

State Library

ACTS

OF THE

FIFTY-SEVENTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-
THIRD DAY OF OCTOBER, 1832.

BEING THE FIRST SITTING.

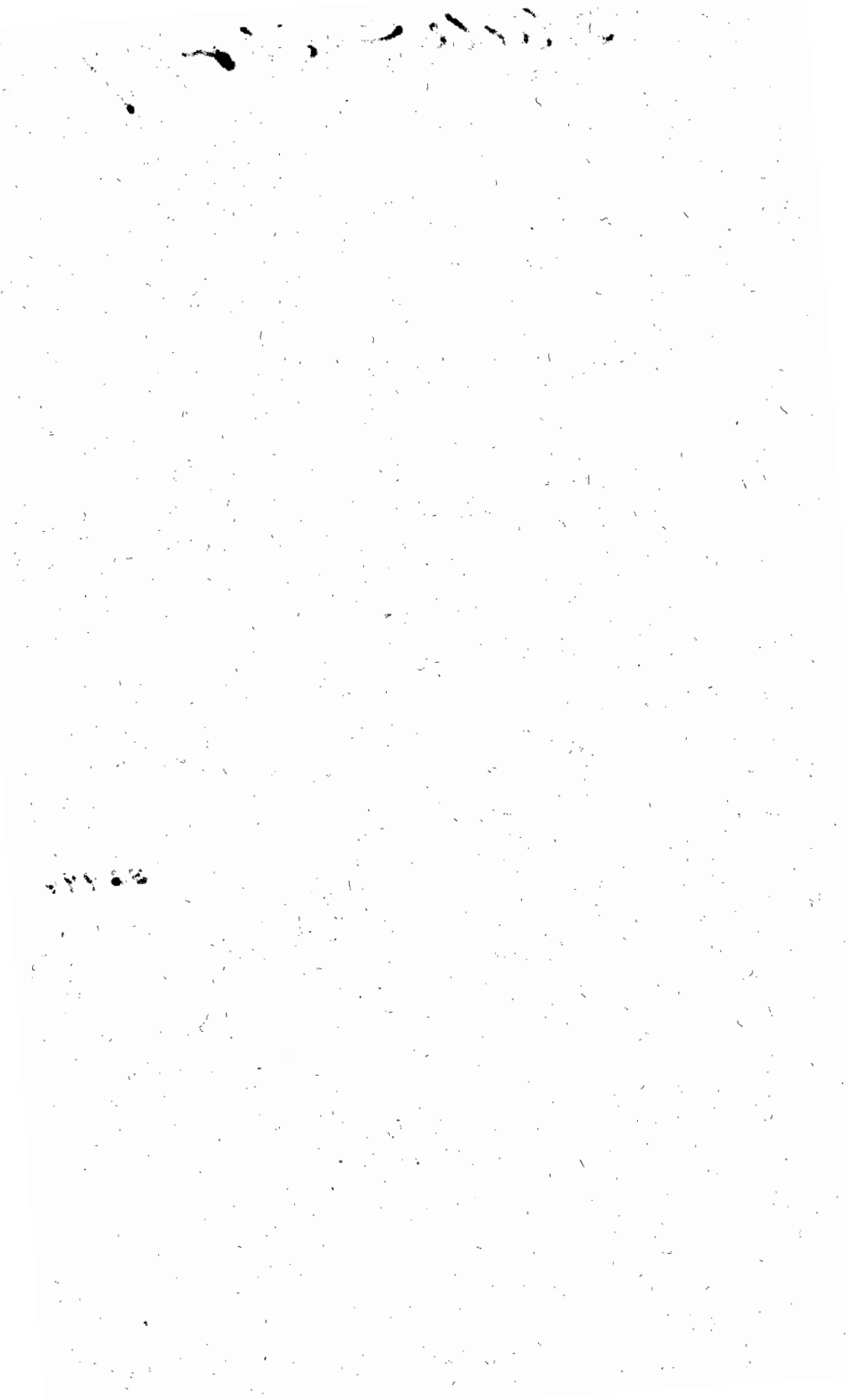
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TRENTON:

PRINTED AT THE OFFICE OF THE NATIONAL UNION,

1833.



A C T S
OF THE
FIFTY-SEVENTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY.

AN ACT to authorize Levi Stout, administrator of Samuel Blodget, late of the village of Lambertville, in the township of Amwell, and county of Hunterdon, deceased, to convey a certain house and lot of land, in said village, to the President and Directors of the Delaware and Raritan Canal Company.

WHEREAS it hath been represented that Samuel Blodget, late of Lambertville, died in the month of October, in the year of our Lord one thousand eight hundred and twenty-eight, intestate, leaving a widow and an infant daughter, and was, at the time of his decease, in possession and seized in fee-simple of a certain house and lot of land, situated in Lambertville;—AND WHEREAS Levi Stout, of the said county of Hunterdon, did become the administrator of the personal effects of the said Samuel Blodget, and recently has become the legal guardian of the infant daughter of said deceased: and further—WHEREAS the Delaware and Raritan Canal feeder is about to pass through the said lot, and the said administrator having, by and with consent of the widow, come to a mutual understanding to and for the sale of said lot of land to and with the said Delaware and Raritan Canal Company—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 Levi Stout, administrator of the goods and chattels, rights and credits, which were of Samuel Blodget, late of the township of Amwell, in the county of Hunterdon, deceased, who died intestate, and who is the legal guardian of the infant daughter of the said Samuel Blodget, be, and he is hereby authorized to sell and convey to the president and directors of the Delaware and Raritan Canal Company all the right, title, and interest of the said Samuel Blodget, at the time of his de-

Preamble.

Levi Stout empowered to sell lands of Samuel Blodget, deceased, to Delaware and Raritan Canal Company.

cease, of, in, and to the aforesaid lot of land and premises, with the appurtenances; and the said conveyance shall vest in the President and Directors of the Delaware and Raritan Canal Company, and their successors in office, as good and perfect an estate in the said lot of land as the said Samuel Blodget had therein at the time of his decease, and shall have the same force and effect as a deed from the said Samuel Blodget, in his lifetime, would have had.

Passed October 31, 1832.

~~REPRODUCED FROM THE ORIGINAL~~

AN ACT to authorize a trustee, therein named, to sell certain real estate, late of James Van Duyn, deceased.

Preamble.

WHEREAS James Van Duyn, late of the township of Franklin in the county of Somerset, state of New Jersey, died, leaving a last will and testament, (which was duly proved and recorded in the surrogate's office of the county of Somerset aforesaid) in which, among other things, he devised to his nephew, William J. Van Duyn, son of his brother, William Van Duyn, certain of his real estate, and, among the rest, the lot of land whereon he, the said James Van Duyn, then lived, situate on the south side of Raritan river, adjoining the bridge built across the same, on the line of the New Jersey Turnpike road.—AND WHEREAS the said William J. Van Duyn, on the thirtieth day of April, eighteen hundred and twenty-five, departed this life intestate, leaving, at this time, two surviving sons, namely, Robert Gordon Van Duyn, aged fourteen years, and James Alexander Van Duyn, aged eight years, who inherit the aforesaid lands.—AND WHEREAS it is represented, by petition to the legislature, by Samuel Swan, guardian of the persons and estates of the above named minors, that it would greatly conduce to their interest and advantage to make sale of a certain portion of the lot of land above mentioned, which adjoins upon the Delaware and Raritan Canal—Therefore,

Samuel Swan
authorized to
sell certain
lands, late of
James Van
Duyn, dec'd,
adjoining the
Delaware and
Raritan Canal.

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 Samuel Swan be, and he is hereby appointed a trustee, with full power and authority to sell and convey that portion of the lot of land belonging to his said wards, Robert Gordon Van Duyn and James Alexander Van Duyn, which is herein before mentioned and described, adjoining upon the Delaware and Raritan Canal, not exceeding, how-

ever, in the whole, ten acres thereof, for the highest sum or sums of money the same will bring, and to execute, make, and deliver a good conveyance or conveyances in the law therefor.

SEC. 2. *And be it enacted*, That before the said Samuel Swan 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 amount, as shall be approved by three 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.

Trustee to give bond to the governor.

SEC. 3. *And be it enacted*, That the said Samuel Swan, within six months 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 the said sales, and of the amount he has received for his respective ward's shares of the proceeds of the same, to be by him recorded and filed in his office; and that the said Samuel Swan shall be accountable for all moneys by him received for his respective wards, by virtue of this act.

Account to be rendered to surrogate of county.

Passed October 31, 1832.

AN ACT to extend an act entitled, "An act for the incorporation of the town of Princeton."

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 for the incorporation of the town of Princeton," passed the twenty-seventh day of November, in the year of our Lord eighteen hundred and twenty-two, be, and the same is hereby extended and declared to be continued until the twenty-seventh day of November, in the year of our Lord eighteen hundred and forty-two.

Act incorporating Princeton extended to 1842.

Passed October 31, 1832.

A further Supplement to the act "to ascertain the times and place of holding the court of appeals."

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 governor for the time being shall be, and hereby

Governor and Council authorized to

change the
time of the
term of the
court of ap-
peals.

is authorized, by and with the advice of Council, and whenever they shall deem it expedient, to change the time for holding the then next term of the court of appeals in the last resort in all causes of law or equity, from the first Tuesday in November, as now appointed by law, to such other time as they shall appoint for holding the said then next regular term of the court: *Provided always*, that the time so to be appointed shall be within three months from the time as at present appointed by law for holding the then next regular term: and such public notice shall be given, by the clerk of the court, of such change of time for holding the then next regular term, as the governor and council shall direct.

Proceedings
continued to
the time ap-
pointed.

SEC. 2. *And be it enacted*, That whenever the time for holding the said term of the court, shall be changed as aforesaid, all writs and process issued, and all causes which shall be then set down for hearing or argument, and all writs, pleadings, notices, and other proceedings shall be continued of course, and stand adjourned to the time so to be appointed; and writs of error may be made returnable, and appeals taken, to the time so to be appointed; and all other business may then be done, the same as may now be done at any stated term of the said court.

Passed October 31, 1832.

AN ACT to dissolve the marriage contract between Thomas Huffman and Elizabeth his wife.

Thos. Huff-
man and El.
Huffman di-
vorced.

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 Thomas Huffman, of the county of Middlesex, and Elizabeth, his wife, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

Passed November 1, 1832.

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

Payment of
officers pro-
vided 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, viz:

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

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. Judges of supreme court.

To each of the associate justices of the supreme court 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. Treasurer.

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. Law reporters

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

To the quartermaster general of this state for the time being, at the rate of one hundred dollars by the year. Quartermaster general.

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

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 the 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 this legislature; and to every member the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual road, 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 the members of assembly, or by Cornelius L. Hardenberg, John Cornelison, William R. Allen, and Anthony Nelson, 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 fairly in the journals; and eight cents, by the sheet, for a copy thereof, for the printers; How to be paid.

on a certificate, produced to the treasurer, signed by the president or vice-president of council for the secretary of council, and by the president of council or the speaker of the house of assembly for the clerk of assembly.

Sergeant-at-arms and doorkeepers.

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 doorkeepers 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.

Engrossing clerk.

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 rate of eight 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.

Limitation of act.

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

Passed November 2, 1832.

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, herein after named, the following sums, to wit:

Certain incidental charges to be paid.

To Joseph Justice, for publishing the public laws of this state, passed during the session of the last legislature; for advertising governor's proclamation; for blank commissions of judges and coroners; for paper, quills, and sundries, as per bill, one hundred nineteen dollars, forty-eight cents and a quarter.

To Martin C. How, for two days' painting; for glass, setting the same, and other sundries, as per bill, twelve dollars, sixty-five cents and a half.

To J. R. Smith, for white lead, oil, &c., as per bill, two dollars twenty-five cents.

To S. B. Scattergood, for cleaning government house and attendance on legislature, the first day of this session; for procuring wood and coal, and breaking up and putting coal away, as per bill, ten dollars.

To William Grant, for boards and scantling, delivered to William Hyer, to repair government house, as per bill, four dollars, sixty cents.

To P. J. Gray, for publishing the public laws of the state, passed during the session of the last legislature, in the Trenton Union, as per bill, fifteen dollars.

To Charles Parker, for postage on letters; for expenses going to and from Philadelphia on business for the state; for other items, as per bill, forty-one dollars, seventy-eight cents.

To Richard L. Howell, for two cords of wood, delivered to Henry Wharton, for use of state house, as per bill, at six dollars per cord, twelve dollars.

Passed November 2, 1832.

RESOLUTIONS.

RESOLVED, *by the Council and Assembly*, That Jacob S. Smith be appointed to engross the bills and resolutions of both houses, during the present and future sittings of the legislature.

J. S. Smith.
appointed engrossing clerk.

Passed October 30, 1832.

RESOLVED (the house of assembly concurring therein), That the joint-committee appointed on that part of the late governor's message relating to the erection of a new state prison, be vested with power, in the interval of the sessions of the present legislature, to take such course to procure drafts and plans of a prison building, estimates of the costs of the same, and such other information appertaining to the subject, as they may deem expedient.

Powers of
state prison
committee
extended.

Passed November 1, 1832.



ACTS
OF THE
FIFTY-SEVENTH
GENERAL ASSEMBLY

OF THE
STATE OF NEW JERSEY,

Jan
AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-
THIRD DAY OF OCTOBER, 1832.

BEING THE SECOND SITTING.



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ACTS
OF THE
FIFTY-SEVENTH
GENERAL ASSEMBLY

OF THE
STATE OF NEW JERSEY.

AN ACT

AN ACT to authorize James Bird and Aaron Vansyckle, junior, executors of Joseph Bird senior, deceased, to convey to John P. Yawger certain lands therein mentioned.

WHEREAS it is represented, that Joseph Bird, senior, late of the township of Bethlehem, in the county of Hunterdon, deceased, in his lifetime, by article of agreement, under his hand and seal, bearing date the sixteenth day of December, in the year of our Lord one thousand eight hundred and thirty, did agree to sell and convey to John P. Yawger, of the township of Lebanon, in said county, a certain tract of land, whereon Robert T. Bird then lived, adjoining lands of Joseph Ramsey, Timothy Porter, deceased, and Benjamin Low and others, conveyed by Harman Ditts and Christian his wife, to the said Joseph Bird, by deed, bearing date the thirty-first day of July, eighteen hundred and seventeen, supposed to contain one hundred and fifty-one acres, more or less; and a certain lot of land adjoining said place and lands of Peter Huffman, supposed to contain twenty-four acres, three roods, and nineteen perches, conveyed by John Ditts and wife to the said Joseph Bird, by deed, bearing date the third day of May, eighteen hundred and sixteen, for the consideration of three thousand dollars, to be paid in six equal payments, of five hundred dollars each; the first thereof, to be paid on the first day of April, eighteen hundred and thirty-one; the second, on the first day of May, eighteen hundred and thirty-two; and the others annually, thereafter: that the said John P. Yawger, in pursuance of said agreement, took possession of said premises, and paid the two first payments thereon; and that the said Joseph Bird hath departed this life, without having executed a deed for said premises, having made and published his last will and testament in writ-

Preamble.

ing, which hath since been duly proved, by James Bird and Aaron Vansyckle, junior, executors therein named—Therefore,

Executors of Joseph Bird authorized to convey certain lands to John P. Yawger.

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 Bird and Aaron Vansyckle, junior, executors of the last will and testament of Joseph Bird, senior, late of the township of Bethlehem, in the county of Hunterdon, deceased, be, and they are hereby authorized to convey, by deed, to the said John P. Yawger, his heirs and assigns, in fee-simple, all the right, title, and interest of the said Joseph Bird, senior, at the time of his decease, of, in, and to the aforesaid lands and premises, with the appurtenances, upon the said John P. Yawger paying or securing the payment to the said executors of the balance of the purchase money for said premises, according to the terms of the article of agreement above mentioned; and the said conveyance shall vest in the said John P. Yawger, his heirs and assigns, as good and perfect an estate in the said lands, as the said Joseph Bird, senior, had therein at the time of his decease.

Passed January 9, 1833.

AN ACT to empower Robert Lavielle, guardian of Emile Lavielle, Eugene Lavielle, and Theodore Lavielle, to sell certain real estate of his wards.

Preamble.

WHEREAS Emile Lavielle, Eugene Lavielle, and Theodore Lavielle, minors, under the age of twenty-one years, children and wards of Robert Lavielle, of Orange, in the county of Essex, in this state, are seized in fee-simple of an undivided moiety in a certain tract of land, supposed to contain about twenty-five acres, situate near Bottle Hill, in the township of Chatham, in the county of Morris, in this state.—AND WHEREAS it is represented, that it would be greatly to the interest of the said Emile, Eugene, and Theodore, the minors, to sell and convey the said land in fee-simple; but that the same cannot be done without the aid of a special law for that purpose, and the said Robert Lavielle, their father, hath, by his petition, asked for a law to empower him to sell the same, and that an advantageous sale thereof can be made, if power therefor be given—Therefore,

Robert Lavielle authorized to sell

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 Robert Lavielle, guardian of the said Emile

Lavielle, Eugene Lavielle, and Theodore Lavielle, be, and he is hereby authorized and empowered to grant, bargain, sell, and convey the lands, tenements, and real estate, aforesaid, of the said Emile, Eugene, and Theodore, his wards, in fee-simple, and execute a deed or deeds thereof and therefor, which shall be as good and effectual to grant, sell, and convey, and assure the said lands, tenements, and real estate, and the hereditaments and appurtenances to the same belonging; to the purchaser or purchasers thereof, as if the said deed or deeds were made by the said Emile Lavielle, Eugene Lavielle, and Theodore Lavielle, the wards themselves, after they and each and all of them had attained his and their full age of twenty-one years: *Provided always*, that such deed or deeds shall have no force or effect until the said sale or sales shall be reported to the orphans' court of the county of Morris, and approved by the said court, and the said Robert Lavielle give such additional security for the faithful performance of his guardianship aforesaid, as the said court may direct and approve of, if the said court deem any additional security necessary.

certain lands
of his wards.

To report
sales to or-
phans' court,
and give ad-
ditional secu-
rity.

Passed January 16, 1833.

AN ACT TO INCORPORATE THE AMERICAN POTTERY MANUFACTURING COMPANY.

AN ACT to incorporate the American Pottery 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 David Henderson, of the city of Jersey, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, their successors and assigns, shall be, and are hereby constituted a body politic and corporate, by the name of "the American Pottery Manufacturing Company," for the purpose of manufacturing the various kinds of pottery, at the works already erected, or that may hereafter be by them erected, at the city of Jersey, in the county of Bergen, in this state, and carrying on the business incident to the same; and, by that name, they and their successors and assigns shall and may have continued succession, and be persons, in law, capable of contracting and being contracted with, of suing and being sued, defending and being defended, in all courts, whether of law or equity, and in all manner of actions or complaints whatsoever; and that they, their successors, and assigns may have and use a common seal, and change and alter the same at their pleasure, and shall be vested with all the powers incident to a corporation, and necessary for the objects aforesaid, and, by that name and style, shall be

Style and ob-
jects of incor-
poration.

Powers.

capable of purchasing, holding, using, and conveying any estate, real or personal, for the use of the said corporation.

Amount of capital stock. SEC. 2. *And be it enacted,* That the capital stock of the said corporation shall be seventy-five thousand dollars, which shall be divided into seven hundred and fifty shares, of one hundred dollars each, and be deemed personal property, and transferable in such manner as the said corporation shall, by their by-laws, direct: and it shall be lawful for said company to commence the said business, or any part thereof, and, with such capital, conduct and carry it on; and if they shall at any time deem it expedient to extend their operations, and for that purpose to increase the capital stock, they are hereby authorized so to do, to any amount not exceeding one hundred and fifty thousand dollars in the whole.

May be increased.

Number of directors. SEC. 3. *And be it enacted,* That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, who may respectively hold their offices for one year, and until others may be chosen, which directors shall, at all times during their continuance in office, be stockholders in said company in their own right.

Commissioners to receive subscriptions for stock. SEC. 4. *And be it enacted,* That David Henderson, John V. B. Varick, Robert Gilchrist, John Cassedy, and J. Dickinson Miller, of Jersey City, Edward Cook, George Tingle, and John Steele, of New York, shall be commissioners to receive subscriptions for the capital stock of the said corporation, by opening books, for that purpose at the city of Jersey, in the county of Bergen; and twenty days' public notice shall be given, by the said commissioners, of the time and place of the opening of such books, and also of the amount of the first installment to be then paid, by advertisement in one of the newspapers printed in this state, and also in one printed in the city of New York; and, as soon as the same shall be subscribed, the said commissioners shall, by ten days' public notice, published in like manner, call a meeting of the stockholders of the said company for an election of directors; and the said commissioners shall be inspectors of the first election of directors, who shall be chosen at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote: and the said commissioners shall certify, under their hands, the names of those duly elected directors, and deliver over to them the subscription books, and the moneys and securities received for subscriptions: and the time and place of holding the first meeting of directors shall be fixed by the said commissioners; but annually thereafter the said directors shall, by public notice as aforesaid, call meetings of the stockholders for the election of directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of such election.

Election of directors.

SEC. 5. *And be it enacted,* That the directors first chosen,

or that may hereafter be chosen as aforesaid, shall, as soon as may be after their appointment, proceed to choose, out of their own body, a president; and in case of the death, resignation, refusal, or inability to serve, of the president or any of the directors, the vacancy thereby occasioned may be supplied by appointments, to be made by the board of directors; and in case of the absence of the president, the board of directors may appoint a president pro tempore.

Directors to choose a president.

How vacancies supplied.

SEC. 6. *And be it enacted*, That the said corporation shall have full power to make, constitute, ordain; and establish, by and with the consent of a majority, in value, of the persons interested in said company, such by-laws, rules, ordinances, and regulations, as they, from time to time, shall judge proper, for the election of directors, and the time and manner of the election; that a majority of the board of directors shall form a quorum for the transaction of business, and shall have power to make and prescribe all other by-laws, rules, ordinances, and regulations, not repugnant to the laws and constitution of the United States or of this state, as shall appear to them to be proper and needful touching the management and disposition of the stock, estate, property, effects, and profits of the said corporation; the appointment of officers, clerks, and servants, and their compensation; and may, at their discretion, remove and discharge from their employ any manager or other person engaged in the business of the company, and supply their places by the appointment of others: and it shall be lawful for the said directors to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payment shall not be made within twenty days after a notice requiring such payment shall have been published for that time in one or more newspapers published in this state, and also in one or more of the newspapers printed in the city of New York.

Quorum of directors.

Powers and duties of directors.

Stock forfeited on failure to pay installments.

SEC. 7. *And be it enacted*, That in case it shall happen that an election should not be made on the day that pursuant to the by-laws to be ordained by the said company, it ought to be made, the said corporation shall not, for that, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days as shall be prescribed by such by-laws; and the directors then in office shall, respectively, continue until others shall be appointed in their stead.

Corporation not dissolved by failure to elect on day prescribed.

SEC. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the transactions of said corporation, which books shall be subject at all times to the inspection of any director; and that at every annual meeting of the stockholders for the purpose of choosing directors, the directors shall lay before them a general state

Books subject to inspection of directors.

Annual statement to be laid before stockholders.

of the affairs of the company, exhibiting the amount of its stock, debts, and credits; the different kinds of pottery manufactured; the number of persons employed, and their respective compensations; and an account of the profit and loss: and that the stockholders may, if they think fit, at any general meeting, elect, by ballot, any five of their number for the purpose of examining into the state of the affairs of the said company, who shall have right of access and examination to and of all the books of the said company; and the said persons, or a majority of them, may at any time call a general meeting of the stockholders, giving like notice as is above directed to be given by a board of directors for the like purpose.

How transfers of stock to be made.

SEC. 9. *And be it enacted*, 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.

Capital not to be employed in banking. May be repealed or modified.

SEC. 10. *And be it enacted*, That no part of the funds of this company shall be employed in banking operations, or for other purposes not plainly set forth by the provisions of this act; and the legislature of this state shall have authority, for just cause, at any time after the expiration of fifteen years, hereafter, to alter, amend, or repeal this act.

Passed January 18, 1833.

AN ACT TO REPEAL THE ACT

AN ACT appointing a commissioner to execute conveyances for certain lands, divided and set off by John Lydacker, junior, and Albert Lydacker, deceased, in the lifetime of the said Albert Lydacker, deceased.

Preamble.

WHEREAS John Lydacker, junior, Margaret Lydacker, widow of Albert Lydacker, deceased, Cornelius Harman, and Isaac Lydacker, sons of the said Albert Lydacker, deceased, have represented to this legislature, that John Lydacker, junior, and Albert Lydacker, deceased, made a joint purchase of a certain stone quarry lot, situate in the township of Harrington, county of Bergen, and state of New Jersey, adjoining the Hudson river and the Closter mountain, lying between the Palisado rock and the Hudson river, as appears by a map thereof, herewith produced.—AND WHEREAS the said John Lydacker, junior, and Albert Lydacker, deceased, did divide the said premises into five unequal parts, and mark out the same by metes and bounds, as appears by the map aforesaid, and did agree that John Lydacker, junior, should take, as his part of the said premises, lots number one, number three, and number five, and Albert Lydacker, deceased, should

receive the remaining lots, number two and number four, as his part of the same, as they were marked out by them, and as appears upon the said map.—AND WHEREAS Albert Lydacker has died since the division of the above mentioned premises, and before releases were given from each to the other, and the said John Lydacker, junior, is desirous to obtain a partition of the same, as expeditiously as possible, and as the said agreement cannot be carried into effect by the ordinary modes prescribed by law in other cases—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 John H. Zabriskie, of the township of Harrington, county of Bergen, be, and he is hereby appointed and authorized to execute the said contracts, respectively, and to convey to the said John Lydacker, junior, by a good and sufficient deed of conveyance, in fee-simple, the said lots, number one, number three, and number five, set off to the said John Lydacker, junior, by partition aforesaid, upon his executing a release for the said lots, number two and number four, to the heirs at law of Albert Lydacker, deceased, subject to the right of dower of the widow of the said Albert Lydacker, deceased, therein.

J. H. Zabriskie authorized to convey certain lands of A. Lydacker, deceased.

SEC. 2. And be it enacted, That the said conveyances, when so made by the said John H. Zabriskie, shall be as good and effectual, in law, to convey the said premises to the said grantees, as if the said conveyances had been duly made and executed by the said John Lydacker, junior, and Albert Lydacker, deceased, during the lifetime of the said deceased.

Conveyance to be valid.

Passed January 22, 1833.

AN ACT for the relief of the heirs of William Darrah, deceased.

WHEREAS it is represented, and made to appear to the legislature of this state, that William Darrah, late of the county of Sussex, died intestate and seized of a considerable real estate in the said county of Sussex, and without sufficient personal estate to pay all his debts, and leaving Elizabeth Darrah, his widow, and Henry T. Darrah, Richard E. Darrah, and William Darrah, together with Emiline, Mary, and Rebecca, his children and heirs at law; which said Mary and Rebecca are minors, under the age of fourteen years, and the said Elizabeth has been duly appointed their guardian; and that the said real estate cannot advantage-

Preamble.

ously be divided between the said widow and heirs, nor jointly held by them consistently with the interest of the said minors; and that a part thereof is comparatively unproductive and decreasing in value, and that so much only as will be required to pay the debts of the said intestate, cannot be sold without prejudice to all parties concerned—Therefore,

Trustees appointed to sell certain real estate of William Darrah, 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 Henry T. Darrah and Richard E. Darrah be, and they, or the survivor of them, are hereby appointed trustees, with full power and authority to sell and convey the real estate whereof the said William Darrah died seized, or to which he may have had any right or title, at the time of his death, at such time and in such parcels as to them shall seem expedient, and shall be to the true interest of the parties concerned therein, and to make, execute, and deliver a good and sufficient deed or deeds of conveyance for the same; which said deed or deeds shall vest in the purchaser or purchasers, his or their heirs and assigns, for ever, all the estate, right, title, and interest which the said William Darrah, deceased, had of, in, and to the said premises, with the appurtenances, at the time of his death.

How proceeds to be disposed of.

SEC. 2. And be it enacted, That the said trustees shall, with the proceeds of such sale or sales, pay off all the just debts and demands against the said intestate; and, after deducting the expenses of the said sale or sales, together with such reasonable charges for their services as shall be allowed by the orphans' court of the said county of Sussex, shall distribute the surplus money among the said heirs, according to law: *Provided*, that nothing in this act shall be so construed as in any wise to affect the widow's right of dower in said lands, or any part thereof.

Widow's dower not to be affected.

Trustees to give bond to the governor.

SEC. 3. And be it enacted, That before the said trustees, or either of them, enter upon the trusts herein before created, they, or the survivor of them, shall execute, to the governor of this state for the time being, a bond, in such sum, and with such security, as the orphans' court of the said county shall direct and approve, conditioned faithfully and honestly to perform the duties, and discharge the trusts, herein before created and enjoined; and that the said trustees, or the survivor of them, shall, within one year after any such sale and conveyance under this act, make and exhibit, under oath or affirmation, to the surrogate of the said county of Sussex, to be duly kept and filed by him in his office, a true statement of such sale or sales, and of all the expenses thereof.

Account rendered to surrogate of Sussex.

Passed January 22, 1833.

AN ACT to dissolve the marriage contract between Joseph Snyder and Charlotte 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 Joseph Snyder, of the county of Hunterdon, and Charlotte his wife be, and the same is hereby declared to be dissolved.

Joseph Snyder and Charlotte Snyder divorced.

Passed January 22, 1833.

AN ACT to appoint trustees to sell certain lands therein named.

WHEREAS it appears to the legislature, that Beverly Beardslee, late of Hardyston, in the county of Sussex, died intestate, and seized of a considerable real estate in the said county of Sussex, which has, since his death, been divided among his children and heirs at law; and that the part set off to Getty Beardslee, one of the said children and heirs, consists of about forty-one acres of land, a part whereof is now unproductive and depreciating in value; and that the said Getty is deaf and dumb, and has not sufficient capacity to sell or dispose of the said premises—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 Joshua D. A. Beardslee and James Perry, or the survivor of them, be, and they are hereby appointed, trustees of the said Getty Beardslee, with full power and authority to sell and convey the said lands and premises, being the share, part, or portion set off and assigned to her in the division of the real estate of the said Beverly Beardslee, deceased, and to execute and deliver, in due form of law, a good and sufficient deed or deeds for the same; which said deed or deeds shall vest in the purchaser or purchasers, his or their heirs and assigns for ever, all the estate, right, title, and interest whatsoever of the said Getty Beardslee of, in, and to the said premises and the appurtenances, and every part thereof.

Trustees authorized to sell lands of Getty Beardslee.

SEC. 2. *And be it enacted,* That before the said Joshua D. A. Beardslee and James Perry, or either of them, enter upon the trusts reposed in them by this act, they, or the survivor of them, shall enter into bond to the governor of this state, in such sum, and in such security, as the judges of the orphans' court of the county of Sussex shall approve, conditioned for the faithful performance of all the said trusts; which said bond shall be deposited in the office of the secretary of this state.

To give bond to the governor.

To account to
the surrogate
of Sussex.

To place mo-
neys at inter-
est.

SEC. 3. *And be it enacted*, That the said trustees, or the survivor of them, shall, within six months after the sale of the said lands and real estate, make and exhibit, under oath or affirmation, to the surrogate of the said county of Sussex, a true statement of amount of such sales, to be, by him, recorded and filed; and that the said trustees, after deducting from the amount of said sales such reasonable expenses and compensation as shall be allowed by the said orphans' court, shall place the same at interest, and apply the said interest, and such part of the principal as may be required for that purpose, for and towards the support and maintenance of the said Getty, during her life, and after her death pay over to her legal representatives whatever amount there may then be thereof.

Passed January 23, 1823.

AN ACT to authorize the sale of certain real estate in the county of Somerset.

Preamble.

WHEREAS, in the year eighteen hundred and twenty-three, Elsie, late the wife of Colonel Peter D. Vroom, deceased, died seized of a certain farm or plantation, situate in the township of Hillsborough, and county of Somerset aforesaid, which thereupon descended to her heirs at law;—AND WHEREAS, in consequence of the death of some of the said heirs, and the minority of some who are now entitled, but not as immediate heirs of the said decedent, no division can be made by agreement, nor can the orphans' court order a sale of the said property, although a present sale would be greatly for the benefit of all persons interested;—AND WHEREAS all those who are of age, and the guardian of those who are under age, have united in a petition that the legislature would authorize a sale—Now therefore,

Commission-
ers authorized
to sell certain
lands of E.
Vroom, dec.

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 Z. Elmendorf and John W. Hall, of the county of Somerset, be, and they are hereby appointed commissioners, with full power and authority to sell the farm or plantation aforesaid at public sale, to the highest bidder, upon giving four weeks' notice of the time and place of said sale in four of the most public places in the said county, and also in one of the public newspapers circulating therein; and, upon making such sale, the said commissioners shall make report of the same to the orphans' court of the said county, at its next stated term, for confirmation; and, upon the said sale being confirmed,

shall make all necessary and proper conveyances to the purchaser or purchasers, under the direction of the said court; which said conveyances shall transfer to, and vest in, the purchaser or purchasers of said premises all the right and interest of the parties now having title thereto; and the said commissioners shall also render to the said court an account of the sale of said property, and, under its direction, make distribution of the proceeds among the said heirs at law, and those claiming under them, according to their respective rights.

To account to orphans' court of Somerset.

To distribute proceeds of sale.

SEC. 2. *And be it enacted*, That the said commissioners, before making such sale, shall give bond to the ordinary or surrogate general of the state, in such sum, and with such security, as the surrogate of the county of Somerset shall approve, conditioned for the faithful performance of the trust confided to them; which bond shall be filed in the office of the said surrogate, for the benefit of all persons concerned.

To give bond to the governor.

Passed January 23, 1833.

AN ACT for the relief of Ephraim Carll, of the county of Salem.

WHEREAS it has been made satisfactory to appear to the legislature of this state, that Ephraim Carll, of the county of Salem, has expended the sum of twenty-six dollars, in pursuing, apprehending, and bringing back, from the state of New York, a horse thief.—AND WHEREAS no part of the said sum of twenty-six dollars has been paid back, or in any wise refunded to the said Ephraim Carll;—AND WHEREAS the amount of moneys expended by the said Ephraim Carll is much less than would have been necessary, if an application had been made, according to law, to the executive of the state of New York, for the delivery of the said horse thief—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 treasurer of this state be, and he is hereby authorized and directed to pay to Ephraim Carll, of the county of Salem, or to his order, the sum of twenty-six dollars, to remunerate him for the amount of moneys actually expended by him in pursuing, apprehending, and bringing back a horse thief from the state of New York.

Treasurer directed to pay E. Carll, for apprehending horse thief.

Passed January 23, 1833.

AN ACT to dissolve the marriage contract between Catharine Van Middlesworth and Tunis Van Middlesworth.

T. Van Middlesworth and C. Van Middlesworth divorced.

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 Catharine Van Middlesworth and Tunis Van Middlesworth, of the county of Somerset, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

Passed January 23, 1833.

REPEALED

AN ACT to restore the charter, powers, and privileges of the Pennington Academy.

Charter restored.

Certain conveyances confirmed.

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 charter, powers, and privileges of "the Pennington Academy," intended to be derived from an act of the legislature of this state, to incorporate societies for the promotion of learning, passed the twenty-seventh day of November, seventeen hundred and ninety-four, and the supplements thereto, passed on the sixth day of June, eighteen hundred and twenty, and on the twenty-seventh day of December, eighteen hundred and twenty-six, shall be considered as in progressive force and operation, notwithstanding any defects in its incorporation, or any want of election or elections of trustees annually, in the depressed state of its funds: and that its conveyances of real estate to the First Presbyterian Congregation of Hopewell, on the first of January, eighteen hundred and twenty, and the south half part of the academic lot, on the seventh of May, eighteen hundred and twenty-eight, to extinguish its debts, shall be valid and effectual.

Passed January 25, 1833.

AN ACT to provide for the management of certain meadows on Burlington creek.

WHEREAS the owners of the meadows adjoining to, and on both sides of Burlington creek, from Assiskunk creek to the river Delaware, have, by their petition to the legislature, set forth, that the act entitled, "An act to provide for the management of certain meadows on Burlington creek," passed February fifteenth, seventeen hundred and ninety-six, has been found, on experience, to require amendment, and have prayed a law to remedy the evils complained of—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 it shall and may be lawful for the owners of the meadows aforesaid, to support, keep up, and maintain all and every of the banks, dams, sluices, and floodgates heretofore erected, set, or placed, or which hereafter shall be judged necessary to be erected, set, or placed for the purpose of keeping the tide from overflowing, and for carrying the waters off the said meadows, and also to keep the natural watercourse of said creek, or large ditch, or canal, made, or hereafter to be made, in room of it, at all times open and clear, so as to give the tide water and back water a sufficient fall off said meadows: and it shall and may be lawful for the owners of said meadows, at their annual meeting, or at any other meeting, when summoned by order of the managers for the time being, as herein after directed, to order and direct so much money to be raised for the purposes aforesaid, as a majority of the owners so met may think necessary; and make an order in writing, signed by their clerk, setting forth the sum to be raised, and the time when the assessment shall be made and paid: *Provided*, that no meadow shall be assessed in pursuance of this law, but such as hath usually been assessed under former laws.

Powers vested in the owners of certain meadows on Burlington creek.

SEC. 2. *And be it enacted*, That it shall and may be lawful for the owners of said meadows to meet on the first Tuesday in March, at ten o'clock in the forenoon, yearly and every year—the first time, at the public house or inn at present kept by Samuel Rogers, in Burlington, and afterwards at such place as they shall adjourn to, and, by plurality of votes of the persons so met, elect three managers, one clerk, one assessor, and one collector, for the year ensuing such choice, and until others shall be chosen in their stead; and, until such election, Samuel R. Wetherill is appointed clerk; which clerk, and the clerk hereafter to be chosen, shall, at the expense of the owners, keep a book, and shall enter therein the names of all the owners of the meadows for the time being, and make fair entries of all their proceedings at their meetings, and all such other entries, from time to time, as may be necessary for the well

Election of managers, clerk, assessor, and collector.

Name of the
company.

Duties of ma-
nagers.

May enter up-
on meadows
of company
to inspect
ditches, &c.

May cleanse
ditches, and
remove ob-
structions,
where owners
neglect,

and recover
the expense
from owners.

ordering their affairs: and the said clerk shall give ten days' notice, by advertisements set up in three of the most public places in the city of Burlington, of the said first meeting of the owners of said meadows, to be called "the Burlington Meadow Company;" and like notice shall be given of their annual meeting, or any other meeting summoned by order of the managers for the time being, to raise money or other necessary business respecting the said meadows, for which he shall receive a reasonable compensation.

SEC. 3. *And be it enacted*, That it shall and may be lawful for the said managers and the managers hereafter chosen, or any two of them, and they are hereby enjoined, at all times hereafter, at the common expense of the said Burlington Meadow Company, to support, sustain, and keep in good and sufficient repair and order all and every the banks, dams, ditches, sluices, and floodgates already made and erected, or hereafter to be made and erected, and to make and erect such further and other banks, dams, ditches, drains, sluices, floodgates, and other waterworks, as they may judge necessary effectually to keep the tide out, and drain the water off from the meadows aforesaid; and shall keep the natural watercourse of said creek, or large ditch cut instead of it, or which shall or may be made and cut in the room of it, at all times open and clear, so as to give the tide water and back water a sufficient fall off and from the said meadows; and shall cause the said creek or canal to be scoured and cleansed, at some convenient time, between the months of April and November, in every year: and it shall and may be lawful for the said managers to enter into and upon all and every of the meadows of any person or persons belonging to the company, and inspect and examine the main creek or ditch aforesaid, or any ditches necessary to drain the said meadows; and, upon finding any obstructions whatever therein, or that any of them want cleansing, to clean the said creek or main ditch, at the general expense of the owners of said meadows as aforesaid, and to give notice to the owners and possessors, respectively, of such obstructions as are in the ditches and drains leading into the creek or main ditch aforesaid, within and against his, her, or their meadows, to cleanse the same, so that the water may pass freely by and through the same into the creek or main ditch aforesaid; and on the refusal or neglect of the said owners or possessors, for ten days, to remove such obstructions or cleanse such ditch or drain leading into the main ditch or creek aforesaid, or his, her, or their proportionable share, to enter into the premises of such person so refusing or neglecting, and clear and cleanse such ditches and drains leading into the creek or main ditch aforesaid, in such manner as they may judge proper to answer the purpose aforesaid, and bring his or their action of debt for the moneys which they shall have paid to ditchers and laborers for cleansing the same ditches and drains leading into the

creek or main ditch, and also at the rate of one dollar and fifty cents for every day they, or either of them, may be employed in directing and overseeing the laborers in such work, to be paid by the party so refusing or neglecting as aforesaid. **Managers' wages.**

SEC. 4. *And be it enacted,* That as often as the managers aforesaid shall find or judge it necessary to raise any sum or sums of money, to enable them to perform any duty enjoined on them in this act, it shall and may be lawful for them to order and appoint a meeting of the owners of the meadows or company aforesaid, at such time and place as they shall think proper, and direct the clerk to give notice accordingly. **Managers to call meeting of company.**

SEC. 5. *And be it enacted,* That the managers for the time being shall, yearly and every year, account to the owners of said meadows, at their annual meeting, or to a committee then or at any other meeting to be appointed, by producing fair accounts of all moneys by them received and expended by virtue of this act, and also, of their time and trouble in discharging their duty as managers, and, after deducting two and a half per centum, or at the rate of two dollars and fifty cents on every hundred dollars by them expended, and such other fees as a majority of the owners then met may judge their services deserve, shall deliver the balance in their hands, if any there be, to their successors, and if they or either of them shall refuse to account and pay the balance as aforesaid, the succeeding managers shall sue for and recover what appears to be in their hands, by action of debt or otherwise, in any court where the same is cognizable, with costs of suit. **To account to the company annually, or oftener.**

SEC. 6. *And be it enacted,* That the assessor shall forthwith assess the several sums so agreed to be raised, and the collector shall collect and pay the same to the managers, or either of them; the assessor shall receive two dollars and fifty cents for every such assessment, to be paid, by the collector, out of the common stock; and the said collector shall and may retain at the rate of two dollars and fifty cents on every hundred dollars, for collecting. **Pay over moneys to their successors.**

SEC. 7. *And be it enacted,* That if any of the owners or possessors of said meadows shall neglect or refuse to pay his, her, or their assessments for twenty days after the same shall be demanded by the collector, the said collector shall prosecute for the same, by action of debt, in any court where the same may be cognizable, with costs of suit. **Collector to pay moneys raised to managers.**

SEC. 8. *And be it enacted,* That if any of the owners of the said meadows shall not reside within this state, or have any person to represent them to pay the sum or sums of money assessed as aforesaid, or if any of the said owners, being residents of this state, cannot be arrested, or have not effects on which to levy sufficient to pay the assessment or assessments aforesaid, that then and in such case it shall and may be lawful for the said managers for the time being to rent out any of the said meadows belonging to the said owner, or the whole, **Assessor's and collector's compensation.**

On failure of owners to pay assessments, collector may prosecute.

When and how meadows may be leased to pay assessment.

if necessary, for such term or time as that the rent thereof will amount to a sum sufficient to pay the said assessment or assessments as aforesaid, and no longer.

Tenants may pay and recover from landlords.

SEC. 9. *And be it enacted*, That it shall and may be lawful for any tenant or tenants who shall or may be in possession of any part of said meadows, to bring in his, her, or their charges of money paid, and services done, pursuant to the direction of this act, and recover the same of his, her, or their landlord or landlords: *Provided always*, that nothing herein contained shall affect or alter contracts subsisting, or which may be made, between any landlord and tenant.

Certain ditches and drains declared to be lawful fences.

SEC. 10. *And be it enacted*, That all line ditches or drains of nine feet wide at the surface of the meadow, four feet and a half wide at the bottom, and three feet deep, and lying on a mud or miry bottom, shall be deemed and reputed, and the same are hereby declared, to be lawful fences, and shall be divided in the same manner, and made and maintained in the same proportion, as line fences are, by law, directed to be divided, made, and maintained; and the mud, earth, or rubbish shall be cast, as equally as may be, on each side, except the owners, by agreement, determine otherwise.

How vacancies of officers to be supplied.

SEC. 11. *And be it enacted*, That in case of the death or refusal of any of the officers to be hereafter appointed under this act, it shall and may be lawful for the managers to call a meeting of the company, at such time and place as they, or two of them, shall appoint, in the notice given for that purpose; and such of the company as shall meet in pursuance of the said notice, are hereby authorized to choose others to supply the place of the officer or officers so dying or refusing, until the next annual election, to be held by virtue of this act.

Penalty for neglect of duty by officers.

SEC. 12. *And be it enacted*, That if the managers, assessors, collectors, or clerks, or any of them, shall or do neglect his or their, or either of their duties, enjoined in this act, or shall refuse to take upon him or them the office or offices for which he or they may or shall be chosen, he or they so neglecting or refusing shall forfeit and pay the sum of thirty dollars, to be recovered by action of debt, with costs of suit, by any owner or owners of said meadows who shall or may sue for the same, to be applied to the use of the said company.

Company incorporated.

SEC. 13. *And be it enacted*, That the owners of the meadows aforesaid, and their successors, at all times hereafter, shall be distinguished and known by the name, style, and title of "the Burlington Meadow Company," and, by the same name, shall be able and capable, in law, to sue and be sued, implead and be impleaded, in any court of justice whatsoever, and to make and use one common seal, and the same to alter and renew at pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and convenient for the government of the said corporation, not contrary to the laws and constitution of this state

or of the United States, and generally to do all and singular the matters and things which to them it shall lawfully appertain to do; for the well-being of the said corporation, and the due management and ordering the affairs thereof.

SEC. 14. *And be it enacted*, That it shall not be lawful for the corporation hereby created to assess and collect, from the meadow holders, any sum or sums of money more than is sufficient for the proper maintenance of the dam, sluices, ditches, and other improvements which may belong to said meadows: and it shall not be lawful for the said corporation to engage in banking operations, or in any other pursuit which is not plainly indicated in this act.

No money to be assessed but for purposes expressed.

Not to engage in banking.

SEC. 15. *And be it enacted*, That the act entitled, "An act to provide for the management of certain meadows on Burlington creek," passed February fifteenth, in the year of our Lord seventeen hundred and ninety-six, and all acts previously passed relating to or concerning said meadows, shall be, and the same are hereby repealed.

Former acts repealed.

Passed January 25, 1833.

AN ACT to authorize the chosen freeholders of the county of Cumberland to build a drawbridge over Cohansey creek, at the town of Bridgeton.

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 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 Cohansey creek, at the town of Bridgeton, so as to connect with the street called Bridge or Main street, as laid out on the east and west sides of said creek, and as nearly on a line with said street as the ground and other circumstances will admit of, with a draw therein, to be at least twenty-four feet wide, and to be fixed in that part of said bridge where the vessels and boats may pass through with the greatest convenience.

Bridge to be built over Cohansey creek.

Width, of draw.

SEC. 2. *And be it enacted*, That if any captain of a vessel or other person or persons shall open or hoist the draw of said bridge, and leave the same open or up, so as to prevent travelers and others from passing over the same for more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or any plank or planks belonging thereto, or a part of said bridge, draw, posts, or piles, or shall remove any

Penalty for leaving draw open or damaging bridge.

iron work or stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge and draw unnecessarily, he, she, or they so offending shall, for each and every offence, forfeit and pay the sum of twenty dollars, over and above the damage done to said bridge or draw, to be recovered in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector, to and for the use of the county of Cumberland.

Penalty for
driving faster
than a walk.

SEC. 3. *And be it enacted*, That it shall not be lawful for any person or persons to drive 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; and any person or persons driving any wagon or cart, sled or sleigh, or any other kind of carriage or vehicle, whether of burden or pleasure, over said bridge, shall keep to the right, while driving or going over said bridge; and every person so offending against the provisions of this act shall forfeit and pay five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same, one moiety for the use of the prosecutor, and the other to the county collector, for the use of the county of Cumberland: *Provided always*, that this act shall not be construed so as to prevent any physician, midwife, or person or persons going for such physician or midwife, or returning from said errand, any person or persons riding express by order of any public officer of this state or of the United States, or pursuing a fugitive from justice, runaway servant or apprentice, from driving or riding over said bridge at a faster gait than a walk: *Provided also*, that the board of chosen freeholders of said county shall cause to be fixed, and always kept up, at each end of the bridge, 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 aforesaid fine shall not be incurred.

Proviso.

Proviso.

Person to
take care of
bridge.

SEC. 4. *And be it enacted*, That in case it should become necessary for the protection of said bridge and draws, and the accommodation of persons passing over or through said bridge, to have the same put in the special care of some person suitable for that purpose, then and in that case it shall and may be lawful for the board of chosen freeholders of said county for the time being, to make such regulations as they shall deem necessary, for the better protection and accommodation of the same: *Provided* they shall be in accordance with the preceding sections of this act.

Passed January 26, 1833.

AN ACT to divorce William Starkweather from his wife Eliza Starkweather.

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 Starkweather be, and he is hereby divorced from his wife Eliza Starkweather, and that the marriage contract heretofore existing between them, the said William Starkweather and Eliza his wife, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

W. Starkweather and E. Starkweather divorced.

Passed January 26, 1833.

A Supplement to an act entitled, "An act to incorporate a company to create a waterpower at the city of Trenton and its vicinity, and for other purposes," passed February 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 any person, copartnership, or body politic, failing, for the space of thirty days after a demand thereof, in writing, to pay any installment, or part thereof, of the capital stock of the said company, which may hereafter become due and owing to said company, shall forfeit to the said company, at their discretion, every share upon which there shall be a deficiency, and all moneys thereon previously paid; which shares of stock, so forfeited, shall and may be sold, by the president and managers for the time being, for such price as can be had for the same; and the purchaser or purchasers thereof shall be considered as members of the company, as fully as if they had been original stockholders.

Stock forfeited on failure to pay installments.

Passed January 26, 1833.

AN ACT to authorize commissioners, therein named, to divide the real estate of Rachel Carson, deceased, among her children and heirs at law.

WHEREAS Robert Carson, deceased, in and by his last will and testament, executed in due form of law to pass real and per-

Preamble.

sonal estate, dated the twelfth day of April, one thousand eight hundred and thirty-two, did, among other things, order, devise, and direct all his real estate, consisting of a tract of land, situate in the township of East Windsor, in the county of Middlesex, containing about two hundred acres, to be equally divided among the four children of his daughter Rachel, wife of Doctor Ezekiel Wilson, and the six children of his deceased son, Anthony Carson, and his son Disbrow Carson, that is, Rachel's children to have one-third, Anthony's children another third, and Disbrow Carson the remaining third, to be disposed of as in said will is directed; and did thereby further order and direct the said Disbrow Carson, his executor therein named, and who has taken upon himself the burden of the execution of the duties of executor, to appoint three good, judicious, and disinterested freeholders to appraise, value, and divide his estate, both real and personal, in three equal parts, under the provisions of said will.—AND WHEREAS it appears that John T. McDowell, Allison Ely, junior, and John B. Mount, of the said county of Middlesex, have been duly appointed to perform the duties under said will—AND WHEREAS it appears that two several parcels of the farm held by the said Robert Carson, deceased, at the time of his death, belonged to Rachel Carson, his wife, in fee-simple, who died some time before him, together with the undivided third part of another tract, of about one hundred and fifty acres, situate in the said county of Middlesex; and that the said Robert Carson was only tenant by the curtesy thereof;—AND WHEREAS it further appears, that, at the time of the death of the said Rachel Carson, the said Rachel Wilson and Anthony Carson, then living, and Disbrow Carson were her children and heirs at law.—AND WHEREAS it further appears, that the same persons who take under the will of the said Robert Carson, deceased, are the same who inherit from Rachel Carson, deceased, his late wife, and in the same proportions, yet, owing to the peculiar location of the tracts of land thus devised and inherited, a division cannot be made without great prejudice to the interests of the parties, without legislative aid;—AND WHEREAS it further appearing that Disbrow Carson, Doctor Ezekiel Wilson, and Rachel, his wife, and Margaret Carson, widow of Anthony Carson, deceased, and guardian of the surviving children of the said Anthony Carson, deceased, who are all minors, have petitioned for legislative aid in the premises, and it appearing to be 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 the said John T. McDowell, Allison Ely, junior, and John B. Mount be, and they are hereby authorized and empowered to estimate, appraise, value, and divide the real

Commissioners to divide estate of Rachel Carson, deceased.

estate whereof the said Rachel Carson died seized, in the same manner, and in the same proportions, as though the same had belonged in fee-simple to the said Robert Carson, deceased, at the time of his death, and the same had passed by the devise and directions in said will in reference to his own lands, they, the above named commissioners, first taking an oath or affirmation, before a justice of the peace, that they will honestly, faithfully, fairly, and impartially execute and perform the duties of the trust hereby reposed in them.

SEC. 2. *And be it enacted*, That the above named commissioners shall, at the next orphans' court of the county of Middlesex after the execution of the duties hereby required of them, make their report in writing, showing the manner in which they have made their estimation, valuation, and division, and, upon the approval thereof by the said orphans' court, the same shall be filed and recorded upon the minutes of the said court, and shall be binding and conclusive upon the said Disbrow Carson, Doctor Ezekiel Wilson, and Rachel his wife, and their children, and upon the said Margaret Carson and the surviving children of the said Anthony Carson, deceased, as to their respective titles, interests, and estate in the real and personal estate of the said Robert Carson, deceased, devised and bequeathed in the said will, and of the real estate whereof the said Rachel Carson died seized as aforesaid.

To report to the orphans' court of Middlesex.

Passed January 28, 1833.

AN ACT to appoint a trustee for certain purposes therein named.

WHEREAS it appears that Benjamin Allegar, late of the township of Readington, in the county of Hunterdon, deceased, died intestate, leaving certain real estate, situate in the township and county aforesaid, which descended to his children, as heirs at law, to wit, Benjamin, Thomas, James, David, George, Cicely, Catharine, and Nancy, and two grandchildren, the children of his daughter Elizabeth, deceased.—AND WHEREAS it appears that his daughter Catharine did, some eight or ten years since, intermarry with one Elias Wilson, by whom she had two children, who are now living; and that the said Elias Wilson, five or six years since, left the state of New Jersey, and has not since returned, during which time his said wife and children have been dependent upon the charities of friends for their support.—AND WHEREAS it further appears, that commissioners for the sale of the real estate of said intestate have been appointed by the or-

Preamble.

phans' court of the county of Hunterdon 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 so much of the proceeds of the sale of the estate of the said intestate, as may be due and payable to the said Catharine Wilson, as one of the heirs at law of the said intestate, or to the said Elias Wilson, her husband, in right of his said wife Catharine, shall be vested in John Thompson, as trustee for the said Catharine and her two children, who shall pay to the said Catharine, from time to time, the interest of the same, and so much of the principal as he may deem expedient for the support of the said Catharine and her two children, and, at the death of the said Catharine, to pay over the balance of said fund to her said two children, or the survivor of them.

SEC. 2. *And be it enacted,* That after the share of the said Catharine, or of her said husband, in her right, in the proceeds of the sale as aforesaid, shall have been ascertained, the said trustee shall account to the orphans' court of the county of Hunterdon, at the term next succeeding, for the same; and, after a fair and just allowance of all costs, charges, and expenses, made and allowed by said court, shall invest the balance of the same at interest, upon good and sufficient security.

SEC. 3. *And be it enacted,* That the said trustee shall, before he enters on the duties prescribed by this act, enter into bond to the governor of this state, with one sufficient security, to be approved by the surrogate of the county of Hunterdon, conditioned for the faithful performance of said trust.

Passed January 28, 1833.

AN ACT to authorize the sale of part of the real estate, late of Josiah Schenk, deceased.

WHEREAS it appears, that Josiah Schenk, late of the county of Somerset, deceased, died intestate, leaving certain real estate, situate in the county aforesaid, which descended to his nine children, his heirs at law, as tenants in common;—that Elizabeth Staats, wife of Henry Staats, and one of the heirs at law of said deceased, departed this life after the death of said deceased, leaving the said Henry, her husband, and seven children, three of whom are minors, her surviving, to whom her undivided share in the real estate of said Josiah Schenk descended, subject to a life-estate in her said hus-

Proceeds of sales of lands vested in a trustee, for the use of Catharine Wilson.

Trustee to account to orphans' court of Hunterdon,

To give bond.

Preamble.

band;—AND WHEREAS it appears to be for the interest of the said children that their undivided ninth part of the said real estate should be sold—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 Henry Staats be, and he hereby is appointed a trustee, with full power and authority, to sell and dispose of the one equal undivided ninth part of the real estate of said Josiah Schenk, deceased, which descended to the said Elizabeth Staats, and, on her death, to her said minor children, at public sale, by giving public notice thereof, as by law is required of executors and administrators, for the best price that can be obtained for the same; and, after sale thereof, to make and execute a good and sufficient deed of conveyance to the purchaser or purchasers thereof, conveying all the title and interest of him, the said Henry Staats, and the children of the said Elizabeth Staats, in and to the said real estate.

H. Staats appointed a trustee to sell certain real estate.

SEC. 2. *And be it enacted,* That the said trustee, after making sale in manner aforesaid, shall account to the orphans' court of the county of Somerset, at the term next succeeding such sale, for the proceeds of said sale; and, after a fair and just allowance of all costs, charges, and expenses attending the sale, made and allowed by said court, shall invest the balance of said proceeds at interest, upon good and sufficient security, and shall be entitled to receive the interest thereon during his natural life, and, at his death, the principal to be divided between the said children, or their heirs, of the said Elizabeth Staats, deceased.

To account to the orphans' court of Somerset.

SEC. 3. *And be it enacted,* That the said trustee shall, before he enters on the duties prescribed by this act, enter into bond to the governor of this state, with two sufficient sureties, to be approved, by the surrogate of the county of Somerset, conditioned for the faithful performance of said trust.

To give bond to the governor.

Passed January 29, 1833.

A Supplement to "An act concerning roads," passed the ninth of February, 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 it shall and may be lawful for the owner or owners of any land or meadow, over which a private or by-road may pass, to erect, make, and maintain bridges on all ditches and drains lying or running across said road.

Bridges may be made over drains on private roads.

Certain
bridges to be
considered
swinging-
gates.

SEC. 2. *And be it enacted*, That all bridges which are now made, or hereafter may be made, across or over ditches or drains in private and by-roads, lying on mud or miry bottom, with one or two doors or hoists, with at least three feet span, and made of such light materials as may be hoisted or lowered with facility, shall be taken and considered as swinging-gates; and all persons leaving such gates down or laid, or who shall cut, break, or destroy any such gate, bridge, or door, shall, for every such offence, forfeit two dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, and shall also pay the owner of the soil, or his tenant, all damages which he may have sustained thereby, to be appraised by three neighboring freeholders, or a majority of them; which damages, so assessed, shall be recovered by action of debt, with costs.

Part of former
act extended
to this.

SEC. 3. *And be it enacted*, That the twelfth section of the act to which this is a supplement, authorizing the erection of swinging-gates in private roads, is hereby extended to all by-roads.

Passed January 30, 1833.

AN ACT supplementary to an act entitled, "An act to incorporate the Clinton Manufacturing Company," passed February first, eighteen hundred and thirty.

Other lands
may be own-
ed by compa-
ny than spe-
cified in for-
mer act.

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 real estate mentioned in the proviso of the first section of the act to which this is a supplement, to be purchased and holden by the corporation created by the said act, shall be not only such as was owned by the said William Jackson, at the time of the passing of said act, but such other lands and real estate in this state, as may be necessary for the purposes for which the said corporation was established.

Company
may com-
mence busi-
ness when
\$20,000 paid
in,

SEC. 2. *And be it enacted*, That it shall and may be lawful for the said corporation to commence their said business when and so soon as twenty thousand dollars of the capital stock thereof shall have been subscribed for and paid, or secured to be paid, instead of fifty thousand dollars, as mentioned in the second section of the act to which this is a supplement.

and choose di-
rectors.

SEC. 3. *And be it enacted*, That it shall be lawful for the commissioners named in the third section of the act to which this is a supplement, or a majority of them, to call the first meeting of the said company for the choice of directors, when the sum of twenty thousand dollars shall have been sub-

scribed, instead of fifty thousand dollars, as directed in the said third section of said act.

SEC. 4. *And be it enacted*, That so much of the act to which this is a supplement, as comes within the purview of this act, and inconsistent therewith, be, and the same is hereby repealed. Part of former act repealed.

Passed January 30, 1833.

~~REPEALED~~

AN ACT to incorporate the Paterson Button Manufactory.

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 Virgil Blackington, John Colt, Abraham Godwin, junior, Daniel Holsman, Francis Doremus, and such other persons as may be hereafter associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of "the Paterson Button Manufacturing Company," for the sole purpose of manufacturing gilt and other buttons, and generally all articles manufactured from metal, bone, or wood, and their several and various branches; and, 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, pleading 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 estate which shall have been bona fide mortgaged to the 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 always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations; and the said Virgil Blackington, John Colt, Abraham Godwin, junior, Daniel Holsman, and Francis Doremus, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company. Style and objects of incorporation.

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 to be chosen. May hold lands. Proviso. How directors and president to be chosen.

Directors
appoint and
remove subor-
dinate offi-
cers.

Vacancies,
how supplied.

Amount of
capital stock.

Stock forfeit-
ed on failure
to pay install-
ments.

Stock to be
deemed per-
sonal estate.

president, who shall hold their offices for one year; and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers printed nearest the place where said election shall be held, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, either in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the candidates having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, 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; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors, officers, or superintendents, such vacancy or vacancies shall be filled 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 the capital stock of said company shall not exceed fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of fifteen thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be 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 the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the 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. 4. *And be it enacted*, That the stock and property of the 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 the said corporation: *Provided*, that no dividends shall be made to and among the stockholders except from and out of the profits of the said corporation

SEC. 5. *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 be 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. 6. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to ordain, 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.

Majority of directors to transact business.

Proviso.

SEC. 7. *And be it enacted*, That the directors shall 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 be open 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 the purpose.

Book open to inspection of stockholders.

SEC. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose: *Provided* at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be ipso facto trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors and survivor of them shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one-fourth of the stock holden may, by giving notice in a newspaper published in Paterson for a fortnight, and one newspaper published in the city of New York a fortnight, call a public meeting of the stockholders, for the purpose of passing by-laws and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in

How company may be dissolved.

Proviso.

case a majority of the stock is represented at such meeting, either in person or by proxy.

Limitation of act. **SEC. 9.** *And be it enacted,* That this act shall be, and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the legislature, and no longer.

Passed January 30, 1833.

AN ACT empowering James Hodge, guardian of John Hodge, a lunatic, to sell real estate.

Preamble.

WHEREAS James Hodge, guardian of John Hodge, a lunatic, has, by his petition, set forth, that the said John Hodge is the owner of about forty-one acres of land, situate in the township of Bridgewater, in the county of Somerset, and that the said John Hodge had, a short time previous to his lunacy, agreed to sell a part of the real estate of which he was the owner.—AND WHEREAS it is represented, that the said John Hodge has personal estate to the amount of about six hundred dollars; and that the interest of the personal estate, together with the profits of the lands, are not sufficient to support him;—AND WHEREAS it is represented to the legislature, that it would be greatly to the advantage of the lunatic's estate that the real estate, of which he is the owner, to be sold, if power be given therefor—Therefore,

James Hodge authorized to sell lands of John Hodge.

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 Hodge, guardian of the said John Hodge, be, and he is hereby authorized and empowered to grant, bargain, sell, and convey the lands, tenements, and real estate aforesaid of the said John Hodge, his ward, in fee-simple, and execute a deed or deeds therefor to the purchaser; which said deed or deeds shall be as good and effectual to grant, sell, convey, and assure the said lands, tenements, and real estate, and the hereditaments and appurtenances to the same, belonging to the purchaser or purchasers thereof, as if the said deed or deeds had been made by the said John Hodge at any time before his lunacy, or which he, the said John Hodge could, by any possibility, hereafter make, should he ever return to his right mind: *Provided,* that the said James Hodge shall give such further or other security for the faithful performance of his guardianship as aforesaid, to the governor of the state of New Jersey, as the orphans' court of the county of Somerset shall deem proper.

Proviso.

Passed January 30, 1833.

AN ACT to incorporate the Delaware Fire Company of Bloomsbury,
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 Benjamin Fish, John B. Abbott, Marturin Redway, Jacob B. James, Charles Skelton, Thomas N. Hamilton, William B. Howell, John Phares, John Sunderland, and all other persons, not exceeding fifty in number, who now are, or hereafter shall become members of the Delaware Fire Company of Bloomsbury, 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 Delaware Fire Company of Bloomsbury," 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 a 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 the sum of fifteen hundred 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, and how applied.

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 elected.

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 exemption of members.

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

Act may be amended or repealed.

SEC. 5. *And be it enacted*, That it shall and may be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Passed January 31, 1833.

AN ACT to authorize the enclosure of a certain tract of woodland in the township of New Barbadoes, in the county of Bergen.

Certain lands authorized to be fenced in common.

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 near New Milford, in the township of New Barbadoes, in the county of Bergen, bounded on the east by the lands of John Cooper, Jacob Van Wagoner, Isaac Voorhis, and Nicholas Voorhis; south by lands of Isaac Voorhis and the road leading from the Old Bridge to Paramus; on the west by the lands of Nicholas H. Voorhis and the road leading from Old Bridge to Paramus; and on the north by the lands of Nicholas H. Voorhis and the road leading from New Milford to Paramus, 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, or sheep, with intent to 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, and as may be kept enclosed by a sufficient and lawful fence separate from the remainder of the tract.

Proviso.

Penalty for injury to fences or enclosed grounds.

SEC. 2. *And be it enacted*, That if any person whatever shall drive or let in any horses, cattle, or sheep into the said tract, after the same shall have been enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down any part of the fence around the same, or any of the swing-gates thereon, he 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 the 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 costs and expenses of suing for and recovering the same, shall be applied to making and repairing the fences and swing-gates around the said tract. How to be applied.

SEC. 3. *And be it enacted*, That if any horses, cattle, or sheep 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 New Barbadoes, leaving with the keeper of such pound an affidavit, that such horses, cattle, or sheep were found running at large on said tract; and it shall be the duty of such poundkeeper to receive and keep the horses, cattle, or sheep so delivered to him, until the owner thereof shall pay to him the costs and fees of impounding the same, together with damages, if any incurred; and such poundkeeper 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 twenty-third, seventeen hundred and ninety-nine. Horses, &c., trespassing, may be impounded.

SEC. 4. *And be it enacted*, That all the owners of any part of the said tract shall meet on the first Tuesday of April next, at the house of John Cooper, esquire, near New Milford, in the township of New Barbadoes, and on the first Tuesday of April in each year thereafter, at such place as a majority of them shall direct, and shall proceed, at their first meeting, to value their respective lands, either separately or collectively; and in case they cannot agree among themselves as to the valuation thereof, they, or a majority of them, shall proceed to choose three disinterested freeholders, residents of the county of Bergen, who shall assess the value thereof, and whose judgment or award shall be binding and conclusive: and the owners of the said lands, or a majority of them, shall choose, from among themselves, two persons to be trustees of said lands, and shall hold their office for the term of one year, or until others shall be appointed in like manner in each year, at such place as a majority of them shall direct, and choose, from their own number, two trustees, to be elected by a majority of the owners present, who shall hold their office until their successors shall be appointed. Lands to be valued.

SEC. 5. *And be it enacted*, That the trustees elected as aforesaid, shall designate the line of the fence to be erected round the said tract, and shall assign, by marks and measurement, to each of the owners of the said tract, a part of the 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 said 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 Fence to be apportioned amongst the owners.

How to be maintained.

so refusing, and their legal representatives, 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.

Partition fences, how to be maintained.

SEC. 6. *And be it enacted*, That when any person who now owns any part of the said tract of woodland, shall own lands adjoining thereto, which are now enclosed by a fence, such person or persons shall keep up and maintain a good and lawful fence between such lands and the above mentioned tract, at his or her sole and separate expense; and if any other person may or shall own enclosed lands adjoining said tract of woodland, the said trustees may compel them to maintain their share of the partition fence between said tract and such enclosed lands, in the same manner as the said trustees might, by law, if they were the lawful owners of the whole of the said tract of woodland, and shall, in all things, be entitled to the same remedies, and may proceed in the same manner against them, as if they were the lawful owners of the whole of the aforesaid tract of woodland.

Pay of trustees.

SEC. 7. *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 the said tract, in proportion to their interest therein, and shall be assessed, by the said trustees, according to the aforesaid valuation; and shall make out a duplicate list of the amount assessed upon the property of each individual, who, upon refusing 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.

Recovery of assessments.

Passed January 31, 1833.

AN ACT to dissolve the marriage contract between Elizabeth Cooper and Benjamin Cooper.

E. Cooper and B. Cooper divorced.

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 heretofore existing between Elizabeth Cooper and Benjamin Cooper, of the county of Gloucester, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

Passed February 1, 1833.

AN ACT for the relief of John Colt and Eliza his wife.

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, one thousand eight hundred and nineteen, did give and devise unto Elias Boudinot, Richard Stockton, Stephen N. Bayard, and Elias E. Boudinot, esquires, the executors and trustees in his said will named, two certain lots of land, situated in Newark aforesaid, and bounded north by a lot sold to Henry Holden, east by Mulberry street, south by Smith street, and west by Division street, to be held by the said trustees, and the survivor of them, in fee-simple, in trust, nevertheless, for the use of Eliza P. Colt, one of the devisees and legatees of the said will, as is in the said will particularly 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 Eliza P. Colt; which said lots of land have been divided pursuant to the directions of the will, and the share devised for the use of the said Eliza P. Colt is now held and enjoyed in severalty—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, that it is expedient and beneficial for the purposes of the trust that the said lots of land so held, as aforesaid, in trust for the said Eliza P. Colt, should be sold and converted into money, which should be held upon the like trusts; but that the said surviving executor and trustee is not empowered, by the will, to make sale thereof, and John Colt and the said Eliza P. Colt, his wife, have prayed the aid of the legislature in the premises—

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 Elias E. Boudinot, surviving trustee, as aforesaid, be, and he is hereby authorized to sell and convey, in fee-simple, the said several lots of land herein before mentioned and held in severalty, in trust for the said Eliza P. Colt, under and by virtue of the will of the said Elisha Boudinot: *Provided*, that the consent of the said John Colt and Eliza P. Colt to the said sale shall be endorsed on the deed or deeds of conveyance for the same, and shall be subscribed by them: *And provided*, the said deed or deeds of conveyance 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 lands for Eliza P. Colt.

SEC. 2. *And be it enacted*, That the said Elias E. Boudinot shall place the moneys arising from the said sales at interest, in such manner as shall render the same most secure and pro-

How proceeds to be disposed of.

ductive, and shall 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 Eliza P. Colt are, by the said will of the said Elisha Boudinot, directed to be held, used, and disposed of.

Passed February 1, 1833.

CHAPTER 20

AN ACT to authorize a trustee, therein named, to sell real estate in the city of Burlington.

Preamble.

WHEREAS Horace Binney, of the city of Philadelphia, by deed, dated November sixth, eighteen hundred and twenty-six, did grant and convey to Mary Binney a certain dwelling house and four lots of ground in the city of Burlington, particularly described in the said deed, in trust for the sole and separate use of Susan Wallace, wife of John B. Wallace and sister of him the said Horace, during her natural life, and, after her death, to the use of her two daughters, Susan Bradford Wallace and Mary Binney Wallace, in case they survived her; and in case either of them died in the lifetime of their mother, leaving children, to the use of the survivor and such children; and in case of the death of both of them without children, living their said mother, to the use of John William Wallace and Horace Binney Wallace; which said property the said Mary Binney, by deed dated the same day and year endorsed on the other, reconveyed to the said Horace Binney on the same trusts, as by the said deeds of conveyance, recorded in the clerk's office for the county of Burlington, in the book T 2 of Deeds, page 422, &c., will more fully and particularly appear.—AND WHEREAS, from the present circumstances of the said property, and the cestui que trusts thereof, it would be for their benefit that the said property should be sold, and the proceeds thereof invested in other property, to be holden on the same trusts—AND WHEREAS the above named Susan Wallace, Susan B. Wallace, and Mary B. Wallace, the persons immediately interested in the said property, and who, according to the ordinary calculations of human life, are to be benefited by the said trusts, have, by their petition to the legislature, set forth the above stated facts, and expressed their desire to have the said property sold accordingly; and the said Horace Binney, the grantor of the said property and founder of the said trusts, has expressed his assent thereto, but because

there may possibly arise contingent interests, by the death of the said Susan B. Wallace or of the said Mary B. Wallace, during the life of their said mother, leaving children, or by the death of them both in the life of their said mother, living their said brothers, or by the death of them both in the life of their said mother, living their said brothers, which contingent interests would not be barred by any conveyance that can now be made by the parties interested, without legislative aid; but which contingent interests, should they ever come into being, will be benefited by the sale of the said property, and the investing of the proceeds as aforesaid—In order, therefore, to effectuate the objects aforesaid,

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 Horace Binney, the trustee of the property aforesaid, be, and he hereby is authorized and empowered to grant, bargain, and sell the said messuage and lots in the city of Burlington, in the said deed of the sixth of November, eighteen hundred and twenty-six, described and set forth, or any part or parts thereof, and to convey the same to the purchaser and purchasers thereof in fee-simple, or for such other estate as he may grant therein, freed and discharged from, and divested of, any contingent interests or estates which may or might possibly come into being or operation under and by virtue of the deed aforesaid, and to give to the purchaser or purchasers full and sufficient receipts, acquittances, and discharges for the consideration money thereof; and the said purchaser and purchasers thereof shall hold the same, or the parts and parcels thereof purchased by them, in fee-simple, or for such other estate as they may purchase therein, freed, discharged, and divested of and from all and every such contingent interests or estates as aforesaid: and it shall be the duty of the said Horace Binney to invest the proceeds arising from the sale of the said property in some productive fund, or in other real estate, upon the same trusts upon which the said property is now holden.

Trustee authorized to sell lands conveyed to Horace Binney in trust.

To vest proceeds upon same trusts.

Passed February 1, 1833.

AN ACT to incorporate the Resolution Fire Company of Princeton.

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 Charles M. Campbell, James Powell, John L. Thompson, David N. Bogart, William R. Murphy, Abraham Stryker, John Scudder, Charles G. Hollingshead, and William

Style of incorporation.

Joline, and all such other persons as are, or hereafter shall become associates of the Resolution Fire Company of Princeton, 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 Resolution Fire Engine Company of Princeton."

Powers.

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, or the provisions of this act, as they shall think proper.

Amount of capital stock.

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 the citizens of Princeton from injury or destruction by fire.

Officers to be elected.

SEC. 4. *And be it enacted*, That the said company shall have power to elect, annually, a president, vice-president, a 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.

Act may be amended or repealed.

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 amend, modify, or repeal this act, as they shall think proper.

Passed February 1, 1833.

AN ACT to repeal the fifth section of an act entitled, "A further supplement to an act entitled, an act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in repair," passed the seventh day of March, one thousand eight hundred and thirty-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 the fifth section of an act, passed the seventh day of March, one thousand eight hundred and thirty-two, entitled, "A further supplement to an act entitled, an act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in repair," be, and the same is hereby repealed.

Fifth section
of former act
repealed.

Passed February 2, 1833.

~~AN ACT to incorporate the Passaic Turnpike Company.~~

AN ACT to incorporate the Passaic Turnpike 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 Caleb M. Godwin, John B. Roe, John Vail, Ezekiel Miller, and Evert H. Vanness, or a majority of them, be authorized, as commissioners, to receive subscriptions for erecting a turnpike road, not exceeding four rods wide, in the county of Essex, from Paterson to the Little Falls, and, for that purpose, that they open books, at such times and places as they may think proper, giving notice thereof in one of the papers printed in the town of Paterson, at least four weeks before the time of opening the same.

Commissioners
to receive
subscriptions
for stock.

SEC. 2. *And be it enacted,* That such subscription shall consist of six hundred shares, of twenty dollars each, and that two dollars on each share shall be paid to the commissioners at the time of subscribing, and the residue shall be paid by the subscribers, their executors, administrators, or assigns to the said company, by such installments as the president and directors shall order and appoint: *Provided,* that no installment to be called shall exceed the sum of five dollars on each share, and that four weeks' notice of the time of payment shall be given, by advertisement in one of the papers printed in the town of Paterson; and that as soon as two hundred shares of said stock shall be subscribed, it shall be lawful for said commissioners to call a meeting of said stockholders, to be holden at such time

Amount of
capital.

How install-
ments are to
be paid.

President and directors to be chosen.

Name of the company.

Location of turnpike.

Map to be filed.

Company may enter upon lands.

Proviso.

How materials to be obtained.

and place, in the town of Paterson, as they may appoint, giving four weeks' notice thereof in one of the papers printed in the town of Paterson, to choose a president and six directors, any four of whom shall constitute a board for the transaction of business, and shall continue in office until the first Tuesday of December next, and until others shall be chosen: and also, that on the first Tuesday in December annually thereafter, there shall be an election of said officers for one year, and until others shall be chosen, at such place as the said directors may have appointed; and that each stockholder may vote in person or by proxy, and shall have as many votes as he or she shall have shares of stock; and that said company shall be called "the Passaic Turnpike Company," and shall have all the powers and privileges incident to a body politic and corporate, for the purposes herein mentioned, for the term of ninety-nine years.

SEC. 3. *And be it enacted*, That it shall be lawful for said company to survey, lay out, and locate said turnpike road from the town of Paterson to the Little Falls, in the county of Essex, not exceeding four rods wide, having due regard to the situation and nature of the ground, and the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least injury to private property; and the said road shall not pass through any burying grounds or places of public worship, nor any dwelling house, without the consent of the owner thereof, nor through any out-building of the value of three hundred dollars, without such consent; and within six months after said survey and location shall have been completed, the said company shall cause an accurate map and survey of said route to be filed in the office of the secretary of state, which survey, or a certified copy thereof, shall be conclusive evidence of the location and course of said road.

SEC. 4. *And be it enacted*, That, for the purpose of making said survey and location, it shall be lawful for the said company, by their agents, to enter upon all lands, doing no unnecessary damage to the same; and as soon as the route of said road shall have been definitely located, and the said map and survey thereof filed in the secretary's office, as aforesaid, then it shall be lawful for said company to proceed and form the said road: *Provided however*, that they shall not enter upon any lands, for the purpose of making said road, until they shall have agreed with the owners thereof, or acquired a title to the same, as herein after directed.

SEC. 5. *And be it enacted*, That it shall be lawful for said company, their agents and workmen, to enter upon any lands near the route of said road, for the purpose of searching for and procuring stone, gravel, or other materials for making said road, but no stone, gravel, or other materials shall be removed from said land without the consent of the owner thereof, until compensation for the same be ascertained and paid, in the man-

ner herein after prescribed as to the compensation for lands over which said road may be laid.

SEC. 6. *And be it enacted*, That if any of the owners of land through which said road shall pass, cannot agree with the said company for the land taken for said road, or for materials taken, as specified in the fifth section of this act, or if the owner be feme covert, under age, non compos mentis, or out of the state, then it shall be lawful for one of the justices of the supreme court, upon application of either party, and at the cost and charges of said company, to direct a special jury of freeholders of any township in said county of Essex through which the said road shall not run, to be struck before such justice, in the manner in which special juries are usually struck, who shall inquire into the value of said land taken for said road, and the damages sustained by the owners thereof; and shall make an inquisition thereof, under their hands and seals, to be returned to the supreme court by the sheriff of the said county in which the said inquisition is taken; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries; and, upon the coming in and confirmation of said report and inquisition, and upon the said company's paying to the owners, respectively, the sums in such report and inquisition stated, the said company shall become seized in the same estate in the said lands which the said owners respectively held in the same, and be acquitted and discharged from all responsibility on account of any damages done by laying and making said road.

Proceedings
on disagree-
ment of com-
pany with
owners of
lands.

SEC. 7. *And be it enacted*, That as soon as said road shall be finished from Paterson to the Little Falls, then it shall be lawful for said company to erect gates and turnpikes across the same, and to demand and receive toll at the said gates for travelling each mile on said road, after the following rates, to wit:

For every horse and rider, or led horse or mule,	half cent.
“ every carriage or vehicle drawn by one beast,	one cent.
“ every additional beast,	one cent.

Rates of tolls.

Provided, that no gate or turnpike shall be erected or kept on any part of the highway which has heretofore been used as such, nor shall said company be entitled to demand or receive toll from any person passing to or from public worship on the sabbath day, or for any person or persons going to or from his or her farm on their ordinary business, or attending a funeral, or militia training.

Proviso.

SEC. 8. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than by this act is established, he shall, for every such offence, forfeit and pay to the person so hindered or defrauded the sum of twenty dollars, to be recovered in an action of debt, with costs of suit, before any justice of the peace of the county of Essex.

Penalties for
tollgatherer
delaying pas-
sengers, &c.

Stock to be deemed personal estate.

When turnpike to be finished.

Keep to the right.

Accounts to be kept, and dividends made.

SEC. 9. *And be it enacted*, That the said stock shall be taken, deemed, and considered personal property, and be transferred in such manner as the said directors may appoint: *Provided*, that if the said company shall not commence their operations within two years from the passing of this act, and finish the same within four years, according to the true intent and meaning of this act, then, and in either of these cases, this act shall cease and be void.

SEC. 10. *And be it enacted*, That all persons using and travelling on said road, shall keep on the right in the passing direction, leaving the other side of the road clear and open for others to pass.

SEC. 11. *And be it enacted*, That the said president and directors shall keep a just and true account of the costs of said road, and of all current repairs thereof, and also of all expenses of said company and all receipts of said road, and shall declare a dividend of the net income or clear profits thereof once a year, or at such time as the president and directors may direct.

Passed February 2, 1833.

AN ACT to regulate the fishing with seines in Barnegat Bay, north of Barnegat Inlet, in the county of Monmouth.

Ice not to be broken to haul seine.

Length of seines prescribed.

Penalties, and how applied.

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 cut through or break through the ice in Barnegat Bay, north of Barnegat Inlet, (while the said bay, north of Barnegat Inlet, shall be frozen over) for the purpose of hauling any seine or seines under the ice in said bay.

SEC. 2. *And be it enacted*, That it shall not be lawful for any person or persons to fish with, or haul any seine or seines in said bay, north of Barnegat Inlet, the length of which said seine or seines, either singly or united together, shall exceed one hundred and thirty fathoms, or the hauling ropes to the wings of which said seine or seines shall, respectively, exceed two hundred and fifty fathoms each.

SEC. 3. *And be it enacted*, That all and every person or persons who shall offend against the provisions of this act, shall forfeit and pay the sum of fifty dollars for each and every offence, to be recovered, by action of debt, before any justice of the peace of said county, with costs of suit, to be paid one-half

to the collector of the county, for the use of the poor thereof, and the other half to the person or persons who shall sue for and prosecute the same to effect.

Passed February 2, 1833.

AN ACT to authorize the board of chosen freeholders of the county of Burlington to erect a bridge over Pennshawkin creek.

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 board of chosen freeholders of the county of Burlington be, and they are hereby authorized to erect, at their discretion, a bridge over the North Branch of Pennshawkin creek, in the township of Chester, in said county, about six rods below the main stopping of the tide water of said creek, so that it may correspond with a public road, which has been lately laid out, leading to the Poplar Landing, on the South Branch of said Pennshawkin creek, in the said township of Chester.

Bridge to be built over Pennshawkin creek.

Passed February 2, 1833.

AN ACT to dissolve the marriage contract between James Clayton and Elizabeth 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 now existing between James Clayton and Elizabeth his wife, of the county of Monmouth, be, and the same is hereby dissolved, in as full and perfect a manner as if they never had been joined in the bands of matrimony.

James Clayton and Elizabeth Clayton divorced.

Passed February 4, 1833.

AN ACT for the settlement of the territorial limits and jurisdiction between the states of New Jersey and New York.

Preamble.

WHEREAS the legislature of the state of New York have recently passed a law authorizing the governor of that state to appoint commissioners to meet commissioners on the part of this state, to negotiate and agree respecting the territorial limits and jurisdiction of the state of New Jersey and the state of New York.—AND WHEREAS it is expedient and desirable that the difference heretofore existing on this subject should be amicably and speedily adjusted—Therefore,

Governor authorized to appoint commissioners.

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 governor of this state, or the person administering the government of the same, be, and he is hereby authorized to appoint three commissioners, with full power, on the part of New Jersey, to meet commissioners, appointed or to be appointed under or by virtue of a law of New York, passed January the eighteenth, eighteen hundred and thirty-three, and with them to negotiate and agree respecting the territorial limits and jurisdiction between the said states, as to them may seem just; and if, by death, resignation, or otherwise, a vacancy do happen among those appointed by the state of New Jersey, the governor, or person administering the government of this state, is hereby authorized to supply the same.

Powers and duties of commissioners.

SEC. 2. And be it enacted, That the said commissioners on the part of the state of New Jersey, or a major part of them, shall have full power and authority to agree upon, settle, and determine the limits of territory and jurisdiction between the said states, as to them may seem just; and their agreement in the premises, in writing, signed and sealed by the said commissioners of both states, or a majority of them, respectively, if made on or before the first Tuesday of January next, shall become binding on this state, when confirmed by the respective legislatures of New Jersey and New York and approved by congress.

Pay and mileage.

SEC. 3. And be it enacted, That the said commissioners shall meet at such time and place as they may agree upon, and shall each be entitled to receive five dollars per day, for every day they may be employed in discharging their duties under this act, and fifteen cents per mile for every mile they shall necessarily travel in going to, and returning from, any meeting of the said commissioners, to be paid by the treasurer, on the warrant of the governor or person administering the government of this state.

Act to be sent to governor of N. York.

SEC. 4. And be it enacted, That the governor or person administering the government of this state, shall transmit to the governor of the state of New York a copy of this act.

Passed February 6, 1833.

AN ACT supplementary to "An act for manufacturing and other purposes."

WHEREAS certain stockholders of "the Society for Establishing Useful Manufactures," owning two thousand two hundred and six shares of the stock of the said society, out of the whole number of two thousand two hundred and sixty-nine shares, have prayed that the number of directors to manage the concerns of that institution may be reduced to seven—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 at every election of directors of the said society hereafter to be held, there shall be chosen, by ballot, seven directors, to manage the affairs of the said society, and that any four of said directors, the governor, or, in his absence, the deputy governor being one, shall be a legal board for the transaction of business, and that so much of the original act of incorporation, or supplement thereto, as comes within the purview of this act shall be, and the same is hereby repealed. Seven directors to be chosen, four of whom, in certain cases, a legal board.

SEC. 2. *And be it enacted,* That this supplement shall be taken and considered as a public act. Public act.

Passed February 6, 1833.

REPRODUCTION OF THE ORIGINAL

AN ACT to divide the township of Newark, in the county of Essex, into wards or districts, and for other purposes.

WHEREAS the inhabitants of the township of Newark, in the county of Essex, have become so numerous that it is impracticable for them to meet and transact the township business, at their annual and other town meetings, with convenience and good order in one assembly—For remedy thereof, 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 township of Newark, in the county of Essex, shall be, and the same is hereby divided into four wards, in the following manner, that is to say:—All that part of the said township lying north of a line beginning at the Passaic river, at a point opposite the middle of the street now called Centre street, and which leads from the east corner of the Military Commons to the new wharf, called Centre Wharf; and from Township of Newark divided into four wards.
Boundaries of North Ward.

such point or place of beginning, running up and along the middle of said street, until it intersects the eastern branch of Broad street, which runs along the east side of the Military Commons; and thence, running in a straight line across the said Commons, to the middle of New street, where the same intersects Broad street; thence, along the middle of New street, to Washington street; and from thence, continuing the same course or line last aforesaid, until it intersects the division line between the township of Newark and the township of Orange, shall constitute the North Ward of the township of Newark aforesaid.

Boundaries of South Ward. SEC. 2. *And be it enacted,* That all that part of the said township of Newark, lying south of a line commencing at such a point in the division line between the townships of Newark and Orange, as would be intersected by the continuation of a line running through the middle of William street to the said division line; and, from such point or place of beginning, to run, in a straight line, to the middle of William street, where the same intersects the Springfield turnpike; and from thence, through William street, the several courses thereof, to Broad street; thence, in a direct line, to the middle of Fair street, where it intersects Broad street; thence, along the middle of Fair street, to Mulberry street; and from thence, continuing the same course or line last aforesaid, until it intersects the Passaic river or Newark Bay, shall constitute the South Ward or district of the said township of Newark.

Boundaries of West Ward. SEC. 3. *And be it enacted,* That so much of the remainder of the said township of Newark as lies west of a line running along the middle of Broad street, and extending from the line which constitutes the north boundary of the South Ward, where it crosses Broad street, to the liberty pole, standing on the south point or corner of the Military Commons; and from thence, running up the middle of said Commons, until it intersects the line which constitutes the south boundary of the North Ward, where it crosses the said Commons, shall constitute the West Ward of the said township of Newark.

Boundaries of East Ward. SEC. 4. *And be it enacted,* That all that part of the said township of Newark which is not included in the North, South, and West Wards, or in either of them, as the same are herein before bounded and described, and which remaining part lies east of the line prescribed in the last preceding section as constituting the east boundary of the West Ward, shall constitute the East Ward of the said township of Newark: *Provided always,* that if any of the division lines aforesaid shall intersect any dwelling house, such house shall be considered as included in and belonging to the ward in which the largest portion of such dwelling house shall happen to lie.

Proviso.

Persons qualified to vote at town meet- SEC. 5. *And be it enacted,* That the inhabitants of the township of Newark, who by law now are, or may be qualified and entitled to vote at townmeetings, shall meet in the wards within

which they respectively reside, on the second Monday in April next, at ten o'clock in the forenoon of that day, at such place within the said wards as the township committee for the time being shall appoint, and of which they shall cause notices to be put up in at least three of the most public places in each ward, for at least two weeks previous to the time for meeting, and by causing the same to be published in one or more of the newspapers published in the said town of Newark, at least one week previous to such meetings; and the said inhabitants, when so assembled in their respective wards, or such of them as shall be present at the time and place of meeting, shall proceed to organize the meeting, by choosing a moderator thereof, and a clerk of the ward; which officers may be chosen viva voce or by ballot, as a majority of the voters present may determine, and, when so chosen, shall perform all the duties, exercise all the authority, and be subject to the same penalties, as moderators and clerks of township meetings are required or authorized to do and perform, or subjected to, by the laws of this state, except so far as shall be otherwise directed and provided for in this act: and the said meetings, when so organized, may adjourn to any other place, within their respective wards or districts, for the transaction of business; may meet, from time to time, upon their own adjournments, and may do and transact all such matters and things as may lawfully be done at annual township meetings, except so far as shall be otherwise directed and provided for in this act.

SEC. 6. *And be it enacted*, That the inhabitants of the said wards shall meet annually, on the second Monday in April, at such place within their respective wards, and at such hour as shall have been agreed upon at the preceding annual ward meetings, for the transaction of such business as, under this act and the laws of this state, shall appertain to such meetings to be done: *Provided nevertheless*, that if, at any annual meeting, a place shall be designated and agreed upon for holding the ward meetings, all subsequent meetings shall be held at such place, until another place shall be fixed upon at an annual meeting.

SEC. 7. *And be it enacted*, That at the first, and at each subsequent annual meeting, to be held in the said wards, there shall be elected, by ballot, the following officers, that is to say: one fire warden, whose powers and duties may be, from time to time, prescribed by a by-law or ordinance of the ward meeting; one or more constables, who, when chosen, shall give bonds, with securities, as is now required by law of other constables, and shall be considered constables of the township of Newark, bound to perform all the duties, entitled to the same compensation, and liable to all the penalties which by law are now, or may be required of, allowed to, or imposed upon the constables of the several townships in this state; also, two or more overseers of the highways, one or more overseers of the

ings, to meet
in their re-
spective
wards,

and transact
business usu-
ally done in
town meet-
ings.

Time and
place of ward
meetings.

Proviso.

Officers to be
chosen at
ward meet-
ings.

poor, and one or more pound masters; each of which officers, when thus chosen, shall perform the same services within their respective wards, and be subject to the same duties and penalties, as the overseers of the highways, the overseers of the poor, and the pound masters of the township of Newark are or may be, by law required to perform, or made subject to, except so far as shall be otherwise directed or provided for by this act.

Judge and
inspectors of
elections.

SEC. 8. *And be it enacted*, That each of the said wards, at their annual meetings, shall elect, by ballot, one judge and two inspectors of elections, who shall preside at and conduct the next succeeding ward elections for ward and township officers, and such other elections as, by this act, shall be directed to be held in the said wards.

Mode of ap-
pointing cer-
tain township
officers in
each ward.

SEC. 9. *And be it enacted*, That the inhabitants of the said wards, at their respective meetings to be held on the second Monday in April next, and every annual meeting thereafter, shall elect, by ballot, two persons to be members of the township committee; which committee, in the said township of Newark, after the second Monday in April next, shall consist of eight members, instead of five, as now required by law; and one person to be street commissioner, and one person to be commissioner of appeals, so that after the second Monday in April next, there may be four street commissioners and four commissioners of appeals in the said township of Newark, instead of three of each, as now required by law: and the said inhabitants, at their said meetings respectively, shall, in like manner, elect one assessor, who shall assess, and one collector, who shall collect, all taxes that may be lawfully assessed and raised within their respective wards; which collectors and assessors shall, within their respective wards, perform the same duties, be entitled to the same compensation, and subject to the same penalties, as are or may be by law required of, provided for, and imposed upon the assessors and collectors of the several townships in this state, except so far as is otherwise directed or provided for by this act; and the collectors to be chosen in pursuance of this act shall pay over the moneys by them collected to the township treasurer, if any shall be appointed, when required by the township committee so to do; and if no such treasurer shall be appointed, then the said ward collectors shall disburse and account for all moneys collected by them, as the law directs; and each of the said collectors shall annually give bond, with security, for the faithful performance of his duties, as township collectors are or may be required to do.

Mode of elect-
ing chosen
freeholders,
surveyors of
highways,

SEC. 10. *And be it enacted*, That on the second Monday in April next, and annually on the same day thereafter, an election shall be held in each of the said wards, by ballot, for two chosen freeholders, two surveyors of the highways, and five school committeemen, for the said township of Newark; that

the number of votes given at each ward meeting for such freeholders, surveyors, and school committeemen, shall be canvassed by the judge and inspectors of elections of the respective wards; and the result of such election shall, within two days thereafter, be certified by them to the town committee, which committee shall add up and count all the votes that have been given in the several wards for the said officers; and shall thereupon ascertain and declare who have been elected, by the greatest number of votes, chosen freeholders, surveyors of the highways, and school committeemen, for the township of Newark, for the year then next ensuing, and cause notice thereof to be given in one or more of the newspapers published in the said town: and in case any vacancy or vacancies shall happen, by the resignation, death, removal, or other disqualification to act of any of the officers mentioned and provided for in this and in the last preceding section of this act, the township committee may, if they think proper, order a new election to be held in the several wards, or in the ward in which such vacancy has taken place, giving at least ten days' notice of the time of holding such election or elections.

SEC. 11. *And be it enacted*, That for the orderly conducting of such elections, as aforesaid, at the ward meetings to be held on the second Monday in April next, the said ward meetings, immediately after the appointment of a moderator and clerk, shall proceed to appoint, upon the nomination of the moderator, or otherwise as the meeting shall direct, three persons to be inspectors of the elections to be held at that meeting, who shall thereupon, at such hour of that day as the meeting shall appoint, and, at the place of holding such ward meeting, open an election for all such officers as aforesaid, and receive the ballots of every person offering to vote, residing in such ward, and who would be qualified to vote at townmeeting: and the said inspectors, after the poll shall be closed, shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificate to the clerk of the ward, who shall file and preserve the same, and, within five days thereafter, deliver a copy thereof to the clerk of the township committee; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall have been voted for respectively.

Ward inspectors to certify result to clerk of township committee.

SEC. 12. *And be it enacted*, That the said ward meetings, as soon as they are organized as aforesaid, may, if they think proper, order and direct that, in addition to the officers so as aforesaid directed to be elected by ballot, an election shall also be held, in like manner, for a moderator and for a clerk of the ward; and in that case the persons so elected shall be the moderator and clerk of the ward, and shall preside and act at all subsequent meetings of the ward which may be held during that year and at the next annual ward meetings; but in case of the absence of the said moderator or clerk, the meeting may

Moderator and clerk may be chosen by ballot.

Time of keep-
ing open polls

appoint a moderator or clerk pro tempore: and the said ward meetings shall fix the time of opening and closing the polls in their respective wards; provided the same shall not be continued open after the hour of nine o'clock at night; but may, if the meeting so direct, be opened again at eight or nine o'clock the next morning, and continued open until nine o'clock in the evening of the second day, and no longer.

Ballots print-
ed or written.

SEC. 13. *And be it enacted*, That the ballots may be written or printed, or partly written and partly printed, and the voter shall put the names of all the candidates he intends to vote for on one ballot.

Qualification
of officers
elected.

SEC. 14. *And be it enacted*, That all the officers to be voted for at such ward meetings, shall be persons qualified to vote at town meeting, and shall all, except the chosen freeholders and surveyors of the highways, and school committee, reside within the wards in which they are voted for respectively.

Ward clerks.

SEC. 15. *And be it enacted*, That the clerks of the several wards shall, within their respective wards, perform all the duties incident to the office of town clerk, and be subject to the same penalties, and entitled to the same compensation, as are or may be by law imposed upon or provided for town clerks, except as is herein otherwise prescribed or provided for.

Officers may
be compen-
sated.

SEC. 16. *And be it enacted*, That the inhabitants of the said wards may, at their annual meetings, vote and order such compensation as they may think proper to the several officers so to be elected, for their respective services, where the laws of this state make no provision for such compensation; which shall be paid to them by the ward collector, upon the order or certificate of the two town committeemen appointed in such ward; but the amount of such compensation, so voted by any ward, shall be exclusively assessed and collected in such ward.

General pow-
ers and duties
of ward meet-
ings.

SEC. 17. *And be it enacted*, That all the provisions, regulations, and enactments contained in the act entitled, "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first of February, in the year of our Lord seventeen hundred and ninety-eight, and in the supplement thereto, passed the twenty-second of May, in the year of our Lord eighteen hundred and twenty, shall be applicable to the said ward meetings, and to the manner of conducting the same, and to the officers thereof, and to the persons to be appointed to office at any and every such ward meetings, in as full and ample a manner as if those provisions, regulations, and enactments were herein repeated and re-enacted in reference to the said ward meetings, except so far as such provisions, regulations, and enactments shall be contrary to, and incompatible with the provisions of this act; and except, also, so far as additional or other powers shall be given, duties prescribed, and regulations made, for the organization and government of the said ward meetings, and of the officers to be appointed by them, by the provisions of this act.

SEC. 18. *And be it enacted*, That the street commissioners who may hereafter be elected at the said ward meetings, shall be vested with the same powers, and perform the same duties, as were vested in, and imposed upon them by the act creating those officers, together with such other powers and duties as are given to, or required of them by this act; and, in like manner, the freeholders, surveyors of the highways, school committee, and commissioners of appeal and other officers, elected in pursuance of this act, shall, respectively, perform the same duties, and be liable to the same penalties, as if they had severally been elected at an annual townmeeting, unless otherwise directed and provided for by this act.

Powers and duties of street commissioners, &c.

SEC. 19. *And be it enacted*, That the several town committeemen elected in the said wards, shall constitute the township committee of the said township of Newark; and, in addition to the powers and duties heretofore vested in and required of that committee, they shall, at their first or second meeting, choose one of their own number to be chairman of the committee, who shall act as such, and preside at all their meetings, until the committee shall choose another chairman in his place: they may also elect some suitable person to be clerk of the town committee, and allow him a reasonable compensation for his services: and it shall be the duty of the said clerk to attend the meetings of the said committee, when required, and to keep a record of the votes and proceedings of the said committee, and perform such other services as may be by them required of him: and the said town committee may also, if they think proper so to do, appoint annually, or oftener, some suitable person to be the township treasurer; and if they make such appointment, they shall fix his compensation or salary, and shall require him to enter into a bond to the inhabitants of the township of Newark, in the county of Essex, with at least two freeholders as sureties, in such penalty as the said committee shall think proper, for the faithful discharge of all his duties as treasurer, and for the safe keeping and accounting for all the moneys that shall come into his hands as such treasurer.

Organization of township committee.

May appoint clerk and treasurer.

SEC. 20. *And be it enacted*, That the town committee, in addition to the duties now required of them by law, shall make a yearly report, in writing, of all the disbursements of the township, a copy of which shall be delivered, by their clerk, to the clerks of the several wards, previous to the second Monday in April in every year; which report shall be publicly read at each annual ward meeting: and the said committee shall also cause the same to be published, in at least one of the newspapers that may be published in the said town of Newark, previous to such meetings.

Annual report of disbursements to be made by committee.

SEC. 21. *And be it enacted*, That it shall also be the duty of the said town committee, annually, to prepare an estimate (a copy of which shall be furnished to the clerk of each ward, to be laid before the annual meetings) of the amount of moneys

Estimate of expenses of ensuing year to be published by committee.

necessary to be raised for the following purposes, or for such of them as the said committee may think proper to recommend or submit to the consideration of the several ward meetings, viz: for the support of the poor; the education of the children of poor and indigent parents, and poor orphan children; the improving and repairing the streets and highways; the support of a night watch; lighting the town at night, by lamps or otherwise; the purchase of town burying grounds; the erection of a market house or market houses; the building, or otherwise providing suitable places for holding the ward meetings; for the erection of a town house; for the prevention and extinguishment of fires; for contingent and incidental expenses; and for such other purposes and improvements as the said committee shall think proper; which estimate the said committee shall cause to be published, in at least one newspaper published in the said town of Newark, for the space of one week, at least, before the annual ward meetings: but no money shall be raised by tax in the said township, unless three of the said wards, at their annual meetings, shall concur therein: *Provided always*, that if any three of the said wards, or if all of them, shall vote to raise money for any of the purposes aforesaid, but it shall so happen that they do not all vote to raise the same amount of money, then the town committee shall ascertain the mean sum voted for by the several wards, and direct that amount to be assessed and raised, by tax, in the said township of Newark, for the purpose or purposes for which the same was so voted by the said wards: and the said ward assessors shall meet and apportion the sum to be raised among their respective wards; and the sums so apportioned shall be assessed by the assessors, and collected by the collectors, of the respective wards, and, by such collectors, paid over to the township treasurer, if any, within such time after the day fixed by law for the payment of taxes, as the town committee shall direct: and in case any of the said collectors shall fail so to pay over the moneys by them collected, they and their securities may be prosecuted therefor, on the bonds given by such collectors: *Provided also*, that nothing herein contained shall be so construed as to prevent either of the said wards, at any annual or other meeting thereof, from voting and raising money by tax, within the ward, for any purpose exclusively for the benefit or convenience of the ward: and if either or any of the said wards shall vote to raise money for any such local and exclusive purpose, the same shall be assessed by the assessor of the said ward on persons and property within the same, and the collector of the said ward shall collect the same, and pay over or apply the moneys so collected, as the ward meeting shall direct or appoint.

The consent of three wards necessary to raise tax.

Proviso.

Taxes, how assessed and collected.

Proviso.

Each ward may raise taxes for its exclusive purposes.

Additional powers vested in ward meetings.

SEC. 22. *And be it enacted*, That the inhabitants of each or any of the said wards, at their annual or other legal meetings, may make and ordain all such regulations and by-laws as town-

meetings are by law authorized to make and ordain; and, in addition thereto, may make ordinances or regulations on the subject of swine running at large in the streets or upon the public grounds, and for impounding such swine; and also for regulating the sidewalks within their respective wards, and to prevent the same from being obstructed or injured by persons riding or passing over or upon them with horses or oxen, or with wagons, carts, or carriages, of any description; and all such regulations and by-laws may alter, repeal, or amend, and enforce the same by imposing penalties on the offenders, not exceeding ten dollars for any one offence; which penalties may be sued for and recovered, for the use of the ward within which the offence may have been committed, by action of debt, with costs of suit, before any justice of the peace not residing in such ward, or any other court having cognizance thereof, in the name of the clerk of the said ward for the time being.

SEC. 23. *And be it enacted*, That the town committee, by and with the consent of any three of the said wards, expressed by their votes at any annual or other lawful meetings of the said wards, shall have power to sell and convey, or otherwise dispose of, any grounds that have heretofore been purchased or used for town burying places, and to apply the moneys arising therefrom to the purchase of other grounds for the same use, or to such other use or uses as any three of the said wards may direct at any such meetings as aforesaid.

Town committee may sell town burial grounds.

SEC. 24. *And be it enacted*, That special ward meetings may be convened in any of the said wards, by the moderator thereof, or, in his absence, by the clerk of the ward, upon the application, in writing, of any ten inhabitants entitled to vote at town meeting and residing in such ward; which writing shall specify the objects for which such special meeting is called; and the moderator or clerk shall thereupon cause at least ten days' notice of the time and place of such meeting to be published in some newspaper or newspapers published in Newark, and set up copies thereof in at least three public places within the wards, specifying, in such advertisements and notices, the objects of the meeting, and by whom requested: and no other business shall be transacted or acted upon at such meeting but such as shall have been so specified.

Special ward meetings may be convened.

SEC. 25. *And be it enacted*, That the street commissioners, in addition to the powers and duties heretofore prescribed to them by law, shall have the superintendence of all the highways and streets in the township of Newark, and the several overseers of the highways in the said township shall cause the said highways and streets in their respective districts to be worked, formed, repaired, levelled, and drained, in such manner, and upon such plans, as the said street commissioners shall order and direct.

Additional powers of street commissioners.

SEC. 26. *And be it enacted*, That five members of the township committee shall constitute a quorum to do business, at any

Quorum of township committee.

regular meeting of the said committee, but a less number may adjourn; and the said committee may meet upon their own appointments and adjournment, and may ordain rules for their own government, and the same alter at pleasure: *Provided* the same shall not be contrary to this act or any other law of this state or of the United States.

AND WHEREAS the number of legal voters in the township of Newark has become so great, that it is almost impracticable, and tends to great disorder and confusion, to receive all the votes at one poll—Therefore,

Elections for members of congress, legislature, &c. held in wards.

SEC. 27. *Be it enacted*, That all elections hereafter to be held in the said township of Newark, for members of the legislative council and general assembly, sheriffs and coroners, and for members of congress and electors of president and vice-president of the United States, or for any other officers of the general or state government, that may be made eligible by the people, shall be held in the several wards into which the said township of Newark is divided by this act, on the day or days which now are, or which may hereafter be designated by law for such elections; that the polls shall be opened and closed at the hours prescribed by the laws of this state; that the judge and inspectors of elections, so as aforesaid directed by this act to be annually chosen in the said wards, shall preside at all such elections, and the clerks of the said wards shall be the clerks of all such elections in their respective wards; that every person who may by law be entitled to vote at any such election in the said township, shall cast or put in his vote in the ward in which he shall reside at the time of such election, and not elsewhere; and in case any person shall vote, or offer his vote, in a ward in which he is not by law entitled to vote, he shall be liable to the penalty prescribed by the seventh section of the act entitled, “A supplement to the act entitled an act to regulate the elections of members of the legislative council and general assembly, sheriffs and coroners, in this state,” passed the first of June, in the year of our Lord eighteen hundred and twenty, and to be sued for and recovered as therein directed.

Penalty for voting in ward not entitled to.

Election in wards conducted in the same manner as in townships.

SEC. 28. *And be it enacted*, That the said judges, inspectors, and clerks of elections shall take the same oaths, and conduct such elections, and make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers, entitled to the same compensation, and subject to the same duties and penalties, as other judges, inspectors, and clerks of elections, in the several townships in this state are, or may be by law intrusted with, allowed, or made liable to; and in case of the absence, death, or incompetency to serve, of any such judges, inspectors, or clerks of elections, in any of the said wards, such vacancy or vacancies shall be supplied or filled up in the manner prescribed by law for supplying such vacancies in the several

townships of this state; and the clerks of the said wards respectively shall procure election boxes, for the use of their wards in such manner and of such description, as are required to be procured by the township clerks in this state, and be subject to the same penalties for neglecting to procure and keep in repair such boxes.

SEC. 29. *And be it enacted*, That the clerk of the county of Essex shall procure at the expense of the county, printed copies of the seventh and eleventh sections of the act mentioned and referred to in the twenty-seventh section of this act, and transmit one copy thereof, together with a list of the nominations, to each ward clerk, who shall severally advertise the said elections; and put up such copies and lists of nominations at their respective polls, in the manner in which the clerks of the several townships are required by law to advertise and put up the same.

County clerk
to transmit
lists, &c. to
each ward.

SEC. 30. *And be it enacted*, That the polls in the said several wards shall be opened and held at such places in the said wards respectively, as the inhabitants thereof at their last preceding annual ward meeting shall appoint.

When polls
to be opened.

AND WHEREAS the territorial limits of the said township of Newark are small, the population dense, and the public highways sufficiently numerous for all purposes of public traveling; and lands in the said township, and especially within the townplot, are owned in small parcels, and in most instances too valuable to be taken for public streets without compensation to the owners thereof: therefore,

SEC. 31. *Be it enacted*, That so much of the several acts of the legislature of this state, as relates to and prescribes, the mode of applying for and laying out, altering or vacating public or private roads or highways in this state, and so much of all and every of the said acts as relates to or limits the width of public roads or highways in this state, shall not hereafter be considered or construed to have any application to, or to be of any force or effect, within the territorial limits of the township of Newark in the county of Essex; but the whole of the said township shall be and is hereby exempted from the provisions and operation of the general laws of this state, so far as they relate to the mode of applying for and laying out, altering or vacating public and private roads and highways, and so far as relates to the width thereof.

Township
exempted
from general
laws for lay-
ing out roads,

SEC. 32. *And be it enacted*, That the two chosen freeholders of the township of Newark, the surveyors of the highways for the said township, and the four street commissioners for the time being, shall constitute a board of commissioners of streets and highways in and for the said township of Newark; and that the said board of commissioners, after the second Monday in April next, shall have the exclusive power of laying out, vacating and altering public streets and highways

Board of
commission-
ers of streets
& highways.

within the said township of Newark, under the restrictions, provisions and regulations prescribed in this act.

Application
for opening
streets, &c.
made to
township
committee.

Who may
convene the
board of com-
missioners.

Notice there-
of to appli-
cant.

Board may
lay out or
open streets,
&c.

Proviso.

Buildings of
100 dollars

SEC. 33. *And be it enacted*, That whenever any person or persons shall desire or conceive it to be for the public advantage, to have a road or street laid out and opened, vacated, altered, widened, or extended, within the said township of Newark, such person or persons may present a petition or application in writing to the said township committee, designating the place or places where, and the land or lands through or over which such road or street is proposed to be laid out, or extended, or the alterations proposed to be made in any street or highway already opened and used; which petition or application shall be delivered to the chairman or clerk of the said township committee; and the said committee, as soon thereafter as conveniently may be, shall take order thereon; and may, if they think proper so to do, refer such petition or application to the consideration of the said board of commissioners of streets and highways for their action thereon; and in such case the said township committee shall appoint a time and place for the said board of commissioners to meet; of which time and place the said applicant or applicants shall give at least ten days notice in writing to each member of the said board of commissioners, and shall also cause notice thereof, together with a copy of the petition or application, to be put up in at least five of the most public places in the said township, for at least ten days prior to the time of meeting, two of which notices and copies, at least, shall be put up in the ward or wards in which such street is proposed to be laid out, altered or extended.

SEC. 34. *And be it enacted*, That the said board of commissioners, or a majority of them, when assembled at the time and place appointed, shall first enquire and ascertain whether notice has been duly served on the absent members, if any shall be absent, and whether such notices and copies as aforesaid have been duly set up, as required in the preceding section; and if satisfied that the provisions of this act in these respects, have been fairly complied with, the said board of commissioners shall proceed to view and examine the premises over or through which such road or street is proposed to be laid out, altered, vacated or extended; and if the said board of commissioners, or a majority of the whole number of them, shall be of opinion that such proposed road or street, or alteration, vacation or extension of a road or street, shall be necessary or useful for the public, or beneficial to the town of Newark, they shall have power to lay out the proposed street or streets, or to alter, widen or extend any street or streets designated in the said application: *Provided however*, That the said board of commissioners shall not have power to remove, or order or cause to be removed, any dwelling house or other building of the value of one hundred dollars or upwards, without the con-

sent in writing of the owner or owners thereof, or his or their agent or agents authorized to act in the premises; nor shall they lay out, widen or extend any road or street, over or upon the lands of any person or persons, without such consent, unless the applicant or applicants for such laying out, alteration or extension, or other person or persons conceiving themselves interested in having such road or street laid out, altered, widened or extended, shall pay or consent to pay to the owner or owners of such lands, such sum or sums of money, as the said board of commissioners or a majority of them shall direct, and to perform such other terms or conditions as the said board of commissioners shall deem reasonable and proper; and in determining the sum or sums so to be paid, and the terms and conditions aforesaid, the said board of commissioners shall have due regard, as well to the value of the land, as to the injury or benefit to the owner or owners thereof by laying out, altering, widening or extending such road, street or streets.

value not to be removed but by contract.

Owners of land on which streets are laid out, to be paid.

SEC. 35. *And be it enacted*, That if the said board of commissioners, or a majority of the whole number of them, shall agree to lay out, alter, widen or extend any road, street or streets, they shall make a report or return thereof in writing, under their hands or the hands of such as agree thereto; designating in such return, the beginning and ending, width, courses and distances of such road, street or streets, and the owner or owners of the lands through or over which the same is or are laid out, altered, widened or extended, and the time when the overseers of the highways shall cause such road, street or streets to be opened, altered, widened or extended; and in case such road, street or streets shall be laid out, altered, widened or extended, upon any of the terms or conditions authorized by this act, then such return shall further specify and set forth, the sum or sums of money to be paid, to whom, and the time within which the same shall be paid: which return the said board of commissioners, or one of them, shall within twenty days after the time of meeting, deliver to the clerk of the county of Essex, to be filed and recorded: *Provided always*, that if such return shall be a conditional one, in manner aforesaid, then the same shall not be recorded without the order of the court of common pleas of the county of Essex, first made for that purpose; which order the said court are hereby authorized to make, on reasonable notice of a motion therefor, given to the parties interested, and on due and satisfactory proof being made and filed, that the money has been paid or lawfully tendered, and the terms or conditions upon which such road, street or streets were laid out, altered, widened or extended, have been complied with, or the person or persons interested in the same otherwise satisfied and contented to have such return recorded: *Provided always*, that if such payment or satisfaction shall not be made, or terms com-

Return of streets, &c., laid out, to be made to county clerk to be recorded.

Proviso.

Proviso.

When return
to be void.

plied with, within the time limited and expressed in such return, the said return shall be void and of no effect.

When return
recorded, &c.
worked as
other roads in
township.

SEC. 36. *And be it enacted*, That after any such return as aforesaid shall have been duly recorded, the road, street or streets thereby laid out, altered, widened or extended, shall be deemed and taken to be highways, and shall be opened, made, maintained, worked and repaired, in the manner that other roads and highways in the said township of Newark, are or may be by law directed to be opened, made, maintained and repaired.

AND WHEREAS in some instances individuals in the town of Newark, aforesaid, have opened streets or public ways through their own lands in the said town, and dedicated the same to public use as streets or passage ways, but which have not been laid out as roads or highways according to law, either, because they were not as wide as the law required, or for some other reason, wherefore they cannot be recognized and treated as public highways, or be regulated and cleansed as such at the public expense, but may become nuisances and receptacles for filth, highly injurious to the comfort and health of the said town; therefore,

Township
committee to
make and re-
cord surveys
of all streets,
roads, &c.
opened by
owners for
public uses.

SEC. 37. *Be it enacted*, That it shall and may be lawful for the said township committee, at the expense of the said township of Newark, to cause surveys to be made, and to have the same filed, in the clerk's office of the county of Essex, and recorded in the book of records of roads and highways for said county, of all such roads, streets, alleys, and public passage ways, as have been or may be hereafter voluntarily opened by the owner or owners of the land or lands over or through which the same run, and which have been or hereafter may be by such owner or owners dedicated to the public, by permitting the public to use and travel over the same, or by selling lots fronting thereon, for the purpose of erecting dwelling houses or other buildings along the same, or otherwise; and all such streets, roads, alleys, and ways, when surveyed, and such surveys filed and recorded as aforesaid, shall be deemed and taken to be public streets or highways, and shall be made, maintained and treated as such in all respects; *Provided always*, that nothing in this section contained shall authorize the said town committee to make such survey of any lane, alley, or passage way, that may be opened by any person or persons for his or their own private use and benefit, and on or along the sides of which they shall not erect or suffer to be erected any dwelling houses, or which lane, alley, or passage way, it is not the intention of such owner or owners of the lands to permit the public to use as a street or passage way.

Proviso.

SEC. 38. *And be it enacted*, That the applicant or applicants for laying out, altering, widening, or extending any road or

street, under this act, shall pay to the court of common pleas, and the clerk thereof, the same fees for services required and performed by them in pursuance of this act, as are or shall be allowed by law for like services under the general laws of this state on the subject of highways; and shall also pay to the several members of the said board of commissioners, for their services, such compensation as the said township committee shall fix, not however to exceed in amount what is or may be allowed by law to surveyors of the highways for like services.

Fees to court and clerk.

and board of commissioners.

SEC. 39. *And be it enacted*, That no road or street, laid out, vacated, altered, widened, or extended, under the provisions of this act, shall be subject to review by chosen freeholders; but any person or persons conceiving himself, herself, or themselves aggrieved or injured by the laying out, altering, vacating, widening, or extending of any road or street in the said township of Newark, under the provisions of this act, or by any proceedings of the said township committee under or by virtue of the thirty-seventh section of this act, may file in the clerk's office of the county of Essex, a caveat against the recording of any return or survey made under or in virtue of this act, and may have any such proceedings reviewed and corrected, or set aside, in the supreme court of this state, by certiorari or other lawful process.

Streets, &c., laid out, not to be reviewed by chosen freeholders.

Redress for persons aggrieved.

SEC. 40. *And be it enacted*, That this act shall be deemed and taken to be a public act, in all courts of law and equity in this state and elsewhere.

Public act.

SEC. 41. *And be it enacted*, That all acts and parts of acts which are contrary to, or inconsistent with the provisions of this act, or of any part thereof, or which contain enactments, prescribe duties, or make regulations which are otherwise provided for in this act, shall be, and the same are hereby repealed, on and after the second Monday in April next, so far only as such acts or parts of acts relate or extend to the township of Newark, in the county of Essex, and no further.

Parts of acts repealed.

SEC. 42. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to repeal, alter, change, or modify this law, at their will and pleasure.

This act may be altered or repealed.

Passed February 6, 1833.

A Supplement to an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad 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 it shall be lawful for the Elizabethtown and Somerville Railroad Company authorized to continue road

from Somerville to the Delaware.

ville Railroad Company, incorporated by an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company," passed the ninth day of February, in the year of our Lord one thousand eight hundred and thirty-one, to continue the railroad, authorized by said act, from the village of Somerville, in the county of Somerset, on the most eligible route, to the village of Clinton, in the county of Hunterdon; and from thence to the Delaware river, opposite to the village of Belvidere, in the county of Warren; with a branch, if they shall deem it expedient, from any convenient point on the route of said road to the Delaware river between the mouth of the Musconetcong creek and the Easton Delaware bridge; which said road shall be of the same width, dimensions, and construction as the road, authorized to be erected by the act to which this is a supplement, from Elizabethtown to Somerville; and, for that purpose, the said company shall have the same rights, powers, and privileges, given and granted by the said act, to which this is a supplement, and shall be subject to all the restrictions, limitations, conditions, and provisions in the said act contained, in the same manner, and to the same extent and effect, as if the same were herein again repeated, or the said company had been originally authorized, by the said act, to extend the said road therein authorized to be erected to the said points or places herein above mentioned, and be entitled to receive and take the same rates of toll for transportation and travelling on said road, hereby authorized to be erected, as are specified and allowed by the said act to be received and taken on the said road from Elizabethtown to Somerville.

Tolls.

Capital stock increased \$500,000.

SEC. 2. *And be it enacted*, That, for the purpose of enabling the said company to make and extend said road from Somerville to the points or places above mentioned, it shall be lawful for the said company to increase their capital stock, by new subscriptions, to the amount of five hundred thousand dollars over and above the capital provided for by the said act, to which this is a supplement; and if when the said additional capital shall have been laid out and expended in the erection of the said road, hereby authorized, it shall be found that the same is insufficient to complete the same, and defray all the expenses incident thereto, that then and in that case it shall be lawful for the said company further to increase the said capital stock to any amount necessary to complete said road, and defray all the necessary expenses incident thereto, not exceeding the further sum of five hundred thousand dollars.

May further increase capital.

Commissioners to open books for subscriptions for new stock.

SEC. 3. *And be it enacted*, That John Kinney, junior, John W. Bray, Nathaniel Saxton, Oliver W. Ogden, Thomas Salter, and Garret D. Wall be, and they are hereby appointed commissioners to open books for subscriptions to such additional stock; whose duty it shall be to open books for receiving subscriptions for such additional stock, and to proceed therein in the same manner, in all respects, as is provided, by the act to

which this is a supplement, for receiving subscriptions to the original stock of said company: and the said company shall cause certificates to be issued to the subscribers for such additional stock, in like manner, and upon the same terms, as if the same had been part of the original stock of said company; and such new subscribers shall become members of the said corporation, and be entitled to the same rights and emoluments as the original stockholders.

SEC. 4. *And be it enacted*, That the said company shall complete the said road, and branch thereof, to the points or places above mentioned, within ten years from the time of the passage of this act, otherwise this act, and all the powers and privileges hereby granted, shall cease and become void and of no effect.

Limitation of
act.

Passed February 8, 1833.

AN ACT to incorporate the Orange Aqueduct 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 John M. Linsley, Stephen D. Day, Daniel Babbitt, Allen Dodd, Henry B. Campbell, William Munn, and their associates, successors, and assigns, for the purpose of supplying the village of Orange with pure and wholesome water, shall be a body politic and corporate, in fact, law, and name, by the name, style, and title of "the Orange Aqueduct Company," and, by that name, have continued succession, and enjoy all the privileges and franchises incident to a corporation; and shall be capable of holding their capital stock, and the increase and profits thereof, in such manner and form as they shall think proper, and of disposing and using, and hiring or renting, the water which they may purchase or procure (by the mode herein after mentioned for ascertaining the value of such property, privileges, and damages) from the owner or owners of the soil whereon the spring or springs may be found, or through whose land the waters of such spring or springs may flow, and also of purchasing, taking, and holding, to them, their successors, and assigns, in fee-simple, all such lands, tenements, hereditaments, and real and personal estate, as shall be necessary and convenient to or for them in the prosecution of their works, and the same to sell and dispose of at their pleasure; and also, that they and their successors and assigns be, and shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in their said corporate name, in all courts of judicature whatso-

Style of in-
corporation.

Powers.

Proviso.

ever, and of doing all and every other matter, act, or thing which a corporation or body politic may lawfully do: *Provided*, that the real estate so to be holden shall be such only as may be requisite to promote and attain the objects of this incorporation, and be relative thereto; which objects are hereby declared to be, the bringing into, and supplying the village of Orange with pure and wholesome water.

May lay aqueduct through lands, compensating the owners.

SEC. 2. *And be it enacted*, That it shall and may be lawful for the said corporation to lay and extend the aqueduct to such places, and through any lands that may be, by their directors, hereafter chosen, thought necessary, first giving notice of their intention to the owner or owners, or persons interested, in writing, and making satisfaction for any damages that may be sustained by any person or persons interested in the lands, spring or springs of water which may be injured or affected by the construction of said aqueduct, and the diversion or use of the said water for the same, according to a reasonable agreement between the parties; but in case of disagreement between the parties, as to the value or sum to be paid for such damages, then and in such case it shall be the duty of the said parties, each, to choose a reputable freeholder, not stockholders in this corporation, and they two, a third, whose judgment, or the judgment of any two of them, made in writing, as to the amount to be paid to the owner or owners, by the said company, shall be conclusive; and in case such owner or owners, or persons interested, shall neglect or refuse, after notice in writing given, to choose a person, as aforesaid, then it shall be lawful, on the application of said company, or their officers, for any justice of the peace of the county of Essex, not interested, to issue his venire to any constable of said county, directing him to summon twelve good and lawful men of the county, not being members of this corporation, nor interested therein, who, having been duly sworn, upon examining the facts and premises, shall render such verdict thereon as to them shall appear just and right, which verdict shall be conclusive between the parties.

Proceedings on disagreement of company with owners.

May lay aqueduct through streets or highways.

SEC. 3. *And be it enacted*, That it shall and may be lawful for said corporation to lay and extend the said aqueduct through such of the highways or streets of the village of Orange, as they may think necessary; and, for that purpose, to dig up and remove so much of the earth in the said streets or highways as may be convenient and necessary for the purposes aforesaid: *Provided* the said earth be replaced, at the expense of the said company, in as good a condition as if the same had not been removed, as soon as compatible with a judicious prosecution of the work.

Proviso.

Capital stock.

SEC. 4. *And be it enacted*, That the capital stock of the said corporation shall be ten thousand dollars, with the privilege of increasing the same to twenty thousand dollars, divided into shares of twenty dollars each; and that subscriptions to the

said capital stock be received by John M. Lindsley, Allen Dodd, and Stephen Condit, or any two of them, who are hereby appointed commissioners for that purpose, and whose duty it shall be, as soon as convenient after the passage of this act, having given one month's previous notice of the time and place or places, by advertisement, in three of the most public places in the township, to open books of subscription at such place in the village of Orange as they may think proper, and continue the same open until the whole amount of the stock of the said company shall have been subscribed; whereupon it shall be the duty of said commissioners to call a meeting of the stockholders, by the same previous notice, of the time when, and place where such meeting shall be held, who shall proceed, in person or by proxy, to elect seven directors, to manage the affairs of said company; and the said directors, so chosen, shall elect, in the manner herein after prescribed, one of their number to act as president: and it shall be the duty of said commissioners to pay into the hands of the said directors, all moneys they or any of them may have received on account of subscriptions.

Commissioners to receive subscriptions.

President and directors to be chosen.

SEC. 5. *And be it enacted*, That the said directors shall hold their offices from the day of election until the first Monday in April following, or until others shall have been chosen; which choice of directors shall take place on the first Monday in April, in each year, at such place and time of day as the directors for the time being may or shall appoint; and notice shall be given by the said directors, not less than ten days previous to the time of holding said election, by advertisements, put up in three of the most public places in the township of Orange; and for the well ordering which election, the directors shall, previously thereto, appoint three stockholders, not being directors or candidates for directors, to be judges of election, who shall conduct and regulate the same; who, having been previously sworn faithfully to discharge the duties of their office, 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, in person or by proxy, and each stockholder shall be entitled to one vote for each share of stock he, she, or they shall have held in his, her, or their names, at least thirty days before the time of voting: all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors; and in case two or more have an equal number of votes, the directors in office at the time of such election shall determine, by plurality of votes, which of the said candidates so having an equal number of votes shall be director or directors, so as to complete the whole number; and the said directors shall forthwith thereafter proceed, by ballot, to elect one of their number to act as president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, the same shall be filled, for the re-

Time and mode of annual election of directors.

Vacancies how supplied.

mainder of the year, by such person or persons, being stockholders, as the remainder of the directors for the time being, or a majority of them, may appoint.

Quorum. SEC. 6. *And be it enacted,* That four directors, with the president, shall constitute a quorum for the transaction of business.

Directors to appoint officers and fix their salaries. SEC. 7. *And be it enacted,* That the directors for the time being, or a majority of them, shall have power to appoint a secretary, treasurer, and agents, and to employ workmen and laborers, as to them shall seem needful and proper; to make and prescribe such by-laws, rules, and regulations, as to them shall seem necessary, touching the government of said corporation, the management and disposition of its affairs, business, and effects; to have a common seal, and to alter the same, or change it at pleasure; and all such other matters as may appertain to the concerns of the said corporation; and to fix or allow such salaries or compensation to the officers of said corporation, workmen, and laborers, as to them shall seem meet: *Provided always,* that such by-laws, rules, and regulations be not repugnant to the provisions and requirements of this charter or to the constitution and laws of this state or of the United States.

Proviso.

Stock forfeited on failure of payment of installments.

SEC. 8. *And be it enacted,* That one dollar shall be paid on each share, at the time of subscribing, to the persons herein before named as commissioners for the purpose, and the remainder to be paid in such installments, and at such times and place or places, and to such person or persons as the said president and directors may appoint, giving thirty days' previous notice in manner aforesaid; and if any stockholder shall neglect or refuse to pay up such instalment, all and every such share or shares, whereon there shall be such deficiency, and all moneys previously paid thereon, may be forfeited to the use of the company.

Mode of transferring stock.

SEC. 9. *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.

Dividends.

SEC. 10. *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, from time to time.

When company to organize.

SEC. 11. *And be it enacted,* That as soon as the first installment of one dollar on each share, shall have been paid in, and the company duly organized, they may proceed to the accomplishment of the objects of this incorporation.

Funds not to be employed in banking.

SEC. 12. *And be it enacted,* That it shall not be lawful for the corporation hereby created, to use their funds, or any part thereof, in banking operations, or in any other business, except what has been clearly indicated in the previous sections of this act.

Passed February 7, 1833.

AN ACT to dissolve the marriage contract between Adam A. Pease and Sarah Pease.

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 heretofore existing between Adam A. Pease and Sarah Pease, of the county of Gloucester, be, and the same is hereby dissolved and made void and of no effect, as fully as if they never had been joined in matrimony.

Adam A. and
Sarah Pease
divorced.

Passed February 8, 1833.

AN ACT to incorporate the Delaware and Jobstown Rail or McAdamized Road 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 James Newbold, Joseph Smith, Chalkley Atkinson, and their associates, shall be, and are hereby constituted a body politic and corporate, by the name of "the Delaware and Jobstown Rail or McAdamized Road Company," and, by that name, they and their successors 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, shall be capable of purchasing, or of otherwise receiving and becoming possessed of and holding or conveying, any real or personal estate; shall have perpetual succession, and may also have a common seal, and alter or 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.

Style of incor-
poration.

Powers.

SEC. 2. *And be it enacted,* That the capital stock of the said corporation shall be sixty thousand dollars, with liberty for the company to increase the same to two hundred 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.

Amount of
capital.

SEC. 3. *And be it enacted,* That James Shreve, Thomas Black, and Jonathan Scattergood shall be commissioners to open books for receiving subscriptions to the capital stock of the said corporation; the said books shall be opened by the said commissioners, or a majority of them, at such times and places as they shall deem proper, and shall continue open not less than two days; and twenty days' notice shall be given, by

Commission-
ers to receive
subscriptions

Stock to be apportioned.

How installments are to be paid.

Stock forfeited on failure to pay installments.

Time and mode of electing directors and president.

Vacancies, how supplied.

Board of directors may call in installments.

said commissioners, of such times and places, in one or more of the newspapers printed in Mount Holly; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened to make a fair and just apportionment of the stock to the subscribers; and, at the time of subscribing for said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them; and that the residue of the subscription shall be paid in such installments, and at such times and places, and to such person, as the president and directors of the company shall from time to time direct, by giving thirty days' public notice thereof, as aforesaid, and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay said installments, or any of them, to and for the use of the company.

SEC. 4. *And be it enacted*, That when the capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same be necessary, it shall be the duty of the aforesaid commissioners, or a majority of them, to give a like notice, as above, to choose nine directors; and such election shall be made at the time and place appointed by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share entitling the holder thereof to one vote: and the said commissioners, or any two of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to said directors, and the moneys paid to them for subscriptions to said capital stock, as shall remain in their hands after defraying the expenses of subscription and incidental expenses; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons who act as inspectors aforesaid: and the first directors, and yearly the directors chosen at any election for that purpose, shall, as soon as may be after the 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 board of directors; and in case of the absence of the president, the said board, or a majority of them, may appoint a president pro tempore.

SEC. 5. *And be it enacted*, That five directors of said corporation shall form a board, and they, or a majority of them, shall be competent to transact the business of the said corporation, and may have power to call in the remainder of the capital stock of the said corporation, by such installments, not

exceeding five dollars on each share at any one time, and at such times as they may direct: *Provided*, that no installment be required at shorter periods than thirty days from each other; and to make and prescribe such by-laws, rules, and regulations, as to them shall appear proper, touching the management and regulations of the stock, property, estate, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such servants as may be required to transact the business of the corporation, with such compensation to them and the president as to the board shall seem proper; and that they shall require from the treasurer such security as they may deem sufficient for the due performance of his trust, and generally to do all other acts which they may deem expedient for effecting the objects contemplated by this incorporation.

Make by-laws

Appoint officers.

SEC. 6. *And be it enacted*, That the president and directors of the said corporation shall be, and they are hereby invested with all the rights and powers necessary to the survey, laying out, construction, and repair of a rail or McAdamized road, not exceeding sixty-six feet in width, with as many sets of tracks as they may deem necessary: beginning at low water mark on the Delaware river, at the mouth of Craft's creek; thence, on lands of Anthony Taylor, fifty-eight chains; thence, across Lewis Coxe's land, sixty-four chains and fifty links; thence, across Ann Carty's lands, twenty-one chains and fifty links; thence, across Ann Wright's, Mary Scattergood's, and Clayton G. Atkinson's respective lands, eighty-four chains; thence, on lands of John Aaronson, thirty-seven chains and fifty links, to the road leading from the village of Columbus to Biddle's wharf; thence, along side of said road to the said village of Columbus; thence, continuing by the south-west side of the road, to the village of Jobstown; thence, continuing along side said road, to near the village of Juliustown; thence, across lands of John Atkinson and John Chambers, thirty-two chains, to the aforesaid public road; thence, along side the said road, to Lewistown, forty-three chains; thence, leaving the road, along Thomas Haines' line, eighty-four chains; thence, through the Pines, one hundred and sixty-nine chains; thence, along side the road, to the vicinity of New Lisbon, making altogether thirteen miles and thirty chains, as the said president and directors may by ordinance direct; and they, their agents, and servants, or others in their employ, may enter upon, take possession of, use, and excavate or level any land which may be wanted for the site of said road, or the erection of warehouses or other works necessary for the purpose of the said corporation; but all lands and real estate thus entered upon, which are not donations, shall be purchased, by the said corporation, of the owner or owners thereof, at a price mutually agreed upon between them; and in case of a disagreement, as to price, it shall be the duty of either of the justices of the supreme court,

Route of the road.

Company may enter upon lands, compensating the owners.

On disagreement of company with owners, com-

commissioners
appointed by
sup. court.

Appeal from
decision of
commission-
ers to court of
com. pleas.

Amount of
compensation
for damages
assessed by
jury.

upon a notice to be given him by said corporation, or by the owner or owners of such land or real estate, to appoint three disinterested commissioners, from the county in which the land lies, to determine the compensation and damages which the owner or owners of said real estate or land have sustained by reason of the occupancy thereof by the said corporation: the said commissioners are also directed and required to assess the damage which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fences on the line of the route of the said road, through any improved land which the same may run: and it shall be the duty of the said commissioners, after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them, to deliver to the said corporation a written statement, signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, together with the amount of assessment for running, making, and maintaining the fencing, to be recorded by the said corporation in the office of the clerk of the county where such lands are situated; and upon payment or tender of such compensation as aforesaid to the said owner or owners, then the said corporation shall be deemed seized and possessed, in fee-simple, of all such land or real estate so appraised; and in case any owner or owners of such land or real estate shall be feme covert, under age, non compos mentis, or out of the state, and in such case then the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, in the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners, all of which proceedings shall be had at the proper costs and charges of the said corporation, to be determined by the said justice of the supreme court: *Provided always*, that should the corporation or owner of any real estate, land, or materials feel themselves aggrieved by the decision of the commissioners aforesaid, either party, upon six days' notice to the other, may appeal to the next court of common pleas, in the county where the land lies, and the said court of common pleas shall have the power thereupon to direct a proper issue for the trial of the said controversy, to be formed between the parties, and to order a jury to be struck, and a view of the premises or materials to be had, and the said issue to be tried, upon the like notice, and in the same manner, as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or materials and damages sustained; and if they shall find a greater sum than the said commissioners shall have awarded in favor of the said owner or owners, then the judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the said jury shall be applied for by the said owner or

owners, and shall find the same or a less sum than the company shall have offered, or the said commissioners awarded, then the said costs shall be paid by said applicant or applicants, and either deducted out of the said sum found by said jury, or execution awarded therefor, as the said court shall direct: *Provided*, that such application shall not prevent the said company from taking the said land or materials, upon filing the said report: *And provided also*, that in case the said company, after the same is completed, shall abandon the said road, or any part thereof, or cease to use and keep the same, or any part thereof, in repair, at any time for three successive years, that then and in that case this charter shall be annulled, and the title to the lands over which the said road shall pass shall be revested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid, their heirs and assigns; but the said road shall for ever thereafter be considered as a public highway.

Proviso.

On abandonment of road, lands to revest in former owners.

SEC. 7. *And be it enacted*, That the said corporation may build bridges, fix scales and weights, raise embankments, or make any other works necessary for the construction, use, or enjoyment of the said rail or McAdamized road; and in case of any damage done to the lands contiguous, by workmen and teams in the employ of the said corporation, either in constructing, repairing, or maintaining said rail or McAdamized road, the damages shall be determined in like manner, by commissioners appointed as aforesaid, with the same right of appeal.

Corporation may build bridges, &c.

SEC. 8. *And be it enacted*, That the president and directors shall have power to charge and demand tolls and rates for the passage of all carriages upon the said rail or McAdamized road, and fix, make, and, at pleasure, change and alter such tolls and rates, and also to make regulations and rules for the collection and levying of the same, and to regulate the time and manner of transporting goods and passengers, and manner of collecting tolls on the said rail or McAdamized road, and also the description and formation of carriages that shall or may be used on said rail or McAdamized road, and all necessary machines, engines, wagons, carriages, or vehicles: *Provided*, that the said corporation shall cause the rates of tolls charged to be inscribed or painted in some conspicuous place at each gate where toll shall be required to be paid: *Provided also*, that the said tolls so to be charged shall at no time exceed the following rates, viz: for an empty carriage with its appendages, weighing less than one ton, two cents per mile; above one, and under two tons, five cents per mile; above three tons or more, eight cents per mile: and the following additional tolls for passengers or freight, viz: in the carriages as charged aforesaid, for every species of property, six cents per ton per mile, and three cents per mile for each and every passenger carried on said rail or McAdamized way in said carriages.

May establish tolls.

Regulate time and manner of transportation.

Proviso.

Rates of tolls.

SEC. 9. *And be it enacted*, That if the corporation hereby

Time limited
for construct-
ing road.

created, shall not within three years from the passage of this act, commence the construction of said road at both ends, and within ten years thereafter, finish and put in operation the said rail way or ways, or a McAdamized way, then the said corporation shall forever cease thenceforth, and this act be null and void.

Passage on
public roads
or to farms
not to be im-
peded.

SEC. 10. *And be it enacted*, That the said corporation shall provide by means of bridges or otherwise, convenient ways or passage for the public, over the said rail or McAdamized way, wherever it may cross a public road; and shall fix at least one easy mode of passage on each farm, for cattle or common wagons, across the rail way or the McAdamized way; and if the company neglect to perform the same, after being requested so to do, the owner or possessor may do it himself, and recover the value of the work of the corporation, by common process of law.

Obstacles to
the passage of
water, may be
removed.

SEC. 11. *And be it enacted*, That for the purpose of protecting their works from the overflowing of the tides on the meadows or lowlands, it shall be lawful for the said corporation or their agents, to enter into and upon any part of the said meadows or lowlands, to remove every obstruction to the free passage of the water within the limits aforesaid, and to erect, cast up, or make, good and sufficient banks, dams, floodgates, sluices, and every other work, which, on any part of the said meadows, they may deem necessary to keep out the tide at all times, and to dig, open, and clear out all such sluices and water courses as may be required to drain the same; and if the owner or occupier of any such lowlands or meadow, shall consider himself aggrieved, or injured by the erection of any such work or works, and cannot agree with the company or their agents, upon the amount of damages, he or they may have sustained thereby, it shall and may be lawful for such injured person or persons to apply, agreeably to the provisions of the sixth section of this act for the appointment of commissioners, for the purpose of assessing and ascertaining such damages, with the right of appeal and redress therein given.

Penalty for
injuring road
or works.

SEC. 12. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said rail or McAdamized road, or any building, machinery, or other work of the said corporation, appertaining thereto, such person or persons shall forfeit and pay therefor, to the said corporation, three times the amount of damages sustained by means of such offence or injury, to be recovered in the name of the said corporation, with costs of suit, in any court having cognizance of the same.

Statement of
cost and an-
nual state-

SEC. 13. *And be it enacted*, That the president or treasurer of said company, shall within two years after the completion of the said road, file in the office of the secretary of this state, under oath or affirmation, a statement of the whole cost and expenses of the said road and appendages, and annually there-

after, a statement of the nett proceeds thereof; and whenever the annual nett proceeds shall amount to more than seven per centum per annum upon the cost of the said road with its appendages, the said company shall pay to the treasurer of this state, the one half of one per cent. per annum on the said cost, to be paid on the first Monday in January of each year.

ment of proceeds of road to be filed.

Payment to the state.

SEC. 14. *And be it enacted*, That it shall and may be lawful for the president and directors for the time being, or a majority in number of them, whenever they may deem it expedient, to call a special meeting of the stockholders, by giving the like notice as is hereinbefore directed, for choosing directors, specifying therein the object of said meeting; but that no business shall be transacted by such meeting unless there be present a majority in value of the stockholders, who may require any books, accounts, securities, or other papers of said corporation, to be exhibited before them.

Special meetings of stockholders.

SEC. 15. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever, and that the road authorized by this act, be, and the same is hereby declared to be a public highway subject to such regulations as are provided for in the eighth section of this act.

Public act.

Road, public highway.

SEC. 16. *And be it enacted*, That this act shall not be so construed as to authorize the company to employ any of their capital in banking operations.

Capital not employed in banking.

SEC. 17. *And be it enacted*, That the said company may alter such parts of said route as they may deem proper; *provided* the same be not more than one mile distant from the line of said road as located by the sixth section; *Provided also*, that no land necessary for such alteration, shall be taken without first obtaining the assent of the owner or owners thereof.

Route of road may be altered.

SEC. 18. *And be it enacted*, That at the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of the said road and the appendages thereof to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appointment, or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid, or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment by the chief justice, then the three persons so appointed by him, shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then upon two weeks notice to the said company,

When the state may take the road on payment of the cost.

the said chief justice shall appoint such seventh man, as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking said road; upon the payment to the company of the amount of the said report within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road and of all the receipts and disbursements of the company: *Provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or the advance of stock; and the said valuation shall in no case exceed the first cost of said rail or McAdamized road, with the lands and appendages thereof: *And provided also*, that if the state should not take the said road at the expiration of fifty years, that then at the end of ninety-nine years from the date hereof the powers, privileges, and immunities hereby granted shall cease and determine.

Proviso.

Limitation of
charter.

Passed February 11, 1833.

AN ACT to incorporate the New Jersey Peat 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 William Woodworth and his present and future associates be, and they are hereby declared a body politic and corporate, in fact and in name, by the name and style of "the New Jersey Peat Company," and, by that name and style, shall have succession, and be, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places, and in all manner of action or actions.

Style of in-
corporation.

SEC. 2. *And be it enacted*, That the stock of the said company shall consist of two thousand shares, of fifty dollars each: in the choice of directors, each share shall be entitled to one vote; there shall be five directors, one of whom shall be president.

Capital stock.

Commission-
ers to open
books for sub-
scriptions.

SEC. 3. *And be it enacted*, That Littleton Kirkpatrick, Jacob Rutsen Van Rensselaer, William L. Stone, Cornelius Harson, and William W. Woodworth shall be commissioners to open books and receive subscriptions to the stock of the said com-

pany, and to distribute the same among the several subscribers, in such manner as they shall think best; and give public notice, in two of the daily papers published in the city of New York, and in the two public newspapers printed in the city of New Brunswick three successive weeks, of the time and place for opening the books of subscription, and shall continue the said books open till three-fourths of the stock, at least, shall be subscribed; and as soon after a majority of the stock so subscribed for as may be convenient, they shall cause the like notice to be given for the choice of directors, at such time and place as they shall think proper; and they, or a majority of them, shall preside at such election, receive the ballots, and declare who, by a plurality of votes, are chosen directors, who shall thereupon be personally notified of their appointment, by the said commissioners, and who shall designate the time and place for their first meeting; and the said directors, or a majority of them, shall appoint one of their number president, and shall have power and authority to employ, hire, or contract with any and such and so many men as they shall deem best, for the purpose of cutting, raising, drying, and sending peat to market, and selling and disposing of it as they shall deem best for the interest of the company: at the time of subscription, there shall be paid, by each subscriber, the sum of five dollars on each share, to be held by the said commissioners till a good and sufficient title shall be obtained for the said peat bed, situate, lying, and being in the township of North Brunswick, in the county of Middlesex, and state aforesaid: the said president and directors shall have full power and authority to treat with, bargain, purchase, and procure from the present proprietors, or their legal representatives, a full and perfect title to the said peat bed, on the best terms they can; and in the event of their not being able to procure such title on satisfactory terms, they shall give notice of their non-agreement to the said commissioners, who shall, after deducting a ratable proportion of the expense attending the procuring of this act, and all incidental expenses, return the money, or deposit the same in the Bank of New Brunswick, to the credit of the several subscribers, according to the sums by them severally paid to the said commissioners, of which deposit they shall give the like notice as above directed.

President and
directors to be
chosen.

Powers.

SEC. 4. *And be it enacted*, That the said president and directors shall have full power and authority to call in the residue of the stock subscribed for, at such times and in such proportions as they may think proper and necessary for the use of the said company: they may pass such by-laws, rules, and regulations, for the government and management of the concerns of said company as they shall think proper, not inconsistent with the laws and constitution of this state or of the United States, and shall have, exercise, and enjoy all powers necessary for carrying into effect the object of this act.

May make
by-laws.

Capital not to
be employed
in banking.

Act may be
altered or re-
pealed.

SEC. 5. *And be it enacted*, That the corporation hereby created shall not use any part of their capital or property in carrying on any banking operations.

SEC. 6. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever, in their opinion, the public good requires it.

Passed February 8, 1833.

AN ACT respecting the sale of the real estate of Robert Young, deceased.

Preamble.

WHEREAS it appears to this legislature, that Robert Young, late of Elizabethtown, in the county of Essex; and state of New Jersey, died seized of several houses and lots of land situate in Elizabethtown aforesaid, and a lot of land in the township of Union, in said county, having first made a nuncupative will, bearing date on the third day of August, in the year of our Lord one thousand eight hundred and thirty-two, which has since been duly proved by Moses Chandler, the executor thereof, before the surrogate of said county.—AND WHEREAS in and by the said will, the said testator declared it to be his will, that the said executor should sell and dispose of all his estate, as he might think proper, and divide the proceeds among his children equally, share and share alike;—and Margaret H. Young and Elizabeth V. Young, two of the children of the said testator, of full age, and Charles Davis, the guardian of James Young, Christiana Young, and Jeanette Young, the other children of the said testator, who are minors, and the said executor, having, by their memorial, represented, that the interest of all parties concerned would be greatly advanced by a speedy sale of the said houses, lots of land, and real estate, and praying the passage of a law authorizing the sale thereof, and such appearing to have been the desire and intention of the said testator—Therefore,

M. Chandler
authorized to
sell the real
estate of R.
Young, dec.

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 Moses Chandler, the executor in the said nuncupative will named, be, and he is hereby authorized and empowered to sell all the real estate of the said Robert Young, deceased, and to make and execute all necessary and proper conveyances to the purchaser or purchasers of the same, and to divide the proceeds thereof among the children of the said Robert Young, deceased, according to their respective legal rights.

Passed February 11, 1833.

AN ACT to authorize Ann Wanmaker, administratrix of John Wanmaker, deceased, to fulfil a contract for the sale of a lot of land, made by the said John Wanmaker, deceased, with Cornelius J. Bogert.

WHEREAS it appears that John Wanmaker, late of the county of Bergen, deceased, did, in his lifetime, contract and sell, by a certain verbal contract, to Cornelius J. Bogert, a certain lot of land, situated in the township of Hackensack, in said county, containing about two acres of land, or thereabouts, and now in the possession of the said Cornelius J. Bogert, and that all the consideration money has been paid by the said Cornelius J. Bogert to the said John Wanmaker, in his lifetime; all which 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 the said Ann Wanmaker, administratrix of John Wanmaker, deceased, be, and she is hereby authorized and empowered to make a deed of conveyance unto the said Cornelius J. Bogert, and to his heirs and assigns, for a certain lot of land, in the township of Hackensack, in the county of Bergen, containing two acres of land, or thereabouts, now in possession of the said Cornelius J. Bogert; and which the said John Wanmaker, by a certain contract, in his lifetime, agreed to convey unto the said Cornelius J. Bogert; which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land as if the same had been made and executed by the said John Wanmaker in his lifetime.

Land of John Wanmaker, deceased, authorized to be conveyed to Cornelius J. Bogert.

Passed February 12, 1833.

AN ACT to incorporate the Columbia Glass Manufacturing Company.

WHEREAS it is represented, that a number of individuals have associated together, for the purpose of establishing and carrying on a manufactory of window glass and all other articles of glassware incidental to a glass manufactory, at the village of Columbia, in the county of Warren, in this state, and have erected suitable and necessary buildings for the purposes of said manufactory—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 Heyberger, C. D. William Lilliendahl,

Style of incorporation.

John J. Vankirk, Frederick Salade, Jacob Beck, and all such persons as shall hereafter be associated with them for the purpose expressed in the preamble to this act, their successors and assigns, shall be, and they are hereby incorporated, by the name of "the Columbia Glass Manufacturing Company," and, by the same name, they and their successors, and assigns, are hereby constituted a body politic and corporate in law, and shall be able and capable, in law, to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, and hereditaments within the said county of Warren, not exceeding in quantity five hundred acres, and in value ten thousand dollars, and goods and chattels necessary for the purposes aforesaid, and the said lands, tenements, and hereditaments, goods and chattels, or any part thereof, to sell, grant, demise, alien, and dispose of; also, to sue and be sued, plead and be impleaded, in courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at their pleasure.

Amount of capital stock.

How to be employed.

SEC. 2. *And be it enacted*, That the original capital stock of said company shall be twenty thousand dollars, with liberty to increase the same to any amount not exceeding, in the whole, one hundred thousand dollars, which stock shall be divided into shares of twenty dollars each, to be employed in manufacturing glass and other articles incident to a glass manufactory, and in purchasing such lands, tenements, hereditaments, and erecting thereon such buildings, at Columbia aforesaid, and doing such other matters and things as shall be needful for carrying on a manufactory or manufactories of the said glass and other articles, as is set forth in the preamble.

Time and mode of electing directors.

SEC. 3. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who, after the first directors, herein after named, shall hold their offices for one year, and until others are elected in their stead: that the first election for directors of said company shall be held on the first Monday in May next, and annually thereafter, at such time and place, in the village of Columbia aforesaid, as the directors for the time being shall direct, of which election public notice shall be given in all the newspapers printed in the county of Warren aforesaid, at least two weeks previous to such election; and every such election shall be by ballot, and each stockholder present, or by proxy, 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.

Duties of directors.

SEC. 4. *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 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 or 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 the 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: and in case any vacancy shall happen in the office of director, by death, resignation, or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy for the remainder of the year, by the appointment of any stockholder: and the first directors shall be William Heybergher, C. D. William Lilliendahl, John J. Vankirk, Frederick Salade, and Jacob Beck, who shall hold their offices until the first Monday in May, in the year of our Lord one thousand eight hundred and thirty-three, and until others shall be elected in their stead.

Vacancies,
how filled.

SEC. 5. *And be it enacted*, That it shall be lawful for the directors of the 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 proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively held, and all previous payments made thereon, if such payments shall not be made within sixty days after notice requiring such payment shall have been published for that time in the public newspapers printed in the county of Warren aforesaid, and in case any stockholder shall reside in the city of New York or Philadelphia, then in one or more of the public papers printed in those cities respectively: *Provided* it shall not exceed three dollars on each share subscribed, at any one time, nor at shorter periods than fifty days between the times of calling in said payments.

Stock forfeited on failure to pay installments after notice.

Proviso.

SEC. 6. *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 the said corporation.

Corporation not dissolved for failure of electing on day prescribed.

SEC. 7. *And be it enacted*, That the stock and property of the 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 of the 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 president and directors for that purpose.

Stock to be deemed personal estate.

SEC. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their office or manufactory, proper books of account, in which shall be regularly entered all the transactions of the said company; which books shall

Book open to inspection of stockholders.

always and at all times be open to the inspection of the stockholders of said company.

Not to engage
in banking.

Limitation of
charter.

SEC. 9. *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, and that the said company shall not employ any of their funds in any banking or insurance operations, and that this act shall be and continue in force for the term of fifty years from the passing thereof, and from thence until the next session of the legislature, and no longer.

Passed February 12, 1833.

— OF ACTS —

A Supplement to the act entitled, "An act to prevent in certain cases, the abatement of suits and reversal of judgments."

Representative of deceased plaintiff may be inserted as complainant in a suit in chancery.

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 every suit or action, in the court of chancery, in which any bill has been, or shall be filed, and the subpoena returned, served, and in which there was, is, or shall be, but one plaintiff, or one defendant, and the said plaintiff hath died, or shall die, the lawful representative or representatives of such deceased plaintiff, or any other person or persons interested, by the death of such plaintiff, shall and may, upon affidavit thereof by him, her or them, or any other person or persons, and on motion made in court, be, by rule or order of the court, inserted as a complainant or complainants, in the said suit, and be permitted to make such amendment in the bill or bills of complaint, as his, her, or their title or interest therein may require; and upon such terms as the court may direct; to which amendment or amendments the defendant or defendants shall be compellable, by rule or order of the said court, to answer, proceed to issue, and examination of witnesses, and productions of proofs, and all other proceedings shall be had thereon, as in ordinary cases.

Plaintiff may make representative of deceased defendant, party to suit.

SEC. 2. *And be it enacted*, That if in any such suit, in which there was, is or shall be, but one defendant, and the said defendant has, or shall happen to die, and the plaintiff or plaintiffs choose to make the representative or representatives of the deceased party, or others who have, or may become interested by the death of such decedent parties to such suit, no bill of revivor or subpoena ad revivendum shall be necessary; but the court shall and may, by rule or order, as often as there shall be occasion for it, direct the suit to stand revived; which rule or order shall be served as the court may direct; and

unless the representative or representatives of such deceased party, or others, who may become interested by the death of such party, shall, within such time after service, as aforesaid, as the court shall limit and appoint, appear and put in their answer, or signify their disclaimer of the suit, and the matters in controversy therein, the plaintiff or plaintiffs may cause his or their appearance to be entered, and in such case the answer of the deceased party, if any there be, shall be deemed and taken as, and for the answer of such representative or representatives, or other person or persons interested by the death of such party; and such further proceedings may and shall be had in the said suit, as are according to equity, and the rules and practice of the said court.

SEC. 3. *And be it enacted*, That in case of the death of any sole plaintiff, if his lawful representative or representatives, or such other person or persons as shall become interested by his death shall not, within such time as the court may limit and appoint for that purpose, cause himself, herself, or themselves to be entered as complainant or complainants in the said suit, in the room of such deceased plaintiff; or in case of the death of any sole defendant, if the plaintiff or plaintiffs shall not make the representative or representatives of the deceased defendant, or others who may have become interested by the death of such decedent party or parties to such suit, and cause the said suit to stand revived, within such time as the court shall limit and appoint for that purpose; that then, and in every such case, the said suit shall be considered as at an end, and shall not be revived in the manner provided for by this act.

Representative of sole plaintiff deceased, not making himself party, or plaintiff failing to make representative of sole defendant party, suit at an end.

SEC. 4. *And be it enacted*, That hereafter the rule or order required by the fifth section of the act, to which this is a supplement, to be served on the clerk, shall be served on such person or persons as the court may direct:

Rule to be served as the court may direct.

SEC. 5. *Provided always*, That nothing in this act contained shall prevent the reviving of any such suit, as before mentioned, by bill of revivor, when the plaintiff or his representative or representatives, or others, who may become interested by the death of such plaintiff, may prefer that course of practice; or when the court may deem it expedient to direct that course of practice to be pursued.

Right of reviving suit by bill of revivor, not affected.

AN ACT making provision for a compilation of the public laws of this state.

Governor to appoint a person to compile public laws and acts 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 governor of this state be, and he is hereby authorized, to employ some fit and proper person or persons to compile and prepare for the press, all such legislative acts, and parts of acts, as are general, and of a permanent nature, and affect the public at large, and which have been passed since the last revision of the public laws of this state, and are in force, or shall be enacted at the present session of the legislature, or in time to be included within the compilation; and all acts of incorporation which are declared to be public acts, and which have been passed within the same period of time, and are now in force; with authority to correct all errors in the orthography of the said laws, or in the punctuation thereof.

Acts printed in chronological order, with marginal notes.

SEC. 2. *And be it enacted,* That the acts be printed in chronological order, with marginal notes of the contents of each law, opposite the sections thereof, and particular references to all the other acts on the same subject, or relating thereto, in the new edition, or in any former compilation or edition of the laws.

Manner of publication.

SEC. 3. *And be it enacted,* That the work be published in octavo form in one volume, and on paper, and with types as good as those of the last revision of the laws of this state, and with a copious alphabetical index of all the matters contained in this new compilation, and in the last revision of the public laws of this state.

Compiler to have access to public records.

SEC. 4. *And be it enacted,* That the compiler have free access to, and be permitted to examine any of the public records, papers, and books of this state, for the purposes aforesaid, without fee or reward, and that the legislature give a sanction and authority to this new edition of the laws, as published under their authority.

Compensation.

SEC. 5. *And be it enacted,* That the governor be, and hereby is authorized, to agree with the said compiler, or with any other person or persons, for the printing and binding of the said compilation, on such reasonable terms of compensation as to the governor may seem proper, for the execution of the said work, and to subscribe on the part of this state, for such number of copies, and at such price as may be agreed upon, not exceeding two hundred and fifty copies, and if preferred by the person or persons undertaking the same, to leave the further compensation, if any, to be made for the labor of compiling the said laws, to the discretion of the legislature, when the same shall be finished.

Passed February 12, 1833.

A Supplement to the act, entitled, "An act concerning idiots and lunatics," passed the twenty-eighth of February, eighteen hundred and twenty.

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 when in cases of idiocy or lunacy found, the chancellor shall order to be transmitted to the orphans' court, a certified copy of all proceedings which may be had thereon, and the same shall be recorded and filed in the surrogate's office of the county where such idiot or lunatic may reside, in the manner directed by the first section of the act, to which this is a supplement, and if it shall so happen that the orphans' court of said county shall not be then sitting, it shall and may be lawful for any one of the judges of the said orphans' court, forthwith to call an orphans' court, to be holden at the usual place of holding said court, and the said orphans court so convened, shall and may proceed to appoint such person or persons as guardian or guardians of the said idiot or lunatic, with such power and under such regulations and restrictions as are mentioned and contained in the act, to which this is a supplement.

Orphans' court to be called to appoint guardians for lunatics and idiots

Passed February 12, 1833.

AN ACT for the enclosure of a certain tract of woodland, at Pascack, 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, situated at Pascack, in the township of Harrington, in the county of Bergen, bounded, beginning on the northeasternmost corner of said tract, at the public road leading from Saddle river to Pascack, and northwest corner of Frederick F. Wortendyke's cleared land, running from thence south, nineteen degrees east, seven chains; thence south, six degrees west, five chains and ninety links; thence south, twenty-five and a half degrees east, one chain and fifty-five links; thence south, seventy-one and three quarters degrees east, seven chains and fifty-five links; thence south, eighteen and a half degrees west, two chains and fifty-eight links; thence south, seventy and a half degrees east, one chain; thence south, twelve degrees west, one chain and thirty links; thence north, eighty-nine and a half degrees east, one chain

Boundaries of a tract of woodland at Pascack in Bergen county, to be fenced in common.

and seventy links, to cleared land of Henry H. Banta; thence south, five and a quarter degrees west, seven chains and ninety links; thence north eighty-seven and a half degrees east, nine chains and forty-five links, to a hickory tree; thence south, sixteen and a quarter degrees east, one chain and ninety links, to the Pascack public road, near the house of Henry H. Banta; thence south, eleven degrees west, nine chains and fifty-nine links; thence north, eighty-four and a half degrees west, one chain and sixty-five links; thence south, seventeen degrees west, three chains and eighteen links; thence north, seventy-five degrees west, five chains and forty links; thence south, twenty-three and a quarter degrees west, twelve chains; thence north, sixty-two and a half degrees west, four chains and twenty-five links; thence south thirty-two degrees west four chains and twenty-eight links; thence north sixty-two degrees west, six chains; thence south, twenty-one and a half degrees west seven chains to the public road, leading from Wierimus to Pascack; thence north, forty-seven and a quarter degrees west, nine chains and ninety links; thence north, twenty-two and a half degrees west, three chains and eighty links; thence north, twenty-four degrees east, one chain and fifty-five links; thence north, eleven and one quarter degrees east, eight chains and fifty-five links; thence north, sixteen and a half degrees east, ten chains to a stake; thence north, sixty-four degrees west, seventy links; thence north, eighteen and three quarter degrees east, four chains and ten links; thence north, sixteen and a half degrees east, three chains; thence north, twenty-four degrees east, two chains and twenty-five links; thence north, sixty-six degrees west, one chain and twenty-seven links; thence north, twenty-one and a half degrees east, eighteen chains and ten links, to the said first mentioned public road, thence along the same north, eighty-four degrees east, three chains, to the place of beginning, 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.

Swing gate to
be maintain-
ed.

Proviso.

Penalty for
trespassing
on enclosure,
or injuring
fences 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 negli-

gently 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 costs and expenses of suing for and recovering the same, shall be applied to repairing the fences and swing gates round the said tract.

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 on 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.

Horses, cattle, &c., may be impounded

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 Henry H. Banta, 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.

Time and mode 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 the 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 said 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 representatives, 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 abovesaid tract.

Duties of trustees.

SEC. 6. *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

Compensation of trustees.

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 cost of suit.

Passed February 13, 1833.

AN ACT to authorize a trustee, therein named, to sell certain real estate late of Isaac Ely, deceased.

Preamble.

WHEREAS Isaac Ely, late of the township of East Windsor, in the county of Middlesex, and state of New Jersey, died intestate, in the western country, in the autumn of eighteen hundred and twenty-six, leaving a wife and six children at his residence in the aforesaid township: and one half of an undivided estate, part of said farm being situate in the county of Monmouth, and the other part, together with the buildings, in the county of Middlesex. In April, eighteen hundred and twenty-nine, Mrs. Ann Ely, widow of Isaac Ely, deceased, and in December, eighteen hundred and thirty, Isaac S. Ely, their eldest son, died, leaving, at this time, three daughters and two sons, namely: Emeline Ely, aged seventeen years, Andemina Ely, aged thirteen years, Elizabeth Amanda Ely, aged eleven years, John W. Ely, aged eight years, and Enoch A. Ely, aged seven years, who inherit the right of their father in the aforesaid undivided farm.

WHEREAS it is represented, by petition to the legislature, by Enoch Chamberlin, guardian of the persons and estates of the above named minors, that it would greatly conduce to their interest and advantage to make sale of the above named 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 said Enoch Chamberlin be, and he is hereby appointed a trustee, with full power and authority to sell and convey that undivided portion of lands belonging to his said wards, Emeline Ely, Andemina Ely, Elizabeth Amanda Ely, John W. Ely, and Enoch A. Ely, which is hereby before mentioned, for the highest sum or sums of money the same will bring, and to execute, make, and deliver a good conveyance or conveyances in the law therefor.

Trustee authorized to sell real estate of Isaac Ely, deceased.

SEC. 2. *And be it enacted*, That before the said Enoch Chamberlin 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 amount as shall be approved by three judges of the orphans' court of the county of Middlesex, 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. Trustee to give bond.

SEC. 3. *And be it enacted*, That the said Enoch Chamberlin, within six months after the sale of said real estate shall be completed, shall exhibit, under oath, to the surrogate of the said county of Middlesex, an exact statement of the amount of the said sales and of the amount he has received for his respective wards' shares of the proceeds of the same, to be by him recorded and filed in the surrogate's office; and that the said Enoch Chamberlin shall be accountable for all moneys by him received for his respective wards, by virtue of this act. To account to the surrogate of Middlesex.

Passed February 13, 1833.

AN ACT to dissolve the marriage contract between Samuel Williams and Mary Williams.

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 heretofore existing between Samuel Williams and Mary Williams, of the county of Essex, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony. S. Williams and M. Williams divorced.

Passed February 13, 1833.

AN ACT to provide for the erection of a new State Penitentiary.

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 a state penitentiary, capable of holding one hundred and fifty prisoners, on the principle of separate confinement, with hard labor, shall be erected on the lands belonging to the state, contiguous to where the present prison now stands, State penitentiary to be erected.

and the yard to be so constructed that one hundred and fifty cells may be added, should they become necessary.

Commissioners appointed.

SEC. 2. *And be it enacted*, That the following named persons, viz: Joseph Kaighn, Charles Parker, and William R. Allen be, and they are hereby appointed commissioners for the erection of the said penitentiary, whose duty it shall be to make all the necessary contracts for the building of the said penitentiary, taking security for the faithful performance of the work in a good and workmanlike manner, and which said commissioners, or either of them, shall not be concerned, or derive any advantage or profit from the said contracts, as principals, agents, or otherwise; and in case of the death or resignation of any or either of the said commissioners before the completion of their trust, the governor shall appoint suitable persons to fill the vacancy.

Mode of construction.

Proviso.

SEC. 3. *And be it enacted*, That the said penitentiary shall be constructed on the plan of the state penitentiary for the eastern district of the state of Pennsylvania, subject to such alterations and improvements as the said commissioners, or a majority of them, may from time to time approve and direct: *Provided always*, that the principle, of the separate confinement of the prisoners with hard labor, be preserved and maintained.

Duties of commissioners.

SEC. 4. *And be it enacted*, That the said commissioners are hereby authorized and empowered to employ, in the erection of said penitentiary, a principal and competent architect and superintendent, and the said commissioners are hereby vested with all the necessary power to cause the said penitentiary to be erected and completed: they shall cause all the accounts in relation thereto, to be accurately kept and stated, and shall from time to time deliver copies thereof, with the vouchers, to the treasurer of this state, by whom they shall be audited and stated; which accounts, when so audited and stated, shall be laid before the governor, who shall thereupon draw his order on the treasurer for the payment of the same: and further, the said commissioners shall receive such compensation for their services as the governor shall deem just and reasonable.

Money appropriated for the building.

SEC. 5. *And be it enacted*, That the sum of thirty thousand dollars be, and is hereby appropriated to be paid on warrants drawn by the governor, in favor of the said commissioners, on the treasurer of this state, to be by them applied in erecting the penitentiary aforesaid: *Provided*, that not more than the sum of twelve thousand dollars shall be drawn by the governor, as aforesaid, on or before the first day of November next: *And provided also*, that the governor shall have full power to draw warrants for said money in such installments only as, in his opinion, the progress of the work requires.

Commissioners to account to the governor and legislature.

SEC. 6. *And be it enacted*, That the said commissioners, or a majority of them, shall make a full report of their accounts, receipts, and disbursements, and generally of their acts and proceedings, to the governor of this state, from time to time,

whenever he shall require it, and annually to the legislature of this state, accompanied with such other information, in reference to the subject, as they shall deem proper to communicate.

SEC. 7. *And be it enacted*, That the said commissioners, with the consent and approbation of the keeper and acting inspectors of the state prison for the time being, shall be authorized and empowered to employ the convicts upon such work in the erection of said penitentiary, as they are competent to perform, paying due regard to their security and discipline.

Convicts may
be employed
in building.

Passed February 13, 1833.

THE BENEFICIAL SOCIETY OF THE CITY OF BURLINGTON.

AN ACT to incorporate the Beneficial Society of the city of Burlington.

WHEREAS a number of the inhabitants of the city of Burlington and its vicinity, in this state, have formed themselves into an association, or society, to which they have given the name of "the Beneficial Society of the city of Burlington," the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty, or other cause, be rendered incapable of attending to their usual trade or calling, and also towards the decent interment of deceased members, or the deceased wives of members.—AND WHEREAS it is believed an act of incorporation will promote the objects of the society, and add to the security of the property, and the said society having, by petition presented to the legislature, prayed to be incorporated—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 James Sterling, Joseph L. Powell, Charles Vansciver, Doctor Charles Ellis, George P. Mitchell, William R. Allen, Michael Hays, John S. Griffith, and all such other persons, not exceeding four hundred, as now are, or hereafter shall become members of the said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Beneficial Society of the city of Burlington," and, by such name, they shall have succession and continuance, 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 law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have

Style of incor-
poration.

power to change and alter the same at pleasure; and, by their name as aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching, and concerning the objects of the said incorporation.

Officers to be elected. SEC. 2. *And be it enacted*, That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president, vice-president, treasurer, and secretary, and such other officers and assistants as shall be deemed necessary, who shall be elected by ballot, by a majority of members present at such election, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct.

Property vested in the company. SEC. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body politic and corporate hereby instituted; which said body politic and corporate shall, by the name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any land, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same: *Provided*, that the clear yearly value or income of the real and personal estate of the said corporation shall not exceed the sum of one thousand dollars.

Amount thereof limited.

Powers of company.

Proviso.

SEC. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time alter, amend, or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business, and for effecting the purposes of the society aforesaid, as to the members of the society, or a major part of them, duly met, shall be deemed right and proper: *Provided*, that nothing in the said constitution and by-laws be repugnant to the constitution and laws of the United States or of the state of New Jersey.

Exclusive objects of incorporation.

SEC. 5. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of members or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble, as well in this, as in the foregoing sections of this act: and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act.

SEC. 6. *And be it enacted*, That it shall be lawful for the

council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper.

Act may be altered or repealed.

Passed February 13, 1833.

AN ACT to divorce Rhoda Allen from her husband David D. Allen.

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 Rhoda Allen be, and she is hereby divorced from her husband David D. Allen, and that the marriage contract heretofore existing between the said David D. Allen and Rhoda his wife be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

David D. Allen and Rhoda Allen divorced.

Passed February 14, 1833.

AN ACT authorizing the sale of a part of the state lands at Paterson.

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 attorney general be, and he is hereby authorized to sell and convey, in behalf of this state, unto the trustees of St. Paul's Church of Paterson, a plot, not exceeding five acres, of the land at Paterson, belonging to the state, for the uses and purposes of a burial ground; and that he fix the price of the same, agreeably to the present just and proper value thereof.

Attorney general empowered to sell part of state lands at Paterson for burial ground.

Passed February 14, 1833.

AN ACT relative to incorporation, and other purposes.

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 when any association shall be formed for any pur-

Persons applying for acts of incorpora-

tion, or erection of bridges, to advertise previously.

pose whatever, after the fourth day of July next, or any person or persons shall be disposed to make application to the legislature of this state for an act of incorporation, or any company or association already incorporated shall be disposed to make application for a renewal of their charter, or any alteration in the law so incorporating them, or when any application shall hereafter be made for the purpose of obtaining a law authorizing the erection of a bridge over any navigable water in this state, it shall be the duty of such person or persons so applying or associated, or the directors or stockholders of such incorporation, or some of them, to signify his or their intention, by advertisement, to be inserted for at least six weeks, successively, previous to making such application, in one or more of the newspapers published in the county where the objects of such association or incorporation are carried, or intended to be carried into effect; and if no newspaper be published in such county, then in the newspaper or newspapers published nearest to the same, and specify the objects of such incorporation or applications, the amount of capital stock requisite to carry their objects into effect; and in case of an application for any alteration in any charter already granted, it shall be the duty of the stockholders or directors of such incorporation to state in such notice, specifically, the alteration so to be applied for, and that due proof shall be made of such notice having been published previous to leave being given to bring any bill to comply with such application.

Passed February 14, 1833.

AN ACT for the appointment of commissioners to make sale of the real estate of Samuel Potter, deceased, and for other purposes therein mentioned.

Preamble.

WHEREAS it is represented to the legislature, that Samuel Potter, late of the township of Bedminster, in the county of Somerset, departed this life on or about the fifteenth day of December, in the year of our Lord eighteen hundred and thirty-one, intestate, seized of considerable real estate, situate in the counties of Somerset and Morris, in this state, and also possessed of considerable personal property, leaving issue Jonathan Potter, Sarah, the wife of Hugh Bartley, his children, and Samuel P. Mulford, Barnabas T. Mulford, William P. Mulford, Eleazer H. Mulford, Mahlon W. Mulford, and Mary Elizabeth Mulford, children of Thomas Mulford and Elizabeth his wife, which said Elizabeth was the

daughter of the said Samuel Potter, deceased, and died in the lifetime of her father; that administration of the estate of the said Samuel Potter, deceased, hath ben granted to Elias Brown and John Frelinghuysen; that Samuel P. Mulford, one of the children of the said Thomas Mulford and Elizabeth his wife hath since died intestate and without issue; that administration of the estate of the said Samuel P. Mulford hath been granted to the said Barnabas T. Mulford and William P. Mulford; that the said Mahlon W. Mulford and Mary Elizabeth Mulford are minors, under the age of twenty-one years; and that guardianship of the person and estates of the said minors hath been granted to the said William P. Mulford; that the said Jonathan Potter has also departed this life since the decease of his father, the said Samuel Potter, intestate, leaving his widow, Hannah Potter, and issue Dennis Potter, Sering Potter, Samuel Potter, Sarah, the wife of John McKinstry, junior, Thankful, the wife of Benyew Dunham, Jonathan Potter, and Mary Potter; that administration of the estate of the said Jonathan Potter, deceased, hath been granted to Joseph Smith, Sering Potter, and John McKinstry, junior; that Dennis Potter, one of the sons of the said Jonathan Potter, deceased, hath since departed this life, intestate, leaving a widow, Mary Ann S. Potter, and issue a daughter, Margaret Malvina Potter, who is an infant under the age of twenty-one years; that administration of the estate of the said Dennis Potter, deceased, and also the guardianship of the person and estate of the said Margaret Malvina Potter, his only child and heir, have been granted to Philip Hiler; that the said Jonathan Potter and Mary Potter, children of the said Jonathan Potter, deceased, are infants under the age of twenty-one years; and that the guardianship of the persons and estates of the said infants hath been granted to the said Sering Potter—AND WHEREAS the said Elias Brown and John Frelinghuysen, administrators of Samuel Potter, deceased; the said Hugh Bartley and Sarah his wife, Barnabas T. Mulford, William P. Mulford, Eleazer H. Mulford, the said Barnabas T. Mulford, and William P. Mulford, administrators of the said Samuel P. Mulford, deceased; the said William P. Mulford, guardian of the person and estate of the said Mahlon W. Mulford and Mary Elizabeth Mulford, the said Joseph Smith, Sering Potter, and John McKinstry, junior, administrators of the said Jonathan Potter, deceased; John McKinstry, junior, Sarah his wife, Benyew Dunham and Thankful his wife, Sering Potter; the said Sering Potter, guardian of Jonathan Potter and Mary Potter; the said Philip Hilar, administrator of the estate of Dennis Potter deceased, and guardian of the person and estate of the said Margaret Malvina Potter; and the said Mary Ann S. Potter, have, by their petition, prayed for the passage of a law appointing Isaac Southard, of the county of Somerset,

Isaac G. Farlee, of the county of Hunterdon, and Thomas Dickerson, of the county of Morris, commissioners, with full power and authority to make sale of all the real estate whereof the said Samuel Potter, deceased, died seized; to inquire into, ascertain, and finally determine the claims, rights, and shares of the several heirs and representatives of the said Samuel Potter, deceased, to his estate, both real and personal, and whether any advancements were made by the said Samuel Potter, deceased, to any of his children, and to charge them therewith; also to effect a settlement of all private claims of said heirs against said deceased, and claims of the estate of said deceased against the said heirs; and that said commissioners, having made sale of said estate, and having ascertained the claims of said heirs, may be authorized to pay the same to them—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 Isaac Southard, of the county of Somerset, Isaac

Commissioners appointed to sell real estate whereof S. Potter died seized.

G. Farlee, of the county of Hunterdon, and Thomas Dickerson, of the county of Morris, be, and they are hereby appointed commissioners, with full power and authority to sell and dispose of all the real estate whereof Samuel Potter, late of the township of Bedminster, in the county of Somerset, deceased, died seized, situate in the counties of Somerset and Morris, in this state, for the highest and best price that can be reasonably obtained for the same, at public vendue, upon giving thirty days' notice of the time and place of the said sale, in four of the most public places in each of the said counties, and also in one of the public newspapers circulating in each county; and to make, execute, and deliver the purchaser or purchasers thereof, or to their heirs or assigns, deeds of conveyance in fee simple, sufficient in law to convey and assure to purchaser or purchasers, their heirs and assigns, all the estate, right, title and interest, which the said Samuel Potter, in his lifetime, and at the time of his death had, and which his heirs and their lawful representatives now have, of, in, and to the said premises; and that the said commissioners have full power and authority to ascertain and determine whether any, and what advancements of the real or personal estate hath been made by the said Samuel Potter, in his life time, to any, and which of his said children or issue, with which by law they ought severally or respectively to be charged in the settlement and adjustment of their several and respective shares of the real and personal estate of the said Samuel Potter, deceased, and to ascertain the amount of such advancements, and charge the same to such children or issue, so advanced respectively; and also to inquire into, ascertain and determine, all private accounts, claims and demands of the said children or issue, or any of them, respectively, against the said deceased.

To ascertain advancements made to heirs.

To settle all claims of heirs against the estate.

ed; and of the said deceased against his children or issue, or any of them respectively; and to adjust, liquidate and settle the same; and ascertain the balances, if any, due thereon, and to charge the same to the said children or issue, or their lawful representatives, as the case may require; and to audit, state, liquidate and settle the account of the personal estate of the said Samuel Potter, deceased, which came to the hands of his administrators, or to the hands of any other person or persons, by their assent or their use, and with which they ought to be charged; and ascertain the net amount of said personal estate remaining after payment of debts, and funeral and other necessary expenses; and after having made sale of the said real estate, and ascertained the nett proceeds thereof, after deducting the reasonable and necessary expenses of executing the trust reposed in them by this act, and the net amount of the personal estate after payment of debts and expenses, and the amount of said advancements made by the said Samuel Potter, deceased, to any of his said children or issue; and settle and ascertain the balances, if any, due from the said deceased to his said children and issue, respectively, to the estate of the said deceased, and charged or credited the same accordingly; to ascertain and determine the rights, shares, and proportions of the net proceeds of the said real and personal estate, to which the said children or issue respectively are entitled, according to the laws of this state regulating the descent of real estate, and the settlement and distribution of personal estates of intestates; and after charging such advancements, and charging or crediting, as the case may require, the balances of any that may be found due upon such private amounts or demands, finally to ascertain and determine the amounts or balances due to each of the said children or issue of said deceased respectively thereupon; which shall be paid to the said children or issue of said deceased, or their guardians or lawful representatives accordingly.

To settle account of personal estate with administrator.

To ascertain the balances to be paid to each heir,

and pay the same to those entitled.

SEC. 2. *And be it enacted*, That it shall be the duty of the said commissioners to make report in writing, under their hands, of the sales made by them of the real estate of said deceased, and the net proceeds thereof, after deducting the reasonable and necessary expenses of executing the trust reposed in them by this act; also of the settlement of the personal estate, and the net amount thereof, after payment of debts and expenses; of the amount of the advancements of real and personal estate made by the said deceased to any of his said children or issue, respectively; and if the amount or balances due from the said deceased to any of his said children or issue, respectively, or from any of his said children or issue, respectively, to the estate of the said deceased, on private accounts or demands, of the shares or proportions of the real and personal estate of said deceased, to which the children or issue of said deceased are respectively entitled by law; and the amounts or balances due

Commissioners to report to the ordinary.

to each of the said children or issue, respectively, after charging or crediting such advancements or balances due on private accounts and demands; and of the final distribution of the proceeds of such real and personal estate to and among the said children or issue of the said deceased, their guardians, or lawful representatives; which report shall be made to the ordinary and surrogate general of this state, and filed in the clerk's office of the prerogative court, and, after the same shall have been approved of and confirmed by the said ordinary, shall be final and conclusive to all parties concerned: and the said ordinary shall have full power and authority to take order in the said premises, and to confirm the said report, or to alter and amend the same, or to set the same aside, to send back the same to the said commissioners with proper instructions for the correction or amendment thereof, or touching any matter relating to the said estate, according to law, as the justice of the case may require; and finally to enforce and carry the said report and proceeding into full effect: *Provided*, that nothing in this act contained shall be taken or construed to prejudice the right or claim of dower in said real estate of the widow of the said Jonathan Potter or Dennis Potter, deceased, or the right or title of any persons, other than the said children or issue of said Samuel Potter, deceased, having paramount right or title to said real estate, or any part thereof.

Proviso.

Receipts may be recorded by surrogate of Somerset.

SEC. 3. *And be it enacted*, That all receipts or vouchers given by the said children or issue of said deceased, their guardians or personal representatives, for the moneys paid to them, respectively, for or on account of their respective shares of the said real or personal estate, or any part thereof, may be proved and recorded in the surrogate's office of the said county of Somerset, in the same manner that receipts for legacies and distributive shares of intestates are directed by law to be proved and recorded.

Commissioners to give bond.

SEC. 4. *And be it enacted*, That the said commissioners, before they enter upon the duties of their said office, shall give bond to the ordinary or surrogate general of this state, in such sum, and with such security as the surrogate of the county of Somerset shall approve, conditioned for the faithful performance of the trust confided to them; which bond shall be filed in the office of the said surrogate, for the benefit of all persons concerned.

Passed February 15, 1833.

AN ACT to authorize the conveyance of certain real estate of John Warne, deceased.

WHEREAS John Warne, junior, and Samuel Warne, administrators of the goods and chattels, &c., of John Warne, senior, late of the township of Alexandria, in the county of Hunterdon, deceased, did, at the term of October, in the year of our Lord one thousand eight hundred and thirty-one, of the orphans' court of said county of Hunterdon, upon their exhibit, made under oath, of the debts and credits of their intestate, obtain the final order and decree of said court for the sale of the real estate of said intestate, situate in said county, and, in pursuance of said decree, did proceed to advertise and sell the same, agreeably to law—AND WHEREAS, before the making and execution of the deeds of conveyance of the lands so sold, by virtue of said decree, to the purchasers thereof, the said John Warne, junior, did clandestinely depart the state of New Jersey, without the knowledge of his co-administrator, and hath ever since, and still doth continue to absent himself, and doth neglect or refuse to make known, to his co-administrator, the place of his residence; by reason whereof no deeds of conveyance have been, or can be made to the purchasers of said real estate, without the aid of the legislature in the premises—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 all deeds of conveyance of the real estate and premises, or any part thereof, above mentioned; sold as above mentioned, made and executed under the hand and seal of the said Samuel Warne, alone, shall be as good and effectual, to all intents and purposes, and shall vest the purchaser or purchasers thereof, or of any part thereof, with as good a title and estate therein as if the said deed or deeds had been made and executed under the hands and seals of both the said administrators.

S. Warne empowered to make deeds for lands of J. Warne, deceased, sold by order of orphans' court.

Passed February 15, 1833.

A Supplement to the act entitled, "An act to alter and amend the act entitled an act concerning inns and taverns," passed June first, eighteen hundred and twenty.

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 if any person or persons shall, without a license

Fine for retailing ardent spirits without license.

for that purpose first had and obtained, according to law, sell, by retail, any rum, brandy, wine, or spirits, of any kind, or any other liquid of which distilled spirits shall form a component part, except such as are compounded or used for medicine, under the quantity of one quart, he or she so offending shall forfeit and pay, for every such offence, ten dollars, to be recovered by action of debt, with costs, in any court of record having cognizance thereof, by any person who may prosecute for the same in the name of the overseer or overseers of the poor of the township in which such offence may take place, one half for the benefit of the person so prosecuting, and the residue for the use of the poor of such townships: *Provided*, that such prosecution shall be commenced within six calendar months after said offence shall have been committed: *Provided also*, that nothing in this act contained shall be so construed as to prevent or impair any prosecution or proceeding by indictment under the fourth section of the act to which this is a supplement.

Proviso.

Passed February 15, 1833.

A Supplement to an act entitled, "An act to incorporate the Mechanics Bank at Paterson."

Affidavit of stock paid in, to be filed.

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 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 the whole of the capital stock of the said corporation shall have been subscribed, and seventy-five thousand dollars thereof paid in, conformably to the provisions of said act, and the whole of the tenth section, to which this is a supplement, be, and the same is hereby repealed.

Part of a former act repealed.

SEC. 2. *And be it enacted*, That so much of the fourth section of the act, to which this is a supplement, which requires at least ten of the directors of said bank to be citizens of this state, be, and the same is hereby repealed.

Passed February 15, 1833.

AN ACT to divorce Hannah Lawrence from her husband Amos Lawrence.

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 Hannah Lawrence be, and she is hereby divorced from her husband Amos Lawrence, and that the marriage contract heretofore existing between them, the said Hannah Lawrence and Amos Lawrence her husband, be, and the same is hereby as fully and absolutely dissolved as if they never had been joined in matrimony.

A. Lawrence
and H. Lawrence
divorced.

Passed February 15, 1833.

A further Supplement to an act entitled, "An act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct," passed the sixteenth day of November, seventeen hundred and ninety-nine.

WHEREAS it is represented to this legislature, by the proprietors of the Morris Aqueduct, that many persons, who have not contracted with the said the proprietors of the Morris Aqueduct, for the use of the waters of said aqueduct, and who refuse to contract with the said proprietors, and to make any compensation for the use of said waters, are in the habit of taking water from the penstocks, issues, and reservoirs connected with said aqueduct, erected and provided by or for the use of other persons and families, and thereby enjoy all the benefit of the supply of water afforded by said aqueduct, without making any compensation therefor—For remedy whereof,

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 if any person shall hereafter, by himself or herself, or by any member of his or her family, or person in his or her employ, and for his or her use, take any of the water of said aqueduct from any penstock, issue, or fixture erected for the issuing or delivering of said water, or from any cask, vessel, or reservoir wherein the same shall be received, for the use of other person or persons, or from any vessel or reservoir which he or she may place or erect, or cause or suffer to be placed or erected, for the purpose of receiving the water that may run from said aqueduct, or from any such penstock, issue, or vessel for receiving said water for the use of such other person or persons, each and every person or persons so offending, for the first offence, shall forfeit and pay to the proprietors of the

Penalty for
drawing water from aqueduct without
license of the
company.

How to be recovered.

Morris Aqueduct the sum of two dollars, to be recovered by the said the proprietors of the Morris Aqueduct, in an action of debt, before any court of competent jurisdiction, with costs of suit; and for every subsequent offence, shall forfeit and pay the sum of four dollars, for each offence, to be recovered by the said the proprietors of the Morris Aqueduct, in manner aforesaid, with costs.

The act of incorporation and this supplement to be deemed public acts.

SEC. 2. *And be it enacted*, That the act entitled, "An act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct," passed the sixteenth day of November, seventeen hundred and ninety-nine, the act entitled, "A supplement to an act entitled, an act to incorporate John Doughty and his associates, proprietors of the Morris Aqueduct, passed the sixteenth day of November, seventeen hundred and ninety-nine," which last mentioned act was passed the fourteenth day of March, eighteen hundred and thirty-two, and also this present act, shall be deemed and taken as public acts, and, as such, shall be taken notice of in all courts and places, without being specially pleaded.

Passed February 15, 1833.

AN ACT further supplementary to an act entitled, "An act to regulate the fisheries in the river Delaware, and for other purposes," passed the twenty-sixth day of November, eighteen hundred and eight.

Penalty for fishing on Sunday.

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, if any person or persons, whosoever, shall cast or lay out any seine or net in the river Delaware, within the concurrent jurisdiction of this state and state of Pennsylvania, from sunset on Saturday until twelve o'clock on Sunday night, of each and every week, he, she, or they so offending shall forfeit and pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

Size of meshes in seines, and times of fishing prescribed.

SEC. 2. *And be it enacted*, That if any person or persons shall cast, draw, or otherwise make use of any seine or net, of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the fifth day of June and the tenth day of July, in any year, or above the head of Trenton Falls, of any seine or net of a larger mesh than two inches, between the tenth day of June and the tenth day of July, in any year, he, she, or they so offending shall forfeit and

pay the sum of one hundred dollars, together with costs of suit, for each and every offence.

SEC. 3. *And be it enacted*, That if any person or persons shall, at any time hereafter, unlawfully make use of any gilling seine or drift net in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, below the Trenton Bridge, without having first entered his gilling seine or drift net fisheries, as required by this act, or the act or acts to which this is a supplement, or beyond the right angles or the shore boundaries of the said fishery so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March and the tenth day of July, of each and every year, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding three months, or both, at the discretion of the court before which such offender or offenders shall be convicted.

Penalty for unlawful fishing with drift nets.

SEC. 4. *And be it enacted*, That if any person or persons shall unlawfully cast, draw, drift, anchor, stake, or otherwise make use of any gilling seine or drift net, for the purpose of catching fish, in the river Delaware, within the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of March and the tenth day of July, in each and every year, every person so offending shall be guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding one hundred dollars, or by imprisonment in the county jail, not exceeding six months, or both, at the discretion of the court before which such offender or offenders shall be convicted: *Provided*, that this act shall not subject to conviction and punishment any person or persons who have been subjected to a prosecution for a penalty, as provided for in the seventh and eighth sections of the act to which this is a supplement.

Penalty for fishing with drift net within prescribed times.

Proviso.

SEC. 5. *And be it enacted*, That all the acts and parts of acts which come within the purview of this act, and are contrary to the provisions of this act, be, and the same are hereby repealed: *Provided*, that the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate nor make void any proceedings legally had or done, or commenced under the same; but the same shall be prosecuted to judgment and execution, as though the said act or acts were not repealed: *And provided also*, that no section, proviso, or part of this act shall be considered as valid or operative until the legislature of Pennsylvania shall approve of the same, by enacting a similar section, proviso, or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved shall immediately go into full force and effect.

Former acts repealed.

Proviso.

Proviso.

Act to be sent
to governor
of Pennsylvania.

SEC. 6. *And be it enacted*, That the governor of this state is hereby requested to transmit an attested copy of this act to the governor of the state of Pennsylvania, requesting him to submit it to the legislature of that state.

Passed February 15, 1833.

AN ACT TO ENABLE THE ADMINISTRATORS OF WILLIAM M. CROWELL, DECEASED, TO EXECUTE A CONTRACT MADE BY HIM FOR THE SALE OF REAL ESTATE.

AN ACT to enable the administrators of William M. Crowell, deceased, to execute a contract made by him for the sale of real estate.

Preamble.

WHEREAS William M. Crowell, late of Perth Amboy, in the county of Middlesex, deceased, did, by writing under his hand and seal, dated the twenty-first day of March, in the year of our Lord eighteen hundred and twenty-six, covenant and agree to sell and convey unto one Abraham Bloodgood, for the sum of six hundred and forty-five dollars, a certain lot of land and premises, herein after mentioned, under which agreement the said Abraham Bloodgood has ever since occupied the said premises, and paid part of the consideration money.—AND WHEREAS the said William M. Crowell has since died without executing and delivering a deed for the same, and that Lewis Campbell and Thompson Crowell have been duly appointed administrators of his estate, and have prayed the aid of the legislature to enable them to execute the said agreement—Therefore,

Administrators of W. M. Crowell empowered to make deed for land to A. Bloodgood.

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 Lewis Campbell and Thompson Crowell, administrators of said William M. Crowell, deceased, be, and they are hereby authorized, in fulfilment of said agreement, to make, execute, and deliver unto the said Abraham Bloodgood a good and sufficient deed, conveying unto the said Abraham Bloodgood, and his heirs and assigns, all the title, interest, and estate of which the said William M. Crowell died seized, and in the lot of land and premises, with the privileges and appurtenances to the same belonging, in the said agreement named, situated in Perth Amboy, and bounded on the north by land formerly belonging to the widow Simon, and now owned by Smith Martin; on the east, by Amboy Bay; on the south, by land of Abraham Webb; and on the west, by land formerly belonging to estate of Austin Benton, deceased, together with all the right, title, claim, and demand of the said William M. Crowell, at the time of his death, of, in, and to the water rights and privileges in front of, and appendant to, the said premises, which said deed the said administrators are authorized to de-

liver, upon the receipt, by them, of that part of the consideration money, with interest, which remained unpaid at the time of the death of the said William M. Crowell; and which money the said administrators are hereby directed to account for according to law, as a part of the personal estate of the said William M. Crowell, deceased.

Passed February 16, 1833.

AN ACT TO INCORPORATE THE CAMDEN NEW JERSEY BENEVOLENT SOCIETY.

AN ACT to incorporate the Camden New Jersey Benevolent Society.

WHEREAS a number of citizens of the county of Gloucester, in this state, residing in the city of Camden and its vicinity, have formed themselves into an association, or society, to which they have given the name of "the Camden New Jersey Benevolent Society," the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness, age, casualty or other cause, be rendered incapable of attending to their usual trade or calling, and also towards the decent interment of deceased members, or the deceased wives of members.—AND WHEREAS the said society have, by their petition presented to the legislature, prayed to be incorporated—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 Isaac Cole, Richard Fetters, John Richardson, John Fetters, Ledden Davis, Chester Chattin, Ezekiel Hall, Andrew Jenkins, Doctor Thomas Lee, William Fortiner, Achilles Betts, George Bender, John Johnson, and all such other persons, not exceeding four hundred, as now are, or hereafter shall become members of the aforesaid association or society, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Camden New Jersey Benevolent Society," and, by such name, they shall have succession and continuance, 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 law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their name as aforesaid, under their common seal, may make, enter into, form, and execute any contracts Style of incorporation.
Powers.

or agreements relating to, touching, and concerning the objects of said incorporation.

Time and
manner of
electing offi-
cers.

Vacancies,
how filled.

Proviso.

Property vest-
ed in the com-
pany.

Amount
thereof limit-
ed.

May make
constitution
and by-laws.

SEC. 2. *And be it enacted*, That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president, vice-president, treasurer, secretary, assistant secretary, four stewards, four directors, and two messengers, with such additional officers and assistants as may hereafter be deemed necessary, who shall hold their respective offices for one year from the time of their election, or until others shall be elected in their room; and that such elections shall be held at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct; and that all the aforesaid officers shall be elected by ballot, by a majority of the members present at such elections; and that in case any vacancy or vacancies shall occur in either of the said offices, by death, resignation, or otherwise, such vacancy or vacancies shall and may be filled, for the remainder of the term in which they shall respectively happen, by a special election for that purpose, to be held in the same manner as the said annual elections, and at such place and time as shall be appointed by the constitution and by-laws of said corporation: *Provided*, that nothing in this act shall in any manner prejudice the appointment of officers hitherto made by the said society, and whose term of office is not yet expired; but that they shall be deemed and held, and are hereby declared to be officers thereof, until the expiration of the time for which they were elected, respectively, or until others shall be elected or appointed in their room, as aforesaid.

SEC. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body politic and corporate hereby constituted; which said body politic and corporate shall, by the name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same: *Provided*, that the clear yearly value or income of the real or personal estate of the said corporation shall not exceed the sum of two thousand dollars.

SEC. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time to alter, amend, or change, as by them may be deemed expedient, such general form of a constitution and such by-laws, for the transaction of business, and for effecting the purposes of the association aforesaid, as to the members of the said society, or the major part of them, duly met, shall be deemed right and proper: *Provided*, that nothing in

the said constitution or by-laws be repugnant to the constitution and laws of the United States or of the state of New Jersey.

SEC. 5. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of members or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble, as well in this, as in the foregoing sections of this act: and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act:

Exclusive objects of incorporation.

SEC. 6. *And be it enacted*, That it shall be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

Act may be altered or repealed.

Passed February 16, 1833.

AN ACT to incorporate the American Print Works.

WHEREAS Andrew Gray hath, by his petition to this legislature, represented that he is the proprietor of an extensive and valuable bleaching, printing, and dyeing establishment, located at Belleville, in the county of Essex; and that, by reason of the great extent of said establishment, and the large capital required to carry on the same with advantage, it is inconvenient and difficult to be managed by one individual; and praying the legislature to incorporate the said Andrew Gray and his associates for that purpose: and it appearing to the legislature that the prayer of the petitioner is reasonable, and that the encouragement of manufactures is calculated to promote the public good—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 Andrew Gray, George Harden, William Johnson, and William Smith, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate, in this state, by the name and style of "the American Print Works," for the purpose of bleaching, printing, and dyeing woollen, cotton, and other kinds of goods, and that, by that name, they and their successors shall have power and

Style and objects of incorporation.

Not to engage
in banking.

Time and
mode of elect-
ing directors.

continue to be a body politic and corporate, and be capable, in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall, in law, be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares, and merchandise, whatsoever, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to the said corporation in satisfaction of debts previously contracted in the course of dealings, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof, shall not be, applied, used, or employed, at any time, in banking operations.

SEC. 2. *And be it enacted*, That the stock, property, concerns, and business of the said corporation shall be managed and conducted by five directors, being stockholders, who shall hold their offices for one year from the first day of May in every year; and that the said directors shall be elected on the fourth Tuesday of April in every year, at such time of the day, and at such place, as shall be fixed by the by-laws of the said corporation for that purpose; and public notice shall be given of the time and place of holding every such election, at least twenty days previous thereto, by an advertisement, to be inserted in one or more of the public newspapers printed and published nearest the place where the manufacturing establishment of said corporation shall be located, and also in one or more of the public newspapers printed and published in the city of New York; that such elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; that all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said corporation, and the persons having the greatest number of votes, being stockholders, shall be the directors; and if it shall happen, at any such election, that any two or more persons, legally qualified for directors, shall have an equal number of votes, there not being the number of five that have a plurality of votes, when the said number of five have not been elected, that then the said stockholders shall, in manner aforesaid, proceed to ballot a second time, and, by a plurality of votes, determine which of the persons having an equal number of votes shall be the director or directors, so as to complete the whole number of five.

SEC. 3. *And be it enacted*, That the said directors, as soon

as may be after their election, shall proceed to elect, by ballot, one out of their number to be their president, and shall, in like manner, at the same time, elect a secretary of the said corporation; and if any vacancy or vacancies shall at any time happen in the direction of said corporation, by the death, removal, or resignation of the directors elected, or by any other means, then such vacancy or vacancies shall be filled, until the next election, by such person or persons as the remaining directors, or a majority of them, shall appoint.

SEC. 4. *And be it enacted*, That the first directors of the said corporation shall be Andrew Gray, James Speer, George Harden, William Johnson, and William Smith, and that they shall hold their offices until the first day of May, in the year of our Lord one thousand eight hundred and thirty-three, and shall, as soon after the passage of this act as is convenient, proceed to elect, by ballot, one out of their number to be their president.

First directors.

SEC. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause, or for any non user, be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election for directors, in such manner as shall be provided for by the by-laws and ordinances of said corporation, of which election the same notice shall be given as is herein before provided and directed; and the directors last elected shall, in all cases, hold their offices until others are appointed in their stead.

Corporation not dissolved for failure of electing on day prescribed.

SEC. 6. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred thousand dollars, and shall be divided into shares of one hundred dollars each; but it shall nevertheless be lawful for said corporation, when and so soon as the sum of one hundred thousand dollars shall have been subscribed, paid, or satisfactorily secured to be paid, to commence business, and with capital to conduct and carry it on, until they shall deem it expedient to extend their capital, which they are authorized to do from time to time, to the said sum of two hundred thousand dollars; and that it shall be lawful for the directors of said corporation to call and demand from the stockholders, respectively, all sums of money by them subscribed, to be paid at such times and in such proportions as the said directors shall see proper, under the pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice requiring such payments shall have been published for that time in one or more of the public newspapers printed and published nearest the place where the manufacturing establishment of said corporation shall be located, and also in one or more of the public newspapers printed and published in the city of New York.

Amount of capital.

Stock forfeited on failure to pay installments.

Stock to be
deemed per-
sonal estate.

Proviso.

Powers of di-
rectors.

Proviso.

Book open to
inspection of
stockholders.

Limitation of
charter.

Act may be
altered or re-
pealed.

SEC. 7. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation, and that the directors shall and may make such dividends to and amongst the stockholders as they shall see fit and expedient: *Provided always*, that no dividend shall at any time be made, except from and out of the clear profits of the 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 and concerns of the said corporation, and shall have power to make such by-laws, rules, and regulations for the government of said corporation, and for the management and disposition of its property, stock, effects, and concerns, and touching the employment of their clerks, agents, servants, and workmen, their salaries and allowance, and their regulation and government, as shall seem to them necessary and expedient: *Provided* such by-laws, rules, and regulations shall not be contrary to, or inconsistent with, the constitution and laws of the United States or of this state.

SEC. 9. *And be it enacted*, That the directors of the said corporation shall at all times keep, or cause to be kept, at their manufacturing establishment, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall, at all times, be open for the inspection of the stockholders, their lawful agents, or attorneys; and 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.

SEC. 10. *And be it enacted*, That this act shall be, and continue in force for and during the term of twenty years from the passing thereof, and from thence until the end of the next session of the legislature, and no longer: *Provided always*, that the legislature may, at any time during that period, repeal, amend, or alter this charter, at their will and pleasure.

Passed February 16, 1833.

A Supplement to an act entitled, "An act to incorporate the Dundee Manufacturing Company, in the county of Bergen," passed March fifteenth, eighteen hundred and thirty-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 the said company, for the purposes mentioned in the second section of the act to which this is a supplement, may buy, rent, take, and hold, or otherwise seize and become possessed of and hold all such lands, tenements, and water-power, and other real and personal estate, in the county of Essex, as may be necessary and useful for the purposes aforesaid, and the same may convey, sell, let, or otherwise dispose of as they shall deem proper.

Company may hold lands in the county of Essex.

SEC. 2. *And be it enacted,* That the directors of said company shall have power to declare forfeited to said company the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the installments upon their respective stock, as shall be required by said directors, in manner prescribed in the first section of said act: *Provided* the said installments shall remain unpaid for the space of thirty days after the time appointed by said directors for the payment thereof.

Stock forfeited on failure to pay installments.

SEC. 3. *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 the act to which this is a supplement is required 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 or choose directors, in like manner as if the said directors had given notice as by the said act is required; and if at any election for directors two or more persons voted for as directors 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.

Regulations respecting election of directors.

Vacancies how supplied.

SEC. 4. *And be it enacted,* That it shall not be lawful for the said company in any way to withdraw, divide, or pay to the stockholders any part of the capital stock of said company, nor to reduce the said capital stock, without the consent of the legislature.

Capital stock not to be divided or reduced.

Passed February 18, 1833.

AN ACT appointing trustees to sell and convey the real estate of William C. Elmendorf, deceased.

Preamble.

WHEREAS William C. Elmendorf, late of the county of Somerset, died seized of certain real estate, in the counties of Hunterdon and Somerset, leaving a widow and five children, all of which children are under the age of twenty-one years; and whereas the said property is so situated, as to be incapable of division, and cannot be sold in the ordinary way, by commissioners appointed by the Orphans' Court, without great detriment to those interested; and it is expedient that parts of the property should be sold at this time, and that other parts should be leased until they can be disposed of to advantage; and the widow of the said decedent, in behalf of herself and her orphan children, having requested aid in the premises, and that trustees may be appointed for the purposes aforesaid—now therefore,

Trustees empowered to sell real estate of W. C. Elmendorf, 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 James B. Elmendorf and Peter D. Vroom, be, and they are hereby appointed trustees, with full power and authority to sell for the best prices they can obtain for the same, all or any part of the said premises, of which the said William C. Elmendorf, died seized, in the state of New Jersey, at such time or times, and in such mode as they may deem most advantageous for those interested; and for the same or any part or parts thereof, when so sold, to make and execute good and sufficient conveyances in the law; which said conveyances executed by the said trustees, or the survivor of them, shall vest in the purchaser or purchasers, all the estate, right, title, and interest, which the said William C. Elmendorf had at the time of his death, in the premises so sold and conveyed as aforesaid; and also, that the said trustees, or the survivor of them, shall have power and authority to demise and lease such part or parts of said premises as may remain unsold, until the same shall be disposed of.

How proceeds of sales to be applied.

SEC. 2. And be it enacted, That the said trustees, or the survivor of them, shall keep a just and true account of such sale or sales as they shall make by virtue of the authority hereby granted; and after deducting the expenses attendant on the execution of this trust, shall invest the same in good and sufficient securities upon interest, for the benefit of the said widow and minors; the said widow to receive to her own use during her natural life, and in lieu of her right of dower, the one third part of the interest of the said proceeds; and the other two thirds thereof to be paid annually to the guardian or guardians of the said minor children, until they respectively come of lawful age; and then that the said trustees, or the survivor of them, shall pay to each of them, so

arriving at lawful age, his or her distributive share of the principal remaining in their hands.

SEC. 3. *And be it enacted*, That the said trustees shall also keep a just and true account of all the moneys that may be received, by way of rent, for the use and occupation of any portion or portions of said property; and shall pay over the net proceeds thereof to the widow, and to the said minors or their guardians, according to their respective rights and interests therein. Application of rents.

SEC. 4. *And be it enacted*, That before the said trustees shall enter upon the execution of the trust hereby confided to them, they shall give bond to the governor of this state, in such sum and with such security as shall be directed and approved of by the surrogate of the county of Somerset, conditioned for the faithful performance of the said trust; which bond shall be filed of record in the office of the said surrogate, for the benefit of all parties interested. Trustees to give bond.

Passed February 18, 1833.

AN ACT to authorize William Brewer and David B. Morgan, administrators of Edmund Brewer, deceased, to execute a certain contract therein named.

WHEREAS it appears that Edmund Brewer, late of the county of Gloucester, and state of New Jersey, in his life time, entered into a written agreement with Richard Davis, to sell and convey to him two certain tracts or lots of land, situate in the county of Gloucester, being the same lots which the said Edmund Brewer, deceased, purchased of Jonathan Morgan, by deed dated seventh November eighteen hundred and fourteen, and now in the possession of the said Richard Davis, and that the consideration money has been paid by the said Richard Davis to the said Edmund Brewer, in his life time—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 William Brewer and David B. Morgan, administrators of Edmund Brewer, deceased, be and they are hereby authorized and empowered, to make a deed of conveyance unto the said Richard Davis, for the above mentioned lots of land, according to the terms of the said agreement; which shall have the same force and effect, as a deed from the said Edmund Brewer, in his life time, would have had. Administrators of Edmund Brewer empowered to make a deed for lands to Richard Davis.

Passed February 18, 1833.

AN ACT to incorporate the Union Beneficial Society of the county of Salem.

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 Nathaniel Bobbins, James Smashey, George C. Rumsey, John W. Challis, David E. Williams, Thomas Sayre, John P. McCune, Thomas E. Mulford, John P. Cooper, Maskell Mulford, Nathan D. Pew, William P. Mulford, Isaac Sutton, Enoch S. Reed, Samuel Mulford, Mark Riley, William Burnhart, and all such other persons as now are, or hereafter shall become associates of the Union Beneficial Society of the county of Salem, 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 Union Beneficial Society of Salem.

Powers.

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.

Amount of capital stock and its application.

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

Election of officers.

SEC. 4. *And be it enacted,* That the said corporation shall have power to elect annually, out of their own body, a president and such other officers and assistants as shall be necessary for conducting the affairs of said corporation according to their constitution: and the president shall keep in his custody the common seal of said corporation, and deliver it at the expiration of his term of office, to his successor.

Delinquent members may be sued.

SEC. 5. *And be it enacted,* That the constitution and by-laws of 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.

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.

Passed February 19, 1833.

AN ACT to incorporate the Manufacturing Company of Clinton, 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 John W. Bray, John B. Taylor, and such other person or persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted, and declared to be a body politic and corporate in fact, name, and law, by the name and style of "the Manufacturing Company of Clinton, New Jersey," for the purpose of establishing and carrying on manufactures of iron, wool, cotton, flax, flaxseed, and other articles of American growth or production, at, or in the vicinity of Clinton, in the county of Hunterdon; and by that name, they and their successors shall and may have continual succession, and be persons capable in law of contracting and being contracted with, 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, causes, complaints, and matters whatsoever; and may have and use a common seal, and make, alter, change, and renew the same at pleasure; and that they and their successors by the same name and style, shall be capable of purchasing, holding, using, and conveying, any estate real or personal, for the use of the said corporation: *Provided*, that the real estate to be purchased and holden by the said corporation, shall be such only as is now owned by Archibald S. Taylor, at and in the vicinity of Clinton, aforesaid, or as may be necessary for the purposes of carrying on the manufacturing operations for which this incorporation is established, and such other, as 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 its dealing, or purchased at sales upon judgments, or decrees, which shall have been obtained for such debts.

Style of incorporation.

Powers.

Proviso.

SEC. 2. *And be it enacted*, That the capital stock of the said corporation, shall be one hundred and twenty thousand dollars, which shall be divided into shares of one hundred dollars each, but it shall nevertheless be lawful for the said corporation, when, and so soon as twenty thousand dollars, of the said capital stock shall have been subscribed and paid, to commence their business; and with that capital, conduct and carry it on, until they shall find it expedient to extend their capital, which the president and directors of said company, are authorized to do from time to time, by receiving new subscriptions to their capital stock, to the amount herein before mentioned, and it shall be lawful for the president and directors of said company for the time being, to call in and demand

Amount of capital stock.

Stock forfeited on failure to pay installments.

from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions, as they shall deem proper, upon pain of forfeiting the shares of said stockholders, on which default shall be made, and all previous payments thereon, if such payments shall not be made within sixty days after notice, requiring such payment, shall have been given in one or more newspapers published in the county of Hunterdon and in the city of New York.

Commissioners to receive subscriptions.

SEC. 3. *And be it enacted*, That John W. Bray, John B. Taylor, and Peter H. Huffman, shall be commissioners, whose duty it shall be, to open books to receive subscriptions to the capital stock of the said corporation, in the first instance, at some suitable place in the county of Hunterdon, upon giving twenty days notice in two or more of the newspapers published in this state, of the time and place of opening such books; and also, of the amount of the first installment, then to be paid; and as soon as stock to the amount of twenty thousand dollars, shall be subscribed, it shall be the duty of the said commissioners, to give a like notice for the meeting of the stockholders, to choose five directors; and the said commissioners shall be inspectors of the first election of directors of said company; and shall certify under their hands, the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities received for subscriptions; and the said commissioners shall appoint the time and place of holding the first meeting of directors.

Qualifications of directors.

SEC. 4. *And be it enacted*, That the stock, property, business, and affairs of the said corporation, shall be managed and conducted by five directors, who shall at all times during their continuance in office, be citizens of the United States, and stockholders in the said company, in their own right, to the amount of at least five shares; and the said directors shall be elected on the last Monday in April, in each year, and shall hold their offices for one year, and until others shall be elected in their stead, which election shall be held at such hour of the day, and at such place as the board of directors for the time being, shall appoint, under the inspection of three stockholders, not being directors, to be appointed by the board of directors previous to every such election, and such election shall be made by ballot and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of said stock; but no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election; of which election, public notice shall be given, in two of the newspapers printed in this state, at least twenty days next preceding such election.

Mode of election.

Corporation not dissolved on failure to elect on day prescribed.

SEC. 5. *And be it enacted*, That if it should at any time happen that an election of directors should not be made on any 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 it shall be lawful on any other day, to hold and make an election of directors, in such manner as shall have been prescribed by the by-laws of the said corporation.

SEC. 6. *And be it enacted*, That the directors first chosen, or that may thereafter be chosen, shall, as soon as may be, after their election, meet and proceed to choose one of the said directors to be president; who shall preside until the next annual or other election, to be holden thereafter; and in case of the death, resignation or inability to serve, of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year, or until the next election, by the directors, for the time being, or a majority of them; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide.

President to
be chosen.

Vacancies,
how supplied.

SEC. 7. *And be it enacted*, That the said president and directors, for the time being, or a majority of them, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation; the management and conducting the business of the said corporation, and all matters appertaining thereto; the transfer of shares of the stock, the election and meetings of the directors, the powers and conduct of the officers and servants of said corporation, and such by-laws, rules and regulations, at their discretion, to repeal, alter or modify: *Provided*, that such by-laws rules or regulations shall not be repugnant to the constitution and laws of this state, or of the United States; and the board of directors for the time being, or a majority of them, shall have power to appoint a secretary, and such and so many managers, foremen, officers, clerks and servants, as they shall deem necessary for the well conducting and carrying on of their business, and regulate their salaries, wages and allowances; and may, at their discretion, remove and discharge from their employ, any such managers, foremen, officers, clerks, servants, or other persons engaged in said factories, and supply their places by the employment of others in their stead.

Powers and
duties of di-
rectors.

SEC. 8. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind shall be deemed personal property; and the shares of stock in the said company shall be transferable only on the books of the company to be kept by the president and directors for that purpose, in the presence of the president or one of the directors, or the secretary of said company, in such manner as

Stock, per-
sonal proper-
ty.

Mode of
transferring.

shall be prescribed by the by-laws of said company; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at a future day, such stockholder shall not be entitled to make any sale, conveyance, or transfer of his stock in the said corporation, or to receive a dividend thereon, until such demand shall be paid or secured to the satisfaction of the board of directors; and unless such claim or demand shall be paid, or secured to be paid, in manner aforesaid, within three months after the same shall become due, then such stock of any such debtor, or so much thereof as shall be sufficient for the purpose, may be sold by the said corporation, for the highest and best price that can be obtained for the same, and transferred to the purchaser by the president for the time being, in the presence of one of the directors or the secretary of said corporation, and the proceeds applied towards the satisfaction of such claim or demand.

Books open
to inspection
of stockhold-
ers.

SEC. 9. *And be it enacted*, That the president and directors shall at all times keep a book or books, in which shall be entered all the proceedings of the stockholders at their annual or other meetings, and all the proceedings of the board of directors; and they shall also keep, at their manufactory, books of account, in which shall be regularly entered all the transactions and accounts of the said corporation; which books shall be subject at all times, in business hours, to the inspection of the stockholders of the company; and the president and directors shall from time to time, as to them shall seem meet, make and declare dividends of such parts of the clear profits resulting from the business of the said corporation, as they shall deem expedient.

Capital not to
be employed
in banking.

SEC. 10. *And be it enacted*, That the corporation hereby created shall not engage in, or carry on, or employ any part of their capital stock in banking operations.

Limitation of
act.

SEC. 11. *And be it enacted*, That this act shall be and continue in force until the first day of November, one thousand eight hundred and fifty-three, and no longer: *Provided always*, that upon any violation of, or departure from the provisions of this act by the said company, the legislature may, at any time after, modify or repeal the same.

Passed February 19, 1833.

AN ACT to authorize the sale of the real estate of Joseph Thickston, deceased.

WHEREAS it appears that Joseph Thickston, late of the county of Middlesex, and state of New Jersey, deceased, died seized of certain real estate in the county and state aforesaid, without leaving any last will and testament, and leaving five children, to wit, Rebecca Bloodgood, wife of Samuel Bloodgood, Mary Munday, wife of Michael Munday, Elizabeth Dunham, Azariah Thickston and John Thickston, his heirs at law him surviving, to whom the said lands descended.—AND WHEREAS, since the death of the said Joseph Thickston, the said John Thickston has also departed this life, leaving three children, to wit, David Thickston, Edward Thickston, and Jane Thickston, his heirs at law, the two latter of whom are minors and under the age of twenty-one years, to whom the undivided share of the said John in the said real estate of said Joseph has descended.—AND WHEREAS it appears, also, that it would be for the interest of all persons concerned in said lands, that the same should be sold—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 David Mercereau and Henry Stevenson be, and they are hereby appointed trustees, with full power to sell and dispose of all the land, with the appurtenances, belonging to the said Joseph Thickston at the time of his death, for the best price that can be obtained for the same, at public vendue, first giving notice thereof, as executors and administrators, by law, are required to do, and report such sale to the next subsequent orphans' court of the county of Middlesex, for confirmation and allowance; and, on said court approving the same, to make and execute a good and sufficient deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and to apply the moneys arising from such sale, after deducting a reasonable compensation for their services and their reasonable and necessary expenses, to be allowed by the said orphans' court out of the same, to the payment of the respective shares of the several owners in said lands, according to their several and respective rights under the statute of descents.

Trustees empowered to sell real estate of J. Thickston, dec.

SEC. 2. And be it enacted, That before the said David Mercereau and Henry Stevenson shall enter upon the trust reposed in them by this act, they shall enter into a bond to the governor of this state, with such securities and such amount as shall be approved of by the surrogate of the said county of Middlesex, conditioned for the faithful performance of the trust reposed in them by this act; which bond shall be deposited in the office of said surrogate.

To give bond.

SEC. 3. And be it enacted, That the said David Mercereau and Henry Stevenson shall, within six months after the sale of

To account to the surrogate of Middlesex.

said lands shall be completed, make out and exhibit, under oath, unto the surrogate of said county of Middlesex, a true statement of the amount of said sale, to be by him recorded and filed in his office, agreeably to law; and that the said David Mercereau and Henry Stevenson shall be accountable for all moneys received by them by virtue of this act.

Passed February 21, 1833.

AN ACT authorizing trustees to sell certain real estate, whereof Benjamin Hendrickson died seized.

Preamble.

WHEREAS Benjamin Hendrickson, of the township of Trenton, in the county of Hunterdon, and state of New Jersey, lately departed this life intestate, seized, in fee-simple, of and in a certain tract of land, situate in the township of Trenton aforesaid, containing seventy-five acres, more or less, leaving Phebe Hendrickson, his widow, and Israel Hendrickson, Elijah Hendrickson, Letitia Hendrickson, Sarah Hendrickson, Matilda Hendrickson, Cornelia Hendrickson, Elizabeth Hendrickson, Charity Hendrickson, Marsha Hendrickson, Benjamin Hendrickson, and Julia Hendrickson, his heirs at law; which said Matilda, Cornelia, Elizabeth, Charity, Marsha, Benjamin, and Julia are minors, under the care of their mother Mary Hendrickson.—AND WHEREAS the said Phebe Hendrickson, Israel Hendrickson, Elijah Hendrickson, Letitia Hendrickson, Sarah Hendrickson, and Mary Hendrickson have, by their memorial, represented to the legislature, that it is for the interest of all the parties concerned, and especially for the interest of the said infant heirs, that a sale of the said premises should be effected with all convenient speed, and thereby prayed that trustees may be appointed to sell the same; and the prayer of the said memorialists appearing to be reasonable and proper—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 Israel Hendrickson and Elijah Hendrickson, and the survivor of them, be, and they are hereby appointed trustees, to sell and convey all and singular the real estate whereof the said Benjamin Hendrickson died seized, situate in the township of Trenton aforesaid, in the manner, and upon giving such notice of said sale or sales as is required by law in case of sales of real estate by executors or administrators by virtue of an order of the orphans' court; and, when sold, to make, ex-

Trustees empowered to sell real estate whereof B. Hendrickson died seized.

ecute, and deliver, in their own names, or in the name of the survivor of them, as trustees or trustee as aforesaid, good, legal, and sufficient deed or deeds of conveyance for the said real estate; which said deed or deeds shall convey to, and vest in the purchaser of the said real estate all the right, title, interest, property, claim, and demands which the said Benjamin Hendrickson had therein at the time of his death, and which the widow and heirs at law of the said Benjamin Hendrickson now have in the same.

SEC. 2. *And be it enacted*, That the said trustees, and the survivor of them, shall keep a full, fair, and just account of the sale or sales by them made under this act, with the costs and expenses thereof, and exhibit the said account, under oath or affirmation, to the orphans' court of the said county of Hunterdon within six months after such sale or sales shall be made, to be approved by the said court, and to be recorded and filed by the surrogate of said county; and the said trustees or trustee, after deducting from the proceeds of such sale or sales all legal costs and expenses, and such reasonable commissions as shall be allowed by the said court, together with such compensation as shall be agreed upon with the said Phebe Hendrickson for her right of dower in said premises, shall pay unto the heirs of the said Benjamin Hendrickson, who shall have attained the age of twenty-one years, such part, share, and portion of the balance of said proceeds as the said heirs are respectively entitled to in the said lands and premises under the laws of this state directing the descent of real estate, and shall pay the residue thereof to the guardian or guardians of the minor heirs of the said Benjamin Hendrickson, deceased, to be divided among them in like proportion; or if there be no guardian of the said minor heirs, then the said trustees or trustee shall place the said residue at interest, on good security, and pay the same, with the interest that shall accrue thereon, to the said minor heirs, as they severally attain the age of twenty-one years, according to their respective shares, as aforesaid.

SEC. 3. *And be it enacted*, That the said Israel Hendrickson and Elijah Hendrickson shall, before entering upon the execution of the trust reposed in them by this act, enter into bond, unto the governor of this state for the time being, in such sum, and with such security, as the surrogate of the said county of Hunterdon shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the office of the said surrogate, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state for the time being to cause the same to be prosecuted in any court of record, at the request and for the benefit, and at the proper costs and charges, of any person or persons aggrieved by such forfeiture.

SEC. 4. *And be it enacted*, That no sale or conveyance of

To account to
orphans' court
of Hunterdon

How proceeds
of sales to be
applied.

Trustees to
give bond.

Rights of others not affected.

the said real estate, under and by virtue of this act, shall impair or in any wise affect the rights or interests of any person or persons whatever, other than the widow and heirs at law of the said Benjamin Hendrickson, deceased, and those claiming under them, or either of them.

Passed February 21, 1833.

RECEIVED - JANUARY 21 1833

AN ACT to incorporate the Manasquan River and Barnegat Bay Canal Company.

Preamble.

WHEREAS it has been represented to the legislature of the state of New Jersey, that a canal from or near the mouth of the Manasquan river to the head waters of Barnegat bay, in the township of Howell, and county of Monmouth, for the passage of scows, schooners, and other small craft, would greatly facilitate intercourse, and essentially promote the prosperity of that part of the state—Therefore,

Commissioners to receive subscriptions.

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 Osborn, Enoch Cotterell, Ezekiel H. Johnson, Richard S. Bunn, and Aaron Remson, of the county of Monmouth, be, and hereby are appointed commissioners to receive subscriptions to the capital stock of "the Manasquan River and Barnegat Bay Canal Company," at such times, (within six months from the passage of this act) and at such places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of the books, by publishing the same in a newspaper printed in this state, and circulated in the said county of Monmouth.

Amount of capital stock.

SEC. 2. And be it enacted, That the capital stock of said company shall consist of five hundred shares, at ten dollars each; and that two dollars and fifty cents shall be paid on each share, at the time of subscribing; and that the residue of such subscription shall be paid in such installments, and at such times and places, and to such person, as the president and directors of said company shall from time to time direct and give public notice of: *Provided*, that no installment to be called for shall exceed two dollars and fifty cents on each share: *And provided also*, that if the number of shares subscribed for shall exceed the number authorized by this act, the said commissioners shall apportion the said stock among the subscribers in the proportion of the number of shares by them respectively subscribed.

Proviso.

Proviso.

SEC. 3. *And be it enacted,* That as soon as the sum of twenty-five hundred dollars shall be subscribed, the persons subscribing or holding the same shall be, and hereby are incorporated into a company, by the name of "the Manasquan River and Barnegat Bay Canal Company," and, by that name, shall become capable of purchasing and holding, or otherwise becoming possessed of, and conveying real and personal estate, and shall have all other powers and privileges incident to a body corporate and politic, and necessary to carry into effect the purposes of this act; and, as soon as the said twenty-five hundred dollars shall be subscribed as aforesaid, it shall be the duty of the said commissioners, or the majority of them, or the survivors of them, to call a meeting of the subscribers at such convenient place in the said township of Howell, as they shall direct, giving at least twenty days' notice of the time and place of such meeting, in the manner herein directed with regard to opening the books; at which meeting the subscription books shall be laid before the stockholders who may be present, who shall proceed to elect, by ballot, from among the subscribers, five directors, to manage the affairs of said company, who shall hold their office for one year and until others are elected in their place, of which election the said commissioners shall be the judges; and at the expiration of one year, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall hold their office in manner aforesaid; and, at every such election, each stockholder may vote in person or by proxy, and shall have as many votes as he, she, or they have shares of stock: *Provided,* that no stockholder shall have more than ten votes.

Style of incorporation.

Time and mode of electing directors.

Proviso.

SEC. 4. *And be it enacted,* That within twenty days after the first and every annual election of said company, the said directors shall choose one of their number as president of said company, who shall hold his office for one year, who shall preside at all meetings of the board of directors, a majority of whom shall always constitute a quorum for the transaction of business; and the said directors shall also, within the time aforesaid, elect and choose a treasurer of said company, who shall hold his office during the pleasure of the board of directors, and who shall, before he enters upon the duties of his office, enter into bond to the said president and directors, with sufficient sureties, for the faithful performance of his office; and the said directors shall have power to supply all vacancies occasioned in the board, by death or otherwise; and at every annual election, after the first, to choose two discreet and impartial men as judges of said election.

President to be chosen.

Vacancies, how filled.

SEC. 5. *And be it enacted,* That it shall and may be lawful for the said company, as soon as they are organized in manner aforesaid, to construct a canal or artificial navigation from or near the mouth of Manasquan river to the head waters of Bar-

Location and size of canal.

Com. may
take lands, by
compensat-
ing owners.

Proceedings
when compa-
ny and own-
ers of lands
cannot agree
on the value.

Proviso.

negat bay, at Layton's pond or ditch, in the township and county aforesaid, upon such line or route as the said company may deem most advantageous; which canal shall not exceed forty feet in width at the water line, and five feet in depth; and, for that purpose, it shall be lawful for said company, by their president and directors, or any agent, engineer, or superintendent, to enter upon and explore any land lying between the points above mentioned, or adjacent thereto, doing no unnecessary damage; and when the route of said canal shall be fixed, it shall be lawful for said company, by their agents, engineers, contractors, or other persons, to enter upon and take possession of such lands as may be necessary for the construction of said canal, by first paying such compensation to the owner or owners thereof as is herein after directed.

SEC. 6. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, and the damages sustained by such owner or owners; or when such agreement cannot be made by reason of the absence or legal disability of such owner or owners, it shall be lawful for the president and directors of said company, or the owner or owners of such lands, to apply to any three judges of the court of common pleas of the county of Monmouth aforesaid, who shall, on such application, appoint three of the board of chosen freeholders of said county, who are in no wise interested in the said lands or in the said company, who shall, after giving notice to the parties concerned of the time and place of meeting, proceed to examine the said lands, and appraise the value thereof, and the damages sustained by such owner or owners, and make report thereof, in writing, at the next subsequent term of the court of common pleas in and for said county; and the said canal shall pay all the cost arising by the report of the said freeholders; and if either party shall be dissatisfied with such report, and signify the same to said court, the said court shall, at the term subsequent to the term to which said report shall be made, order and direct a proper issue for the trial of the controversy between the parties, and impanel a jury for that purpose, who are to determine the same, upon evidence to be adduced by said parties; which determination shall be final and conclusive between the parties; and if the said jury shall find any greater sum than is reported by the said freeholders, then the said company shall pay the cost of such trial; and if they find a sum not exceeding the sum so reported, then the said owner or owners shall pay the cost of said trial: *Provided* the said trial is had at the instance of such owner or owners; and if the said trial is had at the instance of the said company, and the verdict of the jury shall not be less than the sum reported by the said freeholders, then the said company shall be at the cost of said trial; and if it be less than the sum reported, the said owner or owners shall pay the cost of such trial; and the

said owner or owners shall be entitled to recover the amount so found by the jury against said company, upon the payment of which, the title to said lands shall forthwith vest in said company.

SEC. 7. *And be it enacted*, That the said company shall erect, or cause to be erected, on said canal, one or more good and substantial locks or tide gates, which they shall maintain and keep in good repair, to stop the water from flowing through said canal, whenever they may think it necessary so to do: *Provided*, that in case Manasquan inlet should at any time shut or close up, then it is hereby made the duty of said canal company to keep their gates or locks shut so as to prevent the water from running through said canal into the bay, until said inlet shall be re-opened.

Tide gates to be erected.

SEC. 8. *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 the said canal, where any public, private, or by-road shall cross the same, so that the passage of carriages, horses, and cattle, on said roads, shall not be prevented thereby: and the said company shall make and keep in good repair all fences across the line of the said canal, where the same now are, and may hereafter be erected by the owner or owners of the land through which the said canal may pass.

Bridges to be erected where roads cross the canal.

SEC. 9. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure said canal, its locks, gates, or any other thing thereunto appertaining, or shall obstruct the navigation thereof, he, she, or they shall be liable to indictment, and fined and imprisoned, or both, at the discretion of the court, the fine not exceeding twenty dollars, nor the imprisonment three months, before whom he, she, or they shall be tried, and shall also be liable to make good all damages the company may sustain thereby.

Penalty for injuring works.

SEC. 10. *And be it enacted*, That, as soon as the said canal shall be completed, the said company are hereby authorized and empowered to demand and take a toll for passing through the same, at the following rates, that is to say:—

Rates of tolls.

For every scow or vessel without sails, at the rate of eight cents per ton.

For every sail boat or small craft, at the rate of ten cents per ton.

For every fish boat or skiff, twenty-five cents each.

SEC. 11. *And be it enacted*, That if any person or persons shall pass through said canal as aforesaid, without first paying the toll according to the rates aforesaid, he shall forfeit and pay to the said company a fine not exceeding forty dollars, to be sued for and recovered by action of debt, with costs, before any court having cognizance thereof.

Penalty for non-payment of toll.

SEC. 12. *And be it enacted*, That if any tollgatherer or agent, or any person acting under the authority of said company,

Penalty for taking unlaw-

ful tolls, or
hindering
passage of
vessel,

shall unnecessarily stop or hinder, or delay any boat, vessel, scow, or other craft that may navigate the same, or shall take more toll than by this act is authorized, he shall, for every such offence, forfeit and pay to the party injured the sum of twenty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, in the name, and for the use of the party injured.

Dividends to
be made.

SEC. 13. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper, of the net profits thereof, and shall semi-annually thereafter, if the affairs of said company will admit thereof, declare such further dividend or dividends, and pay the same to the stockholders of said company, in proportion to the amount of shares held by them respectively, or, in case they fail to do so, assign their reasons to the stockholders, in writing, for not doing so.

Public act.

SEC. 14. *And be it enacted*, That this act shall be deemed and taken as a public act, and, as such, taken notice of by all courts of justice in this state, without the necessity of pleading the same.

When char-
ter to be for-
feited.

SEC. 15. *And be it enacted*, That in case said company should neglect to have said canal completed at the expiration of five years from the date of the passage of this act, or should neglect for the space of two years after the same be completed, to keep the same in sufficient repair, that, in either case, this charter shall be annulled, and the title to the lands through which the said canal shall pass, be revested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, their heirs or assigns.

Passed February 21, 1833.

HOUSE OF REPRESENTATIVES

AN ACT to authorize John J. Van Saun, Abraham Kip, and Jacob J. Van Saun, the executors of Henry J. Van Saun, deceased, to sell certain real estate of their testator.

Preamble:

WHEREAS Henry J. Van Saun, late of the township of New Barbadoes, in the county of Bergen, deceased, did, by his last will and testament, dated the ninth day of February, in the year of our Lord one thousand eight hundred and twenty-nine, devise all his real estate unto his wife Mary Van Saun, until his youngest child should arrive at the age of twenty-one years, and after that to his sons, Jacob, John, and Henry, and to his daughters, Helena, Hester, Fanny,

and Maria, as tenants in common, his said sons to have each two shares thereof, and his said daughters each one share; AND WHEREAS a certain portion of the said real estate, being the farm purchased by the said Henry J. Van Saun of Jacob Van Saun, is now lying unproductive and useless to the said devisees, or any of them; AND WHEREAS if the same could be sold, the proceeds thereof might be vested to advantage to the great benefit of all parties interested therein; AND WHEREAS, the said executors are not authorized nor empowered by the said will to sell or convey real estate—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 be lawful for the said John J. Van Saun, Abraham Kip and Jacob J. Van Saun, executors as aforesaid, to make sale of the said real estate of their testator, being the farm situate in the township of New Barbadoes, in the county of Bergen, purchased by the testator, Henry J. Van Saun, in his life time, from Jacob Van Saun, and conveyed part by a deed of the said Jacob Van Saun, and Hester his wife, dated the twenty-fourth day of July, in the year of our Lord, one thousand eight hundred and two; and part by a deed from the said Jacob Van Saun, by a deed bearing date, the twenty-third day of March, in the year of our Lord, one thousand eight hundred and fifteen, as soon as conveniently may be at public vendue, giving public notice thereof, as in case of executors and administrators, for the highest sum that can be obtained for the same; and when sold, to make and execute in their names as executors, a good and sufficient deed of conveyance, according to the estate and title which the said Henry J. Van Saun, at the time of his death, had in and to the same.

Executors of
H. J. Van
Saun empow-
ered to sell
certain real
estate.

SEC. 2. And be it enacted, That the said executors shall distribute the proceeds of the said sale, after paying out of the same the expenses thereof, to the children of the said Henry J. Van Saun, in the same manner and proportion as the real estate is devised among them in the will of the said Henry J. Van Saun, deceased; and that the shares of Maria Van Saun, John Van Saun and Henry Van Saun, the minor children of the said Henry J. Van Saun, shall be paid to their respective guardians, such guardians first giving sufficient security to be approved of by the judges of the Orphans' Court of the county of Bergen, for the same, in the same manner as guardians are bound to give bond according to law, for the estates of their wards.

Distribution
of proceeds of
sales.

Passed February 21, 1833.

AN ACT to incorporate the New York and Bergen Dairy Company.

Preamble.

WHEREAS Robert Swartwout and others, associated as a company, under the name of the New York and Bergen Dairy Company, for the purpose of supplying the city of New York, with pure and wholesome milk, have, by petition, prayed to be incorporated—wherefore,

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 the said Robert Swartwout, David B. Ogden, William C. Holly, Henry Aaron, and Charles Kinsey, and their associates, shall be, and they are hereby constituted a body corporate, by the name and style of the New York and Bergen Dairy 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 of law and equity, and in all actions and matters whatsoever, and may have a common seal, and renew and alter the same at their pleasure, and by the same name shall be, and hereby are, made capable in law to purchase and enjoy to them and their successors, lands, tenements, and hereditaments, goods, chattels and effects, of what nature or kind soever, necessary for the purpose of this corporation, and the same to grant, demise, alien, or dispose of at pleasure, for the benefit of the said company and their legal representatives, in proportion to their respective shares.

Powers.

Objects for which real estate may be held.

SEC. 2. *And be it enacted*, That the lands and tenements which it shall be lawful for the said corporation to purchase and hold, shall be such only as may be deemed by them requisite and necessary for the purposes of carrying into effect the objects of this corporation, shall be located in the county of Bergen, and the original cost of which shall not exceed the sum of one hundred thousand dollars; but it shall nevertheless be lawful to take and hold any real estate or securities bona fide mortgaged or pledged to the said corporation, either to secure the payment of the shares of the capital stock, or to secure the payment of any debt that may be due to it; and also to purchase on sales made by virtue of any judgment at law or any other decree of a court of equity, or otherwise, to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said corporation, and to hold the same until they can conveniently sell and convert the same into money or personal property.

Limitation of amount.

Powers of the company.

SEC. 3. *And be it enacted*, That the corporation hereby created, shall have full power and authority to cultivate and improve their lands, dispose of their produce, erect suitable buildings for their accommodation, purchase the necessary stock of cattle and sell them at pleasure, and purchase and hold all necessary implements of husbandry, and establish and maintain a dairy.

SEC. 4. *And be it enacted*, That the capital stock of the said company, shall be one hundred and fifty thousand dollars, to be divided into shares of twenty-five dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as fifty thousand dollars on account of the said capital stock shall have been subscribed and paid in, or satisfactorily secured, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient from time to time to extend their capital to the amount herein before authorized.

Amount of
capital stock.

SEC. 5. *And be it enacted*, That all the affairs, concerns, and business of the said corporation, shall be managed and conducted by a president and four directors, or a majority of them, being stockholders, in the said company, and elected by them; the first election shall be held on the first Monday of October, in the year of our Lord, one thousand eight hundred and thirty-four; and every election for directors thereafter, shall be held annually on the first Monday of October, which election shall be by ballot, and decided by plurality of votes, under the direction of the president and directors of the corporation, or a majority of them; and each stockholder shall be entitled to one vote for each share of stock standing in his name: and until the first Monday of October, in the year of our Lord, one thousand eight hundred and thirty-four, the said Robert Swartwout, David B. Ogden, William C. Holly, Henry Aaron, and Charles Kinsey, shall be directors of the said corporation and shall continue to be directors until others shall be elected in their stead; and the directors who may from time to time be duly elected, shall continue in office, and hold over until others are duly elected in their place or stead.

Time and
mode of elect-
ing directors.

SEC. 6. *And be it enacted*, That the stock of the said company, shall be considered personal property, and shall be assignable and transferable according to such rules as the board of directors shall from time to time make and establish.

Stock to be
deemed per-
sonal estate.

SEC. 7. *And be it enacted*, That the said directors hereinbefore named, and those that may from time to time be duly elected, or a majority of them, shall as soon as may be convenient, after their election, appoint one of their number to be president, and the said president and directors, or a majority of them, shall have power to make all necessary rules and regulations for the government of their own board, and the time and mode of transacting business therein, the regulations of elections for directors and for the management of the concerns of the corporation; *provided* such rules and regulations are not inconsistent with the constitution and laws of the United States, and of this state, they shall have power to declare and make dividends of the profits resulting from the business of the said company; and also to appoint all such officers and agents as they or a majority of them may deem necessary for the purposes intended by this act; the first elec-

Election of
president.

Duties of
president and
directors.

Election to
be advertised.

tion for directors shall be held at Hoboken, in the county of Bergen, and all subsequent elections shall be held at such time and place within said county as the president and directors, or a majority of them, shall from time to time direct, and notice shall be given in at least one newspaper published in this state, and one in the city of New York, ten days prior to each election of directors, stating the time and place where such election will be held; at which election, each stockholder may vote in person or by proxy; *Provided always*, that in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, it shall be lawful on any subsequent day, upon such notice, and in such manner as the by-laws of the said company may prescribe, to hold an election of directors of the said company, and the directors so elected, shall proceed to choose a president as herein before directed.

SEC. 8. *And be it enacted*, That books of subscription to the capital stock of the company, shall be opened at such time and place and in such manner as may be designated by the directors, within ninety days after the passage of this act; that five dollars shall be paid upon each share of stock at the time of subscribing, and the remainder by installments or otherwise, upon a call of the president and directors, giving at least thirty days notice thereof, and that the shares of every stockholder, omitting to make such payment, shall be forfeited to the company with all previous payments made thereon.

Limitation of
charter.
Proviso.

SEC. 9. *And be it enacted*, That this act shall be and continue in force for and during the term of fifty years from the passing thereof, and from thence until the end of the next session of the legislature; *Provided always*, that the legislature may at any time during that period, repeal, amend, or alter this charter at their will and pleasure.

Passed February 21, 1833.

AN ACT to divorce William H. Schenck from his wife Angeline M. Schenck.

William H.
and Angeline
M. Schenck
divorced.

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 H. Schenck, of the county of Monmouth, be, and he is hereby divorced from his wife Angeline M. Schenck; and that the marriage contract heretofore existing

between them, the said William H. Schenck and Angelina M. his wife be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed February 22, 1833.

A further Supplement to the act entitled, "An act to incorporate a company to create a waterpower at the city of Trenton and its vicinity, and for other purposes," passed February 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 any person, copartnership, or body politic failing, for the space of thirty days after having received notice and a demand in writing to pay any installment, or part thereof, of the capital stock of the said company, shall forfeit to the said company, at its discretion, each and every share upon which there shall be a deficiency; and all moneys thereon previously paid; which share or shares of stock so forfeited shall and may be sold by the president and managers for the time being for such price as can be had for the same; and the purchaser or purchasers thereof shall become members of the company, as fully as if they had been original stockholders.

Stock forfeited on failure to pay installments.

SEC. 2. *And be it enacted,* That the act entitled, "A supplement to an act entitled, an act to incorporate a company to create a waterpower at the city of Trenton and its vicinity, and for other purposes," passed February sixteenth, eighteen hundred and thirty-one, which said supplement was passed January twenty-sixth, eighteen hundred and thirty-three, be, and the same is hereby repealed.

Former supplement repealed.

Passed February 22, 1833.

AN ACT to incorporate the Rahway Mutual Insurance Fire Company.

WHEREAS Robert Lee, Job Squire, Samuel Oliver, David S. Craig, Jonathan B. Marsh, and others, inhabitants of the townships of Woodbridge, in the county of Middlesex, and Rahway, in the county of Essex, have, by their petition to

Preamble.

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,

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 Robert Lee, Job Squire, Samuel Oliver, David S. Craig, Jonathan Bloomfield Marsh, 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 Rahway Mutual Insurance Fire Company;" 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 Rahway Mutual Insurance 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 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.

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 particular state, unless by purchasing for the purpose of investing its capital stock, or any part thereof, in

Style of incorporation.

Powers.

Proviso.

Company not to trade in stocks or merchandise.

the same, for the greater security, or by selling for the payment of its debts, 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 and stores against loss by fire, to be president or director of the company incorporated by this act.

Who may not be president or director.

SEC. 4. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by fifteen directors, a majority 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 first Tuesday in April in every year, between the hours of ten, in the forenoon, and two, 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 said directors, in a newspaper printed in Rahway, and by advertisements set up in four of the most public places in the said town, of such time and place, not more than fourteen days, nor less than seven days, previous to the time of holding the 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 calendar months, successively, then, and in every such case, another director shall and may be chosen by ballot, in the place of each 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 the next monthly 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 held, according to the provisions of this section, the following persons shall be directors, namely, Robert Lee, Job Squire, Joel Clarkson, George F. Webb, Samuel Oliver, David S. Craig, Jonathan B. Marsh, Adam Lee, Joseph O. Lufberry, Jackson Freeman, Henry Mundy, Timothy Ross, Charles Cox, Robert C. Vail, and Jacob Flatt.

Time and mode of electing directors.

Corporation not dissolved for failure of electing on day prescribed.

SEC. 5. *And be it enacted*, That all persons who shall at any time hereafter insure in or with the said company, or be allowed so to do, shall be deemed and taken for members of the said corporation.

Persons insuring with the company, to be members.

SEC. 6. *And be it enacted*, That the directors of the said corporation shall not take or receive any compensation for their services, as directors; and no person being a debtor to

No compensation to directors.

the said corporation, excepting on a policy of insurance, shall be chosen or qualified to serve as a director.

Duties of directors.

SEC. 7. *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 the duties and conduct of the officers of the said corporation, and touching all such other matters as appertain to the business, ends, and purposes which the said corporation is by this act entitled to; and also shall have power to appoint so many officers, clerks, and servants, for carrying on the business of the said corporation, and 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 or this state.

Meetings of the directors and of the stockholders.

SEC. 8. *And be it enacted*, That the directors shall meet once in each and every month, and oftener if need be, at such time and place as the said directors shall appoint, for transacting the business of the said company: and there shall be a general meeting of the members of the said corporation on the first Tuesday in January in every year, if any eight of the directors, or any number of members insured to the amount of ten thousand dollars, or upwards, shall require the same; notice of such meeting to be given in the paper published at Rahway, if any such there be, and by a notice set up in at least four public places in the two adjacent townships, at least seven days, and not more than fourteen days, previous to such meeting: twenty-one members, at least, of said corporation, if so many there are, shall be required to form a quorum; 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 make or alter the by-laws, rules, and regulations which by this act are authorized to be made and prescribed by the directors, provided two-thirds of the members present concur therein; and the same shall not be altered or repealed but at a general meeting of the members.

President to be elected—by whom policies of assurance to be signed.

SEC. 9. *And be it enacted*, That at the meeting of the directors to be held in the month of April in each and every year, the directors shall choose, from among themselves, one person to be president, who shall continue in that office for one year, and until another shall be appointed in his stead; and it shall be the duty of the president to preside at all meetings of the directors; and all policies of assurance of the said corporation shall be signed by the president, and countersigned by a secretary or clerk, and sealed with the seal of the said corporation: and the said corporation may insure, from loss by fire, houses, stores, and other buildings, household furniture, goods, wares,

and merchandise; and all policies of insurance which shall be made by the said corporation, in pursuance of 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. 10. *And be it enacted*, That no transfer of any policy of insurance of the said corporation shall be valid until entered in the books of the company, and certified thereon, by the secretary. Mode of transferring stock.

SEC. 11. *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 operations not plainly indicated by the provisions of this act. Capital not to be employed in banking.

SEC. 12. *And be it enacted*, That this act shall continue and be in force until the first Monday in April, one thousand eight hundred and sixty, and no longer: *Provided* that the legislature may at any time alter, amend, and repeal this act when the public good may require it. Limitation of act.

Passed February 25, 1833.

AN ACT to authorize the sale of the real estate of Moses Smith, deceased.

WHEREAS it is represented, by the petition of Lois W. Smith, the widow, and David Coriell, administrator of the estate of Moses Smith, late of the township of Elizabeth, in the county of Essex, and state of New Jersey, who died intestate, and was possessed of certain real estate, situate in the said township of Elizabeth, in the county of Essex, which is much out of repair, and comparatively unproductive; and that it would be for the interest of the heirs at law and widow of the said deceased to have the said real estate sold, and praying a law to authorize the sale thereof—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 David Coriell be, and is hereby appointed trustee, with full power and authority to sell, dispose of, and convey two certain houses and lots of ground, with the appurtenances D. Coriell authorized to sell certain real estate of M. Smith, deceased.

thereto belonging, situate in the township of Elizabeth, in the county of Essex, and state of New Jersey, being the real estate of Moses Smith, deceased, as soon as conveniently may be, for the highest sum the same will bring, either at public or private sale, first advertising the same in a public newspaper printed in the county of Essex, nearest where the said real estate is situated, for the space of two months, and, when sold, to make, execute, and deliver, in due form of law, in his own name, as trustee aforesaid, good and sufficient deeds of conveyance, according to the estate and interest which the said Moses Smith had in the same at the time of his death; which sale being made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, and interest which the heirs and widow of the said Moses Smith now have in and to the same.

Trustee to
give bond.

SEC. 2. *And be it enacted*, That before the said trustee enters upon the trust assigned him by this act, he shall enter into bond, with sureties, unto the governor of this state, in such amount as shall be approved by the orphans' court of the said county of Essex, conditioned for the faithful performance of said trust.

To keep ac-
count of sales,
and exhibit
same to or-
phans' court.

SEC. 3. *And be it enacted*, That the said trustee shall keep a full, fair, and just account of the sales by him made under this act, with the costs and expenses thereof, and exhibit the said account, under oath or affirmation, to the orphans' court of the said county of Essex, within six months after such sale or sales shall be made, to be approved of by the said court, which shall be recorded and filed by the said surrogate of said county, when approved of by the said court: and the said trustee, after deducting from the proceeds of such sale or sales all legal costs and expenses, and such reasonable commissions as shall be allowed by said court, together with such reasonable compensation as shall be agreed upon with the said Lois W. Smith for her right of dower in said premises, and approved of by the said court, shall pay the residue thereof to the guardian or guardians of the minor heirs of the said Moses Smith, deceased, in proportion to the legal rights of the said respective heirs; or if there be no guardian of the said respective minor heirs, then the said trustee shall place the said residue, or such part thereof as there shall be no guardian entitled to receive the same, at interest, on good security, and pay the same, with the interest that shall accrue thereon, to the said minor heirs, as they severally attain the age of twenty-one years, according to their respective shares.

Distribution
of proceeds of
sale.

When bond
to be prose-
cuted.

SEC. 4. *And be it enacted*, That if the said bond so to be given by the said trustee, shall become forfeited, it shall and may be lawful for the governor of this state for the time being, to cause the same to be prosecuted in any court of record having jurisdiction thereof, at the request and for the benefit, and at the

proper costs and charges of any person or persons aggrieved by such forfeiture.

SEC. 5. *And be it enacted*, That no sale or conveyance of the said real estate under and by virtue of this act, shall impair, or in any wise affect the rights or interests of any person or persons whatever, other than the widow and heirs at law of the said Moses Smith, deceased, and those legally claiming under them or either of them.

Rights of
others not to
be affected.

Passed February 25, 1833.

COMMISSIONER OF LANDS

AN ACT to authorize Thomas Betts, Joshua C. Canby, executors, and Elizabeth Y. Walker, executrix of Samuel Walker, deceased, to execute a certain contract therein named.

Preamble.

WHEREAS it appears that some time in the year of our Lord one thousand eight hundred and twelve, Samuel Walker, deceased, of the city of Philadelphia, made, executed, and delivered unto John V. L. Walker, a deed of conveyance, of the one undivided moiety of the same tract of land which the said Samuel Walker, deceased, purchased by deed, dated nineteenth day of January, in the year of our Lord, eighteen hundred and two, of George Walker, deceased, situate in the county of Gloucester, and state of New Jersey; and that the said deed of conveyance so given by the said Samuel Walker, deceased, to the said John V. L. Walker, has been destroyed, mislaid, or lost; whereby Peter R. Walker, devisee of the said John V. L. Walker, is deprived of a good and sufficient deed for 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 the executors of the said Samuel Walker, deceased, be, and they are hereby authorized and empowered to make a deed of conveyance unto the said Peter R. Walker, devisee of the said John V. L. Walker, deceased, for the one undivided moiety of the above described tract of land, which shall have the same effect as a deed from the said Samuel Walker, deceased, in his life time would have had: *Provided*, that nothing in this act shall be construed as affecting or interfering with the rights of any other person or persons.

Certain lands
of S. Walker,
dec. to be
conveyed to
P. R. Walker

Passed February 26, 1833.

AN ACT confirming the partition of certain real estate of Isaac Smith and others.

Preamble.

WHEREAS, it has been represented by petition to this legislature, that Isaac Smith and Squier Smith, both late of Bloomfield in the county of Essex, deceased, owned in fee simple, as tenants in common, a certain farm in the township of Bloomfield, in the county of Essex, containing about twenty-five acres, and situated adjoining to, and on the north side of the old main road, leading from Bloomfield to Caldwell, and also a lot of meadow land, containing about five acres, in the township of Caldwell, in the said county of Essex, of which said real estate and premises, by mutual agreement between them, they made a division, and occupied the same in severalty; but no mutual releases or other conveyances were executed, confirming the said division; that the said Isaac Smith, in his life time, erected a dwelling house and other improvements, on the part or share which was by the said agreement assigned to him; that the said Squier Smith hath since died intestate, and without leaving issue, and leaving his brothers, Isaac Smith and David Smith, and his sisters, Penina Smith, Elizabeth Smith, and Mary, the wife of James Wild, jun. his heirs at law, and that since that event, and in the life time of the said Isaac Smith, the said Penina Smith died intestate and without issue; AND WHEREAS, after the death of the said Squier Smith and Penina Smith, the aforesaid division of the real estate, with some alterations, was agreed to be confirmed as follows, to wit: the lot of land of about five acres, situated in Caldwell, was set off and assigned to Isaac Smith; and the following, being the dividing line of the homestead farm, commencing in the line of the public road, which forms the southern boundary of the farm, and at the eastern side of the lane leading between the two dwelling houses now upon the premises, and running thence north, twenty degrees west, four chains and twenty-four links, passing between said dwelling houses, and at nearly an equal distance from each, to a stake, and from thence, running south, sixty-seven and a half degrees east, one chain and forty links to a stake, thence north thirty-five degrees east, fourteen chains and sixteen links to a cross fence, thence with said fence north, fifty-four degrees and forty-five minutes west, eighty-one links, thence north, thirty-four degrees and thirty-nine minutes east, fourteen chains and forty-seven links, to the middle point of the northern side of said farm, dividing it into two parts: the western part being assigned and set off to Isaac Smith, and the eastern part to David Smith, Elizabeth Smith, and Mary, wife of James Wild, jun. as tenants in common: AND WHEREAS, since the making of the said partition, the said

Isaac Smith, has died intestate, on the fifteenth day of January, eighteen hundred and thirty-one, leaving a widow, and several minor children, who are unable to confirm the said partition—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 partition or division of the said real estate, as is specified in the preamble hereto, between the said Isaac Smith of the one part, and the said David Smith, Elizabeth Smith, and Mary, the wife of James Wild, jun. of the other part, be, and the same is hereby confirmed, and that the said partition shall be deemed and taken to be as valid and effectual, and to have the same force and effect as if the same had been legally perfected in the life time, and immediately before the death of the said Isaac Smith,

Division of
real estate of
I. Smith, dec.
confirmed.

Passed February 26, 1833.

AN ACT TO RAISE THE SUM OF FORTY THOUSAND DOLLARS, FOR THE YEAR ONE THOUSAND EIGHT HUNDRED AND THIRTY-THREE.

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

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 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-four.

Forty thousand dollars
tax to be raised.

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:—

Proportions
of the counties.

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.

Enumera-
tion of arti-
cles taxed at
specific sums.

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 three cents.

All neat cattle three years old and upwards, any sum not exceeding three cents.

Enumera-
tion of arti-
cles taxed at
discretion of
assessor.

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 assessors, 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.

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 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 the tax assessed in each township, above what is raised from the certainties, shall be levied by a percentage upon such valuation.

Manner of assessing, and penalty for neglect.

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 of our Lord 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.

Passed February 26, 1833.

AN ACT relative to the truss bridge over Coopers creek, in the county of Gloucester.

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 the truss bridge over Coopers creek, in the county of Gloucester, at a faster gait than a walk; and every person so offending shall forfeit and pay five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same in the name of the collector of said county, the one moiety to the prosecutor, and the other to the county collector, for the use of the county: *Provided always*, that this act shall not be construed so as to prevent any physician, midwife, or person or persons going for such physician or midwife, or returning from said errand, riding express by order of any public officer of this state or the United States, or pursuing a fugitive fleeing from justice, or runaway servant or apprentice, from driving or riding over said bridge at a faster gait than a walk: *Provided also*, that the board of chosen freeholders of said county shall cause to be fixed, and always kept up, at each end of said bridge, 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.

Penalty for driving over bridge faster than a walk.

Proviso.

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 to the collector of said county, for the use of said county, the sum of five dollars, to be recovered by action of debt, with costs of suit, by any person who will sue for the same in the name of the collector of said county.

Penalty for defacing sign.

Passed February 26, 1833.

A further Supplement to the act entitled, "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thirteenth, one thousand eight hundred and twenty-eight.

WHEREAS it is provided by the twelfth section of the constitution of the state of New Jersey, that the clerks of the courts of quarter sessions, together with other officers in the said section named, shall be severally appointed by the council and assembly, in joint-meeting, and continue in office for the term of five years—AND WHEREAS the act of the legislature entitled, "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thir-

Preamble.

teenth, one thousand eight hundred and twenty-eight, constitutes the mayor, recorder, and aldermen of the city of Camden "a court of general quarter sessions of the peace in and for the said city of Camden"—AND WHEREAS the appointment of the clerk of said court, as provided for by the said act, is manifestly contrary to the letter and spirit of the said section of the constitution—Therefore,

Clerk of quarter sessions to be chosen by joint-meeting

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 clerk of the court of general quarter sessions of the peace of the city of Camden shall, from and after the passing of this act, be appointed by the council and general assembly of this state, in joint-meeting, and commissioned by the governor, in the same manner as the clerks of the inferior courts of common pleas and quarter sessions of the peace throughout the state are appointed and commissioned, and for the same term of service, and shall be, in like manner, amenable to the council and general assembly of this state.

The city council.

SEC. 2. *And be it enacted,* That the mayor, recorder, aldermen, and common council of the said city, when met in common council, shall be known and designated by the name and style of "the City Council."

AND WHEREAS doubts have arisen as to the proper construction of the second section of the act entitled, "A supplement to the act entitled, an act to incorporate a part of the township of Newton, in the county of Gloucester," passed March first, eighteen hundred and twenty-eight, providing for the election of the mayor of said city of Camden—Therefore,

Mayor to be chosen by city council.

SEC. 3. *Be it enacted,* That the recorder, aldermen, and common council of the said city of Camden, in city council met, shall annually elect and appoint, from among the aldermen of the said city, by the votes of a majority of the said city council, within the time directed by the said act, one suitable person to serve as mayor, who shall hold his office for the term of one year from said election and appointment.

Part of a former act repealed.

SEC. 4. *And be it enacted,* That so much of the fifteenth section of the act to which this is a further supplement, as provides for the appointment of the clerk of the court of general quarter sessions of the peace of the said city of Camden, and so much of the second section of the supplement of said act, as provides for the election and appointment of a mayor of said city, and all such other parts of the said act, and supplement thereto, as comes within the purview of this act, and repugnant thereto, be, and the same are hereby repealed.

Former acts of quarter sessions rendered valid.

SEC. 5. *And be it enacted,* That all acts, judgments, and proceedings heretofore done or given by the mayor, recorder, and aldermen of the said city of Camden, as a court of general

quarter sessions, are hereby rendered as valid and effectual, to all intents and purposes, as if the clerk of said court had been constitutionally appointed.

Passed February 26, 1833.

AN ACT TO MAKE A FURTHER APPROPRIATION OF MONEY FOR THE ERECTION OF THE NEW STATE PENITENTIARY.

AN ACT to make a further appropriation of money for the erection of the new State Penitentiary.

WHEREAS the legislature of this state, at its present session, passed an act authorizing the erection of a new state penitentiary, and has authorized an appropriation of thirty thousand dollars towards that object, but has only authorized the drawing of twelve thousand dollars of said appropriation.—AND WHEREAS, since the passing of said act, proper estimates of all the materials necessary, and of the costs of labor, have been furnished by a competent person, from which it appears that great saving will accrue to the state if the amount authorized to be drawn shall be increased to such a sum as will enable the commissioners to procure the building of said penitentiary, to proceed with all expedition, having due regard to economy; and whereas it is advisable that the progress of the work should suffer no unnecessary delay, and thereby increase the expense thereof.

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 twelve thousand dollars, which the governor, or the person administering the government of this state, is authorized to draw in favor of the commissioners, appointed to build the said new state penitentiary, by the act of the thirteenth day of February of the present year, 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 eighteen thousand dollars, being the residue of the appropriation made by the aforesaid act for building the said state penitentiary.

\$18,000 additional to be drawn by commissioners.

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 and the act of the thirteenth day of February aforesaid, 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

Governor authorized to borrow money.

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, 1833.

AN ACT to incorporate the Franklin Beneficial Society of Trenton.

Preamble.

WHEREAS a number of the inhabitants of the city of Trenton and its vicinity, in this state, have formed themselves into an association, or society, to which they have given the name of "the Franklin Beneficial Society of Trenton;" the object of which is, to raise a fund to be applied towards the relief or support of such of the members thereof as shall, by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual trade or calling, and also towards the decent interment of its members.—AND WHEREAS, it is believed, an act of incorporation will promote the objects of said society, and add security to the property thereof; and the said society having, by petition presented to the legislature, prayed to be incorporated—Therefore,

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 Charles Burroughs, Elias Phillips, John R. Tucker, William A. Benjamin, John McCulley, Charles C. Yard, Joseph McPherson, George W. Vanhart, and Doctor Joseph C. Welling, and all such other persons, not exceeding four hundred, as now are, or hereafter may become members of said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Franklin Beneficial Society of Trenton," and, by that name, they and their successors shall have continual 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 law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their name as aforesaid, under their common seal, may make and enter into, form, and execute any contracts or agreements relating to, touching, and concerning the objects of the said incorporation.

SEC. 2. *And be it enacted*, That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president or president pro tempore, treasurer, and secretary, and such other officers and assistants as shall be deemed necessary; who shall be elected by ballot, by a majority of the members present at such election, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct.

Officers of the corporation.

SEC. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held, or which may be hereafter held by the said society, shall be vested in the body politic and corporate hereby created; which said body politic and corporate shall, by their name and title aforesaid, be able and capable, in law, to purchase, receive, take, hold, and convey, for the use and benefit of said society, and for the purposes expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, securities, goods, and chattels, by gift, alienation, devise, bequest, or otherwise, of any person or persons, bodies politic or corporate, legally authorized and able to make the same: *Provided*, that the clear yearly value or income of the real and personal estate of the said corporation shall not exceed one thousand dollars.

Property vested in the company.

Amount thereof limited.

SEC. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time alter, amend, or change, as by them may be deemed expedient, such general form of constitution and by-laws, for the transaction of the business, and for effecting the purposes of the society aforesaid, as to the members of the society, or a majority of them, when duly met, shall be deemed right and proper: *Provided*, that nothing in the said constitution and by-laws shall be repugnant to the constitution and laws of this state or of the United States.

May make constitution and by-laws.

SEC. 5. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its respective members, when sick or disabled by bodily infirmities, from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of members or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble, as well in this, as in the foregoing sections of this act: and no part of the funds of said corporation shall be used for banking purposes, or in any other way, except as provided for in this act.

Exclusive objects of incorporation.

SEC. 6. *And be it enacted*, That it shall be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think proper.

Act may be altered or repealed.

Passed February 27, 1833.

Additional Supplement to the act entitled, "An act constituting courts for the trial of small causes."

Appeal from
judgment
rendered in
absence.

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 any judgment rendered, or that may be rendered hereafter, by any justice of the peace of this state, when the trial took place in the presence of the parties, it may be lawful for either party to appeal, although the judgment shall have been rendered in his absence: *Provided* the appeal be, in other respects, lawful, and demanded and granted within such time, and in such manner as is required in other cases.

Passed February 27, 1833.

AN ACT to divorce Sarah Ann Park from her husband Joseph B. Park.

Joseph B. and
Sarah Ann
Park divorced

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 Ann Park be, and she is hereby divorced from her husband Joseph B. Park; and that the marriage contract heretofore existing between them, the said Sarah Ann Park and her husband Joseph B. Park, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed February 27, 1833.

AN ACT for the protection of bridges in this state.

Manner of
vessels pass-
ing draw-
bridge.

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 if any person or persons, having the command of any vessel, shall come within ten rods of any drawbridge, without first lowering his sails, so as to prevent the vessel from coming up against the bridge, as is frequently the case, until it is hoisted so that they can pass gently through, without doing any damage to said bridge, or shall hoist any draw, and keep it up more than fifteen minutes, when the same is not absolutely necessary for the passage of some vessel or boat

through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or any plank or planks, belonging thereto, or a part of said bridge, draw, posts, or piles, or shall remove any stone work belonging to said bridge, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge, or shall at any time lay his vessel along side of said bridge, for the purpose of loading or unloading any hay, straw, bricks, or lumber, of any kind whatsoever, he or they so offending, for each and every offence shall forfeit and pay the sum of ten dollars, besides all damage that may be done to said bridge, to be recovered, in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor, and the other half to be paid into the hands of the county collector, for the use of said county where such damage may have been done.

Penalty for injuring bridge or leaving draw open.

SEC. 2. *And be it enacted*, That in case it should become necessary for the protection of any bridge, and the accommodation of persons passing over or through any bridge, to have the same put in the special care of some person suitable for said purpose, then and in that case it shall and may be lawful for the board of chosen freeholders of said county for the time being, where such bridge may be, to make such regulations as they shall deem necessary for the better protection and accommodation of the same: *Provided* they shall be in accordance with the preceding section of this act.

Bridge may be put in special care of person appointed.

Passed February 27, 1833.

AN ACT to dissolve the marriage contract between Alpheus Coon and Elizabeth Coon.

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 heretofore existing between Alpheus Coon and Elizabeth Coon, of the county of Somerset, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in the bands of matrimony.

Alpheus and Elizabeth Coon divorced.

Passed February 27, 1833.

AN ACT to authorize Ann Newport and David Newport to sell and convey certain real estate of Benjamin Newport, deceased.

Preamble.

WHEREAS it is represented to this legislature, that Benjamin Newport, late of the Northern Liberties, of the city and county of Philadelphia, and commonwealth of Pennsylvania, now deceased, in his lifetime was the owner of certain real estate situate in the county of Salem, in this state.—AND WHEREAS the said Benjamin Newport, in his lifetime, did make and execute his last will and testament, in writing, and did order and direct his executors, therein named, to sell the aforesaid real estate; and the executors, therein named, did decline taking upon themselves the execution of the said last will.—AND WHEREAS the aforesaid Ann Newport and David Newport did administer to the estate of the said Benjamin Newport, deceased, with the will annexed.—AND WHEREAS, in the progress of the execution of the provisions of said will, and from the manner in which the same was executed, doubts have arisen whether the said administrators, under the provisions of the said will, are legally authorized to sell and convey the aforesaid real estate, without legislative aid in the premises—Therefore,

Administrators of Benjamin Newport, deceased, authorized to sell real estate.

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 Ann Newport and David Newport, administrators with the will annexed of Benjamin Newport, or the survivor of them, be, and they are hereby authorized and empowered to sell all the real estate whereof the said Benjamin Newport died seized, situate in the county of Salem, in this state, agreeably to the direction and provisions of the last will and testament of the said Benjamin Newport, deceased, and to execute, in due form of law, to the purchaser or purchasers thereof, their heirs and assigns, a deed of conveyance of all the estate and interest of the said Benjamin Newport, deceased, to the said lands, situate as aforesaid; and that the said deed or deeds, so to be made and executed, shall convey and vest in the purchaser or purchasers thereof, their heirs and assigns, all the estate, right, title, and interest which the said Benjamin Newport, deceased, had, at the time of his death, of, in, and to the said lands, and shall be as valid and effectual for that purpose, as if made, executed, and acknowledged by the said Benjamin Newport during his lifetime.

Distribution of proceeds of sale.

SEC. 2. And be it enacted, That the said Ann Newport and David Newport, or the survivor of them, in making the sale of the said real estate, and of the distribution of the proceeds of the sale thereof, shall, in all things, be governed by, and subject to, the provisions and instructions of the last will and testament of the said Benjamin Newport, deceased, respecting

the sale of the said lands, and the distribution of the proceeds thereof, and shall fairly and justly account therefor in the settlement of his, her, or their accounts.

Passed February 27, 1833.

A further Supplement to an act entitled, "An act to regulate the election of members of the legislative council and general assembly, sheriffs, and coroners of this state," passed June first, eighteen hundred and twenty.

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 judge and inspectors of the elections, in the several townships, shall, severally, have power to administer oaths and affirmations, and to examine persons touching the qualifications of voters who shall offer to vote at any election authorized and directed by the laws of this state: and if any person, on such examination, shall knowingly swear falsely, he shall be deemed guilty of wilful and corrupt perjury.

Election officers may administer oaths to voters.

SEC. 2. *And be it enacted*, That if any person shall knowingly and wilfully offer to vote at any general or annual election, when, by law, such person is not legally entitled to such vote, such person so offending shall forfeit and pay the sum of twenty dollars, to be recovered, with costs, in an action of debt, by any person who shall prosecute for the same, one half for the use of said prosecutor, and the other half for the use of the poor of the township where the offence shall be committed.

Penalty for offering to vote when not entitled.

Passed February 27, 1833.

A further Supplement to the "Act concerning Roads," passed February the ninth, 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, for the equitable distribution of any expense which may accrue in making and keeping in repair any private road or bridge, whereby two or more persons owning real estate may be benefited by the use of said road, in going to or from their said premises, it shall and may be lawful for any person so using said road to make and keep in repair said road or

Manner of keeping in repair private roads or bridges.

bridge at any time when the same may be necessary; and the expense of said repairs shall, on the refusal of any individual to pay his proportion thereof, to the person from whom the money may be due, on the application to two freeholders, entirely disinterested in the same, be assessed by said freeholders after the valuation of said work upon the owner or owners benefited thereby, according to the advantages he or they may respectively receive.

Money for repairs may be recovered from delinquents.

SEC. 2. *And be it enacted*, That upon the receipt of the said assessment, made out by the freeholders in manner aforesaid, the person who may have expended money in the making or repairing any such private road or bridge shall, in person or by notice in writing, left at the usual place of abode of each or any person or persons upon whom such assessment may be made, demand of the same the sum so assessed as aforesaid; and if any person or persons upon whom any such assessment be made, shall neglect or refuse to pay the amount of said assessment for the space of twenty days after payment of the same shall have been demanded; it shall and may be lawful for the person who may have disbursed the said money, to sue for and recover from every such delinquent person or persons upon whom such assessment shall have been made, the amount of such assessment, together with the costs of suit, by action of debt, in any court of competent jurisdiction.

Passed February 27, 1833.

AN ACT establishing an independent regiment of horse artillery.

Independent regiment of horse artillery established.

Officers.

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 officers now attached to the independent regiment of horse artillery, and such other officers as may hereafter elect to join said regiment, shall be organized under the name of the "Independent Regiment of Horse Artillery;" that the regiment shall consist of two or four squadrons, and each squadron shall consist of two or four troops, that the officers of the regiment shall consist of one colonel, one major to each squadron, one surgeon, one judge advocate, one regimental adjutant, one adjutant to each squadron, one quartermaster and one paymaster; that each troop shall consist of one captain, four lieutenants, one surgeon's mate, one quartermaster sergeant, one orderly sergeant, four sergeants, and four corporals; that the field officers of the regiment, shall constitute a regimental board, of which the regimental adjutant shall be clerk;

and shall be invested with all the powers of a battalion court of appeal, and brigade board, and authorized to receive and appropriate all fines incurred in said regiment, and to vary the days of exercise, and time of holding their courts of appeal, and to order extra parades, and appoint the staff and troop officers of said regiment.

SEC. 2. *And be it enacted*, That the fines for non attendance on parade shall be, on a colonel, ten dollars, on a major, eight dollars, on all staff and commissioned officers, six dollars, and on all non-commissioned officers, two dollars, and on supernumeraries or exempts, the same fines as are imposed by the existing laws of the state; that for the purpose of raising sufficient funds to defray the expenses incident to a corps of horse artillery, there shall be kept by the orderly sergeant of each troop, a regular muster roll, and that all persons signing the same, shall be considered as supernumerary or exempts; not exceeding fifty men to each troop, and that the certificate of the regimental board, that any person belongs to the said supernumerary or exempts of said regiment, shall discharge him from all fines for the non-performance of military duty elsewhere; that the said regiment consist only of the field officers, staff officers, and commissioned officers; and non-commissioned officers, and that the same be established and considered as a corps of instruction; that the officers belonging to the cavalry who may receive commissions in said regiment, shall not be considered as having their commissions vacated, by receiving such commission in said regiment; that the commanding officer shall report annually to the adjutant general, the armament, state and condition of the regiment; and the said independent regiment in all other respects shall be regulated and subject to the militia laws of the state.

SEC. 3. *And be it enacted*, That the executive of this state be hereby authorized to effect of the general government either a loan of a park of light artillery consisting of twenty-four brass pieces of ordnance with their caissons and implements, of the caliber of six pounders and adapted to the service of horse artillery, or to receive such park of artillery in lieu of the proportion of small arms, now due or coming due from the general government to the state of New Jersey.

Passed Feb. 27, 1833.

Fines for non attendance.

Exempts.

Officers, a corps of instruction.

Commissions of officers of cavalry not vacated by receiving commissions in the corps of instruction.

Governor authorized to loan a park of light artillery.

A. Supplement to the act entitled, "An act to incorporate the Belvidere Bridge Company," passed March fifth, eighteen hundred and thirty-two.

Preamble.

WHEREAS the legislature of the state of Pennsylvania, by an act entitled, An act to incorporate the Belvidere Bridge Company, have ratified and confirmed the said act of the legislature of this state, entitled an act to incorporate the Belvidere Bridge Company, as fully and amply as if the same had been re-enacted at large section by section, except that instead of the tolls, which by tenth section of the said act, the said company is entitled to demand and receive, the amount to be by them demanded and taken on the following subjects, shall not exceed the following rates, to wit :—

For every coach, landau, Phaeton, or other pleasure carriage with four wheels drawn by four horses, the sum of fifty cents, and for the like carriages with two horses, the sum of thirty-seven and a half cents.

For every wagon with four horses, the sum of fifty cents, and for every carriage of the same description drawn by two horses, the sum of thirty-one and one fourth cents.

For every chaise, riding chair, sulkey, cart, or other two wheeled carriage or sled with two horses, the sum of thirty-one and one fourth cents, and for the same with one horse, the sum of eighteen and three-fourths cents—therefore,

Former act
modified and
tolls reduced.

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 act to which this is a supplement, so modified and confirmed by the said act of the legislature of Pennsylvania, shall go into immediate effect and operation, the same as if the act of the legislature of Pennsylvania had vested the like powers and authority in the subscribers to the said capital stock of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges and franchises, and emoluments, as to the said company are given by the act to which this is a supplement, and that so much of the tenth section of the act to which this is a supplement as is contradictory to the said act of the legislature of Pennsylvania and this supplement, be and the same is hereby repealed,

Passed February 27, 1833.

AN ACT to authorize Ann Hendrickson, administratrix of William Hendrickson, deceased, to fulfil certain contracts respecting real estate, made by the said William Hendrickson, deceased.

WHEREAS it is represented to the legislature, that William Preamble.

Hendrickson late of the township of Lawrence in the county of Hunterdon, deceased, being seized in fee simple of a certain lot of land situate in the said township, did, in his life time, enter into an agreement in writing to sell and convey unto the Delaware and Raritan Canal Company, so much of the said lot or parcel of land, as should be necessary for the construction and use of the said canal, in passing through and over the same, and that in pursuance of the said agreement, the said company, in the life time of the said William Hendrickson, did enter upon the said land, and have constructed their canal through the same, and that the said William Hendrickson, died without having executed a deed in pursuance of the said agreement—AND WHEREAS it is also represented that the said William Hendrickson, and one Israel Hendrickson, being severally entitled, as tenants in common, in fee simple, to one equal undivided moiety or half part of a certain farm or plantation, whereof Philip Hendrickson died seized, situate in the township of Lawrence aforesaid, did enter into an agreement in writing, to make partition of the said farm amicably between them, in pursuance of which said agreement, a partition of the said farm was made into two equal shares or parts, and the metes and bounds of each share ascertained; but that no release was ever executed between the said parties.—AND WHEREAS the said William Hendrickson departed this life intestate, leaving Ann Hendrickson, his widow, and four infant children, his heirs at law; AND WHEREAS the said Ann Hendrickson, to whom letters of administration upon the estate of the said William Hendrickson, deceased, have been committed, hath by her petition to the legislature, prayed that she might be authorized to fulfil the said contracts, and the prayer of the said petition appearing to be 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 Ann Hendrickson, administratrix of William Hendrickson, deceased, be, and she is hereby authorized and empowered to make, execute, and deliver to the Delaware and Raritan Canal Company, a sufficient deed of conveyance in fee simple, for so much of the said lot of land, as may have been found necessary for the construction and use of the said canal, which said deed of conveyance when duly made and executed, shall be as good and effectual to all intents and pur-

A. Hendrickson authorized to convey certain lands of W. Hendrickson, dec. to Delaware and Raritan Canal Company.

poses, as if executed by the said William Hendrickson and Ann his wife, in the lifetime of the said William Hendrickson, and shall vest the title to the land thereby conveyed to the said Delaware and Raritan Canal Company.

Authorized
to release cer-
tain lands to
Israel Hen-
drickson.

SEC. 2. *And be it enacted*, That the said Ann Hendrickson, administratrix as aforesaid, be, and she is hereby authorized and empowered to make, execute, and deliver, unto the said Israel Hendrickson, a good and sufficient release and quit-claim for all that part of the said farm or plantation whereof Philip Hendrickson died seized, which was assigned and set off to the said Israel Hendrickson, under and by virtue of the said agreement so as aforesaid entered into between the said Israel Hendrickson and William Hendrickson; which said deed of release, when duly made and executed, shall be as good and effectual, to all intents and purposes, as if executed by the said William Hendrickson and Ann his wife in the lifetime of the said William Hendrickson.

Passed February 28, 1833.

AN ACT to defray incidental charges.

Certain inci-
dental charg-
es directed to
be paid.

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, herein after named, the following sums, to wit:

To William Grant, for journal for use of state; for Lehigh coal; for postage; for expenses going to, and returning from Philadelphia, four times, on business relative to school fund, under direction of trustees, seventy-nine dollars, sixty-seven cents.

To Joseph Boroughs, for eleven cords of hickory wood, for use of state house, sixty dollars, fifty cents.

To Elisha Reeves, for eight cords hickory wood, for use of state house, forty-eight dollars.

To John Kimbury, for sawing and splitting wood at state house, seven dollars.

To Daniel Fenton, for paper, ink, quills, letter stamps, pencils, paper folders, &c., fifty-one dollars, thirty-eight cents.

To T. R. Sterling, for candles for use of state house, fifty dollars, sixteen cents.

To William A. Benjamin, for desk locks in state house, &c., eight dollars, ninety-three cents.

To Daniel Child, for putting on desk locks in state house, one dollar, fifty cents.

To Liscomb R. Titus, for tumblers, two dollars, twenty-five cents.

To Henry B. Howell, for cord, toweling, rope for pulley, &c., one dollar seventy-two cents.

To William Robinson, for putting on desk locks in state house, one dollar, seventy-five cents.

To Joseph Kaighn, for expenses incurred by the joint-committee, (appointed on the subject of building new prison) in going to and from Philadelphia, to view the Eastern Penitentiary of Pennsylvania, and to obtain such other information in regard to the object for which they were appointed, as possible: likewise for the expenses of the architect and warden, with one of the directors, of the Eastern Penitentiary of Pennsylvania, whilst on a visit here, in compliance with an invitation given them by the joint-committee, seventy-four dollars, thirty-six cents.

To Peter D. Vroom, for expenses paid for improvement of state property, for postage, eighteen hundred and thirty-two, &c., ninety dollars, sixty cents.

To William Robinson, for work done, as per bill, and approved of by the quartermaster general, eighty-five dollars, fifty cents.

To Joseph Hammitt, as per bill of articles bought for use of state and arsenal, approved by the quartermaster general; for hire of carriage to take the committee appointed to settle the state prison account down to the prison, thirty-three dollars eighty-six cents.

To the clerk in chancery, for entering and enrolling the decrees remaining unenrolled when he came into office, pursuant to the act respecting the enrollment of decrees in chancery, passed February twenty-first, eighteen hundred and thirty-two, such sum as by the certificate of the chancellor shall appear due therefor, when the same is completed.

To Charles Parker, for a coal grate, in the government house, purchased of William Hyer, ten dollars.

To James Mason, for sawing, splitting, and piling away thirteen cords wood, at one dollar per cord, thirteen dollars.

To Thomas Cain, for candles, as per bill, two dollars, ten cents.

To Thomas Cain and son, for candles for use of state house, &c., sixteen dollars, sixty-three cents.

To M. Johnson, for paper, quills, wafers, riband, sand, &c., thirty-one dollars, fifty-six cents.

To George Sherman, for printing list acts passed by legislature; for printing public bills; for printing resolutions, reports of committees, &c.; for newspapers furnished legislature first and second sittings, one hundred twenty-five dollars, thirty-nine cents.

To Martin C. Howe, for glass, and setting same, in state house, &c., seven dollars, fifty cents.

To Joseph Justice, for printing bills, resolutions, reports of committees, &c., and furnishing newspapers for legislature, one hundred ninety-four dollars, ninety-four cents.

To E. B. Adams, for printing public bills, governor's messages, documents accompanying the same, &c., two hundred sixty-six dollars, eighty cents.

To John T. Robinson & Co., for furnishing newspapers to legislature, thirty-four dollars, sixteen cents.

To Morris Justice, for towels, pencils, sand, &c., for council, nine dollars and six cents.

To Henry Wharton, for sixty-four days for boy, making towels, &c., buying wood for state, &c., forty-three dollars, eighty-seven cents.

To James Fausett, for fifteen candlesticks, wash basin, &c., eight dollars.

To M. Johnson, for paper and quills, two dollars.

To William Hancock, for iron work for state house, repairing locks, &c., five dollars, seventy-five cents.

To Peter I. Clark, for expenses incurred in going to and from Philadelphia, to meet joint-committee on the subject of new state prison, nine dollars.

To Samuel R. Hamilton, for costs on two bills of indictment, ninety-four dollars, eight cents.

To James D. Westcott, for notifying banks of the election of treasurer; for countersigning and registering the treasurer's checks; transmitting and receiving laws from the several state executives; for making marginal notes, and compiling index to the laws of 1831-2, such sum as the governor and attorney general, upon examination, shall certify to be just.

To Samuel L. Southard, for postage, thirty-one dollars, twenty-three cents.

To E. B. Adams, for newspapers furnished legislature, first and second sessions, twenty-eight dollars, eighty-four cents.

To Elias Phillips, for work in arsenal, &c., approved by quartermaster general, thirty-eight dollars, seventy-two cents.

To Joseph Hammitt, for work in removing arms from state house, &c., approved by quartermaster general, forty-one dollars.

Passed February 28, 1833.

JOINT RESOLUTIONS.

WHEREAS the governor of Pennsylvania has informed the governor of the state of New Jersey, that he has, by virtue of a resolution of that commonwealth, appointed three commissioners, to meet a like number, if they shall be appointed on the part of New Jersey, to view a certain dam in the river Delaware, at Wells' falls, as well as any other obstructions in said river, authorized by either state, or the citizens thereof, and ascertain the facts, and make report thereon, to the governors of the respective states—Therefore,

RESOLVED *by the Council and General Assembly*, That the governor of this state be authorized to appoint three commissioners to meet the said commissioners on the part of the state of Pennsylvania, to examine and report according to the provisions of the said resolution; and also to report how the said obstructions may be obviated, having due regard to a safe and convenient navigation of the river, and the use of the waters thereof, for actual or contemplated improvement, without injury to the said navigation.

Passed January 17, 1833.

RESOLVED *by the Council and General Assembly of this State*, That the quartermaster general be directed to procure a building, in which the arms now in the state house may be deposited, and that he cause the same to be removed to said building, without delay.

Passed January 21, 1833.

RESOLVED *by the Council and General Assembly*, That the governor of this state be, and he is hereby authorized to employ some fit and discreet person, learned in the law, to amend, revise, and digest all acts, parts of acts, and supplements relating to the ordinary and his surrogates, the orphans' court,

and the practice and proceedings in all matters severally cognizable before them, or which of right ought so to be, which person so employed as aforesaid shall be instructed to make report in the premises to the next sitting of the legislature.

Passed February 6, 1833.

Preamble.

WHEREAS the vessel owners and others, inhabiting parts of the counties of Gloucester, Burlington, and Salem, adjacent to the river Delaware and its numerous creeks and inlets, have long been subjected to much inconvenience and expense in obtaining their licenses, &c., in consequence of the want of a port of entry at Camden, through which place they mostly pass on their way to Philadelphia, where their business generally lies.—AND WHEREAS the legislature of the state of New Jersey believe the establishment of a port of entry at Camden would relieve the said vessel owners and builders of a burthensome tax on their time and money, some of whom are now compelled to travel from thirty to fifty miles for their papers, &c.—Therefore,

Establishment of Camden as a port of entry recommended.

SEC. 1. BE IT RESOLVED *by the Legislative Council and General Assembly of the State of New Jersey*, That the senators and representatives of this state, in the congress of the United States, be requested to use their exertions and influence to procure the passage of an act of congress establishing a new and distinct collection district, composed of parts of the counties of Gloucester, Burlington, and Salem, of which Camden shall be the port of entry.

SEC. 2. *Be it resolved, by the authority aforesaid*, That the governor of this state do forward to each of our representatives in the congress of the United States, a copy of the foregoing preamble and resolutions.

Passed February 8, 1833.

E. Adams
prior of the
law

RESOLVED *by the Council and General Assembly of this State*, That E. B. Adams, of Trenton, be appointed to print the laws of this session of the legislature, at thirty-two dollars per sheet, and that sixteen hundred copies be printed on the large octavo pages heretofore used.

Passed February 13, 1833.

WHEREAS the people of the state of South Carolina, in convention assembled, have, by an ordinance, dated twenty-fourth of November, eighteen hundred and thirty-two, declared and ordained that the several acts and parts of acts of the congress of these United States, purporting to be laws for the imposing of duties and imposts on the importation of foreign commodities, are unauthorized by the constitution, violate the true intent and meaning thereof, and are null and void, and not binding upon the said state, its officers or citizens have proclaimed their determination to enforce said ordinance at every hazard, denied the authority of the general government to enforce the revenue laws within the said state of South Carolina, and transmitted a copy of such ordinance, together with an appeal to the people of the United States, to the executive of this state.—AND WHEREAS the high obligations we owe to our common country, as a member of this great confederacy, as well as the due preservation of the inestimable privileges we enjoy under this free and happy government, secured by the toils, and cemented by the blood of our common ancestors, has rendered it an imperative duty to proclaim our opinions upon this important subject—Therefore, in the name, and in behalf of the people of the state of New Jersey, and as their legal representatives,

Preamble:

1. BE IT RESOLVED *by the Council and General Assembly of said State*, That the constitution adopted and sanctioned by the people of these United States, as well as our early history, our common interest, our habits, our intercourse, our love of freedom, the honor, strength, and durability of our country, proclaim that all the states of this Union make one indivisible nation, united in prosperity and adversity, in peace as in war, by the sacred and indissoluble bond of their Union.

Indivisibility
of the nation.

2. *Resolved*, That we deprecate the acts and proceedings of our brethren of the state of South Carolina, as opposed to the fundamental principles upon which the government of these United States is based, as violating the spirit and meaning of the federal constitution, and tending to rend asunder those ties of common interest and fraternal regard, of mutual dependence and reciprocal obligations, which are alike our pride, our glory, and our strength, and which have proclaimed us to the world a united people.

Disapproval
of acts of S.
Carolina.

3. *Resolved*, That when South Carolina, together with all the other states, acceded to this Union, and adopted the constitution, she and they became thereby irrevocably bound, that all controversy upon the constitutionality of an act of congress should be finally adjudicated by the supreme court of these United States; the sacred charter of our liberties never contemplated that each state had reserved to itself an ultimate appeal to its own citizens in their sovereign capacity.

Constitution-
ality of acts
determined
by supreme
court.

Protection of
manufactures
by govern-
ment.

4. *Resolved*, That the manufactures of America, are one of the elements of our independence and greatness, not oppressing, but advancing hand in hand with agriculture and commerce. These three sources of national prosperity demand equally the fostering protection of government; to crush either would be to paralyze all; and to the general government, alone, standing on an elevation to survey the whole ground, belongs the information, the wisdom, and the power, to apportion just patronage wherever circumstances may require.

Amendments
to the consti-
tution, how
to be made.

5. *Resolved*, That the constitution of the United States now contains, within itself, an ample provision for its amendment, and for the remedy of every evil which may arise from unforeseen events or ambiguous construction. When this provision shall be legally called into operation, we shall be prompt to concede all to justice, much to fraternal feeling, and somewhat even to local excitement and mistaken enthusiasm. But it cannot comport either with dignity or sound policy to yield aught in the face of threatened disunion and an armed resistance to the laws.

Approval of
president's
proclamation.

6. *Resolved*, That the principles contained in the proclamation and late message of the president of the United States, meet our entire approbation; and that we will sustain the chief magistrate of the Union in the constitutional enforcement of these principles.

No separate
state can exist
in the centre
of our territo-
ry.

7. *Resolved*, That we implore our fellow citizens of South Carolina, allied, as they are to us, by all the heart-stirring and inspiring recollections of the eventful struggle that made us an independent nation, maturely to ponder over the present crisis in their affairs, and magnanimously to return to more temperate counsels, and a juster sense of that obedience to the general will which constitutes the lasting security, and should be the glory and the ornament of every member of this confederacy. But should our fellow citizens of South Carolina, contrary to our reasonable expectations, unsheath the sword, it becomes our solemn and imperative duty to declare, that no separate nation ought or can be suffered to intrude into the very centre of our territory.

Copies to be
sent to the
president and
others.

8. *Resolved*, That the governor be requested to transmit a copy of these resolutions to the president of the United States, to each senator and representative in congress from this state, and to the governors of the respective states of the Union.

Passed February 18, 1833.

Preamble.

WHEREAS Daniel Fenton, of the city of Trenton, hath, by his petition to the council and general assembly of this state, set forth that he has issued proposals for publishing, by subscrip-

tion, a work to be called the History and Gazetteer of the state of New Jersey, written by Thomas F. Gordon, esquire, an author who is represented to be entirely competent to the successful execution of such a performance, and has respectfully prayed of the legislature a share of public patronage; and it appearing that such a work, if judiciously compiled, will be of essential benefit to the public, and that the prayer of the petitioner is reasonable—Therefore,

SEC. 1. IT IS RESOLVED *by the Council and General Assembly of the state of New Jersey*, That the treasurer of this state be authorized to subscribe for one hundred and twenty-five copies of said work, and that he receive the same, when published, for the use of the state; and that he be authorized to pay to the said Daniel Fenton the sum of three dollars and fifty cents for each copy, when delivered to him: which said copies shall be subject to the disposition of the legislature; to be distributed as they may hereafter direct.

Subscription authorized to Gordon's History of New Jersey.

SEC. 2. That the said Thomas F. Gordon, or his agent, be admitted, at all reasonable times, to have access to the State Library and such public documents as may be necessary and useful for the purpose of perfecting his said work, without fee or reward.

T. H. Gordon to have access to state library.

Passed February 21, 1833.

RESOLVED *by the Council and General Assembly*, That the governor of this state be, and he is hereby authorized to appoint some person learned in the law to revise, alter, modify, amend, and digest all acts, parts of acts, and supplements on the subject of crimes and their punishment, and other acts, parts of acts, and supplements appertaining thereto, or relating to criminal proceedings; who shall be requested to make report in the premises to the next session of the legislature.

Digest of criminal law.

Passed February 27, 1833.

RESOLVED *by the Council and General Assembly of this State*, That William Grant and Jasper S. Scudder are hereby appointed commissioners to repair the dwelling house, carriage house, and fences on the government lot in the city of Trenton, as they may deem necessary and expedient; and that the treasurer of the state be authorized and directed to pay the

Government house to be repaired.

order of the said commissioners for such repairs out of any unappropriated money in his hands, any sum not exceeding three hundred dollars, which sum is hereby appropriated for that use.

Passed February 27, 1833.

Appointment
of printers of
law and chan-
cery reports.

RESOLVED by the Council and General Assembly of this State, That George Sherman, of Trenton, be employed to print the law reports, sixteen hundred copies, 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 the same be printed on as good paper and the large octavo page, as heretofore used.

Passed February 27, 1833.

Preamble and Resolutions respecting the public lands.

Preamble.

WHEREAS the public lands of this Union, having been acquired by the united exertion, and at the common expense of those who achieved our independence and established this government, it is proper and just that in the future disposition of this splendid domain, the wishes and interest of those who acquired it should be expressed and consulted—AND WHEREAS the people of New Jersey, feeling a deep interest in the decision which is about to be made upon this subject, (involving in its result as well a most sacred principle of justice as an immense amount of revenue) we, their representatives, consider it due to them to express our sentiments upon this important measure—Therefore,

Approval of
the land bill
pending be-
fore congress.

RESOLVED by the Council and General Assembly of this State, That the public lands having been acquired by the common blood and common treasure of the country, sound policy and equal justice require that they should be held or disposed of for the common benefit.

Resolved, That we consider the land bill, now before congress, as embracing and providing for the interests of all the people of the United States, and that the impartial justice and comprehensive equity of its provisions deserve the support of our senators and representatives in congress.

Resolved, That the governor of this state be requested to forward a copy of these resolutions to our senators and representatives in congress.

Passed February 27, 1833.

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