

**L A W S**  
OF THE  
**STATE OF NEW-YORK,**

PASSED THE FORTY-FIRST SESSION OF THE LEGISLATURE, BEGUN  
AND HELD AT THE CITY OF ALBANY, THE TWENTY-  
SEVENTH DAY OF JANUARY, 1818.

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**CHAP. I.**

**AN ACT** *to assign a certain mortgage therein mentioned.*

Passed February 7, 1818.

*BE it enacted by the People of the State of New-York, represented in Senate and Assembly,* That it shall be the duty of the new loan-officers of the county of Albany, or either of them, on Hermanus Peek, paying the principal and interest of a certain mortgage, executed by Eldert Ament, now deceased, to the new loan-officers of the county of Albany, dated on or about the sixteenth day of July, one thousand seven hundred and ninety-two, to assign and set over the said mortgage to the said Hermanus Peek, his heirs and assigns, to his and their own proper use and benefit; and that thereupon the said Hermanus Peek, his heirs and assigns, shall be possessed of all the right, title, interest, property, claim and demand, which the people of the state of New-York, and the said new loan-officers, or either of them, have in and to the same, and shall be entitled to have, use, and take all lawful ways and means in his own name for the collection of the money due, or to become due thereon, which the said people and the said new loan-officers, or either of them, now have, or may have, for the collection of the same: *Provided* the people of the state are in no event to be liable to repay the principal or interest of the said mortgage, or any part thereof, in case the same is not recovered of the mortgagor.

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**CHAP. II.**

**AN ACT** *respecting the collection of the tax of the year one thousand eight hundred and seventeen, for the town of Franklin, in the county of Delaware.*

Passed February 7, 1818.

**WHEREAS** it is represented to the Legislature, that Ira Smith, late collector of taxes in the town of Franklin, died suddenly, leav-

CHAP. CL.

AN ACT authorising the appointment of an additional commissioner to perform certain duties of a judge of the supreme court.

Passed April 15, 1818.

I. *BE it enacted by the people of the State of New-York, represented in Senate and Assembly,* That the person administering the government of this state, by and with the advice and consent of the council of appointment, shall, from time to time, appoint a fit and proper person as a commissioner, to reside either in the county of Tioga or Steuben, who by virtue of this act shall be authorised and required to perform the duties of a judge of the supreme court, and to do and execute every power and trust, which, according to the practice of the said court, the judge thereof may perform and execute out of court, in all cases, both civil and criminal, to allow writs of habeas corpus and writs of certiorari, and also to execute the act for relief against absconding and absent debtors, and the act for giving relief in cases of insolvency, in like manner as judges of the supreme court may or might allow and execute the same.

Commissioner to be appointed.

II. *And be it further enacted,* That said commissioner shall be a counsellor of the supreme court, and before he enters upon the duties of his office, shall take and subscribe before one of the judges of the county in which he shall reside, an oath, well and truly to execute and perform the duties prescribed in and by this act, which oath shall be filed in the office of the clerk of said county.

Commissioner to be a counsellor &c to take an oath.

III. *And be it further enacted,* That it shall be lawful for the said commissioner, to take and receive the same fees for the services performed by virtue of this act, as the recorders of the several cities in this state are allowed for the like services.

Fees.

CHAP. CLI.

AN ACT granting to John Mallory the exclusive right of supplying the inhabitants of the village of Plattsburgh with pure and wholesome water.

Passed April 15, 1818.

I. *Be it enacted by the people of the state of New-York, represented in senate and assembly,* That John Mallory, his executors, administrators and assigns, may and shall have, use and enjoy the sole and exclusive right to bring and convey into the village of Plattsburgh, and furnish to the inhabitants thereof, or such part thereof as may choose to contract with him for the same, a supply of good and wholesome water, by means of conduits or aqueducts.

J. Mallory to have certain exclusive rights.

II. *And be it further enacted,* That it shall not be lawful for any other person or persons during the continuance of this act, to bring in and furnish to the inhabitants of said village, or any part thereof, any water by means of conduits or aqueducts, under a penalty of five hundred dollars for each offence, which sum or penal-

Penalty on others.

Proviso.

ty may be recovered by the said John Mallory, his executors, administrators or assigns; to his or their own use, with costs, in an action of debt, in any court of record having cognizance of the same: *Provided however*, that in case the said John Mallory shall not convey said water within the bounds of said village within nine months after the passing of this act, or in case he shall not supply sufficiently the inhabitants of said village, or such part thereof as shall contract with him for the same, with pure, good and wholesome water, fit and proper for all domestic purposes, as well for the washing of clothes as otherwise, within a reasonable time after said water shall be so brought within the bounds of said village. or in case the supply of water to such inhabitants, or any of them so contracting, shall cease by means of defect in the aqueducts or otherwise, for the space of one month at a time, or for three months in any one year, then, and in such case, this act and the privileges hereby granted shall cease and be null and void: *And provided further*, that nothing herein contained shall be construed to prevent any one or more inhabitants from supplying himself or themselves with water for their own use in such manner as he or they shall deem proper: *And provided further*, that nothing herein contained shall be construed to prevent any future legislature from repealing or in any manner modifying this act.

Further proviso.

Trustees to approve of compensation.

Banking powers prohibited.

III. *And be it further enacted*, That no sum shall be required of any citizen in said village for supplying water as aforesaid, above what shall be annually approved of by the trustees of said village.

IV. *And be it further enacted*, That nothing in this act contained, shall be so construed as to grant any banking powers or privileges whatsoever.

## CHAP. CLII.

### AN ACT for the relief of Sally Carlough.

Passed April 15, 1818.

scamble.

WHEREAS the commissioners of the land office were required in the act, entitled "an act concerning the lands lately purchased from the Oneida Indians, and for other purposes," passed April 15, 1817, to issue letters patent to Sally Denny, and letters patent were issued accordingly, which ought to have been issued to Sally Carlough, her heirs and assigns: Therefore,

Former patent to be returned.

I. *Be it enacted by the people of the state of New York, represented in senate and assembly*, That the commissioners of the land office shall, on the return of the letters patent issued to Sally Denny, and on satisfactory proof that the lands contained therein have not been sold or released by any instrument or writing whatsoever, issue letters patent to Sally Carlough, her heirs and assigns, according to the directions of the act aforesaid, requiring letters patent to be issued to Sally Denny.

Part of certain act repealed.

II. *And be it further enacted*, That such part of the act, entitled "an act concerning the lands lately purchased from the Onei-