
AN ACT to Authorize the Selection, Location and Appropriation of Certain Lands in the Village of Niagara Falls, for a State Reservation, and to Preserve the Scenery of the Falls of Niagara.

S P E E C H

OF

Hon. ERASTUS BROOKS,

OF RICHMOND COUNTY,

IN THE

ASSEMBLY OF THE STATE OF NEW YORK,

TUESDAY, MARCH 13, 1883.

S P E E C H .

MR. SPEAKER.—I ask the attention of the House while I give some reasons in favor of the passage of this bill. In regard to the amendments which have been offered, I may say they are in the interest of those who oppose the act. They embody suggestions from Mr. Porter and others, of Niagara Falls, and from the gentleman who regarded the original bill as too stringent in its character. The very earnest opposition which has been made to this act by the gentleman from Ulster, by the gentleman from Herkimer and by other gentlemen upon this floor, prompts me to give some reasons, for at least the faith which is in me, why this act should become a law. This bill was reported by the Committee on Ways and Means. Every member of that committee, except the gentleman from Ulster, who was absent, but dissented from the report of the committee, gave his approval of the bill which is now under consideration. This act, in my judgment, is in the interest of the people at large.

OBJECTIONS ANSWERED.

First. I propose to answer, as briefly as I can, the argument of the gentleman from Ulster and the argument of the gentleman from Herkimer, and my friend from Westchester county. This is no new measure. It was presented to the Legislature many years ago. The Governor of the State in 1879, at the commencement of the session, in his annual message, made this statement in regard to this bill :

In one sense the sublime exhibition of natural power there witnessed is the prosperity of the whole world. It is viewed by tourists from all quarters of the globe, and it seems to be incumbent upon both governments to protect such travelers from improper annoyances upon either side. Contemplating no attempt at landscape ornamenting, in the vain hope of adding anything to the natural attraction of the place, each government desires a sufficient area to be kept sacred to the free use of those coming from all parts of the world, and who desire to view the grand scenery without molestation.

The Governor then recommended the appointment of a Commission to carry out this purpose, with power to confer with a similar Commission on the Canadian side of the river with reference to questions which are of mutual interest. The Legislature appointed such a Commission, and gave its members power to survey, examine and report in regard to this work. This Commission con-

sisted of Horatio Seymour, Lieutenant-Governor Dorsheimer, William A. Wheeler, who was at one time, as we all know, the Vice-President of the United States, Henry A. Barnard, the President of Columbia College, and of Senator Geddes, the father of the gentleman who now represents one of the districts of Onondaga county upon this floor. This commission appointed as their director, first having applied to appropriate officers of the Federal government as to the best man to discharge the duty—the gentleman who is now director of this State survey, and who had served the government of the United States for thirteen years and more before he was selected by this State Commission. He was selected after due inquiry upon the recommendation of the Federal authorities as a specialist for this kind of work.

In regard to the expense and economy of the proposed improvement, I wish to say that, if I have any reputation as a member of this and previous Legislatures, or if I have any reputation in the State, outside of the Legislature, as a public man, and if I have ever received any severe criticisms for my course as a member here upon one subject more than another, it has been as an economist in the interest of the State upon the floor of the House and in the Committee of Ways and Means. That provision of the State Constitution, article 3, section 18, and that provision of the Constitution which allows the Governor of the State to give his dissent to any provision in any appropriation bill, I say with pride—I hope not with vanity—is largely the work of my own hands in presenting and urging these two provisions to the Constitutional Commission, of which I was a member; and I undertake to say here that those two provisions of the Constitution, the one named, and article 4, section 9, which were presented by me to the Constitutional Convention, assembled in Albany in 1870 and 1871, have saved this State already millions of dollars, and will save it millions upon millions more in the future.

When, therefore, I consent to give my support to a provision of law like the one before us, it is because I regard it as not adverse to any real principle of true State economy, but a measure for the public good.

A LESSON FROM THE ABORIGINES.

Mr. Speaker, let us not be less civilized in the love of nature than the aborigines of the forest themselves. I recall as an inci-

dent of one of my many visits to Niagara Falls, not many years ago, the presence there of Red Jacket, a descendant of the Niagara tribe of Indians, and when he saw there the miserable show made up of attractions, temptations and material obstructions in every form of human ingenuity and device to make money out of everything that was visible and almost everything that was invisible, with a huge Indian oath, Red Jacket turned his back in honest disgust upon the Falls of Niagara. This Indian became utterly offended with the evidences everywhere around him of what was called civilization, as they were then and are now seen at Niagara Falls; and this upon the land which was once not only Indian territory, but the hunting grounds and homes of the tribes of men who, step by step, have been driven from Niagara far beyond the Mississippi. The name Niagara is their name, and it is one of the very few names of Indian origin presented in our vocabulary of wretched names and imitations borrowed from the old classics and from the historic names of the old world.

Once, Mr. Speaker, all this land and water upon the American shore were the property of the State, and now, with a limited reservation of not more than one hundred acres of land at most, and sixty of these acres islands, it is proposed that this border front shall be owned, reserved, and forever retained by the old commonwealth.

Niagara, sir, is also historic ground, for upon its borders was fought the memorable battle of Lundy's Lane, under Gen. Scott, in the war of 1812 and 1815, and it is in the vicinity of the old Chipewewa battle ground.

From the visit of Father Hennepin, in 1679, until this day, Niagara has been, in every sense, classic ground—classic for its beauty, for its grandeur, in its associations, and for the lessons it has written upon the hearts and minds of the millions of men who, within the century past, have visited this marvellous handiwork of Almighty God.

A little provincial government in Canada has sacredly set apart fifty feet of the border land upon the brink of these falls, free from innovation, free from all buildings, free from all traffic upon the British side of the river, and this great State of ours, upon which we write "Empire" and "Excelsior" upon her escutcheon, and which has so far failed in public spirit up to the present time, is now urged upon this floor to do what a little province upon the other side of the river has done with great cheerfulness, and it is pledged

through a royal commission to continue to perform to any extent, what New York will consent to accomplish.

THE ARGUMENT APPLIED.

But, Mr. Speaker, I may be asked what has all this to do with the State, and State money. Some of my friends object to taxing their constituents to save even Niagara Falls from the growing desecration which, in the love of money, seeks to hide this marvellous work of the Almighty from human observation. Mr. Speaker, my answer for the State is this, and I speak as one believing more in a strict than in a liberal construction of Constitutional power. The State exists for the people as a whole. No member can justly limit his action here to the one district of the State which he represents. To secure the greatest good of all is a public duty. When necessary we can set aside local lines and borders and restrictions. The common benefit means "the greatest good of the greatest number." Of the fifty or seventy-five thousand people who visit Niagara Falls every year, not one in a thousand may be citizens of this State; but this is also true of the millions who come among us to buy and sell, and for pleasure, travel and rest.

The State canals, which cost so many millions of State money, the thousand and more miles of railroads, some of which by money, and all of which by law, the State started into their very existence, the exclusion from sale of millions of acres of State lands to protect the forests of the State as the source of water supply, at this very session of the Legislature, the money we give for the National Guard, and for armories, and monuments, as at Saratoga, Newburgh and elsewhere, the large sums expended for State charities and hospitals, for universities and academies, for Regents and libraries, for commissioners, for prisoners and paupers; all these in no tangible way may at once reach the people who sent me here. Nevertheless, the moral force of what is asked for may be to me as strong as the sun which warms the earth where I live, or as the rainfall which saves the land from blight and ruin. The less than 40,000 people here represented by me are but an infinitesimal part of the 5,000,000 in the whole State, but in soul, body, mind and estate this 40,000 are part and parcel of the whole people; and I have been asked by many far from this distant border of Niagara Falls in my island home, to speak for the common good in their behalf. A like appeal has also come to me to support this bill

from seventeen members representing this State of New York in the Congress of the United States. The same appeal also comes from the old citizens of the Commonwealth all the way from Florida to the Hudson, and with like petitions from intelligent tax-paying citizens in all parts of the State. So far as I know, the voices of the people are in favor of the information called for in the act now before us. As the grandest work of the Almighty in the State, the people will, if they can, save Niagara Falls from the hands of the destroyer. I defend this measure then, Mr. Speaker, as one of public wisdom. I speak for it in behalf of the people who ask to be untaxed, untrammelled, unvexed by money fees, hindrances, annoyances and physical obstructions, and who desire to look through nature up to nature's God without paying for the privilege.

THE MEASURE AS A MORAL TEACHER.

I see in the preservation of the Falls of Niagara, at least, one of the moral influences which protect the State from some, if not many, sources of crime and sin which surround us, and which, when unrestrained, impose taxes upon communities which every month in the year, if not every week in the month, exceed the small tax in this bill. I speak for it also as a wise suggestion for inter-State and international hospitality. I shall vote for it as I vote for books for schools and State libraries, for State surveys as in the Adirondacks, and for decent and intelligent maps, to enlighten the people as to the boundaries of the State. We have expended in the past vast sums of money to penetrate the bowels of the earth, in pursuit of mineral knowledge and wealth. We have measured the mountains to discover their altitude, outlines and distances. We have surveyed 12,000 square miles of land in thirty of the sixty counties of the State, to regulate the metes and bounds between only a portion of our fourteen hundred towns, villages and cities, and the work thus begun should be completed. We have aided and established State museums of art and science here, and inspired like work elsewhere. We spend millions annually for our common schools, and from \$100,000 to \$200,000 annually for higher education in the State Normal schools.

To-day, Mr. Speaker, we are asked, in answer to the prayers of very many intelligent and public spirited citizens, for full information, the beginning of which will cost the State only a small sum of money, and the end of which will be this very limited expense,

unless the final acquisition of the object prayed for is approved of by another Legislature and by the sober second thought of the people of the State.

One thought more and I have done. Because of the folly of a small class of rather small men, who seek in their costumes to rival the extremes between the lilies of the field and the sunflowers of the barnyard, there are men, now and then, and here and there, and everywhere, who talk sneeringly of what is called æsthetic taste and culture.

Stripped of all its folly, æstheticism means the science or knowledge of our sensations, and this sentiment is born of that common sense, the study of which reveals to us in form and substance the pleasures and pains of our sensations. It opens to our eyes what is grand, beautiful and improving in nature, as at Niagara, and what is attractive, beautiful and effective in art. It is the Divinity that stirs within us as we behold, with awe and reverence, the sun in its rising, setting and meridian glory. It is the rainbow in the sky, the star spangled heavens in the night, symbolized and associated in the star spangled flag of our glorious ensign of national liberty. It is the earth carpeted with green fields, the trees adorned with blossoms and fruits and radiant with the beauties of the forest. It is the gardens clothed in the richest foliage and countless flowers, perfuming the air, charming the eyes and delighting all the senses. It belongs to one's best perceptions which are external, and to the best feelings of the heart, the soul and the mind within.

You may call this a mere sensation if you will, but what is sensation but perception and feeling? In a word, it is the power within us, by which we behold and comprehend and enjoy what is around us.

CONCLUSION.

Mr. Speaker, when you see the green leaves and the bright flowers at the doorways and windows of the humblest homes in the land, whether in the cottage of the country or in one or more crowded tenement rooms of the city, you will find in the hearts of those within a sense of inward pleasure that neither wealth can buy nor the keenest sense of poverty take away.

A thing of beauty is a joy forever.

Here, at least, is a beginning of that peace and health, which brings comfort to the possessor, and which promises competence to those who are inspired to strive for a happier, wiser, and grander life.

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