

State Library

ACTS

OF THE

Eight

FIFTY-SEVENTH

GENERAL ASSEMBLY

32998

OF THE

REVENUE

State of New-Jersey,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SECOND DAY OF OCTOBER, ONE
THOUSAND EIGHT HUNDRED AND THIRTY-THREE.

BEING THE FIRST SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

—
1834.

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ACTS
OF THE
FIFTY-SEVENTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT to authorize Charles Stokes, Guardian of Griffith Wilmerton, John Wilmerton, Rachel Wilmerton and William Wilmerton, to make sale of wood and timber on the premises of said wards, in the township of Willingborough, in the county of Burlington.

WHEREAS, Richard Wilmerton, of Willingborough, in the county of Burlington, and his three minor brothers Griffith, John and William, and his sister Rachel Wilmerton, are the owners in fee simple of a tract of woodland, in the township of Willingborough aforesaid; AND WHEREAS, it is represented by Charles Stokes, the guardian of the four minors above mentioned, and the said Richard Wilmerton, by their memorial, that much of the said timber is ripe and going to decay; and that it would be much for the interest of the said wards, if the said guardian were authorized to make sale of a part of the wood and timber aforesaid, for their benefit; but that the same cannot be done without the aid of a special law for that purpose—Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said Charles Stokes, guardian of the said Griffith, John, Rachel and William Wilmerton, be, and he hereby is authorized and empowered to make sale of such and so much of the wood and timber on the premises of his said wards, as is now ripe and fit for market, and as in the

Guardian authorized to sell timber on estate of his wards.

To give bond.

judgment of the said guardian it will best subserve their interests; to sell and convert into money, and invest the nett proceeds of such sales in some safe securities, drawing interest under the direction of the orphans' court, of the county of Burlington: *Provided nevertheless*, that before the guardian make sale as aforesaid, he give bond to the governor of this state, in such sum and with such security as the orphans' court of said county may direct and approve, if any additional security shall be deemed necessary by said court.

Passed October 30, 1833.

AN ACT to incorporate a Company for carrying on the Whale and Seal Fisheries from the port of Newark, in the County of Essex, in this State, and for the purpose of manufacturing Oil and Candles.

Style of incorporation.

Powers.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all such persons as shall become subscribers to the capital stock hereinafter mentioned, their successors and assigns, shall be and are hereby ordained and declared to be a body politic and corporate, by the name of "The Newark Whaling, Sealing and Manufacturing Company," and by that name they and their successors, may and shall have succession, and shall be in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever: that they and their successors may have and use a common seal, and may change, alter and renew the same at pleasure, and by the aforesaid name of incorporation, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation.

Commissioners to receive subscriptions to capital stock:

Sec. 2. *And be it enacted*, That the original capital stock of said company, shall be one hundred thousand dollars, with liberty to increase the same to any amount not exceeding five hundred thousand dollars, which stock shall be divided into shares of fifty dollars each.

Sec. 3. *And be it enacted*, That John H. Stevens, William Wright, John S. Darcy, Elias E. Boudinot, William Pennington, or a majority of them be, and they are hereby authorized

to receive subscriptions to the capital stock of said company, and shall open books of subscription at such times and places, and for such space of time as they may appoint.

Sec. 4. *And be it enacted*, That the subscriptions to the capital stock aforesaid, shall be paid in the manner following; viz: five dollars on each share to the persons receiving subscriptions, at the time of subscribing; and the remainder in instalments, not exceeding five dollars on each share, to the directors of said company, for the time being, at such times as the said directors may appoint, always giving thirty days notice thereof, in one or more of the newspapers printed in Newark; and any person or persons, copartnership or body politic, failing to pay any instalment, for thirty days after the time appointed for payment thereof, shall forfeit to said company every share upon which such payment shall not be made, and all payments previously made thereon.

Mode of payment of capital stock.

Sec. 5. *And be it enacted*, That the said commissioners shall make an equitable deduction and distribution of the stock among the subscribers thereto, in case more shall be subscribed than the whole amount of capital, and shall pay over to the directors first chosen, on the day they are so chosen, or as soon thereafter as may be required, the amount of all moneys received by them, and shall also, at the same time, deliver over to the said directors, the original books of subscriptions.

Distribution of stock.

Sec. 6. *And be it enacted*, That as soon as five hundred shares are subscribed, the persons herein empowered to receive subscriptions, or a majority of them, may call a meeting of subscribers to be held at Newark, giving at least three weeks notice of the time and place of meeting in two or more newspapers of the state, one of which shall be published in the town of Newark, and the subscribers, so assembled, shall choose by ballot from among themselves, by a majority of the votes given, seven directors, who shall hold their office for one year after said election, and until others are elected in their stead; that the next election for directors of said company, shall be held on the first Tuesday of April, one thousand eight hundred and thirty five; and on the first Tuesday of April annually thereafter, at such time and place, in the town of Newark, as the directors for the time being shall direct; of which election public notice shall be given in one or more newspapers of the state, at least two weeks previous to such election; and every such election shall be by ballot, and each stockholder present, shall be entitled to as many votes as he shall hold shares of the capital stock of said company; and the persons being stockholders, having the greatest number of votes, shall be the directors—and in case of death, resignation, refusal, disqualification or removal of any director, the remaining directors at their first regular meeting thereafter, may choose a

Directors to be chosen.

Notice of election.

Mode of voting.

Vacancies supplied.

President to be
chosen.

Vacancy sup-
plied.

Corporation not
dissolved, for
failure to elect on
day prescribed.

Duties of direc-
tors.

How capital
stock to be em-
ployed.

person in his place, for the residue of the year or term; and the directors chosen, or a majority of them present, at their first meeting, after every general election, shall by ballot from among themselves, by a majority of the directors, elect a president, and in case of the death, refusal, resignation, disqualification or removal of the president, the said directors shall meet as soon as convenient thereafter, and elect in manner before mentioned a President in his stead, for the remainder of the year or term.

Sec. 7. *And be it enacted*, That in case at any time an election should not be made on the day specified in this act, the corporation for that cause shall not be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day as shall be prescribed by the by-laws and ordinances of said corporation.

Sec. 8. *And be it enacted*, That a majority of the directors for the time being, shall form a board for the transaction of the business of the said company, and shall have power to ordain, establish, and put in execution such by-laws, ordinances and regulations, not repugnant to the laws and constitution of this state and of the United States, as shall be necessary and convenient for the government, management and disposition of the property, stock, effects, profits and concerns of said company, and shall and may appoint all such officers, agents and servants of said company, as to them shall seem necessary, and allow and pay them such compensation for their services as to them shall appear just and reasonable.

Sec. 9. *And be it enacted*, That the capital stock of said company, shall be employed in prosecuting and carrying on from the port of Newark, the fishing for whales, seals and sea-fish in the Atlantic, Pacific and Indian oceans and elsewhere, and in the manufacturing of oil and candles in the town of Newark, in the purchasing, building, equipping and fitting out of ships and vessels, to be employed in the above business, and in the purchase of such lands and tenements, and erection of such building or buildings as may be requisite for the prosecution of the above business: and it shall and may be lawful for the said company to make and execute all proper and necessary contracts with the masters, mariners and other persons therein employed, and to have and to hold the said ships and vessels, lands and tenements, and the produce of such fisheries and manufacturing as aforesaid, and every thing appertaining to or connected therewith, and to sell and dispose of the said ships and vessels, and the cargoes of oil, skins, and other articles procured, taken and brought therein, or manufactured therefrom, and generally to do and perform all and every such act and acts as may be necessary and proper to carry into effect the purposes hereof.

Sec. 10. *And be it enacted*, That the said corporation

shall not hold or purchase any lands, tenements, or other real estate, other than may be necessary for the convenient transacting of the business as aforesaid, unless such lands, tenements, or other real estate, shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in course of dealing, or purchased to secure debts previously contracted with the corporation, and due to it: and in every instance in which the said corporation may become the owner or claimant of lands, tenements, or real estates, the president and directors are empowered to sell and dispose of the same in such manner as they shall deem for the interest of the corporation.

What lands may be held by company.

Sec. 11. *And be it enacted*, That the stock and property of said company, of whatever nature or kind, shall be deemed personal estate and shall be transferable in such manner as shall be prescribed by the by-laws and ordinances of said corporation, but no transfer of stock shall be valid, unless it be entered or registered in the book or books to be kept by the corporation for that purpose.

Stock, personal estate and how transferred.

Sec. 12. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at the office of the corporation, proper books of account, in which shall be regularly entered, all the transactions of the said company, which books shall always and at all times, be open to the inspection of the stockholders of said company, and shall annually prepare a general statement of the affairs of the company, which shall be exhibited at the office of the corporation for the inspection of the stockholders at least three weeks, previous to the annual election.

Books open to inspection.

Sec. 13. *And be it enacted*, That no dividend shall be made among the stockholders, except out of the profits of the business of the said company; that the said company shall not employ any of their funds in any banking operation, and that this act shall be and continue in force for the term of thirty years from the passing thereof, and from thence to the next session of the Legislature, and no longer.

Funds not to be employed in banking.

Sec. 14. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify or repeal this act as the public good may require.

Passed October 30, 1833.

AN ACT to dissolve the marriage contract between James Goodwin and Ann P. his wife.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between James Goodwin and Ann P. his wife, of the county of Warren, be, and the same is hereby declared to be dissolved to all intents and purposes whatever; and the said James Goodwin and Ann P. his wife, are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony.

Passed October 31, 1833.

AN ACT to divorce Elizabeth Ann Dunn from her husband Andrew Dunn.

Sec. 1. BE IT ENACTED *by the Council and General Asssmbly of this state, and it is hereby enacted by the authority of the same,* That the marriage of the said Andrew Dunn and Elizabeth Ann Dunn, be, and the same is hereby forever dissolved, as fully, as if they had never been joined in matrimony; *Provided nevertheless,* that the issue of such marriage shall be considered legitimate.

Passed October 31, 1833.

AN ACT to incorporate the "Hanover Paper Manufacturing Company."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Robert Donaldson, John S. Darcy Abraham Reynolds, Elijah Ward, Robert Donaldson, jr. and such other persons as may be hereafter associated with them, their successors and assigns, be, and are hereby constituted

a body politic and corporate, by the name of the "Hanover Paper Manufacturing Company," for the purpose of manufacturing Paper, Boards, and all other articles of which paper is the component part, in their several and various branches; by the same name, they and their successors and assigns shall have power and continue a body politic and corporate, and be capable in law of suing and being sued, implead and being impleaded, answering and being answered unto in all courts of justice, or any other place whatever, to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold and enjoy any lands, tenements, hereditaments, goods and chattels, of whatever kind or quality soever, necessary or useful for the said corporation to carry on their manufacturing operations above mentioned; and all other real and personal estate which shall have been bona fide mortgaged to said corporation, by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments, which shall have been obtained for such debts: *Provided*, That of the real and personal estate to be purchased and holden by said corporation, shall be that which is now owned by said Donaldson, at and in the vicinity of Hanover, Morris county; and it shall not be lawful for the said corporation to carry on their manufacturing business in any other place: *Provided always*, That the funds of the said corporation shall not be applied, used or employed at any time, in banking operations; and the said Robert Donaldson, John S. Darcy, Abraham Reynolds, Elijah Ward and Robert Donaldson, jr. or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Style and object of incorporation.

Powers.

Location of manufactory.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted*, That the stock, property and concerns of the said company, shall be managed and conducted by five directors, being stockholders, and one of whom shall be president and another of whom shall be agent of the company, who shall hold their offices for one year, and until others are elected; and the said directors shall be elected on the first Monday in June, in each and every year after the company goes into full operation; the election for directors, shall be held at such hour and place as a majority of the directors for the time being, shall appoint; and it shall be the duty of the president to give each stockholder notice of the election, through the post-office, at least fifteen days previous thereto, of the time and place of holding such election, who shall have previously informed him in writing, of his or her place of residence, at least twenty days previous to such election: and all elections shall be by ballot; each stockholder shall be entitled, either in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said

Election of directors.

Notice to be given to stockholders.

President to be
chosen.

Vacancies sup-
plied.

Qualifications of
directors.

Their duties.

Amount of capi-
tal stock.

Stock forfeited
on failure to pay
instalments.

Capital not to be
reduced.

First directors

corporation ; and the said directors shall proceed to elect one of their number to be president, and one of their number to be agent ; and if vacancy or vacancies shall at any time happen by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, in which they may happen, by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint.

Sec. 3. *And be it enacted*, That no stockholder shall be eligible to the office of director, who is not a citizen of the United States, and a stockholder in the said company, in his own right, to the amount of at least ten shares, two months previous to the day of election ; and the board of directors may employ as many work people, appoint superintendants and officers as in their opinion the business may require, and assign such compensation as they shall think fit : not less than a majority of the whole number of directors being present, when the same shall be done, and may remove the same and appoint others at their pleasure.

Sec. 4. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, which shall be divided into shares of one hundred dollars each ; but as soon as the sum of fifty thousand dollars of the said capital stock shall have been subscribed and paid, it shall and may be lawful to, and for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do from time to time, to the amount herein before mentioned ; and it shall be lawful for the directors of said company, to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such portions or instalments, not exceeding ten dollars on each share, as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice shall have been published for the space of twenty days, in one or more public newspapers published in or near the place where such payment shall be required to be made ; and also in one or more newspapers published in the city of New-York.

Sec. 5. *And be it enacted*, At no time shall it be lawful to reduce the capital stock of said corporation, but by the permission of the Legislature : losses or misfortunes in business excepted.

Sec. 6. *And be it enacted*, That the first directors shall be Robert Donaldson, John S. Darcy, Abraham Reynolds, Elijah Ward and Robert Donaldson, jr. who shall hold their offices until others are legally chosen ; and shall have power

to establish and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government, management, and the disposition of the stock, effects, profits and concerns of the said corporation; *Provided*, the same are not contrary to the laws and constitution of the United States, or of this state.

Sec. 7. *And be it enacted*, That the stock and property of said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation: *Provided*, that no dividend shall be made to and among the stockholders, except from and out of the profits of said corporation.

Stock and property personal estate.

Sec. 8. *And be it enacted*, That the directors at all times, keep or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times during business hours, be opened to the inspection of the stockholders of the said company, or their legal attorney or attorneys: *And further*, That no transfer of stock, shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Books to be open to inspection.

Mode of transferring stock.

Sec. 9. *And be it enacted*, That in case it should at any time happen, that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause, be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation.

Corporation not dissolved on failure to elect on day prescribed.

Sec. 10. *And be it enacted*, That it shall be the duty of the directors, for the time being, in each and every year, namely, on or about the first week in April, to take an account of all the stock, property and effects, belonging to said corporation, including all debts due to and from the said company, and make and enter in a book for that purpose, a true inventory of the same, for the inspection of the stockholders, previous to and at the annual election.

Accounts to be rendered annually.

Sec. 11. *And be it enacted*, That this act shall be deemed a public act, and continue in full force for and during the term of fifty years, from the passing thereof, and from thence to the next session of the Legislature: *And further*, That it shall and may be lawful for the Legislature of this state, at any time hereafter to alter, modify or repeal this act, whenever in their opinion the public good requires it.

Limitation of act

Passed October 31, 1833.

AN ACT to compensate Josiah Harrison, in part, for services rendered this state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Treasurer of this state, be, and he is hereby authorized to pay to Josiah Harrison, such sum of money as the Governor of this state by his warrant shall direct, as part payment for compiling the Laws of this state, and printing and binding 250 copies of the same for the use of the state, pursuant to an act of the Legislature, passed February 12, 1833.

Passed October 31, 1833.

AN ACT for the support of the Government of this State.

Payment of officers provided for.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That there shall be paid to the officers appointed for the administration of the government of this state, the several sums following, to wit:—

To the Governor of this state, for the time being, at the rate of two thousand dollars by the year.

To the Chief Justice of the Supreme Court of this state, for the time being, at the rate of twelve hundred dollars by the year.

To each of the Associate Justices of the Supreme Court of this state, for the time being, at the rate of eleven hundred dollars by the year.

To the Treasurer of this state, for the time being, at the rate of one thousand dollars by the year.

To the Law Reporter and Chancery Reporter of this state, for the time being, at the rate of two hundred dollars each, by the year.

To the Attorney General of this state, for the time being, at the rate of eighty dollars by the year.

To the Quarter-master General of this state, for the time being, at the rate of one hundred dollars by the year.

To the Adjutant General of this state, for the time being, at the rate of one hundred dollars by the year.

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators or assigns, on warrants produced to the Treasurer, signed by the Governor or Vice President of Council : and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal ; and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

How to be paid.

Sec. 2. *And be it enacted*, That there shall be paid to the Vice President of Council and Speaker of the House of Assembly, the sum of three dollars and fifty cents, and to every member of Council and Assembly, the sum of three dollars for each and every day they have respectively attended this, or shall attend any future sitting of the Legislature : and to every member of Council and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance by the most usual route, between his place of residence and the seat of Government, in going and returning, on a certificate to be produced to the Treasurer, expressing the sum due and the number of days and miles, signed by the President or Vice President of Council, for the members of Council, or by the Speaker of the House of Assembly, for members of Assembly, or by Peter Young, Richard S. Field, Richard P. Thompson, Edward S. Melhvaine, Esquires, or any two of them, for the members of Assembly.

Members of Council and Assembly.

How to be paid.

Sec. 3. *And be it enacted*, That there shall be paid to the Secretary of Council and Clerk of Assembly, the sum of three dollars and fifty cents for every day they have respectively attended or may attend any future sitting of this Legislature ; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of Council and Assembly and the Joint-meeting, in the Journals ; and eight cents by the sheet for a copy thereof for the printers, on a certificate produced to the Treasurer, signed by the President or Vice President of Council, for the Secretary of Council, and by the Speaker of the House of Assembly, for the Clerk of Assembly.

Secretary of Council and Clerk of Assembly.

How to be paid.

Sec. 4. *And be it enacted*, That there shall be paid to the Sergeant-at-Arms, for the time being, who shall attend the Council and the House of Assembly, and to the door keepers of Council and the House of Assembly, for the time being, the sum of two dollars, by the day, for each day, on a certificate to be produced to the Treasurer, expressing the sum and the number of days they have respectively attended, signed by the President of Council or the Speaker of the House of Assembly.

Serjeant at arms and door keepers.

Sec. 5. *And be it enacted*, That there shall be paid to the engrossing Clerk, who shall engross the bills of Council and Assembly, this session of the Legislature, at the date of eight

Engrossing clerk.

cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount signed by the President or Vice President of Council, or by the Speaker of the House of Assembly.

Sec. 6. *And be it enacted*, That this act be, and shall continue in force for one year from the twenty-second day of October, in the year of our Lord one thousand eight hundred and thirty-three, and no longer.

Passed October 31, 1833.

AN ACT to defray incidental charges.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be lawful for the Treasurer of this state, to pay the several persons hereinafter named, the following sums, to wit :

Certain incidental charges to be paid.

1. To Charles C. Yard, as Librarian, ten dollars and eighty-seven and a half cents.

2. To Wilson and Newton, for repairs to the windows of the state house, nine dollars and fifteen cents.

3. To William Grant, for sundry expenses for the state, thirty-four dollars and ninety-eight cents.

4. To Samuel Laning, for a coal-pick, one dollar.

5. To E. P. Rosé, for eight cords of hickory wood, forty-eight dollars.

6. To Jacob Warner, for wedges, one dollar and sixty-two and a half cents.

7. To Diann Smith, for cleaning state house, four dollars.

8. To Henry Wharton, for his account for services, &c. fifty-five dollars and twenty-two and three-quarter cents.

9. To E. B. Adams, for printing laws, proclamations of the governor, &c. thirty dollars.

10. To Jasper Scott, for work and materials for state property, nineteen dollars and sixty-four cents.

11. To Thomas A. Dugdale, for a mantle stove, thirty-five dollars.

12. To Maurice Justice, for services rendered to Council Chamber and Arsenal room, twenty-three dollars and fifty-four cents.

Passed October 31, 1833.

AN ACT making a further appropriation for building the State Penitentiary.

WHEREAS, it appears from the Report of the Commissioners, appointed by the Legislature to erect a new Penitentiary, that a further appropriation is necessary to be made at the present sitting, for the purpose of going on with the work now in progress, it being advisable that the same should not be delayed—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That in addition to the amount of thirty thousand dollars, which the governor or the person administering the government of the state, has been heretofore authorized to draw in favor of the Commissioners, appointed to build the said new State Penitentiary, and he shall be and hereby is authorized to draw in favor of the said Commissioners, from any unappropriated money in the Treasury of this state, the further sum of ten thousand dollars, to be appropriated in conformity with the act of thirteenth February last, toward building the said State Penitentiary.

10,000 dollars appropriated to new state penitentiary.

Sec. 2. *And be it enacted,* That in case there should not be an amount of unappropriated money in the Treasury of this state, sufficient to meet the drafts authorized by this act, it shall and may be lawful for the governor or the person administering the government of this state, to borrow an amount of money sufficient to meet the appropriations as aforesaid, at a rate of interest not exceeding five per centum per annum, and to reimburse the same at any time not less than one year from the time of contracting the loan, and the governor or person administering the government of this state, is hereby authorized and empowered to pledge the faith of this state, for the payment of the principal and interest of all moneys that may be borrowed as aforesaid.

Governor authorized to borrow money at five per cent.

Passed November 1, 1833.



ACTS

OF THE

Eighth
FIFTY-SEVENTH

GENERAL ASSEMBLY

OF THE

State of New-Jersey,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SECOND DAY OF OCTOBER, ONE
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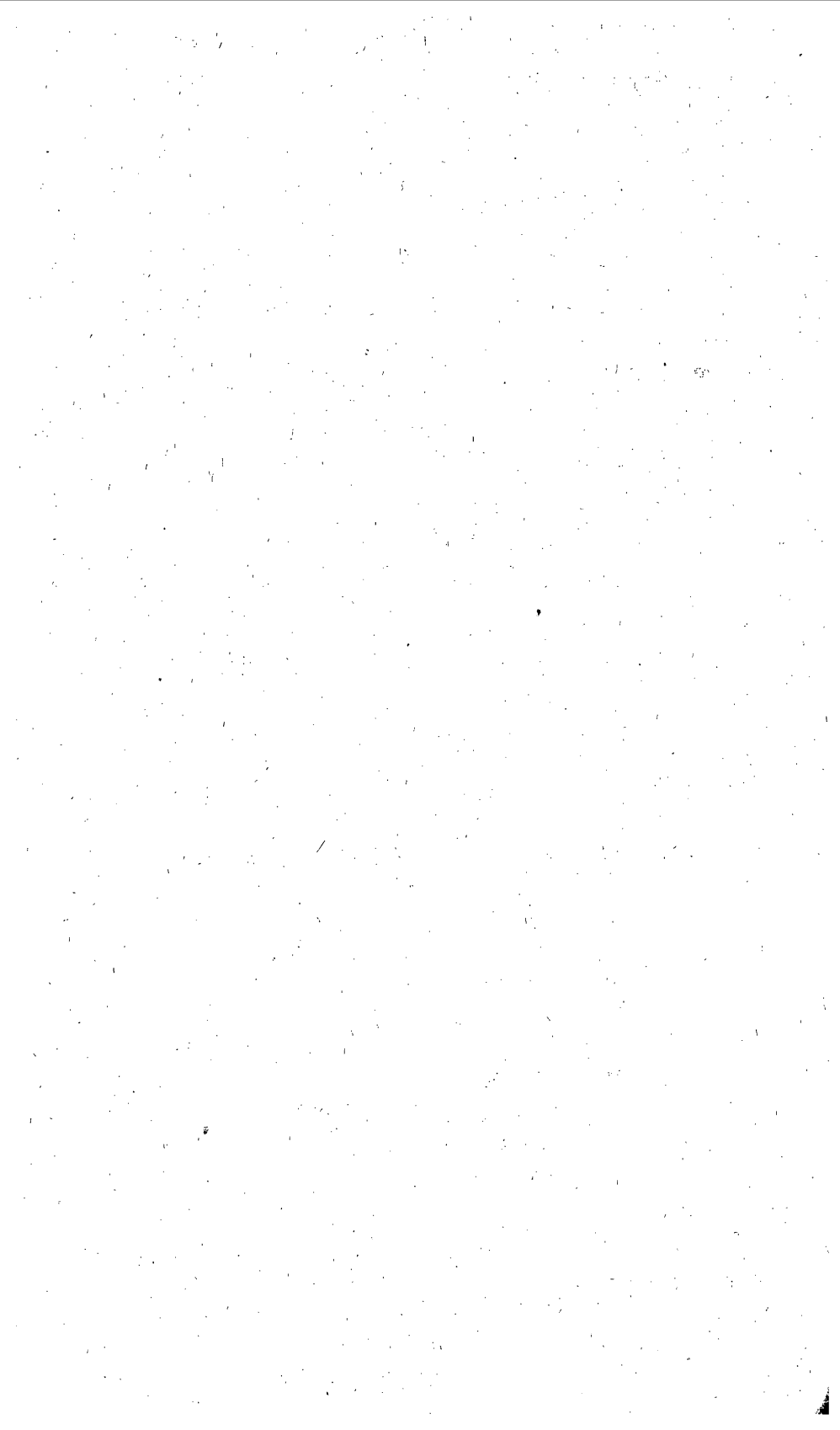
BEING THE SECOND SITTING.



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1834.



ACTS
OF THE
FIFTY-SEVENTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.

AN ACT to divorce Phebe West from her husband John West.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Phebe West, of the county of Monmouth, be, and she is hereby divorced from her husband John West, and that the marriage contract heretofore existing between them, the said Phebe West, and John West her husband, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed January 16, 1834.

AN ACT to divorce Margaret McCabe from her husband James McCabe.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That Margaret McCabe, of Nottingham township, in

the county of Burlington, be, and she is hereby divorced from her husband James McCabe, and that the marriage contract heretofore existing between the said Margaret McCabe and James McCabe, be, and the same is hereby as fully and absolutely dissolved, as if they never had been joined in matrimony.

Passed January 16, 1834.

AN ACT to authorize Chileon Beach to sell certain Real Estate therein named.

WHEREAS, it appears that Cornelia Beach, deceased, wife of Chileon Beach, died about the twenty-fifth of November, in the year of our Lord one thousand eight hundred and thirty-two, seized of the one undivided fifth part of two tracts or lots of land; one of about one hundred and thirty-five acres, in the township of Jefferson in the county of Morris, called the mountain lot, and the other of about three hundred and sixty-five acres, part in the said township of Jefferson and part in the township of Pequannock in said county, called the Mount Pleasant property, subject to the right of her said husband in the same by virtue of their marriage, leaving nine infant children by her said husband, her heirs at law; and that previous to her death a verbal agreement was made with her approbation and consent and by her, to sell the said lots of land to her brother Chileon F. De Camp; and that for her undivided share, he was to pay her said husband five hundred dollars, and that her said brother held possession of the said lots of land and made valuable improvements on the same, and paid to her said husband one hundred dollars of the purchase money of her undivided share before her death; and she the said Cornelia Beach, having died before the execution of the said deed, and thereby prevented the execution of the same—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Chileon Beach, the surviving husband of Cornelia Beach, deceased, be, and he is hereby authorized and empowered to sell and convey to the said Chileon F. De Camp, the said two lots of land in accordance with said agreement, and all the right and title which she the said Cornelia Beach,*

Authorized to
convey certain
lands.

had in her life time, in the same, upon the said Chileon F. De Camp, paying to the said Chileon Beach, the balance of the consideration money now due for the same under said agreement, and to execute and deliver as good and sufficient deed therefor, as his said wife or he and his said wife together, or separately could have done in her life time, and to be equally effectual in law as if done in her life time; *provided nevertheless*, that before the said Chileon Beach receive the balance of the consideration money, he give bond to the Governor of this state, in such sum and with such security as the Orphans' Court of said county may direct and approve; that the balance of the consideration money as above mentioned, at the decease of the said Chileon Beach, be paid to the said minor children or their legal representatives, in proportion to their respective rights in the same.

Passed January 16, 1834.

AN ACT to authorize the administrators of Jacob Krouse, deceased, to execute a certain contract made by said deceased, with one Michael Frackenthall, for the sale of real estate.

WHEREAS, it appearing to the legislature, that Jacob Krouse, deceased, late of the township of Nockamixon, in the county of Bucks, in the state of Pennsylvania, who died intestate, did, in his life time, make a parol agreement, with one Michael Fackenthall, for the sale of the undivided one third of a certain island, in the township of Alexandria, in the county of Hunterdon, in this state, distinguished by the name of Loughley's Island, now known by the name of Saw-Mill Island, in the river Delaware near the foot of Lynn's Falls, containing one acre of land, more or less; and that all the purchase money has been paid; *and whereas*, the said Jacob Krouse, departed this life without having made a deed of conveyance for the aforesaid premises, to the said Michael Fackenthall, and the heirs at law of the said Jacob Krouse, deceased, being incompetent, by reason of their minority, to convey the same; *and whereas*, the administrators of the said Jacob Krouse, deceased, have by their petition requested, that they be empowered to make a deed to the said Michael Frackenthall, for the lot of land aforesaid—Therefore,

Preamble.

Authorized to
convey certain
lands.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Krouse and William Krouse, administrators of the said Jacob Krouse, deceased, be, and they are hereby authorized, and empowered to execute and deliver to the said Michael Frackenthall, a deed for the said lot of land and premises, pursuant to said agreement between him and said deceased, which deed shall have the same force and effect, as a deed from the said Jacob Krouse, in his life time, would have had.

Passed January 16, 1834.

AN ACT to dissolve the marriage contract between William Lowrey and Sarah his wife.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between William Lowrey of the county of Cumberland, and Sarah his wife, be, and the same is hereby declared to be dissolved : *provided always,* that nothing in this act contained, shall render illegitimate the issue of such marriage.

Passed January 20, 1834.

A SUPPLEMENT to an act entitled "An act to incorporate the Delaware and Jobstown Rail or McAdamised Road Company," passed February eleventh, eighteen hundred and thirty-three.

Authorized to
extend the road
to Atlantic
shore.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the "Delaware and Jobstown Rail or McAdamised Road Company; incorporated by an act passed eleventh February, eighteen hundred and thirty-three," to continue and extend the said Rail or McAdamised road from the vicinity of New Lisbon, in the county

of Burlington, by the most convenient and eligible route, to some point on the shore of the Atlantic ocean, between Tuckerton and Barnegat, and for that purpose, the said company shall have the same powers, privileges, and immunities as are granted by the act to which this is a supplement, and be subject to the same regulations, restrictions, and limitations, as are therein specified.

Sec. 2. *And be it enacted*, That in order to enable the said company to extend the said road as is above mentioned, it shall and may be lawful for the company to increase their capital stock to the sum of two hundred thousand dollars above the capital specified in the act to which this is a supplement.

Capital stock increased.

Sec. 3. *And be it enacted*, That John Chambers, James Newbold, Joseph Smith, Thomas Haines, and Watson Newbold, shall be, and they hereby are appointed commissioners to open books of subscription for the said stock, in like manner, and upon the same terms as are prescribed in the said act.

Commissioners to receive subscriptions for stock.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said company to commence the said road when one hundred thousand dollars of the said additional stock shall have been subscribed; and if the said road shall not be completed within ten years from the passage of this act, all the powers and privileges hereby granted, shall cease and become void.

When the road may be commenced.

Sec. 5. *And be it enacted*, That the said company shall hereafter be known by the name, style, and title of the Delaware and Atlantic Rail Road Company.

Passed January 20, 1834.

AN ACT for the enclosure of a certain tract of Woodland, in the township of Harrington in the county of Bergen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of woodland, situate, lying and being in the township of Harrington, in the county of Bergen aforesaid, being butted and bounded as follows, viz: on the south by the cleared land of John C. Westervelt and the cleared land of Isaac Bogart; on the north by the cleared land and fenced woodland of Henry P. Westervelt and the

Boundaries of land enclosed.

cleared land of Adranah Harring and cleared land of John C. Westervelt; east by the public road leading from near the dwelling-house of John I. Harring, to near and along the dwelling-house of Daniel Van Horn, and by cleared land of John I. Harring, and cleared land of John C. Westervelt; and west by cleared land of Isaac Bogart, lands of Nicholas B. Zabriskie, cleared land of Peter I. Zabriskie, and cleared and fenced woodland of Henry P. Westervelt, to fence the same in common, and to erect and maintain such swing gates as they may deem proper; and that from and after the enclosing the same as aforesaid, no person or persons, whatsoever, shall drive or let in any horses, cattle, sheep or hogs, with intent to let them run at large in said tract: *provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him or her, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

None but owners to turn in horses, cattle, &c.

Proviso.

Penalty for letting in horses, &c. or injuring fence.

For leaving open bars or gates.

Sec. 2. *And be it enacted*, That if any person whatsoever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall be enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing gates thereon, they shall be liable to a penalty of ten dollars; and if any person or persons, shall leave open any bars or swing gates thereon, either negligently or wilfully, he shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees hereinafter mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt, and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates around the said tract.

Horses, cattle, &c. trespassing may be impounded.

Sec. 3. *And be it enacted*, That if any horses, cattle, sheep or hogs, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound in the township of Harrington, leaving with the keeper of such pound, an affidavit that such horses, cattle or sheep, were found running at large in said tract; and it shall be the duty of such pound keeper to receive and keep the horses, cattle and sheep, so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred; and such pound keeper shall collect and receive the same in the same manner, and shall be entitled to the same fees and be subject to the same penalties, and shall, in all matters, proceed as is directed by an act entitled, "An act regulating fences," pass-

ed January the twenty-third, seventeen hundred and ninety-nine.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract, shall meet on the first Tuesday of April next, at the house of John C. Westervelt, at Pascack, in the township of Harrington, and on the first Tuesday in each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose from among themselves, three persons to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Trustees to be appointed.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence to be erected around the said tract, and shall assign by marks and measurement to each of the owners of said tract, a part of said fence to make and maintain in proportion to the number of acres owned by him or her therein, and if after such assignment, and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons so refusing, and their legal representative, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees to cause a lawful fence at all times, to be kept up and maintained around the above said tract.

Trustees to assign fence to be built by each owner.

Sec. 16. *And be it enacted*, That each trustee shall be entitled to receive seventy-five cents per day, for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest therein, and shall be assessed by the said trustees, according to the number of acres held by each owner of said tract, and shall make out a duplicate list of the amount assessed upon the property of each individual, who upon refusal or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution before any court, having competent jurisdiction of the same, in an action of debt with costs of suit.

Compensation of trustees.

How to be paid.

Passed January 21, 1834.

AN ACT to divorce Eliza Ballard from her husband John P. Ballard.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Eliza Ballard, of Morristown, Morris county, be, and she is hereby divorced from her husband John P. Ballard, and that the marriage contract heretofore existing between the said Eliza Ballard and John P. Ballard, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed January 21, 1834.

AN ACT to divorce John L. Hudson from his wife Phebe Hudson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John L. Hudson, be, and he is hereby divorced from his wife Phebe Hudson, and that the marriage contract heretofore existing between the said John L. Hudson and Phebe his wife, be, and the same is hereby dissolved; *provided nevertheless,* that the issue of such marriage shall not be deemed illegitimate in consequence of this act.

Passed January 21, 1834.

AN ACT to incorporate "The Washington Beneficial Society of Salem, New-Jersey."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Copner, Howell Carter, James E. Dunham, John McDonnol, Jacob Paulin, Joel C. Emley, John Williams, Joseph Dorrel, David Halter, Samuel Kean, Jede-

diah A. Baker, John Kirkpatrick, James T. Waddington, Isaac Z. Peterson, George Morrison, Samuel A. Harris, and all such other persons as now are or hereafter shall become associates of "The Washington Beneficial Society of Salem, New-Jersey," shall be, and they are hereby constituted and declared to be, a body politic and corporate, in fact and in law, by the name of "The Washington Beneficial Society of Salem, New-Jersey."

Sec. 2. *And be it enacted*, That the said corporation by such name shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity, and may have a common seal and have power to alter the same at their pleasure, and by their common seal enter into and execute contracts and agreements; and such corporation shall have full power to make and adopt such laws and regulations as they may think proper, not inconsistent with the laws of the United States or of this state.

Powers.

Sec. 3. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one thousand dollars, which shall be applied to the nursing and attendance of members while sick, the purchase of necessaries for sick members, the payment of physician's and surgeon's bills, the funeral expenses of deceased members, and such other incidental expenses as may be needful to further the objects of the said society.

Capital stock, and how to be applied.

Sec. 4. *And be it enacted*. That the said corporation shall have power to elect, annually, or oftner if necessary, out of their own body, a president and such other officers and assistants, as shall be necessary for the proper management of the affairs of said corporation, according to their laws; and the president shall keep in his custody, the common seal of the corporation and deliver it over at the end of his term of office to his successor.

Officers to be elected.

*Sec. 5. *And be it enacted*, That the constitution and by-laws of the said corporation shall be binding and imperative on the different members, and may be enforced by suit against defaulting members in the corporate name of said company, before any court having competent jurisdiction: *provided*, that in all suits between the said corporation and a member or members thereof, any of the said members may be witnesses for either party.

Constitution and by-laws may be enforced by suit.

Sec. 6. *And be it enacted*, That the legislature may at any time hereafter alter, amend, modify or repeal this act, as they may think proper.

Act may be altered or repealed.

Passed January 21, 1834.

AN ACT to divorce Isaac Vanderhoven from his wife Sarah Vanderhoven.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Isaac Vanderhoven, of the county of Hunterdon, be, and he is hereby divorced from his wife Sarah Vanderhoven, and that the marriage contract heretofore existing between the said Isaac Vanderhoven and Sarah his wife, be, and the same is hereby absolutely and entirely dissolved, to all intents and purposes, as fully as if they had never been joined in matrimony.

Passed January 22, 1834.

AN ACT to divorce William S. Young from his wife Sarah Young.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William S. Young, of the county of Salem, be, and he is hereby divorced from his wife Sarah Young, and that the marriage contract heretofore existing between them, the said William S. Young and Sarah his wife, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed January 22, 1834.

AN ACT to divorce Harriet Conklin from her husband Eli Conklin.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Harriet Conklin, of the county of Middlesex, be, and she is hereby divorced from her husband Eli Conklin, and that the marriage contract heretofore existing between them, the said Harriet Conklin and Eli Conklin her husband, be,

and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed January 22, 1834.

AN ACT to authorize a re-conveyance of certain real estate to George Fisler.

WHEREAS, it appears to the legislature, that John Rambo, deceased, late of the county of Gloucester, did, on the twenty-third day of April, A. D. eighteen hundred and thirty, under his hand and seal, duly execute a declaration of trust, in which it is recited and declared as follows, to wit—“Whereas, I have this day received a deed from Jesse Smith, Esq. sheriff of the county of Gloucester, for a certain plantation or tract of land, situate in the township of Woolwich, in the said county, containing two hundred and seventy-five acres, more or less, by metes and bounds, together with ten acres of woodland, in said township, sold by said sheriff as the property of George Fisler, by virtue of an execution issued out of the Inferior Court of Common Pleas of the said county, returnable to the term of March, in this present year, in favor of Joseph Lock and Ruth his wife, late Ruth Fisler, against the said George Fisler: AND WHEREAS, the said George is a minor under the age of, twenty-one years, and I am the guardian of the said George, and was, and am desirous to preserve the said plantation and farm for the benefit of the said George: AND WHEREAS, I have no funds of the said minor in my hands, as guardian as aforesaid, to pay to the said sheriff for the purchase money of the said farm, but have contracted for the same to be secured by mortgage, to be given by me immediately after the execution of the deed to me by the said sheriff: AND WHEREAS, Mary Fisler, widow of Jacob Fisler, is entitled to her dower in said premises; and it is intended that her dower shall in no wise be affected by the said sale of said premises so made by the said sheriff to me as aforesaid; now this writing witnesseth, that I, the said John Rambo, grantee and purchaser, as aforesaid, do make the following declaration in trust, &c.—I. That if the said George Fisler should arrive to full age, or if dying before full age, shall leave lawful issue, I will reconvey to the said George Fisler, or his issue, as the case may be, the aforesaid plantation or farm, upon the repayment to me of the full principal

Preamble.

and interest of the said purchase money, or the entire and full discharge of the said mortgage, and upon the full payment of the balance, if any there be, due to me or my representatives upon the settlement of my accounts in the Orphans' Court of said county, as guardian of the said George Fisler.—2. And provided further, that the dower of the said Mary Fisler, widow of the said Jacob Fisler, be allowed to the full extent, as if the said premises had never been sold by the said sheriff.”—AND WHEREAS, it further appears, that since the said sale and conveyance, and since the declaration of trust as aforesaid, the said John Rambo hath departed this life intestate, leaving children his heirs at law, to wit: Peter C. Rambo, Louisa Rambo, Champneys Rambo, William Rambo, Patience Rambo, John Rambo, Jacob Rambo, Lydia Rambo, Mary Rambo and Harriet Rambo, whereby the legal estate in the said premises has become vested in the heirs at law aforesaid of the said John Rambo, subject nevertheless to the trusts aforesaid; AND WHEREAS, William Rambo, Patience Rambo, John Rambo, Jacob Rambo, Mary Rambo, and Harriet Rambo, certain of the children and heirs at law aforesaid are minors, and to whom one Joseph Fithian, of the said county, hath been duly appointed guardian, by the Orphans' Court of the said county; AND WHEREAS, letters of administration of the estate of the said John Rambo have been granted to Joseph Saunders and Peter C. Rambo; AND WHEREAS, the said George Fisler will shortly arrive to the age of twenty-one years, and it is expedient that the said premises should be reconveyed to the said George, upon the performance of the conditions aforesaid: BUT WHEREAS, the same cannot be so reconveyed without the aid of the legislature, by reason of the minority aforesaid of certain of the same heirs—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That so soon as the said George Fisler shall arrive at the age of twenty-one years, upon payment to the legal representatives of the said John Rambo, deceased, the full amount of principal and interest of the said purchase money, or the full and entire discharge of the said mortgage, and upon the full payment to the representatives aforesaid of the balance, if any there be due, to the estate of the said John Rambo, deceased, on the settlement of his accounts in the Orphans' Court of the said county, as guardian of the said George Fisler, that then it shall be lawful for the said Joseph Fithian, guardian aforesaid of the said minor heirs, in the name of the said minor heirs, together with such of the heirs aforesaid as have arrived to the age of twenty-one years, to execute a deed of conveyance of the said plantation and lot of woodland

Authorized to
convey certain
lands.

to the said George Fisler, and to execute and deliver the same in due form of law; which deed of conveyance, so made, executed, and delivered, shall vest in the said George Fisler the legal estate in the said premises, as fully and entirely as the same is now vested in the heirs of the said John Rambo, deceased, and fully and entirely discharged of the trusts aforesaid: *Provided nevertheless*, that the right of dower of any person in, to, or out of the said premises shall not be affected by the provisions of this act, any thing herein contained to the contrary in any wise notwithstanding.

Passed January 23, 1834.

AN ACT to divorce Jacob Chamberlin from his wife Mary C. Chamberlin.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Jacob Chamberlain, of the county of Morris, be, and he is hereby divorced from his wife Mary C. Chamberlain, and that the marriage contract heretofore existing between them, the said Jacob Chamberlain, and Mary C. Chamberlain, his wife, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed January 30, 1834.

A SUPPLEMENT to an act entitled "An act to appoint trustees to sell certain lands therein named," passed the twenty-third of January, eighteen hundred and thirty-three.

WHEREAS, by the act to which this is a supplement, Joshua D. A. Beardslee and James Perry, were appointed trustees, to sell and convey the lands and premises of Gatty Beardslee, in the county of Sussex, and to perform certain trusts, in the said act mentioned: AND WHEREAS, it is now represented to the legislature, that the said Joshua D. A. Beards-

Preamble.

lee, since the passing of the said act and before the performance of the said trusts, departed from this state; and that his residence is unknown to the said James Perry, his co-trustee, so that no sale or conveyance of the said lands and premises, can be made and executed under the said act—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said James Perry, be, and he is hereby authorized and empowered to make sale and conveyance of the said lands and premises of the said Gatty Beardslee, and to execute and deliver the deed or deeds for the same; and to perform all the duties enjoined and trusts reposed by the said act in the said Joshua D. A. Beardslee and James Perry, as fully, and entirely and with the same effect, as if the said Joshua D. A. Beardslee were present and acting therein; and that the said deed or deeds of the said James Perry, shall vest in the purchaser or purchasers, his or their heirs or assigns forever, all the estate, right, title and interest whatsoever, of the said Gatty Beardslee, of, in and to the said lands and premises, with the appurtenances and every part thereof—*Provided*, that nothing in this act shall be taken or construed as intending to dispense with the bond required by the second section of the act to which this is a supplement.

Passed January 30, 1834.

AN ACT to authorize William L. Conover, to sell certain real estate.

WHEREAS, it is represented to this legislature, that Samuel Brearley, jun., Maria C. Brearley, Eliza S. Conover, William L. Conover, Henrietta H. Conover, Catharine Conover, Laurana Conover, Phebe Conover, Sarah Ann Conover, are the owners of four several lots or tracts of land, situate in the county of Middlesex and state of New-Jersey, which were conveyed to them by their father, Elias Conover and Sarah his wife, by deed, dated the twenty-third day of March, in the year of our Lord, eighteen hundred and thirty; that the said lots or tracts of land, or part thereof, is encumbered by a mortgage, which they have no other means of paying than the said land, and that it would be greatly for the interests of them, that the same should be sold; that in consequence of the minority of some of the

Trustee, authorized to sell and convey lands.

Preamble.

petitioners the said real estate cannot be sold by them; that the interests of all parties would be greatly advanced by a sale of the said real estate, and praying for a law appointing William L. Conover trustee to sell the same—
Therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William L. Conover be, and he is hereby appointed trustee, with full power to sell, dispose of and convey, all that certain lot or parcel of land, situate, lying and being in the township of North Brunswick, county of Middlesex and state aforesaid, beginning at a stake planted in the line of Peter Voorhees's land, at the point of woods; thence running south forty-six degrees and thirty minutes, west eight chains to another stake; thence south forty-eight degrees and thirty minutes, east twelve chains and fifty-eight links to the line of Peter Voorhees; thence along the line of said Voorhees, north fourteen degrees and thirty minutes, west fourteen chains and twenty-eight links to the place of beginning, containing five acres, strict measure, bounded northeast by Peter Voorhees, and the other two sides by Denice Vanderbelt, together with a right of way to and from said lot, with a wagon or any other carriage; also, all that certain other lot, situate, lying and being in the township, county and state aforesaid, beginning at the southwest corner of a lot of land belonging to Staats Van Deursen; thence running along his line north forty degrees, east eighteen chains and seventy-five links to the line of Peter Voorhees; thence along his line south forty-one degrees and twenty minutes, east seven chains and ninety-three links; thence south forty-one degrees, west seventeen chains and seventy links; thence north forty-eight degrees and twenty minutes, west seven chains and sixty links to the place of beginning, containing fourteen acres and seventy-two hundredths of an acre, together with a right of a passage to and from said lot, with a wagon or other carriage, (which said above mentioned lots of land were conveyed to Peter Staats, by Denice Vanderbelt and wife, by deed, dated May 2d, 1817, recorded in Middlesex, Clerk's Office, in Books D. XII of Deeds; and by the said Peter Staats and wife to the said Elias Cownover, by deed dated April the 28th, 1828, recorded in Middlesex, Clerk's Office, in Book XXI of Deeds, fol. 22, 23;) also, all that lot of land, with the buildings thereon, lying in the city of New Brunswick, county and state aforesaid, beginning at the intersection of Neilson (formerly Queen) street and Schureman street, on the west side of Neilson and north side of Schureman street; thence running north eighty-eight degrees, west two hundred and eleven feet six inches to Hugh Bell's lot; thence north one degree, east along said

Trustee authorized to sell and convey certain lands.

Bell's line one hundred and thirty-four feet ten inches to the Grave Yard; thence north fifty-six degrees, east forty-one feet; thence south twenty-six degrees, east along Doctor Vanderveer's line one hundred and twenty-seven feet to Neilson street aforesaid; thence south five degrees, east along said street sixty-two feet to the place of beginning, the above courses and distances as per survey made June 9th, 1811, (which said lot of land was conveyed to the said Elias Cownover, by the executors of Robert Eastburn, deceased, by deed dated December 17th, 1825, and recorded in Middlesex, Clerk's Office, in Book D. XVIII. of Deeds, folios 175, 176;) also; all that other lot of land adjoining the last described lot, which was devised to Sarah Cownover by her father Lawrence Vanderveer, deceased, and on which the dwelling house partly stands, thirty-four feet front on Neilson street aforesaid, more or less, with the appurtenances thereto belonging, as soon as conveniently may be, for the highest sum the same will bring; and when sold, to make, execute and deliver in his own name, as trustee as aforesaid, a good and sufficient deed or deeds of conveyance for the same; which sale or sales so made, shall entitle the purchaser or purchasers, to all the estate, right, title, interest, property, claim and demand of Samuel Brearley, jr., and Maria his wife, (late Maria C. Conover,) Eliza S. Conover, William L. Conover, Henrietta H. Conover, Catharine Conover, Laurana Conover, Phebe Conover and Sarah Ann Conover.

Trustee to exhibit accounts to Surrogate.

Sec. 2. *And be it enacted*, That the said trustee shall keep a fair account of the sales made by him, under this act, and exhibit under oath or affirmation, such account to the Orphans' Court of the county of Middlesex, to be filed and recorded by the Surrogate of said county, and after paying off and satisfying all legal incumbrances on said premises, and after deducting all legal costs and damages, and commissions to be allowed by the said court, to account to the said Samuel Brearley, jr., and Maria his wife, (late Maria C. Conover) Eliza S. Conover, William L. Conover, Henrietta H. Conover, Catharine Conover, Lauranna Conover, Phebe Conover and Sarah Ann Conover, as they respectively arrive at age, for their respective rights, shares and interests therein.

Trustee to give bond.

Sec. 3. *And be it enacted*, That before the said William L. Conover engages in the trust assigned him by this act, he shall enter into bond to the Governor of this state, in such sum, and with such security, as the Judges of the Orphans' Court of the county of Middlesex, shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the Surrogate's office of the said county.

Passed February 4, 1834.

AN ACT to authorize the conveyance of certain lands therein mentioned.

WHEREAS, Richard Lloyd, formerly sheriff of the county of Monmouth, by his deputy, Joseph Brinley, by virtue of sundry executions in his hands, to wit: one in favor of Henry Remsen v. John Allen, and one in favor of Jacob Croxson and Samuel F. Allen v. John Allen, Stephen Allen and Lewis Allen, issued out of the Court of Common Pleas of said county, did expose to sale, agreeably to law, one certain lot of land, in the township of Howell, in said county, belonging to the aforesaid John Allen, to satisfy said executions, and William W. Croxson being the highest bidder for the same, the said Joseph Brinley, deputy sheriff, as aforesaid, did strike off said lot of land to the aforesaid William W. Croxson; AND WHEREAS, before the delivery of the deed of conveyance of the aforesaid lot of land, the said Richard Lloyd died, by reason whereof, no deed of conveyance can be made, and he is therefore deprived of the use and benefit of the same, although full satisfaction of the purchase money has been made—Therefore,

Preamble.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the commissioners appointed by an act concerning the sureties of Richard Lloyd, late sheriff of the county of Monmouth, passed December ninth, eighteen hundred and twenty-five, or their legal agent, are hereby authorized and empowered to make, execute and deliver unto the said William W. Croxson, a deed of conveyance for the aforesaid lot of land, sold as above mentioned in the preamble to this act, vesting in him as good a title and estate therein as if the said deed had been executed and delivered by the said Richard Lloyd, sheriff as aforesaid; the said William W. Croxson, first producing to said commissioners or agent, good and sufficient receipts and vouchers for the payment of the purchase money thereof.

Commissioners appointed to convey certain lands, &c.

Passed February 5, 1834.

AN ACT to divorce Jane Baxter from her husband Hiram H. Baxter.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Jane Baxter of the county of Essex, be, and she

is hereby divorced from her husband, Hiram H. Baxter, and that the marriage contract heretofore existing between them, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 5, 1834.

AN ACT to authorize the administrator of John Johnson, deceased, to execute a deed of conveyance for certain real estate, in the county of Sussex.

Preamble.

WHEREAS, it appearing to the legislature, that John Johnson, deceased, late of the township of Newton, in the county of Sussex, and state aforesaid, who died intestate, did in his life time, give under his hand and seal, a certain certificate dated May twenty-fourth, A. D. eighteen hundred and fifteen, wherein he acknowledges that Peter B. Shafer was concerned with himself in the purchase of a certain tract of land from William Armstrong and Richard Edsall, commissioners of forfeited estates in and for the county of Sussex, his deed from them, bearing date the same day, situate in the township of Hardwick, containing about eight hundred and eighty-four acres, and that the said Peter B. Shafer did pay one fourth part of the purchase money, and he, the said John Johnson, held in trust for him one equal fourth part of the aforesaid tract to which he was entitled, and that Nathan A. Shafer hath since become, by purchase from Peter B. Shafer, interested jointly with him, and equally of the one equal fourth part as aforesaid, of said land; and that the said John Johnson died without making a deed of conveyance for the same, leaving heirs at law, some of which are incompetent by reason of their minority, to convey the same; **AND WHEREAS**, the administrator, Whitfield S. Johnson, hath requested that he be empowered to make a deed to the said Peter B. Shafer and Nathan A. Shafer, for the equal fourth part of the land aforesaid—**Therefore**,

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Whitfield S. Johnson, administrator of the said John Johnson, deceased, be, and he is hereby authorized and empowered to execute and deliver to the said Peter B. Shafer

Administrator
authorized to
convey certain
lands.

and Nathan A. Shafer, a deed in fee simple, for the equal undivided fourth part of the said tract of land and premises, pursuant to said certificate of said deceased, which deed shall have the same force and effect, as a deed from the said John Johnson, in his life time would have had.

Passed February 6, 1834.

AN ACT to authorize a trustee to sell certain real estate, whereof William Cool, died seized.

WHEREAS, William Cool, late of the township of Montgomery, in the county of Somerset and state of New-Jersey, on the ninth day of June, one thousand eight hundred and twenty-five, departed this life intestate, leaving a widow and five orphan children, to wit: Elizabeth Cool, his widow, Jared L. Cool, Jonathan Cool, Caleb S. Cool, Isaac Cool and Eleanor Cool, of whom two, Jared L. Cool and Jonathan Cool, have arrived at full age, and the other three are still minors, under the care of their mother, Elizabeth Cool; **AND WHEREAS**, the said William Cool, was, at the time of his death, seized in fee simple, of a certain house and lot of ground, situate in the borough of Princeton, in the county aforesaid, and the heirs of the said William Cool, having petitioned the Legislature, that a trustee might be appointed to sell the same for their benefit, and the prayer of the memorialists appearing to be reasonable and proper—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Marshall, be, and he is hereby appointed a trustee, with full power and authority, to sell and convey the said house and lot, and all the real estate belonging to the heirs of the said William Cool, of which he was in possession of at the time of his death, for the highest sum or sums of money the same will bring, and to execute, make and deliver a good conveyance or conveyances in law to the purchaser or purchasers of the same, and such deed or deeds of conveyance, shall vest in the purchaser or purchasers, his or their heirs and assigns forever, all the estate, right, title and interest, which the said William Cool, deceased, had of, in and to the said premises with the appurtenances, at the time of his death.

Trustee authorized to sell lands, &c.

To give bond.

Sec. 2. *And be it enacted,* That before the said William Marshall shall enter upon the trust reposed in him by this act, he shall enter into bond to the Governor of this state, with such surety and in such sum as shall be approved by the judges of the Orphans' Court, of the county of Somerset, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be deposited in the office of the secretary of this state.

To exhibit accounts to surrogate.

Sec. 3. *And be it enacted,* That the said William Marshall, within one year after the sale of said real estate shall be completed, shall exhibit under oath to the surrogate of the said county of Somerset, an exact statement of the amount of sales and the amount he has received for the same, to be by him recorded and filed in his office.

To distribute surplus moneys.

Sec. 4. *And be it enacted,* That the said William Marshall, shall be accountable for all money so received by him, and after paying off all legal claims and liens upon said estate, together with such reasonable charges for his services, as shall be allowed by the Orphans' Court of the county of Somerset, shall distribute the surplus moneys among the said heirs according to law, and the receipt or discharge of the said heirs or their proper guardians, shall be his sufficient vouchers to settle up the said estate in the Orphans' Court aforesaid.

Passed February 6, 1834.

AN ACT to divorce James H. Collins from his wife Eliza Collins,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That James H. Collins, of the county of Gloucester, be, and he is hereby divorced from his wife Eliza Collins, and that the marriage contract heretofore existing between them, the said James H. Collins, and his wife, Eliza Collins, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 6, 1834.

AN ACT constituting an independent battalion in the township of Bergen, in the county of Bergen.

Sec. 1. *Be it enacted by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That an independent uniform battalion be, and the same is hereby formed in the township of Bergen, in the county of Bergen, to be composed of the uniform companies commanded by captains Joseph C. Van Buskirk, John G. Spier, Isaac Seaman, Matthew Conover, of the first regiment, Bergen brigade, and such other uniform companies or troop of horse within the bounds of the said regiment, as may elect to join the said battalion, and which the battalion court of appeals, as hereinafter constituted, may choose to receive into the said battalion, unless such other uniformed companies or troop be prohibited by the brigade board of officers of the Bergen brigade, from being attached to or joining said battalion.

Independent uniform battalion in the township of Bergen, constituted.

Sec. 2. *And be it enacted,* That the said battalion shall meet for exercise, by companies, upon the third Monday in April for company training; by battalion on the third Monday in May; and by battalion for exercise and inspection, on the Friday immediately following the first Monday in June, and once by battalion on such day as the commandant of the battalion shall appoint; and that a written notice thereof, signed by the commandant of the battalion, and posted up in three of the most public places in the battalion, for ten days previous to such parade, shall be deemed legal notice thereof.

Time of meeting for training.

Sec. 3. *And be it enacted,* That the battalion court of appeals shall consist of the commandant of the battalion and the captains; and that the moneys annually collected from fines imposed on delinquents in the said battalion, shall be appropriated to the uses and purposes of the said battalion, under the direction of the said battalion court of appeals, with whom the paymaster shall annually settle his accounts; and the president shall annually make a specific report to the adjutant general of this state, of the manner and purposes for which the said moneys shall be disbursed.

Battalion court of appeals.

Appropriation of fines.

Sec. 4. *And be it enacted,* That the said battalion shall be entitled to all the privileges, and subject to all the penalties, an independent battalion may by the militia law of this state be subjected to.

Privileges and

Passed February 7, 1834.

AN ACT to authorize Elias Ely and Lewis S. Coryell, administrators of the estate of William Biles, deceased, to fulfil a certain verbal contract made by said deceased, with the Delaware and Raritan Canal Company.

Preamble,

WHEREAS, William Biles, late of the township of Amwell, in the county of Hunterdon, in his life time, bargained and sold unto the said Delaware and Raritan Canal Company, all that certain messuage, piece or parcel of land, situated in the said township and county aforesaid, being bounded and described as follows: beginning at a mark on the foundation wall of William Garrison's barn, seven links northerly from the northerly side of the old ferry road at the northeast corner of the tract of land aforesaid, and running thence by lands of said William Garrison and of Dr. John Wilson, south twelve degrees, east four chains and thirty-two links, thence still by lands of Dr. John Wilson, south seventy-eight degrees, west two chains and fifty-eight links across the Feeder of the Delaware and Raritan Canal to the bottom of the outer slope of the towing-path bank thereof, thence up the same by land of William Biles, north twelve and three-quarters degrees, west two chains and twenty-three links, thence by the same, north ten degrees, east fifty-five links, thence by the same, north ten and a quarter degrees, west one chain and fifty-two links, (passing the easterly side of a shed or addition to a house, on the southerly side of the old ferry road aforesaid) across the old ferry road aforesaid to the northerly side thereof, thence along the northerly side of said road by land of James Seabrook, north seventy-eight degrees, east thirty-nine links, to the southeast corner of said Seabrook's land, thence still by the same, north twelve degrees, west seven links, thence by the lands of the said the Delaware and Raritan Canal Company, (late of Mahlon Briggs and of Samuel Blodget) and of William Garrison aforesaid, north seventy-eight degrees, east one chain and ninety-six links to the beginning; containing one acre and eight hundredths of an acre of land: and the said Delaware and Raritan Canal Company were put into the possession thereof, and still occupies the same under said agreement; and the said William Biles, departed this life before any deed was executed for said lands and premises.

Administrators
authorized
convey certain
lands to Dela-
ware and Rari-
tan Canal Com-
pany.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same, That Elias Ely and Lewis S. Coryell, administrators of the estate of the said William Biles, late of the township of Amwell, in the county of Hunterdon, deceased, who died intestate, are hereby authorized and empowered to execute and*

deliver to the said Delaware and Raritan Canal Company, upon the receipt from them of the consideration agreed upon, a deed for said land and premises, pursuant to said contract, between them and said deceased, which deed shall have the same force and effect as a deed from the said William Biles, in his life time, would have had.

Sec. 2. *And be it enacted*, That all such sum or sums of money, as the said administrators, or either of them, shall or ought by virtue of this act to receive, shall be assets in their hands, the same as goods, chattels, moneys, or other personal property which may come to their hands as such administrators as aforesaid, and shall in the same manner as other personal assets of the said deceased, be appropriated and paid, distributed and accounted for.

Distribution of
proceeds of sale.

Passed February 7, 1834.

AN ACT to divorce Ami Lewis from his wife Evelina Lewis.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Ami Lewis, of the county of Sussex, be, and he is hereby divorced from his wife Evelina Lewis, and that the marriage contract heretofore existing between the said Ami Lewis and Evelina Lewis, be, and the same is hereby forever dissolved, as if they had never been joined in matrimony.

Passed February 8, 1834.

AN ACT to incorporate the Morris Canal Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Samuel Swartwout, John V. B. Varick, Samuel R. Brooks, Charles T. Shipman, James B. Murray, Sa-

Style of incorporation.

Powers.

Proviso.

muel C. Jaques, Henry Yates, Billopp B. Seaman, Robert Gilchrist, Samuel Cassedy, John M. Cornelison, Peter M. Ryerson, and their associates, shall be a company of stockholders, for the purpose of purchasing and selling coal, and of transporting persons or passengers, and all manner of things, through or upon the Morris Canal; that the said company shall be, and hereby is incorporated by the name of "The Morris Canal Transportation Company," and so shall remain for the term of twenty years: that during the said term the said company shall have succession, and be capable of suing and being sued, defend and be defended, and shall have a common seal, and may alter the same, and shall have power to make by-laws, not repugnant to the constitution and laws of this state, or of the United States, and from time to time appoint and employ all such officers, agents, clerks, navigators, workmen and servants, as the directors of the said company may think necessary for conducting the business of the said company; that the said corporation shall be capable of purchasing, holding, selling and conveying any real estate, or personal property, *Provided*, that the real estate so purchased and held, shall not exceed in value twenty thousand dollars, and shall be requisite to the end and intent of the corporation hereby created; *And further*, that the said company shall not be permitted to erect on the real estate so purchased, any kind of water works or machinery, so as to require any of the waters of said canal, and shall not use any of the waters of said canal, for any purpose whatever, except navigation.

Amount of capital stock.

Capital may be increased.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall not in the first instance, exceed one hundred thousand dollars, to be divided into shares of one hundred dollars each; but if the board of directors shall, at any time during the existence of this charter, deem it expedient, it shall be lawful for them to increase the capital stock of the company to two hundred thousand dollars, by creating one thousand additional shares, of one hundred dollars each; and the existing stockholders shall have the privilege of taking such additional shares, and in default of their taking the whole of the said shares, it shall be the duty of the board of directors to open books of subscription at the office of the said company, for the whole, or the remaining part of the same, giving not less than three weeks previous notice, in at least two newspapers circulating in this state, of the time and place of opening such books, and the books shall be kept open until the said one thousand shares shall be fully subscribed.

Directors to be chosen.

Sec. 3. *And be it enacted*, That the stock, property and concerns of the said company, shall be managed by seven directors, who shall be stockholders, and that the seven persons herein first above named, shall be the first directors,

and so shall continue until the first Monday of April next, and until others shall be chosen in their stead, according to the provisions of this act; that the said directors herein before named and appointed, shall direct the manner in which subscriptions to the original capital stock of the said company shall be received; that the directors of the said company shall be annually elected by the stockholders, by ballot (each share being entitled to one vote,) on the first Monday of April in each year, and the first election shall be on the first Monday of April next, and the seven persons having the greatest number of votes at such election, shall be directors for the then ensuing year, and until others shall be chosen in their place; *Provided*, That the directors for the time being, shall annually, previously to the day of election, cause three weeks notice to be published in not less than two newspapers circulating in this state, of the time and place of holding such election; that if any vacancy shall happen among the directors in the course of any year, the same may be filled until the next annual election, by the remaining directors, or a majority of them.

Time of election.

Vacancies supplied.

Sec. 4. *And be it enacted*, That nothing herein contained, shall be taken or construed in any wise to alter, change or abridge the charter, or the rights and privileges of the Morris Canal and Banking Company, or to authorize the company hereby created, their officers, agents, navigators or servants, to navigate the said canal, otherwise than conformably to the rules and regulations established, or which hereafter may be established, by the said Morris Canal and Banking Company.

Sec. 5. *And be it enacted*, That no part of the capital stock or moneys of the corporation, shall be used or employed by said company for banking or other purposes not clearly indicated in this act, under the penalty of forfeiting this charter.

Capital not to be employed in banking.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to modify or repeal this act, whenever in their opinion the public good requires it.

Passed February 8, 1834.

AN ACT entitled an act to incorporate the "Lodi Mining Company," in the county of Bergen.

Style of incorporation.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel Rathbone, William B. Johnson, William Harwood, Charles T. Shipman and Pruden Alling, and all other persons who now are or hereafter shall become associated with them as stockholders, be, and they hereby are with their successors and assigns, made, constituted and established, a body politic and corporate, by the name of the "Lodi Mining Company in New-Jersey" for the purpose of mining for, smelting, manufacturing, and rending ore, minerals, earths and metallic substances of every description, in the most advantageous manner; and by that name, they and their assigns and successors shall be, and hereby are, authorized and empowered to purchase, take, hold, occupy and enjoy to them and their successors, any goods, chattels and effects, of whatever kind they may be, also, to purchase, take, hold, occupy, possess and enjoy any such lands, tenements or hereditaments, in the counties of Bergen and Essex, as shall be necessary for the views and purposes of said corporation, not exceeding in the whole, two thousand acres, unless the same be taken in payment of, or as security for debts due the corporation; and the same to sell and dispose of at pleasure; or to take a lease or leases thereof for a term of years; also, to sue and be sued, plead and be impleaded, defend and be defended, answer and be answered unto, in any court of record or elsewhere; and said corporation may have and use a common seal, and may alter the same at their pleasure.

Amount of capital stock.

Sec. 2. *And be it enacted,* That the capital stock of said corporation, shall not exceed the sum of one hundred and thirty thousand dollars; and that a share of said stock shall be one hundred dollars, and shall be deemed and considered personal estate, and be transferable only on the books of said company, in such form as the directors of said company shall prescribe; and said company shall at all times have a lien upon all the stock or property of the members of said corporation, invested therein for all debts due from them and each of them, to said company.

Directors to be chosen,

Sec. 3. *And be it enacted,* That the stock, property and affairs of the corporation, shall be managed by not less than three nor more than seven directors; one of whom they shall appoint their president; who shall hold their offices for one year; which directors shall be stockholders and citizens of the United States, and shall be annually elected, at such time and place as the regulations of said corporation shall pre-

scribe; a majority of the directors shall, on all occasions, constitute a board for the transaction of business; and a majority of the stockholders present at any legal meeting, shall be capable of transacting the business of such meeting, each share entitling the owner thereof to one vote; and Samuel Rathbone, William B. Johnson, William Harwood, Charles T. Shipman and Pruden Alling, shall be the first directors of said corporation.

Sec. 4. *And be it enacted*, That the said president and directors, for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board, by death, resignation or otherwise, for the then current year, and to appoint and employ from time to time, a secretary, treasurer, and such other officers, mechanics and laborers, as they may think proper, for the transaction of the business and concerns of the said company; and also to make and establish such by-laws, rules and regulations, as they shall think expedient for the better management of the concerns of the said corporation, and the same to alter and repeal: *Provided always*, that such by-laws, rules and regulations, be not inconsistent with the laws of this state or the United States; and said directors, shall and may, as often as the interest of the company shall require, and the affairs of the same permit, declare a dividend or dividends of profit on each share, which shall be paid by the treasurer of said company.

Vacancies supplied.

By-laws and rules may be made.

Sec. 5. *And be it enacted*, That if it shall so happen, that an election of directors, should not take place in any year at the annual meeting of the corporation, the said corporation shall not for that reason be dissolved, but such election may be held thereafter, on any convenient day within one year, to be fixed on by the directors, they giving public notice thereof, and in such case the then directors shall hold over until such election takes place.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That the books of said company, containing their accounts, shall at all reasonable times be open for the inspection of any stockholder of said company; and as often as once in each year, a statement of the accounts of said company, shall be made by order of the directors.

Books to be opened to the inspection of stockholders.

Sec. 7. *And be it enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places, as they may think proper, giving such notice thereof as the by-laws and regulations of said company shall prescribe; and in case any stockholder shall neglect or refuse to pay such instalment or instalments, for the term of sixty days after the same shall become due and payable, and after he, she, or they have been notified thereof, in writing, such negligent stockholder or stockholders, shall forfeit to said company, all his, her or their

Stock paid by instalments.

previous instalments; together with all his, her, or their rights and interests whatever, in said stock.

Sec. 8. *And be it enacted*, That for all debts, which may at any time be due from said company, the directors and stockholders thereof, shall be responsible in their private capacity, and the property and estate of said corporation shall also be responsible: *Provided*, that nothing contained in this act, shall be construed to authorize or empower the said corporation to use the funds of said corporation for any banking transactions; *And provided also*, that this grant shall be subject to be altered, amended or repealed, at the pleasure of the legislature of this state; *And provided further*, that said company, within twelve months from the passing of this act, shall lodge a certificate with the clerk of the county of Bergen, containing the amount of capital stock actually paid in and belonging to said company; and the amount of capital stock thus certified, shall not be withdrawn so as to reduce the same below the amount stated in said certificate; and if any part of the capital paid in and certified as aforesaid, shall be withdrawn without the consent of the legislature of this state, the directors ordering, causing or allowing such withdrawal or reduction of capital, shall be liable, jointly and severally, as traders in company, for all debts due or becoming due, subsequent to the reduction or diminution of the capital aforesaid.

Passed February 8, 1834.

Capital not to
employed in
banking.

Act may be al-
tered or repea-
ed.

Capital stock
not to be dimi-
nished.

AN ACT to dissolve the marriage contract between Bloomfield Gaskill and Rebecca his wife.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract between Bloomfield Gaskill, of the township of Springfield, in the county of Burlington, and Rebecca, his wife, be, and the same is hereby dissolved as fully as if they had never been joined in matrimony.

Passed February 10, 1834.

AN ACT to dissolve the marriage contract between Curlis Shinn and Clara his wife.

Sec. I. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between Curlis Shinn, late of the township of Northampton in the county of Burlington, and Clara, his wife, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

Passed February 10, 1834.

AN ACT to incorporate the Steamboat Company of Middletown Point.

WHEREAS, William Little, De La Fayette Schanck, Joseph Ellis, Asbury Fountain, Francis P. Simpson, John A. Vanderbilt, Holmes Van Mater, of the county of Monmouth, and others, have associated themselves together for the purpose of permanently establishing an intercourse between Middletown Point, in said county, and the city of New York, by means of steamboat navigation, whereby a more regular, certain and expeditious mode of conveyance for passengers and produce, will be established, and the public will be greatly accommodated and much benefitted; they have thereupon prayed to be incorporated for the better managing and conducting the business and concerns of the association—Therefore,

Preamble.

Sec. I. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Little, De La Fayette Schanck, Joseph Ellis, Asbury Fountain, Garret P. Conover, Francis P. Simpson, John A. Vanderbilt, Holmes Van Mater, and such other person or persons as are now associated with them, and such other person or persons as shall hereafter become associated with them, for the purpose of establishing a steamboat communication between Middletown Point, in the county of Monmouth, and the city of New-York, and their successors and assigns, be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name of the "Steamboat Company of Middletown Point," and by that name, they and their successors shall have succession, and shall be persons in law, capable of suing and

Objects and style of incorporation.

being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure, and they and their successors by the name of the "Steamboat Company of Middletown Point," shall, in law, be capable of purchasing, holding and conveying any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of the incorporation; the capital to be employed by the said company, for the building or purchase of a wharf and storehouse, and the building and purchase of a steamboat, (and tow boats if found necessary) to ply between Middletown Point, in the county of Monmouth, and the city of New-York; *Provided*, that nothing in this section shall be construed to prevent their taking up and landing passengers, produce, merchandise, or other goods and chattels, at any intermediate point or points.

Powers.

Proviso.

Commissioners to receive subscriptions.

Sec. 2. *And be it enacted*, That Holmes Van Mater, William Little, and Francis P. Simpson, shall be the commissioners for receiving subscriptions to the capital stock of said corporation, notice of the time and place of taking said subscription, having been previously given, by public advertisement, inserted in the Monmouth Enquirer, or in one of the newspapers printed at New Brunswick, for three weeks previous thereto.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the capital stock of the said company, shall be twenty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Stock to be apportioned, if more than amount of capital subscribed.

Sec. 4. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving the notice as directed in the second section of this act; and that the said books shall be kept open as long as they, or a majority of them shall think proper; and if more subscriptions be taken than the amount of capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers, as they may deem expedient and conducive to the object contemplated by the incorporation.

Stock to be paid by instalments.

Sec. 5. *And be it enacted*, That at the time of subscribing for the said stock, ten dollars shall be paid to the above named persons, or one of them, upon each share subscribed for, which money shall be paid into the hands of the treasurer of said company, as soon as one shall be appointed;

and when the capital stock shall be subscribed for, and the books closed, and the apportionment made, it shall be the duty of the persons named in the second section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors, and such election shall be made by ballot, at the said time and place, by such of the stockholders, as shall attend for that purpose, either in person, or by lawful proxy, each share of the capital stock, entitling the holder thereof, to one vote; and the said persons or a majority of them, shall be the inspectors of the first election of the said corporation, and shall certify under their hands, the names of the persons duly elected, and deliver over the said subscription books to the directors; and that annually thereafter, upon the like notice being given by the directors for the time being, the stockholders shall, in like manner, elect the same number of directors, and also the directors for the time being, shall appoint three inspectors of the election, who shall be stockholders, and the first meeting of the directors shall be appointed by the persons mentioned in the second section of this act, or a majority of them; and the directors chosen at any of the elections shall be the citizens of this state, and as soon as may be after every election, choose out of their own number, a president, and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies, may be filled for the remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, shall and may appoint a president pro tempore, who shall have such power and perform such duties as the by-laws of the said corporation shall provide and enjoin.

Directors to be chosen.

President to be appointed.

Vacancies supplied.

Sec. 6. *And be it enacted,* That if an election of directors should not be made during the day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time within six months after, on notice as aforesaid, and the directors for the time being, shall continue to hold their offices until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted,* That the directors, or a majority of them, shall be competent to transact all the business of the said corporation, and they shall have power to call in the remainder of the capital stock of the said company, by instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct, by giving three weeks notice, published in the newspaper printed in the county of Monmouth, or in one printed at New-Brunswick; and in case of the non-payment of the said instalments,

Duties of directors.

Previous instal-
ments forfeited
on failure to pay.

or any one of them, to forfeit the share or shares, upon which such default shall arise, to and for the use of the said corporation; and the said directors, or a majority of them, shall make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property and effects of the said corporation, and shall also have power to appoint a secretary, treasurer, agents, superintendents, and such servants as may be required to transact the business of said corporation, and allow such compensation to the president and other officers and servants, as to them shall seem proper, and they shall exact from the treasurer, sufficient security for the due performance of his trust, and whenever any share or shares of stock shall become forfeited for non-payment of the instalments of any part thereof, in the manner set forth, the forfeited share or shares may be sold by the president and directors, for the time being, for such prices as can be had for them, and the purchaser or purchasers shall be deemed and considered as members of the company, as fully as if they had been originally stockholders.

Office of direc-
tor to be vacat-
ed on transfer of
shares.

Sec. 8. *And be it enacted*, That in case either of the directors shall transfer the whole of his or their shares of stock in this company, the office of such director or directors shall thereupon become vacated, and in case of vacancy in the office of a director for such cause, the remaining directors shall supply the same, and the directors so chosen shall have the same power and perform the same duties, and be in all respects the same as if elected by the stockholders.

Directors to re-
gulate prices of
transportation.

Sec. 9. *And be it enacted*, That the directors of the said corporation shall have power to fix and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, carriages, horses, cattle, and stock of every description that may be transported in boats belonging to said corporation, and declare dividends, retaining such surplus funds as they may deem proper, and do other acts necessary or expedient to enable them to manage the property of the said corporation to the best advantage.

When company
may commence
operations.

Sec. 10. *And be it enacted*, That as soon as four thousand dollars of the capital stock of the said corporation shall be paid in conformably to the provisions of this act, the said corporation may proceed to put in operation the contemplated intercourse, by means of steamboat navigation, and to the accomplishment of all the objects for which this corporation was granted.

Penalty for ob-
structing the free
use of the wharf.

Sec. 11. *And be it enacted*, That the dock or wharf, rented or owned and occupied by the said corporation, shall be for the exclusive use of the said corporation, and that no person shall use, occupy, or obstruct the free use of the same, by the said corporation, without special permission of the direc-

tors, or the agent appointed to superintend the same, and any person so offending, shall forfeit and pay for the use of the corporation, the sum of twenty-five dollars, to be recovered by an action of debt in any court having competent jurisdiction of the same; and shall also be liable to pay to said corporation the amount of damages sustained thereby, to be sued for in an action of trespass.

Sec. 12. *And be it enacted*, That no part of the capital stock or moneys of the corporation shall be used or employed by said company, for banking or other purposes, not clearly indicated in this act, under the penalty of forfeiting this charter.

Capital not to be employed in banking.

Sec. 13. *And be it enacted*, That this act shall continue to be in force during the term of twenty years, from the passage thereof; *Provided*, that it shall be lawful for the Council and General Assembly, at any time hereafter, to amend, repeal, or modify this act.

Limitation of act.

Act may be altered or repealed.

Passed February 11, 1834.

AN ACT to divorce Jacob Godfrey, from his wife Phebe Godfrey.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Jacob Godfrey, of the county of Gloucester, be, and he is hereby divorced from his wife Phebe Godfrey, and that the marriage contract heretofore existing between them, the said Jacob Godfrey, and his wife, Phebe Godfrey, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony; *Provided nevertheless*, that the issue of the said marriage shall not be deemed illegitimate.

Passed February 11, 1834.

AN ACT to divorce Catharine Bunnell, from her husband
Ruben T. Bunnell.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Catharine Bunnell, of Sussex, be, and is hereby divorced from her husband, Ruben T. Bunnell, and that the marriage contract heretofore existing between them, the said Catharine Bunnell and Ruben T. Bunnell, her husband, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 11, 1834.

AN ACT to enable the owners of a certain swamp and low lands, near Abraham P. Bogart's at Maucapin, township of Pompton, in the county of Bergen, to open the outlet, and drain the same.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of all that tract of swamp and low land, lying at Maucapin, in the township of Pompton, county of Bergen, containing one hundred acres, and belonging to Abraham P. Bogart, Robert Merian, Samuel Hennion, John P. Shulster, Dominick Merian, Gilbert Smith, and George Tintle, to improve the same by ditching or draining, as may, in the judgment of the managers hereinafter named, appear necessary and proper.

Authorized to
drain swamp.

Managers ap-
pointed.

Sec. 2. *And be it enacted,* That Joseph Board, David H. Reaves, Esq. and Capt. Isaac Smith, be managers, and continue in office till others shall be chosen in their stead, by the owners of said lands or swamps, whose duty it shall be, as soon as practicable, to view and fix the line or boundaries of the said ditch or drain by actual survey, and determine where the line of said ditch shall be, commencing near a bridge called Sanders' bridge, west of Abraham P. Bogart's dwelling, running northerly to a meadow belonging to Abraham P. Bogart and Ralph Bogart; thence northeasterly to the Maucapin road, crossing it; thence southerly over lands of said

Bogart, Robert Merian, Samuel Hennion, Gilbert Smith, John P. Shulster, Charles Merian, Dominick Merrian, Jacob Struble, George Tintle, to the main road near said Tintle's house, and to intersect the Maucapin road near Gilbert Smith's; and also by actual survey, or otherwise to ascertain the boundaries of such lands, as may, in their judgment, be benefitted by the said ditching; and said boundaries so made, and the number of acres belonging to each owner, shall be fairly entered in a book by them kept for that purpose, and shall not be altered, except at an annual meeting of the said owners.

Sec. 3. *And be it enacted*, That the first annual meeting shall be held at the house of Gilbert Smith, in the township of Pompton, near said premises, on the first Monday of May, next ensuing, and on the first Monday of May annually thereafter, at such place as shall have been agreed upon at a previous annual meeting, by a majority of the owners, at which time and place, the owners and possessors aforesaid, shall between the hours of one and five o'clock in the afternoon, proceed to elect three managers, each owner having one vote, and one additional vote for every fifty dollars worth of said meadow, who shall determine the amount of money to be raised for the expenses for the year, and to fix the rate of labor per day, and compensation of the managers, all which shall be regularly entered, in the book aforesaid, and which entry shall be evidence of the proceedings of said annual meeting and their managers.

Time and mode of electing managers.

Mode of voting.

Sec. 4. *And be it enacted*, That the managers elected as aforesaid, shall assess the sums agreed upon to be raised at the annual or other meeting, or ordered by the managers on the lands embraced in said boundaries, or such as are benefitted by said ditch or drain, in proportion to the value and benefit, in their judgment, the lands will receive, and to fix the time for opening said ditch or drain, and to superintend and direct the same, to receive and appropriate all moneys and labor, at their discretion, for effectually draining said swamp or low lands, and may enter upon the said land, cut, and remove timber and wood necessary for the purpose of effectually making said ditch or drain.

Managers to assess the expense of draining, upon the owners.

Sec. 5. *And be it enacted*, That the owners and possessors of the land aforesaid, shall be privileged to work out their assessment at the rate agreed upon as a compensation for their labor, at a previous annual meeting, or by the managers: *Provided*, such owner or owners, possessor or possessors, shall, at or within ten days after an annual meeting, give notice to any one of the acting managers of their intention so to do, in which case, it shall be the duty of the managers to notify them personally, or to cause a notice in writing, to be left at their usual place of abode, stating the amount of their assessment, and the time and place agreed upon for working at the

Owners may work out their assessment.

aforesaid ditch or drain, giving at least five days notice thereof, and if any such owner or owners, possessor or possessors, shall neglect to work in pursuance of such notice, of which evidence may be given by the person making it, whether a manager or not, then, and in such case, he or they so neglecting, shall be liable to pay the amount of their assessment in money to the said managers.

Notice of amount of assessment to be given to owners, &c.

Sec. 6. *And be it enacted*, That it shall be the duty of the managers, where any owner or owners, possessor or possessors, shall not give notice, as aforesaid, of their election to work out their assessment, to notify them, either personally or by causing a written notice to be left at their usual place of abode, of which, evidence may be given by the person giving such notice, whether a manager or not, stating the amount of their respective assessments, demanding the same, and in case such owner or owners, possessor or possessors, shall refuse or neglect to pay the same for the space of thirty days thereafter, it shall and may be lawful for the managers elected, to sue for and recover the same in their own name, from each and every individual so neglecting, as aforesaid, before any court of competent jurisdiction, with costs of suit, to be applied for the aforesaid purposes.

Timber &c. on lands, when owner is not known, to be sold for expenses.

Sec. 7. *And be it enacted*, That if in designating the several lots of land within the boundaries aforesaid, there should be any other owners who are not known or cannot be found, then, and in such case, it shall be the duty of the managers, from time to time, to assess the same as other such lands are assessed, within the boundaries aforesaid, and to enter upon and sell off so much of the wood and timber, and herbage there standing or growing, as may be necessary to pay the said assessment, having first given notice of such sale at least three weeks, by advertisements put up in three of the most public places in the neighborhood where the land lies; and it shall and may be lawful for any person purchasing as aforesaid, to enter upon the said land, and cut and remove any such timber, wood, or herbage, as is particularly designated in said sale.

Managers to account annually.

Sec. 8. *And be it enacted*, That the managers shall annually account to the owners for all moneys, or assessments of labor which have come into their hands, or been apportioned by them, and pay over all balances remaining in their hands, if any, and deliver over the books and papers of every description pertaining to the aforesaid trust, immediately upon their going out of office, to their successors, under the penalty of one hundred dollars, on the default, to be sued for and recovered by the successors in office, with costs of suit, and to be applied, when recovered, to the purpose of clearing out said ditch or drain.

Passed February 11, 1834.

**AN ACT to divorce Sarah C. Gulick from her husband
Abraham Gulick.**

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Sarah C. Gulick, of the county of Middlesex, be, and she is hereby divorced from her husband, Abraham Gulick, and that the marriage contract heretofore existing between them, the said Sarah C. Gulick, and Abraham Gulick, her husband, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 11, 1834.

AN ACT to incorporate the Bridgeton and Centreville Railroad and Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That David Reeves, Isaac Johnson, William Loper, George W. Janvier, Jeremiah Stull, James Hood, jun., Samuel Porch, David Vanmater, and their associates, shall be, and are hereby constituted a body politic and corporate, in law, by the name of "The Bridgeton and Centreville Railroad and Transportation Company," and by that name, they and their successors shall be known in law, and have power to sue and be sued, defend and be defended in all courts of law and equity whatever, and by that name shall be capable of purchasing or otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate; shall have perpetual succession, and may have a common seal, and the same to alter or renew at pleasure; and have, exercise, use and enjoy all the rights, powers, privileges, benefits and immunities that pertain to other corporate bodies, and which may be necessary for the purposes of this act.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the capital stock of the said corporation shall be thirty thousand dollars, with liberty to the said corporation, to increase the same to fifty thousand dollars, if necessary, and shall be divided into shares of twenty-five dollars each, which shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation shall direct.

Amount of capital stock.

Commissioners
to receive sub-
scriptions.

Sec. 3. *And be it enacted*, That David Reeves and Fayette Pierson, of Cumberland, Thomas Whitaker and Isaac Johnson, of Salem, and William Porch, of Gloucester, be, and they are hereby appointed commissioners to receive subscriptions for the capital stock of said corporation, and they, or a majority of them, are hereby authorized, for that purpose, to open books of subscription, at such times and places as they, or a majority of them, shall appoint, giving twenty days notice of such times and places, in a newspaper of each of the counties of Cumberland, Salem and Gloucester, and at such times and places so fixed, the said commissioners, or any three of them, shall attend and receive subscriptions to the said capital stock; and if more shall be subscribed than by this act is authorized, the said commissioners, or a majority of them, shall apportion the same as to them shall seem fair, equitable and just; and at the time of subscribing for said stock, five dollars on each share subscribed, shall be paid to the said commissioners, in gold or silver coin, or legal and current bank notes, and the residue thereof may be called in, and shall be paid at such times, and in such amounts, by instalments, as is, by this act hereinafter directed; and the said commissioners may meet from time to time, until the whole stock be subscribed.

Time and mode
of choosing di-
rectors.

Sec. 4. *And be it enacted*, That whenever there shall be six hundred shares of the said stock subscribed, and three thousand dollars paid in as above directed, the said commissioners, or a majority thereof, shall give public notice for twenty days, in one or more newspapers of this state, nearest the location of said road, of a meeting of the subscribers to said stock, for the purpose of choosing directors, and organizing the said company; and of which said election the said commissioners shall be the judges, which subscribers, when so met, shall proceed to elect, by ballot, from among the subscribers or stockholders, seven directors, who shall be citizens and residents of this state, and hold their offices for one year, and until others are elected, and each stockholder, at such election, and at all future elections of said corporation, shall have one vote for each share, he, she or they, shall own at the time of such election, not exceeding twenty shares, and for every five shares above twenty, one vote, and that such stockholder or stockholders may vote at any election by proxy, duly authorized for that purpose.

President to be
chosen.

Sec. 5. *And be it enacted*, That the said board of directors, so to be chosen as aforesaid, shall and may elect out of their own body, or from among the stockholders, a president, and such other officers, with such salaries as they may deem proper, and shall and may employ such artificers, engineers, agents, laborers and workmen, for the purpose aforesaid, with such compensation as shall appear to the said directors, rea-

sonable and just; and shall and may make, ordain and establish such by-laws and regulations for their own government, and that of the persons by them employed, as shall and may from time to time be necessary to effectuate this charter, and a majority of the said board, shall, at all times, be a quorum for the transaction of business, and may have power to call in the remainder of the capital stock of said corporation, by instalments, not exceeding ten dollars each, by giving thirty days notice of such required instalments, in one or more newspapers, circulating, generally, in the neighborhood where such stockholders reside; and if any stockholder shall neglect or refuse, for twenty days after such instalment is due, to pay the same, he, she, or they, so neglecting or refusing, shall forfeit their stock and all payments made thereon; and the said board of directors shall, and may, require from their treasurer, such security as to them shall seem just; *Provided always*, that no by-law or regulation of said company, shall be inconsistent with or repugnant to the laws of this state, or of the United States, or this charter.

Instalments forfeited on failure to pay.

Proviso.

Sec. 6. *And be it enacted*, That when the said board of directors are so elected and chosen, the said commissioners are hereby authorized and required, to pay over to the said board of directors, or to such person as they, or a majority of them shall direct, all money which they have received for the subscription to said capital stock, first deducting therefrom all expenses to which they have been exposed, for books, printing, or other expenditures, and the sum of one dollar per day, for each and every day they shall have been employed in the duties of their appointment; and the directors so chosen, and their successors, shall annually thereafter, cause an election to be held at such time and place, as their by-laws shall direct, for directors of the said corporation; and such directors so annually chosen, shall in like manner, have power to elect their president and other officers, agents, engineers, workmen and artificers; as is by the fifth section of this charter herein before provided; and shall and may have the power at all times, to remove their officers and other persons so appointed, and appoint others in their stead, if the interests of the company shall require it, and also have power to fill all vacancies in the offices of said corporation, which may or shall happen, from death, resignation, or otherwise.

Commissioners to pay over moneys received to directors.

Annual election of directors.

Sec. 7. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day, or at the time, when pursuant to this act it ought to be made, the said corporation shall not for that cause, be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 8. *And be it enacted*, That the said president and directors of the said company, are hereby authorized and invested, with all the right and powers necessary and expedient to survey, lay out, and construct a railroad, to commence at or near the termination of Point street, in the town of Bridgeton, Cumberland county, at Cohansey creek, and to run thence by the most eligible route to Carlsburg, in said county of Cumberland, about three miles, passing through said village, and thence still by the most eligible route on the west side of a certain public road of four rods wide, from Carlsburg to Centreville, in the county of Salem; thence by the most eligible route to or near Little Ease Mills, in the county of Gloucester, making the whole distance about sixteen miles; with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling or laying out the route or routes of such road, and of locating the same, and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private property; and when the route of such road shall have been agreed upon, and filed in the office of the secretary of this state, then it shall be lawful for the said company by its officers, agents, engineers, superintendents, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary to call into full effect, the objects of this charter: *Provided always*, That the said corporation shall pay or make tender of payment, of all damages for the occupancy of the lands, through which the said railroad may be laid out, before the said company, or any person in their employ, shall enter upon, or break ground in the premises, except for the purpose of surveying said route, unless the consent of the owner or owners of such land be first had and obtained.

Company may
enter upon
lands, &c.

Proceedings
when the com-
pany and owners
of lands cannot
agree upon their
value.

Commissioners
appointed to ap-
praise the value
of lands.

Sec. 9. *And be it enacted*, That if the owners of the land on which such railroad shall be made, shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the Inferior Court of Common Pleas of the county, in which the said disputed land shall lie, who is disinterested in the premises, upon the application of either party, and after notice to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county, to assess the price or value of said land, who shall be sworn before said judge, faithfully to execute the duties of such appointment, and after notice to both parties, of the time and place, shall meet,

view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded and described, in writing under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him, relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the Inferior Court of Common Pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with notice to the opposite party of such appeal, which proceeding shall vest in the said Court of Common Pleas, full right and power to hear and adjudge the same, and if required, they shall award a venire in the common form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said land and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given with costs against the said company, and execution issue if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same, or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs if any, the said corporation shall be deemed to be seized and possessed, in fee simple, of all such land and real estate so appraised as aforesaid.

Appeal may be had to the Court of Common Pleas.

A venire may be awarded.

By whom cost to be paid.

Sec. 10. *And be it enacted*, That in case any owner or owners, of such land or real estate, shall be feme covert, under age, non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of the said corporation, to pay the amount of any award or report so made in behalf of any such person, into the Court of Chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners, all of which said proceedings as well under this as the last section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for, and the said judge shall, and may order and direct the amount of the costs and charges of such valuation, appraisement, and witnesses' fees.

When amount of award of commissioners to be paid into Chancery.

Bridges to be constructed when other roads cross the railroad.

Sec. 11. *And be it enacted*, That it shall be the duty of the said company, to construct and keep in repair, good and sufficient bridges or passages, over or under the said railroad, where any public or private road shall cross the same; so that the passage of carriages, horses and cattle, over the said road shall not be impeded thereby, and also, where the said road shall intersect any farm or other lands, of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that the same may be passed; and likewise to make and maintain good and lawful fences along the line of said road, where the same may be necessary.

Company may construct vehicles for transportation of passengers and merchandise.

Rate of tolls.

Sec. 12. *And be it enacted*, That the president and directors of the said company, shall have power at their discretion to have constructed or to purchase with the funds of the company, and to place on the railroad by them constructed, all machines, engines, wagons, carriages or vehicles, for the transportation of persons or any species of property thereon, as they may think expedient and right; *Provided*, they shall not charge more than at the rate of ten cents per mile per ton, for the transportation of property on said road, not particularly specified in this act, five cents per mile for each passenger in the carriages of the company, ten cents per cord per mile for wood, ten cents per thousand feet for lumber per mile, and one eighth of a cent per mile per bushel for grain, and that the said railroad and appendages, carriages, engines, tools, implements, and all other property, real and personal, by the said company, had, held, used, occupied and enjoyed, and necessary and proper for the use of the said company, shall be, and the same is hereby vested in the said corporation, and their successors and assigns, during the continuance of this act.

When the railroad may be commenced.

Time limited for completion.

Proviso.

Sec. 13. *And be it enacted*, That the president and directors of the said company, may, whenever the sum of six thousand dollars is paid in, according to this act, commence the said railroad at Bridgeton aforesaid, and shall complete the same to Centreville; in the county of Salem; and if the whole of the capital stock shall be subscribed, they are then authorized and required to continue the said railroad to Little Ease Mills, in the county of Gloucester, according to the direction of the seventh section of this act; and if the said road shall not be finished to Centreville, within ten years, or finished the whole distance within fifteen years, then the rights of the said corporation as to the part of such road unfinished, shall wholly cease and be void; *Provided*, that nothing in this act contained, shall prevent the said corporation from the full use, privilege and enjoyment of such part of said road, as shall within the said period be finished and completed.

Sec. 14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of the said

railroad, or any part thereof, constructed by the said corporation, under the provisions of this act, or any of their works, wharves, carriages, houses, bridges, engines, machines, implements or tools, such person so offending shall forfeit and pay to the said company, the sum of twenty dollars, to be by them recovered in any court, having competent jurisdiction, in an action of debt, and shall be also liable for damages.

Penalty for injuring the road or property of the company.

Sec. 15. *And be it enacted*, That the president and directors of the said corporation, shall within one year after the full completion and use of seven miles of the said road, declare and make such dividends out of the clear profits of the said railroad as they may deem prudent, and shall in like manner semi-annually thereafter, declare such dividends, and pay the same to the stockholders or their legal representatives, in proportion to the shares held by them respectively, as they may deem prudent; *Provided*, that the said corporation shall not at any time make, declare, or pay out any dividends of the capital stock of said corporation.

When dividends to be made.

Proviso.

Sec. 16. *And be it enacted*, That the road authorized by this act, be, and the same is hereby declared a public highway, and shall be free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls by this act allowed, and where the carriages, that so pass said road, are owned by other persons than the company, the following rates of toll shall be paid to said company; five cents per mile per ton, for the transportation of property (not herein specified;) five cents per thousand feet per mile, for lumber; five cents per mile for each cord of wood; one sixteenth of a cent per mile per bushel, for all kinds of grain; two and a half cents per mile for each passenger, and two cents per mile for each empty carriage, car or other vehicle, and the same for each horse, mare, gelding or mule; *Provided*, that the said carriage so used thereon, shall be of the same description in the formation of the wheels and length of axle as those used by the company, and shall be so regulated as to the time of starting and rates of travelling as not to interfere with the carriages of the company, or with any regulations they may adopt under the provisions of this act; and the persons travelling on said road, shall, at all times be subject to the rules of said corporation.

Tolls to be paid when carriages are not owned by company.

Proviso.

Sec. 17. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished and completed, the president and treasurer of said company, under oath or affirmation, shall file a statement in the office of the secretary of state, of the actual cost of said road, including all expenses, and annually thereafter, the president and treasurer of said company shall make a statement to the legislature of this state, under like oath or affirmation, of the proceeds of said road, until the net income of said road shall amount to ten

Statement of the cost of the road, to be filed in the office of secretary of state.

per cent. per annum, upon the amount of such cost and expenses, and as soon as the net proceeds of said road shall amount to ten per centum per annum upon its whole cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum per annum on the cost of said road, to be paid annually, on the first Monday of January, in each year; *Provided*, that no other tax shall be imposed upon the said road.

Capital not to
employed in
banking.

Sec. 18. *And be it enacted*, That the said corporation shall not in any manner or form, use, or employ any part of their stock, funds, or other estate, in banking operations, upon penalty of the immediate forfeiture of this charter.

Limitation of
act.

Sec. 19. *And be it enacted*, That this act shall continue in force for the term of twenty-five years, and shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatever; and the legislature may, at any time, have power to alter, modify, or amend this act as they shall see proper.

Act may be al-
tered or repeal-
ed.

Passed February 11, 1834.

AN ACT to divorce Catharine Pearce from her husband Edward Pearce.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Catharine Pearce, of the county of Gloucester, be, and she is hereby divorced from her husband Edward Pearce, and that the marriage contract heretofore existing between them, the said Edward Pearce and his wife, Catharine Pearce, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 12, 1834.

AN ACT to divorce John Citler Witts from his wife, Elizabeth Witts.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Citler Witts, of the county of Warren, be,

and he is hereby divorced from his wife, Elizabeth Witts, and that the marriage contract heretofore existing between them the said John Citler Witts, and Elizabeth Witts, be, and the same is hereby dissolved, as if they had never been joined in matrimony.

Passed February 13, 1834.

AN ACT for the relief of John Z. Drake.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state, for the time being, shall, and he is hereby authorized and required, half yearly to pay to John Z. Drake, a soldier in the service of the United States, in the revolutionary war, or to his order, at the rate of sixty dollars by the year, from the passing of this act, during the life time of the said John Z. Drake; and the receipt of the said John Z. Drake, or his order, shall be a sufficient voucher to the treasurer, for such sums as may be paid by virtue of this act in the settlement of his accounts.

Sec. 2. *And be it enacted,* That if the Congress of the United States shall hereafter provide for the remaining soldiers of the revolution, not now provided for, and the said John Z. Drake, be provided for thereby, that this act shall cease and become void, and the payment of the pension hereby granted, shall be discontinued, from the time of the commencement of his pension from the United States.

Passed February 13, 1834.

AN ACT to divorce Mary Bevens, from her husband Samuel Bevens.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Mary Bevens, be, and she is hereby di-

vorced from her husband, Samuel Bevens, and that the marriage contract, heretofore existing between the said Samuel Bevens, and Mary Bevens, be, and the same is hereby forever dissolved.

Sec. 2. *And be it enacted*, That the issue of the said marriage, be, and they are hereby committed to the protection and guardianship of Mary Bevens, their said mother, until they attain the age of twenty-one years, or until other guardians be lawfully appointed in her place.

Passed February 13, 1834.

AN ACT to authorize Isaac Crater and Neiser W. Weise, Administrators of Philip Crater, junior, deceased, to fulfil a contract for the sale of a tract of land, made by the said Philip Crater, junior, deceased, with Andrew B. Stout.

Preamble.

WHEREAS, it appears, that Philip Crater, junior, late of the county of Morris, deceased, did, in his life-time, contract and sell, by a certain written agreement, to Andrew B. Stout, a certain tract of land and premises, situate in the township of Tewksbury, in the county of Hunterdon, containing about two hundred and nineteen acres or thereabouts, and bounded by lands of William Youngs, John C. Salter and others, and now in the possession of the said Andrew B. Stout, and that a part of the purchase money has been paid by the said Andrew B. Stout, to the said Philip Crater, jun., in his life-time, and that a second part thereof is to be paid on the first day of April, in the year of our Lord, one thousand eight hundred and thirty-four, at which time, according to the terms of the agreement, a deed of conveyance was to have been made to the said Andrew B. Stout; all which appearing just and reasonable—Therefore,

Administrators
empowered to
convey lands.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said Isaac Crater and Neiser W. Weise, administrators of Philip Crater, jun. deceased, or the survivors of them, be, and they are hereby authorized and empowered, to make a deed of conveyance unto the said Andrew B. Stout, and to his heirs and assigns, for a certain tract of land in the township of Tewksbury, in the county of Hun-

terdon, containing two hundred and nineteen acres, or thereabouts, now in the possession of the said Andrew B. Stout, and which the said Philip Crater, jun., by a certain agreement in writing, in his life-time, agreed to convey unto the said Andrew B. Stout, which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said tract of land, as if the same had been made and executed by the said Philip Crater, jun., in his life-time.

Sec. 2. *And be it enacted*, That the said administrators be authorized and empowered to take a mortgage upon the said tract of land, for so much of the consideration money as may be due and owing, after the second payment shall have been made by the said Andrew B. Stout, and to do, and perform all other acts and covenants in the said agreement specified, in as good and effectual a manner as the said Philip Crater, jun., had he survived, could have done. To take mortgage.

Sec. 3. *And be it enacted*, That before the said Isaac Crater, and Neiser W. Weise, engage in the trust assigned them by this act, they shall enter into bond, to the governor of this state, in such sum and with such security, as the judges of the Orphans' Court of the county of Morris, shall approve, conditioned for the faithful performance of the said trust, which bond shall be deposited in the surrogate's office of said county. To give bond.

Passed February 13, 1834.

AN ACT to authorize Aaron Gulick, Esquire, to execute a certain contract, entered into by John H. Vanderhoof, in his life time.

WHEREAS, John H. Vanderhoof, deceased, late of the township of South Amboy, in the county of Middlesex, in his life time, entered into an agreement with John H. Disborough, of the township and county aforesaid, to convey to him the one undivided moiety or half part of a certain lot of land, situate in the village of Spotswood, in the township of South Amboy, and county aforesaid, adjoining the land of the Dutch Reformed Church, the Monolopen river, the land of the late Kenneth A. Conover, deceased, and of the South Amboy and Bordentown Turnpike Company, for and in consideration of the sum of eighty dollars; AND WHEREAS, the said John H. Vanderhoof, in his life time, did Preamble.

receive of the said John H. Disborough, the sum of fifty dollars in payment of the said consideration, and did cause a deed of conveyance to be drawn to convey the said lot of land to the said John H. Disborough, but by his sudden death was prevented from executing the same; AND WHEREAS, Alice Vanderhoof, the wife of the said John H. Vanderhoof, hath, by her petition, prayed that a law may be passed to authorize Aaron Gulick, Esquire, of the township of South Amboy, and county aforesaid, to complete the said contract of her said husband, and after deducting his reasonable expenses, to pay over the residue of the said purchase to her, for her own and her children's use; AND WHEREAS, the said John H. Vanderhoof, departed this life without making any last will or testament, and without leaving sufficient estate to induce any administration to be taken thereon, or to defray the expenses thereof, leaving his said wife Alice Vanderhoof, and two minor children—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Aaron Gulick, Esquire, of the township of South Amboy, in the county of Middlesex, be, and he is hereby authorized to execute and deliver to the said John H. Disborough, a deed for the above mentioned lot of land, according to the terms of the said agreement, and that the said deed of the said Aaron Gulick, shall have the same force and effect as if the same had been executed by the said John H. Vanderhoof, in his life time; and the moneys received by the said Aaron, on account of the said sale or conveyance of the said lot of land, be paid to the said Alice Vanderhoof, for the benefit of the said Alice and the children of the said John H. Vanderhoof.

Passed February 13, 1834.

AN ACT to extend an act entitled "An act to incorporate a bank at Paterson," passed the sixteenth day of February, eighteen hundred and fifteen.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the act entitled "An act to incorporate a bank at Paterson," passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and fifteen, be, and

Authorized to
convey lot of
land.

Charter of Pa-
terson bank ex-
tended.

the same is hereby extended and declared to be continued until the sixteenth day of February, in the year of our Lord one thousand eight hundred and forty-two, and from thence to the end of the next session of the legislature, and no longer; *Provided*, that the said bank shall not resume banking operations, unless the stockholders shall actually and bona fide pay in, in addition to the capital now on hand, at least seventy-five thousand dollars, in specie or notes of the bank of the United States, or notes of the banks of this state, or of the city of New-York, which pay their notes in specie on demand; and said bank shall not issue any notes or bills, until an affidavit by the president and cashier, shall have been made and filed in the office of the secretary of state, to that effect, and that the legislature may at any time hereafter, for good cause, alter, amend or repeal this act.

Seventy five thousand dollars additional capital to be first paid in.

Act may be altered or repealed.

Passed February 14, 1834.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate a company, to extend the Paterson and Hamburgh Turnpike to the Hudson river," passed February sixteenth, one thousand eight hundred and sixteen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the time for completing the road and bridges of the said company shall be, and the same is hereby extended to the eighteenth day of February, in the year of our Lord one thousand eight hundred and forty.

Passed February 15, 1834.

AN ACT to incorporate the Plainfield Mutual Assurance Fire Company, of Plainfield, Essex county.

WHEREAS, Jacob Manning, Nathan Vail, Randolph Dunham, Joseph D. Shotwell, James Leonard, and others, inha-

Preamble.

bitants of the counties of Essex and Middlesex, have, by their petition to the Legislature, set forth the great advantages that would result from an act of incorporation, enabling them and others, their associates, to insure their buildings and other property, against loss or damage by fire; and it appearing to the Legislature that the prayer of the petitioners is reasonable, and ought to be granted—Therefore,

Style and object of incorporation.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said Jacob Manning, Nathan Vail, Randolph Dunham, Joseph D. Shotwell, James Leonard, and others their associates, successors and assigns, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Plainfield Mutual Assurance Fire Company;" the office thereof to be located in the village of Plainfield; and by that name they and their successors, shall and may have succession, during the continuance of this act; and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of "The Plainfield Mutual Assurance Fire Company," shall be, in law, capable of purchasing, holding, and conveying, any estate, real or personal, for the use of the said corporation; *Provided*, that the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet, and to transact the business of the said corporation, or such as shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation, as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be, and remain in the mortgagors, their heirs or assigns, the said corporation shall be bound to sell and dispose of the same respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of the said five years.

Proviso.

Corporation not to be engaged in traffic or buying or selling stocks.

SEC. 2. *And be it enacted*, That the said corporation shall not, directly, or indirectly, deal, or trade in buying or selling any goods or commodities whatsoever, or in buying or selling

any stock, created by any act of the Congress of the United States, or any individual state, unless by purchasing for the purpose of investing its capital stock, or any part thereof in the same, and in selling the goods and commodities and stock so purchased, or when such stock shall have been duly pledged to it by way of security of debts to the corporation, or for the payment of their deposits.

Sec. 3. *And be it enacted*, That it shall not be lawful for the president, or a director of any other Insurance Company, engaged in insuring houses, stores, and personal property, against loss by fire, to be president or director of the company incorporated by this act.

President or director of any other insurance company disqualified from office.

Sec. 4. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by fifteen directors, all of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, to hold their offices for one year, and until others are chosen to fill their places; and that the election for directors shall be held on the second Monday in March, in every year, between the hours of ten in the forenoon, and six in the afternoon, at such place as the majority of directors for the time being shall appoint, and public notice shall be given by the secretary, by advertisements, set up in four of the most public places within the bounds of the said corporation, at least ten days previous to the time of holding said election; and if any of the said directors shall die, or refuse to serve, or neglect to act in their said office, for and during the space of six months successively, then, and in every such case, another director shall and may be chosen in the place of said director so dying, refusing, or neglecting to act as aforesaid, by a majority of the directors, or such of them as shall be present at their next meeting of the corporation, after such vacancy shall happen, which person so appointed, shall be a director until the next general election; and in case it should happen that an election of directors should not be held on any day, when pursuant to this act it ought to have been held, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful on any other day, to hold an election of directors in such manner as the by-laws of the said corporation shall have prescribed; and until an election of directors shall be had according to the provisions of this section, the following persons shall be directors, namely, Jacob Manning, Randolph Dunham, Nathan Vail, James Leonard, Robert Anderson, Zachariah Webster, Randolph M. Stelle, Joseph D. Shotwell, Alexander Wilson, David Dunn, Daniel C. Shotwell, Daniel Shotwell, Noah Drake, Laing Webster, and Elisha Runyon.

Time and mode of choosing directors.

First directors.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure houses, stores and other

What property may be insured.

buildings, together with all kinds of household furniture, goods, wares and merchandise.

Mode of payment of premiums by members of the corporation.

Sec. 6. *And be it enacted*, That every person who shall be a member of this corporation, shall pay in advance from the commencement, the annual premiums required by the by-laws of said company for eight years, whereupon, he, or she, shall be considered as insured for, and during the time that the said corporation shall continue to exist, without any further payments, unless the hazard should be increased or the losses sustained by the said corporation, should exceed the interest of the funds already paid in; and if such losses should occur, it shall and may be lawful for the board of directors, for the time being, to require such further premiums from the members of said corporation, to be paid to the secretary thereof, as shall be equivalent to the sum taken from the eight premiums aforesaid occasioned by such losses; *Provided*, that any member may withdraw from said corporation, at any time he or she may desire, and shall not be liable to pay any other sum or sums of money, or any other tax or assessment than that or those already paid before he or she withdrew from the said corporation; *Provided further*, that the right of any member shall be transferable, and the person or persons to whom the transfer may be made, shall be admitted as a member of the said corporation, with the consent of the directors, for the time being, but in case of failure of any member, or his assignee, to pay such additional premium, within sixty days after notice thereof, in writing, by the secretary, the premiums already paid in shall be forfeited.

Qualification of membership.

Sec. 7. *And be it enacted*, That from and after the passing of this act, no person shall be admitted as a member, and entitled to all the benefits and privileges of the said corporation, unless he or she shall first pay, or cause to be paid to the secretary thereof, the same amount of premium with the interest accrued thereon, as is already paid to the said corporation by the first insured members thereof, nor shall any person be admitted as a member after the expiration of two years from the passing of this act, but any person or persons applying may have their property insured, by paying or causing to be paid to the secretary, such premium as may be required by the by-laws of the said corporation.

No compensation to directors.

Sec. 8. *And be it enacted*, That the directors of the said corporation shall not take or receive any compensation for their services as directors.

Powers and duties of directors.

Sec. 9. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching all such other matters as

appertain to the business, ends, and purposes which the corporation by this act is entitled to, and also, shall have power to appoint a secretary, four surveyors, and such additional officers, clerks, and servants, for carrying on the business of the said corporation, with such allowances as to them shall seem meet; *Provided*, that such by-laws, rules, and regulations, be not repugnant to the constitution and laws of the United States, and of this state.

Sec. 10. *And be it enacted*, That the directors shall meet once in each and every three months, and oftner if need be, at such time and place, as the said directors shall appoint for the transacting the business of the said company; and there shall be a general meeting of the members of the said corporation, on the second Monday in March, in each and every year, notice of which shall be given, ten days previous, by setting up four advertisements within the bounds of said company, and all meetings of the directors and of the members, shall be held in such place, and conducted in such manner as shall be from time to time prescribed by the by-laws of the said corporation; and it shall be lawful for the members at any such meeting, to alter, amend, or repeal the by-laws, rules and regulations, which by this act are authorized to be made and prescribed by the directors; *Provided*, a written notice shall have been given ten days previous to the meeting, and the same shall not be altered, amended, or repealed, except at the annual meeting.

Directors to meet once in three months.

Sec. 11. *And be it enacted*, That at the meeting of the directors, to be held on the second Monday in March, in each and every year, the directors shall choose from among themselves, one person to be president, and one to be vice president, who shall continue in office for one year, and until others shall be appointed in their stead; it shall be the duty of the president, to preside at all meetings of the company and directors, preserve order, and give the casting vote, sign all policies of assurance, all drafts and orders for the payment of money, and all obligations, and other instruments ordered by the board or corporation; and in his absence it shall be the duty of the vice president to perform his duties.

President and Vice President to be chosen.

Sec. 12. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of assurance, countersign and seal the same with the seal of said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company or board, from time to time, by their by-laws, may direct.

Duties of secretary.

Sec. 13. *And be it enacted*, That all policies of assurance, which shall be made by the said corporation in pursuance of

Regulation of policies of assurance.

this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such place as shall be from time to time ordained and prescribed by the by-laws, rules, and regulations of the said corporation.

Sec. 14. *And be it enacted*, That no transfer of any policy of insurance of the said corporation, shall be valid until entered into the books of the company, and certified on such policy by the secretary.

Restrictions concerning the issuing of notes, &c.

Sec. 15. *And be it enacted*, That it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money, only except the same be under the seal of the said corporation, and all such notes, bills, and contracts, shall be construed and taken to be specialties, and shall not possess any other or greater power, of being assigned or transferred, than specialties at common law, nor shall the said corporation be concerned directly or indirectly, in any banking or other operation, not plainly indicated by this act.

Limitation of act.

Sec. 16. *And be it enacted*, That this act shall continue and be in force until the second Monday in March one thousand eight hundred and sixty; *Provided*, that the legislature may at any time alter, amend and repeal this act, when the public good may require it.

Act may be altered or repealed

Passed February 15, 1834.

A FURTHER SUPPLEMENT to the act, entitled "An act to incorporate a company to create a water power at the city of Trenton and its vicinity, and for other purposes," passed February the sixteenth, eighteen hundred and thirty-one.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same*, That the fifth section of the act to which this is a supplement, be, and the same is hereby repealed; and that hereafter the management of the business and concerns of the said company shall be vested in nine managers, five of whom shall form a quorum to do business.

Passed February 15, 1834.

A SUPPLEMENT to the act, entitled "An to incorporate the Mount Holly Insurance Company, in the county of Burlington," passed January twenty-first, one thousand eight hundred and thirty-one.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the first Saturday of May next, the said corporation, shall be known and called by the name and style of "The Mount Holly Insurance Company," and by that name shall be known in law; and have all the powers, privileges, rights and liberties, granted and given in the said act to which this is a supplement.

Style of incorporation.

Sec. 2. *And be it enacted,* That the directors of the said company, shall hereafter be elected on the first Saturday of May, in each and every year.

Time of election of directors.

Sec. 3. *And be it enacted,* That it shall and may be lawful, for the said company, to insure against loss or damage by fire, all sorts of personal property, whether contained in buildings, vessels or otherwise, to insure against loss or damage by fire, and the dangers from wind, weather or water, vessels engaged in the coasting trade, or inland navigation and wood, coal, lumber, goods, wares and merchandise contained in them, to make insurances upon the lives of persons, and valuable beasts, and grant annuities.

Description of property which may be insured.

Sec. 4. *And be it enacted,* That so much of the first, and fifth sections of the act, to which this is a supplement, as comes within the purview of this act, and so much of the twentieth section of the said act, as limits the continuance of the same, shall be and the same are hereby repealed.

Parts of former act repealed.

Passed February 16, 1834.

AN ACT to incorporate the New Jersey Insurance Company in the county of Essex.

WHEREAS, sundry inhabitants of the town of Newark and its vicinity, in this state, have represented to the legislature, that insurance of vessels and other property, situate and belonging to citizens in this state, is frequently, and to a large amount made in the city of New York, and that another insurance company in the town of Newark, under proper regulations, would tend to the convenience of the inhabitants, and would confine, at home, a source of wealth which is yearly carried into another state—Therefore,

Preamble.

Style and powers of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all such persons as shall become stockholders to the capital stock, hereinafter mentioned, their successors and assigns, shall be, and hereby are constituted and made a body politic and corporate, by the name and style of "The New-Jersey Insurance Company," and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and effects of what nature and kind soever, necessary for the purpose of this corporation; and the same to grant, demise, alien and dispose of at pleasure, for the benefit of said company; and may also have a common seal, and alter, and renew the same at their pleasure; and also to make and establish such by-laws and regulations as shall seem necessary and expedient, for the well ordering and government of said institution, and to put the same into execution; *Provided*, that the same be not contrary to the laws of the United States, nor of this state.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of the said company, shall be three hundred thousand dollars, to be divided into shares of fifty dollars each; and that ninety thousand dollars of the said stock, shall be subscribed and actually paid, before the said company shall be allowed to commence business.

Mode of payment.

Sec. 3. *And be it enacted*, That the sums subscribed, shall be paid, to the persons hereinafter mentioned, in the following manner; five dollars on each share at the time of subscription, and the remainder to be paid in such instalments, and at such times as the president and directors may appoint.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the secretary of said company, shall give notice in the newspapers published in the town of Newark, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, for the space of thirty days after such time of payment, to the persons appointed to receive the same, shall forfeit to the said company, all and every such shares whereon there shall be a deficiency, and all moneys previously paid thereon.

Time and mode of choosing directors.

Sec. 5. *And be it enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by twenty-five directors, who may respectively, hold their offices for one year, and until others may be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New-Jersey; and the said directors shall hereafter be elected on the last

Tuesday of January, in each and every year, at such hour of the day, and at such place, in the town of Newark, as the board of directors for the time being shall appoint; of which election public notice shall be given in the newspapers printed in the town of Newark, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or represented by their proxies; but no share shall entitle the holder to vote, unless the same has been held by him, at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States; and the first directors shall be John Harrison, Zephaniah Drake, Abraham Reynolds, Jacob K. Mead, Elias Vanarsdale, junior, Hansford Smith, Prudden Alling, Ferdinand S. Schenck, John M. Cornelson, A. W. Corey, John Travers, Moses Bigelow, Thomas Salter, John S. Darcy, William Stevens, Alven Hedden, Andrew P. Hopper, John N. Utter, Isaac Baldwin, William Dow, Thomas Muir, Jacob M. Ryerson, Daniel H. Ellis, John Titus and Jephtha B. Munn, who shall respectively hold their offices until the last Tuesday in January, in the year of our Lord one thousand eight hundred and thirty-five, and until other directors are chosen in their stead.

First directors.

Sec. 6. *And be it enacted*, That the directors herein before mentioned, shall, as soon as convenient after the passing of this act, and the directors annually chosen agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their body, one person to be a president, who shall be an inhabitant of Newark, and shall preside until the next annual election thereafter; and in case of the death, resignation or inability to serve, of the president or any director of said company, such vacancy or vacancies may be filled for the remainder of the term, by such person as the board of directors may appoint; and in case of the absence of the the president, the board of directors shall have power to appoint a president pro. tem. who shall exercise all such powers and duties as the by-laws of said company may provide; *Provided*, that the president of the said company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

President to be chosen.

Vacancies supplied.

Sec. 7. *And be it enacted*, That the board of directors for the time being, shall have full power to appoint a secretary, and such other officers as may be requisite for effecting the business of the said company, and also to allow them respectively, such compensation for their services, as may, in their judgment be deemed reasonable.

Directors to appoint officers.

Sec. 8. *And be it enacted*, That Elias Vanarsdale, junior, Zephaniah Drake, William Stevens, Jacob K. Mead, and Moses Bigelow, be appointed commissioners, to take in sub-

Commissioners to receive subscriptions.

scriptions to the capital stock of this company; that the subscription books be opened by the commissioners aforesaid, at Newark, first giving notice thereof for two weeks, in the papers printed at Newark, and shall continue open from day to day, (Sundays excepted) for eight days, unless the whole capital stock shall be sooner subscribed.

Description of
property which
may be insured.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said company to insure houses, buildings of any description, and personal property of whatsoever kind, against loss by fire; also, ships, steamboats or other vessels and the property contained therein, against loss or damage by fire or other casualty; and the said company shall be liable for all loss sustained by fire or other casualty, agreeably to and on such terms and conditions as shall be contained in the policy; and it shall and may be lawful for said company, to make insurance upon the lives of persons or beasts and to grant annuities.

Policies and con-
tracts made to be
binding on the
company.

Sec. 10. *And be it enacted*, That all policies or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or president pro tempore, (or by such other officer as may be designated for the purpose by the by-laws of said corporation, and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent, and meaning of this act, and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested, and executed, and the business of the said company may be otherwise conducted and carried on without the presence of the whole board of directors, but by such committee or otherwise, as the said board may direct, and the same shall be binding and obligatory on the said company.

Mode of voting
at elections.

Sec. 11. *And be it enacted*, That the number of votes of each stockholder in the company, shall be estimated according to the number of shares which such stockholder may have in his own right, that is to say, for every share and not exceeding ten shares, one vote; every five shares above ten and not exceeding fifty, one vote; and for every ten shares above fifty, one vote.

Seven directors
to be chosen.

Sec. 12. *And be it enacted*, That for the well regulating and conducting of the election of directors, the president for the time being, shall previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same: and seven directors shall constitute a quorum for the transaction of business.

Sec. 13. *And be it enacted*, That the board of directors or any number of stockholders, being proprietors of at least one half of the stock, may at any time call a meeting of the

stockholders for the transaction of the business of said company, previously advertising the time and place of said meeting, for at least two weeks, in the papers printed in the town of Newark, and mentioning the object of such meeting.

How a general meeting of stockholders to be convened.

Sec. 14. *And be it enacted*, That the stock of said company shall be assignable and transferable according to such rules, and subject to such restrictions and conditions, as the board of directors may, from time to time, establish, and that the said stock shall be considered personal property.

Stock transferable.

Sec. 15. *And be it enacted*, That it shall and may be lawful, for the said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodations in the transaction of their business; and also to take and hold any real estate or securities, bona fide mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company; and also, to proceed on the said mortgages or securities, for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee, is, or shall be authorized to do; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment, or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert into money or other personal property; *Provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds or moneys thereof, for or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be erected, under any law of the United States, or of any particular state, or to emit any notes or bills or securities, for the payment of money, except under the seal of the said company; but it shall nevertheless be lawful for the said company to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of their capital stock, funds or moneys, and also to sell and transfer the same, and again to renew such investments, when, and as often as the exigencies of the said company, or a due regard to its interest shall require, and also to make loans of their capital stock, funds, or moneys on bonds and mortgages, and the same to call in and reloan as occasion may render expedient.

What real estate to be held.

Proviso.

Sec. 16. *And be it enacted*, That it shall be lawful for the directors of said company, to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders or their legal representatives, but the dividends shall at no time exceed the amount of clear profits made by

Dividends to be made, but capital unimpaired, or directors liable.

the company, but the capital stock shall be and remain unimpaired; and if the said directors shall, at any time, knowingly make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided, and an action of debt may be brought against them, or any of them, their heirs, executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give further notice to the stockholders of the declaring such dividend.

Annual statement to be exhibited.

Sec. 17. *And be it enacted*, That at the annual meeting for the choice of directors, a statement of the affairs and business of the company for the preceding year, shall be made out, and shown for the general satisfaction of the stockholders.

Oath of directors and secretary.

Sec. 18. *And be it enacted*, That each director and secretary, shall, before he enters on the duties of his office, take the following oath or affirmation, (as the case may be,) I, _____ do swear, (or affirm) that I will faithfully execute the duties of _____ agreeably to the provisions of this act, and the trust reposed in me, to the best of my skill and understanding.

One per cent. paid into treasury.

Sec. 19. *And be it enacted*, That the said company shall pay into the treasury of this state, one quarter of one per centum per annum on the capital stock paid in, to commence three years after the said company shall go into operation, which said amount shall be paid in, under the oath or affirmation of the president and the secretary thereof.

Books open to inspection of stockholders.

Sec. 20. *And be it enacted*, That the said company shall cause to be kept at their office, proper books of accounts, in which shall be fairly and truly entered, all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Limitation. Act may be altered or repealed.

Sec. 21. *And be it enacted*, That this act shall continue in force for the space of thirty years; but it shall and may be lawful for the legislature at any time hereafter, to alter, amend, or repeal the same.

Passed February 17, 1834.

AN ACT to divorce Eliza Ward from her husband Nathan F. Ward.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between Eliza Ward, of the township of Newark, in the county of Essex, and Nathan F. Ward, is hereby fully and absolutely dissolved, and rendered null and void.

Passed February 16, 1834.

AN ACT to enable the owners and possessors of salt meadow, lying between the Paterson and Hudson river railroad and the old dyke, known by the name of Smith's dyke, in the county of Bergen, to erect and maintain sluices and water works sufficient to prevent the tide from overflowing the same.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the owners and possessors of salt meadows, lying between the Paterson and Hudson river railroad, and the old dyke, known by the name of Smith's dyke, in the county of Bergen, shall and may meet at the house of Henry Ryker, in the township of Bergen, on the first Monday in May next, at three o'clock in the afternoon of said day, and yearly thereafter, on the first Monday in May of every year, then and there, by a plurality of votes of the said owners or possessors present, personally, or by proxy, as by law hereinafter directed, to choose out of the owners, three managers for the ensuing year, or until others shall be chosen in their places; and in the case of the death, removal, inability or refusal of the said officers, or either of them to serve, it shall be lawful for any three of the owners or possessors, by public advertisement under their hands, to set up in six of the most public places in the township of Bergen, giving fifteen days notice, to call a meeting of the said owners and possessors, at the place where the annual meeting was held, and then and there, by vote, as hereinafter directed, choose one or more managers, as the case may require; who shall serve until the next annual meeting, or until others are chosen in their stead.

Managers to be chosen.

First managers. Sec. 2. *And be it enacted,* That Henry D. Van Winkle, Abel I. Smith and Hartman Van Wagner, are hereby appointed managers, from and after the passing of this act, to manage, assess, and take charge of the aforesaid meadows, as shall hereinafter be determined, until others are chosen in their stead.

Mode of voting for officers. Sec. 3. *And be it enacted,* That in all cases of an election of officers, or for other purposes, the mode of voting shall be in person, or by proxy, in writing duly executed, or by guardian, for his ward or wards, in the following ratio: every person owning or possessing ten acres, or any quantity less than ten acres, shall be entitled to one vote; and every person owning ten acres, and not exceeding sixty acres, one vote for every ten acres, and one vote for every additional twenty acres, though not in all to exceed ten votes in his own right; and all joint tenants and tenants in common, each owner thereof, shall be entitled to one vote in like manner as abovesaid, to the extent of his or her individual interest.

Managers to be furnished with amount of acres owned by each. Sec. 4. *And be it enacted,* That each owner or possessor shall, within thirty days after the passing of this act, due notice being given, furnish the managers with a statement, in writing, containing a correct account of the number of acres he or she owns or possesses within the limits above described, and if any neglect or refuse so to do, then the said managers shall report the quantity which they shall suppose him, her or them to possess upon due inquiry.

Certain sluices and flood-gates may be renewed, &c. Sec. 5. *And be it enacted,* That whereas the Paterson and Hudson River Railroad Company, by the consent and request of the owners of the meadows within the limits aforesaid, for the mutual benefit of all parties interested, have in the line of their road filled up the Pinchorn creek, and allowed the said owners to place two sluices and flood-gates therein for draining said meadows, and have also for the same purpose, allowed them to put a sluice and flood-gate under their road at Mill Creek—*therefore be it further enacted,* That the aforesaid managers, and their successors, may, from time to time, as it shall become requisite, amend, repair and renew the said sluices and flood-gates; *Provided,* that in so doing, no improper injury shall be done to the said railroad, nor any unnecessary interruption be caused in the travel upon said road.

Proviso.

Sec. 6. *And be it enacted,* That it shall and may be lawful for the said managers, or any two of them, and they are hereby authorized and empowered to assess and collect from the several owners or possessors of meadows, within the aforesaid bounds, such sum or sums of money as may be necessary to defray the expense of making and completing such sluices and flood-gates as are already made, or may hereafter

be made ratably in proportion to the quantity each owner or possessor may have.

Sec. 7. *And be it enacted*, That the said managers shall, from time to time, at least once in every three months, inspect or examine the sluices or flood-gates erected, or made for the benefit of the owners of the said meadows, and shall cause or procure to be made, all such repairs and amendments, as to them, or a majority of them, shall seem requisite; and for the defraying the expense thereof, shall assess in manner as aforesaid, and recover as is hereinafter directed.

To examine and repair sluices and flood-gates.

Sec. 8. *And be it enacted*, That it shall and may be lawful for the said managers, and they are hereby authorized and empowered to dig and take for the purposes aforesaid, any earth, marsh, mud or sod in any part of said meadow, most convenient and least detrimental to the owners thereof; and also, to employ workmen to make and construct the aforesaid works, and to purchase the materials for the purposes aforesaid; and to have free ingress and egress for themselves, their teams and workmen through any part thereof.

To procure materials for repair from any part of the meadow.

Sec. 9. *And be it enacted*, That if any of the owners or possessors shall refuse or neglect to pay any sum or sums of money assessed as aforesaid, for the space of thirty days after notice to him, her or them given, or left at their usual place of abode, it shall and may be lawful for the said managers, or any two of them, in their own names, to recover the amount thereof in an action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence.

Amount of assessment may be recovered from owners.

Sec. 10. *And be it enacted*, That the managers appointed by virtue of this act, and those that shall hereafter be chosen, shall be entitled to one dollar per day, for each and every day, they or either of them respectively, shall be employed in discharging the duties herein enjoined.

Pay of managers

Sec. 11. *And be it enacted*, That the said managers shall provide, at the expense of the said meadow owners and possessors, a suitable book, in which shall be entered all assessments made and collected by the managers aforesaid, and shall, at every annual meeting, produce and lay before the voters, the same for their inspection; and shall also provide at the expense aforesaid, another book, in which the said managers shall enter all their proceedings, and a just and true account of all the money they may receive and spend, and shall, at every annual meeting, exhibit the same, with their vouchers, to the voters, and shall deliver over all moneys, if any in their hands, together with the said books, and all other papers belonging to them as managers, to their successors, and on default thereof, and for every wilful neglect of any part of their several duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their

Managers to keep books of account.

Penalty for neglecting duty.

trust, and such wilful neglect of their duty, the sum of twenty dollars; to be recovered by action of debt, in any court having competent jurisdiction, with costs of suit, by either or any of the owners or possessors aforesaid; and the said managers shall be accountable for any money remaining in their hands at the end of every year; and if they refuse to pay over such balance to their successors, then, and in that case, their successors in office shall sue for and recover the same, in an action of debt, with costs of suit, in any court having competent jurisdiction.

Penalty for injuring sluices or gates.

Sec. 12. *And be it enacted*, That if any person shall wilfully damage or injure the said sluices or gates, constructed as heretofore directed, he, she or they shall, for every such offence, forfeit and pay fifty dollars, to be recovered with costs of suit, in any court having competent jurisdiction; and the managers, for the time being, are enjoined and authorized to prosecute said action, in their names, or in the names of any two of them, and to apply the money, so recovered and received, to repairing the work so injured.

When sluice-gates may be left open.

Legislature may alter or repeal this act.

Sec. 13. *And be it enacted*, That if in the opinion and judgment of the majority of the owners in value of the said marsh, it would be more beneficial to the meadows, within the said tract, to leave open, during the winter or other season of the year, the sluice-gates, then, and in that case, it shall and may be lawful for the said managers so to do; *provided always*, it shall and may be lawful for the legislature of this state, at any time hereafter to alter, modify or repeal this act whenever in their opinion the public good shall require it.

Passed February 18, 1834.

AN ACT to declare the boundary line between the townships of Frankford and Wantage, in Sussex county.

Boundary line.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the boundary line between the townships of Frankford and Wantage, shall begin at the southeast corner of Joseph Dennis' plantation, which is now the reputed beginning corner of said townships, designated by a heap or pile of stones, on a course south six degrees and thirty minutes west, distant nine chains and seventy eight hundredths, from the south corner of Jesse Dennis' dwelling-house; also, on a

course south sixty-nine degrees and fifteen minutes east, distant eight chains and seventy-nine hundredths, from the south east corner of John Clay's dwelling-house, and also on a course seventy-two degrees and fifteen minutes east, from the southeast corner of Obadiah Pellet's dwelling-house; the east corner of Beemer meeting house, bearing north nineteen degrees thirty minutes east, and the west corner of Deckertown meeting-house, bearing north forty degrees fifteen minutes east; and from the aforesaid heap or pile of stones, bearing north thirty-two degrees west, till it arrives at the Blue Mountain, to what is called the White Rocks, so on till it arrives at the northwesterly boundary of the said townships of Frankford and Wantage; *provided always nevertheless*, that this act shall not affect any taxes or assessments heretofore made or imposed, but the same shall be collected and applied in the same manner, as if this act had not passed.

Sec. 2. *And be it enacted*, That an act entitled "An act to declare the boundary line between the townships of Wantage and Frankford, in Sussex county," passed November sixth, eighteen hundred and twenty-six, be, and the same is hereby repealed.

Repeal of former act.

Passed February 18, 1834.

A FURTHER AND ADDITIONAL SUPPLEMENT to the act entitled "An act to incorporate the Georgetown and Franklin Turnpike Company," passed February fifteenth, eighteen hundred and sixteen.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That William T. Rogers, Robert Bayles and John Gulick, Esquires, be, and they are hereby appointed commissioners in the room of the commissioners named in an additional supplement to the act entitled "An act to incorporate the Georgetown and Franklin Turnpike Company," which said additional supplement was passed February the twenty-fifth, eighteen hundred and twenty-eight; and the said commissioners herein named, are hereby authorized to alter the width of the whole, or any part of the said road, named in and authorized to be altered by said additional supplement, as to them shall appear expedient, and that they make report as directed by the original act to which this is a supplement;

Commissioners to alter the width of the road.

and that the Governor, or person administering the Government, or person administering the government of this state, for the time being, be authorized to fill any vacancy that may hereafter occur among the said commissioners by death or otherwise.

Width of bridges
may be lessened.

Sec. 2. *And be it enacted*, That the said company are hereby authorized hereafter, to build their bridges at one half the width named in the original act, to which this is a supplement.

Parts of acts
repealed.

Sec. 3. *And be it enacted*, That so much of the original act and supplements thereto, as comes within the purview of this act, be, and the same is hereby repealed.

Passed February 18, 1834.

AN ACT to incorporate "The Mechanics and Manufacturers Bank," at Trenton.

Style of incorporation.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Samuel S. Stryker, William Potts, Edward S. M'Ilvane, Henry W. Green, Joseph A. Yard and William A. Benjamin, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Mechanics and Manufacturers Bank," at Trenton; and by that name they and their successors, may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and may have a common seal, and may change, alter and renew the same at pleasure, and by that same name shall be, and are hereby made capable in law, of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation; *Provided*, that the said corporation shall in no case be owner of any ships or vessels, or directly trade or deal in any thing except bills of exchange, promissory notes, gold or silver bullion, public stocks, and such ships and vessels, goods, wares and merchandise, as shall be truly pledged to them by way of security for debts due, owing or growing due to said corporation, or purchased to secure such debts, or on the sale of goods, which shall be the produce of its land; *Provided also*, that the real

Powers.

estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation, for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans, for contracts made, or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgment for the purpose of bona fide securing any debt or debts due to the said corporation.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars, at any time during the continuance of the charter; and that the subscription to the said capital stock be received by Ebenezer P. Rose, Charles Parker, Stacy A. Paxson, William Grant and Joseph Wood; which said commissioners, or a majority of them, shall open books of subscription at Trenton, and the said books shall be kept open for the space of five days, giving twenty days previous notice in the newspapers published at Trenton; and upon the closing of the said books of subscription, or within five days thereafter, the said commissioners shall pay over to the directors hereinafter appointed, the whole amount of money which they or any of them may have received upon the said subscriptions.

Amount of capital stock.

Commissioners to receive subscriptions.

Sec. 3. *And be it enacted*, That the affairs, property and concerns of the said corporation shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders and citizens of the United States, and of this state, and of whom, at least eight, together with the president, shall have been resident within the townships of Trenton or of Nottingham, for at least one year immediately preceding their election; which directors shall hold their offices for one year, and shall be elected on the second Tuesday in April, in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the city of Trenton; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for, are eligible to be elected directors, and after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in per-

Directors to be appointed, &c.

son or by proxy, and each stockholder shall be entitled to one vote for each share of stock which he, she or they shall have held, in his, her or their names, at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen at an election, that two or more persons shall have an equal number of votes, then the said directors in office, at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes, to determine which of the persons so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them shall appoint, and that Stacy G. Potts, Edward S. McIlvaine, Samuel R. Hamilton, George Dill, Anderson Lalor, Henry W. Green, Charles Parker, Samuel McClurg, Jasper S. Scudder, John McKelway, Robert Chambers, John A. Weart and Joseph Wood, shall be directors, and shall hold their offices respectively until the second Tuesday in April, in the year of our Lord one thousand eight hundred and thirty-five, and until others shall be chosen by the stockholders.

President to be chosen.

First directors.

Sec. 4. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation; *Provided*, that no discount shall be made of any note or notes, bill or bills, without at least one good endorser.

No discounts to be made without one good endorser.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition of the stock, business and effects thereof; the time, manner and terms, at and upon which discounts and deposits shall be made and received by the said corporation; the duties and conduct of the officers, clerks and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation, and shall have power to appoint as many officers, clerks and servants, for carrying on said business, and with such salaries or allowance as to them shall seem meet; *Provided always*, that such by-laws, rules and regulations, shall not be repugnant to the provisions or

Powers and duties of directors.

requirements of this charter, or to the constitution and laws of the United States, or of this state.

Sec. 6. *And be it enacted*, That the cashier of the said bank shall be annually appointed; and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation faithfully to perform the duties of his office, and shall give bond or bonds, with good and sufficient security in the penal sum of fifty-thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank.

Cashier to be appointed.

Sec. 7. *And be it enacted*, That the said corporation shall not issue bills of a less denomination than one dollar; and that the stock of the said corporation shall be considered as personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes, as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of the said bank, shall pay at the time of subscribing, to the commissioners receiving subscriptions, the sum of five dollars upon every share so by him subscribed; and the directors of said company may require payments for the remaining instalments, which shall have been subscribed, at such times, and in such proportion as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days in two of the newspapers printed in the city of Trenton; *Provided*, that no instalment to be paid at any one time shall exceed five dollars on a share.

Stock personal property, and subject to taxation.

Sec. 8. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe, over and above the actual deposits in said bank, whether by bond, bill, note or other contract, shall not exceed double the amount of the capital paid in.

Stock a lien for debts due corporation.

Sec. 9. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable, by endorsement thereon, under the hand of such person or persons, his, her, or their assignee, or assignees successively, and so as to enable such assignee to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation,

Bills and notes assignable by endorsement.

signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or persons, if sued by him or them, in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation; *Provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order, shall be deemed and taken to be payable and demandable at the office of said banking company.

Proviso.

Semi-annual dividends to be made.

Sec. 10. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual dividends, of so much of the profits of said banking company, as to them or a majority of them shall seem advisable; but that they shall make no dividends of any part of the capital stock.

Rate of discount.

Sec. 11. *And be it enacted*, That the rate of discount at which loans may be made, by the said corporation, shall not exceed the legal rate of interest of this state, for the time being; *Provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

Annual statement to be laid before the legislature.

Sec. 12. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie in hand; and if the said president and cashier shall fail to do the same, for the space of three years together, that then and from thenceforth this charter and all the privileges hereby conferred, shall cease, and be forever at an end.

On failure to redeem notes in specie, banking operations to be discontinued.

Sec. 13. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company, shall neglect or refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money, any of the bills, notes or other evidences of debt issued by the said corporation, and which shall be due and payable, the said president, directors and company, shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said company shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-

payment thereof at and after the rate of ten per centum per annum, from the time of such demand and until the same be paid, or otherwise satisfied; and the president and directors of said corporation, shall individually and jointly, and severally, be liable to every creditor, for the payment of any bills, obligatory or of credit, note or notes, that they or any of them, may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees and number of the said bills or notes so demanded, and payment whereof hath been neglected or refused; and upon judgment being rendered, execution shall issue thereon.

President and directors individually responsible.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills, until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to this act.

Affidavit of stock paid in, to be filed.

Sec. 15. *And be it enacted*, That this act shall be, and continue in force, until the first day of January, one thousand eight hundred and fifty-five, and no longer; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify or repeal this act, whenever, in their opinion, the public good requires it.

Limitation of act.

Passed February 19, 1834.

AN ACT to set off a new township, from the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, to be called the township of Clinton.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all those parts of the townships of Newark, Orange, Elizabeth and Union, in the county of Essex, lying and being within the following limits, viz: beginning at the old dock, on Bound Creek, thence running along the edge of the Salt Marsh, to the most easterly point of a lot of land belonging to the

Boundaries of the township of Clinton.

M

township of Newark, lying on the east side of the road leading from Newark to Elizabethtown; thence along the several courses of the said lot to the said road; thence in a straight line to the southeasterly corner of lands lying on the westerly side of said road, belonging to the township of Newark; thence westwardly, northwardly and eastwardly, following the boundaries of said lands, and of two lots in the rear thereof, belonging to Stephen Johnson, so as to leave said two lots in the township of Newark, to the said road at the northeasterly corner of said last mentioned lands; thence to the northwest corner of said lot of land, first mentioned, belonging to the township of Newark; thence following the several courses thereof, to the said easternmost point thereof; thence running northerly along the edge of the salt marsh, to the brook, east of David Hayse; thence along said brook to the stone bridge, east of David Hayse; thence northerly to the point at which the south side line of the turnpike road, leading from south Orange to Newark, intersects the line of the township of Orange; thence in a direct line to the junction of Freeman's Saw Mill brook, with the east branch of the Rahway River, excepting out of the same, the poor house farm belonging to the township of Orange; thence in a direct line until it intersects the Springfield township line at Keen's Mill; thence along the said township line until it intersects the east branch of the Rahway river; thence down the middle of the said river, until it intersects the Union township line; thence following the line of Union to the east side of the upper road, leading from Newark to Elizabethtown; thence in a direct line to a small bridge in the old road leading from Newark to Elizabethtown, south of and near Benjamin Waldróns; thence in a direct line to the north west side of the turnpike road leading from Elizabethtown to Newark at the north easterly point of a lot of land, formerly the property of Baker Woodruff, deceased; thence in a direct line to the intersection of Woodruff's and Bound's creeks; thence up Bound creek to the place of beginning, shall be, and the same is hereby set off from the townships aforesaid and established a separate township, to be called and known by the name of the township of Clinton.

Corporate name
and powers.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Clinton be, and they and their successors are hereby constituted a body politic and corporate, by the name of the "Inhabitants of the township of Clinton, in the county of Essex," and shall be and are hereby in their corporate capacity, invested with and entitled to the same rights, powers, privileges and authorities, and made subject to the same regulations, duties and government, as by law are vested in and prescribed for the several other townships in the county of Essex.

Sec. 3. *And be it enacted*, That the inhabitants of the said

township of Clinton, shall hold their first town meeting at the inn now kept by Jabez B. Hedden, in Camptown, in said township, at the time appointed by law for holding the annual town meetings in the other townships, in the county of Essex.

Time and place
of first town
meeting.

Sec. 4. *And be it enacted*, That on the first Tuesday in May next, the town committees of the said townships of Newark and Clinton, shall meet at the inn now kept by Stephen Roff, in Newark, at ten o'clock in the forenoon of said day, and shall then and there proceed by writing, signed by a majority of those present, to allot, divide and assign to the said township of Clinton, such proportion of all surplus moneys of the said township of Newark, then on hand, due or owing, arising from taxes on dogs, road taxes, taxes for the support of the poor, and for the education of poor children, as the taxable property, and ratables of that part of the said township of Clinton, which is taken off from the township of Newark, bears to the whole taxable property and ratables of the present township of Newark, according to the last assessment, and shall then and there also allot, divide and assign to the said township of Clinton, a like proportion of the sum of eight hundred dollars, levied and raised by the said township of Newark in the last year, for the support of the fire engine department, and of the moneys on hand, belonging to the street commissioner's fund, and the like proportion of the value of the poor house farm; and of the two new burying lots belonging to the said township of Newark, the burying lot adjacent to the railroad to be estimated at two hundred and fifty dollars per acre, and the other new burying lot to be estimated at the cost price; the said township of Clinton to remain liable to pay a like proportion of the debts of the township of Newark, if any there should be at that time; and that the said township committees, shall then and there also proceed to make a distribution, between the said two townships of Newark and Clinton, of such poor persons as shall be chargeable upon the said township of Newark, at or immediately preceding the time at which this act is to take effect, and that in the division and distribution of the said poor, the said two townships respectively, shall be governed by the same laws, rules and regulations, by which they would have been governed had they heretofore existed as separate townships; and if in relation to any such poor, it be uncertain to which of the said two townships they of right, and by law belong, then the said two committees shall divide the same between the said two townships, according to the rule of proportion herein before given: *provided*, that if any of the members of the said township committees, or either of them, shall neglect to attend at the time and place aforesaid, it shall and may be lawful for such members of said committees or either of them as shall attend, to proceed to such division of pro-

Time and man-
ner of division
of property, and
of poor, of town-
ship of Clinton
and Newark.

erty and distribution of poor, as is by this section prescribed, and a decision of a majority of those present shall be final and conclusive.

Sec. 5. *And be it enacted*, That the town committees of each of the said townships of Orange, Elizabeth, and Union, singly, and for the township it represents, shall meet the town committee of the said township of Clinton, at such time and place as shall be designated by the town committee, of the township of Clinton, ten days previous notice being given of the time and place of such meeting to the town clerks of said townships of Orange, Elizabeth and Union, respectively, and at such meeting the two committees so convened, shall proceed by writing, signed by a majority of those present, to allot, divide, and assign, to the said township of Clinton, its just proportion of the property and surplus moneys of the other townships then represented in that meeting, upon principles similar to those prescribed in the preceding section for the division of property, between the townships of Newark and Clinton, and also to make distribution of the poor, in the manner prescribed in the preceding section, for distributing the poor, between the townships of Newark and Clinton, the decision of a majority of the members of such two town committees so convened, who shall attend such meeting, to be final and conclusive: *Provided*, that the township of Clinton shall not be entitled to receive from either of the townships of Orange, Elizabeth or Union, any portion of the value of the real estate of the said several townships, except their poor house farms.

Time and manner of division of property, and of poor, &c.

Sec. 6. *And be it enacted*, That so much of the act entitled "An act to establish and confirm the charter, rights and privileges of the borough of Elizabeth," passed the twenty-eighth day of November, seventeen hundred and eighty-nine, and of all subsequent acts, relating to said borough so far as the said acts relate to that part of the said borough, included within the limits of the said township of Clinton be, and the same are hereby repealed.

Part of former act repealed.

When act to take effect.

Sec. 7. *And be it enacted*, That this act shall take effect on and after the second Monday of April next.

Passed February 19, 1834.

AN ACT relating to bridges, in Burlington, and Somerset.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

same, That from and after the passing of this act, it shall not be lawful for any person or persons, to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or ride, lead or drive any horse or horses, mule or mules, or any description of cattle, over or upon any truss or lattice bridge, (or any bridge, the arch of which is constructed of wood) at a faster gait than a walk, such bridge or bridges being in the counties of either Burlington or Somerset, and every person or persons so offending, shall forfeit and pay the sum of five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person being a member of the board of chosen freeholders of the county in which any such bridge or bridges may be, for the use of said county; *Provided always*, That this act shall not apply to any physician or person going for any physician, or to any person riding express by order of any public officer of this state, or of the United States, or to any person pursuing a fugitive fleeing from justice; *And provided further*, That the board of chosen freeholders respectively, of each of said counties, shall cause to be fixed up at each end of such bridge in their counties respectively, in some conspicuous place, in plain letters, five dollars fine, for travelling over this bridge at a faster gait than a walk; and on neglect of such notice the fine aforesaid shall not be incurred.

Truss bridges in Burlington and Somerset, not to be driven over at a faster gait than a walk.

Proviso.

Sec. 2. *And be it enacted*, That if any person or persons shall wilfully deface such letters or any of them as aforesaid, he, she or they, so offending, shall forfeit and pay five dollars, to be recovered in the manner directed by the first section of this act, for the use of said county.

Penalty for defacing sign.

Passed February 20, 1834.

AN ACT to incorporate the Trenton Manufacturing Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Dr. John Wilson, Zachariah Rossell, Joseph B. Dorrence, William P. Sherman, and their associates, and their successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Trenton Manufacturing Company," and shall have power to raise by subscription, in shares of one hundred dollars each, a capital

Style of incorporation.

Directors to be
appointed.

of two hundred and fifty-thousand dollars; and as soon as five hundred shares shall be subscribed, the individuals above named or any three of them, may by public notice of thirty days, given in one or more of the public newspapers printed in the city of Trenton, call a meeting of the stockholders of the said company, for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy, the said individuals above named, or any three of them, to be inspectors and judges of such first election; and the said directors when elected, shall choose out of their number, a president; and the directors of the said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders, for electing directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be complete, and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state or the United States; and shall also have power to call in said stock from time to time, in such instalments as they shall think necessary, not exceeding ten dollars on each share, by giving public notice as aforesaid, and to declare forfeited to the said company, the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *Provided*, previous notice of thirty days shall have been given to each delinquent stockholder.

Forfeiture of
stock on failure
to pay instal-
ments.

Mode of elec-
tion of directors.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors for the time being of said company, shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, that then upon such neglect or refusal, the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice, and call such meeting, and elect directors in like manner, as if the said directors had given notice as by this act is required; and if at any election for directors, two or more persons voted for, shall receive an equal number of votes, then the directors for the time being, shall determine by ballot which of the said persons, so having an equal number of votes, shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be complete.

Sec. 3. *And be it enacted*, That the said directors, before they enter upon the duties of their office, shall severally

take and subscribe an oath or affirmation, faithfully and honestly to promote the interests of the said company—and they may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary or useful, with such compensation as they may think adequate; and require from such officers or agents, as well an oath or affirmation of fidelity, as such bonds and security for their good conduct as may to them appear reasonable and proper.

Directors to
make oath.

Sec. 4. *And be it enacted*, That the said company may, for the purpose of promoting the manufacture of such articles, which are not prohibited by the laws of this state, buy, rent, take and hold, or otherwise become seized and possessed of and hold, all such lands, tenements and water power, and other real and personal estate, in the city of Trenton, and within two and a half miles of said city, as may be necessary and useful for the purposes aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; *Provided*, that they shall occupy none of the public streets, lanes or alleys of the said city, with their said improvements, without previously procuring the consent of the common council thereof, regularly expressed by ordinance; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy and exercise, all the rights, powers and privileges pertaining to corporate bodies, and necessary for the purposes of this act.

Company may
hold real estate.

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the said directors, among the stockholders, and the books of the said company shall at all times be open for the inspection of the said stockholders; *Provided*, that no dividends be made except from the actual projects of said company.

Semi-annual di-
vidends to be
made.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable upon the books of said company; and that no part of the fund of the company shall be used for banking purposes.

Stock not to be
used for bank-
ing.

Sec. 7. *And be it enacted*, That the president and directors of said company shall, in their individual capacity, and jointly and severally, be and continue liable to every creditor of said company, for the payment of all bills obligatory or of credit, note or notes, that they or any of them may issue and circulate, and upon demand of payment being made at the usual place of doing business, and refusal thereof, an action may be brought against the president and directors of the said company, in their individual capacities, and jointly or severally; and it shall be lawful for the plaintiff or plaintiffs, to

President and
directors indi-
vidually responsi-
ble to creditors.

declare therein generally, for money had and received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue.

Limitation.

Legislature may alter or repeal this act.

Sec. 8. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred and sixty-four, and no longer; and that during that time, upon any departure from, or violation of, the provisions of this act, the legislature may repeal, alter, or modify the same, as in their opinion the public good may require.

Passed February 20, 1834.

Approved by the Legislature

AN ACT for the relief of Colonel David Hay.

Preamble.

WHEREAS, it appears that Colonel David Hay, of the county of Monmouth, in the year one thousand seven hundred and seventy-eight, furnished, agreeably to contract, fifty hats for the use of a detachment of the United States Troops, a part of the New-Jersey Levy; that on the delivery of the hats, he was, by the officer who commanded the detachment, referred for payment to the Clothier General, but the cities of New-York and Philadelphia being both, at the time, in the possession of the British, and the American army constantly in motion, he was consequently unable to present his accounts to the Clothier General, who soon after died; that he was actively employed in the service of his country, during the revolutionary war; that he was appointed first lieutenant in seventeen hundred and seventy-four, joined the American army, a volunteer, and continued in the service until after the battle of Monmouth, in which he was engaged, by reason whereof, he was prevented at the time from obtaining the liquidation and payment of his claim, at any of the public offices to which he was directed to apply, although he was, for a series of years, unremitting in his exertions and application to obtain the same; and now by his petition, praying relief from the legislature of New-Jersey, and it appearing just and reasonable that the said Colonel David Hay, should have relief in the premises—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the treasurer of this state be, and he is hereby authorized to pay to the said Colonel David Hay, or to his order, the sum of two hundred dollars, in full satisfaction and discharge of the before mentioned claim; and the receipt of the said Colonel David Hay, or his order, shall be a sufficient voucher for the treasurer therefor in the settlement of his accounts.

Two hundred dollars to be paid.

Passed February 20, 1834.

AN ACT to revive and amend the act entitled "An act to encourage and regulate the planting of oysters, in the township of Perth Amboy."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same, That the act entitled "An act to encourage and regulate the planting of oysters, in the township of Perth Amboy," passed the twenty-fifth day of November one thousand eight hundred and twenty-four, except so far as the same may be altered by the provisions of this act, be, and the same is hereby revived in full force and effect, and extended for a further term of ten years.

Act of eighteen hundred and twenty-four revived.

Sec. 2. And be it enacted, That the sum or sums of money mentioned in the fifth section of the said act, and directed to be paid to the county collector of the county of Middlesex, shall be hereafter paid, on or before the twentieth day of January annually, to the township collector of the township of Perth Amboy, for the use of the state of New-Jersey; and it shall be the duty of the said township collector to collect and receive, and, if need be, to sue for and recover the same, for which service he shall be entitled to charge at the rate of five per cent. upon the amount of moneys so collected and received by him, and the balance pay over to the treasurer of the state; *Provided*, that the sum or sums to be paid annually at the commencement of each year, by the person or persons making and staking off any part or portion of the shores or land covered with water, described in the said act, shall not be less than four nor more than ten dollars per acre, at the discretion of the commissioners hereinafter named.

Moneys to be paid to township collector.

Compensation of collector.

Proviso.

Commissioners
appointed.

Sec. 3. *And be it enacted*, That in the place of the commissioners named in the seventh section of the said act, the following named persons, to wit: William B. Manning, J. W. Reckless and Ezra Mundy; be, and they are hereby appointed commissioners to execute and perform all the duties required by said act, in like manner as the other commissioners therein named, could, or might have done; and it shall be the duty of the said commissioners to make annual report to the treasurer of this state of the number of acres so leased by them, and the amount assessed thereon annually.

Penalty for
planting oysters
during the time
prohibited.

Sec. 4. *And be it enacted*, That no person shall be allowed to plant oysters on any of the land covered with water, as mentioned and described in the said act, which shall be taken from any natural beds whatever, in the state of New-Jersey, between the first day of May and the first day of September; and in case he shall do so, he shall, for every offence, forfeit and pay fifty dollars to be recovered with costs of suit, by action of debt, in any court of record of this state, having cognizance of the same, by any person who shall prosecute for the same, to the use of the prosecutor; and every person so offending, in addition thereto, shall forfeit all the rights and privileges conferred upon him by the said act.

Oyster grounds
not to be planted
by former lessees
until arrearages
are paid.

Sec. 5. *And be it enacted*, That it shall not be lawful for the said commissioners, or either of them, to grant any lease, or permission to occupy, or suffer the use of the said oyster beds in the township of Perth Amboy, to any person or persons who are now indebted to the state of New Jersey, for the former occupation of the said beds, until all arrearages are actually paid to the township collector of the said township and his receipt therefor, in full, be produced to the said commissioners.

Passed February 22, 1834.

APPROVED BY THE SENATE

AN ACT authorizing trustees to sell the wood and timber standing and being on a tract of land in the county of Gloucester, whereof Samuel Walker, died seized.

WHEREAS, Samuel Walker, late of the city of Philadelphia, in the state of Pennsylvania, died seized, in fee simple, of certain real estate, situate in the township and county of Gloucester, and state of New-Jersey, having made and

published his last will and testament, in due form of law, to pass real estate; AND WHEREAS, the said Samuel Walker, in and by his said last will and testament, did, among other things, give and devise unto Thomas Betts and Joshua C. Canby, two of the executors therein named, with other real estate of the said testator, all the part, share, estate, right and interest of the said Samuel Walker, in and to seventeen tracts of land, saw mill, water works and mill dam, situate in the township and county of Gloucester, and state of New-Jersey, with the appurtenances, to hold to them the said Thomas Betts and Joshua C. Canby, and the survivor of them, and the heirs and assigns of such survivor in trust, that they, the said Thomas Betts and Joshua C. Canby, and the survivor, and the heirs and assigns of such survivor, should immediately after the decease of the said testator, enter and take possession of all the said messuages, tenements, lands and premises, with the appurtenances, for the use of Samuel Jones Walker, the son of the said testator, and let and demise the said premises, and receive and take the rents and profits thereof; and after deducting the necessary expenses attending said trust, pay the same rents and profits, from time to time, into the hands of Elizabeth Y. Walker, the wife of the said testator, to be disposed of by her, for the education, maintenance and support of him, the said Samuel Jones Walker, as his guardian, during his minority; and immediately after the said Samuel Jones Walker, the son of the said testator, should attain the age of twenty-one years, then to hold all the said messuages, tenements, lands and premises, with the appurtenances, in trust to and for the only proper use and behoof of him, the said Samuel Jones Walker, and to and for such other use and uses as he, the said Samuel Jones Walker, by any deed of conveyance, or by his last will and testament, or any writing under his hand and seal, executed by him, in the presence of two or more credible witnesses, should grant, convey, limit and appoint the same, or any part thereof; and for want of such deed, conveyance, devise, limitation or appointment, then after the decease of the said Samuel Jones Walker, in trust, to and for the use of all the child and children of the said Samuel Jones Walker, that should be then living, and the lawful issue of such of his child or children, as may be then dead, their respective heirs and assigns, in equal parts, as tenants in common, so, however, that such issue take and receive such part and share only as his, her or their deceased parents might have had and taken, if then living; and for want of such child or children of him, the said Samuel Jones Walker, or the lawful issue of such child or children, to inherit said premises, then in trust, that they, the said Thomas Betts and Joshua C. Canby, or the survivor of them, or the heirs or assigns of such

Preamble.

survivor, should, immediately after the decease of the said Samuel Jones Walker, enter and take possession of all the said messuages, tenements, lands and premises, with the appurtenances, for certain other uses, trusts and purposes in the said will particularly specified; AND WHEREAS, it is represented to the legislature, that the real estate, whereof the said testator died seized, consisted in part of an equal undivided moiety or half part of a tract of woodland, containing about sixteen hundred acres, situate in the township and county of Gloucester, in the state of New-Jersey, whereof the said testator was seized with one Peter R. Walker, as tenants in common thereof; and that since the death of the said testator, partition of the said tract hath been made by commissioners appointed under the laws of this state, and that about eight hundred acres, being one moiety thereof, have been set off in severalty to the said Thomas Betts and Joshua C. Canby, trustees as aforesaid; AND WHEREAS, it is also represented, that the said tract so assigned to the said trustees, consists of timber land, situate remote from any improved lands, and is from its locality, peculiarly liable to injury from trespassers, and also to devastation from fire; that the timber thereon, is fully grown, and is now deteriorating in value, from its great age, and that the said tract is now wholly unproductive, and is, in fact, a continued charge upon the estate of the said Samuel Jones Walker, for the payment of taxes and necessary charges to protect the same; AND WHEREAS, it is also represented that the said Samuel Jones Walker, is now an infant of the age of fifteen years, and that no sale or disposition of the said timber can be made, under the will of the said Samuel Walker, deceased, until the said Samuel Jones Walker attains the age of twenty-one years, without legislative aid in the premises, and that the interest of the said Samuel Jones Walker, would be greatly promoted by a sale of the said timber; AND WHEREAS, the said Samuel Jones Walker, by his mother and guardian, Elizabeth Y. Walker, and the said Thomas Betts and Joshua C. Canby, trustees as aforesaid, have by their petition to the legislature, prayed that an act might be passed authorizing a sale at public auction, of the said timber, in such manner as may be likely to produce the best price, and the investment of the proceeds thereof, for the benefit of the said Samuel Jones Walker, in such manner as will conduce most to his benefit and advantage, and the prayer of the said petition appearing just and reasonable—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Thomas Betts and Joshua C. Canby, trustees as aforesaid, be, and they are hereby authorized and empowered,

at such time or times, as they may deem expedient and most for the interest of those interested therein, to sell and dispose of all the timber and other trees standing and being upon the said tract of woodland, whereof the said Samuel Walker, died seized, so as aforesaid assigned to the said Thomas Betts, and Joshua C. Canby, situate in the township and county of Gloucester, at public vendue, to the highest bidder, having first given, at least twenty days notice of such sale or sales, by advertisements set up at five of the most public places in the county of Gloucester, and in the neighborhood of the said land, and also published in some newspaper circulating in the said county; and that a sale and transfer, by the said Thomas Betts and Joshua C. Canby, of the said wood and timber in pursuance of this act, shall vest in the purchaser or purchasers thereof, a valid, legal and sufficient title or titles thereto.

Trustees authorized to sell timber.

Sec. 2. *And be it enacted*, That the said trustees, upon the receipt of the moneys arising from the said sale or sales, shall place the said moneys at interest, on good security, or invest them in safe stocks, at their discretion, until the said Samuel Jones Walker, shall attain the age of twenty-one years, and shall pay over the interest thereof, to Elizabeth Y. Walker, guardian as aforesaid, for the benefit of the said Samuel Jones Walker, during his minority, as the rents and profits of the said real estate are, in and by the will of the said Samuel Walker, deceased, directed to be applied; and when the said Samuel Jones Walker shall attain the age of twenty-one years, the said trustees shall dispose of the principal money arising from the said sale or sales, together with all arrears of interest which shall have accrued thereon, and remain unexpended at the direction of the said Samuel Jones Walker, or otherwise, in pursuance of the provisions of the will of the said Samuel Walker, deceased, and of the trust therein created, relative to the real estate whereof the said testator was seized, in the township and county of Gloucester, and so as aforesaid devised to the said Thomas Betts and Joshua C. Canby, trustees as aforesaid.

Proceeds of sale at interest.

Mode of disposing of interest and principal.

Sec. 3. *And be it enacted*, That before the trustees enter upon the execution of the trust herein assigned to them, they shall enter into bond to the governor of this state, for the time being, for the use of the said Samuel Jones Walker in such sum, and with such security as shall be approved of by the Orphans' Court, of the said county of Gloucester, conditioned for the faithful performance of the trust by this act assigned to them, which bond shall be deposited in the surrogate's office of the said county of Gloucester.

Trustees to give bond.

Passed February 19, 1834.

AN ACT to divorce Susanna Stiff, from her husband
William Stiff.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Susanna Stiff, of the county of Bergen, be, and she is hereby divorced from her husband, William Stiff; and that the marriage contract heretofore existing between them, the said William Stiff, and his wife, Susanna Stiff, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 22, 1834.

AN ACT to establish a new township in the county of Hunterdon, to be called the township of Ewing.

Boundaries of
the township of
Ewing.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Trenton, in the county of Hunterdon, which lies within the boundaries and descriptions following, to wit: beginning in the middle of the channel of the Delaware river, opposite to the corner of Samuel Dickinson and Thomas Cadwalader's lands, thence up the said channel until it strikes the boundary line of the township of Hopewell, thence along the said Hopewell line until it strikes the boundary line of the township of Lawrence, thence along the said Lawrence line until it strikes the line of the city of Trenton, thence along the said Trenton city line to the place of beginning; it being all that part of Trenton township lying without the incorporated limits of the city of Trenton aforesaid; shall be, and hereby is set off, from the said township of Trenton, in the county of Hunterdon, into a separate township, to be called and known by the name of the township of Ewing; *Provided*, that this act shall not take effect and be in force until from and after the first day of March next.

Corporate name
and powers.

Sec. 2. *And be it enacted,* That the inhabitants of the said township shall be, and they hereby are constituted, a body politic and corporate, and shall be styled and known by the name of, "The Inhabitants of the township of Ewing, in the county of Hunterdon," and shall be entitled to all the rights, powers, authority, privileges and advantages, and

subject to the same regulations, government and liabilities, as the inhabitants of the other townships in the said county of Hunterdon are, or may be entitled or subject to by the existing laws of the state.

Sec. 3. *And be it enacted*, That the inhabitants of the township of Ewing, shall hold their first town meeting at the inn of John Green, in the said township of Ewing, on the day appointed by law for holding the annual town meetings, in the other townships in the county of Hunterdon.

Time and place
of first town-
meeting.

Sec. 4. *And be it enacted*, That the town committees of the township of Trenton and the township of Ewing, shall meet on Monday after the annual town meetings, in the said township of Trenton and the township of Ewing, at the inn of Mrs. Frances Green, in the said township of Trenton, at ten o'clock in the forenoon, and shall, then and there, or as soon afterwards as may be, proceed, by writing, signed by a majority of the members of each township committee, to allot and divide between the said townships, all property and moneys on hand, or due, in proportion to the taxable property and ratables as taxed by the assessor, within their respective limits, at their last assessment; and the inhabitants of the township of Ewing, shall be liable to pay the just proportion of the debts, if any there be.

Mode of division
of property.

Sec. 5. *And be it enacted*, That the said township committees of Trenton and Ewing, shall, at their first meeting, make such division of the paupers at that time chargeable to said townships, in proportion to the taxable property and ratables as taxed by the assessor within their respective limits at the last assessment: *Provided nevertheless*, That the paupers which may as aforesaid, be found chargeable to the said townships, shall be continued in the present pauper establishment for one year from the passage of this act, at the cost and charges of the said townships respectively.

Division of pau-
pers.

Proviso.

Passed February 22, 1834.

AN ACT to divorce Mary Denniston from her husband Daniel Denniston.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract between Mary Denniston of Newark, in the county of Essex, and Daniel her husband, be, and the same is hereby dissolved as fully as if they never had been joined in matrimony.

Passed February 22, 1834.

AN ACT for the relief of Lewis Atterbury and Catharine his wife.

Preamble.

WHEREAS, Elisha Boudinot, late of Newark, in the county of Essex, deceased, in and by his last will and testament, bearing date the tenth day of June, eighteen hundred and nineteen, did, among other things, set forth that the deeds for the land and house occupied by his son-in-law, Lewis Atterbury, were in his name, in trust for his daughter Catharine; and that he had added to it the lot in the rear, binding on Division street, and which had been in his possession, he did thereby devise and bequeath the same to the trustees therein after named, in fee simple, in trust for his daughter Catharine Atterbury, in the same manner, in all things, as her proportion of his estate thereafter mentioned, was to be held for her use; and the said testator did afterwards in his said will, among other things, give and bequeath the shares and proportions of his said estate, which should fall or be allotted to his said daughters, Catharine Atterbury and Eliza P. Colt, to his brother, Elias Boudinot, esquire, his nephew, Richard Stockton, esquire, his brother-in-law, Stephen N. Bayard, esquire, and his son, Elias E. Boudinot, esquire, and to the survivor and survivors of them in fee simple, in trust nevertheless, to and for the particular purposes in the said will set forth; *And whereas*, an undivided share of certain other lots of land, about the town of Newark, was also devised to the said trustees, and the survivor of them in trust, for the like use of the said Catharine Atterbury, which lots have been divided pursuant to the directions of the said will, and the share devised for the use of the said Catharine Atterbury, is now held and enjoyed in severalty, except one lot set off to the said Catharine Atterbury, has been sold; *And whereas*, the said Elias E. Boudinot is now the only surviving executor and trustee of the said will, and it is represented to the legislature by the petition of the said Elias E. Boudinot, Lewis Atterbury, and Catharine his wife, that for the advancement of the said trust estate, they had sold and conveyed in a satisfactory manner, the land and house above mentioned, with the lot in the rear, binding on Division street, to Mr. Caleb H. Shipman, of Newark, aforesaid, for a considerable sum of money, secured by mortgage, to be held by the said Elias E. Boudinot, upon the same trusts as are mentioned in the said will, in respect to the said real estate; and the said petitioners have prayed the aid of the legislature in the premises:

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the sale and conveyance of the land and house,

with the lot in the rear thereof, binding on Division street, before mentioned, by the said Elias E. Boudinot, surviving trustee as aforesaid, with the approbation of the said Lewis Atterbury and Catharine his wife, to the said Caleb H. Shipman, be, and the same is hereby confirmed to be held by the said Caleb H. Shipman, freed and discharged from the said trusts, subject nevertheless to the said mortgage, to secure the purchase money and the interest arising thereon.

Confirmation of
the sale of land.

Sec. 2. *And be it enacted*, That the said Elias E. Boudinot, surviving trustee as aforesaid, be, and he is hereby authorized to sell and convey the several lots herein before mentioned, as held in severalty, in trust, for the said Catharine Atterbury, under and by virtue of the will of the said Elisha Boudinot, and to confirm the sale of one of the said lots already made; *Provided*, that the consent of the said Lewis Atterbury, and Catharine his wife, to the said sale or sales, be contained in or endorsed on the deed or deeds of conveyance or confirmation for the same, and shall be executed or subscribed by them; *And provided*, the said deed or deeds of conveyance or confirmation, shall vest in the purchaser or purchasers, only such right, title and interest, as the said Elisha Boudinot, was seized of at the time of his death.

Trustee authorized to sell and convey lands;

Proviso:

Sec. 3. *And be it enacted*, That the said Elias E. Boudinot, shall keep or place all moneys arising from said sales, at interest, or invested in the purchase of real estate, in such manner as shall render the same most secure and productive, and hold the same and dispose of the proceeds thereof, or permit the same to be disposed of upon the like trusts, terms and conditions, and in the same manner as the other trust funds held for the use of the said Catharine Atterbury, are, by the said will of the said Elisha Boudinot, directed to be held, used and disposed of; *Provided*, that no purchase of any real estate, shall be made with said moneys, without the approbation, in writing, of the said Lewis Atterbury and Catharine, his wife, being first had and obtained for that purpose.

Disposal of the proceeds of sale;

Proviso:

Passed February 22, 1834.

AN ACT to authorize the stopping of Oronocon Creek, Downam's ditch and Johnson's ditch, in the township of Downe, in the county of Cumberland.

AN ACT to authorize the stopping of Oronocon Creek, Downam's ditch and Johnson's ditch, in the township of Downe, in the county of Cumberland.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

Oronocon meadow company established.

Time and place of electing managers.

same, That it shall and may be lawful for the owners and possessors of the marsh lying on Oronocon creek, between Rheuben's ditch and the Beaver dam bridge, on said creek, in the township of Downe, in the county of Cumberland, which said owners or possessors shall be denominated and known by the name of the Oronocon Meadow Company, to meet at the inn of William Ware, in said township, on the second Wednesday in April next, at one o'clock in the afternoon; and yearly thereafter on the second Wednesday of April of every year, (every future meeting to be held at such place, as may by a majority of votes of the owners and possessors, present at the meeting, be appointed, and on failure of such appointment, then at the place where the last meeting was held,) and then and there by a plurality of votes of the said owners and possessors present, personally, or by proxies in writing duly executed, to choose out of the said owners and possessors, three managers for the ensuing year, or until others be chosen in their place; and in case of the death, removal, inability, or refusal of the said managers, or either of them to serve, then it shall and may be lawful for any two of the owners or possessors, by public advertisements, under their hands, set up in three of the most public places in the neighborhood of said marsh, giving eight days notice, to call a meeting of the said owners and possessors at the place where the last annual meeting was held, and there and then, by plurality of votes of the persons so met personally, or by regular proxies as aforesaid, choose one or more managers, as the case may require, who shall serve until the next annual meeting, or until others are chosen in their stead.

Manner of voting.

Sec. 2. *And be it enacted*, That in all cases of an election, or for other purposes, the mode of voting shall be in person or by proxy, in writing, duly executed, or by guardian for his ward or wards, in the following ratio: every person owning or possessing ten acres, or any quantity less than ten acres, shall be entitled to one vote; and one vote for every additional ten acres, and all joint tenants and tenants in common, each owner or possessor thereof shall be entitled to one vote in like manner as above said, to the extent of his or her individual interest.

Surveyor to determine the number of acres.

Sec. 3. *And be it enacted*, That it shall be the duty of the managers chosen as aforesaid, to employ a well known and respectable surveyor, who shall forthwith proceed to measure, ascertain and determine each owner or possessor's number of acres of marsh between the said creek stopping, and the Beaver dam bridge, and make a regular return, plot, and drawing of the same, which shall be given to the said managers, and shall remain in their possession during their continuance in office, and upon the expiration of such term, be delivered to their successors in office, which said return of the said surveyor shall be received as evidence of each

owners or possessors quantity, and all assessments and votes, shall be made and given according thereto.

Sec. 4. *And be it enacted*, That it shall be the duty of the managers, or a majority of them, and they are hereby authorized and empowered to make or cause to be made, good and sufficient dams across the said Oronocon creek, Downam's ditch, and Johnson's ditch, where they or a majority of them, may think proper; (*Provided*, that the said Oronocon creek shall not be stopped or dammed off more than twenty-five chains on a straight line below the mouth of Rheuben's ditch on said creek,) and also to make and complete good and sufficient floodgates and sluices, necessary and proper to keep out all common tides.

Managers to erect dams, floodgates and sluices.

Sec. 5. *And be it enacted*, That it shall and may be lawful for said managers, and they are hereby authorized and empowered, to assess the several owners of the marsh lying within the bounds of the above described creek stopping, such sum or sums of money as may be necessary to defray the expenses of stopping the said creek and ditches, making and completing such floodgates, and other water works necessary for the above mentioned purpose, and also the expense attending the obtaining this act, in proportion to the number of acres which such owner or owners may have included within the said creek stopping.

Owners to be assessed for expenses proportionably.

Sec. 6. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered, from time to time, and at all times to amend, uphold, maintain and keep in good order and repair the said stoppings, floodgates, sluices, and other works respectively, so by them erected for the purpose aforesaid, and to assess and collect (as hereinafter provided,) from each and every of the said owners of the said marsh, from time to time, all such sum or sums of money as may be necessary to pay for mending stoppings, floodgates, sluices, and other water works, necessary to the aforesaid purposes, and for the defraying the expense thereof.

Managers to keep the works in repair.

Sec. 7. *And be it enacted*, That it shall and may be lawful for the managers, or a majority of them, and they are hereby authorized and empowered, from time to time, to dig and take for the purposes aforesaid, any earth, marsh, mud or sod, in any part of the said marsh most convenient and least detrimental to the owners thereof, and also to employ workmen to make and construct the aforesaid works, and to purchase the materials for the purposes aforesaid; and to have free ingress, egress and regress for themselves, their teams and workmen, through any part thereof, when it may be deemed necessary.

Materials may be taken from any part of the marsh.

Sec. 8. *And be it enacted*, That it shall be the duty of the said managers, from time to time, to examine the condi-

Necessary improvements to be made.

tion of the stoppings, floodgates, sluices and other water works, and may make such improvements thereon as may be deemed necessary, and for the defraying the expense thereof, shall assess and collect as hereinafter directed.

The marsh of persons failing to pay assessments, may be leased.

Sec. 9. *And be it enacted*, That if any of the said owners or possessors, shall neglect or refuse to pay any sum or sums of money assessed as aforesaid, for the space of three months, after notice to him, her or them, given or left at the usual place of their abode, in writing, it shall and may be lawful for the said managers or a majority of them, on ten days notice being given by public advertisement, set up in three of the most public places in the neighborhood of said marsh, to sell at public vendue, so much grass as may be on said owners or possessors marsh, as will be sufficient to discharge such demand; but if the grass on the marsh shall not be sufficient to satisfy the same, then to lease at public vendue as aforesaid, so much of the marsh of such owner or possessor, as will be sufficient to discharge such demand, with reasonable cost, to any person who will pay such demand, for the shortest term; and it shall be lawful for such managers to make and execute a lease to such purchaser for such term, which said lease shall be good and effectual in law, and shall vest the possession thereof in the purchaser, and bar the owner and all others during the term.

Assessment book and books of accounts exhibited annually, but always open to inspection.

Sec. 10. *And be it enacted*, That the said managers shall provide, at the expense of the said company, a suitable book, in which shall be entered all assessments made and collected by the managers aforesaid, and shall at every annual meeting, produce and lay before the said company the same, for the inspection of the different members, and shall produce and show the same to any of the said members at any reasonable time when thereto required; and shall also provide at the expense aforesaid, another book, in which the said managers shall enter all their proceedings, and a just and true account of all the money they may receive and expend, and shall at every annual meeting produce and lay the same before the said company, with fair vouchers, for all the moneys by them received and expended by virtue of this act, and shall deliver the balance, if there is any remaining in their hands, together with the said books and all other necessary papers, to their successors; and on default thereof, and every wilful neglect in any part of their several duties, prescribed by this act, they the managers, shall forfeit and pay for a breach of their trust, and such wilful neglect of their duty, in an action of trespass, in any court of competent jurisdiction, the sum of fifteen dollars, and also pay all damages that may arise by their negligence, to be sued for and recovered by any member of the company who shall be aggrieved or injured by such negligence of the said managers, in and with the above action of trespass, and said managers shall be accountable for

Penalty for neglect of duty.

any money remaining in their hands at the end of every year, and if the said managers shall refuse to pay such balance in their hands to their successors, then their successors shall sue for and recover the same in an action of debt, with costs of suit.

Sec. 11. *And be it enacted*, That if any person shall wilfully do any injury or damage to the said dams, stoppings, floodgates, sluices, or any of the works authorized by this act, he, she, or they, shall for every such offence, forfeit and pay twenty dollars, together with all damages, to be sued for and recovered in an action of trespass, in any court, or before any justice having cognizance of the same, with costs of suit, to be applied to repairing said works so injured, and the managers for the time being, are hereby enjoined and authorized to prosecute the same. Penalty for injuring works.

Sec. 12. *And be it enacted*, That the managers chosen by virtue of this act, shall be entitled to one dollar per day, for each and every day, they or either of them respectively, shall be employed in discharging the duties herein enjoined, Pay of managers

Passed February 22, 1834.

AN ACT to authorize the chosen freeholders of the county of Cumberland, to build a bridge over Cedar creek, in Downe township.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the board of chosen freeholders of the county of Cumberland, be, and they are hereby authorized, to build and maintain a good and sufficient bridge over Cedar creek, at the place where the public road laid out on the ninth day of December, eighteen hundred and thirty-three, leading from Port Elizabeth, in the township of Maurice river, to Dividing creek, in the township of Downe, crosses the said creek.

Passed February 24, 1834.

AN ACT to repeal a part of the third section of an act entitled "An act to authorize the chosen freeholders of the county of Cumberland, to build a draw bridge over Cohansey Creek."

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That so much of the third section of an act, passed January the twenty-sixth, eighteen hundred and thirty-three, to authorize the chosen freeholders of the county of Cumberland to build a draw bridge over Cohansey Creek, at the town of Bridgeton, as has reference to any person or persons, driving any wagon or cart, sled or sleigh, or any other kind of carriage or vehicle, or ride, lead or drive any horse, horses, mule or mules, or any description of cattle, over or upon said bridge at a faster gait than a walk, be, and the same is hereby repealed.

Passed February 24, 1834.

AN ACT to divorce Charlotte P. Antrim from her husband William N. Antrim.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Charlotte P. Antrim of the county of Salem, be, and she is hereby divorced from her husband William N. Antrim, and that the marriage contract heretofore existing between them, the said Charlotte P. Antrim, and William N. Antrim, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 24, 1834.

AN ACT to incorporate the Kingston Fire Engine Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state and it is hereby enacted by the authority of the same,* That Phineas Withington, Elijah Stout, George Bayles, William Skillman, James Gulick, Charles Oliver, Randal Dye, John B. Story and Richard Brittan, and all such other persons, as are, or hereafter shall become associates of the Kingston Fire Engine Company be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "The Kingston Fire Engine Company."

Style of incorporation.

Sec. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors respectively, may have and use a common seal, and have power to make, change and alter the same at pleasure, and by their common seal, may make, enter into, and execute, any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt, such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, as they shall think proper.

Powers.

Sec. 3. *And be it enacted,* That the capital stock of said company, shall not exceed the sum of one thousand dollars, which shall be solely and exclusively applied to the procuring, repairing, and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses, as shall, to the said company, appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital, objects of incorporation.

Sec. 4. *And be it enacted,* That the said company shall have power to elect annually a president, vice-president, or secretary, and a treasurer, from their own body, and such other officers and assistants, as they shall find necessary for conducting their affairs according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office, shall deliver it over to his successor.

Officers of company.

Sec. 5. *And be it enacted,* That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to alter, amend, modify or repeal this act, as they shall think proper.

Passed February, 24, 1834.

AN ACT to divorce Margaretta Sherwood from her husband Daniel Sherwood.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Margaretta Sherwood, of the county of Somerset, be, and she is hereby divorced from her husband Daniel Sherwood, and that the marriage contract heretofore existing between them, the said Margaretta Sherwood and her husband Daniel Sherwood, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 26, 1834.

Continued from the preceding page

AN ACT to authorize Ann Hendrickson, administratrix of William Hendrickson, deceased, to fulfil a certain contract therein named.

Preamble.

WHEREAS, it hath been represented to the legislature, that William Hendrickson, late of the township of Lawrence, in the county of Hunterdon, deceased, in his life time, did covenant and agree in writing with the Delaware and Raritan Canal Company, for and in consideration of the sum of one hundred dollars per acre, to grant, bargain and sell, all that piece and parcel of land situate in the said township, commencing at the line of land belonging to Isaac Brearley, thence running on the route and adjoining to said canal, until it meets the line of lands belonging to John Agnew, and embracing all the meadow of the said William Hendrickson, deceased, estimated at eleven acres and a half; And whereas the said William Hendrickson has departed this life intestate, without having executed a deed for the same; And whereas Ann Hendrickson, administratrix of the said deceased, hath prayed that she might be authorized to fulfil the said contract, and the same appearing just and reasonable—Therefore,

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Ann Hendrickson administratrix of William Hendrickson, deceased, be, and she is hereby authorized and

Administratrix to convey lands.

empowered to make, execute and deliver to the Delaware and Raritan Canal Company, a sufficient deed of conveyance for the said piece and parcel of land; which said deed of conveyance shall be as good and effectual to all intents and purposes, as if executed, delivered and acknowledged by the said William Hendrickson and the said Ann his wife, in his life time, and shall vest the title to the said lands in the said "The Delaware and Raritan Canal Company, their successors and assigns in fee simple; *Provided*, that the said Administratrix's account for said purchase money according to law, in the Orphan's Court of the county of Hunterdon.

Passed February 25, 1834.

AN ACT to establish a new township in the county of Bergen.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all that part of the township of Pompton, in the county of Bergen, which lies within the boundaries and descriptions following, to wit: beginning at the bridge crossing the Pequanaac river, on the Paterson and Hamburg turnpike road, a few rods east of Cook's hill, so called, and on the Morris county line; thence a direct course, northerly and easterly, to the mouth of a road, a few rods east of the house lately occupied by Richard G. Ryerson, running with said road a northerly course, to the New York state line; thence westwardly as far as to the Sussex line, and thence running southwardly along said line as far as to the Morris county line; thence eastwardly along said Morris county line until it reaches the bridge below Cook's Hill, being the place of beginning, shall be, and the same is hereby set off from the township aforesaid, and established a separate township, to be called and known by the name of the township of West Milford.

SEC. 2. *And be it enacted*, That the inhabitants of the said township of West Milford, be, and they and their successors are hereby constituted a body politic and corporate, by the name of "The Inhabitants of the township of West Milford, in the county of Bergen," and shall be, and are hereby in their corporate capacity invested with and entitled to the same rights, powers, privileges and authorities, and

made subject to the same regulations, duties and government, as by law are vested in, and prescribed for the several other townships in the county of Bergen.

Time and place
of first town
meeting.

Sec. 3. *And be it enacted*, That the inhabitants of the town of West Milford, shall hold their first town meeting at the inn now kept by Peter Demarest, in Newfoundland, in said township, at the time appointed by law for holding the annual town meetings in the other townships, in the county of Bergen.

Mode of division
of property, &c.

Sec. 4. *And be it enacted*, That on the first Tuesday in May next, the town committees of the said townships of Pompton and West Milford, shall meet at the inn now kept by Peter Brown, in Wheynockey, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of those present, to allot, divide and assign to the said township of West Milford, such proportion of all surplus moneys of the said township of Pompton, then on hand, due or owing, arising from taxes on dogs, road taxes, taxes for the support of the poor, and for the education of poor children, as the taxable property, and ratables of that part of the said township of West Milford, which is taken off from the township of Pompton, bears to the whole taxable property and ratables of the present township of Pompton, according to the last assessment; the said township of West Milford to remain liable to pay a like proportion of the debts of the township of Pompton, if any there should be at that time; and that the said township committees, shall then and there also proceed to make a distribution, between the said two townships of Pompton and West Milford, of such poor persons as shall be chargeable upon the said township of Pompton, at or immediately preceding the time at which this act is to take effect, and that in the division and distribution of the said poor, the said two townships respectively, shall be governed by the same laws, rules and regulations, by which they would have been governed had they heretofore existed as separate townships; and if in relation to any such poor, it be uncertain to which of the said two townships they of right, and by law belong, then the said two committees shall divide the same between the said two townships, according to the rule of proportion herein before given; *Provided*, That if any of the members of the township committees or either of them, shall neglect to attend at the time and place aforesaid, it shall and may be lawful for such members of said committees or either of them, as shall attend to proceed to such division of property and distribution of poor, as is by this section prescribed, and a decision of a majority of those present shall be final and conclusive.

Sec. 5. *And be it enacted*, That this act shall take effect on and after the second Monday in March next.

Passed February 25, 1834.

AN ACT authorizing trustees therein named to sell and convey certain real estate of David B. Tharp, a minor.

WHEREAS, David Tharp, late of Hanover, in the county of Morris, died, leaving a last will and testament, since duly proved in the surrogate's office in the said county of Morris, in which after making certain specific legacies and bequests, he directs among other things, that all the residue of his estate, real and personal, shall be given to his children, living at his decease, to wit: to his sons, three-fifths, and to his daughters, two-fifths of the said residuary estate; AND WHEREAS the surrogate general of this state, did, by an order of the Prerogative Court, bearing date the twenty-second day of October, in the year of our Lord, eighteen hundred and thirty-three, appoint three commissioners to divide the real estate of the said testator, among the respective devisees in the manner directed by said will; and the said commissioners in the discharge of their said duties, having assigned and set off to David B. Tharp, a minor of the age of four years, one of the children and devisees of the said deceased, in severalty, five certain lots of land, more particularly described in the report of the said commissioners to the said Prerogative court, as by reference to the same will more fully appear; AND WHEREAS the value of two of the said lots situated in the township of Newark, in the county of Essex, consists chiefly in the good and tenantable condition of the buildings thereon, and the said buildings for want of immediate and necessary repairs, are going to rapid decay; AND WHEREAS the annual rent and proceeds of another of the said lots, containing seven acres, and situated in the township of Morris, in the county of Morris, and described in the report of the said commissioners as lot number three, will be inconsiderable from the want of sufficient fences, and the exposed condition of the said lot, and in other respects be unproductive; by reason whereof the said lands and tenements so as aforesaid set apart to the said minor, cannot be made to yield legal interest on the principal value of the same, and the intention of the said testator be in part thereby defeated; and the brothers and sisters of the said minor, and his testamentary guardians being desirous that the said lots and real estate should be sold and disposed of for the benefit of the said minor, and having petitioned for a law for that purpose as more conducive to his interests, and the commissioners aforesaid who divided and set off the said residuary estate to the respective heirs, having concurred in the same—Therefore,

Preamble:

Trustees to sell
lands.

Sec. I. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

same, That William Garthwaite and Joseph N. Tuttle, both of the township of Newark, in the county of Essex, and the survivor of them, be, and they hereby are authorized and empowered to sell and convey three lots of land and premises (being part of the estate of David Tharp, deceased, which was divided and set off to David B. Tharp, a minor child of the said David Tharp; two of which lots are situated in the township of Newark, in the county of Essex, and the third in the township of Morris, in the county of Morris, containing seven acres or thereabouts, formerly owned by one John Harporee,) in fee simple for the highest sum or sums of money the same will bring; and for the same or any part thereof, to execute and deliver in due form of law, in their own names, or in the name of the survivor of them as trustees aforesaid, a good and sufficient deed or deeds of conveyance according to the estate, right, title, and interest, which the said David Tharp, deceased, had in the same at the time of his death; and which sale or sales so made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, claim, interest and demand which the said David Tharp, deceased, had in the premises at the time of his death, and which the said David B. Tharp now has in and to the same.

Disposition of
proceeds of
sales.

Sec. 2. *And be it enacted*, That the said trustees and the survivor of them, shall keep a fair account of the sales so made by them, under this act, and after deducting all legal costs, expenses and commissions to be allowed by the Orphan's Court of the county of Morris, the said trustees shall vest the whole amount of the balance of the purchase money arising from the sale of the said real estate, on good and sufficient security, at legal interest, under the direction of the said Orphan's Court, and after appropriating annually, such part of the interest and profits of the proceeds of such sale, as may be necessary to educate, maintain and support the said David B. Tharp, until he shall arrive at the age of twenty-one years, shall vest the remainder thereof, on good security, at legal interest; the said trustees to be chargeable and accountable for the principal and the proceeds thereof, raised and received by virtue of this act, after deducting such appropriations as are hereby authorized, in the settlement of their accounts, as such trustees, with the said Orphan's Court; and after the said child shall so arrive at age, then to pay over and dispose of the whole amount of the balance arising from such sale or sales, agreeably to the direction, and according to the true intent and meaning of the last will and testament of the said David Tharp, deceased, and in case the said David B. Tharp, shall die intestate, and leaving no child or children, then after his death, the said trust fund shall go to the same persons, and be disposed of in the same manner, under the direction of the said will, or

otherwise, as the said real estate would have been disposed of, if the same had not been sold.

Trustees to give bond.

Sec. 3. *And be it enacted*, That before the said trustees enter upon the execution of the trust herein assigned to them, they shall enter into bond to the governor of this state, for the time being, for the use of the said David B. Tharp, in such sum, and with such security as shall be approved of by the Orphans' Court of the said county of Morris, conditioned for the faithful performance of the trust by this act assigned to them, which bond shall be deposited in the surrogate's office, of the said county of Morris.

Rights of others not affected.

Sec. 4. *And be it enacted*, That no sale or conveyance of the lands or tenements of the said deceased, made under this act, shall affect the rights or interests of any other person or persons whatever, other than the heirs and devisees of the said David Tharp, deceased, and their legal representatives.

Passed February 25, 1834.

A FURTHER SUPPLEMENT to an act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first of February seventeen hundred and ninety-eight.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the several officers enumerated in the twelfth section of the act, to which this is a supplement, may be elected by a plurality of votes, in any annual town meeting which may resolve to vote by ballot.

Sec. 2. *And be it enacted*, That so much of the twelfth section of the act, to which this is a supplement, as comes within the purview of this act, be, and the same is hereby repealed.

Passed February 25, 1834.

AN ACT to divorce Sarah S. Doty from her husband Burne B. Doty.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

same, That Sarah S. Doty, of the county of Hunterdon, be, and she is hereby divorced from her husband Burne B. Doty, and that the marriage contract heretofore existing between them, the said Sarah S. Doty and Burne B. Doty, her husband, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 25, 1834.

AN ACT to divorce Elizabeth Morse, from her husband Robert Morse.

BE IT ENACTED by the Council and General Assembly of this state; and it is hereby enacted by the authority of the same, That Elizabeth Morse, of the county of Warren, be, and she is hereby divorced from her husband Robert Morse, and that the marriage contract heretofore existing between them, the said Robert Morse and his wife, Elizabeth Morse, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 25, 1834.

AN ACT to ratify and confirm an agreement made between the commissioners appointed by the Governor of the state of New-York, and the commissioners appointed by the Governor of the state of New-Jersey, respecting the territorial limits and jurisdiction between the said states.

Preamble.

WHEREAS, commissioners duly appointed on the part of the state of New-York, and commissioners duly appointed on the part of New-Jersey, for the purpose of agreeing upon and settling the jurisdiction and territorial limits of the two states, have executed certain articles, two copies for each state, which are contained in the following words:

AGREEMENT made and entered into by and between Benjamin F. Butler, Peter Augustus Jay and Henry Seymour,

commissioners duly appointed on the part and behalf of the state of New-York, in pursuance of an act of the legislature of the said state, entitled "An act concerning the territorial limits and jurisdiction of the state of New-York, and the state of New-Jersey," passed January 18th 1833, of the one part, and Theodore Frelinghuysen, James Parker and Lucius Q. C. Elmer, commissioners, duly appointed on the part and behalf of the state of New-Jersey, in pursuance of an act of the legislature of the said state, entitled "An act for the settlement of the territorial limits and jurisdiction between the states of New-Jersey and New-York," passed February 6th, 1833, of the other part.

Agreement between the states of New-York and New-Jersey

ARTICLE I.—The boundary line between the two states of New-York and New-Jersey, from a point in the middle of Hudson river, opposite the point on the west shore thereof, in the forty first degree of north latitude, as heretofore ascertained and marked, to the main sea, shall be the middle of the said river, of the bay of New-York, of the water between Staten Island and New-Jersey, and of Raritan bay, to the main sea, except as hereinafter otherwise particularly mentioned.

ARTICLE II.—The state of New-York shall retain its present jurisdiction of and over Bedlow's and Ellis' Islands, and shall also retain exclusive jurisdiction of and over the other islands lying in the waters above mentioned, and now under the jurisdiction of that state.

ARTICLE III.—The state of New-York shall have and enjoy exclusive jurisdiction of and over all the waters of the Bay of New-York, and of and over all the waters of Hudson river, lying west of Manhattan island, and to the south of the mouth of Spuytenduyvel creek, and of and over the lands covered by the said waters to the low water mark on the westerly or New-Jersey side thereof; subject to the following rights of property and of jurisdiction of the state of New-Jersey, that is to say :

1. The state of New-Jersey shall have the exclusive right of property in and to the land under water, lying west of the middle of the bay of New-York and west of the middle of that part of the Hudson river, which lies between Manhattan island and New-Jersey.

2. The state of New-Jersey shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made on the shore of the said state, and of and over all vessels aground on said shore, or fastened to any such wharf or dock; except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers, of the state of New-York, which now exist or which may hereafter be passed.

3. The state of New-Jersey shall have the exclusive right

of regulating the fisheries on the westerly side of the middle of the said waters; *Provided*, that the navigation be not obstructed or hindered.

ARTICLE IV.—The state of New-York shall have exclusive jurisdiction of and over the waters of the Kill Van Kull, between Staten Island and New-Jersey, to the westernmost end of Shooter's island, in respect to such quarantine laws and laws relating to passengers as now exist or may hereafter be passed under the authority of that state, and for executing the same; and the said state shall also have exclusive jurisdiction, for the like purposes, of and over the waters of the Sound, from the westernmost end of Shooter's island to Woodbridge creek, as to all vessels bound to any port in the said state of New-York.

ARTICLE V.—The state of New-Jersey shall have and enjoy exclusive jurisdiction of and over all the waters of the sound between Staten Island and New-Jersey, lying south of Woodbridge creek, and of and over all the water of Raritan bay, lying westward of a line drawn from the light house at Prince's bay, to the mouth of Matavan creek, subject to the following rights of property and of jurisdiction of the state of New-York, that is to say :—

1. The state of New-York shall have the exclusive right of property in and to the land under water, lying between the middle of the said waters and Staten Island.

2. The state of New-York shall have the exclusive jurisdiction of and over the wharves, docks and improvements made and to be made, on the shore of Staten Island; and of and over all vessels aground on said shore, or fastened to any such wharf or dock, except that the said vessels shall be subject to the quarantine or health laws, and laws in relation to passengers of the state of New-Jersey, which now exist or which may hereafter be passed.

3. The state of New-York shall have the exclusive right of regulating the fisheries between the shore of Staten Island and the middle of the said waters, provided that the navigation of the said waters be not obstructed or hindered.

ARTICLE VI.—Criminal process issued under the authority of the state of New-Jersey, against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid, or committed against the regulations made, or to be made, by that state in relation to the fisheries mentioned in the third article; and also civil process issued under the authority of the state of New-Jersey, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any of the said waters within the exclusive

jurisdiction of the state of New-York, unless such person or property shall be on board a vessel aground upon, or fastened to the shore of the state of New-York, or fastened to a wharf adjoining thereto; or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the state of New-York.

ARTICLE VII.—Criminal process issued under the authority of the state of New-York, against any person accused of an offence committed within that state, or committed on board of any vessel being under the exclusive jurisdiction of that state as aforesaid; or committed against the regulations made or to be made by that state, in relation to the fisheries mentioned in the fifth article; and also civil process issued under the authority of the state of New-York, against any person domiciled in that state, or against property taken out of that state to evade the laws thereof, may be served upon any of the said waters within the exclusive jurisdiction of the state of New-Jersey, unless such person or property shall be on board a vessel aground, upon, or fastened to, the shore of the state of New-Jersey, or fastened to a wharf adjoining thereto, or unless such person shall be under arrest, or such property shall be under seizure, by virtue of process or authority of the state of New-Jersey.

ARTICLE VIII.—This agreement shall become binding on the two states when confirmed by the legislatures thereof respectively, and when approved by the Congress of the United States.

Done in four parts (two of which are retained by the commissioners of New-York, to be delivered to the governor of that state, and the other two of which are retained by the commissioners of New-Jersey, to be delivered to the governor of that state) at the city of New-York, this sixteenth day of September, in the year of our Lord one thousand eight hundred and thirty-three, and of the Independence of the United States, the fifty-eighth.

THEODORE FRELINGHUYSEN,
JAMES PARKER,
LUCIUS Q. C. ELMER.

B. F. BUTLER,
PETER AUGUSTUS JAY,
HENRY SEYMOUR.

THEREFORE,

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the aforesaid agreement, and every article, clause, matter and thing, therein contained, shall be and the same is hereby fully and amply ratified and confirmed, on the part of the state of New-Jersey.

Ratification of
agreement.

Passed February 26, 1834.

Q

AN ACT for the enclosure of a certain tract of woodland, in the township of Saddle River, in the county of Bergen.

Boundaries of tract to be enclosed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of that tract of woodland, situate, lying and being in the township of Saddle River, in the county of Bergen aforesaid, being bounded as follows, viz: beginning at Mead's basin and running north along the Newark and Pompton turnpike road, to the road leading to Pompton, near the Pompton river; thence up said road until it intersects the road leading to Preakness; thence along said road to the Paterson and Hamburg turnpike road; thence along said road until it comes to the public road leading to Preakness church; thence along the same, the nearest and most direct way past the house of Cornelius Kipp, in Preakness, to the place of beginning, to fence the same in common, and to erect and maintain such swing gates, as they may think proper; and that from and after the enclosing the same as aforesaid, no person or persons, whatsoever, shall drive, or let in, any horses, cattle, sheep or hogs, with intent to let them run at large in said tract; *Provided always*, that nothing in this act contained, shall be construed so as to prevent any person or persons from turning his horses, cattle or sheep, on such part of the said tract as may belong to him or her, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

Proviso.

Penalty for letting in horses, or cattle.

Sec. 2. *And be it enacted*, That if any person, whatsoever, shall drive or let in any horses, cattle or sheep, into the said tract, after the same shall be enclosed, as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing gates thereon, they shall be liable to a penalty of ten dollars; and if any person or persons, shall leave open any bars or swing gates thereon, negligently or wilfully, he shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees herein after mentioned, or either of them, in any court of competent jurisdiction in this state, in an action of debt, and the proceeds thereof, after paying the cost and expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates around the said tract.

Beasts may be impounded.

Sec. 3. *And be it enacted*, That if any horses, cattle, sheep, or hogs, be found running at large in said tract, it shall be lawful for any person so finding them, to drive them to any public pound, in the township of Saddle River, leaving with the keeper of such pound, an affidavit that such horses, cattle,

or sheep, were found running at large in said tract, and it shall be the duty of such pound keeper, to receive and keep the horses, cattle and sheep, so delivered to him, until the owner thereof shall pay to him the cost and fees of impounding the same, together with damages, if any incurred; and such pound keeper shall collect and receive the same in the same manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall in all matters proceed as is directed by an act entitled "An act regulating fences," passed January the twenty-third, seventeen hundred and ninety-nine.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract, shall meet on the first Tuesday of April next, at the house of Isaac H. Mead, at Mead's Basin, in the township of Saddle River, and on the first Tuesday in April of each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose from among themselves, three persons to be trustees of said lands, who shall hold their office for one year, or until their successors shall be appointed.

Time and place
of electing trustees.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence to be erected around the said tract, and shall assign by marks and measurement to each of the owners of said tract, a part of said fence to make and maintain, to the proportion to the number of acres owned by him or her therein; and if after such assignment and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons so refusing, and their legal representative, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees, to cause a lawful fence at all times, to be kept up and maintained around the above said tract.

Duties of trustees.

Sec. 6. *And be it enacted*, That each trustee shall be entitled to receive one dollar per day, for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to their interest; and shall be assessed by the said trustees, according to the number of acres held by each owner of said tract, and shall make out a duplicate list of the amount assessed upon the property of each individual, who upon refusal or neglecting to pay the same, after notice of the aforesaid assessment, being set up in three of the most public places near the premises, for the space of thirty days, shall be liable to prosecution before any court having competent jurisdiction of the same, in an action of debt with costs of suit.

Pay of trustees.

Passed February 26, 1834.

AN ACT to incorporate "The Bottle Hill and Montville Canal Company."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all persons who may become subscribers in the manner hereinafter mentioned, and their successors and assigns, shall be, and are hereby incorporated, by the name of "The Bottle Hill and Montville Canal Company," and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, plead and be impleaded in all courts and places, and shall have power and authority to purchase, receive in donation, possess, enjoy and retain, demise, grant, alien, and sell all such lands, tenements and hereditaments, waters, streams and water privileges, rights, goods, chattels, and effects of every description whatsoever, as may be necessary for carrying into effect any of the provisions of this act, and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure, and to make and ordain such by-laws and regulations in relation to its canal and other property and concerns, as the board of directors or a majority of them, shall deem necessary and proper, and the same to alter, annul and re-enact at pleasure: *Provided*, the same be consistent with this act, and the constitution and laws of this state and of the United States.

Style of incorporation.

Proviso.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted,* That Jacob Wilson, Noadiah P. Thomas, Walter Kirkpatrick, Benjamin L. Condict and William Brittin, shall be commissioners for receiving subscriptions for the sum of one hundred thousand dollars, to constitute the capital stock of said company, in shares of fifty dollars each, and they, or a majority of them, shall open books for that purpose, at such times and places as they, or a majority of them shall designate, by public advertisements, inserted in the newspapers printed at Morristown in the county of Morris, for at least thirty days immediately preceding the time or times appointed for that purpose, and continue the same open from time to time, until the said stock, or sixty thousand dollars thereof, shall be subscribed; the sum of five dollars shall be paid to the commissioners at the time of subscribing, on each share, and the amount received by said commissioners shall be paid over by them to the directors of said company, to be appointed as hereafter mentioned, immediately after their appointment and entering upon the execution of their offices; and the directors, when appointed, shall have power to call in and require payment of the residue of such capital stock in such instalments, and at such times, as they may deem expedient, giving thirty days notice in the

newspapers aforesaid, of the demand of each instalment; and no instalment of more than five dollars shall be required to be paid at one time.

Sec. 3. *And be it enacted*, That the managers of the concerns of the said company, shall be vested in seven directors, to be selected by the stockholders, and the directors shall choose by a plurality of votes, from among themselves, a president; and as soon as conveniently may be, after the said capital or sixty thousand dollars shall have been subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders, by giving notice as aforesaid, at such time and place as they may designate in said notice, to elect the first board of directors, who shall hold their offices until the first Monday in April, eighteen hundred and thirty-five, and the subsequent elections of directors shall be holden annually on the first Monday in April, at such place as the directors, or a majority of them, shall appoint, upon like notice as aforesaid, to be given by said directors, or a majority of them; and in case it shall so happen at any time that an election of directors shall not be made, when by this act it ought to be made, the said corporation shall not thereby be deemed to be dissolved, but the directors, last appointed, shall continue in office until others are chosen; and the directors, or a majority of them, may order an election to be held at such time and place as they may see fit, giving notice thereof as aforesaid; all elections for directors, shall be by ballot, and each stockholder shall have as many votes as he shall hold shares of the capital stock.

Time and mode of electing directors.

Corporation not dissolved by failure to elect on day prescribed.

Sec. 4. *And be it enacted*, That the amount expended in the construction of the canal or raceway authorized by this act, shall not be subject to any state, county, township or other public taxes, assessments or charges whatsoever.

Amount expended on canal not subject to tax.

Sec. 5. *And be it enacted*, That it shall be lawful for said company to make, construct and complete a canal or artificial navigation, commencing at or near the village of Bottle Hill, in the township of Chatham, in the county of Morris, and running through the townships of Hanover and Pequannock, to the Morris canal, so as to intersect the same within a mile of the lowest inclined plane at Montville, in the township of Pequannock, in said county, with all such locks, planes, works, devices, wharves, toll houses and offices necessary for the use of said canal; and it shall be lawful for the said company, by its president and directors, or any agents, engineers, superintendents, contractors, or other person or persons by them employed, to enter from time to time, and at all times, upon all lands, for the purpose of exploring the route of said canal, and locating the same and the several works above specified, doing to the same no unnecessary damage, and when the route of said canal shall have been fixed upon and its several works located, by the directors or a majority of

Route of canal.

Company may enter upon lands in exploring.

them, and a survey thereof made and deposited in the clerk's office of the county of Morris, then it shall be lawful for them and their agents, contractors, and other persons by them employed, to enter upon, take possession of, and use all and singular such lands, water and streams, as may be necessary for said canal, subject to the provisions hereinafter contained.

Mode of proceeding, &c.

Sec. 6. *And be it enacted*, That where lands, waters and streams, that may be necessary and useful for said canal, shall not be made a free gift by the owner or owners thereof to the said company, then the said company shall pay to the owner or owners thereof, a just compensation to be mutually agreed upon, and in case of disagreement as to the value of such lands, waters or streams, then it shall be the duty of any judge of the Court of Common Pleas of the county of Morris, not in any way interested, upon the application of either party, and upon six days notice in writing given to the other party, to appoint three disinterested and judicious persons commissioners, to assess the price and value of such lands, water and streams, which said commissioners shall cause six days notice in writing, to be given to both parties of the time and place of their meeting, and having met and been duly sworn, honestly and faithfully to execute the duties of such appointment, shall proceed to view the lands, water and streams in question, and to hear the parties and their witnesses, if desired, which witnesses the commissioners or any one of them shall have authority to swear, and shall thereupon make such decision and award, as to them shall seem just and equitable, which decision and award shall be in writing, under the hands of the commissioners or two of them, and be transmitted together with a description of the lands, water, and stream or streams, the price or value of which shall be fixed by said decision and award to the judge who appointed them, and the said judge shall file the same, together with all papers relating to the application and proceeding, in the clerk's office of said county, there to remain as a public record, whereof said parties shall be entitled to take copies, from which decision and award either party may appeal to the Court of Common Pleas of the county of Morris, by petition, to be filed in the office of the clerk of said court, at any time within thirty days after such decision and award shall be filed as aforesaid, and the said Court of Common Pleas, shall have full power to hear and determine the matters in dispute between the parties, in relation to said decision and award; and in case either party shall demand it, a venire facias shall be awarded by said court, to assess the value of said lands, water, stream or streams, and all damages sustained by the owner or owners thereof, by reason of the said canal, and the same notice of trial shall be given and proceedings had as in other cases of trial by jury, if the appeal is brought by the owner or owners, and if the sum

awarded in the said court of common pleas, shall be greater than that found by the commissioners, then the costs of such appeal shall be recovered by said owner or owners of the said company, but if the sum awarded in such court be the same or less than that found by the commissioners, then the company shall recover the costs of the said appeal of such owner or owners; if the appeal is brought by the company and the sum awarded in the said court of common pleas, shall be the same or greater than that found by the commissioners, then the said owner or owners shall recover the costs of such appeal of the said company; if the sum awarded in said court shall be less than that found by the commissioners, then each party shall pay their own costs, and judgment shall be given in the said court of common pleas in all cases for the damages awarded, and costs, agreeably to the provisions of this section, and execution issue accordingly; and it is hereby declared, that it shall not be lawful for said company to take possession of, occupy or use for the purposes of said canal, any lands, water, stream or streams, until compensation and damages shall be duly paid or tendered therefor, pursuant to the provisions of this act.

Sec. 7. *And be it enacted*, That in case the owner or owners of any such lands, water, or stream or streams as herein before mentioned, shall be feme covert, under age, non compos mentis, out of the state, or under any other legal disability, then and in such case the value of such lands, water, or stream or streams and damages, shall be ascertained by commissioners in manner as aforesaid, to be appointed on the application of said company or the lawful guardian of such owner or owners; and the amount of any award made in favor of such owner or owners shall be paid into the court of chancery of this state, for the use of such owner or owners, subject to the order of said court.

Proceedings where owners are under legal disability to convey.

Sec. 8. *And be it enacted*, That all proceedings under this act, to ascertain the value of any lands, water, stream or streams, to be used by the said company, except proceedings on appeals before provided for, shall be at the expense of and paid by the said company.

Expense to be paid by the company.

Sec. 9. *And be it enacted*, That it shall be lawful for said directors and their superintendents, agents, engineers, laborers and workmen, with carts, wagons and other carriages, and with beasts of draught and burden, and all necessary tools and implements, to enter upon all lands contiguous to the route of the said canal, doing as little damage thereto as possible, and repairing all breaches they may make in the enclosures thereof, and to take and carry away any stone, gravel, clay, sand or earth there, being most conveniently situated, and most suitable for making or repairing said canal or its locks, planes or other devices thereto be-

Company may enter upon lands contiguous to the route of canal.

longing; and the price or value of all such materials and damages occasioned by the taking thereof shall be agreed upon or otherwise ascertained, and paid, or tendered to be paid, in the manner herein before provided for, in relation to the water, lands, stream or streams necessary for said canal.

Powers and
duties of direc-
tors.

Sec. 10. *And be it enacted*, That the president and directors, or a majority of them, shall have power to elect and employ all engineers, treasurers, collectors, toll men, clerks, agents, artificers, workmen, servants, laborers and officers whatsoever, necessary in their judgment for conducting the affairs of the said company, and to dismiss them and elect others at their pleasure, and also shall have power to charge and collect tolls, and rates for the passage of all boats, goods, draught-cattle, wares, produce, merchandise and passengers whatsoever, upon the canal or upon its banks, and to make, enact, and at pleasure to change and re-enact such tolls and rates, and also rules and regulations for the levying and collection of the same, as to them may seem proper; *Provided*, the company shall at no time charge more than three cents per ton per mile, on the passage of coal, lime, gypsum, iron ore and stone, and a proportionate charge upon other articles, contemplating their bulk, weight and value; and a card thereof shall be put up in open and public view, at every place where toll shall be required to be paid.

Rates of toll.

Annual state-
ment to be ex-
hibited.

Sec. 11. *And be it enacted*, That at the general meeting of said stockholders, to be held annually, agreeably to this act, a general statement of the affairs of the company shall be made out and exhibited by the president and directors, or a majority of them, and the said president and directors, or a majority of them, may as often as shall appear to them expedient, declare and pay such dividends of the net proceeds of the company as they may think proper.

Stock personal
property.

Sec. 12. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be transferable on the books of the company, in such manner as the by-laws shall ordain.

Bridges to be
made when ca-
nal crosses
roads or farms.

Sec. 13. *And be it enacted*, That when the said canal shall cross any public road or farm, it shall be the duty of said company at their proper expense, to make good and sufficient bridges across said canal, and to keep the same in repair, so as to prevent any inconvenience in the use of said road or farms, by reason of said canal crossing the same, and also to make and maintain good and sufficient fences along the line of said canal, on both sides thereof, where the same may be necessary.

Right of action
for damages.

Sec. 14. *And be it enacted*, That nothing in this act shall be taken to impair the right of any person, to an action against the company for damages, to his or her lands, tenements or hereditaments or water rights, by the erection of said canal,

where such person hath not been agreed with by the company, or his or her damages, right and estate, satisfied and vested in said company, under the previous provisions of this act.

Sec. 15. *And be it enacted*, That the said canal when completed; shall forever thereafter be esteemed a public highway, free for the transportation of all goods, commodities, produce and passengers whatsoever, on payments of the tolls, and conforming to the rules and regulations made or authorized by this act; and the legislature may at any time hereafter appoint three commissioners to fix and regulate the tolls, to be taken on said canal, who, together with two commissioners, to be appointed by the company, shall fix and regulate the same, having due regard to the interest of the company, and of the citizens of this state; *Provided*, that they shall not reduce such tolls lower than one half of the greatest amount mentioned in the tenth section of this act.

Canal a public highway.

Tolls fixed by commissioners.

Sec. 16. *And be it enacted*, That it shall be lawful for said company, by means of a raceway or canal, to connect the waters of the Rockaway river from a point at or near the old Boonton works, below the Boonton falls, with the said canal, in that section thereof, which will be between said river and the aforesaid termination of said canal: *Provided*, that the waters so taken from the Rockaway river, and all waters taken from the Passaic river or any of its tributaries, by said company, or its successors or assigns, be not in any way mingled with or emptied into the Morris Canal, but shall be returned undiminished into said tributaries, or into the Passaic river, above the great falls of the Passaic; and for that purpose the said company are hereby vested with the same authority and right to enter upon all lands, for the purpose of exploring the route of said raceway or canal, and locating the same and taking possession of, appropriating and using all lands, useful and necessary for the same, and taking and using such materials for constructing and repairing said raceway or canal, as are contained in this charter, in relation to said canal, from Bottle Hill to the Morris Canal; and the value of all such lands, material, and the damages occasioned by the construction of said raceway or canal, shall be agreed upon or otherwise ascertained and paid for, in the same manner as is herein before provided for; and the said raceway or canal shall in all things be subject to the same restrictions and provisions, and the company be entitled to all the rights and privileges in relation to the same as are herein mentioned in respect to said principal canal; and that the provisions of the fourteenth section of this act shall be so construed as to extend to damages sustained, not only by the erection of said canal or raceway in the first instance, but also by the subsequent operations of said company, their successors and as-

Raceway may be continued.

Restrictions in connecting the waters of certain rivers with the canal.

Provisions of fourteenth section extended, in certain cases.

signs, as the same from time to time, may arise, any thing in this act contained to the contrary thereof notwithstanding.

Canal to be
completed in ten
years.

Sec. 17. *And be it enacted*, That this act shall be null and void, unless said company shall complete and open the said canal for the passage of boats, within ten years from the passage of this act, and that the funds of the said company, shall, at no time, be used in any banking operations.

Sec. 18. *And be it enacted*, That nothing contained in this act, shall be so construed as to affect the chartered rights or privileges of any company or incorporation heretofore authorized or created by the legislature of this state.

Act may be al-
tered or repeal-
ed.

Sec. 19. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, modify or amend this act, as the public good may require.

Passed February 26, 1834.

AN ACT to authorize a road to be laid out over a part of the State Lands, at Paterson.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the surveyors of the highways of the counties of Bergen and Essex, shall be, and they are hereby authorized, to lay out a public road, not exceeding three rods in width, over that part of the state lands at or near the town of Paterson, in the county of Essex, situate north of said town, and adjoining lands of John S. Vanwinkle; to commence on the north side of Broadway, in said town, and to run a northerly course to the bend of the Passaic river, at or near the fording place, near the house of John D. Ryerson, or the Grist Mill of John D. Ryerson, any thing in the act, entitled "An act to prevent public or private roads being laid out, or opened on or through lands belonging to this state," passed the third of November, eighteen hundred and fourteen, to the contrary notwithstanding; *Provided*, that the said surveyors, shall lay out said road from Broadway in Paterson, aforesaid, to Hoppertown in Bergen county, and the same be opened for public use, and a good and substantial bridge built thereon, across the Passaic river.

Passed February 26, 1834.

An ACT to incorporate the Union Fire Company of the borough of Pemberton, Burlington county.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Aaron Gaskill, Robert Rogers, Job R. Gaskill, Franklin W. Earl, Benjamin C. Gibbs, James Burroughs, and all other persons, not exceeding fifty in number, who now are or hereafter shall become members of the Union Fire Company of the borough of Pemberton, Burlington county, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of the Union Fire Company of the borough of Pemberton; and, by such name, they shall have succession, and be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such form of constitution, and such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall not exceed one thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire hooks, engine houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of their fellow citizens from injury or destruction by fire.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the said company shall have power to elect, annually, a president, out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office, shall deliver it over to his successor.

Officers to be chosen.

Sec. 4. *And be it enacted*, That all the privileges and exemptions contained in an act entitled "An act for the encouragement of fire companies," passed December fourteenth, eighteen hundred and twenty-six, be, and the same are hereby

Privileges and exemptions of company.

extended to all persons who now are or hereafter shall become and continue actual members of said company.

Act may be altered or repealed.

Sec. 12. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to amend, repeal or modify this act, as they shall think fit.

Passed February, 26, 1834.

AN ACT to authorize the removal of certain obstructions to the navigation of the river Delaware.

WHEREAS, it is represented, that certain obstructions have recently been placed in the river Delaware, at Scudder's Falls, which obstruct the navigation of said river, are productive of great loss and damage to the citizens of this state, and ought to be summarily removed—Therefore,

Commissioners appointed.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Enoch Green, and Philip Fine, jun. of the county of Warren, and Cornelius Ludlow, of the county of Hunterdon, be, and are hereby authorized and empowered, with all necessary workmen and implements, to remove and clear out said obstructions so that the natural navigation of said river may be restored at the falls aforesaid.

Mode of payment of expenses.

Sec. 2. *And be it enacted*, That said commissioners shall keep a just and true statement of the expenses, incurred under the authority of this act, and transmit the same, under oath or affirmation, to the governor of this state, for the time being, who shall issue a warrant to the treasurer of the state, for the payment of the same, provided the amount thereof shall not exceed three hundred dollars.

Rights of incorporated companies not affected.

Sec. 5. *And be it enacted*, That nothing in this act shall be construed to interfere with the chartered rights of the Trenton Delaware Falls Company, or any other incorporated company, or to authorize said commissioners to remove any of the property or works of said company or companies, which do not impede the passage of rafts or loaded boats.

Passed February 26, 1834.

AN ACT to incorporate the Flemington Mining Company.

WHEREAS, Peter I. Stryker, and Albert Cammann, have, in behalf of themselves and their future associates, by their petition set forth, that they are in possession of a considerable mining district, near Flemington, in the county of Hunterdon and State of New-Jersey, containing mines of copper and other minerals and metals, and have full right, by virtue thereof, to work the said mines, and have requested the legislature to pass an act incorporating the said petitioners and their future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof, in such manner as they may think proper—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Peter I. Stryker, and Albert Cammann, and such others as may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Flemington Mining Company;" and by that name, they and their successors and assigns, shall, and may have continual succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Style of incorporation.

Powers.

SEC. 2. *And be it enacted,* That the stock, property, concerns and affairs of the said corporation, shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January, at such time of the day and at such place, in the county of Hunterdon and state of New-Jersey, as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Flemington, and in one printed at Somerville, and the election shall then and there be made by such of the stockholders, as shall attend for that purpose, in person or by proxy, and all elections shall be by ballot, each share having one vote, and the persons

Election of directors and mode of voting.

who shall have the greatest number of votes shall be the directors, and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors, elected by the stockholders, by death, removal, resignation or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 3. *And be it enacted*, That in case it should at any time happen, that an election of directors should not be made on the day, that, pursuant to this act, it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Amount of capital.

Sec. 4. *And be it enacted*, That the capital stock of the said corporation, shall not exceed the sum of five hundred thousand dollars, and that a share in the said stock, shall be one hundred dollars; and it shall be lawful for the president and directors of the said corporation, to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days previous notice of such call and demand, in the newspapers before mentioned.

Duties of directors.

Sec. 5. *And be it enacted*, That a majority of the directors, for the time being, shall form a board, or quorum, for the transacting of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper, touching the concerns of the said corporation, and shall also have power to appoint and employ so many officers, clerks, and servants, for carrying on said business, and with such salaries and allowances, as to them shall seem meet.

Capital not to be employed in banking.

Sec. 6. *And be it enacted*, That nothing in this act contained, shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes than are herein before expressed.

Sec. 7. *And be it enacted*, That the stock of the said company, shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company, and that for all debts which shall

be due and owing by the said company, the persons then composing such company, shall be individually responsible, to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real, or personal, which they may hold as a body corporate, from being liable.

Stockholders
liable for debts
of the company.

Sec. 8. *And be it enacted*, That no transfer of stock of said company, shall be valid or effectual until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders.

Mode of trans-
ferring stock.

Sec. 9. *And be it enacted*, That the contracts entered into by the said Peter I. Stryker and Albert Cammann, touching and concerning leases, of any part of the said tract of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves.

Certain previous
contracts bind-
ing the compa-
ny.

Sec. 10. *And be it enacted*, That this shall be a public act, and shall be judicially referred to by all judges, justices, and others, without being specially pleaded.

Passed February 26, 1834.

AN ACT to incorporate the Dingmans Choice and Delaware Bridge Company."

WHEREAS, the legislature of the Commonwealth of Pennsylvania, by an act passed the eleventh day of February, one thousand eight hundred and thirty-four, entitled "An act to incorporate the Dingman's Choice and Delaware Bridge Company," have appointed and authorized four commissioners, therein named, who, with the commissioners, to be appointed by the state of New-Jersey, shall be authorized to receive subscriptions to the capital stock of said company, at such times and places, in such manner and for such purposes as are set forth in the said act; AND WHEREAS, said act provides for the incorporating of the persons holding shares into a company with certain powers, privileges, and franchises, in the said act particularly set forth, to which act the concurrence of the legislature of the state of New-Jersey is requested, in order that the same may be carried into effect—Therefore,

Preamble:

Commissioners
to receive sub-
scriptions.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Peter Young, John Bell, John Layton and Benjamin Tuttle, all of the county of Sussex, in the state of New-Jersey, be, and they are hereby appointed commissioners, together with the commissioners appointed by the legislature of the commonwealth of Pennsylvania, as aforesaid, to receive subscriptions to the said capital stock; and that all the power and authority given by the above recited act of the legislature of the Commonwealth of Pennsylvania, to the commissioners therein named, be, and the same are hereby given to the commissioners appointed by this act.

Act incorpora-
ting the compa-
ny, confirmed by
his state.

SEC. 2. And be it enacted, That all and singular the power and authority given by the said recited act of the legislature of Pennsylvania, to the judges of the court of common pleas of said state, and the company to be incorporated by virtue of the said act, be, and the same is hereby given in like manner to the justices of the supreme court of this state, and the said subscribers and company to be incorporated by virtue of this act; and that the assent of this state be, and the same is hereby given, to the said recited act of the legislature of the state of Pennsylvania, and the same is hereby adopted, ratified and confirmed, by this state, as fully and as amply as if the same had been re-enacted at large, section by section, and the provisions thereof shall be of full force and effect within this state.

Passed February 26, 1834.

AN ACT to incorporate the Manufacturers Bank at Bellville.

Style of incor-
poration.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Zenas S. Crane, John Dow, Anthony Rutgers, John Williams, William Stephens, Nicholas N. Joralemon, Abram V. Speer, William H. Brant, Ralph Pomeroy, Joseph Kingsland, Cornelius G. Vanriper, George Kingsland and William B. Baldwin, and their associates, shall be, and they are hereby created a body corporate and politic, in-name and in fact, by the name and style of "The Manufacturers Bank at Belleville," and by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered

unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever, and may have a common seal, and may change, alter and renew the same at pleasure, and by the same name shall be, and are hereby made capable in law, of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *Provided*, that the said corporation shall in no case be owner of any ships or vessels, or directly deal or trade in any thing, except bills of exchange, promissory notes, gold and silver bullion, stock of the United States, and such ships or vessels, goods wares and merchandise, as shall be truly pledged to them, by way of security for debts due, owing or growing due, to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its lands; *Provided also*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation, for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security for loans or contracts made, or conveyed to it in full, or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgments, for the purpose of bona fide securing any debt or debts due to the said corporation.

Powers.

Proviso.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to three hundred thousand dollars, at any time during the continuance of this charter; and that the subscription to the said capital stock be received by Jacob K. Mead, Aaron A. Van Houten, John C. Lloyd, William Dow, and Caleb Neagles, John Kennedy, and John Lee, which said commissioners, or a majority of them, shall open books of subscription at Belleville; and said books shall be kept open for the space of five days, giving twenty days' previous notice in two newspapers published at Newark; and if the whole amount shall not within that time be subscribed, the said commissioners, or a majority of them, may continue to keep the books open until the whole capital stock be subscribed; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners, or a majority of them, to make a fair and just apportionment of the stock among the subscribers; giving a preference to the citizens of New-Jersey; and upon the closing of the said books of subscription, or within five days thereafter, the said commissioners shall pay over to the directors hereinafter appointed, the whole amount of money which they, or any of them, may have received upon the said subscriptions.

Amount of capital stock.

Commissioners to receive subscriptions for stock.

If more be subscribed than the amount of capital stock, a fair apportionment to be made.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be bona fide stockholders, owning, in their own right, respectively, at least ten shares of the capital stock of said bank, and be citizens of the United States and of this state, and of whom, at least eight, together with the president, shall have been resident within the township of Bloomfield, in Essex county, for at least one year immediately preceding their election; which directors shall hold their offices for one year, and shall be elected on the first Tuesday in February, in every year, in the banking-house, at such time of the day as the board of directors for the time being, shall appoint; and notice shall be given, by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the town of Newark; and for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for are qualified to be elected directors, and, after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their names, and in his, her, or their own right, at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen, at any election, that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot, and plurality of votes, to determine which of the persons having an equal number, shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner, to elect one of their number by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Zenas S. Crane, John Dow, Anthony Rutgers, John Williams, William Stephens, Nicholas N. Joralemon, Abram V. Speer, William H. Brant, Ralph Pomeroy, Joseph Kingsland, Cornelius G. Vanriper,

Qualifications of directors.

Time and place of election.

Mode of election.

First Directors.

George Kingsland, and William B. Baldwin, shall be directors, and shall hold their offices, respectively, until the first Tuesday in February, in the year of our Lord one thousand eight hundred and thirty-five, and until others shall be chosen by the stockholders.

Sec. 4. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation: *Provided*, that no discount shall be made on any note or notes, bill, or bills, without at least one good endorser.

Powers and duties of directors

Sec. 5. *And be it enacted*, That the directors, for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition of the stock, business, and effects thereof, the time, manner, and terms at and upon which discounts and deposits, shall be made and received by the said corporation; the duties and conduct of the officers, clerks, and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall have power to appoint as many officers, clerks and servants, for carrying on said business, and with salaries and allowances as to them shall seem meet: *Provided always*, that such by-laws, rules and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state: *And provided further*, that the cashier of the said bank shall be annually appointed; and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation, faithfully to perform the duties of his office, and that he will not, knowingly or wilfully suffer any director of the said bank wrongfully to convert the funds of the said bank to his own use, by over-drawing his account or otherwise; and that in case it shall come to his knowledge that any director has wrongfully converted any part of the funds of the said bank to his own use, that he will give notice thereof to the board of directors, at their then next meeting, and shall give bond, with two or more sureties, in a sum not less than twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank.

Cashier to be annually appointed, &c.

Sec. 6. *And be it enacted*, That the said corporation shall not issue bills of a less denomination than one dollar; and that the stock of the said corporation shall be considered as personal property; and that the said stock, and the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of said bank, shall pay, at the time

Stock subject to taxation.

Stock forfeited
on failure to pay
instalments.

of subscribing, to the commissioners receiving such subscriptions, the sum of five dollars, in specie or notes of the Bank of the United States, or of banks in this state, or the city of New-York or Philadelphia, which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of said company may require payment for the remaining instalments which shall have been subscribed, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments made thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published, at least thirty days, in two of the newspapers printed in the town of Newark; *Provided*, that no instalment to be paid, shall exceed five dollars on a share.

Transfer of
stock, &c.

Sec. 7. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual until any debt or debts which may be due to the said corporation from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books, to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe over and above the actual deposits in the said bank, shall not exceed twice the sum of the capital stock subscribed and actually paid into the bank.

Bills under seal
assignable by
endorsement.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees, successively, and so as to enable such assignee or assignees, to bring and maintain an action thereupon in his, her or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money, to any person or persons, his, her or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect, as upon any private person or persons, if issued by him or them in their private and natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation: *Provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Bills not under
seal assignable
and negotiable.

Proviso.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual

dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable; but they shall make no dividend of any part of the capital stock.

Semi-Annual dividends made.

Sec. 10. *And be it enacted*, That the rate of discounts at which loans may be made by the said corporation, shall not exceed the legal rate of interest of this state for the time being: *Provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

Rate of discount on loans.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually, to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth, this charter, and all the privileges hereby conferred shall cease, and be forever at an end.

Annual statement to be made.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act, the said president, directors, and company, shall neglect, on demand being made at their banking house during the regular hours of doing business, to redeem, in specie or other lawful money of the United States, their said bills, notes, or other evidence of debt, issued by the said corporation, the said president, directors, and company, shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise.

Charter forfeited on failure to redeem notes in specie.

Sec. 13. *And be it enacted*, That if the bank shall at any time refuse or neglect to pay in gold or silver, any bill, note, or other evidence of debt, agreeably to the tenor thereof, which it has issued, and which shall be presented for payment during its regular hours of business, it shall be the duty of the cashier, and he is hereby required, at the time of such refusal, or neglect, to endorse on such bill, note, or other evidence of debt, the fact, and the time of such refusal or neglect, and subscribe his name thereto, and the holder of such bill, note, or other evidence of debt, shall be entitled to receive interest for the same, at the rate of ten per cent. per annum, until paid, provided a demand therefor, in manner aforesaid, shall be made every three months from the time of such endorsement; *Provided also*, that nothing in this section shall be construed to prevent the said bank from redeeming its own notes with the notes of any other bank in whose behalf the same shall be presented for payment.

Interest paid to note holders from time of refusal on demand of payment.

Sec. 14. *And be it enacted*, That the president and directors of said corporation, shall individually, and jointly and severally, be, and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes,

President and directors jointly and severally liable for notes issued by the bank.

that they or any of them may issue and circulate, and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and, upon judgment being rendered, execution shall issue thereon.

When the bank
may issue notes.

Sec. 15. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that seventy-five thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to the provisions of this act.

Limitation.

Sec. 16. *And be it enacted*, That this act shall be and continue in force until the first day in January, one thousand eight hundred and fifty-five, and no longer; *And further*, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be al-
tered or repealed

Passed February 26, 1834.

A SUPPLEMENT to the act, entitled "An act to incorporate the Princeton and Kingston Branch Turnpike Company," passed December third, eighteen hundred and seven.

Preamble.

WHEREAS, it hath been represented to this legislature, that a further increase of the capital stock of the Princeton and Kingston Branch Turnpike Company, is necessary in order to enable said company to put their road in better travelling condition, by taking advantage of so much of the McAdamized or other systems of road making, as may be usefully applied to their said turnpike, so as not to interfere with the vested rights of other companies—Therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the directors of the

Princeton and Kingston Branch Turnpike Company, or a majority of them, at any time they may see proper, to open books to receive subscriptions for the purpose of increasing their stock to any amount not exceeding two hundred and fifty thousand dollars, by giving at least twenty days notice in one of the newspapers published at Princeton or Trenton.

Subscription
may be opened
for additional
stock.

Sec. 2. *And be it enacted*, That it shall and may be lawful for said company to improve their road by McAdamizing, or otherwise, in such manner as they may see fit ; *Provided*, that nothing herein contained shall be so construed as to interfere with the privileges of any other incorporated company.

Road may be
McAdamized,

Sec. 3. *And be it enacted*, That it shall and may be lawful for said company to extend their road from any point thereof, to any point of the Georgetown and Franklin Turnpike road, as may be deemed advisable, subject to the provisions of the act to which this is a supplement, and if they think proper, they may pursue the course of said Georgetown and Franklin Turnpike road to its termination at the head of Albany street, in the city of New-Brunswick, by and with the consent of said Georgetown and Franklin Turnpike Company, in the same manner as is herein and hereby authorized.

Company to ex-
tend the road.

4. AND WHEREAS, the said Princeton and Kingston Branch Turnpike Company, have expended thirty-five thousand dollars on their road, for which they have the right of charging one cent per horse per mile, Therefore, BE IT ENACTED, That the said company may charge as tolls for travelling on said turnpike, in the ratio of one cent per horse per mile, for every additional thirty-five thousand dollars expended on said road.

Tolls increased.

Sec. 5. *And be it enacted*, That the additional stock hereby authorized to be created, shall be in shares of twenty-five dollars each, which shall be deemed and considered a part of the capital stock of said company, and be entitled to all the privileges and subject to all the regulations of the present capital stock of said company.

Additional stock
considered part
of capital stock.

Sec. 6. *And be it enacted*, That this supplement shall not take effect until the persons holding three fourths of the stock of said company shall assent, in writing, to the provisions of the same, and such consent be filed in the office of the secretary of this state.

When act to
take effect.

Passed February 26, 1834.

AN ACT to divorce John Pierson from his wife Catharine Pierson.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That John Pierson, of the county of Essex, be, and he is hereby divorced from his wife, Catharine Pierson, and that the marriage contract heretofore existing between them, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 26, 1834.

AN ACT to incorporate the Farmers' and Mechanics' Bank of New-Brunswick.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are, and shall be hereby constituted and made a body corporate and politic, by the name and style of "The Farmers' and Mechanics' Bank of New-Brunswick," and by that name shall be known in law, and shall have power to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and their successors, lands, tenements and hereditaments, goods, chattels, and effects of what nature or kind soever, necessary for the purposes of this corporation; and the same to grant, demise, alien and dispose of at pleasure, for the benefit of the said corporation; and may also have a common seal, and alter and renew the same at pleasure; and also may make such by-laws and establish such rules and regulations as shall seem necessary and expedient for the well government of the said institution, and put the same in execution; *Provided*, that the same be not repugnant to the constitution and laws of the United States, nor of this state; and may also appoint all such officers, agents and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow such compensation for their services as shall be right and proper.

Style of incorporation.

Powers.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of said corporation shall be one hundred thousand dollars, with liberty to increase the same to two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; and that the sum of fifty thousand dollars shall be subscribed and actually paid in, before the said corporation shall be allowed to commence business.

Sec. 3. *And be it enacted*, That John Bray, James S. Nevius, Lewis Carman, Peter N. Pool, Abraham Suydam, Charles Morgan, Littleton Kirkpatrick, David Mercereau, James C. Zabriskie, Andrew Agnew, Miles C. Smith, and C. L. Hardenbergh, be, and they are appointed commissioners, to receive subscriptions for the said stock, in the city of New-Brunswick, first giving two weeks previous notice in the newspapers, printed in said city, of the time and place of opening the books of subscription, which shall remain open from day to day, (Sundays excepted) for ten days, unless the whole amount of the said stock shall be sooner subscribed.

Commissioners
to receive sub-
scriptions.

Sec. 4. *And be it enacted*, That the sums subscribed shall be paid in the following manner, to wit: five dollars on each share, at the time of subscribing, to the commissioners aforesaid, and the remainder in such instalments, and at such times as the president and directors shall appoint; *Provided*, that previous notice of the time when such instalments shall be required to be paid, shall be published at least three weeks in the newspapers of the city of New-Brunswick.

Mode of pay-
ment of stock.

Sec. 5. *And be it enacted*, That any person, co-partnership or body politic, failing to pay any instalment, or part thereof, pursuant to the provisions of the fourth section, shall forfeit to the said corporation, every share upon which there shall be a deficiency, and all moneys thereon previously paid.

Stock forfeited
on failure to pay
instalments.

Sec. 6. *And be it enacted*, That as soon as two thousand shares shall be subscribed, the commissioners aforesaid, or any seven of them, may call a meeting of the subscribers, at New-Brunswick, by giving at least three weeks previous notice in the newspapers printed in that city; and the subscribers assembled in pursuance of such notice, shall choose, by ballot, from among the subscribers, by a majority of votes of such as are present, or by proxy, eleven directors, who shall be citizens of this state, who shall serve until the second Monday in May, eighteen hundred and thirty-five, on which day, and on the same day annually thereafter, (during the continuance of their charter) a like election shall be made, a majority of which directors, shall, at all times, be inhabitants of the city of New-Brunswick; and in case of the death, refusal, resignation, disqualification, or removal of any director, the remaining members, at their next meeting thereafter, shall elect, by ballot, another person in his place, for the residue of the term; and the directors, or any seven of them, at

Election of first
directors.

Time of annual
election of di-
rectors.

President to be chosen.

their first meeting after every general election, shall elect from among themselves, by a majority of the members present, by ballot, a president, who shall be an inhabitant of the state of New-Jersey; and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet as soon as conveniently can be thereafter, and elect in the manner before mentioned, another person, qualified as aforesaid, for president.

Mode of conducting elections.

Sec. 7. *And be it enacted*, That for the well regulating and conducting of the election of directors, the stockholders, at their first general meeting, shall appoint three from among themselves, who shall be judges of said election, for the first term; and that at every election thereafter, the president and directors, for the time being, shall appoint three stockholders, not being directors, to be judges of the same; and that each stockholder shall be entitled to one vote for each share holden by him; *Provided*, that he shall have held such share for at least twenty days next preceding an election, and shall be a citizen of this state.

Quorum for transaction of business.

Sec. 8. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary absence, and in such case, his place may be supplied pro tempore, by any other director, chosen by a majority of the directors so met for business.

Mode of transferring stock.

Sec. 9. *And be it enacted*, That the stock of the corporation shall be deemed personal property, and that no transfer of said stock shall be valid, unless it shall be made upon the transfer book of said corporation.

President and directors jointly and severally liable for notes issued.

Sec. 10. *And be it enacted*, That the total amount of the debts which the said corporation shall at any time owe, whether by bond or bill or note, or other contract, shall not exceed double the amount of the capital paid in; that the president and directors of the corporation shall, in their individual capacities, and jointly and severally, be and continue liable to every creditor for the payment of all bills obligatory or of credit, note or notes, that they or any of them may issue and circulate, and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the president and directors of the said company, in their individual capacities and jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare thereon generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue.

Sec. 11. *And be it enacted*, That it shall be lawful for the directors of the said corporation, to make semi-annual divi-

dends to the stockholders, of so much of the profits of the banking business, as to said directors may seem advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of said corporation, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same, in their natural and private capacities, and an action of debt may be brought in such case, against them, or any of them, their heirs, executors, or administrators, in any court of record of this state, by any creditor of said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding; and such of the directors as may have been absent when such dividend took place, or may have dissented from the act or resolution directing the same, may exonerate themselves from such liability, by forthwith giving notice of the fact of their absence or dissent, to the governor of the state for the time being, and to the stockholders at a general meeting, which they, the said directors, shall have power to call for that purpose.

Semi-annual dividends to be made.

If dividend of any part of capital is made, directors liable.

Sec. 12. *And be it enacted*, That none but a stockholder, being a citizen of the United States, and resident in and citizen of the state of New-Jersey, shall be eligible as a director; and no director shall be entitled to any emolument, unless the same shall be allowed by the stockholders, at a general meeting; the stockholders shall make such compensation to the president for his extraordinary services and attendance upon the business of said corporation, as shall appear to them reasonable.

Qualifications of directors.

Sec. 13. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively, and shall enable such assignee or assignees, to bring and maintain an action thereupon, in his, her, or their name or names; and bills or notes which may be issued by said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner, and with the like effect, as upon any private person or persons, if issued by him or them, in their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by any private person or persons, that is to say: those which shall be payable to any person or persons, his, her, or their order, shall be assignable and negotiable by endorsement in like manner, and with the like effect as fo-

Bills under seal assignable by endorsement.

Bills not under seal assignable and negotiable.

reign bills of exchange now are, and those which shall be payable to bearer, shall be negotiable or assignable by delivery.

What real estate may be held.

Sec. 14. *And be it enacted*, That it shall and may be lawful for the said corporation to purchase and hold such, and so much of the said real estate as shall be necessary for their convenient accommodation in the transaction of their business; and also such as shall be bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts, previously contracted, in the course of its dealings, or purchased at sales upon judgments which shall be obtained for such debts.

Restrictions.

Rate of interest.

Stock may be taxed.

Sec. 15. *And be it enacted*, That the corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, gold and silver bullion, or in the sale of goods which shall be the produce of its lands; nor shall the said corporation take more than at the rate of six per centum per annum, for, or upon its loans or discounts, and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected and paid in the same manner as taxes on other banks in this state, now are or hereafter may be recovered.

Election of cashier.

Cashier to give bond.

Oath of directors and cashier.

Sec. 16. *And be it enacted*, That the votes of seven of the directors shall be necessary to a choice of the cashier of this corporation, who shall hold his office during the pleasure of the directors, for the time being, and every cashier, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than forty thousand dollars, with condition for his good behaviour; and every director and cashier, before entering upon the duties of their respective offices, shall take the following oath or affirmation, as the case may be: I, _____ do swear (or affirm) that I will faithfully execute the duties of _____ agreeably to the provisions of the law and the trust reposed in me, to the best of my skill and understanding.

Annual statement to be exhibited.

Sec. 17. *And be it enacted*, That the president and directors shall not be authorized to issue any bank notes for any sum under one dollar; and that at the annual meeting for the choice of directors, a balance of the books shall be exhibited, and a statement of the affairs and business of the corporation for the preceding year, shall be made out and shown for the general satisfaction of the stockholders; and that the books of said corporation shall, at all times, during banking hours, be open for the inspection of the stockholders.

Interest allowed to special depositors.

Sec. 18. *And be it enacted*, That on all special deposits, there shall be allowed, to such depositors, three per cent.

for the time being provided such deposits are not withdrawn by draft, or otherwise, within sixty days.

Sec. 19. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company, shall neglect on demand being made at their banking-house during their regular hours of doing business, to redeem in specie or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said corporation, the said president, directors, and company shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; *provided*, the same be not resumed within seven days, and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid as aforesaid, or otherwise satisfied.

Charter forfeited
on failure to pay
specie for notes.

Damages paid
to holders of
notes on failure
to pay.

Sec. 20. *And be it enacted*, That the president and directors of said corporation, shall, individually, and jointly and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate, and upon demand of payment being made at the bank, during the usual hours of business, and refusal thereof, an action may be brought against the said persons, then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs, to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and, upon judgment being rendered, execution shall issue thereon.

President and
directors jointly
and severally
liable for notes
sued.

Sec. 21. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thence forth this charter, and all the privileges hereby conferred, shall cease, and be forever at an end.

Annual state-
ment to be made
to legislature.

Passed February 26, 1834.

A SUPPLEMENT to the act, entitled "An act respecting the sale of the real estate of Robert Young, deceased, passed February eleventh, eighteen hundred thirty-three.

Preamble:

WHEREAS, the legislature of this state, did, on the eleventh of February eighteen hundred and thirty-three, pass an act authorizing Moses Chandler, of Elizabethtown, county of Essex, to sell, convey, &c. all the real estate, of Robert Young, deceased; **AND WHEREAS**, the said Moses Chandler, has recently deceased, without disposing of all of said real estate, and there being no person legally authorized to take charge of or dispose of the same—Therefore,

Trustee appointed to sell real estate.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Charles Davis of Elizabethtown, be, and he is hereby substituted in the place of Moses Chandler, deceased, with like powers to sell and convey the remaining unsold real estate of Robert Young, deceased, and divide the proceeds thereof, in like manner, as Moses Chandler could have done, and perform all other duties provided for in and by the said act, to which this is a supplement.

Passed February 27, 1834.

AN ACT to incorporate the Princeton Bank.

Commissioners to receive subscriptions for stock.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That William Cruser, John S. Vandyke, John Gulick, Robert Bayles, Robert Voorhees, Abraham Cruser and William Gulick, be appointed commissioners to open a subscription at Princeton, to raise the sum of one hundred and fifty thousand dollars, in shares of fifty dollars each; the said commissioners to give notice of the time and place, or places of opening the books of subscription, by advertising the same in the newspapers published at Princeton, at least three weeks; the books to continue open from day to day for five days, and should more than one hundred and fifty thousand dollars be subscribed, the commissioners shall make an equitable deduction and apportionment: *Provided always*, that the citizens

or residents of this state shall be preferred in the distribution of said stock.

Sec. 2. *And be it enacted*, That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns, shall be, and are hereby created and made, a corporation and body politic, by the name and style of "The President, Directors and Company of the Princeton Bank," and by that name shall be, and are hereby made capable in law, to have and purchase, receive and possess, enjoy and retain to them and their successors, lands, tenements, hereditaments, goods, chattels and effects of what nature or kind soever; and the same to grant, demise, alien or dispose of; sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure, and also to ordain, establish, and put in execution, such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of said corporation: *Provided*, they be not inconsistent with the constitution and laws of this state, and of the United States, or with this charter; and also to appoint all such officers, agents and servants, as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow to them such compensation for their services as shall be deemed reasonable.

Style of incorporation.

Powers.

Provido.

Sec. 3. *And be it enacted*, That the sum subscribed, shall be paid in manner following, that is to say, five dollars on each share at the time of subscribing, to the persons receiving subscriptions, and the remainder in instalments of five dollars on each share, when called for by the president and directors of said company, appointed and chosen in the manner herein after prescribed, upon thirty days previous notice being given by the cashier of the said company, and in the newspapers printed at Princeton; and any person, co-partnership or body politic, failing to pay any instalment, or any part thereof, at the times prescribed and required, shall forfeit to the said company, every share upon which there shall be a deficiency, and the money thereon previously paid.

Mode of payment for stocks.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the capital stock of said corporation shall be one hundred and fifty thousand dollars, to be divided as aforesaid, into shares of fifty dollars each, with the privilege of increasing the same to two hundred and fifty thousand dollars, at any time during the continuance of this charter, and upon the closing of the said books of subscription, or within five days after the directors are chosen, one thousand shares having been subscribed as aforesaid, the said commissioners herein before named, shall deliver over into the hands of the said directors, the said subscription

Amount of capital stock.

books, and all other books and papers whatsoever, which shall be in their hands, and belonging and appertaining to the said corporation; and shall also pay over to the said directors, all moneys which they shall have received on account of said subscription; and the said directors shall have power to call in and demand from the stockholders, payment of the sums remaining due upon the shares subscribed, at such times and in such instalments or proportions, as they or a majority of them shall deem proper and requisite, under the penalty of forfeiture as aforesaid; and that it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation have been subscribed and paid, in conformity to the provisions of this act.

When bank to
go into opera-
tion.

Sec. 5. *And be it enacted*, That all the affairs, property, and concerns of the said corporation, shall be managed and conducted by thirteen directors, all of whom shall be stockholders and citizens of this state, which directors shall hold their offices for one year, and shall be elected on the first Monday in April in every year, in the banking house, at such time of the day as the board of directors for the time being, shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed at Princeton; for the well ordering of which election, the directors shall previously thereto, appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same; they shall determine whether the persons voted for are eligible to be elected directors, and after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their names, at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen, at any election, that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes, to determine which of the persons so having an equal number, shall be the director or directors, so as to complete the whole number, and the directors so elected, as soon as may be thereafter, shall proceed in like manner, to elect one of their number by

Time, place,
and mode of
election of di-
rectors.

ballot, who shall be their president; who shall be an inhabitant of the place, living within three miles of the banking house of said company, and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year, by such person or persons as the remainder of the directors, for the time being, or a majority of them, shall appoint: *Provided nevertheless*, that as soon as one thousand shares shall be subscribed, the said commissioners, or a majority of them, may call a meeting of the stockholders at Princeton aforesaid, by giving at least two weeks notice in one of the newspapers published in Princeton, and the stockholders assembled in pursuance of such notice, shall choose by ballot, from among the stockholders, by a majority of such as are present, or by proxy, thirteen directors with the same qualifications as herein before provided, to be the first directors of the said corporation, and who shall hold their offices until the first Monday in April then next ensuing, and until others be chosen by the stockholders.

President to be chosen.

Vacancies supplied.

Provided.

Sec. 6. *And be it enacted*, That a majority of the whole number of the aforesaid directors shall have power to fix on a place for transacting the business of the said company, within the bounds of the borough of Princeton, and the same to change at their pleasure to any other place within the said borough.

Location of the bank.

Sec. 7. *And be it enacted*, That there shall be a meeting of the board of directors every quarter year, who shall have power to adjourn from time to time, and the president and any three of the directors may call a special meeting at any other time they may think necessary.

Quarterly meeting of directors.

Sec. 8. *And be it enacted*, That the said directors at every quarterly meeting, shall choose three of their body to inspect the business of the company for the ensuing three months, and the inspectors so chosen, shall twice in every month, examine into the state of the cash account and other business of the said company, and see that the accounts are regularly balanced and transferred.

Sec. 9. *And be it enacted*, That the capital stock and funds of the said corporation shall be deemed personal estate.

Stock personal estate.

Sec. 10. *And be it enacted*, That the following shall be the fundamental articles of the constitution of the said company:

Fundamental articles.

ARTICLE I.

A general statement of the affairs of the company shall be exhibited every year at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder during the usual hours of business.

Annual statement to be exhibited.

ARTICLE II.

Transfer books
open to inspection.

The book or books of said company in which the transfer of the stock of said company shall have been registered, and the books containing the names of the stockholders in such company, shall at any time during the usual hours of transacting business, be open to the examination of every stockholder of such company, for fifteen days previous to any election of directors; and if any officer having charge of such books, shall, upon demand, by any stockholder as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall for every such offence, forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New-Jersey, and the other moiety to the person who will sue for the same, to be recovered by action of debt, in any court of record, together with the cost of such suit; *And further*, that the book or books aforesaid, shall be the evidence who are the stockholders of such company, entitled to examine such book or books, and to vote in person at any election, for directors of said company.

ARTICLE III.

Quorum to trans-
act business.

Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case, his place may be supplied by any other director, chosen by the directors so met for business; *Provided however*, that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE IV.

Compensation
of president.

The directors shall make such compensation to the president for his services in the business of the said company, as shall appear to them reasonable; but no other director shall be entitled to pay any emolument, unless the same shall have been allowed by the stockholders at the time of their annual meeting for the election of officers.

ARTICLE V.

Transfer of
stock, &c.

The shares of the capital stock at any time owned by any stockholder, shall be transferable on the books of the said company, only according to such rules as shall be instituted in that behalf by the laws and ordinances of said corporation, and no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company from the person or persons transferring, shall have been duly discharged, and such transfer registered in a book or books to be kept for that purpose; the bills obligatory and of credit under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such

person or persons, and his, her, or their assignee or assignees successively, and shall enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same, in like manner and with like effect as upon any private person or persons, if issued by them in their private or natural capacity or capacities, and shall be received in the payment of all debts due the said corporation.

ARTICLE VI.

That the president and directors of said corporation shall individually and jointly and severally be and continue liable to every creditor, for the payment of any bills, obligatory or of credit, note or notes, that they or any of them, may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally, and it shall be lawful for the plaintiff or plaintiffs to declare thereon generally, for money had and received, with a specification of the dates, sums, payees and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered execution shall issue thereon.

President and directors liable for notes issued.

ARTICLE VII.

After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable, but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only the net profits thereof, and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, being present and consenting thereto, shall be liable for that part of the capital stock so divided, in their natural and private capacity.

Semi-Annual dividends to be made.

ARTICLE VIII.

The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith, mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

What lands may be held.

ARTICLE IX.

What corporation may trade in.

The said corporation shall not, directly or indirectly, deal or trade in any thing, excepting bills of exchange, promissory notes, gold or silver bullion, stocks of the states, or the United States, and such goods, wares and merchandise as shall be truly pledged to them as security for debts due, owing or growing due to said corporation, or purchased to secure such debts, or in the sale of goods which shall be the produce of its lands.

ARTICLE X.

Money not to be advanced on stock.

The corporation shall not advance money on the stock of the said company, or discount any note or bill of exchange without at least one good endorser thereon.

ARTICLE XI.

Cashier to be appointed annually, and to give bond.

The cashier of the said bank shall be appointed annually; and the votes of seven of the directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office.

ARTICLE XII.

Directors and cashier to make oath.

Each director and cashier of said corporation, before he enters upon the duties of his office, shall take an oath or affirmation that he will faithfully execute the duties of his office according to the best of his skill and understanding.

Notes less than one dollar not to be issued.

Sec. 11. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than one dollar, nor shall any bill or note issued by the said corporation, and made payable to bearer or to any person or persons, his, her, or their order or bearer, express any other place of payment than the office of the said banking company.

Rate of interest.

Sec. 12. *And be it enacted*, That this corporation shall not take more for, or upon its loans or discounts than the legal rate of interest for the time being, and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected and paid in the same manner as taxes on other banks in this state now are or hereafter may be recovered.

Charter forfeited on failure to pay specie for notes.

Sec. 13. *And be it enacted*, That if at any time after the passing of this act, the said president, directors and company, should neglect or refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie or other lawful money of the United States, all bills, notes, or other evidences of debts issued by the said corporation, and which shall be due and payable, the said

president, directors and company shall on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors and company, shall resume the redemption of their said bills, notes, and evidences of debts in specie or other lawful money of the United States, within one month after such demand shall have been made; and the said company shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per cent. per annum from the time of such demand, and until the same shall be paid or otherwise satisfied.

Damages ten per cent for non-payment.

Sec. 14. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation, for the time being, under their respective oaths or affirmations, and under the seal of the said corporation, annually, to lay before the legislature of this state, a statement of its capital stock paid in, and of its notes, debts and specie on hand, and if the said president and cashier shall fail to do the same for the space of two years successively, that then and from thenceforth, this charter, and all the powers and privileges hereby conferred, shall cease and be forever at an end.

Annual statement made to legislature.

Sec. 15. *And be it enacted*, That this act shall continue in force until the first day of January, one thousand eight hundred and fifty-five, and no longer; *And further*, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Limitation.

Act may be altered or repealed.

Passed February 27, 1834.

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AN ACT respecting the lands of John G. Leake, deceased.

WHEREAS, the Attorney General hath, in the proceedings against the lands of John G. Leake, pursuant to the act entitled "An act concerning escheats," passed the twenty-seventh day of February, in the year of our Lord, one thousand eight hundred and twenty-eight, incurred expenses and liabilities to pay moneys, and further expenses will be necessary in the prosecuting the said proceeding to issue and final determination—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer be authorized to advance to the Attorney General any sum which may be approved of by the Governor, not exceeding three hundred and fifty dollars.

Passed February 27, 1834,

A SUPPLEMENT to the act, entitled "An act for the punishment of crimes," passed the seventeenth of February, eighteen hundred and twenty-nine.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That if any person or persons, shall wilfully and maliciously injure, hinder, obstruct, impair or destroy any rail road or roads, within this state, or any of the necessary works, carriages or machines, used on said road or roads, such person or persons, so offending, shall be deemed guilty of a misdemeanor, and on conviction, shall be punished by imprisonment at hard labor, not exceeding three years, or by fine, not exceeding five hundred dollars, or both.

Passed February 27, 1834.

AN ACT to provide for the removal of obstructions in the river Passaic and its branches, between the turnpike bridge at Chatham and Cook's bridge at Hanover.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be the duty of the managers, to be appointed as hereinafter mentioned, to make an assessment upon all the lands subject to be flowed by the Passaic river and its branches, between the turnpike bridge, at the village of Chatham, and the bridge called Cook's bridge, at Hanover, for

Managers to make assessments on certain lands liable to be overflowed by Passaic river.

such sums of money as they, in their judgment, shall deem sufficient to remove all obstructions to the free course of the waters in the said river and its branches, between the points above designated.

Sec. 2. *And be it enacted*, That the said assessment shall be made equitably in proportion to the quantity, and the advantage and benefit the said lands will derive from the clearing out of the obstructions in said river and its branches as aforesaid, and in order to ascertain the sum of money necessary to be raised, it shall be the duty of said managers, or a majority of them, to view and examine said river and its branches, the obstructions to be removed, and the lands subject to be overflowed, as aforesaid.

Assessment in proportion to quantity, and benefits to be derived.

Sec. 3. *And be it enacted*, That Israël Day, Stephen Baldwin, and Stephen D. Hunting, shall be commissioners of appeal, with full power and authority to review the assessments made by the said managers, and to reduce any assessment made by the said managers, to such sum as they or a majority of them shall deem just and equitable, and the decision of said commissioners shall be final and conclusive upon all parties.

Commissioners of appeal.

Sec. 4. *And be it enacted*, That the said managers, or one of them, shall give notice in writing to the owner or owners, possessor or possessors of the lands by them assessed, of the assessment made and the amount to be paid by each, and if any person shall consider himself or herself aggrieved, it shall be lawful to apply to the said commissioners whose duty it shall thereupon be, to fix a day when they will meet upon the lands alleged to be over taxed, of which meeting three days notice shall be given to the party applying to said commissioners, and also to said managers; and the said commissioners, or a majority of them, shall at the time and place so appointed, proceed to hear the allegations of the parties, and examine the lands assessed, and make such order touching the assessment complained of, as they shall deem just and equitable; and in case said commissioners shall reduce the amount of any assessment, they may at the same time make such allowance of expenses to the party aggrieved as they may think just, and also deduct the same from the amount of his, her, or their assessment.

Duties of managers.

Sec. 5. *And be it enacted*, That the owners and possessors of said lands respectively, shall be liable to pay the amount of the assessments, to be made as aforesaid; and in case any person shall neglect for the space of forty days, after notice given to him or her, and demand of payment, to pay his or her quota of the said assessment, or to apply to said commissioners to meet and hear his or her complaint against such assessment, then it shall be lawful for said managers or a majority of them, to make return of the name of such person with the amount of his or her assessment, or in case said

Amount of assessment may be recovered from owners.

commissioners shall have reduced the amount of any assessment, then of the amount adjudged by said commissioners to be just, to any justice of the peace in the county where such person resides, and the said justice, upon the oath of any one of said managers that the amount has been duly demanded forty days previous thereto, and remains unpaid, shall immediately issue a warrant of distress, directed to some one of the constables of said county, commanding him within thirty days to levy upon and seize the goods and chattels of such delinquent, and make sale of so much thereof, as may be necessary to pay such sum of money, together with the costs, and pay over the same to the managers, or one of them, and the justice and constable shall be entitled to the same fees and subject to the same penalties, as in other cases of taxation.

Sec. 6. *And be it enacted*, That the said managers shall apply the moneys assessed and collected under this act, to clear out and remove the obstructions in said river and its branches as aforesaid, and shall keep a just and true account of all moneys by them received, expenses incurred, and payments made, which accounts the said managers shall lay before a committee to be chosen as hereinafter mentioned, at least once in every six months, and oftener if required, and shall pay over to their successors in office, any balance in their hands unexpended, immediately upon the appointment of such successors, and on neglect or refusal so to do, the same may be recovered of them by action of debt, to be prosecuted in the proper name of any one of the committee aforesaid, before any court having cognizance thereof, to be applied to the purpose of clearing said river and its branches as aforesaid.

Sec. 7. *And be it enacted*, That the owners and possessors of the lands subject to be flowed as aforesaid, shall meet on the fourth Tuesday of April next, after the passage of this act, at one o'clock in the afternoon, at the house of Samuel Condit, in the township of Springfield, and then and there by plurality of votes of those met, choose five persons, being owners of lands subject to be flowed as aforesaid, managers under this act for the ensuing year, and also three other persons to constitute a committee to examine the accounts of said managers, and the subsequent annual meetings shall be held on the fourth Tuesday of April, at such place as a majority of said owners or possessors at any annual meeting assembled, shall appoint and direct.

Sec. 8. *And be it enacted*, That if any person shall be chosen a manager, under this act, and accept such appointment, and shall neglect or refuse to do any duty enjoined on him by this act, he shall forfeit and pay the sum of fifty dollars, to be sued for and recovered by any person who will prosecute for the same, in an action of debt, before any court

Money to be applied to removing obstructions in the Passaic and its branches.

Managers to account semi-annually.

Time and place of choosing managers and committee.

Penalty on managers neglecting duty.

of competent jurisdiction, and be applied for the purpose of clearing out said river, and its branches as aforesaid.

Sec. 9. *And be it enacted*, That in case a vacancy shall happen by the death of one of the said managers, committee, or commissioners of appeal, or otherwise, it shall be the duty of the managers or the survivors of them, to give notice in writing, by advertisement, set up in six public places, adjacent to the lands subject to be flowed as aforesaid, for at least two weeks, of a time and place for the owners and possessors of said lands to meet, to choose a person to fill such vacancy, and the person chosen at such meeting by a plurality of votes of the owners and possessors assembled, shall fill such vacancy and have all the powers and privileges and be subject to the like penalties as the person was whose place he is chosen to supply.

Mode of supplying vacancies

Sec. 10. *And be it enacted*, That if any person or persons shall hereafter fell any tree into the said river or its branches, or cut or leave any wood or brush upon the ice of the said river or its branches, within the limits aforesaid, for the space of six days, or by any other means, create any obstruction to the free course of the waters of said river and its branches, within the said limits, and shall not remove the same within ten days after being required so to do by any one of said managers, every such person or persons so offending shall forfeit the sum of twenty dollars, to be sued for, recovered and applied, as mentioned in the eighth section of this act.

Penalty for obstructing the free course of waters

Sec. 11. *And be it enacted*, That in case any omission to elect managers, in the manner directed by this act, shall at any time happen, the managers last elected shall continue in office until others are elected in their stead.

Continuance of managers.

Sec. 12. *And be it enacted*, That the said managers and commissioners of appeal, shall receive for their services rendered under this act, at the rate of one dollar per day, and there shall be allowed and paid for other services and labor at the rates following, to wit: one dollar and seventy-five cents per day for a man and yoke of oxen, fifty cents per day for every additional yoke of oxen, one dollar per day for every man working in the water, and seventy-five cents per day for every man otherwise necessarily employed; and every person assessed under this act, shall have liberty to pay his or her assessment by labor, at the rates above mentioned; *Provided*, notice is given to said managers or any one of them, of the intention of such person to work out his or her assessment, within twenty days after such person shall have received notice of the amount thereof, as is hereinbefore directed.

Compensation of commissioners and managers.

Provided.

Sec. 13. *And be it enacted*, That so much of the act entitled "An act to enable the owners and possessors of flowed lands and swamps, on the river Passaic and its branches, between the Little Falls on said river, and the

Part of former act repealed.

mill dam at Chatham, to break up the reefs in said river near said Falls, and to remove all obstructions to the free course of the water out of said river," passed January thirty-first, eighteen hundred and twelve, as comes within the purview of this act, be, and the same is hereby repealed.

Passed February 27, 1834.

AN ACT for the relief of John McGrah.

Preamble.

WHEREAS, it is represented to this legislature, that John McGrah, of the county of Essex, did, in the year eighteen hundred and twenty-four, at the solicitation of the attorney general of this state, proceed to the western part of the state of New-York, and Pennsylvania, to obtain three witnesses, which were important to establish the guilt of Stephen W. and Ambrose Canfield, who were at that time lodged in Morris county jail, on an indictment for horse-stealing; and did procure the attendance of said witnesses; *And whereas*, it appears that said McGrah hath not received compensation for the above services—Therefore,

Money to be paid to John McGrah.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be, and he is hereby authorized and directed, to pay to John McGrah, the sum of seventy-five dollars, to remunerate him for services rendered to this state, as aforesaid.

Passed February 27, 1834.

AN ACT to extend the term of office of the surveyors of the highways, in road cases, in the county of Salem.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the powers and authorities of the surveyors of

the highways of the county of Salem, which are derived under the act entitled, "An act concerning roads," and the several supplements thereto, be, and the same are hereby extended and continued, from the second Tuesday of March to the second Tuesday of June, yearly and every year, the election of new surveyors to the contrary notwithstanding; and the said surveyors who shall or may be appointed in road cases, as is by this act contemplated, shall have the same rights and powers, and be as fully authorized to act in the laying out, vacation, alteration or view of any public or private road in said county of Salem, during the period so named in this act, as fully to all intents and purposes, as they, or any, or either of them were authorized to act, prior to the said second Tuesday of March in any year; and the right and legal authorities of the surveyors so to act, shall be recognized and admitted in all courts of law and equity of this state, any thing contained in the present laws of said state to the contrary thereof in anywise notwithstanding.

Passed February 27, 1834.

AN ACT to authorize the trustees for the support of Free Schools, to exchange stock held by the state in the Newark Turnpike Company, for stock in the New-Jersey Railroad and Transportation Company.

WHEREAS, the state of New-Jersey, is the owner of two hundred and fifty shares in the stock of the Newark turnpike company, which said shares constitute a part of the fund for the support of free schools; **AND WHEREAS**, by the tenth section of the act entitled "An act to incorporate the New-Jersey Railroad and Transportation Company," passed the seventh day of March, one thousand eight hundred and thirty-two, the state reserved to itself the right to subscribe in the capital stock therein created, at any time within two years after the opening the books of subscription, an amount of shares, equal in value to the fair actual value of their stock in the said turnpike company, at the time of passing the said act, and in exchange therefor—Now therefore,

Preamble.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That

State stock in Newark turnpike may be exchanged for stock in N. Jersey railroad company.

the trustees for the support of free schools, be, and they are hereby authorized to subscribe for two hundred and fifty shares in the capital stock of the "New-Jersey Railroad and Transportation Company," in exchange for the said two hundred and fifty shares of the stock of the "Newark Turnpike Company;" *Provided*, that if at any time during the continuance of their charter, the dividends declared by the "New-Jersey Railroad and Transportation Company," shall not amount to eight per cent. per annum, on the par value of the stock hereby authorized to be subscribed for, that in such case it shall be the duty of the said company, to pay such deficiency to the said trustees, out of the funds of the said company, before any dividend is made to the other stockholders; *and provided also*, that upon the transfer of the stock held by the state, in the "Newark Turnpike Company," to the "New-Jersey Railroad and Transportation Company," the said Railroad company, shall hypothecate the same to the said trustees with authority to receive all the dividends that may accrue thereon, as security for the faithful compliance, on the part of the said Railroad company, with the provisions of this act; *and provided also*, that in case the state shall sell the said Railroad stock, during the continuance of the charter of the said Railroad company, that the said Railroad company shall be released from the guarantee of the amount of dividends on the said Railroad stock in the hands of the purchaser thereof, and that the said turnpike stock shall thereafter belong to the said Railroad company, discharged of the pledge thereof to the state; *and provided further*, that until the said New-Jersey Railroad and Transportation Company, shall declare a dividend on their said stock, the said company shall pay to the said trustees out of the funds of the said company, eight per centum per annum on the par value of the said stock so subscribed for, to be computed from the day on which the last dividend on the stock of the said Newark Turnpike Company was declared; and if at any time the said New-Jersey Railroad and Transportation Company shall fail to declare a dividend on their said stock, the said company shall nevertheless pay to the said trustees the said amount of eight per cent. per annum on the par value of said stock so subscribed for as aforesaid.

Passed February 27, 1834.

AN ACT relating to the lands belonging to this state, at Paterson, in the county of Essex.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Andrew P. Hopper, Peregrine Sanford, and Elias B. D. Ogden, be, and they are hereby appointed commissioners, to take charge of the lands belonging to this state, situate at, and near Paterson, in the county of Essex, for the ensuing year; and they are hereby authorized to lease the whole or part of the same, in one or more lots or parcels, and for such price as they can procure; *Provided*, no such lease shall be for a term exceeding five years, and that they report to the next sitting of the legislature.

Passed February 27, 1834.

AN ACT to authorize Peter Spader and James S. Nevius, administrators with the will annexed of John Dennis, junior, deceased, to convey certain real estate.

WHEREAS Ezekiel Kinnan, acting executor of John Dennis, junior, deceased, sold a certain house and lot, situate on the corner of George and Patterson streets, in the city of New-Brunswick and county of Middlesex, to Charles Smith and James S. Nevius, trustees of Maria Dennis, but departed this life without having conveyed the same pursuant to the conditions of said sale; AND WHEREAS letters of administration, with the will annexed, of said John Dennis, junior, deceased, were granted to Peter Spader, and James S. Nevius, after the death of said Ezekiel Kinnan, to whom the said trustees accounted for the purchase money of said house and lot, according to the terms of their said contract; AND WHEREAS the said trustees have entered into a contract for the sale of said house and lot, with John P. Van Arsdalen; in order therefore to vest the title thereof in the said John P. Vanarsdalen—

Preamble.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Peter Spader and James S. Nevius, administrators as aforesaid, be, and they hereby are authorized and empowered to make, execute and deliver to the said John P.

Administrators authorized to make deeds for certain lands.

Vanarsdalen, a good and sufficient deed of conveyance, in fee simple, of the said house and lot, upon his paying or securing to said trustees the consideration money, according to the terms of his said contract; and that such deed duly executed, delivered and recorded, shall be valid and effectual to convey to the said John P. Vanarsdalen, his heirs and assigns, all the estate in said premises to which the said John Dennis, junior, or his heirs or devisees, or the said trustees were or are seized of or entitled to.

Passed February, 27, 1834.

AN ACT to protect certain real property in the possession of the state, in the county of Bergen, and late of John G. Leak, deceased.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That George Cassedy, John M. Cornelison and John Engle, be, and they are hereby appointed trustees to take into their possession, all that farm and parcels of land now in possession of the state, and late of John G. Leak, deceased, with full authority, to prosecute in the name of the state, in an action of trespass, every person committing trespass thereon, and that the said trustees shall have care of and prevent from waste, the said premises, the same as if the title was vested in them, until this act be repealed, or other trustees are appointed in their places: *provided*, that the said George Cassedy, John M. Cornelison and John Engle, when thereunto legally required, surrender the premises to the right heirs at law to the same, or to the authorities of this state, as the case may be, on further investigation of the descent of the real estate of the said John G. Leak, deceased.

Trustees appointed to take certain lands in possession.

Proviso.

Lands chargeable for expense.

SEC. 2. *And be it enacted*, That the said farm and parcels of land, shall be chargeable with the expenses of the said trustees, in protecting the same, payment of taxes, and other reasonable charges; they the said trustees, rendering a true account of the damages recovered on actions of trespass brought, to the attorney general of this state, and make report of their proceeding hereof, to the next legislature.

Parts of former acts repealed.

SEC. 3. *And be it enacted*, That all acts or parts of acts, inconsistent with the provisions of this act, be, and the same are hereby repealed.

Passed February 27, 1834.

A FURTHER SUPPLEMENT to the act entitled "**An act constituting courts for the trial of small causes,**" passed February twelfth, eighteen hundred and eighteen.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That every justice of the peace, whose term of office has already expired or may hereafter expire, or who has resigned or may hereafter resign, shall and may, when required so to do, make out transcripts from his docket or dockets, under his hand and seal, and certify them as late justice of the peace, which said transcripts so certified, shall be used as evidence in all courts of law and equity in this state, and have the same force and effect, and be liable to the like legal objections as though the said justice was still in commission.

Justice may make and certify transcripts from his docket after expiration of office.

Sec. 2. *And be it enacted,* That if any of the justices of the peace of this state, shall be hereafter removed from his office by impeachment, the docket or dockets of the said justice, shall be forthwith deposited in the clerk's office of the county in which he resides, at the time of such impeachment, three to be kept as a public record.

Dockets of justices removed from office deposited in clerk's office.

Sec. 3. *And be it enacted,* That if any justice of the peace, either before or after the expiration of his term of office, shall be about to remove from the county in which he was commissioned, it shall be his duty to deposit his docket or dockets in the clerk's office of said county, prior to his removal therefrom, there to be kept as a public record.

Justices removing from the county to deposit his docket in clerk's office.

Sec. 4. *And be it enacted,* That the said justices of the peace and their legal representatives, shall, and may, at all times after the said docket or dockets are deposited as aforesaid, have free access to the same without payment of any fees to the clerk therefor, to enable them to recover any costs which may be due the said justices thereon; and if any justice of the peace shall neglect or refuse to deposit his said docket or dockets at the time and in the manner by this act directed, he shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt with costs, in any court of competent jurisdiction, and paid when recovered, to the collector of the county for the use of the county, and such suit to be brought by the county collector in his own proper name, for the use of the county.

Justices and their representatives to have access to deposit dockets.

Sec. 5. *And be it enacted,* That if any defendant hereafter sued before a justice of the peace, shall demand a trial by jury, and such jury shall find in favor of the defendant, then, and in that case, no part of the costs of the said jury or of the venire, summoning, or attendance upon the said jury, shall be paid by the defendant, but shall be taxed as the other costs of said suit against, and be paid by the plaintiff.

When costs of jury not to be paid by defendant.

Sec. 6. *And be it enacted,* That so much of the sixth

Affidavit required, or appeal may be made before any justice.

section of the act, passed the twenty-third day of November, in the year of our Lord, one thousand eight hundred and twenty-one, as requires the party appealing, to make an affidavit that the said appeal is not intended for the purpose of delay, and that he verily believes he has a just and legal defence to make to the merits of the case, shall be so construed as to give jurisdiction to the courts of common pleas, in this state, in all cases of appeal from judgments rendered upon the verdict of a jury, pending in said courts, notwithstanding the affidavit of the appellant may have been made before some other justice of the peace, than the one who tried the cause; *Provided*, said affidavit be in other respects in conformity with said act.

Proviso.

Parts of former acts repealed.

Sec. 7. *And be it enacted*, That so much of the twentieth section of the act concerning courts for the trial of small causes, passed February twelfth, eighteen hundred and eighteen, as comes within the purview of this supplement, or any part thereof, be, and the same is hereby repealed.

Passed February 27, 1834.

REPEALED

AN ACT making further appropriation for erecting the New State Penitentiary.

Fifty thousand dollars appropriated for erecting new state prison.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in addition to the amount heretofore directed by law to be drawn by the governor or person administering the government of this state, in favor of the commissioners appointed to build the New State Penitentiary, he shall be and is hereby authorized to draw in favor of the said commissioners from any unappropriated moneys in the treasury of this state, the further sum of fifty thousand dollars.

Governor authorized to borrow money.

Sec. 2. *And be it enacted*, That in case there should not be an amount of unappropriated money in the treasury of this state, sufficient to meet the drafts as authorized by this act, it shall and may be lawful for the governor or the person administering the government of this state, to borrow an amount of money sufficient to meet the appropriations as aforesaid, at a rate of interest not exceeding six per centum per annum, and to reimburse the same at any time not less than one year, from the time of contracting the loan; and the governor or person administering the government of this state,

is hereby authorized and empowered to pledge the faith of this state for the payment of the principal and interest of all moneys which may be borrowed as aforesaid.

Passed February 27, 1834.

AN ACT to divorce Mordecai Noe, from his wife Hannah Noe.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Mordecai Noe, of the county of Middlesex, be, and he is hereby divorced from his wife, Hannah Noe, and that the marriage contract heretofore existing between them, the said Mordecai Noe and Hannah Noe his wife, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed February 27, 1834.

A SUPPLEMENT to an act, entitled "An act to incorporate the Rahway Fire Company," passed December fifth, eighteen hundred and twenty-three.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the "Rahway Fire Association," be authorized and empowered to increase their capital stock, to three thousand dollars.

Passed February 27, 1834.

AN ACT to raise the sum of forty thousand dollars, for the year one thousand eight hundred and thirty-four.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the

same, That there shall be assessed, levied and collected, on the inhabitants of this state, their goods, moneys and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and thirty-five.

Sec. 2. *And be it enacted*, That the said sum of forty thousand dollars shall be paid by the several counties of this state, in the proportion following, that is to say:—

The county of Bergen shall pay the sum of two thousand five hundred and ninety-nine dollars and eighty-four cents.

The county of Essex shall pay the sum of three thousand eight hundred and twenty-two dollars and four cents.

The county of Middlesex shall pay the sum of three thousand two hundred and fifty-three dollars and thirty-six cents.

The county of Somerset shall pay the sum of two thousand six hundred and forty-two dollars and eighty-six cents.

The county of Sussex shall pay the sum of two thousand and twenty-five dollars and seventy cents.

The county of Morris shall pay the sum of three thousand one hundred and thirty-six dollars and two cents.

The county of Warren shall pay the sum of two thousand one hundred and eighty-five dollars and fifty cents.

The county of Monmouth shall pay the sum of three thousand seven hundred and twenty-three dollars and sixty-eight cents.

The county of Hunterdon shall pay the sum of four thousand five hundred and thirty-five dollars and eighty four cents.

The county of Burlington shall pay the sum of four thousand three hundred and seven dollars and twelve cents.

The county of Gloucester shall pay the sum of three thousand three hundred and seventy-nine dollars and twenty-six cents.

The county of Cumberland shall pay the sum of one thousand five hundred and eighty-six dollars and eighteen cents.

The county of Salem shall pay the sum of two thousand one hundred and fifty-six dollars and sixty cents.

The county of Cape-May shall pay the sum of six hundred and forty-six dollars.

Sec. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the sum of forty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums:

Every covering horse, above three years old, any sum not exceeding ten dollars, to be paid by the person where the horse is kept; all other horses or mules, three years old and upwards, any sum not exceeding six cents.

All neat cattle three years old and upwards any sum not exceeding three cents.

Enumeration of
articles taxed at
specific sums.

Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of forty-thousand dollars the following articles, persons, and things, shall be valued and rated at the discretion of the assessor, to wit: all tracts of land any sum not exceeding one hundred dollars, by the hundred acres: *Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be, to the valuation of the land aforesaid.

Enumeration of
articles taxed at
discretion of as-
sessor.

All moneys at interest, whether on bond, obligation or sealed bill secured by mortgage or judgment, not otherwise taxed, to be rated, assessed, and taxed on the principal sum of each after the same rate and in the same manner as lands are rated and assessed by this act.

All householders, (under which description shall be included all married men) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding three dollars, over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding ten dollars.

All fisheries, where fish are caught for sale any sum not exceeding ten dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding eight dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges that work pig-iron, and forges and bloomeries that work bar-iron immediately from ore or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding thirty dollars.

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned, for sale or hire, each vat, any sum not exceeding thirty cents.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars: *Provided*, that every single man possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only: *And provided also*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave under the age of sixty years, any sum not exceeding one dollar: *Provided*, no slave shall be taxed who is unable to labor.

All distilleries used for distilling spirits from rye or other grain, or molasses, or other foreign material, any sum not exceeding thirty-five dollars.

All other distilleries used for distilling, any sum not exceeding ten dollars, having due regard to the size, capacity, and use of said stills.

Every coach or chariot, any sum not exceeding five dollars.

Every phaeton, coachee, or four-wheeled chaise, with steel or iron springs, any sum not exceeding four dollars.

Every four horse stage-wagon, any sum not exceeding five dollars.

Every two horse stage-wagon, any sum not exceeding two dollars and fifty cents.

Every covered wagon with a frame or fixed top, any sum not exceeding one dollar.

Every two horse chair or curricule, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulkey, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dying company, any sum not exceeding ten dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Duty of assessor.

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law, having regard to the yearly rent and value thereof; and that the amount of tax assessed in each

township above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars, shall be assessed, levied and collected, in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, in the year one thousand seven hundred and ninety-nine, and the several supplements thereto, and the several officers therein mentioned, are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers, concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

Manner of assessing and penalty for neglect.

Passed February 28, 1834.

A FURTHER SUPPLEMENT to an act, entitled "An act to incorporate a part of the township of Trenton in the county of Hunterdon," passed November thirteenth, seventeen hundred and ninety-two.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the annual town meetings of the freeholders and inhabitants of the city of Trenton, shall be held at the same time and place as is now, or may hereafter be, provided by law for holding the annual town meetings of the freeholders and inhabitants of the township of Trenton; and that the said freeholders and inhabitants when so convened in town meeting as aforesaid, shall have all the powers now vested by law in the said town meetings of the freeholders and inhabitants of the township and city aforesaid, respectively.

Town meetings, of city of Trenton, to be held at same time and place as the township.

Sec. 2. *And be it enacted*, That the persons qualified to vote at such town meetings, shall have full power at the town meetings aforesaid, to elect, for the said township, and city of Trenton, one assessor, and one collector, who shall respectively fill the offices of assessor and collector for both the township and city at the same time, and shall have all the powers, perform all the duties, and be subject to all the provisions and regulations of the existing laws relative to the assessors and collectors of the city and township; but the said

Certain officers to be elected.

assessor and collector shall be entitled to the lawful fees for making one assessment and collection in each year, and no more.

Town clerk to
be clerk of town-
ship and city.

Sec. 3. *And be it enacted*, That at each annual town meeting as aforesaid, one person shall be chosen according to law, as town clerk, who shall be, and perform all the duties of clerk of the said township and city, and be subject to all the provisions and regulations of the existing laws, relative to the clerks of the township and city of Trenton.

Appeals in cases
of taxation.

Sec. 4. *And be it enacted*, That all appeals relative to unjust assessments in cases of taxation, as well in the said township as in the said city of Trenton, shall be heard and finally determined by the common council of said city, and that so much of any act of the legislature as requires the appointment of commissioners of appeals in and for the township of Trenton, be and the same is hereby repealed.

City may erect
a workhouse &c.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the common council of the city of Trenton, to erect and maintain within the said city, a workhouse distinct from the common jail, which said workhouse, when so procured and established, shall be subject to all the provisions of the second and third sections of an act of the legislature entitled "An act supplementary to an act entitled an act to incorporate a part of the township of Trenton in the county of Hunterdon," passed the twenty-second day of November, eighteen hundred and eight.

Part of act re-
pealed.

Passed February 28, 1834.

AN ACT to defray incidental charges.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be lawful for the treasurer of this state, to pay the several persons hereinafter named, the following sums, viz.

To John M. Cornelison for travelling expenses, viewing state lands in Bergen county, twenty dollars.

To John Cook, for iron work about the state house, three dollars and twenty-five cents.

To S. & T. J. Stryker, for ten cords of hickory wood, for the use of the state house, sixty dollars.

To William A. Benjamin, for his bill rendered for locks, candle sticks, nails, and screws, for the state, ten dollars and thirty-three cents.

To Silas Conduct, for expenses and attendance three days at Trenton, on account of the state, fifteen dollars.

To Henry B. Howell, for two boxes of candles, crape, baize, &c. fifty dollars and seventy-six cents.

To Charles Parker, treasurer, as appears by his several receipts and vouchers; to Fayette Pierson, for printing the criminal code, one hundred and twenty-six dollars; to B. S. Disbrow, for making writing desk, for treasury office, ten dollars eighty-seven cents; letter postage, up to first of last January, two dollars and seventeen cents; Daniel Fenton, for stationary had by the legislature, prior to eleventh November last, twenty-six dollars and thirty-seven cents; John Kirkbride for Lehigh coal, sixty-five dollars; Elisha Reeves, for hickory wood, ninety dollars; Thomas Combs, for a load of charcoal, nine dollars; Charles Parker, going to, while at, and returning from Philadelphia, on business for school fund seven dollars, making an aggregate of three hundred and thirty-six dollars and twenty-four cents.

To B. Davenport, for a ream of paper for treasury office, four dollars and twenty-five cents.

To Thomas M. Perrine, for three pieces of carpeting, forty-five dollars and sixty-three cents.

To Jasper Scott, for taking down and putting up open stove in arsenal, one dollar and fifty cents; also for repairs done to the government house, sixteen dollars twelve and a half cents.

To governor Elias P. Seely, for postage on letters, concerning the state, from second of March to twenty-seventh of October, eighteen hundred and thirty-three, forty-two dollars and sixty-five cents.

To William Robinson, for repairing and cleaning arms, one hundred and eighty-five dollars and twenty-nine cents.

To Ralph Green, for work on state house, office, and yard, fifteen dollars fifty-six cents.

To James Faussett, deceased, estate, for sundry articles, for state house, seventeen dollars.

To C. Faussett, for sheet iron for Council room, nine dollars and fourteen cents.

To Lucius Q. C. Elmer, for services, revising the criminal code, three hundred dollars.

To Joseph Burroughs, for a cord of wood, five dollars and fifty cents.

To William Robinson, for splitting a cord of wood, one dollar.

To Andrew Reeder, for two brooms, fifty cents.

To William Clark, for sawing and splitting nine cords of wood, nine dollars.

To S. B. Scattergood, for carpet, putting down the same, in Council Chamber, five dollars and twenty-five cents.

To Daniel H. Combs, for two boxes to keep coal in, two dollars.

To James D. Westcott, for cash paid sundry individuals for iron work about the secretary of state office, and other services rendered, for which no compensation is fixed by law, thirty-one dollars and twenty-five cents.

To M. Johnson, for his bill for paper, quills, pencils, eighty-eight dollars and thirty-seven cents.

To Wilson and Newton, for glass, putty, and repairing window blind for state house, three dollars and seventy cents.

To Thomas Combs, one wafer box, thirty-seven cents.

To Levi Howell, for carrying state prison committee back and forth, two dollars.

To Zachariah Rossell, clerk of supreme court, for stove, and putting up same in clerk's office, fourteen dollars and fifty cents.

To the estate of Martin C. How, for finding and setting glass, nine dollars and thirty-seven cents.

To George Sherman, for printing, as per his account rendered up to this time, eighty-two dollars and fifty cents.

To Joseph Sterling, for one bushel of sand, thirty-one cents.

To William Miller, for two boxes of candles and stone jug, twenty-two dollars and sixteen cents.

To the adjutant-general, for postage, three dollars and seventy-six cents.

To E. B. Adams, for New-Jersey Democrat, and advertising court of appeals, thirty-two dollars.

To Joseph Justice, for his printing account for first sitting, and in vacation, and articles furnished state, one hundred and sixty-three dollars and seventy-three cents, for his printing account of the present sitting, and articles furnished state, up to this time, four hundred and fifty-seven dollars and fifty-one cents, aggregate amount six hundred, twenty-one dollars and twenty four cents.

To the quarter-master general, for a building in which to keep the public arms, any sum not exceeding one hundred dollars.

To Daniel Bellerjeau, for five screens, ten dollars.

To J. T. Robinson and company, for papers furnished the house, thirteen dollars and fifty cents.

To William Miller, for candles, one dollar and fifty-eight cents.

To Enoch Green, for two locks on the gallery doors, fifty cents.

To Joseph W. Scott, for revising, &c. orphans' court code of laws, five hundred dollars.

To James Mason, sawing and splitting thirteen and a half cords of wood, thirteen dollars and fifty cents.

To Enoch W. Green, for work done at state house, fifteen dollars sixty-one and a quarter cents.

Passed February 28, 1834.

JOINT RESOLUTIONS.

RESOLVED, (Council concurring) that a joint committee of the two Houses be appointed for the purpose of considering the expediency of expressing the sense of this Legislature, upon the important topics now under discussion before the Congress of the United States.

Passed January 10, 1834.

WHEREAS, the present crisis in our public affairs, calls for a decided expression of the voice of the people of this state; AND WHEREAS we consider it the undoubted right of the legislatures of the several states, to instruct those who represent their interests in the councils of the nation, in all matters which intimately concern the public weal and may affect the happiness or well being of the people—Therefore,

Preamble.

BE IT RESOLVED *by the Council and General Assembly of this State*—1. That while we acknowledge with feelings of devout gratitude, our obligations to the Great Ruler of Nations, for his mercies to us as a people, that we have been preserved alike from foreign war, from the evils of internal commotions, and the machinations of designing and ambitious men, who would prostrate the fair fabric of our Union, that we ought nevertheless, to humble ourselves in his presence, and implore his aid for the perpetuation of our republican institutions, and for a continuance of that unexampled prosperity which our country has hitherto enjoyed.

Acknowledgment of gratitude for prosperity.

2. RESOLVED, That we have undiminished confidence in the integrity and firmness of the venerable patriot who now holds the distinguished post of chief magistrate of this nation, and whose purity of purpose and elevated motives have so often received the unqualified approbation of a large majority of his fellow-citizens.

Expression of confidence in the president.

3. RESOLVED, That we view with agitation and alarm the existence and gigantic power of a great monied incorporation, which threatens to embarrass the operations of the government, and by means of its unbounded influence upon the currency of the country, to scatter distress and ruin through-

Disapproval of a recharter of the bank of the U. States.

out the community; and that we therefore solemnly believe the present Bank of the United States ought not to be re-chartered.

Instructions to
Senators and
Representatives

4. **RESOLVED**, That our Senators in Congress be instructed and our member of the House of Representatives be requested to sustain, by their votes and influence, the course adopted by the Secretary of the Treasury, Mr. Taney, in relation to the Bank of the United States and the deposits of the government moneys, believing as we do, the course of the Secretary to have been constitutional, and that the public good required its adoption.

Governor to
transmit copies
of these resolutions.

5. **RESOLVED**, That the governor be requested to forward a copy of the above resolutions to each of our senators and representatives from this state, in the congress of the United States.

Passed January 11, 1834.

Adherence to
former resolutions.

RESOLVED, *by the Council and General Assembly of the state of New-Jersey*, That they do adhere to the resolutions passed by them on the eleventh day of January last, relative to the president of the United States, the Bank of the United States, and the course of Mr. Taney, in removing the government deposits.

Desire for the
Senators and
Representatives
to obey them.

RESOLVED, That the legislature of New-Jersey have not seen any reason to depart from such resolutions since the passage thereof, and it is their wish that they should receive from our senators and representatives of this state in the congress of the United States, that attention and obedience which are due to the opinions of a sovereign state, openly expressed in its legislative capacity.

Passed February 21, 1834.

RESOLVED, *by the Council and General Assembly*, That I. Wallace Van Doren, of New-Brunswick, be employed to print the votes and proceedings of the present session of the legislature; that he print sixteen hundred copies thereof, and be paid therefor the sum of twenty-two dollars per sheet.

RESOLVED, That James N. Hannah, of Salem, be employed to print sixteen hundred copies of the laws of the present session of the legislature, on the large octavo pages heretofore used, and that he be paid therefor the sum of thirty-two dollars per sheet.

RESOLVED, That George Sherman, of Trénton, be employed to print sixteen hundred copies of the law reports, at thirty-two dollars per sheet; and that Edward Sanderson, of Elizabethtown, be employed to print the chancery reports, the same number of copies and at the same price as the law reports, and that both reports shall be printed on as good paper and with the large octavo type heretofore used.

Passed February 24, 1834.

RESOLVED, *by the Council and General Assembly*, That fifty muskets of the state armory be appropriated from this time forth, to the use of the "Trenton Pike Infantry," a volunteer corps of militia, now organized in the city of Trenton, upon the security being given, in such cases required, for their safe keeping and return.

Passed February 27, 1834.

RESOLVED, *by the Council and General Assembly*, That the governor of this state be requested to communicate to the president of the United States a copy of the act of the legislature of this state, entitled "An act to ratify and confirm an agreement made between the commissioners appointed by the governor of the state of New-York and the commissioners appointed by the governor of the state of New-Jersey, respecting the territorial limits and jurisdiction between the said states," together with a copy of said agreement, with a request that he will cause the same to be laid before the two houses of congress for their consent.

RESOLVED, That the senators and representatives of this state in the congress of the United States, be requested to use their endeavors to procure the consent of the congress of the United States to the said agreement.

Passed February 27, 1834.



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ERRATA.

In the title pages, for "FIFTY-SEVENTH," read "FIFTY-EIGHTH."

