the question, and he advised the commission they had no power to impose penalties; I haven't any doubt at all but what that is sound law;

couldn't stand or maintain any conviction under it unless by express statutory enactment.

Mr. ADAMS.—That may be true, but could they not fix money penalties for which they might sue under the powers of this act.

Mr. HESSBERG.—No, sir.

Mr. ADAMS.—The power of this act in that respect is co-extensive with the powers of a municipality.

Mr. HESSBERG.—I don't see how they can.

Mr. FIERO.—The simple language that they may enforce such regulation by proper penalties would be all right, but that seems to be lacking.

Mr. ADAMS.—Isn't it implied they have power to enforce those rules and regulations within the year?

Mr. FIERO.—I should have to bow to the opinion of the Attorney-General upon that; I am inclined to think he is right about that.

Q. Mention has been made of the fact that cancellations were made by the Comptroller, and the attention of the Comptroller was called to that fact by the commission; what was the fact in regard to that, what action did the commission take as to being represented by counsel before the Comptroller?

A. We took early action in regard to it; called the Comptroller's attention to the matter and requested to be heard; to be informed of every specific application that was made and to be heard upon it, and wherever we seen an opportunity to resist a cancellation we have done so.

Q. What has been the policy of the commission with regard to acquiring lands as distinguished from the policy of the State theretofore?

A. Our policy has been invariably of acquiring all the land we could and holding on to all we got; I think the Comptroller's policy has been exactly the opposite, and even Mr. Sanger, I think, testifies on this in this case, that prevails now, much to my surprise; he doesn't speak in the past tense, he speaks in the present tense.

Q. What did you find the policy when you came into office in reference to it?

A. We found the policy of letting the land go prevailed in the Comptroller's office as it had always done; the State government only desiring to collect the taxes and to promote redemptions and cancellations for that purpose.

By Chairman RYAN:

Q. Wasn't it a fact that the Comptroller's office succeeded in getting more land for the State for five years prior to the

creation of this commission than you have since; how do you reconcile that, if so, with the statement their policy was different from yours; yours has been to get land for the State?

A. Because that is a poor country, and the holders of the land, after taking the timber from it, abandoned it to the State, and the State's policy was to collect the taxes where they could, and they were obliged, of course, for many years to take these lands in, and they increased very rapidly, accumulated, but, as Professor Sergeant says in this report, even as far back as 1884, a year prior to the creation of the forest commission, the lands had increased vastly in value in the whole Adirondack region, and where that was the case, of course either the owners would redeem themselves, or there were purchasers who would appear and bid them in at the tax sales, so that during the last five years the lands that had fallen to the State have been steadily diminishing, although it is a fact that we hold now nearly a hundred thousand acres more than we did in 1885, when we came into power.

Q. In than 80,000 is included nearly 20,000 acres in the county of Delaware which practically belonged to the State before, or to the county, and was turned over to the State?

A. Quite likely, sir, but I think it is in evidence here by Mr. Sanger that at this last tax sale very few lands were bid in by the State; I attribute that to the great enhancement in value there; the increased attention that has been drawn to the Adirondack region, and this policy that has been outlined of having an Adirondack park; I think there is a great misapprehension about the actual number of acres in the Adirondack wilderness; you hear this loose talk about five or six millions, but there are only about three millions and a half all told.

Q. Do you think the enhancement, so called, in the value of these lands has been produced largely from the opinion that the State was about to purchase lands there, and would purchase even at a higher price than they had been sold for for many years, rather than in the enhancement of their intrinsic value?

A. That has been a factor; the other consideration that you suggest has had — of course you understand the area of forest lands throughout the country is steadily diminishing, and as they diminish their value is increasing; the Pennsylvania forests are almost gone, and the Michigan and Wisconsin forests are largely impaired, and, naturally with the increase of population and increase of wealth in a country, soft woods must naturally increase in value.

Q. Land from which the soft wood has been taken, how about that, is that increasing in value?

A. Yes, sir; the increase in social clubs in the Adirondack region has been very large; the quantity of land taken up by them is great, and they can use, of course, hard wood forests just as well as they can forest with merchantable timber on them; I suppose it affects the value of all woodlands.

Q. Do you know whether the State sold lands previous to 1883, woodlands, and what the policy was with reference to that?

A. I don't know whether they sold lands that they had bought in for taxes other than by redemptions or cancellations.

Mr. FIERO.—I am informed that is the case; the State went into the market and sold its lands, and thus ran down the price of land there very much; prior to 1883, when the act was first passed preventing the State from selling lands, and I want to call attention to that act of 1883 as being the first act which prohibited the sale.

The WITNESS.—Train mentions that in our report as being the first?

Q. Is there another element which has entered into the increase of the value of land in the way of pulp?

A. I am so informed; the manufacturers of paper by the new process; manufactured from wood.

Q. The Hadley bill, so called, was that a bill prepared by the commission or with which it had anything to do?

A. No, sir; we had nothing to do with it.

Q. What was first done under that bill so far as relates to the commission?

A. The first application after the passage of that bill was John Hurd.

Q. Who was he?

A. John Hurd was a member of the firm of Hurd & Hotchkiss, who were large lumbermen on the west side of the forest, the builder of this Northern Adirondack road, the same man whom we had sued for trespass and from whom we had collected a considerable sum of money.

Q. What was there with reference to that?

A. Immediately after the passage of that act, which I always understood was passed for his relief or for his benefit—

Mr. ADAMS.—You understand the act of 1887 was procured by him?

A. Yes; I so understand that it was promoted by him and certainly his application followed directly on its passage; I was opposed to taking any action under the act; the act was not mandatory, it was permissive, and Hurd's operations, and the operations of his partners, had been very destructive to the forests.

Q. What were the views of the commission with regard to the exchange of the lands which Hurd offered at that time?

A. We deemed it unwise to make the exchange which he proposed; we thought, among other things, that these lands of Hurd's and the State, which formed a sort of checker board, small parcels of State and Hurd, and Hurd and State alternately holding small parcels, served to protect the forest from the extension of his railroad system through there.

Mr. ADAMS.— What was Hurd's first name?

A. John.

Q. And the commission were opposed to the extension of that railroad for the reasons you have given before?

A. Yes, sir.

Q. What did you do?

A. Then, besides, as has been stated in Mr. Basselin's testimony, I think we ascertained he was embarrassed; there were heavy mortgages on his property, and we deemed it unwise to encourage the proposition; it was never made in a formal manner under the act.

Q. What action was taken with reference to it, and what subsequent action was taken with regard to exchanges?

A. A resolution was passed at that time that in our opinion it would be unwise to make any exchanges under the act of 1887, commonly called the Hadley bill.

Q. That was subsequently rescinded for what reasons?

A. I can give the reasons that operated on my mind and influenced my action; in the first place, I will premise my remarks by saying that the first proposition from the Everton Land Company, which was the first proposition after the Hurd offer that we acted upon, the first proposition that was made to us, I should think, in 1888, was for an exchange of about 7,000 acres of land, acre for acre; I couldn't see any reason, nor could the commission, why we should exchange acre for acre; we gained nothing by it and I opposed it; after the presentation of the Governor's message, it seemed to me that the policy of the State would be changed, and that in the place of a mere forest preserve that a park would be constructed; the offer was modified and I saw my colleagues; an opportunity of acquiring a large tract of land by the surrender of a very much smaller one in a section which would not be included within the limits of the park; before that time, while we had merely a preserve, if refused, these offers to exchange land which was useful for lumbering purposes, for lands which were inaccessible, we were not doing our duty by the State, because if we refused we would have our own lands and the lands of these persons who desired to exchange with us; I thought that was all changed after the reception of the Governor's message, and I was willing then,

if we could make a sufficiently favorable bargain for the State, to reverse our policy.

Q. What do you say with reference to the proposition of the Everton Company, as accepted by the commission as to whether it was beneficial to the State?

A. I think it was, decidedly.

Q. Why?

A. Because the limitation which we imposed upon the acceptance of the proposition we would get 26,000 acres of land to be selected from a body of 36,000 acres, for about 12,000.

Q. Was that the first body of that size, or large body of land that had been offered in that way?

A. It was.

Q. And that, you deemed wise to exchange?

A. Yes.

Q. Had there been any other large bodies offered except the one offered by Hurd?

A. I don't know; I can't say that those intermediate propositions or offers; many of them didn't leave the Comptroller's office; we had no actual knowledge of them; some cases we may have had.

Q. Those that came to your office, do you know whether or not they conformed to the statute?

A. I think they did not in any single instance.

Q. Do you know Daniel Lynch?

A. Yes, sir.

Q. What connection did he have with the business of the forest commission, and about what time?

A. He was appointed in, I think, the latter part of 1888, temporary inspector; he had been in our employ prior to that, as a special agent, at times, and he was then employed by the warden as a temporary inspector, and continued in our employ until, I think, the first of March, 1889.

Q. How did he come to leave your employ?

A. It was reported to us that he was not performing his duties properly; we then sent one of our foresters up there, Mr. Klein, who made a report to us; on the strength of that report he was discharged.

Q. What was the nature of that report generally?

A. It was that trespasses which he should have known of and reported, passed unnoticed by him; he appeared and read a paper to the commission in which he practically confessed the truth of the charges; we then continued him for one month.

Q. Why so?

A. Well, because he was engaged, he said, in some work which was not then finished, and because he pleaded with the commission and to be treated leniently and easily, and we consented to retain him for a month.

Q. Did you retain him for a month?

A. No, sir; he was discharged about fourteen days after.

Q. How did that come about?

A. I think he came to New York and saw me on the day of a meeting which we held in my office; he then insisted on being retained.

Q. After his discharge were you shown a letter which I now show you, and over his signature addressed to Commissioner Cox?

A. Yes, sir.

Q. Will you read that letter?

A. I remember this as a letter shown me by Mr. Cox.

NORTH CREEK, *November 27, 1889.*

Mr. TOWNSEND COX:

DEAR SIR.—As I am, with the assistance of a friend, a “literary fellow,” collecting material for a series of sketches of the Adirondacks, their history, present conditions, etc., and especially designed to illustrate the present methods of preserving the forests, I thought myself bound in common courtesy to consult you with regard to one incident which, although it would make an interesting article, I should not wish to publish without your consent, as it slightly concerns the forest commission. The incident is this, that in the winter of 1887 and 1888, a certain society or club known as the Adirondack Preserve Association, owning a large tract of land in the Adirondacks, gave to a member of the forest commission a complimentary membership in their club, and then procured the appointment of their agent, a former lumber thief, as forester, deducting his salary as forester from what they had agreed to pay him, the result being that the State for one year was paying the agent of this club for doing their work for he did nothing for the benefit of the State. If there is no objection to this, it is possible that you may have some further details which would make it still more interesting; if so, I shall be extremely thankful if you will kindly send them to me. I would not presume to ask you to take so much trouble were it not I was fully satisfied you agree with me as to the interest of keeping the public posted with regard to the forestry business.

Very respectfully yours.

DANIEL LYNCH.

Mr. FIERO.—Will the chairman allow me to ask Mr. Cox with regard to that letter? Mr. Cox, were you elected a member of the Adirondack Preserve Association to your knowledge?

Mr. Cox.—Not that I have ever heard of.

Mr. FIERO.—This Mr. Beebe, was he at one time a forester in the employ of the commission on your recommendation?

Mr. Cox.—Yes.

Mr. FIERO.—Was he discharged?

Mr. Cox.—Yes.

Mr. FIERO.—Did you vote for his discharge?

Mr. Cox.—Yes.

Mr. FIERO.—Why?

Mr. Cox.—I didn't think he was a fit man.

Mr. FIERO.—What did you find out about it?

Mr. Cox.—I found out he wasn't doing his duty.

Mr. FIERO.—Discharged about the same time Lynch was?

Mr. Cox.—I don't remember about that; I think likely though.

The WITNESS.—Now I will read, if the committee will permit me, a letter written two days after this by the same man to Samuel F. Garmon, and shown by him to me:

INDIAN LAKE, *November 30, 1889.*

Mr. S. F. GARMON:

DEAR SIR.—I have the good reason to think that the same club that got Beebe appointed forester are now playing to get the same appointment of their present agent to have the State pay their agent another year's salary. I have written to Mr. Cox giving him a hint that I know the inside history of the Beebe affair and asking his advice in regard to Beebe. It is one of a series of sketches which I am writing on the Adirondacks, thinking it might make an interesting article. I shall be in Albany about the tenth or twelfth of December, and I hope you will be able to impress it on the minds of the commission that it will not be good policy to leave anybody lying outside of the breast-works much longer. The weather is cold and I am getting chilly and need exercise to warm me, and would much rather take that exercise with the commission than otherwise. But, as a matter of fact, all that I want to satisfy myself is some appointment and vindication. If they will give me the berth of special agent, to investigate applications for the redemption of State lands within the forest preserve, with salary only when on duty, if there should not be ten days' work a year, that part would suit me all the better; for I repeat all I want of them is a vindication, the salary is no object, and if they will not do this I wil

be obliged to take a very disagreeable alternative of vindicating me as you, as any man of honorable feeling would do if in my place.

Very truly yours.

DANIEL LYNCH.

Mr. ADAMS.—Were those two letters written after he was discharged?

A. Yes; I can't speak for my colleagues, but I speak for myself that I consider a man who would write those letters an improper person for employment by the State commission; on more than one occasion to me he has brought or pretended to bring information, but has never given it because he has made a condition that he should be reinstated, and he attempted to coerce the commission, the writing and delivering those letters.

Mr. ANIBAL.—Were you ever a member of the Adirondack Preserve Club?

A. No, sir; I am not a member of any association of any kind in the Adirondacks, nor have I any interest either pecuniary or otherwise.

Mr. ANIBAL.—How is it with you, Mr. Basselin?

Mr. BASSELIN.—I have not.

Q. I call your attention now to the special report of the association made to the Legislature with reference to a park, as to what is said there with reference to the recommendation in procuring lands for a park, or allowing the soft woods to be cut from the lands as to the reason for that and as to the views of people acquainted with forestry upon that subject.

A. Well, I have with one or two exceptions talked with nobody on the subject of a park who hasn't said that the only condition on which, in his opinion, a park could be created, was to, when necessary, take lands subject to rights of removal of matured timber, I mean by that soft woods; in the meetings which we held in the autumn in my office, which were very largely attended by a very intelligent lot of people —

Q. Excuse me a moment, was notice given of those meetings and people invited to be present to give their views on the subject of a park?

A. We did through the press announce the fact that such meetings would be held; I think there were three of them altogether and of course the attendance was different; I don't mean the same people came there every time; the office was crowded in every case and the unanimous opinion was that an attempt to acquire absolutely and at

once the large body of land necessary for a park would result in arraying against the measure such powerful interests and would render necessary such a large expenditure of money as to inevitably defeat it.

Q. What reason was given for that with regard to the extent of the industries which would be affected by it?

A. I have suppose that the amount of capital invested in and about and on the borders of the Adirondack region in lumbering mills, was at least, I should think, twenty to twenty-five millions of dollars and the number of people depending upon that industry must be 50,000 I should think; the cost, as I have said, it seemed to put the thing out of the question entirely; of course, that involved the right of eminent domain, or condemnation proceedings, if we were to take everything absolutely at once, and it seemed to us a very expensive proceeding, necessarily very protracted, and not only the interest of the lumbering people but also of the clubs private ownership there, so great as to hazard the entire enterprise.

Q. With regard to the effect of taking out the soft woods and the proportion?

A. If you wish to know some of the people I consulted personally about it, I will give you the names of a few of them.

Q. Gives the names of some of them?

A. I had conversation with Edward M. Shepard, who was on the Poucher or Sargent commission in 1884 with Colonel Cannon, Warner Miller, I think with Mr. Morris K. Jessup; if not with him, certainly with a gentleman associated with him in Adirondack matters and Judge Higley.

Q. How was that practicable?

A. The clause as we adopted it would permit the purchase of lands otherwise desirable for park purposes even though unincumbered with rights of cutting timber; the other act which has been presented to the Senate I believe puts it in a different way.

Q. And still permitting the soft woods to be cut out?

A. Yes; the same thing.

Q. Is that the general sentiment as you have found it with reference to creating a park?

A. I can say unhesitatingly it is; I have always supposed the two points on which the latter matter turned was this matter of acquiring lands subject to rights of removal of matured timber and the railroad question; these are both very important provisions for the act; I quoted several times from this report of Sargent, and if the committee will permit me I will make one further quotation; on the 11th page

of this report he says: "The lumbermen, however, have inflicted little direct damage upon the Adirondack forests; the proportion of soft woods in these forests is small; probably lumbermen caused five per cent of the whole forest growth; and as these are the only trees cut for lumber, serious injury is not directly inflicted by lumbering;" he goes on to compare it with the actual danger to damage from fire; I have been of the opinion that a park created as it will be for all time, that the question of whether the evergreen growth in such forest was young or mature made very little difference for park purposes; that it would be but a very few years when there would be a fine mature growth of timber that would be all of hard woods to start with.

Q. That is to say the large evergreens could be cut out without injury?

A. I should say so; I am not an expert, I am so informed and believe it.

Q. With reference to a park as distinguished from the forest preserve, what is your idea in regard to that?

A. The Governor's recommendation is from fifty to seventy miles square, being a man of peace and compromise I thought about midway between the minimum and maximum would be quite as large a tract as the State would undertake to create; the area within our boundaries is 2,300,000 acres, which is just about sixty miles square, within a fraction of that.

Q. Now, with reference to the fixing of the boundaries of the park what was the direction of the commission in that respect?

A. The understanding between the commissioners was that each man should give an outline, give his idea of the proper tract; I prepared mine without any consultation with the others but not without conference with other gentlemen who are interested in Adirondack park matters and having no pecuniary interest in the woods; at a meeting in Albany in the latter part of December or the first of January, I produced this map, this outline, and I put the matter to a vote and it was adopted and Mr. Train and Mr. Fox were directed to make the west boundary more complete, mine was kind of rough, and to carry out the idea which he had adopted of making the outline follow county, town and patent lines and streams as far as possible.

Q. Was such plan subsequently presented to you; was that the plan adopted?

A. That was the plan adopted; I have forwarded a definite mathematical, as far as possible, outline of the park.

Q. For what reason?

A. Because it conformed to my idea of a park.

Q. Was it desirable to have such marked outlines that it was capable of examination ?

A. It is my opinion decidedly so.

Q. That is all.

By Mr. HITT:

Q. I wanted to ask you one question in connection with a question that I asked before; since I have read over this act of 1885 to see if this is the only law on that subject, I read from page 4 in section 9: "Forest commission may, from time to time, prescribe rules or regulations, and may, from time to time, alter or amend the same, affecting the whole or any part of the forest preserve, and for its use, care and administration; but neither such rules or regulations, nor anything herein contained, shall prevent or operate or prevent the free use of any road, stream or water as the same may have been heretofore used, or as may be reasonably required in the prosecution of any lawful business;" now section 10 reads: "The forest warden, forest inspectors, foresters and other persons acting upon the forest preserve under the written employment of the forest warden or of the forest commission, may, without warrant, arrest any person found upon the forest preserve violating any of the provisions of this act; but in case of such arrest the person making the arrest shall forthwith take the person arrested before the nearest magistrate having jurisdiction to issue warrants in such case, and there make, or procure to be made, a complaint in writing, upon which complaint the magistrate shall act as the case may require;" is that the only law there is ?

A. Yes, sir; I was aware of that provision.

Q. I didn't know that it was ?

A. That was all there was, and you see the careful provision there in regard to streams and waters.

Q. Further on they prohibited railroads doing certain things, and then: "Any railroad company violating the provisions or requirements of this act shall be liable to a fine of \$100 for each offense," but does not prescribe anywhere any punishment for the violation of any of the rules ?

A. Not at all.

Cross-examination.

By Mr. ADAMS:

Q. Did the commission, as an official act, ever make any rules and regulations; under the section which is read by Mr. Hitt ?

A. Not otherwise than as previously stated in regard to fires and girdling of trees.

Q. There were no other provisions in regard to fires afterwards; I mean under this particular section, were there any rules or regulations ever made by the commission in its official capacity?

A. No.

Q. Now, in regard to Lynch; Lynch was discharged what time?

A. February, 1889; his final discharge was on the first of March; the meeting was held in New York on the first of March.

Q. There he was formerly discharged?

A. Yes.

Q. The end between him and the commission?

A. Yes, sir.

Q. These two letters were written the fall after?

A. Yes, sir.

Q. Isn't it true that Kline was sent there after he was discharged at your office?

A. My recollection is that it was on Kline's report that we took the action.

Q. The question I asked was a matter of recollection, was it not after his discharge that Kline was sent up there?

A. I recollect it in the other way, that it wasn't so; it was not after but before his discharge.

Q. Are you satisfied, as a matter of fact, that Kline went there before he was discharged at your office in New York?

A. I can not state any more positively than I have; I have a very strong impression, however.

Q. These letters, they were in your judgment sarcastic, weren't they?

A. I should not call it sarcasm; I should characterize it very differently from that.

Q. Were they, in your judgment, the language of a man who was mad, angry?

A. I should say he was angry.

Q. Written under feeling?

A. Yes.

Q. You speak of the recommendations made; is it not true that the act of 1885 gives this commission the same power as commissioners of the land office?

A. Yes.

Q. All the powers of the commission of the land office in regard to the lands in the forest preserve are transferred to your commission?

A. Yes.

Q. If a practice had grown up between the commissioners of the land office and people occupying the public lands, as you have stated,

over in the region of Lake George, why could not this commission give the same consents, the same licenses for occupation, temporary occupation, that were formerly given by the commissioners of the land office, what objection was there to that?

A. Oh, simply because I don't know whether the commissioners of the land office granted these permissions in accordance with law or not; I am not prepared to say to that.

Q. You mistook my question; I say if the commissioners of the land office had granted these permissions for a long series of years to people to occupy, and give them further permission that they might erect cottages, what was to hinder your commission from granting like permissions; why not follow the practice of the commissioners of the land office?

A. Because the act creating a forest commission forbids us to sell, alienate or sell or grant any permits; we construed that to mean any franchise or right in the land, of any nature.

Q. Does a bare license create any interest in the land, you are a lawyer?

A. Well, no; a license to occupy?

Q. Yes; a license without limit and without consideration, does that confer any interest in the land?

A. I don't know that it does.

Q. That is precisely what you state the commissioners of the land office had done in this instance; isn't it a bare permission to go in without any limit?

A. I suppose so; I haven't got the language of any of the permissions before me.

Q. Why couldn't you; what was to hinder your continuing this practice of twenty-five years that came to you from the commissioners of the land office?

A. Because we interpreted the act to forbid it.

Q. Now, in regard to redemptions and cancellations, you differed with the Comptroller's office in your views, did you not?

A. Sometimes we did.

Q. Did you ever appear in the Comptroller's office to oppose any case of redemption or any case of cancellation?

A. I, personally?

Q. Yes, the commission?

A. Yes.

Q. On how many occasions?

A. I can't recall one simply.

Q. When was it?

A. I can not give you the date.

Q. With reference to the time when Lynch was discharged, was it before or after his discharge?

A. I should think it was before.

Q. How long before?

A. It is a matter of conjecture; I can merely remember the scene and interview.

Q. What case was up, if you can state briefly?

A. No.

Q. Can you recollect any more than one occasion when you were there?

A. No; I can not.

Q. Was that a case of redemption or a case of cancellation?

A. I should say of cancellation.

Q. The Everton Lumber Company, they proposed an exchange, an informal talk and negotiation was had between a representative of the company and the commission, was there not?

A. Yes, sir.

Q. And in July, 1890, early in July, at a meeting in New York, so the minutes say, at which you and Mr. Basselin were present, Mr. Cox was not there, you directed the warden to go and examine these lands; do you recollect that?

A. I think, to be correct, that it was a direction to report as to the advisability of the exchange, at the next meeting; I don't think it said "go" or "come."

Q. Was he directed or expected to go and visit these lands?

A. Speaking for myself, I can only say, that I expected him to satisfy himself generally.

Q. That don't answer the question quite; the question is, was it expected that he would go and examine these lands between the two meetings?

A. I don't think I expected it.

Q. Then why was he requested to report at an adjourned meeting some two or three weeks hence; why not take his report at that time?

A. I don't know whether he had the material for a report at that time, or the information.

Q. On the 31st of July, 1890, he did report, recommending the exchange?

A. Yes.

Q. On that occasion did he represent, or state in substance, that he had visited the lands or examined them?

A. I have no recollection on that subject whether he did or not.

Q. But he reported in favor of the exchange?

A. Yes.

Q. And at that meeting the formal resolution, the original resolution, that you wouldn't act under the act of 1870 at all, that resolution the minutes say, was rescinded?

A. Yes.

Q. Did the report of Garmon, the warden, on that occasion, influence you in your vote in favor of rescinding the former resolution?

A. Yes, because it influenced me —

Q. You have answered it; it did influence you; and the formal application upon which you acted consists of three papers, two of the seventh of August and another about the twenty-eighth of August, propositions for exchanging and what he desired to exchange for the lands belonging to the State, and in September, some time about the sixteenth, a resolution was passed by your body, recommending the exchange according to the act of 1887; now, your vote in September recommending the exchange, was that influenced in any way by Garmon's report?

A. Undoubtedly it was.

Q. Had you yourself ever seen these lands personally?

A. No, sir.

Q. After that resolution, recommending the exchange, had passed your body, the whole papers were sent to the Comptroller's office?

A. To the Comptroller's office.

Q. Did you know at this time that Mr. Basselin had any negotiations with Mr. Patton, and other gentlemen for forming the Beaver River Lumber Company?

A. I think I knew that that company was in existence.

Q. Now, think a minute; my question is, during that summer, did you know that negotiations were going on between Basselin and Mr. Patton for the formation of the Beaver River Lumber Company?

A. I have answered it; I say I knew in August or September of the creation of the Beaver company.

Q. My question is, previous to that time, in July and before, if you were aware or knew the fact that Basselin was negotiating with Patton for the formation of the Beaver River Lumber Company?

A. No; I should say I did not.

Q. And the first you knew of it was along about September?

A. No, I think in August.

Q. The articles were filed on the fourteenth of August?

A. I think that was about the time I knew it.

Q. The first you knew of it, was about the time the articles were filed?

A. That is about it.

Q. I didn't quite understand; my comprehension was not as sharp as it might have been; in speaking of the park and in speaking of lines, you inquired of various individuals, consulted with them, and found that the capital invested was some twenty-five millions; in what was that capital invested?

A. I have understood that it was invested in lands and mills.

Q. Where were the lands situated?

A. All through the Adirondack region; all the lumbering interests.

Q. Where were the mills, how many of them and where some of the principal ones?

A. I have no statistics; I am only speaking of general information.

Q. What did you understand the lands of these people in the Adirondack region were worth an acre; take a tract of seventy or eighty thousand acres; how much an acre; those large tracts?

A. I have no knowledge; I never bought or sold any; I only suppose so; well situated virgin forests there are worth from four to five dollars an acre; that is my impression.

Q. Mr. Chairman, Mr. Knevals, in making his estimate of twenty-five millions capital, assumes or supposes virgin lands, timbered lands, in the Adirondack region, were worth four or five dollars an acre.

MR. ANIBAL.—He said lands well situated were worth four or five dollars an acre. Make it fair, as Mr. Knevals states it.

A. I think I said so.

Q. Have you heard of the sale in the Moose river tract of what is called the Blake tract to the Adirondack League Park?

A. I have heard it frequently mentioned.

Q. Do you know how much these lands brought; that tract?

A. I do not.

Q. Did you ever hear they brought less than two dollars; between one dollar and a half and two dollars; about one dollar and eighty cents per acre?

A. I never did.

Q. Never heard that?

A. No.

Q. Do you know what the lands that are known as Sackett's Harbor and Saratoga Railroad lands, some two or three hundred thousand acres, how much they sold for an acre to parties in Albany?

A. No.

Q. Do you know the fact they sold for less than two dollars an acre?

A. I do not.

Q. Have you heard of the sales of any forest lands in the Adirondack region to exceed two dollars an acre, for the last five years, that have been bought up by these lumbermen and syndicates and lumber companies; have you heard of any purchase that exceeded two dollars an acre?

A. I don't know that I ever have.

Q. And the special report you made the 1st day of January, 1891, that shows the number of acres within the red lines, the whole region owned by private individuals, does it not; timbered land, good, bad and indifferent?

A. I don't think the map does; but I think our report does.

Q. The schedule that shows the entire acreage, good, bad and indifferent?

A. Yes.

Q. Taking that whole acreage together, good, bad and indifferent, lumbered lands and denuded lands, forest lands and all, at two dollars an acre, would only come to \$4,000,000?

A. That is so.

Q. What is the mill property around the borders of this Adirondack region; how much is invested in the mill property?

A. I have no knowledge whatever on the subject; when I said that I understood that there was \$25,000,000 invested there, I spoke purely from hearsay.

Q. When you say \$25,000,000 that is the result of information derived from men interested in lumber and lumber lands, is it not?

A. I think, so; yes.

Q. So that if five millions is all there is in it, and they represent to you twenty-five, there is a margin of twenty millions to come somewhere?

A. Yes.

Q. These same people in conversing with you, have told you lands have risen there, the price, how is it going up, have they not, sudden rise?

A. I didn't say "sudden rise."

Q. Was that very recently; there has been a rise, according to that of about twenty millions?

A. On your hypothesis.

Q. So, if they want a large price, and they want the State to buy, things are going up, somebody is going to make out of the State \$20,000,000 on some park project?

A. That is another hypothesis; I don't assent to it or dissent from it.

Q. Do you know how many trees — take a large tract of land — how many soft-wood trees on the average, will be furnished by an acre of land?

A. I don't know very much about in; there are some parts of the woods where the trees are almost all soft wood.

Q. Ridges and streaks and places?

A. Yes, and others where there are very few.

Q. Take a large tract, the average number of trees per acre, you are unable to state?

A. Yes.

Q. You have no information from the lumbermen or others that would enable you to make an estimate?

A. I think I have heard estimates here, but I don't recall them now.

Q. How many times have you been in the Adirondacks, yourself, that region?

A. Oh, I should think seven or eight; more than that.

Q. Did you ever see a fire while you were there?

A. Yes, sir.

Q. Large fire — running fire — what is called a fire in the woods?

A. I have seen a fire in the woods.

Q. You noticed how it runs and leaps?

A. Yes.

Q. And the coals will fly, and the fire brands, for a long distance?

A. I can't say I have seen an extensive fire.

Q. Have been over pieces of ground that have been lumbered?

A. Yes, sir.

Q. Lumbered only a short time before, or were they old lumbered jobs?

A. I think they were all old lumbered jobs.

Q. Did you notice the tree tops scattered through the woods?

A. I have seen them.

Q. And, in your judgment, would scattered tree tops, lying up as they fell, when they were dry, and with the wind, promote fires in the woods, make it dangerous?

A. Unquestionably.

Q. And as many as twenty to thirty tree tops on an acre would promote fires very much?

A. All authorities agree in saying that.

Q. And if an act were passed by the Legislature requiring lumbermen to cut off the branches and let it flap on the ground, would not that tend to prevent fires, in your judgment?

A. Yes, I should think so.

Q. Prevent its spreading, be lower down?

A. Yes.

Q. What would be the objection on the west side of the park, to make the west line of the park the Herkimer county line?

A. I don't know that there is any objection to it; I don't know how much it would add to it; you must take my answer with that limitation.

Mr. ADAMS.—It appears the corner of Herkimer county, and Lewis in the Oneida county line has been settled and fixed, and a monument put up, and the statute describes the Herkimer county line. It runs northerly in a straight line way up to the St. Lawrence county line, so I don't see any difficulty in running it out, while the park line zig-zags to the east of that quite a long distance. I think that is all I care to ask Mr. Knevals.

Redirect examination:

By Mr. FIERO:

Q. In reference to the attempt to procure a law with regard to allowing licenses to the Lake George islands, etc., what was the object of that, to get the power to lease or to get the power to control and to terminate licenses?

A. The object was to compel these people to recognize the title of the State in the lands.

Q. So that the State might control the matter?

A. Yes, and with the view of taking proceedings against those who refused, and preventing any claim of adverse possession.

Q. I call the attention of the committee to section 8 of the act creating a forest commission: Section 8. The lands now or hereafter constituting the forest preserve shall be forever kept as wild forest lands. They shall not be sold, nor shall they be leased or taken by any person or corporation, public or private.

Q. You did not state your reasons why the report of the warden influenced you to vote for rescinding the resolution which had been passed?

A. I have but a word to say in regard to that; I deemed it the duty of the executive officer of the commission, the warden, to satisfy himself in a general way as to the advisability of going on with that negotiation; in other words, I didn't know or care how he did it, whether by going there or by information derived from others to make up a *prima facie* case showing that we could select 26,000 acres from that 36,000, as an equivalent of the lands which the State held

in Franklin county and proposed to exchange; I didn't suppose the warden in the performance of that duty would supersede or interfere with the appointment of appraisers or anything of the kind, but simply to satisfy our minds that *prima facie* it was a fair proposition.

Mr. ANIBAL.—In this final recommendation you made in the Everton Lumber Company deal, a portion was to be three acres for one, a portion one acre for one?

A. Yes; I insisted upon it, that we should have three acres for one, but it was modified afterwards and we agreed if we could get 26,000 acres to take it.

Mr. FIERO.—You required that as a condition precedent to making the exchange?

A. Yes.

Recross-examination :

By Mr. ADAMS :

Q. In your judgment, Mr. Kinevals, why can not the exterior lines of the preserve be fixed and the State lands preserved and cared for in that way just as well as to have a park and have another administration?

A. You mean have the line follow all the State land?

Q. I mean to have exterior lines of this preserve so as to include the State land such as the State want to keep, bound the preserve and call that the State preserve, and have it administered as a preserve; why isn't that just as well, or why can't that be done and supercede the necessity of a park?

A. It doesn't commend itself to my judgment, that is all I can say about it; I think it would be very irregular in shape, without form, and it would involve the State in an expenditure which they never would carry through; I think they would break down.

Q. What more would it cost the State to fix the exterior lines of the preserve than it would to fix the exterior lines of the park; what more trouble or expense would it be?

A. It will be infinitely more trouble to run the boundaries of such a park as that; it seems to me a great deal more; I think to get a tract of regular shape will be very much more economically surveyed and laid out; it seems to me that a track of the size shown on this diagram and comparing it with the size of certain States of this republic, and considering it is one fourteenth of the entire area of the State of New York, is a very respectable sort of a play ground.

Q. You don't quite apprehend me?

A. I am not answering anything now; I am just making that remark.

Q. What more difficulty would there be or more expense in fixing the exterior lines of the preserve so as to include the State lands, or such as they desired to keep, or fixing the exterior lines for a park?

A. I think it would be more expensive; I think it would involve the State in a larger acquisition of land, and I don't see any advantage over the present system; I suppose there is some, or should be some meaning, technical meaning attached to the word "park."

Q. If a park were determined on and exterior lines fixed for that, would not that involve, according to some views, some act that had been prepared, a separate and distinct administration from the preserve, have two kings instead of one over this territory?

A. It is undoubtedly so in regard to the only other act than ours that I have seen.

Q. What advantage would there be in having two administrations?

A. I don't think there would be any; I am decidedly in favor, if an independent park commission is created, I am in favor of crushing the forest commission; I wouldn't have two bodies; there would be nothing but confusion and conflict and unnecessary expense.

Q. Then it is not the main thing to get the outside boundaries fixed, and then to correct, if it is necessary, the administration of the State land within these boundaries, whether it is under the name of forest preserve or park?

A. That certainly is one view of it.

Mr. ADAMS.—That is all.

Redirect examination:

By Mr. FIERO:

Q. Let me suggest, in that connection, was there any way in which the boundaries could be defined any better than they are now, by county lines, for the purpose of taking in all the State lands that might exist in all the counties in the Adirondack region; wouldn't that practically be the result of it?

A. Yes, I think so.

Q. That, I take it, is practically accomplished by the present preserve; that is all.

Mr. HITT.—That is all there is, Mr. Chairman, to-night.

Chairman RYAN.—That is all.

Mr. HESSBERG.—Pardon us while we confer a moment.

Mr. FIERO.—We have nothing more to-night; we have one other witness, possibly two, that will take half or three quarters of an hour possibly, that we will have to-morrow night.

Mr. HITT.—There is a meeting in the Senate, to-morrow night, at which this Adirondack park business is to be discussed; why couldn't you have your witnesses to-morrow afternoon?

Mr. FIERO.—I think we could.

Mr. HITT.—For that purpose I see by the original resolution this committee is authorized to proceed itself, or by any sub-committee of its own members, I move that the chairman, Mr. Davie and Mr. Brown be now appointed a subcommittee to hear any testimony to-morrow afternoon. The rest of us all have to go to other committees; will that satisfy you, Mr. Adams?

Mr. ADAMS.—That is entirely satisfactory to me.

Mr. HITT.—I would like to attend the meeting in the Senate.

Mr. KNEVALS.—I would like to be there to.

[The motion of Mr. Hitt was then put and carried.]

Mr. ADAMS.—I would make this suggestion; suppose the hearing should close to-morrow afternoon, so far as the testimony is concerned, should this subcommittee be authorized to make arrangements for anything further?

Mr. HITT.—Certainly; the chairman does that alone.

Chairman RYAN.—An invitation has been sent from the Senate finance committee to this committee to meet them there as a joint committee to-morrow evening; I suppose we ought to take some action; we expect Warner Miller will be there.

Mr. HITT.—I move this committee except the invitation of the Senate finance committee to meet in joint meeting in the Senate Chamber to-morrow evening at 8 o'clock.

Carried.

Mr. FIERO.—In reference to the submission of this matter to the committee if the evidence is closed to-morrow afternoon; what arrangement shall be made for submitting the views of the counsel to the committee with reference to this evidence?

Chairman RYAN.—The arrangements will be made then at the close of the testimony.

Mr. CAMERON.—I move we adjourn until to-morrow afternoon at 3 o'clock.

The committee then adjourned to Thursday, March 5, 1891, at 3 o'clock.

ALBANY, *Thursday, March 5, 1891.*

The subcommittee met pursuant to adjournment.

Present — Chairman Ryan and Mr. Davie.

Chairman RYAN.— We are ready.

Mr. ANIBAL.— The Comptroller, upon our application, has brought here and left with us to be introduced in evidence, if we saw fit, this paper:

IN THE MATTER OF THE APPLICATION OF THE EYERTON LUMBER COMPANY FOR
AN EXCHANGE OF LANDS WITH THE STATE.

HON. CHARLES F. TABOR, *Attorney-General*:

DEAR SIR,— I have the honor to transmit herewith the report of the appraisers in the above matter, together with all the papers, maps, etc., accompanying the same. As the papers are somewhat voluminous, a brief summary of the proceedings taken and of the appraiser's report might be of use to you.

Agreeably to your instructions, then, and upon due notice to the attorneys of the Evertson Lumber Company, I made application to Hon. S. A. Beman, county judge of Franklin county, and to Hon. W. H. Fry, county judge of Hamilton county, for an order appointing one appraiser for each county, as required by the act authorizing an exchange of lands by the State, Floyd J. Hadley, Esq., of Malone was appointed by Judge Beman, and Peter Harris, Esq., of Hope, by Judge Fry. These two shortly afterwards met and selected Horace B. King, Esq., of Champlain, Clinton county, as the third appraiser. Mr. Hadley, while a member of the Legislature in 1887, introduced and secured the passage of the act just referred to, and as this was the first application under that law there seemed to be a certain fitness in his selection. He is, moreover, a lifelong resident of Franklin county, and possesses an intimate knowledge of the entire northern slope of the Adirondack region. Mr. Harris has been for years the county treasurer of Hamilton county and has been engaged all his life in lumbering in his own and in adjoining counties, on the southern slope. Mr. King has spent a good part of each summer for the past twenty years in camping and traveling about through all sections of this so-called wilderness. These three gentlemen were certainly well qualified for the duties required of them; they were wholly disinterested and impartial, and, in my opinion, both parties were fortunate in securing their services. Their work was done with great thoroughness and a conscientious regard for details; every available source of information was sought by them in their efforts to make a just and fair appraisal. Should an exchange of lands be decided upon by the officials in whom

that power is lodged in this or in future applications of the kind, I do not think that a more reliable basis or data can be obtained than that furnished by their report.

I accompanied the appraisers in the journeys made into Hamilton and Franklin counties, as did also a representative of the Everton Lumber Company. While in Franklin county, we were joined by Mr. S.F. Garmon, the warden of the forest commission, whose wide acquaintance with the general features, values and boundaries of the State lands was of great assistance to the appraisers. We traveled into the woods as far as the roads would permit, and made personal inspection on foot of several of the lots appraised. Information was sought from persons acquainted with the lands which we were unable to reach, and many statements, some of them sworn to, were obtained by us as to the general character of such lands, and as to how they would compare in value, and in other essential features with the lands of which we had made personal inspection. Now, a word in regard to the lands, and to the valuation given. This company petitions for a number of lots and parts of lots in Franklin county belonging to the State, containing in all about 13,300 acres and offers in exchange certain lands in different part of Hamilton county. About 36,400 acres of these Hamilton county lands were appraised, and from these the State is privileged to select an equivalent for the 13,300 acres. The Franklin county lands which are on the extreme northern border of the State properties, were appraised at \$23,376.47; giving an average valuation of \$1.82 per acre. The Hamilton county lands were appraised at \$47,619.40, giving an average valuation of \$1.30 per acre. You will observe that these figures do not show that marked difference in value between the Franklin and Hamilton county lands which the forest commission and others had supposed existed. The appraisers, however, find that only about half of these lands is covered with primitive forest, which as yet, in their opinion, constitute their chief value. The other half was classified as partly lumbered (1,330) acres, lumbered, burned over, denuded, swamp, etc. To this half they attach no greater value than to lands of like description in Hamilton county. The 6,750 acres of primitive forest are appraised at from \$2 to \$4 per acre, depending largely upon location and accessibility, giving the whole an average value of \$2.78 per acre. If the State lands appraised were all of this character, it would be seen that the footings of the appraisal in both counties were approximate very closely to the estimate of the forest commission, as shown in the resolution adopted relating to this application. Nearly one-third of the lands owned by the State in the Adirondack region is in

Hamilton county. The boundaries of the forest preserve will not probably be defined with any degree of exactness for some time yet. Lands which nobody else wants or cares longer to own will keep coming back to the State as heretofore, so that these boundaries must remain sufficiently elastic to take them in. What the policy of the State should be in regard to increasing its possessions in Hamilton county at this time is a matter for those in authority to determine. The lands offered by the Everton Lumber Company, while in blocks of considerable size, are widely scattered, and do not all border upon State lands. None, however, are far removed, and the State owns large tracts on the outside of them in every direction. Most of the soft timber was cut down and marketed long ago, but there is a new growth coming on; the hard woods are abundant as ever, and the difference in the general appearance is scarcely appreciable; and so far as the State ownership is concerned, and for all the uses and purposes contemplated in the creation of the forest preserve, those lands are probably as valuable now as they ever were.

Respectfully submitted.

E. D. RONAN.

ALBANY, *December 29, 1890.*

MR. ADAMS.—Won't you please state the date of this letter and from whom to whom?

MR. ANIBAL.—This is a letter dated Albany, December 29, 1889, from E. D. Ronan to Hon. Charles F. Tabor, Attorney-General. It accompanied the papers, the appraisals as made by these commissioners and submitted to the Attorney-General, and by him sent with all the papers now remaining on file in the Comptroller's office of this State. If you will also take in this connection that the same E. D. Ronan is the gentleman spoken in the former testimony here as the special representative of the Attorney-General's office in making the application for the appraisal, and who accompanied them in appraising the respective lands of the State, as asked by the Everton Lumber Company, which they proposed to give the State in exchange for those lands asked for by them.

MR. ADAMS.—Ronan represented the Attorney-General in these proceedings?

MR. ANIBAL.—Yes, sir.

MR. FIERO.—We have nothing more this afternoon and nothing more unless something should become necessary by reason of evidence they may be hereafter introduced.

Chairman RYAN.— If there are any matters you wish to explain in connection with the testimony that will be introduced you will have an opportunity.

Mr. ANIBAL.— We might, upon some testimony coming in, make some suggestion, that we should want to briefly answer.

Mr. ADAMS.— The clerk has a telegram that the witness I desired, will be here in the course of the night so as to be on hand to-morrow morning, and if a session could be held to-morrow morning, at 9 or half past 9, perhaps we could finish.

Mr. ANIBAL.— Will you say who the witness is ?

Mr. ADAMS.— No; I don't want to say now.

Mr. ANIBAL.— We don't know what may be the nature of the examination, we want it at such time when we wouldn't be shut off by the necessities of the committee attending to other duties in our cross-examination.

Chairman RYAN.— If the committee, to-morrow, get to work by half-past 9, and I hope it will be no later, and devote two hours and a half—

Mr. ADAMS.— I don't think it will take longer than half to three-quarters of an hour for my part.

Chairman RYAN.— That will conclude the testimony.

Mr. ADAMS.— All we have to offer.

Chairman RYAN.— It will be practically all concluded to-morrow morning, unless this testimony you are about to introduce should bring on testimony that you would not be prepared to rebut at the moment, and you would have an opportunity between that and next Tuesday evening.

Mr. ANIBAL.— That is all we would ask.

Chairman RYAN.— Will you ask to make any comments on the testimony that has been given in a general way ?

Mr. FIERO.— It would seem to be desirable that we should in some form or other submit to the committee our views as to what the result of all this testimony is, to what way that should be done, we are not strenuous one way or the other; whatever the committee and Mr. Adams think would be advisable in that respect and most convenient, would be satisfactory to us; that is, as to whether it should be oral or written.

Chairman RYAN.— If the witness whom we expect comes to-night, so that we can examine him to-morrow, we will conclude the testimony, and I presume that you will have time between, when we are through with him and the commencement of the session to cross-examine him and then on Tuesday evening we will have another meet-

ing of the committee, and be ready to hear any comments you may make on the case orally.

Mr. FIERO.—And we may submit any written or printed arguments we may see if in addition?

Chairman RYAN.—Speaking for myself, I would prefer to have you present your views, so far as practicable, orally.

Mr. ADAMS.—It was suggested whatever was done should be done orally.

Chairman RYAN.—You probably wouldn't require much over an hour?

Mr. FIERO.—Not very much; perhaps not more than that; an evening I think between us; perhaps an hour and a half.

Chairman RYAN.—If you desire to take two or three hours, the chair would like to hear you.

Mr. FIERO.—I don't think we would like to take that length of time.

Mr. ANIBAL.—If we should submit a written brief in regard to the matter, it would be right in the line of the testimony; it would be a very concise statement; I wouldn't think of making a brief that would refer to the pages like proposing a case and exceptions, or amendments of a case.

Mr. ADAMS.—Better take half an hour apiece longer and go through and give our views orally than hand in papers.

Mr. FIERO.—We might print three or four pages of the points that you make, and use them precisely as we would a brief on an argument.

Chairman RYAN.—We desire to get through with this case Tuesday, at one more sitting beside to-morrow, Tuesday evening, and I have no doubt that you and Mr. Adams can submit all you want to say at that meeting; but if it should appear from any testimony that should be introduced to-morrow, that you would like to take up part, or greater part of our session Tuesday evening, with explanatory evidence, there will be no objection to your doing so.

Mr. FIERO.—I don't think that is probable; of course we will be able to determine that to-morrow.

Chairman RYAN.—The committee is adjourned until to-morrow morning at half past 9 o'clock; I was under the impression we commenced our session at 11 o'clock, but on Friday we commenced at 10 o'clock; suppose we make that 9 o'clock.

ALBANY, FRIDAY, *March 6, 1891, 9 A. M.*

The subcommittee met pursuant to adjournment.

Present — Chairman Ryan, Messrs. Davie and Brown.

Chairman RYAN.— Mr. Adams, have you any witnesses you wish to interrogate this morning?

Mr. ADAMS.— Yes, sir; I will call Mr. Benton Turner.

BENTON TURNER, being duly sworn, testified as follows:

By Mr. ADAMS:

Q. Where do you reside?

A. Plattsburgh, N. Y.

Q. What is your business?

A. Lumber manufacturer.

Q. How long have you been engaged in that business?

A. Twelve years.

Q. Do you own timber lands in connection with your business?

A. Yes, sir.

Q. Whereabouts are they situated, the general location of them?

A. Essex and Franklin county.

Q. From your lands you cut logs and transport them to your mill and manufacture them into lumber?

A. Yes, sir.

Q. Are you the owner or claim to be the owner of the southeast quarter of the twenty-fourth township, 7,500 acres?

A. Yes, sir.

Q. What county is that?

A. Franklin.

Q. Containing about 7,500 acres; was an action brought against you by the State in regard to that land?

A. Yes, sir.

Q. The object of the action was to try the title?

A. Yes, sir.

Q. After that suit was at issue, did Warden Garmon have any conversation with you in regard to the settlement or abandonment of that suit?

A. Yes, sir.

Q. What did Garmon say about it; what proposition did he make, if any?

A. The proposition was this, taking and figuring the quarter on the basis of \$15,000, taking out the taxes and dividing the difference that it could be settled.

Q. What lines did he say or propose?

A. The same basis in the southwest quarter of the 24th township, and the northeast quarter of the 15th township, figured on the basis of \$13,000, McComb Purchase, Great Tract 1.

Chairman RYAN.—Will the witness explain what he means by figuring up?

The WITNESS.—After paying up the taxes and the expense of acquiring the old title.

Q. What did Garmon say he wanted this money for, this one-quarter, what was to be done with that?

A. I suppose that was to be between him and Basselin.

Mr. FIERO.—That we ask to have stricken out.

Chairman RYAN.—It will be stricken out; let him answer the question as it was asked.

Q. What did he say on that subject?

A. He said he could arrange it with Basselin and would recommend the redemption to those lines.

Q. Speak first in regard to the lands involved in the suit; what was said in regard to this quarter being divided between him and Basselin, or he and Basselin having it?

A. I understood that is the way it was to be divided.

Mr. FIERO.—That we ask to have stricken out; that is substantially the same answer, that he understood it; I take it that goes out.

Q. Give in substance what Garmon said to it.

A. That is in substance.

Mr. ANIBAL.—It is hardly fair to make an accusation on substance; let him state what was said.

Chairman RYAN.—He can state what led him to that supposition.

Mr. ANIBAL.—That is what I want.

Q. State the words or substance?

A. I couldn't word them; that is the substance exactly, that he would arrange that matter himself with Basselin.

By Chairman RYAN:

Q. What matter did you understand?

A. The difference after paying the taxes and expense of acquiring these old titles.

Q. That after paying the taxes and expenses of this quarter he would arrange with Basselin?

A. Yes, sir.

Q. And that should settle the lawsuit; I must say it is not plain to me; I don't know whether it is to the other members of the committee, except figuring on a basis of \$15,000, or figuring on any

other basis, by what process do you bring \$15,000 into this calculation?

A. The valuation of these lands.

Q. Figuring the valuation of those lands at \$15,000?

A. Yes.

By Mr. DAVIE:

Q. Who was to pay the \$15,000 after the expenses of the suit and after the taxes was deducted, you say you divided the balance in two parts?

Mr. ADAMS.—Four parts.

Q. I will speak first of the land in suit, 7,500 acres, and the proposition was you were to pay the expenses and pay the taxes and pay one-fourth of the value of the 7,500 acres, which was estimated at \$15,000?

A. That aint just right; the Comptroller would get about \$11,000 to redeem this southeast quarter; the balance would be about \$4,000, and that would be divided equally between us.

By Chairman RYAN:

Q. Do we understand it this way, that the value of these lands was estimated, the real value of these lands were estimated at \$15,000?

A. Yes.

Q. What you could get them for less than that?

A. No, sir; that is what they were to be figured at anyway.

Q. That was the estimated value, or agreed upon value?

A. Yes, sir.

By Mr. ADAMS:

Q. The taxes were to be paid into the Comptroller's office, which was \$11,000; that would leave \$4,000; what was to be done with the \$4,000?

A. Equally divided between us.

Q. Between you and Garmon?

A. Yes; the suit had been commenced; there hadn't been much of any expense to it.

By Chairman RYAN:

Q. When you say on the basis of so many thousand dollars you mean that was the value of those lands as agreed upon between you and Mr. Garmon?

A. Yes, sir; the upset price.

Q. And out of the value the taxes would be paid into the Comptroller's office, and the balance, some \$4,000, was to be divided between you and Mr. Garmon, which the State ought to have got?

A. Had to have in order to clear up the title.

Mr. DAVIE.—Instead of his paying \$4,000 he would pay \$2,000 to somebody else.

Mr. ADAMS.—The balance would be divided between the witness and Mr. Garmon.

Mr. DAVIE.—In other words, he got the lands \$2,000 less, so with the northeast quarter of the fifteenth township, figured on the basis of \$30,000.

Q. Was that in suit?

A. No, sir, it was not.

Q. How was it situated?

A. People down here on the West Shore road by the name of Cochrane —

Q. How did you learn about this tract of land?

A. I had been there for the last ten or twelve years and I knew of it.

Q. What conversation did you have with Mr. Garmon on the subject of this tract of land?

A. The same conversation, same deal with the exception the amount was charged \$30,000.

Mr. DAVIE — Did this same suit embrace those lands?

Mr. ADAMS.—No, this was outside of the suit.

Q. You did not own that?

A. No, sir.

Q. Didn't claim title?

A. No.

Q. You understood the State had title and that title could be rescued from the State by vacating the Comptroller's deed?

A. Yes, sir; I had a search.

Q. And you and Mr. Garmon had conversation on the subject?

A. Yes.

Q. His proposition was that you should buy up from the Cochrane's; where did they live?

A. They lived down here on the West Shore road, about seventy miles on a branch, I think it goes in from Kingston.

Q. That you should buy up the Cochrane title and on that basis cancel the tax deed in the Comptroller's office.

Mr. ANIBAL.—I suggest this mode of leading a witness upon propositions which we claim are unqualifiedly false and untrue is unfair.

Mr. ADAMS.—That will appear later.

Mr. ANIBAL.—Yes, I think it will appear later that it is manifestly untrue.

Q. What did you do about getting up the title?

Chairman RYAN.—Instead of asking him questions in that way, or rather stating the question in that way, you should ask him what he said. Let him state it in his own way.

The WITNESS.—After this deal was made with Mr. Garmon and myself.

Q. State what the deal was?

A. That piece of land was to be treated the same as the southeast quarter of the 24th township, on the basis of \$30,000.

Q. Where is that piece of land?

A. Right north of Loon lake four or five miles.

Q. What county?

A. Franklin county.

Q. How many acres did it contain?

A. Eight thousand two hundred acres.

Q. The estimated value was to be what?

A. Thirty thousand dollars; I went down and saw these parties.

By Chairman RYAN :

Q. They lived down on the West Shore road?

A. On a branch about seventy or eighty miles; they run a summer hotel there; I made arrangements with one of them to acquire the title, came back here, to Albany, went to looking it up to see the amount of taxes and the condition it was in on the Comptroller's books; I found the quarter had been subdivided into lots, allotted on a map 328 acre lots, and in order to redeem it we would have to show occupancy to each lot; that we couldn't do; we had to abandon that.

Q. What did Garmon say on the subject of aiding you in your efforts at the Comptroller's office?

A. I was to procure affidavits showing occupancy and that he would advise Basselin to recommend the redemption.

Q. When did he say that, before or after you went down to Cochrane's and made arrangements for the title?

A. Before.

Q. How many times did you talk with him on the subject of the practice in the Comptroller's office?

A. Several times; had telegraph messages from him and letters.

Q. How long before you went to see the Cochrane's was the first conversation you had with Garmon on this subject?

A. Within a very few days.

Q. The first conversation?

A. Yes, after the deal was consummated.

Q. Where was this arrangement or deal, as you call it, made with Garmon?

A. At my house at Plattsburgh; all of them were there.

Q. I am speaking of the \$30,000 tract; did he come there to your house?

A. Yes, sir.

Q. Who opened the subject at your house?

A. The deal was talked up partially in the first place going from Sarnnac lake to Loon lake, and then afterwards Garmon came there to see me about it.

Q. Who opened the subject of this deal first, you or Garmon?

A. Well, it came about in this way; it was talked in a general way that if any deal of that nature could be made that he would be ready to enter into it.

Q. Talk with him on the subject up toward Loon lake, and afterwards he came to your house and talked with you about it?

A. Yes, two or three times.

Q. Before you went down to the Cochrane's had he written any letters to you on the subject or sent you any messages?

A. Yes, sir.

Q. Then you came down and made arrangements for the title and went to the Comptroller's office?

A. Looking up the title.

Q. In order to obtain, if you had been successful in setting aside the tax deed, would it have been necessary to have paid any money to the State?

A. Yes, sir.

Q. How much?

A. In the northwest quarter?

Q. I mean this 30,000 tract?

A. My recollection is now it was about \$9,000.

Q. So the difference between \$9,000 and \$30,000 would be left for division?

A. Yes, sir.

Mr. ADAMS.—The deal was, they were to divide the overplus after paying the taxes.

Q. How much were charged for the old title by the Cochrane's?

A. A very small amount; I don't remember just the amount.

Q. About how much?

A. I think it was something like \$1,000.

Q. And the deal, as I understand you, was to take out of the \$30,000, the \$1,000 more or less you paid the Cochrane's at any time, what you had to pay the Comptroller's office, and that would leave the surplus for division?

A. Yes, and the expenses.

Q. In the deal between you and Garmon, who was to take the land?

A. I was to take the land.

Q. You were to buy the land or take it?

A. Yes.

Q. For what sum?

A. Thirty thousand dollars.

Q. After you had visited the Comptroller's office and found this difficulty, did you have any further conversation with Garmon?

A. I communicated to Garmon.

Q. After that did you have any conversation or communication with him?

A. Yes, sir.

Q. How long after was that?

A. I couldn't remember; I don't remember just how long; two or three weeks.

Q. What was the substance of that interview or conversation?

A. Would have to abandon it.

Q. The deal was off because you couldn't make it work?

A. Couldn't show occupancy to all these sublands.

Q. Did you tell him about the map and what the Comptroller said?

A. I talked with Mr. Sanger about it.

Q. And found you would have to show occupancy to each lot?

A. Yes.

Q. One occupancy wouldn't clear the tract?

A. Yes.

Q. You informed Garmon of that?

A. Yes; informed him the lots had been allotted on a map but never surveyed into lots, but the Comptroller's office would show, as it had been assessed separate occupancy would have to be showed to each lot.

Q. What did Garmon say when you told him the deal had fallen through?

A. He didn't say anything any more than we would have to abandon it.

Q. This surplus that you were to divide between you and Garmon, what did Garmon say about his half of it, what was to be done with that?

A. He would arrange with Basselin to carry out the deals; I never talked with Basselin about it; never had any conversation with Basselin about it.

Q. He would arrange with Basselin so the deals would go through?

A. Yes.

Q. He would have half of this surplus?

A. Yes; the same deal was made with the southwest corner of the 24th township.

Mr. DAVIE.—That is the third one?

A. Yes, sir; I procured a search of that from the Franklin county clerk's office, went to New York, found heirs of A. O. Van Lennock; these other people here, Van Lennock, etc, had acquired a title through the Macomb's and McCormick's, and they had kept the title in those people until about 1871, then they lost this title, and it converted to the State, and we were to acquire the old title from those people, and then redeem from the State.

Q. Extinguish the State title?

A. Yes.

Q. And have it yourself?

A. Yes.

Mr. DAVIE.—Get the title so as to be in a position to redeem?

Mr. ADAMS.—Yes, redeem or cancel.

Q. Go on to the New York case?

A. I procured a search from Franklin county clerk's office, and went to New York, and saw there people about it, and I went there three times, or saw them three times, and I could not acquire all the titles first; I could arrange with them on the basis of \$3,000; then some of them were in Europe, and they could not arrange with them, and did not arrange with them.

Q. So that the deal with Garmon in regard to this land fell through because you were unable to get up the old title from these people?

A. Yes.

Q. Did you inform Garmon what you had done, and of the failure of that?

A. Yes, sir; and employed people to go and get proofs of occupancy.

Q. Now, in regard these lands where you could vacate State title on the ground the land was occupied, did you take measures and make efforts to prove the occupancy?

A. Yes.

Q. What did you do in that direction, what did you procure?

A. Procured some affidavits in the southwest quarter of the twenty-fourth township.

Q. That is the \$15,000 tract?

A. Yes.

Q. You procured affidavits to show the land was occupied, and through the occupancy the title of the original owners was not cut off?

A. Yes; did not procure any affidavits in the \$30,000 transaction; before we got to that we found the affidavit would do no good.

Q. In regard to the suit, to go back to the first case, did you carry out the deal with Garmon, or did you fight the suit out?

A. We fought the suit out.

Q. And the suit is still pending?

A. The suit is still pending; there is further to that, in this southeast quarter the State acquired title to it from the 1887 tax sale; through Garmon, or through the forest commission they served a notice on me as occupant, and from the 1881 tax sale I redeemed it and paid about \$1,365 to the Comptroller's office; in the 1885 sale they served another notice on me as occupant; I redeemed it and paid \$1,200 to the Comptroller's office; the same occupancy has existed for the last twenty years, was proven in the suit and the Comptroller has told me repeatedly he would willingly grant the redemption and have the suit thrown out; but under some deal with him and the forest commission he didn't care, nor could not or did not want to meddle with their business while it was in suit.

Q. That is in substance the three deals which you had with Garmon with regard to the various lands?

A. Yes.

Q. Was there any other tract of land in Franklin county that you purchased and afterwards discovered a defect in title through the foreclosure of some bonds in the State Engineer's office?

A. Yes, sir; I had a certified search from the Comptroller's office showing the title to lot 41, township 12, Richard's survey to be perfect.

Q. This is the fourth transaction now?

A. Essex county.

Q. You had this Comptroller's search showing title was a good title?

A. Yes, sir; perfect title.

Q. Did you purchase the lands?

A. I also got a search from the Essex county clerk's office, the two searches showed the title to be perfect.

Q. In whom was the title under these searches?

A. Appeared to be in the State.

Q. You bought of the State?

A. No, sir; I bought of individuals.

Q. Had they bought of the State, did they hold State deeds under this search?

A. Yes, sir.

Q. So the searches showed the State title, yet the State had conveyed to third persons and you bought from these third persons on the strength of these certified searches?

A. Yes, sir.

Q. And paid them money?

A. Yes, sir.

Q. Having done that you discovered something; what did you discover?

A. I discovered they had omitted to leave out this 1859 sale.

Q. The search from the Comptroller's office was defective?

A. Yes, sir.

Q. On that discovery did you apply to the Legislature for relief to pay into the Comptroller's office this omitted sum?

A. I did at the request of the Comptroller.

Q. Did the bill pass?

A. Yes, sir.

Q. Did it go to the Governor?

A. Yes, sir.

Q. Did you converse with any of the forest commission; any members of it on that subject?

A. Yes, sir.

Q. Stating what you had done and that the matter was before the Governor?

A. Yes, sir.

Q. Which one of them?

A. Townsend S. Cox.

Q. What did he say about it to you being favorable?

A. He said that they hadn't protested against it and wouldn't protest against the bill.

Q. Did you speak to him about making objections in the executive chamber?

A. Yes.

Q. He said none had been made and none would be made?

A. Yes; told John B. Riley and myself so.

Q. Was the bill signed in the executive chamber?

A. It was not.

Q. Did you learn why afterwards?

A. Yes.

Q. Why, what was the reason?

MR. ANIBAL.—I submit he had better state his means of knowledge.

THE WITNESS.—I have it right there.

Q. Did you afterwards learn the reason?

A. Yes, sir.

Q. What was the reason?

A. Because Townsend S. Cox himself had protested against it.

Q. Is that a copy of the paper he put in the executive chamber in opposition?

A. It is.

Q. Read it.

STATE BOARD OF FORESTRY COMMISSIONERS, }
ALBANY, N. Y., May 22, 1890.

Hon. DAVID B. HILL, Governor, Albany, N. Y. :

SIR.—The forest commission respectfully submit that bill No. 254 (Assembly, 1339) entitled “An act for the release of the interest of the State in lands in the town of North Elba, Essex county, to Benton Turner,” should not become a law for the following reasons: The bill is not an escheat bill, nor is it properly entitled a release, for it authorizes a sale pure and simple to Benton Turner, who has no legal interest in the premises, of 539 acres, or thereabouts, of well timbered forest land located in the centre of the Adirondacks, and lying adjacent to large tracts of land now owned by the State.

Since the sale of such land is against the settled and well-defined policy adopted by the State, such policy ought not to be departed from in this instance unless they are specially strong and convincing reasons for it. The facts are as follows:

On September 6, 1859, the lands in question were bid in for the people of the State of New York, at a sale for default in the payment of purchase-money under the school fund bond system. The State had never parted with the original title.

The lands have remained in the full and complete possession of the State from that time to the present, and to-day the State's title is perfect and indefeasible.

About the year 1887 Benton Turner negotiated with Messrs. Ostrander & Marsh, of Albany, for the purchase of this lot, they claiming to have title, but really having no title to the same. The sale was consummated, and Turner paid the price agreed upon, not to the State, however, but to Ostrander & Marsh. It is claimed that at the time of such sale a search and certificate from the Comptroller's office set forth the fact that there were no taxes against said lot, but omitted to show that the State had any other claim against it; upon that certificate Turner alleges he was induced to make the purchase. In answer to that it may be said that if such certificate were given it was undoubtedly true, and the officer making it was not in duty bound to

volunteer to give any other information than that asked for, as he had no means of knowing the purpose or object for which the information was desired. Further than that, in the year 1886, there were 5,000 copies of the report of the forest commission scattered throughout the State, and more especially in that section where there were large holdings of State land; in that report was printed a list of State lands in the counties included in the forest preserve, and on page 224 the lot in question was fully described, giving the number of acres and the fact that there were no tax sales against it since that time.

During the past thirty years the lot has been steadily increasing in value and is worth to-day about \$3,000; the amount to be paid for it as provided for in this bill is much less than that sum, and allows nothing for the appreciation in value of the land during the thirty years that the State has owned it.

The precedent which this bill establishes is unsafe, namely: That two individuals may, either through fraud, collusion or carelessness, assume to bargain, sell and dispose of lands of an innocent third party—in this case the people of the State—without that third party's consent, and then make such assumption the basis of a claim of right to demand that the title still remaining in that third party should be surrendered.

The price in the bill is inadequate, the principle wrong and the precedent bad; in short, Benton Turner's proper recourse lies with Ostrander & Marsh, the parties who sold him land which they did not own, and not the State of New York, which was in no way connected with the transaction.

It may be added that the last clause of the bill making the payment of "other taxes," inasmuch as no taxes have been assessed by the State against the property.

Yours.

TOWNSEND COX,

President.

A. The first statement in that brief that Mr. Cox made he knew it from me personally that my title to that land was represented to be, the searches that were shown to him were right; the first statement he knew when he made that was absolutely false.

Q. What you offered was to pay this omitted matter, pay it to the State and lose it?

A. Yes, sir.

Q. How much did you pay for these lands?

A. Nine hundred dollars.

Q. And the amount of the claim on the part of the State that had been omitted was how much?

A. About the same.

Q. So you offered to pay the State—you had paid \$900 to the grantee of the State for it?

A. Yes.

Q. And the back matter you offered to pay \$900 more to save the lands?

A. Yes; I think it was a little less than \$900.

Q. Have you information of settlements of trespass in Franklin county, with the warden, or the foresters, or deputy-wardens?

A. I don't think that is the number of the lot, I forget the number of the lot, I looked it up at the time.

Q. Do you know of a settlement with Wales Parsons?

A. I do.

Q. About what time was that settlement made?

A. I think it was about 1885 or 1886.

Q. For how many logs was that?

A. I looked over the piece of land, I didn't count them, I estimated about 1,200 or 1,500 standard twenty-two-inch logs, that would be about 6,000 pieces by count or 7,000.

Q. How much was that settled for?

A. I understood fifty dollars.

Q. Do you know of a settlement with Parsons?

A. I think Mr. Parsons told me that was what he paid for those logs was fifty dollars; they were actually worth on the stump, as they stood, I would have given for them \$1,200.

Q. Do you know of another settlement on lot 182 of about four hundred logs?

A. I do.

Q. When was that settled?

A. One hundred and eighty-two, township 9.

Q. For what sum was that settled?

A. Twenty-five or fifty dollars; I don't remember, it was practically nothing; the State agent I know knew at the time Mr. Parsons was cutting the timber on this lot because I talked with him at the time; I had a shanty on that quarter; I owned the other three-quarters of it, and after we had moved out of our shanty and gone away the following winter, Mr. Parsons put his man on there and lumbered it clean; the agent was there at the time, saw him do it, talked with him and other parties and knew they were doing it.

Q. What agent?

A. Van Buren Miller.

Mr. ANIBAL.—He never was an agent of the forest commission.

A. I have papers in my pocket to show that he was.

Q. What time was this settlement made?

A. I think this settlement was made in 1886.

Q. Have you the receipt there?

A. No; I haven't the receipt for that.

Q. Made with an agent of the forest commission by the name of Van Buren Miller?

A. Yes.

Q. What was that settled for?

A. I understood twenty-five dollars, and took off between three and four hundred standard logs that were worth at least \$300.

Q. Do you know of another settlement, Tobey and Boice?

A. I understood they made a settlement with Van Buren Miller for \$125 that was never reported.

Q. How many logs?

A. I couldn't say how many.

Q. When was that settlement made?

A. I think it was in 1886.

Q. Where were these logs?

A. On the Salmon river, above Malone a few miles, Franklin county.

By Chairman RYAN:

Q. Have you ever been there since they were cut?

A. Yes, sir.

Q. And Grimes and O'Neil?

A. Deer river, in the town of Duane, Franklin county.

Q. Have you information of a settlement they made?

A. I understand they made a settlement and never reported it; I understand direct from Garmon.

Q. When was that settlement made?

A. Eighteen hundred and eighty-six.

Q. What sum was taken in settlement?

A. Fifty dollars.

Q. How many logs?

A. I couldn't say.

Q. Who was the settlement made with?

A. Van Buren Miller, State agent.

Q. That information you have from Garmon?

A. Yes, sir.

Q. Albert Stickney, Franklin Falls; what about a settlement with him?

A. He made a settlement with the State agent, Van Buren Miller.

Q. About what time was that made?

A. I think it was in 1886.

Q. What did he settle and for how much?

A. About fifty dollars.

Q. How many logs, how much trespass?

A. Four or five hundred logs; I understand that was never reported to the forest commission; there is his receipt.

Q. Miller's receipt in that case?

A. Yes, sir; I got that from Mr. Stickney.

Q. About W. W. & G. H. Hartwell, 187 Macomb's?

A. They owned an undivided half interest in that quarter, went to lumbering it and cut something like ten or twelve thousand standard or logs; the logs were actually worth on the stumps seventy-five cents a standard; I understood they were settled for fifteen cents a standard.

Q. With whom was that settlement made?

A. I understood with Mr. Garmon.

Q. When was it made?

A. Eighteen hundred and eighty-six, I think.

Mr. FIERO.—This man says he understands certain things?

A. I understand it direct from Mr. Garmon.

Chairman RYAN.—Will you explain what those figures are?

A. That means 58, 280, 484 standard of hemlock logs twenty-two inch; they have nineteen inch on the Hudson, ours is twenty-two.

Chairman RYAN.—This receipt is signed by him as agent for State lands in Franklin county.

A. Mr. Garmon told me himself that money had never been accounted to the forest commission.

Q. Was a complaint made against W. W. & G. W. Hartwell, for trespass last summer?

A. Yes, sir; there was; I made.

Q. To whom did you make it?

A. I made it direct to Mr. Garmon, to the forest commission.

Q. What was the complaint?

A. That he had cut on township eleven quite a number of logs, hemlock, a thousand or fifteen hundred standard.

Q. On the State lands?

A. On the State lands; the State agent knew it when they were cutting it; was told of it in Bloomingdale.

Q. Who was the agent?

A. He has been employed more or less by the State; his name is Albert Turner; he was told at Bloomingdale they were cutting these logs on State land, and he wouldn't go and look at it; I afterwards reported it to Mr. Garmon and wrote to the forest commission demanding an investigation; I have the letters here now.

Q. Was anything done after that?

A. Not to my knowledge or anybody else, I guess; also they lumbered on lot 91, township 11; I reported that to Mr. Garmon personally.

Q. What do you mean by that?

A. Hartwell and this man Putman.

Q. Any attention ever paid to that?

A. I don't think they ever went near it?

Chairman RYAN.—You reported that to Turner?

A. To Mr. Garmon.

Chairman RYAN.—Did you say anything to Turner about that?

A. No, sir; nor the other either; men at Bloomingdale did; I can have them here to-morrow or next day, as soon as they can get here.

Q. What do you know about Albert Turner by management procuring a survey of lands at the expense of the State?

A. He has done so.

Q. State what there was about that?

A. He and some other subs. reported a trespass against me on lot 15, township 18, Macomb purchase, Great Tract 1.

Q. What was the name of the person?

A. Van Buren Miller or Dan Stanton, I don't know which.

Q. In the employ of the State?

A. Yes; for the purpose of making a survey with a man personally in the sale of a piece of land, agreeing to make himself to other parties establishing lines of a quarter of a township.

Q. What was done about the survey?

A. The survey was ordered made by the State people, and was made at the expense of the State.

Q. When it should have been made by an individual?

Mr. FIERO.—That we object to; let us have the facts in regard to it. Is this witness to be allowed to give his opinion whether this should have been made?

Mr. ADAMS.—Don't work yourself up.

Mr. FIERO.—I don't mean to, but we had better have somewhere near a reasonable fair examination. What this man knows.

Mr. ADAMS. — Go right on; I will accept your criticism, the State made the survey?

A. The State made the survey at the expense of something like \$2,000.

Q. And it determined what line?

A. Determined there wasn't any trespass made; knew there was not at the time.

Q. They determined the line between the State land and somebody else.

A. They determined the out bounds of the northeast quarter of the eighteenth township; the west line going north and the east and west line.

Q. It determined the fact there was no trespass?

A. No trespass.

Q. Who had the benefit of that survey; how did it benefit this man Turner?

A. He originally sold the land to parties named Hartwell.

Q. In the sale did you understand there was any agreement about his surveying it?

Mr. FIERO. — Does he know?

Chairman RYAN. — He can understand that question.

A. I understood the agreement that he was to establish the boundary lines of the quarter; the west and the north line.

Q. And it was established through the survey on this complaint of trespass?

A. Yes, sir.

Chairman RYAN. — What was the expense of the suit?

A. Something like two thousand dollars.

Chairman RYAN. — In other words, the State made the survey which he should have made?

A. Yes.

Chairman RYAN. — In order to give title to the land and in order to get the State to do that he made the complaint of trespass?

A. Yes.

Mr. ADAMS. — He tricked the State in making a complaint against him.

Q. What date was that?

A. Eighteen hundred and eighty-three or 1884; Mr. Garmon knew of it, because I told him of it myself; afterwards he employed a State agent, and he has been scrutinizing around the country at the expense of the State trying to pick up State lands; if you doubt that, I can

send down to Pittsburgh and can get Mr. Ware up here, who has letters that will be competent proof.

Q. Who ordered and took charge of this survey on the part of the State?

A. Van Buren Miller, I think.

Q. This survey was ordered from the forest commission?

A. No, sir; ordered from the Comptroller's office; you know the forest commission had been organized, and knowing of all these facts and these notorious characters they had in their employ, they employed them as officials.

Q. Albert Turner after this commission came into existence was employed by them as agent up there?

A. Yes, he was the man that knew about these trespasses that was made by Hartwell, in township 11.

Q. That they have omitted to investigate?

A. Yes.

Q. He was the man who made these various settlements up there for small sums?

A. Mr. Miller, was the man who made the settlements of heavy trespasses for small sums.

Q. Who is Mr. Miller?

A. He is a man that lives at Saranac Lake village.

A. How long was he in the employ of the State under Garmon's charge?

A. I couldn't say, but I should judge a couple of years.

Q. I think I'll let you examine, gentlemen.

Mr. DAVIE.—I would suggest that the time is up.

Mr. ANIBAL.—We are ready to continue this cross-examination as best we can, but at the same time it would be more expeditious to have the minutes of the stenographer written out, because there is a good deal of it here which we can show is absolutely and unqualifiedly untrue, as we understand it.

A. This statement charging Mr. Cox as being a liar, if you want the certified searches I will get them for you and bring them in here in a very few minutes; Mr. J. B. Riley or Alfred Gifford, our member of Assembly have them in their possession.

Mr. DAVIE.—The question is now whether we will adjourn; why couldn't we come back here this afternoon and finish this up?

Chairman RYAN.—If we have a session this afternoon it will necessitate some of us staying here in Albany over to-morrow.

Mr. DAVIE.—Suppose we come back at 12 o'clock precisely and run to 2?

Mr. ADAMS.—All right; Mr. Turner is a business man.

Mr. TURNER.—I will stay as long as you want me to stay.

Mr. DAVIE.—The Assembly adjourns at 12 o'clock.

Chairman RYAN.—We will come here at 12 o'clock precisely.

Mr. ADAMS.—I would like that a receipt go in evidence.

PLATTSBURGH, N. Y., *January 2, 1886.*

Rec'd of A. H. Stickney, thirty-four and forty-three hundredths dollars (being in full for 449 spruce logs, and 58 $\frac{289}{84}$ standard hemlock logs, amounting to twenty-four and forty-three hundredths dollars and ten dollars for my expenses). Same having been cut on lot 112, Tp. 10, O. M. T., which is State property.

VAN BUREN MILLER,

Agent for State Lands in Franklin County.

The commission then took a recess to 12 M.

12 M.

The subcommittee met pursuant to adjournment.

BENTON TURNER, recalled:

By Mr. DAVIE:

Q. I would like to ask Mr. Turner one question; in the first of your evidence you spoke of owning 7,500 acres of land, and there was an action brought against you to test the title, and after that action was commenced you say Mr. Garmon had a talk with you in which he proposed that you and he should agree on the price of the 7,500 acres at \$15,000 and you were to pay \$11,000 to the State for taxes on that, and the balance \$4,000 was to be divided between you and him; I want to know whether that was ever consummated or whether it was all talk?

A. It was never consummated.

Cross-examination:

By Mr. ANIBAL:

Q. You have been a lumbermen how long?

A. Twelve years.

Q. Reside at what place?

A. Plattsburgh.

Q. And have all that time?

A. Yes, sir; my home has been there.

Q. Part of the time you reside upon your lumber lot?

A. In that vicinity.

Q. Prior to May, 1886, before that time you made settlements with the Comptroller's office for timber purporting to have been cut on State land?

A. Where?

Q. Had you?

A. There was quite a number of settlements made with the Comptroller's office and me for cutting timber on State lands that the State has since cancelled their titles.

Q. You had made settlements prior to that time with the Comptroller's offices for timber that have been cut upon what was claimed to be State lands at that time?

A. Yes, sir.

Q. What price per log did you settle those for, per standard?

A. Various prices, I couldn't say.

Q. Give us as near as you can?

A. Tell me what places.

Q. I can't tell you the places now; what was the basis of settlement, about what price?

A. I don't know as there was any basis.

Q. About how much would it be a log as your recollection is, standard log?

A. I couldn't say; some of the lots have been fifty dollars, some \$150.

Q. Was there so many of them now that you can't remember what they were, the prices?

A. I can remember all of them.

Q. Was it settled so much a lot, what had been taken on such a lot?

A. Lots 176, 177, 184, the trespasses done on those lots by contractors for me was settled and paid to the Comptroller's office for \$150 and the Comptroller two years after cancelled those sales which they claimed to have a title to.

Q. What are the number of those lots?

A. Let me say still further —

Q. (Interrupting.) Answer our question?

Chairman RYAN— You will have an opportunity later.

Q. What lots were those you settled for \$150 with the Comptroller's office?

A. In township 9, Old Military tract?

Q. Give the number of lots?

A. I think 177, 176 and 184, they claimed the trespass there was done by Klum and Dowling; let me say further —

Q. (Interrupting.) Wait a moment.

Chairman RYAN.—Anything you want to explain we will you an opportunity afterwards.

Q. About what number of standard logs were cut on those four lots?

A. I couldn't tell you.

Q. Have you any recollection as to the number of standard logs there were on those four lots?

A. I don't know anything about it; I never examined it to know.

Q. Who did you make that settlement with; what person negotiated it with you?

A. I don't know whether that was with Garmon or Van Buren Miller.

Q. When was the settlements made?

A. I couldn't say.

Q. Give us the date as near as you can.

A. I couldn't say; some time I think in 1886; that is my recollection.

Q. I want to get your best recollection; it was either with Garmon or Van Buren Miller?

A. I think I sold out in that country—

Q. I didn't ask that.

A. I am getting at the date.

Q. Do the reasoning to yourself and answer the questions directly.

A. The 1st of December, 1885, there was no more cutting by me in Township 9.

Q. You settled for those trespasses in Township 9 with either Van Buren Miller or Mr. Garmon?

A. I think so.

Q. When was the date of your settlement?

A. The Comptroller's office shows.

Q. Can you tell the date of that settlement?

A. I can not.

Q. Was the amount paid in check or bills?

A. Check and bills both.

Q. Do you remember to whose order that check was made payable?

A. I could not.

Q. Did you take a receipt for that settlement?

A. Undoubtedly I did.

Q. Have you got it here?

A. No, sir.

Q. Do you know where it is?

A. Yes, sir.

Q. And can produce it, can you?

A. I think it is among my vouchers some place.

Q. That was in the Old Military tract and in the township you speak about, now, what other lots did you settle with anybody prior to May, 1886?

A. I think lot 30 and lot 7.

Q. What tract?

A. Township 9, Old Military tract.

Q. How many standards were cut on those lots?

A. I couldn't say.

Q. Can't you give any idea in regard to it?

A. I can not; the State has no title to any of those lands.

Q. What did you pay for the settlement for the trespasses upon those lots?

A. I couldn't say.

Q. Have you any recollection in regard to it?

A. I have, my recollection is here and I have refreshed my memory within a very few minutes; I was in the Comptroller's office and the books show fifty-seven dollars and fifty cents; here is a check for \$150 supposed to make that settlement; the books to the Comptroller's office shows it and here is a check that shows what the State agent had.

Q. Who was that check payable to?

A. Wales Parsons.

Q. And then it was passed over to the Comptroller's office?

A. I don't know about that.

Q. You got it from the Comptroller's office to-day?

A. Fifty-seven dollars and fifty cents.

Q. You have been to the Comptroller's office since your examination here and refreshed your recollection?

A. I saw it on their book.

Q. Did that refresh your recollection?

A. I don't know anything about the fifty-seven dollars and fifty cents, only what I see on their books, the settlement was \$150 with us.

Q. What others did you settle?

A. That is all I recollect of.

Q. This second settlement, who was that made with?

A. This \$150 business —

Q. (Interrupting.) The second one?

A. The \$150 settlement was made with Van Buren Miller; there was another made the 22d of December, 1884; that was made by Van Buren Miller and here is his receipt for it. [Producing.]

Q. What lots were those?

A. Lot 182, southwest corner township 9, Old Military tract.

Q. What is the date of the receipt?

A. Twenty-second day of December, 1884.

Q. And you made the settlement, negotiated with him, as the receipt says ?

A. The receipt don't show that at all.

Q. Is that the receipt for that settlement ?

A. That is the receipt for it.

Q. The date is as you have given it there ?

A. Yes.

Q. Who is it signed for ?

A. Van Buren Miller, agent for State lands in Franklin county.

Q. We will speak about the 18th township, Old Military tract; there was a settlement made for that ?

A. I settled and paid the State for some timber in the 18th township that I took off of my own land.

Q. Did you settle for some timber in the 18th township with the Comptroller's office ?

A. Yes, sir.

Q. How much did you pay them ?

A. One hundred and fifty dollars.

Q. That is the check you have there ?

A. No, sir.

Q. That is in addition to what you have already stated ?

A. Yes.

Q. When did you make that settlement with the Comptroller's office ?

A. I think it was in 1885.

Q. Was it not in 1884 ?

A. It was in 1885.

Q. Positive about that now; what other cuttings upon claimed State land did you settle with the Comptroller's office or any agent of State lands in that section of the country ?

A. That is all I remember of.

Q. Is that all that you have settled ?

A. Possibly not.

Q. You wouldn't swear there were other settlements on which you have spoken ?

A. I will not, there may be.

Q. Were there other claimed trespasses against you by the State agent than those you have spoken of prior to May, 1886 ?

A. I don't know of any, sir.

Q. You wouldn't say there were not other charges made against you for trespass ?

A. I don't know what you mean by trespass.

Q. Somebody pretending you had been cutting on State lands, make it just as light as you want to.

A. I don't know but there might have been such charges and not come to my knowledge.

Q. You were at the Comptroller's office frequently with reference to these trespasses?

A. No, sir; I was there a good deal.

Q. And were making claims there in relation to State lands?

A. Yes, sir.

Q. During some of the time you had some difference of opinion with the Comptroller's office, didn't you?

A. I don't know as we had.

Q. They didn't at all times grant cancellation and redemptions as asked, I am speaking of the time prior to May, 1886?

A. Substantially everything that was asked and satisfactory proof furnished to their office they granted.

Q. And also satisfactory settlements were made for claimed trespasses against you, between you and them?

A. Whenever we had any we always got along.

Q. Whenever you made any settlements they were satisfactory?

A. They had to be.

Q. You know Mr. Benedict, who was deputy comptroller?

A. Yes, sir.

Q. You had negotiations with him in relation to State lands and State property?

A. I didn't know as I had.

Q. Had some talk in relation to trespass?

A. I might have had in a general way in their office; I had business there with all of them.

MR. ANIBAL.—Mr. Chairman, we have a letter in this connection that we want to read and ask some questions in relation to it of Mr. Turner.

Chairman RYAN.—Letter from whom?

MR. ANIBAL.—The letter is from the deputy comptroller to the forest commission.

MR. ADAMS.—I don't suppose that is very material here.

The WITNESS.—I would like to have them read it and get at the originator of it, and I will show him to be about as big a scoundrel as the rest of them.

MR. ADAMS.—From whom to whom and date?

MR. ANIBAL.—The letter is addressed to the forest commission from Thomas E. Benedict, and is dated April 7, 1886.

Chairman RYAN.—There is no objection to it, but really I don't see how—

Mr. FIERO.—An official document passing between two bureaus. It is a public record.

The WITNESS.—I will show he is a perjurer; perjurer and thief.

Q. That is your explanation; we will take his explanation just as he gives it?

A. I will prove it, too.

Q. You will have to prove it by your testimony because you couldn't find anybody else?

A. No, sir.

ALBANY, *April 7, 1886.*

WILLIAM F. FOX, *Secretary Forestry Commission, Albany, N. Y.:*

SIR:—The following is an extract from a letter recently received from Van Buren Miller, Saranac lake, N. Y., agent for State lands in Franklin county:

"Turner's jobbers have cut most of the timber on lot 147, township 9, Old Military tract, and claims the lot as I have previously written. Part of the logs are on the skids on said lot and the balance on the north branch of Saranac river with other logs. I have taken the best means of ascertaining the quantity of timber cut therefrom. I have it variously estimated from 1,000 to 2,000 standards, I think not less than 1,500. Turner told me two weeks ago that he claimed said lot, and has sold it to the Chateaugay Ore and Iron Co., but had *not* cut any logs or timber on said lot. The facts are, he had a large gang of men at work cutting thereon at the time, with instructions to cut it *all* off as soon as possible.

Said Turner is the most irresponsible, unscrupulous, defiant man I ever knew. The timber cut from 219, township 10, Old Military tract, by said Turner, is on the outlet of Loon lake, with a large quantity of logs belonging to said Turner and D. H. and W. Parsons. I don't know how to seize said logs as I can not identify them. I have not seen Turner since I found the timber was cut. I attempted to sell the logs to Parsons, but they did not wish to buy them without seeing said Turner, as the logs have Turner's mark upon them and can not be identified. I have just received a telegram from Turner asking me to come to Loon lake."

We have notified Mr. Miller that the matter therein referred to had been placed in the hands of the forestry commission.

Benton Turner has been the most troublesome and unscrupulous depredator of State lands in the northern Adirondacks.

Respectfully yours,

THOMAS E. BENEDICT,

Deputy Comptroller.

Mr. ANIBAL.—Official document passing from the Comptroller's office to the forest commission, and this in April, 1886.

Q. Right in this connection you have heard that letter read and of which it speaks there, if you have any explanation give it right now.

Mr. ADAMS.—Go on with your examination.

Chairman RYAN.—Defer that.

Q. All right; do you recall any other cuttings upon claimed State property prior to May, 1886?

A. I do not.

Q. Do you recall any other settlements than those you have spoken about that you have made for timber cut on State land, or claimed State land prior to May, 1886?

A. I don't remember of any.

Q. You spoke this forenoon with reference specially to the south-east quarter of township 24, that contains, as you understand it, how many acres?

A. Seven thousand five hundred.

Q. An action was commenced against you for a claimed trespass upon that lot, was there not?

A. Yes, sir.

Q. What was the date of the commencement of that action?

A. I couldn't say.

Q. When were the trespasses in the complaint charged to have been made by you?

A. I think my recollection is in 1886.

Q. There is no doubt it was claimed you had cut a large quantity of timber upon this lot, as you understood?

A. They claimed about \$1,000; the actual value was \$100 worth of timber or \$200.

Q. The action was known as a penalty action charging you had been guilty of the penalty of twenty-five dollars a tree of what you had cut on this lot?

A. I don't remember what the complaint was.

Q. That action, can you remember when it was tried?

A. Yes, sir.

Q. When was it?

A. Been trying it for the last four or five years.

Q. When was it tried at the circuit court?

A. Never was, that I know of; referred to Richard L. Hand.

Q. It is now pending before him?

A. Yes; submitted; expect to hear from it in a day or two.

Q. Report has not been made yet?

A. No, sir.

Q. In the case, who was the attorney for the State?

A. This fellow over here had a twelve or fifteen hundred bill; I suppose he was the attorney.

Q. Who was the attorney of record in that case?

A. Peter S. Palmer.

Q. Where does he live?

A. He is dead now.

Q. Where did he at that time?

A. Plattsburgh.

Q. Who assisted in the trial of the case besides Mr. Palmer?

A. Judge Kellogg done all the pettifogging.

Q. He is now Supreme Court judge of that district?

A. Yes, sir.

Q. His residence is at Plattsburgh?

A. Yes.

Q. Also Mr. Hessberg appeared in the case after Mr. Palmer's death?

A. In what way?

Q. Didn't Mr. Hessberg appear upon the trial as associate counsel in the case?

A. He came around as anybody would and listen; I never heard him ask any questions or say anything to any witness.

Q. He appeared to be interested in the case?

A. He was around there in the room; that is all there was of it; that is what I see.

Q. That was several years in trial?

A. No, sir.

Q. How many hearings did you have in the case?

A. I couldn't say as to that.

Q. Several hearings?

A. Oh, yes; as many as that.

Q. Were any other lands included in that action but the south-east quarter of this township in the complaint?

A. Yes; there were other lands, as I understand it, in the twelfth township; Thorn's survey, Old Military tract.

Q. What lots were they?

A. I think there was one lot.

Q. Can you give the number of the lot?

A. I think it was 13.

Q. What was the number of acres in the lot?

A. One hundred and sixty; I think it was twelve; I owned thirteen.

Q. That was included in there, also.

A. I think so; only one lot, if I remember right, was included in that complaint.

Q. Give us the date, as near as you can recollect now, of the commencement of that section?

A. I think it was in 1886.

Q. Who was your attorney in that matter?

A. Beckwith, Barnard & Wheeler, Plattsburgh.

Q. Afterwards didn't you discharge those attorneys and substitute others?

A. No, sir.

Q. Did you afterwards substitute other attorneys there?

A. Yes, sir.

Q. Who did you substitute?

A. Royal Corbin, Plattsburgh.

Q. Was also Frank E. Smith in that case?

A. He was associated.

Q. He resides at Plattsburgh?

A. No, sir; New York.

Q. Did he reside at one time in Plattsburgh?

A. Ten or fifteen years ago; I guess he has made it his home principally in New York the last ten or fifteen years.

Q. Is he not a member of the firm of Smith, Weed & Kellogg?

A. No, sir; Smith, Weed & Conway.

Q. Wasn't he a member of that firm at one time?

A. He is now, that is, young Weed.

Q. And this same man, Smith?

A. Frank E. Smith.

Q. He appeared upon the trial of that case for you?

A. Upon every trial.

Q. When was it submitted, the last date of submission to the referee?

A. I think just before the first of January, two or three days.

Q. Upon the trial the question of possession came up, did there not?

A. The last trial?

Q. Yes?

A. No, sir.

Q. Wasn't the question of occupancy?

A. On the last trial?

Q. Yes?

A. No, sir.

Q. Weren't there some photographs used before the referee and introduced in evidence?

A. They made a picture of something.

Q. There was a photograph or picture presented as some evidence in that case relative to possession?

A. Yes; that was about Saranac lake.

Q. During the trial of this case before Judge Hand?

A. Yes.

Q. [Presenting same.] Is that one of them?

A. I couldn't say.

Q. It was claimed in this matter, wasn't it?

Mr. ADAMS.—I suggest a full and detailed history of this trial and all that took place has very little to do here.

Mr. ANIBAL.—It is only bearing on one of the questions of this case.

Chairman RYAN.—The committee feel interested somewhat, but they want to get home; there is no place like home.

Q. That may be so; on this lot, now this southeast quarter of township 24, it has been sold how many times by the State, as you understand it now?

A. Just once.

Q. What sale was that?

A. Eighteen hundred and seventy-seven; let me explain, you mean—it is customary in our country to allow all of our lands to be sold at every sale; we either bid them off or redeem them at every sale.

Q. How many times has this southeast quarter of township 24 been sold at tax sales prior to the time of the commencing of this suit, prior to 1887?

A. The sale of 1885 that I redeemed from.

Q. Sold in 1885?

A. Yes, sold in 1881; I redeemed from that and sold in 1887.

Q. Then you redeemed this lot from the 1885 and 1881 tax sale?

A. Yes.

Q. Paying to the State moneys you spoke about this forenoon?

A. About \$3,000.

Q. These were the moneys redeeming from those two sales, from 1885 and 1881, of which you spoke about this forenoon amounting to between \$2,500 and \$3,000?

A. Yes.

Q. When did you redeem from the 1885 sale?

A. They served a notice on me.

Q. Give us the date, when did you redeem from the sale?

A. I couldn't quite do that.

Q. As near as you can?

A. Oh, I think they served a notice on me.

Q. No, I repudiate that; I think he should answer my question; when did you redeem from the 1885 sale?

Mr. ADAMS.— I don't see what the object of this testimony is, going into the merits of that lawsuit.

Q. About when did you redeem from the 1885 tax sale?

A. I think it was about two years afterwards, in December in 1887, I think.

Q. Was it after the commencement of the action?

A. Yes, sir.

Q. When did you redeem from the 1881 tax sale?

Mr. ADAMS.— I would like to inquire what the object of this is.

Mr. ANIBAL.— We will show the object of this.

Q. When did you redeem from the 1881 tax sale?

A. I couldn't say; Judge Westbrook has some papers.

Q. About when was it?

A. I couldn't tell you without sending down to his office and getting the papers.

Q. Get as near the date as you can?

A. I couldn't say.

Q. Was it before or after the action was commenced?

A. I couldn't say.

Q. What is your best recollection?

A. I couldn't say.

Q. Have you any recollection whether it was before or after?

A. My recollections are that — I couldn't say just when it was.

Q. Have you any recollection whether it was before or after the action was commenced?

Mr. ADAMS.— That is not very important.

Mr. ANIBAL.— Very important in this inquiry pertaining to the evidence given by this man.

The WITNESS.— I couldn't say just the date of it.

Q. Was it before or after the action was commenced?

A. I think it was after the action was commenced.

Q. Both of those redemptions were after the action was commenced?

A. That is my opinion; those papers are with Judge Westbrook.

Q. They were redeemed from the 1881 tax sale in May, 1886, and from the 1885 tax sale on December 27, 1887; is that it?

A. The papers would be the best evidence.

Q. This is taken from the Comptroller's books, by Mr. Hessberg, within the last half hour; one of them was just before the suit?

Mr. ADAMS.—If he redeemed within the time, and had a right to redeem, what of it?

Mr. ANIBAL.—The position about it is this; in this tax sale of 1881, it wasn't within the life, it was two years after the time for redemption had elapsed, and could only be redeemed upon special occupation and by proofs in the office; the other one was redeemed in the life of it.

Mr. ADAMS.—Well, what of that?

Mr. ANIBAL.—We think it very pertinent in this inquiry.

Mr. ADAMS.—Hasn't anything to do with this question.

Mr. ANIBAL.—We will show the importance. If we don't we will ask the committee not to consider it at all. Very pertinent in this case.

Q. Was there any other tax title against this lot?

A. Eighteen hundred and seventy-seven tax sale.

Q. The 1877 tax sale?

A. That is the one we were litigating about.

Q. That was the subject of litigation?

A. Yes, sir.

Q. Didn't you make application to the Comptroller's office to redeem from that sale after investigation was commenced?

A. About that time.

Q. Didn't you afterwards present a large bundle of papers at the Comptroller's office after this action was commenced to redeem from that sale?

A. The papers can be produced and are the best evidence.

Q. I ask for your recollection?

A. I can't say.

Q. You know an application was made to redeem from that sale?

A. I made it.

Q. Made under your direction?

A. Yes.

Q. It was made for the purpose of redeeming on the ground of occupancy?

A. Yes, sir.

Q. Wasn't there a mandamus proceeding instituted by you in addition now to the application to the Comptroller to redeem; didn't you procure mandamus proceedings to compel the Comptroller to redeem from that sale?

A. I don't think so.

Q. Didn't you institute it and wasn't it argued by Mr. Hessberg?

A. No; you are off from your base about it.

Q. The trouble is you are off; a mandamus was asked for and argued on the part of the Attorney-General?

Mr. ADAMS.—What of it?

Mr. ANIBAL.—I want to prove the fact.

Mr. ADAMS.—The question here is a conversation and transaction between Mr. Garmon and this witness subsequent to this suit and to which this suit was an inducement; what about this suit?

Mr. ANIBAL.—Bearing on the probabilities of statements because he puts these when only two men were together.

The WITNESS.—We made an application to the Comptroller to have the 1877 tax sale set aside on the ground the land probably had been sold and they had paid taxes and we had a receipt for it and on those papers we tried to get a mandamus to try and make the Comptroller act.

Q. That application was defended by the Attorney-General?

Mr. ADAMS.—What has that to do with this case?

Mr. ANIBAL.—Preliminary objection was taken.

Q. Let us call your attention to the other lot here of which you have spoken specially about, that is the southwest quarter of township 24; you never had any title to that?

A. Never did; no, sir.

Q. The northeast corner of township 15; did you have any title to that?

A. Never did.

Q. You spoke this forenoon about having some conversation with Mr. Garmon in relation to some matters, and you stated to the committee that every one of these propositions talked off by you and Mr. Garmon all fell through; there weren't any of them ever consummated, were they?

A. No, sir.

Q. There was a talk about these three lots, southeast quarter of 24 and southwest quarter of 24 and southwest quarter of 15?

A. Yes.

Q. That is all you stated?

A. That is all I stated, I guess.

Q. What did you state the balance of tax was to redeem from the Comptroller's office this afternoon on the southeast quarter of 42?

A. They probably would amount to at that time about \$11,000.

Q. Where was this first talk that you had with Garmon that you claim now?

Q. (Mr. ADAMS) This southeast quarter, was that the one that was valued at \$30,000 ?

A. No; the northeast corner of 15 was valued at \$30,000.

Q. (Mr. ADAMS) This is the one in suit ?

A. Yes; this was valued at \$15,000.

Q. Where did you have a talk with Mr. Garmon first in regard to this matter ?

A. In relation to showing these occupancies, the first that was said about it was riding in a cutter from Saranac lake and Loon lake.

Q. Is that the fact about it ?

A. That was the fact.

Q. Mr. Garmon was riding with you ?

A. Yes.

Q. You two were in a cutter alone ?

A. Yes, sir.

Q. Anybody else with you ?

A. No, sir.

Q. And on the road riding from Saranac lake to Loon lake as you recollect it ?

A. Yes.

Q. That was where the talk was had between you and Garmon ?

A. That is where it originated.

Q. When was that date ?

A. I couldn't give it to you.

Q. Give us the year it was ?

A. Mr. Garmon and I, as near as I can get at it; we staid the first night to Corey's at Saranac lake.

Q. What year was it ?

A. I can't tell you that.

Q. Can you give the season of the year it was ?

A. Oh, yes; in the winter time.

Q. Can't you be any more definite about the year it was, whether 1884, 1885, 1886 or 1887 ?

A. It was 1886 or 1887, I don't know which.

Q. Can't tell whether 1886 or 1887 ?

A. I could not; my recollection is it was 1886.

Q. Your recollection is it was the winter of 1886 ?

A. I should say it was then, but I wouldn't say positive, it might have been 1887.

Q. Any memorandum drawn up and signed between you and Mr. Garmon ?

A. No, sir; I had Mr. Garmon—

Q. We will go to the letters; when was the next conversation?

A. Mr. Garmon came to my house.

Q. When was that?

A. I couldn't tell you.

Q. How soon was it after this conversation you rode between Saranac and Loon lake?

A. Oh, it was some time afterwards; the messages and the letter would give a man an idea of when it was.

Q. How soon after that?

A. Two months.

Q. In the same winter?

A. I think so, or the same spring and summer.

Q. The spring of 1886?

A. Or 1887.

Q. One of those seasons?

A. Yes.

Q. At your house you say the conversation was?

A. Yes, sir.

Q. Who was present at the time?

A. I don't think there was anybody.

Q. And the first conversation was at your house; when next was there a conversation in regard to this matter?

A. I didn't say the first conversation was at my house.

Q. The first after the ride?

A. Yes.

Q. That would be the second one at your house; when was the next one?

A. I couldn't tell you, they were pretty frequently.

Q. Where was the next one?

A. Most always he came to my house.

Q. How many times was he at your house talking about it?

A. Several.

Q. How many times will you swear positively he was at your house talking about this matter?

A. He was there more than four times.

Q. Will you put it ten?

A. I don't think it was; it was more than four.

Q. Was anybody present but you at any of these conversations?

A. My wife was there in the house; I don't know whether she ever heard any of the conversation or not.

Q. Barring your wife, anybody else?

A. I couldn't say.

Q. You have no recollections of anybody else ?

A. Well, no.

Q. Will you not swear positive there no one else present ?

A. No, sir.

Q. In what room in your house was it ?

A. In our sitting-room.

Q. Returning to the Loon lake matter, the ride on the road between Saranac and Loon lake; give the conversation had between you and Mr. Garmon; who first spoke to you of this matter of cancelling the 1877 tax sale on lot 24, southeast quarter ?

A. Garmon brought up the subject.

Q. What did he say in bringing up the subject ?

A. I couldn't give you the exact language.

Q. It was spoken about by him ?

A. Said it could be arranged and be no more trouble about it.

Q. What did you reply to that ?

A. I am always ready to arrange any business matter.

Q. Is that what you said ?

A. I don't know as I said that.

Q. Is that the substance ?

A. That is the substance.

Q. What did Garmon reply to that ?

A. I couldn't say.

Q. Can you tell the next that you said in regard to it ?

A. I could not.

Q. Can you give any other statement that you made, or Mr. Garmon made, upon that ride now ?

A. Yes, sir.

Q. When was it, with reference to this first statement; he said he thought it could be arranged, and you said you were always ready to make an arrangement ?

A. We talked over very fully the details and how the arrangement could be made.

Q. I am asking you to give the conversation ?

A. I am trying to get at it.

Q. You are not giving the conversation you are giving your conclusions of it; I want the conversation.

Mr. ADAMS.—If you can't give the exact words give the substance of it.

Mr. ANIBAL.—I submit you are not examining, Mr. Adams.

Chairman RYAN.—If he can't state the exact words he can state the purport of it.

Q. I would like to have him state it; what next was said after this; first he said it could be arranged and you said you were always ready to make an arrangement; what was next said that you can remember now?

A. The next on that trip was the fifteenth township; that was talked over very fully, and outlines of the scheme, how it was to be carried out.

Q. In this conversation both the twenty-fourth and fifteenth townships were talked over; both townships?

A. Yes, sir.

Q. You can't give the words that were used by Garmon?

A. No, sir.

Q. Can you give the words you used?

A. No, sir.

Q. Then anything of this conversation that you have spoken here, you are unable to give any of the words given by Mr. Garmon?

A. I can't give you the identical language, I can give it to you in substance.

Q. You can give as you recollect the substance?

A. I can give you the body of it, the substance.

Q. As you understood it?

A. As it was.

Q. You will have to give it as you understood it; passing from this conversation which you have spoken about up there and which you said you could only give the substance of it, the conversation next at the house, who broached the subject there?

A. I suppose that is what he came there for, he came from letters he wrote me, that he would be over in a few days.

Q. Have you got those letters here?

A. No, I haven't got them here, I have got them and the messages.

Q. All of the messages?

A. I won't say all of them.

Q. Will you produce them?

A. Yes, sir.

Q. You have none of them here?

A. No, sir.

Q. How soon can you send them to us here or send them to the secretary of this committee?

A. I will have to look through my file, in the course of two days.

Q. Can you send them here so they can get here by Tuesday noon?

A. No, sir.

Q. You didn't bring them with you at all?

A. I did not, I meant to have brought them but I didn't have time; I came right direct from the woods.

Q. You were subpoenaed here, how long ago first?

A. Two or three weeks ago, I couldn't tell when.

Q. Been in attendance twice before this?

A. Yes, sir.

Q. Staid three days at one time, two or three days each time?

A. Not on this occasion.

Q. On either of the occasions you were here prior to this time?

A. I guess I went to New York on one occasion.

Q. Was here two or three days?

A. I came here and staid, I guess, part of two days.

Q. Upon each occasion?

A. I think so.

Q. Can you give any of the words used by Mr. Garmon at this first conversation at your house; I am calling for the precise words and conversation?

A. I don't know as I could.

Q. Could you give any of the precise words that you used to him?

A. I don't know as I can.

Q. Can you of either conversation at the house now?

A. It is most too long.

Q. Can you?

A. No, sir.

Q. Can you give any that you used to him; anything of these conversations?

A. Yes; I can.

Q. Do it, please?

A. After I had been down here and saw those Cochranes about this piece of land I told Mr. Garmon, and from the talk I had with Mr. Sanger in the Comptroller's office in relation to it; we thought that it would be practically impossible to redeem that as we would have to show occupancy to each lot.

Q. That is what you told him?

A. That is what I told Mr. Garmon.

Q. What reply did he make, if any, to that?

A. He seemed to think—

Q. (Interrupting). What reply did he make, not what he seemed to think; did he make any reply that you can remember?

A. Yes; we talked about the allotment; he didn't know whether it could be done as long as the quarter had never been surveyed into

lots but barely allotted on the map but what one occupancy would carry the whole quarter.

Q. And that is all that you can remember in regard to that?

A. That was talked over pretty thoroughly.

Q. Did you file any application to redeem that lot; this is lot 15 now?

A. I did not; no, sir.

Q. Did you with reference to the southwest corner of 24; file any applications to redeem that?

A. No, sir: I have got them to file.

Q. You got some affidavits?

A. Yes.

Q. Who did you get to make an affidavit with reference to the northeast quarter, township 15; who made an affidavit in relation to that?

A. Nobody, I think.

Q. There was no affidavit secured in reference to redeeming that from the tax title, the southwest quarter of 24, who did you get to make an affidavit in that case with reference to occupancy?

A. Four or five of them.

Q. Name them?

A. I decline to name them; I will produce the papers.

Q. I ask you to name the persons?

A. The papers are the best evidence; I would like people here to see how they are.

Q. Give us the names of the persons that you got to make affidavit preparatory to redeeming the southwest quarter of township 24?

A. I decline to do it.

Q. We will pass on from that; you have spoken of this one action from the southeast quarter of township 24 that was commenced by the forest commission, now what other action had the forest commission commenced against you?

Chairman RYAN.—If we leave here at all this afternoon we want to leave the building as early as 2 o'clock; it is now about a quarter past 1.

Mr. ANIBAL.—I think possibly we will get through in fifteen minutes.

Q. An action was brought against you by the forest commission for what lot; trespass upon what lot in addition to the southwest quarter of township 24?

A. When?

Q. Since 1886, first of January?

Mr. ADAMS.—I don't see how that is material; I don't see what it has got to do with this action; suppose they had sued him a thousand times, what of it. What we have called him here for is to detail conversation and a transaction with Mr. Garmon, that is all.

Mr. ANIBAL.—That is true, and at the same time you claim that Mr. Garmon has made statements which we shall utterly deny.

Mr. ADAMS.—That is another thing, but to go into a long, rambling examination of forty law suits and forty other transactions has no bearing upon this question under the resolution, or this matter of cross-examination, or explanation of the testimony the witness has given; my view about it it is wholly immaterial.

Chairman RYAN.—My experience is they will get along quicker if you give them their own way; I have tried to expedite matters, but with very unfortunate results heretofore.

Mr. ANIBAL.—He is having reference to you, Mr. Adams.

Mr. ADAMS.—I will take it all good naturedly.

Chairman RYAN.—I take it you will get through as expeditiously as possible.

Q. We will leave a good many that we will not call up; what other actions has been commenced against you besides these with reference to township 24, southeast quarter; have there been any other actions commenced against you?

A. I don't recall any.

Q. Wasn't there one in reference to lot 219?

A. Yes.

Q. That was brought before a jury?

A. Yes, sir.

Q. Judgment rendered?

A. Yes, sir.

Q. Against you?

A. Yes, sir.

Q. And from that you took an appeal?

A. Yes.

Q. Went to the Court of Appeals?

A. Yes.

Q. Judgment sustained against you?

A. Yes, sir; and I paid it.

Q. You have paid the judgment since that time?

A. Yes, sir.

Q. In that action, as a matter of fact, Albert Turner was a witness?

A. Yes, sir.

Q. What relation is he to you?

A. Uncle.

Q. And he assisted the State in the prosecution of that action?

A. I suppose he did, sir.

Q. There was another action commenced against you, wasn't there, with reference to lots 213 and 214?

A. Yes, sir.

Q. That action was at issue some time?

A. Yes, sir.

Q. Was it afterwards discontinued?

A. Yes.

Q. There wasn't any payment of any money?

A. Yes; a check.

Q. What was the amount of the check given?

A. I couldn't tell you.

Q. Who was the check given to?

A. To either Garmon or Judge Kellogg, in the Foquet House, Plattsburgh.

Q. How much was it?

A. Fifty or seventy-five dollars.

Q. And then upon the payment of that it was discontinued without costs to either party, wasn't it?

A. I think so, since the State has cancelled the title.

Q. I didn't ask you about that.

A. I volunteer it.

Q. That action had been at issue how long at this time?

A. Short time.

Q. Been upon the calendar twice?

A. I couldn't say as to that.

Q. It had been once?

A. I couldn't say.

Q. Witnesses had been subpoenaed for trial in that action?

A. I couldn't say.

Q. Had they been on your part?

A. I couldn't say.

Q. Who had charge of it for you?

A. I couldn't say that; I should think Beckwith, Barnard & Wheeler; they were our attorneys.

Q. There was another action commenced against you by the forest commission, wasn't there, with reference to some bonded lots?

A. I had an assignment —

Q. (Interrupting.) I repudiate.

A. There was an action commenced; I owned the lots, and they claimed on the bonds \$500 or \$600 due on them.

Q. They replevied the logs?

A. No; I had to come down to the Comptroller's office and pay \$500 or \$600 on the bonds, and the Comptroller's office cancelled them.

Q. That action was instituted as you understood by the forest commission?

A. I suppose so.

Q. The result of that was you came down to the Comptroller's office and paid up the bond, which amounted to \$500 or \$600?

A. Something like that; might have been more.

Q. After paying up that the action was discontinued?

A. I don't know what became of it; I don't know as they could commence an action against a man for taking timber off his own land; I don't know what they done with it.

Q. What other action was commenced against you besides that one?

A. I couldn't say.

Q. Was there a complaint made against you for trespassing upon State lots to the grand jury of the county?

A. Yes, sir.

Q. An indictment was secured?

A. Yes, sir.

Q. You were arraigned upon the indictment?

A. I don't know whether I was or not.

Q. You gave bail?

A. No, sir; I don't think I did; I don't think it required it.

Q. When was that?

A. I couldn't say when it was.

Q. You understood your uncle, Albert Turner, was instrumental in securing the evidence for the district attorney in the matter?

A. I don't remember.

Q. It was at a time he was working for the State?

A. I think he was; I don't know; I couldn't say.

Q. This is the same Albert Turner which you have spoken of that you referred to this forenoon?

A. Yes, sir; I suppose so; there is only one Albert Turner.

Q. He is your uncle?

A. They had me indicted for cutting timber off of lands they didn't own; there is a letter from the Comptroller's office stating the facts.

Q. You spoke about a settlement that was had with reference to Wales Parsons for trespass; when was that settled?

A. What do you want, the one that the State agent didn't return all the money he got; here is one April 4, 1885?

Q. That was settled for how much?

A. The Comptroller's books show down here they only got fifty-seven dollars and fifty cents; I think they got \$150; that looks like it. [Referring to a check.]

Q. Let us see the other letter you have there?

A. I have a lot more of them up home.

Q. This is dated December 22, 1884.

A. Yes; that was returned to the Comptroller's office; that is all right.

Q. This is simply a reference to the trespasses, this letter?

A. Read it and see.

Q. We will read this letter:

"Sold Fred W. Chase what saw logs there is upon the southwest quarter of lot 182, township 9, Old Military tract, Franklin county, that have been cut by Benton Turner, being one lot of about fifty-five pieces, and what timber he has used to build a shanty, at and for the sum of twenty dollars.

"VAN BUREN MILLER,

"Agent for State lands in Franklin County."

The WITNESS.—The State has no title whatever to it.

Q. We repudiate that and don't want it taken upon the minutes, Mr. Chairman.

The WITNESS.—I will furnish evidence it is right.

Q. Having this man continually volunteering, I shall ask he only answer the questions by yes or no.

A. I will give it to you certified from the Comptroller's office.

Q. This check, where did you get this from?

A. I gave that to Wales Parsons.

Q. And brought it here with you when you came last night.

A. Yes, sir.

Q. This is payable to Wales Parsons?

A. Yes, sir.

Q. One hundred and fifty dollars?

A. Yes, sir.

Q. That is all there is of that?

A. Yes.

Q. (Mr. Adams) Was it paid through your bank?

A. Yes.

Q. The date of this check is May 4, 1885, did you give that check, I

want an answer, yes or no, did you give that check for the timber mentioned in this letter ?

A. Why, no, of course not, Mr. Chase paid that.

Q. Did you give that check for trespasses upon any lot ?

A. Yes, sir.

Q. What lot ?

A. Supposed to be lot 7 and 30, township 9, Old Military tract.

Q. It was in pursuance of an agreement between you and who ?

A. Wales Parsons, and Van Buren Miller, State agent.

Q. Gave it the date, it bears date ?

A. I suppose so.

Q. May 4, 1885, it is indorsed by B. D. Clapp, cashier, and then endorsed by Wales Parsons ?

A. Yes.

Q. Was that the trespass you spoke about this forenoon as settled in 1885 ?

A. I don't know.

Q. What quantity of logs did you say that this check settled for, what number and amount of logs ?

A. I don't know.

Q. It settled for the trespasses upon what lots ?

A. I suppose 7 and 30.

Q. Can you give any estimate to this committee as to the quantity of logs there were cut, standard logs, upon these two lots for which this was given in settlement ?

A. I could not to-day.

Q. About how many ?

A. I couldn't say.

Q. Can't estimate it ?

A. No, I might within two or three hundred standard; it might be two or three hundred standard and might be more; I have an exact measurement of it at home, but the State don't own those lots.

Q. We didn't ask that now, the next is lot 182, township 9, that was settled by you, was it ?

A. Mr. Chase settled that.

Q. When was it settled ?

A. That receipt shows.

Q. This is the receipt for it ?

A. Yes, sir; the receipt recites what it was for.

Q. This is the receipt here and we ask to put that evidence, and also this check ?

"Loon Lake post-office, Franklin county, N. Y., December 22, 1884. Sold Ferd. W. Chase what saw logs there is upon the S. W. one-half of lot 182 township 9 O. M. T. Franklin county, that have been cut by Benton Turner, being one lot of about 55 pieces and what timber he has used to build a shanty at and for the sum of \$20.

VAN BUREN MILLER,
Agent for State Lands in Franklin County.

The following is a copy of the check:

PLATTSBURGH, N. Y., May 4, 1885.

The Merchant's National Exchange Bank, of Plattsburgh:

Pay to the order of Wales Parsons one hundred and fifty dollars (\$150)

B. TURNER.

[Indorsed,] : Pay B. B. Clapp, cashier or order, Wales Parson. Received payment, First National Bank, Plattsburgh, N. Y.

Q. Tobey and Boyce, do you know anything about that settlement?

A. I know what Mr. Garmon told me, he told me Van Buren Miller had been collecting money of Tobey and Boyce, that he hadn't reported to the forest commission, for trespasses.

Q. That was one he told you he hadn't reported?

A. Yes, sir; and Grimes and O'Neil; Mr. Garmon told me that.

Q. Did he tell you the time when the settlements were made?

A. I think he did.

Q. Following the next one; you don't know anything about these settlements, or when they were made, except what Mr. Garmon told you?

A. Not Tobey and Boyce, or Grimes and O'Neil, it was under Van Buren Miller.

Q. And that is all you know about it?

A. That is all I know.

Q. The Stickney, do you know anything about that?

A. Only what the receipt shows.

Q. Is that the receipt you introduced this forenoon; from whom did you get this receipt?

A. Albert Stickney.

Q. You produced it here upon this examination?

A. Yes, sir.

Q. This is dated January 2, 1886, is it not?

A. Yes, sir.

Q. And signed Van Buren Miller?

A. Yes, sir.

Q. Agent for State lands in Franklin county?

A. Yes, sir.

Q. The receipt is all you know about that, isn't it?

A. Hardly.

Q. Do you know when the logs were cut?

A. Yes, sir.

Q. And by whom they were cut?

A. No.

Q. When were they cut?

A. They were cut the same winter that purports to be, that fall.

Q. You said you didn't know who cut them?

A. I did know at the time, but I have forgot; we had two lumber shanties in there close together.

Q. You said you had a lumber shanty, where was that lumber shanty?

A. I didn't mean to be understood we had a lumber shanty in there, I meant to be understood I bought logs that came from that vicinity.

Q. The man that was doing the job in there had a shanty?

A. I couldn't say as to that; I think he did.

Q. Do you know where that shanty was located?

A. I do not.

Q. Do you know anything about the Hartwell matter?

A. Which one do you mean?

Q. Where you claimed he settled for some fifteen cents a standard; do you know anything about Hartwell settling for any trespasses upon State lands?

A. Only what Mr. Garmon told me.

Q. Do you know any thing about it outside of what Mr. Garmon told you?

A. I know he cut the timber.

Q. Give us the lot?

A. Township 18, McComb Purchase, 10, 20, 30 and 40 on those lots.

Q. Do you know who he settled with personally, of your own knowledge?

A. No, sir.

Q. Do you know what quantity of logs he settled for?

A. I know he cut more than 10,000 standard, 50,000 or 60,000 logs.

Q. Do you know who he settled with?

A. I understood.

Q. Did you know?

A. I understood from Mr. Garmon; he settled it.

Q. Do you know who he settled with?

A. I didn't see the settlement.

Q. All you know about that is what you get from Mr. Garmon?

A. Yes, sir.

Q. Have no positive knowledge outside of that?

A. No, sir.

Q. And all you get about the price for which they were settled you get from Mr. Garmon?

A. From Mr. Garmon.

Q. Who was with Hartwell in that matter?

A. Putnam was a workman for Hartwell.

Q. When you speak of Hartwell and Putnam you are referring to this same matter?

A. No; I am not.

Q. Was there any other Hartwell matter besides this one?

A. Yes, two of them there; three of them.

Q. What is there about them?

A. Those lots 10, 20, 30 and 40 was lumbered by Levi Noble and Albert S. Skiff; that is where they settled for fifteen cents a standard and took some 8,000 or 10,000 standard logs off that were worth fifty cents a standard on the stump; that is the one we have spoken about; this other one is in township 11, Old Military tract that has not, I understand, been settled for.

Q. You made the complaint for that?

A. I made the complaint for that.

Q. When did you make the complaint?

A. I saw Mr. Garmon and told him personally of it, early last summer.

Q. You made the complaint in writing?

A. I think there was a complaint made in writing to the forest commission.

Q. When was the date of that complaint?

A. I couldn't tell you without being at home, you have it here in your office.

Q. Do you know whether it has been examined or not?

A. I do not.

Q. Will you swear it has not been?

A. I will tell you what I can swear to.

Q. Give us what you can swear to?

A. This man Putnam has been in my employ ever since the first of last June, and he has not been out of the woods until he came out very recently, but one time, and within a day or two, I understand; at

the time he came out for three or four days; he came out to meet their agent and went up and looked over this trespass; but I don't know it was so.

Q. Did you know what agent investigated this matter, or forester?

A. I do not, I think it has never been investigated.

Q. Your understanding is it has never been investigated?

A. Yes.

Q. That is what you stated this forenoon?

A. I think so.

Q. Turning back to one trespass, this trespass that you say you understood Mr. Garmon settled with Hartwells at fifteen cents a standard for this quantity of logs; when was the trespass or cutting done?

A. I couldn't tell you.

Q. About when was it?

A. I couldn't tell you.

Q. When was the settlement made, as you understand it?

A. I couldn't tell you, 1885; 1886, I guess.

Q. You think the settlement was made in 1885 or 1886?

A. I couldn't say just when it was.

Q. All you know about it is what Mr. Garmon told you?

A. I think I lumbered lot 15 in 1885, I think the next winter Mr. Hartwell lumbered those other four lots; that is my recollection, I may be wrong in the year.

Q. You spoke about a survey that was made by Albert Turner, the uncle of yours.

A. No; it was made by —

Q. (Interrupting.) For his benefit?

A. I suppose so.

Q. What State lots did they survey, or the lines of any State lots?

A. They didn't run on any line, not the division line of two townships, they ran about eighty rods too far west.

Q. But where they intended to run or attempted to run was the State lands in that vicinity?

A. Yes.

Q. And if they had run the line correctly between the respective lots either one of the sides would have been State lands, would it not?

A. The State owned in the northwest quarter of township 18, three or four lots on that line.

Q. This survey was made in 1883 or 1884?

A. No, I think it was made in 1885.

Q. Didn't you swear this forenoon it was made in 1883 or 1884?

A. I didn't know but it was, but since I was there to the Comptroller's office and seen the report of Dan Stanton and Van Buren Miller, I think it was 1884 or 1885; it was the time Mosley Drake lumbered in there, his contract will show what year he done it in.

Q. Referring to one other question as we want to expedite matters?

Chairman RYAN.—Perhaps we will continue the investigation longer, permit you to cross-examine longer than we thought at first; I don't want you to say after you are through some material evidence wasn't brought out.

Mr. ANIBAL.—We shaped the examination in order to get through with this witness.

Chairman RYAN.—If it is absolutely necessary we could get down on the 5 o'clock train; we don't want to bring Mr. Turner back again; I find he lives a long ways from the capitol.

Q. In speaking about this indictment got against you, this was an indictment for grand larceny by the grand jury of your own county, wasn't it?

A. I didn't know it.

Q. In Franklin county?

A. I understood I was indicted up there for taking timber off of lot 255.

Q. You understood the indictment to be for grand larceny?

A. I didn't know what it was for; I told my men to lumber lot 255; the State didn't have any claim or title to it whatever, only a little tax due on it and we can bear our statement.

Mr. ADAMS.—They lumbered and afterwards you were indicted for it?

A. Yes, sir; that is right.

Mr. CAMERON.—Anything done with the indictment?

A. I don't know what was done with it.

Q. You have had quite a number of litigations in your life-time?

A. With this kind of fellows I have.

Q. How many suits have you had in your life-time?

A. Never with a good, decent, respectable man.

Q. That is your characterization of it?

A. Yes, sir.

Q. Then it has been your misfortune to have several suits with those that you claim were disrespectful?

A. Yes, in this case.

Q. You have been a witness a great number of times?

A. No, sir; several times.

Q. A dozen or fifteen?

A. I don't think so.

Q. Half a dozen?

A. Yes, as many as that.

Q. Certainly as many as that?

A. Yes, sir.

Q. And have testified in each of the cases in which you have been a party, haven't you?

A. I presume so.

Q. There isn't any doubt about?

A. I don't think so.

Mr. FIERO.—Mr. Chairman, a suggestion with reference to going on; there are two or three witnesses we would want to put on briefly to contradict statements made by this man and if it were possible for the committee to sit for an hour I think we could conclude that and be able to say that we are substantially through.

Chairman RYAN.—Are you through with Mr. Turner now?

Mr. FIERO.—Yes.

By Mr. DAVIE:

Q. How many actions of trespass or claims for trespass on these lands have been preferred against you by the commissioners or their representatives?

A. I couldn't say.

Q. About how many?

A. I couldn't say; I wish to make a straight explanation of this.

Q. Ten, fifteen or a hundred?

A. Oh, the devil, no; seven or eight may be.

Q. How many actions have been brought by the same parties, by the commissioners or their representative?

A. I couldn't say, I think in every case they brought action.

Q. Against you?

A. That is what I mean.

Q. Ten or fifteen or a hundred?

A. Six or seven may be, might be more.

By Mr. ANIBAL:

Q. For the last three years there have been no actions brought against you, have there within three years last past?

A. By the forest commission?

Q. Yes.

A. I don't think so; four years, I don't think so.

Chairman RYAN.—There have been suits pending during that time?

A. Yes.

Q. During the last three years has there been any complaints made against you for trespass?

A. I don't know.

Q. Have you been a trespassing, as a matter of fact, in the last three or four years any upon the State lands?

A. No, sir.

By Mr. DAVIE:

Q. What are your feelings with reference to this commission, are you on good, amicable terms?

A. I supposed I was.

Q. Notwithstanding they were preferring complaints?

A. There have been no complaints that I know of the last three or four years.

Q. I mean back of that, since the organization of the present commission, are you on friendly terms with them, or have you a feeling here?

A. I have no feeling against them or for them either way, I don't care anything about them.

Mr. FIERO.—We want to offer in that connection pages 294, 295, 297 and 299 of the complaint book, from the office of the commission, showing complaints against Benton Turner for trespasses, and the record of actions brought against them.

BENTON TURNER.—294.

Van Buren Miller, State agent of the Comptroller, reports that Benton Turner has cut logs on lot 219, township 10, Old Military tract. The logs are on the outlet of Loon lake, with a large quantity of logs belonging to Turner, and D. H. & W. Parsons. Can not be identified.

January 24, 1887.—Action commences against Turner for trespass on lots 219, 221, 222, township 10, O. M. T. Hon. Peter S. Palmer, attorney, Plattsburgh.

This cut is estimated from 1,000 to 2,000 standards; think not less than 1,500.

March 19, 1887.—Judgment rendered for fifty penalties. \$1,453.00 received January 3, 1890.

Lot 147, township 9, O. M. T. Franklin Miller says Turner's jobbers have cut most of the timber on this lot, which he claims. Part of the logs are on the skids on the lot, and balance in north branch of Saranac river with other logs.

April 15, 1886.—S. F. Garmon reports that Turner has cut on lots 147, 214, 246, 283, 176, 177, 184, township 9, Old Military tract.

January, 1887.—Trespass on lots 213, 214, township 9, O. M. T. People vs. Benton Turner. Answer, general denial.

Noticed for trial at March (1887) Circuit Court, Franklin county. Hon. Peter S. Palmer, attorney for commission. Case dropped.

BENTON TURNER.—295.

August 29, 1887.—Inspector Carpenter reports: Lot 7, township 12, Old Military tract, town of North Elba, Essex county, four spruce trees, four pieces, cut in winter of 1886-7. Logs went to Benton Turner.

August 30, 1887.—Southeast one-fourth township 24, great tract 1, Macomb's purchase, town of Harriettstown, Franklin county. 2,700 trees; spruce, pine and cedar; these logs were cut by Leavitt's workmen while on one of Turner's jobs; the logs were drawn to Cold brook and driven to Saranac river; Leavitt's job was on this south side of Ragged mountain, and in the valley of the east branch of Cold brook.

September 1, 1887.—William Frenyna's workmen cut fifty-four spruce trees on the west side of Cold brook and adjacent to the south line of the southeast one-quarter township 24; these logs were cut in the winter of 1886-7, and were drawn to Cold brook; also one large spruce tree, 24 "stump 11" top; four logs cut during August, 1887.

September 4, 1887.—Johnson's workmen cut 2,709 spruce trees in winter 1886-7 on the east side of Cold brook; on the north side of Ragged mountain, and along Little Cold brook; the logs were drawn out to Cold brook and floated to Saranac river; State has no title to lots.

Received of S. F. Garmon, six dollars and forty cents for 140 pieces spruce cut by M. V. B. Turner, on lot 214, township 10, O. M. T.

BENTON TURNER, 297.

September 7, 1887.—Inspector Carpenter reports that Johnson's workmen while on one of Turner's jobs, cut thirty-two spruce trees on lot 12, township 12, Old Military tract, town of North Elba, Essex county.

These logs were cut along Johnson's hauling road from lots 6, 13 and 14, and taken to Cold brook in the winter of 1886-7.

Also, 241 spruce trees on lot 6, township 12, Old Military tract; the logs went to Cold brook in the winter of 1886-7.

Also, seventy-five spruce trees cut by Johnson's men for Turner on lot 14, township 12, Old Military tract; these logs were cut in the winter of 1886-7, and went to Cold brook; the main cutting on this

part of Johnson's job was lot 13, which is owned by Benton Turner; this lot lies in a basin, and had a heavy growth of large spruce; haul-roads ran from the main road in all directions, and the numerous skidways show there was a large quantity of timber.

The cutting on the State lots, 12, 6 and 14, was on the slopes of the sides of the basin along which the south and west line of lot 13 run; there was very little to this cutting beyond the lines of Turner's lots, as the land rises rapidly away from the basin; the hauling was out by way of Little Cold brook, and the job was worked from the lumber camp near the county line and Ampersand road.

BENTON TURNER, 299.

September 7, 1887.—Inspector Carpenter reports that 123 spruce trees were cut on the S. E. one-quarter of township 24, Macomb's purchase, town of Harriettstown, Franklin county, along the north line of the N. E. quarter; the timber was mostly cut long for broom sticks; the sticks were cut along O'Neil's road in the winter of 1886-7, and drawn to Miller's pond, where they were used to boom across the bays of the pond; part came from west of the lake and south of Pine pond, and part of the balance came from the east side of the road opposite Pine pond; the remainder were cut just back from the shores of Miller pond and along the road running down to the pond; also lots 293 and 320, township 9, Old Military tract.

January 13, 1887.—Albert Turner states that he visited these lots in December, 1886, and saw about 3,000 standard logs on the skids on lot 320; these logs were cut from both lots.

Action commenced by Cantwell, Badger & Cantwell.

November 24, 1886.—Frank C. Parker, a forester, reports that Benton Turner had built a dam on township 24, and cut 375 trees to build the dam with; these trees were cut on township 24.

By Mr. ANIBAL:

Q. We will put another question to him, in each of the instances where the State has commenced an action against you for trespass upon lands, these various actions of which you have spoken, seven or eight in number, in each instance after the commencement of the action, or the finding of this indictment against you by the grand jury of Franklin county, did you make application in every instance to the Comptroller's office for a cancellation of the State's claimed title?

A. I think in every case they have been cancelled.

Q. One has not been cancelled?

A. Which one?

Q. The one that is before Judge Hand now; in every instance of these actions after the action was commenced, you have made application to cancel the State title, and have succeeded in every one but one?

A. Yes, sir; there was a law passed in 1885 by the Legislature giving people six months to file with the Comptroller's office applications showing irregularities in assessment-rolls, or a cancellation of sales; for instance, we would find in any of these back towns where the assessors had completed their assessment-rolls prior to the third Tuesday in August; the statute held it was an illegal assessment and where any of these lands were sold for any of these taxes it was an illegal sale and could be cancelled; but after the tenth of December, 1885, that law legalized it and we couldn't go back of it, and these applications were all filled prior to the tenth of December, 1885, and the Comptroller acted upon them and cancelled them in every case in townships 9 and 10.

Q. That was not in reference to the application filed only last year for cancellation upon the ground of occupancy, was it?

A. Was there one made?

Q. I ask that?

A. I ask you.

Q. You said you made an application on last season for a cancellation?

A. Yes, sir.

Q. You have spoken of a law in which applications must be filed before the 10th of December, 1885?

A. Yes, sir.

Q. Haven't you made application since that time for cancellation of tax titles upon the ground of occupancy?

A. No, sir; upon the payment of a highway tax and the proof is furnished to the Comptroller's office.

Q. Haven't you made more than one application since the 10th of December, 1885, for cancellation at the Comptroller's office?

A. Possibly, I don't think so.

Redirect examination:

By Mr. ADAMS:

Q. There were some settlements before 1886, lots 176, 177 and 84, \$150; what explanation is there to that?

A. I settled with the State agent and paid that amount of money and since the sales have been canceled; they have \$150 of my money that don't belong to them.

Q. The tax title or claim of the State on those three lots has been cancelled since you paid the money?

A. Part of lot 7 I don't think has been cancelled.

Q. Lots 30 and 37, I think it is township 9?

A. I don't know anything about 37.

Q. One hundred and eighty-two lot?

A. I understand that has been cancelled.

Q. Eighteenth township settled for \$150, same mistake; was your land?

A. I never cut a stick of timber on State lot; I only cut it on lot 15, Macomb purchase, and I owned it.

Q. And the payment of \$150?

A. I paid \$150 to settle it.

Q. The claim was wrong and you lost your money?

A. Yes.

Q. There was no trespass on that lot as it turned out afterwards?

A. Yes, sir.

Q. You cut on your own land?

A. Yes, sir.

Q. You stated generally, as I understand, that upon all these lots where trespasses had been claimed and where you had arranged with the State authorities, that subsequently the title of the State had been cancelled and came back to you?

A. Had been cancelled, no matter who it went to.

Q. So the State title was extinguished?

A. Yes; I would like to explain to these people the relation of lot 219; the State sued me for taking logs off lot 219, Van Buren Miller was the State agent; Van Buren Miller wrote the Comptroller's office a letter and in about thirty minutes before we went into trial, Van Buren Miller talked with me and my two attorneys what he was going to swear to; a few minutes after the State attorney took him out one side and showed him the letter he wrote the Comptroller's office, and in order to substantiate what he wrote the Comptroller's office, he went on the stand and swore to what was an absolute lie and I can prove it too.

Q. You were indicted?

A. Yes, sir.

Q. For directing men to take timber off certain lots?

A. Yes, sir.

Q. That was lot No. 255, township 9?

A. That is what I understood.

Q. What were the circumstances about their cutting there?

A. It was a resident lot and has been the past twenty years.

Q. How came you to cut the timber?

A. Because they never had served any notice.

Q. Did you have any permission?

A. Yes; I had permission to cut it from the owner.

Q. You made an arrangement with him and had permission to cut it from the owner and cut it in consequence of your contract?

A. Yes, sir.

Q. Since that time has any supposed claim of the State been extinguished?

A. Yes, sir.

Q. [Presenting same.] Is that a letter from the Comptroller's office on the subject of that lot?

A. Yes, sir.

Q. Did you get that from the Comptroller's office this morning?

A. Yes, got it.

ALBANY, N. Y., *March 6, 1891.*

BENTON TURNER, *Plattsburgh, N. Y.:*

DEAR SIR — By the list of State lands on file in this office, the State does not now own lot 253, township 9, Old Military tract, Franklin county.

EDWARD WEMPLE,

Comptroller.

Q. You have an uncle up there, his name is what?

A. Albert Turner.

Q. What kind of a man is Albert Turner; have you got along with him well?

A. I don't have anything to do with him; a good respectable man for all I know; he lives in Malone.

Q. Has he promoted any of the complaints or prosecution against you for alleged trespasses?

A. I suppose he has.

Q. And in regard to this indictment, who promoted that; made the complaint?

A. I don't know anything about it.

Q. Now to come back; the conversation in regard to this deal was first opened while you were riding in a cutter with Garmon up to Loon lake?

A. From Saranac lake we went to Corey's and the whole length of the upper lake.

Q. To the other side you have stated that you could not give the particulars of the conversation, exact words used by you or by Garmon?

A. The order in which it occurred?

Q. But you could give the substance of it?

A. Yes, sir.

Q. That you have recalled?

A. Yes.

Q. Now you may state that substance?

A. Do you mean in relation to the northeast quarter of the fifteenth township?

Q. Yes.

A. We talked over in a general way whether there were any good blocks of land in that vicinity that were available that was owned by the State, and if he could find any that was, if he could show any way by which we could acquire any old title, and show any occupancy, he would recommend it and do all he could do there, him and Basselin, to grant the redemption.

Q. What was to be done with the proceeds, the result of the enterprise?

A. The fifteenth township, the upset price was \$30,000; first the taxes and expenses taken out of it and the balance to be divided between us, and I was to take the land.

Q. In regard to the other; was there another block of land?

A. Southwest quarter, twenty-fourth township.

Q. What was said about that?

A. Substantially the same thing, only it was figured on a basis of \$15,000.

Q. Treated in the same manner?

A. Same way.

Q. You came back from Loon lake and Garmon was at your home some time after?

A. He telegraphed me.

Q. Between the time of your return from Loon lake and Garmon's coming to your house and that interval of time, did you receive letters and telegrams?

A. I did.

Q. Can you state about the number of letters you received and how many telegrams?

A. Several.

Q. Those letters related to what?

A. Related to this transaction.

Q. In any of these letters did he say he would come to your house?

A. Yes; and wired and wrote me.

Q. Another subject was when he would visit you again?

A. Yes.

Q. About the time mentioned in the letters and telegrams did he visit you?

A. He did.

Q. What was the subject of conversation between you and him when he came to your house?

A. Talking over these details in a general way.

Q. These matters were stated over again?

A. Yes.

Q. How many times was he at your house?

A. Four or five times.

Q. Did he, on each of these occasions talk on this subject?

A. Came there substantially on purpose.

Q. And they were talked over?

A. Yes, sir.

Q. After the first visit did you make efforts to acquire the old titles of the two tracts?

A. Yes, sir; I did.

Q. You went below Albany to see the Cochranes?

A. Yes.

Q. And went to New York to see the other parties?

A. I did; Mr. Sanger knows of my being in the office and helped me examine that quarter.

Q. Did Garmon say in regard to the half he was to receive on the division; what was to be done with that; what he was to do with his half?

A. I don't know what he was to do with his half.

Q. Did he say anything on that subject?

A. Only him and Basselin, as I understood from him, had some kind of a deal.

Q. Basselin's name was mentioned in connection with this division?

A. Yes, sir.

Q. In regard to the settlement of this suit, where was that conversation; this suit that is still pending?

A. Three or four conversations on that subject.

Q. Where was the first one that you call to mind?

A. Saranac lake, I guess, about the time the suit was coming.

Q. What, in substance, did he say about settling the suits?

A. Said it could be fixed up in that way.

Q. In what way, did he state?

A. Figuring it on that basis of \$15,000, paying up the taxes and so on, and paying over to him the balance.

Q. Was Basselin's name mentioned in connection with the half he was to receive?

A. He said he could fix it with Basselin, whatever was to be done; there was an application pending before the Comptroller's office at the time asking for redemption on the ground of occupancy and that he could fix that; they would advise the Comptroller's office to grant the redemption.

Q. This check and letter that was put in, what was that \$150 check given for; to whom was it given?

A. Given to Wales Parsons.

Q. For what?

A. My recollections are it was the settlement of the timber taken from lot thirty and seven.

Q. That check came back to you through the bank paid?

A. Yes; sir.

Q. The trespass on that lot was in fact settled for how much?

A. The office down here shows \$57.50, that is the way Mr. Sanger gave it to me.

By Mr. CAMERON:

Q. Where did the balance go to?

A. I don't know anything about it.

Q. In whose hands did the money go to?

A. I suppose it went in the hands of Van Buren Miller.

Q. Was he State agent then?

A. Yes.

Q. Who is Wales Parsons?

A. A lumberman at Plattsburgh.

Q. He made the settlement with Miller?

A. Yes.

Q. You paid Parsons?

A. Yes, I understand Miller sold the timber to Parsons and Parsons turned it over to me and I suppose we exchanged checks.

By Mr. ADAMS:

Q. It is the same man who wrote to the Comptroller's office?

A. Yes, Van Buren Miller.

Q. An extract of whose letter they inclosed to the forest commission?

A. Yes.

MR. CAMERON.—Does the Comptroller's office show Miller turned over this money, fifty-seven dollars and fifty cents?

A. Yes.

Mr. ADAMS.—Settled with the minor State authorities and paid \$150 and it was returned to the forest commission office fifty-seven dollars and fifty cents.

Mr. FIERO.—Not to the forest commission office.

Mr. ANIBAL.—They have been settling all around here before it was turned over to us. It was prior to the organizing of this forest commission.

Mr. ADAMS.—Take it all back, went to the Comptroller's office. The point is, this man Miller, the State agent who received \$150 of State money, turns in only fifty-seven dollars fifty cents, and he is the same fellow that is maligning Mr. Turner, and the libelous letter is sent from the Comptroller's office to the forest commission, this is read here to affect Mr. Turner's credit.

Mr. CAMERON.—What is the date of your check?

A. Fourth of May, 1885.

Mr. DAVIE.—What date is on the Comptroller's book?

A. Fourth of April, 1885, he paid to the Comptroller fifty-seven dollars and fifty cents for the trespass of lots 7 and 30, and my check appears to be dated 4th of May, 1885.

Mr. DAVIE.—The money was paid to the Comptroller's office before the check was given?

A. The transaction could have been made; for instance, I done the trespassing, or my chopper, whoever he was; Mr. Miller, State agent, went up there and sees these logs the 4th of April, 1885, and sold them to Mr. Parsons for fifty-seven dollars and fifty cents, or sold them to him and got \$150, and returns to the Comptroller's office the 4th of April, 1885, fifty-seven dollars and fifty cents; on the fourth of May Parsons transfers them to me and I give him my check for \$150.

Mr. FIERO.—Then that check didn't mean anything but a deal between you and Parsons?

A. Parsons paid Miller \$150.

Mr. ANIBAL.—Where is the evidence he paid him?

A. You can get Mr. Parsons here.

Mr. CAMERON.—That was before the organization of the forest commission?

A. Yes.

Mr. ADAMS.—Attempt is made to affect the credibility of Mr. Turner by reason of a letter of this man Miller, and he was State agent under the forest commission.

Mr. ANIBAL.—When?

Mr. ADAMS.—Same time.

Mr. ANIBAL.—If you will trot up the proof he was State agent under the forest commission; let us have that first, and the length of time he was in.

Mr. ADAMS.—The forest commission bring the libelous letter.

Mr. ANIBAL.—We gave you what the Comptroller's office turned over to us.

Mr. ADAMS.—The forest commission introduce an extract from Miller's letter to affect the credibility of Mr. Turner. They introduce it second-hand hearsay; we show this man, Miller, some time was agent for the State, whether before or after the forest commission don't make any difference; and we show Miller acting officially, settling a trespass and taking \$150 from persons, and he transmitted to the Comptroller's office fifty-seven dollars and fifty cents, and that is what Parsons paid.

Mr. ANIBAL.—We would like evidence of that.

Mr. ADAMS.—Mr. Turner has testified to that.

Mr. ANIBAL.—I don't understand he has.

Mr. ADAMS.—Don't interrupt; it is neither gentlemanly or lawyer-like.

Mr. ANIBAL.—When you make statements the evidence does not bear out, I must interrupt.

Mr. ADAMS.—Don't get excited.

Mr. ANIBAL.—We are not excited, but we don't like to have you make statements the evidence does not warrant.

Mr. ADAMS.—Turner testifies Parsons paid this official \$150, showing that fifty-seven dollars and fifty cents came to the Comptroller office. Mr. Turner took the logs from Parsons a month afterwards and paid Parsons just what he had paid this official, \$150, so that Parsons was indemnified in the settlement with this man. The point is, this man stole the difference between \$150 and fifty-seven dollars and they bring in his letter to affect the credibility of Mr. Turner here.

Mr. CAMERON.—This letter is designated to show the feeling between Turner and Miller.

Mr. ADAMS.—To discredit him with this committee.

Mr. FIERO.—The same sort of a man it has been proved Turner was.

The WITNESS.—I made the statement here this morning in reference to Mr. Cox. There is a certified search from the Comptroller's office, and here is one from the Essex county clerk's office, and I would like to have you gentlemen read them and compare them with his statement to the Governor, and see if he hasn't stretched it a little.

By Mr. ANIBAL:

Q. We want to ask a question or two more; you spoke about that you had paid either Mr. Garmon or Mr. Kellogg some fifty odd dollars as the terms of a settlement of a suit which was discontinued upon the record without costs to either party?

A. There was some money paid to Mr. Kellogg to discontinue a suit.

Q. It was paid to Mr. Kellogg?

A. Kellogg and Garmon were together in the Foquet House; who the check was made payable to, I couldn't say.

Q. When was the date of that payment?

A. I couldn't tell you.

Q. Mr. Kellogg was the attorney for Mr. Garmon in that matter?

A. Attorney for the State.

Q. Garmon was acting for the State?

A. I suppose so.

Q. A check was given in the presence of both Mr. Kellogg and Mr. Garmon?

A. That is my recollection.

Q. When was that settlement of that suit with reference to this conversation that you say you had with Garmon between Saranac and Loon lake?

A. I couldn't say.

Q. Was it before or after?

A. I couldn't say.

Q. When was it with reference to the conversation that you say you had with Mr. Garmon at your house?

A. I couldn't say.

Q. Whether it was before or after?

A. I couldn't say.

Q. Isn't it a matter of fact that it was one year after you and he had that ride up between Saranac and Loon lake?

A. I couldn't say; I wouldn't swear without getting my check.

Q. What is your best recollection as to whether it was a year after or not?

A. I couldn't say.

Q. Have you any recollection on the subject?

A. Yes, sir.

Q. Then what is your recollection as to being after or before that?

A. I haven't any recollection as to that.

Q. Did you send a letter of this sort to the forest commission?

GENTLEMEN.—I will sell you all my right, title and interest subject to taxes to the southeast quarter of township 24, of Macomb's Purchase, Great Tract 1, on conditions you will allow me to cut and remove all the spruce, cedar, pine, balsam and Hemlock on said lands and discontinue the suit now pending between B. Turner and the State of New York, each party paying his own costs, if accepted within ten days.

Yours.

B. TURNER.

Did you send such a communication as that to the forest commission?

A. I should think I did.

Q. Can you remember the date when you sent it?

A. I could not; it is dated April 4, 1890; I will do that now.

Q. And discontinue the suit now pending between Ben Turner and the State of New York, each party paying its own costs?

A. I will do that now.

Q. Is that the letter you sent them?

A. I presume likely; I wouldn't say.

Q. With reference to what suit?

A. I suppose the one pending.

Q. Before Judge Hand?

A. I suppose so.

Q. You so understand it?

A. I suppose so.

By Mr. CAMERON:

Q. You were indicted, you say, for taking timber off a certain lot in Franklin county?

A. I suppose that was it.

Q. Were you ever arrested on that indictment?

A. I think one time at Malone the sheriff told me he had an indictment against me and I think we went over to the court-house, and I don't know what was done, whether bonds were given—

Q. (Interrupting.) Who represented you there?

A. I think George Henry Beckwith.

Q. Has that indictment ever been pressed?

A. No; I have asked the district attorney two or three times to dispose of it.

Q. You don't know whether it has been quashed or not?

A. I don't know what has been done with it.

Q. That was for lumbering lot 235?

A. That is what I understood.

Q. The State has no title to that land?

A. They claimed to have.

Mr. BROWN.—Mr. Chairman, I move we adjourn to Tuesday night at half-past 7.

Chairman RYAN.—Are you through with Mr. Turner?

Mr. ADAMS.—Yes.

Mr. FIERO.—Yes.

Chairman RYAN.—We understood you to say you had some more witnesses.

Mr. ANIBAL.—Yes, we had quite a number of witnesses we would like to call in reference to this matter, you can readily see.

Mr. CAMERON.—We can't finish up to-day.

Mr. FIERO.—I don't think this last examination of Turner, that is since the redirect, it don't seem to me we can finish to-day; we shall perhaps want some people from a distance.

Chairman RYAN.—Mr. Turner, anything you want to explain in the testimony you have given?

A. I can go down to the Comptroller's office and have them give me a search.

Mr. ANIBAL.—We would ask that Mr. Turner mail to the chairman of this committee the letters of Mr. Garmon, so that we may have them here Tuesday afternoon, and the telegrams.

The WITNESS.—I can not do it because I have business engagements that will take up more time than I have got the next few days. I am not going home.

Q. (Mr. ANIBAL.) We want those letters?

A. You will have them just as quick as I can get home.

Q. (Chairman RYAN.) How soon?

A. I think by the middle of the week.

Mr. ANIBAL.—We want the letters before we go on with our testimony. They have put a characterization upon those letters that it is important for Mr. Garmon to see those letters.

A. I should think it was.

Chairman RYAN.—This investigation must be brought to a close in a couple of more meetings. I have a witness who will be here Tuesday evening and comes at a great deal of sacrifice to his convenience, and he must be heard.

Mr. FIERO.—Our situation in regard to it is this: I had supposed, up to half an hour ago, we might go on this afternoon to some advantage. I think we can go on Tuesday evening and close everything if it was not for these letters, but the fact these letters and messages are not

here and not to be here will prevent us from putting Mr. Garmon on and completing his examination.

Chairman RYAN.— Put the letters on afterward.

Mr. FIERO.— Mr. Garmon should be examined in regard to those letters. We can close everything except Mr. Garmon.

Chairman RYAN.— We don't expect to stay here and have you bring a cloud of witnesses and commence the investigation again.

Mr. FIERO.— You will expect us to bring as many here as to meet the allegations of this man, I take it. We don't want to go into anything new, but there have been certain charges made by this man and we want to meet those, and as to that we simply want an opportunity on Tuesday evening to do it.

Chairman RYAN.— How soon will it be possible for you to get those letters here?

Mr. TURNER.— I expect to go to New York to-night and I may possibly get home Sunday morning or Monday morning; if I go home Monday morning I have only about twenty minutes to change trains and go to Potsdam; if I could stay and go up Monday night I will send them so you will get them Tuesday morning; it will take some little time; they are all done up in my letter files.

Chairman RYAN.— They will be here Wednesday evening?

Mr. TURNER.— If I don't have time Monday to do it you couldn't get them before the last of the week.

Mr. DAVIE.— It looks to me as if we would have to have two more sessions, one Tuesday and one later in the week.

Mr. FIERO.— We are entirely ready as soon as the letters are produced.

Mr. BROWN.— I don't understand the necessity of those letters.

Mr. FIERO.— We don't know there are any such letters. Suppose there is something we want to ask Mr. Garmon in relation to those letters.

Chairman RYAN.— I don't think we will wait simply for those letters and telegrams; we will be here on Tuesday evening and go on and hear any evidence you may wish to offer; if you will take up the whole evening, that evening, we will perhaps give you all that time. I may say the name of this witness is Mr. Paulding. He lives in Westchester county. He is a frequent visitor to the Adirondacks. He comes more with the desire to offer suggestions in regard to the proposed legislation than to give testimony on matters relating to this investigation, but we wish to ask him some questions relative to matters that have been under investigation here as he has been frequently in the woods. He is a very prominent man. It won't take

him over half an hour altogether. I don't anticipate any evidence he may offer will require any cross-examination.

Mr. FIERO.— We understand if the letters are not here when we are ready to go on Tuesday they will not be allowed to come in.

Chairman RYAN.— Unless you want to put them in afterwards.

Mr. TURNER.— I think I could get here Thursday night.

Chairman RYAN.— We are not asking you to come this time. I won't issue any more subpoenas for your attendance because we want a little money left for the State reservation.

Mr. TURNER.— I don't ask you to pay anything.

Mr. ANIBAL.— You are ready to come gratis?

Mr. TURNER.— Yes, sir.

Chairman RYAN.— On motion this committee meeting is adjourned until Tuesday evening at half-past 7 o'clock.

The committee then adjourned to Tuesday, March 10, 1891, at 7.30 P. M.

ALBANY, TUESDAY, *March* 10, 1891, 7.30 P. M.

The committee met pursuant to adjournment.

Present — Chairman Ryan, Messrs. Davie, Brown, Dempsey and Gifford.

Chairman RYAN.— The full subcommittee is present, Judge Anibal, are you ready with your testimony?

Mr. ANIBAL.— I would ask are there any more witnesses to be introduced on the part of the committee or part of the proponents here?

Mr. ADAMS.— Not unless it is in reply or rebuttal to something that may be brought out by the other side.

Mr. ANIBAL.— Have you the letters that we called for the other night, namely, those claimed by Mr. Turner to have been written to him by Mr. Garmon?

Mr. ADAMS.— I have not those letters.

Mr. ANIBAL.— Have you, Mr. Chairman?

Chairman RYAN.— I understand they are on the way.

Mr. ADAMS.— They will be here to-morrow.

Chairman RYAN.— It was understood the last meeting they could not be produced to-day.

Mr. ANIBAL.— That was so, Mr. Turner made the statement he could not go home, but Mr. Turner was home Saturday night at half-past seven o'clock, at Plattsburgh. I came from there yesterday, after half-past seven he was there Saturday night and Sunday. I saw him there.

Mr. ADAMS.—There is another thing about these letters I would suggest and that is, please the committee, the contents of the letters and telegrams were not given in it. The witness was asked if he received letters and telegrams from Garmon; he stated he did. He was asked the general subject to which they related; he stated. That is all. Now, Mr. Garmon, if they desire to put him on to the stand to contradict anything, any transaction or conversation between him and Mr. Turner, that is all right. They are not entitled under any rule of evidence or any rule of examination to the use of these letters for the purpose of coaching Mr. Garmon as a witness. The only security we have is to hold these letters so as to correct with them any misrecollection or misstatement upon this subject that may be made by Mr. Garmon. It is highly improper they should be turned over to Mr. Garmon to enable him to prepare his testimony in contradiction to Mr. Turner; they belong to us as security to correct any misstatement or forgetfulness on the part of Mr. Garmon, and I suggest that the other side are not entitled to them and should not have them.

Mr. ANIBAL.—I would suggest this, that they are not to be put in evidence then if they are not produced before Mr. Garmon is sworn, are they, Mr. Chairman, under statement of the counsel?

Mr. ADAMS.—They can be put in evidence in answer to anything Mr. Garmon states.

Mr. ANIBAL.—I understand it was so stated on the minutes and part of the record before this committee, that they were not to be used unless produced here before Mr. Garmon gave his testimony.

Mr. ADAMS.—If Mr. Garmon should testify to anything that is contrary to what he states in those letters they will be produced to contradict Mr. Garmon.

Mr. ANIBAL.—I think the letters which they have we need to refute the misstatements made by Mr. Turner with reference to the subject they relate to.

Mr. ADAMS.—The letters are not before the committee as evidence; the other side have no right to them whatever.

Mr. ANIBAL.—You have characterized them and we say they will not bear out the characterization nor the subject to which they refer; we say they do not refer to that.

Mr. ADAMS.—Mr. Garmon wrote the letters, he certainly ought to know what he has written; if he states untruthfully about them we have the letters to correct him.

Mr. ANIBAL.—He wont state untruthfully about anything.

Mr. ADAMS.—The rule of evidence, the regular rule of evidence,

and the regular practice observed in all hearings, examinations and trials would forbid their use.

Chairman RYAN.— Judge have you any witness present?

Mr. ANIBAL.— Yes.

FRANK C. PARKER, recalled.

Cross-examination :

By Mr. ANIBAL:

Q. Was a letter sent to you some time ago with relation to any trespasses by the Hartwells?

A. Yes, sir.

Q. Were you requested by that letter to investigate that trespass?

A. Yes, sir.

Mr. ADAMS.— Who is Mr. Parker?

Mr. ANIBAL.— Mr. Parker was the gentleman who was sworn before here, one of the foresters.

Mr. ADAMS.— In what district?

Mr. ANIBAL.— He lives at Keene Valley; it is in this district.

Q. Have you the letter with you referring this matter to you?

A. Yes, sir.

Q. Please read it?

A. Plattsburgh, December 1, 1890.

Chairman RYAN.— What letter is this?

Mr. ANIBAL.— It is in relation to a trespass Mr. Turner swore he reported to the forest commission, and the forest commission had done nothing in regard to it, and hadn't investigated it.

Mr. ADAMS.— To his knowledge?

Mr. ANIBAL.— He swore positively first, and when pinned down, he said that he knew all.

To the Forest Commission, Albany, N. Y. :

GENTS.— I wish to call your attention to the trespass of W. W. & G. W. Hartwell, of this village, on lots 228 and 91, township 11, O. M. tract, Essex county; the trespass of 91 was done in the winter 1888 and 1889; 228 in the winter 1887 and 1888 by Hartwell's agent, and at his request.

Yours.

B. TURNER.

Q. What was the date of that letter?

A. December first.

Q. What year?

A. Eighteen hundred and ninety.

Q. Afterwards that matter was referred to you, was it?

A. Yes, sir.

Q. About when?

A. It was in December some time; I can't call to mind the date.

Q. Last December?

A. Last December.

Q. Did you investigate the matter.

A. Yes, sir.

Q. As one of the foresters of the commission you investigated it?

A. I investigated it and reported to the forest commission office.

Q. Have you your report with you?

A. Yes, sir.

Q. Read it, please?

A. [Reading.]

January 15, 1891.

The Forest Commission :

GENTLEMEN.—According to instructions received from Mr. Garmon, January fifth, I made a personal examination of lots 228 and 91 Tp. 11, O. M. T., found out that there is, undoubtedly, a trespass on lot 228, Tp. 11, done by H. Putnam Hartwell's agent in 1887 and 1888.

There is a lumber road running through the south portion of the lot on which I counted seven skidways and a double header.

Putnam, I understand, cut on lots 229 and 210 for Hartwell that winter. I should judge all of the logs along this lumber road were cut on lot 228.

I also went on to lot 91. I could not find any cutting on this lot but Putnam cut on lot 111; B. Turner's lot, I understand, in 1889, 1890. I can not determine whether he cut over on 92 without fuller notes of the lot.

The S. E. corner is marked on a beech tree 111, 112, 92, 93, there is a plain marked line to this corner between lots 93 and 112, but then it stops, but B. Turner has surveyed from this corner beyond the cutting, but made no corner.

About ten rods from the beech corner is a hemlock marked on four sides with witness marks, here is a plain line with old blazes to the corner of 91, the chopping does not extend west of this line.

[Diagram.]

The hemlock has no figures on it that I can make out, but the beech the figures are plain.

I went to the lower Saranac lake, talked with P. Graves, the man in Milo Miller's employ; he claims to know nothing about any logs cut on Tp. 24. I could not find any logs near Alexander's hotel, so if

there has been any they must have been drawn away. I will keep my eyes and ears open and may find out something about them yet. I have got track of a trespass in Averyville, I think; and will report in full about that place as soon as I can get the facts.

Yours very respectfully.

FRANK C. PARKER.

Q. What is the date of that report?

A. January 15, 1891.

Q. As soon as the matter was referred to you, did you immediately, or as soon as your business, other matters of the forest commission, were attended to, go and investigate this matter?

A. As soon as possible I made inquiries about it and looked it up.

Q. You have, since your appointment as forester, devoted your whole time to the business?

A. Yes, sir.

Q. Were you here at the last hearing?

A. Yes, sir; I believe so.

Q. Do you know Ben Turner?

A. Yes, sir.

Q. You saw him here?

A. Yes, sir.

Q. And heard some of his testimony?

A. Yes, sir.

Q. Did you at one time see him while coming from the Saranac lake to Plattsburgh in a train, him and some others coming down with yourself?

A. Yes, sir.

Q. What time was it about?

A. As near as I can remember it was in February, two years ago.

Q. You had been up there attending a lawsuit?

A. Yes, sir; before the lawsuit.

Q. What lawsuit was it?

A. It was in regard to the southeast quarter of township 24.

Q. Who were the parties to that suit?

A. Benton Turner and the forest commission.

Q. The people of the State of New York on one side?

A. Yes.

Q. Who was it being tried before?

A. Richard Hand, referee.

Q. That is the case that has been spoken of with reference to the southeast quarter of township 24?

A. Yes.

Q. Which case you understand is not decided yet?

A. No.

Q. While coming down on the train did you hear Mr. Turner make some remarks with reference to the forest commission?

Mr. ADAMS.—I object to it because the only tendency is to impeach or discredit Mr. Turner, and under every rule of evidence in every trial or investigation before such evidence is permissible they must inquire of Mr. Turner whether he had such a conversation, specifying the time and place to call his attention to it, so that he may say one way or the other, and afterwards they can call a witness if they so desire to contradict him. No such question was asked Mr. Turner; he never was asked by the other side, whether on a certain occasion, at a certain place, he had any conversation with this Mr. Parker.

Mr. ANIBAL.—That rule would be applicable in certain cases, but this is one that that rule does not apply. At the request of the counsel for the committee or Mr. Adams here, who represents the committee, he was asked if he had any feeling in this matter relative to the forest commission; he gave what he considered to be a proper answer in regard to that. This isn't for the purpose of contradicting him in that sense, but simply to show the animus and the feeling that this man has with reference to the forest commission.

Mr. ADAMS.—In that view it is wholly incompetent. It isn't the way by hearsay testimony to cry down men's characters and contradict them.

Mr. ANIBAL.—You seem to be very sensitive over Mr. Turner's character all at once, have been all the while; we haven't said anything about it.

Mr. ADAMS.—I understand very thoroughly.

Mr. ANIBAL.—We want to prove at this time, in substance, that while coming down on the train from this law suit he made remarks and said, in substance, that the damn forest commission had got to go; he would set the Legislature on them the following winter; they would have to get out.

Mr. ADAMS.—If the committee please, Mr. Turner has given very important testimony which, if true, is very damaging to the administration of the laws by the commission, and the defense of these gentlemen, if they have any, is to break down Mr. Turner, to show that he hadn't testified to the truth. Now that, of course, involves the character and reputation of Mr. Turner who has been called before this committee, and this committee is in duty bound to protect him under all the rules of law as they are observed in all courts and in all investigations, and if they are too impeach or con-

tradict him they should be held to the rules of evidence the same as they are observed elsewhere. The plain rules, common rules, before you can call a third person to testify as to what Mr. Turner said on some occasion about something, Mr. Turner's attention while he is on the stand must be directed to that same subject and that same time and place by the other side. If they had directed it may be he would have said just what this witness will say. Because they have not asked him they can't come up and by way of discredit to him say by another witness what he might have voluntarily testified himself. Assuming he would have told the truth if he had been asked upon that subject, and for that reason the law of evidence is universal that you must call the witness's attention to the time, place and circumstances and inquire, then if he denies or tells a story you may call some other witness to show it differently. They haven't put themselves in an attitude to make any attack and for that reason I suggest this testimony should be ruled out.

Chairman RYAN.—I suppose under the strict rules of evidence the question would be hardly admissible, but we haven't, during the investigation, been confining ourselves very strictly to rules of evidence that would be admitted on a trial. I see no harm that can result at present from the witness answering the question.

Q. You may state what was said now, Mr. Parker?

A. Well, as near as I can remember, I guess it was two years ago, I can't remember the words or conversation.

Q. Give the substance of it?

A. The substance of it was that he was talking very disrespectfully.

Mr. ADAMS.—I object to that; if he said anything he must say what he said, not characterize it. If he said anything that he can remember, state that.

By Chairman RYAN:

Q. This statement that he made was in the railroad car?

A. Yes.

By Mr. ANIBAL:

Q. Go on.

Q. (Mr. ADAMS.) What did he say?

A. He said something to the effect—

Mr. ADAMS.—(Interrupting.) That I object to.

Mr. ANIBAL.—He is going to give the substance.

Mr. ADAMS.—He must state what was said in substance.

The WITNESS.—I can't state the words, it is impossible to do that; nobody couldn't remember the words and conversation two years ago; all I can say is the sum and substance of the conversation.

Q. (Chairman RYAN.) Can you give his exact words?

A. Well, the only exact words I can say, he could bust the forest commission; them is the words; "bust," that is the word I can remember; that is all I know of it.

Q. He said more besides that?

A. Oh, yes.

Q. What was the substance of that; he said more in addition?

A. He said that the forest commission were not competent men in any way; were not tending to their business as they ought to, and a good many other disrespectful words.

(Mr. ADAMS.)—No matter about the disrespectful words; said they were incompetent men, and what else?

A. As I say, I can't remember the conversation and I don't pretend to remember it.

Q. If there was anything further that you recollect of what he said in that conversation; did he say anything about setting the Legislature on?

A. That was the sum and substance of it.

Mr. ADAMS.—What did he do; what did he say upon this subject?

A. That he could set the Legislature on them.

Chairman RYAN.—Said he could set the Legislature on them?

A. That he could, but he wouldn't then; he could at that time, but he wouldn't then?

Mr. CAMERON.—What reason did he give?

A. He claimed they were incompetent.

Mr. CAMERON.—Is that the reason why he wouldn't set the Legislature on them?

A. Wasn't attending to their business.

Mr. HESSEERG.—Why wouldn't he set the Legislature on them?

A. He didn't give the reason for that.

Chairman RYAN.—What time of the year was this?

A. It was in February; I can't recall the exact date.

Chairman RYAN.—That is near enough.

Mr. PARKER.—I could refer to my memorandum and give it, but I don't remember the exact date.

Mr. ANIBAL.—That is all.

Cross-examination:

By Mr. ADAMS:

Q. Where had you been at this time?

A. Well, sir; I had been at Saranac lake.

Q. What for?

A. Looking up lines, measuring out—

Q. (Interrupting.) That is enough, when you got on the car did you find Turner?

A. Yes; he was sitting in the same seat with me, as near as I can remember.

Q. How did this conversation commence when you came in and sat down by Turner?

A. I believe he came and sat down by me; general conversation.

Q. Who introduced the conversation?

A. It was a general talk of the community, they were all talking about it.

Q. Whole car full?

A. All that were in it.

Q. What were they talking about; what was the subject of it?

A. They were talking about the suit as a general thing.

Q. Turner's suit?

A. And Turner and one thing and another.

Q. Talking about Turner's suit, after they talked about Turner's suit what else?

A. I can't remember.

Q. Who said anything about the forest commission there?

A. Mr. Turner.

Q. Who else?

A. I don't remember anybody else.

Q. Will you swear nobody else said anything about it?

A. Yes; I think I could positively swear.

Q. Nobody else said anything about it except Turner?

A. Of the forest commission.

Q. What did Turner say about the forest commission?

A. I have told in substance.

Q. Tell me what is the first thing he said that you can remember?

A. Talking disrespectfully.

Q. What did he say, not your impression of it; what did Turner say?

A. As I said, he said he could bust the forest commission.

Q. What did you say to that?

A. Very little; I did more listening than talking; I talked very little.

Q. After he said he could bust it, what next did he say?

A. As I say, I can not remember the conversation there.

Q. What else do you remember now?

A. What I have already stated.

Q. What was it?

A. That he could bust the forest commission.

Q. You have stated that, what else?

A. And what he said about the forest commission being incompetent.

Q. Did he say they were incompetent?

A. Yes, and not attending to their business.

Q. What else did he say?

A. I can't remember.

Q. Can't remember anything else he said, can you?

A. As I stated before, I can not remember the conversation.

Q. You have stated now all you remember that was said on that occasion?

A. Yes; the gist of the conversation.

Q. Here is Turner's letter making complaint against Hartwell; how came you to have that letter?

A. It was given to me, at the office.

Q. At the commission's office; do you remember who handed it to you?

A. I don't; it was handed to me there.

Q. When it was handed to you, what was said to you?

A. I don't remember what they said.

Q. In substance, what did they say to you; tell you to go and look this matter up?

A. Why, yes; that was my orders.

Q. They gave you the letter, and told you to go and look it up?

A. You understand; my orders —

Q. Understand me; I ask you if at the office they gave you this matter and in substance told you to go and look up those trespasses?

A. They didn't give me that letter and tell me to go and look up that trespass.

Q. They gave you the letter there?

A. Yes.

Q. Did you bring it away?

A. No, sir.

Q. How came you to have the letter?

A. Handed it to me.

Q. When?

A. When I came here, two or three days ago.

Q. Were you shown the letter in the time of it?

A. What time do you mean?

Q. I mean December 1, 1890; was that letter shown to you or given to you in that office?

A. That letter was not.

Q. You never saw it until you came here now?

A. No.

Q. How came you to go and look up these lots to see what trespasses was on them?

A. According to instructions from Mr. Garmon.

Q. How came you to go and look up the trespasses on these lots?

A. I received instructions from Mr. Garmon.

Q. When and where?

A. Received instructions at Keene Valley.

Q. When?

A. As near as I can judge it was some time in January or December?

Q. What did Mr. Garmon tell you?

A. The sum and substance almost a repetition.

Q. Will you answer my question — what did Garmon tell you at Keene Valley at that time?

A. The communication was a letter.

Q. You didn't see Garmon over there?

A. Not at that time.

Q. How was it?

A. He instructed me.

Q. How; verbally or by letter?

A. By letter, as I said before; do you want me to repeat the letter?

Q. No; he wasn't over to tell you but he sent you a letter; have you got the letter?

A. No, sir.

Q. What has become of it?

A. On file in my desk at home.

Q. What did that letter say in substance?

A. Benton Turner has reported that G. W. & W. W. Hartwell have trespassed on such and such lots; you go in and go personally on these lots and investigate and report to this office whether there is any such trespass.

Q. That letter you say you received in December or January?

A. Yes.

Q. Thereupon you went?

A. Yes, sir.

Q. And you made this report and sent it to the office, that you produced here?

A. Yes.

Q. That is all you know about it?

A. Yes.

Q. What have they done with it at the office, you don't know?

A. I don't know anything about it.

Q. That is all.

Mr. ANIBAL.— That is all from him.

Mr. ADAMS — While the gentlemen are waiting, I desire to submit a letter from the Comptroller's office, a letter handed me by Mr. Turner after the examination closed on Friday.

March 6, 1891.

BENTON TURNER, *Plattsburgh, N. Y. :*

SIR.—Yours of the fifth instant received. The lands enumerated by you in township 9, Old Military tract, Franklin county, viz.: Lot 30, N. 2-3 of 114a. W. p't; lot 147; lot 176, S. E. 1-4; lot 177, N. W. 1-4; lot 182, S. W. 1-4; lot 184, S. W. 1-4; lots 213, 214 and 255 do not belong to the State.

Respectfully yours.

EDWARD WEMPLE,

Comptroller.

Mr. ADAMS.—The letter I submitted before, while Mr. Turner was on the stand, embraced one of the lots, and this embraces all the lots referred to by him in his testimony.

Mr. CAMERON.—Are those the lots on which they said he trespassed?

Mr. ADAMS.—Yes; he paid on all of them, and the State determined he had no title.

Mr. FIERO.—That doesn't follow; the State — it hasn't any title now; that is one of Turner's schemes to buy up claims and get them cancelled.

JOHN H. BURKE, recalled:

Mr. ANIBAL.—I offer in evidence a memorandum taken from the trespass book at the Comptroller's office. These were for trespasses prior to the forest commission coming into office and taking charge of the lands.

Mr. ADAMS.—I object to this. It has nothing to do with this question to show how this commission has administered the laws.

Mr. ANIBAL.—Yes, it has; it is one of the things that is part of our evidence in the case. What does the committee say?

Chairman RYAN.—You design to show how the commission found the situation was.

Mr. ANIBAL.—No, it isn't that; this is a statement from the Comptroller's office of certain settlements made by Van Buren Miller with Mr. Hartwell; he said Mr. Garmon told him that he had settled with Mr. Hartwell for fifteen cents a log at a certain time; this is simply to show that he was mistaken in that, the settlements were made while this matter was in the hands of the Comptroller; was

settled with Van Buren Miller and by Van Buren Miller reported to the Comptroller's office, and it is only to be found in their books, nowhere else. I isn't a matter that ever came in the hands of the forest commission in the world.

Mr. ADAMS.—I still object that this statement does not tend to show any such thing.

Mr. ANIBAL.—We will connect it with our testimony.

Chairman RYAN.—The committee will allow it.

(Page 44.)

1884, March 30.—W. W. & G. W. Hartwell; C. H. Stanton, Macomb's Purchase, Great Tract 1, Township 18, lots 10 and 20.

1885.—2,137 standards.

February 7, 1885.—Comprised for \$200. Paid.

(Page 115.)

1885, July 1.—W. W. & G. W. Hartwell; Van Buren Miller, lots 10, 20 and 30, Township 18, Great Tract 1, Macomb's Purchase, Franklin county; 2,951 standard logs, cut, valued at fifteen cents per log, \$442.65. Agent's expenses, fifty dollars.

July 7.—Received \$492.65, in full for above trespass.

Mr. ANIBAL.—Will you take this book, turn to those particular lots, Mr. Burke, from the forest commission book, so that you may read how the State holds those lots?

A. Annual report of the forest commission for 1888, page—

Mr. DAVIE.—Is that the same trespass Mr. Turner referred to as being settled for fifteen cents a log?

Mr. ANIBAL.—Yes, read what it says in reference to lots 10, 20 and 30 in township 18, Great Tract 1, Macomb's Purchase.

A. From the report of the forest commission for 1888, on page 213, I find the following: "In town of Brighton, lot No. 10, township 18, Macomb's Purchase, Great Tract 1, the lot which was sold was 164 acres, lot 10 except an undivided one-quarter paid by Albert Turner, and an undivided one-quarter paid by Chauncey Turner, that was sold at the 1887 tax sale. At the 1881 tax sale, lot 10 except an undivided one-half paid W. W. & G. W. Hartwell in the 1885 tax sale, lot 10 except an undivided one-half on which subsequent taxes were paid by W. W. & G. W. Hartwell. On page 215, lot 20, in the town of Brighton, the same purchase, tract and township, I find the following: Lot 20 except an undivided one-quarter paid by Albert Turner, an undivided one-half paid by Chauncey Turner, 164 acres, that was sold at the 1887 tax sale; at the 1881 tax sale lot 20 except an undivided one-half paid by W. W. & G. W. Hartwell at the 1885 tax sale, lot 20,

except an undivided half on which subsequent taxes were paid by W. W. & G. W. Hartwell, each of those lots 164 acres. On the same page I find the same town of Brighton, lot 30, of the same purchase, tract and township was sold at the 1877 tax sale; lot 30 except an undivided one-fourth paid by Albert Turner, an undivided one-fourth paid by Chauncey Turner, 164 acres; in the 1881 tax sale lot 30 except an undivided one-half paid by W. W. & G. W. Hartwell, 164 acres. On the 216th page the same lot, lot 30 sold at the 1885 tax sale and described lot 30, except an undivided one-half on which subsequent taxes were paid by W. W. & G. W. Hartwell.

Q. So that you will see the trespass about which they are speaking, that it could hardly be called a trespass, it was merely the taking of one joint owner, it was merely the settlement of their undivided interests; Mr. Hartwell having taken the timber off the whole lot, and the State made claim to it and the matter was adjusted between the Comptroller's office and Mr. Hartwell; Mr. Stanton acting in the one case and Van Buren Miller in the other for the Comptroller's office and prior to the forest commission taking charge of it at all; now, I offer in evidence right in connection with this, and in connection with the offer that the counsel has seen fit to drag in here, and we shall ask to submit the other exhibit from the Comptroller's office with reference to the other lots which they have spoken of here; we had only our statement made with reference to lots 213, 214 and 255, they bring in a certificate here that the State has no title to those lots at the present time; we have a certificate dated March tenth.

The Forest Commission, Albany, N. Y. :

GENTLEMEN.—It appears from an examination of our books and records, that the State acquired title, from the 1877 tax sale, to the southeast one-quarter of lot 213 and all of lot 214, township 9, Old Military tract, Franklin county, and to all of each of said lots 213 and 214 from the 1881 tax sale, and that said tax sales thereof, on the application of Millard F. Parkhurst, dated December 8, 1885, were duly cancelled April 30, 1887.

It further appears that lot 255 of said township 9, to which the State had acquired title from the 1881 tax sale, was duly redeemed therefrom January 12, 1886, by A. L. Inman, on payment of \$303.05, under proof of the service of notice required and authorized by sections 68, 69, 70 and 71, of chapter 427, Laws of 1855.

Respectfully yours.

Z. S. WESTBROOK,

Deputy Comptroller.

Mr. ADAMS.—According to that the State has had to pay for its trespass, and paid for its taxes too.

Mr. ANIBAL.—Simply shows that when the forest commission set the wheels in motion, the title was turned over to them by the Comptroller's office, as the State owning the lands, since which time applications have been made, and cancellations been got, and consequently the suits had to fall down, and that is why the indictment he says never was pushed against him in Franklin county, because the State title failed.

Mr. ADAMS.—Let me ask, this 255 of 1881 sale, it was redeemed or cancelled January 12, 1886, by A. L. Inman; \$300 on the ground of occupancy.

Mr. ANIBAL.—No proof of the service of notices.

Mr. ADAMS.—State never acquired any title according to that; it should have been assessed as resident land, if it was occupied; the State tax deed was good for nothing.

Mr. FIERO.—This relates to the sale?

Mr. ADAMS.—I know about the sale, they sold it.

Mr. HESSBERG.—You are mistaken; it was redeemed under the statute relating to non-resident land, that is occupancy that happens after the sale, and when the time of the two years expires, and they may redeem, it becomes resident land afterwards.

Mr. ANIBAL.—I offer in evidence three indictments, certified copies from the county clerk's office of the county of Franklin. The People of the State of New York against Benton Turner. They were found by the grand jury of that county March 10, 1885.

Mr. ADAMS.—For what purpose are these offered?

Mr. ANIBAL.—To justify the statement that the Comptroller, in substance made, the deputy Comptroller, to the forest commission that this man was trespassing there and also to state what Van Buren Miller said about him was about half-way correct.

Mr. ADAMS.—Now, I object.

Mr. ANIBAL.—And then to read the statement further that he was only indicted in a case where there was a cancellation afterwards of the State's title to the lot that he was charged as having trespassed upon; and to simply show that he falsely swore in regard to it; these indictments covered not only lot 255 of which we have been speaking but other lots to which the State has title.

Mr. ADAMS.—I object to the statement and I object to the offer; was it ever heard in any court, or at any time that an indictment and accusation against a man could be offered by way of impeachment?

to be guilty, and an accusation against a man bears nothing against his character. An indictment in no court was ever received, an indictment untried, a simple accusation was never received to impeach or discredit witnesses. It seems to me this is a very desperate case that our friends have here to bring forward an indictment to discredit a witness who has stated wrongful acts on the part of one of the servants of this commission. That is not the way to discredit a witness. He says certain things happened between him and that servant, why don't they call the servant.

Mr. ANIBAL.—Don't get nervous about it, we will call him in good time.

Mr. ADAMS.—In any event under no circumstance was it ever heard and I protest in matter of fairness, to a gentleman who has been called before this committee as a witness and given his testimony that he should be protected within the ordinary rules of law and of evidence.

Mr. ANIBAL.—We don't ask any further.

Mr. ADAMS.—And this unheard of proceeding should not be entertained one moment.

Chairman RYAN.—It is not worth while discussing the point any further, we will not admit them; he didn't testify he hadn't been indicted.

Mr. ANIBAL.—He testified he had only been indicted once and upon one particular lot, it was the three.

Chairman RYAN.—He must have known then that he was indicted.

Mr. FIERO.—Mr. Chairman, permit a single word in regard to this; here is a man who has come forward to attack a public officer; the question is whether he is worthy of belief; he has placed himself upon this and upon cross-examination, without a moment's notice, he was asked if he was indicted and he said yes, he was indicted, and as to the lot with regard to which he was indicted the title of the State has been cancelled.

Chairman RYAN.—That was as to one particular indictment.

Mr. FIERO.—One particular indictment; now does this committee propose to allow such a statement as that to stand upon the record without contradiction for the purpose of giving credit to his testimony as against an officer of the State which at the very best is an evasion; if it was not an absolute falsehood it was an evasion which this committee ought not for one moment to permit, because he assumed by his answer he had only been indicted once. Could we be expected to know when he was brought here with the whole power of the State, that his character was such that he had been indicted three times, and

is it too much to ask that two or three days afterwards, after finding he had willfully and deliberately misstated the fact to bring it forward. The suggestion to the chairman that he might not know he had been indicted is impossible, because he must have been arrested and given bail on each of these occasions.

Chairman RYAN.—Did he testify he was only indicted once?

Mr. FIERO.—He did not, but he did testify when he was asked if he was indicted, that the indictment—

Chairman RYAN.—You offer those indictments for the purpose of discrediting his testimony?

Mr. FIERO.—Yes.

Chairman RYAN.—Suppose the man had been indicted but never been convicted and never been brought to trial.

Mr. FIERO.—It would go to his credit.

Mr. CAMERON.—Did you ask Mr. Turner if he had been indicted more than once?

Mr. FIERO.—No; because we supposed when a man had been indicted once it was enough to discredit him; his answer was he had been indicted, but there was a cancellation in regard to it.

Chairman RYAN.—Do you stand on that statement, that is enough to discredit a man if he had been indicted once?

Mr. FIERO.—I think it goes largely to discredit him in the absence of explanation; if sixteen of the jurors of his own can find him guilty of grand larceny, I say it goes a great ways toward it, and when three times sixteen men indicted him it goes a longer way.

Chairman RYAN.—If he had been convicted of anything that would be a different matter, but here are indictments found some years ago against that man; for reasons that were satisfactory to the powers in those matters, he was never brought to trial; that is all there is about it; but we won't admit any documents, as tending to throw any discredit on Turner's testimony.

Mr. FIERO.—As far as the rule of evidence is concerned, a man may always be asked whether he has been indicted, and it may show that he has been; it is unfortunate we didn't know he had been indicted three times when he was on the stand.

Mr. CONNELLY.—I have been here several years, and I will say this, I have been in other committees and that I never knew of a committee that has acted more impartially than this.

Mr. FIERO.—I certainly am finding no fault with the committee; on the other hand, I think the committee have acted very impartially, and if the committee think my opinion with regard to it is of any value, I will very truthfully bear testimony to the fact, for this com-

mittee has endeavored in every way in its power to facilitate this investigation, and has treated us courteously indeed, as far as that goes.

Chairman RYAN.— Have you any other evidence to offer ?

Mr. ANIBAL.— Oh, yes, plenty of evidence.

Mr. CONNELLY.— Is it germane or remotely connected ?

Mr. ANIBAL.— We think it is.

Chairman RYAN.— Germane or cousin germane ?

Mr. FIERO.— It may be remotely connected, and yet be germane.

Mr. ANIBAL.— I offer in evidence as identifying, not for the purpose of the affidavits in the sense of affidavits, but for the purpose of identifying two papers which I hold in my hand.

Mr. ADAMS.— What are you reading ?

Mr. ANIBAL.— I am reading an affidavit of Wales Parsons; Mr. Turner said Wales Parsons had bought for him a quantity of logs in the spring of 1885; had paid Mr. Van Buren Miller the sum of \$150, and for which Van Buren Miller only turned over to the State \$57.50; I refer expressly to just that, and hold the papers in my hand with reference to those transactions:

STATE OF NEW YORK, } ss.:
CLINTON COUNTY. }

Wales Parsons, being duly sworn, says, that he is a resident of Plattsburgh, Clinton county, N. Y., and has been for seven years last past. That he is well acquainted with one Van Buren Miller, who resides at Saranac Lake, in said county, and has been for more than twelve years last past. That he also knows Benton Turner, now a resident of said county and has known him for ten years and more. That sometime in years 1884 or 1885 or the early part of 1886, deponent, at the request of said Benton Turner purchased of said Van Buren Miller a quantity of logs. That said Benton Turner had cut upon State lands, as said Van Buren Miller alleged, said Van Buren Miller was acting as a State agent, looking after State lands and trespasses, being appointed by and acting under the authority of the Comptroller of the State of New York, as deponent was informed and so believes. That deponent bought logs of said Van Buren Miller, acting as aforesaid stated and alleged upon two, and but two, different occasions for Benton Turner, and each time deponent made the purchase for and on behalf of said Benton Turner, and it was in the purchase of logs that Turner had cut on State lands as Van Buren Miller alleged. That at the first purchase deponent paid said Miller

for the logs somewhere between (\$50 and \$60) fifty and sixty dollars, and at the next purchase and only other purchase deponent paid somewhere between one hundred and fifty and one hundred and sixty dollars. That in each purchase of logs as aforesaid stated and as aforesaid stated he paid for the same with his own check, taking from, said Van Buren Miller a correct bill of sale stating the date, amount of money paid and quantity of logs purchased. That after such purchase he turned over to said Benton Turner the bill of sale and the said Turner returned deponent just what he paid said Van Buren Miller.

Deponent further states that said Van Buren Miller has informed deponent that he returned to his employer, the Comptroller's office of the State of New York, the exact sums and amounts he received from deponent upon the sales aforesaid mentioned and stated, together with his report of such sales, and deponent further states that he is informed and believes that the Comptroller's books show at Albany that Van Buren Miller paid for trespasses on lots at one time fifty-seven dollars and fifty cents, and at another time \$150, which deponent believes to be identical amounts paid by deponent to Van Buren Miller, as aforesaid stated, and for which Benton Turner reimbursed deponent. Deponent further states that he has known said Van Buren Miller for a good many years, and during all that time he had borne a first-class reputation for uprightness, honesty and integrity, and that any and all moneys received by him while acting for the State of New York, deponent believes he honestly and faithfully turned over to the State of New York. Deponent further states that the two transactions above mentioned and set forth are the only ones in which he ever bought from Van Buren for Benton Turner, logs cut on State lands or logs claimed by the State of New York, and that was before the forest commission took charge of the State lands, or that Mr. Garmon had anything to do with State lands to the knowledge of deponent.

That attached thereto are the two checks given by me for the purchase of the only logs I bought of Van Buren Miller for Benton Turner, one for fifty-seven dollars and fifty cents, dated April 2nd, 1885, and the other for \$150, dated May 4th, 1885.

WALES PARSONS.

Subscribed and sworn to before me, }
this 7th day of March, 1891. }

C. W. M. JOHNSON,
Notary Public, Clinton Co., N. Y.

Mr. ANIBAL.— I hold in my hands the two checks which were given by Mr. Wales Parsons, one dated April 2nd, 1885.

No.

PLATTSBURGH, N. Y., April 2, 1885.

The First National Bank of Plattsburgh:

Pay to the order of Van Buren Miller fifty-seven and 50-100 dollars. (\$57.50).

WALES PARSONS.

That is the check given for the first purchase. The second purchase and which they tried to confound here, and said \$150 was given for that is, Plattsburgh, May 4th.

No.

PLATTSBURGH, N. Y., May 4, 1885.

First National Bank of Plattsburgh:

Pay to the order Van B. Miller, agt., one hundred and fifty dollars. (\$150).

WALES PARSONS."

Mr. ANIBAL.— Now, I offer in connection with this the records from the Comptroller's office wherein Van Buren Miller, and the only case where Wales Parsons ever bought any logs upon these lots were the two here on April 4, 1885, received from Van Buren Miller \$57.50, and May 9, \$150.

Mr. CAMERON.— Do the Comptroller's book show he paid the \$150?

Mr. ANIBAL.— It does, and I have a certified copy of the fact, together with all the payments, every one of them that was made to Van Buren Miller.

Mr. CAMERON.— Received on May ninth?

Mr. ANIBAL.— Yes, sir.

Mr. CAMERON.— And the check was dated May fourth?

Mr. ANIBAL.— Yes, sir; from Saranac village.

Mr. CAMERON.— The check was dated May fourth that Turner gave.

Mr. ANIBAL.— The check is in the minutes that Benton Turner gave Wales Parsons for the particular \$150 he has got in this statement here. Mr. Davie called attention to the fact at the other hearing that the check of \$150 was dated one month after the check of fifty-seven dollars and fifty cents, and here is a receipt from the Comptroller's office showing that exactly. Simply showing that Benton Turner willfully or otherwise confounded the two statements of Mr. Van Buren Miller. There isn't a word of it true. I also offer in evidence the copy from the Comptroller's books showing just when the money was received there, and this was prior to the time that the forest commission came in.

STATE OF NEW YORK, }
COMPTROLLER'S OFFICE. } ss.:

I certify that from an examination of the books and records of this office that Van Buren Miller was the agent of said State for its lands in Franklin county from May 23, 1884, to the time when the forest cômmission assumed its duties, and that the following are all the sums received from him as such agent by the State in the settlement of trespasses on such lands, or in the matter of the sale of dead and fallen timber thereon during said period, viz.:

NAME OF TRESPASSER.	When received.	Amount.	Lands depredated.	By whom paid.
.....	February 2, 1885	\$5 00	Sale of dead spruce on lot 66, township 18 .....	.....
.....	.....	.....	Great Tract 1, McComb's purchase.	Frank Gilman.
B. Turner, Tr.	February 2, 1885	20 00	Lot 182, township 9, O. M. T.	Ferd. Chase.
Hartwell, Tr.	February 7, 1885	200 00	Lots 10 and 20 in said township 18.	W. W. & G. W. Hartwell.
D. H. & W. Parsons.	March 27, 1885	125 00	Lot 296; Township 80, O. M. T.	D. H. & W. Parsons.
S. & E.	March 27, 1885	26 87	Sale of fallen hemlock in town of Duane	Stickney & Ellis.
B. Turner, Tr.	April 4, 1885	57 50	Lots 7 and 30 of said township 9 ..	D. H. & W. Parsons.
B. Turner, Tr.	May 9, 1885	150 00	Lot 16 of said township 18	Benton Turner.
Hartwell, Tr.	July 7, 1885	492 65	Lots 10, 20 and 30 of said township 18	W. W. & G. W. Hartwell.
Parsons	August 27, 1885	25 00	Lot 296 of said township 10	D. H. & W. Parsons.
King's, Tr.	August 27, 1885	25 00	Lot 67 of said township 18	Philemont King.
Doty, Tr.	August 27, 1885	20 00	Lot 187 of said township 10	A. Doty.
Bryant's, Tr.	August 27, 1885	20 00	Lot 193 of said township 10	L. S. Bryant.
Sale, S. & E.	August 27, 1885	15 00	Sale of fallen timber in town of Duane	Stickney & Ellis.
Fadden, Tr.	February 19, 1886	7 13	Lot 185 of said township 10	Henry Fadden.
Turner, Tr.	February 19, 1886	150 00	Lots 176, 177 and 184 of said township 9	D. H. & W. Parsons.

In witness whereof I have hereunto subscribed my name and affixed the seal of my office, this 19th day of March, 1891.

[SEAL.]

-(Signed,)

EDWARD WEMPLE,

Comptroller.

ALBERT TURNER, being duly sworn, testified as follows:

By Mr. ANIBAL :

Q. Where do you reside?

A. Reside at Malone, N. Y.

Q. What is your age, about?

A. Sixty-two.

Q. Are you acquainted with Samuel F. Garmon, the warden of the forest commission?

A. Yes, sir.

Q. Have you performed some work for the forest commission under the request of Mr. Garmon?

A. Yes, sir.

Q. Do you remember a time that you were requested by Mr. Garmon to look over the southeast quarter of township 24?

A. Yes, sir.

Q. Did you go with him and look it over?

A. I went with him.

Q. When was it?

A. February, 1887.

Q. Just previous to that did you understand Mr. Garmon had been up there on that lot with Benton Turner?

A. Yes; understood that from him.

Mr. ADAMS.— You understood from Mr. Garmon what?

A. I understood he had been to that lot with Benton Turner.

Q. What did you do upon that lot?

A. I went on to it and made some examinations as to the trespasses upon it and satisfied ourselves there was a trespass upon the lot.

Q. You may describe in detail as good as you can, being as brief as you can, just how you examined and what you did; tell us about how you acted when you got upon the lot, you and Garmon, about looking up lots and what lots?

A. I drove on to the lot from North Elba, about two miles from a settlement down on this lot, on an old road that led in on his lumber road on Mr. Turner's lot.

Q. Had you been acquainted with the southeast quarter of this 24th township, a considerable length of time?

A. I hadn't been on it ever before.

Q. You knew where the true lines were?

A. I knew nearly where they were, I went there for the purpose of finding them.

Q. Finding the lines of the lot?

A. Yes, sir.

Q. Did you ascertain whether there had been a trespass on this quarter or not?

A. Yes; I ascertained there were two shanties on it.

Mr. ADAMS.—What is this southeast quarter of township 24, the one the suit is about?

Mr. ANIBAL.—The one now in suit before Richard L. Hand.

Mr. ADAMS.—I don't see how this is material at all.

Mr. ANIBAL.—I think it is quite material; you will find before you get through.

Q. How many days were you examining that?

Mr. ADAMS.—I submit this is entirely useless and a useless waste of time; nobody disputes but what the State has made such a claim and nobody disputes but what a suit is in process now to determine the third part of the lot. The details of the trespasses, it seems to me is a useless waste of time.

Mr. CONNELLY.—It strikes me much of this is irrelevant, Mr. Chairman.

Mr. ANIBAL.—The point is this, the particular lot upon which Mr. Turner said there was some talk, him and Mr. Garmon entering into, an arrangement whereby the title was to be cancelled; this is one of the very particular pieces, otherwise I would agree with the counsel.

Mr. ADAMS.—I don't see how that has anything to with it.

Chairman RYAN.—Are you through, judge?

Mr. ANIBAL.—There was suggestion made we should not put in any evidence of this sort, and I was asking the committee to rule upon it.

Chairman RYAN.—Ask the question.

Q. What length of time were you engaged in examining that lot?

A. I was only upon the lot one day at that time to ascertain a trespass there on the lot.

Q. Was there an action commenced?

A. Yes; I understood there was.

Q. That was the same action referred to Mr. Hand?

A. Yes, sir.

Q. Do you know about the time the action was commenced?

A. Yes, action commenced that same year, 1887.

Q. Some time along in April?

A. April; after that.

Q. I want to call your attention to the statement that some time in 1883 or 1884, that has been alleged before this committee, that you at one time got the State to survey out your private lands, to be surveyed out at the public expense, was that so, Mr. Turner?

A. No, sir.

Q. Did the State do some surveying up there?

A. It did.

Q. With reference to what lines and what lots?

A. Went there for the purpose of subdividing the northeast quarter of township 18, which had been generally understood to have been only a lithographed or paper survey prior to that time; Mr. Stanton, who was a surveyor residing in Malone and who was the former State agent, was sent there for the purpose of surveying it, and, as I had owned an undivided quarter in it and been over it a good deal and familiar with it, they employed me to go with him; I was there on that survey.

Q. Did that survey, survey any of your lands?

A. At that time I had parted with all the interest that I had in that land; I was not an owner in at all.

Q. About when was the time when this survey was made?

A. That survey was made in 1885, wasn't it? I don't know as I can remember exactly now when it was.

Q. Was it before the forest commission came in?

A. Mr. Miller was the agent and he acted a short time for the forest commission.

Q. He acted for the Comptroller at that time?

A. For the Comptroller previous.

Mr. DAVIE.—What date does he fix this?

Mr. ANIBAL.—He don't remember; he thinks the time was 1885.

The WITNESS.—I sold my interest in 1883 to W. W. and G. W. Hartwell of Plattsburgh; I lived at the time I went there in Malone.

Q. Was it any part of the condition of your selling to the Messrs. W. W. and G. W. Hartwell, that you were to survey out those lands?

A. No, sir.

Q. Were you requested by Mr. Hartwell to survey it out, by them, to get the State to survey it out?

A. No, sir; I think I could inform you probably how that was brought about; I didn't know it was to be done until about a week before they were going on the survey.

Q. Tell this committee just what there was about that survey, in your own words; just how it came about and all about it?

A. How it was started?

Q. Yes, all about it.

A. The suit was brought against Chauncey Turner, who owned an interest in that land and who had petitioned, with myself, to recover for him some six or seven thousand standard logs that had been taken off the land which he owned jointly with the State; that suit was

then pending; we were sent there for the purpose of determining some lines that had never been determined.

Q. Did you direct the survey?

A. I had nothing to do with it—Mr. Stanton was the surveyor—excepting to assist.

Q. Who requested you to assist?

A. Mr. Stanton.

Q. Did you request the Comptroller to make the survey?

A. Never requested the Comptroller.

Q. Did you have anything to do with the survey except to assist the surveyor at his request?

A. No, sir.

Q. Did you ever know of this Hartwell trespass wherein he took the timber off from the lot that he jointly owned with the State; did you know anything about that?

A. When we were surveying at that time we had a great deal of difficulty of getting over that trespass along where he had followed the timber, for two miles of our line would run right along on that line; it was cut up to the line; he had to work out a good deal to get through.

Q. Did you hear the testimony given by Frank Parker with reference to the trespass by the Hartwells this evening?

A. Yes, sir.

Q. When did you first hear of that trespass?

A. I never knew anything about that trespass before; I don't know that I had ever heard of it.

Q. That is all.

By Mr. CAMERON:

Q. What is your business?

A. Well, sir, I am in the real estate business a little now, and that is the only business I am in.

Q. Have you formerly been a lumberman?

A. I never lumbered very much; some thirty or forty years ago, thirty odd years ago, I lumbered one winter on some lands I took the timber off, some lands I owned.

Q. What relation are you to Ben Turner?

A. An uncle of his.

Q. Are you on friendly terms with him?

A. I haven't been on very friendly terms; I don't have anything to do with him.

Q. How long has this existed?

A. Since about the time that he commenced lumbering up there; he was the gentleman who went on to that land and commenced lumbering without my knowledge and consent, and cut upon this land which I owned jointly with his father and cut several thousand logs, by count, before I knew anything about it, and I immediately tried to compromise and divide the land with him and was under the necessity of commencing a partition suit; I haven't had anything to do with him since then.

Q. Have you been on speaking terms since then?

A. I don't have anything to do with him at all.

Q. The committee are to understand you have not been on speaking terms with him?

A. I don't speak to him at all.

Q. Or he to you?

A. No, sir.

By Mr. CONNELLY:

Q. Are you acquainted with Mr. Garmon?

A. Yes, sir?

Q. Are you on friendly terms with him?

A. Yes, sir; I have no feelings against anybody that I know of.

Q. Do you know him; are you on speaking terms with him?

A. Yes, sir.

Q. Personally not unfriendly?

A. Not unfriendly at all.

Q. Are you aware of the strained relations which recently have occurred between Mr. Garmon and Mr. Benton Turner?

A. I don't know anything about it only what I see in the paper; didn't know it until I saw it in the paper a few days ago.

Q. You never heard during your walks around, Mr. Garmon had been doing those things Mr. Benton Turner accuses him of; you never heard any rumors how anything was going wrong in the department of the forest commission that Garmon presides over?

A. I never heard anything between them.

Q. Do you rely entirely upon what you see in the newspapers, do you believe it to be veracity itself?

A. I read all the papers and believe such of it as I am disposed to; I take off that a good deal of allowance; my mind was made up not from reading the newspapers entirely.

Q. One more question; have you ever heard it said that the commission exercised or did not exercise themselves to purchase land for

the State; you are pretty well acquainted with the land to be bought up there?

A. Yes, sir.

Q. Did you ever hear any of your neighbors, who had land to sell, say that they were anxious to sell to the commission, if the commission showed a disposition to purchase?

A. Well, I have heard — I hear a great deal of talk about forest preserve and about people wanting to sell lands and what lands they want to sell.

Q. Did you ever hear them say what they thought the land was worth, or they could sell it on fair terms, marketable price, to the commission?

A. These lands?

Q. Yes.

A. Well, I know what I think about lands, about all lands; I don't think any land after the sawed timber has been cut down to six or seven inches, I think, is worth anything to the State of New York.

Q. Do you know the commission ever tried to purchase land that was on the market, that was for sale; you know the commission say they were trying to get all the land they could at a reasonable price; are you aware they tried to get this land, and could they have got it if they had tried?

A. I don't know whether they could get it; I don't know anything about it; I have heard sometimes there was some little talk about their buying; I don't know anything about it.

Q. You think they could get all the land they wanted if they gave a reasonable price?

A. I think they could get a good deal more than it would be profitable to the State to buy.

Q. What do you think was a reasonable price per acre for the average land up there?

Q. The location of the land depends entirely upon its value.

Q. Depends entirely on the timber upon it?

A. So far as any one can judge the timber has stood there ever since the world stood; no man ever made a dollar out of it and never can; there is land high up on the mountains and so far removed from the stream that a log would be worth too much to get it to a stream.

Q. Did Mr. Garmon tell you the commission was anxious to purchase land?

A. I have heard Mr. Garmon frequently speak something about buying interests where the State owned, where they owned jointly; I heard about a piece they sold over in St. Lawrence county, which is

beyond Tupper's lake, where the State owned jointly with somebody and they sold out, the land was sold some way, I don't remember; I know the land was sold and the State's interest taken out of it.

Q. It is pretty hard to get anything out of you; that's all.

By Chairman RYAN:

Q. You are acquainted with the general character of land up there about this Adirondack region and its value generally, are you?

A. I ought to be, I have traveled for forty years over the land of Franklin county and I have traveled more than a thousand miles on this township, lots and surveys; I have owned considerable of it and sold.

Q. Are you a surveyor?

A. I don't call myself a surveyor; I have worked considerable at it and keep a compass to aid in tracing on lots in Franklin county from the original lots; I never allow myself to try to do anything else; never done anything for anybody else; I have assisted other surveyors.

Q. Has land risen in value around and through that Adirondack region within the last two or three years?

A. Some of it has.

Q. What do you suppose was the cause of that?

A. So many southern people coming to the woods who would pay fabulous prices for it.

Q. Do you think this proposition of the State to establish a large park up there and that the State would be a probable purchaser for a large quantity of land has had anything to do with enhancing the value?

A. I should think very likely; I have heard a great many people put a higher price upon their lands.

Q. What, in your opinion, would be the effect up there now if the State should determine to purchase or get control of a large quantity of land, such as is talked of, for this park for park purposes, as to the value of the land; as to the prices the people would ask for it; in your opinion, would they ask very much higher prices than the land could have been bought for before this park agitation commenced?

A. If they should undertake to buy a very large park it would have more to do with it, but they might increase their park two or three hundred acres of land that has never been cut over now and it wouldn't enhance the value of timber very much around it; it might raise the price of land; people might think they would eventually sell more.

Q. Get a better price out of the State?

A. They would if they get the price I hear talked.

Q. Have they already commenced to talk high prices in consequence of the prospect of establishing a park there?

A. I have seen in the papers prices mentioned at the rate of five dollars an acre for land on which all the primitive timber stands now.

Q. What was the price of that previous to the time of this park?

A. Some of it was sold for taxes a few years ago.

Q. How much an acre would that be?

A. That would depend upon how many years taxes there was now.

Q. Fifty cents, perhaps?

A. It might be a dollar, sometimes a dollar and a half, from that down to twenty cents.

Q. Not over a dollar and a half?

A. I don't remember now any.

Q. That would be a high price, would it; fair high price?

A. A tax sale might cover ten years of taxes, and those taxes, with the ten per cent figured upon them, you would have to pay, and by the time you got through with the Comptroller's office would cost you somewhere from seventy-five cents to a dollar an acre on lands that had been assessed two dollars an acre.

Q. What do they assess this land for as a general thing?

A. They are in the habit of assessing most of it that has timber upon it at two dollars an acre; if it has been lumbered out they assess it a little lower; some denuded lands they don't put much value to.

Q. These are the same lands that are now spoken of as being worth five dollars an acre to the State?

A. Those lands that has timber upon them might be considered worth five dollars an acre, would depend upon their location.

Q. Would you consider any land up there that has been lumbered worth five dollars an acre?

A. We sometimes sell land for about five dollars an acre that saw-timber has been taken off of it where it is near some village that it is needed for village purposes; I have sold some near Malone; Mr. Parmerlee, a big lumberman, sells some of his wood land, reserving the timber, at five or six dollars an acre.

Q. The average price of this land four or five miles back from the village, if it is well covered with hard wood, forty cords to the acre, they will get from five to seven dollars an acre for it?

A. That is all.

Cross-examination:

By Mr. ADAMS :

Q. You say that you have not been on speaking terms with your nephew since he cut on your lands ?

A. No, sir.

Q. How many years ago was that ?

A. He commenced cutting there in the winter of 1879 and 1880.

Q. Since 1879 and 1880 you have not been on speaking terms with him ?

A. I don't put myself out to speak with him at all; I don't want to have anything to do with him.

Q. The hard feeling commenced at that time ?

A. The hard feeling commenced at that time.

Q. And exists at this time ?

A. Yes, sir.

Q. This survey that you speak of, what land was that you mentioned the surveyor you helped survey ?

A. We went around the northeast quarter of township 18, some 8,000 acres.

Q. You went the outline of that lot ?

A. We went the outline of that lot and then run a center line.

Q. The outlines of that, the land that you sold Hartwell, did that lie next to any one of these exterior lines ?

A. It was on the north side of the quarter.

Q. So the lands you sold Hartwell laid just north between the two and land you owned and sold to Hartwell the line of that was the same line of the next lot, was it not, common line between the two ?

A. Yes.

Q. That line was one of the lines that you surveyed ?

A. That line was a line that was surveyed before my brother and I got it.

Q. I am speaking of the time that you and the surveyor surveyed; you surveyed this line ?

A. Yes, sir.

Q. Between what you sold Hartwell and this other lot; did you survey this common line as a matter of fact ?

A. I was with the surveyor who ran that line before my brother and I partitioned.

Q. You evade my question; did you survey those lands at this time ?

A. Yes, sir; we made a second line.

Q. You surveyed it again ?

A. Yes, sir.

Q. When was that survey made; what year?

A. Winter of 1885 and 1886, I think; we were in there about thirty days.

Q. How long before that had you sold your lot to Hartwell?

A. I sold my interest in that land in October, 1883.

Q. Sell it and convey it to Hartwell at that time?

A. I conveyed it to Mr. Hartwell, and he paid me for it.

Q. That was in 1883?

A. Yes, sir.

Q. And you went, as I understand you, to look up the trespass which produced the suit against your nephew in regard to the south-east quarter of township 24?

A. That suit wasn't against my nephew.

Q. Who was it against?

A. Brought against my brother Chauncey, who was the owner with me; I partitioned with him.

Q. You don't understand me; you say in February, 1887, you were requested to look after the trespass on the southeast quarter of township 24; that is the land about which there is a suit against your nephew?

A. Yes; I understood you to speak of 18.

Q. You went to look up that trespass in 1887?

A. All I done was to go with Mr. Garmon to assist him in finding the township lines, and drove on it enough to ascertain there was a big trespass on the lot; we were only there one day.

Q. You went to assist in looking up this trespass against your nephew?

A. I was under pay by the State at the time.

Q. You went there and assisted about it?

A. Yes; I went there.

Q. That was after you and your nephew had had hard feelings?

A. Yes, sir.

Q. And you went there in the employ of Garmon?

A. I had been in the employ of the State for some time.

Q. How long were you in the employ of the State — from what time to what time?

A. I was there off and on at different times wherever they directed me to go to make an examination of trespass.

Q. Were you special agent or forester?

A. I wasn't forester at all; I was special agent.

Q. Through how long a time were you employed in this way?

A. I was employed in that way.

Q. A year or two years ?

A. Over one year, and then they put me on the pay-roll; I didn't have any appointment, and didn't ask them; they put me on the pay-roll and kept me in their employ a year.

Q. How long have you been in the employ of the State ?

A. About a year and a half.

Q. Are you in the employ of the State now ?

A. No, sir.

Q. How long since you got through ?

A. I was through in 1889, summer of 1889.

Q. Who employed you ?

A. Mr. Garmon employed me in the first place ?

Q. You are on good terms with Garmon, are you not ?

A. Yes, sir.

Q. Very good term ?

A. Good terms with them all.

Q. You are on good terms with Garmon ?

A. I am on good terms with Garmon; I haven't met him, that I know of, in a year.

Q. When did you come here ?

A. I came here yesterday.

Q. How came you to be here ?

A. I came here by directions from him.

Q. Mr. Garmon ?

A. Yes.

Q. Did he come to see you ?

A. I saw him at Norwood, on the Ogdensburgh road.

Q. When did you see him ?

A. I saw him Saturday.

Q. You talked this matter over with Garmon since he saw you ?

A. I saw him about an hour that day.

Q. You talked this matter over ?

A. We talked a little; we were only together a little over an hour.

Q. At that time you talked this matter over ?

A. We talked something.

Q. You came here Saturday ?

A. I came here yesterday.

Q. Since yesterday have you been talking this matter over with Garmon ?

A. I have talked this matter over some.

Q. You feel quite an interest in Garmon ?

A. No; I have no interest in anybody particularly in connection with this business.

Q. You feel an interest with Garmon in this matter?

A. No, sir.

Q. Cool as a cucumber, don't care anything about it?

A. I don't know that I do.

Q. You think you stand entirely indifferent between Garmon and your nephew on this question of veracity?

A. Yes, sir; I do.

Q. Would you believe your nephew with the present state of feeling you have against him?

A. I have to take his statement with a good deal of allowance.

Q. How is it with Garmon, would you believe him?

A. Yes, sir.

Q. That is all.

Mr. ANIBAL.—That is all from you; I will read now a statement from W. W. Hartwell:

STATE OF NEW YORK, }
COUNTY OF CLINTON. } ss.:

William W. Hartwell being duly sworn says that he is a resident of Plattsburgh, in the county of Clinton, and has been for more than twenty-five years last past; that deponent is a member of the firm of W. W. & G. W. Hartwell of Plattsburgh, N. Y.; that deponent first met S. F. Garmon in the year 1886 or thereabouts, who is the warden of the forest commission; that at no time or on any occasion has he settled with and paid said S. F. Garmon for any logs or timber at the rate of fifteen cents per market or standard and neither has the firm of W. W. & G. W. Hartwell; that at no time since deponent first met S. F. Garmon in the year 1886, has deponent of the firm of W. W. & G. W. Hartwell or their employes cut any timber or logs on the lands belonging to the State of New York knowingly; deponent further states that some time prior to the time when the forest commission took charge of the State lands and prior to deponents knowing or meeting S. F. Carmon, one Levi Noble, of Bloomingdale, N. Y., did lumber two lots which the State of New York and the said firm of W. W. & G. W. Hartwell had each an undivided interest therein, said lots were situate in township 18, Great Tract 1, Macomb's purchase, and that the said firm of W. W. & G. W. Hartwell had the logs from said lots, and upon a claim being made by the Comptroller of the State for the pay for the State's interest therein deponent did settle with the Comptroller of the State of New York for its interest in said lots

and the lumber taken therefrom as aforesaid and that Van Buren Miller acted as the agent of the Comptroller in such adjustment.

That said adjustment and settlement was openly made, fairly conducted, and this deponent paid the Comptroller, by check, the price agreed upon between deponent and said Miller, which was at the same ratio as others were settling for, for timber taken from State lands at that time.

That deponent knows Van Buren Miller, who resides at Saranac lake, and has for a number of years, and said Miller is a man of good standing, whose word is believed and is regarded as an honest man, and as never having committed larceny or any other offense against the laws of the State, and deponent states, unhesitatingly, that Van Buren Miller would be believed wherever he is known.

W. W. HARTWELL.

Sworn to before me this 9th }
day of March, 1891.

W. H. CHAPPEL,
Notary Public.

Mr. ANIBAL.—I offer, in connection with this evidence, the statement from the Comptroller's office where he settled for these very logs with Van Buren Miller.

Chairman RYAN.—That was put in before.

Mr. ANIBAL.—Yes, the same statement; now Mr. Garmon.

SAMUEL F. GARMON, recalled :

By Mr. ANIBAL :

Mr. ANIBAL.—I might state, in this connection, that we telegraphed and sent a special messenger to Van Buren Miller to show these settlements were made while he was in the employ of the Comptroller's office; Van Buren Miller, as we are informed in answer, has been sick abed for three or four weeks; been taken down with paralysis and unable to be about; just so he is getting out of doors now.

Q. You are the warden of the forest commission?

A. Yes, sir.

Q. You were here last Friday and heard the testimony of Benton Turner?

A. Yes.

Q. Did you hear his statement wherein he said that at some time while at the Foquet House, in the village of Plattsburgh, that he settle a suit that was then pending between the people of the State of New York and himself, Benton Turner, wherein he paid to you, or to

S. A. Kellogg of Plattsburgh, N. Y., the sum of between fifty dollars and sixty dollars to secure that settlement?

A. Yes, sir.

Q. Is that true?

A. No, sir; it isn't.

Q. Was the suit discontinued there and settled at one time at Plattsburgh between yourself and Mr. Kellogg upon one side and Benton Turner upon the other?

A. Yes, sir.

Q. Was there any money paid or check given to either you or to Mr. Kellogg at that time?

A. No, sir.

Q. Was any money or anything asked of Benton Turner as a condition for settling that suit?

A. No, sir.

Q. You remember the occasion when that suit was settled, do you?

A. I remember.

Q. You know where it was?

A. Yes, sir.

Q. What place was it?

A. Foquet House.

Q. You may state to the committee, Mr. Garmon, in substance, what took place there at that time?

A. Just at the Foquet House?

Q. Just at the Foquet House, now.

A. I met Turner right there in the street and we went into the hotel, in the office of the hotel, and he commenced talking that he wanted to settle up his affairs; like to settle them up and get out of law, a common expression with him; this was a suit commenced on lots 213 to 214, township 9, Old Military tract; the suit was commenced early when the forest commission went on that ground in Saranac waters; it was commenced by John B. Riley; I examined it and considered it a good suit; suit was commenced by John B. Riley.

Q. I call your attention to the certificate from the Comptroller's office, wherein it says at one time they did have title to those lands, the same lots, 213 and 214; are they the same lots on which this action was commenced?

A. Yes, sir; the action was commenced and as I remember it now, the fall term of court in Franklin county, I think in October, 1886, as I remember it, that was that suit and a suit on 219, 221 and 222 was in the suit with 219 however.

Chairman RYAN.—Against the same parties?

A. Against the same parties and when I went on the ground to subpoena the witnesses I found the main witnesses, all the important witnesses, in both suits had gone to Canada, and I looked over the situation and decided to try and get evidence enough to try the suit on 219, 221 and 222; and it was in the same complaint, question of title to break a cancellation; we claimed he had it by fraud, and made up our mind to drop this suit on 213 and 214, and let it go over the term and we did succeed in that way; tried the suit on 219, the court threw us out on the question of fraud on 221 and 222; we tried the case on 219 and beat him, and some time after that I was at Plattsburgh and met Smith M. Weed and he spoke to me about the suit with Turner on 213 and 214, and said then he owned those lots and had owned them all the time; the State's title had been canceled out before they came in our hands and I came back to Albany and stated to the forest commission, and they said they couldn't carry on suits for trespass on private lands and went to the Comptroller's office and they said that was so, the title had been canceled.

Q. The Comptroller's office passed over the State lands to the forest commission?

A. Yes; consequently we were left for a bill of costs as it looked on the face of it; the forest commission said, "get out the best way you could," that was why I wanted to discontinue that suit with Mr. Turner; in the meantime, previous to this and at this time, I understood his uncle, Martin M. V. Turner, was the man who cut the timber on 213 and 214, so I assumed to believe that I knew there wasn't a word of truth in it, and said to Turner, "Let us talk about one thing at a time," and just at this time while we were doing this talking, Mr. Kellogg came in the hotel there; I says, "Here is the suit on 213 and 214 that Mart. cut the timber, as you say, and I am inclined to think that is so; I will make you a proposition to discontinue that suit without costs to either party, and when I commence I will commence against Martin Turner and you shall agree to stand by and help us;" he said he would do that and Mr. Kellogg wrote the stipulation discontinuing the suit and I signed and Mr. Turner signed it and Mr. Kellogg took the stipulation with him as he left; Mr. Palmer, the attorney of record:—

Q. [Presenting.] Is that the stipulation written by Judge Kellogg at the time of which you speak?

A. Yes.

Q. It is written in pencil?

A. Yes, sir.

Q. It is signed by —

A. Signed by him, myself and Benton Turner.

Q. What is the date of it?

A. April 12, 1887.

Q. Attached to this and at the bottom is there a stipulation of the respective attorney, D. O'Brien, Attorney-General?

A. Yes.

Q. That is dated what day?

A. April thirteenth, the next day.

SUPREME COURT — FRANKLIN COUNTY.

THE PEOPLE OF THE STATE OF NEW YORK v. BENTON A. TURNER.

O. S. Palmer, plaintiff's attorney, in substitution of J. B. Riley.

James Tierney, defendant's attorney.

It is hereby stipulated that this action be, and the same is hereby discontinued without costs to either party, and that an order of discontinuance be entered therein by either party on filing this stipulation. Dated April 13, 1887.

D. O'BRIEN,

Attorney-General.

PETER J. PALMER,

Attorney for the Forrester Commission, Plaintiff's Attorney.

JAMES TIERNEY,

Attorney for Defendant.

SUPREME COURT — FRANKLIN COUNTY

THE PEOPLE OF THE STATE OF NEW YORK, *Plaintiff* v. BENTON TURNER, *Defendant.*

Action for penalties for timber taken from lots 213 and 214 in township 9, Franklin county, is hereby settled and discontinued, each party paying his own costs from commencement of action, April 12, 1887.

S. F. GARMON,

Warden, for Forest Commission.

B. TURNER.

Q. In this connection, I ask to read here — Judge Kellogg wanted me to say specially to this committee that he wanted to be here. Judge Kellogg was compelled to go to Malone, Franklin county to open circuit yesterday morning; he said if there was any way by which this matter could be adjourned until Thursday night, he would deem it not only a pleasure but a great privilege to come here and testify in regard to this matter wherein he had stated he had received fifty

or sixty dollars, he or Garmon, because he said there wasn't a word of truth in; he got a telegram to come to Malone.

Mr. ADAMS.—I object to the reporter taking this in as any part of the proceedings.

Chairman RYAN.—Put the statement in evidence, it is getting late.

Mr. ANIBAL.—(Reading.)—

STATE OF NEW YORK, } ss.:
COUNTY OF CLINTON.

S. A. Kellogg, being first sworn, says: I reside at Plattsburgh, in said county, and was for some years and until elected in November last Justice of the Supreme Court, a partner in the late firm of Palmer, Weed & Kellogg. Judge Peter S. Palmer of that firm was from December, 1885, until his death in August, 1890, attorney for the forest commission. It was my duty to examine into all cases brought in the name of the people, at the instance of that commission, where judge was the attorney of record, and also my duty to try the causes.

I am informed that one, Benton Turner, recently stated before the Assembly investigating committee that he had paid to me or to Mr. Garmon, in my presence, fifty or sixty dollars to secure the discontinuance of a suit for timber cut on lots 213 and 214, township 9, O. M. T., Franklin county. Mr. Turner is mistaken; the story is altogether false. Not only was no money paid by him, but none was talked of or suggested. The discontinuance had been determined upon by Judge Palmer and myself after the trial in March, 1887, of the People vs. Turner and the recovery of judgment of \$1,250 for penalties for taking timber on lot 219. After full examination of the witnesses and the title to these lots, we concluded there was no possible chance to recover in that action and the suit which was originally brought by John B. Riley, as attorney, on the information furnished by Van Buren Miller, we found had been brought without proper investigation. We were anxious to avoid payment of costs and directed Mr. Garmon to propose a discontinuance to Turner without cost to either party. This he did and on the 12th of April, 1887, I met both Turner and Garmon at the Foquet House, in Plattsburgh, and the agreement was at once arrived at and, fearing Turner might on seeing his counsel insist on costs, I at once drew a stipulation in pencil on a piece of paper and had both Turner and Garmon sign it. This memorandum in its original consideration is hereto attached. On the day following Judge Palmer presented it to the attorney of Mr. Turner and the formal stipulation also hereto attached was signed by the attorneys of record.

I met Mr. Turner to-day and he mentioned the fact that he had testified before the commission and said he had told there, that he paid me for such discontinuance, fifty or sixty dollars, but he was mistaken, that it was seventy-five dollars and he had the check. I told him I thought his memory out of order and asked to see the check. He took me to his house and showed me a check of which the following is a copy:

PORT HENRY, *January 29, 1887.*

First National Bank of Port Henry, N. Y:

Pay to the order of S. A. Kellogg, seventy-five dollars (\$75).

B. TURNER.

and said this was the check he paid me for the purpose named. I told him he no doubt gave me the check, but not for the thing he supposed. That check he said he gave me at the Foquet House in presence of Garmon at the time the paper was made by me agreeing to discontinue the action. I told him I could convince him at my office how wholly unreliable his memory was. He said I might take the check and write him what my books said and return the check to him as he had to go away.

I find this entry on my day-book, under date January 29, 1887 (date of check):

"B. TURNER.

Dr.

To paid Cantwell balance costs.....	\$42 56
To paid Myers' fees on arbitration.....	25 00

By check this day, seventy-five dollars."

Just prior to this is entry of charge for services upon the arbitration, twenty dollars, and services in suit Cantwell brought against him of fifteen dollars.

I remember distinctly the occasion of his payment to me of the check; it was in my office at its date, on my request, to be at least refunded; this money I had paid out as above on his account, and he sat down at my table and drew the check to cover those, and said give him credit for the balance, which I did.

I never had any talk with Turner about this suit which was discontinued or about its discontinuance, except at the time stated at the Foquet House in the presence of Garmon.

In the long litigation which we have had with him on account of the forest lands, he has expressed himself as full of hatred of the members of the commission and towards Mr. Garmon, also,

for what he termed persecution — in other words, for not permitting him to steal stolen timber without insisting upon the penalties; I am not surprised he states what he must know is absolutely false in this particular.

S. A. KELLOGG.

Subscribed and sworn to before me, }
March 9, 1891.

D. J. CLEARY,
Notary Public.

Mr. CAMERON.—Kellogg is justice of the Supreme Court now?

Mr. ANIBAL.—Yes. He feels about this the same as any honest man would about to be accused of an offense that he was not guilty of. He is a man who knows pretty near what he is about.

Q. Now, Mr. Gorman, you heard the testimony of Benton Turner yesterday here, when he spoke about your riding with him, or being in company with him, going from Saranac lake to Loon lake; did you at one time ride with him from Saranac lake to Loon lake?

A. No; It was from Plattsburgh to Loon lake; went that way, then on to this twenty-fourth township.

Q. Tell the committee how you came to go and how you went; whether you and Turner went in company?

A. It is about eight or nine miles south to the southeast quarter of the twenty-fourth township.

Q. When did you get there?

A. First of February, 1887.

Mr. ADAMS.—Is that memorandum you have made for the occasion?

The WITNESS.—I have made this for the occasion.

Mr. ADAMS.—What date did you say it is?

The WITNESS.—First of February, 1887.

Q. State how you came to go; that you and Turner went in company?

A. Mr. Turner had said at different times, two or three different times, in talking about that, he knew that quarter of that township and was going to hold it, and more than that he was going on there this winter to lumber it, so that I was keeping watch, as I told him all the time he had better keep off, as there certainly would be trouble if he went on there; previous to this time I was informed that he had commenced lumbering on this quarter, and I went for the purpose of ascertaining whether there was any trespass on that quarter or not; when I arrived at Plattsburgh, I met Mr. Turner, had a long talk with him; wanted to know where I was going,

and I frankly told him I was going to the southeast quarter of the twenty-fourth township to see if there was any trespass there; said he hadn't cut a stick, at all, says he, "I am going right up there and can convince you in about two hours when I get there, there isn't a bit of trespass there; we have landed some logs on there; we are cutting it on the Old Military tract, township twelve and township twenty-seven, northeast quarter; I told him that was all right, I would go with him, and I did, went there and went on the quarter, and he showed me there clearly as it appeared to him, that the cutting was on the Old Military tract instead of this quarter; it is fair to say that I assumed to believe what he said about the lines; I had never been there, but I had a good description of the quarter from Cold brook they run the logs out of; the east line of this quarter is the Essex county line between Essex county and Franklin county; after looking it over some that day, he showed me about the lines, insisted they were so and so and left the cutting on the Old Military tract; I allowed that was so; I didn't dispute the outlines, because I wasn't able to dispute it, I hadn't been there and he assumed to know all about it and we came out from there, and the next thing that I done, was to inquire around for some good man that knew those lines, and struck this man, Albert Turner, knowing that quarter and not very friendly with his nephew; this was an important case, for the reason there were other parties in the bottom of the deal, as we supposed, knew where they had got their old bottom title they were leaning on, and I came out of the woods and saw Commissioner Basselin, told him the condition of affairs, I had just been in there and what I had done; he says, "I don't believe a word of it, I am certain there is trespass on the quarter, my suggestion is to go there and take a good man there that knows them lines and look it up," he said "do it;" I went right back to Malone, saw Mr. Albert Turner and engaged him to go with me and we went up there direct and looked it over, and found the lines, he did; and found that there was a large trespass on the quarter instead of none; I then came out from that trip.

Q. Right there, is that the time Mr. Albert Turner has spoken of, that he went up there with you to look at this southeast quarter?

A. It is the same time, I came out from there, and I can't tell now, but very shortly, I went to the attorney's and we applied for writs of replevin.

Q. (Mr. ADAMS.) What attorney did you go to?

A. I think Judge Palmer was the attorney in that case.

Q. Peter S. Palmer was the attorney?

A. The writ of replevin I think was issued by Judge Tappen of the Supreme Court; the writ of replevin was against the whole drive; the whole amount of logs laying there was not from this quarter; perhaps three-fifths was from the Old Military tract, township 27, drawn on there and mixed in with those logs; got the writ of replevin and about the eighth, I guess the eighth or ninth day of April, I struck the sheriff at Malone, Franklin county, gave him the papers and he said somebody had got to go with him to identify the property and I told him I would go and did go with him; we went up there and he replevied the drive, all the logs; that was about, I guess, the seventeenth or eighteenth of the month; came out from there and went to Plattsburgh and notified Mr. Turner; he had replevied the logs and Mr. Turner in a couple of days got bondsmen there, \$10,000 bonds; his father signed it and somebody else; that released the logs to him; from that she passed into this suit.

Q. And that is the suit that is now pending?

A. Same suit.

Q. Pending before Judge Hand?

A. Judge Hand as referee.

Q. In that suit who tried it for the forest commission?

A. Judge Kellogg represented, Judge Palmer was the attorney of record and Mr. Hessberg, of Albany, was counsel in the case.

Q. At that time and on that trip did you ever go with Mr. Benton Turner from Plattsburgh along between Saranac lake and Loon lake at any other time but this one?

A. I think not; I don't remember being with him any other time.

Q. At this time, on this occasion, was there any talk or suggestion made by you to him, or him to you, about valuing the southeast quarter of Township 24 at \$15,000, and that it would cost \$11,000 to pay up the taxes and expenses in the cancellation of the title, and that you and he would divide the difference between \$11,000 and \$15,000 between you two?

A. No, sir; there wasn't.

Q. Was there anything like that said or anything in substance?

A. No, sir.

Q. At that time or any other time?

A. No, sir; the suit has been pressed from that time right along without let or hindrance.*

Q. Were you ever at his house subsequent to that time within two months or a short time after that, more than four times when the subject of this deal, wherein the southeast quarter of 24th township of

\$15,000, and it would cost \$11,000 and paying up the taxes and expenses and you and he would divide the \$4,000 between you?

A. No, sir.

Q. And was anything of that kind said in substance?

A. No, sir.

MR. ADAMS.—I object to taking the answer to the question in the form it was put; it is involved and does not mean anything.

Chairman RYAN.—Yes, I think we understand what the question was.

Q. Did you ever have any talk with Mr. Benton Turner about his redeeming the southeast quarter of 24th township, and what it cost less than \$15,000 should be divided between you and him?

A. No, sir.

Q. At any time?

A. At any time or any place.

Q. Did you state to him upon this trip, or at any other time, that if he would cancel the title you would have forest commissioner Basse-lin not oppose the cancellation or anything like that in substance?

A. No, sir; not a shadow of it in any shape or manner whatever.

Q. You heard his testimony with regard to these other two pieces of land which is the southeast quarter of 24 township and northeast quarter of 19 township; was there anything said about cancelling the title of them and dividing the difference?

A. No, sir.

Q. On this trip?

A. No, sir; what Mr. Turner did say in relation to most every piece of land in that country prior to the time I got his men indicted after making affidavits near Round pond, and it is fair to say I was very close to indicting him for suborning perjury, they wouldn't pay my expenses and I couldn't go on.

Q. Who wouldn't pay it?

A. The Comptroller's office.

Q. They disallowed the bill?

A. Yes, sir.

Q. How did you get him indicted?

A. Went before the grand jury of Franklin county to get him indicted for perjury.

Q. You went before the grand jury as a witness?

A. No.

Q (MR. ADAMS.) Had who indicted for perjury?

A. These two fellows who made the affidavits for him on lots to redeem; I went before the grand jury and I put copies in the affidavits

that were here in the Comptroller's office before the grand jury and then put witnesses on the stand to show it was virgin forest.

Mr. ADAMS.—These indictments were not against Turner?

Q. Did you hear the testimony of Benton Turner the other day when he spoke about your having said to him that you had settled a trespass with the Hartwell's of Plattsburgh for fifteen cents a market?

A. Yes.

Q. Did you ever settle a trespass for fifteen cents with Hartwell?

A. No, sir; or anybody else.

Q. Can you give the dates when Albert Turner was employed and when he quit working for the forest commission?

A. No, I can't; he was employed something like a year, I think, from memory only.

Q. You heard the evidence given here to-night with reference to the settlements from the Comptroller made by Van Buren Miller with Mr. Hartwell and with several others, wherein it was claimed Benton Turner had sold some logs to Wales Parsons for \$57.50 and another lot of logs for \$150, that was in April of 1885 and May of 1885; was that before the organization of the forest commission?

A. Yes.

Q. Did the forest commission have anything to do with that?

A. No.

Q. Did you ever settle any trespass with Tobey & Boyce?

A. No, sir.

Q. With Grimes & O'Neill, did you ever make any settlement?

A. No.

Q. Whatever settlements you made with Tobey & Boyce and Grimes & O'Neill it was prior to the forest commission possession of these lands?

A. Tobey & Boyce I know something about.

Q. Was it prior to the forest commission taking possession?

A. Oh, yes; way back of it.

Q. With which the forest commission have had nothing to do with it whatever?

A. Oh, no.

Q. You heard the testimony of Mr. Parker; did you direct him to go up and make an examination in reference to this complaint made by Benton Turner?

A. I did.

Q. He reported as stated by him to the office?

A. Yes, sir.

Q. (Mr. ADAMS.) The Hartwell trespass?

A. Yes.

Q. Did you say to Benton Turner at any time that you would advise Basselin to recommend a redemption of any lands?

A. No, sir.

Q. Did Benton Turner at any time ever pay you any money or division of spoils or upon any lots canceled or anything else?

A. No, sir; he never has canceled any lots since we fairly got on to it either.

Q. Have you tried to prevent it?

A. I have, pretty good luck, too; the records will show that.

Q. Did you serve any notices from the 1881 or 1885 tax sale upon occupants upon any State lands?

A. Yes; there were some served from our office after the 1885 sale; 1881 sale, no, we weren't in existence; anybody could redeem.

Q. Have you a letter you wrote after making examination in relation to the southeast quarter of 24 township; have you the report you made to the office?

A. It was just after I had been there and established the fact there was a trespass there March first; Mr. Fox, who was then in charge of the office, wrote me they had just canceled out another tax-sale title on this southeast quarter and in reply to that I said —

By Mr. ADAMS:

Q. Where did you get that letter?

A. It came from a file in the forest commission office.

Q. You bring it from that file?

A. Yes, sir.

Q. Immediately after reporting that to the office, did you then secure the writ of replevin and attach the logs?

A. Replevied the logs.

Q. I think that is all.

MR. ADAMS.—Inasmuch as it is half-past 10 I don't think I could finish the cross-examination with him and would like to suspend it until the committee could meet again.

Chairman RYAN.—Have you any other witnesses to put on?

MR. ANIBAL.—We have Mr. Basselin when he comes here. He will be here in the night.

Chairman RYAN.—Do you wish to examine him at length?

MR. ANIBAL.—Oh, no, only two or three matters. Oh, yes, we want to ask Mr. Cox a question.

Chairman RYAN.—The subcommittee will be here at 9 o'clock in the morning to continue this investigation. Will you be ready

to-morrow evening to submit any remarks you want to make on the evidence?

Mr. FIERO.—It will be a little difficult to do that if we are not to close the evidence until to-morrow morning. It will be next to impossible.

Chairman RYAN.—We will permit you to go on and close that evidence to-night.

Mr. FIERO.—I understand Mr. Adams suggested he would prefer to go on in the morning; if the committee think they must go on to-morrow night we shall be ready to close, if that is the wish of the committee.

Chairman RYAN.—The full committee will meet Thursday evening. This investigation is closed until 9 o'clock to-morrow morning.

The committee then adjourned until Wednesday, March 11, 1891, at 9 A. M.

WEDNESDAY, *March 11, 1891, 9 A. M.*

The committee met pursuant to adjournment.

Chairman RYAN.—Ready, judge?

Mr. ANIBAL.—Ready.

Mr. GARMON.—I made a statement last night I want to add to; I made the statement the Comptroller's office disallowed some money that I paid in getting men indicted for perjury, that was under Mr. Chapin's administration, not the present administration.

SAMUEL F. GARMON, recalled:

By Mr. ANIBAL:

Q. There is one question we neglected to ask Mr. Garmon; you remember seeing these long and lengthy articles in the Herald some time ago about your railroad, you had a railroad up in the woods there?

A. Yes, I read it.

Q. Are you the owner of any railroad up there?

A. No.

Q. State what there is about that railroad, I suppose you know all about it, don't you?

A. I know a good deal about it.

Q. What is there about that railroad, Garmon's railroad?

A. Do you want a description of the road as to what it is?

Q. Yes?

Chairman RYAN.—Don't take too long; make it brief.

A. It is a little piece of frame road built over eight miles, about eight miles, thirty-five rods, over an immense rough, rocky piece of territory where mud wagons run before to take tourists in the woods; it has wooden rails and put there for the express purpose of carrying tourists, their provisions, baggage, etc.; takes the place of the mud wagons and is used for no other purpose; as to State land it is good twenty miles and over from there to State lands; this little piece of railroad is right at the border of the forest, exactly.

Q. Whose railroad is it?

A. G. H. P. Gould's, member of Assembly, and A. H. Crosby; Gould owns two-thirds and Crosby one-third, as I understand it.

Q. You don't own any of it?

A. No.

Q. Mr. Gould is the present member of Assembly?

A. Yes.

Mr. ADAMS.—Anything against Gould?

A. Not a thing; anything against a man that owns a railroad?

Cross-examination:

By Mr. ADAMS:

Q. You were one of the promoters of this railroad, were you not?

A. Yes, originally.

Q. When was it started and did you promote it?

A. Three years ago, last fall, I guess.

Q. Did you put money into it?

A. Yes, a little.

Q. And you continued to have an interest in it until what time?

A. Until the next spring; about, I guess, in May.

Q. So that you owned a little over a year?

A. No, less than a year.

Q. What year was that this road was being built?

A. Two years ago last summer.

Q. What year would that be?

A. Eighteen hundred and eighty-eight.

Q. You did go with Turner once up by Loon lake?

A. Yes, sir.

Q. What year did you say that was?

A. Eighteen hundred and eighty-seven.

Q. What month?

A. February, first of February.

Q. Are you sure about the year?

A. Yes; it might have been the day we went up there, the last day of January.

Q. I am asking the year?

A. Eighteen hundred and eighty-seven.

Q. You are as sure of that as anything else you have sworn to, I suppose?

Mr. ANIBAL.— I object to the question as incompetent and improper.

Mr. ADAMS.— I won't press it.

Mr. FIERO.— Allowable in justice court.

Q. How long were you gone on that?

A. Four days I think.

Q. How came you to go with Turner?

A. I went there with him to look for a trespass; I came because he asked me to go, or I told him.

Q. Which was it?

A. I told him when I met him in Plattsburgh there was a trespass reported on that quarter; he had threatened lumbering there.

Q. How came you to go there; did you ask him or did he ask you?

A. He asked me.

Q. Then you went with him?

A. Yes, sir.

Q. And he stated to you that the logs on the creek upon this lot had been cut on adjoining lands?

A. Yes, sir.

Q. And he told you where he understood the lines were?

A. Yes, sir.

Q. And you say you affected to believe all that he told you?

A. I didn't dispute it; I wasn't able to dispute it.

Q. Last night you assumed all he said was true?

A. Yes; take it that way.

Q. You stated last night you didn't believe it?

A. I didn't believe a word of it.

Q. You were practicing deceit on him to draw out information, weren't you?

A. Put it that way if you like.

Q. Do you think it comports with the dignity of this State that its officials should practice deceit upon people against whom the State have claims?

A. It does when they are deceiving you; he was deceiving me as to the lines.

Q. It was a game of cheat on both sides?

A. It looks a little that way.

Q. You were in there four days with him?

A. We were in there two days, on the quarter, I think; four days, I think, was the whole time.

Q. During this whole time it was a game of cheat, as you understand it, between you and Mr. Turner?

A. Call it a game of cheat, if you like; that is the facts in the case.

Q. And on coming out, you procured the old gentleman, Turner, to go up there, and went up with him?

A. Yes.

Q. And thereupon you began the suit?

A. Yes, sir; as prompt as I could, too.

Q. I understood you to say that only about two-fifths of the logs were cut on this tract, and three-fifths came from the other tract?

A. That is my estimate of it.

Q. Notwithstanding, you caused the whole to be replevied?

A. Yes.

Q. Did the State have any claim, or did you suppose the State had any claim on those three-fifths?

A. I don't know certain about that question, whether they did or not.

Q. You didn't know?

A. No.

Q. At that time, you didn't suppose it had any claim?

A. What makes you say that?

Q. I ask you the question, if you didn't know you had no reason to suppose the State had a claim on those three-fifths?

A. No, sir; I had reason to suppose the State might own the whole of them; he had done the mixing of the property.

Q. You don't answer my question; had you any reason to suppose the State had any claim on the lands from which the three-fifths came?

A. No.

Q. What explanation have you to make that, in behalf of the State, you took the whole of this man's property?

A. Because the State property was mixed up with it; couldn't separate them.

Q. Did you suppose the State had any right to replevin property in which it had no interest, although it was with other property?

A. The Supreme Court action gave me the right of replevin.

Q. Did you suppose it was right and just on the part of the State to take up property on which it had no claim, although it was mixed with property that you supposed it did have a claim?

A. Yes.

Q. Do you think this an honest way for the State to do business, or its agents to conduct the business of the State?

A. How could you do it any other way; you couldn't pick the logs out.

Q. To your moral senses, do you think that is honest and honorable dealing on the part of the State?

A. I don't catch on to just your point.

Q. You can't answer the question?

Chairman RYAN.—It seems to be a simple question; I think you may answer it.

Q. Do you think that method of business, grabbing all the property, two-fifths of which they had no interest whatever, that that is an honest and proper way for the State to transact its business, and comports with the dignity of the State?

A. Can't be done any other way.

Q. That don't answer the question.

A. Yes, sir; I think it is, under the circumstances.

Q. You think you were representing the State on that occasion in this action according to the line of your duty, do you?

A. Yes, sir.

Q. You state this was the only time you ever rode with Turner up by Loon lake?

A. I think so.

Q. Are you sure about it?

A. No, I am not sure, but I am reasonably certain it is the only time I ever went from Plattsburgh up there; started from there and went with him.

Q. The next year did you go with Turner; in 1889, did you go with Turner up by Loon lake and to this land?

A. No, sir.

Q. Or ride with him from Plattsburgh?

A. No.

Q. I understood you to say last night the 1887 ride was the only ride?

A. Yes.

Q. Did I understand you to say you never was at Turner's house at Plattsburgh?

A. No, sir.

Q. Did you so swear last night?

A. No, sir.

Q. How many times have you been at Turner's house at Plattsburgh?

A. I think once to his house and once to his office that adjoins the house.

Q. When were you to his house at Plattsburgh?

A. I can't tell the year.

Q. Was it before or after this ride in 1887?

A. I should think after.

Q. When after?

A. A good while after I should think; a year or year and a half, two years maybe.

Q. After that a year or so?

A. Yes, a long time.

Q. When were you at his office which adjoins his house?

A. I can't tell; a year or so after that.

Q. How many times can you call to mind that you were at his house or office?

A. Twice; that is all I can recollect.

Q. Did he never talk with you about the southwest quarter of 24?

A. In what respect?

Q. Did he ever talk with you on that subject?

A. He said he had an occupancy on that quarter.

Q. Did he ever talk with you on that subject of the southwest quarter?

A. What do you call the subject of it; tell me that?

Q. Talk about it?

A. He talked about it in that line.

Q. I didn't ask you what he said, I asked if you had a conversation on that subject?

A. Yes.

Q. When did he talk with you about the southwest quarter?

A. I couldn't tell you, or give you any idea of it.

Q. Was it before or after you took this ride in 1887?

A. I should think it was a year and a half after; might not have been so long.

Q. How many times did you talk about this quarter?

A. Once, as I remember.

Q. Any more?

A. I don't remember any more.

Q. You say you never had more than one talk?

A. No; I talked with him a great deal; might have talked about it a dozen times; I couldn't say.

Q. Was this quarter owned by the Cochranes, down below Albany?

A. I don't know anything about it; I supposed Smith M. Weed owned it, or had what was called bottom title.

Q. Did you know the Cochranes had any interest in that land?

A. No, sir.

Q. Did you hear Smith M. Weed had title?

A. I had heard so.

Q. There was another piece of land, the southwest quarter of 24; did you ever have any conversation with him on the subject of that piece of land?

A. Isn't that the southwest quarter you have just been talking about?

Q. I will say the northwest quarter of 15; did you ever have conversation with him?

A. No; I don't know that I ever had any conversation with him; wait a minute; I will say this, he made a proposition at one time to exchange.

Q. I didn't ask what he said; the question is, did you ever have conversation with him about this tract of land?

A. I think I did, in connection with other land.

Q. Whether you did or didn't?

A. Yes.

Q. You did have conversation with him once about it?

A. I am inclined to think so; I think I proposed to exchange it.

Q. You did have conversation with him once about this, you think; can you be sure about it whether you did or not?

A. No.

Q. The other quarter he said was owned by New York people; that you did have talk with him about and you understood Smith M. Weed had title to it?

A. That was my idea.

Q. [Presenting.] Is that your handwriting?

A. Yes, sir.

[Marked "1 — J. M. R."]

Q. [Presenting.] Is that your handwriting?

A. Yes, sir.

[Marked "2 — J. M. R."]

Q. [Presenting.] Is that your handwriting?

A. Yes, sir.

[Marked "3 — J. M. R."]

MR. ADAMS.—Mr. Chairman, I offer to read these three letters in evidence.

(2.)

HOME, N. Y., June 4, 1888.

TO BENTON TURNER, *Plattsburgh* :

I received a telegram from you a long time since, and have expected every week to come there the next, and will before long now. I have been investing a little in woods property as you will see by the inclosed clipping; we expect to have one-half of the road running by July.

I am yours most respectfully.

S. F. GARMON.

(1.)

LOWVILLE, N. Y., 3-19, 1888.

TO BENTON TURNER, *Plattsburgh* :

I just received yours of the sixteenth. I am going into Herkimer county now and will be gone three or four days, but will meet you some day following that at Potsdam, and I think that the best way. Will communicate with you as soon as I can get out of Herkimer county.

I am yours with respect.

S. F. GARMON,

Warden.

Q. Was that the clip inclosed in that letter?

A. I can't tell you anything about it.

Q. The question is, was that the clip inclosed in this letter of June sixth?

A. I should presume that it was, I can't say further than that; that relates to that same little railroad, anyway.

Q. I will give it to the reporter so he can put it in the minutes.

Dr. Alexander H. Crosby, of this village, and Samuel F. Garmon, of Watson, have purchased of A. B. Lamberton, of Rochester, the Old Forge House on the Fulton chain of lakes, and 1,350 acres of timber land for \$10,000. The hotel will be managed by Joseph A. Harvey, who has already taken possession. Messrs. Crosby and Garmon and Hon. G. H. P. Gould now proposed to build a horse railroad from the Moose river tannery through the heart of the Adirondacks to the Forge House, providing the right of way can be obtained, and in this they will, probably, have no trouble. The distance from the Moose river tannery to the proposed terminus of the railroad is fourteen miles, the right of way of seven miles of which has already been secured and surveyors will commence laying out the route the present week. These gentlemen have also entered into contract with Francis G. Crary of this place, to take his steam saw mill into the wilderness and cut the

roadway. For the present wooden rails will be used but these will be superseded by iron in the course of two or three years. The chief object in constructing the road is to obtain an easy, quick and agreeable route for tourists to the Forge House. When the road is once in running order, tourists can come to Boonville or Port Leyden, and from either of those places go by stage over a good road to the Moose river tannery, or starting point of the railroad. Boonville is thirteen miles from the tannery and Port Leyden eleven miles. Those interested in the enterprise have looked into the matter and believe it will prove a paying investment. They find that a good grade can be obtained, and by following the veins and ravines through the woods, there will be no grade to exceed thirty feet to the mile. The estimated cost of the road is \$10,000. It is proposed to cut a line through the wilderness just wide enough for a car to pass. Work will be commenced up the first seven miles of the road leading from the Moose river tannery as soon as possible, and it is hoped to have the same in running order by July first. The carries between the Fulton chain and Racquet lake will be improved, so that tourists who go in by the Adirondack railroad from Saratoga to North Creek can come out by the new route. Hon. G. H. P. Gould owns 10,000 acres of the wilderness through which the new road will pass, and a greater part of the balance of the route will be through the wilderness owned by Mrs. Julia J. DeCamp. At present it is an all day's jaunt over a rough road to get to the Forge House. The new route will not only be agreeable and pleasant, but the journey will be made in about three hours from the time of taking the train at Moose river tannery. The road will be used exclusively for passenger traffic. The projectors have plenty of capital to back the enterprise."

Mr. ADAMS.—The next is number three.

PLATTSBURGH, N. Y., *October 12, 1888.*

I came here last night and must go on this train. Will be here again I think in about two weeks and intend to go up the Northern Adirondacks to Paul's next week, and can come out this way. I will let you know when I come up this way, as I want to see you as well as you me.

I am truly yours.

S. F. GARMON.

I will go to Norwood to-night as I want to see a man in Potsdam to-morrow and get home at 8 P. M., to-morrow.

S. G.

Q. After you said there you wanted to see him and he see you, did you meet?

A. What date was that?

Q. October?

Mr. FIERO.— There are two letters in reference to that.

A. What year is it?

Mr. FIERO.— Eighteen hundred and eighty-eight.

A. I am not inclined to think I did want to see him.

Q. Did you see him?

A. I couldn't tell whether I did or not.

Q. Can't you say whether you met him after this letter?

A. No, sir.

Q. Isn't it true that after that time you were at his house, at Benton's house in Plattsburgh, two, three or four times?

A. No, sir; I don't think it was.

Q. Is that as strong as you will put it?

A. That is as strong as I will put it; I will say I wasn't there three or four times, that I will say positively; I wouldn't say I wasn't at his house.

Q. You don't know whether after that you were at his house, but you don't think you were as many as three or four times?

A. No, sir.

Q. During the time of this correspondence from February or March, 1888, to the fall of 1888, you were on good terms with Turner?

A. Personally, always on good terms with him.

Q. Did I ask you that?

A. How do you mean?

Q. I ask, between February and October, 1888, if you were on personal good terms?

A. Personally I treated him well and he did me; that was so at all times.

Q. Will you answer my question?

A. I will say yes, at all times.

Q. You have stated you were at Turner's house on several occasions in 1888?

A. I didn't know that I had said so.

Q. You stated two or three times during 1888 you were there, can you remember so as to reproduce the conversation between you and Turner on those occasions or any of them; give the words, what you said and what he said?

A. No, I don't think I could; I can tell one thing that was talked about.

Q. That answers the question that you are unable to reproduce the conversations at any one time and repeat it word for word; who did you see when you were at Turner's house besides Turner at any one of these times?

A. Didn't see anybody that I remember of now, I wouldn't say I didn't see anybody, but I think not; when I was in the office there was nobody there but him.

Q. When you wrote him in June, if that was the time that you had been investing up in the woods and expected the road to be running next month, how came you to tell him that?

A. I was telling him to show I was a little bit busy.

Q. Had you talked some about your railroad and your investment up on the Fulton chain before that time?

A. I can't tell whether I ever said anything to him about it or not.

Q. If you never talked with him on that subject how came you to be writing to him about it?

A. To give him an idea I was busy.

Q. What should he know about those allusions to the road unless you had talked with him about it?

A. He would simply know I was doing a little business there.

Q. How much money did you put into that road?

A. Nearly \$3,000.

Q. Had you put in this money before you wrote in June, 1888?

A. No; not all of it, anyway.

Q. You were putting it in at that time, promoting the project and putting in money?

A. Yes, sir.

Q. You merely wrote, not having talked with him about this road, of your business up there using money?

A. I will say I talked with different parties and they may have talked it with him.

Q. I ask you the question, had you talked with him?

A. I can't say whether I did or didn't.

Q. Will you swear you had not talked with him about this railroad and putting money into it?

A. No; I wouldn't.

Q. Since 1888, the fall of 1888, have you had any correspondence with Turner?

A. I can't tell; had letters from him right along.

Q. Since 1888 have you and Turner had correspondence between you?

A. I can't tell you.

Q. Will you swear that you have had correspondence ?

A. No, sir; I wouldn't swear I had or hadn't.

Q. [Presenting.] Did you send that telegram to Mr. Turner?

A. I couldn't tell you; I can't bring any recollection of being to Whitehall at all; no recollection of it.

PLATTSBURGH, N. Y., *October 11, 1888.*

From Whitehall depot, N. Y., 11.

I will be there to-night.

S. F. GARMON.

Q. Will you swear you did not send this telegram?

A. No, I wouldn't.

Q. Reflect and see if you can't call to mind the sending of it?

A. I can't recollect being at Whitehall; I had no business at Whitehall.

Q. On the face of it, it appears to be the telegram sent by you to Mr. Turner?

A. Yes, sir.

Q. And he produces it here and you won't swear that you did not send it to him?

A. No, sir.

Q. What do you think about it whether you did or not?

A. I don't think anything about it?

[Marked "4—J. M. R."]

Q. Try and think if you sent it or not?

A. I can't tell you whether I did or not.

Q Mr. ADAMS.—I offer to read it.

PLATTSBURGH, N. Y., *October 11, 1888.*

From Whitehall depot, N. Y., 11.

I will be there to-night.

S. F. GARMON.

Mr. ADAMS.—The chairman will observe the telegram is the eleventh, and this letter is the twelfth, and contains this expression: "I want to see you as well as you me."

Q. Do you know where Bloomingdale, in Essex county, is?

A. Yes, sir.

Q. How long since you have been there?

A. I was there about two months ago, I guess.

Q. Whereabouts is Bloomingdale with reference to Plattsburgh?

A. It is six miles from Saranac lake, right down Saranac river toward Plattsburgh.

Q. Does the State own any lands near Plattsburgh?

A. A little.

Q. Township 11, Old Military tract?

A. I think it is.

Q. About how many acres does the State own there?

A. I can't tell you now, it don't own but a little there.

Q. The question is, how many acres; can you tell that?

A. No, I can't.

Q. Do you know whether there are other available timber lands in the vicinity of Plattsburgh, except State lands?

A. Yes; there is.

Q. Can you tell the lots?

A. No; but it is a wooded country except clearing around it.

Q. Can you state any lots there that has available timber on except State lots?

A. No.

Q. How long were you there when you were there two months ago?

A. I should think perhaps an hour or two; I can't tell.

Q. What were you doing that hour or two?

A. Talking with some parties there.

Q. How did you get away from there?

A. I got away from there; went to Saranac lake.

Q. By what means of conveyance—did you drive there?

A. Yes.

Q. Drove there and drove away, and was there about an hour?

A. About an hour I should think.

Q. Does any forester or any State agent live there?

A. No.

Q. When were you there before this time two months ago?

A. I can't tell you, I was to Bloomingdale station on the cars in December, I guess it was.

Q. Anything more than to pass through the town on the cars?

A. I came to that place in a sleigh and took the cars.

Q. How long were you there at that time in December?

A. My memory would be an hour or hour and a half.

Q. Do you or do you not know whether timber has been brought out in large quantities this winter from the State lands to Bloomingdale?

A. No.

Q. Do you know anything about it one way or the other?

A. Yes, I do.

Q. What do you know?

A. I know it aint so.

Q. How do you know?

A. Because Mr. Frank Parker has charge of that, and has been there two or three times over that lot; it is in his district.

Q. And all you know is that Parker has reported no trespasses?

A. Yes, sir; I won't say he hasn't; there has been three or four small trespasses reported in the last two or three months, and I won't say they are not there.

Q. If such trespasses exist there, large trespasses, you don't know anything about it?

A. No, there is no chance for any such thing.

Q. I guess that is all.

Redirect examination :

By Mr. ANIBAL:

Q. He asked you if you considered it, in replevying those logs on the southeast quarter of the 24th township — did you consult counsel in regard to the replevin?

A. Yes, sir.

Q. Who was the counsel?

A. Judge Palmer, I think, I am quite sure it was.

Q. Did he advise the course that was taken?

A. Certainly did.

Q. You took his advice in regard to it; I suppose in the legal matters you took the advice of the attorney that was employed?

A. Yes; had to do it.

Q. After they had been replevied they were retaken back by Mr. Turner within a day or two, as stated last evening?

A. Yes; he gave bonds and took them back.

Q. You were asked if you were on good terms with Mr. Turner and you said you were personally, has that always continued?

A. Yes, sir.

Q. Is it a fact that Mr. Turner owns, with the State, some lands jointly?

A. Yes; he and his father, considerable.

Q. And in fact has it been, for the last five or six years, a good deal of correspondence between Mr. Turner and the office and yourself?

A. Yes; a good deal with the office and quite a bit with me; I have had a good deal of talk with him.

Q. Has it for the past three years, since he stopped trespassing upon State lands?

A. Four years.

Q. Has he reported trespasses to you, quite a number of them?

A. Yes, sir.

Q. And have you consulted him with reference to those trespasses?

A. Yes, sir.

Q. And seen him frequently in regard to trespasses that he had reported to the office?

A. Yes, sir.

Q. When they stated you wanted to see him I suppose it was in reference to these trespasses; give us the explanation of those letters?

A. The explanation is he was wanting to exchange lands on partition lands, for instance, that was a great scheme to partition the lands that he and his father owned jointly with the State, continually talking about that; there are different propositions now before the forest commission; he came to the office a great deal and they were annoyed by it, and the forest commission a year and a half ago or two years told me to talk with him and if I could get any reasonably fair proposition from him for the division of those lands to submit it to the forest commission and they would act on it, and I was anxious to do it; allow me to tell another reason; land owned jointly with the State is very disagreeable property for the reason a joint-owner can go on and cut that timber and you can't make it a trespass, all you can sue him for is an accounting; you can't sue him for penalties; in suing for the value of the timber they have the best of us, they know what it costs to cut it and what it costs to put it in the stream and get it out and they will use up the whole value.

Q. (Chairman RYAN.) Do you get enough to pay the lawyers?

A. Always.

Q. You talked with him in regard to those matters of which you have been speaking?

A. Yes, over and over again.

Q. Repeatedly ask him to submit propositions in regard to it?

A. Trying to talk any proposition that would seem a reasonable offer; he submitted a number of propositions?

Q. One of those propositions he wanted 7,000 acres of virgin timber for about 5,000 acres of denuded land?

A. That was about the proportion; there were more acres of primeval forest than land he offered; he never submitted anything like a fair proposition.

Mr. ADAMS.—I object to taking that; the witness arguing this matter.

Q. And each of the propositions that were submitted by him, did you submit them to the forest commission?

A. Oh, no; he made me dozens of propositions.

Q. Any written propositions?

A. Yes, in written propositions.

Q. What did you tell him when he would submit a verbal proposition?

A. I told him it couldn't be done; they wouldn't do it; left it in that way.

Q. Did you also state to him repeatedly to submit his propositions in writing to the office?

A. Yes, they would be before the commission then and they would act if they were disposed to.

Q. (Chairman RYAN.) You think he wanted to get the best of every bargain?

A. Very largely, to my mind.

Q. Did these letters which have been introduced in evidence here and read here refer exclusively to those matters about which you have last testified?

A. Yes, nothing else.

Q. Did any of those letters refer in any wise or in any degree to the statements made that you were to divide the difference between the taxes on the lot and the price agreed upon between you and Mr. Turner?

A. No, sir.

Q. Did any telegrams?

A. No, sir.

Q. In speaking about this railroad up there, you had invested some money — was there also a hotel up there connected with that?

A. Yes.

Q. You were also interested in this Forge House?

A. I own half interest in it; Dr. Crosby owns the other half.

Q. (Mr. ADAMS.) You own it now?

A. Yes.

Q. (Mr. ANIBAL.) Where is that?

A. On John Brown's tract.

Q. (Chairman RYAN.) Near the State land?

A. No.

Q. How near is the nearest State land to that?

A. About fifteen or sixteen miles; that is the foot of the Fulton Chain lake, about the center of the Seventh lake the State land commences.

Q. (Mr. ADAMS.) How far from the end of this railroad is the Forge House, the usual way to get there?

A. Ten or eleven miles; they go by river crooked; it wouldn't be more than between five or six miles by direct course.

Q. By land five or six miles?

A. Yes.

Q. And by river ten or eleven?

A. Yes, sir.

Q. That is all.

Mr. ADAMS.—That is all.

THEODORE B. BASSELIN recalled:

Cross-examination continued:

By Mr. ANIBAL:

Q. You heard the testimony the other day of Mr. Turner?

A. Yes, sir.

Q. And you heard wherein he stated there was some arrangement talked of between him and Mr. Garmon in relation to having some tax titles cancelled, some State titles cancelled, and what he said upon that subject?

A. Yes.

Q. Was there ever any talk between you and Garmon in relation to that matter?

A. No, sir.

Q. Was that the first you ever heard of that matter?

A. That was the first I ever heard of anything of that style.

Q. Did you consent to any cancellations of State titles at the Comptroller's office, as commissioner?

A. No, sir; I invariably opposed all cancellations.

Redirect examination:

By Mr. ADAMS:

Q. You disclaim all that is stated in regard to a deal between you and Garmon?

A. That is the first I ever heard of it.

TOWNSEND S. COX, recalled:

By Mr. FIERO:

Q. Benton Turner has testified to a conversation with you in which you said the commission would not protest, or that you would not protest, or take any action before the Governor with reference to a bill he had there; is that true?

A. I do not remember any such conversation, sir.

Q. Did the commissioners pass a resolution that there should be a protest filed with the Executive, and was it done in pursuance of that action?

A. Yes, sir.

Mr. FIERO.—We desire to offer a resolution of the commission bearing upon that question in that connection, of which the following is a copy:

May 20, 1890.—Inspector Burke is instructed to prepare a statement of facts and objections to the Benton Turner Escheat Bill, with the assistance of Secretary Train, submit the same to Commissioner Knevals and file with the Governor.

Under head of May twenty-third.—Communication to the Governor about Benton Turner bill—Assembly bill 1339. Adopted.

Mr. FIERO.—That is all.

Mr. ADAMS.—That is all the evidence you have got.

Mr. FIERO.—That is all.

Mr. ADAMS.—I want to give in evidence a statement from the Comptroller's office, certified so that it is competent evidence anywhere of all the moneys paid over by Van Buren Miller, the dates and the amounts, by whom paid and for trespass on what lots down to time of the forest commission; I offer it and call attention to the fact that several of the cases mentioned in the testimony that were settled are not entered here as returned to the Comptroller's office.

Mr. FIERO.—I understand that one covers up to the time the forest commission took possession.

Mr. ADAMS.—His whole duty with the Comptroller's office; Garmon says he closed up in 1886 some matters that were behind that belonged to the Comptroller's office and not theirs; this covers his whole administration under the Comptroller's office or the amounts of money he paid, the dates, from whom received and on account of trespass on what lots; I call attention to the fact several matters that appear in evidence that he settled were never returned to the Comptroller's office.

STATE OF NEW YORK, }
COMPTROLLER'S OFFICE. }

I certify from an examination of the books and records of this office that Van Buren Miller was the agent of said State for its lands in Franklin county from May 23, 1884, to the time when the forest commission assumed its duties, and that the following are all sums received from him, as such agent, by the State, in the settlement of trespasses on such lands or in the matter of the sale of dead and fallen timber thereon, during said period, viz.:

When received.	Amount.	LANDS DEPREDATED, ETC.	By whom paid.
February 2, 1885	\$5 00	Sale of dead spruce on lot 66, township 18, Great Tract 1, Macomb's purchase.	Frank Gilman.
February 2, 1885	20 00	Lot 182, township 9, Old Military Tract	Ferd. Chase.
February 7, 1885	200 00	Lots 10 and 20 in said township 18	W. W. & G. W. Hartwell.
March 27, 1885	125 00	Lot 296, township 10, Old Military Tract	D. H. & W. Parsons.
March 27, 1885	26 89	Sale of fallen hemlock in town of Duane	Stickney & Ellis.
April 4, 1885	57 50	Lots 7 and 30 of said township 9	D. H. & W. Parsons.
May 9, 1885	150 00	Lot 16 of said township 18	Benton Turner.
July 7, 1885	492 65	Lots 10, 20 and 30 of said township 18	W. W. & G. W. Hartwell.
August 27, 1885	25 00	Lot 296 of said township 10	D. H. & W. Parsons.
August 27, 1885	25 00	Lot 67 of said township 18	Philemon King.
August 27, 1885	20 00	Lot 187 of said township 10	A. Doty.
August 27, 1885	20 00	Lot 193 of said township 10	L. S. Bryant.
August 27, 1885	15 00	Sale of fallen pine in the town of Duane	Stickney & Ellis.
February 19, 1886	7 13	Lot 185 of said township 10	Henry Fadden.
February 19, 1886	150 00	Lots 176, 177 and 184 of said township	D. H. & W. Parsons.

In witness whereof, I have hereunto subscribed my name and affixed the seal of my office, this 9th day of March, in the year 1891.

EDWARD WEMPLE,

Comptroller.

Mr. ADAMS.—I also offer in evidence a check of March 5th, 1886, and receipt for nineteen dollars and twenty-five cents.

No. PLATTSBURGH, N. Y., March 5, 1886.
First National Bank of Plattsburgh:

Pay to the order of V. B. Miller, nineteen dollars and twenty-five cents (\$19.25).
 B. TURNER.

Mr. ADAMS.—And I now offer another receipt for fifty-nine dollars, May 27, 1886.

MALONE, N. Y., May 27, 1886.

Received from Antoine Disotel and Millard Ellis, fifty-nine dollars in full for 58,920 feet timber cut off lot 13, township 12, Macomb's purchase.

VAN BUREN MILLER,
Agent for State lands in Franklin county.

Mr. ADAMS.—They left out the same trespass that Garmon says corroborates Turner in that respect.

Mr. ANIBAL.—We will offer this in evidence, a letter dated Plattsburgh, N. Y., February 17, 1887.

PLATTSBURGH, N. Y., February 17, 1887.

S. GARMON, Albany, N. Y.

DEAR SIR.—Cantwell, Badger & Cantwell, for the State, has given my attorneys notice that they would be ready to try suit for trespass on lots 213 and 214, township 9, O. M. tract at the next term of court. If you are satisfied from what Mr. Charles Dwight says about the cutting the suit had certainly ought to be discontinued without making me further costs or expense, if you are not satisfied and will not have discontinued. I know of no other way then only to have it settled in suit and will try and be prepared to have it disposed at the first term of court. To start with I never had one log from 213 and 214, my nearest jobber to the lots was one-half mile; the party that cut the trees, if any was cut, was by a jobber that contracted with M. V. B. Turner. Mr. Dwight says that he saw him on 214 and told him he was not 183 but on 214, and showed him the dividing lines. M. V. B. Turner sold the logs to C. & C. H. Turner after they were delivered on water. I only want to be treated in a fair way and do not feel as if I had ought to be sued and made trouble and cost for a charge I have not had a hand in, and am willing to leave it all to you to decide the fairness. Please advise me at once and oblige,

Yours.

B. TURNER.

Mr. ADAMS.—That refers to the suit that was settled and mentioned in Judge Kellogg's affidavit.

Mr. ANIBAL.—It refers to that exactly.

Mr. ADAMS.—I don't see how that is material.

Mr. HESSBERG.—We produce those on a moment's notice to show the correspondence between Turner and Garmon.

Chairman RYAN.—I don't see that has anything to do with it.

Mr. ANIBAL.—This letter refers to something, January 9, 1888.

PLATTSBURGH, N. Y., *January 9, 1888.*

To the Forest Commission of the State of New York :

GENTLEMEN.—I understand, through the forest warden, you are to have a full meeting this week Thursday, as I have two applications made to the honorable board that I wish to have disposed of at your first meeting, and if you desire to have me present, you can wire me at Plattsburgh.

Yours.

B. TURNER.

Mr. ADAMS.—I object to that going in, as immaterial.

Mr. ANIBAL.—Showing the interviews Mr. Turner and Mr. Garmon had to corroborate our statement.

Chairman RYAN.—Explanatory of these letters?

Mr. ANIBAL.—Yes, sir.

Chairman RYAN.—I think we may consider the evidence closed.

Mr. ADAMS.—If you remember a question was raised last night and we offered to submit this bundle of affidavits here in explanation of Mr. Garmon's testimony that he gave last night, a certified set of papers that comes from the Comptroller's office; it is in relation to the suit that was tried at Malone, where lots 219, 221, 222 were the subject of dispute; this is the certified copy of papers filed in the Comptroller's office relating to possession upon those lots; I offer them in evidence.

Mr. ADAMS.—I object to that as wholly and entirely immaterial, as not concerning any of the lands.

Mr. ANIBAL.—Yes, it is; being a public record from the Comptroller's office.

Mr. ADAMS.—I don't see as it has anything whatever to do to affect this matter.

Mr. ANIBAL.—I think it has.

Chairman RYAN.—To stop the dispute, we might take it and let it go.

STATE OF NEW YORK, }
 FRANKLIN, FRANKLIN COUNTY. } ss. :

S. W. Dodge, town clerk of the town of Franklin, being duly sworn, says that on examination of the assessment-roll of said town, he finds lots Nos. 221 and 222, township 10, O. M. tract, assessed in the non-resident lands, from the year 1856 to 1870, and from the years of 1871 to 1877 inclusive, assessed to Lewis L. Smith.

S. W. DODGE.

Subscribed and sworn to before me, }
 this 29th day of September, 1884. }

GEORGE TREMBLE,

Notary Public.

Franklin county clerk's certificate to notary's signature, etc., dated October 1, 1884.

STATE OF NEW YORK, }
 FRANKLIN COUNTY. } ss. :

S. W. Dodge being duly sworn, says that he is the town clerk of the town of Franklin, in said county of Franklin. The lots Nos. 221 and 222 of the Old Military tract, township No. 10, are situate within said town. That as such town clerk the deponent has the custody of the tax-rolls of said town. The deponent has examined the assessment-rolls of said town for all the years from 1858 to 1870, both inclusive, and finds and avers the fact to be that said two lots are there assessed as non-resident lands during said years, and that deponent has also examined the assessment-rolls of said town for the years 1871 to 1877, both inclusive, and that said two lots are both during and for said last mentioned years assessed as resident property, to Lewis L. Smith.

S. W. DODGE,

Town Clerk.

Subscribed and sworn to before me, }
 this 20th day of October, 1884. }

GEORGE TREMBLE,

Notary Public.

STATE OF NEW YORK, }
 FRANKLIN COUNTY. } ss.:

Lewis L. Smith, being duly sworn, says, that about the year 1869 he purchased for value, of R. L. Ross, Jr., and said Ross duly assigned and delivered to deponent, two certain certificates of and from the tax sale of 1866, held and made by the Comptroller of the State of

New York, for the following lots in the said county of Franklin, viz., one of and for lot number 220, one in township number 10, Old Military tract.

That deponent was the owner of the said two certificates until about September 8, 1884, when deponent, in consideration of a quantity of logs, which were valued at about \$125, hereby assigned and transferred the same and all of his rights thereunder to Benton Turner. That such certificates were not delivered to said Turner for the reason that they had been previously to the date of said assignment destroyed by fire. That deponent's residence was destroyed by fire during the year 1872 and said certificates were at the same time burned up. That deponent has been familiar with said lots 221 and 222 for more than fifteen years last past and in actual possession thereof as owner, and claiming to be owner thereof previous to 1870, and remained in such occupation until said assignment to Turner.

That during the years 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883 and 1884, and of each of said years, deponent cut and stacked hay on each of said lots and removed the same during the winters of said years. That during each of said years deponent cut brush upon and cleared up portions in each of said two lots, and piled and burned the same for the purpose of clearing the land, and deponent also sowed grass seed upon the land so cleared. That deponent's occupation of said two lots has been open and public, and deponent has cut and removed from said two lots annually during said years about eight tons of hay, and has in all cleared up and seeded down about four acres on said lots, being two acres on each lot. That the pieces so seeded down are situate as follows: About two acres at or near the southwest corner of said lot 221, and about two acres at or near the northwest corner of said lot No. 222. That both aforesaid lots were assessed to deponent as resident property for all the years from 1871 to 1877, both inclusive.

LEWIS L. SMITH.

Subscribed and sworn to before me, }
this 21st day of October, 1884. }

JOHN VANCE, .

Justice of the Peace.

Franklin county clerk's affidavit and seal attached, dated October 29, 1884.

STATE OF NEW YORK, }
 FRANKLIN COUNTY. } ss. :

Amasa Washburn, being duly sworn, says that he resides in the town of Franklin, in said county of Franklin, and about three hundred rods from lots 221 and 222 mentioned in the foregoing affidavit deponent has read and knows the contents of; that deponent knows and is acquainted with corners and lot lines of said two lots, and deponent knows and avers the fact to be that said Lewis L. Smith has been in the actual occupation of said two lots as in his affidavit mentioned; that said Smith has cut and removed the hay therefrom each year as stated in his said affidavit, and has cleared up portions of said lots and seeded them down as stated by said Smith in his said affidavit.

AMASA WASHBURN.

Subscribed and sworn to before me, }
 this 25th day of October, 1884. }

LEWIS L. SMITH,
Justice of the Peace.

Franklin county clerk's affidavit and seal attached, dated October 29, 1884.

FRANKLIN COUNTY, ss. :

Lewis L. Smith, being duly sworn, deposes and says that he never occupied lots 221 and 222, township 10, Old Military tract, Franklin county, N. Y., except for the purpose of cutting said logs and timber on said lots; that he never made any improvements on said lots 221 and 222 for the purpose of cultivation, or caused any such improvements to be made either by permission or otherwise; that he never sowed any grass seed on lots 221 and 222 or caused any to be sown for the purpose of occupancy or otherwise; that he did not occupy lots 221 and 222 or any part of them on September 23, 1873, or on October 18, 1879, or during the season of 1873 and 1879. That he did give parties permission to cut wild hay on said lots but does not remember at what time or period he give such permission. That he supposed his title had lapsed and that the title was in the State. He further says that he did quit-claim said lots to Benton Turner some time in 1884, but received no consideration for same. He further deposes and says that he never to his knowledge signed or gave to Benton Turner an affidavit setting forth that he sowed grass seed or fenced any part of said lots 221 and 222, and if such affidavit has been presented it is a fabrication and fraud.

That he did sign an affidavit presented to him by Benton Turner, but he did not read it or did not think it of much consequence.

LEWIS L. SMITH.

Subscribed and sworn to before me, }
this 6th day of February, 1883. }

JOHN VANCE,

Justice of the Peace.

I hereby certify that I know the party, L. L. Smith, signing this affidavit to be a man of truth and veracity.

JOHN VANCE,

Justice of the Peace.

STATE OF NEW YORK, }
FRANKLIN COUNTY. } ss.:

Amasa Washburn, being duly sworn, says that he is 69 years of age and has resided in the town of Franklin in said county of Franklin for thirty-three years last past. That he resided within about 100 rods of lot No. 221, township 10, Old Military tract and has for about thirty-three years last past; that he has been well acquainted with said lots Nos. 221 and 222, township 10, Old Military tract, Franklin county, New York, during the last thirty-three years; that about the year 1870, affiant went to Lewis L. Smith, who claimed to be the owner of the aforesaid lots Nos. 221 and 222, and got permission from said Smith to cut hay on both of said lots, and that thereafter deponent and his sons Orville Washburn and Simeon Washburn cut brush on said lot 221, and cleared up and cut brush on a number of acres on said lot 221, and thereafter cut the hay on said lots 221 and 222 for about ten years and used the same. Deponent further says that during the years 1873 and 1879, and other years, he occupied both of said lots under said Smith and cut and took away hay from the said lots.

Deponent further says he has heard read the affidavit of Lewis L. Smith, sworn to before Judge Vance, Justice of the Peace, February 6, 1885, in which he states and swears that he never occupied said lots 221 and 222, township 10, Old Military tract, Franklin county, New York; that the said Lewis L. Smith never made any improvements on said lots 221 and 222, for the purpose of cultivation or caused such improvements to be made; that he never sowed any grass seed on said lots 221 and 222, or caused any to be sown for the purpose of occupancy or otherwise; that he did not occupy lots 221 and 222, or any part of them on September 23, 1873, or on October 18, 1879, or during the season of 1873 and 1879. Deponent further says that said Lewis L. Smith did make the statement that he occupied said lots 221 and 222 and had made improvements on said lots for the purpose of cultivation,

and had sowed grass seeds on said lots or caused it to be sown on said lots and that he occupied said lots 221 and 222 on September 23, 1873, and on October, 1879, and during the season of 1873 and 1879. That said affidavit was carefully read over by said Lewis L. Smith, presented him by Benton Turner, and said Turner did read the same over to said Lewis L. Smith in the presence of this deponent, and said Lewis L. Smith in the presence and hearing of deponent and Benton Turner said that said affidavit made by said Turner for said Lewis L. Smith, was correct and true.

AMASA WASHBURN.

Sworn to before me, this 6th }
day of March, 1885. }

LEWIS L. SMITH,

Justice of the Peace.

I hereby certify that I know the party Amasa Washburn signing this affidavit to be a man of truth and veracity.

LEWIS L. SMITH,

Justice of the Peace.

Franklin county clerk's affidavit and seal attached, dated March 9, 1885.

STATE OF NEW YORK, }
COUNTY OF FRANKLIN. } s. s.:

Benton Turner, being duly sworn, says that he is the same Benton Turner referred to in the affidavit of Lewis L. Smith, sworn to February 6, 1885, before John Vance, justice of the peace. Deponent further says that the affidavit therein referred to as presented said Lewis L. Smith by affiant, was read carefully to said Lewis L. Smith by deponent in the presence and hearing of Amasa Washburn; that after being read to said Smith by deponent, said Lewis L. Smith took said affidavit from deponent and read it aloud in the presence and hearing of both deponent and said Amasa Washburn and commented upon the same and after so reading and commenting on the same signed said affidavit in the presence of said Washburn and deponent, and then and there stated that the same was true.

BENTON TURNER.

Sworn to before me, this 6th }
day of March, 1885. }

LEWIS L. SMITH,

Justice of the Peace.

I hereby certify that I know the party, Benton Turner, signing this affidavit, to be a man of truth and veracity.

LEWIS L. SMITH.

Dated March 9, 1885.

Justice of the Peace.

Franklin county clerk's affidavit and seal attached, dated March 9, 1885.

STATE OF NEW YORK, } ss.:
FRANKLIN COUNTY.

Cyrus Stickney of the town of Franklin, county of Franklin and State of New York, being duly sworn, deposes and says, that of his own knowledge, Lewis L. Smith has never occupied lots No. 221 and 222, township No. 10, Old Military tract, Franklin county, New York, except for the purpose of cutting saw logs and timber on said lots, and that Lewis L. Smith never made any improvements on said lots 221 and 222 for the purpose of cultivation, or caused any such improvements to be made either by permission or otherwise and that he never sowed any grass-seed on lots 221 and 222 or caused to be sown for the purpose of occupancy or otherwise, and that said Smith did not occupy lots 221 and 222, or any part of them, on September 23, 1873, or October 18, 1879, or during the seasons of 1873 and 1879, and that said Smith did give parties permission to cut wild hay on said lots supposing they belonged to the State. I do swear that I have known said lots 221 and 222 for the past fifteen years, and know that the meadows have not improved since that time.

CYRUS STICKNEY.

Subscribed and sworn before me, }
this 10th day of April, 1888. }

LEWIS L. SMITH,

Justice of the Peace.

I hereby certify that I know Cyrus Stickney, the party signing the annexed affidavit, and know him to be an old settler of the part of the town of Franklin, Franklin county, N. Y., near the lots in question, viz.: Nos. 221 and 222, township 10, O. M. T., and know him to be a man of truth and veracity.

LEWIS L. SMITH,

Justice of the Peace.

STATE OF NEW YORK, } ss.:
FRANKLIN COUNTY,

Marcello Blanchard, of the town of Franklin and county of Franklin and State of New York, being duly sworn, deposes and says: That of his own knowledge Lewis L. Smith has never occupied lots Nos. 221 and 222, township 10, Old Military tract, Franklin county, New York, except for the purpose of cutting saw logs and timber on said lots, and that said Lewis L. Smith never made any improvements on said lots Nos. 221 and 222 for the purpose of cultivation, or caused any

such improvements to be made either by permission or otherwise, and that he never sowed any grass seed on lots 221 and 222 or caused any to be sowed for the purpose of occupancy or otherwise, and that the said Smith did not occupy lots 221 and 222 or any parts of them on September 23, 1873, or October 18, 1879, or during the season of 1873 and 1879, and that said Smith did give parties permission to cut wild hay on said lots supposing they belonged to the State. I further swear I have known these lots for the past sixteen years.

MARCELLO BLANCHARD.

Subscribed and sworn before me, }
this 11th day of April, 1885. }

LEWIS L. SMITH,

Justice of the Peace.

I hereby certify that I know the party, Marcello Blanchard, signing the annexed affidavit and know him to be a man of truth and veracity.

LEWIS L. SMITH,

Justice of the Peace.

STATE OF NEW YORK, }
FRANKLIN COUNTY. } ss. :

Nathaniel P. Lovering, of the town of Franklin, and county of Franklin, and State of New York, being duly sworn, deposes and says his age is 65 years; he is *now* a resident of said town of Franklin, and has been for *over* fifty years; he is well acquainted with the lines and location of lots 221 and 222, township 10, Old Military tract, Franklin county, N. Y., has and does now *reside* very near them; has resided many years very near them; his business and pleasure have called him on to them very frequently for many years past, which has given him a thorough knowledge of them and an opportunity to know what has and has not taken place on them in the way of occupancy, cultivation, etc. Since the year 1831 or 1832, the deponent has resided within a few rods of what is now the site of the "Loon Lake House," kept by Ferd. Chase. Since 1831, the lots 221 and 222, afore referred to, lay very near where he has resided so long; that he knows of his own *knowledge* that neither of said lots have been cultivated in any shape, that no grass seed has been sown upon them or tame hay cut on them since 1860, in fact never; that wild hay has been cut on them, and *is* and has been *customary* to do on any all partly timbered and non-resident wild lots, without regard to ownership; that he and his father have cut wild hay on said lots 221 and 222 during nearly all the years since 1831 up to 1883, since which time, viz., 1883, no hay

has been cut on either. That he knows of his own knowledge that the wild meadows or clearings on said lots *are now, and were before* dams were constructed on them (about 1883), much smaller than in 1831, showing want of cultivation; that in the years 1873 and 1879 the said lots were not occupied by any one; he was on said lots during both of the years 1873 and 1879; he says he lives about one and one-fourth miles from the lots; that Amasa Washburn lives quite as far from them as he does; that he knows of his own personal knowledge that during the years 1873 and 1879, or any part of said years, said lots 221 and 222 were unoccupied, not seeded to grass in these years or before or in any manner cultivated, fenced, or anything of the sort; that any hay then cut therefrom by anyone was wholly wild hay gathered from uninclosed natural meadow thereon, not with any intent to occupy either of said lots, but in the same way and for the same purpose that wild hay is yearly cut from natural meadows on accessible State land or non-resident lands in this section of the State, deponent further says he knew said lots and the boundaries thereof, and that during all of the years since 1831 to 1880 said lots *have been unoccupied*, that since 1870 and before have been *abandoned*, were *well known* to be abandoned lots from which most of the available timber had been removed and which had reverted to the State by reason of the non-payment of taxes thereon. The *dams* on said lots constructed for the use of the *public* by the *State*, are a *public benefit*, and should not be controlled by speculators. If the State owns the lots, all good citizens have an interest to have the title remain as it is.

NATHANIEL D. LOVERING.

Sworn and subscribed before me, }
this 5th day of May, 1885. }

LEWIS L. SMITH,

Justice of the Peace.

I hereby certify that I know the party, Nathaniel D. Lovering, signing this affidavit to be a man of truth and veracity.

LEWIS L. SMITH,

May 5, 1885.

Justice of the Peace.

MALONE, May 21, 1885.

To the Comptroller of the State of New York:

DEAR SIR.—I, Albert Turner, of the town of Malone, Franklin county, N. Y. being duly sworn, depose and say: I was a resident of the town of Franklin and county of Franklin of the State of New York, from 1878 to October, 1883, and lived upon lot 223 in township 10, Old Military tract; I am well acquainted with one L. L. Smith of the said

town who made claim to lots 222 and 221 in said township No. 10; I saw what purported to be a copy of an affidavit made by L. L. Smith, in which he claimed to have made certain improvements by clearing off several acres of land and to the sowing of grass seed and making fence and cutting hay, etc., since 1877; the whole is a base *falsehood*; no grass seed was ever sown upon those lots or fence ever made; no grass or hay cut by L. L. Smith, during the time I lived there; there was a small beaver meadow upon the said lots and small amount of hay cut by one Lovering one year, and one year the same was cut by Rob. Stickney who lived with me the most of the time I lived in the woods. Stickney died last summer; these lots are covered with a second growth of timber, and was very good hunting ground; no hay was cut or occupancy had by L. L. Smith, during the time I lived there, from 1878 to October, 1882; Mr. R. L. Ross, Jr., who told me that his father had bought lands at tax sale in his lifetime in Franklin, but had been dead for fifteen (15) years; Mr. Ross, Jr. said he himself never bought any land at tax sale.

ALBERT TURNER.

Subscribed and sworn to before }
me, this 21st day of May, 1885. }

T. G. PADDOCK,
Notary Public, Franklin County.

Franklin county clerk's affidavit and seal attached, dated May 21, 1885.

STATE OF NEW YORK, } ss.:
COUNTY OF FRANKLIN. }

Lewis L. Smith, being duly sworn, says, he has resided in the town and county of Franklin, in this State, for the last twenty-eight (28) years, and has been during all of said years acquainted with lots Nos. 221 and 222 township 10 of the Old Military tract in said county; that several years ago he cut sawing timber from said lots, and one year he paid the taxes on the same, but that he never occupied or was in possession of the same under any written instrument or other color or claim of title. That the only claim he ever had or made to said lots or either of them, was based on his cutting of sawing timber thereon as aforesaid.

LEWIS L. SMITH.

Subscribed and sworn to before }
me, June 8, 1885. }

JOHN VANCE,
Justice of the Peace.

I, John Vance, justice of the peace in and for Franklin county, do hereby certify that I am well acquainted with the above named, Lewis L. Smith, and have been for several years last past, and he is a person entitled to full credit and belief:

JOHN VANCE.

This indenture, made this seventeenth day of October, in the year of our Lord one thousand eight hundred and eighty-four, between Lewis L. Smith, of the town of Franklin, Franklin county, and State of New York, of the first part, and Wales Parsons, of Plattsburgh, Clinton county, and State aforesaid, of the second part, Witnesseth, that the said party of the first part, in consideration of the sum of one hundred dollars to him duly paid, has remised, released and quit-claimed, and by these presents does remise, release and quit-claim to the said party of the second part, his heirs and assigns, all the following described premises, pieces and parcels of land situate in said county of Franklin, and in the town of Franklin, and in township 10, Old Military tract, viz.: Lots two hundred and twenty-one and two hundred and twenty-two, in said township 10, Old Military tract, containing two hundred each, more or less, and being the same agreed to be sold by me, and was so sold to said second party in 1833, and for which said second party paid me at that time, and entered in possession thereof and built dams thereon and made repairs in 1883 under said agreement.

With the appurtenances, and all the estate, title and interest therein of the said party of the first part, to have and to hold forever.

In witness whereof the said party of the first part has hereunto set his hand and seal, the day and year first above written.

[L. s.]

LEWIS L. SMITH.

Sealed and delivered in the presence of MONROE HALL.

STATE OF NEW YORK, }
CLINTON COUNTY. } ss.:

On this twentieth day of October, in the year one thousand eight hundred and eighty-four, before me appeared Monroe Hall, subscribing witness to the within conveyance, to me known, and he being by me duly sworn, did depose and say that he resides in the town of Plattsburgh, Clinton county, State of New York, that he knows Lewis L. Smith, the individual described in and who executed the said conveyance; that he was present and saw the said Lewis L. Smith execute

the same; that the said Lewis L. Smith acknowledged to him the execution thereof, and that thereupon, he the said Monroe Hall, became the subscribing witness thereto.

S. A. KELLOGG,

Clinton County Judge and Counselor in the Supreme Court.

STATE OF NEW YORK,

FRANKLIN COUNTY CLERK'S OFFICE, }

I hereby certify that I have compared the foregoing with the original deed as recorded in this office, and that the same is a correct transcript therefrom and of the whole of such original.

Witness my hand and official seal at Malone, this 4th day of June, 1885.

[SEAL.]

G. W. DUSTIN,

County Clerk.

STATE OF NEW YORK, } ss. :

COMPTROLLER'S OFFICE.

I certify that I have compared the preceding copies of affidavits with the original on file in this office, and that the same are correct transcripts therefrom and of the whole of each of said affidavits.

In witness whereof I have hereunto subscribed my name and caused the seal of my office to be affixed, at the city of Albany, this 25th day of September, A. D., 1886.

C. R. HALL,

Deputy Comptroller.

Chairman RYAN.—To-morrow evening, we spoke about having a hearing on this. Will you be ready to submit the case to-morrow evening on your side?

Mr. FIERO.—If the committee desires the case to be closed at that time.

Chairman RYAN.—We have tried to consult the convenience of all up to that time.

Mr. FIERO.—It will be very difficult for us to be ready so early as to-morrow evening; it would be a pretty great convenience if we had an opportunity to go through this voluminous evidence, if we could have until Tuesday evening.

Chairman RYAN.—We desired to continue it this evening, but at the suggestion of counsel last evening we decided on postponing it until to-morrow evening; will you be ready?

Mr. ADAMS.—I will be ready this evening or to-morrow evening.

Mr. FIERO.—Two of the counsel and one of the members of the committee have a social engagement; we should be glad to keep if we can.

Chairman RYAN.—I think we had better decide on having it to-morrow evening; how long a time do you think it will require?

Mr. ADAMS.—I think I can say all I desire to say in about an hour.

Mr. FIERO.—We won't take enough time so anybody will be tired.

Chairman RYAN.—Will half the time from half-past 7 to half-past 10 do you?

Mr. ADAMS.—If I talk first, and I exceed that, the committee may call me down.

Mr. FIERO.—I think that is a very fair allowance of time.

Chairman RYAN.—We will try and have the full committee here to-morrow evening at half-past 7, but we would like to have you begin promptly.

The committee then adjourned to Thursday, March 12, 1891, at 7.30 P. M.

Further adjourned to Tuesday, March 17, 1891, at 7.30 P. M.

ALBANY, TUESDAY, *March 17, 1891, 7.30 P. M.*

The committee met pursuant to adjournment.

Present—Chairman Ryan, Messrs. Connelly, Davie, Hitt, Cameron, Dempsey, Gifford, Brown and Dickinson.

Chairman RYAN.—If the counsel wish to submit any remarks to the committee now upon the evidence that has been produced before us, the committee will listen to what they have to say.

Mr. ADAMS.—Mr. Chairman and gentlemen of the committee it was suggested—

Mr. HITT.—You may think it strange, but when we have to come up here at 9 o'clock and stay until the evening, wouldn't it be just as well to have some limitation as to time?

Mr. DAVIE.—It was agreed they were to have an hour and a half on a side.

Mr. HITT.—I withdraw my suggestion.

Mr. ADAMS.—Mr. Hitt, having called out substantially the remark I was about to make, that the arrangement was each side should have an hour and a half if they desired, I would simply say that I probably will not want as much as that time to go through with what I have to say. If the other side should happen to disclose or state anything that I wish to reply to, I would like the privilege to occupy a very short time.

This investigation, Mr. Chairman and gentlemen of the committee, is based upon a resolution where the committee is to inquire concerning the administration of the laws relating to the forest preserve by the forest commission, and then to report what, if any, changes in the present laws which are necessary to better protect the forests belonging to the State. With the second part of that resolution I conceive the counsel has very little to do, but the duty of the counsel is to comment upon the thousand pages of evidence that has been given so as to aid the committee, if that may be, through our efforts to come to a just and correct conclusion. To make such inferences and deductions as are proper and legitimate from this evidence. Now, in the first place, this forestry commission was organized under the act of 1885. They were to fix the number of their officers, to specify what aid and help they desired, and to fix the compensation and the rank according to the supply bills and deficiency bills from that time down to the last session of the Legislature. I find, as was disclosed in the testimony, that the expenses of this commission started out at \$37,500, and was that for two years, and since that time it has been \$30,000 a year. The organization of the commission has been detailed by Warden Garmon and Commissioner Basselin. There was allowed \$3,000 in the appropriation for the traveling expenses and incidental expenses of the commissioners; the sum of \$2,500 was allowed a year for the traveling expenses of the warden and his assistants; an allowance for counsel fees and witness fees, so that this has been a very expensive institution.

What has it done? They all agree, all these commissioners who have testified, agree that Mr. Garmon is the executive officer under the name of warden; that they have given over to him the whole outdoor administration of this commission. That they have furnished him with foresters, some thirteen or fourteen or fifteen districts have been made, and they have been assigned to districts, besides a good many special agents for special things and the commissioners themselves have been but very little into the forests and I was surprised to see how little they really knew about it at all; Commissioner Cox went up there once, and he had more to say about the black flies than he did about the forests; Commissioner Knevals was up there once or twice and didn't say much about it, and Mr. Basselin, I believe, brought in a bill for expenses twice, and he thinks he has been in the woods twice, he might have combined business with pleasure, so that the actual care and attention they have given to the subject is nothing.

Warden Garmon, when he was put on the stand, says that there was thirteen foresters, thirteen or fourteen, gave the districts, and I was surprised to learn that in several of those districts there were no State lands or none to speak of, notably in his own district where he and Commissioner Basselin both reside. A forester there must have a pretty soft time of it, and the only service that he did was to be sent over to Minerva to spy out on Lynch and report. That is the only service he has mentioned. Forty dollars a month for four or five years. Warden Garmon says that he has been in some districts once in a year and in some of them been two or three years since he has been there. What sort of an administration is that? Of what use is such a commission and subordinates? On referring to the minutes at page 335 you will find that he details the districts, what the foresters have done and what he has done, and that is the only evidence there is before this committee that anything has been done there except some outside fires away out on the borders of the clearing. It is an old police law where the justice and supervisors of the town attended, and it was transferred to the forest commission. After the Governor's practical message they sent out some of these foresters to survey and describe lands that did not belong to the State, brought in a pile of paper as high as the table to disclose that information.

Warden Garmon complains that one of the reasons they couldn't bring trespassers to justice and better discharge their duties was, they did not understand their lands, the lines, the boundaries. Why didn't it occur to him to send the foresters to make report upon the State lands for their protection rather than the outside lands? In all this matter of fires, gentlemen, you will remember that there was only one fire on the State lands, and that was way over on the extreme eastern border, toward Lake Champlain all these five years. But all this noise and braggadocia about looking after fires, there was only one upon the State lands and that an inconsiderable one.

So that, as I have said, the expenses of this commission since it has been established, down to this time, have been more than \$150,000, and all that there is to show for it is contained in the account of the Treasurer I have produced, where less than \$19,000 have gone into the State treasury in these whole five years, and for the last three years the amount has not come up to \$2,000 a year. Early there were two or three large cases, one where they collected \$3,000 and one \$5,000, but the rest has been inconsiderable.

Commissioner Basselin and Warden Garmon made a great parade of the usefulness of this commission, because they had reduced the

number of trespasses, a number of trespasses protected lands, and they undertake to make the committee believe, conveyed the impression to the committee that the complaints were so numerous that the office of the forest commission in the capitol would not hold the complaints, and when they started out to prosecute them they entirely blockaded the public business at the circuits so that the ordinary business of those counties could not be transacted, nor indeed all these claims. What does the Treasurer's account with them show? They further said that the terror of this commission and the terror of this warden had had such a salutary effect that it had frightened all these trespassers in good behavior, and now there were none whatever, because of the great terror of this magnificent commission. They seemed to think, on high moral grounds, this commission ought to be continued at this enormous expense.

Now let us see what they have been doing, the commission and its subordinates, and I call attention to Essex county, over at Minerva. There was a man there by the name of Lynch who seemed to be desirous of discharging his duty, and Lynch made a good many complaints of trespasses over in that country; and they were received in the office and the large majority of them, so far as appears, have never received any attention at all. Previous to the organization of the commission there was one Thomson, a lumber dealer, all agree, plundered the State lands at will, and after the organization of the commission he continued to cut timber for himself upon the State lands, and to buy of others who cut, and finally a suit was begun against him and the papers were before the committee, where the commission claimed damages for the sum of eight or ten thousand dollars for timber that he had cut. One day Thomson caused the tax deed which the State held upon these lands to be cancelled in the Comptroller's office, and Lynch, who seems to have been a faithful man, examined the matter, examined the papers, examined the case, and reported that to the forest commission that this cancellation was fraudulent, upon false suggestion, false swearing and yet nothing was done. Garmon, when he comes to testify, says that he was aware of this cancellation and this suit, and he says the affidavits in the case in the Comptroller's office was perjury. So this commission knew from Lynch and from Garmon that this cancellation was false and fraudulent, and the Comptroller had the power, and to make it sure, an act was passed in 1873 declaratory of that power, where a cancellation or redemption had been procured through fraud, the Comptroller might vacate it, it was his duty to vacate it, and a

practice had sprung up between the Comptroller's office and the forest commission that they might go in and appear on the part of the State to keep things regular, and Mr. Knevals says on one occasion he went in, availed himself of this courtesy, the power of this law, and yet, with this knowledge from Lynch and from Garmon, no notice was taken of this fraudulent vacation of the Comptroller's deed and the suit was discontinued, and the State lost a tract of land and lost its damages. About these there is no dispute; no answer has been attempted upon part of the commissioners to this transaction.

Again, Lynch made a complaint in regard to the trespass in cutting 1,003 logs on some State lands which had been bought in by Thomson and some man over there by the name of Ed Talbott—you may know something about it—Ed Talbott went to Lynch and says, "Haven't you made a mistake about reporting that trespass; you had better correct that mistake or you will lose your place." Lynch went and looked it over, a little while afterwards he was on official business, at the office here, and prophet Ed Talbott appears on the scene and offers him money if he will correct this report. The suggestion may come to the mind of some of the committee, how did Ed Talbott come to be in the commission office at the same time Lynch was there, following him around, offering him money. He was no stranger at that office, and on that same day or occasion Basselin found fault with Lynch for negligence, and he says that he became aware of that negligence through the report of Kline, whom he sent from his own village over to Minerva to spy out upon Lynch, who was evidently and certainly doing his duty reporting all the trespasses that occurred there and insisting that his reports were correct against threats and offers of money, and having reprimanded him for that, lets him run, and in about two weeks Lynch is fired in disgrace. Talbott prophesied truly. I think that Thomson, and a certain class over there, were favored and because Lynch would not stand in to extend the favors and neglect his duty he was turned out and Lynch, feeling the indignity and smarting under it claimed that he should be reinstated, that he should be made right, that he should be given some employment. None came and about six months afterwards Lynch wrote two letters, very excellent letters, one addressed to Commissioner Cox and the other to Warden Garmon, they were read here and I believe some of the commission did not perceive any sarcasm in it, they thought the man was mad but I notice they felt the sting of these letters as they were read here, and after Lynch was out of office over there in Minerva trespasses continued, notwithstanding the terror of Warden Garmon and his force

of foresters—continued and Lynch discovered it and reported it and testified to it here. It was undertaken on the part of the commission and their counsel to dispute that there had been any recent trespass. That could not be at all and the affidavits of the men who cut the trees this very year were brought here and read, one of them the workman and the other the man who bought the timber of Ed Talbott on the State lands. He told him to cut any timber he wanted and it would 'be all right. What sort of an administration of the laws is that on the part of Garmon and these men?

At Long Lake, in the same district, it appears that a large trespass was there committed this fall and this commission and the warden seemed to be utterly ignorant that any such thing had happened until they learned of it in the testimony here, when they professed to have learned it for the first time. Garmon said that two years ago he had seized a quantity of logs over there in the woods near Minerva and had allowed them to remain there, and they had depreciated fifty per cent, so in hot haste he made out some notices and gave them to his forester Powers to go right over there and sell. So they sold at the tavern in Minerva logs six or eight miles off in the woods. I do not know who got them, who the lucky man was, and then he went right over to Long Lake and sold these logs that were cut this winter by Mr. Butler, brother-in-law of Powers, and great stress was made that they had established a price as unalterable as the laws of the Medes and Persians, and that a man who had cut purposely had to pay one dollar and twenty-five cents a standard, and where he cut innocently, they would let him off for seventy-five cents a standard, and yet this Butler willfully cut on the State lands these logs. Garmon's notice was sent over in hot haste and Powers, the brother-in-law of Butler, sells them to Butler for sixty-one cents a standard, and the whole thing is done and condoned. A neat little trick to take care of the brethern within the ring. So far as Garmon was concerned in that transaction, it was not only negligence, but I submit corrupt.

Now, we come to another subject. There was an act passed in 1887, allowing exchanges of land, called the Hadley act, and Commissioner Knevals, when he is on the stand testified that that act was a job and it was instigated by one John Hurd, to enable him to plunder the State, and that as soon as the act had passed, Hurd put in an application for an exchange. Can't be a mistake about that. All recollect it, that as soon as Hurd's application came in on the 10th of June, 1887, the forest commission passed a resolution that they would make no exchanges under this Hadley act, and that resolution, together with the application, was sent down to the Comptroller's

office. When there were other applications made at the Comptroller's office and at the commission office, they were referred to this resolution as the policy of this commission, and it stood until September, 1890. Now, Commissioner Basselin, when he was on the stand, undertook to explain and to extricate himself from this difficulty I am about to mention, on the ground that the resolution refusing to exchange meant to apply to Hurd only, and it was meant to apply to Hurd because on investigating his affairs they thought he was mortgaged, and he was an uncomfortable man to deal with, didn't know as the State would have any security if they did make a trade with him. An after-thought came to his mind to get himself out of this trouble. This resolution was a broad one, that they would not exchange lands under this act, notified everybody during these three years. So that continued as the policy of the State until the spring or summer of 1890, and Mr. Patton who was connected with the Everton Lumber Company, its president, made informal applications to the commission for the exchange of lands, no papers, were filed until August, and along through the summer, early, it was talked back and forth. Basselin says so, Mr. Cox says so, Mr. Knevals says so, this matter was in there talked about; and Basselin in his testimony—see how well these commissioners agree—Basselín says that Garmon was sent up in the summer time after this informal application was made to examine the lands, and what he says about it is at pages 31 and 32 of the stenographer's notes. He was sent up to examine the lands as to the propriety of negotiating with Mr. Patton on behalf of the Everton company. He was sent. Basselin says he went and afterwards reported in favor of the exchange. Commissioner Cox when he gave his testimony upon this subject, says that Garmon reported in favor of the exchange, and as he understood it, said he had examined the lands, or conveyed that impression to his mind. When he made his report he believed Garmon had actually examined these lands, and his report was based on such examination. Commissioner Knevals says Garmon reported at this meeting and both Cox and Knevals testify that the report of Garmon recommending this exchange under these circumstances, influenced their vote in recommending the exchange of the lands as well as the rescission of the Hurd resolution, as it was called, and when Garmon comes on the stand, he swears that he never went to look at these lands in the summer of 1890. He made his report on what he had casually seen of these lands three or four years before, and called to mind how much he had been on them, and how much this casual examination was. It was such as no fair, decent or prudent man would base an opinion upon or make a recommendation upon.

These are the views with regard to this transaction, taken from the minutes of this commission. July 17, 1890, there was a meeting at New York, where Knevals and Basselin were present, and at that meeting the minutes say, Garmon was sent to look up the lands (page 107 of the minutes), and report at the next meeting, and that next meeting was July 30, 1890, and he did report and that is the report that both Knevals and Cox refer to. He did report at the next meeting and reported in favor of the exchange, and at that meeting, July 30, 1890, the Hurd resolution was rescinded, the policy of this commission was reversed, whereas they said they would exchange lands with nobody; they wiped out that resolution and were ready to exchange lands with somebody.

After that resolution was passed, the last of July, so that the road was all clear, the informal negotiation with Mr. Patton for the lumber company assumed regular form and proportion, and on the 7th of August, 1890, application was made for the exchange; it was made in three papers, two of which were dated on the seventh of August and another one on the twenty-eighth of August, and there was a formal regular application under the statute for the exchange, and it was the first, all the rest had rested in the negotiation.

On September 17, 1890, a formal resolution was passed recommending the exchange, and these papers were sent to the Comptroller's office to be executed by the Comptroller to carry out the exchange. On the 14th day of August, 1890, that was seven days after the formal application, about two weeks after the Hurd resolution was repealed, on the 14th day of August, 1890, the Beaver River Lumber Company was organized, with a capital of \$50,000, Patton — this same Patton — Basselin and a Mr. McGraw were the stockholders and the stock was equally divided between them; Basselin, on the organization of that company, entered into a contract with it, for he had a mill that he didn't put into the company, on the organization of that company a contract was entered into with Basselin by this company to furnish him the stumpage or sawing timber from seventy or eighty acres of land; ten millions the first year, twenty millions the second year, and twenty-five millions each year after; he was to receive \$1.87 a thousand for sawing it. Now, if my calculations are right, the sawing of 1,000,000 feet of this lumber under this contract would produce \$18,750, and 10,000,000, allowing that to be the capacity of his mill, and what he could do one year with another, would make \$180,000, about one-half of which would be profit. It was a great contract for Mr. Basselin. He put into it his mill and personal services, and was relieved from

advancing one dollar in the business, except what he advanced for wages, and those advances would be for short times, because, under his contract, he would draw out money on his saw bill enough to pay as he went. It was a great contract—a great temptation to this man. The organization of this Beaver River Land Company was going on at the same time as the negotiation for the exchange of these lands, from the spring of 1890 down to August and September. In fact, the application was put in the seventh for the exchange, and consummated on the twenty-eighth, and between, on the fourteenth, this lumber company was organized and this contract made, probably before September, when this exchange was recommended and sent to the Comptroller's office, and the parties to these two negotiations passing along together at the same time, were Mr. Patton and Mr. Basselin. Cox and Knevals both testify that they knew nothing of this lumber company until after it was organized. They both thought when Garmon went to see the lands officially, that he examined them as he was ordered. What other inference or conclusion can be drawn by fair and honest men from these facts and circumstances, except that Basselin and Garmon were in collusion to impose on the other commissioners and to secure a most advantageous arrangement for Basselin, the consideration of which was the betrayal of the State, and I add a fact, which I have not mentioned before, Mr. Garmon owed his place as warden in this commission to Mr. Basselin. He made him.

Now, Basselin having got his company organized and himself taken care of, his friend Patton must be taken care of because the appraisal had not been made, and this exchange had not been consummated, and so he sent Garmon to attend the appraisal and to take charge of it, and I inquired of Mr. Basselin how Garmon came to go, and he said he sent him. What was done by the board of appraisers?

Why, Garmon says they went up into Franklin county to examine these 13,000 acres of land, and they were there two days. What mortal man could examine 13,000 acres of land in two days and know anything about it? How many square miles, 640 acres to the square mile, in that tract? Two days, Garmon swore, he was there with them. I say for you to consider that that day fixed the commission. To see the report was correct, to carry out the designs of his creator, Basselin, to take care of Basselin's friend, Patton. And a very significant thing is found in the report itself, because when it comes to be drawn these appraisers put this in, and I read as I have extracted from the report, "The watchfulness and vigor with which Warden Garmon has conducted his duties, has had a salutary effect upon

tresspassers who formerly, by accident or design, despoiled the lands of the State." Garmon went to fix them; he fixes them, and then they complimented him. Now, the truth is that Garmon never at any time saw or examined the 26,000 acres offered for the State lands by Patton for his, and the ridiculous part—we most always find a ridiculous side if you look—the ridiculous part, and it is as telling as anything else, this report says that Patton is giving to the State 26,000 acres of land, worth \$46,629.34, and that he is only receiving from the State 13,000, which are only worth \$24,315.89, and the difference is \$23,313.45. Does any mortal man suppose that Henry Patton, or any man, would make a trade and give away under these circumstances \$23,000 to anybody, particularly to the State of New York? And I am told that this ridiculous, and at the same time ex-parte circumstance in this report, led the Comptroller—those in the Comptroller's office—to look, and at a glance they saw it was a job, and this corruption broke out, and from that circumstance and that knowledge this investigation has proceeded.

Another subject, this commission has been allowed in its demands for money to buy lands and increase the park or preserve. In their reports for two or three years or more they have asked for money, and last year there was an appropriation made of \$25,000 to buy lands with, at a price not exceeding one dollar and fifty cents per acre, and applications were made to sell, produced here, and all sorts of trivial, frivolous and flimsy excuses have been given here why the laws were not executed and this money laid out judiciously as it should have been, in lands. In and by itself, some of the excuses might have appeared half way good, but in view of what has been said and will be said in this case, it is pretty apparent, or will be, that there was a willful neglect of duty; didn't mean or intend to obey the law.

Another subject, the park. The subject of park was committed to this commission through the Senate resolution following the Governor's message, and there was reported to the Legislature and published the first day of January last, a report and a map and a bill. We have all read it and considered it, and my impression about it is, that it is a scheme and enabling act to aid speculators against the State, and while it says practically it goes on with the strongest arguments to show how no land can be acquired either by the exercise of eminent domain or by purchase, so you must not exercise the right of eminent domain because that might affect somebody, and you can't buy because it is going to cost too much, beggar the State and bankrupt all the people. So they propose a sort of compromise, sort of trade, and that is, that the State must allow the lands to be denuded,

and then take them at the very highest price for them. This is the whole scope of this report and when Mr. Knevals was on the stand, I asked him a little about it to see how much he knew about the forests and really what was in his mind on the subject of this park, and you will remember that he said, as he was informed, his report was largely on information and advice; his information was that there were \$25,000,000 of capital invested in the woods, in mills about it, some thirty or forty or fifty thousand people engaged. I asked him how much these mills cost around the circle of the woods. He didn't know. Give some sort of an estimate. Couldn't do that. Name some sum. Didn't think it would exceed that. You have got so many acres up there of land owned by individuals? Yes. You take out the three or four million dollars that represents the mills, and the rest of it goes to the lands, divide it up among the lands, how much? Well, make it some five or six, or seven or eight, or nine dollars, may be ten. Who was it for? People had bought up on speculation as against the State. He didn't know that within the last year or two large quantities of land in the woods had been bought up, and none of them had cost above two dollars an acre, from one to two dollars an acre, and here was this great sudden rise; if the State should take it or do something, who was to have the benefit of it? What was to become of it? A night or two afterwards in the Senate chamber Warner Miller advocated a park larger than the park proposed by the forest commission, and his idea was at a fair price for the land, if you were to exercise the power of eminent domain, would not exceed over six or seven millions of dollars, and that by making arrangements to take off the ripe timber, sawing timber, down to a foot in diameter, that these lands could be acquired, all of them, within the lines of his park for about three millions of dollars, and his view was entirely hostile to any lumber speculation or of men who had bought up lands for the purpose of turning them over to the State, at a tremendous profit, an extravagant price and sum.

This report and bill and map, if I understand it rightly, was the result of misinformation, want of consideration or ignorance of the subject, and I will not go further than that.

There is another place in the North woods, the Adirondack region, where there is considerable forest land, and where there has been some want of good administration on the part of this forest commission, and I speak of lands at the north in Franklin county, and up in the vicinity of Plattsburgh, and I regret to say that the state of things up there is very much worse than over in Minerva and at Long Lake. There was at the committee a witness, living at Plattsburgh, named Benton Turner;

he testified to several things, some of them of not great importance, and one or two of them of considerable importance, and the first was in regard to trespasses settled by one Van Buren Miller, whether before the time of the forest commission or afterwards, the attention of the committee was brought to the settlements and saw afterwards how that was, and Garmon told him that some of the moneys received by Van Buren Miller had never found their way into the State treasury. He testified that trespasses had been settled at a very low rate. Fine timber had been settled at fifteen cents a standard by the Hartwells. He testified that the Hartwells had not long ago committed large trespasses up in that country, and that he had called the attention of Garmon to it, and also reported these trespasses to the office of the commission.

He also testified that one Albert Turner, at some time, had procured a survey for his own benefit, of a line between State lands and lands which he had sold, which cost the State some two thousand dollars, and that Albert Turner and Miller had been in the employ of the State under the forest commission after the warden looked after these things, and I suppose was aware of those matters about which he testified, showing they were incompetent and particularly bad people to be in the employ of the State to preserve the forests. Then he testified about two or three propositions for a deal with him. Turner owned a tract in the southeast quarter of the twenty-fourth township, 7,500 acres, and that a suit had been brought against him by the State to try his title, the State claiming it. He testifies that in the spring of 1888 Garmon went with him up by Loon lake into the woods along in February; they went in a cutter, and that on that journey or ride, Garmon proposed to him to settle his suit, to value the land \$15,000, to pay the taxes in the Comptroller's office, that were against it, and that he and Basselin would use their influence at the Comptroller's office to have the State deed set aside, and the difference between the taxes and the value of the land, some \$4,000, should be divided between them. In other words, Garmon wanted to make \$2,000 by this transaction. He also suggested that the northeast quarter of township No. 4 consisting of 8,500 acres, that Turner should go down the river below Albany and find the parties—it turned out to be the Cochranes—and buy the old title, could be got for a small sum, and then to set aside the tax deed, have it vacated or cancelled on the ground of occupancy; then to pay up the taxes at the Comptroller's office, taking out the expenses and taxes, and divide it. The expenses would be about \$1,000 and taxes about \$9,000, leaving the sum of \$20,000 to be divided,

and Turner said the proposition was, if it could be brought about, Turner would take the land at \$30,000, so that Garmon would receive the half of \$20,000.

Then another deal as to the southwest quarter of the 15 township, and that was valued at \$15,000 and that was to be worked in the same way, and the probable residue to be divided was not mentioned; I assume it would be as much as three or four thousand dollars; that subject was opened, Turner says, while they were on this ride; that afterwards, at his house in Plattsburgh, not a great while after, Garmon was there some four times, and perhaps more than that, the matter was still further talked about, and arranged in regard to the two pieces of land. The land in suit he didn't take, and that Turner went down to buy this title of the Cochranes; he made arrangements for it, came to the Comptroller's office—Garmon says Basselin, too, was to take and help to vacate the tax deed and they found that the land had been allotted and that they must show occupation as to each lot before the scheme would work, and it fell and this, of course, extended for some time and probably along until the fall; and as to the other land, he went to New York to the Van Lennocks to buy in the old title, but was unable to do so because some of them were in Europe, and it was supposed or said that Smith Weed had something to do with the title of this last piece of land; Turner says so and Garmon afterwards speak about it. So that there was a direct and corrupt proposition on the part of Garmon, the warden of this State commission, to plunder the State, so far as he was concerned, for the money that he could get out of it. Of course, when Mr. Turner had testified to so corrupt and wicked transaction, the whole effort was to break down Turner as a witness, discredit him, to destroy him, and my friends on the other side did all they could to that end up to the time we adjourned, and then on Saturday and Sunday and Monday they went to Plattsburgh, Garmon and one of the counsel, and they scoured the country, they were diligent, for they had time, and laid in everything in the power of mortal man, everything that energy and craft could do, to break down Turner.

They said, in the first place, that Turner was a bad man, the worst man up in that country; he stole everything; he had been sued; he had quarreled with everybody, and there was a multitude of litigations against him and indictments, too. He, Turner said, I have been sued up there and some of the State agents, Albert Turner and Miller and others here sort of helped the thing along; I have been sued; I have settled some of them and I have paid damages and some of them I

have not paid damages; the truth is, either I owned the land or the people of whom I bought the timber, and after this thing was bruited about we have gone to the Comptroller's office and have redeemed our lands and paid our taxes, all the State was entitled to, and in some instances, moreover, we have paid damages and lost them; and Turner said he had lost in that way damages that he ought not to have paid but for this starting up, some seven, eight or nine hundred dollars; he brought from the Comptroller's office, and I put it in evidence, a certificate showing that the State owned none of those lands mentioned by the other side. They were particular to mention the lots, and as to the indictment, Turner bought timber of two men who had lived on the land for twenty years, sent his men in to cut it, and these same people up there caused him to be indicted; they never pressed the indictment, never done anything with it; the man went and paid his taxes, had his deed canceled, redeemed his land and that is the end of it. Suppose any one of you gentlemen should be convicted for grand larceny for stealing timber up there, when you had bought it as he did in good faith, and paid his money. If anybody has been injured up there, anybody is to be criticized it is these people who promoted these litigations against Turner, and Turner is to be commended for the good grace and moderation which he has shown.

He did have one suit which went to the Court of Appeals, beat him \$12,000, and he paid that up. That was a construction of the law of 1885 as to the effect of tax deeds, and the other one is the one that is now in progress to determine the title to this 7,500 acres of land. That has not injured Turner at all. This indictment matter has not injured Turner, but it shows the stress to which the other side have been put to bolster up this man Garmon. He feels it is a desperate case, so far as he is concerned, and he has resorted to desperate measures, and done it in the most unscrupulous manner, too.

Now, there is another one, a settlement 213 and 214. Well, the State people found they could not maintain any suit on it, and Garmon says they wanted to trick Turner in a settlement, and they got him at the Fouquet House and settled up. Turner and Garmon don't disagree about that settlement at all; Garmon says they were beaten and they wanted to trick him. Garmon has never said anything straightforward here like any other man, a trick in it, so he began with circumlocution and got him in there to settle up with him, and Judge Kellogg, lawyer Kellogg, who is now judge, was the attorney for the State; he appeared there and they were in such haste that they wrote it out with a pencil, and got Turner to sign it and got

Garmon to sign it, and then went off to get the attorneys to put it in ink. Turner says on that occasion he paid the costs of the suit; very likely. Now they bring the affidavit of Judge Kellogg, they are going to annihilate Turner with the weight of the official character of Judge Kellogg, the lawyer who has been against Turner, and he hadn't been judge long enough to forget the bias of the lawyer who hates the fellow on the other side. Kellogg, in his affidavit, says it was settled exactly as Turner says it was, and Garmon says the only thing he makes issue on is the payment of the sixty dollars costs. Turner insisted to him he had paid the cost and give the check. Suppose these two men differed in their recollection as to whether he did pay fifty or sixty dollars, and then to annihilate and crush Turner, Garmon and the counsel got it on that Sunday; I don't know what they said or did to Judge Kellogg, but he goes off in a terrible tirade on poor Turner, the worst man that ever was. If Turner was so disposed he could sue Judge Kellogg for libel, and maintain it and indict him for libel on that. There is another thing about it, it is an ex parte affidavit without the sanction of an oath, and if Judge Kellogg has told anything willfully false could not be punished for it. I think that Judge Kellogg, when he put the tail piece to the affidavit, ex parte affidavit or statement, I think he was very much beside himself, and he did himself, a greater injustice, by far, then he did or could do Mr. Turner.

Another thing, Turner must be broken down and so they bring from the forest commission office a letter from the Comptroller's office, in which is an extract or copy of a letter from this Van Buren Miller. That is a gross libel and a terrible tirade. That hasn't the sanction of an oath either, it is merely his statement; mere street talk. Who is this Van Buren Miller? Turner says he settled some things up there and he forgot to return some of the money to the Comptroller's office. My friends were greatly exercised about it, and they got a whole lot of checks and papers and other things, and were going to explain it; perhaps they have made an apparent explanation, and it appears in evidence and isn't disputed that this man Miller settled with several others and took their money, and we brought three or four receipts and some checks and we find that Turner paid him \$150 for settling on lots 134 and 176, and we find that Wales Parsons settled twice with him, fifty dollars for \$1,200 worth of logs and twenty-five or fifty dollars for \$300 worth of logs; then he settled with Tobey & Boyce for \$125; then he settled with Grimes & O'Neil for fifty dollars and with Albert Stickney for fifty dollars, and then we produced a receipt on page 590 for fifty-nine

dollars, and then another receipt for twenty dollars and a check for nineteen dollars and twenty-five cents; those are in evidence printed here, and then, our friends having gone to the Comptroller's office, we went to the Comptroller's office and have got the whole account of this man Miller, from the time he began until he finished business, covering this whole time, and where he is credited with money, states from whom he received it, when he received it, and what particular trespass, and every one of these items I have read, Mr. Chairman and gentlemen of the committee, are not entered on that account, so instead of having a defaulter in one sum, here are seven or eight, and yet they expect Turner is snowed under by the sweet talk of this man who has stolen, not once, but six or seven times.

Now, Albert Turner is mad at Ben; hasn't spoken to him in ten or a dozen years, and yet he says that that survey was made between a State lot surveyed out the whole lot between the State lot and this land that he sold to somebody — tells it exactly as Ben Turner tells it. Then they call Forester Parker. Ben was coming home from his lawsuit, perhaps a little spunky, and he says he talked very disrespectful about this commission. He said they were incompetent and they didn't attend to their business, and he could "bust" them, if he went to the Legislature, but he guessed he wouldn't. We are just finding out the fact that this commission is incompetent, and isn't attending to its business. He found it out two or three years ago, so that I hope the committee will not discredit Turner for having found out this thing before we have.

Then Inspector Burke is called and Burke explains about this fifteen cents. He says these people, the Hartwells, owned half and the State half, and they settled for fifteen cents but does not tell whether they settled for fifteen cents for their share or whether the whole. Suppose it was the whole, it would make thirty cents a standard, and it is not contradicted that this timber was worth a dollar a standard in the tree, so that it doesn't help it very much.

So that all this attempt and all the labor and pains of our friends from Thursday or Friday up to Tuesday to hunt up, to rake over as we might say, all Plattsburgh, with a fine tooth comb to find something against Ben Turner, he stands perfectly fair and strong, and has not been touched so far, and our friends, with some things they have brought here, make their clients appear most ridiculous, shows their desperation and their foolishness in extricating themselves from it.

But the great tug and the great trial is when they call on Garmon. Garmon is going to annihilate him. Well, Garmon denies that he

went to Loon lake in 1888; it was in 1887, and he confounds two transactions; puts them together. It is the old trick to have some truth with the falsehood to make it appear true. He undoubtedly did sue him as he says. He found some logs, or found about some logs there; perhaps he went there and found the logs on this seventy-five hundred acres; that a part of them, he supposes two-fifths were cut on that land, and three-fifths were taken from other lands, and he got Albert Turner, his uncle, who loves Ben so, to go in and look it up, and having looked it up, they brought a replevin suit and grabbed the whole, not only the two-fifths but the other three-fifths which he owned, the State had no interest in, so that it was a dishonest, oppressive suit, and before Mr. Turner could get a log of those, that concededly and confessedly belonged to him, he was obliged to give bonds in the sum of \$10,000. Tries to confound the two transactions. He says the time he went up there, was in 1887 and he didn't open this matter of the deals. He is as prudent as the man who got on the fence; he is prepared to jump over one way or crawl under the other, and he wholesale denies he was over at Turner's house in 1888, the spring or summer, and that he thinks covers the whole ground. That is, his denial alleges that he went up in 1887 and on that ride this deal wasn't opened, and then denies he was at Turner's house in 1888, so that Turner is not correct when he says the deal was concluded there. That is the extent of his denial. Ordinarily to impeach a witness whom you suppose to be devoid of truth and his neighbors knew it, you would call in his neighbors and inquire what sort of a character he had, If I had called all of Garmon's neighbors down here, and put to them the question, what sort of a standing has he at home, and what was his character, they couldn't have made him look any worse than Garmon made himself. He stood up and made a photograph of himself which you all have and he looks worse, more pitiable than if all his neighbors had come and denounced him as a man not worthy of belief. On cross-examination I inquired of him about going up there and he confesses, and these are his very words from the stenographer's minutes, he accepted Turner's invitation to ride up there, and was gone four days with him, and he says, "It was a game of cheat on both sides." We start off with a confession that he went up with Turner on a four days' trip to cheat him; it was a game of cheat. The confession affects him, that he was a cheat, which implies falsehood and deceit. That is the character he confesses by those words, that he is filled with deceit and falsehood, and wouldn't scruple to use them to carry out his ends. If his neighbors under-

stood his moral character, and came here and told the truth, they would all say he was a man of bad character and not worthy of belief.

I asked him, "Do you think it comports with the dignity of this State that its officers should practice deceit upon people against whom the State has claims?" Not simply Mr. Samuel Garmon, but he is a representative of the State, holds a high position, and is bound to honor and honesty and fair dealing. His answer is, "It does when they are deceiving you; he was deceiving me as to the lines." Forgotten that he had just testified, when he went there he didn't know anything about this land or lot; that somebody had told him about the lines, and he was going up to see and find out what he could about it. Why should he impute that Benton Turner, who had invited him to go up there, was a liar like himself? Are decent men to be whistled down by such statements and such imputations. He has shown no reason, no excuse whatever, for saying that Benton Turner was a liar, and was trying to deceive him on that occasion. He testified further, "I had no reason to suppose the State had any claim on the land from which three-fifths of the logs came; all the logs received in replevin, and Turner had to give \$10,000 to get any of his logs." "Q. Did you suppose it was right and just on the part of the State to take property upon which it had no claim, although it was mixed with property upon which you supposed it did have a claim? A. Yes." What kind of a State is that? "Q. Did you think this was an honest way for the State to do business, or its agent to conduct the business of the State? A. How could you do it any other way; you couldn't pick out the logs. Q. To your moral sense, do you think it is honest and honorable dealing on the part of the State? A. I don't catch on to just your point. Q. Do you think that method of business, grabbing all the property, three-fifths of which the State had no interest in whatever, is an honest and proper way for the State to transact its business, and comports with the business of the State? A. Yes; I think it is, under the circumstances; I think I was representing the State on that occasion according to the line of my duty." How much blacker could all the neighbors of Garmon have made him appear to honest and honorable men than he has made himself appear by this testimony and this bravado, and this utter disregard of moral sense and integrity, where he glories and boasts in having practiced oppression upon an unoffending citizen, taking his property in this way, and then accusing him of being deceitful and a liar.

Now, Turner testified that the ride to Loon lake was after this replevin suit was commenced, and it was about February, and it was

sleighbing, in 1888, and after that a little while, the same season, Garmon was at his house in Plattsburgh, and the deals were carried on, and he was there at least four times. On cross-examination upon this point, Garmon admits, is forced to admit, that he was at Turner's house in 1888, at least twice; he remembers twice, and on each of these occasions he saw Turner, so that he contradicts himself, as to being at Turner's in 1888; finally is forced to admit that he was there twice, and he is also forced to admit that he talked with Turner about the southwest quarter of township 24, and the one that was valued at \$30,000; and also that he talked with Turner about the northeast quarter of township 15, and that he understood Weed had the bottom title to it, that is the Van Lennocks land. So that we got him at Turner's twice, and talking to this same man, after having denied it wholesale, attempting to impose a lie on this committee, and in corroboration were three letters and a telegram from Garmon which fixed the time. The first one is March 19, 1888. The 'ride was in February some time. Here is a letter in March, 1888, and he wants to make an appointment with Mr. Turner to meet him. "I am going into Herkimer county now, and will be gone three or four days, but will meet you some day following that at Potsdam, and I think that the best way, will communicate with you as soon as I can get out of Herkimer county." What does he want to see Turner for right along here in March? The committee will remember that Garmon swore that he never had any personal correspondence with Turner before these letters in the Spring of 1888, and when that correspondence concluded along in the fall, he never had any personal correspondence with him after that. What was this personal correspondence with Turner, let me ask, unless it related to personal business between them? He wants to make an appointment with him March nineteenth. Now, the fourth day of June, he writes another letter and says: "I received a telegram from you a long time since, and expected every week to go there the next and will before long now. I have been investing a little in woods property, as you will see by the inclosed clipping. We expect to have one-half of the road running by July first." Writing Turner about his railroad up there. You see he is a capitalist, this man Garmon, building railroads from Moose river up to the Forge House, twelve or fourteen miles; has got a tavern up there; been putting money into the railroad, expecting to have half of it running by the first of July. What was he telling Turner this for? Didn't know he had ever talked with Turner. What did he talk with Turner about his private affairs for? About his railroad, unless it was that Garmon

desired money from the source Turner says to put into his property and to improve it? If that was so, and they had a confidential deal of that sort, Garmon might have said about his railroad, that he was going to put his money into a place where it would do the most good — money that he expected. And even on the eleventh day of October, 1888, Whitehall, Garmon telegraphs to Turner that he will be there to-night. He was there that night. Turner didn't happen to be at home. On the next day, the twelfth, he wrote a letter and says: "I came here last night, and must go on this train. I will be here again in about two weeks, and intend to go up to the North Adirondacks to Paul's next week, and can come out this way as I want to see you as well as you me." Was that official business or was it private business? Private and confidential business between them — with Garmon that was urgent. Anxious about something. What? Turner says that he tried to get these deals through, and when he found he couldn't he communicated with Garmon, and afterward saw Garmon and told him about it, and perhaps Garmon thought that it was right and proper and urgent to go and see Turner and try and keep this business from failing, so he should not lose the money to put in the improvements up to this place. These letters corroborate Turner. Garmon contradicts himself and the figure he make of himself upon this stand should entitle him to no credit with honorable and honest men.

So, it seems to me, Mr. Chairman and gentlemen of the committee, that this commission is incompetent, negligent and useless. It is and has been expensive, affording places for many idlers at the expense of the State; that it does not possess the public confidence; the public expectation has been disappointed; some connected with it have used their place for personal gain and advantage, in a manner contrary to their duty, and some connected with this commission have been guilty of corruption.

MR. J. NEWTON FIERO.—Mr. Chairman and gentlemen of the committee, I shall endeavor to take not quite the time allotted to us, in order to enable Judge Anibal to devote a few moments to one or two phases of this matter with which he is especially familiar, with the permission of the committee.

Mr. Chairman and gentlemen of the committee, the object of this inquiry is to ascertain the method in which the forest commission have administered the laws, and further, to ascertain whether or not any additional legislation is necessary. As far as this committee is concerned it has proceeded upon the lines of the inquiry, strictly within them, manifesting a disposition to ascertain in what way

the laws of the State have been administered by the commissioners appointed for that purpose. As far as the committee is concerned there has been every disposition to arrive at the exact truth with regard to the matter. There has been no disposition to make any charges against any one or to convict any one either of misfeasance or of malfeasance. As far as the committee is concerned, we have every reason to feel gratified with the course which the investigation has taken, and I desire here to say on behalf of my associates and myself and of the commissioners that we very fully appreciate the courtesy which has been extended to us during the progress of this inquiry, and the opportunity to present on the part of the commission facts which we have deemed material with regard to this matter. Some of the matters of which I had proposed to speak have been touched upon in the opening by the counsel for the committee. Very much of what I had proposed to say in regard to the organization of the commission, the necessities out of which it arose and other matters relating to that subject have been already touched upon and I shall not undertake to say anything further in regard to that matter. We have taken the liberty of getting up a brief, as was suggested at the previous meeting, and while I shall not confine myself to that it will perhaps afford some assistance during the argument.

I shall speak first very briefly then of the work of the commission as to what it has done since 1885, as to whether or not it has accomplished the object of its existence. The first matter almost which was touched upon in this investigation was the question of the amount of State lands at the time the forest commission took charge of the forest, and the quantity of State lands at the present time, and criticism was sought to be made upon the fact that there had not been that marked increase in the quantity of lands which there had been during former periods of five or six years. The facts when they came to be developed show that there had been an actual increase of 63,000 acres, after allowing for all deductions by way of cancellation, and this in the face of the fact that during the last six years it has been practically impossible to acquire lands by taxes for several reasons. One of the reasons is, that every year the quantity of timber land throughout the United States is becoming less and less, and the timber land in this country is becoming more and more valuable and less and less likely to revert to the State through sale for taxes. Another is the increase of industries by reason of which it is necessary to use timber, notably the manufacture of pulp, which is a very important industry, and has very much enhanced the value of certain classes of woods throughout the Adirondack region. Still another reason is the fact

that when the State came into the market or was expected to come into the market as a bidder for these lands, they immediately enhanced in value,* because every one knew that the State would be a good customer in case it desired to acquire land for park purposes.

In view of this fact the acquisition of 63,000 acres during the period of six years is a very handsome showing, indeed, on behalf of the forest commission in that direction. Very much more land would have been acquired during that period had it not been a rule of the Comptroller's office with regard to cancellations; the evidence showing that the policy of that office had been previous to the time the forest commission came in existence, to allow each person to pay up and take the lands for which they were taxed, and that it was thought very desirable to do that up to the time the forest commission took charge of the matter. After that another policy was inaugurated and the forest commission were thereafter represented upon cancellations, and thousands of acres were saved to the State by reason of the fact that the matter was looked after on behalf of the State through the forest commission.

In the next place, the work of the organization and setting in motion the machinery of this commission, which was entirely new, was a work of considerable importance and of a great deal of difficulty. It must be remembered that the work of the forest commission in this country is something which is not thoroughly understood, and which was an individual experiment up to 1885, when the forest commission was instituted. For methods of work, for precedents, for the character of the force, for the lines upon which the work was to be performed, it was necessary to look to the countries of continental Europe where forestry has been a science. That was one of the duties that has devolved upon this commission, and it appears by the evidence how thoroughly that work has been done.

In the next place, the matter of trespasses at the time the forest commission took charge was a very serious one. I will not stop to discuss that question because the evidence is before you, but it is unquestioned, as it is unquestionable, that from that period trespasses became fewer and fewer until they have almost ceased. Criticism has been made that but little money had been recently collected by reason of trespasses. As a matter of fact that proves that the forest commission has in that respect discharged its full duty and has been most useful, because the less money collected from trespasses, the more effective is the prevention. The business of the forest commission is not to collect money for the depredations upon lands, the object of the commission is to prevent depredations. When it came into

office it found that thousands upon thousands of logs were being floated down the streams by trespassers. It was necessary to bring actions against them for the purpose of preventing that sort of thing, and the amounts have been less and less up to this day, and the trespasses have been less and less up to this date, showing the efficiency with which this matter has been looked after on behalf of the forest commission.

Then you come to the question of fires; the evidence has been very full, very elaborate upon the question of occurrence of forest fires; the reasons for their occurrence, the fact that there was no method for their prevention, that there was no system by which they could be managed up to the time the forest commission took charge, has necessitated a method by means of fire wardens and other persons by which a fire can be arrested when in progress and it has distributed literature for the purpose of preventing forest fires. That forest fires are much fewer than they were at the time the forest commission took charge of the State lands, the very fact that trespasses have almost ceased, justifies the work of this commission if there had been nothing done beside. In speaking of that let me call attention to the fact that the statement as to the expenditures of the forest commission are not borne out on the Comptroller's books. In 1886, as shown by the report of the Comptroller, the expenditures of the forest commission were \$16,684, and in 1887, \$24,947, in 1888, \$24,686, in 1889, \$26,793, in 1890, \$27,070; while during the same time the State expended for the State Reservation at Niagara in 1886, \$156,121.51; in 1890, \$137,500. Also during 1886, when the forest commission expended about \$17,000, the commissioners of fisheries expended \$27,000; the State museum, \$21,000; dairy commission \$54,000 and the board of health, \$25,000. In fact, the forest commission has been one of the most economical administrations and cheapest, besides, connected with the administration of the State government, and that is borne out by the figures which are in evidence here in the Comptroller's report and the mere fact that it has not paid for itself is no more a ground of criticism than it would be a just ground of criticism to say that the police force of the city of Albany should be abolished because there were no moneys collected by reason of not finding stolen goods or the detection of larcenies so that the parties are obliged to pay into the city treasury the value of the property which they have found to be stolen. It is a question of prevention. It is a question of the prevention of trespasses, where the forest commission has done its work; a question of the prevention of fires; a question of the care and custody of the State lands and not a ques-

tion as to the amount of money that has been paid into the State treasury by the forest commission.

Now, in regard to what has been done by the commission in the way of legislation, a very full statement has been made by Mr Knevals as to what has been undertaken to be accomplished and what has been accomplished in the way of procuring legislation on behalf of the forests. It is to be regretted that very much of the legislation which was recommended has not been carried out and that very much of the legislation which ought to have found its way upon the statute books has been, for one cause or another, defeated. That is not the fault of the forest commission. In looking through the evidence it will be found that the measures recommended by them have been at any rate salutary and necessary. It will be found in addition to that fact that the measures that are upon the statute books relating to the forests for the last three or four years that have been recommended by the forest commission, have been found useful and salutary measures and that it has performed its whole duty in the way of recommending legislation and that the legislation has been highly beneficial to the forests of the State. And in still another way the forest commission has been an exceedingly useful body and that is by calling the attention of the people of this State to the situation of affairs with regard to the great northern forests, to the necessity for its preservation and to measures which ought to be taken by the people of the State of New York for the purpose of preserving those forests. The great proportion ~~of what~~ has been done in the way of awakening the public sentiment in that regard, has been done through the action of the forest commission and through the agitation of the necessity for an adequate protection of the forests. Those are a few things that have been accomplished by the forest commission.

It is suggested that the foresters have not all been engaged during the entire time and that in Lewis county, where Commissioner Basselin and Warden Garmon reside, there are no State lands to be looked after, although there is a forester appointed to look after the lands in that locality. During the brief time while counsel was presenting his views before the committee, I had an examination made of the books here, the reports of the commission, showing the quantity of State land in the different localities and find that Forester Kline, who has charge in the district of Lewis, Herkimer and Hamilton, has a total of 34,548 acres of State lands to look after, namely: In Lewis, 9,948; Herkimer, 15,000 out of 23,000 in the county; Hamilton, 10,000, making a total of very nearly 35,000 acres. I hope that very many of the other statements of the counsel are more accurate and based upon

a close examination than this statement in regard to the duties of the forester in that locality.

• Mr. ADAMS—I stated it exactly as Commissioner Basselin stated it in his evidence; I didn't look through the books.

Mr. FIERO.—The report made January, 1891, and which is in existence, contains this information, and it is a mere matter of computation. I must say that I have no recollection of Commissioner Basselin making any such statement, although I do not deny the fact; the minutes are probably the best source of information in regard to that.

No criticism is made with regard to the discharge of the duty by any person except Warden Garmon, except by way perhaps of insinuation with reference to Commissioner Basselin. As to Warden Garmon, the charge is made that at a certain time he entered into an agreement, which is termed a corrupt agreement, but as to all the other officers, beginning with the secretary and going through the entire list, there is no suggestion whatever that their entire duty has not been performed, and the entire weight of the attack falls upon the warden. That is based entirely upon the evidence of Benton Turner. Benton Turner, the counsel says, we have undertaken to break down. Break down Benton Turner's evidence? Why, it has not vitality enough to stand alone when it is backed up by the whole power of the State, which it has been, by bringing him here, and giving him a certain amount of credit. Break it down. There isn't enough vitality in the evidence so that it can be possibly bolstered up. It is almost an insult to this committee to argue that the evidence of Benton Turner is unworthy of belief, because it supposes that the gentlemen of this committee have not closely followed the evidence, that they have not examined into it with care; that they have not noticed the inconsistency in the evidence of Benton Turner himself, and the contradictions in contained. At the very outset Benton Turner is condemned by the statement of one of the best officials this State ever had, a man conceded to have been a model in the position which he held, so much so that he was promoted to a higher place in Washington and has again returned to the State government because he seems to be indispensable. Thomas E. Benedict, as deputy comptroller, has stated exactly what there is with regard to Benton Turner, when in his letter of page 606 of the evidence he stated what he does with reference to the situation of affairs as to Benton Turner under the administration of the Comptroller's office. He says "Benton Turner has been the most troublesome depredator of State lands in the northern Adirondacks."

Judge Kellogg, a man above reproach, characterizes Benton Turner in almost as severe terms and contradicts his evidence. He is contradicted upon material points by Hartwell, by Commissioner Cox, by Commissioner Basselin and Warden Garmon. It is unnecessary to go outside his own evidence to show the fact that he is entirely unworthy of belief, and I spend a moment upon this cause because so much has been made of this attack by the counsel for the committee. The statement with regard to the talk with Garmon, as to the arrangement to obtain cancellations of certain State lands, was said by Turner to have been had in 1886 or 1887. The letters were in 1888 which he produces. Counsel is in error in making a different statement with regard to the time when this talk was had on the way to Loon lake and in suggesting it was 1888, because at page 617 of the evidence he is asked, "Can't you be any more definite about the year it was, whether 1883, '85, '86 or '87? A. It was 1886 or 1887, I don't know. Q. Can't tell whether 1886 or 1887? A. I could not; my recollection is, it was 1886." And yet the letters produced here bear date, March, 1888, after it had been stated by Turner that he had letters which corroborated his statement with regard to this matter and which he says were dated two months after that. "Q. We will go to the letter, when was the next conversation? A. Mr. Garmon came to my house. Q. When was that? A. I couldn't tell you. Q. How soon was it after this conversation you rode between Saranac and Loon lake? A. Oh, it was some time afterwards; the messages and the letter would give a man an idea of when it was. Q. How soon after that? A. Two months. Q. In the same winter? A. I think so, or the same spring and summer. Q. The spring of 1886? A. Or 1887. Q. One of those seasons? A. Yes." On calling attention to that contradiction which is on the most material point with regard to the entire evidence and with reference to which Turner could not be mistaken, it seems unnecessary to comment upon his evidence. His attempt was to sustain his naked statement by testifying he could produce letters and telegrams two months afterwards which would corroborate what he stated. He produced letters and telegrams dated two years afterwards, which the warden says passed between them in the course of his official duty and which upon their face have nothing whatever to indicate that they were with reference to a personal transaction.

Then one other witness is brought forward with reference to the manner in which the business of the commission has been conducted one Daniel Lynch, who at the outset of the investigation was called "Honest Dan. Lynch." We heard less of that as the investi-

gation proceeded. But to-night we find that some credence is claimed for his testimony because it is said that certain complaints were made to which no attention was given. There is no evidence whatever that any complaint that Daniel Lynch made which was sustained by any statement of fact which was at all tangible ever escaped the notice of the commission or ever failed to receive proper or appropriate action. He, himself, declined to testify that he knew that any complaints had been followed up or prosecuted and insisted that he knew nothing of it. He stated that he did not intend to intimate that there was any relation between Talbot and the forest commission, but it was somewhat surprising that to-night we hear claim made that because Talbot was found in the neighborhood of a public office that there must have been some relation existing between Talbot and the forest commission, when the very witness who brought forward the accusation repudiated the idea that he intended to make any such statement. The Lemon Thomson cancellations rest entirely, so far as the claim of fraud is made, upon Dan Lynch's testimony. It is conceded upon all hands that the forest commission brought an action, that pending that action there was a cancellation made by the Comptroller without the knowledge of the forest commission, and that the cancellation was made before the time when the forest commission were not in the habit of appearing before the Comptroller, and that out of the fact of that cancellation grew the custom of the forest commission being represented before the Comptroller, and that hence at that time they had no relation with the Comptroller's office with reference to cancellations. It is unnecessary to refer to the letters of Lynch, which certainly justify the action of the commission with regard to him, with every right-minded man.

At the outset of this investigation very much was said with regard to the Everton Lumber Company matter, and it was insisted that that exchange ought not to have been recommended by the forest commission. That has been reiterated. The fact with regard to that matter has not escaped the committee, that so far as the exchange of lands was concerned it is a matter entirely within the discretion of the commission, that they were not directed to take any steps whatever, but they were allowed to do so if they thought wise to take steps to make an exchange of lands, then the matter would proceed through the Attorney-General. That was the state of affairs when Hurd made the application. Mr. Knevals states that he understood Hurd obtained the passage of the bill; he didn't say it was a job or anything of that character. His evidence is found upon that subject at page 535 and does not bear out the suggestion which was made with reference to it.

Mr. ADAMS.— His direct testimony.

Mr. FIERO.— I think that is his direct testimony.

Mr. ADAMS.— Look on the cross.

Mr. FIERO.— The question is, "What was first done under that bill so far as relates to the commission? A. The first application after the passage of that bill was John Hurd. Q. Who was he? A. John Hurd was a member of the firm of Hurd & Hotchkiss, who were large lumbermen on the west side of the forest; the builder of this Northern Adirondack road; the same man whom we had sued for trespass, and from whom we had collected a considerable sum of money. Q. What was there with reference to that? A. Immediately after the passage of that act, which I always understood was passed for his relief or for his benefit —

Mr. ADAMS.— You understand the act of 1887 was procured by him? A. Yes, I so understand that it was promoted by him, and certainly his application followed directly on its passage; I was opposed to taking any action under the act; the act was not mandatory, it was permissive, and Hurd's operations, and the operations of his partners had been very destructive to the forests. Q. What were the views of the commission with regard to the exchange of the lands which Hurd offered at that time? A. We deemed it unwise to make the exchange which he proposed; we thought, among other things, that the lands of Hurd's and the State, which formed a sort of checker-board, small parcels of State and Hurd and Hurd and State alternately holding small parcels, served to protect the forest from the extension of his railroad system through there." That is all I have been able to find on that subject. I insist it does not bear out the suggestion in reference to it. The evidence shows, without contradiction or controversy, that the reasons for the refusal of the commission to act upon the Hurd bill were that it was very doubtful whether a title could be obtained, that the lines of the proposed park were not fixed and that they did not desire to allow Hurd to obtain title to lands in the vicinity of the State land for the reason he was engaged in trespassing. The principal reason given by the members of the commission, however, is the fact that at that time the park lines were not only not agreed upon but the park itself was not a fixed fact. The committee will do well to bear in mind the sequence of events. The message of the Governor of this State bearing date the 20th of January, 1800, state: "It is represented to me by those who are familiar with the situation of things in that country, and in whose judgment I have confidence, that a State park from fifty to seventy

miles square can be obtained in that region at comparatively trifling expense and when obtained, if judiciously and sensibly managed, it will prove of inestimable advantage and benefit to the whole country."

That message also contained this statement: "It seems to me that the limits within which lands are to be retained by the State for this purpose should be settled and defined, and should include the wilder portion of this region covering the mountains and lakes, at and around the head-waters of the several rivers that rise in that locality, including the Hudson river; and that all the lands outside of these limits should be subject to sale as other State lands are sold. If practicable these lands should be exchanged for wild and forest lands within the limits prescribed." Then followed a reference of this communication by the Senate to the finance committee, that was followed by a report by the finance committee to the Senate in which they said among other things that a State park from fifty to seventy miles square in the wild section of this region, in and about the head-waters of the rivers, should be laid out for the use of the people, and stated "a corollary from the latter proposition and one that is immediately obvious to all, is contained in the suggestion of the Governor that if this park was established, it would be good policy for the State to sell or exchange all outlying parcels of State land and confine the holdings of the State to the park itself."

Now, gentlemen of the committee, in 1890, this message by the Governor, this report of the committee to the Senate, was made and following it was a recommendation of the adoption of a concurrent resolution, and that concurrent resolution I will call attention to hereafter, relating to a park, providing for action by the forest commission in regard to it. This was followed by a suggestion from the office of the Attorney-General to one of the commissioners that it was desirable that an exchange of land should be had. Thereupon the commission proceeded to act in regard to the matter. The Everton Lumber Company's application had been postponed from time to time and no action had been taken upon it, but when it appeared to the commission that the chief executive of the State, the Senate of the State and the law officer of the State all insisted that action should be taken by way of exchange of land, they proceeded to act favorably with regard to the exchange of the Everton Lumber Company. The reasons for delay were up to that time, it had not been the settled policy of the State there should be a park and there had not been any fixed ideas with regard to it either on the part of the executive or legislative branch of the government. Thereafter it was fixed, as far as these branches of the government were concerned, there should be a park and it was

recommended by both branches that there should an exchange of land. Then the discretionary power which had been vested in these commissioners was by them put into motion and they concluded that the time had come when it was their duty to act in regard to the matter because it was the wish of the people of the State as expressed, through their representatives. That is the history of the Everton Land Company transaction, but even then they were unwilling to recommend the exchange without great care being taken with reference to the proviso made, and the result was that they passed a very careful resolution by which they recommended that an exchange should be made, provided that at least 26,000 acres could be obtained for the 12,000 of the State. This was an exceedingly cautious, careful proceeding on their part and the effect of it was this: Thereafter appraisers were appointed for the purpose of ascertaining the value of the Everton company's lands; those appraisers were appointed by the county judges of the counties in which the lands were located and upon the application of a special attorney-general, appointed by the Attorney-General for that purpose. They appraised the lands at a much less value than they were fixed by the commission in arranging for the exchange. Not one word of evidence has been given here, with regard to the value of those lands, to show that they were greater, or less, or in any wise different from that of the appraisal. It is no part of our duty here on behalf of these commissioners to vindicate the action of these appraisers, or of the gentlemen connected with it, and yet it is so plain to everyone upon the face that they discharged their duty and their whole duty, from the fact that no evidence is brought here to the contrary, that it seems most unjust that an attack should have been made upon them here, and one that, it seems to me, ought to be resented by everyone connected with the matter not only, but by every lover of fair play.

Now, beyond that question, beyond the fact that the action of these appraisers is not attacked by evidence and only by innuendo, comes this very pertinent statement with regard to it, that under the action of the commission the State would get for 13,355 acres over 28,937 acres. Under the appraisal the State would get for its 13,355 acres, 18,582 acres. The action of the commission is more favorable to the State than the action of the appraisers by 10,355 acres, and the same lands are in question and here the action of the appraisers is in no wise attacked, and can not be in regard to values, and yet the action of the commissioners with regard to the matter is sought to be criticised when their action is more favorable by

over 10,000 acres than that of the appraisers, which is unquestioned. Has Mr. Basselin, upon that state of facts, been guilty of any lack of good faith to the State? Can it be said that when upon his motion, as it is shown to have been, it was provided that the exchange should only be made if 26,000 acres could be obtained for 12,000, or at that ratio, that he has failed to do his whole duty by the State? Is it just or fair an attack should be made upon his character and reputation, when in truth he has done that which redounds to his credit and to the credit of the commission and to the benefit of the State?

A single correction in regard to a statement made by the counsel that Mr. Knevals did not know of the formation of this lumber company. At page 556 it will be found that Mr. Knevals states that he did know the fact, so that it was not concealed by Mr. Basselin from his associates, and the only result of the connection of Mr. Basselin that this lumber company has been, that it has probably made him more careful in his dealings with it, in view of the fact that he might possibly be subject to criticism by reason of being connected in business with some persons who are connected with the Everton Lumber Company, and the result of it is shown in the very cautious, careful, prudent resolution, which provided for the protection of the State and which cared for it in so effective a manner. The evidence with regard to Mr. Kneval's knowledge of it is, "Q. Did you know at this time that Mr. Basselin had any negotiations with Mr. Patton and other gentlemen for forming the Beaver River Lumber Company? A. I think I knew that that company was in existence. Q. Now, think a minute; my question is, during that summer, did you know that negotiations were going on between Basselin and Mr. Patton for the formation of the Beaver River Lumber Company? A. I have answered it; I say I knew in August or September of the creation of the Beaver company. Q. My question is, previous to that time, in July and before, if you were aware or knew the facts that Basselin was negotiating with Patton for the formation of the Beaver River Lumber Company? A. No; I should say I did not. Q. And the first you knew of it was along about September? A. No; I think in August."

Mr. ADAMS.—Organized the 14th of August.

Mr. FIERO.—"Q. All articles were filed on the 14th of August? A. I think that was about the time I knew it."

It seems to me any statement that Mr. Basselin concealed the facts from Mr. Knevals can not stand a moment in the face of any such testimony as that, and it does seem the action of this commission for the protection of the State with regard to the Everton Lumber

Company exchange under all the circumstances is as clear and complete a vindication of their motives as was ever vouchsafed to mortal man in any transaction.

Then the purchase of lands by the commission has been criticised, or rather the fact that they failed to purchase, because in 1890 they drafted a bill which provided that they might, in their discretion, buy lands in case they were available for the purpose of a State park, and that is a matter which has been brought forward before this committee during this investigation that one of the conditions of that statute was that these lands were to be available for a State park.

Now, the same reason early in 1890 appeared with reference to preventing action with regard to that, and that is not material, for the reason that up to the fifth of November last only 500 acres had been offered. Immediately after the fifth of November an effort was made to have people bring in their offers of land, and on the twentieth of November several thousand acres had been offered from that time forward to the time of the commencement of this investigation, the twenty-first of January, a period of two months; and during that period the cold weather came on when it was difficult and almost impracticable to examine those lands. And when the effective force of the commission was engaged in other work, to wit: In the examination of lands for park purposes under the concurrent resolution of the Senate and Assembly and when they could not be expected to be taken from that work which was directed by the Legislature for the purpose of looking after the matter of the sale of lands. In that connection a criticism has been made that other than State lands were examined by the foresters. I call the attention of the committee to the resolution, which was passed by the Senate March 5, 1890, and by the Assembly, April 4, 1890:

"Resolved (if the Assembly concur), That the forest commission be, and hereby is, directed to take into consideration the message of the Governor, addressed to the Legislature, calling attention to the subject of establishing a State park in and about the head-waters of the rivers having their source in the Adirondack wilderness and after thoroughly investigating the possibilities of such an undertaking, to report to the Legislature its conclusions thereon and its recommendations as to the most effective methods to be employed to accomplish that end, either by bill or otherwise, together with any pertinent facts within the knowledge of the commission relating to the general subject of forest preservation or extension, and further, to report the number of acres or square miles of land essential to fulfilling the requirements of a suit-

able reservation or park, and the probable cost thereof, and to report also in regard to the other subjects referred to in said message of the Governor." That would seem to afford a reasonable, full and ample ground for the action of the commission in employing the men at their disposal in examining lands in the Adirondack region, whether State land or otherwise, because it was not only the manifest intention, but the expressed direction of the Legislature that the Adirondack region should be examined for that purpose and these men were placed upon that work in accordance with the direction of the Legislature. Certainly this commission ought not to be criticised for following the direction of the Legislature with regard to the work to be undertaken and carried out by it.

During the inquiry much testimony has been given with regard to the proposed park, and at the outset criticism was indulged in on account of the west line of the park not being entirely satisfactory to the persons criticising it. It was insisted on the part of some that the line was too far to the west; on the part of some it was too far to the east; on the part of some that Mr. Basselin had land outside of it, and on the part of some he had land inside of the proposed park lines. We have heard little or nothing of that recently because the critics did not agree among themselves whether Mr. Basselin was benefited by having the line where it was, or whether he would have been benefited by having it carried further west. But there has been some criticism with regard to the size of the park. Now, a single word with reference to the size of the proposed park as reported by this commission, and that bears upon both of the questions which are to be reported upon by this committee, but I speak of it more particularly with reference to the action of the commission with regard to a proposed park, and with regard to their special report upon that subject which states at great length the reasons for the park, and the facts in connection with it. It will be remembered that the testimony shows there was a difference of opinion among the commissioners as to the size of the park; one commissioner favoring a smaller park; one commissioner favoring a park the entire size of the Adirondack region, over 3,000,000 of acres, and Mr. Knevals the third commissioner favoring a park which was finally agreed on, to consist of 2,307,000 acres. The park lines were fixed according to that fact so as to include that number of acres. They were determined by the commissioners and Warden Fox and Secretary Train were directed to carry out the details in regard to it. They have shown why the zigzag lines which appear upon the small map were adopted, showing the necessity therefor by reason of the fact they

were the only lot and township lines upon which surveys had been made so that the park lines could be definite. I want to call attention to the fact that the proposed park of 2,307,000 acres includes within it substantially five-sixths of the State lands within that district. That it has been so arranged by the commission that out of the 644,000 acres of State lands 512,000 acres are included within its limits. The entire area of the Adirondack forest is 3,588,000 acres. If that 3,500,000 acres had been incorporated in the park, the State owning only about 600,000 acres, it would have been necessary to purchase substantially 3,000,000 acres of land in order to procure sufficient land for park purposes, because it was recommended by the chief executive and seems to have been the view of the Senate that the State should acquire all the lands within the park limits. I repeat that would have necessitated the purchase of three millions of acres. The park as provided for, 2,300,000, necessitates the purchase of about 1,800,000 acres or only sixty per cent of the amount it would have been necessary to purchase had a larger area been taken within the park lines. I insist this justifies the judgment of the commissioners, as does the additional fact, that this land can be purchased at about sixty per cent of the amount it would have cost for the larger quantity independent of the fact that the State owns so much larger proportion of it, and hence it could have been bought much more cheaply in proportion. So upon the score of economy for the purpose of placing within the park the greatest quantity of State land, the report of the commission commends itself. I need not call attention to what is shown by the map which has been brought here by the commission, that the park as proposed contains one-fourteenth of the area of the State, or to compare it with the size of other parks and States. I have spread those figures out upon the brief which we have prepared in order that they may be examined by the committee at their leisure and that they may see the extent of this park as compared with the extent of this State and other States.

There was another reason why the entire State lands were not taken for park purposes and that is a reason which has not been adverted to here, as I supposed it would be, by way of attack upon the lumbermen. At the outset of this inquiry it was insisted, because Mr. Basselin was a lumberman, therefore he had not by reason of that fact done his duty toward the State. The fact was ignored that Mr. Basselin was a lumberman when he was appointed in 1885, that when the present chief executive reappointed him in 1889 he was known to be a lumberman and beyond all that, as he stated, he was appointed because he was a lumberman. That brings me to this point,

that the lumber interest was an interest which was necessarily consulted with reference to the proposed park, because it is a large financial interest, not because they are lumbermen. They haven't any greater or less rights than anyone else, but they are people who own \$25,000,000 worth of property in the northern forests and their interests must be looked after precisely as the interests of any other set of men and their property must be protected precisely as other men's property is protected. It is caviled at, there is not \$25,000,000 invested in the lumber business. It was perfectly easy to show the contrary if it had been possible to do so; all that was necessary was to call any one familiar with the subject and show the amount was less. I care not whether it was less or more, the fact is that the lumber interest is an important factor in northern New York, and the interests of the lumbermen must be consulted with reference to legislation as to northern New York, just as you would consult the interest of the farmer if you were dealing with central New York, or the interest of the man who works upon the canal if you were legislating in regard to the Erie canal, or the merchant if you were legislating with regard to the tariff, and there is no use of undertaking to brush aside a matter of that sort with a sneer because a man is a lumberman. Of course they destroy the forests, but they employ 30,000 men, representing 100,000 souls, and they work upon their own property. If the State wants it they will have to buy and pay for it. We might as well recognize that fact precisely the same as it would have to buy anybody else's property. Now, is it the part of wisdom on the part of this commission, as it is the part of wisdom on the part of the Legislature, or on the part of anybody to antagonize that interest, if by making an arrangement with reference to the soft woods, the interests of the State can be subserved and the interests of the lumbermen protected. Is there any objection to it? Should they not have precisely the same rights as every other citizen in regard to that? I am not insisting a lumberman has any right beyond what every citizen has; I am looking at it from the standpoint of the State as to what is the part of wisdom, and I insist that these men were right when they said that the interest of the lumbermen must be taken into consideration in arranging for the Adirondack park, and that they were right about it has been absolutely demonstrated by the addresses which were made before the joint committee of the Senate and Assembly, by the Hon. Warner Miller and his associates bearing upon that question, in which they took precisely the ground that this commission has taken in its report, grounds which were at the outset scouted with regard to soft woods, the

grounds upon which this commission was attacked, and yet no one has said "nay" to the representations of those gentlemen with regard to it, and every word of evidence that has been given upon the stand here has been in corroboration of the fact of the soft woods, which Sargent says does not exceed five per cent of the entire forest in the Adirondack region, may be cut out and the statements before the committee a few evenings ago were, that so far as the soft woods were concerned they could be lumbered every fifteen years, and it was insisted by very high authority that millions of dollars could be collected from that source within a few years, if the State acquired title to the Adirondack lands by an arrangement by which these soft woods could be taken off and sold. That recommendation by this commission was one which was attacked more sharply outside than anything else connected with it, and at the outset of this investigation we heard scarcely anything, except the fact that this commission were trying to take care of the lumbermen. If they were trying to take care of the lumbermen, they were trying to do it in as an intelligent a way as they would take care of any citizen, and they were trying first of all to take care of the interests of the State, which they did fairly and fully in that connection.

I will not go into the history of the park lines, because there has not been a word of evidence to indicate that Commissioner Basselin had the slightest interest in having them either here or there. His motives have not been impugned in that respect, nor in any other from the beginning to the end of this investigation there has not been shown an unfair or corrupt motive on his part. More than that, there has not been shown any reason why he should have swerved one inch from his official duty with regard to his action as a member of the forest commission and beyond that it has not been shown that he has swerved an inch from his duty. Still more than that it has been shown affirmatively here that his duty and his whole duty, and in some respects, as in the resolution in regard to the Everton exchange, more than his duty has been done toward the State, and at this hour and with this evidence, the attack which was made upon him to-night ought not in justice or fairness to have been made, nor ought the imputation to have been made against the motives and against the integrity of Warden Garmon in view of the evidence which has come before this committee. It was well enough when any rumor said this or that or the other with regard to this commission to insist that an inquiry should be had, and to make the accusation against them, but it was not just, it was not right, it was not fair that those accusa-

tions should be repeated in the face of the evidence which shows the entire freedom from these charges on the part of these gentlemen.

A single word with regard to the expenses of the park as it is laid out by the commissioners as compared with a larger park. If my recollection serves me right the cost of the entire Northern Adirondack region substantially as laid out in the proposed park before the committee a few evenings ago, was \$7,000,000 of dollars. It would seem to have been a reasonable thing that this commission should undertake to bring in a less area in order that the expense might be less, and upon the question of expense is the question of condemnation by the State. This commission recommended that lands should not at present be condemned. They did not place themselves on record against condemnation proceedings for all time to come, but they deemed it unwise to put the machinery of condemnation proceedings in effect at present, and that it was better to undertake to obtain lands by means of purchase. What were the motives which actuated such a recommendation? Why, the expense of the proceeding. Gentlemen, have any of you watched with any interest the expenses of the condemnation proceedings for the new aqueduct? I take it the chairman of this commission is somewhat familiar with that, coming from that locality, and knows what the expenses of condemnation proceedings outside of the cost of the lands amount to. I think he has some idea from residing in that locality what the legal expenses connected with the condemnation of several thousand pieces of land in the Adirondack region would cost. The expense of condemnation proceedings if taken immediately, without undertaking to obtain title by purchase or exchange, would be simply enormous, and I will not venture to undertake to estimate the figure into which it would run. But when you consider the expense of each separate parcel, you would find that those figures are simply enormous. There is another reason why condemnation proceedings were not wise in the first instance. That reason appears again in the argument before the gentlemen of the committee that the soft woods should be allowed to be taken out by the owners, and give them a term of years to do it. Those of you who are members of the legal profession will at once appreciate the inconsistency of taking condemnation proceedings for a portion of the title to the land, leaving a part of the lands, so to speak — that is, a portion of the timber — leave the title to that in the owner of the land.

It is not the taking of a mere easement, a mere right that may be condemned, but will you condemn ninety or ninety-five per cent of the title which a man has, and leave the other five or ten per cent of the title in him? Can you do it? Is there any machinery known to the law;

has anybody got the right to do it? Has the State, by virtue of its right of eminent domain, power to go and take a portion of the title of any person and leave the soil vested in him. Here is an insuperable objection in the way of condemnation proceedings. In the first instance the State, if it is going to carry out the policy that has been outlined in regard to the soft woods, must make an arrangement with the owners there with reference to those soft woods by way of purchase so far as it is able and then it must condemn the balance of the lands when it reaches that point, because some it will be obliged ultimately to condemn, but certainly during a period of two or three years that work of acquisition can go on without the necessity of condemnation proceedings.

I want to call attention to the persistent manner in which Van Buren Miller has been sought to be foisted upon this commission. It is conceded upon the evidence that Van Buren Miller was the agent of the Comptroller when these deficiencies occurred in his account. There is no pretext that the evidence shows that he was the agent of the commission and yet we hear from time to time of the wickedness of Van Buren Miller because he had not faithfully served the State by way of returning moneys. We are not here because we have any interest whatever in Van Buren Miller. He was in the employ of the forest commission, as appears by the record in evidence, for a period of thirty-five days, having been recommended by the then Comptroller; at the end of that time he left the employ of the commission and has never been in its employ since. He did testify to certain matters with regard to Benton Turner. He is not the only person who has testified to those things and it is unnecessary, as it would be unwise, for us here to attempt any defense of Van Buren Miller, although it does seem a little unjust he should be put on trial and attacked here without any opportunity of defending himself. But so far as this investigation is concerned, what difference does it make whether Van Buren Miller paid the State all the money he owed it or not? He was not the agent of the commission at that time or was not in its employ. He was not a forester, but he was simply the agent of the State employed by the Comptroller of the State of New York.

At the outset the complaints against the commission were three in number. In the first place, it was insisted that the commission had prevented the State from acquiring lands for the park from private persons because they allowed contracts for soft woods to be made. What they had not purchased lands as they ought to have done, but allowed these lands to go into the hands of lumbermen. It

appears they had the magnificent sum of \$25,000 with which to purchase 3,000,000 of acres of land in the Adirondack region and the accusation amounts to this, that they have simply had this money at their command since the Legislature of 1890 and, because they have not employed the \$25,000 for the purpose of buying that 3,000,000 of acres of land within the last year it is insisted they have been in collusion with the lumbermen for the purpose of allowing them to make contracts in order that it might be more expensive to the State, and it turns upon the whole when the testimony comes in, that the making of those contracts by the lumbermen is in one year a crime on their part and that it is the part of wisdom on the part of the State to allow such contracts to be made, to encourage them, because everyone agrees that the soft woods may be taken off without any injury to the land, and hence the first ground of complaint, that the commission have not done their duty because they have not purchased lands and have allowed these contracts to be made, utterly fails for two reasons; in the first place there has only been \$25,000 at their disposal and command and that for less than a year, and in the second place, the contracts which have been made have not been in any way injurious to the rights of the State or enhanced the difficulties in the way of procuring titles to lands.

The second ground of complaint at the outset of this inquiry was, that the commission had allowed lumbermen to obtain State lands by way of exchange and that they had obtained an unfair advantage over the State in that respect. This statement has dwindled to a simple question of fact that the commission recommended an exchange with the Everton Lumber Company, if 26,000 acres could be obtained for 12,000, the 26,000 to be within the limits of the proposed park while the 12,000 were outside the limits of the proposed park and that that recommendation is much more advantageous to the State than the State, or any corporation, or any person would have a right to claim or insist upon, because upon a fair appraisal it is found to be 10,000 acres more advantageous than the price of the land warranted. That is the outcome of the statement that lumber companies or lumbermen have obtained unfair advantage in the way of exchanges with the State and I ought to state here that the exchange of the Everton Lumber Company has not been consummated and is not likely to be consummated by reason that the report of the appraisers gives 10,000 acres more to the State than the proviso in the resolution of the forest commission, and hence the arrangement can not be carried out unless the report of the appraisers is ignored to the extent of the parties interested for the Everton Lumber Company coming up to the proposition

made by the forest commission and allowing 10,000 more acres than the appraisal. Upon these terms it can be carried out and upon no other because that resolution is based upon that proviso.

The third ground of complaint at the outset was, that the commission had not aided the State in procuring lands at tax sales. This was a matter entirely beyond the control of the commission. It is unfortunate that greater powers have not been lodged in the commission, because if the power had been lodged in the commission at the outset to appear before the Comptroller upon applications for cancellations, the State would have been, to-day, in possession of several thousands of acres of land, the title of which has been canceled by the Comptroller, by reason of the fact that the State was unrepresented; that it was an *ex parte* proceeding; that all that was necessary to be done was for some one to bring in some affidavits with regard to which there was no opposition, no person being interested in fighting the claim, and in view of the fact that at the Comptroller's office, up to a very late period, it had been deemed the wisest policy to allow the title of lands to lapse and that it has not been deemed good policy to procure lands at tax sales for the State to retain title to them even where the question of cancellation was doubtful. So that, instead of the forest commission being at all blameable by reason of no greater quantity of lands having been acquired, the commissioners are entitled to credit by reason of the fact that it is through them that the wholesale cancellations of land on *ex parte* affidavits has been stopped, and to-day it is very difficult to obtain a cancellation because, where affidavits are now filed, the forest commission makes it its business to appear before the Comptroller and see that the facts exist as they are claimed, and put in opposing affidavits and make opposition so that the State may retain the lands if it is fairly and honestly entitled to them.

At the outset these were the grounds of complaint. During the progress of this investigation there has been added to these grounds of complaint the gossip, so to speak, of discontented and dissatisfied employes, or of a discontented and dissatisfied employe who richly deserved the discharge which he received, and the gossip, the unfounded statement of a single defeated litigant, who has a feeling against this commission by reason of the fact that it has performed its duty by prosecuting him in the civil and criminal courts of this State whenever he has been found robbing the State. It is upon the evidence of those two men to-day that any ground of complaint exists against the forest commission. Their testimony I have discussed somewhat at as great length as it seems to me to be desirable to

follow it. It is not testimony, even if uncontradicted, upon which any finding whatever could reasonably be made. Contradicted as it is by their own assertions, and by the facts and circumstances concerning it and by the evidence of reputable men, it is utterly and entirely unworthy of credence and belief.

Mr. Chairman and gentlemen of the committee, I think I have now discussed substantially the questions which have arisen during the course of this investigation. The result of it is and must be that so far as these commissioners are concerned that they appear not only not to have been guilty of any wrongdoing either intentionally or otherwise, but they have discharged in every respect fully, fairly and honestly their duty toward the people of the State of New York and they are entitled at your hands to receive the commendation which is justly their due. You will not be affected by any considerations outside of the evidence which has been produced before you with regard to their actions. They are men who have served the State faithfully without compensation, and are entitled to an honest and fair determination at your hands with regard to that matter, and to the only disposition which is possible upon the evidence that their action has been governed entirely by the interests of the State. They do not ask any favor at the hands of this committee, or of any person. They do ask to be fairly treated in view of all the circumstances and all their labors on behalf of the State. They only ask for simple justice at your hands—to give them anything else would be as unfair to yourselves as it would be unjust to them.

HON. ROBERT P. ANIBAL.—Mr. Chairman and gentlemen of the committee, I have sat in my seat here listening patiently, and I must say that I was very much interested in the argument made by my friend, Mr. Adams, when he stood before you here for one hour and a half and, as I believe the evidence in this case will show, that not only during that hour and a half he misquoted testimony but he misapplied every quotation that he made from commencement to the closing. That the very argument that he made was one that had been based, that had been conceived in his mind as to what he or somebody else thought possible the evidence in this case would come up to before they had sat in this committee room, and in the other room in this capitol, and examined the very witnesses that have been brought here. We appeal to you, gentlemen of this committee, in fairness and in candor, to say whether on the part of this commission or either of the counsel that we have in a single degree kept from you one paper, one book, one document or one officer of the forest commission that we have not brought here for you to examine

as to his integrity and as to negligence, his fair dealing and his conduct as a State officer. At the outset, on the cross-examination of Mr. Basselin, we not only presented to you the books of account which contained an account of every dollar that had been received by this forest commission, but we presented to you the trespass book where every accusation against every man in the fifteen counties of this forest preserve, where it had been spread out upon the books, every man a complaint had been lodged against, they were presented to you. We went a step further than that, we presented to you the book which contained the litigations and every dollar that had been received, from whose hands it had been received, who paid it, and the number of logs or the amount or number that had been taken, we presented that to you. We submit, gentlemen of this committee, has a man said that one of those figures, one of those accounts, one of those items was incorrect? Not one. We went a step further; we presented to you, and you have it among your papers, the map which defined the thirteen districts of this forest preserve that was allotted to the respective foresters, and you will find by the examination of those maps, that it covers the entire Adirondack region and every acre of State land; and when my friend says that there is a forester up in Lewis county that has no lands to protect he, knew what he said was false and what he knew was not the evidence in this case, because before you was the map and the very district that the gentleman that lives in Lewis county patrolled and looked after, was before you as a committee.

Many more of his statements I might call your attention to here that were incorrect. We went further. We took papers and printed notices upon cloth, and reports of foresters, instructions to foresters, instructions to fire warden, and all of that we presented to you. Have they shown that a single fire warden has not done his duty? That a single forester has been derelict by pointing out a single instance? We say no, and we can prove it. Besides that, from uncontradicted testimony of witnesses, who are not obliged to have a certificate of character from any man, that they are intelligent and are to be believed at home as well as here.

Passing briefly over, as I have but a few moments time, the great attempt of counsel in this case, and it seems to me foreign to the purpose for which you gentlemen were appointed a committee to look after these matters, that the whole attempt of the counsel has been from commencement to close here, to see, if possible, out of all this rubbish and out of all the evidence they could collect from one end of this State to the other, that he couldn't fasten somewhere upon

the character of Mr. Garmon or upon the character of Mr. Basselin, something that you could lend yourself, with the other false accusations in this case, to put a stain upon their characters that should last them as long as they lived. Why, he says, Mr. Garmon himself has said a great many times here that which was not in keeping with his position as a State officer, and he dwells long upon the fact, that when Mr. Garmon went up to Plattsburgh and there met Ben Turner, and Mr. Turner asked him where he was going, and he says: "I am going up to examine the southeast quarter of the 24th township; I understand that you have been trespassing upon that, and it belongs to the State." Mr. Turner says: "I am going right up there; I haven't cut a stick on it, and it is false; hop right into my cutter and I will take you in." Garmon got in this cutter and went up there, and this man showed him the lines, and Mr. Garmon, under the searching examination of my friend, did say there that he believed that this man Turner was lying to him. That is what he said, and he feigned to believe it; that he allowed Mr. Turner to understand that he wasn't disputing it, but at the same time he didn't believe a word of it. Was it true that Mr. Turner was not trespassing upon that lot? Was it true, gentlemen, that Mr. Turner was telling him the truth? He sat here the next morning and he had given his testimony before you, this man, this injured innocence of Clinton county, came here; he sat at the elbow of the counsel, and he could have disputed Garmon if it was the truth, that he did tell Garmon on the 1st of February, 1887, that he hadn't cut a stick on that southeast quarter; if what he then said was true he could have gone on the stand and said to you, "I hadn't cut a stick of timber on that"; but no, his silence confesses his thievery at that time and shows simply that Mr. Garmon acted the part of a wise servant of the people when he kept his counsels to himself, and led this man on to tell his little story. Shall he be censured for that? Censure a man for doing his duty? Censure a man for ferreting out crime? Censure a man for trapping a public depredator? This is the first time in my life I have sat by and heard used as an excuse the argument that a man should be blamed because he was faithful to the trust that was reposed in him. What are the facts? Mr. Garmon comes out of the woods. The very same day he goes to find Albert Turner, a man of intelligence, and he says to you, and it has been repeated by other witnesses, that in order to ferret out the offenses that are committed by public depredators on State property, it is often necessary, it is advisable that you find the enemies of a man, if he has got any. That is good policy. It is right. He went and found Mr. Turner. He said he understood there

was not the pleasantest feeling between them, and Mr. Turner went back with him within a week upon the property and they found there that he had taken thousands of logs from this lot, and that Mr. Garmon's suspicion at the time when he was there with Turner was proved to be an absolute fact; that he had been cutting timber upon the southeast quarter of that township, and that he had been doing not only that, but falsifying to Mr. Garmon, with whom he had gone up there to show the lines, that he hadn't been cutting any timber upon it.

Garmon tells you under oath, that this was the only trip he ever made with this man, between Saranac lake and Loon lake. It is the only time Benton Turner says he was there. Turner says he was there but once; Garmon says he was there but once, and this is the time, the 1st of February, 1887, and at no other time, upon no other occasion; and there Benton Turner tells you, gentlemen, that it was talked between him and Garmon, that they two would unite into the deal; that he, Mr. Benton Turner, would buy the southeast quarter of the twenty-fourth township for \$15,000, and that he would pay Mr. Garmon one-half of the difference between the eleven and the fifteen, which would be about \$2,000. I will appeal to you as men of common sense, laying aside the qualification which some of you possess of being educated in legal lore, and having to pass upon legal cases, simply appeal to you as men, let us see if the facts do not show that Turner told an untruth about that transaction. What are they? Why, he says he would make application to the Comptroller to cancel the title on the southeast quarter of the twenty-fourth township, and the taxes would be about \$11,000. We have introduced in evidence before you the fact that this man, Benton Turner, had, on the 9th of December, 1885, made an application to the Comptroller's office to cancel out two of the three State titles; that they had examined on the southeast quarter of the twenty-fifth township, and that the Comptroller's office had, during the month of December, 1885, or the early part of January, 1886, cancelled out one of the titles of the State to the southeast quarter of the twenty-fourth township. What next? There was another title against it he wanted to cancel, and that was cancelled out by the Comptroller's office in the fall of 1880. What! Cancel out titles here, when he procured two of them to be cancelled out prior to the time he claimed the deal was made on the southeast quarter of that township? The very record of Benton Turner, of other applications in the Comptroller's office, show that it is a base falsehood without a tissue of truth in it from commencement to close. What next? There was another tax title against it? An application was made to cancel that, and he says Mr. Garmon

said to him, I will have Basselin not oppose the cancellation of this State title. Gentlemen, have you heard any excuse or any reason given to you this deal was never carried out? Mr. Garmon testifies it never was carried out, and never received a dollar from him or any other man that he used to his own purpose, or any purpose, on State lands for the cancellation of any title, save his salary as warden of the State and his expenses under the law. It is an old saying that is as true as can be, that wherever you find the disposition and the opportunity, you will always find the consummation. Now, Turner says that he and Garson had the disposition; they had the subject-matter before them, which was the opportunity; that he having the bottom title to this property and the application in the Comptroller's office for cancellation, and if he and Mr. Garmon had talked about it, they certainly had the opportunity. Why wasn't it carried it out? Was there any excuse for it? Not a bit. The simple excuse and all there is for it and all there is about it is that it is a tissue of falsehood and conjured up by this man who has been compelled to stop his depredations upon the State property. Now, what was there about these other two quarters? He says at the same time they were talking about the southeast quarter of the same township and I think the northeast quarter, or a certain portion of township 15, and it was found that neither one of these could be consummated. The subcommittee will remember that I put the question to him repeatedly and tried to press Mr. Turner as strong as I could for him to give me some relative dates in reference to this ride, and all I could get, it was 1886 or 1887; he thought it was the winter of 1886 or 1887; he would not give me any relative dates about it, but he did say in answer to the counsel that he had some letters and some telegrams that would bear him out; telegrams and letters that would bear out his construction. The counsel has read them here to you, one year and a half after he claims this deal on his part and Garmon was brought into existence by his and Garmon's agreement between Saranac and Loon lake. Letters here, Mr. Garmon tells you gentlemen of this committee, that related exclusively to the matter of his lands where he owned jointly with the State, that it was in reference to the partition of those lands, and the proposition to exchange them; that he had repeated and repeated propositions in the office, among them was one that he wanted 7,000 acres of State lands covered with virgin growth of the soil for 5,000 acres that he had lumbered over. Does he deny it? He sat here by the counsel's elbow and never a word did he say in explanation of

these letters, then Mr. Garmon put the construction upon them and told you what they relate and all there was said about it.

Let us take up Mr. Turner a step further. Pardon me, gentlemen, if I take a little more time than I intended to. As my associate has well said, we need not defend Van Buren Miller. It is not our purpose. We do not start in here to say Van Buren Miller has done right or wrong. He was an employe of a department of the State here that had charge of the State lands before the forest commission was in existence or had anything to do with them. He says Van Buren Miller settled with him through Wales Parsons of Plattsburgh, wherein he, Mr. Parsons, bought a quantity of timber from him, Van Buren Miller, acting as agent for the State, for which he paid \$150, and that he, Benton Turner, reimbursed Wales Parsons for that identical sum of money, and all that Miller turned over to the State was \$57.50. Of course, we knew nothing about these statements, but upon an examination at the Comptroller's office we found that Wales Parsons had not only paid fifty-seven dollars and fifty cents for trespasses of this man Benton Turner, upon State property, he buying the logs, but he had paid \$150 a month afterwards, within three days or within a week of the time of the date of the \$150 check was given, and that the very two checks that Wales Parsons paid to Van Buren Miller passed through the Comptroller's office of the State of New York, and the indorsement is upon them, showing that the State has received every dollar in regard to this transaction that Van Buren Miller received in the sale of the State's property. Now he comes on and says there is some more. The unfortunate part of it is here, Benton Turner knew the old man, Van Buren Miller, lay upon his back sick at Saranac lake, 200 miles and further from here, and unable to get here. He knew these other persons, Tobey and Boice, were away from Plattsburgh, and could not be seen in the short time we had between the adjournment on Friday at 3 o'clock and the next Tuesday night, couldn't find them, and I believe if it had been possible to have seen those men, that every one of them, with an examination of the Comptroller's books would have shown that old man, Van Buren Miller, has testified to the truth. You have the affidavits of Wales Parsons and Mr. Hartwell, two reputable gentlemen in the county of Clinton, that this man, Van Buren Miller, is a man that stood high in the community, whose word has never been questioned, whose honesty and fair dealing is above repute.

MR. ADAMS:— Will you let me ask you a question?

MR. ANIBAL.— Yes; if you wish.

Mr. ADAMS.—Was not Van Buren here the last day we took testimony?

Mr. ANIBAL.—No, sir; he hasn't been here, and hasn't been able to be out and I have a letter in my pocket stating to me that if he, Van Buren Miller, had been able to come here, even upon a bed, he would have come here to answer the false charges of that man Benton Turner.

Mr. ADAMS.—I was told he was here.

Mr. ANIBAL.—It isn't true. He is an old, feeble man, has been stricken with paralysis, and is in his bed at home, and can not get away. I have such a letter here showing this fact. That answers the only statement that Mr. Benton Turner made against Van Buren Miller.

What next? Turner says Garmon told him he settled with the Hartwell's for fifteen cents a log. Mr. Garmon tells you there isn't a word of truth in it, that he never told him so. It turns out, upon an examination of the Comptroller's books, Hartwell settled with Van Buren Miller, and that he paid him not only fifteen cents a log, but thirty cents a log, fifteen cents for that he cut upon the property, upon which he owned half an interest, and Hartwell sent his affidavit here stating the transaction was an open and fair one, and Van Buren Miller was entitled to credence and confidence. That answers two of the accusations that has been made against others; the one falls of its own weight in reference to Mr. Garmon and these deals. It is answered by Mr. Garmon, and Mr. Garmon gives you all the reasons and arguments in relation to it, showing unquestionably Mr. Garmon is true and Mr. Turner is false in regard to it.

What is the next one? It seems Mr. Benton Turner doesn't stop at the members of the commission, does not stop at its warden, does not stop at the foresters, but he even attacked the fair name of Judge Kellogg, and Clinton county, because he happened to act as attorney, and he told you that at a particular time, at the Foquet House in the village of Plattsburgh, he paid Mr. Garmon or Mr. Kellogg, the one or the other of them, fifty or sixty dollars, and gave his check for it, for the discontinuance of the actions with reference to the trespass on lots 213 and 214. Mr. Kellogg presents his statement to you here—he was subpoenaed but could not come here—saying that it is unqualifiedly false. He goes further than that, he goes and sees this man at his own home, and asks him, as he states in that letter: "Why do you charge me with that untruthfulness?" Mr. Turner has the cheek of a rhinoceros. He says instead of paying fifty dollars or sixty dollars I gave you seventy-five dollars,

and I have the check. He took the check home with him, and compares it with his books and finds in looking up the stipulation of discontinuance is dated the 12th of April, 1887, and the check is dated on the 29th of January, 1887, two months and a half before the stipulation of discontinuing the action and nearly two months before the suit was on the calendar at the Franklin circuit, and there was put over, as Warden Garmon tells you, because this man Turner had spirited the witnesses away on the part of the people to Canada and they couldn't try it. Does he deny any of these statements here? Not one. It was so convincing to the counsel that he did not attempt to put this model man from Clinton county upon the stand again. The counsel becomes quite facetious in his remarks when speaking of the forester, Mr. Parker's, testimony, when he says Mr. Turner found out over two years ago that the commission was useless and worthless, and he could have them discharged or set the Legislature upon them, and he says you are just finding it out now. This Benton Turner found they were useless to him for his purposes, and as Mr. Kellogg says in his affidavit, which the counsel says is a little too strong for a judge to make, that Mr. Turner has expressed himself not only with heat and warmth, but in strong terms and showed a great feeling or hatred toward Warden Garmon, and the forest commission, because they could not let him steal timber from State lands. He found out this commission was useless for his purposes. He found out he could not carry on the practice he had been carrying on when the forests of this State were in other hands, and then was the time when he commenced his abuse against them, when he had to stop trespassing on State lands, and he vented his spite and his spleen by simply reporting his neighbors, and Mr. Garmon received his reports and acted upon them. I submit to you that not one trespass that has been spoken of here but we have answered it, or it has been overlooked by the counsel. We have showed to you that immediately after the trespasses had been reported to this office; that they took immediate steps to have them investigated by their wardens and their investigators, and have the truth in regard to them ascertained. How was it he reported a trespass against Hartwell on the first day of January last, and inside of five days a forester was sent over, Mr. Parker, and he reports back that there is not a word of truth in half of it, and in the other there was some little trespass. That was some two and a half or three years ago.

Chairman RYAN.—You have exceeded your half hour.

Mr. ANIBAL.—One other question I wish to call your attention and then I will close. Some question has been made here in regard to the warden not doing his duty by attaching the logs taken from State lands as well as those taken from private lands. The truth is, he took the advice of Judge Palmer, and acted upon that, the same as every other gentleman does when he employs a lawyer.

There is another question been raised by the counsel, and I want to call your attention to it, that you may look at it carefully and see the manner in which cancellations have been done at the Comptroller's office. For you will remember Warden Garmon gave this testimony that in the action that was tried at Malone in March, 1887, that action was for trespasses upon lots 210, 221 and 222, that when they came down to the trial, and a few days before the trial, they found the State had cancelled out the title of 221 and 222 to Benton Turner. Mr. Garmon sends an official message to the Comptroller's office of this State to be used upon the trial of this action before Judge Fish at Malone, and there he got a certified copy of these affidavits which were filed there and given in reference to that cancellation; and not only had Benton Turner filed affidavits saying the land was occupied, but other persons interested to save the lands for the State had filed affidavits to the contrary, and if you will read over those papers you will see where one man, at the request of Benton Turner, made an affidavit of possession of lands, and within three days afterward he made another affidavit, that he made in the presence of Benton Turner, that he didn't know what he was testifying to; that he didn't know what was in the affidavit, and there are six affidavits showing there never was any occupation upon that lot. And yet the Supreme Court of the State said that notwithstanding that cancellation was procured by fraud, yet it is without our power to remedy it in this action. There the forest commission did bring this up in court on those affidavits and I tell you they are very interesting too, to see what desperate straits or efforts will be made by persons interested in having the State's title cancelled, that they may secure a valuable piece of land substantially for nothing.

One word more. During this entire investigation there has not been shown that a single officer or a commissioner or any person connected with the commission, as attorney or otherwise, has in the least neglected his duty or has done anything that anybody could censure or reprimand; that he had been omissive in a single duty that was required by the laws of the State; that not a single dollar of public money had been misappropriated or converted to anyone's use; no charge has been made against anyone, or by any person, except the