

ACTS
OF THE
FIFTY-FIRST
GENERAL ASSEMBLY

OF THE
STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-FOURTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-SIX.



Trenton:
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1826.



ACTS

OF THE

FIFTY-FIRST

GENERAL ASSEMBLY

OF THE

State of New-Jersey.

AN ACT to authorize Nancy Bonnel and Foster Day, administrators of Sylvanus Bonnel, deceased, to fulfil a contract for the sale of a certain tract of land and premises, made by the said Sylvanus Bonnel with Lynde Catlin.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Nancy Bonnel and Foster Day, administrators of Sylvanus Bonnel, deceased, be, and they are hereby authorized and empowered to make and execute a deed of conveyance in fee simple, to the said Lynde Catlin, of a certain tract of land and plantation in the township of Springfield, in the county of Essex, containing two hundred and six acres and fifty seven hundredths of an acre of land; commonly called the Crane farm, and which the said Sylvanus Bonnel, in his life time, did agree to convey to the said Lynde Catlin, and which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said tract of land and plantation, as if the same had been executed by the said Sylvanus Bonnel, in his life time.

Administrators empowered to convey certain real estate.

Sec. 2. *And be it enacted,* That the said administrators shall receive the money for which the said Sylvanus Bonnel, deceased, agreed to sell and convey the said lands, and pay the same to the heirs of the said S. Bonnel, deceased, in shares proportioned to their interest in said lands, or to their lawful guardians, unless the said money, or any part thereof, shall appear by the decree of the Orphans' Court, of the county of Essex, necessary in addition to the personal estate of the said deceased, to pay his debts, when the said money, or so much thereof as may be so necessary, shall by the decree of the said Court, be applied as assets

To whom the moneys are to be paid.

to the payment of such debts : *Provided nevertheless*, that the one third part of the said sum of money shall not be paid or applied as above directed until the death of the widow of the said Sylvanus Bonnel, and until that time, be put at interest, and the interest thereof paid to the said widow in lieu of her dower in said lands.

Administra-
tors to give se-
curity for the
faithful per-
formance of
their duty.

Sec. 3. *And be it enacted*, That before such deed shall be executed, the said administrators shall, with at least two sufficient sureties, freeholders and resident in this state, enter into bond to the Governor of this state, in the sum of eight thousand dollars, conditioned for the faithful performance of the duties and trusts created by this act; the bond to be approved of by the Orphans' Court of said county, and filed in the office of the Clerk thereof; which bond may be prosecuted by order of the Governor of the state, for the time being, upon the happening of any breach or breaches of the condition thereof, in behalf and for the use of all and every person or persons who may have sustained damage by reason of the said breach or breaches.

A. Passed October 30, 1826.

AN ACT to confirm the last will and testament of Cornelius Van Horn, late of the township of Franklin, in the county of Bergen, deceased.

Preamble.

WHEREAS Cornelius Van Horn, late of the county of Bergen, now deceased, made his last will and testament in writing, bearing date the nineteenth day of May, in the year of our Lord one thousand eight hundred and twenty-four, which said will has since the decease of the said testator, been duly proved, and recorded in the Surrogate's office of the county of Bergen; and *whereas* it appears that the said will was executed in the presence of two instrumental witnesses only, by reason whereof the same is ineffectual to convey real estate; and also that the said will directs the sale of the real estate, without authorizing any person or persons to sell the same, or to execute the proper and necessary conveyances therefor; and it appearing that the heirs and devisees of the said Cornelius Van Horn, deceased, one excepted, are desirous that the said last will and testament should be confirmed, and that the executors therein named should be clothed with full authority to sell and convey the real estate of the said deceased—
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 last will and testament of the said Cornelius Van Horn, deceased, bearing date the nineteenth day of May, in the year of our Lord one thousand eight hundred and twenty-four, shall be as good and valid in every respect as if the same had been made and executed in the presence of three subscribing witnesses, any law to the contrary notwithstanding. Will made valid.

Sec. 2. *And be it enacted,* That the executors in the said will named, the survivors or survivor of them be, and they are hereby authorized and empowered to sell the real estate of the deceased, according to the directions contained in said will, and to make and execute all necessary or proper conveyances to the purchaser or purchasers of the same. Executors authorized to make conveyances, &c.

A. and C. Passed November 6, 1826.

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

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the boundary line between the townships of Wantage and Frankford, shall begin at the present reputed corner of the aforesaid townships, and the township of Hardiston, and run in a direct course to the southwest corner of Joseph Dennis' plantation, which is designated by a heap or pile of stones, situated on a course south six degrees thirty minutes west, distant nine chains seventy-eight hundredths from the south corner of Jesse Dennis' dwelling house, also situated on a course south sixty-nine degrees fifteen minutes east, distant eight chains seventy-nine hundredths from the south east corner of John Clay's dwelling house; and also on a course south seventy-two degrees fifteen minutes east, from the southeast corner of Obadiah Pellet's dwelling house; the east corner of Beemar's Meeting house, bearing north nineteen degrees thirty minutes east, and the west corner of Deckertown church or Meeting house, bearing north forty degrees fifteen minutes east, and from the aforesaid heap or pile of stones, on a line parallel with the boundary line which divides the state of New-Jersey from the state of New-York, till it arrives at the northwesterly boundary of the said townships of Wantage and Frankford: *Provided always nevertheless,* that this act shall not effect any taxes or assessments heretofore made or imposed, but the same shall be collected and applied in the same manner as if this act had not passed. Boundary line delineated, &c.

C. Passed November 6, 1826. Proviso.

AN ACT respecting the Bog and Fly Meadow in Morris
County.

WHEREAS in and by a certain act passed the eighteenth day of February, one thousand eight hundred and thirteen, entitled "An act to repeal an act passed the first day of June, seventeen hundred and eighty-six, authorizing Elias Boudinot, Samuel Bayard and Richard Kemble, Esquires, to drain and make partition of certain Bog or Fly Meadow in Morris County," John Outwater was directed and authorized to pay to the Treasurer of this State certain moneys, to remain with the said Treasurer, subject to the claims of the representatives of Nicholas Bayard, who by the said act were notified to exhibit and substantiate their claim by a due course of law: *And whereas*, no such claim has ever been preferred, *and whereas* probably, other persons are or may become equitably entitled to said money—THEREFORE,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the legal representatives of the said John Outwater be, and hereby are directed on or before the first day of October next, to present to the Treasurer of this State, a full account of the receipts and disbursements of the moneys ordered to be paid to the Treasurer by the said act of February eighteenth, one thousand eight hundred and thirteen.

Representatives of John Outwater to present to the Treasurer account, &c.

Sec. 2. *And be it enacted* That the Treasurer of this State be, and hereby is authorized to pay over any moneys that have been, or may hereafter be received by him agreeably to the provisions of the said act of February eighteenth, one thousand eight hundred and thirteen, to such person or persons as by any court of law or equity having competent jurisdiction may be adjudged entitled to the same; said persons presenting to the Treasurer evidence of such adjudication.

Treasurer to pay moneys, &c.

A. Passed November 9, 1826.

AN ACT to establish a new township in the county of Cape May, to be called the township of Dennis.

Sec. 1. 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 Upper Township, in the county of Cape May, which lies within the boundaries and descriptions following, to wit: beginning at the mouth of West Creek,

on Delaware Bay, the south corner of Cumberland county; thence, by the said county, to the intersection of the old county or Cape May road; thence, southeasterly, a direct course, to the head of Ludlam's creek, at the shore road; thence, down said creek, to its mouth; thence the course of the direct line, crossing Ludlam's sound and beach, to the Atlantic ocean; thence, by the same, southwesterly, to the middle of Townsend's Inlet; thence, by the Middle Township, to the Delaware Bay; and thence, up the same, to the place of beginning; shall be, and hereby is set off from the said Upper Township, in the county of Cape May, into a separate township, to be called and known by the name of the "Township of Dennis." *Provided*, That this act shall not take effect and be in force, until from and after the first day of March next.

Name of the
new township.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Dennis shall be, and hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Dennis, in the county of Cape May," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities as the inhabitants of the other townships in the said county of Cape May are or may be entitled or subject to by the existing laws of this state.

Incorporation
and privileges.

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

First meeting.

Sec. 4. *And be it enacted*, That the town committees of the Upper Township and the township of Dennis, shall meet on the Monday next after the annual town meetings in the said Upper Township and the township of Dennis, at the inn of Amos Corson, in said Upper Township, at ten o'clock in the forenoon, and shall there and then proceed, by writing signed by a majority of those present, to allot and divide between the said townships all property and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits, at the last assessment: and the inhabitants of the township of Dennis shall be liable to pay their just proportion of the debts, if any there should be; and if any of the persons comprising either of the town committees should neglect or refuse to meet, as aforesaid, those assembled may proceed to make the said division; and the decision of a majority of those present shall be final and conclusive.

Town com-
mittees, &c.

C. Passed November 9, 1826.

AN ACT authorizing Ferdinand S. Vanarsdalen, administrator, *de bonis non*, with the will, and codicil thereto annexed, of Cornelius Cornell, deceased, to sell and convey real estate.

Preamble.

WHEREAS it appears that Cornelius Cornell, late of the county of Middlesex, deceased, at the time of his death left a last will and testament, and codicil thereto, in writing—his last will and testament bearing date the tenth day of November, in the year of our Lord one thousand eight hundred and eight, and his codicil thereto, the fifteenth day of March, eighteen hundred and nine, which will, and codicil thereto, have been duly proved and recorded, did authorize and empower his executors, therein named, to sell and dispose of all his real estate, either at public or private sale, as they should see fit. *And whereas* it appears that the said Cornelius Cornell did appoint John D. Van Lieu, and Frederick Van Lieu, executors of his said last will and testament, and codicil thereto, who renounced and refused to take upon themselves the burthen and execution thereof, by which means there is no person remaining, who is authorized to execute the trusts in said will expressed and limited, viz: that of selling said land and disposing of the moneys arising from the sale thereof, agreeably to the directions of said will and codicil. *And whereas* letters of administration, *de bonis non*, with the will, and codicil thereto annexed, have been duly granted by the Surrogate of the county of Middlesex, to Ferdinand S. Vanarsdalen, of the township of North Brunswick, in the said county of Middlesex—THEREFORE,

Powers of the trustee.

Sec. 1. 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 Ferdinand S. Vanarsdalen, be, and he is hereby appointed a trustee, with full power, to sell and dispose of all or any land with the appurtenances belonging to the estate of the said Cornelius Cornell, deceased, for the best price that can be gotten for the same, and report such sale to the next subsequent Orphans' Court of the county of Middlesex, for their confirmation and allowance, and on said Court approving the same to make and execute a good and sufficient deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and to apply the moneys arising from such sale, after deducting his reasonable and necessary expenses, and a reasonable compensation for his services, to be allowed by the Orphans' Court of the said county of Middlesex, out of the same, in the manner expressed and limited in said will and codicil, and agreeably to the true intent and meaning thereof.

Sec. 2. *And be it enacted*, That before the said Ferdinand S. Vanarsdalen, shall enter upon the trust reposed in him by this

act, he shall enter into a bond with such securities, and in such amount, to the Governor of this state, as shall be approved of by the Surrogate of the said county of Middlesex, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the Secretary of state.

Bond, &c. to be given to the Governor.

Sec. 3. *And be it enacted*, That the said Ferdinand S. Vanarsdalen shall, within six months after the sale of said land shall be completed, make and exhibit, under oath, unto the Surrogate of the said county of Middlesex, a true statement of the amount of the said sale, to be, by him, recorded and filed in his office, agreeably to law; and that the said Ferdinand S. Vanarsdalen, shall be accountable for all moneys received by him by virtue of this act.

Make and exhibit a true statement to the Surrogate.

C. Passed November 17, 1826.

AN ACT to incorporate "The Convention of the Protestant Episcopal Church in the state of New-Jersey."

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the Rev. John Croes, Charles Wharton, John Croes, jr. George Y. Morehouse, Clarkson Dunn, Simon Wilmer, William L. Johnson, Matthew Mathews, Christian F. Cruse, and Benjamin Holmes, and Joseph Marsh, Robert Boggs, Zachariah Rossel, Christian Lazalere, George Haywood, Isaac Welsh, Joseph V. Clark, Charles C. Stratton, Enoch Aquis, Thomas Sinnickson, and Aaron Wright, and their associates, forming the Convention of the Protestant Episcopal Church in the state of New-Jersey, and their successors, duly appointed according to the constitution of the said church, shall be, and they are hereby made and constituted a corporation and body politic, in law and in fact, by the name and title of "The Convention of the Protestant Episcopal Church in the state of New-Jersey."

Style of the incorporation.

Sec. 2. *And be it enacted*, That the said corporation and their successors, by the name and title aforesaid, shall be able and capable, in law, to purchase, have, hold, take, use, and enjoy, in fee simple, or any life or other estate or estates, any lands, tenements, rents, liberties, privileges, franchises, or other hereditaments; and also any goods, chattels, moneys, legacies, donations, or other estate or property whatsoever, given or granted to the said convention, in any manner or way whatsoever: *Provided always*, that the income thereof shall not exceed the sum

Powers, &c.

Provided.

of five thousand dollars per annum. *And further*, that all the estate, real, personal, and mixed, now belonging to, or held by the said convention, shall be vested in, and held and managed by the said corporation and their successors; and that the said corporation and their successors shall and may give, grant, sell, and convey, demise, assign, release, or otherwise dispose of, all or any of their messuages, houses, lands, tenements, rents, possessions, and other hereditaments and real estate, and all goods, chattels, and personal estate, and other things aforesaid, as to the said corporation shall seem meet; and that the said corporation shall be able and capable, in law, to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in all courts, and all and every other matter and thing therein to do, in as full and effectual a manner as any other person or persons, body politic or corporate, in this state, in the like cases, can or may do; and that they shall have full power to demand and receive, and, if need be, to sue for and recover all debts, rents, and legacies which are now due, or may become due to the said convention; and to demand, have, and take all deeds, bonds, mortgages, notes, books, and other writings or things which belong to the said convention; and shall and may have and use a common seal, with such device or devices as they shall think proper, and the same to break, renew, or alter at pleasure.

Privileges, &c.

Sec. 3. *And be it enacted*, That it shall be lawful for the said corporation to appoint a treasurer, during their pleasure, who shall hold and manage the said funds, subject to the instruction and control of the said corporation, and who shall render an account of the same at every annual meeting of the said corporation, and oftener if required, and give security for the faithful discharge of his duties, if required to do so, and pay out moneys, under such regulations and orders as the said corporation may from time to time adopt: *Provided nevertheless*, and it is hereby enacted, that nothing in this act contained shall prevent the Legislature from altering, amending, or repealing the same, whenever, in their opinion, the public good requires it.

Treasurer, his duty, &c.

Proviso.

C. Passed November 20, 1826.

AN ACT to vest in the United States of America the jurisdiction over a certain piece of land in the county of Monmouth.

WHEREAS Jonathan Thompson, on behalf of the United States of America, hath, by his memorial, represented to the Council and General Assembly, that he has purchased for the said United States, the piece of land, hereafter mentioned,

Preamble.

of Nimrod Woodward, of the county of Monmouth, for the purpose of erecting two light houses, and a dwelling house, thereon, and hath requested that the jurisdiction of this state over the said piece of land, be ceded to the United States of America; which request seems reasonable and proper—THEREFORE,

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

That the jurisdiction of the state of New-Jersey in and over all that certain piece or parcel of land situate, lying and being on the southerly point of the Highlands of Neversink, in the county of Monmouth, and state of New-Jersey, beginning at a stump and running thence, south sixty-six degrees and forty-five-minutes east, three chains and forty-two links to a red cedar stump, thence, south ten degrees and forty-five minutes east, six chains and ninety-seven links to the division line between the lands now or late of Richard Hartshorn and the said Nimrod Woodward, thence, north along the said division line seventy-one degrees and fifteen minutes west, five chains and fifty links, thence, north six degrees and forty-five minutes east, passing over the centre of a very large stump, six chains and fifty-three links, to the place of beginning, be, and the same is hereby ceded to the United States of America, for and during such period of time only as the said property shall be used by the United States for the purposes expressed in this act: *Provided, nevertheless*, that such jurisdiction, so ceded to the said United States, shall not extend, nor be construed to extend so far as to prevent or impede the execution of any process of law, civil or criminal, under the authority of this state, except so far forth as any such process may affect the real or personal property of the United States of America, within the limits aforesaid.

Boundaries of
the land ceded.

Restriction,
&c.

Sec. 2. *And be it enacted*, That all the lands and tenements within the aforesaid boundaries shall, during the continuance of the jurisdiction, so ceded to the United States, as aforesaid, be, and remain exempted from all taxes, assessments, and other charges under and by virtue of any present or future law of this state.

Exempted
from taxes,
&c.

C. and A. Passed November 23, 1826.

AN ACT to authorize Samuel Richards to construct a break-water in the Bay of Delaware.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Samuel Richards, of Philadelphia, is hereby au-

thorized to sink, build, erect or construct, one or more piers, wharves, or break-water, in the Bay of Delaware, at any place adjacent to the shore above the Light House, in the lower township in Cape May county, and below the mouth of Pond Creek in said township, not more than six hundred feet in length: *Provided always*, that the same shall not be sunk or constructed more than twenty rods from the beach, or where the water is more than ten feet deep; at low water at an ordinary tide; and *provided also*, that he shall first obtain the license of the owner or owners of the land opposite to which the same may be so constructed.

Sec. 2. *And be it enacted*, That the sole and exclusive right, title, use, possession, enjoyment, and benefit of, in, and to, any such break-water, piers or wharves, so erected as aforesaid, within said bounds, be, and is hereby fully vested in the said Samuel Richards, his heirs and assigns.

A. Passed November 24, 1826.

AN ACT respecting the last Will and Testament of Samuel Bridge, deceased.

Preamble.

WHEREAS it is represented to the Legislature that Samuel Bridge, heretofore residing in this state, but now deceased, was seized and possessed in his life time of considerable real and personal property, within this state, that the said Samuel Bridge lately died in Great Britain, having first there made, executed and published, in due form of law, his last will and testament and several codicils thereto; that the said will and codicils have been duly proved in the proper office, and before the proper officer for that purpose, in that part of Great Britain in which the said Samuel Bridge died; that letters testamentary have been thereupon duly issued to some of the executors in the said will and codicils named, and who reside in that country; and that the said Samuel Bridge in and by his said will and codicils or one of them, appointed his brother Joel Bridge and his friend Daniel Oakey, of the city of New-York, merchant, executors thereof, and trustees of his property and estates in this country; but that the said will and codicils cannot be proved in this state in the manner required by the existing laws of this state, by reason of the original will and codicils thereto being in Great Britain, and because all the subscribing witnesses to the same reside in that country; and it being further represented that the said Joel Bridge has since also died—THEREFORE,

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

the same, That it shall and may be lawful for the Ordinary of this state, upon application made to him for that purpose by the said Daniel Oakey, to make an order, that cause be shewn before the said Ordinary at a certain time and place therein to be expressed, not less than one hundred and twenty days from the time of making such order, why a duly certified copy of the last will and testament and codicils thereto, of the said Samuel Bridge deceased, should not be filed and recorded in the Surrogate's office of the county of Essex, and letters testamentary thereupon be issued to the said Daniel Oakey; which order shall be advertised or published in such manner as the Ordinary shall direct.

Ordinary authorized to make order, &c.

Sec. 2. And be it enacted, That if the said Daniel Oakey at the time and place, so to be appointed by the Ordinary, or within a reasonable time thereafter, shall produce before him a copy of the last will and testament and of the codicils thereto of the said Samuel Bridge, and shall prove to the satisfaction of the Ordinary that the same is exemplified and attested to be a true copy thereof, in the manner in which copies of such instruments are usually exemplified in Great Britain, and shall also prove to the satisfaction of the Ordinary, that the said order has been duly advertised or published in the manner directed by the Ordinary; and if no sufficient cause shall appear, or be shewn by any person or persons to the contrary, it shall and may be lawful for the Ordinary to make an order, which shall be written on the back of such duly certified copy of the said will and testament and codicils thereto, authorizing and directing the Surrogate of the county of Essex, to record the said will and codicils, and to file the same according to law, and thereupon to grant letters testamentary to the said Daniel Oakey in due form of law, in the same manner, and which shall be of the same, and of no other force and effect, than such letters would be, if the said will and codicils had been proved by the subscribing witnesses thereto in the usual manner under the laws of this state; for all which services the same office fees shall be paid as in other cases of proving and recording wills.

Will and Codicils to be recorded and filed, &c.

Sec. 3. And be it enacted, That the record of such will and codicils, when the same shall have been recorded as aforesaid, and duly certified copies thereof shall be evidence in the same manner, and have the same force and effect, in all courts of law and equity, as such record and copies thereof would have if proved in the usual manner under the existing laws of this state.

A. Passed November 27, 1826.

AN ACT to authorize John Oothout, administrator of the goods and chattels, rights and credits of John Oothout, the elder, deceased, to convey and assure to Mary Lupp, during her life, with remainder in fee to Peter Lupp, a house and lot of land, in the city of New-Brunswick, and county of Somerset.

Preamble.

WJ EREAS it is fully testified to this Legislature, that John Oothout, the elder, being seized in his demesne as of fee, and being in the actual possession of all that certain messuage, tenement and lot of land which Robert Stockton, esq. late High Sheriff of the county of Somerset, sold and conveyed to Jacob R. Hardenbergh, by deed bearing date the third day of May, seventeen hundred and ninety-eight, situate, lying and being on the north side of French-street, in the city of New-Brunswick, said, formerly, to have been leased to Alexander Henry, deceased, being fifty feet front on said street, and extending one hundred and fifty feet on each side northwardly, bounded on the west by a lot formerly Derick Van Veghten's, and on the east side by a lot formerly William Oakes' including an alley in the rear of the said lot to where the fence formerly stood, being about forty feet, did on or about the eighth day of May, in the year of our Lord seventeen hundred and ninety-nine, agree to sell and convey the same premises, in fee simple, to Peter Lupp, the elder, of New-Brunswick, now deceased, for the sum of one thousand dollars; and the said Peter Lupp, the elder, paid to the said John Oothout, the elder, the sum of five hundred dollars, part of the said consideration money; and the said Peter Lupp, the elder, in pursuance of the said agreement, went into the actual possession of the said premises. *And whereas* the said John Oothout, the elder, after the making of the said agreement, departed this life, without having conveyed the said lot of land, and without having received the residue of the said purchase money; and John Oothout, the son of the said John Oothout, the elder, is administrator of all, and singular, the goods and chattels, rights and credits of the said John Oothout, the elder. *And whereas* the said Peter Lupp, the elder, on the twelfth day of May, in the year one thousand eight hundred and two, duly made and published his last will and testament, wherein, among other things, he did devise all the aforementioned lot of land and premises, together with all the rest and residue of his estate, real and personal, to the said Mary Lupp, his daughter-in-law, during her widowhood, with remainder in fee, to his grand children Samuel, Francis, Peter and Sarah Lupp, and the said Peter Lupp, the elder, afterwards departed this life, without having cancelled or revoked the said last will and testament; which said last will and testament was proved in due form of law, before the Surrogate of the county of Somerset; and the

said Samuel, Sarah and Francis Lupp, have also departed this life, intestate, and without issue. *And whereas* some of the persons to whom the said house and lot, so as aforesaid belonging to John Oothout, the elder, descended, are infants under the age of twenty-one years, and thus utterly incapable of conveying real estate. *And whereas* the said Mary Lupp, John Oothout, Peter Lupp, and Catalina Oothout, who is one of the heirs at law of the said John Oothout, the elder, have by their petition set forth the above facts, and duly verified the same, and have requested the Legislature to pass a law to enable and authorize John Oothout, administrator, as aforesaid, to carry into full effect the contract and agreement of his deceased father John Oothout, the elder, and to authorize the said John Oothout, administrator, as aforesaid, to grant, sell and convey the aforesaid lot of land and premises, to Mary Lupp, during her natural life, with remainder in fee, to the said Peter Lupp; and the prayer of the petitioners seems reasonable—
THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Oothout, administrator of the goods and chattels, rights and credits, of John Oothout, the elder, deceased, be, and he is hereby authorized to grant, convey and assure by deed, the aforesaid house and lot, to the said Mary Lupp, during her natural life, with remainder in fee simple, to the said Peter Lupp.

Administrator
authorized to
convey cer-
tain real es-
tate.

Sec. 2. *And be it enacted,* That the residue of the purchase money to be paid on the delivery of the deed aforesaid, shall be by the said John Oothout applied in a course of administration.

Sec. 3. *And be it enacted,* That the said John Oothout, before he enters upon the execution of the powers hereby created, shall give bond to the Governor of this state, in double the amount of the residue of the purchase money aforesaid, with sufficient surety to be judged of by the Surrogate of the county of Somerset, conditioned for the true and faithful performance of the several provisions of this act, which bond shall be deposited in the office of the Secretary of State by the Surrogate.

To give bond,
&c.

C. Passed November 29, 1826.

AN ACT to divorce Ann M. Griffith from her husband William R. Griffith.

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

the same, That Ann M. Griffith be, and she is hereby divorced from her husband William R. Griffith, and the marriage contract heretofore existing between the said William R. Griffith and Ann Maria, his wife be, and the same is hereby dissolved as fully as if they never had been joined in matrimony.

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

C. Passed November 29, 1826.

AN ACT authorizing John Uron, Philip Pew, and others, to embank a tract of Meadow 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 Raccoon Creek, in the township of Woolwich, in the county of Gloucester, beginning at Cold Sprout run, thence along said run to Raccoon Creek, at the upper end of George V. Batten's bank, thence up said creek the several courses to Blackwood's Old Cross bank, thence along the bank to the fast land, to be formed into a company, and known by the name of "The Union Meadow Company on Raccoon Creek."

Boundaries of the meadows, and style of the Company.

Sec. 2. *And be it enacted*, That a meeting of the owners in said company, shall be held on the first Wednesday of April, in each year; the first meeting to be held at the house now occupied by John Uron, and afterwards at such time and place as the said meeting shall direct, and then and there, by majority of votes, to choose one or more managers for the ensuing year, as they may think best and proper, each to be an owner or possessor of at least three acres of meadow within said company; that John Uron and Philip Pew, shall be managers until the annual meeting next after the passing of this act; and in case of any omission to choose a manager or managers at any annual meeting, the old manager or managers shall be continued until others are chosen; and in case of neglect to choose a manager or managers, or in case of the death, refusal, or imbecility of any person chosen, it shall be lawful for either of the managers, or any three of the owners, to call a meeting of said company by advertisements, to be set up at least ten days before the time of meeting

When to meet & choose managers.

Name of the present managers.

in three of the most public places in the said township of Woolwich, and when met, to choose a manager or managers, as the case may require, who shall be vested with all the powers, and subject to the same penalties, as if chosen at the annual meeting.

Sec. 3. *And be it enacted*, That the bank or banks of said meadow, shall be put up and maintained by said company, each owner or possessor paying his or her ratable proportion thereof, according to the quantity and quality of the meadow so owned or occupied by them; and in case any owner or possessor shall neglect or refuse to pay their ratable proportion of the expense of said bank, then and in such case the manager or managers for the time being, shall present his or their account to the said delinquent owner or possessor, forthwith, under oath or affirmation, and on the neglect or refusal of the said owner or possessor to discharge the same within the space of twenty days after notice, in writing, it shall and may be lawful for the said manager or managers to advertise the meadow of the said owner or possessor so refusing or neglecting to pay, in three of the most public places in the said township, for the space of twenty days, and to sell, at public vendue, and execute a lease for the said meadow, for so long a time and no longer, as will be sufficient to discharge all the expenses which may have thereon accrued, and the sale and lease so made shall be considered good and effectual in law.

On what conditions the banks to be kept up, &c.

Sec. 4. *And be it enacted*, That all sluices, dams and other necessary waterworks for the purpose of keeping out the tide, shall be constructed and erected at the common expense of the owners and possessors of said meadow; and any owner or possessor neglecting or refusing to pay their ratable proportion of the expense thereof, such delinquent shall be proceeded against as is directed in the third section of this act, respecting the embanking of said meadow; but all watercourses shall be kept open by the owner or possessor of the meadow through which the same may run, and on neglect or refusal of any owner or possessor to clear out and keep open the watercourses as aforesaid, after ten days notice thereof shall be given, in writing, to such defaulter by the manager or managers, then it shall and may be lawful for the manager or managers to cause the necessary work to be done, and to present his or their bill therefor, to said delinquent; and on refusal of payment by such delinquent, to advertise the meadow of the person or persons so refusing or neglecting to pay, and to sell the same as is directed in the third section of this act. *And whereas* a certain road now runs through the marsh, and will be necessary for the accommodation of the owners or possessors of said meadow, the owner or possessor thereof shall throw, or cause to be thrown, the mud or earth from out of the ditch or ditches adjoining and bounding said road, upon the same, for the better repair and maintaining thereof; and it shall be the duty of the owners and possessors, to cause their banks

Dams, sluices, &c. to be constructed and maintained at the common expense of the owners and possessors.

to be mown and cleared of all rubbish, twice in every year, once between the tenth day of June and the fourth day of July, and once between the first day of September and the first day of October; and if neglected ten days after either of the times above specified, the managers, or either of them, are required to enter upon the banks, and cause the work to be done; and they are authorized to recover the amount of the expenses which may accrue, as directed in the third section of this act.

On what event an umpire to be chosen to settle disputes, &c.

Sec. 5. *And be it enacted*, That in case it should be necessary to remove the bank of any part of the meadow in said company, from the place where it formerly stood, and the owner of such part of the meadow cannot agree with the managers where a new one shall be erected, then it shall and may be lawful, that such owners shall choose one disinterested person, and the managers another, to determine where such bank shall be erected; and if they two so chosen, cannot agree, then such persons chosen, shall choose a third person, and the place agreed upon by the three persons so chosen, or any two of them, shall be the place for erecting such new bank upon; and that if it should appear necessary to open the sluice or sluices of said company, for the purpose of watering the meadow at any time, the managers shall give at least three days notice thereof to the owners and possessors of said meadow, by written notices forwarded to them, or by advertisement, as the case may require, who shall meet and determine the same; but in no case shall both owner and possessor of the same piece of land be permitted to vote.

When & how the meadows may be overflowed, &c.

Sec. 6. *And be it enacted*, That for the purpose of improving said meadows, if any owners or possessors of said meadow may have a desire to improve his meadow by letting in the tide, he may do so, provided he cuts the bank any time between the first and twentieth days of December, yearly, and every year, by consent of a majority of the owners and possessors of said meadow: *and provided also*, that the said owner or possessor stops the same places where he cuts, on or before the twentieth day of March, next ensuing after cutting said bank; and if any owner or possessor shall neglect to stop and repair said bank so cut, it shall be the duty of the said manager or managers to enter on the same, and stop the places so cut, and repair the same, without giving notice to the owner or possessor, and the owners of said bank shall be at all the expense of stopping said places so cut, to be recovered as is directed by the third section of this act.

Neglect of duty of a manager how to be punished, &c.

Sec. 7. *And it be enacted*, That if any person duly appointed a manager as aforesaid, and having accepted the appointment, shall neglect or refuse to perform any of the duties required of him by this act, he shall for every refusal, forfeit the sum of five dollars, to be recovered by action of debt by any owner or possessor, who may sue for the same, with costs of suit; and the fine so recovered, shall be paid to the succeeding manager or

managers, for the use of the company : *Provided*, that no manager shall be liable to be fined until after ten days notice, in writing from an owner or possessor, of the case requiring his attention.

Sec. 8. *And be it enacted*, That it shall be lawful for the managers to make assessments, and receive such sums of money as may be found necessary for the use of the said company, by tax upon all the meadow and marsh, which may be improved in said company, and shall produce the duplicate containing said assessment to the annual meeting, and at the same time render a true account of all moneys by them received and expended for the use of the company, for settlement, and shall pay the balance, if any be found in his or their hands, to the succeeding managers, who are authorized on failure of payment, to sue for and recover the same by action of debt, in any court having cognizance thereof, with costs of suit ; and the managers shall provide a book, in which shall be entered the proceedings of the annual and other meetings.

Managers empowered to assess, tax & collect the same money for the improvement of said meadows, &c.

Sec. 9. *And be it enacted*, That all the meadow and marsh, within the said company, shall be held liable for the money which may be assessed thereon for the use of said company ; and all the meadow and marsh of any individual, shall be held liable for the payment of any money which may be expended by the managers on the banks or watercourses belonging thereto, agreeably to the directions of this act, any sale or alienation thereof notwithstanding ; and the managers shall be entitled to receive ten per cent. upon all sums assessed and collected for the use of said company, and the same commissions upon all sums by them expended for the use of individuals, pursuant to the directions of this act.

The meadows liable, &c. for the payment of taxes.

Sec. 10. *And be it enacted*, That all line or division ditches between owners, shall be considered as watercourses, and being nine feet wide at the top, and four and a half feet wide at bottom, and three feet deep lying upon a mud or miry bottom, shall be taken and esteemed to be lawful fences within the said company, and for all trespasses done over or through them, damage shall be recoverable, as if done over any lawful fence.

Dimensions, &c. of line ditches to be considered lawful fences.

Sec. 11. *And be it enacted*, That the act entitled "An act to enable the owners and possessors of a certain tract or body of meadow, lying on the east side of Raccoon Creek, in the township of Woolwich, and county of Gloucester, to keep up and maintain the dams, tide bank, and other watercourses necessary to prevent the tide from overflowing the same, and to keep the watercourses and drains open and clean," passed the twenty-eighth day of February, one thousand eight hundred and one, be, and the same is hereby repealed.

Former act repealed.

C. Passed November 30, 1826.

AN ACT to divorce Matilda Cole from her husband William Cole.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Matilda Cole, of the township of Nottingham, in the county of Burlington, be, and she is hereby divorced from her husband William Cole, of the same place; and that the marriage contract heretofore existing between the said William Cole and Matilda his wife, be, and the same is hereby dissolved.

C. Passed November 30, 1826.

AN ACT to authorize Elizabeth Bellis, William M. Bellis, and Ralph M. Bellis, administrators of Matthias Bellis, deceased, to convey certain real estate to William W. Bellis.

Preamble.

WHEREAS it hath been represented to the legislature, and it appears that Matthias Bellis, in his life time, entered into a parol contract, to sell to William W. Bellis, the one equal and undivided fifth part of a certain plantation, whereof William Bellis, senior, died seized, situate in the township of Amwell, in the county of Hunterdon, adjoining and bounded by lands of Abraham Gulick, Peter S. Rockefeller, and others; containing about one hundred and thirty-one acres, be the same more or less; for the consideration of forty dollars per acre, in three payments; in pursuance of which, the said William W. Bellis, entered into possession of said premises, and the said Matthias Bellis afterwards departed this life, without having executed a title for the same, leaving several children and heirs at law, some of whom are minors—THEREFORE,

Administrators authorized to convey 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 Elizabeth Bellis, William M. Bellis, and Ralph M. Bellis, administrators of the said Matthias Bellis, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said William W. Bellis, a good and sufficient deed of conveyance of the said bargained premises, to him, the said William W. Bellis, his heirs and assigns in fee simple; upon his paying or securing to them, the said consideration money or the residue thereof, according to the terms of the said contract; and that such deed of conveyance, duly executed and acknowledged by them, or proved and recorded as the law directs, shall be valid and effectual to convey to the said William

W. Bellis, his heirs and assigns, all the estate and interest in the said bargained premises, which the said Matthias Bellis was seized of, or entitled unto, at the time of his death: *Provided however*, that the said deed of conveyance, shall not in any wise affect any legal claim or demand, if any such there be, of any person or persons whatsoever, other than the said Matthias Bellis, deceased, and his heirs, and all persons claiming under him or them.

Sec. 2. *And be it enacted*, That before the said Elizabeth Bellis, William M. Bellis, and Ralph M. Bellis, administrators as aforesaid, do enter upon the trust assigned to them by this act, they shall enter into bond to the Governor of this state, with sureties, and in such amount as shall be approved of by the Orphans' Court, of the county of Hunterdon, conditioned for the true performance of the trust assigned to them by this act, which bond shall be deposited in the office of the Secretary of state, by the Surrogate of the county of Hunterdon.

To give bond,
&c.

C. Passed December 1, 1826.

A SUPPLEMENT to the act entitled "An act to incorporate the Newark Mutual Fire Assurance Company," passed the fourth day of November, in the year of our Lord one thousand eight hundred and eleven.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act to which this is a supplement, and all the provisions thereof, except so far as the same shall be modified, altered or repealed by this act, shall be and the same is and are hereby extended and continued in force for and during the term of twenty years from and after the passing of this act.

Sec. 2. *And be it enacted* That every person who shall be a member of the said company, on the first day of January, in the year of our Lord one thousand eight hundred and twenty-seven, and shall hold in his or her name any unexpired or renewed and subsisting policy of insurance which shall have been issued by the said company, or which shall have been unconditionally assigned to him or her with the consent and according to the rules and practice of said company, shall on the said first day of January, be entitled to receive from the board of directors of the said company, for the time being, a certificate signed by the president and secretary of the said company, expressing the amount of money that shall have been paid to the said company for premium, or premiums, on such unexpired or renewed policy,

including interest at the rate of six per cent. per annum, for the same from the time, such premium money was paid : *Provided*, that the policy on which such certificate shall be claimed shall have subsisted for at least five years next preceding the said first day of January : *Provided also*, that in case any member of the said company shall have died, who, if he or she had been living would have been entitled to any such certificate under this act, his or her executors or administrators shall be entitled to and receive the same as such executor or administrator.

Sec. 3. *And be it enacted*, That on the first day of January in the year of our Lord one thousand eight hundred and twenty-eight, and on the first day of January in each and every year thereafter, during the continuance of this law, all such persons as shall be members of the said company and shall hold any unexpired or renewed policy of insurance, which shall have been issued by the said company, or which shall have been assigned to him or her unconditionally, shall be entitled to receive a like certificate as aforesaid, expressing the amount of money that shall have been paid to the said company for premium, or premiums, on such unexpired or renewed policy, but without any interest being added thereto : *Provided* such policy shall have been a subsisting policy for at least five years next preceding such first day of January

Sec. 4. *And be it enacted*, That application for such certificates, by persons entitled thereto, shall be made to said board of directors, or to the president or secretary thereof, at the office of the said company, within twelve months after the day on which such person or persons shall become entitled to receive such certificate, or in default of such application the same shall be deemed and taken to have been relinquished to the company ; but all such certificates whenever issued shall bear date on the first or second day of the month of January of the year in which they may be issued ; and all such certificates shall be deemed and taken to be personal property, and shall be transferable on the books of the company, in such a manner and under such regulations, as the board of directors may from time to time order and appoint : *Provided always*, that no certificates shall be issued for any sum under five dollars, nor for any fractional part less than five dollars of any other sum, which if divided, by five would leave a fractional part of five dollars ; but the person claiming such certificate may if he elects so to do, pay to the said company, so much money as with such fractional part will be equal to five dollars, and thereupon receive a certificate for the same, otherwise such fractional part shall be deemed and taken to belong to the said company, and constitute a part of their funds.

Sec. 5. *And be it enacted*, That each of the certificates to be so granted and issued as aforesaid, shall be considered as representing so much of the capital stock or funds of the said company ; and the owner or owners thereof shall be entitled to re-

ceive interest or dividends on the same as is hereinafter provided for: *Provided always*, that no owner or owners of such certificates shall be entitled to vote at any election for officers of the said company, or be eligible to the office of a director, unless he or they shall at the time of such election, be also a member of the said company by having a subsisting policy of assurance in the said company, taken out in his own name, and having signed the articles of association.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the directors of the said company, for the time being, annually or oftener, as they may see proper, to declare and cause to be paid to the holders of such certificates as aforesaid, dividends out of the interest money arising on the funds of the said company: *Provided always*, that such dividends shall not exceed the rate of four per centum per annum, on the amount for which certificates shall have been issued, until the capital fund belonging to the said company shall be equal to fifty thousand dollars, nor any dividends thereafter at any greater rate than lawful interest on the amount for which certificates shall have been issued, nor shall any dividend ever be made that shall impair the premium or deposit money.

Sec. 7. *And be it enacted*, That the said company may loan or put out their moneys or any part thereof, at interest on bonds and mortgages of real estate, or may invest the same or any part thereof, in government or other stock, and may from time to time call in such moneys or change such investments: *Provided always*, that nothing herein contained shall be so construed as to authorize the said company to carry on banking operations, or to issue bonds, notes, bills, or other securities for money, unless it be for debts actually due and owing by the said company, and arising out of their lawful and appropriate business, as a fire assurance company.

Sec. 8. *And be it enacted*, That it shall and may be lawful for the board of directors, for the time being, to allow and pay to the president, secretary, treasurer and other officers of the said company, such reasonable compensation for their services, respectively, as the directors shall deem proper.

Sec. 9. *And be it enacted*, That the present president and directors of the said company, shall continue in office until others are elected in the manner hereinafter prescribed.

Sec. 10. *And be it enacted*, That on the first Monday in January next, after the passing of this act, and on the first Monday in the month of January in each and every year thereafter, at the office of the said company, or at some other public and convenient place, in the town of Newark, in the county of Essex, and at such hour or hours of the day as the board of directors for the time being shall appoint, and of which notice shall be given as is directed in the act to which this a supplement, an

election shall be held for the choice of thirteen directors, by ballot, who, when elected, shall continue in office for one year and until others are elected in their stead: *Provided always*, that if the place of any director or directors shall become vacant during the year for which he or they shall have been elected, by death, resignation, removal out of the state, ceasing to be a member of the said company, accepting any office in or under any other fire assurance, or insurance company, or by neglecting for the space of six months to attend the meetings of the board of directors and to perform the duties of a director, that then such vacancy or vacancies shall be filled up by the board of directors at any regular meeting thereof, and the persons so appointed to supply such vacancy or vacancies, shall continue in office until others are elected in their stead agreeably, to the provisions of this act, and that to which this is a supplement: *Provided*, that if it shall so happen, that no election shall take place on the day above specified, then an election shall be held on such other day, within thirty days thereafter, as the board of directors shall appoint, and give notice of in the manner directed by the act to which this is a supplement.

Sec. 11. *And be it enacted*, That for the well ordering and conducting of every annual election of directors, it shall be the duty of the board, for the time being, previous to each election, to fix the place of holding the same, and the hour of the day when the poll shall be opened, and when the same shall be closed, and also to appoint at least three discreet persons to be inspectors of such election, and to count the votes that may be given in, and to declare the result of such election; and it shall be the duty of such inspectors, or a majority of them, to make and sign a certificate of the result of such election, stating who are elected by the greatest number of votes, and deliver such certificate to the secretary of the company, for the time being, which certificate shall be filed and recorded by the secretary, and be conclusive evidence of the result of such election, until set aside by some court having competent authority to do so.

Sec. 12. *And be it enacted*, That so much of the act to which this is a supplement, as limits the duration of the said company to the term of twenty years; and so much thereof, as requires one sixth part of the directors to go out of office annually, and all such other parts of the said act as are inconsistent with the provisions of this supplement, be, and the same is and are hereby repealed: *Provided always*, that the legislature shall have a right to alter or amend this act, or that to which this is a supplement, or in case of an abuse or misuse of the power and privileges thereby or hereby conferred on the said company, to repeal the same entirely.

C. Passed December 1, 1826.

AN ACT to revive and extend certain provisions of an act entitled "An act for the settlement of territorial limits and jurisdiction between the states of New-Jersey and New-York," passed December tenth, one thousand eight hundred and twenty-four.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the first and second sections of an act entitled "An act for the settlement of territorial limits and jurisdiction between the states of New-Jersey and New-York," passed December the tenth, one thousand eight hundred and twenty-four, be, and they are hereby revived and continued in force until the first day of November.

C. Passed December 1, 1826.

A SUPPLEMENT to an act entitled "An act to enable the owners and possessors of meadows and tide marsh, lying on Assiscunck Creek, within the limits of the city of Burlington, to erect and maintain a dam and other waterworks across the 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 twenty-second, one thousand seven hundred and eighty-two.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That those persons, who at the time of the passing of this act are owners and possessors of meadows and tide marsh, lying on Assiscunck creek, within the limits of the city of Burlington, and who are the persons, or the successors, heirs, or assigns, of the persons, to whom certain privileges, immunities, and franchises were granted by the act to which this is a supplement, shall be, and they and their successors, heirs and assigns, are hereby made and declared to be a body politic and corporate, by the name of "The Barriek Bank Company," and that all the goods, chattels, moneys, rights, credits, contracts, covenants, agreements, choses in actions, and all other property, real, personal, or mixed, and all demands whatsoever, now belonging to, or due and payable to, or held in trust for the said owners and possessors, by the name of "The Barriek Bank Company,"

Name of the
incorporation.

or any other name, shall be, and the same are hereby respectively transferred to, and vested in the said corporation, and the said corporation shall be, and they hereby are made liable to the payment of all moneys due, or to become due thereupon, from the said owners and possessors and to the performance of all contracts and agreements entered into, or made by them, as fully and amply, to all intents and purposes, as if made by the said corporation; and that the said "The Barrick Bank Company" shall be able to have, hold, demand, sue for, recover, receive, possess, enjoy and retain, all and singular the said goods, chattels, moneys, rights, credits, contracts, covenants, agreements, choses in action, and all other property, real, personal, or mixed, and other demands whatsoever, given, made, secured or entered into, to the said owners and possessors, by the name of "The Barrick Bank Company," or any other name, in as full and ample manner, as if the said name had been given to them by the act to which this is a supplement.

C. Passed December 2, 1826.

AN ACT authorizing George W. Smith, administrator of all and singular the goods and chattels, rights and credits, which were of John Stilwell, deceased, with the last will and testament of the said John Stilwell, annexed, to sell and convey real estate.

Preamble.

WHEREAS the said John Stilwell, late of the township of Amwell, in the county of Hunterdon, by his last will and testament, executed in due form of law to pass real estate, and duly proved and recorded, bearing date the tenth day of August, in the year of our Lord one thousand eight hundred and twenty-five, did order his executors to sell his farm, on which he formerly, and Samuel Vancleve then lived, as soon as convenient after his decease; and also his Rockwood lot after the death of his wife, and dispose of the proceeds as therein directed, and thereof appointed John Laquear, Joab T. Mershon, and Jonathan Hunt, executors: *And whereas* the said John Laquear, Joab T. Mershon, and Jonathan Hunt, renounced the said executorship in due form of law, and afterwards, to wit: on the seventh day of September, in the year aforesaid, administration of all and singular the goods and chattels, rights and credits, which were of the said John Stilwell, deceased, with the last will and testament of the said John Stilwell, annexed, was granted in due form of law to George W. Smith, whereby the trusts created by the said will cannot be carried into effect, in consequence of no one hav-

ing a legal capacity to execute the power or authority to sell, contained in the said will: *And whereas*, the *ces tui que* trusts named in the said will, have by their petition, prayed, that the said administrator may be authorized to sell said lands, to carry into effect the said last will and testament—**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 George W. Smith, administrator of all and singular the goods and chattels, rights and credits, which were of John Stilwell, deceased, with the last will and testament of the said John Stilwell, annexed, be, and he hereby is authorized and empowered to sell and dispose of the lands and tenements, with the appurtenances of the said John Stilwell, deceased, ordered to be sold in and by his last will and testament, and to make conveyance or conveyances of the same, to any purchaser or purchasers, in as full and ample manner, to all intents and purposes, as if he, the said George W. Smith had been originally named and appointed the sole executor in the said last will and testament of the said John Stilwell, and that he be invested with all the powers and authorities given in and by the said will to the executors therein named, and subject to the same duties and obligations, and liable to the same responsibilities, as if he had been nominated and appointed executor therein, and letters testamentary had been thereupon granted to him; and that he pay and apply the moneys arising from the sale of the said real estate, in the manner limited and expressed in the said last will and testament, and agreeably to the true interest and meaning thereof: *Provided*, that before the said George W. Smith shall enter upon the trust reposed in him by this act, he shall enter into bond to the Governor of this state, in such sum, and with such sureties as shall be approved of by the Surrogate of the county of Hunterdon, conditioned for the true and faithful performance of the trusts reposed in him by this act, and created by the said last will and testament of the said John Stilwell, and deposit the same in the office of the Secretary of state.

Administrators authorized to sell and convey real estate.

C. Passed December 5, 1826.

AN ACT to confirm an acknowledgment of a certain deed therein mentioned.

WHEREAS it appears that Joseph Moore and Mary his wife, were, in their life time, seized in fee simple, each, in their own respective right, of sundry tracts and parcels of land, situated, part thereof in the county of Burlington, and part in the

Preamble.

county of Gloucester, and being so thereof seized, were desirous that the same, after the death of the survivor of them, should vest in their children and heirs, in certain proportions and divisions; whereupon, they, the said Joseph and Mary Moore, in order to make such distribution and division of their said real estate as they desired, did, by deed, duly executed, bearing date the fourth day of August, A. D. one thousand eight hundred and twenty-one, grant and convey all their said real estate, to John Evans, jun. under a special trust and confidence, that he, the said John Evans, jun. would after the death of the survivor of them, the said Joseph and Mary Moore, convey the said premises, so as aforesaid conveyed to him, to their children and heirs, according to the proportions and divisions in said deed of trust set forth and directed; and *whereas* the said Joseph and Mary Moore, have since departed this life, (the said Mary in a few days after the execution of the said deed) without making the necessary acknowledgment of the execution of the said deed, before any officer authorized by law to take and certify such acknowledgment, other than the said John Evans, jun. who is a party to the said deed; and *whereas* the said John Evans, jun. by reason of there being no other person present at the execution of the said deed, legally authorized to take and certify such acknowledgment of the same, by the said Joseph and Mary Moore, although a party to the said deed, but not immediately interested therein, hath certified the said acknowledgment to have been made according to the act of assembly in such case made and provided, whereby the legal force and effect of the said deed hath become matter of doubt and uncertainty, by reason of the acknowledgment thereof being taken and certified in manner aforesaid; and *whereas* all the children of the said Joseph and Mary Moore, that are now living, together with Samuel Burrough and Charles French, who were the husbands of Priscilla Burrough and Hannah French, two of the daughters of the said Joseph and Mary Moore, now deceased, leaving sundry minor children interested in the said real estate, and the fathers of the said minor children have applied to this legislature to confirm and make valid and effectual in law and equity the said deed, with all the provisions therein contained; all which appearing to this legislature to be true—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 acknowledgment made by the said Joseph and Mary Moore, at the time of the execution of the said deed before the said John Evans, jun. a commissioner duly appointed and authorized to take the acknowledgment and proof of deeds, as by him certified on the said deed, be, and the same is hereby

Confirmation
of a deed, &c.

confirmed and made valid and effectual in law and equity, as fully, to all intents and purposes, as if the said John Evans, jun. had not been a party to the said deed.

C. Passed December 6, 1826.

A FURTHER SUPPLEMENT to an act, entitled "An act to incorporate a company to erect a Turnpike from Bordentown to South Amboy," passed February the sixteenth, one thousand eight hundred and sixteen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the directors of the said company shall cause good and sufficient bridges, where necessary, on the line of said road, to be constructed not less than fourteen feet in breadth. Bridges how to be constructed.

Sec. 2. *And be it enacted,* That so much of the fifth section of the act to which this is a supplement, as requires the bridges on the line of the said road, to be constructed not less than twenty-two feet in breadth, be, and the same is hereby repealed. Part of a certain section repealed.

Sec. 3. *And be it enacted,* That the act entitled a further supplement to the act entitled "An act to incorporate a company to erect a turnpike from Bordentown to South Amboy," passed the twenty-ninth day of January, one thousand eight hundred and nineteen, be, and the same is hereby repealed. Act repealed.

C. Passed December 8, 1826.

AN ACT to divorce Elizabeth C. Furman from her husband Howard Furman.

Sec. 1. 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 C. Furman, be, and she is hereby divorced from her husband Howard Furman, and that the marriage contract heretofore existing between the said Howard Furman and Elizabeth C. his wife, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

C. Passed December 8, 1826.

AN ACT to appoint commissioners to sell and convey real estate, for purposes therein expressed.

Preamble.

WHEREAS Ephraim G. McKay, deceased, in his life time, John T. Duychinck, George H. Stout, and James Ryno, purchased of John H. Linn and wife, certain premises, which were conveyed to the said Ephraim G. McKay, and his heirs, in fee simple, by deed bearing date the twenty-ninth of December, one thousand eight hundred and twenty-five, and are described therein in words or in substance as follows, viz :— all those two lots of land situate, lying and being, in the city of New-Brunswick, county of Middlesex, and state of New-Jersey, described in a deed from Abraham Schuyler, Sheriff, to Lewis Dunham, bearing date January twenty-fourth, one thousand seven hundred and eighty-five, beginning on the north side of Prince-street, on the southwesterly corner of the lot sold to Abraham Bennett, thence running along side Prince-street south eighty-three degrees, west seven chains and fifty links, thence north seven degrees, west four chains and three links along the line of a lot sold to Azariah Dunham, thence north eighty-three degrees, east seven chains and fifty links along the line of James Parker's lot, thence south seven degrees, east four chains and three links along said Bennett's line to the place of beginning, containing three acres, more or less. The said Ephraim G. McKay, in his life time, John T. Duychinck, George H. Stout, and James Ryno, also purchased of Lewis Dunham and Catharine his wife, which was conveyed by deed in February, one thousand eight hundred and twenty-six, to the said Ephraim G. McKay and his heirs, in fee simple, and are described therein, in words or in substance as follows, viz : the first lot situate on the south side of Prince-street, beginning at the northwesterly corner of the lot formerly sold to James Parker, thence running south seven degrees, east three chains and fifty links along said Parker's line, thence south eighty-three degrees, west four chains and sixty-three links along the line of Henry Guest, thence north seven degrees, west along Moses Scott's line three chains and fifty links, thence north eighty-three degrees, east along Prince-street four chains and sixty-three links, to the place of beginning, containing one acre and sixty-two hundredths of an acre ; also all those four lots situate on the south side of Prince-street aforesaid, beginning at the intersections of George and Prince streets, and from thence running along said Prince-street south eighty-three degrees, west six chains and eighty-six links to the above described lot, thence along the same lot south seven degrees, east three chains and fifty links to Levimus Clarkson's line, thence along said Clarkson's line north eighty-three degrees, east four chains and fifty links to Minne Voorhees' line, thence along said Voorhees' line north seven

degrees, west one chain and thirty-two links, thence north seven degrees, east two chains and thirty-six links to said George-street, thence along said George-street north seven degrees, west two chains and eighteen links to the place of beginning : bounded northerly on said Prince-street, westwardly on the first described lot, southwardly on Levimus Clarkson's lot, and easterly on George-street : *And whereas*, the said premises were purchased as aforesaid, for the purpose of being resold in smaller parcels in a short period, and for convenience in making out the title deeds and conveyances to purchasers, the conveyances from the said Linn and wife, and from the said Dunham and wife, by previous arrangements between the parties in interest, were made to the said Ephraim G. McKay ; *and whereas*, afterwards by an indenture quartipartite between the said Ephraim G. McKay, John T. Duychinck, James Ryno, and George H. Stout, bearing date the twenty-first of February, one thousand eight hundred and twenty-six, in which the said premises are recited and set forth, it was declared by the said Ephraim G. McKay, and agreed by and between him and the other parties thereto, that he, the said Ephraim G. McKay, held, and would continue to hold the said conveyances to him the said premises therein described, with the appurtenances, to himself and his heirs in trust, for the equal and mutual use and benefit of them, the said Ephraim G. McKay, John T. Duychinck, James Ryno, and George H. Stout, and their heirs for ever, as tenants in common, each having an equal undivided fourth part thereof in fee simple, as by the said indenture, reference being thereunto had, will fully appear : Afterwards the said Ephraim G. McKay, John T. Duychinck, and George H. Stout, agreed with the said James Ryno, in consideration of his right and interest in the residue of said premises to be transferred to them, to pay him the sum of fifty dollars, and to convey to him, in fee simple, absolute in severalty, a lot of land, parcel of said premises, forty-six feet eight inches front on George-street, and the same width in the rear, and one hundred and fifty feet deep, which was accordingly conveyed to him, and the said money paid to him ; and thereupon the said James Ryno, by a deed under his hand and seal, duly executed by him, bearing date the ninth of May, one thousand eight hundred and twenty-six, in consideration of the said conveyance, and of the said sum of fifty dollars, did bargain and sell, release and convey, unto the said Ephraim G. McKay, John T. Duychinck, and George H. Stout, and their heirs, all his right, title and interest in and to all and singular the residue of the said premises, and every part thereof : *Whereas* a mortgage given to William Richmond, by a former owner of a part of the premises, was a lien on such part of the said premises, and subsequent to the settlement as aforesaid, with the said James Ryno, the same has been paid off and satisfied ; and the said Ephraim G. McKay, in his life, and John

T. Duychinck, and George H. Stout, had before his death, paid up and satisfied their full proportion, viz: each one third part of the purchase money of the said premises, and were each entitled in equity to an equal undivided third part thereof, in fee simple; *and whereas* some time in the latter part of June last, the said Ephraim G. McKay, and the said John T. Duychinck, and George H. Stout, entered into an agreement with the board of chosen freeholders of the county of Middlesex, to sell to them in fee simple, for the consideration of sixteen hundred dollars, to be paid on or before the tenth of May, which will be in the year of our Lord one thousand eight hundred and twenty-eight, a part of the above mentioned premises, viz: the lots of land first above described, and purchased of John H. Linn, and wife, as before stated: The said Ephraim G. McKay, was about the first day of July last, taken sick and confined to his bed, where he languished till the twenty-fourth day of July, when he departed this life, intestate, leaving Elizabeth McKay, his widow, and George McKay, his only child, and heir at law, and leaving personal estate, more than sufficient to pay off and satisfy all his debts: Shortly after the death of the said Ephraim G. McKay, letters of administration were granted in due form by the Surrogate of the county of Middlesex, to the said Elizabeth McKay, and Richard B. Duychinck, whereby they become administrators of all and singular the goods and chattels, rights and credits, which were of the said Ephraim G. McKay, deceased. Letters of guardianship have also issued in due form, by order of the Orphans' Court of said county of Middlesex, unto the said George H. Stout, whereby he become the guardian of the said George McKay, who is a minor, of the age of five years, or thereabouts; *and whereas* the said John T. Duychinck, George H. Stout, on his own behalf, and as guardian for the said George McKay, Elizabeth McKay, and Richard B. Duychinck: the administrators, &c. of the said Ephraim G. McKay, deceased, have, by their petition to the honorable the Legislature of this state, set forth, among other things, the above recited premises, and that in consequence of the death of the said Ephraim G. McKay, and the minority of his heir, and his consequent inability to act in the premises, the parties interested are prevented from completing the said sale to the chosen freeholders of the county of Middlesex, and from selling the remainder of said premises as originally contemplated, and therefore the said petitioners have prayed that an act be passed, vesting all and singular the above described premises, excepting the said lot transferred and released as aforesaid to the said James Ryno, and all the right, title and interest of the petitioners, and of the said George McKay, in three commissioners, the survivors and survivor of them in fee simple, to be disposed of for the benefit of the parties interested, and praying further aid in the premises; and it appearing reason-

able and just that the prayer of the petitioners be granted—
THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all and singular the right, title, interest, property, claim and demand whatsoever, of, in, and to the above described premises, (excepting the lot so as aforesaid transferred and released to James Ryno,) as described in the said indenture, *quarta partite*, and which were vested in the said Ephraim G. McKay, in his life time, at law, and in the said Ephraim G. McKay, John T. Duychinck, and George H. Stout, in equity, shall be, and hereby is vested in, and given to Nicholas Boeram, Peter P. Runyan, and William Schenck, the survivors and survivor of them, and their and his heirs and assigns for ever, in fee simple, and the same shall hereafter be considered, taken and admitted in all courts of law and equity, to be vested in them, the said Nicholas Boeram, Peter P. Runyan, and William Schenck, and the survivors and survivor of them, in fee simple, as aforesaid, any law, usage, or custom, to the contrary notwithstanding, subject nevertheless, to the conditions, trust, and directions hereinafter mentioned and directed.

Name of commissioners,
&c.

Sec. 2. *And be it enacted,* That the said Nicholas Boeram, Peter P. Runyan, and William Schenck, the survivors and survivor of them, and their heirs, shall sell and convey unto the chosen freeholders of the county of Middlesex, in fee simple, the premises so as aforesaid agreed to be sold to them, upon their complying with the said agreement.

Authorized to convey certain bargained premises to the chosen freeholders of Middlesex,

Sec. 3. *And be it enacted,* That the said commissioners, the survivors or survivor of them, and their heirs, shall sell and convey the residue of the said premises vested in them as aforesaid, and in case of failure on the part of the chosen freeholders of the county of Middlesex, to comply with their said agreement, shall sell and convey the premises so aforesaid agreed to be conveyed to them, in fee simple, either at public or at private sale, together or in parcels, for cash or upon credit, as in their discretion they may think most advisable, and for the best interest of the parties concerned; and in case of a sale or sales upon credit, they shall take good and sufficient security for the purchase money.

or otherwise, as the case may be.

Sec. 4. *And be it enacted,* That the purchase money and proceeds of such sale or sales, so to be made by the commissioners as aforesaid, and the purchase money and proceeds of the sale to the chosen freeholders of the county of Middlesex aforesaid, shall when received by said commissioners, after deducting reasonable commissions; costs and expenses, be disposed of as follows, viz: one third part thereof shall be immediately paid over to the said John T. Duychinck, or his lawful representatives, one other third part thereof shall be immediately paid over to the

How to dispose of the amount of sales &c.

said George H. Stout, or his lawful representatives; and in respect to the remaining third part thereof, two third parts thereof shall be paid over to the lawful guardian of the said George McKay, for the time being, and the remaining third part thereof shall be put out at interest, upon good and sufficient real security, the interest to be reserved and payable semi-annually; and the said interest shall be by the said commissioners collected and received, and immediately paid over to the said Elizabeth McKay, during her life time; and upon her death, the said principal sum shall be paid over to the said George McKay, or if under age, to his lawful guardian, for the use and benefit of the said George McKay: *Provided always*, that nothing in this act contained, shall be construed to affect or otherwise invalidate the right, title, or claim, of any other person or persons whatever, holding or claiming under any other person or persons whatever, excepting the said petitioners, and the said Ephraim G. McKay, deceased.

Proviso

C. Passed December 8, 1826.

A SUPPLEMENT to an act entitled "An act to incorporate the President, Directors and Company of the Farmers' Bank of New-Jersey," passed January twenty-sixth, one thousand eight hundred and fifteen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the directors of the Farmers' Bank of New-Jersey, shall yearly and every year hereafter, on the day of the general election of said directors proceed to choose, by ballot, one of their number as president, who shall be an inhabitant of the county of Burlington; and that so much of the second article of the fifth section of the charter of the said bank, as relates to the appointment of a president, be, and the same is hereby repealed: *Provided*, that this act shall be of no force or effect, unless the same be agreed to by a majority of the stockholders of the said bank at their next general meeting.

C. Passed December 11, 1826.

A SUPPLEMENT to the act entitled "An act for the preservation of sheep," passed the ninth day of June, one thousand eight hundred and twenty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the taxes collected in the several townships in the county of Morris, by virtue of the act to which this is a supplement, shall be appropriated in such manner as the inhabitants of the said townships of the county of Morris, at their annual town meeting, shall order and direct.

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

C. Passed December 12, 1826.

A SUPPLEMENT to an act entitled "An act for the relief of the heirs of William Vibbert, deceased, and others.

WHEREAS in and by an act, entitled "An act for the relief of the heirs of William Vibbert, deceased, and others, passed the twenty-eighth day of December, one thousand eight hundred and twenty-four, William Rickey, and Joseph Edsall, were appointed trustees for the purpose of receiving and making certain conveyances in the said act mentioned: *And whereas* the said William Rickey, one of the said trustees, after the passing of the said act, and before the execution of the trust therein mentioned, or either of them, departed this life—**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 Joseph Edsall, the surviving trustee, be, and he is hereby authorized and empowered to make and execute the conveyance specified in the second section of the act to which this is a supplement, and also to receive the conveyance specified in the first section of said act; and that the said conveyances when received and executed as aforesaid, shall be as valid and effectual as if the same had been received and executed by both trustees, in the life time of the said William Rickey, agreeably to the provisions of said act.

C, and A. December 13, 1826.

AN ACT respecting the real estate of John Patrick, deceased.

Preamble.

WHEREAS Mary Ann Patrick, of the city of Perth Amboy, in the county of Middlesex, hath by her petition to the Legislature, represented, that she is the widow of John Patrick, late of the said city, deceased, who has died intestate, and without issue, leaving no relations, except such as are aliens, resident in Scotland, and who have never been within the United States — THEREFORE,

The rights and interest of the state relinquished to Mrs. Patrick, her heirs, &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 all the right, title and interest which the state of New-Jersey may have acquired, by reason of the death of the said John Patrick, and the alienism of his relatives, of, in, or to the real estate, within this state, whereof the said John Patrick died seized and possessed, be, and the same is hereby relinquished and released, to, and vested in the said Mary Ann Patrick, the widow of the said John Patrick, 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 John Patrick, 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 John Patrick: *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 the heirs of the said John Patrick, or any other person or persons, may have to the said real estate, or any part thereof.

C. and A. Passed December 13, 1826.

AN ACT for the encouragement of Fire Companies.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all persons who now are, or hereafter shall become and continue, actual members of any regular fire company or association, who now are, or hereafter shall be possessed of a fire engine, and which said fire company or association, shall consist of not less than sixteen men, and not more than thirty men, be, and they are hereby exempted from militia duty in time of peace.

C. Passed December 14, 1826.

AN ACT to divorce Abigail H. Pearsall, from her husband
Peter R. Pearsall.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Abigail H. Pearsall, be, and she is hereby divorced from her husband Peter R. Pearsall, and that the marriage contract heretofore existing between the said Peter R. Pearsall and Abigail his wife, be, and the same is hereby dissolved.

C. Passed December 14, 1826.

AN ACT to authorize the chosen freeholders of the county of
Monmouth, to build a bridge over the north branch of Never-
sink river.

Sec. 1. *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 chosen freeholders of the county of Monmouth, or a majority of them, to erect, or cause to be erected, a good and sufficient bridge over the north branch of Neversink river, from lands of James Grover, in the township of Middletown, to lands of Tylee Williams, in the township of Shrewsbury, with or without a draw in the same, at their discretion.

C. Passed December 14, 1826.

AN ACT to divorce Mary Ann Boyd from her husband James
Boyd.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Mary Ann Boyd and James Boyd, of the county of Middlesex, be, and the same is hereby dissolved.

Sec. 2. *And be it enacted,* That the issue of said marriage be, and is hereby committed to the care, protection and guardianship of Mary Ann Boyd, until it attains the age of twenty-one years, or until another guardian be appointed in her place.

C. Passed December 14, 1826.

AN ACT further supplementary to an act entitled "An act to incorporate a part of the township of Trenton, in the county of Hunterdon," passed November thirteenth, one thousand seven hundred and ninety-two.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the freeholders and inhabitants of the city of Trenton, at their annual town meetings hereafter to be held, shall choose thirteen assistants instead of six, as directed in the second and third sections of the act to which this is a supplement, which said assistants, or a majority of them, shall have the power, from time to time, and at all times hereafter, to hold a common council within the said city, at such time and place as is now appointed, or may hereafter be appointed, by the ordinances of the said common council, and to make such by-laws, ordinances and regulations, in writing, not inconsistent with the laws and constitution of this state, or of the United States, as to them shall appear necessary for the good government of the said city and the inhabitants thereof, and for the regulation and paving of the streets and highways of the said city, and the same to put in execution, revoke, alter, and make anew, as to them shall appear necessary and convenient; and to appoint a president, city treasurer, marshal, clerk of the market, and such other subordinate officers as they may think necessary, for the good government of the said city; and by ordinance to require such surety from the said several officers, and to annex such fees to the several offices of the said corporation, and to impose such fines for the refusal of office or neglect of duty or misconduct in the same, as to them shall appear necessary; and to make, limit, impose, and tax reasonable fines, penalties, and amercements against all and upon all persons who shall offend against the laws, ordinances and regulations of the corporation, made as aforesaid; and all and every such fines and amercements, to take, demand, require, and levy, of the goods and chattels of such offender, by warrant issued under the hand and seal of the mayor, recorder, or either of the aldermen, directed to the marshal of the said city, who is hereby authorized and required to execute the same: *Provided always,* that any person who may think himself aggrieved by the judgment, order, or decision, of the said mayor, recorder, or either of the aldermen, may appeal to the common council, who are hereby required to hear his or her cause of complaint, and to do therein what unto them shall appear just and equitable; and that the said common council, or a majority of them, in common council met as aforesaid, shall have the sole, only, and exclusive right and power of licensing all and every innkeeper, tavern-keeper, and retailer of spirituous liquors, residing within the said city, subject to the same provisions, and in

Thirteen assistants henceforth to be chosen; their powers, &c.

Proviso.

To license innkeepers, &c.

like manner, as the same may be lawfully done by the courts of general quarter sessions of the peace in this state.

Sec. 2. *And be it enacted*, That from and after the passing of this act, the court of general quarter sessions of the peace of the city of Trenton, shall be held on the first Tuesday of January, the third Tuesday of April, the first Tuesday of July, and the third Tuesday of September, annually.

When courts are to be held.

Sec. 3. *And be it enacted*, That the by-laws, ordinances and regulations, of the common council, made after the next annual town meeting, shall begin in the following manner, to wit: "Be it ordained and enacted by the citizens of the city of Trenton, in Common Council assembled, and it is hereby enacted by the authority of the same;" and that all ordinances, by-laws, and regulations now in force, made by the mayor, recorder, aldermen, and assistants, of the city of Trenton, shall continue in force until repealed, revoked, altered, or supplied, by the common council.

Form of enacting clause of ordinances, &c.

Sec. 4. *And be it enacted*, That the fourth and fifth sections of the act to which this is a supplement, and so much of the said act, or the act supplementary thereto, as comes within the purview of this act, and is inconsistent therewith, be, and the same is, hereby repealed.

What sections of a former act repealed.

C. Passed December 14, 1826.

AN ACT to incorporate the Franklin Copper Mining Company.

WHEREAS Joshua Forman has, by his petition, set forth, that he has engaged in working a copper mine in the township of Woodbridge, in the county of Middlesex, and has also taken a lease of a copper mine at Rocky Hill, in the county of Somerset, which he intends to open and work, and requested the Legislature to pass an act incorporating him and his future associates, for the purpose of enabling them to work said mines, and any other mines they may hereafter purchase in the state of New-Jersey; and also, to smelt the ores and manufacture the copper they may raise therefrom: *And whereas* it is for the public interest, that the mines of this state should be worked—THEREFORE,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Joshua Forman, and such persons as may hereafter be associated with him for the purposes aforesaid, shall

Name and style of the incorporation; powers, privileges, &c.

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 Franklin Copper Mining Company," and by that name, they, and their successors and assigns, shall and may have continual succession, and shall be persons, in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters and causes whatsoever; and that they and their successors may have a common seal, and change and alter the same at pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandize whatsoever, necessary to the object of this incorporation: *Provided*, as a consideration of this grant, and all the rights, powers, privileges, and franchises herein and hereby enacted or granted, are upon this express condition, that if at any time hereafter, the powers hereby granted shall be misused or perverted to improper purposes, or in case any of the provisions of this act shall be found to operate injuriously to the interest of the people of this state, it shall be lawful for the legislature of this state to alter, amend or repeal this act, as to the said legislature shall seem expedient and proper.

Number of directors to be elected annually; time and place of meeting.

Sec. 2. *And be it enacted*, That the stock, property, concerns and affairs of the said incorporation, shall be managed and conducted by seven directors, who shall be annually elected on the first Monday of January in each year, at such time of the day, and at such place, in the city of New-Brunswick, as the by-laws and orders of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in one of the newspapers printed in the city of New-Brunswick, and in one printed in the city of New-York; and the election shall then and there be made, by such of the stockholders as shall attend for that purpose in person, or by proxy; and all elections shall be by ballot, each share having one vote, and the persons having the greatest number of votes shall be directors; and the said directors, as soon as they are elected, shall proceed in like manner to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall happen, at any time, among the directors, by death, removal, resignation or otherwise, such vacancy shall be filled for the remainder of the year, in which the same shall happen, by such person or persons, as the remainder of the directors, for the time being, or a majority of them shall appoint; *provided*, the persons so to be elected and appointed directors, shall be citizens of the United States.

Elections to be by ballot.

Vacancies how to be filled.

Proviso.

Sec. 3. *And be it enacted*, That in case it shall at any time happen, that an election of directors shall not be made on the day that pursuant to this act it ought to be made, the corpora-

tion shall not, for that cause, be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in manner aforesaid, as shall be provided for by the by-laws and ordinances of said corporation, and the directors for the time being, shall hold their offices until others are chosen in their stead; and the first meeting for the election of directors, shall be held pursuant to ten days written notice, to be given by the said Joshua Forman to each of the subscribers to the stock of this incorporation, of the time and place of holding such election; at which time and place the subscribers so assembled, shall in manner aforesaid, proceed to elect seven directors, who shall hold their offices until the first Monday of January next, thereafter, or until others are chosen in their stead.

When elections may be held on a different day, &c.

Sec. 4. *And be it enacted,* That the capital stock of said corporation shall not exceed five hundred thousand dollars, and that a share in said stock shall be one hundred dollars; and it shall be lawful for such president and directors to call for and demand of the stockholders respectively, all such sums of money as shall by them be subscribed, at such times and in such proportions as they shall deem fit, under the pain of the forfeiture of their shares and all previous payments made thereon; always giving, at least, thirty days notice of such call and demand in the newspapers above mentioned: *Provided,* the said capital shall be employed solely for the purpose of working copper mines in the state of New-Jersey, and in smelting the ores, and manufacturing the copper raised therefrom, as set forth in the preamble of this act.

Amount of capital stock.

Proviso.

Sec. 5. *And be it enacted,* That a majority of the directors, for the time being, shall form a board or quorum for the transaction of the business of the corporation; and shall have power to make and prescribe such by-laws, rules and regulations, not repugnant to the constitution and laws of the United States, or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation; the duties and conduct of the officers, clerks, artificers, servants and labourers employed by them; the election of directors and all such other matters as pertain to the concerns of said corporation; and shall have power to employ so many officers, clerks and servants for carrying on said business, and with such salaries and allowances as to them shall seem meet and proper.

Majority of the directors a quorum.

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

Banking operations prevented.

Sec. 7. *And be it enacted,* That the stock of the said company shall be deemed personal estate, and shall be transferrable in such manner as shall be prescribed by the by-laws of said corporation, and no transfer of stock shall be valid or effectual

Stock to be considered personal estate.

until such transfer shall be entered or registered in the books of said president and directors kept for that purpose; which books shall at all times be open to the inspection of the stockholders of said company.

Members of
the company
to be individu-
ally reponsi-
ble.

Sec. 8. *And be it enacted*, That for all debts due and owing by said company, the persons then composing said company, shall be individually responsible to an amount over and above the respective shares in the stock of said company, equal to the amount of said shares and no further; but this shall not be construed to exempt said corporation, or any estate real or personal, which they may hold in their corporate capacity, from being liable for such debts.

Sec. 9. *And be it enacted*, That the said corporation shall be subject to the several provisions of an act, entitled "An act to prevent fraudulent elections by incorporated companies; and to facilitate proceedings against them," passed the eighth day of December, in the year of our Lord one thousand eight hundred and twenty-five,

C. and A. Passed December 14, 1826.

AN ACT to erect the village of New-Mills, in the county of Burlington, into a borough, to be called the borough of Pemberton.

Boundaries of
the borough.

Sec. 1. **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, the village of New-Mills, situated part in the township of New-Hanover, and part in the township of Northampton, in the county aforesaid, shall be, and hereby is, erected into a borough, to be called and known by the name of the borough of Pemberton; the extent of which borough is and shall be comprised within the following bounds, to wit: beginning in the public road leading from the said village of New-Mills to Juliustown, where Budd's run crosses the same, and running from thence down the said Budd's run to the main north branch of the Rancocus creek, thence up the said creek to the mouth of Birch run, thence up the said Birch run, crossing the public road leading from said village of New-Mills to Mount Holly, to intersect a line running along the south side of Nicholas-street, thence along the said line and the south side of Nicholas-street, crossing the public road leading from New-Mills to Vincent town until it intersects Goldy run, thence down the said Goldy run to the said Rancocus creek, thence up the said creek to a line between the lands of Anthony

S. Earle and Thomas R. Howell, thence along said line crossing the public road leading from New-Mills to Hanover Furnace, and along the line between the lands of Thomas Swaim and John Bodine, to a small run of water running through Joseph Murphy's meadow, thence down the said run to Budd's run, thence down the said Budd's run to the place of beginning; and that the freeholders and inhabitants residing within the limits of the said borough, and their successors hereafter shall be one body corporate and politic, in deed and in name, and by the name of the burgess and inhabitants of the borough of Pemberton, one body corporate and politic in deed and in name, are hereby fully erected, constituted, and confirmed; and by the name of the burgess and inhabitants of the borough of Pemberton, shall have perpetual succession, and by that name shall, at all times hereafter, be able and capable in law to acquire, have, hold, and possess lands, tenements, rents, liberties, jurisdictions, franchises and hereditaments, to them and their successors in fee simple, or for term of life or lives, year or years, or otherwise, and also goods and chattels, and all other things of whatever kind soever, with power to give, grant, sell, assign, transfer, or lease, such real and personal estate, and to do, execute, and perform all and every act, matter, or thing, necessary and proper to be done in and about the same, and by the name aforesaid, shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts of law or equity in this state, and to make and use a common seal, and the same to alter or renew at pleasure.

Name of the
incorporation,
powers,
and privileges.

Sec. 2. *And be it enacted*, That it shall and may be lawful for all free white male inhabitants above the age of twenty-one years, and who shall have resided within the limits of the borough aforesaid, for the space of six months immediately preceding the day of election, to meet at the house now occupied by Samuel Cline in the said borough, on the first Monday of May next, at the hour of two in the afternoon of that day, and then and there, by plurality of votes, elect one reputable freeholder residing within the limits of the said borough, to be chief burgess of the said borough, and six reputable freeholders, being inhabitants of the said borough, to be called the council of the said borough: that the said chief burgess and council of the said borough, so to be elected, shall meet at the place aforesaid on the Thursday next ensuing the election, at the hour of two in the afternoon of that day, and prior to entering upon the duties of their office, shall take and subscribe an oath or affirmation of office; which oath or affirmation any justice of the peace of the county aforesaid, is hereby authorized to administer; and thereupon the said chief burgess and council shall proceed to elect one of the members of the said council to the office of assistant burgess, one suitable person to be the clerk of the said borough, and who, by virtue of his said office, shall be treasurer

Qualifications
of electors.

Time of
choosing officers.

Oath of office

of the said corporation, and one, or more, suitable persons to be marshals of the said borough; and the said chief burgess, assistant burgess, council, clerk, and marshals of the said borough, shall continue in office for the term of one year.

Time of annual meeting.

Sec. 3. *And be it enacted,* That it shall and may be lawful for the inhabitants of the said borough, qualified to vote as aforesaid, to meet on the first Monday in May, in the year one thousand eight hundred and twenty-eight, and annually at such time and place as shall be designated in an ordinance of the said borough, and by plurality of votes, elect one reputable freeholder residing within the said borough, to be chief burgess, six respectable freeholders residing within the said borough to be the council of the said borough, and that the chief burgess and council shall appoint the assistant burgess, clerk and marshals, of the said borough in the manner aforesaid, and continue in office for one year, or until others are chosen in their places, as aforesaid; but in case it should so happen that the said election should not take place on the day and place by law designated, the corporation shall not for that cause be dissolved, but the said election may be had and made at such other day and time as may be provided for by an ordinance of the said borough.

Sec. 4. *And be it enacted,* That it shall be the duty of the said chief burgess and council, so as aforesaid to be annually elected, to repair before the burgess and council of the said borough, for the time being, on the day of their election, or on such other day as by the ordinance of the said borough may be directed, and then and there, before the chief burgess, or assistant burgess, for the time being, and in presence of the council, take the oath or affirmation prescribed by law, which oath or affirmation the said chief or assistant burgess shall have power to administer.

By-laws, &c. may be made.

Proviso.

Sec. 5. *And be it enacted,* That it shall and may be lawful for the said chief burgess, assistant burgess, and council, when met, and after they have taken and subscribed the oath or affirmation prescribed by law, to enact, make and ordain, all such ordinances, by-laws and regulations, as they or a majority of them may deem proper, for the better regulation of the streets, lanes, and alleys within the said borough; and to do and perform all other matters and things incident to a corporation; *Provided,* the same shall not be repugnant to the constitution and laws of this state, or of the United States.

Taxes how to be assessed, collected, &c.

Sec. 6. *And be it enacted,* That whenever any ordinance or by-law of the said corporation shall be passed, directing the raising any tax to, and for the use of, the said corporation, it shall be assessed by the assistant burgess, upon the inhabitants and property within the said borough, in the same ratio as the last state and county tax in the county of Burlington was raised and assessed; and it shall be the duty of the said assistant burgess, within twenty days after the passing of any ordinance of the said corpo-

ration, for the raising of any sum or sums of money within the said corporation, to assess the same in manner aforesaid, and to give notice thereof to the inhabitants of the said borough, by advertisements put up in three of the most public places within the same, setting forth that the said assessment will be laid before the chief burgess, and council, on a certain day therein to be named, not less than five nor more than ten days from the making the said assessment, for their confirmation; and it shall and may be lawful for any person who thinks him or herself aggrieved by any assessment so made, to appear before the said chief burgess and council on the day named in the said advertisement, and make known his or her complaint; and the said chief burgess and council shall, forthwith proceed to hear and determine such appeal, and to grant such relief in the premises as they or a majority of them may deem equitable and just; and upon the assessment so made or altered, being approved of by the said chief burgess and council, they shall order and direct that the same be handed over to the treasurer of the said corporation for collection.

Appeals to be heard.

Sec. 7. *And be it enacted*, That it shall be the duty of the treasurer of the said corporation, to whom shall be delivered the said assessment for collection as aforesaid, to give notice thereof to the inhabitants of the said borough, by advertisements put up at three of the most public places within the same, setting forth that the said tax is due, and that unless the same is paid to him within sixty days from the date of the said advertisement, the names of all delinquents will be returned to the chief burgess; and it is hereby made the duty of such treasurer to make such return, and thereupon the said chief burgess is hereby authorized and required to issue his warrant, under his hand and seal, directed to a marshal of the said borough, requiring him to collect the said tax by distress and sale of the goods and chattels of such delinquents within the said borough, and to pay the same to the treasurer of the said corporation, within thirty days from the date of the said warrant.

Taxes how to be collected.

Sec. 8. *And be it enacted*, That it shall be the duty of the chief burgess and council of the said borough to keep a record of all their proceedings, and cause the same, and all ordinances and by-laws by them to be enacted and passed, to be fairly engrossed, and entered at large in a book, to be procured by the said corporation, and kept for that purpose; and the clerk of the said corporation shall have the custody of the seal of the said corporation, and of all the books and papers belonging to the same, and shall produce the same at all meetings of the burgess and council, and shall also attend such meetings in person, and perform such duties as by the by-laws and regulations of the said corporation shall be required; and shall be entitled to receive and take such fees for his services in his said office, as may be allowed by the by-laws of the said corporation.

Book of records to be kept, &c.

Conservators
of the peace.

Sec. 9. *And be it enacted*, That the said chief burgess and assistant burgess, 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.

To license tav-
ern keepers.

Sec. 10. *And be it enacted*, That the said burgess and council 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 spirituous 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 spirituous liquors, for such license, be paid over to the county collector of the county of Burlington, for the use of said county.

Proviso.

C. Passed December 15, 1826.

AN ACT to authorize Rebecca Snowhill, widow of George Snowhill, deceased, to make sale of certain real estate.

Preamble.

WHEREAS Rebecca Snowhill, widow of George Snowhill, deceased, has represented in her petition, that her husband, the said George Snowhill, died intestate, leaving James E. Snowhill, his only child and heir at law; that the real estate, of which the said George Snowhill died seized, was the one undivided half part of certain mills, with the appurtenances hereinafter more particularly described; that she, the said Rebecca Snowhill, has been duly appointed guardian of the said James E. Snowhill. *And whereas* it has been represented that it would be for the advantage of the said James E. Snowhill, that the said real estate should be sold, and the money arising from said sale be placed out at interest—

Certain real
estate autho-
rized 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 Rebecca Snowhill, widow of George Snowhill, late of the township of South Amboy, in the county of Middlesex, deceased, be, and she hereby is authorized and empowered to sell at public vendue, the one undivided half part of certain

mills and lot of land, with the appurtenances, situate in the township of South Amboy aforesaid, containing one hundred and twenty-one acres, more or less; being the same premises which William W. Conover, and Catharine, his wife, by deed, bearing date the third day of May, one thousand eight hundred and twenty-four, bargained, sold and assured in fee simple, to the said George Snowhill, in his life time, and upon such sale thereof to make, execute, and deliver to the purchaser or purchasers, a deed of conveyance; which deed of conveyance so made, executed and delivered, as aforesaid, shall be as good and effectual, in law, as if made and executed by the said George Snowhill, in his life time: *Provided*, that no deed or conveyance of such lands or real estate, made by the said Rebecca Snowhill, shall be valid or effectual, unless it be certified in or upon such deed or conveyance, by George T. M'Dowell and Robert M'Chesney, or the survivor of them, under their hands and seals, that such sale is made *bona fide*, and for the highest price that could be obtained for such property at the time of the said sale.

Proviso.

Sec. 2. *And be it enacted*, That before the said Rebecca Snowhill shall enter upon the execution of the trust reposed in her, by this act, she shall enter into bond, with such sureties, and in such amount, to the Governor of this state, as shall be approved of by the Orphans' court of the 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.

Bond to be given.

Sec. 3. *And be it enacted*, That the said Rebecca Snowhill, shall within six months after the sale of the said real estate, make, subscribe and exhibit, under oath, unto the Surrogate of the said county of Middlesex, an exact statement of the amount of the said sale, to be by him recorded and filed in his office agreeably to law; and that the said Rebecca Snowhill, shall be accountable for all moneys by her received by virtue of this act.

Account of sales to be made, &c.

Sec. 4. *And it be enacted*, That the said Rebecca Snowhill shall place out at interest the moneys arising from such sale, after deducting the expenses incident thereto, and apply one third part of the said interest to her own use, as the widow of the said George Snowhill, deceased, and the remaining two thirds of said interest to the use of the said James E. Snowhill: *Provided*, that nothing in this act shall be construed to prevent the said Rebecca Snowhill from applying a part of, or the whole, if necessary, of the principal, to the support and education of the said James E. Snowhill, under the direction and decree of the Orphans' court of the county of Middlesex.

Moneys to be placed at interest.

C. Passed December 15, 1826.

AN ACT establishing an independent battalion in the county of Salem.

Sec. 1. *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 Green, Johnson, Foster, Nichols, and Clawson, of the Salem brigade, be, and the said companies hereby are set off and formed into an independent battalion, to be attached to the said brigade, and shall be denominated the first independent battalion of said brigade.

Sec. 2. *And be it enacted,* That the said battalion shall meet for exercise, by companies, upon the day appointed by the militia law for company trainings, by battalion, the second Monday in May, and by battalion, for exercise and inspection, on the second Monday in June; and the said battalion shall be entitled to all the privileges, and subjected to all the penalties, an independent battalion may, by the militia law of this state, be subjected to.

A. Passed December 15, 1826.

AN ACT to change the time of holding certain courts in the county of Warren.

Sec. 1. *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 courts of common pleas, courts of general quarter sessions of the peace, circuit court, and court of oyer and terminer, and general jail delivery, in, and for the county of Warren, heretofore, by law, directed, to be held on the third Tuesday in November, shall hereafter be held on the first Tuesday next succeeding the fourth Tuesday in November, annually.

A. Passed December 16, 1826.

AN ACT to change the time of the regimental musters of the Warren brigade.

Sec. 1. *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 regimental musters in the Warren brigade, shall commence on the last Monday in May, in each year, and the regiments and independent battalions, now formed, or that may hereafter be formed in said brigade, shall succeed each other in the same order, and continue to observe every other matter and thing in the same manner as is now enjoined by an act, entitled "An act establishing a militia system," passed the eighteenth day of February, one thousand eight hundred and fifteen, and the several supplements thereto.

Sec. 2. *And be it enacted*, That so much of the act, entitled "An act establishing a militia system," passed the eighteenth day of February, one thousand eight hundred and fifteen, and the several supplements thereto, as come within the purview of this act, shall not be construed as applying to the Warren brigade.

C. Passed December 16, 1826.

AN ACT to promote the making of a turnpike road from Deckertown, in the county of Sussex, to the Delaware, nearly opposite to Milford, in the state of Pennsylvania.

Sec. 1. *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 hereby is authorized and directed to subscribe, in behalf of this state, for the sum of five thousand dollars of the capital stock authorized to be raised by the act, entitled "An act to authorize a turnpike road to be made from Deckertown, in the county of Sussex, to the Delaware, nearly opposite to Milford, in the state of Pennsylvania," and the several acts supplementary thereto, and revive and continue the same in force: *Provided*, that the said sum of five thousand dollars, shall not be paid until the said road be fully completed, and a certificate of such completion be duly made, as the law directs.

Sec. 2. *And be it enacted*, That the Treasurer of this state shall pay to the president and directors of the Paterson and Hamburgh turnpike company, the said sum of five thousand dollars, upon his receiving the certificate of the completion of the road by the commissioners as aforesaid.

C. Passed December 16, 1826.

AN ACT establishing an independent battalion within the bounds of the first regiment of the Burlington brigade.

Sec. 1. *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 Joseph A. Clark, Joseph Kirkbride, William Edwards, Joseph Budd, Joseph Lippincott, and Joseph J. Budd, of the first regiment of the Burlington brigade, be, and the said companies hereby are set off, and formed into an independent battalion.

Sec. 2. *And be it enacted,* That the said battalion shall meet for exercise, by companies, upon the day appointed by the militia law for company trainings; by battalion the third Monday in May; and by battalion for inspection on the second Monday in June: and the said battalion shall be entitled to all the privileges, and subjected to all the penalties an independent battalion may, by the militia law of this state, be subjected to.

C. Passed December 18, 1826.

AN ACT to authorize the Treasurer of this state to loan surplus money, 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 it shall and may be lawful for the Treasurer of this state, and it is hereby made his duty, to loan at the best rate of interest he can procure, not exceeding lawful interest, on the pledge of United States' stock, or United States' bank stock, at a rate not above its par value, as collateral security, any surplus money in the treasury of this state, not otherwise appropriated, nor already authorized to be invested by the trustees of the school fund, as the same shall from time to time accrue; and it shall be the duty of the treasurer to loan the same on such terms of credit as will enable him to receive the said moneys again, so as to meet the demands on the treasury.

Sec. 2. *And be it enacted,* That the treasurer of this state, under and by the direction of the trustees of the school fund, be, and he is hereby authorized to change the investment of the school fund, or any part thereof, by selling any of the stocks, the interest whereof is applied to the said fund; and investing the same in any of the public stocks of the United States.

C. and A. Passed December 19, 1826.

AN ACT for the relief of the New-Jersey Delaware Oyster 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 the times of payment of the several sums required by the act, entitled "An act incorporating the New-Jersey Delaware Oyster Company," passed December eighth, one thousand eight hundred and twenty-five, to be paid by the said New-Jersey Delaware Oyster Company, to the Treasurer of this state, be prolonged for the term of one year from the several times at which said payments, respectively, are made due and payable by said act; and that the powers and privileges vested in said company, be extended for one year longer than the time limited in said act: *Provided*, that nothing herein contained shall be so construed as to confirm any acts or proceedings of the said company, or of any persons claiming corporate powers under and by virtue of the said act, which are not authorized thereby.

C. and A. Passed December 19, 1826.

AN ACT to authorize David Rockefeller, and Joseph Ott, administrators of Joseph Rockefeller, deceased, to convey certain real estate to John Merrit.

WHEREAS it has been represented to the legislature, and it appears that Joseph Rockefeller, late of the county of Northumberland, and commonwealth of Pennsylvania, in his life time, had entered into an agreement, in writing, bearing date on the twenty-first day of February, in the year of our Lord one thousand eight hundred and twenty-two, to sell to one John Merrit, of the township of Greenwich, and then county of Sussex, now Warren, in the state of New-Jersey, a certain lot of land, in the said township of Greenwich, called lot number three in the division of the real estate late of Joseph Osman, of the said county of Sussex, deceased, (being part of the homestead farm,) containing forty-four acres of land; and had also entered into another agreement, in writing, bearing date on the eighteenth day of March, in the year of our Lord one thousand eight hundred and twenty-four, to sell to the said John Merrit, a certain lot of woodland, adjoining lands of Adam Ramsey, and others, in the township of Oxford, in said county, called lot number one, in the division of the said real estate, containing thirty-three acres, which last agreement was

Preamble.

not attested in such form as to enable the Orphans' court to decree a fulfilment thereof; that the said John Merrit had entered into possession of said premises, and paid part of the purchase money to the said Joseph Rockefeller, in his life time, who afterwards died intestate, leaving children who are minors—**THEREFORE,**

Administrators empowered to convey real estate of certain bargained premises, &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 David Rockefeller, and Joseph Out, of the said county of Northumberland, administrators of the said Joseph Rockefeller, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said John Merrit, a good and sufficient deed or deeds of conveyance of the said bargained premises, to hold to him, the said John Merrit, his heirs and assigns, in fee simple, upon his paying, or securing to them the consideration money, or the residue thereof, according to the terms of the said contracts; and that such deed or deeds of conveyance, duly executed and proved, or acknowledged by them, and recorded as the law directs, shall be valid and effectual to convey to the said John Merrit, his heirs and assigns, all the estate and interest in the said bargained premises, which the said Joseph Rockefeller was seized of, or entitled to, at the time of his death: *Provided*, that the said deed or deeds of conveyance, shall not in any wise affect any legal claim or demand, if any such there be, of any person or persons whatsoever, other than the said Joseph Rockefeller, deceased, and his heirs, and all persons claiming under him or them.

To give bond, &c.

Sec. 2. And be it enacted, That the said administrators, before they proceed to execute the said deed or deeds of conveyance, in this act mentioned, shall enter into a bond, with two good and sufficient securities, inhabitants of this state, to the Governor of this state, to be executed before, and approved of by the Surrogate of the county of Warren, in the penal sum of two thousand dollars, conditioned for the faithful application of the moneys so by them to be received, in a due course of administration of the estate of their intestate, which bond shall be filed in the office of the Surrogate of the said county of Warren,

C. Passed December 21, 1826.

AN ACT for the relief of John N. Simpson.

Preamble.

WHEREAS the legislature of this state did, in the year one thousand eight hundred and sixteen, pass an act, making an appropriation for exploring and ascertaining the most practi-

cable route for a canal to connect the tide waters of the Delaware and Raritan, and appointing Messrs. Rutherford, Holcombe, and John N. Simpson, commissioners for that purpose; that in pursuance of this appointment the said commissioners explored the intervening country, employed a competent engineer, caused a survey to be made, and a level to be run, and made their report to the succeeding legislature; that the first appropriation proving insufficient to meet the expense, a second was granted, of which it appears, by an inspection of the Treasurer's accounts, there yet remains unexpended the sum of seven hundred and forty-eight dollars: *and whereas* it appears, that the said John N. Simpson, one of the commissioners as aforesaid, has not received the least remuneration for the services rendered by him, and as it is doubted from the length of time that has elapsed, whether the Treasurer is authorized to allow any claim for the said services—**THEREFORE,**

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this state, be, and he is hereby authorized and directed to pay to John N. Simpson, the sum of one hundred dollars, to remunerate him for services rendered to this state.

C. Passed December 21, 1826.

AN ACT to incorporate the Dover 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 Joseph Blackwell, and Henry McFarlan, and such others as now are, or hereafter may be, associated with them, be, and are hereby ordained, constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Dover Manufacturing Company," for the sole purpose of manufacturing iron, chain cables, and other articles, at Dover, in the county of Morris, in this state, and carrying on the business incident to their said manufactory, in the county aforesaid, and by that name, they and their successors and assigns, shall, and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever; and that they, and their successors, may have

Name and style of the incorporation; their powers and privileges.

Proviso.

a common seal, and make, change, and alter the same at pleasure, and that they, and their successors, by the same name and style, shall be capable of purchasing, holding, using, and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the said real estate, to be purchased and holden, shall be such only as is now owned by the said Joseph Blackwell, and Henry McFarlan, in the county aforesaid, or as may be necessary for the purposes for which this corporation is established, and such as shall have been *bona fide* mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Amount of stock.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall, nevertheless, be lawful for the said corporation, when, and so soon as one hundred thousand dollars of the said capital stock shall have been subscribed and paid, to commence their said business, and with that capital conduct and carry it on, until they shall find it expedient to extend their capital, which they are authorized to do from time to time, to the amount herein before mentioned.

May extend their capital, &c.

Number of directors.

Sec. 3. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation, shall be managed and conducted by nine directors, who may respectively hold their offices for one year, and until others may be chosen, and no longer; which directors shall at all times, during their continuance in office, be stockholders in the said company, in their own right, to the amount of at least ten shares, and shall be citizens of the United States; and the said directors shall hereafter be elected on the first Monday in August, in each and every year, at such hour of the day, and at such place, as the board of directors, for the time being, shall appoint, of which election public notice shall be given in two of the public newspapers printed in Morristown and Newark, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed previously to every election, by the board of directors; and such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election.

Day of election;

Previously to be advertised, &c.

Commissioners to open books, &c.

Sec. 4. *And be it enacted*, That Henry McFarlan, William Scott, and Joseph Dickerson, jun. shall be commissioners, whose duty it shall be, at some suitable place, in the county of Morris, to open books to receive subscriptions to the capital stock of the said corporation, and twenty days public notice shall be given,

by the said commissioners, of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, in two of the public newspapers printed in New-Jersey; and as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, to choose nine directors, and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify under their hands the names of those duly elected, and deliver over to them the subscription books, and the moneys and securities, received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

Amount of the first instalment, when to be paid.

Sec. 5. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall as soon as may be after their appointment, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in the case of the death, resignation, or inability to serve, of the president, or any directors, of the said corporation, such vacancy or vacancies may be filled, for the remainder of the year, by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president *pro tempore*, who shall have and exercise such powers and functions as the by-laws of the said corporation provide.

President to be chosen.

Vacancies how supplied.

Sec. 6. *And be it enacted*, That if it should at any time happen that an election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporation shall not, for that cause, be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Election may be held at different times.

Sec. 7. *And be it enacted*, That the stock of the said corporation shall be assignable and transferable, according to such rules, and subject to such restrictions and regulations, as the board of directors shall, from time to time, make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due, or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale, or conveyance, of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid, or secured to be paid, to the satisfaction of the board of directors; and unless such claim or demand shall be paid, or secured to be paid, in manner aforesaid, within three months after the same shall have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Stock assignable and transferable, and to be considered personal property, &c.

A majority of directors to form a board, &c and have power to appoint committees, and to make by-laws, &c.

Sec. 8. *And be it enacted*, That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation, and all questions before them shall be decided by a majority of voices, and they shall have power to appoint committees of directors, and one or more assistants; and also to appoint a secretary, and such other officers, clerks, and servants, as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the profits resulting from the business of the said corporation, as they shall deem expedient; and shall also have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, respecting the management and disposition of the stock, property, estate and effects of the said corporation; the compensation of wages, and the duties, powers and conduct of the officers and servants thereof; the election and meeting of directors; the transfer of shares; the management, and conducting of the business of the said corporation, and all matters appertaining thereto; and such by-laws, rules, and regulations, at their discretion to repeal, alter, or modify: *Provided* that such by-laws, rules, or regulations shall not be repugnant to the constitution and laws of this state, or of the United States.

Books of accounts to be kept; and open to inspection of the stockholders.

Sec. 9. *And be it enacted*, That the directors shall, at all times, keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the transactions of said corporation; which books shall be subject, at all times, to the inspection of the stockholders of the company.

Transfer of stock to be registered.

Sec. 10. *And be it enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept, by the president and directors, for that purpose.

Banking operations prohibited.

Sec. 11. *And be it enacted*, That the corporation hereby created, shall not engage in any banking business.

Legislature may modify or repeal.

Sec. 12. *And be it enacted*, That the legislature may alter, modify or repeal this act whenever, in their opinion, the public good requires it.

C. Passed December 22, 1826.

AN ACT to incorporate the Woodbury Fire Association.

Sec. 1. *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 proprietors of dwelling houses, stores, buildings, and other edifices, of the value of one hundred dollars, and upwards, liable to injury by fire, in the town of Woodbury, in the county of Gloucester, within the following boundaries and limits, to wit: beginning at a stone in the centre of the main road to Camden, where the middle of Woodbury creek crosses the same, and running thence down the creek, and bounding thereon, to a station sixty rods at a right angle from the said Camden road, thence running southwardly, by a line parallel to the main street of Woodbury until said line intersects the Salem road, thence at a right angle from said lane, southeastwardly, one hundred and sixty rods, thence at a right angle, and by a line parallel to said main street, running northeastwardly until said line intersects the south branch of Woodbury creek, thence down the same, and down the main creek to the place of beginning, be, and are hereby constituted, ordained and declared to be a body corporate and politic, in fact and in name, by the name of "The Woodbury Fire Association," 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 impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and they, and their successors, may make and have a common seal, and may change and alter the same at pleasure, and by their name aforesaid, and under their seal, make, enter into, and execute any contracts, agreements, and other writings touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such constitution, and such by-laws and regulations, for their government, not inconsistent with the constitution and laws of this state, or the United States, as they shall think proper.

Boundaries of the corporation, style, powers and privileges.

Sec. 2. *And be it enacted,* That the capital stock of said association shall not exceed the sum of three thousand dollars, and shall be solely and exclusively applied to the procuring, maintaining and repairing such engines, hose, ladders, buckets, fire hooks, wells, pumps, reservoirs of water, and other implements and machines, and to such other incidental expenses, as shall in the opinion of the members of said corporation be best calculated to secure the said town from fire.

Amount of capital stock, &c.

Sec. 3. *And be it enacted,* That for the purpose of effecting the objects of this corporation, it shall and may be lawful for the members thereof to assemble on the first Monday in January next, and on the first Monday in January of every succeeding year, public notice of the time and place of such meeting being previously published in the newspaper printed at Woodbury, or by advertisements set up in at least three of the most public places within the boundaries aforesaid, for the space of one week next before the day of such meeting, and then and there, by plurality of persons so assembled, to elect from the members of said corporation, a president, treasurer, secretary, and five fire

Number of officers, &c.

wardens, which officers thus elected, shall constitute the board of wardens of the Woodbury Fire Association, and in whose hands the active powers of this corporation are hereby vested, and whose duty it shall be to take charge and care of all the property belonging to said corporation; and a majority of the said board of wardens shall have power to fill all vacancies of officers, at any time arising, until the next annual election thereafter; and also to call a special meeting of the members of the corporation whenever, in their opinion, it shall be necessary.

Annual sum
to be raised,
valuation of
property, as-
sessment, &c.

Sec. 4. *And be it enacted*, That the members of said corporation, at their annual meetings as aforesaid, shall determine the sum of money to be raised in the year next ensuing each meeting; and shall elect one, or more, proper person or persons, as assessor, or assessors, whose duty it shall be to take a fair and correct list or lists of all the dwelling houses, stores, buildings, and other edifices of the value of one hundred dollars, and upwards, within the aforesaid limits, liable to destruction by fire, with the names of the owners and occupants of such buildings, and the value thereof, and shall assess such sum thereon, in the name of the occupant, as may be deemed just and equitable, in proportion to the whole sum ordered to be raised by the members of the said corporation at their annual meeting; and in the case of unoccupied buildings, the said assessment shall be made in the name of the owner thereof, such assessor or assessors, in all cases making such allowance as may be just on account of the various dangers and hazards to which such buildings, and other property as aforesaid, may be subject to by reason of its local situation, the materials of which it is composed, or any other circumstance, which list or lists, and estimate, shall be made out and completed between the first day of March and the twentieth day of April, in each and every year, and shall immediately after the said twentieth day of April be delivered over to the treasurer.

Grievances
how address-
ed.

Sec. 5. *And be it enacted*, That the members of the said corporation shall, at their annual meetings as aforesaid, elect three members of said corporation to be a committee of appeals, whose duty it shall be to meet on the first Monday in May, in each and every year, at some convenient place, within the boundaries aforesaid, and then and there determine in a summary way, all complaints of any person or persons, who shall think himself, herself, or themselves aggrieved by any assessment made by virtue of the preceding section; of which meeting public notice shall be given, at least one week, in the newspaper printed at Woodbury, or by public advertisement set up in three of the most public places within the boundaries aforesaid, by the treasurer, who shall also attend the said meeting, and lay before the said committee the list or lists, and estimate, by him received from the assessor or assessors.

Treasurer to
give bond;

Sec. 6. *And be it enacted*, That it shall be the duty of the board of wardens to require, and take from the treasurer, be-

fore he enters upon the duties of his office, security in an amount not less than the sum voted to be raised.

Sec. 7. *And be it enacted*, 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 to demand of the person or persons, assessed as aforesaid, the amount of such assessment, and in case of non-payment, he is hereby authorized to prosecute all such persons neglecting or refusing to pay the same for the space of twenty days after such demand, and to recover the amount thereof, with costs, in the name of the corporation, in an action of debt, before any justice of the peace of the county. his duty.

Sec. 8. *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.

A. Passed December 25, 1826.

AN ACT providing for the repairs of the government house.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Charles Parker, and John Wilson, be, and they are hereby appointed commissioners to make such repairs to the government house, as, in their opinion, may be necessary for the preservation of the same: *Provided* the expense thereof does not exceed the sum of one hundred dollars.

A. Passed December 21, 1826.

AN ACT for incorporating Trustees of Trenton Lodge, No. 5.

Sec. 1. **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 L. Woodruff, Master, Charles Burroughs, Senior Warden, Zachariah Rossell, Junior Warden, John Mershon, Secretary, and William Kerwood, Treasurer, and their successors, be, and are hereby made, declared, and constituted a corporation and body politic and corporate, in law and in fact, by the name, style, and title of "The Trustees of Trenton Lodge, No. 5;" and by the name, style, and title aforesaid, shall be persons able and capable in law, as well to take, receive and hold

Name of the
incorporation;
powers, &c.

all, and all manner of lands, tenements, rents, annuities, franchises, and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed, for the use of Trenton Lodge, No. 5, or any other person or persons, to the use of the said association, or in trust for the same; and the same lands, tenements, rents, annuities, liberties, franchises and other hereditaments, are hereby vested and established in the said corporation, and their successors, according to the original use and intent for which such devises, gifts and grants were respectively made; and the said corporation, and their successors, are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, and other conveyances thereof, is, or are declared, limited, and expressed: *Also*, that the said corporation, and their successors, shall be capable and able to purchase, have, receive, take, hold and enjoy, in fee simple, or of lesser estate or estates, any lands, tenements, rents, annuities, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffments, release, confirmation or devise of any person or persons, bodies politic or corporate, capable and able to make the same: *And further*, that the said corporation, and their successors, may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to and for the use of Trenton Lodge, No. 5, or to any other person or persons, body politic or corporate, in trust, or for the use of the said association, or that hereafter shall be given, sold, leased, or bequeathed to the said corporation, 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, such money, goods, or chattels, to be laid out and disposed of for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the objects, articles, and conditions of this act.

Seal.

Sec. 2. *And be it enacted*, That the said corporation, and their successors, shall have full 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, and renew at their pleasure.

Privileges.

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

By-laws.

Sec. 4. *And be it enacted*, That the said corporation, and their successors, shall be, and hereby are authorized and empowered to make, ordain, and establish by-laws and ordinances, and do every thing incident and needful for the support and due government of the said corporation, and managing the funds and revenues thereof: *Provided* the said by-laws be not repugnant

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

Book of accounts to be kept, &c.

Sec. 5. *And be it enacted*, That the said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose, and shall yearly exhibit to the association, an exact statement of their accounts.

Sec. 6. *And be it enacted*, That the said corporation may take, receive, purchase, possess and enjoy messuages, houses, lands, tenements, rents, annuities, and other hereditaments, real and personal estate, of any amount not exceeding two thousand dollars yearly value or income.

Sec. 7. *Provided nevertheless, and it is hereby enacted*, that nothing herein contained, shall prevent the legislature from altering, amending or repealing this act, whenever, in their opinion, the public good requires it.

C. Passed December 24, 1826.

AN ACT to exonerate Theresa Parmentier from her recognizance.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Theresa Parmentier, of the county of Burlington, be, and she is hereby released and discharged from her recognizance entered into before Samuel J. Read, esq. one of the justices of the peace of the said county of Burlington, on the twenty-second day of May, in the year of our Lord one thousand eight hundred and twenty-six, for the appearance of William Hogan, before the justices of the next court of oyer and terminer, and general jail delivery, or the next court of general quarter sessions of the peace, which should first be holden at Mount Holly, in and for the county of Burlington, in the term of May instant; and also from the judgment obtained against her in the supreme court of this state on said recognizance, and from the payment of any moneys to which she has become liable by the forfeiture of said recognizance, or the judgment rendered in consequence thereof: *Provided*, that the said Theresa Parmentier shall pay all the costs of the said prosecution in the case in which she was bail as aforesaid.

C. and A. Passed December 25, 1826.

AN ACT to authorize Maria Thomson, administratrix, and Mark Thomson, administrator, of Robert C. Thomson, late of the county of Warren, deceased, to convey certain real estate to Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner and Peter Baylor; and also to sell and convey other lands of the said Robert C. Thomson, deceased, for the payment of debts.

Preamble.

WHEREAS it has been represented to the legislature, and it appears that Robert C. Thomson, died intestate, seized of several tracts and lots of land, situate in the counties of Warren, Morris, and Hunterdon; and among others, of a tract of land containing about five hundreds acres, situate in the township of Washington, in the county of Morris, and in the township of Lebanon, in the county of Hunterdon; that previous to his death, he entered into parol contracts for the sale of the last mentioned tract, in parcels, with different persons, viz:— with Jacob Pence, to sell to him the farm whereon he now resides, part of the said tract; with Frederick Lance, to sell him about thirty-two acres, part of said tract; with Jacob Swackhamer, to sell to him a part of said tract, and also with Abraham Castner, to sell to him one hundred and forty acres, parcel of the said tract; (which last mentioned contract was reduced to writing, and deposited in the hands of a third person, from whom the said administratrix and administrator have not been able to ascertain whether the said written contract is in such form as to authorize the Orphans' court to interfere therewith;) and the said intestate also entered into a parol contract with Peter Baylor, to sell to him a lot of about one quarter of an acre, situate in the township of Mansfield, in the county of Warren; and that a considerable portion of the purchase moneys of the said several tracts and lots of land, was received by the said intestate, in his life time, from certain of the said contractors; and since his decease, the said administratrix and administrator, have received the sum of four hundred and forty-eight dollars, from Frederick Lance, one of the said contractors: *And whereas* it has been further represented and made to appear to the legislature, that the personal estate of the said intestate is insufficient to pay his debts, and that it will be necessary to sell *other* lands of the said intestate, to discharge the same; and that such *other* lands can be sold to much better advantage at private sale, by virtue of an act of the legislature, than they could at public sale, in the manner they must be sold under any authority derived from the Orphans' court—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 Maria Thomson, administratrix, and Mark Thomson, administrator, of Robert C. Thomson, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner, and Peter Baylor, respectively, a good and sufficient deed of conveyance of the lot or tract of land so agreed for by each of them, with the said intestate, to them, the said Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner, and Peter Baylor, severally, their several heirs and assigns, in fee simple, upon their severally paying or securing to the said administratrix and administrator, the consideration money, or the residue thereof, according to the terms of the said several contracts; and that every such deed and conveyance by the said administratrix and administrator, acknowledged or proved and recorded as the laws direct, shall be valid and effectual to convey to the said Jacob Pence, Frederick Lance, Jacob Swackhamer, Abraham Castner, and Peter Baylor, severally, their several heirs and assigns, all the estate and interest in the said several bargained premises, which the said Robert C. Thomson was seized of, or entitled to at the time of his death.

Administrators authorized to fulfil certain contracts, and to sell and convey certain real estate.

Sec. 2. *And be it enacted*, That for the purpose of paying the debts of the said intestate, and the expenses of carrying this act into execution, the said administratrix and administrator, be, and they are hereby authorized and empowered to sell at private sale, or otherwise, as they may deem most advantageous, any of the lands of the said intestate, (exclusive of the said tract in Morris and Hunterdon counties, subdivided and bargained for as aforesaid,) which, in their opinion, can be sold with the least injury to the estate of the said intestate; and to make good and sufficient titles for the same to the purchaser or purchasers thereof: *Provided however*, that the said deeds of conveyance, in the first section of this act mentioned, nor either of them, nor any other deed which may be made by virtue hereof to any future purchaser or purchasers, shall not in any wise affect any legal claim or demand, if any such there be, of any person or persons whatsoever, other than the said Robert C. Thompson, deceased, and his heirs, and all persons claiming under him or them.

At private or public sale.

Sec. 3. *And be it enacted*, That the said administratrix and administrator, before they proceed to execute the said deeds of conveyance, or either of them, in this act mentioned, or to sell any of the lands of the said intestate for the purposes aforesaid, shall enter into a bond, with two good and sufficient securities, inhabitants of this state, to the Governor of this state, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of their duties under this act; and that they will not sell any more of the lands of the said intestate than shall be sufficient, as near as may be, to make up the deficiency of the personal estate of the said intestate to pay his said debts, and the expenses of effecting the objects of this act.

To give bond for the faithful performance of their duty.

C. Passed December 26, 1826.

AN ACT supplementary to "An act for the preservation of clams and oysters," passed the ninth day of June, one thousand eight hundred and twenty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the second section of the act to which this is supplementary, as prohibits persons, residing in this state, from using a dredge in any of the rivers, bays, or waters thereof, be, and the same is hereby repealed, so far as respects the Delaware bay.

C. Passed December 26, 1826.

A FURTHER SUPPLEMENT to the acts concerning
Oysters.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the time for prohibiting the taking of oysters, or vending the same, as set forth in the first and fourth sections of the act entitled "An act for the preservation of clams and oysters," passed the ninth day of June, one thousand eight hundred and twenty, be, and the same is hereby prolonged and extended to the first day of October, yearly and every year, as far as respects the taking of oysters in Shark river, in the township of Howell, in the county of Monmouth, under the same penalties and regulations as are contained in the above recited act for the like offences: *Provided always nevertheless,* that this act shall in no wise be so construed as to affect or prevent any person from taking oysters from his own beds or ground.

C. and A. Passed December 26, 1826.

AN ACT to raise the sum of thirty thousand dollars for the year of our Lord one thousand eight hundred and twenty-seven:

Sec. 1. 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 thirty 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 twenty-eight.

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

The county of Bergen shall pay the sum of one thousand nine hundred and forty-nine dollars and eighty cents.

The county of Essex shall pay the sum of two thousand eight hundred and sixty-seven dollars and eleven cents.

The county of Middlesex shall pay the sum of two thousand four hundred dollars and four cents.

The county of Monmouth shall pay the sum of two thousand seven hundred and ninety-two dollars and seventy-eight cents.

The county of Somerset shall pay the sum of one thousand nine hundred and eighty-two dollars and fifteen cents.

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

The county of Gloucester shall pay the sum of two thousand five hundred and thirty-four dollars and forty cents.

The county of Cumberland shall pay the sum of one thousand one hundred and eighty-nine dollars sixty-five cents.

The county of Salem shall pay the sum of one thousand six hundred and seventeen dollars and forty-seven cents.

The county of Cape May shall pay the sum of five hundred and eighty-four dollars and seven cents.

The county of Hunterdon shall pay the sum of three thousand four hundred and one dollars and ninety cents.

The county of Morris shall pay the sum of two thousand three hundred and fifty-two dollars and five cents.

The county of Sussex shall pay the sum of one thousand five hundred and nineteen dollars and twenty-nine cents.

The county of Warren shall pay the sum of one thousand six hundred and thirty-nine dollars and thirteen cents.

Sec. 3. *And be it enacted,* That the assessors of the several townships of this state, to raise the sum of thirty thousand dollars, shall assess and rate the several articles and things hereafter enumerated, at the following specific sums :—

Every covering horse, above three years old, any sum not exceeding ten dollars, to be paid by the person where the horse is kept.

All other horses or mules three years old and upwards, any sum not exceeding six cents.

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

Sec. 4. *And be it enacted,* That in assessing the aforesaid sum of thirty thousand dollars, the following persons, articles and

things, shall be valued and rated at the discretion of the assessors, to wit :—

All tracts of lands, except land and real estate owned or held by the board of chosen freeholders of the several counties, and by the several townships in this state, for public purposes, 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 living with their parents,) 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, shop keepers, 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 carding machines, propelled by water, any sum not exceeding three dollars.

All furnaces, any sum not exceeding ten dollars.

All saw mills, for each saw, any sum not exceeding eight dollars.

All forges, that work pig iron, and forges and bloomaries, that work bar iron immediately from oar or cinders, for each fire, any sum not exceeding six dollars.

All rolling and slitting mills, any sum not exceeding ten dollars.

All pasteboard or paper mills, for each vat, 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 plaster mills, any sum not exceeding six dollars.

All fulling mills, 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 any one taxed as a single man, shall not be taxed as a householder.

Every male slave, between the ages of fifteen and 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 materials, any sum not exceeding thirty-five dollars.

All other distilleries, used for distilling, any sum not exceeding nine 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 framed 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, pleasure wagon, or sulkey, 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 the said sum of thirty 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, A. D. 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 duty imposed by said act; 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.

C. and A. Passed December 26, 1826.

AN ACT relative to insurance companies.

WHEREAS it is represented to the legislature, that associations or companies of individuals, not resident in this state, nor incorporated by its laws, do, nevertheless, by means of agents appointed by them, in this state, effect many insurances within the same, against losses by fire, and otherwise, thereby securing to themselves all the benefits, without being subject to

Preamble.

any of the burthens of insurance companies regularly incorporated by law of this state—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 from and after the passing of this act, it shall not be lawful for any person or persons, under any pretence whatever, to act as agent or agents, or otherwise, for any individuals, or association of individuals, not incorporated by some law of this state, (although such individuals or associations may be incorporated by the laws of any other state or kingdom,) for the purpose of effecting insurances, or contracts of insurance against losses by fire, or otherwise, in such foreign and unincorporated companies as aforesaid, except in the manner, and under the regulations hereinafter prescribed.

On what conditions agents of foreign insurance companies may act, &c. in this state.

Sec. 2. And be it enacted, That every person who now is, or hereafter may be appointed an agent for any individuals, or company, resident out of this state, and not incorporated by any law of this state, before he acts as such agent, or takes any measures to effect, or procure to be made, any insurances within this state, against losses by fire, or otherwise, shall enter into bond, with good and sufficient freehold security or securities, to the collector of the county for the time being, within which such agent may reside, by his name of office, in the penal sum of one thousand dollars, with a condition thereunder written, that such agent, will in all things, comply with the requisitions of this act during his agency; the sufficiency of which bond and securities shall be judged of by the clerk of the county in which the same may be given; and if he approves of, and is satisfied with the same, he shall endorse thereon, a certificate to that effect, and then deliver the bond to the collector, for the time being, of the county in which the same shall be given; after which it shall and may be lawful for such agent to prosecute his agency for the purposes aforesaid; and for the services so to be performed by the said clerk, he shall be entitled to receive from the person giving such bond, the sum of fifty cents.

Bond to be given to the collector, &c.

Sec. 3. And be it enacted, That every person so having given bond as aforesaid, and thereafter acting as such agent for any individuals, or companies, out of this state, and not incorporated by some law thereof, shall some time in the months of January and July, in every year while he shall continue such agent, deliver to the collector, for the time being, of the county in which he may reside, a just and true account in writing, of all insurances effected by him as such agent as aforesaid, and of the amount he has received, either in money or securities for money, for premiums on insurance, and from whom he has received the same; and shall thereupon pay to such county collector, by way of tax for the use of this state, at five per cent. upon the gross amount he shall have received in moneys or securities for money, for pre-

Foreign agents to furnish collector with a true account of moneys received, and to pay certain tax thereon, &c.

miums or insurances effected or contracted for by him as such agent, for the six months last preceding such accounting; and in default of such agent, in not rendering such just and true account as aforesaid, or paying to such collector such tax as aforesaid, the bond so as aforesaid given by him, shall be deemed and taken to be in full force and effect; and it shall thereupon be the duty of the collector, for the time being, of the county in which such bond was given, to prosecute the same to judgment and execution, in his own name, in any court of competent jurisdiction; and the moneys that may be recovered thereon, shall be received by such collector, to, and for the use of this state.

Sec. 4. *And be it enacted*, That if any person, after the first day of July next, shall act as agent for any individuals, or companies, resident out of this state, and not incorporated by some law thereof, in effecting or promoting insurances against losses by fire, or otherwise, contrary to the provisions of this act, or any of them, the person so offending shall forfeit the sum of one hundred dollars, to be sued for and recovered in an action of debt, in any court of competent jurisdiction, by any person suing for the same; one half to the use of the plaintiff, and the other half to the use of this state.

Penalty for a violation of this act.

C. Passed December 26, 1826.

A FURTHER SUPPLEMENT to the act, entitled, "An act respecting conveyances;" and to an act entitled "An act to register Mortgages."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the governor of this state be, and he is hereby authorized to name, appoint and commission, a commissioner in each, or such of the other states of the United States, as he may think expedient, and where such appointment shall not be incompatible with the laws of the state, where such commissioner shall reside; which commissioner shall have authority, in case either of the parties reside in the state in which such commissioner is appointed, to take the acknowledgment or proof of any deed or conveyance, mortgage, defeasible deed or other conveyance in nature of a mortgage, of any lands, tenements, or hereditaments, lying and being in this state, or any other instrument of writing, under hand and seal, required by the laws of this state to be acknowledged or proved; and such acknowledgment or proof taken or made, in the manner directed by the laws of this state, and certified by the commis-

Commissioners appointed in other states.

sioner, before whom the same shall be made, as by law required, shall have the same force and effect, and be as good and available, in law, for all purposes, as if such acknowledgment or proof had been made before one of the justices of the Supreme Court of this state.

Removal at
the will of the
Governor.

Sec. 2. *And be it enacted,* That it shall not be lawful for the governor to appoint, by virtue of this act, more than one commissioner in any one of the said states, and that such commissioner may be removed from office at the will and pleasure of the governor; and in case any such commissioner shall remove out of the state, in which he shall reside at the time of his appointment, his commission shall thereupon become void; and the said commissioners and every of them, are hereby authorized to demand and receive the same fees as are or shall be allowed by law for like services to other persons for taking the acknowledgment or proof of deeds.

May adminis-
ter oaths, &c.

Sec. 3. *And be it enacted,* That every commissioner, appointed by virtue of this act, shall have full power and authority to administer an oath or affirmation to any person, who shall be willing and desirous to make such oath or affirmation before him, to hold to bail, or in or concerning any cause depending or to be brought in any of the courts of this state; and every affidavit or affirmation, made before such commissioner, shall and is hereby declared to be as good and effectual to all intents and purposes, as if made before an officer resident in this state, and competent to take the same.

Oath of office.

Sec. 4. *And it be enacted,* That every commissioner, appointed as aforesaid, before he shall proceed to perform any duty under and by virtue of this law, shall take and subscribe an oath or affirmation, before the mayor or other chief magistrate of the city in which the said commissioner shall reside; or before a Judge of the Supreme or Superior Court of the state, where the said commissioner shall be resident, well and faithfully to execute and perform all the duties of such commissioner, under and by virtue of the laws of the state of New-Jersey; which said oath or affirmation shall be filed in the office of the Secretary of this state.

C. and A. Passed December 27, 1826.

AN ACT to incorporate the New-Brunswick Insurance Company in the counties of Middlesex and Somerset.

Preamble.

WHEREAS sundry inhabitants of the city of New-Brunswick, and its vicinity, in this state, have represented to the legisla-

ture that insurance of houses is frequently, and to a large amount, made in the city of New-York, and that an insurance company in New-Brunswick, under proper regulations, would tend to the convenience of the inhabitants, and would confine at home a source of wealth which is yearly carried into another state—**THEREFORE,**

Sec. 1. 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 New-Brunswick 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
incorporative
powers and
privileges.

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

Amount of
Capital.

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.

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

Sec. 5. And be it enacted, That the stock, property, affairs and concerns of the said company shall be managed and conducted by twenty directors, who shall hold their offices for one

Number of di-
rectors;

time of elections;

notice to be given.

Proviso.

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 city of New-Brunswick, as the board of directors, for the time being, shall direct; of which election public notice shall be given in the newspapers printed in New-Brunswick aforesaid, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the stockholders present, or represented by proxies, and every stockholder shall be entitled to one vote for each share holden by him: *Provided*, that he shall have held such share for at least twenty days next preceding the election, and shall be a citizen of the United States; and the first directors shall be Andrew Kirkpatrick, Charles Smith, Staats Van Duersen, Edward Carroll, James Neilson, Joseph W. Scott, Peter Dayton, Daniel W. Disborough, James Dunham, Cornelius L. Hardenbergh, James F. Randolph, James Bishop, Joseph C. Griggs, James S. Nevius, Robert Boggs, and Frederick Richmond, of New-Brunswick, and James Parker, of Amboy, William B. Gaston, of Somerville, Robert Voorhees, of Princeton, and Thomas Capner, of Flemington, who shall hold their offices until the first Monday of May, in the year of our Lord one thousand eight hundred and twenty-seven, and until other directors shall be chosen in their stead.

President to be an inhabitant of New-Brunswick.

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 be an inhabitant of the city of New-Brunswick, and 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.

Officers to be compensated.

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 judgment be deemed reasonable.

Books to be opened, &c.

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 New-Brunswick aforesaid, upon two weeks notice published in the newspapers of that city, which shall continue open from day to day (Sundays excepted) for ten 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 company, by resolution, shall direct: *Provided*, should there be an excess of stock subscribed, the whole number of shares shall be apportioned *pro rata* among the subscribers. Proviso.

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, and vessels navigating the river Raritan, and their lading, 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, &c.

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 may be 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 and 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 seven directors shall constitute a quorum for the transaction of business, notice of the meeting be given, or published to all. Judges of elections.

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 said meeting for at least two weeks, in the papers printed in the city of New-Brunswick, and mentioning the object of such meeting. Meetings to be advertised.

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 accommodation in the transaction of their business; and also to take and On certain conditions may hold real estate.

hold any real estate or securities, *bona fide* mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company, and also to proceed on the said mortgages, or 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 re-loan, as occasion may render expedient.

Proviso.

Stocktransferable, and to be considered personal property.

Sec. 14. *And be it enacted*, That the stock of the said company shall be assignable and transferable 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.

To make dividends, but not to impair the capital stock, &c.

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 dividend shall at no time exceed the amount of clear profits made by the 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 the 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 preceding year, shall be made out and shown for the general satisfaction of the stockholders.

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 execute the duties of his office according to the best of his skill and understanding, which oath may be administered by any judge of the inferior court of common pleas, or any 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 half of one per cent. per annum on the capital stock, to commence three years after the said company shall go into operation, which said amount shall be paid in under the oath of the president and secretary thereof.

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.

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.

C. and A. Passed December 27, 1826.

AN ACT to incorporate certain tenants holding oyster lots under this state upon rent.

WHEREAS by an act of the legislature, passed the twenty-fifth day of November, one thousand eight hundred and twenty-four, and the supplement thereto, certain commissioners laid out, among others, a certain lot of forty-eight acres of land, situate under tide water, in the bay of Perth-Amboy, by metes and bounds; and having subdivided the same into twenty-four lots, of two acres each, did convey one of said subdivided lots unto Oliver Wayne Ogden, and his assigns, to hold for the term of ten years, at a rent of four dollars a year; and in like manner conveyed the remaining twenty-three subdivided lots to twenty-three other persons severally, for the like term, and under the like rent; and duly made a map of the said lot of forty-eight acres, with its true boundaries and subdivisions, indicating thereon the person to whom each subdivided lot Preamble.

was let as aforesaid, and duly filed the said map in the clerk's office, in the county of Middlesex, there to remain of record, agreeably to the directions of the before mentioned act; and the said Oliver Wayne Ogden, together with the other tenants having, for the more easy management of their business, prayed that the same lot of forty-eight acres may be let to them, as a company—THEREFORE,

Style of the incorporation, powers and privileges.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Oliver Wayne Ogden, and the aforesaid twenty-three other persons, and their successors, be, and they are hereby incorporated as a body politic and corporate, by the name of "The Oyster Company of Perth-Amboy," with power to hold the said lot of forty-eight acres, for the term hereinafter mentioned, and all such money as they may contribute for the planting and growing of oysters, clams, or other shell fish on said lot, and the avails of the same, and such goods and chattels as they may deem necessary for carrying on said business; and also with power to make and execute such rules for the regulation of said company, its stockholders, officers, and agents, as they may deem expedient; and to call on each stockholder to pay, on peril of forfeiture of his share, such sum and sums of money on his said share, for planting said ground, and other expenses, at such time and times, and to such person or persons, as a majority of the stockholders assembled shall ordain, at any meeting where not less than two-thirds of the whole number shall be present, in person or by their proxies, so as the said rules are not contrary to the laws and constitution of the United States, or of this state.

Term of the lease.

Annual payments to be made under the penalty of forfeiture, &c.

Sec. 2. And be it enacted, That the lot of forty-eight acres before mentioned, be, and the same is hereby let and demised to the said company, to be had and holden to them, their successors and assigns, for the term of twenty years from the first day of May next, reserving therefor to the treasurer of this state, for the use of this state, on the first day of May next thereafter, yearly (except as hereinafter excepted) the yearly rent of two hundred dollars: *Provided*, that the company hereby incorporated, shall at the end of the first ten years of this charter, pay the yearly rent of three hundred dollars; and if the said rents shall be unpaid for thirty days after it shall at any time become due, the treasurer shall direct the attorney general to sue out a *scire facias* against the said company, in the supreme court, to show cause why the said charter should not be forfeited therefor, to which the company may plead payment; and if the fact shall be found against them, judgment shall be given that the said charter be forfeited, and thereupon it shall stand forfeited to the state, and all the rights, privileges, and term hereby granted, shall cease and become void: *Provided always*, that if the rent and interest thereon, with full costs, shall be paid up to the treasurer before the entry of judgment, the proceedings shall be thereupon dis-

continued; and *provided also*, that as no avails can be made from the premises during the first three years, while the first planting of oysters is growing, the rent of the first three years is hereby remitted to the said company.

Sec. 3. *And be it enacted*, That each of the said twenty-four persons, or his assigns, shall be deemed and taken to be the owner of one full share of stock in the said company, and shall be entitled to one vote on all matters to be decided on by the said stockholders, who shall meet together on the third day of January next, at the hour of two in the afternoon of the same day, at the house of Lewis Compton, innkeeper, at Perth-Amboy, and by the votes of a majority of such stockholders as shall then and there be assembled, elect and appoint an officer or officers, agent or agents, for the management of their concerns, and demand such security from them, as to a majority of the stockholders so assembled shall appear expedient; and may remove and appoint officers and agents from time to time thereafter, at their discretion; and the said stockholders may meet together thereafter, from time to time, according to their own regulations, during the continuance of the said lease.

Time of meeting; votes how to be regulated.

Sec. 4. *And be it enacted*, That this act, in consequence of its connexion with the revenue of the state, shall be deemed and taken to be a public act.

Declared a public act.

Sec. 5. *And be it enacted*, That if the business of the said company shall prove itself to their satisfaction to be unproductive of profits, the company may surrender their charter, term, and privileges, under this act, to the treasurer of this state, by an instrument in writing under their corporate seal, and the same shall thereupon cease, at any time, on their paying to the treasurer, all the rent then due, or that would become due at the end of that current year: *Provided nevertheless*, that the stockholders in said company at the time of such surrender, or whenever a dissolution of the said company shall take place from any other cause, shall be jointly and severally liable in their individual capacities for any and all debts which may be due and owing by said company at the time of such surrender or dissolution of their charter as aforesaid; and for the performance of all contracts and agreements entered into by the said company during the continuance of the said charter.

On what conditions charter may be surrendered.

Provide

Sec. 6. *And be it enacted*, That the rent herein reserved to the state, shall be in lieu and in full of all taxes that might otherwise be imposed on the premises or company, or on the stockholders in respect to their said stock, during the continuance of the said term.

Sec. 7. *And be it enacted*, That if any person shall take or carry away, with an intent to steal, any oysters, clams, or other shell fish, lying, or being on the lot of forty-eight acres, so demised by the state to the said company, such person shall be deemed guilty

Penalty for violating this act.

ty of a high misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, or by fine and imprisonment, at hard labor, or both, the fine not to exceed one hundred dollars, nor the time of imprisonment to exceed one year and one month.

C. and A. Passed December 27, 1826.

AN ACT for the better organization of the cavalry of this state.

Brigade of cavalry; its arrangement, &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 cavalry of this state shall form one brigade, and continue in their present arrangement in squadrons and regiments, as follows, that is to say: The troops of cavalry in the county of Bergen shall form one squadron, and the troops of cavalry in the county of Essex shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the county of Morris shall form one squadron, and the troops of cavalry in the counties of Sussex and Warren shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the county of Middlesex shall form one squadron, and the troops of cavalry in the county of Monmouth shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the county of Hunterdon shall form one squadron, and the troops of cavalry in the county of Somerset shall form one squadron, which two squadrons shall form one regiment; the troops of cavalry in the counties of Burlington and Gloucester shall form one squadron, and the troops of cavalry in the counties of Salem, Cumberland and Cape May, shall form one squadron, which two squadrons shall form one regiment.

Present officers to hold their commissions.

Sec. 2. *And be it enacted,* That the present officers of the cavalry of this state shall continue to hold and exercise the several ranks and commissions they now hold, and vacancies shall be filled up, so that the cavalry shall be officered as follows, that is to say: To the brigade, there shall be one brigadier general, and a brigade staff, to consist of one aid-de-camp, and one brigade major, to serve also as brigade inspector, each with the rank of major, one brigade judge advocate, one brigade paymaster, and one brigade quartermaster; to each regiment, one colonel, and a regimental staff, to consist of one regimental adjutant, who, at the meetings of the regiment, in the absence of the brigade major, shall perform the duty of brigade inspector, and one quartermaster, each with the rank of captain, one sergeant major, one master of music, and one master of the drill and sword exer-

cise, one surgeon, and one chaplain; to each squadron, one major, and a staff, to consist of one adjutant, one paymaster, and one quartermaster, each with the rank of lieutenant, one quartermaster sergeant, and one surgeon's mate; and to each troop of horse, one captain, two lieutenants, one cornet, four sergeants, four corporals, one saddler, one farrier, one trumpeter or bugler, and not less than thirty-six, or more than sixty troopers; the brigade staff to be appointed by the brigadier general; the regimental and squadron staff, by the commandants of the regiments and squadrons respectively; and the non-commissioned officers and musicians, by the commissioned officers of the troops respectively.

Sec. 3. *And be it enacted*, That the resignations of captains and subalterns, shall be made to the major or commandant of the squadron; and whenever any new troop shall be formed, or vacancy in the officers of a troop shall occur from resignation or otherwise, the major or commandant of the squadron shall immediately report the same to the colonel or commandant of the regiment, who shall thereupon, by warrant under his hand and seal, direct the major or commandant of the squadron, to hold an election in said troop to supply such vacancy; and the major or commandant of the squadron, after giving ten days previous notice of the time and place of holding such election, by advertisement set up in three of the most public places within the limits of said troop, shall proceed to hold said election within said limits, and the troop, or such of them as may attend at such time and place, shall, by plurality of votes, choose officers to supply the vacancies in said troop, and the major, or commandant of the squadron, shall certify the same to the commander in chief, to be commissioned accordingly.

Elections.

Sec. 4. *And be it enacted*, That the cavalry shall rendezvous three times in every year, for improvement in military discipline; once by troop, within the bounds thereof, on the fourth Monday in April; once by troop, with the battalion of infantry to which they may be respectively attached, on the day appointed for the meeting of said battalion; and once by troop, with the regiment of infantry to which they may be respectively attached, on the day appointed for the meeting of said regiment: *Provided*, that if the major or commandant of a squadron shall order a squadron training, then the several troops composing said squadron, together with the staff, shall meet by squadron, within the bounds thereof; the first squadron in each regiment, on the third Tuesday in May, and the second squadron, on the Wednesday following, which squadron training shall be instead of the meeting of the several troops with the battalions of infantry to which they may respectively be attached for that year; and if the colonel or commandant of any regiment of cavalry shall think fit (not oftener than once in three years) to order a regimental training, then the several troops and squadrons composing

To rendezvous three times a year.

Proviso.

Regimental training when to take place.

To be previously advertised.

Brigade inspector to make return to general.

Colonel may call a meeting of officers of his regiment for improvement in discipline.

Liable to fines for non attendance.

Who captains may enrol in their troop, &c.

the said regiment, together with the staff, shall meet by regiment, within the bounds thereof, on the Tuesday following the second Monday in June, which regimental training shall be instead of the meeting of the several troops with the regiments of infantry to which they may respectively be attached for that year; and it shall be the duty of the colonels or commandants of regiments to give twenty days notice, the majors and commandants of squadrons to give fifteen days' notice, and the captains or commandants of troops to give ten days' notice of such meetings, by advertisements set up in three of the most public places, or inserted in a newspaper circulating within the bounds of the regiment, squadron or troop, respectively; and at every meeting of a regiment of cavalry, the brigade inspector, or in his absence, the adjutant of the regiment, shall make an accurate return and report of the state of the several troops composing the regiment, their number, horses, arms, and equipments, one copy of which return he shall forthwith forward to the adjutant general, and one other copy to the colonel or commandant of the regiment, who shall forward the same to the brigadier general or commander in chief of the cavalry.

Sec. 5. *And be it enacted*, That the colonel or commanding officer of each regiment of cavalry, shall once in each year, if he think necessary, call a meeting of all the commissioned officers of his regiment, at such time and place, within the bounds of the same, as he shall appoint, for improvement in military discipline, of which meeting he shall give twenty days notice, in manner aforesaid, and if he shall think proper, may order the first or orderly sergeant, of each troop, belonging to the said regiment, to attend the said meeting, and also, may order any one troop belonging to the squadron, within the bounds of which the said meeting shall be held, to attend the same, giving notice of his intention so to do, to the captain or commandant of said troop, fifteen days before the time appointed for the first meeting of the troop in that year, which meeting of the said troop, with the officers of the regiment, shall be advertised by the captain or commandant of the troop in manner aforesaid, and shall be in lieu of the troop training of that year.

Sec. 6. *And be it enacted*, That all officers, privates, and musicians belonging to the cavalry, shall be subject to the same fines and penalties for non-attendance on the days of parade directed and required by the troop, squadron, or regiment, to which they may belong, and for deficiencies of arms and equipments, as are, or may be imposed by law on the militia generally.

Sec. 7. *And be it enacted*, That it shall and may be lawful for the captains, or commandants of any troops of cavalry, to enrol in their respective troops, from the several companies of militia composing the regiment or brigade to which they may belong; and if the said company be in the bounds of the said regiment or brigade, then from the regiment or brigade adjoining

the same, and a certificate from the captain or commanding officer of any troop shall exonerate the person therein named from being fined, or from paying any fine thereafter imposed on him by the officers of the company of militia within the bounds of which he may belong: *Provided*, it shall not be lawful for the captains or commandants of any troop of cavalry, to grant a certificate to any person prior to his appearing in uniform, agreeably to law, under the penalty of ten dollars, to be recovered by the paymaster of the battalion within the bounds of which such officer, may reside, and paid to the brigade paymaster.

Sec. 8. *And be it enacted*, That it shall be lawful for the colonels or commandants of regiments of cavalry, and it shall be their duty when required by the brigadier general of cavalry, to vary the day of the meeting of said regiment, so that the several regiments may meet in succession, for inspection or review by the brigadier general of cavalry, or other superior officer or officers, if he shall think fit.

Sec. 9. *And be it enacted*, That in all respects not herein particularly provided for, the cavalry of this state shall be subject to such rules and regulations as are, or may be, provided by law, for the government of the militia of this state: *And further*, that nothing in this act contained, shall affect or interfere with the provisions of the act, entitled "An act establishing an independent regiment of horse artillery, passed fifth of December, one thousand eight hundred and twenty-three.

Cavalry subject to the similar rules, &c as other militia.

C. and A. Passed December 27, 1826.

AN ACT to incorporate a company for the purpose of rendering the Crosswicks creek navigable.

WHEREAS a number of the inhabitants of the counties of Monmouth and Burlington, have by their petition, set forth to this legislature, that great and important advantages would accrue to the public by rendering the Crosswicks creek navigable from the village of New-Egypt to tide water, and that the practicability of the object is fully apparent, but that the expense of such an undertaking, would be too great for individual enterprise; and whereas the said inhabitants by their petition have prayed this legislature for a law incorporating a company, about to be formed, for the purpose of clearing, straightening, and locking the said creek, to be known by the style and title of "The Crosswicks Navigation Company;" and this legislature being desirous of affording all proper encouragement to

Preamble.

enterprise and industry, especially when directed to internal navigation—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 all such persons as shall become subscribers to the capital stock of this company, are hereby incorporated under the style and title of "The president and directors of the Crosswicks navigation company," for and with the privileges and immunities hereinafter described, defined and granted, and by that name and style, shall be a body corporate and politic in law, and may sue and be sued, plead and be impleaded, in all courts of law in this state, or in any other place whatsoever; and the said company shall have perpetual succession and power to make and use one common seal, and the same to change and alter at pleasure, and also to ordain, establish and carry into execution such by-laws and regulations, as shall by its president and directors be judged necessary and convenient for the said corporation in respect to its operations: *Provided*, the same be not repugnant to the constitution and laws of this state, nor of the United States.

Name and style of the incorporation, powers and privileges.

Amount of capital stock.

Shares twenty-five dollars.

Sec. 2. And be it enacted, That the capital stock of the company shall at no time exceed the sum of thirty thousand dollars, divided into shares of twenty-five dollars each, payable in instalments not exceeding five dollars on each share, at such time and place as the president and directors may appoint, giving at least thirty days public notice; two dollars and fifty cents shall be paid on each and every share at the time subscribed for, as a first instalment; the shares of stock shall be transferable at the pleasure of the holder, but shall not entitle the purchaser to a vote, unless the said transfer shall have been made upon the books of the company, at least ninety days previous to any election of the company; all elections of the company shall be by ballot, and a plurality of votes shall, in all cases, be sufficient to make a choice; in voting at elections of the company for every share, not exceeding four shares, one vote for each share, six shares five votes, eight shares six votes, twelve shares seven votes, eighteen shares eight votes, and for every ten shares above eighteen, one vote.

Commissioners, their duty.

Sec. 3. And be it enacted, That Elisha Gordon, James S. Lawrence, and Joseph W. Reckless, be, and they are hereby appointed commissioners, with authority to provide and open a book for the purpose of receiving subscriptions to the capital stock of the company, and shall give thirty days notice of the time and place, when the said book will be opened for persons disposed to subscribe, in at least two of the newspapers published in this state, most generally circulating in the neighborhood of the proposed navigation; and the said commissioners or any two of them, shall attend at the time mentioned in their said no-

tice, and receive all such subscriptions as may be offered, each subscriber, at the time of subscribing shall pay two dollars and fifty cents on each share he may subscribe for, and adjourn from day to day, and from place to place, as often as shall be necessary, until four hundred shares shall have been subscribed for, when they shall close their book, and immediately give public notice as aforesaid to the subscribers, that an election for the choice of seven directors for one year, will be held for the management of the company's concerns; the time and place shall be expressed in said notice, not exceeding fifteen days from the date of closing their subscription book; and the said commissioners shall, with as little delay as possible, deposit the amount received from subscribers as their first instalment, in one of the banks of the state, subject to the draft of the president when chosen.

Sec. 4. *And be it enacted*, That at the first meeting of the directors, they shall choose out of their own body a president, who shall hold his appointment for one year, and such other officers as they may deem necessary and expedient; it shall be the duty of the president to preside at the meetings of the board, and sign all orders for the disbursement of the company's moneys; but in case of absence, or disability of the president to attend any meeting of the board of directors, a president *pro tempore* may be appointed by the board; the president and directors may, on giving thirty days notice, re-open their subscription book for such additional subscription to the said stock as often as may be necessary, giving preference to original subscribers; new subscribers shall pay, at the time of subscribing, such sum as may have been paid in by original subscribers: *Provided always*, that such new subscription, including the original, shall not exceed thirty thousand dollars as aforesaid.

President to be chosen, his duty.

Sec. 5. *And be it enacted*, That for the better conducting the various works of the company, the president and directors shall appoint three commissioners, the president being one, and which commissioners, or any two of whom, shall have power and authority to cause an accurate survey or surveys to be made of the said creek from the village of New-Egypt to tide water, and lay off the distance in such convenient sections as to them shall seem proper and convenient, and also to enter in and upon any lands adjoining or contiguous to said creek, and in order to shorten the distance or route of said navigation as far as may be practicable and convenient, and may make such and so many artificial cuts or canals through and across any of the angular points of land, on either side of said creek, as now have a tendency of increasing the distance; and also to enter upon the lands adjoining any mill-dam free from any cost or charges from the owner or owners of the same, and to construct and settle such and so many locks or other devices as shall be necessary and convenient to admit of a safe and convenient passage for boats and rafts through

Commissioners, their powers, &c.

Locks to be constructed.

Rubbish to be
cleared out of
the creek, &c.

the same ; and at all times to repair and renew the same at pleasure, and also to cut, remove, and clear away any fallen timber, logs, or things that may have a tendency of obstructing the navigation, or that, in the judgment of said commissioners, may endanger the same, doing as little damage to the owners or proprietors of any of the said lands as possible ; and for the purpose aforesaid, the said commissioners, their artificers, workmen and laborers, carts, wagons, horses and machinery of whatsoever kind it may be, shall have free ingress, egress and regress into and upon any land adjoining the said creek, for the purposes heretofore mentioned or intended so to be, and for any injury or damage sustained by any owner or proprietor of such lands, mill sites, easement, water power, or right aforesaid, he, she, or they, shall be entitled to a full and fair compensation, to be agreed upon by the party complaining and any two of the said commissioners ; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the owner or owners of said lands, to choose one respectable freeholder in the state, not interested, and the said president and directors shall also choose one, who, in case of their disagreement, shall have power to choose an umpire, and who, together with the umpire, if chosen, or a majority of them, after having taken an oath or affirmation to act impartially, and to the best of their knowledge, shall determine at the expense of the parties, the amount of the compensation, which shall be paid by the president and directors of said company, to such of the applicants as they shall conceive to be injured, on which payment, or tender thereof, to the owner or owners of said lands, the said president and directors shall become seized in the same estate in the said lands which the owner or owners held in the same ; but if the owner or owners of said land will not agree to any of the provisions heretofore made, or refuse, or neglect to join in such choice, or shall be under the age of twenty-one years, *feme covert*, *non compos mentis*, or out of the state, or if in any case the men so chosen shall not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon the application of either party, and at the costs and charges of said parties, to direct a special jury of freeholders in any county in which said improvements shall be, to be struck before such justice in the manner in which special juries are generally struck, who shall view, examine and survey said lands, and estimate the damages sustained as aforesaid, and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the supreme court, by the sheriff of the county in which said inquisition is taken ; and it shall be the duty of such sheriff to attend before the said justice, with the book of the lawful jurors, at such time and place as the said justice shall appoint, upon ten days' notice being given him, for the purpose of striking such jury, and also upon like notice to have the jury upon the premises in question, at the time mentioned in the said notice, and to administer the oath or affirma-

tion to the first twelve of said jurors not excepted to, and for good cause, set aside by the said sheriff; and the said sheriff and jurors shall be entitled to the like fees for their services, as are allowed by law in other cases of special juries; and upon the coming in of such report or inquisition and confirmation thereof, and the said president and directors, paying to the owner or owners respectively, the sum in such report mentioned, in full compensation for such lands, or for the injury sustained as aforesaid, the president and directors shall become seized in the same estate, in the lands which the said owner or owners held in the same, and they, and all who have acted under them, shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, that the payment of damages aforesaid, for land through which said improvement may be made, or tender thereof, be made before the said president and directors, or any person under their direction, or in their employ, enter upon, and break ground in the premises, except surveying and laying out said improvements, unless the consent of the owner of such land be first obtained.

Sec. 6. *And be it enacted*, That when any portion of the said navigation shall have been completed to tide water, embracing a lock or locks for the passage of boats or rafts, the president and directors may levy, assess and collect such reasonable tolls upon the captain, skipper, or other persons having charge of any such boats or rafts passing the same, as to them shall be just and reasonable; and when the whole line of the said navigation shall have been completed, and in consideration of the risk and hazard incidental to this undertaking, the president and directors may fix, levy and collect such rate of toll upon all boats or rafts as may pass up and down the same, as to them shall appear right and proper.

Tolls to be collected.

Sec. 7. *And be it enacted*, That if any person or persons, shall in any manner wilfully or maliciously destroy, injure or obstruct the said navigation, or any of its parts or works otherwise connected, or unnecessarily and maliciously open any gates thereon, or otherwise maliciously let off and waste water to the detriment of said company, he, she or they, shall be considered guilty of a misdemeanor, and being thereof convicted, shall be punished by fine or imprisonment, or both, at the discretion of the court in which such conviction shall take place, not exceeding twenty dollars, and imprisonment, not exceeding one year; but such criminal prosecution shall in no wise impair the right of action for damages by civil suit to be brought by the company.

Penalty for injuring the works.

Sec. 8. *And be it enacted*, That after the said navigation shall have been completed, and within twelve months, and at least once in every year thereafter, the president and directors shall make and declare such dividend upon their net profits as to them shall appear just and reasonable, and such dividend shall be paid respectively to the stockholders, or their legal representa-

Dividends when to be paid.

tives, at the company's office ten days thereafter if demanded, or at any other time.

Non-payment
of instalments,
&c. liable to
forfeiture.

Proviso.

Sec. 9. *And be it enacted,* That if any stockholder shall neglect or refuse to pay any instalment demanded by the board of directors, in conformity to the provisions of, and the true intent and meaning of, this act, for the space of thirty days after public notice of such requisition has been made, in at least two of the newspapers most generally circulated in the neighborhood, such share or shares, together with such instalments as may have been paid thereon, shall be taken as forfeited for the use of the company: *Provided always,* that stock so forfeited may be redeemed within six months from the date of such forfeiture, on the payment of all such instalments as may have been required on such share or shares, together with the interest thereon, at the rate of one per centum per month, as an equivalent for any loss the company may have sustained by such delay

When enjoined
to make annual
statement
of receipts,
dividends, &c.

Sec. 10. *And be it enacted,* That the said company shall, within three years after they shall have commenced their operations, exhibit to the legislature of this state, a true and complete statement, verified by the oath or affirmation of the president and clerk, or person acting as clerk thereof, of the receipts, expenditures, and dividends of profits of said company, and a similar statement every seven years thereafter; and whenever it shall appear from any such statement that the tolls received and net annual profits made, would have enabled the said company to pay a dividend of more than twelve per centum per annum upon their capital expended under this act, the said company shall forthwith reduce the rate of their tolls so much as may appear to be necessary to reduce their dividends within the sum above specified, and thereafter it shall not be lawful for the said company to increase the said rate of tolls until it appear by such periodical statement as aforesaid, that their net annual profits are less than eight per cent. upon the capital expended as aforesaid.

On certain
contingencies
the legislature
may alter this
act.

Sixty years.

Sec. 11. *And it be enacted,* That if the said company shall fail to perform and comply with the duties or requisitions, or any of them, contained in the last preceding section of this act, it shall be lawful for the legislature to alter and amend this act, so far as to regulate the rate and amount of tolls which it shall be lawful for the said company to charge.

Sec. 12. *And be it enacted,* That this act shall be, and continue in force for the term of sixty years.

C. and A. Passed December 27, 1826.

AN ACT establishing an independent battalion within the bounds of the second regiment of the Salem brigade.

Sec. 1. **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 Thomas Rowan, John Sinnickson, Jacob Fox, William N. Jeffers, Edward Smith, and Henry Freas, of the second regiment of the Salem brigade, be, and the said companies hereby are, set off, and formed into an independent battalion.

Sec. 2. *And be it enacted,* That the said battalion shall meet for exercise, by companies, upon the day appointed by the militia law for company trainings; by battalion the first Wednesday in May; and by battalion, for inspection, on the first Tuesday in June; and the said battalion shall be entitled to all the privileges, and subjected to all the penalties an independent battalion may, by the militia law of this state, be subjected to.

C. and A. December 27, 1826.

AN ACT respecting the Delaware and Raritan Canal Company.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Governor of this state, or the person administering the government of the same, and he hereby is authorized and directed to receive from the Delaware and Raritan Canal Company, a surrender to this state of their charter, together with all the privileges and immunities therein and thereby granted to them, for the use of this state; and thereupon to issue a certificate thereof, directed to the treasurer of this state, who, on receiving the same, shall pay to the said Delaware and Raritan Canal Company, or their lawfully authorized agent or agents, the sum of ninety thousand dollars, heretofore paid to him by them, together with the interest, if any, that may have accrued thereon: *Provided,* that the aforesaid surrender shall not be received, or the said certificate issued by the Governor, or person administering the government of this state, unless the said surrender shall have been duly authorized and directed by the holders or representatives of at least three fourths of the capital stock of said company, at a meeting of the stockholders convened for that purpose, in like manner and upon like notice as is required by said charter for the election of managers.

C. and A. Passed December 27, 1826.

AN ACT concerning 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 it shall not be lawful for any person or persons, not resident citizens of this state, to draw or use any net or seine for the purpose of taking or catching fish in any of the bays, flats, rivers or waters within the jurisdiction of this state; and every person so offending shall forfeit and pay for every such offence the sum of thirty dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, in any court of record, having cognizance thereof, the one moiety thereof to the use of the prosecutor, and the other moiety to be paid to the county collector, for the use of the county in which the offence was committed: *Provided always nevertheless*, that nothing in this act shall be so construed as to affect the right or privilege of any owner or owners, tenant or tenants not resident in this state, from fishing upon or opposite to his, her, or their own shore in this state, or to prevent any resident, owner or tenant from employing what hands he may think necessary to carry on the business of his or their fisheries: *Provided also*, that nothing in this act contained shall relate to, or in any wise affect the fisheries on the waters of the river Delaware.

Sec. 2. *And be it enacted*, That in any action for the recovery of the above penalty, the same may be commenced by warrant in the court for the trial, of small causes and proceeded in as in other cases when the same is commenced by warrant, any law usage or custom to the contrary notwithstanding.

C. and A. Passed December 27, 1826.

A FURTHER SUPPLEMENT to the act, entitled "An act to incorporate societies for the promotion of learning.

Sec. 1. **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 trustees of each and every association, heretofore incorporated under the act to which this is a supplement, and all such as shall be hereafter incorporated under said act, shall be elected annually on the second Monday of April, in each and every year, by the members of said association, at the usual place of meeting of said association, or at such other time and place as the board of trustees shall from time to time order and direct; and that every person who shall have been duly admitted a member of said association, by a majority of the trustees for the time

being, and shall have paid to the said trustees, for the use of the association, the sum of three dollars, shall be admitted to vote for trustees.

Sec. 2. *And be it enacted*, That so much of the supplement to an act, entitled "An act to incorporate societies for the promotion of learning," passed June sixth, one thousand eight hundred and twenty, as comes within the purview of this act, and inconsistent therewith, be, and the same is hereby repealed.

A. Passed December 27, 1826.

AN ACT to authorize Hannah Barcoe to inherit real estate.

WHEREAS Thomas Barcoe, late of the county of Bergen, died seized of a certain lot of land, situate in the township of Saddle River, in said county, and without having left any lawful heirs to inherit the same: *And whereas* the said Hannah Barcoe is the widow of the said Thomas Barcoe, deceased—
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 Hannah Barcoe, shall, forever hereafter, hold and enjoy the said lot or tract of land, with the tenements and hereditaments thereunto belonging, to her and her heirs and assigns forever, as a full and perfect estate of inheritance, in fee simple, as though the same had descended to her as the lawful heir at law of the said Thomas Barcoe, any law to the contrary notwithstanding: *Provided always*, that this act shall not impair any legal right or title any heir at law of the said Thomas Barcoe may have to the said lot or tract of land, the tenements or hereditaments thereunto appertaining.

C. Passed December 2, 1826.

AN ACT concerning the African education society.

Sec. 1. 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 association, incorporated at Newark, New-Jersey, in the month of April last, by the name and style of "The society for the education of free colored children and

youth in the United States," under an act of the legislature of this state, entitled "An act to incorporate societies for the promotion of learning," and the supplement thereto, be, and they are hereby authorized to elect any number of their said association, not exceeding twenty-five, to be trustees of the same, at the time, and in the manner regulated by the said act of the legislature, and the supplement thereto, and that five of the said trustees shall be a quorum to transact business; and that it shall be necessary for such number of five trustees to be present and agree to any order, regulation or proceeding, to make the same valid.

Sec. 2. *And be it enacted*, That so much of the said act of the legislature, and the supplement thereto, as relates to the election of seven trustees, so far as the said provision concerns the association above named, be, and the same is hereby repealed.

C. Passed December 5, 1826.

A SUPPLEMENT to an act entitled "An act concerning slaves.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That when a colored person, held to labor or service in any of the United States, or in either of the territories thereof, under the laws thereof, shall escape into this state, the person to whom such labor or service is due, his or her duly authorized agent or attorney, constituted in writing, is hereby authorized to apply to any judge of any inferior court of common pleas, or justice of the peace, who on such application, supported by the oath or affirmation of such claimant, or authorized agent or attorney as aforesaid, that the said fugitive hath escaped from his or her service, or from the service of the person for whom he is duly constituted agent or attorney, shall issue his warrant under his hand and seal, and directed to the sheriff or any constable of the proper county, authorizing and empowering said sheriff or constable to arrest and seize the said fugitive, who shall be named in said warrant, and to bring said fugitive before a judge of the inferior court of common pleas of the proper county; which said warrant shall be in the form or to the effect following: State of New-Jersey. county, ss. The state of New-Jersey, to the sheriff or any constable of county, greeting: Whereas it appears by the oath or solemn affirmation of that was held to labor or service to of county, in the state of and that the said hath escaped from the labor and service of the said

You are therefore commanded to arrest and seize the body of the said _____ if he be found in your county, and bring him forthwith before any judge of the inferior court of common pleas of said county, so that the truth of the matter may be inquired into, and the said _____ be dealt with as the constitution of the United States, and the laws of this state direct: Witness our said judge, or justice, as the case may be, at _____ this _____ day of

A. D. one thousand eight hundred and _____

By virtue of such warrant, the person named therein may be arrested by the proper sheriff or constable, to whom the same shall be delivered within the proper county.

Sec. 2. *And be it enacted,* That no judge or justice of the peace shall issue a warrant on the application of any agent or attorney, as provided in the first section, unless the said agent or attorney shall, in addition to his own oath or affirmation, produce the affidavit of the claimant of the fugitive, taken before and certified by a justice of the peace or other magistrate, authorized to administer oaths in the state or territory in which such claimant shall reside, and accompanied by a certificate of the authority of such justice or other magistrate to administer oaths, signed by the clerk or prothonotary, and authenticated by the seal of a court of record in such state or territory; which affidavit shall state the said claimant's title to the service of such fugitive, and also the name, age and description of the person of such fugitive.

Sec. 3. *And be it enacted,* That it shall be the duty of any judge or justice of the peace, when he grants or issues any warrant under the provision of the first section of this act, to make a fair record of the same upon his docket, in which he shall enter the name and place of residence of the person on whose oath or affirmation the said warrant may be granted; and also, if an affidavit shall have been produced under the provisions of the second section of this act, the name and place of residence of the person making such affidavit, and the age and description of the alleged fugitive contained in such affidavit; and shall within ten days thereafter, file a certified copy thereof in the office of the clerk of the inferior court of common pleas of the proper county; and any judge or justice of the peace who shall refuse or neglect to comply with the provisions of this section, shall be deemed guilty of a misdemeanor in office, and shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any sum not exceeding one thousand dollars; and any sheriff or constable receiving and executing the said warrant, shall, without unnecessary delay, carry the person arrested, before the judge, according to the exigency of the warrant; and any sheriff or constable who shall refuse or wilfully neglect so to do, shall, on conviction thereof, be sentenced to pay, at the discretion of the court, any

sum not exceeding five hundred dollars; or shall also be sentenced to imprisonment at hard labor, for a time not exceeding six months, or both.

Sec. 4. *And it be enacted,* That the said fugitive from labor or service, when so arrested, shall be brought before a judge as aforesaid, and upon proof to the satisfaction of such judge, that the person so seized or arrested, doth under the laws of the state or territory from which he or she fled, owe service or labor to the person claiming him or her, it shall be the duty of such judge to give a certificate thereof to such claimant, his or her duly authorized agent or attorney, which shall be sufficient warrant for removing the said fugitive to the state or territory from which he or she fled: *Provided,* that the oath of the owner or owners, or other persons interested, shall in no case be received in evidence before the judge on the hearing of the case.

Sec. 5. *And be it enacted,* That when the fugitive shall be brought before the judge agreeably to the provisions of this act, and either party shall make oath or affirmation, in writing, that he or she is not prepared for trial by reason of the absence of some material witness whom he or she shall name, it shall and may be lawful, unless security satisfactory to the said judge be given for the appearance of the said fugitive on a day certain, to commit the said fugitive to the common jail for safe keeping, there to be detained at the expense of the owner, agent or attorney, for such time as the said judge shall think reasonable and just, and to a day certain, when the said fugitive shall be brought before him by *habeas corpus*, in the court house of the proper county, or in term time at the chamber of the said judge, for final hearing and adjudication: *Provided,* that if the adjournment of the hearing be requested by the claimant, his agent or attorney, such adjournment shall not be granted, unless the said claimant, his agent or attorney, shall give security satisfactory to the judge, to appear and prosecute his claim on the day to which the hearing shall be adjourned, or on failure thereof to pay and satisfy forthwith unto the person so taken as a fugitive, all such damages, costs, charges and expenses, as may have been sustained or accrued by reason of having been so taken and committed: *Provided,* that on the hearing last mentioned, if the judge committing the said fugitive or taking the security as aforesaid, should be absent, sick or otherwise unable to attend, it shall be the duty of either of the other judges, on notice given, to attend to the said hearing, and to decide thereon.

Sec. 6. *And be it enacted,* That the officers which may or shall be employed in the execution of the duties of this act, shall be allowed the same fees for issuing and serving process as are now or hereafter shall be allowed, by law, in criminal cases, and two dollars and fifty cents per day for each and every day necessarily spent in performing the duties enjoined on them by this act, to be paid in all cases by the claimant, owner, agent or attorney, immediately on the performance of the duties aforesaid.

Sec. 7. *And be it enacted*, That it shall be the duty of the judge of any inferior court of common pleas of this state, when he grants or issues any certificate or warrant of removal of any negro or mulatto, claimed to be a fugitive from labor, to the state or territory from which he or she fled, in pursuance of an act of congress, passed on the twelfth day of February, one thousand seven hundred and ninety-three, entitled "An respecting fugitives from justice and persons escaping from the service of their masters;" and of this act, to make a fair record of the same, in which he shall enter the name, age, sex, and a general description of the person of the negro or mulatto, for whom he shall grant such certificate or warrant of removal, together with the evidence, and the name of places of residence of the witnesses, and the party claiming such negro or mulatto, and shall within ten days thereafter, file a certified copy thereof in the office of the clerk of the inferior court of common pleas of the county in which he may reside.

Sec. 8. *And be it enacted*, That if any person or persons shall seize, arrest, or take any person under pretence that such person is held to labor or service in any other of the United States, or in either of the territories thereof, and hath escaped into this state, without having previously obtained the warrant herein before mentioned, or without having other legal authority for the purpose, under some act of the legislature of this state, or of the congress of the United States; or if any two or more persons, being armed, shall assemble together, and enter the dwelling house, or place of abode of any other person, under pretence of searching for any person or persons held to labor or service in any other of the United States, or either of the territories thereof, and who hath or have escaped into this state, without having previously obtained the warrant herein before mentioned, or without having other legal authority for the purpose, under some act of the legislature of this state, or of the congress of the United States, such person or persons, so seizing, arresting or taking as aforesaid, and such persons so assembling as aforesaid, and entering as aforesaid, shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding one thousand dollars, or by imprisonment at hard labor, not exceeding two years, or both, at the discretion of the court before whom such conviction may be had.

Sec. 9. *And be it enacted*, That the seventh section of "An act respecting slaves," passed the fourteenth day of March, one thousand seven hundred and ninety-eight, and all other acts, or parts of acts, coming within the purview of this act, be, and the same are hereby repealed.

C. Passed December 26, 1826.

AN ACT to authorize Nancy Drake, and Lydia Phillips, to convey certain real estate.

WHEREAS James Drake, late of the city of New-Brunswick, in the county of Somerset, deceased, did in and by his last will and testament, bearing date the fifth day of July, in the year of our Lord one thousand eight hundred and eight, among other things, give, devise, and bequeath unto his beloved wife Jane, the plantation in North Brunswick, which he purchased of William Cheeseman, containing two hundred and one acres and thirty hundredths, so long as she should remain his widow: *And whereas*, as the said James Drake, did in and by his said will, give to his daughter Lydia Phillips, one thousand pounds; to his daughter Nancy, twelve hundred pounds; and to his son James, two hundred pounds; and ordered and directed that the said plantation, purchased of William Cheeseman, and devised to his wife as aforesaid, should, after her decease or re-marriage, be sold by his executors, therein named, or the survivor of them, and that the proceeds thereof should be appropriated to the payment of the said legacies, or *pro rata*, as the case might be, and appointed his son, Henry Drake, and his friend Andrew Kirkpatrick, his executors: *And whereas* the said Andrew Kirkpatrick, after the death of the said James Drake, renounced his appointment of executor to the said will, and refused to prove the same, whereby the said will was proved by the said Henry Drake alone, who died in the life time of his mother, the said Jane Drake; and the said Jane Drake also departed this life in the month of January, one thousand eight hundred and twenty-six, without having remarried: *And whereas*, on the fifth day of April, in the year of our Lord one thousand eight hundred and twenty-four, the said James Drake, son of the said testator, Lydia Phillips, and Nancy Drake, contracted with Isaac Purdun, for the sale of the said farm, subject to the interest of the said Jane Drake therein, who paid to the said James his portion of the moneys according to the said contract; since which, the said James has also departed this life, leaving no person interested in, the sale of the said farm, except the said Lydia Phillips, and the said Nancy Drake, the same not being of sufficient value to pay the said legacies: *And whereas* the said Lydia Phillips, and Nancy Drake, have presented their petition, praying that a law may be enacted authorizing and empowering them to convey the said farm to the said Isaac Purdun, in pursuance of the said will, and for the fulfilment thereof, and perfecting said contract—NOW 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 Nancy Drake, and Lydia Phillips, be,

and they are hereby authorized and empowered to convey to the said Isaac Purdun, the said farm, in fee simple, by a good and sufficient deed of conveyance.

A. Passed December 28, 1826.

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 to the several persons hereinafter named, the following sums, viz:—

To William Irick, Joshua Sharpe, and Joshua S. Earl, commissioners, one hundred dollars and seventy-five cents, being the sum expended by them over and above the amount appropriated by law for building a fire proof office, in the city of Burlington, for the safe keeping of the records of the surveyor general of the western division of this state.

To William Gould, for cording wood and sawing for the state house, and other expenditures, accompanied by vouchers, thirty dollars and eighty-four cents.

To Alexander Witherup, for furnishing assembly room with locks, and repairing blinds in council chamber, &c. as per bill, four dollars twenty-seven and a half cents.

To Asa Belden, for repairing pipe at the state house, as per bill, two dollars and fifty cents.

To William Kerwood, for forty-six chair cushions furnished the house of assembly, seventy dollars and six cents, as per bill rendered.

To Martin C. Howe, for finding and setting glass in the state house, and furnishing lock for secretary's office, and repairing locks in council chamber, as per bill, seven dollars and seventy-five cents.

To Joseph Justice, for printing the act of the assylum of New-Jersey, in pamphlet form, as per bill, twelve dollars; and also the further sum of seventy-eight dollars for printing militia blanks, by order of Zachariah Rossell, esq. adjutant general, as per bill.

To Benjamin Thomson, for attendance before the committee appointed to investigate the conduct of the commissioners of the New-Jersey Delaware Oyster Company, under and by virtue of a writ of subpoena, issued by the Hon. George K. Drake, esq. speaker, as per bill, eleven dollars and fifty cents.

To William L. Prall, for wood furnished the state, as per bill, one hundred fifty-eight dollars and seventy-five cents.

To his excellency Isaac Williamson, Governor, twenty-six dollars and eighty-two cents for postage on letters received at the post office of Elizabeth-town, as per bill, rendered from October first, one thousand eight hundred and twenty-five, to October first, one thousand eight hundred and twenty-seven.

To George Sherman, for furnishing legislature with newspapers, and publishing public acts, and notice of court of appeals, as per bill, forty-eight dollars and fifteen cents.

To James Parker, James Vanderpool, and Asa Whitehead, commissioners appointed to examine into the affairs of the Franklin Bank, the Hoboken Banking and Grazing Company, as follows:— James Parker, for five days' services and expenses, twenty-one dollars and fifty cents; James Vanderpool, for ten days' services and expenses, forty-eight dollars; Asa Whitehead, for ten days' services and expenses, and drawing and engraving two reports, fifty-four dollars.

To Francis S. Wiggins, for furnishing stationary for the legislature, and printing, as per bill, ninety-two dollars and nine cents; and also the further sum of six dollars per sheet for publishing the law reports in addition to the sum allowed by the act of one thousand eight hundred and twenty-five.

To Jonathan Brown, for attendance before the committee of the legislature as a witness in the case of Joseph Hill, complainant vs. Radford Jobs, justice, in December, one thousand eight hundred and twenty-four, as per bill, two dollars.

To Charles Parker, for expenses going to, while at, and returning from, Philadelphia, forty-one dollars and four cents, at different times on business for the state; to postage for one year, eight dollars and forty-nine cents; to freight paid Philip Howell, for books, one dollar and two cents; to amount paid Thomas L. Woodruff, as per bill, four dollars and fifty-three cents; to expenses going to, while at, and returning from Milford, in the state of Pennsylvania, six days, including hire of horse and sulkey, as per bill, twenty-three dollars and sixty-six cents; to cash paid for transporting books from New-York, as per bill, two dollars; to postage paid for the governor, at the post office in Trenton, up to the first of October one thousand eight hundred and twenty-six, as per bill, thirteen dollars and seventy-three cents; to postage paid on letters addressed to the adjutant general up to the first of October one thousand eight hundred and twenty-six, as per bill, one dollar and thirty-eight cents; to cash paid Daniel Baker, for one dozen chairs, as per bill, fourteen dollars; also to going express to Spotswood, six dollars; which several sums amount to one hundred fifteen dollars and eighty-five cents.

To Ralph Green, for cutting door and putting down carpet strip, and other repairs done the state house, as per bill, fifty cents.

To Charles Parker, and John Wilson, esqs. commissioners appointed under the act of December, one thousand eight hundred and twenty-five, for the purpose of making repairs and im-

provements in the office of the clerk of chancery, as per bill, from No. 1 to No. 21, inclusive, six hundred sixty-three dollars and eighty-six cents.

To Garret D. Wall, for costs and fees on a writ, issued at the suit of the state of New-Jersey, against Daniel M'Laren, on bond, fifteen dollars.

To Joseph Justice, for printing bills for council; also furnishing council and house of assembly with "The Emporium," during the present session; also furnishing council with books, inkstands, &c.; also one dozen of red tape furnished council last year, which several bills amount to forty-nine dollars and eleven cents.

To Daniel Fenton, for stationary twenty-four dollars forty-five and a half cents, furnished council; also the further sum of forty-eight dollars and ninety-five cents for stationary furnished house of assembly.

To William L. Prall, for printing bills for the house of assembly; reports of committees; and furnishing council and assembly with "The True American," as per bill rendered, three hundred and sixty-seven dollars and twenty-five cents.

To Joseph Justice, for four quires post paper furnished council, one dollar and twenty-five cents.

To Thomas Cain, for candles furnished council and assembly, during the present session, as per bills, seven dollars and ninety-four cents.

To George Sherman, for printing two hundred copies of the lists of acts, as per bill, five dollars.

To John Davisson, for ink, pincers, &c. furnished council, as per bill, two dollars and eighty-eight cents.

C. and A. Passed December 28, 1826.

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 government of this state, the several sums following, viz:—

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

To the chief justice of the supreme court of this state, for the time being, at the rate of twelve hundred dollars by the year.

To the associate justices of the supreme court, for the time being, at the rate of eleven hundred dollars by the year.

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

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

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

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

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

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators or assigns, on warrants produced to the treasurer, signed by the governor, or vice president of council; and in case of any of said officers shall be removed from office by death or otherwise, the salary of such officers 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.

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 that they have respectively attended this, or may attend this, or any future meeting of the legislature; and to every member the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual road, between his place of residence and the seat of government, in going and returning, on a certificate to be produced to the treasurer expressing the sum due, and the number of days and miles, signed by the president, or vice president, of council, for the members of council; or by the speaker of the house of assembly, for the members of assembly, or by William B. Ewing, Asa C. Dunham, William Stites, and Isaiah Toy, or any two of them, for the members of assembly.

Sec. 3. *And be it enacted*, That there shall be paid to the secretary of council, and to the clerk of assembly, the sum of three dollars and fifty cents for every day they have respectively attended this, or may attend any future sitting of the legislature; and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of council and assembly, and the joint meeting, fairly in the journals; and 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.

Sec. 4. *And be it enacted*, That the treasurer pay to such person or persons as shall print the law reports, thirty-two dollars for every sheet; that the treasurer pay to such person or persons as shall print the laws, the sum of thirty-two dollars for every sheet, and that sixteen hundred copies of each be printed; that

the treasurer pay to such person or persons as shall be appointed by the house of assembly to print the votes and proceedings of the assembly, and to such person or persons as shall be appointed by the council for printing the journals of council and the minutes of joint meeting, the sum of twenty-eight dollars for every sheet, and that thirteen hundred copies be printed; and that the printers of the laws be required to print the public and private laws together, in one pamphlet, in the order of their passage, with tables of contents at the end, containing the title of each public act in one table, and of the private acts in another table.

Sec. 5. *And be it enacted*, That there shall be paid to the sergeant at arms, for the time being, who shall attend the council, and the house of assembly, and to the doorkeepers of council and the house of assembly, for the time being, the sum of two dollars by the day, for each day, on a certificate to be produced to the treasurer, expressing the sum, and the number of days they have respectively attended, signed by the president of council, or the speaker of the house of assembly.

Sec. 6. *And be it enacted*, That there shall be paid to the secretary of council, and to the clerk of assembly, who shall severally engross the bills of council and assembly, this session of this legislature, at the rate of eight cents by the sheet, on a certificate of the amount, signed by the president, or vice president of council, or by the speaker of assembly.

Sec. 7. *And be it enacted*, That this act be, and continue in force for one year from the twenty-fourth day of October, one thousand eight hundred and twenty-six, and no longer.

C. and A. Passed December 28, 1826.



RESOLUTIONS.

Mr. EWING, from the joint committee of council and assembly, to whom was referred the memorial of Jonathan Dollass, and others, complaining of the conduct of the commissioners and directors of the New-Jersey Delaware oyster company, beg leave to report, that they have examined carefully, the memorial and accompanying documents, and without giving any opinion on the merits of the dispute, are impressed with the belief that the rights of all parties can be more properly ascertained and settled in a judicial tribunal than by the legislature; they, therefore, beg leave to recommend the adoption of the following resolution:

RESOLVED, That the attorney general of the state, be required to file an information in the nature of a *quo warranto*, against the said New-Jersey Delaware oyster company, to enquire by what right and authority the said corporation exercise their privileges and powers.

C. Passed November 21, 1826.

RESOLUTIONS appointing commissioners to examine into the situation of several banking companies.

RESOLVED, by the Council and General Assembly of New-Jersey, That James Parker, James Vanderpool, and Asa Whitehead, or any two of them, be, and they are hereby authorized and appointed to examine into the situation and affairs of the Hoboken Banking and Grazing Company, and to enquire whether the capital stock of said company was subscribed and paid in, agreeably to the requisitions of the act incorporating said company, or any supplement thereto; and whether the said company have employed, and continue to employ, one half of the capital stock of said company for the uses and purposes specified in the act, entitled "An act to incorporate the New-Jersey Salt Marsh Company," and that they make report thereon to the legislature of this state.

And be it further resolved, That the said commissioners, or any two of them, be authorized and directed particularly to examine into the situation and affairs of the president, directors and company of the Jersey Bank; and also of the president, direc-

tors and company of the Franklin Bank of New-Jersey, and that they make report thereon to the legislature of this state.

C. Passed November 24, 1826.

RESOLUTION relative to certain moneys in the hands of Abiah Willson, esq.

WHEREAS the legislature of this state, by an act, entitled "An act to incorporate the Orange and Sussex Canal Company," passed the tenth day of December, one thousand eight hundred and twenty-three, did authorize the treasurer of this state, upon the happening of an event therein mentioned, to pay out of the moneys of this state, the sum of four hundred dollars to certain persons, in the said act named, for the purposes therein expressed, under which authority the said sum of four hundred dollars was paid by the treasurer to Abiah Willson, esq, one of the persons in the said act named: *And whereas* it has been suggested to the council and general assembly of this state, that the said sum of four hundred dollars has not been by the said Abiah Willson, wholly appropriated and expended as in and by the said act was directed—**THEREFORE,**

RESOLVED, *by the Council and General Assembly of this State,* That the attorney general of this state, do require of the said Abiah Willson, to account for the moneys so by him received, and for the appropriation thereof; and that the said attorney general do institute such proceedings, in the law, as he shall deem proper and necessary, to recover any balance remaining in the hands of the said Abiah Willson, not appropriated for the use of the commissioners, and for the purposes in the said act mentioned.

A. Passed November 29, 1826.

RESOLUTION relative to proposals for printing and engrossing the bills of the legislature.

RESOLVED, *by the Council and General Assembly of this State,* That the secretary of state, be, and he hereby is directed to give notice, in the newspapers published in Trenton, for four weeks next before the fourth Tuesday in October next, for sealed pro-

posals to be delivered to the said secretary on or before that day, for printing the bills ordered to be printed by either branch of the legislature of this state; and also for engrossing the bills ordered to be engrossed by either branch of the legislature aforesaid, during the next session thereof; which proposals shall be, by the said secretary, delivered to the vice president of council, or speaker of the house of assembly, when the said officers shall be chosen, who shall be, and hereby are empowered to employ one or more person or persons to do the work aforesaid.

C. and A. Passed December 27, 1826.

PREAMBLE and **RESOLUTION** relative to certain unavailing balances standing on the books of the treasurer.

WHEREAS the State Bank at Trenton, have suspended banking operations, and appear from the account of the treasurer, to be indebted to the state for tax, the sum of four hundred and sixty-two dollars, which has accrued since their suspension of business: *And whereas* it appears reasonable that the said tax should be remitted, and no further tax should be demanded by the state, so long as the said bank suspend its operations—**THEREFORE,**

RESOLVED by the Council and General Assembly of this State, That the treasurer be directed to cancel the said charge of four hundred and sixty-two dollars, against said bank in his last account; and also that the treasurer be directed not to charge the said bank with any tax, so long as the said bank suspend their operations.

Resolved, That the treasurer of this state be directed not to carry to his next account the balance of six thousand one hundred and thirty-one dollars and two cents, standing against Peter Gordon, late treasurer.

Resolved, That the treasurer be directed to balance the charge of seven dollars and forty-nine cents, against the collector of Middlesex, for oyster rents.

C. Passed December 13, 1826.

A RESOLUTION for suspending the collection of the tax of the Franklin Bank of New-Jersey.

RESOLVED, *by the Council and General Assembly of this State*, That the treasurer be, and he is hereby directed to suspend the collection of the tax, which may become due on the capital stock of the Franklin Bank of New-Jersey, until the said bank shall resume their banking operations.

C. and A. Passed December 27, 1826.

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