

STATE OF NEW YORK

MESSAGES FROM THE GOVERNORS

COMPRISING

Executive Communications to the Legislature and Other
Papers Relating to Legislation from the Organization
of the First Colonial Assembly in 1683 to
and Including the Year 1906

New York (State) Governor.

WITH NOTES

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official services, and afford the fewest temptations to fraud, concealment or evasion.

If the commissioners have succeeded in devising such a system, it should be adopted as early as possible. In view of the importance of the subject to the general welfare, I earnestly commend the report to your immediate and careful consideration.

Unless otherwise instructed by the Legislature, the commissioners will deem themselves authorized to go on and complete their work, by preparing and submitting such laws as they think necessary to the carrying out of their views.

JOHN T. HOFFMAN."

February 16. To the Assembly:

Veto of a bill entitled "An act to change the name of the Methodist Episcopal Church at Tompkinsville, Staten Island, to 'The Kingsley Methodist Episcopal Church of Edgewater, Staten Island.'"

"Chapter 323 of the Laws of 1853 authorizes any religious corporation to obtain a change of its name in the same manner as is provided by the general act to authorize persons to change their names, namely, by petition to some one of the judges of a court of record therein named. Chapter 322 of the Laws of 1870 also authorizes all corporations and incorporated societies to change their names by applying to the courts.

There is no necessity, therefore, for this special bill, and I feel it to be my duty to withhold my approval."

The bill was not passed over the veto.

February 28. To the Assembly:

Veto of a bill entitled "An act to incorporate the Granite Lake Company."

"This is a local bill, the subject of which, as required by the Constitution, should be stated in its title. The subject

is not only not stated in the title, but it is not even indicated; nor is the location of the company stated.[†]

It is entitled 'An act to incorporate the Granite Lake Company.' The object, as declared by its provisions, is to incorporate a water company to supply the village, and the people, of Saratoga Springs with water, and, for this purpose, to acquire title to private property by the exercise of the right of eminent domain, and to build dams, reservoirs and aqueducts. The purpose of the constitutional requirement is well understood, and the result of a non-compliance with it in this instance is, that the village authorities, and others in Saratoga Springs, had not, as they now aver, any knowledge of the provisions of the bill until after its passage, there being nothing to indicate its character in the title as published in the record of proceedings of the Legislature. Having learned its object, they strongly remonstrate against the approval of the bill.

A second objection to this bill is that the provisions relating to the appraisal of damages are, in some particulars, unusual and unwise. The tenth section provides that, on appeal, any court of record in the district may reverse an award of the commissioners, if the proceedings are 'irregular or erroneous or the award unsatisfactory,' but it declares, also, that the court shall confirm the same if such proceedings 'are regular,' and it is further provided that the second award, when made, *shall be final*. That cannot be reversed, no matter how irregular or erroneous or unsatisfactory it may be.*

The third objection is, that by the act of 1868, as amended in 1869 and 1870, the village of Saratoga Springs was authorized to issue one hundred thousand dollars of bonds for the purpose of constructing the necessary water-works to supply the village with water, and water commissioners

[†] Const. 1846, art. 3, § 16.

* As to the review of awards, see *Re De Camp* (1896), 151 N. Y. 557.

were appointed to take charge of the construction of the work. Upon the faith of these legislative enactments, the work has been commenced, and is partially completed. Contracts, to the amount of ninety thousand dollars, have been entered into, about sixty thousand dollars have been expended, and four miles of mains have been laid. One hundred thousand dollars of the village bonds have been issued, and a part thereof negotiated. It is now alleged that the organization of a private corporation such as is contemplated by this bill, in opposition to the public work now in progress, is not only not demanded by any public interest, but would tend to embarrass, to some extent, the further negotiation of the village bonds. For these considerations, the president and board of trustees of the village of Saratoga Springs, and the commissioners now engaged in constructing water works, at the expense of the village, remonstrate against the bill becoming a law. They declare that they had no knowledge of it until after its passage, and had no opportunity, therefore, to oppose it before it reached the Executive. They had no reason to suppose that a bill entitled simply 'An act to incorporate the Granite Lake Company,' was in effect, an act to incorporate a company to supply Saratoga Springs with water.

These objections, thus briefly stated, are, to my mind, so conclusive, that I feel it my duty to withhold my approval. It seems clear to me that the Legislature, having authorized the construction of the public works at the expense of the village corporation, ought not (so much progress having been made and so much expense having been incurred) to charter a private corporation with powers such as are conferred by this bill, against the remonstrances of the authorities of the village, who are presumed at least to represent the wishes of its people."

The bill was not passed over the veto.