

# 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.

such devisees, as aforesaid, of such deceased person, are males of full age, they shall not hold the real estate hereby made descendible or devisable to them as against the State unless they are citizens of the United States, or in case they are aliens, unless they make and file in the office of the Secretary of State the deposition or affirmation mentioned in the first section of this act. Deposition to be filed.

§ 2. This act shall take effect immediately.

## Chap. 39.

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

Passed March 3, 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 commissioners are unable to obtain, by purchase, the title to the necessary lands, waters, etcetera, or such rights therein as may be required, they shall be, and hereby are, authorized to proceed to acquire such title, or other rights, in and to such lands, waters, etcetera, in the manner prescribed in and by the "Act to authorize the formation of railroad corporations, and to regulate the same, passed April second, eighteen hundred and fifty;" and for that purpose all the provisions of the last-mentioned act, and of the acts amendatory thereof, are hereby made applicable to proceedings under this act, and the act hereby amended. And 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 enjoyment 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. Title how acquired by water commissioners.  
Commissioners of appraisal, in what case appointed.  
Damages, how estimated.

§ 2. This act shall take effect immediately.