

SPECIAL MESSAGE.

EXECUTIVE OFFICE, April 3, 1868.

Gentlemen of the Assembly:

In my special message of January 24, the consideration of the subject of railroads led me to say: "The development of our agricultural and mineral resources is largely affected by the completeness and extent of our facilities for transportation. This fact renders it imperative that the State pursue a liberal and even generous policy in dealing with this class of corporations. * * Whatever may be the authority of the State over railroad corporations already formed and grants already ceded, it is plain that in the disposition of those which may hereafter revert to the State, regulations may be imposed for the protection of the interests of the people against the impositions of monopoly. Fully conscious of the danger of establishing any restrictions tending to discourage these valuable enterprises, I am nevertheless persuaded to recommend the insertion of a clause in every future grant, prohibiting discriminations in the arrangement of freight tariffs and fares in this State."

Still holding the sentiments therein expressed, and believing that in many instances the great and substantial advantages the people have a right to expect from these corporations have been impaired by the inequitable means they have sometimes adopted for raising their revenues, I am, nevertheless, opposed to the adoption of the principle of absolutely *fixing the tariff*. Any construction of my words into a recommendation of this is a mistaken one. The principle is not only an injudicious one, but in the youth of our State, when its development is so largely dependent upon the extent of its facilities for communication, an impolitic one. We can not afford to do *anything* which will intimidate capital and prevent its investment in this enterprise. The present General Assembly has asserted the power

of the State to regulate tariffs and prevent discrimination in all acts conferring franchises upon railroad corporations. The provisions adopted in them all have been very nearly the same in spirit and terms, as the ones upon the same subject embraced in the general railroad law of New York.

We have gone no further, however, than to declare the power to regulate tariffs, failing to indicate how far the power will be exercised, and imposing no limitation upon what might, under certain circumstances, become a dangerous prerogative. Not only as a matter of justice, but also to quiet any apprehensions that the State is disposed to deal harshly with this interest, and thus prevent the investment of capital in the State, and delay the progress to which we look forward so hopefully, I would recommend the adoption of the remaining clause in the New York law, which declares that the rule imposing tariff restrictions shall be inoperative until the receipts of the road equal ten per cent upon the actual cost of construction. This would give capital an assurance of what is now the evident purpose of the State, to do nothing to discourage these enterprises, nor even to interfere with them in such a way as to deprive the capital invested of a fair and reasonable compensation for its use. While we insist that we have the right to abolish odious discriminations and abuses, let us not at the same time place ourselves in a position of exacting everything and giving nothing in return.

The enactment of such a provision as I have recommended would not interfere, I think, with your purpose of preventing discrimination, and would also give such assurances as will secure the speedy completion of our railroad system.

OUR CLAIMS AT WASHINGTON.

Great satisfaction has been felt at the success which has attended the prosecution of our claims against the General Government, and greater hopes are entertained of the recovery of those which are still outstanding than the real facts justify. If secured at all, it will only be with earnest effort and good management. The consequence of allowing our agent an insufficient compensation will probably be to secure the most easily obtainable claims and abandon the remainder. In this way I fear that considerable sums to which the State is fairly

entitled, and which ought to be secured to relieve the burdens of taxation and contribute to the prosperity of our institutions, will be sacrificed to the policy of attempting too rigid an economy in the payment of this officer. No man can undertake to secure these claims with so great a hope of success as Colonel Dewey; but it will be impossible for us to retain his services without giving him a more liberal remuneration than that which he has hitherto received or that which it has been proposed to pay him. I am persuaded that greater liberality in this particular, will be the best economy for the State. The interest alone upon this claim, if its payment is delayed a single year, is more than sufficient to pay twice the largest amount proposed by any one as compensation for prosecuting it.

SOLDIERS' ORPHANS.

The State has provided institutions for these deserving beneficiaries, but I can not think that our duty to them ceases with this. Accordingly I recommend legislative action empowering the officers of these institutions, in certain approved cases, to pay the mothers of these children the sum which is the estimated cost of their support at the Homes, and allow them to remain under her care. The reason for this is apparent. While in many, perhaps the majority, of cases, better care and greater advantages are afforded by the public institutions, there are certainly instances in which the same could be secured in a higher degree under the combined influences of both duty and affection. It seems unnecessary severity, when the mother is anxious to take charge of her children, and is pecuniarily unable to do so, to add to the misfortunes already experienced, the sorrow that must be incident to a sundering of family ties. For this reason, therefore, I recommend the adoption of this measure, knowing that it involves no additional expense to the State, and that it will tend to mitigate much unnecessary suffering.

SAMUEL MERRILL.