

ACTS

OF THE

FIFTY-FIFTH**GENERAL ASSEMBLY**

OF THE

State of New-Jersey,

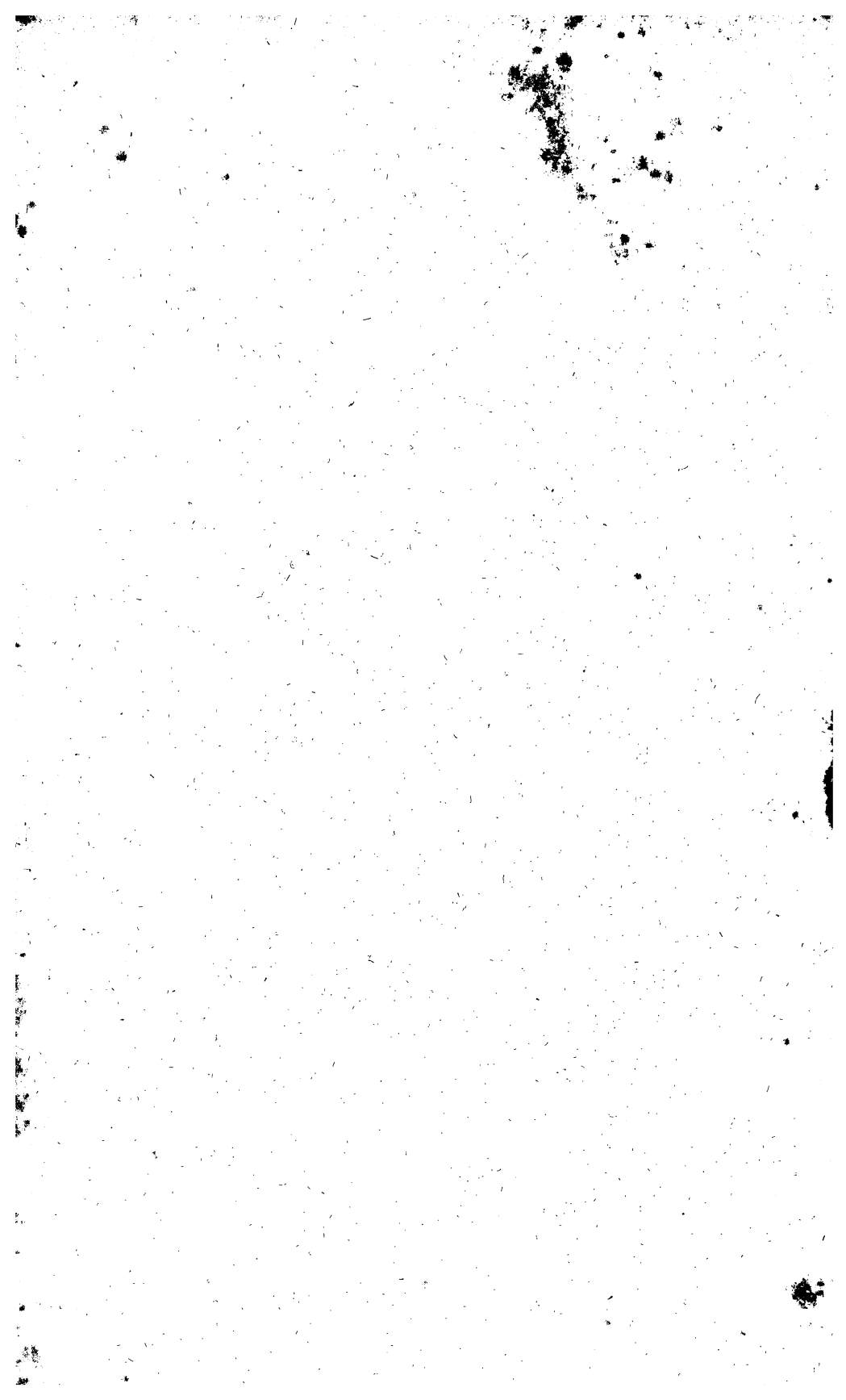
AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SIXTH DAY OF OCTOBER, ONE

THOUSAND EIGHT HUNDRED AND THIRTY.

BEING THE FIRST SITTING.

TRENTON:**PRINTED BY JOSEPH JUSTICE.**

1831.



ACTS
OF THE
FIFTY-FIFTH
GENERAL ASSEMBLY

OF THE
State of New-Jersey.

AN ACT establishing an Independent Regiment of Field
Artillery in the county of Sussex.

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 uniform companies commanded by Captains William C. Lewis, George Walker, William Woodhull, Timothy Hough, Peter Lantze, jun., James W. McCamley, William Post, and John Campell, of the Sussex brigade, be, and the said companies hereby are set off, and formed into an Independent Regiment of Field Artillery, to be attached to the said brigade, and shall be denominated the first Independent Regiment of Field Artillery.

Regiment established.

Sec. 2. *And be it enacted,* That there shall be attached to the regiment, one colonel and a regimental staff, to consist of one adjutant and one quarter master, each with the rank of lieutenant; one sergeant major, and one quarter master sergeant; one surgeon, and one surgeon's mate, and two paymasters; to each battalion one major, and to each company one captain, and two first lieutenants, and two second lieutenants, four surgeons and four corporals.

Officers.

Sec. 3. *And be it enacted,* That the said regiment shall meet for exercise and inspection on the second Monday in June; and the said regiment shall be entitled to all the privileges and subject to all the penalties an independent regiment may, by the militia law of this state, be subject to.

Day of inspection.

Passed, 5th Nov. 1830.

New Jersey State Library

AN ACT to authorize trustees therein named, to sell certain real estate of John Souder, deceased.

Preamble.

WHEREAS, it is represented to this Legislature, that John Souder, deceased, late of the township of Greenwich, in the county of Cumberland, and state of New-Jersey, was in his life time owner of a certain stone house and lot of land, in the said township of Greenwich, for many years occupied as a tavern; that said deceased departed this life on or about the first of September last, after a few days illness, leaving a widow and four children, the eldest about the age of ten years; that the said premises, more particularly the barns and stables and the fences, are much out of repair: *And whereas*, it was the anxious desire of said deceased, when confined to a bed of sickness, to execute a last will and testament, ordering said premises to be disposed of for the benefit of his wife and children, but was prevented from so doing, by the violence of his disease, which soon terminated in death; application being now made to this Legislature, by the petition of Mrs. Sarah Souder, widow of said deceased, in behalf of herself and children, and by Jacob Souder and Lewis Woodruff, administrators to the estate of said deceased, for a law authorizing the sale of the aforesaid property, and the same appearing to this Legislature to be just and reasonable—Therefore,

Trustees to sell and convey.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jacob Souder and Lewis Woodruff, and the survivor of them be, and they are hereby appointed trustees, with full power to sell, dispose of, and convey a certain stone house and lot of ground, with the appurtenances thereto belonging, situate in the township of Greenwich, in the county of Cumberland, and state of New Jersey, being part of the real estate of John Souder, deceased, as soon as conveniently may be, for the highest sum the same will bring, and when sold, to make, execute, and deliver, in due form of law, in their own names, or in the name of the survivor, as trustees or trustee as aforesaid, a good and sufficient deed of conveyance, according to the estate, right, title and interest, which the said John Souder 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, interest, claim and demand which the heirs and widow of the said John Souder now have in and to the same.

Sec. 2. And be it enacted, That the said trustees or the survivor, shall keep a fair account of the sale or sales by them or him made, and after deducting reasonable costs and char-

ges for executing the trust created by this act, to be allowed by the Orphans' Court of the county of Cumberland, and shall put out or invest in good and sufficient securities upon real estate, and upon interest, the proceeds or purchase money, for any such sale or sales, under the control and direction of the said Orphans' Court; and provided the said Sarah Souder shall relinquish her right of dower, in the said premises, the said trustees or the survivor of them, shall pay to the said Sarah Souder, during her natural life, and in satisfaction of the right of dower, one third of the interest of the proceeds or purchase money, annually; and shall receive and pay the remaining two-thirds thereof, to the respective guardian or guardians of the said minor children, annually, until they respectively come of age, and then to pay to each of them, so coming of lawful age, his or her distributive share of the principal of the purchase money, such share to be ascertained according to law, nevertheless retaining in their hands, one third of the principal of the purchase money, during the lifetime of the said Sarah Souder, in order to enable them to make the payment aforesaid, in lieu of her dower; and at her decease such principal sum and interest as may be due thereon, shall be distributed among the parties interested, in the manner hereinbefore directed.

To invest the proceeds.

How interest and principal to be disposed of.

Sec. 3. *And be it enacted*, That before the said trustees shall undertake the execution of the trust hereby assigned to them, they shall enter into bond, with surety to the governor of the state, for the use of the said minors, and of the said Sarah Souder, in such amount as shall be approved of by the Orphans' Court of the county of Cumberland, conditioned for the faithful performance of the trust by this act assigned to them, which bond shall be deposited in the surrogate's office of the said county.

Trustees to give bond.

Sec. 4. *And be it enacted*, That the said trustees or the survivor of them, within six months after making any sale or sales by virtue of this act, shall make, subscribe, and exhibit under oath or affirmation, a fair and exact statement, of such sale or sales, to the surrogate of the said county of Cumberland, to be filed in the surrogate's office of the said county—*provided* that no sale or deed which shall be made by virtue of this act, shall impair or in any way affect the right, title, interest, or claim of any person or persons whatever, other than the heirs and widow of the said John Souder, deceased.

Statement of sales filed with surrogate.

Passed, November 6, 1830.

AN ACT to empower Peter Merkle and William Hunt, administrators, &c., of Jacob Emmons, deceased, to execute a contract made by the said Jacob, with Abraham Smith, for the sale of a house and lot of land, in the township of Stillwater in the county of Sussex.

Preamble.

WHEREAS, Jacob Emmons, deceased, late of the township of Stillwater, in the county of Sussex, in his life time, entered into a contract with Abraham Smith, of said township, to sell and convey to him a house and lot of land, containing about one acre, situate in the said township of Stillwater, bounded by lands of Henry I. Coursen, William Hunt, of the heirs of Robert Goble, deceased, and of Allen Coursen, deceased, for the price and consideration of two hundred and forty dollars, with interest from about the month of April, eighteen hundred and twenty-eight, for and on account of which the said Abraham paid to the said Jacob in his life time the sum of ninety-nine dollars, as is represented to the Legislature of this state; but the said Jacob has departed this life, without executing the said contract by a conveyance of the said house and lot of land, and the children and heirs of the said J. Emmons, are minors, under the age of twenty-one years, and not competent to execute a deed to carry into effect the said contract; and the said Abraham Smith, and the said administrators, and the widow of the said Jacob Emmons, have presented to us their petition, praying the aid of the legislature, in the premises—Therefore,

Administrators upon receipt of purchase money authorized to convey to Abraham Smith.

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 Merkle and William Hunt, administrators of the goods and chattels, rights and credits, which were of Jacob Emmons, late of the township of Stillwater, in the county of Sussex, deceased, who died intestate, be, and they hereby are authorized and empowered, upon the receipt from the said Abraham Smith of the said township of Stillwater, of the balance of the consideration or price aforesaid, of the house and lot aforesaid, and the interest thereon, that shall appear to the said administrators, to be due and unpaid, or upon the same being secured to be paid to them, in such manner as they shall approve of, to grant, bargain, sell, and convey, by deed, to the said Abraham Smith, his heirs and assigns, in fee simple, the house and lot of land, in the foregoing preamble described; and the said deed so to be executed to the said Abraham Smith, by the said administrators, shall convey to, and vest in the said Abraham and his

heirs, as good and perfect an estate, in the said house and lot of land, as the said Jacob Emmons had therein at the time of his decease.

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

Proceeds of sale
to be assets in
their hands.

Passed, November 6, 1830.

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

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

Salaries of the
several officers
of the Govern-
ment prescribed.

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

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.

Chief Justice.

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

Associate Justices
of the Supreme
Court.

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

Treasurer.

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

Law Reporter.

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

Attorney General.

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

Quarter master
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

How to be paid.

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.

Pay of Members
of the Legisla-
ture.

Sec. 2. *And be it enacted*, That there shall be paid to the Vice President of Council and the 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 the Council, or by the Speaker of the House of Assembly, for the members of Assembly, or by Robert L. Armstrong of Gloucester, Ivins Davis of Monmouth, John T. McDowell of Middlesex, and Jacob Kline of Somerset, or any two of them.

Secretary of
Council and
Clerk of Assem-
bly, per diem
pay.

Fees for copy-
ing Journals.

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 the entering the minutes of Council and Assembly, and the joint meeting, fairly in the journals, and five cents by the sheet for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the President or Vice President of Council, for the Secretary of Council, and by the President of Council, or the Speaker of the House of Assembly, for the Clerk of Assembly.

Sergeant at arms
and doorkeeper
per diem pay.

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

Engrossing
Clerk's fees.

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.

Sec. 6. *And be it enacted*, That this act be and continue in force for one year, from the twenty-seventh day of October in the year of our Lord one thousand eight hundred and thirty. Limitation.

Passed, Nov. 8, 1830.

AN ACT to defray incidental charges.

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

1. To Daniel Fenton, for stationary furnished D. Coleman as per bill, three dollars and seventy-five cents.

2. To Daniel Fenton, for stationary, tape, &c., furnished the House of Assembly, as per items of bill rendered, fifteen dollars and ninety cents.

3. To the Secretary of Council, and to the Clerk of Assembly, three cents by the sheet, computing one hundred words to the sheet, in-addition to what is allowed by law, for the copy of the minutes made out for the printers.

4. To Henry B. Howell, for linen, binding, &c., as per bill, for the Assembly Room and Council Chamber, three dollars and ninety-eight cents.

5. To John Wilson and Newton, for painting two window blinds, window lights, &c, per bill, seven dollars and five cents.

6. To Martin How, for sand boxes, brush, keg, &c., as per bill, three dollars and sixty-two cents.

7. To Daniel Phillips, for making fence and materials, twelve dollars and three cents.

8. To James Faussett, for twenty-four candlesticks, eight dollars and forty cents.

9. To John R. Smith, for locks, screws, tacks, &c., as per bill, seven dollars and ninety-eight cents.

10. To Samuel B. Scattergood, for sundries per bill, twenty-seven dollars and nineteen cents.

11. To George Sherman, for printing per bill rendered, twenty-four dollars and fifty cents.

12. To Joseph Justice, for printing, &c., per bill rendered, one hundred sixty-one dollars and forty-four cents.

13. To Peter Vasier, to work done to Government House per bill, five dollars.

14. To B. Fish, for coal per bill, fourteen dollars.

15. To Andrew Allison, for sink stone for Government House, four dollars and twenty-five cents.

16. To Charles Parker, for cash paid sundry persons, for repairs done in the Assembly Room and Council Chamber, as per bill rendered, six hundred and eleven dollars and eleven cents.

17. To Charles Parker, for cash paid for wood, postage, expenses, &c., as per account rendered, one hundred and twelve dollars and twenty-three cents.

Passed, Nov. 9, 1830.

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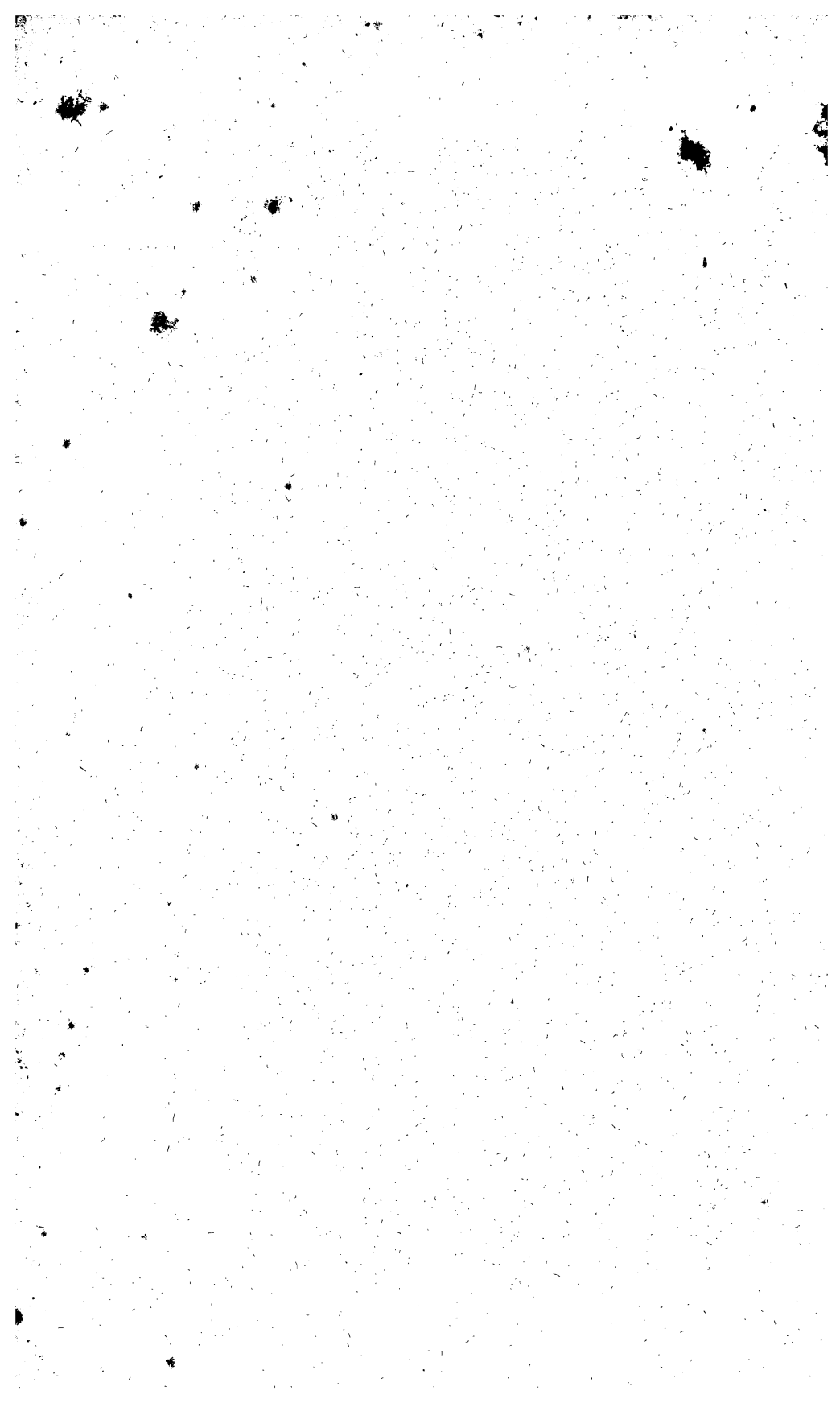
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TRENTON:

PRINTED BY JOSEPH JUSTICE.

1831.



ACTS
OF THE
FIFTY-FIFTH
GENERAL ASSEMBLY
OF THE
State of New-Jersey.

AN ACT to authorize Henry Hankinson, Trustee of Keturah M. Sloan and Eliza B. Rusling, to sell and convey lots of land on the farm on which he resides, on the Morris Canal, in the township of Mansfield, in the county of Warren, and state of New-Jersey, and to receive the moneys for the appraisement and agreement of the lands taken and occupied by said company.

WHEREAS William McCullough, by deed bearing date the sixth day of January, eighteen hundred and seventeen, conveyed to Henry Hankinson, Trustee of Keturah M. Hankinson, (now Keturah M. Sloan,) and Eliza B. Hankinson, now Eliza B. Rusling, daughter of the said Henry Hankinson, (during their natural lives, and to their heirs in fee simple) certain real estate situate in the township of Mansfield, in the county of Warren and state of New-Jersey, adjoining Spruce Run turnpike road, lands of Garret Lacey, John P. Willer, Adam Kimerman, William McCullough, and the Washington turnpike road, containing eighty-five acres, as more particularly described in said deed, which said land has been since conveyed by the said Henry Hankinson to his said daughters—*And whereas* the Morris canal runs through the north end of said farm forty three chains and sixty links, across the said Spruce Run turnpike road, adjoining which a *bason* is formed, rendering a very advantageous site for public business—*And whereas* the said Keturah M. Sloan and Eliza B. Rusling, both have

Preamble.

children under the age of twenty-one years, by reason of which a good title for said lands cannot be made, or the moneys arising for the appraisal and agreement for damages done to said land, applied to the use of fencing said canal—The parties therefore interested pray for legislative aid, &c.

Henry Hankinson authorized to sell and convey.

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 Hankinson, Trustee of Keturah M. Sloan, and Eliza B. Rusling be, and he is hereby authorized and empowered to sell and convey, by good and sufficient deed, in fee simple, as many lots of land out of the aforesaid farm, as he may consider to the benefit of the heirs.

To receive moneys for damages by canal.

Sec. 2. And be it enacted, That the said Henry Hankinson shall, and he is hereby authorized and empowered to receive from the Morris Canal and banking company, (or such other person or persons who are in possession of the same) the amount of all the moneys arising for damages on the appraisal and agreement for said land, and his receipt for the same shall be a final discharge against all persons for the same forever.

To pay over proceeds.

Sec. 3. And be it enacted, That the said Henry Hankinson shall pay over to the said Keturah M. Sloan and Eliza B. Rusling, all the moneys arising on the sale of said lots, after a reasonable deduction for his necessary expense and trouble.

Trustees released.

Sec. 4. And be it enacted, That the said Henry Hankinson, his heirs, executors, and administrators, be released from his trust, from as much land as he sells out of the aforesaid farm, after the execution of said conveyances of said lots of land, if any are sold.

Passed, January 17, 1831.

AN ACT to incorporate "The New-Brunswick Steam-Boat and Canal Transportation Company."

Name of corporation.

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 Bishop, Dr. Frederick Richmond, Charles Dunham, Isaac Fisher, and Miles C. Smith, and such person or persons as have or hereafter shall be associated with them for the purpose of conducting a Steam boat ferry, from New-Brunswick, and their successors and assigns, be, and are hereby ordained, constituted and declared to be a

body corporate and politic, in fact and in the name of "The New-Brunswick Steam-Boat and Canal Transportation Company," and by that name, they and their successors shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and they and their successors, by the name of the "The New-Brunswick Steam Boat and Canal Transportation Company," shall in law be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, or real or personal estate, whatsoever, necessary for the objects of this incorporation; the capital to be employed by the said company, for the establishment of a Steam-Boat or Boats, a Canal-Boat or Boats, to ply on the Delaware river, from Philadelphia to Trenton, and from New-York to New-Brunswick on the Raritan river, or their waters, and on the waters of any canal that shall hereafter be completed, connecting the said rivers: *provided*, that nothing in this section shall be construed to prevent their taking up, or landing passengers, merchandise, or other goods and chattels, at any intermediate point or points.

Powers and
privileges.

Proviso.

Sec. 2. *And be it enacted*, That subscriptions shall be taken under the direction of James Bishop, Dr. Frederick Richmond, Charles Dunham, Isaac Fisher, and Miles C. Smith, or a majority of them, to the capital stock of the said corporation, not to exceed two hundred shares, they the said James Bishop, Dr. Frederick Richmond, Charles Dunham, Isaac Fisher, and Miles C. Smith, or a majority of them, giving two weeks public notice, in the two newspapers printed in the city of New-Brunswick, of the time and place of taking the said subscriptions; and that a share of the said stock shall be five hundred dollars; that the stock of the said company shall be deemed and considered personal estate; and that nothing herein contained shall authorise and empower the said company, to carry on banking business, or to use or employ their funds or any part thereof, or to permit the same to be used or employed in the stock of any bank in the United States, for any purpose, or in any manner whatsoever, not herein expressly authorized.

Books opened
for subscription.

Amount of capital.

Funds not to be
employed in
banking operations.

Sec. 3. *And be it enacted*, That the sum to be subscribed, shall be paid to the persons herein mentioned, in the manner following, that is to say: fifty dollars on each share at the time of subscribing, to the persons receiving subscriptions, and seventy five dollars on each share on the day appointed for the election of the first directors of the said company, to be paid to the persons aforesaid, previous to said election,

Instalments
when paid.

and the residue to be paid at such times, and in such manner, as the directors may hereafter appoint.

Stock forfeited
on non payment
of instalments.

To be sold.

Sec. 4. *And be it enacted,* That any person, co-partnership or body politic, failing for the space of thirty days to pay any instalment or part thereof, in the manner set forth in the third section, shall forfeit to the said company 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 directors for the time being, for such prices 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 originally stockholders.

Meeting of
stockholders.

First election of
directors.

Office to be kept
in the State.

Sec. 5. *And be it enacted,* That as soon as fifty shares shall be subscribed, the persons hereby empowered to receive subscriptions, or a majority of them, may call a meeting of the stockholders at New-Brunswick, by giving at least three weeks previous notice in the newspapers printed in that city; and the stockholders assembled in consequence of such notice, shall choose by ballot from among the stockholders, by a majority of votes of such as are present, five directors for one year thereafter, in the manner following, to wit:—For every share not exceeding four, one vote; for every three shares over four, one vote; the said election to take place in the state of New-Jersey, and a majority of the said directors to be residents of, and their office to be kept in, this state.

Vacancy in the
office of a direc-
tor how supplied

Sec. 6. *And be it enacted,* That in case any of the directors shall transfer the whole of his shares of stock in this company, the office of such director shall thereupon be vacated; and in case of the vacancy in the office of a director by any means or for any cause whatever, the remaining directors shall supply the same, and the directors so chosen, shall be considered in all respects as if elected by the stockholders.

President to be
elected.

Quorum.

General meeting
of stockholders.

Election of di-
rectors.

Sec. 7. *And be it enacted,* That at the first meeting of the directors, they shall choose a president from among themselves to serve for one year thereafter, and until his successor is duly chosen, they, the president and directors, shall meet at such times and places as they from time to time may agree on for transacting their business; three directors shall constitute a quorum; and if the president be absent they may choose one pro tempore.

Sec. 8. *And be it enacted,* That a general meeting of the stockholders shall be held on the first Monday of May, in the city of New-Brunswick, in each and every year, at such place as the said company, or in default thereof, the president shall appoint, whereof three weeks notice shall be given in the newspapers published in New-Brunswick; and the said stockholders, between the hours of ten and three o'clock of that day, shall, in person or by proxy, elect by ballot five directors, being stock-

holders, to serve for one year next after their election, and until their successors are chosen; and in case of the neglect or omission of the stockholders, duly to elect directors at an annual election, the said corporation shall not be thereby dissolved; but the old directors shall hold over and continue in office until a new election shall be had, either at a special election or an ensuing regular annual election, and a special election may at any time be had in such manner and form and upon such notice as the by-laws of the said company may for that purpose prescribe.

Sec. 9. *And be it enacted*, That the directors or a majority of them, or their successors in office, shall have power from time to time to make, constitute, ordain and establish all by-laws, rules, ordinances and regulations, touching the election of directors not herein provided for, and also, for the transaction of the business of the said company and the better government of the same, not repugnant to the constitution or the laws of the United States or of this state; *provided* that all contracts, engagements and responsibilities entered into on the part of the said company by the directors or a major part of them, and signed by the president, shall be binding on the said company in the like manner as any contract would be if made and entered into by any individual.

Power to make
by-laws, &c.

Proviso.

Sec. 10. *And be it enacted*, That this act shall continue and be in force during the term of twenty-one years from the passage thereof.

Limitation.

Sec. 11. *And be it enacted*, That it shall be lawful for the Council and General Assembly at any time hereafter to amend, repeal, or modify this act as they shall see fit.

Legislature may
repeal or modify.

Passed January 18, 1831.

AN ACT to incorporate the Washington Aqueduct Company.

WHEREAS Aaron Vansyckel, William McCullough, Henry Hankinson, Charles Johnston, Conrad Davis, John P. Ribble, Nicholas E. Emmons, Thomas C. Barton, John G. Robbins, Gershom Rusling, John Petty, John W. Smith, Joseph Barton, Frederick Colmbock, William A. Martin and Imla Drake, having by virtue of sundry conveyances, became possessed in fee simple of certain springs of water, situate on the farm owned and occupied by John Mowder, in the township of Mansfield, county of Warren and State of New-Jersey, together with the privilege of conducting

Preamble.

the water of said springs into the village of Washington and its vicinity, for the purpose of supplying the inhabitants with pure water: **AND WHEREAS** aqueducts, at a considerable expense have been laid, and the water for some years past conveyed into the town; but in consequence of some of the proprietors not residing in the place, and others again who live in town and are not proprietors, decline to aid and assist to remove and repair decayed logs, although they are daily supplied with this necessary article from the aqueducts, has rendered this laudable undertaking a great burthen of a few individuals—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 Aaron Vansyckel, William McCullough, Henry Hankinson, Charles Johnston, Conrad Davis, John P. Ribble, Nicholas E. Emmons, Thomas C. Barton, John G. Robbins, Gershom Rusling, John Petty, John W. Smith, Joseph Barton, Frederick Colnbock, William A. Martin, and Imla Drake, and their successors and assigns, together with all others who may hereafter become stockholders, be, and they are hereby created a body corporate and politic, in fact and in law, by the name and style of the "President and Directors of the Washington Aqueduct Company," and by that name they and their successors, may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and may have a common seal, and may change, alter and renew the same at their pleasure, and by the same name shall be, and are hereby made capable in law of purchasing, holding, and conveying any estate, real or personal, for the purpose of conducting the said water, or any other stream which they may hereafter find necessary to supply the inhabitants of said village and its vicinity, more abundantly with water.

Name of incorporation.

Powers & privileges.

First meeting of stockholders to elect directors.

Sec. 2. And be it enacted, That the said stockholders shall, on the first Monday in March next, meet at the inn of John P. Ribble, in Washington, and in person or by proxy, elect five directors, all of whom shall be stockholders, a majority of whom shall be sufficient to form a quorum for business, to serve one year, and until others are elected, which directors shall immediately elect one of their number president.

Annual meeting of stockholders to elect directors and examine the company's concerns.

Sec. 3. And be it enacted, That the said stockholders shall meet on the first Monday in March annually, or as soon after as may suit their convenience, of which time and place ten days previous notice shall be given, by any three of the stockholders, by putting up advertisements in three of the most public places in the village of Washington, for the purpose of

examining the accounts and other matters appertaining to the company's concerns, also to elect five directors for the ensuing year, who shall elect their president as is directed in the second section of this act; and that this charter is not to be affected in any way in consequence of any irregularity in the time of meeting; and in case of death or resignation of the president or either of the directors, the other directors may fill the vacancy from among the stockholders.

President to be chosen.

Irregularity in time of meeting not to effect the charter.

Sec. 4. *And be it enacted*, That the said stockholders may choose a secretary and treasurer, make such by-laws, rules and regulations as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition thereof; *provided* they are not repugnant to the laws of this state, and of the United States.

May elect secretary and treasurer and make by-laws.

Proviso.

Sec. 5. *And be it enacted*, That no stockholder shall be entitled to more than one vote until altered by increasing the vote agreeably to the number of shares held.

Mode of voting.

Sec. 6. *And be it enacted*, That the said directors shall keep a book or books, in which the by-laws and all other proceedings of the company shall be entered at large, which book or books shall be free for the inspection of any member whenever requested; and that no stockholder shall sell or transfer his or her stock until it is entered and all arrearage of taxes paid up.

Duty of directors.

Sec. 7. *And be it enacted*, That in order to enable the said stockholders to raise a fund sufficient to keep the aqueducts now in use, in repair, also to purchase at some future period, lead or iron pipes, or any other kind which they may see proper to convey the water through and keep them in repair, also to purchase other water and water-courses, should the present springs fail or prove insufficient to supply the inhabitants with water, they may create a new stock and dispose of the same; *provided* the stock so created does not exceed ten thousand dollars; also tax each stockholder according to the number of shares owned, and the benefit derived from the water.

New stock may be created.

Proviso.

May tax stockholders.

Sec. 8. *And be it enacted*, That if in any case any person or persons neglect or refuse to pay the tax or taxes assessed, within twenty days after notice is given by advertisements set up in three of the most public places in the said village of Washington, that they may be prosecuted for the same in an action of debt; and the Justice before whom the action is brought after examining the duplicate and comparing the different assessments, under similar circumstances, and hearing the witnesses offered, may enter judgment for such sum as he may think right, with costs, and issue execution for the same when required.

Delinquents may be prosecuted.

Sec. 9. *And be it enacted*, That the said company, their

Highway not to be obstructed.

agents or servants shall not, when laying the aqueducts, or at any other time obstruct any public highway so as to prevent carriages from passing and repassing without danger or inconvenience.

Triple damages for injuring property of the company.

Sec. 10. *And be it enacted*, That if any person or persons shall disturb, injure, or in any way obstruct the spring or springs, or the water or water-courses, belonging to the said company, or injure, or disturb the logs, pipes and fixtures belonging, or in any way appertaining to the aqueducts, may be sued in an action of damages in any court within this state having cognizance of the same, and on conviction, made to pay triple the amount of damages done with costs.

May enter on premises to lay aqueducts, &c.

Sec. 11. *And be it enacted*, That the said company may at all times when necessary to repair the aqueducts now in use, or others that may be put in their place or elsewhere, which they may hereafter lay, and keep the same in repair, enter on the premises, and dig such small drains or ditches as will be necessary to lay the aqueducts in, and after they are laid to cover them with the earth which they have so thrown out, with all reasonable despatch; and in case the owner or owners or possessor of the soil through which the drains or ditches so dug, conceives that he, she or they are injured thereby, and not being able to agree with the said company on the amount of damages done, that the same shall be referred to three disinterested freeholders residing in the neighborhood, or a less number as may be agreed on by the parties, who shall, if desired by either party, be sworn or affirmed as the case may be, before entering into the investigation, to determine according to the best of his or their judgment or judgments; and after viewing the premises and hearing the parties, shall make his or their award in writing within ten days, and if he, or a majority, if more than one, shall award damages, the same shall be paid by the company immediately, together with all the costs that may accrue or such a part thereof as may be considered just and right; and in case the said company neglect or refuse to refer the subject matter in dispute, then the party injured may sue for the same in an action of damages.

Amount of damages to be referred.

Company may be sued.

Legislature may repeal or modify this act.

Sec. 12. *And be it enacted*, That it shall at any time hereafter be lawful for the legislature of this state to repeal, alter or amend this act or any part thereof.

Passed January 19, 1831.

**AN ACT to incorporate the Cumberland Beneficial Society
of Cumberland county.**

WHEREAS a number of citizens of the county of Cumberland, in this state, have formed themselves into a society, for the purpose of raising a fund sufficient for the relief of each other in case of disease, age, or accident; and whereas they have by a committee, represented to the legislature of this state the expediency of being constituted a body corporate, so as to enable them to hold property, and more safely to vest their funds in stock or other securities, for the purpose of their association— 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 Jonathan Brooks, Doct. William S. Bowen, John R. Cory, Samuel Eckel, Samuel Bowen, Samuel Barber, Rineer Dare, Stephen Balkcom, Johnson Reeves, Howell Davis and George Harris, and all such other persons not exceeding three hundred, as now are, or hereafter shall become members of the Cumberland Beneficial Society, 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 "Cumberland Beneficial Society;" 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 law and equity whatever; 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.

Name of the company.

Powers & privileges.

Sec. 2. And be it enacted, That the members of said society, or as many of them as can conveniently attend, shall meet on the second Wednesday of July next, and on the second Wednesday of July annually thereafter, at some suitable time and place, of which meetings, notice for the space of ten days shall be given in one of the newspapers of this state, and then and there by a plurality of votes of those present, proceed to elect a President, Vice-President, Secretary, Assistant Secretary, Treasurer, 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 said company, and at the expiration of his term of office shall deliver it over to his successor.

Annual meeting to elect officers.

President to keep seal.

Sec. 3. And be it enacted, That the estate and property of

Power to hold
real and personal
estate.

Proviso.

May make and
alter the consti-
tution and by-
laws.

Funds not to be
employed in
banking opera-
tions.

what kind soever the same be, now held by the 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 and hold, for the use and benefit of said society, and for the purposes above expressed in the preamble of this act, any lands, tenements, hereditaments, and any sum or sums of money, rights, goods and chattles, by the gift, alienation, devise or bequest 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 annual sum of two thousand dollars.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized to make and use, and from time to time to alter or amend as to them may appear 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 nothing in the said constitution or by-laws be contrary to the constitution and laws of the United States; or of the state of New-Jersey.

Sec. 5. *And be it enacted*, That the said corporation shall not use any of their funds for banking operations, or in any other way, except as is provided for by 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 fit.

Passed January 20, 1831.

AN ACT for the relief of the President and Trustees of the First Presbyterian Church in Newton in the county of Sussex.

Preamble.

WHEREAS it is represented that the President and Trustees of the First Presbyterian Church in Newton, in the county of Sussex, in this state, have been known or reputed as a body politic and corporate for a number of years now past, and as such have held and do hold real and personal estate to a large amount, and have bought and sold, sued and been sued, and done many other acts as such corporation, and have generally been deemed and taken as such; and

whereas it is further represented that their act of incorporation is lost, or cannot now be found, and great mischief is thence apprehended to the said society—For remedying whereof

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 religious society and congregation of christians above mentioned, and heretofore known as the Presbyterian Church in Newton, or as the President and Trustees of the First Presbyterian Church in Newton, or by whatever name they may have heretofore acted or been known, be, and they hereby are declared to be and are constituted and created a body politic and corporate, by the name of "The President and Trustees of the First Presbyterian Church in Newton," and by that name and as such corporation may be known in law, sue and be sued, grant and have granted unto them, hold real and personal estate, contract and bargain, adopt and have a common seal, and the same change and alter at their pleasure, and do all other acts which a corporation may lawfully do, in the same manner and to the same extent, and with the same powers, restrictions and liabilities, and under the same regulations as are contained in an act of the legislature of this state, entitled "An Act to incorporate trustees of religious Societies," and henceforth to be under the same rules and regulations, and subject to all such provisions as are contained in the act aforesaid.

First Presbyterian Church in Newton incorporated.

Corporate name

Powers & privileges.

Sec. 2. And be it enacted, That the number of the trustees of the said society shall be seven, as heretofore, until changed according to law, and the trustees now in office in said society shall continue in office until removed according to the provisions of the said act.

Seven trustees.

Sec. 3. And be it enacted, That all deeds, grants, contracts, agreements, bargains and promises, made, done, or entered into or intended to be made, done, or entered into, to, from, by or with the said society, or the said trustees, shall have the same force and effect, and be construed, executed and carried into effect in the same manner as if the said society, or the said trustees, have or had been, at the date or time of making the same, and from thence hitherto, a body corporate and politic, under and by the name of "The President and Trustees of the First Presbyterian Church in Newton."

Former contracts, &c. of the society confirmed.

Passed January 20, 1831.

AN ACT to divorce Samuel Bent, of the county of Monmouth, from his wife Rachael.

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 Samuel Bent of the township of Middletown, in the county of Monmouth, and Rachael his wife, be and the same is hereby dissolved, as fully as if they never had been joined in matrimony.

Passed January 21, 1831.

AN ACT to incorporate the Paterson and Hudson River Rail 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 John Colt, Robert Carrick, Abraham Godwin, jun. Richard R. Morris, William S. Buckner, Elias B. D. Ogden and Andrew P. Hopper, and such other person or persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The President and Directors of the Paterson and Hudson River Rail Road Company"; and by that name, they and their successors, and assigns shall, and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels, necessary or expedient to the objects of this corporation; and shall be clothed with all the rights, powers, and privileges, pertaining to corporate bodies, and requisite for the purposes aforesaid.

Sec. 2. *And be it enacted,* That the capital stock of said company shall be two hundred and fifty thousand dollars, with liberty for the company to increase the same to five hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferrable, in such manner as the said corporation shall, by their by-laws direct.

Style of incorporation.

Powers & privileges.

Amount of capital stock.

Sec. 3. *And be it enacted,* That the above named persons or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they or a majority of them may think proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in Paterson, and in a paper printed in the city of New-York; and that the said books shall be kept open as long as the said persons or a majority of them shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Books to be opened.

Subscriptions to be received, and if more be taken than the capital stock—to be apportioned.

Sec. 4. *And be it enacted,* That at the time of subscribing for said stock, ten dollars shall be paid to the above named persons or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors; and such election shall be made by ballot at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; 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 named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be, after every election, choose out of their own number, a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled, for the remainder of the year, wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Subscriptions how paid.

First meeting of stockholders to choose directors.

Directors how chosen.

Annual election of directors, time and place of meeting.

President to be chosen.

Vacancies how filled.

Sec. 5. *And be it enacted,* That in case it should happen

Election not made on the day prescribed not to dissolve the corporation.

that an election of directors should not be made during the day, when pursuant to this act it ought to have been made; the said corporation shall not, for that cause be deemed to be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors for the time being, shall continue to hold their office until new ones shall have been chosen in their places.

Five directors competent to transact business.

Sec. 6. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the remainder of the capital stock of said company, by such instalments not exceeding five dollars on each share, at any one time and at such times as they may direct, and in case of the non payments of said instalments or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, touching the management and regulation of the stock, property, estate and effects of the said corporation, and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendants, 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 exact from the treasurer sufficient security for the due performance of his trust: *Provided* said by-laws be in no respect repugnant to the laws of this state or of the United States.

Shares forfeited on non payment of instalments.

Officers to be appointed.

Treasurer to give security.

Rail road may be constructed, from and to what points.

Sec. 7. *And be it enacted*, That the president and directors be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to survey, lay out, and construct a rail road, or lateral roads, from one or more suitable place or places in the town of Paterson, one at least of which shall either commence at, or pass in its course within fifty feet of the corner of the present lower race-way in the town of Paterson, at the intersection of Congress and Mill Streets, near the Catholic Chapel, to Weehawken, and from thence to any other suitable place or places on the Hudson River, opposite to the city of New York, within fifty feet of high water mark, not exceeding sixty-six feet wide, with as many set of tracks and rails as they may deem necessary, crossing the Hackensack River, upon, or adjoining the present bridge belonging to the New Barbadoes Toll Bridge Company, with their consent; but if such consent cannot be obtained, then as near the said bridge as practicable, with a draw, in a line and corresponding with the present one, and of equal or greater width; and it shall be lawful for the said president and directors, their agents, engineers, superintendants, and others in their employ, to enter, at all times, upon all lands and waters, for the purpose of exploring, surveying, levelling and laying out the route or routes

Width.

Where to cross Hackensack river.

of such rail road or lateral roads, and of locating the same; and to do and erect all necessary works, buildings and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes and the location of such road or lateral roads shall have been determined upon, and a survey of such route or routes, or location deposited in the office of the Secretary of State, then it shall be lawful for said company, by its officers, agents, engineers, superintendants, contractors, workmen and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable and necessary for the completion or repair of the said road or roads, and to carry into full effect the object of this incorporation; and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering or extending the said road or roads, or of any of the works or appendages, subject to such compensation to be made therefor, as is herein after provided, and repairing any breaches they may make in enclosures; *Provided always*, that the payment, or the tender of the payment of all damages for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon, or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained in writing: *and provided also*, that it shall be lawful for any person or persons owning any ferry on the Hudson river opposite to the city of New-York or any landing on the Passaic River, or manufactory within the corporate limits of the town of Paterson, to which said rail road shall not be laid by this company, to erect and build a branch rail road to intersect said rail road at such point or points within the said limits, as may be deemed expedient, and to charge tolls thereon in the same manner and at the same rates, as this corporation is authorized to charge; and for the purpose of constructing said branch rail road, he or they shall be invested with the same privileges, and be subject to the same liabilities and reservations as this corporation are entitled and subject to.

Sec. 8. *And be it enacted*, That when said company, or its agents, cannot agree with the owner or owners of any such required lands or materials, for the use or purchase thereof, or in case any such owner or owners thereof shall be feme covert, or under age, non compos mentis, or reside out of the state, then it shall and may be lawful to, and for the said directors to apply to any justice of the Supreme Court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested to

May enter upon lands for the purpose of exploring, surveying, &c.

Survey of route to be deposited in the office of Secretary of State.

May take possession of lands necessary for the rails.

May take stone, gravel, sand, &c

To repair breaches.

Proviso.

Tender of payment to the owner before lands are entered upon

Proviso.

Branch roads may be built by owners of certain ferries and manufactories,

When company cannot agree with owner, to apply to a justice of the Supreme Court.

Justice to issue writ.

frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county in which such lands and tenements shall be, commanding him, that by the oaths or affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall enquire whether the person or persons owning any lands, tenements, or hereditaments necessary to be used by the said directors, or which may be injured in establishing such rail road or roads, which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any, and what damages, by reason or means of taking such lands, tenements, or other real hereditaments, gravel or materials, necessary or expedient for the use of such rail road or roads, or the repair thereof, or the works thereto belonging; and to return the said writ together with the finding of such jury, to the next Supreme Court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the sheriff, he shall give at least twenty days notice in writing, to all and every owner or owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper printed in the county in which such lands lie, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner, and upon like notice to the parties, as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matter and things in the said writ specified, and a true inquisition make, according to the best of their skill and judgment, without favor or partiality; and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writ specified, and having considered the quantity of lands, materials, or other matters and things necessary or requisite to be vested in the said company, for the purposes aforesaid, they shall cause the same to be minutely and accurately described by metes and bounds, or other particular descriptions, and shall value or appraise the value of the land and the injury or damages, if any, which the owner or owners of said lands, tenements or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the said company, or by means of such improvements being destroyed or rendered useless, or of less value, defining and ascertaining, as well all such lands and tenements and privileges so to be vested in said company

Sheriff to give notice of the execution of the writs,

Jury to be selected as struck juries.

Sheriff and inquest to view the lands,

To appraise the damage owners of lands or materials may sustain by their being vested in the company, &c.

as the several sums at which the said injuries and damages shall be so assessed, and in making such valuation and appraisalment, it shall be the duty of the jury or juries to allow compensation for the lands, tenements, and hereditaments, to be taken for the use aforesaid, at the fair value they would have come to before the location of the said road or roads, and a full value for all gravel, and other materials that may be used by the said company for the purposes aforesaid; and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same together with the said writ to the office of the clerk of the Supreme Court, according to the command of the Court, and the justices of the said Court shall examine the same at the term to which it is returned, and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights, and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said Court shall enter judgment, and the said company paying the said inquisition assessed or bringing the same into the said Court, over and besides the cost of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns, forever, all and every the lands, tenements, rights and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said Court shall award an inquisition de novo; and upon payment or bringing into Court all such moneys as by such judgment shall be required to be paid or brought into Court, all such lands, tenements, rights and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized and possessed thereof in like manner as the then late owner or owners was, or were, seized or possessed thereof.

Sec. 9. *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 and under the said rail road or roads where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle, on the said road, shall not be prevented thereby; and, also, where the said road shall intersect any farms or lands of any individual, to provide and keep in repair, suitable wagon ways over or under said rail road, so that they may conveniently pass the same.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to

How value of land & materials to be estimated.

Inquisition and writ to be returned to clerk of Supreme Court.

Court to examine, and if writ is duly executed to enter judgment.

Lands to be vested in the company on their paying the amount of judgment.

Inquisition de novo.

Bridges to be erected.

The passage of carriages on public roads not to be impeded.

Power to purchase or construct engines, &c.

Proviso.

Rates of tolls.

Property vested
in the company.

Dividends to be
made annually.

Penalty for in-
jury to property
of company.

What real estate
may be held by
the company.

place on any rail road, constructed by them, all machines, engines, wagons, carriages and vehicles for the transportation of persons, or any species of property thereon, that they may think reasonable, expedient, and right; *provided*, they shall not charge more than at the rate of six cents per mile per ton, for the transportation of property on the said road or roads, or six cents per mile for carrying each passenger on said rail ways, in the carriages of the company, or three cents per mile, for each ton of property transported, or three cents per mile for each passenger carried on said rail ways in carriages of other, and three cents per mile for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll and the transportation of persons and every species of property, at the aforesaid, or such less rates, as they, from time to time, shall think reasonable and proper; and that the rail road or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property, whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company, incorporated by this act, and their successors and assigns during the continuance of this act.

Sec. 11. *And be it enacted*, That the president and directors of the said company as soon as the affairs of the company will allow, shall declare and make such dividend as they may deem prudent and proper, of the net profits thereof, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper; and in case they fail so to do, they shall assign their reasons, in writing, to the stockholders for such failure.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy or obstruct the use of any rail road constructed under the provisions of this act, by the said company, or of any of their necessary works, wharves, bridges, carriages or machines, such person or persons so offending, shall forfeit and pay to the said company, any sum not exceeding two hundred dollars, at the discretion of the Court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and, also, shall be liable to pay to said company double the amount of damages sustained thereby, to be sued for in an action of trespass.

Sec. 13. *And be it enacted*, That the said Company may have and hold real estate at the commencement and termination of said road or roads, not exceeding two acres at each place, and not approaching nearer than fifty feet of high water mark at either of the present ferries of Hoboken, Weehawken or Jersey City, without the consent of the owner or

owners of the ferry or ferries, opposite which said land may be taken; and may erect and build thereon, houses, warehouses, stables, machine shops, and other buildings and improvements, as they may deem expedient for the safety of property, and construction of carriages and other necessary uses, and take and receive the rents, profits and emoluments thereof, and shall have the privilege and authority to erect, build and maintain on the rivers Passaic and Hackensack, respectively, such wharves, piers, bridges and other facilities, as they may think expedient and necessary, for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions; and for the safety of the navigators, one or more lamps shall be placed at one side of the draw of said bridge, which lamp or lamps shall be lighted every evening thereafter as long as said bridge shall stand, before it grows dark, and continue lighted until day light, at the expense of the said company; and shall keep, or cause to be kept at the said bridge, a careful person to open the draws for the free passage of vessels with standing masts; and for each and every neglect in opening the draws, and each and every night's neglect to light the lamp or lamps, the directors of said company shall pay the sum of ten dollars to be recovered in an action of debt by any person suing for the same; *provided*, that nothing herein contained shall be so construed, as to give the company hereby incorporated the right to establish or carry on a ferry for the carrying of passengers or freight.

Lamps to be lighted near the draw.

Sec. 14. *And be it enacted*, That the road or roads authorized by this act, be and the same are hereby declared a public highway, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *Provided always*, that the said carriages so used thereon shall be of the same description, as those used by the company, and shall be so regulated as to time of starting, rates of travelling, and rates of tonnage as not to interfere with the carriages of the company, nor injure the said road.

Rail road declared a public highway.

Proviso.

Sec. 15. *And be it enacted*, That if the said rail road shall not be commenced in one year, from the fourth day of July next, and completed at the expiration of five years from the same time, that then and in that case this act shall be void.

What shall make this act void.

Sec. 16. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act, shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

Capital not to be employed in banking operations.

Sec. 17. *And be it enacted*, That at any time after the expiration of fifty years, from the completion of the said road, the legislature of this state may cause an appraisement of the

When the state may take the rail road and how.

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 said 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, 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 the 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 the 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 advance of the stock, and the said valuation shall in no case exceed the first cost of the said rail road with the lands and appendages thereof.

Annual returns
to be made to
the treasurer of
the state.

Tax to be paid.

Sec. 18. *And be it enacted*, That from and after the completion of the said rail road, it shall be the duty of the treasurer of the said company, under oath or affirmation, to make annual returns of the number of passengers, and the number of tons of merchandise and other articles transported thereon, to the treasurer of this State, and that the said company shall, after the expiration of five years from the passing of this act, pay to the treasurer of this state, yearly and every year, a tax of one quarter of one per cent. upon their capital stock paid in, and yearly and every year after the expiration of ten years, a tax of one half of one per cent. upon the capital stock so paid in as aforesaid; and that no further or other tax or impost shall be levied or assessed upon said company.

Sec. 19. *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.

Passed January 21, 1831.

AN ACT to incorporate the Mount Holly Insurance Company in the county of Burlington.

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

Style of the incorporation, powers and privileges.

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

Amount of capital stock.

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

How to be paid in.

Sec. 4. And be it enacted, That the secretary of said company, shall give notice, in the newspapers published in

Notice when instalments to be paid.

Mount Holly, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, ten days after, shall forfeit to the said company all and every such share or shares, upon which the instalment shall remain due, and all moneys previously paid thereon.

Number of directors.

Time of election

Notice to be given.

Proviso.

Sec. 5. *And be it enacted*, That the stock, property, affairs and concerns of the said company, shall be managed and conducted by thirteen directors, who shall hold their offices for one year and until others shall be chosen, and no longer; which directors shall, at all times, during their continuance in office, be stockholders in the said company, in their own right, and shall be citizens of New Jersey; and the said directors shall be hereafter elected on the first Monday of May in each and every year, at such hour of the day, and at such place in the town of Mount Holly, as the board of directors, for the time being, shall direct; of which election public notice shall be given in the newspapers printed in Mount Holly aforesaid, at least two weeks previous to such election; and every such election shall be made by ballot, and by plurality of the stockholders present, or represented by proxies; and every stockholder shall be entitled to one vote for each share holden by him or her; *Provided*, that he or she shall have held such share for at least twenty days next preceding the election, and shall be citizens of the United States; and the first directors shall be Caleb Newbold, John Black, Joseph C. Clark, Samuel F. Lewis, John Larzilere, William Ridgeway, Jonathan J. Spencer, Thomas Swaim, John L. Stratton, Moses Wills, Jacob Ridgeway, Samuel Fenimore and George Haywood, who shall hold their offices until the first Monday of May, in the year of our Lord one thousand eight hundred and thirty-one, and until other directors shall be chosen in their stead.

President to be chosen.

Vacancies filled.

Sec. 6. *And be it enacted*, That the directors herein before mentioned, shall as soon as convenient after the passing of this act, and the directors who are annually chosen agreeably to the provisions of this act, shall as soon as convenient after their election, proceed to choose out of their body one person to be president, who shall preside until the annual election therefor; and in case of the death, resignation, or inability to serve of the president, or any director of such company, such vacancy or vacancies shall be filled, for the remainder of the term, by such person as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the president might exercise.

Sec. 7. *And be it enacted*, That the board of directors, for the time being, shall have power to appoint, during their

pleasure, a secretary and such other officers as may be required for effecting the business of the company, and to allow them respectively, such compensation for their services as may in their judgments be deemed reasonable.

Officers to be compensated.

Sec. 8. *And be it enacted*, That the aforesaid directors, or such committee as they may appoint, shall take in subscriptions to the capital stock of this company, and open subscription books for the purpose at Mount-Holly aforesaid, upon two week's notice published in the newspapers of that town, and shall continue open from day to day, for five days, unless the whole stock shall be sooner subscribed; and their secretary shall be the receiver of all moneys, and shall deposit, or dispose of the same forthwith as the directors, by resolution, shall direct.

Books to be opened.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the company to insure houses and other buildings, and personal property contained therein, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

To insure houses.

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

Policies how, & on what conditions made, &c.

Sec. 11. *And be it enacted*, That for the well regulating and conducting of the election of directors, the president and directors, for the time being, shall previously thereto appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same; and five stockholders shall constitute a quorum for the transaction of business, notice of the meeting being given to all.

Judges of election.

Sec. 12. *And be it enacted*, That the board of directors, or fifteen stockholders, being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of the said company, previously advertising the time and place of such meeting for at least two weeks in the newspapers printed in Mount-Holly, and mentioning the object of such meeting.

Meetings to be advertised.

On certain conditions, may hold real estate.

Proviso.

Stock transferable, and to be considered personal property.

To make dividends but not to impair the capital stock.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the said company, to purchase and hold such, and so much real estate, as shall be necessary for their convenient accomodation in the transaction of their business; and also to take and hold any real estate, or securities bona fide mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with said company; and also to proceed on the said mortgages, or other securities, for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is, or shall be authorized to do; and also to purchase on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise, to take and receive any real estate in payment, or towards satisfaction of any debt previously contracted, and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal property: *Provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof, for, or in any banking operations, or in the purchase or sale of any stock or funded debt, created, or to be created under any law of the United States, or of any particular state, or to emit any notes, or bills, or securities for the payment of money, except under the seal of the said company; but it shall nevertheless, be lawful for the said company to purchase and hold any such, or other stock, or funded debt, for the purpose of investing therein any part of their capital stock, funds or moneys; and also to sell and transfer the same, and again to renew such investments, when and as often as the exigencies of the said company, or a due regard to its interests shall require; and also to make loans of its capital stock, funds and moneys, on bonds and mortgages, and the same to call in and reloan, as occasion may render expedient.

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

Sec. 15. *And be it enacted*, That it shall be lawful for the directors of the said company, to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders, or to their legal representatives; but the dividends shall at no time exceed the amount of clear profits made by the said company, and the capital stock shall be and remain unimpaired; and if the said directors shall at any time, knowingly, make dividend of the capital stock as aforesaid, they shall be individually liable for the proportion of stock so divided, and an action of debt may be brought against them

or any of them, their executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give notice to the stockholders of the declaring of such dividend.

Sec. 16. *And be it enacted*, That at the annual meeting for choice of directors, a statement of the affairs and business of the company for the preceeding year, shall be made out and shewn for the general satisfaction of the stockholders.

Annual statement of the business of the company.

Sec. 17. *And be it enacted*, That each director, the secretary, and every other officer of said company shall, before he enters on the duties of his office, take and subscribe an oath or affirmation (as the case may be) faithfully to exercise the duties of his office according to the best of his skill and understanding, which oath or affirmation may be administered by any judge of the Inferior Court of Common Pleas, or justice of the peace of this state.

Oath of office.

Sec. 18. *And be it enacted*, That the said company shall pay into the treasury of this state, one fourth of one per cent. per annum on the capital stock paid in, to commence three years after the said company shall go into operation, which said amount shall be paid in under the oath or affirmation of the president and secretary thereof.

Tax to be paid to the state.

Sec. 19. *And be it enacted*, That the said company shall cause to be kept at their office, proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Books open to inspection of stockholders.

Sec. 20. *And be it enacted*, That this act shall continue in force for the space of twenty-five years; but it shall and may be lawful for the legislature at any time to alter or repeal the same.

Limitation, &c.

Passed January 21, 1831.

AN ACT to authorize Trustees, therein named, to sell certain Real Estate of Daniel Bates, deceased.

WHEREAS Daniel Bates, late of Woodbury, in the county of Gloucester, died, leaving a last will and testament, which

Preamble.

was duly proved in the surrogate's office of the county of Gloucester, in which, among other things, he devised the residue and remainder of his lands and real estate unto his wife Tamzon Bates, for and during her natural life; which real estate, so devised to the said Tamzon Bates for life, consisted of a farm or plantation on what is called the Four mile Branch, and divers tracts of out lands and cedar swamps, all situate in the county of Gloucester aforesaid; and the said Daniel Bates, by his said last will and testament, did order and direct that all his said land and real estate, so as aforesaid devised to his wife the said Tamzon Bates, for life, after her death, should be sold, except a house and lot in Woodbury, devised to Elizabeth Cooper; and the said Daniel Bates, in and by his said last will and testament, did constitute and appoint his wife, the said Tamzon Bates, his sole executrix; and the said Tamzon Bates, the widow and executrix of the said Daniel Bates, deceased, hath lately departed this life, and no provision is made in the said last will and testament, or authority given to any person or persons to carry into effect the said last will and testament, by selling and disposing of the lands so as aforesaid devised to the said Tamzon Bates; and Levi Bates, Josiah Bates, and others, the lawful heirs of the said Daniel Bates, deceased, having petitioned the legislature for a law authorizing and appointing Uriah French and Daniel Bates, trustees to carry into effect the said last will and testament—Therefore,

Trustees appointed with power to sell and convey certain real estate,

Title vested in the purchaser.

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 Uriah French and Daniel Bates, be, and they are hereby appointed trustees, with full power to sell and convey such of the lands and real estate of the said Daniel Bates, deceased, as were in and by the last will and testament of said deceased directed to be sold, for the highest sum or sums of money the same will bring, and for the same, or any part thereof, to execute and deliver, in due form of law, in their own names, or in the name of the survivor of them, or in the name or names of the executor or executors of the survivor of them, as trustees or trustee aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate, right, title, and interest which the said Daniel Bates had in the same at the time of his death; and which sale or sales so made and confirmed by deed shall entitle the purchaser or purchasers to all the estate, right, title, claim, interest, and demand which the said Daniel Bates, deceased, had in the premises at the time of his death, and which the heirs of the said Daniel Bates, deceased, now have in and to the same.

Sec. 2. And be it enacted, That the said trustees, and the

survivor of them, the executor or executors of the survivor of them, shall keep a fair account of the sales so made by them under this act, and, after deducting all legal costs and expenses, to be allowed by the Orphans' Court of the county of Gloucester, to pay over the whole amount of the balance arising from such sale to the lawful heirs of the said Daniel Bates, deceased, agreeably to the direction, and according to the true intent and meaning of the last will and testament of the said Daniel Bates, deceased.

Accounts to be kept, and how balance to be paid over.

Sec. 3. *And be it enacted*, That before the said Uriah French and Daniel Bates engage in the trust assigned them by this act, they shall enter into bond to the governor of this state, in such sum, and with such security, as the judges of the Orphans' Court of the county of Gloucester shall approve, conditioned for the faithful performance of the said trusts; which bond shall be deposited in the Secretary's office of this state.

Trustees to give bond & security.

Sec. 4. *And be it enacted*, That the said Uriah French and Daniel Bates, or the survivor of them, the executor or executors of the survivor of them, shall, within six months after the sale or sales of said lands and real estate, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Gloucester, a true statement of the amount of such sales, to be by him recorded and filed. And the said Uriah French and Daniel Bates, their executors and administrators, shall be accountable for all moneys received by them by virtue of this act: *Provided always*, that no sale or conveyance of the lands or tenements of the said deceased, made under this act, shall affect the rights of any person or persons other than the children and devisees of the said Daniel Bates, deceased, and their legal representatives.

To exhibit accounts to surrogate of Gloucester and be accountable for moneys.

Provide.

Passed January 24, 1831.

A FURTHER SUPPLEMENT to "An act to authorize the draining of the low lands in the town of Newark," passed 25th of November, 1822.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the commissioners named in the act to which this is a supplement, passed the twenty-fifth day of November, eighteen hundred and twenty-two, and their successors in office, shall have full power and authority, as often as

Duties of commissioners.

occasion may require, to enter upon and explore the lands, and do and perform the several duties mentioned in the said act for the purpose of effecting the object thereof, and to make an estimate or estimates of the expense thereof, to be levied and assessed, from time to time, in such manner as in the said act is directed; and in case any estimate or assessment shall prove insufficient, to make a further estimate, to be levied and assessed as aforesaid.

To graduate the ratio on which assessment is made.

Sec. 2. *And be it enacted*, That the commissioners named in the act to which this refers, and their successors in office shall, at all times whenever an estimate or assessment is about to be made in pursuance of this act, designate to the assessor the property, and graduate the ratio and the relative proportion on which the assessment shall be made, any thing in the act to which this is a supplement to the contrary notwithstanding.

Passed January 24, 1831.

A SUPPLEMENT to the act, entitled "An act making provision for carrying into effect the act for the punishment of crimes," passed February twenty-third, eighteen hundred and twenty-nine.

Keeper of State Prison to admit persons to give religious instruction.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be the duty of the keeper of the state-prison to admit religious and well inclined persons of any denomination of Christians, who may feel it a duty on the Sabbath day to perform divine service, and give such other religious instruction to the prisoners as shall tend to their benefit; and the said keeper and his deputies shall give them such aid and assistance as may be necessary, and appropriate such part of the building as may be most safe and convenient for that purpose.

Sec. 2. *And be it enacted*, That so much of the eighteenth section of the act to which this is a supplement, that requires the keeper, under the direction of the board of inspectors, to provide a licensed clergyman to officiate at the prison, at the expense of the state, be and the same is hereby repealed.

Passed January 24, 1831.

AN ACT to alter the Boundary Line between the townships of Randolph and Pequannack in the county of Morris.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all that part of the township of Pequannack, lying south and west of the following lines: Beginning at a point in the middle of Rockaway River, in a line called Penn's Line, being a boundary line between lands of William Ford and lands of David Ross, lately deceased; and say twenty-five links northwardly in said line from a corner in the same, being a corner between William Ford and Samuel Hicks, sen. and the south eastern corner of William Ford's lands adjoining; running thence, first, north forty-three degrees east twenty-four chains and twenty-five links along Penn's Line aforesaid, to a heap of stones in said line, fifteen links northwardly from the north, or berm bank of the Morris Canal, and one chain and ten links beyond the corner of William Ford's land, viz: the north-eastern-most corner of the same; thence, second, north fifty-five degrees and ten minutes west, about one hundred and forty-four chains to a bunch of bass wood trees and heap of stones, being the tenth corner, in a lot of land sold by Andrew Bell to Israel Canfield, and on the west bank of the Rockaway River, at the junction of Burnt meadow brook, with the same, be and the same is hereby set off and annexed to the township of Randolph.

Boundaries of the townships of Randolph and Pequannack in Morris.

Passed January 25th, 1831.

AN ACT to incorporate the "Mechanic's Bank at Newark."

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 Prudden Alling, Zephaniah Drake, John H. Stephens, Joel W. Condit, Joseph Jackson, Andrew Rankin, Joseph A. Halsey, Nathan Bolles, Caleb H. Shipman, Aaron L. Burnet, Henry R. Lee, Calvin Baldwin, William Garthwaite, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Mechanic's Bank at Newark," and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead

Name of incorporation.

Powers and
privileges.

Proviso,

Proviso,

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

Amount of capital.

Books to be
opened for sub-
scriptions.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to five hundred thousand dollars, at any time during the continuance of the charter; and that the subscription to the said capital stock, be received by James H. Robinson, William Dow, Charles T. Shipman, William Lee, and Joseph W. Campe, which said commissioners, or a majority of them, shall open books of subscription at Newark, and the said books shall be kept open, for the space of five days, giving twenty days previous notice in two newspapers published at Newark; and upon the closing of the said books of subscription, or within five days thereafter, the said commissioners shall pay over to the directors herein after appointed, the whole amount of money, which they, or any of them, may have received upon the said subscriptions.

Directors to be
stockholders and
citizens of the
United States
and of this state,
and chosen an-
nually.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be stockholders, and citizens of the United States, and of this state, and of whom at least eight, together with the president, shall have been resident within the said township of Newark, for at least one year immediately preceding their election; which directors shall hold their

offices for one year, and shall be elected on the first Tuesday in December, in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the newspapers printed in the town of Newark; for the well ordering of which election, the directors shall previously thereto, appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for, are qualified to be elected directors, and after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held, in his, her, or their names, at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen at any election, that two or more persons shall have an equal number of votes, then the said directors in office, at the time of such election, or a majority of them, shall proceed, by ballot and plurality of votes, to determine which of the persons so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Prudden Alling, Zephaniah Drake, John H. Stephens, Joel W. Condit, Joseph Jackson, Andrew Rankin, Joseph A. Halsey, Nathan Bolles, Caleb H. Shipman, Aaron L. Burnet, Calvin Baldwin, Henry R. Lee, William Garthwaite, shall be directors, and shall hold their offices, respectively, until the first Tuesday in December, in the year of our Lord one thousand eight hundred and thirty-one, and until others shall be chosen by the stockholders.

Time of election and continuance in office.

Judges of elections.

Manner of voting and conducting the election of directors.

Election of President.

Vacancies how supplied.

Names of First directors.

Quorum.

Proviso.

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

Powers and duties of directors.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations, as to them shall appear needful and proper, touching the government of the said corporation, the management and disposition of the stock, business and effects thereof; the time, manner, and terms, at and upon which, discounts and deposits shall be made and received by the said corporation: *and provided further*, that the cashier of the said bank shall be annually appointed; and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation faithfully to perform the duties of his office; and shall give bond, with good and sufficient security, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank; the duties and conduct of the officers, clerks, and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said Corporation; and shall have power to appoint as many officers, clerks, and servants, for carrying on said business, and with salaries or allowances as to them shall seem meet: *Provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state.

Cashier appointed annually and to take oath and to give bond.

Proviso.

The stock personal property and subject to taxation.

Sec. 6 *And be it enacted*, That the said corporation shall not issue bills of a less denomination than one dollar; and that the stock of said corporation shall be considered as personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of the said bank, shall pay, at the time of subscribing, to the commissioners receiving subscriptions, the sum of five dollars in specie, or notes of the bank of the United States, or of banks in this state, or the city of New-York, which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of said company may require payment for the remaining instalments, which shall have been subscribed at such times, and in such proportions, as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days, in two of the newspapers printed in the town of Newark: *Provided*, that no instalment to be paid shall exceed five dollars on a share.

How instalments are to be paid, and forfeitures of stock on non payment.

Proviso.

Sec. 7. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual, until any

debt or debts which may be due to said company from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books, to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe, over and above the actual deposits in said bank, shall not exceed twice the sum of the capital stock subscribed, and actually paid into the said bank.

How transfers of stock are to be made.

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

Bills obligatory under seal, and bills or notes promising payment of money to any person or order or bearer, assignable and how recoverable.

Proviso.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual dividends of so much of the profits of said bank, as to them or a majority of them, shall seem advisable; but that they shall make no dividend of any part of the capital stock.

Semi-annual dividends.

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

Rate of discount.

Proviso.

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

Annual exhibit to the legislature of the affairs of the bank.

When charter
forfeited.

charter, and all the privileges hereby conferred, shall cease and be for ever at an end.

When charter to
be forfeited.

Damages for the
non-payment of
bills on demand.

Sec. 12. *And be it enacted*, That if, at any time, after the passing of this act, the said president, directors, and company, shall neglect, on demand being made at their banking house during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said corporation, the said president, directors, and company, shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non payment thereof, at and after the rate of ten per centum per annum, from the time of such demand, until the same shall be paid as aforesaid or otherwise satisfied.

President and
Directors jointly
and severally
liable to credi-
tors.

Sec. 13. *And be it enacted*, That the president and directors of said corporation, shall individually and jointly, and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they, or any of them, may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons, then acting as president and directors of the said company, jointly, or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein, generally, for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue thereon.

Affidavit of capi-
tal stock being
paid in, to be
filed in the office
of secretary of
State.

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

Limitation.

Legislature have
power to repeal
or modify this
act.

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

Passed, January 25, 1831.

AN ACT for the relief of Hugh Aggings.

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

Pension of sixty dollars per annum to Hugh Aggings.

Passed, January 27, 1831.



AN ACT dividing the township of Aquackenonk, in the county of Essex, into two townships.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Aquackenonk, in the county of Essex, lying south and southwesterly of a line beginning on the middle of the road on the west side of Passaick river, at the foot of the Hackensack and Paterson Turnpike bridge, near the house of John Marsales, and running from thence, 1st. north eighty-two degrees west forty chains to the south-east corner of John P. Marsales' line; 2d. thence along said line north seventy-eight degrees forty-five minutes west sixty-eight chains and twenty-five links; 3d. thence south eighty-seven degrees fifteen minutes west fifty-nine chains fifty links, to the top of the mountain at the south-east corner of the Garason tract, now owned by John P. Marsales; 4th. thence along the Garason line north sixty-four degrees thirty minutes west ninety-four chains fifty links, to the Passaick river, about sixty-nine chains above the flood gates, shall be and the same is hereby set off from the said township, and established a separate township, to be called and known by the name of the township of Aquackenonk; and that all that part of the said township of Aquackenonk, lying to the north and north-east of the aforesaid line, shall

Boundaries of the township of Aquackenonk.

Boundaries of the township of Paterson.

be, and the same is hereby established a separate township to be called by the name of the township of Paterson.

Corporate name Sec. 2. *And be it enacted*, That the inhabitants of that part of the township of Aquackenonk, lying north and north-east of the aforementioned line, be and they and their successors are hereby constituted a body politic and corporate, by the name of "The Inhabitants of the township of Paterson, in the county of Essex" and all the inhabitants of that part of the said township of Aquackenonk, lying south and south-westerly of the aforementioned line, be, and they and their successors are hereby constituted a body politic and corporate by the name of "The Inhabitants of the Township of Aquackenonk in the county of Essex," which said two townships, in their corporate capacities respectively, shall be entitled to all the rights, powers, privileges and advantages, and subject to the same regulations, duties, and liabilities, as by law are given, to, and prescribed for the several other townships in the said county of Essex.

Corporate name

Place of township meeting of inhabitants of Aquackenonk. Sec. 3. *And be it enacted*, That the inhabitants of the township of Aquackenonk, shall hold the first town meeting at the Inn now kept by Simeon Brown, in said township, on the day appointed by law for holding the annual town meetings in the other townships in the county of Essex.

Place of township meeting of inhabitants of Paterson. Sec. 4. *And be it enacted*, That the inhabitants of the township of Paterson, shall hold their first town meeting at Paterson, in said township, on the day appointed by law for holding the annual town meetings in the other townships in the said county of Essex.

Meeting of the township committees. Sec. 5. *And be it enacted*, That the township committees of the townships of Aquackenonk and Paterson, shall meet on the first Monday after the next annual town meetings in the said townships, at the house of Philip Van Bussom, in the town of Paterson, at ten o'clock in the forenoon, and shall then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all property or moneys on hand or due in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at the last assessment; and the said townships shall be liable to pay their just proportion of the debts of the said township of Aquackenonk, before the division thereof, if any such debts there should be; and if any of the members of the said township committees shall neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division of property, and apportionment of debts, and the decision of a majority of those present shall be final and conclusive.

Division of property.

How paupers are to be supported. Sec. 6. *And be it enacted*, That all paupers now chargeable to the township of Aquackenonk shall after this act goes into operation, be chargeable to, and supported by that one of

the said two townships within the bounds of which they have acquired their respective settlements.

Sec. 7. *And be it enacted*, That this act shall take effect on and after the second Monday of April next, and not before.

Passed, January 27, 1831.

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

WHEREAS it has been represented that Ezekiel Kinnan, acting executor of John Dennis, jr. deceased, by virtue of the last will and testament of said deceased, sold to James Fisher, a certain lot of land situate on Dennis-street, in the city of New-Brunswick, and being twenty four feet in front by seventy feet in depth, for the sum of two hundred and forty dollars, and that a part of the purchase money was paid by the said James Fisher and possession of the said lot of land taken by him, and that the said Ezekiel Kinnan, departed this life without having executed a deed of conveyance for the same, and praying that a law may be passed to authorize the administrators with the will annexed of the said John Dennis, jr. deceased to make a deed of conveyance for the same—Therefore,

Preamble.

Sec. I. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Peter Spader and James S. Nevius, administrators with the will annexed of John Dennis, jr. late of the city of New-Brunswick, dec. be and they are hereby authorized to convey to James Fisher, all the right, title and interest of the said John Dennis, jr. at the time of his decease, of, in and to the aforesaid lot of land and premises with the appurtenances, upon the said James Fisher's paying to the said administrators the balance due on said purchase according to the contract and agreement between him and the said Ezekiel Kinnan, executor as aforesaid.

Executors of John Dennis, empowered to convey certain real estate to James Fisher.

Passed January 27, 1831.

AN ACT to confirm certain acknowledgments of deeds and other instruments, taken by Thomas Haines.

Preamble,

WHEREAS it appears to the legislature of this state, that Thomas Haines, of the township of Springfield, in the county of Burlington; was duly appointed commissioner for taking the acknowledgment and proof of deeds for the county of Burlington, on the twenty-seventh day of second month, (February) eighteen hundred and thirty, for the term of five years, and that a commission for said purpose was forwarded to him some time in the month ensuing, but supposing the commission of itself conferred upon him, the authority to act as commissioner as aforesaid, and not being aware of the necessity of being qualified into office, he proceeded to take and certify acknowledgments and proofs of deeds, &c. until, on or about the first day of the twelfth month, (December) one thousand eight hundred and thirty—Therefore,

Acknowledgments of deeds taken by Thomas Haines, to be valid.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the several acknowledgments and proofs of deeds and instruments taken and certified by Thomas Haines, as one of the commissioners for taking the acknowledgment and proof of deeds in the county of Burlington, between the twenty-seventh day of second month, (February) eighteen hundred and thirty, and the first day of twelfth month, (December) eighteen hundred and thirty, be, and the same are hereby confirmed and declared valid and effectual, in like manner as if the said Thomas Haines had not only been appointed as aforesaid, but duly commissioned, and had thereupon been duly qualified into office as required by law: *Provided nevertheless*, that nothing in this act contained shall be construed so as to affect the rights of any judgment creditor, or bona fide purchaser, or mortgagee for a valuable consideration, before the passage of this act.

Proviso.

Passed January 28, 1831.

AN ACT respecting the real estate of William Salter, deceased.

WHEREAS, Catharine Salter of the county of Hunterdon, hath, by her petition to the legislature, represented that

she is the widow of William Salter, late of the township of Hillsborough, in the county of Somerset, deceased, who died intestate, being a bastard and without issue, seized in fee simple of a certain tract of land lying in the said township, containing about one hundred and thirty-four acres, more or less—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 the estate, right, title, and interest which the state of New-Jersey may have acquired by reason of the death of the said William Salter, of, in or to, the real estate within this state, whereof the said William Salter died seized, be, and the same is hereby, relinquished and released to, and vested in, the said Catharine Salter, the widow of the said William Salter, her heirs and assigns, for ever, in as full and ample a manner to all intents and purposes, as if the same had been devised and bequeathed to her by the said William Salter, by any last will and testament, duly executed and published in his life time, subject, nevertheless, to the payment of the debts of the said William Salter: *Provided always,* that nothing herein contained shall be construed or intended to bar or preclude, or in any wise affect, the right, title, or interest which any other person or persons may have to the said real estate, or any part thereof: *and provided also,* that in the event of an assignment or sale of the said real estate, or any part thereof, by the said Catharine Salter, she shall fully indemnify the inhabitants of the said township of Hillsborough, in the county of Somerset, from all liability towards her support and maintenance, before such assignment or sale shall take effect, which indemnification shall be approved of by the overseers of the poor of said township for the time being.

The right of the state to certain lands released to Catharine Salter.

Passed January 28, 1831.



AN ACT to authorize Aaron Pancoast and Thomas Edwards of the county of Salem, to sell certain real estate of the heirs of Dr. Samuel Risley, late of said county, deceased.

WHEREAS it appears to this legislature, that Dr. Samuel Risley, late of the county of Salem, deceased, has departed this life, leaving real estate in said county, and a widow and

Preamble,

two orphan children, minors, the age of six and seven years; and that the personal estate of said decedent is insufficient to pay his debts, and that the rents, issues and profits of the real estate of the said minor orphan children, are totally inadequate and insufficient for their maintenance and education; and that the obtaining an Order of the Orphans' Court, from time to time, to sell such parts of the wards' lands, tenements, hereditaments and real estate, for their maintenance and education, will be attended with great expense and will greatly diminish the estate of said children to their manifest loss, detriment and disadvantage—all which appearing as aforesaid, to the remedy thereof,

The real estate of Samuel Risley, dec. authorized to be sold.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Aaron Pancoast and Thomas Edwards, of the county of Salem, are hereby authorized and empowered to sell the real estate of the late Dr. Samuel Risley, of said county, deceased, either at public or private sale, as they may deem most expedient, and the proceeds of said sales, after deducting the necessary expenses, and the one third thereof as the dowry of Hannah C. Risley, the widow of the said Dr. Samuel Risley, deceased, and the legal debts due by his estate remaining unpaid, and the legal debts and expenses already accrued and due to the said Hannah C. Risley, as guardian of Joseph Risley and Deborah Ann Risley, the minor children of the said Dr. Samuel Risley, which shall be allowed her in the settlement of her accounts as guardian, by the Orphans' Court of the county of Salem, the remainder thereof, if any, shall be invested by them at interest, to the best advantage, and so much of the interest and principal from time to time be paid by them, to the legal guardian or guardians of the said Joseph and Deborah Ann Risley, as may be necessary for their education, maintenance and support; and the receipt of said guardian or guardians shall be to them or either of them, or the survivor of them, a sufficient discharge.

How the proceeds are to be disposed of.

Sec. 2. And be it enacted, That the said Aaron Pancoast and Thomas Edwards, or either of them, or the survivor, may fulfil and execute the trusts aforesaid, and give full and ample deed or deeds for said lands, which shall convey as good a title, as if the same was sold by order of the Orphans' Court; and the amount of the sales of the one third part of said lands, shall be invested on good mortgage security, or stock, and the interest and avails thereof be paid to the said Hannah C. Risley, during her life time, as her right of dower in said property, and at her death the principal thereof to be paid by the trustees aforesaid, or the survivor of them, or their executors or administrators, to the said Joseph and De-

borah Ann, if living, or the survivor, or to their heirs, executors or administrators.

Sec. 3. *And be it enacted*, That the said Aaron Pancoast and Thomas Edwards, are hereby declared to be, and are hereby appointed trustees to fulfil the trusts aforesaid, and either of them, and the survivor of them, shall be entitled to the same fees as are allowed to commissioners appointed by the Orphans' Court to divide and sell lands.

Sec. 4. *And be it enacted*, That before the said trustees shall undertake the execution of the trust hereby assigned to them, they shall enter into bond with surety to the governor of this state, for the use of the said minors, and of the said Hannah C. Risley, in such amount as shall be approved of by the Orphans' Court of the county of Salem, conditioned for the faithful performance of the trust by this act assigned to them, which bond shall be deposited in the surrogate's office of the said county.

Sec. 5. *And be it enacted*, That the said trustees, or the survivor of them, within six months after making any sale or sales by virtue of this act, shall make, subscribe and exhibit under oath or affirmation, a fair and exact statement, of such sale or sales to the surrogate of the county of Salem, to be filed in the surrogate's office of the said county—*provided*, that no sale or deed which shall be made by virtue of this act, shall impair or in any way affect the right, title, interest or claim of any person or persons whatever, other than the heirs and widow of the said Dr. Samuel Risley, deceased.

Passed Februnry 1, 1831.

AN ACT to enable the owners and possessors of the meadows, low lands and swamps adjoining Pequest River and its branches, in the townships of Oxford and Independence, in the county of Warren, to clear the same and straighten their channels, within the limits therein mentioned.

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 meadows, low lands and swamps lying upon said river, between the head of Jacob Johnson's mill pond,

First meeting of owners and possessors, and annual meetings thereafter.

To elect officers

Officers to take an oath faithfully to execute the duties.

Commissioners to be elected; who shall view the premises and make valuation.

Compensation of commissioners.

Clerk to record proceedings.

The lands benefitted to be measured.

and the farm now occupied by Phillip Dyar and of the branches thereof, including the lower end of Alamucha brook, as far up as the shunpike, and the lower end of Bear brook, as far up as Abraham Newman's, also the Spring brook from the said river to Daniel Addis, to meet together on the first Monday, in May, annually, at ten o'clock, in the forenoon; and that the first meeting shall be held at the house of Daniel Van Buskirk, in the township of Independence, in the county of Warren, where the annual meetings shall continue to be held unless otherwise ordered at an annual meeting of such owners and possessors as shall attend, by plurality of votes; and when met, (by plurality of votes) to choose a moderator, clerk, treasurer, and not less than three nor more than five managers, all of whom shall continue in office for one year, and until others are chosen in their place; and before any of the said officers shall enter upon the duties hereinafter assigned them, they shall appear before a justice of the peace in and for said county, and take and subscribe an oath or affirmation, well and faithfully to execute the duties assigned them, without favor or partiality, which oath or affirmation shall be recorded in the book of minutes to be kept by the said clerk.

Sec. 2. *And be it enacted*, That the owners and possessors when met as aforesaid shall elect by plurality of votes, three commissioners, who shall be disinterested in the premises; who after giving five days public notice of the time and place of such meeting, shall proceed to view the premises and hear the parties and make valuation thereof, having regard to the quantity and quality of said meadow and low lands as aforesaid; which duplicate and valuation shall be signed by a majority of said commissioners and delivered by them to the clerk of said company, for the benefit of all persons concerned, for which services said commissioners shall be entitled to receive the sum of one dollar for each and every day they shall be engaged in said valuation.

Sec. 3. *And be it enacted*, That the said managers, at their first or some subsequent meeting, shall procure a book to be kept by the clerk, in which he shall record the proceedings of the several meetings of the owners and possessors, aforesaid, also the proceedings of the managers; which book so kept, or a certified copy thereof, under the hand and seal of the clerk, shall be received in evidence, in any court of this state where the same may be cognizable.

Sec. 4. *And be it enacted*, That the managers when appointed, or a majority of them, shall, as soon as may be convenient, cause all the parcels of meadows, low lands and swamps, which will be benefitted by the clearing and straightening of the channels as aforesaid, to be strictly measured, and a draft or plot to be made, shewing the quantity held by

each owner; and cause a valuation to be made by the commissioners appointed as aforesaid, of each owner separately; and thereupon make an estimate of the sum or sums of money which will be necessary to defray the expenses of clearing and straightening the channels as aforesaid, and shall assess the said expenses ratably on the same, according to the valuation thereof; which assessment, signed by the managers who make the same, (or a majority of them) shall be recorded by the clerk in the book of the minutes; and if any of the said owners or possessors, shall neglect or refuse to pay the amount so to him, her or them assessed, to the treasurer after thirty days notice being given of the amount so assessed, then it shall be lawful for such manager or managers on giving five days notice by public advertisement in five of the most public places in the neighborhood, to sell at public vendue, so much grass or timber as may be on said owners, or possessors, meadow or low land as will be sufficient to discharge such demand; but if the grass or timber on said meadow or low land should not be sufficient to satisfy the same, then to lease at public vendue as aforesaid, so much of the meadow or low land of such owner or possessor as will be sufficient to pay and discharge such demand with reasonable costs to any person who will pay such demand for the shortest time; and it shall be lawful for such manager or managers to make and execute a lease to such purchaser for such time, which said lease shall be good and effectual in law, and shall vest the possession thereof in the purchaser and bar the owner and all others concerned in the premises during said term: *Provided always*, that if the first assessment be not sufficient to defray the expences necessary for the foregoing purposes, the said managers may, from time to time, in like manner, make further assessment, until the completion of the object be effected, which latter assessment or assessments shall be collected in manner aforesaid.

Sec. 5. And be it enacted, That the owners and possessors, and each and every of them, shall be at liberty to work to the amount of the assessment, (to them individually assessed) on or adjoining, their respective lands, under the direction of one or more of the managers, provided the said owner or possessor shall give notice to the clerk on or before the first day of June next, which notice shall be recorded by the clerk in the book by him kept; and the said owner or possessor shall be allowed a reasonable compensation to be adjudged by the managers; and it shall be the duty of the said managers, or either of them, on or before the first day of September, Anno Domini, eighteen hundred and thirty-one, to proceed to the clearing obstructions and straightening the channels as aforesaid, and for that purpose it shall and may be lawful for him or them, with their workmen, horses, oxen, or other beasts of burthen, ploughs, wagons, carts,

The expenses assessed according to the valuation.

On neglect or refusal to pay the amount assessed, the lands of delinquents to be leased.

Proviso.

Owners may work to the amount of their assessment.

Powers and duties of managers.

When managers are to proceed to clearing obstructions.

Proviso.

&c. to enter upon the land near and adjoining the said river and its branches, to remove obstructions and straighten the same; and for that purpose may remove the mud and such other obstructions which may impede the water, and the mud, and other obstructions so taken out, he or they may cast out upon the banks thereof: *Provided always*, that in straightening any of the channels aforesaid on or near the line of any of the owners of lands adjacent thereto, the consent in writing of such owners shall first be had and obtained; *provided also*, that in the straightening of any of the channels aforesaid, the said managers shall not divert the stream or streams more than forty rods from where they now run.

Compensation to managers.

Sec. 6. *And be it enacted*, That the said managers shall severally receive the sum of one dollar per day for each day he shall be engaged in the discharge of the duties required by this act; and the clerk and treasurer shall each be paid a reasonable compensation, to be agreed upon between them and the managers.

Penalty for obstructing the free course of the waters.

Sec. 7. *And be it enacted*, That if any person or persons, shall wilfully fall any tree, or cast any thing whatsoever into the said river, or any of its branches, that will obstruct or be an impediment to the free course of the waters of the said river, or its branches, within the aforesaid bounds, he, she, or they, so offending, shall forfeit and pay the sum of twenty dollars to be recovered by any one of the proprietors or possessors of said meadows, swamps, and low land, coming within the purview of this act, by action of debt, with cost, in any court having cognizance of that sum, one half to the informant, and the other half to be paid to the treasurer, to be appropriated towards the clearing of the said river and its branches.

Owners may make by-laws and regulations.

Sec. 8. *And be it enacted*, That the owners and possessors aforesaid, may make such by-laws, rules and regulations as to them shall appear needful and proper, touching the management of the funds and other purposes, for the completion of the object aforesaid, *provided*, they are not repugnant to the laws of this state, or of the United States.

Passed February 1, 1831.

AN ACT to amend the "Supplement to the Act entitled An act to incorporate the Elizabeth-Town Mutual Assurance Fire Company," passed the 20th day of February, 1829.

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 at any time a loss by fire or otherwise, should impair the amount of premiums paid in by the members of the said company, it may be lawful for the directors of said company to require of each member a further payment in a ratable proportion to his stock, to make up said loss, whenever the said directors may deem it most expedient, by giving to each member a written or printed notice of the amount of his or her assessment, at least sixty days before the time of the required payment; and any person refusing or neglecting to pay such assessment, agreeably to the notice given, shall forfeit his stock and policy of insurance for the benefit of the company.

A further payment on stock may be required.

Forfeiture of stock for non-payment.

Sec. 2. *And be it enacted,* That the fifth section of the supplement to an Act incorporating the Elizabeth-Town Mutual Assurance Fire Company, passed February 20th, 1829, be, and the same is hereby repealed.

Section of a former act repealed.

Passed Feb. 2, 1831.

AN ACT requiring the Boards of Chosen Freeholders in this state, to make an annual exhibit of their accounts.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be the duty of the several Boards of Chosen Freeholders, in this state, in each and every year, within sixty days after their annual meeting, to cause to be made out and published in one or more newspapers, circulated in their respective counties, a full and complete account of all their expenditures for the preceding year.

Annual accounts of board of chosen freeholders to be published.

Passed Feb. 2, 1831.

AN ACT to enable the owners and possessors of the Meadow, Marsh and Swamp, adjoining Repaupo Creek, in the county of Gloucester, to erect and maintain banks, dams and water works, sufficient to prevent the tide from overflowing the same.

Name 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 it shall and may be lawful for the owners and possessors of the meadow, marsh and swamp, lying on and adjoining Repaupo Creek, in the county of Gloucester, which owners or possessors shall be denominated and known by the name of "The Repaupo Meadow Company," to meet at the inn of Sarah Sailer, in the township of Greenwich, on the second Monday of March next, at ten o'clock in the forenoon, and yearly thereafter, on the day next following the annual town meeting of every year, (every future meeting to be held at such place as may, by a majority of the votes of the owners or possessors present at the meeting, be appointed, and on failure of such appointment, then at the place where the last meeting was held) then and there by a plurality of votes of the said owners or possessors present, personally or by proxy, as by law hereinafter prescribed, to choose out of the owners, one clerk, three committee men, and three managers, for the ensuing year, or until others be chosen in their places; and in case of death, removal, inability or refusal of the said officers or either of them to serve, it shall be lawful for any three of the owners or possessors by public advertisement under their hands, set up in six of the most public places in the townships of Greenwich and Woolwich, and by causing the same to be inserted in the Village Herald, or a newspaper published nearest the premises, giving fifteen days notice, to call a meeting of the said owners and possessors at the place where the last annual meeting was held, and then and there by vote, as hereinafter ordered, choose one or more managers or other officers, as the case may require, who shall serve until the next annual meeting, or until others are chosen in their stead.

Commissioners appointed, and surveys of the meadows to be made, and map to be made.

Sec. 2. And be it enacted, That William Cooper of Deptford, John Tatum of Deptford, and James Newell of Salem county, are hereby appointed commissioners, who, or a majority of whom, shall, between the first day of March, and the first day of May next, after giving ten days notice by advertising the time and place of their said meeting, in three of the most public places in the neighbourhood of said premises, cause a survey to be made of the exterior limits or boundaries of the said mea-

dows, marsh and swamp, so as to include all that is subject to the overflowing of the tide, and which shall be benefitted by the banks and water works to be erected as aforesaid, and a return together with a plot or map to be made, shewing the quantity of meadow, marsh and swamp, held by each person, which shall be given to the said managers, and shall remain in their possession during their continuance in office, and upon expiration of such time be delivered to their successors in office; and which said return of the commissioners shall be received as evidence of each owner's or possessor's quantity of acres, and all assessments and votes shall be made and given according thereto; and the said commissioners shall locate, point out and direct, (by monuments or otherwise) the place or places where all the banks, dams, floodgates, sluices and every other work necessary and proper to keep out the tide, shall be erected.

Map, evidence
of each owners
quantity.

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

Mode of voting
for officers.

Sec. 4. *And be it enacted*, That each owner or possessor shall, on or before the first day of April next, furnish the commissioners with a statement in writing, containing a correct account of the number of acres he owns or possesses within the said embankment, and if any refuse or neglect so to do, then the said commissioners shall report the quantity which they shall suppose him, her, or them to possess, upon due enquiry.

Owners to fur-
nish commis-
sioners with an
account of quan-
tity owned.

Sec. 5. *And be it enacted*, That it shall be the duty of the managers, and they are hereby authorized and empowered, by contract or otherwise, to erect, cast up, make and complete, good and sufficient banks, dams, floodgates, sluices, and every other work necessary and proper to keep out the tide at all times, at such places as the aforesaid commissioners shall direct, and to dig, open and clean out, all such main sluice, races and water courses, as may be required to drain and improve the same.

Duties of mana-
gers.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said managers, or any two of them, and they are hereby authorized and empowered, to assess and collect from the several owners or possessors of the meadow, marsh and

Managers to
assess and col-
lect money from
owners.

swamp, within the bounds of the commissioner's survey, all such sum or sums of money as may be necessary to defray the expense of making such banks, dams, sluices, gates and other water works aforesaid, ratably, in proportion to the quantity each owner or possessor may have; the first assessment not to exceed five dollars per acre, on all the meadow and marsh, included in the above survey.

To examine
banks, &c. and
repair the same.

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

May dig and
take earth, &c.
for constructing
works.

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

How money
assessed to be
recovered.

Sec. 9. *And be it enacted*, That if any of the said owners or possessors, shall neglect or refuse to pay any sum or sums of money assessed as aforesaid for the space of thirty days after notice to him, her or them given, or left at their usual place of abode, it shall and may be lawful for the said Managers, in the name of "The Repaupo Meadow Company," to recover the amount thereof, in an action of debt, in any court having cognizance thereof, and to give the said assessment and this act in evidence, and on proof of such notice having been given as aforesaid, the court in which such action may be brought, shall give judgment for the sum assessed, with costs of suit.

Meadow pledged
for expenses.

Sec. 10. *And be it enacted*, That for the security of moneys expended or to be expended or assessed by virtue of this act, all the meadow, marsh and swamp aforesaid, that shall be included by the said bank, shall be a pledge for the payment thereof, into whose hands soever the same may come, notwithstanding any judgment, execution, sale or alienation thereof; and the said Managers may, for the recovery of the sum or sums of money so assessed, and for the said debts and costs after judgment is obtained as aforesaid, enter upon and take the rents, issues and profits thereof, or sell or dispose of the grass, hay or grain thereon, or may sell by public vendue, for a year or term of years, the meadow, marsh and swamp of each delinquent, and make a good and valid

When and how
it may be leased
by managers to
defray expenses.

lease for the same during such term, taking care to sell the same for the shortest period of time that will liquidate the so unpaid sum or sums, with costs and expenses; and it shall be the duty of the managers to give at least twenty days previous notice, in six of the most public places in the neighborhood of the said premises, by advertisement, and by causing the same to be inserted in the Village Herald, or a newspaper published nearest to the premises, before they proceed to enter on, lease or sell the property of any delinquent.

Sec. 11. *And be it enacted*, That as soon as the banks, dams, sluices and other works shall be completed and the water drained off so that the meadow can be measured, then any five owners or possessors, who shall think themselves aggrieved, may call a general meeting of the company, by giving fifteen days public notice thereof, by advertising in the manner prescribed by the first section of this act, setting forth the time and place of meeting; and the owners or possessors shall, when met, by a vote as heretofore directed, choose three judicious disinterested freeholders, as commissioners, who, after notification of their election by the managers, shall view the premises, and after hearing the parties make a new valuation, and cause each owner's or possessor's share to be strictly measured and a plot or draft to be made, exhibiting the number of acres held by each one, having regard to quantity and quality; and their report and valuation under their hands or under the hands of a majority of them, in writing, shall be conclusive to all parties concerned.

How persons aggrieved may obtain redress.

Sec. 12. *And be it enacted*, That if it shall appear after the survey and valuation aforesaid, that some of the said owners or possessors have paid more than their ratable proportion of the preceding expense, then the said managers shall assess the same upon those who have not paid their ratable proportion in such a manner as shall to them appear just and equitable, and refund to each individual, the sum or sums by him, or her overpaid.

When assessment to be rectified.

Sec. 13. *And be it enacted*, That whenever the managers or a majority of them, deem it necessary to call a special meeting of the said "Repaupo Meadow Company," they shall give notice thereof to its members, by advertisement, designating the time and place and object of such meeting, in six of the most public places in the townships of Greenwich and Woolwich, and by causing the same to be inserted in a newspaper published nearest to the place of holding such meeting, at least ten days before the time therein appointed.

How special meeting to be called.

Sec. 14. *And be it enacted*, That the commissioners chosen by virtue of the second and eleventh sections of this act, shall receive from the managers two dollars per day, for each and every day they or either of them, respectively, shall be em-

Compensation of managers and assistants.

ployed in discharging any of the duties herein enjoined ; all other aids and assistants by them appointed and employed, such compensation as the commissioners shall conceive them entitled to be paid by the said managers ; and the fees, wages or remuneration of all the officers chosen or to be chosen by the said meadow holders, shall be fixed and determined by a majority of the votes of said company, at its annual meeting previously to the election of officers for the ensuing year,

Surveys, plots, maps and valuation of commissioners, and assessments to be entered in a book.

Proceedings and receipts and expenditures of managers to be recorded.

Penalty on managers for neglect of duty.

Sec. 15. *And be it enacted*, That the said managers shall provide at the expense of the said company a suitable book, in which shall be entered the surveys, plots, maps and valuations of the commissioners, all the assessments made and collected by them, the managers, as aforesaid ; and shall at every annual meeting produce and lay before the company the same for the inspection of the different members, and shall produce and shew the same to any of the said members, when so required, and shall also provide at the expense aforesaid, another suitable book in which the said managers shall enter all their proceedings and a just and true account of all the moneys they may receive and expend ; and shall at every annual meeting exhibit the same with fair vouchers to the said company, and shall deliver the balance, if there be any in their hands, together with the said books and all the other papers of the company to their successors, and on default thereof, and for every wilful neglect of any part of their several duties prescribed by this act, they, the said managers, shall forfeit and pay for a breach of their trust, and such wilful neglect of their duty, the sum of fifty dollars, to be recovered by action of debt, in any court of competent jurisdiction, with costs of suit, by any or either of the owners or possessors aforesaid, and shall be further liable to pay all damages that may arise from or by their gross negligence, in an action on the case, with costs of suit, in any court which has cognizance thereof ; and the said managers shall be accountable for any moneys remaining in their hands at the end of every year ; and if the said managers refuse to pay over such balance to their successors, then and in that case their successors in office, shall sue for and recover the same, in an action of debt, with costs of suit in any court of competent jurisdiction.

Managers to give bond.

Sec. 16. *And be it enacted*, That the said managers before entering on the discharge of their duties, shall give bond with sufficient surety for the true and faithful performance of their duties as prescribed by this act, to the committee of "The Repaupo Meadow Company," as appointed by the first section of this act, to receive the said bond from the said managers, prosecute the said bond in any court of competent jurisdiction when so ordered by the said company, and to give from under their hands a proper discharge, exonerating the

said managers from further liability, whenever the said company shall so direct.

Sec. 17. *And be it enacted*, That if any person shall wilfully damage or injure the said banks, dams, sluices, gates or any of the water works constructed as heretofore directed, he, she or they shall for every such offence, forfeit and pay twenty dollars, to be recovered with costs, before any justice of the county of Gloucester, or elsewhere, and shall be further liable to pay all damages that may, in any case, arise from such injury, to be recovered in an action of trespass, in any court having cognizance thereof, with costs of suit; and the managers, for the time being, are hereby enjoined and authorized to prosecute said action in the name of the company, and to apply the moneys so recovered and received, to repairing the works injured.

Penalty for injuring banks, &c. and how recovered.

Sec. 18. *And be it enacted*, That the act entitled, "An act to enable the owners and possessors of the meadow and marsh adjoining Repaupo Creek, in the county of Gloucester, to support and maintain a bank, dam, and other water works, sufficient to prevent the tide from overflowing the same," passed the fourth day of June, Anno Domini, seventeen hundred and eighty-seven, and the supplement thereto, passed the third day of February, Anno Domini, eighteen hundred and seventeen, be and they hereby are repealed.

Former acts repealed.

Passed February 2, 1831.

AN ACT to authorize Azariah Davis, Administrator of John Cummins, deceased, to fulfil a certain contract therein named.

WHEREAS the said John Cummins, late of the township of Newton, in the county of Sussex, deceased, in his life time, made an agreement with Thomas Martin and William Martin, of the township of Mansfield, in Warren, then Sussex county, to convey to the said Thomas Martin and William Martin, a certain lot of land which the said John Cummins owned, near Hackettstown, in the township of Washington, in the county of Morris, which said conveyance, when executed and delivered to the said Thomas Martin and William Martin, for the lot of land aforesaid, was to be in full of all demands, which the said Martins had against the said John Cummins, agreeable to a written instrument, signed by the said Thomas Martin and Wil-

Preamble.

liam Martin, and dated the twenty-sixth day of March, eighteen hundred and twenty-one; and the said John Cummins thereupon delivered the possession of the said lot of land, to the said Thomas and William Martin, who have had, held used and occupied the same ever since; and the said John Cummins, having departed this life without having executed any deed of conveyance to the said Thomas Martin and William Martin, for the lot of land aforesaid, and the heirs at law of the said John Cummins, being minors and incompetent to convey the same—Therefore,

Power to convey a lot of land.

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 Azariah Davis, administrator of John Cummins, deceased, is hereby authorized to execute and deliver to the said Thomas Martin and William Martin, a deed for the above mentioned lot of land, which shall have the same force and effect as a deed from the said John Cummins, in his life time, would have had.

Passed February 3, 1831.

A SUPPLEMENT to an act, entitled “An act to incorporate the Delaware and Raritan Canal Company,” passed the fourth day of February, eighteen hundred and thirty.

A section of a former act repealed.

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 twenty-fifth section of the act to which this is a supplement, be, and the same is hereby so amended, as to extend the time of thirty years therein mentioned, to fifty years, any thing in the said act to which this is a supplement to the contrary notwithstanding.

The construction of a rail road within certain limits, prohibited for a certain time.

Sec. 2. And be it enacted, That it shall not be lawful for the Delaware and Raritan Canal Company, or for any other person or persons, body corporate or politic, whatsoever, to construct any rail road across the state between the Delaware and the Raritan rivers, within five miles of any point of the canal authorised to be constructed by the act to which

this is a supplement, until after the time limited in the twenty-fourth section of the act to which this is a supplement, for the completion of the said canal and the feeder provided for in the act aforesaid, reserving to any person or persons, body politic or corporate, any of their just and legal rights already vested to the contrary of this prohibition; *Provided*, that nothing in this act contained, shall prevent the state from authorising the construction of a rail road between the Delaware river and the Raritan river, after the said canal and feeder shall be completed, always giving to the said Delaware and Raritan Canal Company, the refusal of constructing the said rail road; *And provided also*, that the privileges hereby granted are upon the express condition, that the said canal shall be constructed, from the Delaware to the Raritan river, seventy-five feet wide on the water line, and the water therein to be seven feet deep throughout; the locks thereof to be at least one hundred feet in length and twenty-four feet in width in the clear.

Proviso.

Proviso.

Passed February 3, 1831.

AN ACT to authorize the sale of the real estate of Susan Page, Elizabeth Tayner, and Abigail Gidis, situate in the county of Somerset.

WHEREAS, the inhabitants of the township of Warren, in the county of Somerset, have, by their petition, set forth that Susan Page, Elizabeth Tayner, and Abigail Gidis, are paupers, now legally settled on the said township of Warren, and that large sums of money have been expended for their support and maintenance, and that they are likely to continue so, and that they are severally seized and possessed of land in said township of Warren, and that the said Susan and Abigail are mentally deranged, and the said Elizabeth is deaf and dumb, by reason of which infirmities the said land cannot be sold by them, and are so situate that they cannot be rented, and are going to waste, have prayed of this legislature that a law may be passed authorising some person or persons to sell and dispose of the same—Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That William D. Stewart and Squire

Lands of certain
paupers to be
sold.

Terell, be, and they are hereby authorized to make sale of all the land and real estate of the said Susan, Abigail, and Elizabeth, at public sale, giving at least thirty days notice by advertisement, set up in at least five public places in the said township of Warren, and, when sold, to execute a deed or deeds to the purchaser or purchasers; and when such sale shall be made, and deeds given, the same shall vest in the purchaser or purchasers, as good and valid a title as ever was vested in the said Susan, Elizabeth, and Abigail, or either of them.

Proceeds of sale
to be paid to the
township of
Warren.

Sec. 2. *And be it enacted*, That when the said William D. Stewart and Squire Terell, shall have made sale of said land, and shall have collected the money for the same, they shall forthwith pay the money over to such person or persons as the township of Warren, at their annual or town meeting shall direct, after retaining a reasonable compensation for their services in making such sale; and the inhabitants of said township shall have power and authority to make appropriation for the support and maintenance of said paupers out of said money, (and for no other object) as they shall think proper.

Trustees to take
an oath and give
bond.

Sec. 3. *And be it enacted*, That before the said William D. Stewart and Squire Terell, shall enter upon the duties assigned them by this act, they shall severally take and subscribe an oath or affirmation before some justice of the peace of the county of Somerset, faithfully to discharge the duties of said trust, and shall also enter into bond to the inhabitants of Warren township in the penal sum of five hundred dollars, conditioned for the faithful performance of the duties required by this act.

Passed February 3, 1831.

AN ACT to authorize the construction of a Rail Road connecting the Morris Canal with the Paterson and Hudson River Rail Road.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Robert P. Bell, Nicholas R. Terhune, Daniel Holzman, Henry Whitely, and Andrew Parsons, and such other persons as may hereafter be associated with them, shall

be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Paterson Junction Rail Road Company," and, by that name, they and their successors and assigns shall and may have continued succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same, at pleasure, to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, and goods and chattels, necessary or expedient to the objects of this corporation; and shall be clothed with all the rights, powers, and privileges pertaining to corporate bodies, and requisite for the purposes aforesaid.

Name of incorporation.

Powers and privileges.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, with liberty for the company to increase the same to forty thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferrable in such manner as the said corporation shall by their by-laws direct.

Amount of capital stock.

Sec. 3. *And be it enacted*. That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in the newspaper printed in Paterson; and that the said books shall be kept open as long as the said persons, or a majority of them, shall think proper, and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Books to be opened to receive subscriptions.

Stock to be apportioned.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed: and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose five directors; and such election shall be made by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote;

Money to be paid at the time of subscribing.

Meeting of the stockholders to choose directors; Manner of voting.

Annual election
of directors.

President to be
chosen.

How vacancy to
be supplied.

and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; 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 named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number, a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

If election is not
made on day de-
signated corpo-
ration not dissolv-
ed.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, on notice as aforesaid; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Powers and du-
ties of directors.

Sec. 6. *And be it enacted*, That three directors of said corporation shall be competent to transact all business of the said corporation; and they shall have power to call in the remainder of the capital stock of said company by such instalments, and at such times as they may direct, and in case of the non-payments of said instalments or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and regulation of the stock, property, 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 the board shall deem proper, and that they shall exact from the treasurer sufficient security for the due performance of his trusts.

Sec. 7. *And be it enacted*, That the president and directors be, and they are hereby authorized and invested with all the rights and powers necessary and expedient, to lay out

and construct a rail road, or lateral roads, from one or more suitable place or places on the Morris Canal, distant not more than one and a half miles from the corner of Congress and Mill streets, in the town of Paterson, to intersect the Paterson and Hudson River Rail Road, at one or more point or points, within the town of Paterson aforesaid, and in such manner as shall be most convenient for facilitating the transportation of goods, wares, and merchandise, between the said canal and the said rail road, and the town of Paterson: *Provided*, that in so doing, they do not infringe upon, or interfere with the vested rights of the Morris Canal Company, or the president and directors of the Paterson and Hudson River Rail Road Company, without their consent: and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter, at all times, upon all lands, for the purpose of laying out the route or routes of such rail road or lateral roads, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes and location of such road or lateral road shall have been determined upon, and a survey of such route or routes, or location deposited in the office of the clerk of Essex county, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate, any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable and necessary for the completion or repair of the said road or roads, and to carry into full effect the object of this incorporation; and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering, or extending the said road or roads, or of any of the works or appendages, subject to such compensation, to be made therefor as is herein after provided, and repairing any breaches they may make in enclosures: *Provided always*, that the payment, or the tender of the payment of all damages for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company or any person under their direction or employ, shall enter upon, or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained in writing.

When rail road to be constructed.

Proviso.

Proviso.

Sec. 8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of any such required lands or materials for the use or purchase thereof, or in case any such owner or owners thereof, shall be seme

How the company are to proceed when they cannot agree with the owner for the purchase of lands.

How the injury or damage sustained by owners of lands to be ascertained and compensation obtained.

covert or under age, non compos mentis, or reside out of the state, that it shall and may be lawful to, and for the said directors to apply to any justice of the Supreme Court of this state, who, upon such application, is hereby authorized and empowered, enjoined and requested to frame and issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county of Essex, commanding him, that by the oaths or affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties, he shall inquire whether the person or persons owning any lands, tenements, or hereditaments necessary to be used by the said directors, or which may be injured in establishing such rail road or roads, which person or persons shall be named, if known, and which lands and tenements shall be described in such writ or writs, will suffer and sustain any, and what damages, by reason or means of taking such lands, tenements, or other real hereditaments, gravel, or materials, necessary or expedient for the use of such rail road or roads, or the repairs thereof, or the works thereto belonging; and to return the said writ together with the finding of such jury, to the next Supreme Court of this state, after the finding thereof, on or before the first day of said term; and upon such writ being delivered to the said sheriff, he shall give at least twenty days' notice in writing to all and every the owner or owners of the lands and tenements in the said writ described, or to so many of them as can be found, or to the agent or agents of such owners, if known, and if not known, such notice to be published in some newspaper printed in the town of Paterson, for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises at the time appointed, twelve good and lawful men of his bailiwick, who shall be selected in such manner, and upon like notice to the parties, as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matter and things in the said writ specified, and a true inquiry make, according to the best of their skill and judgment, without favor or partiality; and thereupon the said sheriff and inquest shall proceed to view all and every the lands and tenements, in such writ specified, and having considered the quantity of lands, materials, or other matter and things necessary or requisite to be vested in the said company for the purposes aforesaid, they shall cause the same to be minutely and accurately described by metes and bounds, or other particular descriptions, and shall value or appraise the injury or damages, if any, which the owner or owners of said lands, tenements, or improvements, or materials, will, according to their best judgment and skill, sustain and suffer by means of so much of the said lands and tenements being vested in the company, or by means of such improvements being destroyed

or rendered useless, or less value, defining and ascertaining, as well all such lands and tenements and privileges so to be vested in said company, as the several sums at which the said injuries and damages shall be so assessed; and in making such valuation and appraisement, it shall be the duty of the jury or juries to allow compensation for the lands, tenements, and hereditaments to be taken for the use aforesaid, at the fair value they would have come to before the location of the said road or roads, and a full value for all gravel, and other materials that may be used by the said company for the purposes aforesaid; and the said sheriff and jury shall make an inquisition under their hands and seals, distinctly and plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the Supreme Court, according to the command of the court, and the justices of the said court shall examine the same at the term to which it is returned, and if the said writ shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands and tenements, rights, and privileges intended to be vested in the said company, and the several compensations awarded to the owners thereof, then the said court shall enter judgment, and the said company paying the said inquisition assessed or bringing the same into the said court, over and besides the cost of such writ, and executing and returning the same to be taxed by the justice who issued it, shall be entitled to have and to hold, to them and their successors and assigns, forever, all and every the lands, tenements, rights, and privileges in the said inquisition described, as fully and effectually, as if the same had been granted to them by the respective owners thereof; and if any return so to be made, shall not be sufficiently certain for the purposes aforesaid, the said court shall award an inquisition de novo; and upon payment or bringing into court all such moneys as by such judgment shall be required to be paid or brought into court, all such lands, tenements, rights, and privileges, shall be fully and absolutely vested in the said corporation, who shall become seized and possessed thereof in like manner as the then late owner or owners was, or were, seized or possessed thereof.

When an inquisition de novo may be awarded.

Sec. 9. *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 and under the said rail road or roads where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle, on the said road, shall not be prevented thereby; and also where the said road shall intersect any farms or lands of any individual, to provide and keep in repair, suitable wagon ways over or under said rail road, so that they may pass the same.

Other roads not to be obstructed.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall have power to have construct-

Power to purchase engines, &c.

Limitation of rates of toll.

Property vested in the company.

Semi-annual dividends to be made.

Penalty for obstructing road or injuring works, &c.

What real estate company may hold.

ed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages, and vehicles for the transportation of persons or any species of property thereon that they may think reasonable, expedient, and right: *provided*, they shall not charge more than at the rate of twenty-five cents per ton for the transportation of property on the said road or roads, or twelve and a half cents for carrying each passenger on said rail ways, in the carriages of the company, or twelve and a half cents for each ton of property transported, or six cents for each passenger carried on said rail ways in carriages of others, and six cents for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll and the transportation of persons and every species of property at the aforesaid, or such less rates, as they, from time to time, shall think reasonable and proper; and that the rail road or roads and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act and their successors and assigns during the continuance of this act.

Sec. 11. *And be it enacted*, That the president and directors of the said company, as soon as the affairs of the company will allow, shall declare and make such dividend as they may deem prudent and proper of the net profits thereof, and shall, in like manner, semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively.

Sec. 12. *And be it enacted*, That if any person shall willfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending, shall forfeit and pay to the said company, any sum not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and also, shall be liable to pay to said company double the amount of damages sustained thereby, to be sued for in an action of trespass.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate at the junction of said road or roads, with the Morris Canal, and with the Paterson and Hudson River Rail Road, as may be necessary for the purposes of this incorporation; and may erect and build thereon, houses, warehouses, stables, machine-shops, and such other buildings and improvements as they may deem expedient for

the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof.

Sec. 14. *And be it enacted*, That the road or roads authorized by this act, be, and the same are hereby declared a public highway, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *Provided always*, that the said carriages, so used thereon, shall be of the same description, as those used by the company, and shall be so regulated as to time of starting, rates of travelling, and rates of tonnage as not to interfere with the carriages of the company, nor injure the said road.

The rail road a public highway.

Sec. 15. *And be it enacted*, That as soon as the said rail road, with its appendages, shall be finished so as to be used, the president and treasurer of said company, shall file under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, in the office of the secretary of state, and annually thereafter, the president and treasurer of said company, shall under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, until the nett income of said road shall amount to seven per centum on the amount of its costs; and as soon as the nett proceeds of said rail road shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January of each year; *provided*, that no other tax or impost shall be levied, or assessed upon the said company.

Statement of cost of road, &c. to be filed in the office of Secretary of State.

Annual statement to the legislature.

When to pay tax to the state.

Proviso.

Sec. 16. *And be it enacted*, That at any time after 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 said 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, the said Chief Justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon

When appraisement of the road, &c. may be made.

When the state
may take the
road.

the state shall have the privilege of three years of taking the 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 the 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 advance of the stock, and the said valuation shall in no case exceed the first costs of the said rail road with the lands and appendages thereof.

Proviso.

When this act
shall be void.

Sec. 17. *And be it enacted*, That if the said rail road shall not be commenced in one year from the fourth day of July next, and in use at the expiration of five years from the same time, that then and in that case this act shall be void.

Sec. 18. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act, shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

Public act.

Sec. 19. *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.

Passed February 3, 1831.

AN ACT relative to the Camden and Amboy Rail Road and Transportation Company.

How the compa-
ny may transfer
one thousand
shares of stock
to the state.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the Camden and Amboy Rail Road and Transportation Company to transfer one thousand shares of the capital stock of the said company to this state, the instalments on which stock shall be paid by the company, so that the state, neither at the time of such transfer, or at any subsequent time, shall be requir-

ed to pay any instalment thereon; a certificate of which stock shall be held by the treasurer of this state, for the use of the state; and all dividends of the company be declared and payable thereon as if the state had subscribed for such stock, and paid the several instalments thereon.

Sec. 2. *And be it enacted*, That the state shall have the right to appoint one director to represent the said stock, but that no vote shall be given for said stock at any election for directors of the company.

State to appoint a director.

Sec. 3. *And be it enacted*. That the said company shall pay to the state the sum of ten cents for each passenger carried on the said rail road or roads across this state, between the Delaware river and Raritan bay; said payments to commence when said road is so far completed that passengers are transported thereupon across the state, instead of a ratable tax for passengers, as reserved in the said act of incorporation.

Sum to be paid to the state for each passenger.

Sec. 4. *And be it enacted*, That the appraisement provided for in the twenty-second section of the act of incorporation of the said company, shall be made with reference to the actual value of the said road, and not with reference to the value of the stock; which appraisement shall not, in any event, exceed the actual cost and expenses incurred in the completion of the said road.

How appraisement of the road, &c. to be made.

Sec. 5. *And be it enacted*, That upon filing the assent of the company to this act, in the office of the secretary of state, this act shall be deemed and taken as part of the charter of said company, which assent shall be filed within five days after the passage of this act, or this act and all the provisions therein contained shall be void.

Assent of the company to this act to be filed.

Sec. 6. *And be it enacted*, That when any other rail road or roads, for the transportation of passengers and property between New-York and Philadelphia across this state, shall be constructed and used for that purpose, under or by virtue of any law of this state or the United States, authorizing or recognizing said road, that then and in that case the said dividends shall be no longer payable to the state, and the said stock shall be re-transferred to the company by the treasurer of this state.

When dividends to cease and stock re-transferred by the state.

Sec. 7. *And be it enacted*, That it shall not be lawful to construct any other rail road or roads, for the transportation of passengers across this state, within three miles of the road of the said Camden and Amboy Rail Road Company, until after the time limited in the twenty-first section of the act of incorporation of said company, for the completion of the said rail road; *provided*, that nothing herein contained, shall be deemed and considered as excluding the construction of a rail road from the Hudson to the river Raritan, or from Camden to any point on the Delaware in the county of Salem.

Other rail roads prohibited within three miles, for a certain time.

Part of a former
act repealed.

Sec. 8. *And be it enacted,* That so much of the thirteenth section of the act to which this act is relative, as requires the commissioners to take into view the benefit that will result from the rail road, to the owner or owners of the land or materials, is hereby repealed, and shall cease.

Passed February 4, 1831.

AN ACT to authorize a swinging gate to be hung in the road leading through the farm of Thomas Cook, to Manasquan river.

Power to hang a
gate in the road.

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 at any time hereafter for Thomas Cook, or any other person who may think it necessary, to erect a fence in the public road running through the lands of said Thomas Cook to Manasquan river, in the township of Howell, and county of Monmouth, with a swinging gate therein at least sixteen feet wide, to prevent cattle and horses that run at large, and in the highway, from entering into and upon the marsh-meadow, adjacent to the river.

Sec. 2. *And be it enacted,* That the said fence and gate shall be erected and kept up near Thomas Cook's dwelling-house.

Penalty for leaving open or injuring the gate.

Sec. 3. *And be it enacted,* That if any person shall stake, shore, or leave open, or wilfully cut, break, pull down, or destroy any gate or fence erected agreeably to the authority given in the first section of this act, he, she, or they, shall for every offence forfeit four dollars, to be recovered by a tition of debt, with cost, by any person who shall prosecute for the same, to and for the use of the prosecutor.

Passed February 4, 1831.

A SUPPLEMENT to an act entitled "An act to incorporate the Deckertown and Newton Turnpike Company passed the twenty-seventh day of January, eighteen hundred and fourteen.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall and may be lawful for the president, directors and company of the Deckertown and Newton Turnpike company, to abandon so much of the road laid out and constructed under the act to which this is a supplement, as lies between the forks of the roads near the house late of Gideon Gould, deceased, in the township of Wantage, and the court house in Newton, being about seventeen miles, also all that part of said road on the east side of the drowned lands, from the forks of the roads near the house of Robert Owens, in the township of Vernon, to the line of the state of New-York: *Provided*, that the said president, directors and company, shall, within two months after the passage of this act, file in the clerk's office of the county of Sussex, their assent and determination to abandon said road, under the corporate seal of the said company, and give notice thereof to the townships through which the said road may run, and which act of abandonment shall be recorded in the records of roads in said clerk's office.

Company may
abandon a part
of the road.

Proviso.

Sec. 2. And be it enacted, That all that part of the said road when abandoned as aforesaid, shall be discharged from the operation and effect of the said act, and it shall not be lawful for the said president and directors of the Deckertown and Newton turnpike company, to erect any toll gate thereon, nor exercise any control or authority over the same, but the said road shall thereafter be deemed a public highway, and shall be worked and managed as other highways within this state.

The part of the
road abandoned
by the company,
declared a public
highway.

Sec. 3. And be it enacted, That it shall be lawful for the said president, directors and company to demand and receive toll for travelling on the residue of said Deckertown and Newton turnpike, not abandoned, after the following rates to wit, for every wagon drawn by two horses or oxen twelve and a half cents, and for every additional horse or ox, six and a quarter cents, for every wagon, gig or sulkey, drawn by one horse, six cents, for every sleigh or sled drawn by two horses or oxen, ten cents, for every sleigh drawn by one horse, six cents, for every horse with or without a rider, three cents, for horned cattle per head, two cents, and for sheep or swine per dozen six cents, any thing in the act to which this is a supplement, to the contrary notwithstanding.

Rate of tolls.

Passed February 4, 1831.

AN ACT for the relief of Aaron Dodd, Samuel Dodd, and Hiram Dodd.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the boundary lines mentioned and set forth in the act entitled, "A supplement to an act entitled, an act to authorize the enclosure of a certain lot of land situate in the township of Caldwell, in the county of Essex, called the Hetfield Swamp," passed January twenty-eighth, eighteen hundred and twenty nine, which supplement was passed January sixteenth, eighteen hundred and thirty, shall be so altered and amended as that the same shall run from where it first strikes the land of Aaron Dodd, north, forty-eight degrees west, eight chains and thirteen links, to lands of Matthias Canfield; thence, running along his line, south, thirty-four degrees, twenty-seven minutes west, ten chains, to the corner of said Hiram Dodd's lot; thence, running along his line, south, forty-eight degrees west, three chains and sixty-three links, to the land of Simeon Williams; thence south, thirty-four degrees, twenty seven minutes west, six chains and fifty links, to lands of Rufus Harrison; thence running south, forty eight degrees east, along the line of land of said Hiram Dodd and Samuel Dodd, eleven chains and thirty three links, to the said boundary line mentioned in said supplement, and being the corner of lands of Rufus Harrison and of lands of Josiah Crane, so as to exclude and leave out of the boundaries mentioned in said supplement, the lands contained in the foregoing description, courses, and distances, and which belong to said Aaron Dodd, Samuel Dodd, and Hiram Dodd.

Alteration of boundary line described in a former act.

Lands of A. Dodd, S. Dodd, and H. Dodd, excluded.

Their rights the same as before passing the former act.

Part of former act repealed.

Sec. 2. And be it enacted, That the several and respective rights of the said Aaron Dodd, Samuel Dodd, and Hiram Dodd, in relation to the said lands belonging to them, mentioned in the first section of this act, shall be and remain the same; to all intents and purposes, as if the said supplement before mentioned had never been passed.

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

Passed February 5, 1831.

AN ACT to authorize Abraham Bockover, surviving executor of the last Will and Testament of James Anderson, late of the township of Bernards, in the county of Somerset, deceased, to sell and convey a certain Farm or lot of land and premises, and to divide the proceeds thereof according to the directions of the said last Will and Testament.

WHEREAS James Anderson, late of the county of Somerset, deceased, in and by his last will and Testament, bearing date the twenty-fifth day of December, in the year of our Lord, eighteen hundred and eleven, ordered and devised, that a certain Farm on which he then lived, should (after his four youngest children in the said will named, arrived at lawful age) be delivered and set over to his executors, but without authorizing them or any person or persons to sell the same, although it manifestly appears from the said will, that the said testator intended that the said farm should be sold, and the proceeds thereof divided among his children, as in the said will mentioned; *And whereas*, the heirs and devisees of the said James Anderson, deceased, are desirous that Abraham Bockover, the surviving executor of the said last will and testament, should be fully authorized to sell and convey the said farm, in the said will mentioned—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 Abraham Bockover, surviving executor of the last will and testament of James Anderson, late of the county of Somerset, deceased, be, and he is hereby authorized and empowered to sell at public sale, all that farm or tract of land and premises, mentioned in the said last will and testament of the said James Anderson, deceased, situate in the township of Bernards, in the county of Somerset—and for the same when so sold, to make and execute in due form of law to the purchaser or purchasers, a good and sufficient deed or deeds of conveyance, according to the estate which the said James Anderson had or might legally have claimed thereto—which said deed or deeds so to be made, shall be as valid and operative as if made, executed and acknowledged by him, the said James Anderson, in his life time.

Authority to sell and convey certain lands.

Sec. 2. And be it enacted, That the said Abraham Bockover; surviving executor as aforesaid, shall report in writing all proceedings by him had, touching such sale, to the next Orphans' Court, of the county of Somerset, after such sale—and the moneys arising from such sale, shall be distributed by the said executor among the heirs and devisees, in the propor-

To report to the Orphan's Court.

tion and manner directed in and by the said last will and testament of the said James Anderson, deceased.

Passed February 5th, 1831.

AN ACT to incorporate the Elizabethtown and Somerville Rail 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 Isaac H. Williamson, William Chetwood, Edward Price, Samuel Downer, John Allen, Peter I. Stryker, John P. Vroom, Isaac Southard, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Elizabethtown and Somerville Rail Road Company;" and, by that name, they and their successors and assigns shall and may have continued succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same, at pleasure, to alter: and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient to the objects of this incorporation.

Name of incorporation.
Powers and privileges.

Amount of capital stock.

Sec. 2. And be it enacted, That the capital stock of said company shall be two hundred thousand dollars, with liberty to increase the same to four hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferrable in such manner as the said corporation shall, by their by-laws, direct.

Books of subscription to be opened.

Sec. 3. And be it enacted, That the above named persons may open books, to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper; and, as soon as the same shall be subscribed, to give notice for a meeting of the stockholders 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 of the capital stock

Meeting of stockholders to elect directors.

entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled, for the remainder of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Manner of voting.

President to be chosen.

Vacancies how supplied.

Sec. 4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

If election is not made at the time designated, corporation not dissolved.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company by such instalments and at such times as they may direct, and in case of the nonpayment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate, and effects of the said corporation; and also shall have power to appoint a secretary and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Powers and duties of directors.

Sec. 6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a rail road, or lateral roads, from one or more suitable place or places in the village of Somerville to one or more place or places in Elizabethtown, passing, as near as practicable, through Boundbrook, Plainfield, Scotch Plains, and Westfield, not exceeding sixty-six feet wide, with as many sets of tracks and rails as

Where rail road is to be made, and how constructed.

they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others, in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, leveling, or laying out the route or routes of such rail road or lateral roads, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property: and when the route or routes of such road or lateral roads shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, ferries, and all other works necessary to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road or roads, subject to such compensation as is hereinafter provided: *Provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said rail road or rail roads may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road or roads, unless the consent of the owner or owners of such lands be first had and obtained.

Proviso.

How lands to be obtained when company cannot agree with the owners.

Sec. 7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company, in the construction of the said road, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the Supreme Court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners herein after named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, not resident in the county in which the lands or materials in controversy lie, or the owners reside,

How damages sustained by owners of lands, &c. to be appraised and compensation obtained.

commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice, to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days: and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, and shall be paid by the company for such land or materials, and damages aforesaid: which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the land or materials are situate, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the Supreme Court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the Supreme Court, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Sec. 3. *And be it enacted*, That in case the said company or the owner or owners of the said land or materials, shall be dissatisfied with the report of the commissioners named in the preceeding section, and shall apply to the justices of the Supreme Court, at the next term after the filing of the said report, the court shall have the power, upon good cause shewn, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said 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 at the next Circuit Court to be holden in the said

Report of commissioners may be set aside and a trial by jury awarded.

county, 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 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 to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct, provided that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report.

Other roads not
to be obstructed.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said rail road or roads, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby, and also where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon-ways over or under said road, so that he may pass the same.

Power to purchase engines,
&c.

Limitation of
rates of toll.

Property vested
in the company.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any rail road constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons, or any species of property thereon, as they may think reasonable, expedient, or right, provided they shall not charge more than at the rate of six cents per mile, per ton, for the transportation of property on the said road or roads, or six cents per mile, for carrying each passenger on said rail ways, in the carriages of the company, or three cents per mile, for each ton of property transported, or three cents per mile, for each passenger carried on said rail ways in the carriages of others, and three cents per mile, for each empty carriage; and that the rail road or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Sec. 11. *And be it enacted*, That the president and directors shall, within one year after the said rail road shall have been completed, declare and make such dividend, as

they may deem prudent and proper, of the net profits thereof, and shall, in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Semi-annual dividends to be made.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any rail road constructed under the provisions of this act, by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending, shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt: and further, shall be liable for all damages.

Penalty for obstructing the road or injuring the works, &c.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road or roads, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages, and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain on the Elizabethtown Creek or Sound, and at the Point respectively, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act: *Provided*, that nothing herein contained shall be so construed as to give the company hereby incorporated the right to establish or carry on a ferry for the carrying of passengers or freight, on or from lands taken by inquest.

What real estate the company may hold.

Provide.

Sec. 14. *And be it enacted*, That the road or roads authorized by this act be, and the same are hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any rail road carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act: *Provided always*, that the said carriages so used thereon shall be of the same description in the formation of the wheels, and length of axle, as those used by the company, and shall be so regulated as to the time of starting, and rates of travelling, as not to interfere with the carriages of the company.

Rail road a public highway.

Sec. 15. *And be it enacted*, That as soon as the rail road, with its appendages, shall be finished, so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter the president and treasurer of said company, shall, under oath or affirmation, make a state-

Statement of cost of road to be filed.

Annual statement to the legislature of proceeds.

When tax shall be paid.

When appraisal of the road may be made—and how.

When state may take the road.

Statement to the legislature when required.

When this act to be void.

ment to the legislature of this state, of the proceeds of said road, until the nett income of said road shall amount to seven per centum upon the amount of its costs; and as soon as the nett proceeds of said rail road shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state, a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January of each year: *Provided* that no other tax or impost shall be levied, or assessed upon the said company.

Sec. 16. *And be it enacted*, That at any time after 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 their said appointment by the said 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 week's notice to the said company, 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 the 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 the 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 advance of the stock; and the said valuation shall in no case exceed the first cost or valuation of said road with the appendages thereof.

Sec. 17. *And be it enacted*, That if the said rail road shall not be completed, and in use at the expiration of seven years from the fourth day of July next ensuing, that then and in that case this act shall be void.

Sec. 18. *And be it enacted*, That the legislature of this state shall have the right to subscribe for stock of the said company, to the amount of twenty-five thousand dollars, at any time before, or within twelve months after the said road or roads are completed. Legislature may
subscribe for
stock.

Sec. 19. *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. Public act.

Passed February 9, 1831.

AN ACT to incorporate the Jersey City and Harsimus Cemetery.

WHEREAS the inhabitants of Jersey City and Harsimus, in the township of Bergen, in the county of Bergen, having been for a long time heretofore destitute of a suitable and convenient place for the interment of their dead, and deeming it highly necessary that due provision should be made therefor, sundry of said inhabitants, in consideration thereof, have associated themselves together, in order to provide a fit and proper burial place; and, by their united subscriptions, having been enabled to procure a certain tract of land containing about three acres, more or less, conveniently located on the eastern declivity of Bergen Hill, properly secluded and well adapted to such purpose; and, having surrounded the same with a substantial wall of stone, and divided it into suitable vaults and plots, have allotted to the respective members of their association a several vault or plot, to be held and occupied by them as private vaults, tombs, or repositories for their dead: *And whereas* many other vaults and plots still remain to be distributed, for the want of an equal number of subscribers, and others of said inhabitants making frequent applications therefor, it is expedient, for the better disposition thereof, and also for the better regulation, security, and improvement of the whole, that all things pertaining thereto should be subject to the direction and control of certain fit and competent persons, duly appointed for such purpose—
Therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That David C. Colden, Robert Gilchrist, Jona-

Name of incorporation.

Powers and privileges.

Capital not to be employed for banking purposes.

Common seal.

Trustees may sue and be sued, &c.

May make by-laws.

May lease or dispose of vaults.

than Jenkins, John K. Goodman, John Haight, John Gilbert, and Joseph Dodd, their present and future associates, their successors and assigns, duly elected in manner as is herein-after directed, be, and they are hereby made, declared, and constituted a corporation and body politic, in law and in fact, to have continuance by the name, style, and title of "The Trustees of the Jersey City and Harsimus Cemetery," and, by that name, shall be capable of purchasing or otherwise receiving and becoming possessed of, holding, and conveying of all manner of real and personal estate, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed for the use of the inhabitants of Jersey City and Harsimus, for a burial place, or to any other person or persons for such purpose, or in trust for the same, or that hereafter shall be given, sold, leased, or bequeathed to said inhabitants, for such purpose, by any person or persons, bodies politic or corporate, that is able and capable to make a gift, sale, bequest, or other disposal of the same, to be disposed of for the use and benefit of said inhabitants for a burial place, agreeably to the intentions of the donors, and according to the objects and conditions of this act; and the said trustees shall have, enjoy and exercise all other rights, powers, and privileges pertaining to corporate bodies; and necessary to provide a fit and convenient burial place for the said inhabitants of the city of Jersey and Harsimus, in the township and county of Bergen: *Provided also*, that the said company shall not employ their capital for banking purposes.

Sec. 2. *And be it enacted*, That the said trustees and their successors shall have power, and authority to make, have, and use a common seal, with such device and inscription as they shall think fit and proper, and the same to break, alter, or renew at their pleasure.

Sec. 3. *And be it enacted*, That the said trustees and their successors, by the name, style, and title aforesaid, shall be able and capable to sue and be sued, plead and be impleaded, in any court of law or equity in this state.

Sec. 4. *And be it enacted*, That the said trustees and their successors shall be, and they are hereby authorized and empowered to make, ordain, and establish by-laws and ordinances, and to impose such penalty or penalties for the violation thereof, as they may deem expedient; to construct and repair such roads, bridges, fences, and buildings as may be necessary for the use and security of said cemetery; to sell, lease, or otherwise dispose of the vacant vaults or plots; to manage all the funds and revenues thereof; and to do every thing necessary for the support, government, and due regulation of the cemetery, and all things pertaining thereto.

Sec. 5. *And be it enacted*, That there shall not be, at any time, more than seven trustees, who shall be members of the association, and resident at Jersey City or Harsimus, and whom the associates, at their annual meeting, to be held on the fourth Tuesday in August in every year, shall elect by ballot, to hold their offices for one year and until others are elected; but vacancies happening during the year, by death, resignation, or otherwise, may be filled by the remaining trustees, at a regular meeting thereof; and the members of the association shall meet at such time, and place as the trustees shall from time to time order and direct, six days' notice of the time, place, and purpose of all which meetings shall be given, by the trustees, by publishing the same in the neighborhood of the cemetery: *Provided*, that no person shall be entitled to vote on any question relating to the cemetery, unless he shall have been duly admitted a member of the association.

Annual meeting
of the associa-
tion.

Proviso.

Sec. 6. *And be it enacted*, That four trustees shall be a sufficient number for the transaction of the business thereof; and the said trustees shall and may as often as they shall deem proper, and according to the rules by them to be prescribed, choose out of their number a president and treasurer, and may appoint some fit and competent person to act as secretary, and also a sexton or sextons, together with such other officers as may be by them deemed necessary to carry into effect more easily the object of the cemetery, who shall continue in office for such time, and be succeeded by others in such way and manner, as said trustees shall direct.

Quorum.

Officers to be
appointed.

Sec. 7. *And be it enacted*, That all questions before the said trustees shall be decided by at least four concurring votes thereof.

Sec. 8. *And be it enacted*, That the plots, vaults, and other portions of ground in this cemetery shall not be subject to any assessments, taxes, fines, or seized upon, distrained, sold, or otherwise liable to any process of law.

Exemption from
process of law.

Sec. 9. *And be it enacted*, That all penalties imposed by the by-laws or ordinances of the trustees (which by-laws and ordinances shall be published at the cemetery, by posting up a copy of the same) may be sued for and recovered by action of debt, in any court having jurisdiction thereof, in the name of "The Trustees of the Jersey City and Harsimus Cemetery," and applied to the use of said cemetery, and members of the association; the trustees, and all others not otherwise legally disqualified, shall be competent witnesses in such cases.

How penalties
to be recovered
and applied.

Passed February 9, 1831.

AN ACT to authorize the sale of the Real Estate of Isaac Ogden, deceased.

Preamble.

WHEREAS it is represented by the petition of Hannah Ogden, the widow, and Isaac N. Wyckoff, the father of the heirs at law of Isaac Ogden, late of the county of Middlesex, who died intestate, and was possessed of certain real estate, situate in the counties of Hunterdon and Middlesex, which is comparatively unproductive and not calculated to be divided to the interest of the heirs at law of said deceased, who are three in number, and all minors; and that it would be for the interest of the said heirs at law, to have the said real estate sold, and praying a law to authorize the sale thereof—Therefore,

Trustees authorized to sell and convey certain 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 Hannah Ogden and Isaac N. Wyckoff, be, and they are hereby appointed trustees, with full power and authority, to sell, at public sale, and convey all the real estate whereof Isaac Ogden died seized, at such time, as they may deem most for the interest of the heirs at law of said deceased, and for the highest sum, or sums of money, that the same will bring; and for the same or any part thereof, when sold, to make and execute in due form of law, in their own names as trustees as aforesaid, good and sufficient deed or deeds of conveyance, according to the estate and interest, which the said Isaac Ogden, had in and to the same, at the time of his death.

Trustees to account.

Sec. 2. And be it enacted, That the said Hannah Ogden and Isaac N. Wyckoff, as trustees as aforesaid, shall keep a fair account of such sale or sales of said real estate, so by them sold, by virtue of this act, and of the expenses of such sale or sales, and shall, after deducting such expenses, and the fees allowed for their services, vest the proceeds of such sale, or sales, at interest upon good and sufficient security, and distribute the same among the said heirs at law, as they respectively arrive at lawful age, according to the manner and proportion prescribed by the law directing the descent of real estate.

Trustees to give bond.

Sec. 3. And be it enacted, That before the said trustees enter upon the trust assigned them, by this act, they shall enter into bond with sureties, unto the Governor of this state, in such amount as shall be approved of by the Orphans' Court of the said county of Hunterdon, conditioned for the faithful performance of said trust.

Sec. 4. And be it enacted, That the said trustees shall,

within six months after the sale of the real estate aforesaid, make, subscribe, and exhibit under oath or affirmation, to the surrogate of the county of Hunterdon, an exact statement of the amount of the said sale or sales to be by him recorded, and filed agreeably to law, and that the said trustees be accountable for all moneys received by them by virtue of this act.

Statement to be
filed in surro-
gate's office.

Passed February 9, 1831.

AN ACT to enable the owners of land adjoining Dismal Brook, to open and clear the same, within the limits therein mentioned.

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 Simeon Munday, John Hampton and Isaac A. Stelle, shall be, and they are hereby appointed managers for opening and clearing out Dismal Brook in the county of Middlesex, from where the Amboy turnpike crosses the same, to Daniel Randolph's house near said brook; and shall continue managers until the first Tuesday in April in the year of our Lord eighteen hundred and thirty two, and until their successors in office are appointed; and it shall and may be lawful for the said managers, or either of them, to enter into and upon the lands, lying upon said brook within the limits aforesaid, to open, widen and deepen and clear out the same, and remove every obstruction, (division swinging pole fencing across the said brook excepted) to the free passage of the water within the limits aforesaid, and the mud and other obstructions, taken out of said brook, to cast upon the lands next adjacent.

Managers ap-
pointed to clear
out Dismal
brook.

Sec. 2. And be it enacted, That the said managers, or a majority of them, shall and may apportion the amount each respective owner of lands lying upon the the said brook or in the vicinity thereof within the limits aforesaid, to be benefitted by the opening of said brook, shall pay for each and every of the expenses which may accrue in carrying into effect this law; and shall and may demand and have of all and every the owners of such lands, such sum, or sums of money so by them assessed, and on neglect or refusal of the payment thereof, for the space of sixty days after such demand, it shall and may be lawful for such managers, or either

Manner of ap-
portionment of
expenses and of
recovery.

of them, and they are hereby required, by action of debt to sue for and recover the same with costs of suit, in any court having jurisdiction thereof; all which sum or sums of money so assessed, received and recovered, shall be applied by the managers to the purposes in this act before mentioned.

Owners may
pay their assess-
ment in labor.

Sec. 3. *And be it enacted*, That if any person who is assessed for the raising of money for the purposes before mentioned, elect to work out the amount of such assessment, or any part thereof, he shall give notice thereof in writing to said managers, within ten days after demand of said assessment shall be made; in which case such person shall, on having two days notice of the time and place appointed by said managers, or a majority of them, attend himself, or send a sufficient substitute, and shall work on said brook under the direction of said managers, or either of them; for which he shall be credited such a sum, towards the payment of said assessment, as the said managers shall think his labor deserves; and if neither such person nor his substitute, shall attend at the said time and place, he shall forfeit and pay one dollar, to be recovered by said managers, with costs, in an action of debt, in any court having cognizance of that sum, to be applied on recovery to the opening of said brook; and further that the said person upon such delinquency shall forthwith pay the whole or the residue as the case may require, of the said assessment to the said managers, or on failure be forthwith proceeded against for the same, according to the second section of this act.

Annual meeting
of owners to ap-
point managers.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the owners of lands who may be assessed according to the provisions of this act, to meet at the house where Lewis Campbell, innkeeper in Woodbridge township, Middlesex county, now lives, on the first Tuesday in April, in the year of our Lord one thousand eight hundred and thirty-two, and yearly and every year thereafter, and appoint three managers, who shall be owners of the lands aforesaid; which said managers shall continue one whole year, next ensuing such appointment, and until others shall be chosen, and shall be vested with all the powers herein before given to the managers named in the first section of this act.

Sec. 5. *And be it enacted*, That if any person or persons, who are now named, or hereafter shall be chosen manager or managers as aforesaid, shall die, or remove out of the place before the expiration of the time for which he or they are so chosen, or who shall refuse to take upon himself or themselves, the management as aforesaid, then and in such case, it shall and may be lawful for any three owners of said lands, to call a meeting of the owners of said lands, by fixing up advertisements in at least three of the most public places in the neighborhood of said owners, expressing the time, place, and intention of said meeting; who shall, when met, elect a per-

son or persons to supply the place or places of such manager or managers, so refusing, removing or dying, and the person or persons so chosen, shall have all the power and authority herein before given to the managers named in this act.

How vacancies to be supplied.

Sec. 6. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall in any way fill up, stop or obstruct the free course of said brook, within the limits aforesaid, he or they so offending shall forfeit the sum of ten dollars, to be recovered with costs of suit, by said managers, in any court having cognizance thereof, to be applied to the opening of said brook.

Penalty for obstructing the free course of the waters.

Sec. 7. *And be it enacted*, That the said managers shall severally be entitled to receive, for each day he or they may be employed in discharging the duties required by this act, the sum of seventy-five cents.

Compensation to managers.

Passed February 9, 1831.

RECEIVED

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.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be the duty of the Mayor, Recorder, or Aldermen of the city of Camden, or either of them, to whom a return of the delinquents in their taxes, may or shall be hereafter duly made, to make out and deliver to the marshal or constables of the said city, a warrant or warrants, requiring him or them to levy the tax in arrear, with costs, within the time and in the manner prescribed by an act, entitled, "An act concerning taxes, passed the tenth of June, one thousand seven hundred and ninety-nine, and of the several acts supplementary thereto.

How tax to be collected.

Sec. 2. *And be it enacted*, That the Mayor, Recorder and Aldermen of the said city of Camden, and each of them, shall be deemed, esteemed and taken to be a justice of the peace, within the intent and meaning of an act, entitled, "An act constituting courts for the trial of small causes," passed the twelfth of February, one thousand eight hundred and

Aldermen to be deemed justices of the peace.

eighteen, and of the several acts supplementary thereto; but nothing herein contained shall be construed or taken to enlarge the territorial jurisdiction of the said several officers; but the same shall be and remain co-extensive with the limits of the said city; and that they may in causes depending before them, award writs of subpoena ad testificandum into any county of this state.

Part of a former
act repealed.

Sec. 3. *And be it enacted*, That the twelfth and thirteenth sections of the act to which this is a supplement, be, and the same are hereby repealed.

Passed February 9, 1831.

AN ACT for the relief of John Salter.

Preamble.

WHEREAS it appears that John Salter, a trooper in the troop of horse commanded by Captain Richard Shreve, attached to the regiment of militia of the county of Burlington, commanded by Colonel William Shreve, while in the particular service of the state of New-Jersey, at Cedar Creek Bridge, in the county of Monmouth, on the twenty-seventh of December, seventeen hundred and eighty-two, was wounded in the defence of his country; and that by reason of the said wounds and the infirmity of old age, he is incapable of supporting himself; and whereas it also appears, that he is not entitled to a pension from the United States, in consequence of his being in the particular service of this state, at the time he received his wounds, and it appearing just that some provision should be made for his relief; Therefore,

Five dollars per
month to be paid
to John Salter.

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 the state, for the time being, do pay unto John Salter, five dollars per month from the passing of this act, during his life time, and that the receipt of the said John Salter or his order, shall be a sufficient voucher to the treasurer in the settlement of his accounts for such sums as may be paid by virtue of this act.

Passed February 11, 1831.

AN ACT for the relief of Thompson Price.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being, shall be and is hereby required, quarter yearly, to pay to Thompson Price, late a soldier in Captain James Somers' company of militia in the county of Gloucester in this state, who served as a soldier during the revolutionary war, or to his order, at the rate of sixty dollars by the year, from the passing of this act, during the lifetime of the said Thompson Price, and the receipt of the said Thompson Price, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed February 11, 1831.

AN ACT to incorporate the West-Jersey Rail Road and Transportation Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That subscription books to the capital stock of the West-Jersey Rail Road and Transportation Company shall be opened within six months after the passing of this act, by James Newell, Josiah M. Reeves, Richard S. Field, of Salem, Elias P. Seeley, of Cumberland, Joseph Kaighn, Jesse Smith and Jacob Howey of Gloucester, who are hereby appointed commissioners to receive subscriptions of the said stock, at such times and places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of said books, by publishing the same in at least three of the newspapers published in this state, one in the city of Philadelphia, and one in the city of New-York.

Books to be opened for subscription to stock.

Sec. 2. *And be it enacted,* That the capital stock of the said company shall be five hundred thousand dollars, to be divided into shares of one hundred dollars each; and that when two thousand five hundred shares are subscribed for, the persons holding the same shall be, and they hereby are incorporated into a company, by the name of "The West-Jersey

Name of incorporation.

Rail Road and Transportation Company," and, by that name, shall be capable of purchasing or of otherwise receiving and becoming possessed of, holding, and conveying of real or personal estate; shall have perpetual succession, and power to make and use a common seal, and, by said corporate name, may sue and be sued, and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary to carry the objects of this act into effect.

Instalments
when to be paid.

Sec. 3. *And be it enacted*, That, at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for to the commissioners, or some one of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscription shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, and give public notice of, 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 the said instalments, or any of them, to and for the use of the company.

Forfeiture of
stock on non-
payment.

When this act
to be void.

Sec. 4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of said company, be not subscribed for within two years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in to the respective subscribers; or their representatives, in proportion to the sums paid in by them.

Annual meeting
of stockholders
to elect directors

Sec. 5. *And be it enacted*, That when two thousand five hundred shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days' notice of the time and place of said meeting, as herein before directed with regard to the opening of the books, at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year, of which election the said commissioners, or a majority of them, shall be the judges; and that at the expiration of that term, 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, a majority of whom shall be citizens of this state as aforesaid, and that at every such election, and in all other cases in which the stockholders shall be entitled to a vote, a vote may be given for each share by the holder thereof, either in person or by proxy.

Manner of vo-
ting.

Sec. 6. *And be it enacted*, That within twenty days after their annual election as aforesaid, the said directors shall elect a president of their said company, who shall hold his office for one year, or until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct, and shall be the presiding officer at all meetings of the said directors, and have the casting vote, when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence, or inability so to do, the said directors shall appoint some other suitable person in his place, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed.

President to be chosen.

Sec. 7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, removal, or refusal to act of any president or director, and may appoint a treasurer, and all other officers, engineers, agents, superintendents, and servants, that may be required to transact the business of the company, with such compensation as they may determine upon, and may exact from them such security for the due performance of their respective trusts, as they may think expedient; they shall decide upon the description of carriages to be used on said road, when completed, the weight to be carried in a carriage, the times of starting, and rates of travelling, so that no injury may be done to the said road, or impediments offered to persons or property travelling thereon; they shall regulate the tolls, and have the superintendence and direction of all receipts and disbursements, and all other affairs of the company, and may make and enforce such ordinances and by-laws as they may think expedient for regulating the transfer of stock, and for the general government of the company, and management of its affairs: *Provided*, the same are not repugnant to the laws of this state, or of the United States.

How vacancies are to be supplied.

Officers to be appointed.

Duties of directors.

Proviso.

Sec. 8. *And be it enacted*, That at the annual meeting of the stockholders, it shall be the duty of the president and directors, of the preceding year, to exhibit to the stockholders, a full and complete statement of the affairs of the company during the said term.

Annual statement of affairs to be exhibited

Sec. 9. *And be it enacted*, That special meetings of the stockholders may be called by order of the said president and directors or by the stockholders owning one fourth of the whole stock of the company, by giving notice of the time and place of holding the same, as herein before directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted by such special meeting, unless a majority in value of the stockholders attend and con-

How special meetings of the stockholders may be called.

cur therein, who may require the books, accounts, and all other papers and proceedings of the company to be exhibited to them by the president and directors.

If no election on the day designated, charter not avoided.

Sec. 10. *And be it enacted*, That if, from any cause, any election herein before named shall not be had at the time specified therefor, the same may be made at any other time, on notice as aforesaid; and that until such election is had, the offices for the preceding year shall continue to hold their respective offices until others are elected in their stead, and that the charter shall not be defeated or avoided by reason of the irregularity or want of any such election.

When the rail road is to be constructed.

Proviso.

Company may enter upon lands for exploring, &c.

A survey of the location and route, to be filed in the office of Secretary of State.

Company may enter upon and occupy lands.

Sec. 11. *And be it enacted*, That, to facilitate the objects of this act, the president and directors of the said company be, and they hereby are authorized and invested with all the rights and powers necessary to survey, lay out, and construct a rail road, with all the necessary appendages, from the Delaware river, at some point or points between Cooper's creek and Newton creek, in the county of Gloucester, in this state, or from such point in the Camden and Amboy Rail Road as may be agreed upon by the company incorporated by this act and the said Camden and Amboy Rail Road and Transportation Company, to a suitable point or points, to be by them determined on, upon the said river, in the township of Lower Penns Neck, in the county of Salem, with as many sets of tracks as they may deem necessary, with one or more tracks for horses, provided the said road shall not exceed one hundred feet in width on the surface of the road: and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others, in their employ, to enter, at all times, upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of the said rail road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property: and when the route and location of such road shall have been determined upon, and a survey of such route and location deposited in the office of the secretary of state, then it shall be lawful for said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in its employ, to enter upon, to take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and other works necessary to lay rails thereon, and to do all other things which shall be suitable and necessary for the effectual completion of the said road, and to carry into full effect the object of this incorporation, and may take and use any gravel, sand, clay or other earth on or near the said route, which may be required for the construction of, repairing, altering, or extending the said road, or any of the works or appendages, subject to such compensation to be made therefor, as is hereinafter provided.

Sec. 12. *And be it enacted,* That when the said company, or its agents, cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when by reason of the legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the lands or materials so required for the use of the said company, in the construction of the said road, shall be given in writing under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be; and of the owner or owners, if known and their residence, if the same can be ascertained, to one of the justices of the Supreme Court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in the county in which the lands or materials in controversy lie, or the owners reside, commissioners to examine and appraise the said land or materials, and to assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands and materials, and to make a just and equitable estimate or appraisal of the value of the same and assessment of damages, and shall report what sum shall be paid by the said company for such lands or materials, and damages aforesaid, which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land and materials, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county in which the lands or materials are situated, to remain of record therein; which report or copy thereof, certified by the clerk of said county, shall, at all times, be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs;

How to proceed when company cannot agree with owners of required lands.

How damages sustained by owners are to be ascertained and recovered.

in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the Supreme Court, shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the justice of the Supreme Court, commissioners, clerks, and other persons, performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case.

Report of commissioners may be set aside and a trial by jury awarded.

Sec. 13. *And be it enacted*, That in case the said company, or the owner or owners of the said lands or materials, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the Supreme Court, at the next term after the filing of the said report, the court shall have the power, upon good cause shewn, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said 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 at the next circuit court to be holden in the said county, 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 have awarded in favor of the said owner or owners, then 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 to be paid by said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct: *Provided*, that such application shall not prevent the company from taking the said land or materials upon the filing of the aforesaid report.

Proviso.

Other roads not to be obstructed.

Sec. 14. *And be it enacted*, That it shall be the duty of the company to construct and keep in repair good and sufficient bridges or passages over the said rail road, where any public or other roads shall cross the same, so that the passage of carriages, horses, and cattle on said road shall not be prevented thereby; and also where the said rail road shall intersect the farm or lands of any individual, to provide and keep in repair suitable wagon ways, so that the owners and others may pass the same.

Sec. 15. *And be it enacted*, That the said company are hereby authorized to demand and receive such sum or sums of money for tolls, and the transportation of persons and every species of property, whatsoever, thereon, as they shall from time to time think reasonable and proper: *Provided*, that they shall not charge more than at the rate of eight cents per ton per mile for the transportation of every species of property, nor more than ten cents per mile for the carrying of each passenger; and that the said rail road and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatever belonging to the company, are hereby vested in the said company incorporated by this act, and their successors, for and during the continuance of this charter; and that the shares of the capital stock shall be deemed and considered personal estate: *Provided always*, that in case the said company after the same is completed, shall abandon the said road, or cease to use and keep the same 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 re-vested in the person or persons from whom the lands were taken by concession or by inquisition, as aforesaid, their heirs or assigns: *Provided always*, if the state of New-Jersey shall take possession of said road, then the said road, and the title to the said lands, shall be, and hereby is vested in the state of New-Jersey, so long as they shall maintain the same.

Limitation of rates of tolls.

Property vested in the company.

Stock, personal estate.

Proviso.

Proviso.

Sec. 16. *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 declare such dividend, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, or in case they fail so to do, assign their reasons to the stockholders, in writing, for not doing so.

Semi-annual dividends to be made.

Sec. 17. *And be it enacted*, That if any person or persons shall wilfully injure, impair, destroy, or obstruct the use of said rail road constructed under this act by the said company, or any of their necessary works, carriages, or machines, such person or persons so offending, shall forfeit and pay to the said company, any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be by them recovered in any court of competent jurisdiction, in an action of debt, and also be liable to pay double the amount of damages sustained thereby.

Penalty for obstructing road or injuring works, &c.

Sec. 18. *And be it enacted*, That if it shall be necessary to carry into full effect the objects of this act, the stockholders shall have the power to increase the capital stock of the said company any sum not exceeding, in the whole, one mil-

Capital may be increased.

lion of dollars, by increasing the number of shares for that purpose.

When this act to be void.

Sec. 19. *And be it enacted*, That if the rail road shall not be commenced within two years after the passing of this act, or shall not be completed in five years, this act shall be void.

When appraisement of the road to be made.

Sec. 20. *And be it enacted*, That at the expiration of forty 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, 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 costs of said rail road, with the lands and appendages thereof.

When the state may take the road.

Proviso.

Sec. 21. *And be it enacted*, That as soon as the said rail road shall be finished, the President and Treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the Secretary of State; and it shall be the duty of the treasurer of the said company, under oath or affirmation, to make thereafter quarterly returns of the number of passengers, and the number of tons of goods, wares and merchandise transported upon said road, to the treasurer of this

Quarterly return to the treasurer of the state, and transit duty to be paid.

state, for the time being, and thereupon to pay the said treasurer of this state, at the rate of five cents for each and every passenger, and the sum of eight cents for each and every ton of merchandise so transported thereon.

Sec. 22. *And be it enacted*, That if the state of New Jersey shall hereafter authorize the construction of any other rail road, within three miles of the road authorized by this act, then the payment of the said sum of five cents for each passenger, and eight cents per ton for merchandise, to the treasurer of this state shall cease, and the said company is hereby exonerated from the payment thereof: *Provided*, that if any other rail road shall be constructed for the transportation of passengers from Camden to the river Delaware, in the county of Salem aforesaid, it shall be liable to a tax not less than the amount payable to the state by this company.

When payment to the state shall cease.

Proviso.

Sec. 23. *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.

Public act.

Sec. 24. *And be it enacted*, That the company incorporated by this act shall be deemed to be within, and subject to the provisions of the act, entitled "An act to prevent frauds by incorporated companies," passed the sixteenth day of February, eighteen hundred and twenty-nine.

Sec. 25. *And be it enacted*, That the company incorporated by this act shall not employ its capital, or any part thereof, in banking operations, nor engage in any transactions peculiar and appropriate to banking institutions.

Capital not to be employed in banking operations.

Sec. 26. *And be it enacted*, That the said rail road shall, and hereby is declared to be a public highway, subject to the regulations of the said company, as contained in the seventh section of this act.

Rail road a public highway.

Passed February 12, 1831.

AN ACT to incorporate "The Newark Mutual Aid Association."

WHEREAS a number of individuals having formed themselves into an association or society, to which they have given the name and style of "The Newark Mutual Aid Association, of the town of Newark," the object of which is to

Preamble.

raise a fund, to be appropriated towards the support of such of the members as shall, by reason of sickness or infirmities, be incapable of attending to their usual trade or calling, and also towards the relief of the widows and children of deceased members; and the said society have, by their petition presented to the Legislature, prayed to be incorporated—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 such persons as now are, or hereafter may become members of the aforesaid association or society, shall be, and hereby are ordained, constituted, and appointed a body corporate and politic, in fact and in name, by the name and style of “The Newark Mutual Aid Association, of the town of Newark,” and by that name they and their successors shall and may have succession, and shall be in law capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts and places 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 may change and alter the same at pleasure; and also that they, and their associates, and successors, by the name and style of “The Newark Mutual Aid Association of the town of Newark,” shall be capable in law of purchasing, holding, and conveying, any real or personal estate, for the use or benefit of said Association.

Name of incorporation.

Powers and privileges.

Officers to be elected.

How vacancies supplied.

Sec. 2. And be it enacted, That for the better carrying into effect the objects of the said corporation, there shall be a president, vice president, treasurer, secretary and six stewards, who shall hold their respective offices for one year, 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 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 election; and that in case any vacancy or vacancies shall happen in either of the said offices, by death, resignation, or otherwise, such vacancy or vacancies shall and may be filled up for the remainder of the year 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, at such places and times as shall be appointed by the by-laws of said corporation.

The first officers

Sec. 3. And be it enacted, That Eli Baldwin, shall be the first president; Abraham Beach, the first vice president, Edward W. Mitchell, the first treasurer, James Hewson, the first secretary, Daniel B. Bruen, George H. Bruen, Jonathan B. Jewell, Cornelius J. Jacobus, William Thomas, and Patrick

Murphy, the first stewards, to hold their respective offices for one year, or until others shall be duly elected in their room.

Sec. 4. *And be it enacted*, That the said corporation, and their successors, shall have power, from time to time, to make and establish by-laws, and to alter and amend the same, as they, from time to time, shall judge proper, for appointing the times and places of electing officers, for the admission of new members of the said corporation, and the terms, conditions, and manner of such admissions, and the amount of the sums which each member shall contribute to the funds of the corporation, and the time and manner of paying the same; and also for the disposition, management, and application, of the property, estate, effects, and funds, of the said corporation, for the purpose of carrying into effect the objects thereof, and for fixing the time and places of the meeting of the corporation, the manner of conducting the proceedings of such meetings, and touching the duties and conduct of the officers of the corporation, and for imposing penalties for breaking or violating any fixed by-laws; and also such other matters as appertains to the business and purposes for which the said corporation is, by this act, constituted, and for no other purposes, whatever: *Provided always* that such by-laws, and the penalties imposed for violating any of them, be not repugnant to the constitution and laws of the United States or of this state.

Powers of the Corporation.

Proviso.

Sec. 5. *And be it enacted*, That whenever any member of the said corporation, shall violate and break any of the by-laws so made as aforesaid, or shall become liable to any penalty imposed by such laws, and shall neglect or refuse to pay the same, it shall and may be lawful in any such case, for the said corporation to expel such member from the said corporation or to prosecute at law for the said penalty; *provided always*, that any member of this society shall be at full liberty to withdraw himself therefrom, at any time, on giving notice, in writing, to the president, for the time being, at any of the stated meetings of the said society, of his intention, and first paying to the said society all arrears of contribution or fines, from him due at the time of such notice; *and provided further*, that no member shall be expelled otherwise than by the votes of at least two-thirds of all the members present, at one of their stated meetings of the corporation.

Members may be expelled.

Proviso.

Proviso.

Sec. 6. *And be it enacted*, That every member expelled from the said corporation, shall thereafter be prevented from having or receiving any benefit or advantage, whatsoever, from the funds, property or estate of the said corporation, and that all payments and advances made by such member, to the funds of the said corporation, shall be forfeited to the same.

Expelled members forfeit interest in the funds.

Sec. 7. *And be it enacted*, That this act shall be and re-

Limitation.
Proviso.

main in full force and virtue for the term of twenty-one years from the passing of this act: *Provided nevertheless*, That in case the aforesaid society, shall at any time divert from or appropriate their or any part of their funds to any purpose or purposes other than those intended and contemplated by this act, or shall at any time pass any law or regulation respecting the rate of wages, price of wares or raw materials used by them, or any of them, or relative to the business which the members, or any of the members thereof do follow, and shall thereof be convicted by due course of law, that thenceforth the said corporation shall cease, and the estate real and personal whereof it may then be seized and possessed, shall vest in the people of this state: *And provided further*, that nothing herein contained, shall be construed to prevent the legislature, at any time, in their discretion, within the period aforesaid, from altering or repealing this act.

Proviso.

Public act.

Sec. 8. *And be it enacted*, That this act is hereby declared to be a public act, and that the same be construed in all courts favorably and benignly, for every beneficial purpose therein contained.

Passed February 14, 1831.

AN ACT to incorporate the Taylorsville Delaware Bridge Company.

WHEREAS it is represented to the legislature, by the petition of a number of the inhabitants of the county of Hunterdon, that the erection of a bridge over the Delaware River at the eight mile or Taylor's Ferry, formerly Mc Konkey's, would be a great convenience and accomodation to the public—Therefore,

Amount of capital stock.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the capital stock of the Taylorsville Delaware Bridge Company shall amount to twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions as the directors of the said company may determine.

Sec. 2. *And be it enacted*, That Daniel Cooke, esq. James

B. Green and Joseph Titus, of New-Jersey, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the Commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them may direct, giving notice thereof in two of the newspapers printed in the county of Hunterdon in this state, and in two of the newspapers printed in the county of Bucks in the state of Pennsylvania, for at least twenty days, of the times and places when and where the said subscriptions shall be received, and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall from time to time direct and give public notice of; and upon failure of payment thereof as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company: *Provided* that if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers in proportion to the amount or number of shares by them subscribed as aforesaid.

Books to be
opened to re-
ceive subscrip-
tions.

Provide,

Sec. 3. *And be it enacted*, That when three hundred shares are subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company by the name of "The Taylorsville Delaware Bridge Company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock, and the increase and profits thereof, and of enlarging the same from time to time by new subscriptions, in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, and of doing all and every other matter and thing which a corporation or body politic may lawfully do.

Name of incor-
poration.

Powers and
privileges.

Sec. 4. *And be it enacted*, That as soon as three hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the said commissioners to

Stockholders to elect president, directors and other officers.

Proviso.

Annual meeting of stockholders.

Certificates of stock to be issued—transferrable.

Quorum.

Duties of Directors.

give notice in two or more of the newspapers printed in the county of Hunterdon in the state of New-Jersey, and in the county of Bucks in the state of Pennsylvania, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot by a majority of votes, to be delivered in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of the said company for one year, and until other officers shall be appointed, and may make such by-laws and regulations not inconsistent with the laws and constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company: *Provided always*, that no person shall have more than twenty votes at any election; or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held, not exceeding twenty.

Sec. 5. *And be it enacted*, That the said stockholders shall meet on the first Monday in November, in every succeeding year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Sec. 6. *And be it enacted*, That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively, signed by the president, and countersigned by the treasurer of the said company, which certificates shall be transferrable at his or her pleasure, in person, or by attorney, subject however to the payments due, and that may grow due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered in a book of the company to be kept by the treasurer for that purpose, shall, for every share of stock so held by him, or her, be entitled to his or her equal proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof.

Sec. 7. *And be it enacted*, That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on, for transacting their business; at such meetings five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers as they shall think necessary to carry on the said bridge, and to complete the same, and to fix their salaries, and other wages, to deter-

mine the time, manner, and proportions, in which the stockholders shall pay the money due on their respective shares, to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board, and to do and transact all matters and things, as, by the by-laws or regulations of the said company, shall be lawful.

Sec. 8. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors, to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads, to, and from, the same; if they can agree with the owner or owners of the same, but, in case they cannot agree, then it shall and may be lawful for the said president and directors, to apply to one of the justices of the Supreme Court of this State, not being a stockholder, or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn, or affirmed, before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine the said banks, and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to, and from, the same, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements, so necessary to be taken as aforesaid, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them, and shall return the same, together with a map describing the metes and bounds of such lands and tenements, to the Supreme Court next after they shall have agreed upon and signed the same; and the said report having been confirmed by the said Supreme Court, shall be filed in the clerk's office of the said court, with the map aforesaid; and the said president and managers having paid the said owners, respectively, the several sums awarded to be paid to them, in, and by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each, for every day employed in the said business, and their necessary expenses; the said company shall be entitled to have and to hold, to them, and to their successors, and assigns, forever, the said lands and tenements, as fully and effectually as if the same had been granted to them by the respective own-

How to proceed
when company
cannot agree
with owners of
required lands.

ers thereof; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands and tenements, and to commence and complete the erection of the said bridge.

Company may enter upon lands to obtain stone, gravel, &c.

How damages sustained by owners of lands, &c. to be ascertained and paid.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers, and artists, of every kind, to enter into and upon all lands and inclosures near to the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone, gravel, or sand, necessary for the building of the said bridge; and it shall and may be lawful for the said directors, overseers, superintendents, or any other person employed in building the said bridge, to enter with wagons, carts, sleds or sleighs, or beasts of burden or draught, of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and first making amends for any damages that may be done, which damages shall be ascertained by the parties, if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation of three indifferent freeholders of the neighborhood, or any two of them, to be mutually chosen; or if the owners, or managers, or superintendents, engineers, or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side, and the said managers, or other persons by them employed as aforesaid, after tender of the appraised value to the owner, may enter and dig, take, and carry away, any stone, gravel, sand, or earth, most conveniently situated for making and repairing said bridge.

Annual exhibit of accounts to stockholders.

Sec. 10. *And be it enacted*, That the president and directors of the said company, shall keep fair and just accounts of all moneys received by them from the said commissioners, and from the stockholders, and of the amount of the profits on shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work; and shall at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same, shall be fully paid and discharged; and the aggregate amount of all such expenses shall be liquidated and ascertained.

Property vested in company.

Limitation of rates of tolls.

Sec. 11. *And be it enacted*, That when a good and complete bridge is erected over the said river Delaware, at the place aforesaid, the property of the said bridge shall be vested in the said company aforesaid, their successors and assigns forever: and the said company, their successors and assigns, may demand and receive toll from travellers and others, not to exceed the following rates:

Annual dividend
to be made.

damages they may thereby sustain ; and if they cannot agree with such owner or owners, then and in such case, the said damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act : *Provided*, that no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

When act to
take effect.

Sec. 15. *And be it enacted*, That the said president, directors, and company shall also, keep a just and true account of all and every the moneys received by their respective collectors, of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of the said company, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund to provide against the decay and for the rebuilding and repairing of the said bridge ; and shall on every first Monday in May and November in each and every year, publish the dividend to be made of the said clear profits thereof, amongst the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly.

Capital not to be
employed in
banking opera-
tions.

Sec. 16. *And be it enacted*, That this act shall not take effect or go into operation, until the Legislature of the Commonwealth of Pennsylvania shall pass a law appointing commissioners on their part, and vesting like power 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, franchises, and emoluments, as to the said company are hereby given.

Sec. 17. *And be it enacted*, That the said company shall not employ any of their funds in any banking operations.

Passed February 14, 1831.

Preamble.

AN ACT to alter the western limits of the city of Trenton.

WHEREAS Thomas Cadwallader, jr. at present an inhabitant within the present bounds of the city of Trenton, has represented to the legislature, that for the farm and tract of woodland he possesses within the limits of the said city, he is subjected to taxes and sundry expenses for the improvement and advantage of the city, and that he receives on equivalent benefit from the said corporation—For remedy whereof,

For every coach, landau, chariot, phaeton, or other pleasurable carriage, with four wheels, drawn by four horses, the sum of seventy-five cents ;

For the same carriage, with two horses, the sum of fifty cents ;

For every wagon, with four horses, the sum of sixty-three cents ;

For every carriage of the same description, drawn by two horses, the sum of fifty cents ;

For every chaise, riding chair, sulkey, cart, or other two wheel carriage, or a sleigh or sled, with two horses, the sum of thirty-eight cents ;

For the same, with one horse, the sum of twenty-five cents ;

For a single horse and rider, the sum of twelve and a half cents ;

For every led or driven horse or mule, the sum of six cents ;

For every foot passenger, the sum of two cents ;

For every head of horned cattle, the sum of three cents ;

For every sheep or swine, the sum of one cent ;

And the said company shall so erect the said bridge, as in no wise to injure, stop, or interrupt the navigation of the said river, or prevent boats or rafts from passing, or persons from fording the said river.

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever, belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they, so offending, shall forfeit and pay for every such offence, over and above the damages done to said bridge, the sum of thirty dollars, to be recovered in any court having cognizance thereof.

Penalty for injuring bridge or works, &c.

Sec. 13. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for the passing over the said bridge, than what are hereinbefore prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they, so offending, shall for every such offence, forfeit and pay the sum of thirty dollars, one-third thereof for the use of the poor of the township of Hopewell, county of Hunterdon, in New-Jersey, and one third thereof for the use of the poor of the county of Bucks, and state of Pennsylvania, and the other third for the use of the person who may sue for the same ; *Provided always*, That no suit or action shall be brought unless within thirty days after such offence shall be committed.

Penalty for receiving greater tolls.

Proviso.

Sec. 14. *And be it enacted*, That the said president and directors, shall have power to agree with any owner or owners of ferries or shad-fisheries that may be injured by the erection of the said bridge, and to compensate them for any

How to proceed when company cannot agree with owners of ferries or fisheries.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all such parts of the city of Trenton, as lie beyond and are not contained within the following boundaries, to wit: Beginning in the channel of the Delaware river opposite the corner of lands of Thomas Cadwallader, jun. and Samuel Dickinson, thence to said corner, thence by the lines between their lands to the present city boundary, thence pursuing said boundary to the place of beginning; shall be considered as annexed to the township of Trenton, and as separate from, and lying without the limits of the corporation of the city of Trenton, any law to the contrary notwithstanding.

Lands within certain boundaries separated from the city and annexed to the township of Trenton.

Sec. 2. And be it enacted, That the act entitled "An act to incorporate a part of the township of Trenton, in the county of Hunterdon," passed the thirteenth day of November; one thousand seven hundred and ninety-two, so far as the said act includes and relates to that part of the said city of Trenton not contained within the limits prescribed in the foregoing section, be and the same is hereby repealed.

Passed February 14, 1831.

AN ACT relative to the Map of New-Jersey.

WHEREAS by a resolution of the Council and General Assembly of this state, passed March seventh, eighteen hundred and twenty-eight, the Governor was authorized, on the part of the state, to subscribe for one hundred and twenty-five copies of the Map of New-Jersey, constructed by Thomas Gordon, and he having delivered the same to the Treasurer of this state.

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 one hundred and twenty-five copies of the said Map, so delivered to the said treasurer, be, and they are hereby accepted in full satisfaction and discharge of the bond given by the said Thomas Gordon, with security, under the act, passed November twenty-second, eighteen hundred and twenty-two, entitled "An act to encourage the formation of an accurate Map of the State of

Part of a former act repealed.

Bond of Thomas Gordon directed to be cancelled.

New-Jersey," and that the said treasurer do cancel the said bond, and deliver the same to the said Thomas Gordon.

A map to be furnished to every township in the state.

Sec. 2. *And be it enacted*, For the further compensation and relief of the said Thomas Gordon, for the labor and expense incurred in the preparation and publication of the said Map, and the more general diffusion of the geography of this state; *Be it further enacted*, that the Governor of this state do subscribe for one hundred and twenty five copies of the said Map, and that upon the delivery of the same to the treasurer of this state, the said treasurer be authorized to pay to the said Thomas Gordon, the sum of one thousand dollars out of any moneys of said state not otherwise appropriated; and that the said Maps shall be distributed, one copy thereof, to each of the several townships in this state, for the use of the town and school committees of such township.

Passed February 14, 1831.

AN ACT to authorize Elizabeth Lyle, widow of Samuel Lyle, late of the county of Middlesex, to make sale of certain Real Estate.

Preamble.

WHEREAS it is represented by the petition of the said Elizabeth Lyle, that her husband, the said Samuel Lyle, died intestate, seized of a certain lot of ground and premises, situate in the city of New-Brunswick, in said county, leaving John Lyle an only child and heir at law of said deceased, and that it would be for the interest of the said heir at law to have said real estate sold, the same being unproductive in its present state; Therefore,

Authority to sell and convey a lot of land.

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 Elizabeth Lyle, widow of the said Samuel Lyle, deceased, be, and she is hereby authorized and empowered to sell, at public vendue, the said lot of land and premises, situate in New-Brunswick aforesaid, containing more or less, to the highest bidder, and for the same, to make and execute a good and sufficient deed or deeds, to the purchaser or purchasers, vesting thereby in the purchaser or purchasers, all the estate and title of the said Samuel Lyle, to said pre-

mises at the time of his death: *Provided always*, That the said Elizabeth, shall, before the making of said sale, and also, before entering upon the duties of said trust, enter into bond with sureties and in such amount, to the Governor of this state, as shall be approved by the Orphans' Court, of said county of Middlesex, conditioned for the faithful performance of the trust reposed in her by this act; which bond shall be deposited in the office of the secretary of this state by the surrogate of the said county of Middlesex.

Sec. 2. *And be it enacted*, That the said Elizabeth Lyle, shall within three months after the sale of said real estate, make, subscribe, and exhibit, under oath, to the surrogate of said county, an exact statement of the amount of said sale, to be by him filed and recorded in his office, agreeably to law; and that the said Elizabeth Lyle, shall be accountable for all moneys by her received by virtue of this act.

Account to be exhibited under oath to the surrogate.

Sec. 3. *And be it enacted*, That the said Elizabeth Lyle, shall place at interest, upon landed security, the money arising from the sale of said real estate, after deducting the expenses of this trust, and apply one third part of the interest to her own use, as the widow of said deceased, as her right of dower therein, and the remaining two thirds of said interest to the use of the said John Lyle; *provided*, that nothing in this act shall be so construed as to prevent the said Elizabeth, or other lawful guardian of the said John Lyle, from applying the whole or a part of said principal and interest, to the necessary support, maintenance and education of the said John Lyle, under the order and direction of the Orphans' Court of said county of Middlesex.

Proceeds of sale to be placed at interest.

Proviso.

Passed February 14, 1831.

A SUPPLEMENT to the act entitled "An act to enable the owners of swamp or meadow ground, to drain the same, and to repeal a law heretofore made for that purpose," passed twenty-fourth November, seventeen hundred and ninety-two, and for other purposes relating to fences.

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

Owners of meadows within the former act, whose banks, &c. require to be renewed, may apply to the surveyors and freeholders of the township.

Surveyors and freeholders to direct the proportions of work to be done by each occupant.

Lands to be re-surveyed.

Allotment of work to each owner.

How to proceed in case an owner neglects to have done the work assigned him.

act; it shall and may be lawful for any person or persons, who may have any meadow, or land improved, or capable of being improved into meadow, or pasture, or arable lands, which hath heretofore been, or may hereafter be surveyed and laid out in ditches, drains, creeks, or water courses, under and by the directions, and in conformity to the act to which this is a supplement, as often as the same may, from time to time, require to be renewed, ditched, cleared out, and effectually repaired, to apply to the two surveyors of the highways, and the two chosen freeholders of the township in which the land doth lie, who are hereby directed and required to proceed to view and examine the premises so laid out as aforesaid, and which are wanting to be renewed, ditched, cleared out, and effectually repaired and to take, order, and direct how, and in what manner, and in what proportions, the same shall be done by each owner or occupant of any such meadow or swamp lands; and shall in all things be governed by the directions contained in the act to which this is a supplement; and shall be entitled to the same fees, and be subject to the same penalties as are provided for in the act to which this is a supplement.

Sec. 2. *And be it enacted*, That whenever any person or persons shall apply to the surveyors of the highways and the chosen freeholders, as aforesaid, and have given the notice required by law of the time and place of such meeting, it shall be the duty of such person or persons, to produce to the said surveyors and holders, a certified copy from the clerk of the county, of the actual survey of such lands as shall be recorded in the clerk's office of the county, and which it is intended to have the ditches, drains, creeks, and water courses, renewed, cleared out, and effectually repaired, and also to furnish a competent surveyor with compass and chain, to re-survey and mark out said meadow, or swamp lands, agreeably to the said original survey, and the directions of said surveyors of the highways and the chosen freeholders, who shall thereupon allot to each person interested therein, the part or parts thereof, he or she shall clear, make, support and keep open, and in what manner, and at what times the work shall be done; and if any person or persons, owners of land and meadow, directed to be drained as aforesaid, shall neglect to make, repair, and keep open, his, her, or their proportion or allotment of said ditch, drain, or water course, that then, and in such case any one or more of the owners of such land, or meadow, may make, open, and clear out, the said ditch, drain, or water course, from time to time, and recover the expenses thereof from the person or persons neglecting to do the same, by a sale of the wood, grass, herbage, or pasture on said land or meadow which shall be so ditched and drained.

Sec. 3. *And be it enacted*, That whenever it shall be necessary to sell the wood, grass, herbage, or pasture, on any

such land and meadow as aforesaid, it shall be the duty of any one of the said surveyors of the highways, or chosen freeholders of the township in which the said land or meadow hath been so drained, as aforesaid, and who is no ways interested therein, to go upon the ground and view and appraise such opening, draining, clearing out, and ditching of such land or meadow, in presence of the owner thereof, if he, she, or they will be present upon notice given them, if easily to be found, and then and there to assess the amount due for such work, and one dollar for his services; all of which he shall certify in writing, under his hand and seal; and the person having done such work, shall thereupon file the said certificate before some justice of the peace, of the county, where the land lies, who shall thereupon enter judgment for the sum so appraised or assessed, with costs, and grant execution thereon, for the sale of so much of the wood, grass, herbage, or pasture, or any such land and meadow as is contained in the certificate aforesaid, as will pay said judgment and costs: *Provided*, that no such appraisement or assessment shall be made more than once in six years.

Appraisement of value of labor neglected to be done.

How to be recovered.

Provide.

AND WHEREAS there are large tracts of land which lie adjoining on rivers, creeks, and streams of water, or otherwise held by different owners, and not easily fenced in separate lots; but which might be enclosed in common under safe and easy regulations—Therefore,

Sec. 4. *And be it enacted*, That it shall and may be lawful for any persons having lands so situated, and when the owners of two thirds of such lands shall agree to fence the same, to apply to the two surveyors of the highways, and the two chosen freeholders of the township in which the land doth lie, who are hereby directed and required, upon ten days notice given for that purpose, as well to the persons owning, or in possession of said lands, intended to be fenced, particularly specifying the time and place of meeting, to view the premises, and when the lines of such lands are not known, then they, or a majority of them, shall cause an actual survey of said lands to be made by a surveyor and a map and return thereof shall be recorded in the clerk's office in the county where the land lies; and shall thereupon mark out, determine, and fix upon the distance and kind of fence each owner or occupant of such tract of land, shall make and maintain of such outside or boundary fence, and also to assign to each one of said owners or occupants, his, her or their proportion of horses, cattle or sheep, that may run at large and be pastured thereon; and the time or times, when no such horses, cattle, or sheep, shall be suffered to run thereon; and the amount of damage each one shall pay for a breach of any such regulations; all of which said allotment of fence,

How to proceed to enclose lands of several owners lying contiguous to creeks &c. in a common fence.

Each owner to have assigned the number of cattle &c. which may run on the enclosed pasture

Proviso.

and regulations shall be made out in writing, and signed by the said surveyors and freeholders, and recorded in the clerk's office of the county; a certified copy of which, shall be received in evidence in any court of record in this state: *Provided always*, that nothing herein contained shall be construed to prevent any person or persons from enclosing, with a lawful fence, his, her or their lands separate and apart, so as not to be subjected to any of the conditions of this act, in relation to fences.

How to proceed when any of the owners neglects to fence.

Sec. 5. *And be it enacted*, That if any person or persons, owners or occupants of any such tract of land as shall be ordered to be so enclosed, who shall refuse or neglect, for the space of six months, after notice in writing shall have been served upon him, her or them, it shall and may be lawful for any one of the said owners to make, amend, keep up and repair such person or persons part or allotment of said fence or inclosure, and have and enjoy his, her or their proportion of the pasture of such horses, cattle, or sheep that may be allotted to the owners of such lands as shall neglect or refuse to fence the same, so long only as such owner or occupant shall neglect to pay a reasonable compensation for such fencing or inclosure, or shall not inclose his, her, or their lands, separate and apart from such lands held in common.

What navigable streams are not lawful fences.

Sec. 6. *And be it enacted*, That no river, creek, pond or navigable stream, where the tide ebbs and flows, so as to leave less than three feet depth of water therein at low tide, shall be adjudged or deemed a lawful fence within the meaning of the act entitled, "An act regulating fences," passed the twenty-third day of January A. D. seventeen hundred and ninety-nine.

Sec. 7. *And be it enacted*, That nothing herein contained, shall be construed as repealing any part of the act to which this is a supplement, or the act entitled "An act regulating fences," passed the twenty-third of January, seventeen hundred and ninety-nine.

Passed February 14, 1831.

AN ACT respecting Elections.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall not be lawful for any sheriff, constable, or other officer, to arrest by capias, warrant, execution, or by any other process whatever, issued for any debt, damages or costs, any citizen of this state entitled to vote, on either of the days on which the elections of this state are by the constitution and laws directed to be held; or upon any other day of any county or state election, held by virtue of any law of this state.

Passed, February 14, 1831.

AN ACT to provide for the building of a draw-bridge across South river, in the county of Middlesex.

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 Joseph M. Taylor, Christopher Vandeventer, Aaron Gulick, and their present and future associates, shall be, and they are hereby declared to be incorporated into a company, by the name of "The Washington Bridge Company," and by that name, shall be capable of purchasing or otherwise receiving and becoming possessed of, and entitled unto, and holding, selling and conveying estate, real and personal: *Provided always,* That the annual income of the said estate, shall never in the whole, exceed the sum of three thousand dollars; and the said incorporation, shall have perpetual succession, with power to make, acquire and use a common seal, and the same at pleasure to break, alter, or renew, and by their corporate name aforesaid, may sue and be sued, implead and be impleaded, and shall have, enjoy, use and exercise, all the rights, powers, privileges and immunities, pertaining to corporations, for the purpose of carrying into effect the objects of this act.

Name of Incorporation.

Powers and privileges.

Sec. 2. *And be it enacted,* That the said corporation be, and they are hereby authorized to build and maintain a good and sufficient draw-bridge over South river, in the county of

Authority to build a bridge over South River

Proviso.

Middlesex, at or near the village of Washington, in the said county, and to rail and board the same three feet high on each side: *Provided*, That the draw shall be constructed where boats and vessels may pass with the greatest ease; and that the said draw shall be at least thirty-two feet wide, and that two or more posts or piles shall be driven in the bed of the river, on each side of the entrance of the draw, in such position as will best facilitate the entrance of vessels; and being so set, shall forever hereafter be supported and maintained by the said company.

Draw to be hoisted for vessels.

Sec. 3. *And be it enacted*, That it shall be the duty of the said incorporation, to keep a fit and proper person, to manage the draw in the said bridge, who shall reside within one hundred yards of the same, and whose duty it shall be to remove said draw, upon the approach of any vessel with intent to pass the draw, upon his receiving notice thereof, and to close the same as soon as practicable after the passage of such vessel; and on neglect or failure of the president and directors of said company, their successors or assigns, to support, uphold and maintain the said draw in the said bridge, and at all times to keep it in good and perfect repair, or of giving attendance at the draw, and as speedily as the nature of the case will admit, to hoist or remove the same as aforesaid, the president and directors of the said company shall be liable to be indicted and on conviction, to be fined in any sum not exceeding one hundred dollars.

Penalty for neglect.

Officers to be chosen.

Sec. 4. *And be it enacted*, That for the better management and government of the said corporation, there shall be elected from among the associates, each associate being entitled to one vote, for each and every share of stock, hereinafter created, by him, her or them, respectively holden, a president and four directors, to hold their offices for one year, and until others are chosen in their places; and the president and directors shall have power to make all rules, by-laws, and regulations, which may be necessary for the government of said corporation.

Authority to place a gate.

Sec. 5. *And be it enacted*, That the aforesaid corporation, are hereby authorized to build a gate where they shall think most convenient, upon or across the said bridge, and to demand and receive of, and from all and every person or persons, who shall pass over the same, the following rates of toll, that is to say:

For every four horse carriage, thirty-one and a quarter cents.

For every farm wagon drawn by two horses, twelve and a half cents.

For every farm wagon drawn by one horse, ten cents.

For every pleasure wagon or carriage, drawn by two horses, twenty cents.

For every pleasure wagon or carriage, drawn by one horse, fifteen cents.

For every sleigh or sled, twelve and a half cents.

Limitation of
rates of tolls.

For every man and horse, six and a quarter cents.

For every foot passenger, two cents.

Horses or mules, per head, four cents.

Neat cattle, per head, three cents.

Sheep and swine, per head, one cent.

Sec. 6. *And be it enacted*, That the stock of the said company, shall be divided into two hundred shares, of twenty dollars each; and on the first Monday in May next, and on the first Monday in May annually thereafter, there shall be at the village of Washington, a regular annual meeting of the stockholders, for the purpose of electing the president and directors aforesaid; of which meetings, there shall be at least thirty days public notice given in some one of the public newspapers, printed in this state.

Annual meeting
of the stockhold-
ers.

Sec. 7. *And be it enacted*, That this act shall be deemed, esteemed, and taken to be a public act.

Public act.

Passed February 14, 1831.

AN ACT respecting the appointment of the Clerk of the Court of 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 from and after the passage of this act, the Clerk of the Court of Chancery, shall be appointed by the legislature of this state in joint meeting, and shall continue in office when so appointed, for the term of five years.

Passed February 14, 1831.

AN ACT to enable the owners and possessors of the meadows, low lands, and swamps, adjoining Miry Run, in the counties of Burlington and Middlesex, to clear the same within the limits therein mentioned.

Managers appointed to remove obstructions.

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 South, David Silver, and James Schooley, shall be, and they are hereby appointed managers for removing obstructions in Miry Run, between a certain bridge that crosses said run on the farm of Matthias Mount, and the mill tail or race of James Hutchinson's, and to clear the channel thereof; and shall continue managers until the first Monday in October, in the year of our Lord one thousand eight hundred and thirty one; and it shall and may be lawful for said managers, or either of them, to enter into and upon the meadows, swamps, and low lands, of all persons whatsoever, lying upon said Miry Run, within the limits aforesaid, to clear the same, at least ten feet wide and four feet deep, and remove every obstruction to the free passage of the water within the limits aforesaid, and the mud, and other obstructions, taken out of the said run, equally to cast out upon the meadow, swamps and low land next adjacent,

Amount of expense to be apportioned among the owners.

Sec. 2. And be it enacted, That the said managers shall and may apportion the amount each respective owner or possessor of the said meadows, swamps and low lands, shall pay for all and every of the expenses which may accrue in carrying this law into effect; and shall and may demand and receive of all and every of the owners and possessors such sum or sums of money so by them assessed, and on neglect or refusal of the payment thereof, for the space of sixty days after such demand, it shall and may be lawful for the said managers, or either of them, and they are hereby enjoined by action of debt, to sue for, and recover the same with costs of suit, in any court having cognizance thereof; all which sum or sums of money so assessed and received, shall be applied by the managers to the purposes in this act before mentioned.

How recovered.

Sec. 3. And be it enacted, That it shall and may be lawful for the owners and possessors of the meadows, swamps, and low lands, lying within the limits expressed in the first section of this act, to meet at the house where Gabriel Allen, innkeeper, in the township of Nottingham, Burlington county, now lives, on the first Monday in October next, and appoint three managers, who shall be owners and possessors of the meadows, swamps, and low lands aforesaid, yearly and every year, after the first Monday of October, in the year of our Lord one thousand eight hundred and thirty-one; which said

Annual meeting of the owners to choose managers.

managers shall continue in office one year, next ensuing such choice, and until others shall be chosen; and shall, during the continuance of the year, be vested with all the powers hereinbefore given to the managers named in the first section of this act, or either of them.

Sec. 4. *And be it enacted*, That if any person or persons, who are now named, or hereafter shall be chosen manager or managers as aforesaid, shall die or remove out of the place before the expiration of the time for which he or they are so chosen, or who shall refuse to take upon himself or themselves, the management as aforesaid, then, and in such case, it shall and may be lawful for any five owners or possessors, of the said meadows, swamps and low lands, to call a meeting of the owners and possessors of the said property, by fixing up advertisements in at least three of the most public places in the neighborhood of such owners and possessors, expressing the time and place, and intention of such meeting; who shall when met, elect a person or persons to supply the place or places of such manager or managers so refusing, removing or dying; and the person or persons so chosen shall have all the power and authority herein before given to the managers named in this act.

How vacancies
are to be suppli-
ed.

Sec. 5. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall wilfully fall any tree, or cast any thing whatsoever into the said run, that will obstruct or be an impediment to the free course of the water in said run, within the limits aforesaid, he, she or they so offending, shall pay the sum of ten dollars for each and every offence, to be recovered by any one of the proprietors or possessors of the said meadows, swamps, and low lands, in an action of debt, with costs of suit, in any court having cognizance of the same, which money when collected as above, shall be paid over to the manager or managers above mentioned or either of them, to be appropriated towards clearing of the run aforesaid.

Penalty for ob-
structing the
course of the
water.

Sec. 6. *And be it enacted*, That the said managers shall severally be entitled to receive, for each day he or they may be employed in discharging the duties required by this act, the sum of seventy-five cents.

Compensation
of managers.

Passed February 14, 1831.

AN ACT relative to the Delaware and Raritan Canal and the Camden and Amboy Rail Road and Transportation Companies.

Delaware and Raritan canal company and Camden & Amboy rail road and transportation company may consolidate their stock.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the Delaware and Raritan Canal Company, and the Camden and Amboy Rail Road and Transportation Company, by and with the consent of seven-eighths of the stockholders of the said Company, respectively, to consolidate the capital stock of the said Companies for the purposes of erecting and completing the said Canal and Feeder, and the said Rail Roads, provided for by the acts incorporating the said Companies, and the supplements thereto, out of the joint funds of the said Companies, subject always to all the provisions, reservations and conditions, in the said acts and supplemental acts, contained and set forth; and the stock of the said Companies, subscribed, and authorized to be subscribed, under the said acts, shall be deemed and considered, and is hereby declared to be joint stock; and the profits accruing from the said Canal and Feeder and Rail Roads aforesaid, shall be divided among all the stockholders of the two Companies aforesaid, share and share alike; and the directors appointed, and to be appointed, under the provisions of the aforesaid acts of incorporation, shall direct and manage the affairs and concerns of the said Companies, in joint-meeting; and the said Companies shall be jointly liable on all contracts made or to be made by either and each of the said Companies, respectively; and may jointly sue and be sued, plead and be impleaded, in all courts of law and equity: *Provided always*, that before this act shall take effect, the assent of the stockholders holding seven-eighths of all the stock of the said Delaware and Raritan Canal Company, and the said Camden and Amboy Rail Road and Transportation Company, to the provisions of this act, shall be certified to the satisfaction of the Governor, and the same shall be filed in the office of the Secretary of this state: *provided also*, that if any stockholders shall disagree to the provisions of this act, and express the same in writing, it shall be the duty of the company, to pay such person or persons dissenting, the sum paid for his, her or their stock, with interest, on transferring the same to the Company: *and provided also*, That it shall not be lawful for the said Companies to charge more than three dollars, for the transportation of passengers from and to the cities of New-York and Philadelphia: *and provided further*, That the said Canal from the Delaware to the Raritan and Feeder, and the said Rail Road from Camden to Amboy, shall be completed within the time specified in their respective charters: *and it*

Proviso.

Proviso.

is also provided further, That if one of the said works at the expiration of the aforesaid time is completed without the other, that then and in that case the work so completed shall be forfeited to the State of New-Jersey: *Provided also*, That the right of the Legislature to take the said Rail Roads and the said Canal and Feeder, or either of them at the times limited in the acts incorporating the said Companies, and the acts supplementary or relative to said acts or either of them, respectively, and on the terms therein prescribed, shall in no way be affected or impaired by this act.

Passed February 15, 1831.

AN ACT concerning a body of Meadow on the easterly side of Oldman's 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 it shall and may be lawful for the owners and possessors of all that tract of meadow and marsh, lying and being on the easterly side of Oldman's creek, in the township of Woolwich, in the county of Gloucester, beginning at the end of the cross bank between lands late of Joseph James, deceased, and lands belonging to the heirs of Joseph Cooper, deceased, and to run from thence along the said cross bank to Oldman's Creek; thence up the said creek, the several courses thereof, to the cross bank between lands of the heirs of Samuel Hewes, deceased, and lands of the heirs of Benjamin Gill, deceased; thence along the said cross bank to the fast land, and from thence along the edge of the fast land, the several courses and distances thereof to the beginning; to be and they are hereby formed into a company to be known by the name of "The Bridge Meadow Company on Oldman's Creek."

Name of company.

Sec. 2. *And be it enacted,* That a meeting of the said company shall be held on the first Monday in April of each and every year; the first meeting to be held at the inn of Robert C. Pedrick, in Pedrick-Town, in the county of Salem, between the hours of two and five o'clock in the afternoon; and afterwards at such place as the said company shall, at their annual meetings, from time to time order and direct; and then and there, by plurality of votes of those present, shall choose two persons for managers of the said company for the ensuing year, each to be an owner or possessor of at least three acres of meadow within the aforesaid boundaries;

Annual meeting of the company to elect managers and commissioners.

Manner of voting.

Special meetings may be called.

May direct money to be raised and assess the proportion of each owner.

Tide water may be let in.

and that John Pierson and Samuel Black, jun., shall be, and they are hereby appointed managers of the said company, until the next annual meeting after the passing of this act; and also at the same time, in like manner, shall choose three disinterested men for commissioners, all of whom shall continue in office until others are chosen; but in case the said company shall neglect or omit at any time to hold an annual meeting, or in case at an annual meeting they shall neglect to choose the said officers or any of them, or in case of death, refusal to serve, or inability of any person or persons chosen, it shall then be lawful for either of the managers for the time being, or any three of the said company, to call a special meeting of the said company, by giving at least ten days notice thereof, by advertisements set up in three of the most public places in the neighborhood of the said meadow, setting forth the time and place of the said meeting, and when met to choose, by plurality of votes of those present, a manager or managers, a commissioner or commissioners, as the case may require, who shall have the same powers and receive the same fees, and be subject to the same penalties, as if chosen at an annual meeting of the said company; and the said company, at any of their meetings, may order and direct, from time to time, what sums of money shall be raised by the said company for the purpose of defraying the expense of repairing, and keeping in repair, the banks of the said meadow, and for erecting wharves for the preservation of the said banks, and for laying sluices, erecting sluice dams and other necessary water works, and for the purpose of paying the fees of the officers of the said company and for other expenses of said company; which shall be assessed upon the owners and possessors of the said meadow according to the quantity and value of the meadow by them respectively owned or possessed.

Sec. 3. And be it enacted, That for the purpose of improving the said meadow, it shall be lawful for the owners of two-thirds thereof, to let the tide water on the said meadow by cutting the bank in as many places, and at any time by them agreed upon, at an annual meeting of the said company, and to continue the same thereon until the owners of two-thirds of the said meadow shall agree to re-embank the same; and the said company at any of their meetings, after having thus agreed to let in the tide water, upon the said meadow or to re-embank the same, shall, by a majority of those present, order and direct what sums of money shall be raised for those purposes, which shall be assessed on all the owners and possessors of the said meadow according to the quantity of meadow by them respectively owned or possessed.

Sec. 4. And be it enacted, That when the said meadow shall be inundated by the tide for the purpose of improving the same, the owners of meadow adjoining the creek, shall

have privilege to cut as many extra breaches in the bank in front of his, her or their meadow, as he, she or they, shall think proper, upon the condition that they, respectively, shall stop the same at their own expense, when the managers shall be ordered to re-embank the said meadow; but if the owners who shall have cut the said extra breaches, or if any of them, shall neglect or refuse to stop the same, for twenty days after notice given in writing by said managers, it shall then be the duty of the managers to stop the said extra breaches, and charge the cost thereof to such of the owners as shall have cut the said breaches, and shall collect the same in the manner as is hereinafter prescribed for the collection of taxes.

Regulations for cutting extra breaches in the bank.

Sec. 5. *And be it enacted*, That it shall be the duty of the commissioners, within six months after the passage of this act, to cause an accurate survey and map of the said meadow to be made, designating the lots and quantities of the respective owners, and to value the same, and to make out a duplicate of valuation per acre of the several lots and parcels of meadow within the said boundaries, and deliver the same to the managers, which shall govern them in making assessments, until a new survey or valuation, or both, shall, from time to time, be ordered and directed to be made at any of the annual meetings of the said company, by a majority of those present: and further, it shall be the duty of the commissioners to hear and determine all disputes that shall arise between the managers, or between the managers and any of the owners or possessors of the said meadow, concerning the laying of new sluices or the opening of new water courses, or the maintenance or removal of any bank, or concerning assessments, or any other matters touching the interest of any of the said owners or possessors, who, after hearing the parties and viewing the premises, shall give judgment in writing, which shall be conclusive and binding upon the parties concerned.

Map of the meadow to be made. Duty of commissioners.

Sec. 6. *And be it enacted*, That it shall be the duty of the managers of the said company for the time being, to provide a book, at the expense of the company, and to enter therein the minutes of the proceedings of their meetings, and that they shall assess upon all the owners and possessors of the said meadow, all moneys that the said company shall from time to time order and direct to be raised, in manner as is herein before directed, and shall collect the same; and when any of the said owners or possessors, shall neglect or refuse to pay, his, her, or their, ratable proportion of the said assessment for the space of ten days after notice given thereof, in writing by one of the managers, it shall then be the duty of the managers for the time being to advertise the meadow of such owner or owners, possessor or possessors, by advertisements set up in three of the most public places in the neighborhood of the said meadow for the space of ten days, and to sell at public vendue, and to execute a lease or leases,

Duty of managers.

for the said meadow for as long a time and no longer as will be sufficient to discharge his, her or their, ratable proportion of the said assessment, and also the cost and expenses of advertising and making the said sale or sales, and executing the said lease or leases for the same; which sale or sales, lease or leases, so made and executed, shall be as good and as effectual in law, as if made and executed by the owners or possessors themselves; but in all cases when the managers shall find upon the meadow of such delinquent owner or owners, possessor or possessors, any hay, grass or grain, sufficient to make the amount of such demands as aforesaid, it shall be the duty of the managers to make sale of as much thereof at public vendue, in the same manner as is herein before directed, as will satisfy and discharge his, her, or their, ratable proportion of the said assessment; and also the expenses of advertising and making the sale or sales, and return the surplus money, if any, to the said delinquent owner, or owners, possessor or possessors; and it shall be the duty of the managers for the time being, to have the care of the banks of the said meadow and of the sluices and other water works, to repair and keep the same in repair; and when the company shall agree to admit the tide upon the said meadows for the purpose of improving the same, it shall be the duty of the managers to cut as many breaches in the bank, for that purpose as the company shall order and direct, and it shall also be the duty of the managers for the time being to stop the said breaches, to put up and repair the banks, to put in sluices, and erect other necessary water works, sufficient to keep out the tide, whenever the said company shall agree to reimburse the said meadow; and it shall also be the duty of the managers for the time being, and they are hereby required at each and every annual meeting of the said company, to produce the duplicate of the assessment for the preceding year, and then and there render a just and true account of all moneys by them received and expended for the company, and of the services they shall have rendered the company during the preceding year, and pay over the balance in their hands to their successors in office; but if they or either of them shall neglect or refuse so to account or pay, then it shall be the duty of their successors in office, and they are hereby authorized to sue and recover of such delinquent manager or managers, all moneys due from them or either of them to the said company, together with costs of suit, in an action of debt, in any court having cognizance of the same.

How ditches and water courses are to be kept open.

Sec. 7. *And be it enacted*, That all ditches and water courses in the said meadow shall be opened and kept open by the owners or possessors, respectively, through whose meadow they may run; and where there are line ditches or water courses running between any two or more owners or possessors, it shall be the duty of such owner or possessors,

to open and keep the same open by throwing the mud and earth out of the said ditches and water courses, as equally as may be on each side thereof, each owner or possessor to keep open one half of each line ditch or water course bounding on his, her or their meadow; and it shall be the duty of each owner or possessor of said meadow, through whose meadow any private road or roads are laid, to throw the mud or earth out of the ditches by the sides of the said road or roads, into the said roads: and further, it shall be the duty of each and every owner or possessor of meadow in the said company, adjoining the creek, to mow the bank fronting his, her, or their meadow, and clear the same of all kinds of rubbish, once between the first day of June and the fourth day of July, and once between the first day of September and the first day of October, in each and every year; and in case any of the said owners or possessors shall neglect or refuse to perform any of the duties herein before specified, after ten days notice given by one of the managers in writing, setting forth the duties required of him, her or them, it shall then be the duty of the managers, for the time being, or either of them, to have the said work done and to present his or their account for the same, to such delinquent owner or owners, possessor or possessors, and upon he, she or they neglecting or refusing to pay the same, then either of the managers, for the time being, are required to collect the same in the same manner as they are in the fifth section of this act authorized to collect taxes.

Duty of owners.

Sec. 8. *And be it enacted*, That if any person, duly appointed a manager or commissioner, and having accepted the appointment, shall neglect or refuse to perform any of the duties required of him or them by this act, shall, for every such refusal or neglect, forfeit and pay the sum of five dollars, to be recovered by action of debt by any owner or possessor, who shall sue for the same, with cost of suit; and the said owner or possessor shall pay over all such forfeitures, which he, she or they, shall so recover to the next succeeding managers, for the use of the company: *Provided always*, that no manager shall be liable to be prosecuted until he, or they, shall have had ten days notice given him, or them, in writing, by one of the owners or possessors, of the case requiring his, or their attention, and shall have funds of the company in his, or their hands sufficient to defray the expense of his, or their required duty; and provided also, that no commissioner shall be liable to any forfeiture for neglect of hearing and determining any disputes as mentioned in the fifth section of this act, until he, or they shall have had ten days notice given him, or them, in writing, by one of the parties in dispute of the case requiring their attention.

Penalty for refusing or neglecting to do the duties of managers or commissioners.

Sec. 9. *And be it enacted*, That each of the managers

Compensation,
of managers &
commissioners.

and commissioners shall be entitled to one dollar for each day they shall be attending to the business of the said company.

What shall be
considered law-
ful fence.

Sec. 10. *And be it enacted*, That all line or division ditches or water courses in the said meadow, between owners or possessors, that are nine feet wide at the top, and four and a half feet wide at the bottom, and three feet deep, lying on mud or a miry bottom, shall be taken and considered to be as lawful fences; and for all trespasses, done over or through them, damages shall be recoverable as if done over or through any lawful fence.

Former act re-
pealed.

Sec. 11. *And be it enacted*, That the act entitled an act concerning a certain body of meadow, swamp and cripple, situate on Old Man's Creek in the township of Woolwich, in the county of Gloucester, passed the thirtieth day of January A. D. seventeen hundred and ninety-seven, be and the same is hereby repealed.

Passed February 14, 1831.

A SUPPLEMENT to "An act making provision for carrying into effect the act for the punishment of crimes," passed February twenty-third, one thousand eight hundred and twenty-nine.

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 twenty-second day of February, one thousand eight hundred and thirty-one, the Keeper of the State Prison, shall be accountable to the inspectors for all moneys he may receive, and shall pay so much of the same to the treasurer of the state, as the said inspectors may direct; any thing in said act to which this is a supplement, to the contrary notwithstanding.

Passed February 15, 1831.

AN ACT to incorporate a company to create a water power at the city of Trenton and its vicinity, and for 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 Robert Mc Neely, David Johnston, Samuel R. Hamilton, Stacy G. Potts, Samuel Shreve, John Mc Kelway, John Titus, and all and every person or persons who may become subscribers according to the mode hereinafter prescribed, their successors and assigns, shall be and they are hereby incorporated by the name of the "Trenton Delaware Falls Company," for the purpose and with the privileges and immunities hereinafter described, defined, and granted; and by that name shall be a body politic and corporate in fact and in law, and shall and may sue and be sued, implead and be impleaded, in all courts of justice and elsewhere; and the said company shall have power and authority at any time after the passage of this act, to purchase, receive in donation, possess and enjoy, retain, demise, grant, lease, alien and sell, all such lands, mills, manufactories, erections, hereditaments, and water privileges, rights, goods, chattels and effects, whatever, under the restrictions and limitations hereinafter mentioned; and that the said company shall have perpetual succession and power to make and use a common seal, and the same to change and renew at pleasure; and also to adopt, establish, and carry into execution such laws, ordinances, and regulations, as shall by its managers be judged necessary or convenient for the government and management of the said company; and the same to change, alter, repeal, annul, and re-enact: *provided*, that the same be not contrary to the constitution of the United States or the state of New-Jersey.

Name of incorporation.

Powers and privileges.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of said company shall consist of sixty thousand dollars, to be divided into shares of fifty dollars each; and that the company shall have power to increase the same to such amount as may be found, from time to time, convenient and necessary for the completion of such water power and other works contemplated by this act: *Provided*, the same does not exceed two hundred thousand dollars.

Amount of capital.

Proviso.

Sec. 3. *And be it enacted*, That the subscription to the capital stock of the company, shall be opened on the first Monday in May next ensuing, under the direction of Charles Parker, George Woodruff, Robert Mc Neely, Philip F. Howell, and William Potts, in the city of Trenton, giving at least ten days notice of the time and place, in one or more of the papers printed in said city; the first three days, exclusively for the citizens of New-Jersey; and that each person so sub-

Books to be opened for subscriptions.

First instalment to be paid.

scribing shall thereupon pay to the said commissioners the sum of five dollars on each share.

Legislature may subscribe for one fourth of the stock.

Legislature may appoint three directors.

Proviso.

Sec. 4. *And be it enacted*, That the legislature of this state, shall have the right of subscribing for one fourth of the capital stock of the company created by this act, and in case the state shall so subscribe, it shall have the appointment of three of the directors of the said company; which directors shall be appointed in such manner as the legislature shall by law direct; *provided always*, that if the legislature shall omit, or refuse to authorize such subscription as aforesaid, for the space of two years after the said company shall have fixed upon, and agreed to the size, dimensions, and route or location of the said main race-way, then the said right to subscribe shall cease.

Sec. 5. *And be it enacted*, That the management of the business and concerns of the said company shall be vested in thirteen managers; a majority of whom shall reside within the townships of Trenton and Nottingham, and all in the state of New-Jersey, seven of whom shall be a quorum to do business.

Manner of voting.

President and other officers to be appointed by managers.

Security may be required from officers.

Sec. 6. *And be it enacted*, That in all elections or other questions concerning the management and business of said company, each share shall be entitled to one vote; and that the managers shall, at the first meeting, appoint one of their number to be president; and shall also in the same manner appoint a treasurer and such other officers and agents as they may see proper, for conducting the affairs of the company, who shall severally hold their offices during the pleasure of said managers; and the said managers may demand and require of the said officers, or any of them, security for the faithful discharge of their respective duties, in such manner and form as they may see proper.

Time of annual meeting to appoint managers.

If no election be made at the time appointed, corporation not to be dissolved.

Sec. 7. *And be it enacted*, That Charles Parker, Robert Mc Neely, Philemon Dickinson, Philip F. Howell, Samuel R. Hamilton, John Mc Kelway, William Potts, Thomas Gordon, John S. Chambers, Stacy G. Potts, Samuel Shreve, Charles Burroughs and John Titus, shall be the first managers, and shall hold their offices until the first Monday of June next, and on that day, and annually thereafter, the managers of the said company shall be chosen at a meeting of the stockholders, to be holden at such time and place, within the city of Trenton, as the managers shall appoint, giving at least twenty days notice thereof, by advertising the same in one or more of the papers of the city of Trenton; and if an election of managers should not be made on the day when, in pursuance of this act it ought to be made, the corporation shall not, for that cause, be considered as dissolved; but it shall and may be lawful to hold such election at any other time, giving public notice thereof in manner aforesaid; and until

such election be made, the managers for the time being shall continue in office; but such election shall be held within thirty days after the time when by law it ought to have been made; and in case of vacancy in the office of managers by death, resignation, removal or otherwise, the other managers may supply such vacancy or vacancies, from time to time, for the unexpired term of the manager or managers whose place is so supplied,

How vacancies supplied.

Sec. 8. *And be it enacted*, That it shall be lawful for the said company, to erect a wing-dam in the Delaware river, between the mouth of the Assanpink, and the head of Wells' Falls, and a race-way in, along, and near the bank of said river, in the neighborhood of Trenton; *Provided always*, that such wing-dam shall be so constructed as not to impede the passage of fish, rafts, arks, and boats, in said river.

Where the company may erect a wing dam.

Proviso.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said company, to cut a main race-way, from the said wing-dam, to any point below the Trenton Falls, and not exceeding one and a half miles therefrom; and also to cut and erect as many lateral or branch race-ways, locks, weirs, gates, and other works, from the said main race-way, to the river Delaware, as the said company shall deem expedient for the purpose of creating and using the said water power for mills, manufacturing, and no other purpose.

Where main race-way may be cut.

For what purposes alone, water power to be applied.

Sec. 10. *And be it enacted*, That it shall and may be lawful for the said company, from time to time, to construct, make, erect, and form all such embankments, reservoirs, aqueducts, culverts, locks, weirs, gates, ways, bridges, and other works, as the said managers may deem convenient and necessary for the uses and purposes aforesaid, and to repair and improve the same, for the better carrying on and management thereof; and that it shall and may be lawful for the said company, by their managers, president, officers, agents, engineers, superintendents, or contractors, or any other person or persons, by them employed, from time to time, and at all times hereafter, to enter upon all lands, whether covered with water or not, for the purpose contemplated by this act, doing no unnecessary damage; and when a location of the said wing-dam, and the route or routes and locations of the main race-way, branches and improvements shall be determined by the managers, or a majority of them, from time to time, and a survey thereof together with the lands necessary for the same, shall, by an engineer or other person to be employed by the said company, be completed and deposited in the office of the secretary of the state of New-Jersey, then it shall be lawful for the said company, their agents, engineers, contractors, superintendents, or other person or persons, employed by them, at any time, to enter upon, take possession of, and use all and singular such lands and premi-

Branch race-ways, &c. may be cut.

Survey of route and of lands, necessary to be used, to be deposited in office of Secretary of State.

Company may enter upon lands

ses, subject to such compensation to be made therefor, as is hereinafter directed.

How site of wing-dam and route of main race way to be determined.

Description of the route of main race way and location of wing dam, to be filed in office of Secretary of State

Sec. 11. *And be it enacted*, That for the purpose of determining the most eligible site for the location of said wing-dam, and the general route of the said main race way, three disinterested, competent, practical engineers, shall be appointed by the managers, whose duty it shall be to examine and report to the managers, on the most eligible place for locating the said wing-dam, and the most eligible route for the said main race-way; and the said managers shall thereupon determine on the proper point for locating said wing dam, and for the route of said main race-way, and having determined thereon, they, or a majority of them, shall make and sign a description of the same, and cause it to be filed in the office of the secretary of state, which being done, and not before, the said company may proceed to obtain the lands necessary for the construction of said wing-dam, and race-ways aforesaid, together with all such other lands and premises as may be convenient and necessary for the uses and purposes aforesaid; and the compensation to said commissioners, and all expenses of obtaining such examination and report, shall be paid by said company.

How lands necessary for the company, to be obtained and compensation made to the owners.

Sec. 12. *And be it enacted*. That where any lands, that may be useful for the said wing dam, or for the main or lateral race-ways, shall not be made a free gift by their owner or owners, to said company, then said company shall pay to the owner or owners of all such lands, such compensation as shall be mutually agreed upon between them; and in case the said company cannot agree with such owner or owners in relation thereto, or if such owner or owners be feme covert, under age, non compos mentis, or reside out of the state, then it shall and may be lawful for the said company, and they are hereby required, without delay, from time to time, and at all times, to cause a survey or surveys, and a map or maps to be made of any of the lands, requisite and useful for the purposes aforesaid, and appropriated or intended to be appropriated as aforesaid, and the quantity thereof; and the same survey or map, to exhibit to one of the justices of the Supreme Court of New-Jersey, not being a stockholder or otherwise interested, giving at least ten days notice, in writing, to the parties of the time and place of such exhibition, by serving the same on such owner or owners, and every of them, if resident in the state at the time, and if not, by advertising the same in one or more of the newspapers in Trenton; and thereupon it shall be the duty of the said justice to certify such survey or map, under his hand, and cause the same to be filed in the office of the secretary of state, there to remain as a public record; and also, and at the same time and place, by a writing under his hand, to appoint three

discreet and disinterested freeholders of the state of New Jersey, not residing in either of the townships of Trenton or Nottingham, as appraisers, who shall, before they enter upon the duties of their appointment, severally take and subscribe an oath or affirmation, before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and it shall be the duty of the said appraisers or a majority of them, if requested so to do by the owner or owners, or by the company, to make a just and equitable estimate and appraisal of the value of the lands and damages, if any, that each owner may sustain by such appropriation, for the uses and purposes aforesaid; the said appraisers giving ten days previous notice, in manner aforesaid, of the time and place of meeting, to make such appraisal; and the said appraisers or a majority of them, shall make regular entries of their determination, valuation, and appraisal; and shall certify the same under their hands and seals, acknowledging the same before some person authorized to take acknowledgment of deeds, and shall cause the same to be filed in the office of the secretary of state, there to remain a public record; and the company shall, before they enter upon, take possession, or use the said lands and premises, excepting for the survey and location above mentioned, pay or tender the damages, so assessed, to the person or persons respectively entitled to the same; or in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of the state of New Jersey, the said company shall pay the same into the Court of Chancery of this state, to be disposed of under the order of the Chancellor, according to their several and respective rights and interests, agreeably to law; and immediately thereupon, the right, property, and interest, belonging to the person or persons so compensated and paid, in, and to the premises so appropriated, described, appraised, and paid for, shall be vested in the said company; and if default be made in such payment, the owner or owners may sue for and recover of said company the amount of such appraisal, or bring an action of ejectment for the lands at his or her option.

Sec. 13. *And be it enacted*, That the capital stock shall be deemed personal property; and that all shares of the capital stock at any time owned by any stockholder, shall be transferrable on the books of the company, in such manner as the by-laws shall ordain; but all debts due or payable to the company, and all outstanding engagements with it, shall be satisfied previously out of said stock, before such transfer can be made, and before any dividend or dividends shall be paid upon such shares, unless by consent of the managers.

Capital stock,
personal property.

How transferred
Oath to be taken
by officers.

Sec. 14. *And be it enacted*, That every manager, president and treasurer, and all such other officers as the said managers may direct, shall, before he or they act as such,

take an oath or affirmation for the due and faithful execution of the duties of his or their office.

Right of action
against the com-
pany for dama-
ges done to land,
&c. not impaired

Sec. 15. *And be it enacted*, That nothing in this act shall be construed to impair the rights of any person or persons, to an action against said company, their agents, workmen or servants, for any damage done to his, her, or their lands, hereditaments and premises, by the erection or construction of said wing-dam, race-ways, reservoirs and improvements, where such person or persons has not been agreed with by the said company, or his, her, or their damages paid, and satisfied by the said company, under the provisions of this act.

Company may
sell and convey
scites, lots and
privileges.

Sec. 16. *And be it enacted*, That it shall and may be lawful for the said company to dispose of, grant and sell all such portion, lots, sites, and privileges acquired by them under this act, and to convey the same, or any part thereof, by deeds, acknowledged and recorded, or otherwise to demise, lease and let the same, for such term or time, and upon such conditions as they shall from time to time think proper and expedient, and that the said company be authorized to take mortgages or other securities, for any sum or sums of money that may be due or unpaid on account of such sales, uses, or rents.

Limitation.

Sec. 17. *And be it enacted*, That if the wing-dam and main race-way, contemplated by this act, shall not be commenced within two years after the passing of this act, or shall not be completed within seven years, this act shall be void.

Statement of
cost of water
power, works,
&c. to be filed
in office of
Secretary of
State.

Sec. 18. *And be it enacted*, That as soon as the said dam and other works are finished so as to be used, the managers of said company shall cause to be filed under oath or affirmation of at least two of the officers of said company, a statement of the amount of the cost of said water power and other works, with its appendages, including all expenses in the office of the secretary of state; and it shall be lawful for the Council and General Assembly of this State, at any time hereafter to levy a tax on the company hereby incorporated, not exceeding the half of one per cent upon its capital stock subscribed and paid in.

Legislature may
tax the company

Public act.

Sec. 19. *And be it enacted*, That this act shall be a public act, and shall be judicially referred to, and taken notice of, by all justices of the peace and others, without being specially pleaded.

Capital not to be
employed in
banking opera-
tions.

Sec. 20. *And be it enacted*, That nothing in this act contained, shall be so construed as to authorize the said company to employ any part of their capital in banking operations.

Passed February 16, 1831.

AN ACT for the more easy sale of mortgaged premises.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That where default or defaults have been or shall be made, of or in payment of the mortgage money of any lands, tenements, or hereditaments, within this State, whereto no other person or persons are necessarily interested than the mortgagor or mortgagors, and the mortgagee, and where the said lands, tenements and hereditaments are subject to one mortgage only, it shall and may be lawful to, and for, the mortgagee at any time after the payment of the said mortgage money ought to have been made, to sue forth a writ or writs of scire facias, which the clerk of the Supreme Court, or the clerk of the Court of common pleas of the County where the said mortgaged lands or hereditaments lie, who is hereby empowered and required to grant the same, directed to the proper officer, requiring him to make known to the mortgagor or mortgagors, that he, she, or they, be and appear before the Court out of which the said writ shall issue, to shew cause, if any there be, why the said mortgaged premises ought not to be seized and taken in execution for payment of the said mortgage money, with interest and costs; and if the defendant or defendants in such scire facias appears, he, she, or they, may plead satisfaction on payment of part or all of the mortgage money, or any other lawful plea in avoidance of the deed or debt, as the case may require; but if the defendants in such scire facias, will not appear in person or by attorney, on the day whereon the writ shall be made returnable, then judgment to be given upon such scire facias, shall be entered and the plaintiff or plaintiffs shall have execution, directed to the proper officer, by virtue whereof the said mortgaged premises shall be taken in execution, exposed to sale, and sold in like manner as under other executions for the sale of real estate, issued out of the said Courts, respectively; and, upon sale, conveyed to the buyer or buyers thereof, and the money or price of the same, after satisfying the demands of the mortgagee or creditor, and reasonable costs, if any surplus there be, it shall be paid into Court by the sheriff or other officer making the sale, and the court shall thereupon order such surplus to be applied towards discharging any judgments or other lawful lien on said mortgaged premises; and in case no such judgment or lien appears, then the court shall order the same to be paid over to the debtor or defendant in such action.

When mortgagee may sue forth a writ of scire facias.

Defendant may plead.

Proceedings when defendant does not appear.

Mortgaged premises may be sold.

Manner in which proceeds of sale are disposed of.

Sec. 2. *And be it enacted,* That when lands, tenements, or hereditaments, shall be so sold, the person or persons to whom they shall be so sold, shall and may hold and enjoy the same, with their appurtenances, for such estate or estates as they were sold, clearly discharged and freed from all equity

Title of purchasers.

and benefit of redemption, and all other incumbrances made or suffered by the mortgagor or mortgagors, their heirs or assigns, and such sales shall be available in law, and the respective vendees, mortgagees, or creditors, their heirs and assigns, shall hold or enjoy the same, freed and discharged as aforesaid, in as good and perfect an estate, as the mortgagor or mortgagors, at the time of executing the said mortgage deed, were invested with.

Passed February 16, 1831.

A FURTHER SUPPLEMENT to an act entitled, "An act to enable the owners and possessors of meadows and tide marsh, lying on Assiscuak creek, within the limits of the city of Burlington, to erect and maintain a bank, dam, and other water-works, across the said creek, in order to prevent the tide from overflowing the same, and to run a fence across a certain lane, called Pudding Lane, in the city of Burlington," passed June 22, 1782.

Barrick company may have a common seal, make by-laws, &c.

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 Barrick Bank Company shall have power to have and use a common seal, and the same to alter and renew at pleasure, and also to appoint such officer or officers, and 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, and that the legislature may at any time alter, amend, or repeal this supplement, in case of abuse or misuse of the power hereby conferred.

Passed February 16, 1831.

AN ACT to authorize commissioners to examine into the state of "The Salem and Philadelphia 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 Thomas Yarrow, Joseph L. Risley, and Alphonso L. Eakin, or a majority of them, be, and they are hereby constituted and appointed commissioners to examine into the proceedings of "The Salem and Philadelphia Manufacturing Company," with full power and authority to call to their assistance the sheriff of the county of Salem, or any other civil officer or officers; and are hereby fully empowered to send for persons and papers, and examine witnesses under oath or affirmation; and on the refusal of any person, or persons, to produce books or papers, or on his, or their refusal to give testimony before the said commissioners, they are hereby empowered to commit the said person or persons, so refusing, to the jail of the county, and detain him, or them, therein, until evidence of a disposition to comply shall be made manifest; *provided* that nothing herein contained shall compel any one to convict himself.

Commissioners to examine into the proceedings of the company.

Powers of commissioners.

Sec. 2. *And be it enacted,* That it shall be the duty of the said commissioners, or a majority of them, to make a statement to the next Legislature of the investigation made by them, of whom the principal persons are who compose said company, and all other information they may obtain relative thereto.

Commissioners to make a statement to the legislature.

Passed February 16, 1831.

AN ACT to incorporate the Perth Amboy Manufacturing Company.

WHEREAS it is represented to the legislature that a number of individuals have associated for the purpose of establishing and carrying on useful manufactures at the city of Perth Amboy, in the county of Middlesex, in this state; and to accommodate themselves with suitable sites for their ne-

Preamble.

cessary buildings, they have entered into an arrangement for the purchase of a parcel of land within the said city, and contiguous to its harbor; and the aid of the legislature, in the promotion of their views, having been requested, and it appearing to this legislature that granting such aid will be conducive to the public interest—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 James C. R. Smith, John Griffith, William Stevens, Thomas T. Whitehead, Jephtha B. Williams, and all such persons as shall hereafter be associated with them for the purpose expressed in the preamble of this act, their successors and assigns, shall be, and they are hereby incorporated, by the name of “the Perth Amboy 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 city of Perth-Amboy, in the county of Middlesex aforesaid, and goods and chattels of whatever kind and quality soever, 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.

Name of incorporation.

Powers and privileges.

Amount of capital stock.

How capital to be employed.

Sec. 2. And be it enacted, That the original capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to any amount not exceeding, in the whole, five hundred thousand dollars, which stock shall be divided into shares of fifty dollars each, to be employed in manufacturing or making all such commodities or articles as shall not be prohibited by law, and in purchasing such lands, tenements, hereditaments, and erecting thereon such buildings within the said city of Perth-Amboy, and doing such other matters and things as shall be needful for carrying on a manufactory or manufactories of the said commodities or articles.

Annual meeting of stockholders to elect 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 hereinafter 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 of May, in the year of our Lord one thousand eight hundred and thirty-two, and on the first Monday in May annually thereafter, at such time and place in the city of Perth-Amboy, 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 Middlesex 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.

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 James C. R. Smith, John Griffith, William Stevens, Thomas T. Whitehead, and Jephtha B. Williams, who shall hold their offices until the first Monday in May, in the year of our Lord, one thousand eight hundred and thirty-two, and until others shall be elected in their stead.

Duties of directors.

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 Middlesex; 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.

How instalments are to be paid.

Stock forfeited on non-payment of instalments.

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.

Election not held on the day designated not to dissolve corporation.

Stock and property of the company personal estate.

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 transferrable 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.

Books open to inspection of company.

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

Dividends.

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 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.

Limitation.

Passed February 16, 1831.

A SUPPLEMENT to an act entitled "An act to incorporate the New-Jersey Turnpike Company," passed the twenty-seventh day of February, eighteen hundred and six.

Treasurer to open books for new stock.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the treasurer of the said company, first giving notice thereof, for at least thirty days, by advertisements in some newspaper published in the city of New-York, and in one of the newspapers published at the city of New-Brunswick, in the county of Somerset, to open at his office, books for subscribing stock in said road, to the amount of sixteen thousand dollars, to liquidate the debt of the said company; and if the said stock shall not be subscribed within thirty days of the opening the books, and notice aforesaid, then it shall and may be lawful for the creditors of the said company to subscribe for as many shares in the capital stock of the said company, as at the

Creditors may subscribe to the amount of their debts.

original subscription price, shall be equal to the debts due to them respectively, which shares, so to be subscribed for by the said creditors, shall be called new or preferred stock; and all the tolls and revenues of the said company, after deducting thereout the necessary expenses of keeping the said road in repair, and other incidental expenses, shall annually or semi-annually be applied in the first place, to the payment of lawful interest to the holders of such preferred stock, upon the amount of such stock by them respectively held; and in case the nett proceeds of the tolls and revenues aforesaid, shall be more than sufficient to pay such interest, then the surplus of such proceeds shall be applied to pay off the said debt, and so far to extinguish the said new or preferred stock; *provided always*, that the said company shall have a right at any time hereafter, to pay off, or otherwise satisfy the said debts, and thereby to redeem and extinguish such new and preferred stock, which shares so to be subscribed for, shall be transferrable in the same manner as the original shares are by the act to which this is a supplement, made capable of being transferred, and shall entitle the holders or owners thereof to all the rights and privileges to which the original subscribers are by law entitled.

Tolls applied to
the payment of
interest.

Proviso.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the president and directors of the said company, to cause to be removed at the expense of the transgressor, any fences, timber, wood, or other obstructions that now are or hereafter may be placed in said road; and any person who shall so obstruct said turnpike road, dig up or otherwise injure the same, shall be liable to a penalty of ten dollars for every offence, to be sued for by said company, and recovered by action of debt in any court of competent jurisdiction.

How obstruction
may be removed.

Passed February 16, 1831.

AN ACT to incorporate the Union Fire Engine Company of Mount-Holly.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That George Haywood, Aquila S. Ridgeway, and Elias B. Cannon, and such other persons not exceeding one hundred, as now are or hereafter shall become associates of the Mount Holly Union Fire Engine Company, be, and

Name of Incorporation.

Powers and
privileges.

they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Union Fire Engine Company of Mount-Holly," 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 law and equity, 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 or 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 laws of this State, or of the United States, as they shall think proper.

Amount of capital stock.

Application of capital.

Sec. 2. *And be it enacted*, That the capital stock of said company, shall not exceed the sum of two thousand dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engines, hose, reservoirs of water, ladders, buckets, fire-hooks, engine-houses, and other implements and machines, and to such other incidental expenses, as shall to the said company appear best calculated to secure the property of themselves, and the inhabitants of the Village of Mount-Holly and its vicinity, from injury by fire.

Annual meetings of company.

Sec. 3. *And be it enacted*, That the said company shall have power to elect annually, a president, 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.

Legislature may repeal this act.

Sec. 4. *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.

Passed February 16, 1831.

AN ACT relative to Common Schools.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be the duty of the trustees of the school fund of this state, for the time being, on or before the first Monday of April next, and also, on or before the first Monday of April in every year thereafter, to appropriate, for the support of common schools, out of the annual income of said school moneys, the sum of twenty thousand dollars; and if the annual income of said school moneys shall not have been received in full, or shall be insufficient for that purpose, then the said trustees of the school fund shall have power to draw upon the treasurer of this state, by warrant signed by the governor, for any sum necessary to make up the deficiency, who is directed to pay the same; which sum, so as aforesaid drawn, or to be drawn from the treasury, shall be again replaced by the annual receipts of said school fund, as soon as the same shall be received.

20,000 dollars to be annually appropriated for the support of common schools

Sec. 2. *And be it enacted*, That as soon as the said appropriation shall be made, it shall be the duty of the said trustees of the school fund, to apportion the same among the several counties of this state, in the ratio that taxes for the support of the government of this state are paid by the respective counties, a true list of which apportionment, shall be made out, and filed with the treasurer, whose duty it shall be forthwith to notify, in writing, the collectors of the several counties, of the sum apportioned to each county respectively, who are hereby authorized to draw for the same.

To be apportioned among the counties in the ratio that taxes are paid.

Sec. 3. *And be it enacted*, That the boards of chosen freeholders, in the several counties of this state, shall at their annual meetings in each year, apportion among the several townships, in their respective counties, the moneys so as aforesaid received by the collector of said county from the treasurer, in the ratio of the county tax paid by the several townships, a true list of which apportionment, shall be filed by the clerk of said board, and a duplicate shall be filed with the county collector; and it shall be the duty of the clerks of said boards of chosen freeholders respectively, as soon as apportionment shall be made and filed, as aforesaid, to notify in writing, the collectors of the several townships, in his respective county, the amount so apportioned to the respective townships, whose duty it shall be on the receipt of such notice, to report the amount thereof, to the inhabitants of their respective townships, at their next annual town meeting.

Boards of freeholders to apportion the money among the townships in the ratio that the county tax is paid.

Sec. 4. *And be it enacted*, That the inhabitants of the several townships in this state, are hereby authorized and empowered, and it is recommended to the several townships, at

Townships may raise additional sums for the same object.

their annual town meetings, upon the report of the township collector of the amount so apportioned to their use, to raise by tax or otherwise, such additional sum or sums of money, for the same object, as they may deem proper, and to authorize, order and direct the collectors of said townships, to draw on the county collector for the same; and also, the several townships may at their annual town meeting, apply the sum received from the state, to schooling the indigent poor of said township, if they elect to do the same.

Township school committees to be chosen.

Sec. 5. *And be it enacted*, That the inhabitants of the several townships in this state, are hereby authorized, and directed, at their annual town meetings, to elect and choose, in the same manner as other town officers are elected, three or more persons, who shall constitute the school committee for their respective townships, and whose duty it shall be to ascertain and recognize the number of common schools within their respective townships in manner hereinafter provided.

How schools may be organized.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the patrons, supporters or proprietors of the several common schools in the respective townships of this state, to organize their respective schools, if not already so organized, by the appointment of a board of trustees in such form and manner; and consisting of such number as they may deem proper; and it shall be the duty of any board of trustees so organized, to transmit to the school committee of their respective townships, a certificate of their organization, whereupon every such school shall be recognized by the said committee, as being entitled to an apportionment of the moneys assigned to such township, by the respective boards of chosen freeholders, from the appropriation of the school fund of this state; and also of such sum or sums of money as may be raised by the said township; and it shall be the further duty of the several boards of trustees of common schools to render and transmit to their respective school committees, on or before the first Monday of April, in every year, a statement and report of the average number of scholars, which have been taught in said school during each quarter, in the preceding year; *Provided* such statement shall embrace no scholars but those who are resident in said township; and it shall moreover be the duty of every such board of trustees, to visit, inspect and superintend the affairs of their respective schools, and on the receipt of any moneys, by order of the school committee, as hereinafter provided, to apply the same at their discretion, for the benefit and promotion of said school, and for no other purpose whatever; and at the end of every year to exhibit to the said school committee, a correct and true account of the manner in which such moneys have been applied; and if it should so happen, that as a matter of convenience or otherwise, scholars resident in an adjoining township, to that in which they shall attend any common

To be recognized by school committees as entitled to apportionment of money.

Trustees of schools to report to committee the number of scholars taught.

Proviso,

school, duly organized as aforesaid, it shall be lawful for the board of trustees of such school to certify to the school committee of such adjoining township, the number of scholars belonging to said township, who have attended said school, and the time they have been taught therein.

Sec. 7. *And be it enacted*, That it shall be the duty of the several school committees, elected as aforesaid, at or before the end of every year, for which they shall have been appointed, to apportion the whole of the moneys assigned to their respective townships, and raised by such township, among the several common schools organized agreeably to the provisions of this act, in the ratio of the number of scholars which have been taught and reported to them respectively, during the preceding year, as provided and required in the foregoing section; and the said school committee shall draw in favor of the boards of trustees respectively, for the amount of their several dividends, on the town collector, who is hereby authorized and required to pay the same; and it shall be the further duty of the school committees of the several townships in this state, on or before the first Wednesday in May, in each and every year, to transmit to the clerk of the board of chosen freeholders, of their respective counties, a statement in writing, embracing the number of common schools duly organized within their respective townships; the number of scholars taught therein; the amount of moneys received by them from the township collector, and raised by said township, and the manner in which the same has been applied; and the said statement shall be condensed by the said clerks into a report, in writing, and transmitted to the trustees of the school fund, to be laid before the legislature in a condensed form; *provided* that no compensation shall be allowed for any services done under this act except for teaching said schools; *And provided further*, that where any township may elect to appropriate the said funds exclusively to the education of the poor, apportionment aforesaid shall be made among the several schools in proportion to the number of poor children taught.

Committees to apportion the moneys to the several schools in proportion to the number of scholars taught.

Statements to be made to the clerk of board of freeholders.

Clerk of freeholders to report to trustees of the school fund.

Proviso.

Sec. 8. *And be it enacted*, That the act, entitled An act to establish common schools, passed February twenty-fourth, eighteen hundred and twenty-nine, and the supplement thereto, passed March first, eighteen hundred and thirty, be and the same are hereby repealed; *provided* this act shall take effect from and after the first day of March next.

Former acts repealed.

Passed February 16, 1831.

An Act to prohibit the circulating or passing of tickets.

Preamble.

Whereas certain tickets, marked with a specified value on the face thereof, have forced themselves into circulation as a common currency, and thereby rendered the community liable to imposition; For remedy whereof,

Tickets not to be passed.

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, or body corporate, to issue, or pay away, pass, exchange or transfer, or cause to be issued, paid away, passed, exchanged or transferred, any ticket of any denomination whatever, intended to circulate for the payment of debts, dues or demands, in lieu of, or as a substitute for bank notes or bills, or other lawful currency of the state, without first having obtained a law for that purpose.

Penalty for passing.

Sec. 2. And be it enacted, That every person or persons, or body corporate, offending against the provision of this act, shall be liable to pay a fine of five dollars for every offence, to be recovered by an action of debt with cost of suit, in any court having cognizance of the same, by any person who will sue for the same.

Passed February 16, 1831.

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

Amount of tax to be raised.

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-two.

• 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:—

Ratio to be paid
by the several
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 Monmouth shall pay the sum of three thousand seven hundred and twenty-three dollars and sixty-eight 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 Burlington shall pay the sum 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.

The county of Hunterdon shall pay the sum of four thousand five hundred and thirty-five dollars and eighty-four cents.

The county of Morris shall pay the sum of three thousand one hundred and thirty-six dollars and two cents.

The county of Sussex shall pay the sum of two thousand and twenty-five dollars and seventy cents.

The county of Warren shall pay the sum of two thousand one hundred and eighty-five dollars and fifty cents.

Assessments
how to be made.

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 in by the person where the horse is kept; all other horses or mules three years old, and upwards, any sum not exceeding six cents; all neat cattle three years old, and upwards, any sum not exceeding three cents.

Horses, mules &
neat cattle.

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 cupulo furnances, any sum not exceeding ten dollars.

All blast furnaces, other than cupulo 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 ten dollars.

All paper mills, any sum not exceeding eight 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, for 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, and every two horse riding chair, 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 five dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding five dollars.

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 per centage upon such valuation. Duty of assessor

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, Anno Domini, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts. Manner prescribed of assessing, &c. and penalty for neglect of duties,

. Passed February 16, 1831.

AN ACT to authorize the payment of certain expenses incurred in the apprehension of fugitives from justice.

Payments to
certain persons
for arresting fu-
gitives.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state be, and he is hereby authorized to pay to Peter Forman, late sheriff of the county of Hunterdon, the sum of one hundred dollars; and to Daniel Holmes, sheriff of the county of Monmouth, the sum of one hundred and nine dollars and twenty-one cents; and to Philip Reed, a special agent appointed by the Governor of this state, the sum of twenty-four dollars and forty-two cents, for services rendered in the apprehension of fugitives from justice under the authority of the state.

Passed February 17, 1831.

A SUPPLEMENT to an act, entitled "An act for erecting the town of Bordentown, in the county of Burlington, into a Borough."

Three Burges-
ses to be elected.

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, three persons shall be elected burgesses of the said Borough instead of two, as provided for in the act to which this is supplement.

Powers and du-
ties of the Bur-
gesses.

Sec. 2. *And be it enacted,* That the said burgesses, shall be, within the corporate bounds of the said borough, conservators of the peace, by virtue of their said office; and for the better preserving the peace of the said state, within the said borough, shall have and exercise the same powers and authorities as justices of the peace have and exercise, under the act, entitled "An act suppressing vice and immorality," passed March seventeenth, A. D. one thousand seven hundred and ninety-eight.

Sec. 3. *And be it enacted*, That the said burgesses of the said Borough, at their annual or other meetings, shall have the exclusive power to license all, and every inn keeper, tavern keeper, and retailer of spiritous liquors, residing within the said Borough, subject to the same provisions, and in like manner as the same may be lawfully done, by the Court of General Quarter Sessions of the peace of said county: *Provided*, the sum directed to be paid by such inn keeper, tavern keeper, or retailer of spiritous liquors, for such license, be paid over to the county collector of the county of Burlington, for the use of said county.

Burgesses may
license tavern
keepers.

Passed February 17, 1831.

A SUPPLEMENT to the act for the better organization of the Cavalry of this state.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the commandants of the several squadrons of Cavalry, in this state, in lieu of any other parade or inspection, to order a squadron parade at such time and place, within the bounds of the squadron, as he shall judge proper, by giving fifteen days notice of such parade, by advertisements set up in three of the most public places, or inserted in a newspaper, circulating within the bounds of the squadron, at which parade, the squadron shall be duly inspected by the brigade inspector, or in his absence, by adjutant of the squadron; and the officers, non-commissioned officers, and privates, shall be liable to the same fines and penalties, for absence or delinquency, as are now imposed by the militia laws of this state; and which shall be levied and collected in like manner with other militia fines.

Commandants
may order
squadron pa-
rades of cavalry.

Passed February 17, 1831.

A SUPPLEMENT to the act entitled, "An act relating to hawkers, pedlars, and petty chapmen," passed February twenty-seventh, eighteen hundred and thirty.

Pedlars may be sued for offences by warrant.

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 or persons offending against the act to which this is a supplement, he, she or they, so offending, may be sued and arrested by warrant, and held to bail agreeably to the act constituting Courts for the trial of small causes, passed the twelfth day of February, eighteen hundred and eighteen.

Section of a former act repealed.

Sec. 2. *And be it enacted,* That the third section of said act to which this is a supplement, be, and the same is hereby repealed.

Passed February 17, 1831.

SUPPLEMENT to the act entitled, "An act to incorporate the Woodbury Fire Association," passed December twenty-fifth, eighteen hundred and twenty-six.

How the tax assessed on each individual may be recovered.

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 after the assessment shall have been completed by the determination of the committee of appeals, it shall be the duty of the treasurer of the said corporation, within twenty days, to demand payment of the tax assessed on each individual as aforesaid, in person or by notice left at his or her place of residence; and in case of non-payment within the time appointed, he shall make out a list of the names of the delinquents, with the sums due from them respectively thereto annexed, and deliver the same to some justice of the peace of the county, on the day following the expiration of the said twenty days, except it shall happen to be Sunday, and then on the next following day; and it shall be the duty of the said justice, within three days after receiving such list, to make out and deliver to the constable

within or near the said corporation, a warrant, requiring him to levy the tax so in arrear, with the usual costs allowed the justice and constable in other cases of taxation; by distress and sale of the goods and chattels of the delinquent, giving at least four days' notice of the time and place of such sale, by advertisements set up in three of the most public places within the corporation; and it shall be the duty of the said constable to pay the tax for which such warrant is issued to the treasurer of the corporation, within thirty days after the date thereof, and to return the said warrant to the said justice, with an account of the manner in which he shall execute the same; and if the said constable shall neglect or refuse to perform any service or duty herein required of him, he shall be liable for the amount of taxes which, by the said warrant, he was required to make, or for such part thereof as he shall not have paid to the treasurer, to be recovered, with interest and costs, by action of debt, in the name of the corporation, before any court of competent jurisdiction.

Sec. 2. *And be it enacted*, That the seventh section of the act to which this is a supplement be, and the same is hereby repealed.

Part of a former
act repealed.

Passed February 17, 1831.

A FURTHER SUPPLEMENT to an act entitled, "An act to empower the Governor of this State to incorporate a Company to cut a Canal to shorten the navigation of Salem Creek, in the county of Salem, and State of New-Jersey, passed November seventeenth, eighteen hundred.

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 president, treasurer and secretary, of the Salem Creek Canal Company, and Joseph Bassett, jun. Caspar Wistar, shall and they are hereby appointed commissioners to open books to receive subscriptions of stock in said company, to the amount of five thousand dollars divided into shares of five dollars each.

Books to be
opened to re-
ceive subscrip-
tion for stock.

Sec. 2. *And be it enacted*, That the said books shall be opened at the house of James Sherron, in the town of Salem, on the first Tuesday of March next, and continue open from day to day, until the whole number of shares are subscribed.

When books are
to be opened.

Payment to be made on subscribing.

Sec. 3. *And be it enacted*, That every person who shall subscribe in said books, shall at the time, pay to the said president and managers, or the treasurer of the said company, the sum of one dollar per share, for each and every share by him or her subscribed.

Certificate to be issued.

Sec. 4. *And be it enacted*, That the said president and managers shall deliver the subscribers a certificate for each share he or she shall subscribe, as is directed by the fifth section of the act to which this is a supplement; which certificate shall be marked "New Stock," and be transferrable as the original certificates are transferrable, and not otherwise.

New stockholders to be members of the corporation.

Sec. 5. *And be it enacted*, That the person to whom a certificate of new stock is given, and the assignee of such stockholder, shall be a member of the said corporation, and shall be entitled to all the privileges and advantages to which the old stockholders are entitled.

How and to whom dividends are to be paid.

Sec. 6. *And be it enacted*, That the president and managers shall pay out of the dividend, by them annually declared, to the holders of the certificates of the new stock, not exceeding four per centum on the money called in on the new stock, before any dividend shall be paid to the holders of shares of the old stock; and, after the payment of four per centum to the holders of the new stock, it shall be the duty of the said president and managers, to declare a dividend of the surplus, if any, to be paid to the holders of the old stock, and pay the same according to the fourteenth section of the act to which this is a supplement.

When canal may be cut.

Sec. 7. *And be it enacted*, That the said president and managers shall proceed as soon as the subscription is made to the amount of one thousand shares, to cut and complete said canal, and if the said canal shall not be commenced within one year after the passing of this act, and completed within three years, said canal, and all the rights and privileges of the said company, shall be forfeited to the state.

Authority to build a bridge.

Sec. 8. *And be it enacted*, That the said president and managers shall, and they are hereby authorized to build a draw bridge over said canal at the place where the public road now crosses the same, or where it may cross the same at the time of the erection of said bridge.

Part of former act repealed.

Sec. 9. *And be it enacted*, That so much of the thirteenth section, of the act to which this is a supplement, as requires the draw in the said bridge to be twenty-four feet wide between the posts, and so much as requires the said company to hoist the said draw, be, and the same is hereby repealed.

Who shall open and shut the draw.

Sec. 10. *And be it enacted*, That the said draw shall be opened and shut by the person or persons navigating any sloop or vessel which may go through the same, in the same manner as the draw in the bridge over Salem creek, at the

town of Salem, is opened and shut, and subject to like penalties.

Passed February 17, 1831.

A FURTHER SUPPLEMENT to the act entitled, "An act to incorporate the Paterson Fire Association," passed November third, one thousand eight hundred and twenty-one.

WHEREAS, from the frequent changes in the ownership of property, experience has fully evinced the impossibility of collecting and realizing the assessments by law allowed to be levied for the purposes of the Paterson Fire Association, if resort is had alone to the persons owning the property at the time of assessment—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 assessments which hereafter shall be made under and by virtue of the fourth section of the act to which this is a supplement, shall be and remain a lien and incumbrance upon the property for which the assessment shall be made, in whose hands soever it may be, until the same be fully paid and discharged, and shall hold priority over all subsequent incumbrances and conveyances.

Assessments to be a lien on property.

Sec. 2. And be it enacted, That in case any of the buildings, or property assessed under said section, shall belong to non-residents, the tenants in possession shall be liable for the sum so assessed, in the same manner as the owner would be if residing in or occupying said property; and such tenants are hereby required, to pay such sum so assessed; and, upon payment thereof, are authorized to deduct it from the rents; and in case of non payment of any sum or sums so assessed, by reason of the non occupancy of any building or buildings, or the neglect of the then owner to pay the same, any future occupier or proprietor shall be liable for all such arrearages of assessment, to be collected from him or them by the treasurer, in the same manner as, by law, he is entitled to collect assessments from the person or persons owning the property at the time of making thereof.

Tenants liable for assessments on property of non residents.

AND for the purpose of inducing a sufficient number of per-

sons to attach themselves to the companies already formed or hereafter to be formed under the said association—

Members exempted from militia duty and serving on juries.

Sec. 3. *And be it enacted*, That, in addition to the privileges already granted, every fireman, after a faithful service in any of the said companies for seven years in succession, to be evidenced by a certificate under the hand of the treasurer of the association, shall be exempt from service as a juryman in the courts for the trial of small causes, and from common militia duty.

Passed February 17, 1831.

AN ACT to defray incidental charges.

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

No. 1. To Enoch W. Green, for nails, boards, locks and other articles furnished, and for services, twenty-nine dollars and eleven cents.

No. 2. To Scudder and Reeder, for nails, boards, posts, lath and plank, five dollars and eighty-five cents.

No. 3. To James Faussett, for repairing copper around the steeple, six dollars.

No. 4. To Martin C. How, for work and materials as per bills, thirty-three dollars and ninety-two cents.

No. 5. To Samuel Evans, for one piece of ribband for stitching bills, fifty cents.

No. 6. To James D. Westcott, for stove, &c. for office, ten dollars and twenty cents.

No. 7. To Henry B. Howell, for cord, binding, rattenett, &c. seventeen dollars and fifty-one cents.

No. 8. To Daniel Baker, for varnish, six dollars and thirty-seven cents.

No. 9. To His Excellency Peter D. Vroom, jr. esquire, for postage of letters, relating to the public concerns of the state, forty-five dollars.

No. 10. To N. Bashford, for two books furnished Secretary's Office, six dollars.

No. 11. To J. G. Clayton, for six hundred and eighteen

copies of the Union, twenty-four dollars and seventy-two cents.

No. 12. To A. Wurts, Speaker, for postage of communications, &c. on public business, four dollars.

No. 13. To S. B. Scattergood, for wood, coal, and labor, forty-two dollars and seventy-five cents.

No. 14. To Daniel Coleman, for countersigning and entering checks, and for sending acts of the two last sessions to the executives of the different states, fifty-four dollars.

No. 15. To Joseph Palmer, for furnishing school committee with a room, candles, &c. one dollar and fifty-cents.

No. 16. To Henry B. Howell, for ribband, tape, &c. one dollar and twelve cents.

No. 17. To Z. Rossell, for candles, wood, locks, &c. for Supreme Court Room, seven dollars and fifty-two cents.

No. 18. To John Noble, for carriage hire to state prison, two dollars.

No. 19. To Thomas M. Perrine, keeper of the state prison, for one ton of coal, seven dollars.

No. 20. To Thomas Ryall, for labour, and materials to government house, five dollars and twenty-five cents.

No. 21. To William Marcellus for work done to Government house, one dollar.

No. 22. To George Sherman for advertising Court of Appeals, publishing Governor's Proclamation, and for printing bill, and for newspapers, twenty-three dollars and twenty-five cents.

No. 23. To David Johnston, for brooms, fifty cents.

No. 24. To B. M. Voorhees, clerk of Assembly, for mileage, second sitting, seven dollars and fifty cents.

No. 25. To Charles Parker, for cash paid Asa Belden, for sheet iron laid in front of the grate in the secretary's office, one dollar and eighty cents; paid Mrs. Coxe for thread and making carpet in Assembly room, six dollars and seventy-three cents; paid for one hundred bushels of charcoal, six dollars; paid expences going to, while at, and returning from Philadelphia, twice, in conformity with an order of the trustees of school fund, seventeen dollars; for one quarter postage, ending the first ult. nine dollars and twenty-seven cents; for seven and a half yards of muslin to cover maps, sent to the several counties, seventy-five cents; and for carting coal from state prison, and freight on books, seventy-five cents; making an aggregate of forty-two dollars and thirty cents.

No. 26. To Peter Rossell, for trimming trees in state house yard, and cutting the tops into wood, ten and a half days, ten dollars and fifty cents.

No. 27. To Samuel Paxson and sons, as per bill, twelve dollars and fifty-nine cents.

No. 28. To Alexander Witherup, sixty-two and a half cents.

No. 29. To Samuel and Thomas J. Stryker, per bill, one dollar and eight cents.

No. 30. To H. King, for carriage hire, three dollars.

No. 31. To John C. Bellerjeau, for casing hole for bell rope, seventy-five cents.

No. 32. To Daniel Phillips, for balance of bill omitted by him last fall, two dollars and eighty-five cents.

No. 33. To Thomas Cain, for candles, eight dollars and two cents.

No. 34. To Joseph Burroughs, for twenty cords of hickory wood, one hundred and ten dollars.

No. 35. To Wilson and Newton, for setting glass, one dollar and eighty seven cents.

No. 36. To Daniel Fenton, for stationary, thirteen dollars and fifteen cents.

No. 37. To John Cook, for iron work, in the assembly room, four dollars and twenty-five cents.

No. 38. To John R. Smith, per bill, two dollars and forty five cents.

No. 39. To Joseph Justice for stationary and current printing, for the two houses, three hundred and fifty-one dollars and forty-seven cents, as per bills rendered.

Passed February 17, 1831.

RESOLUTIONS.

RESOLVED, That the Vice-President of Council and Speaker of the House of Assembly, be a committee to receive proposals for engrossing the bills ordered to be engrossed by either Branch of the Legislature during the present session.

Passed October 27, 1830.

RESOLVED, *by the Legislative Council and General Assembly*, That the poplar Wood in the State-House-yard, be removed to the State-Prison, for the use of the same; and that Thomas M. Perrine, cause the same to be removed as soon as practicable.

Passed 1st November, 1830.

RESOLVED, *by the Council and Assembly*, that Benjamin F. Vancleve, be appointed to engross the bills and Resolutions of the Council and Assembly, for the present and future sittings of this Legislature.

Passed 1st November, 1830.

RESOLVED, *by the Legislative Council and General Assembly*, that the Treasurer of this state, be authorized to purchase twelve copies of the second edition of a Manual of Legislative practice, and order of business in deliberative bodies, by Joel B. Sutherland, for the use of the State Library.

Passed January 20, 1831.

RESOLVED, (Council concurring therein,) that Andrew P. Hopper, esq. be and he is hereby appointed agent in the place of Samuel Pennington, esq. to take charge of and

manage the state lands at Paterson; and that he make annual returns of the moneys received by him to the Treasurer of this State, for the use of this State; and that he report to the next Legislature the conditions of said property and his proceedings in the premises.

Passed January 28, 1831.

RESOLVED, by the Council and General Assembly of this State, that five hundred copies of a pamphlet, entitled "Journal of the votes and proceedings of the convention of New-Jersey," begun at Burlington the tenth of June, seventeen hundred and seventy-six, and thence continued by adjournments at Trenton and New-Brunswick, to the 21st of August following, to which is annexed sundry ordinances and the constitution," be reprinted for the use of this State.

Passed January 29, 1831.

RESOLVED, by the Council and General Assembly of this State, that the treasurer be requested to procure of the United States Marshal for the District of New-Jersey, a copy of the census of this State for 1830, in detail, and that he cause the same to be published with the Laws of the present Legislature.

Passed February 14, 1831.

WHEREAS it has been made to appear, to the satisfaction of the Legislature, that the Paterson Bank, has, annually since its incorporation, paid a Tax to the State of one half of one per cent. on the whole amount of its capital stock paid in, and also, upon the Bonus of \$6,000 paid to the State for its charter, and that a large part of the capital stock upon which the said Tax was paid, was sunk by losses sustained many years ago, and that the said Bank was compelled, in the month of July, Anno Domini 1829, to suspend specie payments, and was thereupon enjoined by the Chancellor of this state from Banking operations; And whereas the Stockholders of the said Bank have suffered great loss, and the company is now about to close its concerns; and inasmuch as it appears reasonable and just that the said Bank should be relieved from the payment of the taxes that have become due to the state

since the first day of January, Anno Domini 1829, in consequence of the circumstances aforesaid, Therefore,

RESOLVED by the Council and General Assembly of this State, That the said Paterson Bank be released from the payment of the Tax on its capital Stock, which has become due to the State of New-Jersey since the first day of January, Anno Domini eighteen hundred and twenty-nine; and that the Treasurer of this State be, and he is hereby directed to suspend the collection of the said Tax, and all Taxes which may become due, on the Capital Stock of the said Paterson Bank, until the said Bank shall resume Banking operations.

Paterson bank released from payment of certain taxes.

Passed February 14, 1831.

WHEREAS it has been made to appear to the Legislature of this State, that thirty nine stands of arms, known as muskets and bayonets, the property of this State, were accidentally destroyed by fire, while in the possession, and under loan of the quarter master General of the State, of Captain Thomas E. Bowlesby, of the County of Morris, late deceased; and whereby the estate of the said Thomas E. Bowlesby, may be held liable to pay the value thereof to the State—Be it therefore,

Heirs of E. Bowlesby exonerated from liability for arms destroyed by fire

RESOLVED, by the Council and General Assembly of this State, that the quarter master general of this state be, and he is hereby required to release and discharge the heirs and administrators of the said Thomas E. Bowlesby, from any liability to pay to the state the value of said arms so destroyed by fire.

Passed February 15, 1831.

RESOLVED, by the Council and General Assembly of this State, That the Secretary of State be requested to take charge of the State House and yard during the recess of the Legislature, and that the Keys of the same be kept in his office, and that the said Secretary be authorized to make any necessary repairs to the same.

Secretary of state to have charge of state house and yard.

Passed February 16, 1831.

RESOLVED by the Council and General Assembly of this State, That six copies of the journal of the votes and proceed-

ings of the Convention of New-Jersey, begun at Burlington the 10th of June 1776, &c. be delivered to each member of the present Council and General Assembly, to the Governor, to each of the Justices of the Supreme Court, to Rutgers College, to the College of New-Jersey, and one copy to each of the incorporated societies for the promotion of learning in this State, and the residue of the five hundred copies ordered to be re-printed; be placed in the Library of the State.

Passed February 16, 1831.

WHEREAS the state of New-Jersey hath become interested in the stock of the Camden and Amboy Rail Road and Transportation Company, and now holds one thousand shares of said Stock; And whereas it is represented to the Legislature that it is very important to the said company to retain the services of Lieutenant William Cook as their Engineer; Therefore,

The secretary of war requested to continue Lieut. Cook in service of C. and A. rail road company.

BE IT RESOLVED, *by the Council and General Assembly of the State of New-Jersey*, That the Honorable the Secretary at War be requested to order and direct that the said Lieutenant William Cook, be continued in the service of said Company.

Passed February 16, 1831.

A majority of the Committee to whom was referred certain resolutions of the Legislature of Alabama, in relation to their confidence in the present Administration of the General Government, beg leave to report the following resolutions.

RESOLVED, *by the Council and General Assembly of the State of New Jersey*, That we remember with sentiments of gratitude, the distinguished services of General Andrew Jackson for his country, in the second struggle for the rights of liberty and independence; that we applaud the intelligence of the people who raised him to the highest office in the gift of a free nation; that upon a fair and full view of his official conduct, since he has been President of the United States, we pronounce him to have answered our best expectations, and to have administered the government in accordance with the true republican principles of the national constitution, the rights of the several states of the union, and the liberties of the people. The policy of the nation we view at the present moment as established upon a firm and safe basis.

Approval of the administration of Andrew Jackson.

Prosperous at home, respected abroad: Our agriculture is cherished; our manufactures are protected; our commerce is extending; our national debt is rapidly approaching towards extinguishment; we have nothing to hope, and every thing to fear from a change of the present national administration. Our duty, our interest, our honour, and our affections, are alike united in the re-election of our present Chief Magistrate.

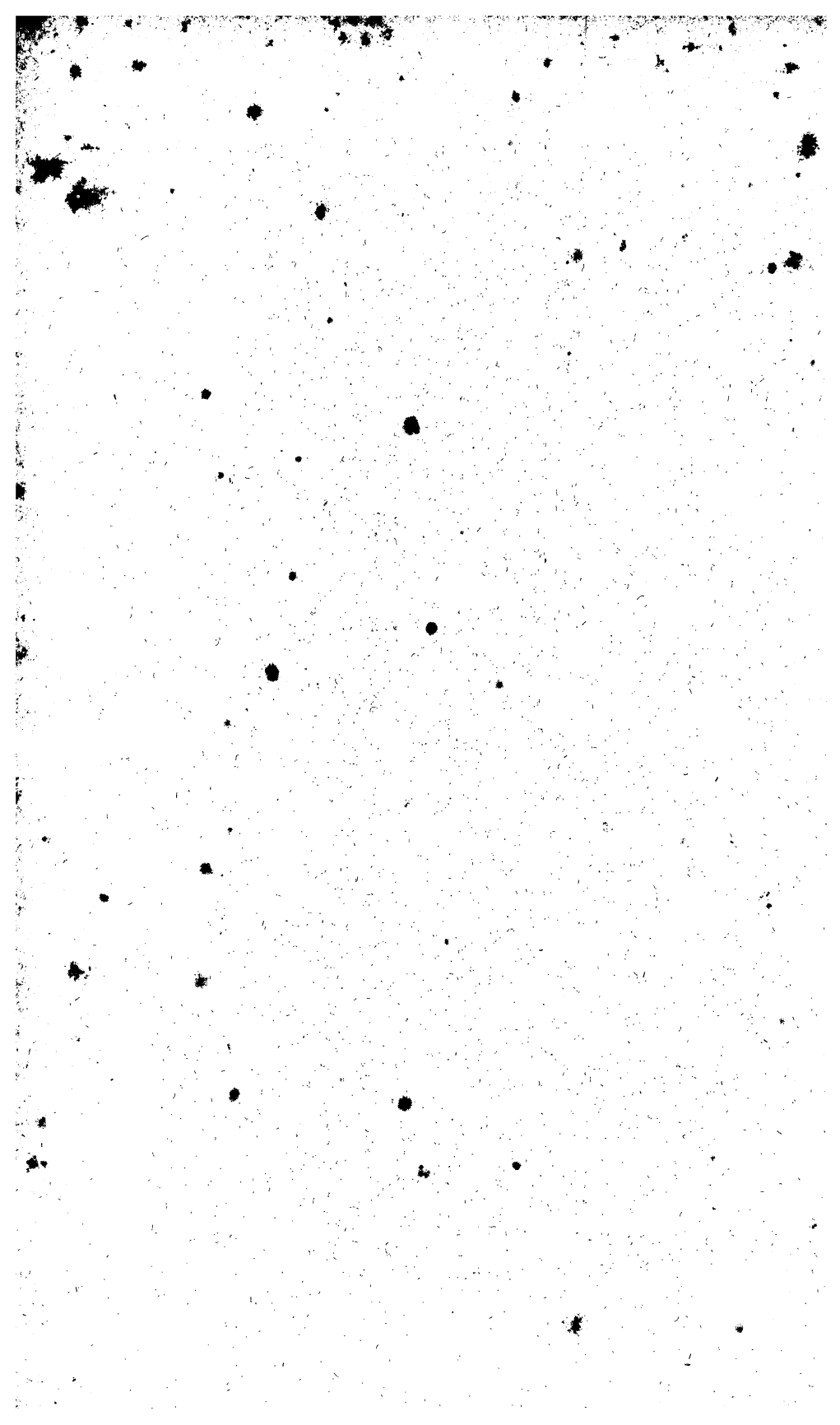
RESOLVED THEREFORE, That we approve of the recommendations made by the Republican members of the Legislatures of New Hampshire, New York, Pennsylvania, North Carolina, Alabama, and Illinois, of General Andrew Jackson, to fill the office of Chief Magistrate of the United States, for the next Presidential term.

Approval of the nomination of A. Jackson as President of the U. States.

Passed February 16, 1831.

RESOLVED, *by the Council and General Assembly of this state,* That Joseph Justice be employed to print the laws of the present session at thirty-two dollars per sheet, and George Sherman to print the law reports at thirty dollars per sheet, said laws and law reports to be printed on the large octavo page heretofore used.

Passed February 17, 1831.



SUMMARY OF THE CENSUS OF NEW-JERSEY, IN 1830.

Counties.	WHITES.			SLAVES.			Free Coloured Persons.			Total. population	Foreigners not natu- ralized.	Deaf and Dumb.		Blind.	
	Male.	Female.	Total.	Male.	Female.	Total.	Male.	Female.	Total.			White.	Black.	White.	Black.
Bergen,	10300	9635	19935	305	284	589	1061	829	1890	22414	213	11	2	13	5
Essex,	20247	19523	39770	105	112	217	924	1017	1941	41928	1180	29		16	1
Morris,	11524	11096	22620	73	86	159	428	373	801	23580	505	13	8	11	2
Warren,	9460	8704	18164	21	26	47	213	210	423	18634	278	5	5	11	2
Sussex,	10242	9655	19897	21	30	51	206	195	401	20349	90	6		14	
Somerset,	7664	7718	15382	213	235	448	945	914	1859	17689	118	15		16	3
Middlesex,	10543	10487	21030	132	172	304	905	918	1823	23157	181	13		8	3
Hunterdon,	14465	14660	29125	76	95	171	871	899	1770	31066	215	35		19	2
Monmouth,	13800	13134	26934	97	130	227	1094	978	2072	29233	81	19	1	14	1
Burlington,	14711	15018	29729	7	16	23	694	661	1355	31107	121	20	2	16	2
Gloucester,	13916	12962	26878		4	4	835	714	1549	28431	360	30		24	1
Salem,	6443	6300	12743	1		1	773	638	1411	14155	8	5		6	
Cumberland,	6723	6580	13303		2	2	431	355	786	14091	27	4		7	
Cape-May,	2399	2317	4716	3		3	118	108	226	4945		1		1	
Total,	152437	147789	300226	1054	1192	2246	9498	8809	18307	320779	3377	206	18	176	22

CENSUS.

BERGEN COUNTY.

<i>Townships.</i>	<i>Population.</i>
Harrington,	2581
Lodi,	1356
Bergen,	4651
Franklin,	3449
New-Barbadoes,	1693
Hackensack,	2200
Pompton,	3085
Saddle River,	3399
Total,	22,414

ESSEX COUNTY.

<i>Townships.</i>	<i>Population.</i>
Livingston,	1150
Acquackanonk,	7731
Caldwell,	2004
Orange,	3887
Bloomfield,	4309
Newark,	10953
Elizabeth,	3451
Springfield,	1656
Union,	1409
New-Providence,	903
Westfield,	2492
Rahway,	1983
Total,	41,928

MORRIS COUNTY.

<i>Townships.</i>	<i>Population.</i>
Morris,	3536
Chatham,	1874
Hanover,	3718
Pequannock,	4355
Jefferson,	1551
Randolph,	1443
Roxbury,	2262
Washington,	2188

Chester,	1338
Mendham,	1315
Total,	<hr/> 23,580

WARREN COUNTY.

<i>Townships.</i>	<i>Population.</i>
Greenwich,	4486
Mansfield,	3310
Oxford,	3665
Knowlton,	2827
Independence,	2126
Hardwick,	1962
Pahaquarry,	<hr/> 258
Total,	<hr/> 18,634

SUSSEX COUNTY.

<i>Townships.</i>	<i>Population.</i>
Green,	801
Stillwater,	1381
Byram,	958
Newton,	3464
Frankfort,	1996
Hardiston,	2588
Vernon,	2380
Wantage,	4034
Walpack,	660
Sandyston,	1097
Montague,	<hr/> 990
Total,	<hr/> 20,349

SOMERSET COUNTY.

<i>Townships.</i>	<i>Population.</i>
Bedminster,	1453
Bernards,	2062
Warren,	1561
Bridgewater,	3549
Franklin,	3352
Hillsborough,	2878
Montgomery,	<hr/> 2834
Total,	<hr/> 17,689

MIDDLESEX COUNTY.

<i>Townships.</i>	<i>Population.</i>
Piscataway,	2664
Woodbridge,	3969
Perth Amboy,	879
South Amboy,	3782
North Brunswick,	5274
South Brunswick,	2557
East Windsor,	1903
West Windsor,	2829
Total,	23,157

HUNTERDON COUNTY.

<i>Townships.</i>	<i>Population.</i>
Trenton,	3925
Lawrence,	1433
Hopewell,	3154
Amwell,	7385
Kingwood,	2898
Alexandria,	3042
Bethlehem,	2032
Lebanon,	3436
Readington,	2102
Tewksbury,	1659
Total,	31,066

MONMOUTH COUNTY.

<i>Townships.</i>	<i>Population.</i>
Freehold,	5481
Upper Freehold,	4826
Shrewsbury,	4700
Middletown,	5128
Howell,	4141
Dover,	2898
Stafford,	2059
Total,	29,233

BURLINGTON COUNTY.

<i>Townships.</i>	<i>Population.</i>
Nottingham,	3900
Chesterfield,	2385
Mansfield,	2083
Springfield,	1534

New Hanover,	2859
North Hampton,	5516
Burlington,	2670
Willingborough,	782
Chester,	2333
Evesham,	4239
Washington,	1315
Little Egg Harbor,	1491
Total,	31,107

GLOUCESTER COUNTY.

<i>Townships.</i>	<i>Population.</i>
Waterford,	3088
Newton,	3298
Gloucester,	2332
Gloucester Town,	686
Deptford,	3599
Greenwich,	2657
Woolwich,	3033
Franklin,	1574
Galloway,	2960
Hamilton,	1424
Egg Harbor,	2510
Weymouth,	1270
Total,	28,431

SALEM COUNTY.

<i>Townships.</i>	<i>Population.</i>
Upper Penns Neck,	1638
Lower Penns Neck,	993
Mannington,	1726
Pilesgrove,	2150
Pittsgrove,	2216
Salem,	1570
Elsinborough,	503
Upper Alloways Creek,	2136
Lower Alloways Creek,	1223
Total,	14,155

CUMBERLAND COUNTY.

<i>Townships.</i>	<i>Population.</i>
Deerfield,	2417
Hopewell,	1953

Stow Creek,	791
Greenwich,	912
Fairfield,	1812
Millville,	1559
Downe,	1923
Maurice River,	2724
Total,	<hr/> 14,091 <hr/>

CAPE-MAY COUNTY.

<i>Townships.</i>	<i>Population.</i>
Upper Township;	1067
Dennis,	1513
Middle Township,	1366
Lower Township,	999
Total,	<hr/> 4,945 <hr/>

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