

L A W S

OF THE

STATE OF NEW YORK,

PASSED AT THE

NINETY-EIGHTH SESSION

OF THE

LEGISLATURE.

BEGUN JANUARY FIFTH AND ENDED MAY TWENTY-SECOND, 1875,  
IN THE CITY OF ALBANY.



ALBANY :  
HUGH J. HASTINGS, PUBLISHER.  
1875.

Chap. 32.

AN ACT further to amend chapter forty-nine of the laws of eighteen hundred and seventy, entitled "An act to amend the act entitled an act in relation to preferred causes in the Supreme Court and Court of Appeals," passed April fifth, eighteen hundred and sixty.

Passed February 26, 1875.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section one of chapter forty-nine of the laws of eighteen hundred and seventy entitled "An act to amend the act entitled an act to amend the act entitled an act in relation to preferred causes in the Supreme Court and Court of Appeals," passed April fifth, eighteen hundred and sixty, is hereby further amended so as to read as follows :

§ 1. Section one of the act entitled an act in relation to preferred causes in the Supreme Court and Court of Appeals, passed April fifth, eighteen hundred and sixty, is hereby amended so as to read as follows :

§ 1. Actions in which executors and administrators are sole plaintiffs or sole defendants, and actions for the construction of, or adjudication upon, a will in which the administrators with such will annexed, or the executors of such will, are joined as plaintiffs or defendants with other parties, shall have a preference in the Court of Appeals, and in all courts of record at the circuit trial, special and general terms thereof, over all actions except in criminal cases, and may be moved out of their order accordingly.

Preferred causes defined.

§ 2. This act shall take effect immediately.

Chap. 33.

AN ACT supplementary to an act passed May twentieth, eighteen hundred and seventy-two, entitled "An act to amend the several acts relating to the city of Rochester."

Passed February 26, 1875 ; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows :*

SECTION 1. Section twenty-three of an act passed May twentieth, eighteen hundred and seventy-two, entitled "An act to amend the several acts in relation to the city of Rochester," is hereby amended so as to read as follows :

§ 23. In case the said water commissioners shall seek to acquire any lands or any easement, water or other right or privilege in or connected with any lands, which shall belong to any corporation having the right of taking private property for a public use, commissioners of appraisal shall not be appointed, unless it shall appear to the court that the title, right, interest, water right, easement or privilege so sought to be acquired, does not embrace any of the special corporate rights, privileges or franchises granted to the corporation owning such lands or other rights, nor anything which is essential to the exercise and enjoy-

Lands of a corporation, how and in what cases water commissioners may acquire.

Rights of  
water  
com-  
missioners,  
extent of.  
Damages,  
how esti-  
mated.

ment of such corporate rights and privileges. And in case commissioners are appointed by the court, the water commissioners shall acquire no greater or other rights by the proceedings than they would have acquired if the property, right or privilege sought had belonged to a private individual, and in the estimate of damages made by such commissioners of appraisal, nothing shall be included for any corporate right, interest, privilege or franchise of the corporation owning the property to be taken, but the same shall be estimated, precisely as if the property belonged to some private individual.

§ 2. This act shall take effect immediately.

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## Chap. 34.

AN ACT act to further amend chapter two hundred and four of the laws of one thousand eight hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh."

Passed February 26, 1875; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

SECTION 1. Section four of title two of chapter two hundred and four of the laws of one thousand eight hundred and sixty-four, entitled "An act to amend and consolidate the several acts relating to the village of Lansingburgh," is hereby further amended so as to read as follows:

Trustees.

§ 4. The trustees of the present board shall continue in office until the expiration of the respective terms for which they were elected; and at the annual election to be held next after the passage of this act, and at every succeeding annual election thereafter, there shall be elected one trustee in each ward of said village, who shall be an elector of the ward for which he is elected, and removal from such ward shall vacate said office. The term of office for trustees shall be two years. The president and treasurer shall hold office for two years. The police justices hereafter elected shall hold office for the term of four years and until others shall be elected and qualified.

Term of  
office.

§ 2. This act shall take effect immediately.

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## Chap. 35.

AN ACT supplementary to chapter two hundred and seventy-three of the laws of eighteen hundred and sixty-six, entitled "An act authorizing the incorporation of associations to erect monuments to perpetuate the memory of soldiers who fell in defense of the Union," passed March thirty, eighteen hundred and sixty-six.

Passed February 26, 1875; three-fifths being present.

*The People of the State of New York, represented in Senate and Assembly, do enact as follows:*

Trustee,  
who incli-  
nable to  
office of.

SECTION 1. In cases where any association, mentioned in an act entitled "An act authorizing the incorporation of associations to erect