

L A W S

OF THE

STATE OF NEW YORK,



PASSED AT THE

ONE HUNDREDTH SESSION



OF THE

LEGISLATURE.

BEGUN JANUARY SECOND AND ENDED MAY TWENTY-FOURTH, 1877,  
IN THE CITY OF ALBANY

ALBANY: WEED, PARSONS AND COMPANY, PUBLISHERS.



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1877.

**CHAP. 463.**

AN ACT to amend an act, entitled "An act to change the time of payment of certain railroad bonds of the town of Plattsburgh, executed in aid of the New York and Canada Railroad Company, and to issue other bonds in place thereof," passed May thirteen, eighteen hundred and seventy-six.

PASSED June 16, 1877; three-fifths being present.

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

Laws of 1876, chap. 280, amended. Change of time of payment of bonds authorized.

SECTION 1. Chapter two hundred and thirty, laws of eighteen hundred and seventy-six, is hereby amended so the same shall read as follows:

The railroad commissioners to subscribe for the town of Plattsburgh, to the capital stock of the New York and Canada Railroad Company, are hereby authorized to change the time for the payment of all the five hundred dollar bonds of said town, executed by them November first, eighteen hundred and seventy-five, being one hundred in number, by executing and delivering, and they are hereby authorized to execute and deliver to the holder of said executed bonds, upon surrender by him of said executed bonds to be destroyed, the same number of bonds of said town, each for the same amount, bearing date the same day and payable at the same place and in the same years as said extended bonds, the principals on the first day of May in the same years as the same is made payable by said executed bonds, and the interest on the first days of May and November in each year until the whole principal is paid.

Old bonds exchanged to be destroyed, etc.

§ 2. Said commissioners shall, immediately upon receiving said old bonds, deliver said new bonds hereby authorized to be given in exchange for said old bonds to the holder of the same, and shall thereupon, forthwith, burn and destroy the said old bonds in the presence of the county judge of Clinton county and the supervisor of the town of Plattsburgh. Said bonds hereby authorized to be given by said commissioners shall have all the force, validity and effect of said bonds in exchange for which they are given.

§ 3. This act shall take effect immediately.

**CHAP. 464.**

AN ACT to authorize the city of Rochester to acquire the title to land or other property for the use and purposes of water-works, sewers, dumping rubbish and dirt.

PASSED June 16, 1877; three-fifths being present.

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

How lands may be acquired

SECTION 1. In case the city of Rochester is unable to obtain by purchase the title to any lands, waters, lakes, springs, ponds or streams

or any easment\* in or right of temporary occupation of such lands, waters, lakes, springs, ponds or streams, which may be necessary for the use of the water-works of said city, or for the use and purposes of sewers or of dumping rubbish and dirt, the executive board of said city shall be and hereby is authorized, by and with the consent of the common council, to proceed to acquire such title or other rights in and to such lands, waters, etcetera, for and in behalf of said city, 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, as heretofore amended, 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 in case the said city of Rochester shall seek to acquire any lands or any easment,\* 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, easment\* 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 any thing which is essential to the exercise and enjoyment of such corporate rights and privileges. And in case commissioners are appointed by the court, the city of Rochester shall acquire no greater or other rights by the proceedings than it 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 that corporation owning the property, to be taken, but the same shall be estimated precisely as if the property belonged to some private individual.

by city for water purposes, etc.

§ 2. This act shall take effect immediately.

**CHAP. 465.**

**AN ACT** to amend the revised statutes in relation to the laying out of public roads and the alteration thereof.

PASSED June 16, 1877; three-fifths being present.

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

SECTION 1. Section sixty of article four of title one of chapter sixteen of the first part of the revised statutes is further amended so that said section shall read as follows :

R. S. part 1, chap. 16, title 1, art. 4, sec. 60, amended.

§ 60. In all cases of the alteration of any road, or the laying out of any new road, except where the same is altered, opened or laid out with the consent in writing of the owner or owners of the land to be taken for such alteration or opening, the person or persons applying for the same shall serve a notice on the town clerk of the town, and on a justice of the peace and the commissioner or commissioners of highways thereof, asking for a jury to certify to the necessity of the same, and specifying a time not less than ten nor more than twenty days from the time of serving such notice when such jury will be drawn at the

Alteration, opening or laying out of roads. proceed-ings for. Notice.

\* So in the original.