



New York State Archives

**New York State Department of Law Stenographer's Minutes
of Jackson and Perkins against the State of New York in the
Court of Claims B0387**

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Overview of the Records

Repository:	New York State Archives
Summary:	This series consists of four volumes of stenographer's minutes documenting the case of Jackson and Perkins v. the State of New York, which was tried before the Court of Claims in Rochester and Syracuse during the months of October and November 1917. The case evolved from property damage claims that the company filed against the state, alleging that repeated flooding of the Clyde River was directly linked to construction of the Barge Canal. Final disposition of the case is not documented in the records.
Title:	Stenographer's minutes of Jackson and Perkins against the State of New York in the Court of Claims
Quantity:	0.3 cubic feet
Quantity:	(4 volumes)
Inclusive Date:	1917
Series:	B0387

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Administrative History

The Jackson and Perkins Company engaged in the business of growing fruit trees, as well as ornamental trees and shrubs. One of the company's nurseries was located in the vicinity of the Clyde River and the Erie Canal in the town of Galen, Wayne County. After flooding of the Clyde River in 1912 caused damage to property and vegetation owned by Jackson and Perkins, the company filed a claim against the state. Jackson and Perkins Company alleged that the state unlawfully damned an existing flood control channel while excavating for the Barge Canal in 1910 and failed to construct a replacement. The result was that flood waters, normally diverted away from the company's property, flowed directly into the nursery. The claim was tried and Jackson and Perkins Company recovered compensation sought for damages suffered in 1912.

The Jackson and Perkins Company property was flooded again in the years 1913, 1914, and 1915. Alleging that the state had not taken any action to remedy the situation that had caused the initial flooding in 1912, the company filed two additional claims for damages suffered in 1913 and 1914/1915. These claims were tried together before the Court of Claims in Rochester and Syracuse during the months of October and November 1917.

Claim 1094-A, seeking damages for flooding in 1913, was dismissed due to Jackson and Perkins' failure to file notice of intention and failure to file the claim in due time as required by law. Claim 2705-A, alleging state liability for flooding in 1914 and 1915, was settled in favor of the company and damages were awarded in 1923. Chapter 788 of the Laws of 1926 excused and waived the failures to file notice of intention and to file in due time and granted the Court of Claims jurisdiction to try Claim 1094-A. This claim was settled later that year and Jackson and Perkins Company was once again awarded damages to be paid by the state. Jackson and Perkins Company went on to appeal for interest lost in the interim before state legislation reactivated Claim 1094-A. This appeal was dismissed by the Appellate Division of the Supreme Court, Fourth Department in December of 1930.

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Scope and Content Note

This series consists of four volumes of stenographer's minutes documenting the case of Jackson and Perkins v. the State of New York, which was tried before the Court of Claims in Rochester and Syracuse during the months of October and November 1917. The case evolved from property damage claims that the company filed against the state in the wake of repeated flooding of the Clyde River. These claims alleged that the flooding was directly linked to excavation undertaken by the state during construction of the Barge Canal. Totalling over 1700 typed pages, the set represents a verbatim transcript of the testimony and examination of witnesses both for the claimant and the state. Final disposition of the case is not documented in the records.

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Use of Records

Access Restrictions

There are no restrictions regarding access to or use of the material.

Administrative Information

Acquisition Information

These records were transferred to the State Archives by the Department of Transportation, Division of Waterways Maintenance on May 10, 1985. The division most likely came into

possession of the records due to the fact that the case of Jackson and Perkins v. the State of New York involved damage claims linked to the state's canal system. These volumes of minutes were originally prepared for Deputy Attorney General Archie C. Ryder, who represented the State of New York when the case was tried in the Court of Claims.

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Access Terms

- New York (State)--Claims
- Litigation
- New York (State)
- Canals
- Minutes (administrative records)
- Claims
- New York (State). Court of Claims
- New York (State). Department of Transportation