

## THE WATER WORKS-BILL. \*

### Gov. Palmer's Veto of the Quincy Water Works Bill.

The following is the message of Gov. Palmer vetoing the bill known as the Quincy Water-Works Bill, communicated to the House of Representatives on Tuesday last:

*Hon. Wm. M. Smith, Speaker of the House of Representatives:*

I am unable to approve and sign a bill for an act entitled "An act to enable cities, villages, and incorporating towns to contract for a supply of water for public use and to levy and collect a tax to pay for water so supplied," which originated in the House of Representatives.

Those examining the provisions of the general incorporation law and, also, the special acts incorporating many cities and towns in this State, will find that all the towns incorporated under the general law, and also incorporated under such special laws, already possess the power to contract with any incorporated company or individual for a supply of water for public use. The general authority to provide such means as may be deemed necessary "to protect such town from fire," and other general and special provisions found in the incorporation law and in the charters of the cities of Springfield and Quincy that are made general by the twenty-fifth section of that law are ample to accomplish all the objects apparent upon the face of the first section of this bill except, perhaps, that of warranting a contract to last for thirty years.

If I am correct in this statement of the forms already possessed by the cities, towns, and villages in the State under existing laws, I am led to apprehend that the peculiar language employed in the second and third sections of the bill is general and ambiguous as to justify the apprehension that it may be employed for mischievous and dangerous purposes.

By the second section of the bill it is proposed to authorize any city, incorporated town, or village contracting with any company for a supply of water for public use to levy and collect a tax on all taxable property within such city, town or village to pay for the water so supplied. If the power to contract for a supply of water for public use exists in all the cities, towns, and villages in the State, as I believe it does, the resulting power to raise money by taxation to pay for water supplied under any such contract follows as a matter of necessity, and the provisions substantially quoted from the section of the bill would be as unnecessary as those found in the third section.

But I cannot avoid the expression of an impression that the first and second sections of the bill to the extent quoted, will be found in practice to be merely introductory to the remaining portions of the second section and all of the third. The remaining words of the second section authorize taxes to be levied to pay

for water supplied by a private company, in the same manner and to the same extent as when said water works are, or shall be, owned or operated by such city, incorporated town or village, and such words are unfortunate, unless the object intended by their employment is to authorize taxation upon the property of the inhabitants of cities, towns and villages, to raise money to be advanced to and used by private companies in the construction of water works to be operated for their own profit and advantage; and it seems to me that the third section of the bill justifies the apprehension already expressed that vague and ambiguous language may be employed for mischievous purposes. Surely if nothing more is wanted than that cities, town and villages shall have the power to contract with private companies for a supply of water for public use, and to raise money to pay for water supplied by taxation, even those who doubt the sufficiency of existing laws to secure these objects would prefer that the powers required should be created and defined in language so simple, clear and precise as to render abuses impossible. I am satisfied, also, that this bill, like others that have passed both branches of the General Assembly, and received the approval of the Governor, are in their spirit a violation of the Constitutional prohibition of special legislation. It was no doubt the intention of the framers of the Constitution that the General Assembly should enact a comprehensive and general law that would, by the application of judicial methods of classification, provide for the incorporation of cities and towns, and by means of which the people interested would be enabled to settle for themselves all questions like that involved in this bill. If that course had met the favor of the General Assembly, piecemeal legislation like this suggested, probably by some private interest special in its immediate object, though expressed in terms that are general, would have been avoided. If, however, this bill was simple and clear in its terms, and could only be constructed to authorize cities, towns, and villages to contract for a supply of water, and pay for water supplied by appropriations from the City Treasury, I would concur in its passage, but the conviction that it means much more makes it my duty to withhold from it my approval."

#### THE VETOED BILL.

In order to give our readers an opportunity to judge of the pertinence of the Governor's objections, we append the vetoed bill:

A BILL for an act to enable cities and villages to contract for a supply of water for public use; and to levy and collect a tax to pay for water so supplied.

SECTION 1. *Be it enacted by the People of the State of Illinois, represented in the General Assembly,* as follows: In all cities, incorporated towns and villages where water works have heretofore been, or shall hereafter be constructed, owned and operated by any incorporated Company, authorized to construct, own and operate such water works, and in all cities, incorporated towns and villages where such incorporated Company shall propose to construct, own and operate such water works, such city, incorporated town or village may contract with such incorporated Company to supply such city, incorporated town or village with water for public use, for a period not to exceed thirty years.

SEC. 2. Any city, incorporated town or village so contracting, may levy and collect a tax on all taxable property within such city, incorporated town or village, to pay for the water so supplied for public use, in the same manner and to the same extent as where said water works are or shall be owned and operated by such city, incorporated town or village.

SEC. 3. In case, at the time of the taking effect of this act, there shall be no law providing the manner in which a water tax may be levied and collected in cities, incorporated towns or villages owning and operating their own water works, then until there shall be such law, said tax may be levied and collected in such manner as may be prescribed by the city incorporated town or village ordinance.

SEC. 4. As the necessity for a law enabling cities, incorporated towns and villages to provide themselves with a water supply (in order to protect said cities, incorporated towns and villages against fire) is pressing and urgent, therefore this act shall take effect and be in force from and after its approval.