

A C T S

SESSION NO. **32095**

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RECEIVED

OF THE

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Full *23*

SIXTY-SECOND

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY,

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-FOURTH DAY OF
OCTOBER, EIGHTEEN HUNDRED AND THIRTY-SEVEN.

Being the First Sitting.



TRENTON:

PRINTED BY JAMES ADAMS.

1838.



ACTS
OF THE
SIXTY-SECOND
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY.

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. Payment of officers provided for.
The governor,

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

To each of the associate justices of the supreme court of this state for the time being, at the rate of fourteen hundred dollars by the year.

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

To the law reporter and chancery reporter of this state for the time being, at the rate of two hundred dollars, each, by the year. Law and chancery reporters,

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

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

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

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

Members of council and assembly,
how to be paid. Sec. 2. *And be it enacted*, That there shall be paid to the vice president of council and to the speaker of the house of assembly the sum of three dollars and fifty cents, and to every member of council and assembly the sum of three dollars, for each and every day they have attended or shall attend this, or any future sitting of the legislature; and to every member of council and assembly the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president or vice president of council, for the members of council, and by the speaker of the house of assembly, or by George P. Molleson, Stephen Dod, Noah H. Flanagan, Albert G. Lydecker, or any two of them, for the members of assembly.

Secretary of council and clerk of assembly,
how to be paid. 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, each, for every day they have attended, or may attend, this or any future sitting of this legislature, and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of council and assembly and the joint-meeting in the journal, and eight cents by the sheet for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice president of council for the secretary of council, and the speaker of the house of assembly for the clerk of assembly.

Sergeant-at-arms and door-keeper. Sec. 4. *And be it enacted*, That there shall be paid to the sergeant-at-arms, or to any person or persons acting in that capacity, who shall attend the council and house of assembly for the time being, and to the door-keepers of the council and 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 due and the number of days they have respectively attended, signed by

the president and vice president of council and the speaker of the house of assembly, respectively.

Sec. 5. *And be it enacted*, That there shall be paid to the engrossing clerk who shall engross the bills of council and assembly this session of the legislature, at the rate of eight cents by the sheet, computing one hundred words to the sheet, on a certificate of the amount, signed by the president or vice president of council and by the speaker of the house of assembly, respectively.

Engrossing
clerk.

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

Limitation of
act.

Passed November 7, 1837.

AN ACT for the relief of the executors and trustees of Joseph G. Brower, deceased.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Charlotte Brower, Henry Garner, and Egbert Scudder, executors and trustees of Joseph G. Brower, late of the city of New York, merchant tailor, deceased, be, and they are hereby authorized to sell and convey the real estate whereof said Joseph G. Brower died seized within this state, in the same manner as if the last will and testament of said Joseph G. Brower had been executed and published in the presence of three subscribing witnesses; *provided nevertheless*, that, before the said executors and trustees above named execute and deliver deeds for the said real estate, they shall enter into bond to the governor of this state, with sufficient sureties, to be approved by the surrogate of the county of Middlesex, in such sum as he shall direct, conditioned for the faithful performance of the trust hereby created.

Executors and
trustees of es-
tate of J. G.
Brower autho-
rized to convey
lands.

Proviso.

Passed November 8, 1838.

AN ACT for the relief of James Farrill, of the county of Gloucester.

\$60 per annum
granted to J.
Farrill.

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 pay unto James Farrill, of the county of Gloucester, a soldier in the Revolutionary war, or to his order, the sum of sixty dollars per annum during his natural life, in quarterly payments of fifteen dollars each, the first payment to be made on the first day of December next.

Passed November 8, 1837.

AN ACT supplementary to an act entitled, "An act for the relief of Bartholomew Lott, passed March thirteenth, eighteen hundred and thirty-seven.

Times of pay-
ment of pension
altered.

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 relief granted to the said Bartholomew Lott, by virtue of the act to which this is a supplement, be paid to him quarterly, instead of annually.

Passed November 10, 1837.

AN ACT to authorize John J. Reid, administrator, and Margaret Ann Conover, administratrix, of Stephen Conover, deceased, to execute a certain contract made with John T. Duncan, of the county of Middlesex, for the sale of certain real estate.

Preamble.

WHEREAS it is represented that Stephen Conover, deceased, late of the county of Monmouth, in this state, did in his

lifetime make an agreement with John T. Duncan, aforesaid, to sell and convey to the said Duncan, his heirs and assigns, all that farm or plantation whereon he then lived, situated in the township of Freehold, Monmouth county, New Jersey, adjoining lands of John English, James J. Reid, and others, containing one hundred and fifty acres; and that the said Sephen Conover, having since departed this life, leaving lawful issue under the age of twenty-one years, no deed can now be executed without legislative aid; and whereas the administrator and administratrix of said Stephen Conover, deceased, and the said Duncan, have by their petition requested that the said administrator and administratrix be empowered to make and deliver a deed to the said Duncan for the tract of land aforesaid—therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That John J. Reid, administrator, and Margaret Ann Conover, administratrix, of Stephen Conover, deceased,

be, and they are hereby authorized and empowered to execute and deliver to the said John T. Duncan a deed for said tract of land, situated as aforesaid, pursuant to said agreement, which deed shall have the same force and effect as a deed from said Stephen Conover in his lifetime would have had; provided nevertheless, that before the said John J. Reid, administrator, and Margaret Ann Conover, administratrix, execute and deliver said deed to said John T. Duncan, they shall enter into bond to the governor of this state, with two sufficient securities, to be approved of by the orphans' court of the county of Monmouth, in such sum as the said court shall direct, conditioned for the faithful performance of the trust created by this act.

Administrators
of S. Conover,
deceased, au-
thorized to con-
vey lands to J.
T. Duncan.

Proviso.

Sec. 2. And be it enacted, That the said John J. Reid and Margaret Ann Conover shall, within three months after executing and delivering said deed, file in the surrogate's office of said county of Monmouth a just and true inventory and account of all moneys received, or securities by them taken, for or on account of the purchase money for said premises; and within one year thereafter shall account to the orphans' court of said county for the same agreeably to law, and pay and apply the net proceeds received therefor in a due course of administration.

Proceeds of sale
to be accounted
for to orphans'
court of Mon-
mouth.

Passed November 10, 1837.

AN ACT to authorize Woodward Warrick, administrator with the will annexed of William Warrick, late of the county of Gloucester, in the state of New Jersey, deceased, to sell and convey certain real estate.

Preamble.

WHEREAS it is represented to the legislature that the said William Warrick died seized of considerable real and personal estate in the said county of Gloucester; that by his last will and testament he ordered his executors therein named to sell his personalestate, and also certain parts of his real estate, for the payment of his debts and legacies; that John Hider, one of the executors, renounced the execution of the said will, and that the same was proved by John R. Sickler, the other executor, who also renounced the execution thereof, leaving the estate unsettled, and debts to a large amount unpaid; and that the said Woodward Warrick was duly appointed administrator with the will annexed of said deceased.—And whereas the said William Warrick at the time of his death was seized, among other things, of a certain tract or piece of land situated on the north branch of Great Timber creek, in the township of Gloucester, in the said county, bounded by lands of Benjamin Tomlinson, James D. Dotterer, and others, containing about sixty acres, more or less, upon which there is a mill-seat; that the same is unproductive, and can now be sold for a full price, if a valid title can be obtained for the same; and that it would be greatly to the advantage of the heirs at law of said William Warrick, deceased, if a law should be passed authorizing the sale thereof—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 Woodward Warrick, administrator with the will annexed of the said William Warrick, deceased, be, and he is hereby authorized and empowered to grant, sell, and convey the above mentioned tract or piece of land for the best price that can be obtained for the same, giving at least six weeks' notice of the time and place of such sale in one of the newspapers published at Woodbury, and also by publishing the same in handbills for a like space of time, and when sold to execute, in due form of law, a good and sufficient title therefor, which title shall vest in the purchaser or purchasers all the right and interest which the said William Warrick had in and to the same at the time of his death.

Administrator
of W. Warrick
authorized to
sell certain
lands.

Sec. 2. *And be it enacted,* That before the said Woodward Warrick shall sell the said tract of land, he shall enter into bond to the governor of this state, with such security and in such amount as shall be approved of by the orphans' court of the said county of Gloucester, conditioned for the payment and disposition of the said purchase money, agreeably to the will of the said William Warrick, deceased, which bond shall be deposited in the office of the surrogate of the said county.

Administrators to give bond to the governor.

Sec. 3. *And be it enacted,* That the said Woodward Warrick, within three months after making sale of said premises, shall make out and exhibit, under oath or affirmation, a true and correct statement of such sale to the surrogate of the said county of Gloucester, to be by him recorded and filed.

Account of sales to be filed by surrogate.

Passed November 10, 1837.

AN ACT to provide for an investigation of the condition of the banks of this state, 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 every provision of law, now in force, requiring or authorizing proceedings against any bank, banking company, or other company exercising banking privileges in this state, with a view to forfeit its charter or act of incorporation, or wind up its concerns, or which requires any such bank or company to suspend its operations or proceedings in consequence of neglecting or refusing to redeem its notes, bills, debts, or evidences of debt, in specie or in notes of some other incorporated bank current at the time in this state at par value, or which makes the suspension of specie payments by any such bank or company evidence of insolvency, is hereby suspended until the termination of the next sitting of the council and general assembly of this state, unless otherwise provided by the legislature; and any such neglect or refusal by any such bank or company since the thirteenth day of April last, and before the expiration of the period during which this act shall be in operation, shall

All provisions of law imposing penalties, forfeiture of charter, &c., on banks not redeeming their notes in specie, suspended.

Proviso.

When banks of this state to resume specie payments.

not be evidence of insolvency, nor forfeit the charter or act of incorporation of any such bank or company, nor require any such bank or company to wind up its concerns or suspend its operations; and all proceedings to forfeit the charter or act of incorporation of any such bank or company, or to restrain any such bank or company, its officers or agents, from exercising any of the privileges granted by its charter or act of incorporation, founded upon any such neglect or refusal, are also suspended until the termination of the next sitting of the council and general assembly of this state, unless otherwise provided by the legislature; *provided however*, that this act shall not be construed in such manner as to impair, abridge, or defeat the rights or remedies of any individual or corporation holding any bill, note, or evidence of debt of any such bank or company, or to whom or to which any such bank or company may be in any wise indebted, to enforce the payment of the same in specie, in as full and complete a manner as though this act had not passed; *and provided further*, that if a majority of the banks, banking companies, and other companies exercising banking privileges in the cities of New York and Philadelphia, under charters or acts of incorporation granted by the states of New York and Pennsylvania, shall resume payment of their bills, notes, or evidences of debt in specie, before the expiration of the period aforesaid, it shall be the duty of the governor of this state forthwith to make public proclamation thereof, and of the secretary of this state to cause the said proclamation to be published in one at least of the public newspapers of this state, printed and circulated in each of the counties thereof in which any public newspaper is printed and circulated; and thereupon, and on or before the expiration of fifteen days after the publication of said proclamation, every bank, banking company, or company exercising banking privileges in this state, shall, notwithstanding the limitation herein before made, resume payment of its bills, notes, debts, and evidences of debt in specie, or thenceforth be deprived of the benefits and privileges proffered by this act.

Interrogatories to be put by the governor to the several banks.

Sec. 2. *And be it enacted*, That it shall be the duty of the governor of this state to transmit to the president or officers of each of the banks, banking companies, and other companies exercising banking privileges in this state, forthwith and in such manner as he shall see fit, a copy of the following interrogatories, to wit:

Interrogatories.

What is the amount of the capital stock of your bank actually paid in?

Is any, and if any, what amount of the capital stock of your bank is pledged as security for notes or other obligations given in payment of any instalment or instalments on said stock?

Is any, and if any, what amount of the capital stock of your bank is pledged as security for notes discounted or held by your bank, otherwise than in the manner mentioned in the last inquiry, or for loans made by your bank?

Is any, and if any, what amount of the capital stock of your bank is the property of your bank?

What amount of specie and of gold and silver bullion had your bank on hand, and actually in your possession and belonging to your bank, on the day of the suspension of specie payments by your bank? What amount on the first day of November, eighteen hundred and thirty-seven? And what is the amount at this time?

Has your bank taken any measures to increase your stock of specie or bullion beyond your usual amount, preparatory to this investigation? And if so, to what amount?

Had your bank made any, and if any, what disposition of your specie or bullion, other than in the redemption of your bills and the payment of your indebtedness, since the period of the suspension of specie payments by your bank?

What was the amount of the circulation of your bank at the period of the suspension of specie payments by your bank? What amount on the first day of November, eighteen hundred and thirty-seven? And what is the amount at this time?

What is the fair valuation of all your real estate, and in what does it consist?

What is the amount of balance due to your bank from other banks? What good? What doubtful? And what bad?

What is the amount of notes of other banks now held by, and the property of your bank? What good? What doubtful? And what bad?

What was the amount of notes, drafts, and bills of exchange discounted or held, and loans made by your bank and the property of your bank, at the period of the suspension of specie payments by your bank? What is the amount at this time? What good? What doubtful? And what bad?

Is any, and if any, what amount of such notes, drafts, bills of exchange, or loans, secured to the bank by mortgage or otherwise on real estate?

What is the amount, at a fair valuation, of all other property of your bank, and in what does it consist?

What was the amount of the surplus on hand of your bank at the period of the suspension of specie payments?

What is the amount at this time?

At what rate of per centum per annum was the last dividend made by your bank?

What is the amount of dividends declared and unpaid by your bank?

What is the amount of the balance of the profit and loss account of your bank?

What is the amount of the current expenses of your bank since the period of the suspension of specie payments by your bank to this time?

What is the amount of discount and interest received by your bank during the same period?

What is the amount due by your bank to public depositors?

What is the amount due by your bank to private depositors?

What is the amount due by your bank to other banks and companies?

What was the amount of post notes issued by your bank, and outstanding on the first day of November, eighteen hundred and thirty-seven? And when were they payable? What is the amount now? And when are they payable?

What is the amount of all other debts due and to become due from your bank?

Are there any facts within your knowledge which may lead to a more full understanding of the real condition of your bank, beside such as are stated in answer to the foregoing inquiries? And if any, what are they?

Which interrogatories shall be addressed and propounded to the president and cashier of each of the banks and companies; and the said president and cashier, under their oaths or affirmations, shall make true, full, and perfect answers thereto, without any evasion or concealment; and the directors, or a majority of them, of each of the said banks and companies shall state, under their oaths or affirmations, their belief and knowledge, to the best of their understanding, relative to the truth and fullness of the answers of the presidents and cashiers of the banks or companies with which they are connected, respectively, and transmit the same to the governor of this state immediately and before the opening of the next sitting of the legislature thereof.

Sec. 3. *And be it enacted,* That any bank, banking company, or other company exercising banking privileges in this state, to which such interrogatories shall be transmitted,

Answers to interrogatories to be made under oath, and sent to governor.

Banks not answering inter-

as is herein before provided, which shall neglect or refuse to make answers to the same, and to transmit such answers to the governor, as is herein before provided, on or before the day of the opening of the next sitting of the legislature of this state, shall thenceforth be deprived of the benefits and privileges proffered by this act.

rogatories not to have the benefits of this act.

Sec. 4. *And be it enacted*, That every bank, banking company, or other company exercising banking privileges in this state, shall forward to the treasurer of this state, in the month of December next, on the first Monday thereof, and every month thereafter, on the first Monday thereof, until the expiration of the period during which this act shall be in operation, a statement of its affairs and condition, which statement shall at least contain, the amount of capital stock actually paid in; of capital stock hypothecated for debts due to the bank or company; of stock notes; of specie and of gold and silver bullion on hand and actually in the bank; a fair valuation of all the real estate; of balances due from other banks; of bank notes of other banks; of bills receivable; of all other assets; of assets which are good; of assets which are doubtful; of assets which are bad; the amount secured to the bank or company by mortgage or otherwise on real estate; the amount of discount and interest received; of profit and loss; of current expenses; of dividends declared since the period of the suspension of specie payments by the bank or company; of dividends unpaid; of surplus on hand; the amount due to public depositors; to private depositors; to other banks and companies; and also the amount of bank notes in circulation, and of all other debts due or to become due by the bank or company, in any manner; and shall be verified by the oath or affirmation of the president and cashier of the bank or company making the same—copies or abstracts of which statement shall be published by the treasurer in such and so many newspapers published and circulated in this state, as the governor of this state shall direct.

Banks to make monthly statements to treasurer, under oath of president and cashier.

Bank statements to be published.

Sec. 5. *And be it enacted*, That, notwithstanding the provisions of this act, the chancellor may proceed, in all cases not within the intent and meaning of this act, according to the provisions of an act entitled, "An act to prevent frauds by incorporated companies," passed the sixteenth day of February, eighteen hundred and twenty-nine.

Chancellor may proceed against banks in certain cases.

Sec. 6. *And be it enacted*, That this act shall take effect immediately after the passing of the same.

Passed November 11, 1837.

A SUPPLEMENT to the act entitled, "An act to incorporate the New Jersey Railroad and Transportation Company," passed the eighth day of March, one thousand eight hundred and thirty-two.

Capital stock increased.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the capital stock of the New Jersey Railroad and Transportation Company be, and the same is hereby increased five hundred thousand dollars; and the additional capital hereby created shall be part of the capital stock of said corporation, divided into shares of fifty dollars each, held and transferred in the same manner, and entitled to the same privileges and benefits, as the capital stock created by the act to which this is a supplement.

Mode of subscribing for, and distributing additional stock.

Sec. 2. *And be it enacted*, That the said additional stock shall and may be called in from time to time, as the directors of said company shall deem expedient, of which twenty days' notice shall be given in one or more of the public newspapers printed in the city of Newark; and the same, when so called in, shall be allotted ratably among the several stockholders of said company, in proportion to the number of shares held by them respectively, at least three days prior to the time for subscribing for such new stock; and in case it shall so happen that at the time noticed for subscribing to any such additional capital, any such stockholders shall decline or neglect to subscribe for the same, he or she shall forfeit the privilege thereto, and the remaining stockholders, or such of them as then apply, shall be entitled to the privilege of subscribing as aforesaid, in proportion to the shares held by them, respectively, as aforesaid; or the said directors may, from time to time, sell or dispose of the said shares forfeited as aforesaid, in such manner as they may think most for the interest of said company, at not less than the par value, and the overplus, if any, be credited to the account of the profits of the said company; *provided always*, that nothing in this act contained shall be so construed as to extend or enlarge any of the privileges or franchises mentioned in the act to which this is a supplement, except only so as to increase the capital stock of said company to the amount aforesaid.

Act not valid till acceptance by the company, and certificate thereof filed in secretary's office.

Act not to take effect till accepted by company as part of their charter.

Sec. 3. *And be it enacted*, That this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their ac-

ceptance of the same, as a supplement to, and part of the charter of said company, under the hands of the president and secretary, and the corporate seal of said company, and file the same in the office of the secretary of this state, a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance.

Passed November 11, 1837.

In conformity with the requisitions of the third section of the preceding law, entitled, "A supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company, passed the eighth day of March, one thousand eight hundred and thirty-two," the following certified copy of the acceptance of the provisions of said law, by the said company, is here published.

WHEREAS the legislature of the state of New Jersey did, on the tenth day of November, in the year of our Lord one thousand eight hundred and thirty-seven, pass an act entitled, "A supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company, passed the eighth day of March, one thousand eight hundred and thirty-two;"—and whereas the third section of the said act enacts "that this act shall not go into effect until the board of directors of the New Jersey Railroad and Transportation Company shall certify their acceptance of the same, as a supplement to, and part of the charter of said company, under the hands of the president and secretary, and the corporate seal of said company, and file the same in the office of the secretary of this state, a certified copy of which certificate of acceptance the secretary of this state shall cause to be published, in connection with this act, among the laws of this state, which publication shall be deemed competent and plenary evidence of such acceptance;"—

Be it therefore hereby certified, That the New Jersey Railroad and Transportation Company do accept this said act, as a supplement to, and part of the charter of said company.

WITNESS the hands of the president and secretary and the seal of the said the New Jersey Railroad and Trans-

portation Company, this twenty-seventh day of November, in the year of our Lord one thousand eight hundred and thirty-seven.

[L. S.]

JOHN S. DARCY,

President of the New Jersey Railroad and Transportation Company.

JOHN P. JACKSON,

Secretary of the New Jersey Railroad and Transportation Company.

Endorsed.—"Filed December 2, 1837."

"J. D. WESTCOTT."

STATE OF NEW JERSEY, ss.—I, James D. Westcott, Secretary of State of New Jersey, do hereby certify, that the foregoing is a true copy of the certificate of acceptance, by the New Jersey Railroad and Transportation Company, of the law of said state, passed the eleventh day of November, A. D. one thousand eight hundred and thirty-seven, entitled, "A supplement to the act entitled, an act to incorporate the New Jersey Railroad and Transportation Company, passed the eighth day of March, one thousand eight hundred and thirty-two," as taken from, and compared with the original, now on file in my office.

{ *Seal of the
Secretary
of State of
New Jersey.* }

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in said state, this sixteenth day of March, A. D. one thousand eight hundred and thirty-eight, (1838.).

JAMES D. WESTCOTT.

AN ACT for the relief of David Whitehead, of the county
of Essex.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being is hereby authorized and directed to pay to David Whitehead, of the county of Essex, a soldier in the service of the United States in the Revolutionary war, the sum of sixty dollars a year, from and after the passage of this act, to be paid to the said David Whitehead, or to his order, during his lifetime, in semi-annual payments; and the receipt of the said David Whitehead, or his order, shall be a sufficient voucher for the treasurer in the settlement of his accounts, for all such sums as he shall pay under the provisions of this act.

\$60 per annum
to be paid to D.
Whitehead.

Passed November 11, 1837.

AN ACT making appropriations for the state penitentiary.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the following sums be, and the same are hereby respectively appropriated, that is to say: any sum not exceeding four thousand dollars, for the completion of the unfinished cells in the state prison, the work to be executed under the direction of the principal keeper, by and with the approbation of the inspectors; the sum of twenty dollars, for the purchase of such moral books and tracts for the use of the convicts, as the keeper, with the approbation of the inspectors, may deem proper.

Appropriation
for completion
of cells,

for the pur-
chase of books
and tracts,

Sec. 2. *And be it enacted,* That the several appropriations herein before made, shall be paid and discharged out of any moneys in the treasury, not otherwise appropriated, upon drafts for the same, made by the governor or person administering the government of this state.

how to be paid.

Passed November 13, 1837.

AN ACT to authorize Eli F. Cooley and Symmes C. Henry, guardians of Jacob V., Sarah, Isaac, and Hannah M. Scudder, minor children of Isaac Scudder, late of Middlesex county, to make sale of wood and timber on the premises of said wards, in said county.

Guardians of children of I. Scudder authorized to sell wood and timber.

Bond to be given to the governor.

Statement of sales to be made to orphans' court.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Eli F. Cooley and Symmes C. Henry, guardians of Jacob V., Sarah, Isaac, and Hannah M. Scudder, minor children of Isaac Scudder, late of Middlesex county, be, and they are hereby authorized and empowered to sell at public sale, by advertisements set up in five or more public places thirty days before the time of sale, and published in a newspaper circulating in the county for the same length of time, at least once a week, so much of the wood and timber on the premises of their said wards as is now ripe and fit for market, and as in the judgment of the said guardians will best subserve the interest, and be required for the wants of their wards, and the proceeds thereof to invest under the direction of the orphans' court of the county of Middlesex; *provided* the said guardians give bond to the governor of this state, in such sum and with such security as the said orphans' court may direct and approve, for a faithful discharge of the trust reposed in them; *provided also*, that the proceeds of such sales shall descend as real estate.

Sec. 2. *And be it enacted*, That the said guardians shall, within six months after such sales, make and exhibit, under oath or affirmation, to the said orphans' court, a statement of the amount of such sales, which shall be recorded and filed in the office of the surrogate of said county.

Passed November 14, 1837.

AN ACT to defray incidental charges.

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:

Certain incidental charges directed to be paid.

To Daniel Baker, for work done at the state arsenal, two hundred and fifty-nine dollars.

To William Rice, for work done at the state arsenal, sixty-seven dollars.

To William Robinson, for work done at the state arsenal, one dollar.

To Patrick Trent, for work done at the state arsenal, one dollar.

To Charles D. Baker, for work done at the state arsenal, nine dollars and seventy-five cents.

To Charles D. Baker, for whitewashing and cleaning arsenal, ten dollars.

To Charles D. Baker, for soap, &c., for the use of arsenal, one dollar and thirty-two cents.

To Tamar Smith, for washing tents, &c., twenty-three dollars and fifty-six cents.

To Timothy Abbott, for oil, &c., five dollars and five cents.

To H. C. Boswell, for varnish for arsenal, eight dollars and seventy-five cents.

To Philemon Dickerson, esquire, for postage for the last year, seventy-eight dollars and forty-two cents.

To Samuel Woolley, twenty-nine dollars.

To Catharine Faussett, four dollars.

To Evan Evans, one dollar and fifty-eight cents.

To Thomas Combs, forty dollars.

To Daniel Baker, for transporting arms, thirty-two dollars and eighty-seven cents.

To Joseph Justice, for stationary and printing, two hundred and eighty-one dollars and twenty-three cents.

To T. G. Haight, late speaker of assembly, twenty dollars and fifty cents.

To Ralph Green, twelve dollars and eighty-five cents.

To Daniel Childs, five dollars.

To John Wilson, eight dollars and sixty-two cents.

To Phillips and Boswell, sixty-six dollars and eighty-five cents.

To William D'Hart, twenty-one dollars and fifteen cents.

Passed November 14, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act making lands liable to be sold for the payment of debts," passed eighteenth of February, seventeen hundred and ninety-nine.

Deed made by orphans' court valid without recital of order.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That any deed or conveyance heretofore made, or which may hereafter be made, by any executor or executors, administrator or administrators, for any lands, tenements, hereditaments, or real estate, sold by virtue of any order of the orphans' court of any county in this state, by virtue of the act to which this is a further supplement, shall be good and valid, and received in evidence as such, in any court in this state, notwithstanding an omission of the recital in the said deed of the order of such orphans' court authorizing such sale.

Deed to set forth the term of the orphans' court when order for sale was made.

Sec. 2. And be it enacted, That every deed or conveyance which may hereafter be made by any executor or executors, administrator or administrators, for any lands, tenements, hereditaments, or real estate, sold by virtue of any order of the orphans' court of any county of this state, by virtue of the act to which this is a further supplement, shall set forth that the sale of the said lands, tenements, hereditaments, or real estate, was made by the said executor or executors, administrator or administrators, by virtue of an order of the orphans' court, of the county in which the sale shall be authorized; and shall set forth further, the term of the orphans' court in which the order was granted, and the date of the said order.

Sales to be reported to orphans' court.

Sec. 3. And be it enacted, That in all cases wherein a sale may be ordered by any orphans' court, the administrator or administrators, executor or executors, guardian or guardians, shall, after making such sale, report the same to the next stated term of such orphans' court; and if the said court shall approve of such sale, it shall confirm the same as valid and effectual in law, and shall by rule of court direct the said administrator or administrators, executor or executors, guardian or guardians, to execute good and sufficient conveyances in the law to the purchaser or purchasers, for the tract or tracts of land or real estate so sold; which said conveyances, duly executed as aforesaid, shall vest in the purchaser or purchasers all the estate that the testator or intestate was seized of at the time of his or her death, if

What titles are vested when deeds are confirmed by orphans' court.

the order be obtained within one year thereafter ; and if the said order be not obtained within that time, then the said conveyance shall vest in the purchaser or purchasers all the estate that the heirs or devisees of the testator or intestate were seized of at the time of the making of the said order by the orphans' court.

Sec. 4. *And be it enacted*, That all the provisions of the act entitled, "An act making lands liable to be sold for the payment of debts," passed eighteenth of February, seventeen hundred and ninety-nine, and the supplements thereto coming within the purview of this act, and contradictory thereto, be, and the same are hereby repealed. Former acts repealed.

Sec. 5. *And be it enacted*, That this act shall go into operation immediately after the passage thereof. When act to take effect.

Passed November 14, 1837.



JOINT RESOLUTIONS.

BE IT RESOLVED *by the Council and General Assembly of this state*, That the librarian be, and he is hereby instructed to fit up a room, next adjoining the library, with appropriate fixtures, for the reception of books and papers belonging to the state library, and that the treasurer be authorized to pay for the same out of any moneys not otherwise appropriated, *provided* the whole amount of such expense shall not exceed the sum of one hundred dollars.

Extension of
library room au-
thorized.

Proviso.

Passed November 13, 1837.

BE IT RESOLVED *by the Council and General Assembly of this state*, That the treasurer of this state be, and he is hereby empowered to borrow, from time to time, until the next sitting of the legislature, any sum or sums that may be necessary for the expenses authorized by law, not exceeding in the whole the sum of ten thousand dollars, at a rate of interest not greater than six per cent. per annum, and to repay such loans from the first receipts into the treasury.

Treasurer au-
thorized to bor-
row \$10,000.

Passed November 14, 1837.

RESOLVED *by the Council and General Assembly of this state*, That Josiah Harrison, the present law reporter, is hereby authorized and directed to receive and take from Joseph Pugh, late printer of the law reports, all the printed sheets of the third volume of Green's Reports and all the manuscript decisions and opinions of the justices of the supreme court in his possession; and also to receive and take from James S. Green, esquire, the late law reporter, all the

Josiah Harrison
appointed to
print last vol. of
Green's Re-
ports, under di-
rection of James
S. Green.

manuscript opinions and decisions of the said justices in his possession, and cause the same to be carefully and properly revised and reprinted, under the direction of the said James S. Green, esquire, and the justices of the supreme court; and further, that the said printed sheets, when received from the said Joseph Pugh, shall be suppressed.

Passed November 14, 1837.

JOINT RESOLUTION relative to the suit between John Den, a citizen of the state of New York, on the demise of William C. H. Waddell and Merritt Martin, Abraham Webb, Smith Martin, Abraham Bloodgood, Solomon Ross, Joseph W. Reckless, and Lawrence Kearney, citizens of the state of New Jersey.

Preamble.

WHEREAS an action of ejectment was commenced in the circuit court of the United States for the district of New Jersey, by John Den, a citizen of the state of New York, on the demise of William C. H. Waddell against Merritt Martin, Abraham Webb, Smith Martin, and others, citizens of the state of New Jersey, tenants holding under the state of New Jersey, and the judgment of said circuit has been rendered in favour of the plaintiff; and the question being one between the state of New Jersey and the proprietors of East Jersey, and it is important that the same be finally settled by the judgment of the supreme court of the United States—therefore,

RESOLVED by the Council and General Assembly of this state, That the governor of this state, or the person administering the government, be directed to authorize the counsel heretofore engaged, or other suitable persons, to carry up the cause of the said John Den, a citizen of the state of New York, on the demise of William C. H. Waddell and Merritt Martin, Abraham Webb, Smith Martin, Abraham Bloodgood, Solomon Ross, Joseph W. Reckless, and Lawrence Kearney, citizens of the state of New Jersey, on appeal from the circuit court to the supreme court of the United States, for a final determination.

Governor directed to authorize the counsel on the part of the defendants to appeal from the decision of the circuit court to the supreme court of the U. States.

Passed November 14, 1837.

RESOLVED by the Council and General Assembly of this state, That Josiah Harrison, of Camden, be empowered to print sixteen hundred copies of the first volume of Harrison's Law Reports, at thirty-two dollars per sheet, and that said reports shall be printed on as good paper, and with large octavo pages, as heretofore used.

Josiah Harrison
appointed to
print Harrison's
Reports.

Passed November 15, 1837.

JOINT RESOLUTIONS respecting the policy of the general government.

WHEREAS it is the right and duty of the people to express their opinions in relation to public measures, and whereas the peculiar and embarrassed condition of our public affairs loudly demands an expression of the sentiments of the people of New Jersey—therefore,

Preamble.

1. *BE IT RESOLVED by the Council and General Assembly of this state,* That it is the constitutional right and duty of congress to provide for the safe keeping and disposition of the public treasure; and any act of the executive, whereby it is removed from the custody of those to whom congress have confided it, is a violation of law and a dangerous abuse of power.

Declaration of
certain rights of
congress, and
acts of executive
disposition concerning
public money.

2. *And be it resolved,* That the resolution of the senate of the United States of the twenty-eighth of March, in the year of our Lord one thousand eight hundred and thirty-four, which declares, "that the president in the late executive proceedings in relation to the public revenue, assumed authority and power not conferred by the constitution and laws, but in derogation of both," meets the decided approbation of this legislature; and we regard the expunging of that resolution from the journals of the senate as an open infraction of one of the plainest provisions of the constitution, and of most dangerous tendency.

Approval of a
resolution of senate
of United States, and dis-
approval of expunging it from
the minutes.

3. *And be it resolved,* That the claim and practice of the national executive, which regard all executive officers, and especially those to whom the public moneys are intrusted by law, as the mere agents of the president, whom he may on all occasions control and dismiss at his pleasure, are

Disapproval of
practice of executive
in removal of fiscal
agents.

inconsistent with the republican principles of our institutions, an assumption of regal prerogative, and tend to the establishment of arbitrary government.

Disapproval of
specie circular.

4. *And be it resolved*, That the circular letter from the treasury department, known as the "specie circular," and issued by direction of the executive, was not justified by law, inexpedient in relation to the currency of the country, unjust in its operation on different sections of the Union, and in violation of the constitutional rights of the states and the people.

Disapproval of
executive acts
respecting the
deposits of the
public money,
&c., and of cer-
tain other mea-
sures.

5. *And be it resolved*, That the removal of the public moneys from the deposit in which the law of the land required them to be kept, and where they were safe and available at all times, their deposit in banks not selected or authorized by congress, or capable of performing the duties of fiscal agents of the government, the encouragement to them by the administration to enlarge their discounts and circulation and increase the paper money of the country, the countenance given to the creation of an immense amount of new banking capital by the states, the unnecessary, unwise, and forced importations of specie from countries to which our own was indebted, and to which by the operations of commerce it must be restored, and the refusal to receive the ordinary circulating medium for dues to the government, constitute a succession of acts founded in ignorance of the condition and interests of the country, whose inevitable tendency was to derange the business and exchanges of the different portions of the Union, create distrust, embarrass every branch of industry, destroy the prosperity of the country, and oppress the labouring classes of the community; and that, in the opinion of the people of this state, these acts of the government have destroyed the business of the nation, and are the immediate causes of the depreciated state of our circulating medium and of the universal distress of the community.

Disapproval of
act withholding
distribution of
surplus reve-
nue.

6. *And be it resolved*, That the recent act of congress, founded on the recommendation of the president, which withholds from the states nine millions of dollars, which had been pledged to them, disappointed the just expectation of the states, and was an unjust and unnecessary violation of faith, leading to consequences injurious to the states and the people.

Disapproval of
issue of treasury
drafts.

7. *And be it resolved*, That the issue of ten millions of treasury drafts to enable the government to meet the expenses of its administration, is evidence of a wanton waste of the abundant revenues and resources of the nation,

an unnecessary addition to the paper money of the country, and a violation of the professions and promises which have been made to the people.

8. *And be it resolved*, That this legislature look with alarm to the measures proposed and urged by the present national executive, and in the name, and on the behalf of the people of this state, do most earnestly and solemnly protest against—

Protest of the legislature against

First. The adoption of what is usually called the sub-treasury scheme, whereby all the public treasure will be in the hands of the officers of government, to be kept and disbursed by them, will be unsafe, may be used for party and corrupt purposes, and will augment the executive power to a dangerous extent; inasmuch as the control of the whole treasure of the nation will, by the power of appointment and removal, be in the hands of the president alone.

subtreasury scheme,

Second. The establishment of the principle and practice of compelling all dues to the government and all debts from the government to be paid in specie alone, because it will enable the government to obtain possession of a large proportion of the specie of the country, and thereby control at pleasure and destroy the circulating medium created by the states; and it also establishes a most odious distinction between the people and those who hold public office, inasmuch as the latter will receive for their salaries, and in payment for their services, gold and silver, while the labour of the people must be paid for in less valuable paper, which the conduct of the government will more and more depreciate and render worthless.

compelling payment of specie for dues to the government.

Third. The passage of a special bankrupt law, applicable to state banks, because it violates the spirit of the constitution of the United States, is partial in its application, and interferes with the acknowledged rights of the states; inasmuch as it assumes to the general government the power to dictate the terms on which corporations created by the states shall be regulated and destroyed.

and a special bankrupt law applicable to state banks.

9. *And be it resolved*, That we regard these measures as ruinous to the best interests of our country, and dangerous to the existence of our republican institutions; and we declare our solemn conviction, that they are decidedly disapproved by the people of this state, and that our representatives in both houses of congress will best conform their acts and votes to the wishes of their constituents by a faithful resistance to their adoption.

Certain measures regarded as ruinous to the country.

Approval of the
course of S. L.
Southard in se-
nate of U. S.

10. *And be it resolved*, That in his unwavering opposition to all the foregoing measures, his patriotic and eloquent support of the above recited resolution, and his untiring and able defence of the rights and interests of the states and the people, the Hon. Samuel L. Southard has discharged the duties of the statesman and the patriot, and entitled himself to our highest respect and warmest gratitude.

Approval of the
conduct of our
members of the
house of repre-
sentatives.

11. *And be it resolved*, That the conduct of the representatives of this state, in the present house of representatives, merits and receives our decided and hearty approval.

Resolutions to
be forwarded to
senators and re-
presentatives in
congress of U.
States.

12. *And be it resolved*, That the governor be requested to transmit a copy of these resolutions to each of our senators and representatives in congress, with a request to present the same to both houses.

Passed November 15, 1837.

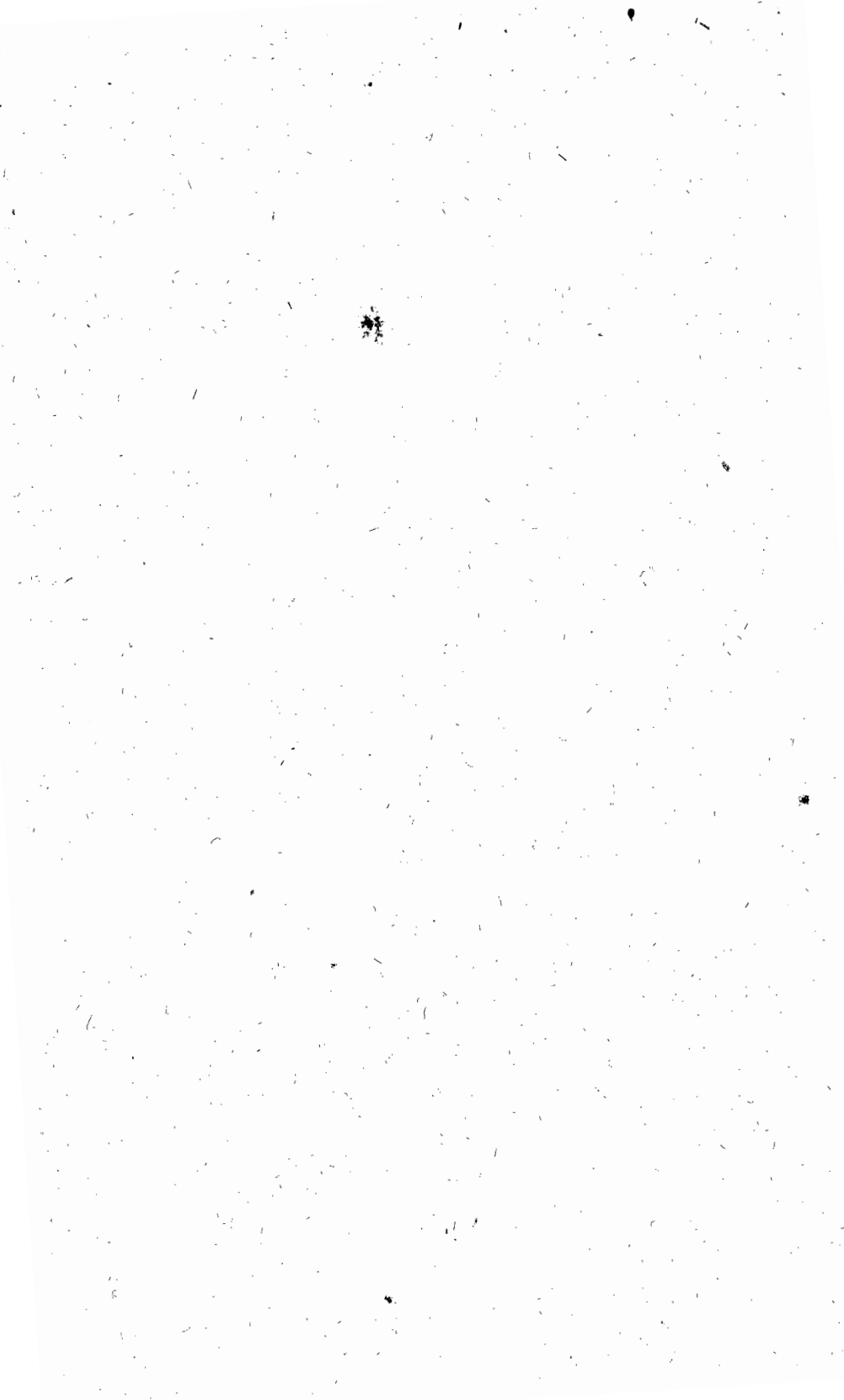
A C T S
OF THE
SIXTY-SECOND
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY,

See
AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-FOURTH DAY OF
OCTOBER, EIGHTEEN HUNDRED AND THIRTY-SEVEN.

Being the Second Sitting.



TRENTON:
PRINTED BY JAMES ADAMS.
1838.



ACTS
OF THE
SIXTY-SECOND
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY.

AN ACT to empower Thomas Starkey, executor of Mary Brown, deceased, to sell the real estate of which she died seized.

WHEREAS Mary Brown, deceased, in and by her last will and testament, provided for the disposition of the proceeds of "her clear estate;" and whereas doubts are entertained as to the legal construction thereof—and to carry out the intention of the said testatrix,

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 Thomas Starkey, executor of Mary Brown, deceased, be authorized to sell and dispose of all the real estate whereof the said Mary Brown died seized, with the consent of the parties in interest of full age, and execute therefor good and sufficient conveyances.

Executor of M. Brown authorized to sell lands.

Sec. 2. *And be it enacted,* That, before the said Thomas Starkey shall proceed to make sale of the said real estate, he shall enter into bond to the governor of this state in such sum, and with such security as shall be approved of by the orphans' court of the county of Burlington, conditioned for the faithful performance of the trust reposed in

Bond to be given to governor.

him by this act, which said bond shall be deposited in the office of the surrogate of said county.

Proceeds to be
distributed as
devised.

Sec. 3. *And be it enacted*, That nothing in this act contained shall affect the disposition of the proceeds of the said real estate, but that the same shall be disposed of as is directed in the said last will and testament in relation to her clear estate.

Passed January 24, 1838.

AN ACT to confirm the last will and testament of David Rose, late of the city of Philadelphia, in the state of Pennsylvania, deceased.

Preamble.

WHEREAS the said David Rose was in his lifetime lawfully seized of certain lands and real estate, situate in the states of Pennsylvania and New Jersey, and being so thereof seized departed this life, first having made and published his last will and testament in writing, wherein he devised his real estate in New Jersey, being a farm in the county of Gloucester, containing about one hundred and fifty acres, then in the occupation of his son David Rose, to the said David, his heirs and assigns, for ever; and whereas the said last will and testament was executed in the city of Philadelphia in the presence of two subscribing witnesses only, and is not sufficient to pass real estate in the state of New Jersey; and by his said last will and testament the said David Rose devised his real estate in Pennsylvania to the brothers of the said David, who now hold the same; and the said David Rose hath by his petition further set forth, that by reason of the premises the intentions of the testator, so far as they relate to his real estate in New Jersey, may be defeated unless confirmed by the legislature—now therefore,

Devise of real
estate confirm-
ed.

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 last will and testament of the said David Rose, deceased, so far as the same relates to the devise of his

real estate in New Jersey, be confirmed in all things, and that the same be as valid and effectual in the law as if it had been executed in the presence of three subscribing witnesses, as required by the laws of this state.

Passed January 24, 1838.

AN ACT to authorize George Hulme, Restore S. Lamb, and Joseph K. Hulme to sell and convey certain real estate, late the property of Stacy Biddle, of the township of Springfield, in the county of Burlington, deceased.

WHEREAS Stacy Biddle, late of the township of Springfield, in the county of Burlington, and state of New Jersey, deceased, was in his lifetime seized and possessed, among other lands, of a farm plantation and a lot of meadow, situate in the township of Springfield aforesaid; also of two tracts of land situate in the township of New Hanover, in said county; also of several lots of cedar swamp, lying on Shoal branch and the branches thereof, in the townships of Northampton and Washington, in said county; and being so seized and possessed thereof died, having first made and published his last will and testament in writing, bearing date the ninth day of November, in the year of our Lord one thousand seven hundred and ninety-seven, and duly proved and recorded in the office of the secretary of state of New Jersey, at Trenton, in Liber No. 37 of Wills, folios 385, 386, 387, and 388, in which said will the said Stacy Biddle did, among other things, give, devise, order, and direct, in the words following, to wit:—"Item. I give and devise unto my dear mother all my lands and plantation whereon I now dwell, together with a lot of meadow I purchased of Francis and Samuel Leonard, also two tracts of land situate in New Hanover, the first purchased of Thomas Newbold and Ann his wife, by deed dated February the tenth, one thousand seven hundred and seventy-nine; the second purchased of Joshua Shreve and Joseph Lamb, administrators to the estate of Thomas Newbold, deceased, by deed dated March the tenth, one thousand se-

Preamble.

Preamble.

ven hundred and ninety, all of which I give her during her natural life.”—“And also I give to my dear mother my cedar swamp on Shoal branch and the branches thereof, during her natural life.”—“Item. In case my mother should depart this life before my sister Beulah, it is then my will that my aforesaid sister shall possess all the estate given to my mother, for and during her natural life; and in case my said sister should have an heir or heirs, ’tis then my will that they become seized of the whole of my real estate, when they shall arrive at full age, to them, their heirs and assigns for ever; but in case my sister Beulah should die without lawful issue, it is then my will that all that part of my real estate given to my mother be sold by my executors, hereafter named, the survivor or survivors of them, after the decease of my mother and sister, and to make as good and sufficient titles to the real estate in as full and ample a manner as I was capable of doing in my lifetime.—Item. I give unto Elizabeth Soper, wife of Wright Soper, one-twentieth part of the moneys arising from the above sales; one-third of the residue of the moneys arising from the said sales to be paid to the children of my uncle Arney Biddle; one other third to the children of my aunt Mary Shinn, and the remaining one-third to the children of my uncle Joshua Shreve, or to the legal representatives of them or either of them, share and share alike.”—And whereas the said Stacy Biddle did, in and by his said will, constitute and appoint his mother Sarah Biddle, and his sister the said Beulah Sansom, executrixes, and Joseph Sansom and Caleb Newbold, executors, of his said will, three of whom, to wit, Sarah, Beulah, and Joseph, duly proved the same, and took upon themselves the burthen of the execution thereof.—And whereas the said Sarah Biddle and Joseph Sansom both died before the said Beulah Sansom, and the said Beulah Sansom hath since departed this life without lawful issue, by reason whereof it hath become necessary that the real estate herein before mentioned should be sold pursuant to the provisions and directions contained in the will of the said Stacy Biddle, deceased; and whereas, after the death of the said Beulah Sansom, the said Caleb Newbold, the only surviving executor of the said Stacy Biddle, deceased, did, by writing under his hand, duly filed in the surrogate’s office of the county of Burlington aforesaid, formally renounce and decline the taking upon himself the burthen of the execution of the said will, so far as the same remained unexecuted, and did absolutely refuse to accept the trusts

therein declared to be performed; and whereas, after the filing of the said renunciation, letters of administration with the will annexed were granted by Charles Kinsey, esquire, surrogate of the county of Burlington aforesaid, to the said George Hulme, Restore S. Lamb, and Joseph K. Hulme; and whereas it is believed that the said George Hulme, Restore S. Lamb, and Joseph K. Hulme, as administrators as aforesaid, cannot lawfully sell and convey the said real estate, and that there are no other persons or person who can now lawfully perform the trusts set forth in the said will in relation to the said real estate, and it being of great importance to the interests of those entitled to the distribution of the proceeds of the sales thereof that the same should be sold, so that a clear and unquestionable title thereto can be given to the purchaser or purchasers thereof—therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said George Hulme, Restore S. Lamb, and Joseph K. Hulme, the survivors or survivor of them, be, and they are hereby authorized and empowered to sell the real estate above particularly mentioned, for the best price that can be obtained therefor, and to make, execute, and deliver to the purchaser or purchasers thereof good and sufficient deeds and conveyances in the law for the same.

Administrators de bonis non authorized to sell lands of S. Biddle, dec.

Sec. 2. *And be it enacted,* That the proceeds of the sales of the said real estate, after deducting therefrom all costs, charges, fees, and expenses incident to the sale and conveyance of the same, and to the distribution of the proceeds of the sales thereof, shall, by the said George Hulme, Restore S. Lamb, and Joseph K. Hulme, the survivor or survivors of them, be paid over to, and distributed among the several persons who, under the will of the said Stacy Biddle, deceased, can lawfully claim the same, in the proportion to which they shall be respectively entitled, and in conformity with the said will.

Distribution of the proceeds of sale.

Sec. 3. *And be it enacted,* That before the said George Hulme, Restore S. Lamb, and Joseph K. Hulme shall proceed to make sale of the said real estate, they shall enter into bond to the governor of this state in the penal sum of fifty thousand dollars, with such surety as shall be approved of by the surrogate of the said county of Burlington, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be filed and deposited in the office of the said surrogate.

Administrators to give bond to the governor.

Account of sales
to be filed with
surrogate.

Sec. 4. *And be it enacted*, That the said George Hulme, Restore S. Lamb, and Joseph K. Hulme shall, within three months after the sale of the said real estate shall be completed, exhibit, under oath or affirmation, to the orphans' court of the said county of Burlington an exact account of the amount of the sales thereof, and of the costs, charges, fees, expenses, and commissions incident to the execution of the trust herein reposed in them, which account shall, after being allowed by the said court, be filed in the office of the said surrogate.

Interests vested
by administra-
tors' deeds.

Sec. 5. *And be it enacted*, That all deeds and conveyances executed and delivered by the said George Hulme, Restore S. Lamb, and Joseph K. Hulme, the survivors or survivor of them under this act, shall be as good and valid, and shall be sufficient to pass the estates and interest that thereby may be granted, as fully and effectually as if the same had been executed and delivered by the said Stacy Biddle in his lifetime, or by the said executors of the said Stacy Biddle, the survivors or survivor of them, after his death.

Passed January 24, 1838.

AN ACT authorizing the sale of the real estate of Ruth Bell,
and the recovery of the rents for the same.

Preamble.

WHEREAS it is represented that Ruth Bell, single woman, now is, and for several years past has been a lunatic, and unable to take care of herself or her estate, and during that time has been, and now is a pauper, chargeable to, and supported by the township of Galloway, in the county of Atlantic; and that said Ruth Bell owns no personal estate, but is entitled to certain real estate which descended to her as one of the heirs of her father James Bell, deceased, which real estate has been for a long time, and now is used and occupied by some person or persons having no right or title thereto, without paying any rent therefor; and no guardian of the person and estate of said Ruth Bell having been appointed, and said estate being but little more than sufficient to pay the expense of pro-

curing the appointment of a guardian in the ordinary mode, and application having been made on behalf of the overseers of the poor of the township of Galloway, that authority be given to commissioners to sell or otherwise dispose of the said real estate, and it being proper and just that all the estate of said Ruth Bell should be appropriated to her support—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 Joseph Garwood, Joseph Endicott, and Japhet Leeds be, and they are hereby fully authorized and empowered, as commissioners, to sell at public sale all the real estate belonging to the said Ruth Bell, they giving at least two months' notice of the time and place of such sale, by setting up such notice, in writing, in at least five public places in said county, and to make to the purchaser or purchasers thereof a good and sufficient deed or deeds for the same, which shall be good and effectual to vest in the grantee or grantees all the right and title of the said Ruth Bell in and to the same; and all the moneys arising from such sale shall, after defraying all necessary expenses, be by said commissioners paid over to the overseers of the poor of the township of Galloway and their successors in office, to be by them appropriated to the support and maintenance of said Ruth Bell; *provided* that the said commissioners shall, previous to their entering upon the execution of the duties to them herein appointed, give bond, with one or more sureties, to the overseers of the poor of the township of Galloway and their successors in office, in double the amount of the estimated value of said real estate to said overseers and their successors, conditioned for the payment of all moneys by them received from the sale, rents, or profits of the real estate aforesaid, deducting all necessary expenses, and for the faithful performance of their duties as said commissioners.

Commissioners to sell real estate of Ruth Bell, a lunatic.

Proceeds to be paid to overseers of the poor, for her support.
Proviso.

Sec. 2. *And be it enacted*, That the said Joseph Garwood, Joseph Endicott, and Japhet Leeds, commissioners as aforesaid, be, and they are hereby fully authorized and empowered to demand and receive from any person or persons whatever who may have used, occupied, or enjoyed said real estate, or any part thereof, all rents or moneys due or to become due for such use, occupation, or enjoyment; and, in order to receive the same, the said commissioners are hereby fully authorized and empowered to sue for the same, either in the name of the said Ruth Bell, or in their own names, as such commissioners, all moneys so to be received or recovered, to be

Commissioners empowered to collect rents in arrear.

Overseers of
poor account-
able to Gallo-
way township
for moneys re-
ceived.

by them appropriated to the support of said Ruth Bell, first deducting necessary expenses; and the said overseers of the township of Galloway, and their successors in office, shall be accountable to said township of Galloway for all moneys which shall be by them, respectively, received under this act from the commissioners aforesaid, in the same manner as for all moneys which they may receive by virtue of their office.

Passed January 25, 1838.

AN ACT for the relief of Nathaniel Pangburn, of the county of Monmouth.

Pension of \$60
per annum to
N. Pangburn.

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 unto Nathaniel Pangburn, of the county of Monmouth, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the first day of March next.

Passed January 25, 1838.

SUPPLEMENT to an act entitled, "An act to set off a new township from the townships of Newark, Orange, Elizabeth, and Union, in the county of Essex, to be called the township of Clinton," passed February nineteenth, eighteen hundred and thirty-four.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, all that part

of the township of Clinton lying north and west of the following lines: beginning at the middle of the road which leads from Newark to South Orange, where the boundary line between the township of Orange and the city of Newark crosses said road; thence, along the middle of said road, to a point opposite Moses Lindsley's lane; thence, in a direct line, to a spring under the milkhouse of Ira Freeman, near to, and south of his dwellinghouse; thence, in a direct line, to the intersection of the Springfield township line at Keen's mill, be, and the same is hereby set off from the township of Clinton, in the county of Essex, and reannexed to the township of Orange, in the county of Essex, and shall hereafter be considered a part of the said township of Orange.

Part of township of Clinton annexed to Orange.

Passed January 25, 1838.

AN ACT to incorporate the Burlington Lyceum.

Sec. 1. 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. Doane, Nathan W. Cole, John T. Newton, Samuel Aaron, Garret D. Wall, Samuel R. Gummere, Samuel R. Wetherill, James Sterling, William R. Allen, Joseph Askew, and all such persons as now are or hereafter may become members of the Burlington Lyceum, be, and they are hereby constituted a body corporate and politic in this state, by the name of "the Burlington Lyceum," and by that name they and their successors shall be known in law, and have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all causes and proceedings whatsoever, and shall and may have and use a common seal, and the same may change at pleasure.

Names of incorporators.

Style of incorporation.

Sec. 2. And be it enacted, That the objects of the said Lyceum shall be limited to the cultivation of literature, improvement in the arts and sciences, the promotion of horticultural and agricultural pursuits, and generally the diffusion of useful and practical knowledge.

Objects of incorporation

Time and mode
of electing offi-
cers.

Sec. 3. *And be it enacted*, That the officers of said Lyceum shall consist of a president, three vice presidents, one corresponding, and one recording secretary, a treasurer, five curators, five managers, and such other officers as the society shall deem necessary, who shall severally be elected annually, by a majority of votes of the members present at a regular annual meeting of said Lyceum, to be held on the last Saturday in March in each and every year; and in case the said Lyceum shall omit to elect all or either of the said officers at their annual meetings, to be held as aforesaid, then the person or persons last elected shall continue in office until a new election shall be had.

Mode of supply-
ing vacancies.

Sec. 4. *And be it enacted*, That, for the purpose of supplying any vacancies that may happen, or by an omission to elect at the annual meeting, or by death, resignation, or otherwise, an election may be held at such time as the Lyceum, at any regular meeting, may appoint, specifying the officer or officers to be elected, and by giving at least two weeks' public notice of the time and place where such election is to be held.

What estate
may be held.

Sec. 5. *And be it enacted*, That the said Lyceum and their successors, by the name aforesaid, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of said Lyceum, and may receive, by bequest or otherwise, any estate, real or personal, absolutely or in trust, for the promotion of the objects specified in the second section of this act; *provided* the clear annual income of their whole real and personal estate does not exceed the sum of five thousand dollars; *and provided also*, that the real or personal estate of said Lyceum, or any part thereof, or the income or proceeds thereof, shall in no case be divided among the members of said Lyceum, their assigns or representatives.

Estate, or its in-
come, in no case
to be divided
among the mem-
bers.

Powers of cor-
poration.

Sec. 6. *And be it enacted*, That the said Lyceum shall have power to make such by-laws as may be necessary for their good government, for prescribing the duties of their several officers, regulating the management and disposition of their property and concerns, for the admission and the expulsion of members, and for such other purposes as they may deem necessary; *provided* the said by-laws be not inconsistent with the constitution and laws of the United States or of this state.

Act may be al-
tered or repeal-
ed.

Sec. 7. *And be it enacted*, That the legislature may at any time hereafter alter, amend, or repeal this act.

Passed January 25, 1838.

AN ACT for the relief of Stephen Trusdell, of the county of
Sussex.

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 required to pay to Stephen Trusdell, of the county of Sussex, or to his order, the sum of sixty dollars a year, payable quarterly, during his natural life, out of any moneys in the treasury not otherwise appropriated; and his receipt or order shall be a sufficient voucher for the same.

Pension of \$60
per annum to
St. Trusdell.

Passed January 26, 1838.

A FURTHER SUPPLEMENT to an act entitled, "An act to
incorporate the New Jersey Turnpike Company."

WHEREAS, by an act of the legislature of the state of New Jersey, passed the twenty-seventh day of February, A. D. eighteen hundred and six, certain persons therein named were authorized to construct a turnpike road from the city of New Brunswick to Phillipsburg, opposite Easton, passing through the counties of Somerset, Hunterdon and Sussex, (now Warren); and whereas the president and directors of said company, having for some time past been unable to keep that part of said road situate in said counties of Hunterdon and Warren in such a state of repair as to justify them in receiving toll thereon, and it having been represented to the legislature that the said company is willing to surrender that part of said road to the inhabitants of the several townships in said counties of Hunterdon and Warren through which the same passes, so as to enable the said inhabitants to have the entire control and management thereof—therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said the president and directors of said company be, and they are hereby authorized to yield up and surrender, in writing under the hand of the president

Company authorized to surrender part of road to Hunterdon and Warren.

and seal of said company, all that part of said road situate in the said counties of Hunterdon and Warren to the inhabitants of the several townships through which the same passes.

Liability to repair road surrendered, to cease.

Sec. 2. *And be it enacted*, That, upon the filing of the said surrender in the clerk's office of the said counties of Hunterdon and Warren to be recorded, the liability of said company to keep, amend, and repair said road in the said counties of Hunterdon and Warren shall cease and forever determine.

Passed January 31, 1838.

A SUPPLEMENT to an act entitled, "An act to incorporate the Mechanics Insurance Company in the county of Essex."

Company may insure vessels, &c., and re-insure themselves.

Sec. 1. *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 corporation shall have full power and authority to make insurance upon vessels, goods, wares, and merchandise, freight, bottomry, respondentia interest, inland navigation, and transportation, and all marine risks, and upon the lives of persons or beasts; and also to lend money on bottomry and respondentia, and to grant annuities, and to do and perform all necessary matters and things connected with those objects, or any of them; and they may also cause themselves to be reinsured against any risk upon which they may have made insurance, and upon the interest which they may have in any vessel, goods, merchandise, or otherwise, in virtue of any such loans, grants, or insurance they may have made.

Parts of former acts repealed.

Sec. 2. *And be it enacted*, That the legislature may at any time hereafter alter or amend this act, and the act to which this is a supplement, and that the nineteenth section of the act to which this is a supplement, together with the supplement to this act that was passed twenty-seventh December, eighteen hundred and twenty-four, shall be, and the same are hereby repealed.

Passed January 31, 1838.

AN ACT to repeal so much of certain acts as prohibit the issue and circulation of notes of incorporated banks of this state under the denomination of five dollars.

Sec. 1. 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 an act entitled, "An act to prevent the issuing and circulation of small notes for the payment of money," passed March fourth, one thousand eight hundred and thirty-five, as prohibits the issuing and circulation of the notes or bills of the incorporated banks or banking companies of this state under the denomination of five dollars, and prohibits any person or persons, or body corporate, from paying away, passing, exchanging, or transferring any such note or bill, and the act supplementary thereto, passed the ninth day of March, eighteen hundred and thirty-six, and also so much of any and every act as prohibits any of the incorporated banks or banking companies of this state from issuing or circulating the notes or bills of any such bank or company under the denomination of five dollars, be, and the same are hereby repealed.

Acts prohibiting bank notes under \$5 repealed.

Sec. 2. *And be it enacted,* That this act shall take effect immediately after the passing of the same.

When act to go into effect.

Passed January 31, 1838.

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

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 inferior court of common pleas and court of general quarter sessions of the peace of and for the county of Atlantic, shall hereafter be held on the fourth Tuesday of December annually, instead of the third Tuesday of December, as heretofore required by law.

Times of holding courts in Atlantic changed.

Passed February 1, 1838.

AN ACT to restrict the circulation and discounts of the
Paterson Bank, for the time being.

Preamble.

WHEREAS it appears to the legislature, from the answers of the president, cashier, and directors of the Paterson Bank, furnished to the governor of this state, that a large amount of the assets of said bank consists of judgments which are not immediately available, and the interest of the community requires that the circulation and discounts of said bank should for the present be restrained—therefore,

Business of Paterson Bank suspended till certain requisitions are complied with.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That from and after the passage of this act, it shall not be lawful for "the president, directors, and company of the Paterson Bank" to discount any note, bill, draft, or other paper, or to issue, pay out, or circulate any note or bill or other evidence of debt of said bank, of any denomination whatever, until the said "the president, directors, and company of the Paterson Bank" shall make it appear to the satisfaction of the chancellor of this state, in such manner as he may require, that at least seventy-five thousand dollars have actually and in good faith, after the passage of this act, been paid into said bank, to be used in their banking business, either in specie or current bills of the banks of this state; and it shall be the duty of the said chancellor, when satisfied of the payment of the said sum of seventy-five thousand dollars, as aforesaid, to certify the same under his hand and seal, and, upon filing such certificate in the office of the secretary of state of this state, it shall be lawful for the said "the president, directors, and company of the Paterson Bank" to resume, enjoy, and exercise all the powers, privileges, and immunities of their charter, and to issue such bills, notes, or other evidences of debt as shall or may be allowed by law to the other banks in this state.

Penalty for offending against this act.

Sec. 2. And be it enacted, That in case the said "the president, directors, and company of the Paterson Bank" shall offend against any of the provisions of this act, the charter of the said bank shall thereupon become forfeited and be void.

Passed February 1, 1838.

AN ACT authorizing a sale of part of the state lands at Paterson, for the purpose of several cemeteries.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the attorney general be, and he is hereby authorized to sell and convey, in behalf of the state, unto the trustees or other legally constituted authorities of the First Particular Baptist Church of Paterson, of the Methodist Protestant Church of Paterson, and of the Catholic Congregation of St. John's Chapel in the town of Paterson, a plot, not exceeding three acres, to each, of the land belonging to the state, at Paterson aforesaid, for the uses and purposes of cemeteries for their respective congregations; and that the locations of the several plots of ground, and a price or valuation to each, be fixed and agreed upon by Peter M. Ryerson, Elias J. Marsh, and Cornelius G. Vanriper, on behalf of this state, or any two of them, and the trustees or other legally authorized persons of the respective congregations or churches; *provided*, that the selection be made from the lot of land belonging to this state from which sales have heretofore been made to other churches for like purposes, and where it will do the least injury to the remainder of the lot; *and provided also*, that in case any of the said lands shall be used for any other purpose than for cemeteries, the same shall thereupon revert to this state; *provided also*, that no conveyance shall be made for the same until the purchase money shall be paid, or secured to be paid, in such manner as the attorney general may deem satisfactory.

Lands to be sold for cemeteries to Baptist, Methodist, and Roman Catholic congregations at Paterson.

Proviso.

Proviso.

Proviso.

Sec. 2. *And be it enacted*, That the act entitled, "An act authorizing the sale of a part of the state lands at Paterson," passed February twenty-sixth, eighteen hundred and thirty-five, be, and the same is hereby repealed.

Former act repealed.

Sec. 3. *And be it enacted*, That this act shall take effect and go into operation from and immediately after its passage.

When act to take effect.

Passed February 2, 1838.

A FURTHER SUPPLEMENT to an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company," passed the ninth day of February, eighteen hundred and thirty-one.

Time for completion of road extended.

Sec. 1. *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 limited by the seventeenth section of the act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company," for the completion of said railroad, be, and the same is hereby extended to the fourth day of July, A. D. eighteen hundred and forty-three, and that the said company be invested with all the powers and privileges necessary therefor, as conferred by the original act to which this is a supplement.

Location of the road may be varied.

Survey thereof to be filed in secretary's office.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said company to change or alter the location of the said railroad, not exceeding in any case one-fourth of a mile from the line as now laid out and worked upon, when the same may be done without prejudice to the usefulness of the said road and the interest of the said company; and the said company, after filing in the office of the secretary of this state a survey of such location, as varied from the original location, shall be invested with all the powers and privileges, and subject to all the conditions and restrictions in taking possession of and using the land on which the said road shall be relocated, for the use and construction thereof, which by their act of incorporation they might or could exercise or enjoy, and to which they are subject respecting the land over which the road was originally located.

Passed February 9, 1838.

A SUPPLEMENT to an act entitled, "An act to authorize Henry B. White, Isaac P. White, and Esek T. White, surviving heirs at law of Esek White, deceased, to fulfil certain contracts for the sale of several lots of land to the persons therein named."

WHEREAS, since the passing of the above act to which this is a supplement, and before the execution and delivery of a deed to William B. Little, as therein provided for, the said Henry B. White, one of the heirs therein named, hath died; and further, it being the request of the said William B. Little that the deed of conveyance therein authorized to be made should be made to Francis Asbury Little—therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said Isaac P. White and Esek T. White, or their survivor, be, and they are hereby authorized and empowered to make, execute, and deliver a good and sufficient deed, to the said Francis Asbury Little, and to his heirs and assigns for ever, for the lot of land purchased under the contract by the said William B. Little, (as set forth in the preamble to the act to which this is a supplement) situate in the township of Shrewsbury, county of Monmouth, he, the grantor, paying to them the consideration therefor; and that such deed shall have the same legal force and effect as if executed by Isaac P. White, Esek T. White, and by Henry B. White, in his lifetime, under the act to which this is a supplement.

Deed directed to be made to W. B. Little authorized to be made to F. A. Little.

Sec. 2. And be it enacted, That the said Isaac P. White and Esek T. White shall, and they are hereby required to divide and distribute the consideration money aforesaid among themselves, in proportion to which by the laws they are respectively entitled as heirs at law of the said Esek White deceased, the said Isaac P. White, guardian of the infant children of the said Harriet Butcher, deceased, and of the said Henry B. White, deceased, to retain their shares of the same, and he to be chargeable and accountable therefor, as such guardian, in the settlement of his accounts.

Disposition of proceeds of sale.

Passed February 9, 1838.

AN ACT to reduce the capital stock of the State Bank at
Camden.

Manner in
which capital
stock may be
reduced.

Proviso.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That whenever at a meeting of the stockholders of the State Bank at Camden, convened at their banking house in the city of Camden, in the manner prescribed by the sixteenth section of the act entitled, "An act to establish state banks in New Jersey," a majority of the said stockholders, voting according to the rule and in the ratio prescribed in the said act, shall determine that a reduction of the capital stock of the said bank is expedient, it shall and may be lawful for the said stockholders, by resolution to be adopted at such meeting, to reduce the capital of the said bank to such sum as they may deem most likely to promote the interests of the said stockholders, and that the capital stock so reduced shall and may be employed, and the interests and profits thereof be divided among the stockholders, subject to the same provisions, restrictions, limitations, and penalties as are provided for in and by the above mentioned act; *provided always,* that the said capital stock shall not be reduced to a sum less than two hundred and sixty thousand dollars, and also that the said reduction shall not be legally perfected and established until a copy of the resolution of the stockholders for that purpose, to be adopted as aforesaid, signed by the president and countersigned by the cashier of the said bank, and sealed with the common seal of the said bank, shall be delivered to the secretary of this state, to be by him filed in his office.

Passed February 9, 1838.

AN ACT to authorize the partition of the real estate whereof
Anthony Taylor died seized.

WHEREAS it is represented to the legislature, that Anthony Taylor, late of the county of Bucks and state of Pennsylvania, departed this life intestate, leaving a widow, and nine children and heirs at law, three of whom are minors; that the said Anthony Taylor died seized and possessed of a very large and valuable real estate, consisting of numerous tracts and parcels of land and real estate, situate in the counties of Bucks and Philadelphia, in the state of Pennsylvania, and in the county of Burlington and state of New Jersey, which upon the death of the said intestate descended to, and vested in his children and heirs at law in equal parts, as tenants in common thereof; that the said heirs are desirous of having partition made of the said real estate among them, and that the same is readily susceptible of partition into nine equal shares or parts, if the whole of the said lands could be included in one act of partition, but that, by the existing laws of Pennsylvania and New Jersey, it is impossible to have partition of the said lands made among the heirs, by authority of any court or judicial tribunal, without making application for partition in each of the said counties of Philadelphia, Bucks, and Burlington, and having three separate partitions made thereof, which would necessarily occasion the said lands, especially those lying in New Jersey, most of which consists of large and valuable farms, to be cut up into small parcels, to the great prejudice of the owners thereof, or would result in a sale, which is not desired by the heirs, or by any of them, and would be prejudicial to their interests.—And whereas it is also represented to the legislature, that it would be for the interest of all parties concerned to have a speedy partition made of the said real estate among the heirs, and also to have the mansionhouse and plantation known as the Sunbury farm, assigned to the widow, as and for a part of her dower in the said real estate; and whereas the widow and heirs at law of the said Anthony Taylor, deceased, have by their petition prayed legislative aid in the premises, and that the persons hereinafter named may be appointed commissioners, with full power and authority to divide all the real estate whereof the said Anthony Taylor died seized, as well in the state of Pennsylvania as in the state of New Jersey, excepting the mansionhouse

Preamble.

Preamble.

and plantation known as the Sunbury farm, into nine equal shares or parts, and to allot and apportion the same among the said heirs; and also to ascertain, by a just valuation and appraisement of the whole of the said real estate, the value of the widow's dower therein, and to set off and appropriate to the widow of the said intestate the mansionhouse and plantation known as the Sunbury farm, as and for a part of her dower right in the said real estate, and that the residue of the value of the said dower right may be created a lien upon the whole of the residue of the said real estate, and that each of the said heirs may take his or her share of the said real estate, to be assigned to him or her by the said commissioners, subject to such lien; and the prayer of the said petition appearing to be just and proper—therefore,

Commissioners
to divide the
real estate A.
Taylor, dec., in
New Jersey and
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 John Paxson, Stephen Woolston, and James Moon, all of the county of Bucks and state of Pennsylvania, Jacob T. Bunting, of the city of Philadelphia and state of Pennsylvania, and John Black, John Bishop, and Job Irick, all of the county of Burlington and state of New Jersey, and the survivors of them, be, and they are hereby appointed commissioners, with full power and authority to make a just and equal partition, into nine equal shares or parts, of all and singular the lands, tenements, and real estate, with the appurtenances, situate in the counties of Philadelphia, Bucks, and Burlington aforesaid, whereof Anthony Taylor, late of the said county of Bucks and state of Pennsylvania, died seized, and which upon his death descended to, and vested in Robert Taylor, Sarah Taylor, William Taylor, Edward L. Taylor, Michael Taylor, Caleb N. Taylor, Thomas N. Taylor, Emma Louisa Taylor, and Franklin Taylor, his children and heirs at law, as tenants in common thereof; excepting thereout the mansionhouse and plantation situate in the township of Bristol, in the county of Bucks and state of Pennsylvania, known as the Sunbury farm.

Commissioners
to be sworn or
affirmed.

Sec. 2. *And be it enacted*, That the said commissioners, before they proceed to the execution of the powers and authority vested in them by this act, shall be severally sworn or affirmed, before one of the judges of the inferior court of common pleas of the county of Burlington, that they will honestly, faithfully, and impartially make the partition and valuation herein directed, and perform the trust,

duties, and services required of them by this act to the best of their skill, knowledge, and judgment.

Sec. 3. *And be it enacted*, That, in making the said partition, due regard shall be had to the situation, quantity, quality, and advantages of each part or share, so that they may be equal in value, as near as may be; and if any doubts shall exist in regard to the quantity or bounds of any of the said tracts, or if, in making the said partition, it shall become necessary to divide any of the said tracts, the said commissioners shall cause a careful survey thereof to be made, and the bounds of each tract and share to be accurately ascertained; and the said commissioners, previous to the said survey, shall cause an oath or affirmation to be administered to the surveyor and chainbearers, that they will perform their respective duties honestly and impartially, which oath or affirmation any one of the said commissioners is hereby authorized and empowered to administer.

Manner in which the partition shall be made.

Sec. 4. *And be it enacted*, That if equal partition in value cannot be made of all the shares or purparts, the said commissioners shall have power to equalize the same by valuing the purparts respectively, and awarding that any one or more shares or purparts shall be subject to the payment of such sum of money as shall be equal to the difference in value of any other share or shares, and shall make return of such their award, with their proceedings under this act, as hereinafter directed, to the clerk of the inferior court of common pleas of the county of Burlington, to be by him filed and recorded, which sum or sums of money shall be a lien on the share or shares which the commissioners shall have awarded to pay the same, and shall and may be recovered against the owner of such share or shares by the party in whose favour the same is awarded, by action of debt, in any court of record having cognizance thereof.

Shares may be equalized by awarding the payment of money by certain of the shareholders.

Sec. 5. *And be it enacted*, That the said commissioners shall number the several parts or shares by them laid off, from number one progressively, and shall, in the same manner, number each lot in the several shares, if the same contain more than one lot, and shall make, or cause to be made, a true field book, specifying the bounds and numbers of each lot, and also a map or maps of the tract or tracts on which the several shares or lots shall be laid down and numbered; and in case an undivided interest of the said Anthony Taylor shall be assigned, in making the said partition, to either of the said heirs, the map or maps of such share shall contain the whole of the said tract, and the said commissioners shall thereupon give notice, by advertisement

Proceedings previous to allotment of shares by ballot.

in one of the newspapers published in the county of Burlington, in this state, and also in one of the newspapers published in the county of Bucks and state of Pennsylvania, for three weeks successively, that at the time and place therein mentioned, which shall not be less than one month from the date of the said notification, an allotment by ballot will be made of the several parts or shares among the said tenants in common thereof, their heirs or assigns.

Time and mode
of allotment of
shares by ballot.

Sec. 6. *And be it enacted*, That, at the time and place so appointed, the said commissioners, or a majority of them, shall proceed publicly to allot the several shares or parts so designated as aforesaid, and for that purpose shall number nine tickets, which shall be put into a box; and the names of all the said heirs or original tenants in common shall be put on separate tickets, in another box, when a person, appointed by the said commissioners, shall proceed to draw a ticket of the names, and then a ticket of the numbers, and so proceed until all the tickets are drawn; and the share bearing the number on the ticket drawn next after drawing the ticket with the name of each tenant in common shall be the separate and divided share or purpart of that tenant in common, his heirs or assigns, in the said real estate so divided, of which allotment the said commissioners shall make a full and ample certificate, under their hands and seals, specifying particularly the time, place, and manner of balloting and the allotments of the several shares.

Proceedings of
commissioners
to be filed with
clerk of com-
mon pleas of
Burlington.

Sec. 7. *And be it enacted*, That the said commissioners shall transmit their oath of office, the award by them made as aforesaid, and the certificate of their proceedings in making the said allotment and partition, together with all the maps and field books aforesaid, to the clerk of the inferior court of common pleas of the county of Burlington, to be by him filed and recorded in his said office; and the said return, or the records thereof, shall at all times be good and sufficient evidence of the said partition.

Validity of par-
tition made by
commissioners.

Sec. 8. *And be it enacted*, That the partition made by the said commissioners, by virtue of this act, shall be, as valid and effectual in law, to all intents and purposes, as if the same had been made on writs of partition according to the course of the common law, or in pursuance of the existing laws of this state regulating the partition of lands held by coparceners, joint-tenants, and tenants in common.

Compensation
to commission-
ers and expen-
ses to be taxed

Sec. 9. *And be it enacted*, That the said commissioners shall keep an accurate account of their time expended, in the execution of the duties required by this act, and also all costs and expenses incurred for surveying or otherwise, and

shall transmit the same, verified by the oath or affirmation of one or more of the said commissioners, to any three of the judges of the inferior court of common pleas of the county of Burlington aforesaid, to be by them inspected and taxed; and it shall be the duty of the said judges to allow to the said commissioners a just and reasonable compensation for their services, and to ascertain and determine the whole expense of the said partition, including all reasonable costs and charges, and to divide the same among the several parts or shares, which shall remain a lien on the several shares, and shall be paid by the persons to whom the said shares were allotted, their heirs or assigns, within thirty days thereafter; and in default thereof the same may be recovered, in the name of the said commissioners, by personal action against the owner or owners of such share or shares.

by judges of the common pleas of Burlington, and a division thereof among the shares.

Proportion of costs a lien upon each share.

Sec. 10. *And be it enacted*, That the said commissioners shall and may set off the mansionhouse and plantation known as the Sunbury farm, to Mary Taylor, widow of the said Anthony Taylor, deceased, as and for a part of her dower in the real estate of the said intestate, and that the said Mary Taylor shall stand seized thereof in like manner as if the same had been assigned to her by writ of dower under nihil habet at common law.

Sunbury farm to be set off to widow, as part of her dower.

Sec. 11. *And be it enacted*, That the said commissioners shall make a just and equal valuation and appraisement of the whole of the said real estate whereof the said Anthony Taylor died seized, including the mansionhouse and plantation known as the Sunbury farm, and shall ascertain the value of the widow's share or dower right therein, and shall apportion the residue of the value thereof, first deducting therefrom the value of the mansionhouse and plantation known as the Sunbury farm, equally among the respective shares of the several heirs at law, and the amount so apportioned shall remain a charge upon the said shares, respectively; and the interest thereof shall be annually and regularly paid to the said widow, during her natural life; and upon the death of the said widow the charge upon the shares of the respective heirs shall cease, and the mansionhouse and plantation, so as aforesaid assigned to the said widow, shall and may be partitioned among the heirs at law of the said Anthony Taylor, deceased, as if this act had not been passed.

Value of residue of widow's dower apportioned among the shares.

To remain a charge upon each share.

Sunbury farm to be divided on widow's death.

Sec. 12. *And be it enacted*, That, upon the acceptance by the said widow of the said mansionhouse and plantation, and of the said valuation as and for her dower in the said

On widow's acceptance of farm &c., her right of dower barred.

real estate, all her claim and right of dower in the said real estate shall be barred and extinguished.

Right of others
not to be affect-
ed.

Sec. 13. *And be it enacted*, That nothing in this act contained shall be so construed as to prejudice, defeat, or in any wise affect the estate, right, or title of any person or persons whomsoever claiming any of the said tracts of land, or any part thereof, or any interest therein, by title paramount or superior to the title of the heirs at law of the said Anthony Taylor, deceased; or to release or discharge the said lands of and from any lien, debt, or liability to which the same are or may be by law subject.

Law not valid
until similar act
be passed by
Pennsylvania.

Sec. 14. *And be it enacted*, That this law shall not go into effect, nor shall any thing herein contained be of any force or validity, until the legislature of the commonwealth of Pennsylvania shall by law vest like power and authority in the said commissioners.

Passed February 10, 1838.

A SUPPLEMENT to the act entitled, "An act to incorporate the Hackensack and Fort Lee Turnpike Company, in the county of Bergen," passed the twenty-third day of January, eighteen hundred and twenty-eight.

Part of former
act repealed.

Proviso.

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 proviso in the fifteenth section of the act to which this is a supplement be, and the same hereby is repealed, and the residue of said act is hereby confirmed and declared to be in full force; *provided*, that the president and directors of the Hackensack and Fort Lee Turnpike Company, in the county of Bergen, thereby incorporated, shall complete the whole of the road, which they are by said act authorized to construct, within ten years from the passage of this act.

Passed February 12, 1838.

AN ACT authorizing Joseph I. Westbrook, one of the administrators of Benjamin Westbrook, deceased, to convey certain lands therein mentioned.

WHEREAS it appears to the legislature that Averit Vanauken and Benjamin Westbrook, both of the county of Sussex, did, on the fourteenth day of July, eighteen hundred and thirty-four, enter into a written contract, whereby the said Averit Vanauken became bound, on or before the first day of June next ensuing the date of said contract, to well and sufficiently convey to the said Benjamin Westbrook the lot of land lying between the lands of the said Benjamin Westbrook and James Stoll, which the said Averit bought from William H. and John W. Nyce, containing forty-eight acres, more or less, in consideration of which the said Benjamin Westbrook bound himself, his heirs, executors, and administrators, to convey to the said Averit Vanauken his island lot, lying in the Minisink island, between the lands of James Stoll and the said Averit, containing twelve acres, more or less, each of the said parties to take immediate possession of the land so by them severally agreed to be conveyed to each other, which was accordingly done.—And whereas the said Benjamin Westbrook departed this life before the making of the said conveyances, and without leaving a last will and testament, and leaving minor children; and whereas doubts have arisen in the minds of the administrators of the said deceased whether they have power to make a sufficient conveyance to fulfil said contract, and those interested have applied to the legislature for aid in the premises—therefore,

Preamble.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Joseph I. Westbrook be, and he is hereby authorized to make, execute, and deliver to the said Averit Vanauken a good and sufficient deed of conveyance in fee simple for all that island lot lately belonging to Benjamin Westbrook, deceased, lying on the Minisink island, between the lands of James Stoll and lands of the said Averit Vanauken, and now in the possession of the said Averit, which said deed shall vest in the said Averit all the right, title, and interest which the said Benjamin Westbrook had, in the same at the time of his decease; *provided,* that the said Averit Vanauken shall have first conveyed, by a good and

Administrator of B. Westbrook empowered to convey lands to A. Vanauken.

sufficient deed or deeds of conveyance in fee, to all the children and heirs at law of the said Benjamin Westbrook, deceased, to be by them held as tenants in common, subject to the right of dower of the widow of said Benjamin, all that lot of land lying between the lands late of the said Benjamin Westbrook, deceased, and James Stoll, which the said Averit bought of William H. and John W. Nyce, containing forty-eight acres, more or less.

Passed February 13, 1838.

A SUPPLEMENT to the act entitled, "An act to establish and regulate pilots for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook," passed February the eighth, eighteen hundred and thirty-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 from and after the passage of this act, it shall and may be lawful for the governor and council to appoint the seven commissioners of pilotage provided for in the first section of the act to which this is a supplement, from any of the counties of this state, any thing in the said act to the contrary notwithstanding.

Commissioners of pilotage may be appointed from any of the counties.

Sec. 2. *And be it enacted,* That so much of the twelfth section of the act to which this is a supplement, as limits the number of pilots who may be in partnership to nine, be, and the same is hereby repealed; and that twelve pilots may hereafter be concerned in partnership.

Twelve pilots may be in partnership.

Passed February 13, 1838.

AN ACT to provide for the equal and just representation of the several counties in this state in the general assembly.

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

That after the next and each subsequent census of this state, that shall be taken in pursuance of any law or laws of the congress of the United States, each county in this state shall be entitled to elect and send to the general assembly one member for every six thousand free inhabitants which such county shall contain at the time of taking such census, as near as may be; *provided always,* that no county shall have a less number of representatives than such county is now by law entitled to elect and send to the general assembly.

Ratio of representation in assembly.

Proviso.

Passed February 14, 1838.

AN ACT further to alter and amend the charter of the city of New Brunswick.

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

That the limits and boundaries of the said city of New Brunswick shall, from henceforth and in all time to come, be as follows, that is to say: beginning on the Raritan river where Lawrences brook empties into the same; thence running up said brook, following the several courses thereof, to the mouth of Cornells brook, and where the said Cornells brook falls into the said Lawrences brook; thence running up Cornells brook, following the several courses thereof, to Georges road; thence on a straight line to the most westerly corner of a plantation formerly of Hermanus Cortleyou, now of William Hagerman, on the Franklin and Georgetown turnpike road; thence eastwardly along said turnpike road, on the north side thereof, to a brook known by the name of the Mile run; thence down said brook, as it runs, to the Raritan river; thence, crossing the same on

Boundaries of the city of New Brunswick.

a straight line, continuing the last course of the Mile run, to high water mark on the north side of said river; thence down said river, on the north side thereof, by high water mark aforesaid, the several courses of the same, to a point opposite to the mouth of said Lawrences brook; thence, crossing the said river on a straight line, to the place of beginning.

Time and mode
of electing may-
or, recorder, and
aldermen.

Sec. 2. *And be it enacted*, That the mayor, recorder, and aldermen of the said city of New Brunswick shall be elected by the freeholders and others, the freemen of the said city of New Brunswick, qualified by law to elect, and shall continue in office for one year, and until their successors shall be elected and sworn into office; and for the purpose of carrying this provision into execution, it shall and may be lawful for the freeholders and others, the freemen of the said city of New Brunswick, qualified to vote for common council men of said city, to assemble at the courthouse in the city of New Brunswick on the second Monday of May next, and then and there, by ballot and by a plurality of votes, to elect the said mayor, recorder, and aldermen; and on the second Monday of May, yearly and every year thereafter, the freeholders and others, the freemen of the said city of New Brunswick, qualified as aforesaid, shall and may assemble at such place as may be appointed by the common council, and then and there, by ballot and plurality of votes aforesaid, elect the said mayor, recorder, and aldermen, to hold their respective offices during the term of one year, and until their successors shall be elected and sworn into office as aforesaid.

Inspectors,
judges, and tel-
lers of first elec-
tion.

Sec. 3. *And be it enacted*, That the elections to be holden in the said city of New Brunswick, on the second Monday in May next, for mayor, recorder, aldermen, common councilmen, and town clerk, shall be held under the inspection and direction of John Acken, Haley Fisk, John Hatfield, James Clark, and Samuel C. Cook, or a majority of them, and that the said John Acken, Haley Fisk, John Hatfield, James Clark, and Samuel C. Cook, or a majority of them, shall be the judges and tellers of the said election; and that their certificate and report, or the certificate and report of a majority of them, shall be final and conclusive; and for all subsequent elections, the common council of the said city of New Brunswick shall appoint the judges and inspectors, and direct the manner of certificate and report.

Sec. 4. *And be it enacted*, That the said mayor, recorder, aldermen, common councilmen, and town clerk shall severally, before he or they take their seat or seats in the com-

mon council of the said city, take and subscribe the oath or affirmation of allegiance to this state, and also an oath or affirmation for the faithful discharge and execution of their respective offices, within thirty days after his or their election into office, or in default thereof, his or their election, as the case may be, shall be deemed void and of none effect, and a new election may be ordered by the mayor; for the time being, to supply such vacancy or vacancies; and that the said mayor, recorder, aldermen, common councilmen, and town clerk shall take the said oaths or affirmations herein before prescribed before the chancellor or any master in chancery of this state, or before any one of the justices of the supreme court of this state, or before any one of the judges of the inferior court of common pleas or justices of the peace of the county of Somerset or Middlesex, or before one of the justices of the peace in pursuance of this act to be created and appointed; and every other officer to be chosen or appointed shall take and subscribe the said oaths or affirmations before the mayor, recorder, one of the aldermen, or one of the justices of the peace to be appointed in pursuance of the provisions of this act.

Oath prescribed for mayor, recorder, aldermen, common council, and town clerk.

Sec. 5. *And be it enacted*, That the said oaths or affirmations, so to be taken and subscribed as aforesaid, shall be deposited and affiled with the town clerk of the said city of New Brunswick, there to remain of record.

Oaths to be filed.

Sec. 6. *And be it enacted*, That three justices of the peace within the said city shall be appointed by the council and general assembly of this state, in joint meeting, and commissioned by the governor, in the same manner as the justices of the peace throughout the state are appointed and commissioned, and shall continue in office for the term of five years; and each of the said justices of the peace shall have full power to keep and cause to be kept, all laws made or to be made for the conservation of the peace, and for the good government of the citizens and inhabitants of this state within the said city of New Brunswick, according to the force, form, and effect of the same laws, and to cause to come before them, or any of them, all persons who within said city shall break the peace, or have used, or shall use threats to any of the citizens or inhabitants of this state concerning his or her body, or the firing his or her house or other building, or who are not of good fame where they are found, to enter into recognizance with sufficient surety for the peace or their good behaviour towards the people and inhabitants of this state; and if they enter not into such recognizance, then to cause them to be safely kept in prison

Three special justices to be appointed within the city.

Duties and powers.

until they do the same ; and further to do, perform, and execute all such matters, acts, and things as by law appertain to their offices, respectively, and are or shall be enjoined upon them and committed to their charge and execution ; and all recognizances taken before any of the said justices by virtue of this act may be sent to the court of general quarter sessions of the county of Somerset, or the court of general quarter sessions of the county of Middlesex, as the case may be, according to the territorial jurisdiction of the said respective courts, to the end that the same recognizances may be prosecuted to judgment and execution, if need be.

Jurisdiction of the justices holding courts for the trial of small causes.

Sec. 7. *And be it enacted*, That the said justices of the peace to be appointed in pursuance of the provisions of this act, and each and every of them, shall be deemed, esteemed, and taken to be a justice of the peace within the meaning of the act entitled, "An act constituting courts for the trial of small causes," passed the twelfth of February, in the year of our Lord eighteen hundred and eighteen ; and the said justices of the peace, and each and every of them, shall have civil jurisdiction within the city of New Brunswick aforesaid, to the same extent as by the aforementioned act is given to the justices of the peace of the several counties of this state, and subject to the same regulations as by the said act are imposed upon them ; and the said justices of the peace, and each and every of them, are hereby empowered and commanded to hold within the said city, as oft as needs be, courts for the trial of small causes.

Marshal to be the ministerial officer.

Sec. 8. *And be it enacted*, That the marshal of the said city of New Brunswick shall be the ministerial officer, and shall execute the process of the said courts according to law.

Present mayor, recorder, and aldermen not to be esteemed justices.

Sec. 9. *And be it enacted*, That the mayor, recorder, and aldermen of the said city shall not from henceforth, nor shall any one of them, be deemed, esteemed, or taken to be a justice of the peace, for any purpose whatever, any law, usage, or custom to the contrary notwithstanding.

Quorum of common council.

Sec. 10. *And be it enacted*, That a majority of the said mayor, recorder, aldermen, and common council shall constitute a quorum, fully qualified for the transaction of all business in common council of said city of New Brunswick ; and in the absence of the mayor and recorder, the said quorum may elect or appoint a president or presiding officer pro tempore, who during such time shall be fully vested with the power and authority of the mayor or recorder for the performance of all the business of said common council, any law, custom, or usage to the contrary notwithstanding.

May elect president pro tem.

Sec. 11. *And be it enacted*, That the third section of the act entitled, "An act to alter and amend the charter of the city of New Brunswick," passed February twenty-third, eighteen hundred and one, together with all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

Parts of former acts repealed.

Sec. 12. *And be it enacted*, That this act shall go into operation on the said second Monday of May next; but, nevertheless, it shall and may be lawful for the joint-meeting at any time before that period to appoint three justices of the peace, as is provided for by this act, who shall enter upon the duties of their office on the said second Monday of May next.

When act to go into operation.

Passed February 14, 1838.

AN ACT to facilitate the administration of justice.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That hereafter the supreme court of this state shall consist of a chief justice and four associate justices.

Number of justices increased.

Sec. 2. *And be it enacted*, That the chief justice, or one or more of the associate justices of the supreme court, shall hold a court, to be called the circuit court, in every county of this state, at the times and places appointed by law for holding the courts of common pleas in such county, except in the counties of Atlantic and Cape May, in which two counties circuit courts shall be held at the times and in the manner they now are; and which said circuit courts in every county in this state, in addition to the power and authority now possessed by the circuit courts of this state, shall be, and are hereby constituted courts of original jurisdiction and of record, and be vested with, and have all the power and authority incident to courts of common law, except in cases of a criminal nature, and have power, authority, and jurisdiction in like manner and to the like extent as the courts of common pleas and supreme court of this state now have, to institute, hear, try, and determine all actions and causes, real, personal, and mixed; to conduct the same, issue subpoenas, render judgment, and

One of the justices of the supreme court to hold circuit courts in all the counties, except Atlantic and Cape May, at the times and places of holding the common pleas.

Additional powers of the circuit courts.

award execution therein according to law and right; but in actions of a local nature the same shall be confined to the proper counties in which such cause of action arose.

Writs tested by one of the judges, and returnable to the circuit court.

Sec. 3. *And be it enacted,* That the chief justice and associate justices of the supreme court shall be judges of said circuit courts; and that all writs and process issuing out of said circuit courts shall be tested in the name of one of the judges of said court, and be returnable therein; and the seals of the courts of common pleas of the several counties shall be the seals of the circuit courts in the same counties until others are provided; and the judgments entered in such circuit courts shall have the same force and effect, when properly entered and recorded, as the judgments of the courts of common pleas of the respective counties.

Effect of judgments therein.

When circuit court's proceedings as the common pleas, and when as the supreme court.

Sec. 4. *And be it enacted,* That the said circuit courts, in all personal actions and causes originally commenced therein, shall be regulated and governed in their proceedings by the same laws as the courts of common pleas in this state now are; and in all real and mixed actions originally commenced, or personal actions removed therein, shall be regulated and governed in their proceedings, as near as may be, by the same laws as the supreme court of this state now is.

Proceedings of inferior court removed by certiorari to circuit.

Sec. 5. *And be it enacted,* That all judgments, orders, and proceedings in the courts for the trial of small causes and in the courts of common pleas, upon appeals from said courts for the trial of small causes, may be removed into the circuit court of the same county, by writs of certiorari and supersedeas thereon, first allowed by one of the judges of said circuit court, in like manner and upon similar terms as such writs are now granted to remove similar matters into the supreme court; and that said circuit courts shall proceed to hear and determine said matters so removed according to law and right, and award costs to the successful party therein, and execution for the same, if necessary; and that the bond given upon allowing said writs of certiorari shall be so modified as to conform to the provisions of this act, and be handed by the justice allowing the said writ to the clerk of the court to which said writ shall be returnable, and be filed by him in his office.

Judge of circuit may send cause to be argued at bar of the supreme court.

Sec. 6. *And be it enacted,* That the judge or judges holding any such circuit court shall and may, at his or their discretion, and upon such terms as he or they may think reasonable, direct any case of doubt or difficulty to be made and stated, and certified by him or them, to be argued at

the bar of the supreme court, which court shall hear the same, and after opinion given therein, shall certify the same to the said circuit court; which court shall render judgment therein in conformity to such opinion.

Sec. 7. *And be it enacted*, That from all judgments rendered in any such circuit court writs of error shall lie to the supreme court, which writs shall issue out of the supreme court, and be prosecuted and be proceeded upon in like manner, and upon the like terms, as writs of error from the supreme court to the courts of common pleas of this state are or may be.

Writs of error to supreme court.

Sec. 8. *And be it enacted*, That any suit or action originally commenced in any such circuit court, where the debt, damages, matter, or thing in controversy shall exceed two hundred dollars, may be removed into the supreme court at any time before issue joined by writ of habeas corpus, first duly allowed by one of the justices of the said supreme court; *provided* the defendant or defendants shall, at or before the allowance of said writ, enter into recognizance to the plaintiff or plaintiffs, with two sufficient sureties, in double the sum demanded for the payment of the condemnation money and costs, in case judgment shall pass against him, her, or them, which recognizance shall be filed with said writ, and returned with the same, to the supreme court, and in default thereof said suit or action shall not be removed nor said writ returned.

When, and on what terms cause may be removed by habeas corpus to supreme court.

Sec. 9. *And be it enacted*, That the justices of the supreme court shall and may adopt and settle uniform rules of practice, in all matters not regulated by law, for the government of said circuit courts, and the same from time to time alter, repeal, and modify, as occasion may require; *provided* such rules are not contrary to the provisions of this act, the laws and constitution of this state or of the United States.

Rules of practice at circuit regulated by rules of supreme court.

Proviso.

Sec 10. *And be it enacted*, That the same costs and fees shall be allowed in all personal actions brought originally in said circuit courts, as are by law allowed in the courts of common pleas of this state for like services, and be recoverable in like manner, *provided* costs would have been recovered in such case in said courts of common pleas, and not otherwise; and in all actions, real and mixed, originally commenced in said circuit courts, and all personal actions removed therein, the same costs and fees shall be allowed and recovered as are by law allowed and recovered for like services in the supreme court of this state.

When costs the same as of common pleas.

When costs the same as of supreme court.

Sheriffs, coroners, &c., ministerial officers of circuit court.

Sec. 11. *And be it enacted*, That the sheriffs, coroners, elisors, and constables of the several counties in this state, for the time being, shall be the ministerial officers of said circuit courts held within their respective counties, and shall execute all writs, precepts, and process issuing out of said courts, and to them directed and delivered, and make true return thereof, according to the command in the same.

Clerks of common pleas to be clerks of circuit courts.

Sec. 12. *And be it enacted*, That the clerks of the several courts of common pleas of this state, for the time being, shall be the clerks of said circuit courts in their respective counties, be entitled to the same fees, and subject to the same pains and penalties as are by law prescribed in relation to the clerks of the courts of common pleas of this state, except in real or mixed actions and personal actions removed into said circuit courts by certiorari, in which the said clerks shall perform the same duties, and be entitled to the same fees, as are by law prescribed and allowed to the clerk of the supreme court.

Fees.

Provisions of certain acts extended to circuit courts.

Sec. 13. *And be it enacted*, That all acts and parts of acts now in force in this state, regulating the practice of the courts of common pleas and supreme court of this state, the commencement, proceedings in, trial, adjudication, and determination of all suits or actions therein, shall be extended to, and be applicable to said circuit courts, so far as the same are applicable to the provisions of this act; and that the act entitled, "A supplement to an act entitled, an act relative to the supreme and circuit courts," passed the twentieth of November, eighteen hundred and twenty, and all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

Acts repealed.

Act to take effect immediately.

Sec. 14. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Passed February 14, 1838.

AN ACT to repeal an act entitled, "An act to authorize the sale of the real estate of Harmonus Speer, late of the township of Bloomfield, in the county of Essex, deceased."

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That a certain act of the council and general assembly aforesaid, entitled, "An act authorizing the sale of the real estate of Harmonus Speer, late of the township of Bloomfield, in the county of Essex, deceased," passed March seventh, in the year of our Lord one thousand eight hundred and thirty-seven, be, and the same is hereby repealed.

Former act authorizing sale repealed.

Passed February 14, 1838.

AN ACT to incorporate the Jefferson Machine Works.

Sec. 1. 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 Rogers, Morris Ketchum, and

Names of corporators.

Jasper Grosvenor, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "the Jefferson Machine Works," for the purpose of manufacturing machinery, cotton and wool, in the town of Paterson, in this state, and of carrying on the business incident thereto; and

Style of incorporation.

Objects of incorporation.

by that name they and their successors shall have succession and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing, pleading, defending, and answering, and being sued, impleaded, defended, and answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters, and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold,

Powers and privileges of company.

and enjoy, and again to sell or otherwise dispose of such personal and real estate, not exceeding four acres, as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations.

Proviso.

Time and mode of electing directors.

Qualification of voters.

Directors to appoint officers of company.

Vacancies, how supplied.

First directors.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by five directors, being stockholders, (one of whom shall be president) who shall hold their offices for one year; and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the county of Passaic; and each stockholder shall, at such election, be entitled in person or by proxy to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having or receiving in such elections the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen may appoint such officers and superintendants, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and that the said Thomas Rogers, Morris Ketchum, Jasper Grosvenor, Lauriston Hall, and Edward Bement, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in April next and until others are legally chosen.

Sec. 3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of three hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as fifty thousand dollars

of the said capital stock shall have been subscribed and paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published, for the space of thirty days, in one or more newspapers printed in said county, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

When company may commence business.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Subscription for stock not open more than thirty days.

Sec. 5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders except from and out of the actual net profits of said corporation.

Stock personal estate.

Sec. 6. *And be it enacted*, That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

Quorum of directors.

Proviso.

Sec. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books, in which shall

Books to be kept.

be regularly entered all the transactions and business of said corporation; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

How corporation may be dissolved.

Sec. 9. *And be enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders specially summoned for that purpose; *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock; unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

Directors trustees for settling affairs of corporation.

Limitation of charter.

Legislature may alter or amend.

Sec. 10. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage; *provided nevertheless*, that the legislature reserve the right to alter or amend this act whenever the public good may require it.

Passed February 15, 1838.

AN ACT for the relief of Josiah Hunt, a soldier of the Revolution.

Preamble.

WHEREAS Josiah Hunt, a soldier of the Revolution, had a certificate given to him for the three-fourths of the depreciation of his pay, as a soldier in the New Jersey line, amounting to seventy-five pounds, with interest at the rate of six per centum per annum, agreeably to an act entitled, "An act for making compensation to the troops of this state in the service of the United States for the depreciation of their pay," passed January sixth, seven-

teen hundred and eighty-one; and whereas an act was passed on the eighteenth of February, eighteen hundred and one, entitled, "An act to authorize the treasurer to pay a certain sum of money to Josiah Hunt," in which the said treasurer was directed to pay to the said Josiah Hunt the sum of two hundred dollars and four cents, the amount of said certificate, with six years' interest thereon; and whereas the said Josiah Hunt has by his petition set forth, that he was then truly and justly entitled to twenty years' interest on said certificate, instead of six years', as allowed to him by said act, and that the house of assembly did, at that time, pass the bill allowing him the whole amount of interest due thereon, which was amended in council, so as to allow him only the six years' interest as aforesaid, and afterwards agreed to by the house of assembly; and whereas the said Josiah Hunt has further set forth, that he is justly entitled to the fourteen years' interest then due to him upon said certificate, for services rendered in the Revolutionary war, with the interest due thereon—therefore,

Preamble.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state be, and he is hereby authorized and directed to pay unto Josiah Hunt the sum of two hundred and sixty-eight dollars and three cents, the amount of fourteen years' interest, being the balance of interest in full due to him on a certificate given to him for the three-fourths of the depreciation of his pay, as a soldier of the New Jersey line, on the eighteenth of February, eighteen hundred and one; and the receipt of the said Josiah Hunt therefor shall be a sufficient voucher to the said treasurer in the settlement of his accounts.

\$268 directed to
be paid to Jo-
siah Hunt.

Passed February 15, 1838.

AN ACT to regulate the selling of grain.

Preamble.

WHEREAS it is agreeable to equity and beneficial to commerce, that a people who live in the same community shall have one equal and just weight per bushel for the various kinds of grain, according to a true and perfect standard—therefore,

Standard of weight for grain.

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 fourth day of July next, the bushel shall consist of sixty pounds of wheat; fifty-six pounds of rye, or indian corn; fifty pounds of buckwheat; forty-eight pounds of barley; thirty pounds of oats; fifty-five pounds of flaxseed; and sixty-four pounds of cloverseed.

Passed February 16, 1838.

AN ACT to prevent frauds in the manifests of vessels navigating the Delaware and Raritan Canal.

Manifests of cargoes of vessels navigating canal, to be verified by oath, before collector of tolls.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That every master or other person having the charge or command of any vessel or boat navigating the Delaware and Raritan canal, shall produce to each and every collector of tolls a manifest in writing, containing a just and particular account of all the goods, wares, merchandise, and other matters on board of such vessel or boat; and it shall and may be lawful for such collectors of tolls, if they shall deem it advisable, to require the said master or other person having the charge or command of any such vessel or boat, to declare to the truth of such manifest, which declaration shall be on oath or solemn affirmation, before such collector so requiring it, in manner and form following, to wit: "I do solemnly, sincerely, and truly swear (or affirm), that the manifest subscribed with my name, and now delivered by me to ——— one of the collectors of tolls of the Delaware and Raritan Canal Company, contains, to the best of my knowledge and belief, a just and

true account of all the goods, wares, and merchandise, including packages of every kind and nature whatsoever, which now are or were on board the ——— at the time of her entering the Delaware and Raritan canal; that I am at present, and have been since her entering the said canal, master of the said vessel or boat; that no package whatsoever, or any goods, wares, or merchandise, have, to the best of my knowledge and belief, been unladen, landed, or taken out, or in any manner whatever removed from on board the said vessel or boat, since her entering the said canal at ——— excepting such as are now particularly specified and declared in the account herewith.”

Sec. 2. *And be it enacted*, That if, on examination of the cargo of the said vessel or boat by the said collector of tolls, it shall turn out that such manifest does not contain a just and true account of the said cargo, the master or other person having the charge or command of such vessel or boat shall forfeit and pay the sum of one hundred dollars to the said the Delaware and Raritan Canal Company, to be recovered in their name, in an action of debt, with costs; and it shall be lawful for the collector of tolls to detain such vessel or boat till the said penalty and costs be paid, unless said master or other person having the charge or command of such vessel or boat shall enter into bond to said company, with one or more sureties, being freeholders in this state, in the penal sum of two hundred dollars, conditioned for the payment of such penalty and costs, as may be recovered against him or them by virtue of this act, and immediately upon the delivery of such bond to the collector of tolls the said vessel or boat shall forthwith be released.

Penalty for making false manifest.

Boat may be detained till security is given.

Sec. 3. *And be it enacted*, That the several collectors of tolls of the said the Delaware and Raritan Canal Company be, and they are hereby authorized and empowered to administer the oath or affirmation required by this act to the master or other person having the charge or command of such vessel or boat; and if such master or other person having the charge or command of such vessel or boat shall falsely, wilfully, and corruptly swear or affirm, then such person so offending shall be deemed and adjudged to be guilty of wilful and corrupt perjury, and on being convicted thereof shall be punished accordingly.

False oath before collector to be perjury.

Sec. 4. *And be it enacted*, That this act shall go into effect immediately after its passage.

When act to go into effect.

Passed February 16, 1838.

AN ACT respecting the office of treasurer.

Additional duties of treasurer.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That, in addition to the duties already prescribed by law, it shall be the duty of the treasurer of this state, as soon as his accounts shall be audited by the committee appointed for that purpose, to submit annually to the legislature a balance sheet exhibiting the general items of expenditure; the amount of receipts, and the sources whence they have been received; the indebtedness of the state, if any, and how and where, and the interest paid for moneys borrowed; the amount of school fund, how invested, what part is available, and what unavailable, the interest receivable on the same; the amount of bank tax; and the sum applicable to common schools, and how disposed of, so as to give a correct and connected statement of the condition of the finances of the state; which statement shall be countersigned by the auditing committee.

Passed February 16, 1838.

AN ACT to incorporate the Belleville Academy.

Belleville Academy incorporated.

Powers, privileges, and objects of incorporation.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Van Rensselaer, Samuel L. Ward, William Stephens, Ralph Pomeroy, John S. Condit, and their associates shall be, and they are hereby created a body corporate and politic, by the name and style of "the Belleville Academy," to be located in Belleville, in the county of Essex and state of New Jersey; and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and may change, alter, and renew the same at pleasure; and by the same name shall be, and are hereby made capable in law of purchasing and

holding any estate, real and personal, for the use of said corporation, the income of which shall not exceed the sum of two thousand dollars per year, for the purpose of establishing, maintaining, endowing, and conducting said institution, for the instruction and education of youth of both sexes; *provided always*, that no part of said fund shall be used for banking purposes. Proviso.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be five thousand dollars, to be divided into shares of twenty-five dollars each, with the privilege of increasing the same to ten thousand dollars at any time; and that the subscription to the said capital stock be received by and under the direction of the trustees hereinafter named, and their successors, according to such form as may be prescribed by said trustees; *provided*, that the payment of five dollars on each share, when subscribed, shall be required; and also, that each stockholder shall be entitled to one vote for each share owned by him or her; and the said shares shall be assignable and transferable according to such rules as the board of trustees shall make. Amount of capital stock.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of said corporation shall be managed and conducted by a board of sixteen trustees, and that nine of them shall form a board for the transaction of business; that the said trustees shall have power to elect the faculty and teachers of the institution, form regulations and by-laws, prescribe the course of study, attend the examination, and regulate the government and instruction of the students; and that it shall be lawful for the trustees to require payment of the sums subscribed to the capital stock at such times and in such proportions, and on such conditions, as a majority of them shall see fit; and shall have power to collect from subscribers the amount due on their respective share or shares, first giving notice of the instalments thus required; and of the place and time when and where the same are to be paid, at least thirty days previous to the payment of the same, in a notice to be delivered to the subscribers; and in no case shall any payments be forfeited, but may be transferable agreeably to the by-laws of said corporation. Concerns of corporation to be managed by sixteen trustees.

Sec. 4. *And be it enacted*, That there shall always be sixteen trustees of the said corporation, who shall be appointed by the stockholders; the said trustees shall be divided by lot into four classes, to be numbered one, two, three, and four: the place of the first class shall become vacant in one year from the time of their appointment, the second class in Duties of trustees.

First trustees.

Time and mode
of electing trustees.

Officers to be
appointed by
trustees.

Funds never to
be applied to a
theological seminary.

Institution not
to become sectarian.

Legislature may
alter or repeal
this act.

two years, the third class in three years, and the fourth class in four years; and that John Van Rensselaer, William Stephens, Samuel L. Ward, Ralph Pomeroy, Nicholas N. Joralemon, William H. Brant, James L. Morris, Robert Pomeroy, George Bird, James R. Mills, John C. Lloyd, Arent H. Schuyler, Abraham V. Spear, John S. Condit, George Kingsland, and John Kennedy shall be the first trustees of said corporation, and act until others are chosen in their places; and that on the first Tuesday of April, eighteen hundred and thirty-nine, and the first Tuesday of April in every succeeding year, at a meeting of the stockholders at some convenient place in Belleville, to be designated by the by-laws of said corporation, a majority of the electors who shall attend in person or by proxy for the purpose, shall elect by ballot four of the stockholders to fill the vacancy occasioned by the class whose term of service shall expire, to be trustees of said corporation for the four years next ensuing; and that the said trustees shall yearly and every year make a report in writing, and present the same to the stockholders at their annual meeting, of the state and condition of the funds and property belonging to said corporation, and of the number of students that shall have been taught at said academy during the preceding year; and that the said trustees may choose from among their number a president, treasurer, and secretary, and shall have full power to fill vacancies, which may from any cause happen in their body, until the next election, as herein before mentioned; and that the said trustees shall cause the said treasurer to give bond from time to time, in such sum and upon such conditions as may be required.

Sec. 5. *And be it enacted*, That no part of the funds of the corporation hereby created shall ever be applied for the support of a theological seminary, but shall be devoted exclusively to the cultivation of literature and the fine arts, according to the true intent and meaning of this charter; and that, in the reception of pupils at the said academy, and in the regulations of said pupils when there, no distinction shall at any time be made on account of their religious opinions; and in no case shall said institution become sectarian, but be and remain open to all, without regard to their religious opinions.

Sec. 6. *And be it enacted*, That this act may be repealed, altered, or modified by the legislature of this state, whenever in its opinion the public good shall require.

Passed February 16, 1838.

AN ACT to incorporate the Fairton Beneficial Society, of
the county of Cumberland, New Jersey.

WHEREAS a number of citizens of the county of Cumberland, in this state, have formed themselves into a society for the purpose of raising a fund sufficient for the relief of each other, in case of disease, age, or accident; and whereas they have, by a committee, represented to the legislature of this state the expediency of being constituted a body corporate, so as to enable them to hold property, and more safely to vest their funds in stock or other securities for the purpose of their association—therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Theophilus E. Harris, John Trenchard, John M. Swing, Joseph Dayton, Theodore Elmer, Gilbert Westcott, and Josiah Bennett, and all such other persons, not exceeding two hundred, as now are or hereafter shall become members of the Fairton Beneficial Society, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of “the Fairton Beneficial Society;” and by such name they shall have succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their name, as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation.

Names of corporators.

Style of incorporation.

Powers and privileges.

Sec. 2. *And be it enacted*, That the members of the said society, or as many of them as can conveniently attend, shall meet on the first Thursday of January next, and on the first Thursday of January annually thereafter, at some suitable time and place, of which meetings notice, for the space of ten days, shall be given by the secretary in three of the most public places in the township wherever the said society is located, and then and there, by a plurality of votes of those present, proceed to elect a president, vice president, secretary, assistant secretary, treasurer, and such other officers and assistants as they shall find necessary for

Time and mode of electing officers.

conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of said society, and at the expiration of his term of office shall deliver it over to his successor.

What estate
may be held.

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

May make con-
stitution and by-
laws.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized to make and use, and from time to time to alter and amend, as to them may appear expedient, such general form of a constitution and such by-laws for the transaction aforesaid, as to the members of said society, or a major part of them, duly met, shall be deemed right and proper; *provided*, that nothing in the said constitution and by-laws be contrary to the constitution and laws of the United States or of this state.

Proviso.

Funds not to be
employed in
banking.

Sec. 5. *And be it enacted*, That the said corporation shall not use any of their funds for banking operations, or in any other way except for such benevolent purposes provided for by this act.

Act may be al-
tered or repeal-
ed.

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

Passed February 19, 1838.

AN ACT relative to alien passengers arriving in 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 from and after the first day of April next, the corporate authorities of any city or township in this state shall be, and are hereby authorized to impose and collect from the master, owner or owners, agent, or consignee, of any and every ship or vessel arriving from any country out of the United States at any such city or township with alien passengers, a sum not less than one dollar, and not exceeding ten dollars, for each and every alien passenger brought in said ship or vessel as aforesaid; *provided*, that where the boundaries of any city are coextensive with the boundaries of any township, that then and in that case the powers conferred by this act shall vest in, and be exclusively exercised by the corporate authorities of such city; *and provided also*, that where the boundaries of any city are included within, and not coextensive with the boundaries of any township, and any such ship or vessel should arrive at any such city, then and in that case the powers conferred by this act shall vest in, and be exercised exclusively by the corporate authorities of such city.

Sum to be paid by master, owner, or consignee of vessel, for every alien passenger brought into this state.

Proviso.

Sec. 2. *And be it enacted*, That it shall be the duty of the master or commander of every ship or vessel so arriving, within twenty-four hours thereafter, and before any passenger or passengers are permitted to land from on board said ship or vessel, to furnish to the president, mayor, or chief officer of any such city, or the clerk of any such township, or such person as the corporate authorities of any such city or township may respectively designate, a full and correct list of all the passengers arriving in his vessel, with the name, age, occupation, and place of birth of each and every passenger, under the penalty of five hundred dollars.

Masters of vessels to furnish a list of passengers.

Sec. 3. *And be it enacted*, That no passenger shall be permitted to land from on board any ship or vessel arriving as aforesaid, without permission from the corporate authority of any such city or township, under the penalty of fifty dollars for each and every passenger so landed.

No passenger allowed to land without a permit.

Sec. 4. *And be it enacted*, That in case any alien passenger arriving as aforesaid, and landed by authority and permission of the corporate authority of any such city or township, is or shall become sick, infirm, or otherwise incapable of providing for his or her own maintenance, then it shall be the duty of such city or township to provide for the maintenance of such passenger.

Provision for the maintenance of sick passengers.

nance and support of the said sick or infirm passenger, so long as he or she shall remain incapable of providing for his or her own maintenance.

Penalties, how
to be recovered.

May be com-
pounded for.

Former powers
of authorities of
city or township
not impaired.

When act to
take effect.

Sec. 5. *And be it enacted*, That the aforesaid penalties shall and may be sued for and recovered, with full costs of suit, by action of debt, in any court having cognizance thereof, in the corporate name of any such city or township in this state where the penalty or forfeiture may have accrued; and that the defendant or defendants in every such suit may be held to special bail; and that it shall and may be lawful for the corporate authority of any such city or township to compound for said penalties, or either of them, either before or after suing for the same, upon such terms as they may think proper.

Sec. 6. *And be it enacted*, That nothing contained in this act shall be construed to impair or in any wise counteract the full force and execution of the powers already vested in the corporate authorities of any such city or township, by their charters or acts of incorporation, or any supplements thereto.

Sec. 7. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed February 19, 1838.

AN ACT for the relief of William Courter, of the county of Bergen.

Pension of \$60.
per annum to
W. Courter.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to William Courter, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said William Courter yearly, in half yearly payments, commencing on the fourth day of September last, during the lifetime of the said William Courter; and the receipt of the said William Courter, or his order, shall be a sufficient voucher to the treasurer for such sums as he may pay by virtue of this act, in the settlement of his accounts.

Passed February 19, 1838.

AN ACT for the relief of James Laning, of the county of
Burlington.

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 unto James Laning, of the county of Burlington, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the first day of March next.

Pension of \$60
per annum al-
lowed to J. Lan-
ing.

Passed February 20, 1838.

AN ACT to carry into effect a certain agreement between the board of chosen freeholders of the county of Somerset, the Georgetown and Franklin Turnpike Company, and the Delaware and Raritan Canal Company.

WHEREAS committees of the board of chosen freeholders of the county of Somerset, of the president and directors of the Georgetown and Franklin Turnpike Company, and of the Delaware and Raritan Canal Company, were appointed, and held a meeting at Rocky Hill, on the thirteenth day of November, eighteen hundred and thirty-seven, for the purpose of selecting the most eligible location for a bridge across the Delaware and Raritan canal, and county bridge across the Millstone river, at said place, when it was unanimously determined that it would be for the better accommodation of the public that that part of the old road lying between the Georgetown and Franklin turnpike, in the township of Montgomery, and the east side of the Delaware and Raritan canal, in the township of Franklin, should be vacated, and that a public highway, of four rods in width, be laid across the Millstone river and canal on said turnpike, and continuing round the basin, of two rods in width, beginning on the line of William Cruser and Skillman Johnson and company, on said turnpike, and terminating where the roads from New Bruns-

Preamble.

Preamble.

wick and Griggstown intersect each other; and that the freeholders of the county would keep and maintain the small bridge across the mill-race above the mills of William Cruser; and the canal company would keep and maintain the large bridge across the Millstone river, already erected by the Georgetown and Franklin Turnpike Company; and that said turnpike company should not have the right to put up a gate on any part of the road so laid out, or to collect toll from any person travelling said turnpike from Rocky Hill to Kingston—therefore,

Part of public highway vacated.

New public road established.

Courses of new road.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That that part of the public highway lying between the Georgetown and Franklin turnpike road, at Rocky Hill, in the township of Montgomery, in the county of Somerset, and the east side of the Delaware and Raritan canal, in the township of Franklin, in said county, be, and the same is hereby declared vacated, excepting one rod in width on the west side thereof, along the line of William Cruser and Skillman Johnson and company, from the said turnpike to the south end of the present county bridge across the Millstone river on said road; and that a public road of four rods wide, beginning on the middle of the Georgetown and Franklin turnpike road, on the line of William Cruser, in the range of it and the line of Skillman Johnson and company, and with the west side of the road leading from Rocky Hill to Princeton, being the line between William Cruser and John Skillman; thence running on the said turnpike road south, seventy-nine and one-quarter degrees east, nineteen chains and twenty-three links, to the middle of the east end of the bridge over the Delaware and Raritan canal, being seventy links from the north end of the bridge house, two rods of which lying and being on each side of said line; thence running (over the land of William Cruser, a continuation thereof of two rods in width, one rod lying and being on each side thereof, the several courses, viz :) south, eighty and a half degrees east, one chain and fifty links; thence north, forty-eight and a half degrees east, three chains and fifteen links, to a point in the range with the south-west side of the stone house at the distance of one rod from the north-west end of a large rock in the said range; thence north, sixteen and a half degrees west, two chains; thence north, thirty-six and a half degrees west, one chain and five links, to a point in the range with the south side of the stone house, at the distance of sixty-three

links from the corner thereof; thence, continuing the same course, two chains and forty-one links, to a point in the range with the northwest end of the store house, at the distance of one rod from the corner thereof; thence north, fifty-six and three-quarter degrees west, one chain, fifty links; thence north, eighty-one degrees west, three chains and thirty links, to a point in the range with the east end of the house standing on the south side of the old road leading to New Brunswick, at the distance of one chain and thirteen links from the southeast corner thereof; thence north, forty and one-quarter degrees west, two chains and twenty-five links, to where the roads from New Brunswick and Griggstown intersect each other, and there to end, be, and the same is hereby declared laid out and established, and subject to all the regulations of other highways laid out by and according to the laws of this state now in force; *provided always*, that the board of chosen freeholders of the county of Somerset shall hereafter keep and maintain in good repair the bridge erected by the said turnpike company across the mill-race above the mills of William Cruser; *and provided further*, that the said Delaware and Raritan Canal Company shall hereafter keep and maintain in good repair the bridge erected by the said turnpike company across the Millstone river, which shall be considered a full compliance with the obligation of the said canal company, under the sixteenth section of their act of incorporation, in relation to the bridge on the road hereby vacated; *and provided further*, that the president and directors of the Georgetown and Franklin Turnpike Company shall not erect a gate on any part of the road hereby authorized, or collect toll from any person travelling from Rocky Hill to Kingston, any thing in their act of incorporation to the contrary notwithstanding.

Bridges to be maintained by county of Somerset and Delaware and Raritan Canal Co.

Proviso.

Passed February 20, 1838.

A FURTHER SUPPLEMENT to an act entitled, "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," passed the tenth day of November, eighteen hundred and twenty-one.

Term of instruction extended to five years.

Proviso.

Sec. 1. 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 term of instruction allowed by the several acts of which this is amendatory may be extended to five years, and indigent deaf and dumb persons who may have been under instruction for three or four years only, under the several acts aforesaid, may be readmitted for the residue of the term hereby allowed, on making application in the same manner and under the same limitations (except with respect to age) as is hereinafter provided in the case of other indigent deaf and dumb persons; *provided*, that no one person shall be under instruction at the expense of the state for more than five years in all.

Applicants for instruction to be over twelve, and under twenty years of age.

Proviso.

Sec. 2. *And be it enacted*, That so much of the act passed on the second day of February, one thousand eight hundred and thirty-seven, as admits deaf and dumb children under the age of twelve years to share in the benefit of the legislative provision made or to be made for the education of that class of persons, shall be, and is hereby repealed; and that hereafter all applicants for the benefit of the provision aforesaid shall be of the age of twelve, and under the age of twenty years; *provided however*, that the governor, or person administering the government, shall have discretionary power, when he may deem it equitable and expedient, to admit upon the list of pupils instructed at the expense of the state applicants, in other respects suitable, who may be over twenty years of age, such persons not to continue on the list for a longer term than two years, unless they shall be recommended at the close of said term of two years by the principal of the institution to which they may have been sent, as being capable of making good progress in the acquisition of written language, in which case such persons may be continued for the full term of five years.

Governor to decide on application made in manner prescribed.

Sec. 3. *And be it enacted*, That the governor, or person administering the government, shall have the power to receive and decide upon all applications for the benefit of the legislative provisions made or to be made, for the instruction of indigent deaf and dumb persons, inhabitants of this state, provided such application be accompanied by the cer-

tificate of any two respectable individuals, attested before a magistrate, to the age, circumstances, and capacity of the deaf mute in whose behalf such application may be made; and that so much of the act passed the tenth day of November, one thousand eight hundred and twenty-one, as makes a recommendation necessary from the board of chosen freeholders of the county, shall be, and is hereby repealed.

Provisions of former act repealed.

Sec. 4. *And be it enacted*, That the annual expense for each deaf mute instructed at the charge of the fund created by the several acts of which this is amendatory, shall not exceed the sum of one hundred and thirty dollars, unless the governor, or person administering the government, shall be satisfied that the means of such deaf mute, or those of his or her parents or guardians, are insufficient to keep such deaf mute supplied with suitable clothing during his or her term of instruction, in which case clothing may be supplied at the charge of said fund, at an expense not exceeding thirty dollars in any one year for any one pupil so supplied.

Annual sum to be expended for each scholar.

May be increased in certain cases.

Sec. 5. *And be it enacted*, That whenever the governor, or person administering the government, shall be satisfied that the resources of any deaf mute applying for the benefit of the fund aforesaid, or those of his or her parents or guardians, are sufficient to defray a part of the expense of instructing such deaf mute, but not sufficient to defray the whole expense, then the governor, or person administering the government aforesaid, may cause to be paid out of the said fund such proportion as to him may seem just and equitable, of the annual expense of educating such deaf mute, subject to all the other regulations and limitations prescribed in the case of applicants wholly indigent.

A part, only, of the charge for instruction to be paid by the state in certain cases.

Sec. 6. *And be it enacted*, That whenever any uneducated deaf and dumb persons, entitled to the benefit of the fund aforesaid, shall become a legal charge upon the overseers of the poor of any township in this state, it shall be the duty of such overseers to make immediate application in behalf of such deaf and dumb person, in the manner herein before prescribed; and if such deaf and dumb person shall be placed in an institution for instruction at the charge of the fund aforesaid, then the expense of conveying him or her to and from the institution, and of supplying him or her with suitable clothing during his or her term of instruction, shall be defrayed by such township.

Certain expenses to be paid by townships.

Sec. 7. *And be it enacted*, That from and after the passing of this act, no person under seventeen years of age, either totally deaf, or so deaf as to be unable to learn to

No deaf person who cannot read to be apprenticed under seventeen years of age.

read in ordinary schools, shall be indentured as an apprentice before such deaf person shall have been taught to read; and any indenture made in contravention to the provisions of this section shall be voidable by the said apprentice, or by some person acting by or in behalf of said apprentice.

Description of persons to whom this act is applicable.

Sec. 8. *And be it enacted*, That this act, and the several acts of which this is amendatory, may be construed to apply to persons who are only partially deaf, if so deaf as to be unable to learn to read in ordinary schools, and to persons who may have lost their hearing before learning to read, though still able to speak, as well as to persons who are both deaf and dumb; but shall not be construed to apply to persons become deaf, who may have learned to read before they became deaf, unless such persons may have afterwards lost by disease the ability to read.

Governor may erase from the list of those instructed in certain cases.

Sec. 9. *And be it enacted*, That the governor, or person administering the government, shall have power to erase the name of any deaf and dumb person from the list of those instructed at the charge of the fund created as aforesaid for the instruction of the indigent deaf and dumb of this state, if it shall appear that such person was improperly admitted to share in the benefit of said fund, not having the requisite qualifications, or if such deaf and dumb person shall, after a fair trial, be found incapable of instruction; and for that purpose it shall be the duty of the governor, or person administering the government, to request the principals of the institutions to which such deaf and dumb persons shall be sent to transmit to him, every six months, statements in writing of the progress in learning and general standing of each pupil supported in whole or in part by this state.

When act to go into effect.

Sec. 10. *And be it enacted*, That this act shall take effect from the passage thereof.

Passed February 20, 1838.

AN ACT to renew the charter of the Trenton Banking 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 charter of the Trenton Banking Company shall be, and the same is hereby continued in force for the term of twenty years from and after the third day of December, eighteen hundred and thirty-nine.

Further extension of charter.

Sec. 2. *And be it enacted,* That the legislature may at any time hereafter alter, modify, or repeal this act.

Act may be altered, &c.

Passed February 20, 1838.

SUPPLEMENT to the act entitled, "An act directing the descent of real estates."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That when any person shall die seized of any lands, tenements, or hereditaments, in his or her own right in fee simple, without devising the same in due form of law, and without leaving lawful issue, and without leaving a brother or sister of the whole blood, or any lawful issue of any such brother or sister, and without leaving a father (leaving a mother), then the inheritance shall go to the mother of the said person so seized for life; and after her death the same shall go and descend as provided for in this act, in case the person so dying seized shall die without leaving a mother capable of inheriting the same.

When life estate shall be vested in mother, of lands of intestate.

Sec. 2. *And be it enacted,* That when any person shall die seized of any lands, tenements, or hereditaments as aforesaid, without devising the same in due form of law, and without leaving lawful issue, and without leaving a brother or sister of the whole blood, or any lawful issue of any such brother or sister, and without leaving a father or mother capable of inheriting the said lands, tenements, or hereditaments by this act, and shall leave a brother or sister

When brothers and sisters of the half blood inherit intestate's estate.

of the half blood, or a brother or brothers and a sister or sisters of the half blood, the inheritance shall descend to such brother or sister of the half blood, or to such brother or brothers and sister or sisters of the half blood, as the case may be, as tenants in common in equal parts; and in case any such brother or sister of the half blood, who would have inherited by this act if living, shall die before the person so seized, and leave a lawful child or children, such child or children surviving the said person so seized shall inherit, if a child, solely, and if children, as tenants in common in equal parts, such share as would have descended to his, her, or their father or mother, if such father or mother had survived the person so seized; and the same law of inheritance and descent shall be observed in case of the death of any child of such brother or sister of the half blood before the person so seized, leaving a child or children; *provided always*, that in case the said lands, tenements, or hereditaments came to the person so dying seized by descent, devise, or gift of some one of his or her ancestors, all those who are not of the blood of such ancestors shall be excluded from such inheritance.

Proviso.

When persons of equal degree of consanguinity, however remote, inherit intestate's estate.

Sec. 3. *And be it enacted*, That when any person shall die seized of any lands, tenements, or hereditaments as aforesaid, without devising the same in due form of law, and without lawful issue, and without leaving a brother or sister of the whole blood or half blood, or the issue of any such brother or sister, and without leaving a father or mother capable of inheriting by this act the said lands, tenements, or hereditaments, and shall leave several persons all of equal degree of consanguinity to the person so seized, the said lands, tenements, or hereditaments shall then descend and go to the said several persons of equal degree of consanguinity to the person so seized, as tenants in common in equal parts, however remote from the person so seized the common degree of consanguinity may be, unless where such inheritance came to the said person so seized by descent, devise, or gift of some one of his or her ancestors, in which case all those who are not of the blood of such ancestor shall be excluded from such inheritance, if there be any person or persons in being of the blood of such ancestors capable of inheriting the said lands, tenements, or hereditaments; *provided always*, that nothing contained in this act, nor in the act to which this is a supplement, shall be construed or taken to bar or injure the rights or estate of a husband, as a tenant by the curtesy, or a widow's right of dower, or to make void or in any ways affect any marriage settlement.

Proviso.

Sec. 4. *And be it enacted*, That the fifth, sixth, and seventh sections of the act entitled, "An act directing the descent of real estate," passed the twenty-ninth of January, eighteen hundred and seventeen, be, and the same are hereby repealed.

Sections of former act repealed.

Sec. 5. *And be it enacted*, That this act go into effect and operation immediately upon the passage thereof.

Act to operate immediately.

Passed February 20, 1838.

A SUPPLEMENT to an act entitled, "An act to incorporate the Bridgewater Copper Mining Company," passed December eighth, one thousand eight hundred and twenty-five.

Sec. 1. 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 president, directors, and company of the Bridgewater Mining Company to increase their capital stock in any sum not exceeding five hundred thousand dollars; and that any stockholder in said company may be eligible to the office of a director of said company.

Capital stock may be increased.

Sec. 2. *And be it enacted*, That a share of the capital stock of said company shall be fifty dollars, instead of five hundred dollars, as is now required by the act to which this is a supplement; and that the number of shares of the capital stock of the said company shall be increased in the same proportion as the amount of a share therein is lessened by this act.

Price of shares lessened.

Sec. 3. *And be it enacted*, That so much of the act to which this is a supplement as comes within the purview of this act, and is repugnant thereto, be, and the same is hereby repealed.

Part of former act repealed.

Passed February 20, 1838.

AN ACT to encourage the culture of silk.

Premium to be paid for silk raised in the state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That for every ten pounds or larger quantity of cocoons of silk, the produce of worms raised in this state, during the term of five years from the passage of this act, there shall be paid out of the treasury of the state the sum of fifteen cents per pound.

Mode of obtaining the premium.

Sec. 2. *And be it enacted,* That when satisfactory evidence, by the oath of the party or otherwise, shall be exhibited to the township committee of any township in this state, that any person or persons, being inhabitants of such township, are entitled to claim the premium provided for in the first section of this act, they shall give him, her, or them a certificate thereof in writing, under their hands, stating the number of pounds of cocoons produced by such person or persons, and that he, she, or they are entitled to receive the premium therein allowed; and when such certificate shall have been filed in the office of the secretary of state, it is hereby made the duty of the governor to draw his warrant on the treasurer in favour of such claimant or claimants, or their legal representatives, for the amount of the premium due according to the provisions of this act.

Penalty for frauds.

Sec. 3. *And be it enacted,* That if any person shall claim a premium more than once upon the same cocoons, or shall obtain any premium under this act by fraud or deception, such person shall forfeit to the use of the state the sum of one hundred dollars, to be sued for and recovered, by action of debt, in the name of the treasurer of the state, in any court of competent jurisdiction.

Sec. 4. *And be it enacted,* That the provisions of this act shall not apply to bodies politic or corporate.

Passed February 21, 1838.

AN ACT for the relief of John Stiles, of the county of
Morris.

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 Stiles, of the county of Morris, from and after the passage of this act, shall be relieved from all the disabilities incident to his conviction of the crime of perjury, and consequent imprisonment in the state prison, and be restored to all the rights and privileges of a citizen of this state.

John Stiles re-
stored to rights
of citizen.

Passed February 21, 1833.

AN ACT for the relief of the owners of meadow, lying
above John Denn's bridge and dam, 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 William F. Reeve, William Carpenter, of Elsinborough, and Job Tyler, of the county of Salem, be, and they are hereby appointed commissioners, who shall have full power and authority to mark, lay out, and locate so much land on either side of, and contiguous to "Denn's canal," in the township of Lower Penns Neck, in said county of Salem, belonging to John Denn, the heirs of Benjamin Tindall, Rachel Tindall, and Mark Stretch, or on the land of any or either of them, as shall to said commissioners appear sufficient to widen, deepen, and enlarge the said canal of the same capacity as Salem creek was before the obstructions were placed therein by John Denn and his assigns; *provided*, that the said canal shall not be laid out or cut in the whole width thereof to exceed two hundred feet.

Commissioners
to mark out
lands for en-
larging Denn's
canal.

Sec. 2. *And be it enacted,* That the said commissioners, or any two of them, after giving twenty days' notice of the time of their meeting, by inserting an advertisement in a newspaper printed in Salem, on or before the first Tuesday

Commissioners
to appoint ma-
nagers to carry
law into effect.

of April next, shall assemble at Denn's canal, and then and there mark out and locate the lines of land within which the cutting and excavation is to be made; and shall also then appoint, by certificate in writing under their hands, two competent persons as managers, and one responsible person as treasurer, which said managers shall be, and hereby are invested with full power and authority to enter upon, dig out, and excavate said canal, and, by themselves, their agents, workmen, and labourers, do and perform all things necessary to carry into effect the provisions of this law, and complete the said canal within the dimensions aforesaid fixed, of such width and depth as shall be by said managers considered sufficient to create a proper vent for the waters of Salem creek, as aforesaid; and the said treasurer shall receive all the funds which shall be raised for the cutting out of said canal and other incidental expenses, disburse the same from time to time, as occasion may require, and perform such other duties as are herein specified.

Commissioners
to appraise value
of lands taken.

Sec. 3. *And be it enacted*, That the said commissioners, at the time of such location of land, or as soon thereafter as shall be practicable, shall proceed to appraise the value of the land of each owner which shall be taken for such canal, and shall make out in writing, and sign such valuation, delivering one copy to each of the owners whose land is to be taken, and one copy to the treasurer, who shall pay to each of the said owners the amount so fixed; and upon such payment made, or the money tendered in current bank notes of this state, the managers shall proceed to cut out and excavate the said land so taken and located as aforesaid.

Meadows above
Denn's bridge
to be taxed for
expenses.

Sec. 4. *And be it enacted*, That the meadows on each side of Salem creek, which lie above the dam at Denn's bridge, shall be liable to, and the same are hereby declared chargeable with taxation for the expenses attending the execution of this act; and the commissioners above named shall within ten days after locating the said land for the canal, proceed to examine all the meadows lying above said dam, (except the meadows of Thomas F. Lambson, Rachel Tindall, and Mark Stretch, which shall not be taxed) and shall place thereon such valuation as shall to the said commissioners appear just and reasonable, and shall make out, under their hands, a duplicate in writing, containing the names of the owners of meadow so held, and the valuation of each, and thereon shall assess and fix a certain sum per acre, as a tax on said meadows, for the purposes aforesaid,

Commissioners
to assess the
sum per acre.

which duplicate shall be handed to the treasurer, so by them appointed, whose duty it shall be forthwith, on the receipt thereof, to give personal notice to each person named therein, or his, her, or their agent or legal representative, (if in the county) of the amount of his, her, or their tax, ten days before the time of payment; and if default be made in the payment thereof, the said treasurer shall proceed to collect the same, in the manner directed by the sixth section of the act entitled, "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in, and held by different persons, to keep the same in good repair," passed November twenty-ninth, in the year of our Lord one thousand seven hundred and eighty-eight.

Mode of collecting the taxes assessed.

Sec. 5. *And be it enacted*, That 'it shall be the duty of said commissioners, whenever they shall be notified by the treasurer that additional assessment is necessary for the purposes of this act, to make out an additional duplicate, until all the expenses attending the said work be fully paid, which duplicates shall be collected in the same manner as the first; and if, after the completion of the said canal, and the payment of all expenses incident thereto, any funds are left unexpended, the treasurer shall refund the same to the several persons entitled thereto, in the same ratio in which the tax was collected and paid.

Additional assessment may be made, when first insufficient.

Sec. 6. *And be it enacted*, That the said managers shall erect and build, at the same time with the cutting and excavation, upon which ever side of the canal the cutting and excavation shall be made, and along the whole extent of such cutting and excavation, a good and substantial bank of mud and earth sufficient to prevent the overflow of the waters of said canal upon the adjoining land.

Managers to build banks.

Sec. 7. *And be it enacted*, That the operation of the act entitled, "An act for the relief of the owners of meadow in the Fishing Island Bank Company, in the county of Salem," passed February twenty-third, eighteen hundred and thirty-seven, shall be, and the same is hereby suspended for one year from the passage of this act; and if in the meantime the said canal herein authorized shall be cut out and widened, sufficient to vent the waters of Salem creek, as contemplated by this act, then the said act above recited shall be void and no longer in force.

Operation of former act suspended.

Sec. 8. *And be it enacted*, That if any of the commissioners named in this act shall die or refuse to serve, then the remaining commissioners shall supply the va-

Two commissioners may act.

cancy ; and in all cases contemplated by this act, any two of the said commissioners shall have power to act as fully as if the whole three united in the act.

Passed February 21, 1838.

AN ACT to incorporate the Hoboken Land and Improvement Company.

Names of corporators.

Style of incorporation.

Powers and privileges.

Subscriptions to be opened for capital stock.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John C. Stevens, Robert L. Stevens, James A. Stevens, Edwin A. Stevens, Thomas A. Conover, Joshua R. Sands, and all and every other person or persons hereafter becoming members of the Hoboken Land and Improvement Company, in the manner hereinafter mentioned, their successors and assigns, shall be, and they are hereby created and made a body politic and corporate, by the name of "the Hoboken Land and Improvement Company," and by that name shall and may have perpetual succession, and be capable in law of purchasing, using, holding, letting, improving, and disposing of such real and personal property only as may be necessary for the objects of this incorporation clearly indicated by this act ; and may sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity ; and may receive and make all deeds, transfers, covenants, conveyances, grants, contracts, agreements, and bargains whatsoever necessary for the said purposes ; and may have and use a common seal, which they shall have power to renew or alter at pleasure ; and generally may do every other act or thing necessary to carry into effect the provisions of this act, and promote the objects and designs of said company, as authorized by this act ; *provided,* that nothing herein contained shall authorize said company to hold more than one thousand acres of land at any one time.

Sec. 2. *And be it enacted,* That the said John C. Stevens, Robert L. Stevens, James A. Stevens, Edwin A. Stevens, Thomas A. Conover, and Joshua R. Sands may receive subscriptions from time to time to the capital stock of the said company, in shares of one hundred dollars each,

to any amount not exceeding twenty thousand shares; and for the purpose of obtaining any subscription they shall give at least ten days' public notice, by advertisement in one of the newspapers in the county of Bergen or Essex, of the time and place of subscribing; and every person who shall become a holder, or entitled to one or more shares of the said stock, shall thereupon become a member of the Hoboken Land and Improvement Company hereby incorporated; and every person, on being divested of all shares of the said stock, by transfer or otherwise, shall thereupon cease to be a member of the said company.

Sec. 3. *And be it enacted*, That when ten thousand shares of said stock shall be subscribed, the members of the said company shall proceed to elect, after having given ten days' notice in one of the newspapers aforesaid of the time and place of such election, seven directors, who shall continue in office till the first Monday in May then next ensuing; and the members of the said company shall annually thereafter, on the first Monday in May, elect from the stockholders of said company seven directors, to serve for the term of twelve months and until others shall be chosen; and the election of directors shall be conducted in such manner as by the by-laws or regulations, hereafter to be made by the directors, shall be appointed, and shall be made by such of the stockholders of said company as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share of stock on which all instalments due have been paid shall entitle the holder thereof to one vote; and the seven persons who shall receive the greatest number of votes shall be the directors, which said directors, during their term of service, shall have the sole management and direction of the stock, property, affairs, and concerns of said company; and if it shall happen at any election that two or more persons shall have an equal number of votes, so that no choice shall have been made as to such persons, then the stockholders herein authorized to vote at such election shall proceed by ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the number required; and the said directors so chosen shall elect one of their number to be the president of the said company, who may preside at the meetings of the directors; and if any vacancy shall be occasioned in the board of directors, by death, resignation, or otherwise, the same shall be filled for the remainder of the term in which it may happen by such person or persons among the stockholders as the remainder of the directors

When company may commence business.

Time and mode of electing directors.

Directors to elect a president.

Corporation not dissolved for failure to elect on day prescribed.

may appoint; and in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that reason, or for any non-user, be deemed dissolved, but it shall and may be lawful on any other day to hold an election of directors, as the by-laws shall provide, or the directors last elected, or a majority of them, shall authorize.

Objects of incorporation.

Sec. 4. *And be it enacted*, That the said company be, and they are hereby empowered to improve all such lands as they are hereby authorized to own or purchase, by laying out that portion of the same which lies north of Fourth-street, in the village of Hoboken, into lots, streets, squares, lanes, alleys, and other divisions; of levelling, raising, and grading the same, or making thereon all such wharves, workshops, factories, warehouses, stores, dwellings, and such other buildings and improvements as may be found or deemed necessary, ornamental, or convenient; and constructing, on the lands of the said company, aqueducts or reservoirs, for conveying, collecting, and providing pure and wholesome water, and letting, renting, leasing, mortgaging, selling, or changing the same, or using any lot or other portion of any of the said lands for depots, and for agricultural, mining, or manufacturing purposes; and they shall have power to purchase, fill up, occupy, possess, and enjoy all land covered with water fronting and adjoining the lands that may be owned by them, and they may construct thereon wharves, harbours, piers, and slips, and all other structures requisite or proper for commercial and shipping purposes; and when they shall have purchased the ferry right from the owners thereof, they may enjoy the same, and purchase and build steamboats; *provided*, it shall not be lawful for the said company to fill up any such land covered with water, nor to construct any dock, pier, or wharf immediately in front of the lands of any other person or persons owning down to the water, without the consent of such person or persons so owning first had in writing and obtained.

Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That a majority of the directors shall form a board for the transaction of business, and shall have full power to make by-laws, ordinances, and regulations, and to appoint all officers and agents as they may think proper, and fix their compensation; to declare the forfeiture of stock in case of non-payment of instalments; to declare and provide for the payment of dividends to the stockholders; and in general to transact, plan, and

superintend the business and concerns of the company; *provided* such by-laws, ordinances, and regulations are not repugnant to the constitution or laws of the United States or of this state.

Sec. 6. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and transferable only on the books of the company, in such manner as the by-laws shall direct; and any of the owners of the lands hereby authorized to be purchased by the said company may take stock to the amount of the whole or any part of his, her, or their interest therein; and nothing herein contained shall be construed to restrict the legislature from imposing any tax upon the property of the company.

Stock personal estate.

Sec. 7. *And be it enacted*, That the said company shall be at liberty to subscribe for and take stock in any canal, railroad, turnpike, or other highway, that now is, or hereafter may be incorporated or established by the legislature of this state, which shall lead to or pass through any lands that may be owned by the said company.

Company may take stock in railroads, &c., passing through its lands.

Sec. 8. *And be it enacted*, That nothing herein contained shall be taken or construed so as to authorize the said company to establish a banking institution, or to issue at any time any note in the style or nature of a bank note, or to use any part of its capital for banking, trust, or any other purpose not plainly indicated by this act.

Restriction on employment of capital.

Sec. 9. *And be it enacted*, That all the corporate powers, rights, and privileges hereby granted shall cease and determine at the expiration of ninety-nine years from the date of this act, and that the legislature of this state may at any time hereafter alter, amend, modify, or repeal this act, as the public good may require.

Legislature may alter or repeal this act.

Passed February 21, 1833.

AN ACT to divide the township of Galloway, in the county of Atlantic, into two townships.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the inhabitants of all that part of the township of Galloway, in the county of Atlantic, that lies north

Boundaries of townships of Mullica and Galloway.

Corporate
names.

of a line beginning at the mouth of Teal creek, and running up said creek to the bridge over the same, near a house and lot known by the name of Garrouette's place, and from said bridge, a direct course, to the junction of Indian Cabin and Landing creeks, and thence up Landing creek to the easterly line of Hamilton township, be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the Inhabitants of the Township of Mullica, in the county of Atlantic;" and that the inhabitants of that part of the said township of Galloway that lies south of said line be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the Inhabitants of the Township of Galloway, in the county of Atlantic;" which said two townships, in their corporate capacities, respectively, shall be entitled to all the rights, powers, privileges, and advantages, and subject to the same regulations, duties, and liabilities, as by law are given to and prescribed for the several other townships in the said county of Atlantic.

Allotment of
paupers to be
maintained by
each township.

Sec. 2. *And be it enacted*, That all paupers who may be chargeable to the township of Galloway, in the county of Atlantic; at the time this act shall go into operation, shall thereafter be chargeable to, and supported by that one of the said townships hereby erected within the bounds of which they may have acquired their settlements, respectively, or in which said paupers resided at the time of acquiring their respective settlements; all persons whose present settlements are in the township of Galloway, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships hereby erected, within the bounds of which they resided at the time of acquiring their respective settlements.

Times and places
of first town
meetings of
Mullica and
Galloway.

Sec. 3. *And be it enacted*, That the inhabitants of the township of Mullica hereby created, shall hold their first annual town meeting on the second Wednesday in March next, at the house of Nicholas S. Thompson, innkeeper, within the bounds of the said township hereby created; and that the inhabitants of the township of Galloway hereby created, shall hold their first annual town meeting on the second Wednesday in March next, at the house of Isaac Smith, innkeeper, within the bounds of said township of Galloway hereby created, and afterwards where the inhabitants of the respective townships shall determine, in the manner prescribed by law.

Sec. 4. *And be it enacted*, That the township committees of the townships of Galloway and Mullica shall meet on

Saturday the twenty-fourth day of March next, at ten o'clock in the forenoon, at the house of Nicholas S. Thompson, at Pleasant Mills, and shall then and there proceed, by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of the said two townships at the last assessment; and the township of Mullica shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees should neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or the decision of a majority of them, shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled as aforesaid may think proper.

Mode of division of property, and payment of debts of the new townships.

Proviso.

Sec. 5. *And be it enacted*, That this act shall take effect on and after the second Wednesday in March next, and not before.

When act to take effect.

Passed February 21, 1838.

AN ACT to authorize the sale of the real estate of persons who may become paupers.

Sec. 1. *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 boards of chosen freeholders in the several counties of this state to sell, lease, or otherwise dispose of, any estate, real or personal, whereof any person who has been, or may hereafter become chargeable as a pauper, may be seized, possessed of, or any wise entitled to, and to appropriate so much of the proceeds thereof as shall be necessary to defray the expenses of said paupers whilst chargeable to any county or township in this state; *provided*, that no sale or lease of any estate, real, personal, or mixed, of any person who has been, or may hereafter become chargeable as a pauper, to any city or township of this state, and shall be maintained by

Real estate of paupers may be sold, and proceeds applied to their relief.

Proviso.

Proviso.

such city or township, shall be made by any board of chosen freeholders, unless the proper corporate authority of such city or township shall apply to such board for such purpose; *and provided*, that this act shall not apply in any case when the pauper shall have paid his expenses while so chargeable, nor to any estate acquired by such pauper after he shall cease to be chargeable as aforesaid; *and provided*, that no real estate of any such pauper shall be sold, unless such pauper shall have been chargeable to such county, city, or township for the period of one year immediately prior to such sale.

Sale to be advertised.

Sec. 2. *And be it enacted*, That all real estate to be sold by virtue of this act shall be at public vendue, upon two months' notice in a newspaper of the county where the lands lie or the property is situated, provided any newspaper be published therein, and if not, in some newspaper circulating in said county, and by advertisements set up in five of the most public places of said county for the like space of time; and all conveyances therefor shall be executed by the director of the board of chosen freeholders for the time being; and the circumstances showing the application of this act shall be set forth at large in the deed, which said deed or conveyance shall vest in the purchaser or purchasers as good and perfect an estate in the premises so conveyed as the said person shall be seized of at the time any such person became a pauper and chargeable.

Title vested in purchaser.

Duty of freeholders respecting proceeds of sales.

Sec. 3. *And be it enacted*, That it shall be the duty of said boards of chosen freeholders, after paying the expenses of such pauper and the expenses of such sale, to pay over the balance remaining in their hands to such pauper, his executors, administrators, or assigns; and until the same shall be demanded, the said balance shall belong to the said counties, respectively.

Act to take effect immediately.

Sec. 4. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Passed February 21, 1838.

AN ACT to erect parts of the counties of Hunterdon, Burlington, and Middlesex into a new county, to be called the county of Mercer.

WHEREAS the inhabitants of the townships of Trenton, Ewing, Lawrence, and Hopewell, in the county of Hunterdon; of the township of Nottingham, in the county of Burlington; and of the townships of East Windsor and West Windsor, in the county of Middlesex, have, by their respective petitions, set forth, that they are subject to many inconveniences and burdens, by reason of their great distance from the seats of justice in their respective counties, and have prayed that a new county should be erected—therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all those parts of the counties of Hunterdon, Burlington, and Middlesex, contained within the following boundaries, viz: beginning on the river Delaware, at the mouth of Crosswicks creek, and at the extreme western point of the division line between the townships of Nottingham and Chesterfield, in the county of Burlington, and running thence up said creek, along the middle of the same, and as the same runs its several courses, to the boundary line of Monmouth county; thence northwestwardly along said line until it strikes the boundary line of the township of East Windsor, in the county of Middlesex, which divides said township from the county of Monmouth; thence running along said line between East Windsor township and Monmouth county till it strikes Rocky brook; thence down the middle of said brook to a new road leading to Milford; thence along said road eastwardly to the westerly line of Louis Riggs' land; thence along said line northwardly to the middle of Millstone river; thence down the said river, along the middle thereof, the several courses of the same, to the line dividing the counties of Somerset and Middlesex; thence southwestwardly along said dividing line to the line of the county of Hunterdon; thence along the line dividing the counties of Somerset and Hunterdon, to a point therein where the same crosses the road called the Pennington road, leading from the village of Rocky Hill to the village of Pennington; thence continuing along the middle of the said road, the various courses thereof, to the Delaware river, at Titusville; thence down said river,

Boundaries of
the county of
Mercer.

the several courses, and including the islands belonging to this state, to the place of beginning, be, and the same is hereby erected into a separate county, to be called the county of Mercer; and said lines shall hereafter be the division lines between the counties of Hunterdon, Burlington, Middlesex, and Somerset, and the state of Pennsylvania and the county of Mercer, respectively.

Jurisdiction,
rights, &c., of
the county of
Mercer.

Representation
in council and
assembly.

Sec. 2. *And be it enacted*, That the said county of Mercer shall have and enjoy all the jurisdiction, powers, rights, privileges, liberties, and immunities which any other county in this state doth or may enjoy; and that the said county of Mercer shall elect, in the same manner as other counties in this state do, two members to represent said county in the general assembly, and one member to represent said county in the legislative council, of this state, and no more, until otherwise regulated by law.

Division of
Mercer into
townships, and
boundaries
thereof.

Corporate
names of town-
ships.

Sec. 3. *And be it enacted*, That the said county of Mercer shall be divided into seven townships, namely: the present townships of Trenton, Ewing, Lawrence, and Nottingham, to be called by those names, respectively; and all that part of the township of Hopewell included within the bounds of the said county of Mercer, to be called the township of Marion; and all that part of the township of East Windsor included within the bounds of said county of Mercer, to be called the township of East Windsor; and the township of West Windsor to be called the township of West Windsor; and that the inhabitants of each and every of the said townships be, and they are hereby constituted a body corporate and politic in law, by the following names, that is to say: that the inhabitants of the township of Trenton shall be styled and known by the name of "the Inhabitants of the township of Trenton, in the county of Mercer;" that the inhabitants of the township of Ewing shall be styled and known by the name of "the Inhabitants of the township of Ewing, in the county of Mercer;" that the inhabitants of the township of Lawrence shall be styled and known by the name of "the Inhabitants of the township of Lawrence, in the county of Mercer;" that the inhabitants of the township of Marion shall be styled and known by the name of "the Inhabitants of the township of Marion, in the county of Mercer;" that the inhabitants of the township of Nottingham shall be styled and known by the name of "the Inhabitants of the township of Nottingham, in the county of Mercer;" that the inhabitants of the township of East Windsor shall be styled and known by the name of "the Inhabitants of the township of East Windsor, in the county

of Mercer;" that the inhabitants of the township of West Windsor shall be styled and known by the name of "the Inhabitants of the township of West Windsor, in the county of Mercer;" and that the inhabitants of each and every of the said townships, respectively, shall be, and they are hereby vested with, entitled to, and authorized to exercise and enjoy all the franchises, powers, privileges, immunities, and authorities, and shall be, and hereby are made subject to all the provisions of the laws for the time being for the regulation and government of the inhabitants of the other townships of this state.

Sec. 4. *And be it enacted*, That the judges, justices of the peace, sheriffs, and other officers within the limits of the counties of Hunterdon, Burlington, and Middlesex, as the same stood before the passing of this act, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within said limits of said counties, respectively, until the second Monday of April next; and all courts at the time of the passing of this act existing and being within the aforesaid limits of said counties shall continue to have and exercise, respectively, jurisdiction within the same until the said second Monday of April next, in the same manner as if this act had not been passed; and that from and after the said second Monday of April next, and until their respective terms of office in and for the counties of Hunterdon, Burlington, and Middlesex shall expire, all persons in office at the time of passing of this act resident within the bounds of the county of Mercer; and all and every of them, except the sheriffs, clerks, surrogates, and prosecutor of the pleas, shall hold, exercise, and enjoy their respective offices, with all the power, authority, privileges, and emoluments thereto belonging, within the limits of the county of Mercer, as officers of said county, as fully and effectually to all intents and purposes as if they had been elected and appointed to their said offices, respectively, within the said county of Mercer; *provided however*, that all judges of the court of common pleas and all justices of the peace shall take and subscribe the official oaths or affirmations required by law within the said county of Mercer; on or before the first day of May next; and before they act in their respective offices as officers of said county of Mercer.

Jurisdiction of judges, justices, &c., within the county of Mercer.

Proviso.

Sec. 5. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings commenced, or that may be commenced or depending in the supreme court of this state, or in any court, or before any justice of

Suits pending not to be affected.

the peace within the limits of the counties of Hunterdon, Burlington, and Middlesex, as said limits stood at the time of the passing of this act, before the said second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in the respective counties, and before said courts, in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action does at the time of the passing of this act reside within the limits of the county of Mercer, or where in any local action the cause of action arose within the bounds of said county, either party may, at his election, on application to the said court for that purpose, have the venue in said action changed to the said county of Mercer, and the cause tried therein, as if the said action had originally been commenced in said county!

Proviso.

Sheriffs of Burlington, Middlesex, and Hunterdon to execute writs until sheriff is elected for Mercer.

Sec. 6. *And be it enacted*, That from and after the said second Monday of April next, and until a sheriff shall be elected for the county of Mercer, and enter upon his duties, all writs to be executed within the townships of Lawrence, Ewing, Marion, and Trenton, or either of them, which are by law to be executed by the sheriff, shall be directed and delivered to the sheriff of the county of Hunterdon, and shall be executed by said sheriff, in person or by his deputy or under-sheriff; and in case of the legal disability of said sheriff, then said writs shall be directed to the coroners of the said county, and be by them executed; that from and after said day, and until the time aforesaid, all writs to be executed within the limits of the township of Nottingham shall be directed and delivered to the sheriff of the county of Burlington, and shall be executed by said sheriff, in person or by his under-sheriff or deputy; and in case of the legal disability of the sheriff, then said writs shall be directed to the coroners of said county, and shall be executed by them; that from and after the day aforesaid, and until the time aforesaid, all writs to be executed within the limits of the township of West Windsor, or within the limits of the township of East Windsor, as the same are fixed by this act, shall be directed and delivered to the sheriff of the county of Middlesex, and shall be executed by him, in person or by his under-sheriff or deputy; and in case of the legal disability of the sheriff, then said writs shall be directed to the coroners of said county, and shall be executed by them; and said sheriffs and officers shall, respectively, make returns of said writs to the courts to which they shall be made returnable, and shall be responsible,

respectively, in their official capacity, as sheriffs and coroners of the said counties, for the due and legal execution and return thereof.

Sec. 7. *And be it enacted*, That all that part of the township of East Windsor, as the same was bounded before the passing of this act, not included within said county of Mercer, be, and the same is hereby attached to, and made part of the township of South Amboy, in the county of Middlesex; and all that part of the township of Hopewell, as the same was bounded before the passing of this act, not included within the said county of Mercer, be known by the name of the township of Hopewell, in the county of Hunterdon; and that the inhabitants of said township be, and they are hereby constituted a body corporate and politic in law, by the name of "the Inhabitants of the township of Hopewell, in the county of Hunterdon," and shall hold their first town meeting at the tavern now kept by Titus Egee at Woodville, and afterwards where the said inhabitants shall determine according to law.

Corporate names of certain townships in Middlesex and Hunterdon.

Sec. 8. *And be it enacted*, That the jails of the counties of Hunterdon, Burlington, and Middlesex be, and they are hereby constituted jails for the confinement of all prisoners of the county of Mercer, until a jail shall be prepared in said county of Mercer; and the sheriff or other officer having the lawful custody of any prisoner within said county of Mercer is hereby authorized to confine such prisoner in the jail of the county of Hunterdon, Burlington, or Middlesex, according as such prisoner is arrested, or resides at the time of his arrest, in either of the former limits of said counties, respectively; and the keepers of said jails are hereby respectively required to receive and safely keep every such prisoner so delivered to them, in the same manner and under the same penalties as they are or may be by law required to keep and provide for the prisoners of their respective counties, until such prisoner shall be demanded by the proper officer or officers of said county of Mercer, or by other due and legal authority; and said keepers shall be entitled to receive from the board of chosen freeholders of the county of Mercer such fees and compensation for the support of the prisoners of said county, as are or shall be allowed by law in other cases.

Jails of Hunterdon, Burlington and Middlesex constituted jails for Mercer until a new jail is prepared.

Sec. 9. *And be it enacted*, That the first town meetings hereafter to be held in the townships of Lawrence, Ewing, Trenton, Nottingham, and in the township of Marion, as the same is bounded by this act, shall be held on the second Monday in April next, and at the same places at

Times of holding first town meetings in the county of Mercer.

Time and place
of future town
meetings.

which they would have been held if this act had not been passed; and that the next town meetings in the townships of East Windsor and West Windsor, as the same are bounded by this act, shall be held on the second Monday in April next, and at the same places at which they would have been held in the former townships of East Windsor and West Windsor in case this act had not been passed; and that the town meetings in said townships of the county of Mercer, respectively, shall thereafter be held annually, on the second Monday of April, at such places as the electors of said townships, respectively, shall from time to time appoint under the existing laws of this state; and that the annual election for city officers in and for the city of Trenton shall thereafter be held annually, on the second Monday of April, at such place and upon such notice as is required by the charter of the said city.

Board of chosen
freeholders of
Mercer incor-
porated.

Time and place
of first meeting
of the board.

Sec. 10. *And be it enacted*, That the chosen freeholders of the several townships of the county of Mercer, and their successors, shall be, and they hereby are constituted a body politic and corporate in law; and they shall be styled and known by the name of "the Board of Chosen Freeholders of the county of Mercer," and shall have, hold, use, exercise, and enjoy the like rights, powers, and authority, and be subject to all the provisions of the laws for the time being, as the boards of chosen freeholders of the other counties of this state are or shall be entitled and subject to; and the said board of freeholders shall meet at the house now occupied by Joshua Hollinshead, in the city of Trenton, on the day appointed by law for the next annual meeting of the boards of chosen freeholders in other counties of this state, and afterwards at such times and places as they may appoint, or shall be required by law, until a courthouse shall be provided for said county of Mercer.

Time and place
of holding the
courts of the
county of Mer-
cer.

Sec. 11. *And be it enacted*, That the courts of common pleas, courts of general quarter sessions of the peace, and orphans' courts, shall be held in and for the county of Mercer on the third Tuesday of December, the fourth Tuesday of March, the fourth Tuesday of June, and the fourth Tuesday of September, in each year; and that the circuit courts and courts of oyer and terminer and general jail delivery shall be held in and for said county at the respective times of holding the said courts of common pleas; and that until the seat of justice for said county shall be determined, and a courthouse built or procured for said county, or until another place in said county shall be provided therefor by the board of chosen freeholders, the courts shall be held at the

state house, in the city of Trenton; and all writs and process which may be issued out of the said courts, after this act goes into operation, and before the fourth Tuesday of June next, shall be tested of the day on which the same are issued, respectively, and in the name of one of the judges of the said courts, and shall be made returnable at the place where said courts shall be held; and it shall be the duty of the present sheriff of the county of Hunterdon to give notice of the time and place of holding said courts, by publishing this section in a newspaper published in the city of Trenton, and in a newspaper published in Princeton, for four weeks, successively, after the passing of this act.

Sheriff of Hunterdon to publish notice thereof.

Sec. 12. *And be it enacted*, That all judgments already obtained, or that may hereafter be obtained in the courts of said counties of Hunterdon, Burlington, or Middlesex, upon any action, suit, or proceeding actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the former limits of the said counties, respectively, as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriffs or other lawful officers of the said counties, respectively, who are hereby authorized and directed to execute the same within the limits of said county of Mercer, in the same manner they should by law have done in case this act had not been passed; and that upon such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Judgments, in certain cases, in the counties of Hunterdon, Middlesex, and Burlington, to be in force in the county of Mercer.

Sec. 13. *And be it enacted*, That the militia of the said county of Mercer shall form a separate brigade, to be called the Mercer brigade, and shall be attached to the third division of the militia of this state; and the militia of the present county of Hunterdon shall form a separate brigade, to be called the Hunterdon brigade, and shall be attached to the fourth division of the militia of this state; the militia of the county of Burlington shall form a separate brigade, to be called the Burlington brigade, and shall be attached to the first division of the militia of this state; the militia of the county of Middlesex shall form a separate brigade, to be called the Middlesex brigade, and shall be attached to the third division of the militia of this state; and said several brigades shall be subject to the same laws as the other brigades of this state.

Militia of Mercer, Hunterdon, Middlesex, and Burlington constituted separate brigades.

Times and places of holding election to determine in what township in Mercer the seat of justice is to be located.

Sec. 14. *And be it enacted*, That an election to determine in which township in said county of Mercer the seat of justice shall be, and in which the courthouse, jail, and other public buildings shall be erected, shall be held in the said township of Marion at the place of their first annual town meeting, and in the other townships of said county of Mercer at the places herein before appointed for holding the next annual town meetings in each of the townships in said county, on the first Tuesday in June next; that the clerk of each of the said townships shall give notice of the time and place of holding said election in his township, by advertisements set up in three of the most public places in the same, at least four weeks before the said time, and by causing the said notice to be published in at least one of the newspapers published in Trenton and a newspaper published in Princeton.

Mode of conducting election.

Sec. 15. *And be it enacted*, That on the day herein before appointed for that purpose, between the hours of ten and twelve o'clock in the forenoon, the officers of the several townships of the said county of Mercer, who are by law required to hold elections for members of the legislature, sheriff, and coroners, of this state, are hereby required to open the election to determine in what township the seat of justice of the said county shall be located; which election shall be conducted, continued, and concluded, in all respects, according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws of this state regulating the elections of members of council and assembly, sheriff, and coroners, in this state, except so far as the same are herein altered or supplied.

Officers of election to be sworn.

Sec. 16. *And be it enacted*, That the officers holding or conducting the said election shall, severally, before they receive any vote, take the oath or affirmation prescribed by the laws of this state regulating the election of members of council, assembly, sheriff, and coroners, in this state.

Qualification of voters.

Sec. 17. *And be it enacted*, That no person shall vote at such election for the seat of justice in the county of Mercer, who did not at the time of passing this act reside within the bounds of said county.

Proceedings of officers of election at the close of the polls.

Sec. 18. *And be it enacted*, That the judges and inspectors of the said elections in the several townships of said county, at the close of the polls, shall carefully count the votes received at said election, and make a certificate, under their hands and seals, containing the whole number of votes taken in their respective townships, and the number

taken for each township voted for as the seat of justice for said county; and shall, on or before the hour of three o'clock in the afternoon of the Saturday next after the day of election, transmit and deliver to the clerk of the inferior court of common pleas of said county of Mercer their respective certificates, together with the list of voters whose votes were taken at the said election, which certificate and list shall be filed by said clerk in his office; and said clerk shall, in the manner prescribed by the law regulating elections, faithfully count the said votes; and the township in said county having the greatest number of votes so taken shall be the township wherein the seat of justice for said county shall be selected, as herein after provided; and it shall be the duty of the clerk of said county to transmit a certificate, under his hand and seal, of the township so chosen, to the board of chosen freeholders of said county, at their then next meeting, which certificates shall be entered in words at length on the minutes of said board, who shall thereupon select and determine the particular site or sites in said township where the courthouse, jail, and other public buildings shall be erected.

Sec. 19. *And be it enacted*, That the clerk of the said county, judges, inspectors, and other officers of the said election, shall be entitled to the same fees that they are entitled to for like services by the laws of this state regulating elections; and the clerk of said county, for any extra service required by this act, shall be allowed such further sum as the board of chosen freeholders of said county shall deem just, to be paid by the collector of said county.

Fees of officers.

Sec. 20. *And be it enacted*, That the board of chosen freeholders of the said county shall, upon the call of their director, or upon their own adjournments, from time to time, as often as occasion may require, meet together, at such place as they may appoint for that purpose; and said board, or a majority thereof, are hereby authorized, in the corporate name of said board, to contract for and take a deed or deeds for land on which to erect the courthouse, jail, clerk's and surrogate's offices, and other public buildings, and to erect said buildings, or to purchase or otherwise procure and provide the same; and also to order money to be raised by tax, to be assessed on the inhabitants of said county, for the purpose of defraying the cost of purchasing said lands and of building, purchasing, or otherwise procuring and providing said public buildings.

Board of chosen freeholders authorized to purchase lands for public buildings.

Sec. 21. *And be it enacted*, That, to raise money for the purposes mentioned in the last section, the assessors and collectors of the several townships in said county shall, in

County tax to be raised for the purpose.

their respective townships, from time to time, as occasion may require, assess and collect such sums of money as the board of chosen freeholders of said county shall direct, in the manner county taxes are assessed and collected.

Proceedings on completion of public jail of Mercer county.

Sec. 22. *And be it enacted*, That it shall be lawful for any three or more judges of the said county of Mercer, at the request of the director of the board of chosen freeholders, when in their opinion the jail erected or procured in and for said county is finished or prepared so as to be safe for the confinement of prisoners, so to certify in writing, under their hands, to the clerk of court of common pleas of said county; and the said clerk shall then enter said certificate on the minutes of said court, and deliver a copy thereof to the sheriff of said county, and thereupon it shall be the duty of said sheriff to remove all prisoners of said county that may then be confined in the said jails herein before provided for the safe keeping of said prisoners, to the said jail of the said county of Mercer, there to be confined according to law; and such removal shall not be deemed an escape, or in any wise chargeable to the sheriff of either of said counties of Hunterdon, Burlington, and Middlesex.

Until sheriff of Mercer is elected, sheriffs of Hunterdon, Burlington, and Middlesex to summon grand jurors.

Sec. 23. *And be it enacted*, That until a sheriff shall be elected for said county of Mercer, and shall enter upon the duties of his office, it shall be the duty of the sheriff of each of the counties of Hunterdon, Burlington, and Middlesex, or in case of the death or legal disability of either of them, then of the coroners of the county in which such disability exists, to summon according to law from that part of the county of Mercer taken from their respective bailiwicks, before each term of the courts of the county of Mercer, grand jurors to attend said courts, as follows, viz: —the sheriff of the county of Hunterdon to summon ten, the sheriff of the county of Burlington to summon five, the sheriff of the county of Middlesex to summon nine; and also, at least ten days before the commencement of every term of the courts to be holden in said county of Mercer, it shall be the duty of the sheriffs of said counties of Hunterdon, Burlington, and Middlesex, in person or by deputy, to go to the office of the clerk of said county of Mercer, and there, in the presence of said clerk, and in case of his absence or disability in the presence of one of the judges of said county, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, said sheriffs, or so many of them as shall then and there attend, shall select, from among the freeholders of the county

Mode of selecting first jurors of Mercer county.

of Mercer qualified to serve as jurors, taken from their late respective bailiwicks, the names of as many such freeholders as the clerk or judge shall deem necessary to be summoned as jurors at the next ensuing term of any of the aforesaid courts; and the names so selected shall be written on separate pieces of paper, and put into three separate boxes; and such part of the jurors to be summoned shall be drawn from each of said boxes as said clerk or judge shall deem necessary and proper; and said drawing shall be conducted according to the provisions of the act entitled, "A supplement to the act entitled an act relative to juries and verdicts," passed the tenth day of November, one thousand seven hundred and ninety-seven, which supplement was passed the ninth day of November, in the year of our Lord one thousand eight hundred and thirty-six; and the further supplement thereto, passed the seventh of March, eighteen hundred and thirty-seven; and the several persons whose names shall be so drawn shall constitute a general panel of jurors to be summoned and returned by the said sheriffs or coroners, respectively, each sheriff summoning and returning those within his late bailiwick to the next ensuing terms of said courts; and the said sheriffs or coroners and clerk shall make, or cause to be made, four complete lists of the names so drawn, and certify the same under their hands, one to be delivered to the sheriff or coroners of each of said counties, and the other to be filed by said clerk in his office; and it shall be the duty of the present sheriff of the county of Hunterdon to attend as sheriff at the terms of the courts of said county of Mercer, until a sheriff shall be elected for said county, and shall enter upon the duties of his office.

Sheriff of Hunterdon to attend Mercer court.

Sec. 24. *And be it enacted*, That hereafter the county of Hunterdon shall elect, in the same manner as other counties in this state do, three members to represent said county in the general assembly, and one member to represent said county in the legislative council of this state, and no more, until otherwise regulated by law.

Number of representatives of Hunterdon county in the legislature.

Sec. 25. *And be it enacted*, That the present members of the legislative council and general assembly of the counties of Hunterdon, Middlesex, and Burlington shall severally be and remain the representatives of the said respective counties in council and assembly until the session of the next legislature of this state, and be entitled to and exercise all the privileges, powers, and immunities, as members of the legislature of this state, as fully in all respects as if this act had not been passed.

Present members of the legislature from Burlington, Hunterdon, and Middlesex not affected.

Sec. 26. *And be it enacted*, That this act shall take effect,

Time of act taking effect.

in the said county of Mercer, on and after the ninth day of April next, except where it is otherwise provided by this act; but nevertheless it shall and may be lawful for the joint-meeting, at any time before that period, to appoint a clerk, surrogate, prosecutor of the pleas, judges, justices of the peace, and all other necessary and proper officers for said county of Mercer, who shall enter upon the duties of their office on the said second Monday of April.

Passed February 22, 1838.

AN ACT to incorporate Jersey City.

Boundaries of Jersey City.

Corporate name

General powers of the corporation.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all that part of the township of Bergen, formerly called Powles Hook, bounded on the west by a certain ditch running between the lands of the associates of the Jersey Company and others and the lands late of Cornelius Van Vorst, deceased, and by the middle of the Hudson river and the bays surrounding all the other parts of the same, and all the inhabitants within the limits aforesaid, be, and hereby are ordained, constituted, and declared to be, from time to time and for ever hereafter, one body corporate and politic, in fact and in name, by the name of "the Mayor and Common Council of Jersey City;" and that by that name they and their successors for ever shall and may have perpetual 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, in all manner of actions, suits, complaints, matters, and causes whatsoever, and also shall have all the rights and privileges of a separate township of this state; and that they and their successors may have a common seal, and alter the same at their pleasure; and also, by their corporate name aforesaid, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the public use of the said corporation; and that the said the Mayor and Common Council of Jersey City, and their successors, shall by virtue of this act become and be absolutely and completely vested

with, possess, and enjoy all the lands, tenements, hereditaments, property, rights, claims, and demands, causes of action, and estate whatsoever, both in law and in equity, in possession, reversion, or remainder, which at the time of the passage of this act are vested in or belong to the inhabitants of that part of the township of Bergen, formerly called Powles Hook, in their corporate capacity, as now incorporated, by the name of "the Board of Selectmen and Inhabitants of Jersey City," according to such estate and interest as the Board of Selectmen and Inhabitants of Jersey City, at the time of the passage of this act have, or of right ought to have, in the same; *provided*, that nothing in this act contained shall affect any suit or suits now pending in the name of the Board of Selectmen and Inhabitants of Jersey City.

Sec. 2. *And be it enacted*, That there be, and for ever hereafter there shall be in and for said city, one mayor, ten aldermen, one clerk, one treasurer, one collector, one marshal, one assessor, and three constables. City officers.

Sec. 3. *And be it enacted*, That the mayor and aldermen of the said city shall constitute and be called the common council of the said city, and the said common council shall be summoned and held at such times and places in the said city as they may appoint; and the mayor shall preside at the meetings of the common council, and have a casting vote only, and if he be absent, one of the aldermen may be appointed; by the members present, chairman pro tem., and a majority of the whole number of the common council shall be a quorum to transact business; and it shall be the duty of the said mayor to call special meetings of the said common council, and in case of his neglect or refusal to call such meeting, then it shall be lawful for any three members of the said common council to call any meeting or meetings of the said common council, at such time and place as they shall designate or appoint in writing. Mayor and aldermen to constitute the common council.

Sec. 4. *And be it enacted*, That an election by ballot, shall be held on the second Monday in April next, and on the second Monday of April in every year thereafter, at such place as the common council shall appoint, of which place the common council shall cause public notice, in writing, to be set up in five of the most public places in said city, and to be published in one or more of the newspapers printed or circulated in said city, for at least ten days previous to the day of such election, at which election, one mayor, ten aldermen, one clerk, one assessor, one collector, three constables, one judge of election, three commissioners of appeal in cases of taxation, two school committee-men, Time and place of holding elections for town officers.

Qualifications
of voters, and of
eligibility to of-
fice.

Judges and in-
spectors of elec-
tions.

Mode of con-
ducting elec-
tions.

Vacancies, how
supplied.

two persons to be chosen freeholders, two persons to be surveyors of highways, shall be annually chosen and elected in said city, from among the citizens residing therein and entitled to vote at such election; but no person shall be elected or serve as mayor, alderman, assessor, judge of election, chosen freeholder, or surveyor of the highways, unless he shall be a bona fide freeholder within said city, and shall have resided therein at least one year immediately preceding said election, and shall be a citizen of the United States and of this state, at which elections the judge of the election, the assessor and collector shall be the judges or inspectors; that the poll of such election shall be opened at ten o'clock in the forenoon, and closed at seven in the evening; and that all persons who by law are or may be qualified to vote at town meetings in this state shall be entitled to vote at such election; and that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the judges or inspectors; and that after the poll shall be closed, the said judges or inspectors shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificate to the clerk of the said city, as soon as that officer shall be sworn into office, who shall file and preserve the same in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they shall be voted for respectively, who shall respectively hold their offices for one year and until others are elected in their stead and sworn into office, except that the first election to be held in said city, on the second Monday of April next, shall be held at such place as the Board of Selectmen and Inhabitants of Jersey City shall direct, and shall be under the direction of the inspectors of elections appointed at the last annual election, as now constituted; and that the officers conducting said election shall, in manner aforesaid, proceed to count the votes received, and certify the votes given for each candidate for the offices aforesaid, respectively, which certificate shall be delivered within three days after such elections to the clerk of the said city.

Sec. 5. *And be it enacted*, That in case of the death, resignation, inability, disqualification, refusal, or removal out of the bounds of said city of any of the officers mentioned in the preceding section, it may be lawful for the said common council to appoint others in their place or stead until the next annual election, who shall during said time perform the like services, and be entitled to the same fees, and subject to the like responsibilities, as though elected at the annual election.

Sec. 6. *And be it enacted*, That the clerk of the said city, the commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of highways, constables, and school committee-men, assessor, judge of election, and collector, appointed under this act, shall respectively possess the powers and perform the duties of the like office of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the members of the common council of the said city, collectively and individually, shall possess the powers and perform the duties which by law belong to, or are imposed upon members of the township committee of any township of this state, collectively and individually, so far as such powers and duties are consistent with the provisions of this act.

Duties and powers of certain officers.

Sec. 7. *And be it enacted*, That the assessor of the said city shall assess upon the persons and property of residents and the property of non-residents within the said city, and the collector of the said city shall collect the state and county taxes by law directed or required to be assessed and collected within the said city, in the same manner and within the same time as the assessors and collectors of townships are or may be by law required to, assess and collect the state and county taxes within their respective townships; and the commissioners of appeal in cases of taxation shall meet at such place within the said city as the common council shall appoint, and upon the same day and upon like notice given as now is, or hereafter shall be by law fixed and required for the meeting of the like officers of the townships of this state, and when so met shall have full power and authority to hear and determine all complaints of unjust taxation, in the same manner as the like officers of the townships of this state are authorized and required to do; and the said assessor shall, at the time of assessing the aforesaid taxes, also assess upon the persons and property of residents and the property of non-residents within the said city, and the said collector shall, at the time of collecting the aforesaid taxes, also collect the taxes required to be assessed and collected within the said city, for the use of the said city, in such manner as the said common council shall by their ordinance from time to time direct and designate.

Taxes to be assessed and collected in the same manner as in townships.

Sec. 8. *And be it enacted*, That all elections hereafter held by the people within the said city for members of the legislative council and general assembly, sheriff, and coroners of the county of Bergen, and for members of congress and electors of president and vice president of the United States, shall be held within the said city at the place ap-

Election of electors, members of congress, and the legislature.

pointed by the common council for holding the city elections, on the day or days which now are or hereafter may be designated for holding such elections; that the polls shall be opened and closed at the hour prescribed by the laws of this state, and the judge and inspectors of election before mentioned shall preside at and conduct all such elections, and the clerk of the said city shall be clerk of such elections, and every person in said city entitled to vote at such elections shall give his vote in the said city, at the time of such election, and not elsewhere; and in case any person at any election whatever, held in said city, shall vote or offer his vote, not being legally qualified, he shall be liable to the penalties prescribed in the seventh section of the act entitled, "A supplement to the act entitled, an act to regulate the elections of members of the legislative council and general assembly, sheriff, and coroners of this state," passed the first day of June, in the year of our Lord one thousand eight hundred and twenty, to be sued for and recovered in the name of the clerk of the said city, in action of debt with costs, and applied to the use of the poor of said city.

Duties of judge, inspectors, and clerk, at elections.

Sec. 9. *And be it enacted*, That the said judge, inspectors, and clerk of elections shall take the same oaths or affirmations, and conduct such elections and make returns thereof, in the same manner as township officers of elections are or may be by law required to do, and shall be vested with the same powers and authority, entitled to the same compensation, and perform the same duties, and be subject to the same penalties, as the like officers of the townships of this state are or may be by law vested with, allowed, or subject to; and in case of the absence, death, incompetency, or refusal to serve of any of the said officers of elections at any election provided for by this act, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the townships of this state; and the clerk of the said city shall procure ballot boxes for the use of the said city, in such manner and of such descriptions as are required to be procured by the township clerks of this state, and be subject to the same penalties as township clerks are subject to for neglecting to procure such boxes, and keep the same in repair.

List of nominations and sections of act to be sent to city clerk.

Sec. 10. *And be it enacted*, That the clerk of the county of Bergen shall transmit to the clerk of the said city printed copies of the seventh and eleventh sections of the act mentioned in the eighth section of this act, together with a list of nominations, within the same time and in the same manner as he is or may be by law required to

transmit the same to township clerks, which clerk of said city shall advertise the said elections, and put up such copies and lists of nominations in the manner in which the clerks of townships are required by law to advertise and put up the same.

Sec. 11. *And be it enacted*, That the treasurer of the said city shall be annually appointed by the common council of the said city, or the majority of them, in common council assembled; and also, that the said mayor and aldermen, or the majority of them, in common council assembled, shall and may from time to time elect and appoint such other subordinate officers and agents of the said city, not herein named, including keepers of the city prison, harbour masters, measurers of grain, weigh masters, cullers of staves and heading, auctioneers, inspectors of beef and pork, pot and pearl ashes, lumber and fire wood, coal and other fuel, upon such terms and regulations as they shall think necessary, either for the better ordering and governing the said city, or for the convenience, safety, and advantages of commerce, which officers so appointed shall continue in office until others shall be appointed to succeed them, and be sworn into office faithfully to discharge their duties.

Treasurer of city and certain officers appointed by common council.

Sec. 12. *And be it enacted*, That the clerk of the said city, before he enters upon the duties of his office, shall take and subscribe, before one of the judges of the inferior court of common pleas of the county of Bergen, or one of the justices of the peace in said county, who are hereby respectively authorized to administer the same, the oath of allegiance to this state, and likewise an oath or affirmation faithfully and impartially to execute the trust reposed in him, according to the best of his ability and understanding, which oaths and affirmations shall be filed and preserved by the said clerk in his office; and that all officers elected or appointed under the authority of this act shall, before they severally take upon themselves the execution of their respective offices, and within thirty days after their election, take and subscribe, before the clerk of the said city, who is hereby authorized to administer the same, the like oaths or affirmations, which said clerk shall also file and preserve in his office; and if the said clerk annually elected in said city shall neglect or refuse, for the space of five days, to take upon himself the duties of his said office, as prescribed in this act, it shall be lawful for any judge of the court of common pleas of the county of Bergen, or justice of the peace of said county, to administer to the officers elected or appointed under the authority of this act the oaths or affirma-

Oaths of office of officers of corporation.

tions required by this act to be taken and subscribed by such officers, and to file the same with the clerk of said city, when the vacancy of such clerk's office shall be supplied.

Powers of the
common coun-
cil.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the common council of the said city, or a majority of them, in common council convened, to pass, by not less than six concurring votes, and enforce all such ordinances as they shall judge proper for regulating, cleaning, and keeping in repair the streets, highways, and public alleys therein; for preventing the encumbering or obstructing the streets, sidewalks, and public alleys in said city, and for preventing persons from riding, driving, or passing over or upon the sidewalks with horses or oxen, or with wagons, carts, or carriages of any description; for ascertaining and establishing the boundaries of all streets and alleys in said city, and preventing and removing all encroachments in or upon said streets or alleys; for preventing or regulating the running at large of cattle, horses, dogs, and swine, or imposing a reasonable tax on the owners or possessors of dogs; for preventing the immoderate riding or driving through or in any street of said city; for abating or removing any nuisance in any street or wharf, or on any lot or lots or enclosure, or other place or places, in said city, and for causing common sewers and drains to be made, and granting permission to construct vaults, in any part thereof; for the paving, flagging, macadamizing, or gravelling the streets of said city, and for lighting the same; for preventing or restraining riots, routs, disturbances, or disorderly assemblages in any street, house, or place in said city; for regulating, protecting, improving, and reclaiming the public grounds in said city, and sinking and regulating wells, pumps, and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires; for regulating or preventing the carrying on manufactures dangerous in causing or promoting fires, and for regulating the keeping and transporting of gunpowder or other combustible or dangerous materials: and it shall be lawful for the said common council, or the majority of them, to appoint and remove fire wardens, and by ordinance to prescribe the powers and duties of such fire wardens and of the fire engineers and firemen, which engineers and firemen shall be exempt from serving as jurors in the courts for the trial of small causes, or in the militia, in time of peace, and, after serving ten years successively as firemen, shall be exempt from duty as firemen, and also remain thereafter exempted from serving as jurors in the courts for the trial of small causes, or in the militia, in time of peace; to pass

Firemen ex-
empted from mi-
litia duty and
serving on ju-
ries.

ordinances for protecting goods from being purloined at fires; for compelling the cleaning of chimneys and licensing chimney sweeps; for regulating the dimensions of chimneys hereafter to be built; for appointing watchmen, and prescribing their powers and duties; for regulating weights and measures, and the gauging of all casks of liquor and liquids; for regulating petty grocers in selling of liquors, ordinaries or victualling houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for regulating hawkers, pedlers, and petty chapmen within said city; for restraining vagrants, mendicants, and street beggars; for regulating the setting up or fixing any pole or poles for fishing in the waters within the limits of this corporation, whereby the lives of persons may be endangered or the navigation obstructed; for regulating cartmen and cartage; for regulating the police of said city; for erecting, maintaining, and regulating one or more public markets and to change and alter the location of the same in said city, and to erect and maintain a city hall or town house, city prison, and school houses, together with such other public buildings as may be necessary and convenient in said city; for regulating all wharves, docks, and piers in and about said city, and the rates of wharfage, and to order and regulate the building of all docks, piers, wharves, store houses, and buildings thereon, in and about said city, and the said common council shall and may, from time to time, pass ordinances for the more effectual suppression of vice and immorality, for preserving peace and good order, for the prevention of forestalling and regrating, for suppressing and restraining disorderly and gaming houses, and such other by-laws and ordinances for the peace and good order of the city as they may deem expedient, not repugnant to the constitution or laws of this state or of the United States, and to enforce the observance of all such laws or ordinances, by enacting penalties for the violation thereof, either by imprisonment not exceeding seven days, or by fine not exceeding fifty dollars, recoverable, with costs, in an action of debt, and in the name of the treasurer of Jersey City, for the use of the corporation of said city, without specifying the individual name of the treasurer of said city for the time being before any justice of the peace residing within said city, in which action the first process may be either by summons or warrant, and in which action it shall be lawful to declare generally in debt for such penalty, and give the special matter in evidence; and further, it shall be lawful for such justice before whom judgment of imprisonment shall be given to carry such judgment into effect by warrant

Violations of
ordinances pun-
ished by fine or
imprisonment.

Ordinances of council to be published.

Proviso.

Inhabitants of city competent witnesses or jurors in suits where city is a party.

City prison may be built and maintained.

Work houses and alms houses may be erected.

of commitment, under his hand and seal, directed to the keeper of the city prison; *provided always*, that each and every ordinance so passed as aforesaid shall be published for the space of twenty days, in at least one newspaper published or circulated in said city, before said ordinance shall go into effect; *provided also*, that no ordinance or by-law shall be enacted or passed by the said common council, unless the same shall have been introduced before the said common council at a previous meeting.

Sec. 14. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which issue or investigation the mayor and common council of Jersey City are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant, freeholder, or freeman of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and give this act and the special matter in evidence at the trial.

Sec. 15. *And be it enacted*, That the said common council shall have power to build and maintain a city prison, to be properly and securely made for the detention and imprisonment of any person or persons who shall be arrested for any offence committed against any of the by-laws of the said common council or for any breach of the peace, and for any offence committed against any law of this state within the limits of said city; *provided* no person shall be kept confined therein by any constable or other officer under a commitment or execution directed to the keeper of the common jail of the county of Bergen, by any magistrate therein, for a longer time than seven days, for any offence committed against the laws of this state, when, if not liberated by bail or otherwise, they shall be removed by the proper officer to the common jail of the county of Bergen.

Sec. 16. *And be it enacted*, That the said common council shall have power to erect, establish, and maintain one or more work house or work houses and one or more alms house or alms houses for the relief of the poor; and the said common council shall have power to regulate, by their ordinance, the said house or houses, and to direct and order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing, and keeping persons therein; and that the expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the direction of the common council,

and of such overseers of the poor and other officers as they shall for that purpose appoint; and the overseers of the poor, appointed by the common council, shall possess the powers and perform the duties of the like officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Overseers of
poor appointed
by common
council.

Sec. 17. *And be it enacted*, That the said common council, or a majority of them, in council assembled, shall and may grant licenses annually, under the common seal of said city, to such and so many persons, for tavern keepers, innkeepers, victuallers, and retailers of spirituous liquors, as they may think necessary within the said city, on such terms and under such regulations and penalties as the said common council shall by their ordinance impose; and no other license for such purpose within the said city, granted by any other authority, shall be lawful.

Common coun-
cil to grant ta-
vern licenses.

Sec. 18. *And be it enacted*, That it shall be lawful for the common council of the said city to raise by tax, from year to year, such sum or sums of money as they may deem expedient for defraying the expenses of lighting the streets of said city, supporting a night watch therein, supplying the said city with water for the extinguishment of fires and other purposes, for the repairing of the streets of said city, for improving the public grounds, maintaining and supporting the poor, maintaining public schools, erecting and maintaining one or more public market houses, work houses, and alms houses, and a city hall or town house, city prison, and school houses, and for defraying the contingent expenses of the said city, and for all other purposes and objects authorized by this act, to be assessed by the assessor upon the actual value of property, and collected by the collector of the said city; but the said assessor shall not assess a greater tax than four mills upon the dollar of such actual value in any one year, for the use of the said city or towards the payment of any loan, which taxes, when collected, shall be paid into the hands of the treasurer of said city, to be subject to the order of the said common council: and it shall be lawful for the said mayor and common council of Jersey City to borrow money from time to time, for all purposes for which they are by this act authorized to raise money by tax, and to secure the payment thereof, by bond or other instrument under their common seal and the signature of the said mayor, and to provide by tax for the payment thereof; *provided*, that it shall not be lawful for the said common council to raise any sum by loan, whereby the payment of the said loan shall not be otherwise provided for

Taxes to be
raised for city
purposes.

Limitation of
taxes.

Council may
borrow money.

than by tax upon the persons and property in said city, unless at least seven of the said aldermen, in common council convened, shall approve the same, and then there shall not be a greater sum than ten thousand dollars raised by loan in any one year; and that the said city shall not owe over fifty thousand dollars at any one time.

Limitation of loan.

City to receive proportion of school fund.

Proviso.

City to receive proportion of surplus revenue.

Sec. 19. *And be it enacted*, That the said city shall be entitled to its just proportion of the annual appropriation of the school fund of this state, to be ascertained in the manner in which the quotas of the townships of this state now or hereafter shall be ascertained, which shall be from time to time paid over to the treasurer of the said city, and be applied, under the direction of the school committee, either to the support of common schools in said city or to the schooling of poor children of said city, as the common council shall order and direct; and the said city shall also be entitled to its just and equitable proportion of the principal money belonging to the freeholders inhabitants of the township of Bergen; and the said common council shall have the charge and supervision of the proportion belonging to said city; *provided always*, that the said common council use the said money and property for the purposes and in the manner now authorized to be used by the said the trustees of the freeholders inhabitants of said township; *and also*, that the said city shall be entitled to receive its just quota of the surplus revenue apportioned to and received, or to be hereafter received, by the state of New Jersey, to be ascertained according to the ratio of taxation in the county of Bergen, and to be under the direction and supervision of the said common council, subject to the like restrictions, liabilities, and responsibilities as the board of chosen freeholders of the county of Bergen now are or hereafter may be, in relation to the safe keeping and return of said money to the general government, when the same shall be required.

Treasurer to make annual statement of city accounts.

Sec. 20. *And be it enacted*, That it shall be the duty of the treasurer of the said city, at least once in each year, to make out a full and true account of all the moneys raised by tax or loan for the use of the said city since the last annual election, and of the application and expenditure of the same, and to deliver the said account to the clerk of the said city, at least ten days previous to the next annual election, to be by him filed in his office; and it shall be the duty of the said clerk to cause a copy of the said account to be published in one or more newspapers published or circulated in said city, at least five days previous to the day of the next annual election for city officers.

Sec. 21. *And be it enacted,* That it shall be lawful for the common council of the said city to pay unto the treasurer, clerk, and other officers and agents of said city, such compensation for their services as the common council shall deem reasonable and proper.

Compensation
to city officers.

Sec. 22. *And be it enacted,* That the treasurer and collector of said city, before they enter upon the duties of their respective offices, shall severally execute their respective bonds to the mayor and common council of Jersey City, in such sums and with such sureties as the said common council shall approve, conditioned for the faithful execution of the duties of their respective offices.

Treasurer and
collector to give
bonds.

Sec. 23. *And be it enacted,* That every constable of the said city, before he enters upon the duties of his office, shall take and subscribe, before the clerk of the said city, an oath or affirmation, in the form prescribed for constables of townships in the nineteenth section of the act of the legislature entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," using the word city, instead of the word township; and the said clerk shall endorse on the said oath or affirmation the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation, and endorsement thereon, in his office; *and further,* that every constable of the said city, before he enters upon the execution of his office, shall repair to the common council of the said city, and enter into bond to the mayor and common council of Jersey City, with one or more sureties, to be approved of by the said common council, in such sum as the said common council shall direct, in the form, as near as may be, prescribed in the fifty-eighth section of the act of the legislature entitled, "An act constituting courts for the trial of small causes," which bond shall be delivered to the clerk of the said city, who is hereby directed and required to record and file the same in his office; and the said mayor and common council are hereby directed and required, if need be, to prosecute the said bond for and in behalf and to the use of all and every person or persons whatever who may have sustained loss by the neglect or misconduct of the said constable; and all suits on such bonds shall be prosecuted and conducted in the manner directed in the fifty-ninth section of the last mentioned act, for prosecuting and conducting suits on constables' bonds.

City constables
to take oaths
and give bonds,
in manner pre-
scribed.

Mode of prose-
cuting consta-
ble's bonds.

Sec. 24. *And be it enacted,* That the aldermen elected by virtue of this act shall be ex-officio conservators of the peace within the limits of said city, and for this purpose shall

Aldermen con-
servators of the
peace.

jointly and severally have authority to cause any or all persons to be brought before them, or either of them, for any breach of the peace or for disturbing the public tranquillity, shall have power to cause any or all persons so offending to be sent to the watch house or city prison for safe keeping, until he, she, or they can be brought before the mayor or any magistrate of the county for further hearing; and that the said mayor shall be, during the time for which he is elected, vested with all the powers and functions, and be bound by the same liabilities in criminal cases, that justices of the peace of the several counties of this state now are or hereafter may be authorized to perform, and all officers and persons shall respect him as such.

Regulations respecting grading streets.

Mode of ascertaining damages to persons aggrieved by alterations in streets.

Sec. 25. *And be it enacted*, That any street or streets, or parts of streets, in said city, which now are or shall be regulated by curbing and guttering therein, by any grade now or hereafter to be established for said street or streets, or parts of streets, the same shall not be changed or altered by the said common council, unless at least seven members thereof shall assent to such change, in common council convened; *and further*, that unless the said common council shall apply to the justices of the supreme court of this state, and a majority of the said justices shall approve the said alteration; and the said common council shall give at least thirty days' notice of the time and place of said application, in at least one public newspaper printed or circulated in said city, and also by advertisements put up in at least five public places in said city for the like space of time; and it shall be lawful, whenever the alteration of any such street or streets, or parts of streets, shall be authorized by the said common council, and the consent of the said justices obtained as aforesaid, for the said common council to appoint three disinterested freeholders of the said city commissioners to make an estimate and assessment of the damages that any owner or owners of any lot or lots fronting on such street or streets, or parts of streets, will sustain by making such alterations; and in estimating and assessing such damages, the said commissioners shall have due regard, as well to the benefit as to the injury of the owner or owners thereof, by such alteration; *provided always*, that any person or persons, who may consider himself, herself, or themselves injured or aggrieved by such estimate or assessment, may, at any time within thirty days after the making thereof, appeal therefrom to the said supreme court, who shall have power to confirm or set aside the said estimate and assessment, and to order a new assessment and estimate thereof to be made and reported to them for confirmation.

Sec. 26. *And be it enacted*, That this act shall not go into effect unless the assent of three-fifths of the electors of said city shall be first obtained; and for this purpose a poll shall be opened on the twentieth day of March next, between the hours of twelve o'clock, noon, and six in the afternoon, under the direction of the inspectors of the last election of the said city, and at the place where the last election was held for members of the board of selectmen, of which time and place the board of selectmen of said city shall give at least one week's previous notice in one of the newspapers published or circulated in the said city; and the electors entitled to vote for members of the board of selectmen of said city, as now constituted, shall express their assent or refusal of this act by depositing their ballots in the box provided for this purpose in said city; and those electors who are in favour of the said law shall each deposit a ballot containing the word "alteration," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "no alteration," written or printed thereon; and a canvass and return of the votes shall be made by the said inspectors to the secretary of the Board of Selectmen of Jersey City; and if three-fifths of those who vote at such election are found to be in favour of this act, it shall then, but not otherwise, go into effect.

Assent of three-fifths of electors of city necessary to give effect to this act.

Mode of election.

Sec. 27. *And be it enacted*. That the said common council hereby created, shall be invested with and exercise in their corporate name, all the rights, privileges, powers, and duties that the Board of Selectmen and Inhabitants of Jersey City now are capable of exercising and performing by and under an act of the legislature of this state, passed March the eighth, eighteen hundred and thirty-six, entitled, "A supplement to the act entitled, an act to incorporate Jersey City, in the county of Bergen, passed January the twenty-third, eighteen hundred and twenty-nine," and that it be taken and considered as a part of this act.

Investment of certain powers in corporation.

Sec. 28. *And be it enacted*, That the act entitled, "An act to incorporate the city of Jersey, in the county of Bergen," passed January twenty-eighth, eighteen hundred and twenty, be, and the same is hereby repealed, and that such part or parts of the act entitled, "An act to incorporate the city of Jersey, in the county of Bergen, and to repeal a former act," passed January twenty-third, eighteen hundred and twenty-nine, which are contrary to or inconsistent with the provisions of this act, shall be, and the same are hereby repealed, such repeal to take effect on and after the second Monday of April next; *provided nevertheless*, that such repeal

Former acts repealed.

Proviso.

shall not render ineffectual or void any act or thing lawfully done under said act ; and it shall be lawful for the said common council to collect, enforce, and settle, in their corporate name as incorporated by this act, the payment of all assessments in arrear or other claims or demands whatever, that now are or hereafter may become due and owing to or from the said Board of Selectmen and Inhabitants of Jersey City, in their corporate capacity.

Vested rights of associates of the Jersey Company not impaired.

Proviso.

Sec. 29. *And be it enacted*, That nothing herein contained shall be construed as in any wise to interfere with or impair the vested rights and privileges of the associates of the Jersey Company ; *provided*, that this section shall not be construed or adjudged as a repeal of any part of the proviso contained in the second section of the act incorporating said associates ; *and provided further*, that nothing herein contained shall be so construed as to prevent the mayor and common council from exercising all powers and privileges granted in and by the thirteenth section of this act.

Legislature may alter or repeal this act.

Sec. 30. *And be it enacted*, That the legislature may, at any time hereafter, alter, modify, amend, or repeal this act, whenever in the judgment of the legislature the public good may require the same, and that it be taken and referred to as a public act in all courts, places, and by all persons ; and also, that the supplement referred to in the twenty-seventh section be taken as a public act, in like manner.

Passed February 22, 1838.

AN ACT for the relief of Nathan Elmer, of the county of Essex.

\$60 per annum to be paid to N. Elmer.

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 unto Nathan Elmer, of the county of Essex, a soldier in the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in half yearly payments of thirty dollars each, the first payment to be made on the first day of March next.

Passed February 22, 1838.

AN ACT authorizing and empowering the directors of the Morris and Essex Railroad Company to borrow 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 be lawful for the directors of said Morris and Essex Railroad Company, from time to time, to borrow such sum or sums of money, upon the credit of said company, as to said directors shall appear necessary and proper for the completion of the work, and also for the purchase of locomotive engines, cars, lands, and the erection of warehouses, work shops, and other necessary buildings; and for securing the repayment of moneys so borrowed, at such rate of interest as may be stipulated, not exceeding the legal rate of interest for the time being, full power and authority is hereby granted to the said directors to pledge or hypothecate, by way of bond with or without seal, mortgage, trust, or otherwise, the railroad by them constructed under the aforesaid charter, with all its privileges, appendages, appurtenances, implements, and all the property, franchises, and chartered rights of said company; and also, any stock remaining unsubscribed or forfeited to said company by non-payment of instalments; and such pledge, hypothecation, bond, mortgage, and trust shall be valid for securing the due payment of any sum or sums of money so borrowed, with the interest thereon accruing, which the same may be given to secure; and in case default shall be made in the payment of moneys so borrowed and secured, the person or persons, body politic or corporate, or their legal representatives, successors, or assigns, claiming under such pledge, hypothecation, bond, mortgage, trust, or hypothecation of stock, may by due process of law acquire, have, hold, use, occupy, and enjoy the said road, with its appurtenances, implements, and property of said company, and take and receive the tolls, rents, issues, profits, and advantages thereof, during the whole residue of the term for which the said company is chartered or incorporated, in as full and ample a manner as the stockholders of said company could or might have had, used, and enjoyed the same, subject nevertheless to all the restrictions, limitations, and conditions contained in the act incorporating said company; and any stock so pledged or hypothecated may, on failure of payment as aforesaid, be sold at public auction, to the highest bidder, by the person or persons, body politic or corporate,

Directors of Morris and Essex Railroad Company may borrow money for certain purposes.

Railroad may be hypothecated to secure loan.

Hypothecated stock may be sold at public auction on failure to pay.

to whom it may be pledged, or by their legal representatives, successors, or assigns, giving thirty days' previous notice of such sale, by advertisement in two of the newspapers published in or nearest to the place where said sale shall be had; and any deed by which any pledge, hypothecation, bond, mortgage, or trust shall be created by virtue of this act, shall be entered of record in the offices of the clerks of the counties of Essex and Morris, the same having been first acknowledged or proved according to law.

Company may contract with others for transportation.

Sec. 2. *And be it enacted*, That it shall be lawful for said company, by its directors, at any time during the continuance of their charter, to enter into contract and engagement with any other corporation, or with any individual, or firm composed of two or more individuals, for transporting or conveying any kind of goods, produce, merchandise, or passengers between Morristown and the city of New York, or between any intermediate point or points on the line thereof; and all powers necessary and proper to enforce the fulfilment of such contracts are hereby granted to and vested in said company and their directors.

Rates of tolls for transportation.

Charges for transportation may be increased by contract.

Sec. 3. *And be it enacted*, That it shall be lawful for the said Morris and Essex Railroad Company to demand and receive, as toll, for transporting upon said railroad any produce, merchandise, goods, or manufactured articles, at the rate of ten cents per mile for each ton weight; and when such produce, goods, articles, and so forth, are carried over and upon said road in vehicles and by means not belonging to said company, but owned by private individuals, said company shall be empowered to demand and collect, as tolls thereon, at the rate of five cents per mile for each ton; and nothing herein contained, nor in the original act incorporating said company, shall be construed so as to prevent said company from recovering or receiving any sum which may be mutually agreed on by the parties interested for the transportation of articles which, by the space they may occupy, or the hazard and risk connected with them, or from any other consideration, may render a higher rate of toll proper and reasonable.

Quantity of land authorized to be held by company.

Sec. 4. *And be it enacted*, That it shall be lawful for said corporation to purchase, hold, and possess, at either termination of their road, or at any intermediate point, any quantity of land not exceeding five acres.

Deviations may be made in the line of road.

Sec. 5. *And be it enacted*, That the said railroad company shall have power to make such deviations in the line of said road, as from time to time the directors thereof may deem expedient and proper; *provided however*, that this

power shall not be so construed as on any occasion to limit the right of any individual or individuals to demand and recover damage for any injury sustained in consequence of such deviation or change, but such damage or injury may be prosecuted for, and recovered as fully and effectually as though this act had not been passed; and with this restriction and limitation, any deviations and changes heretofore made, and coming within the principles of this section, shall be deemed valid, as though they had been laid down and marked in the original survey and return of said road; *provided also*, that such deviations shall not extend beyond one mile from the line of the road, as surveyed and recorded; *and provided also*, that no such deviation or lateral road as is authorized by this act, or the act to which this is a supplement, shall be made in the city of Newark, without the consent of the common council of the said city. Proviso.

Sec. 6. *And be it enacted*, That the eighteenth section of the act incorporating the Morris and Essex Railroad Company, passed January twenty-ninth, eighteen hundred and thirty-five, which reserves to the state of New Jersey the right to subscribe to the capital stock of said company fifty thousand dollars, be, and the same are hereby repealed. Part of former act repealed.

Sec. 7. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever, and shall be in full force and effect from and after the time of its passage. Public act, and to take effect immediately.

Passed February 22, 1838.

AN ACT granting certain privileges to firemen attached to fire engines within the limits of the Rahway Fire Association, the Paterson Fire Association, and of the Eagle Company, No. 1, of Orange.

Sec. 1. 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 firemen attached to the fire engines within the respective limits of the Rahway Fire Association, the Paterson Fire Association, and of the Eagle Company, No. 1, of Orange, not Firemen exempted from serving on juries.

exceeding twenty-five to each engine, be, and they hereby are exempted from liability to serve as jurors within the respective counties to which they belong.

Mode of proof
of being fire-
men.

Sec. 2. *And be it enacted*, That the proof of being firemen, entitled to the exemption granted in the preceding section, shall be the certificate of the president of the said association or company, which shall be of force and effect for one year from the date thereof, and no longer unless renewed, and may be revoked at any time by written notice from the president of such association or company to the sheriff of such county where such firemen would otherwise be liable to do jury duty.

Passed February 23, 1838.

AN ACT to authorize the inhabitants of the township of Egg Harbour, in the county of Atlantic, to build or repair docks or wharves, and to charge wharfage in certain cases.

Township of
Egg Harbour
authorized to
build docks, &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 inhabitants of the township of Egg Harbour, in the county of Atlantic; shall be, and are hereby authorized, from year to year, at any regular annual town meeting of the said inhabitants, by a majority of such of the said inhabitants as shall be present at such meeting, to direct and cause to be built or repaired any dock or wharf on any of the navigable bays within the said township, either on lands owned by the said township, or at the termination on any such bay, of any of the public highways within the said township, and to purchase lands for that purpose, and to raise and grant, in the same manner as moneys are raised and granted for the working of the roads in the said township by law, such sum or sums of money as a majority of such of the inhabitants of the said township present at such meeting shall direct to be laid out and expended in building or repairing such docks or wharves.

Sec. 2. *And be it enacted*, That the inhabitants of the said township shall be, and are hereby authorized to charge

and collect, by action of debt, from the owner or master of every vessel lying at any such dock or wharf, any sum not to exceed one dollar for each day such vessel may lie at such dock or wharf, which sum shall be fixed by resolution at an annual town meeting of the inhabitants of the said township. May collect wharfage.

Sec. 3. *And be it enacted*, That this act shall take effect from and after the next annual town meeting holden in said township. When act to take effect.

Passed February 23, 1838.

AN ACT to authorize Susan Seeley to sell and convey certain real estate.

WHEREAS it is represented that Robert S. Seeley died in the year one thousand eight hundred and thirty-two (or thereabouts) intestate, seized of a small tract of pine land, containing about ten acres, situate at Waycake, in the township of Middletown, Monmouth county, New Jersey, leaving a widow, Susan Seeley, and three infant children, the youngest of whom is of the age of seven years; and whereas it is necessary that the same be sold for the support and maintenance of said infant children, and it appearing that the said Susan Seeley has prayed the legislature to authorize her to sell and convey said tract of land—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 Susan Seeley, widow of the said Robert S. Seeley, deceased, be, and she is hereby appointed a trustee, with full power and authority to sell all that tract of pine land, containing about ten acres, situate at Waycake, in the township of Middletown and county of Monmouth, for the highest and best sum that can reasonably be obtained for the same at public vendue, giving such notice of said sale as is required by law in case of sales by executors and administrators by virtue of an order of orphans' court; and upon receipt of the purchase money therefor, to make, Widow of R. S. Seeley authorized to sell certain lands,

Interest vested
in purchaser.

execute, and deliver to the purchaser or purchasers good and sufficient deed or deeds of conveyance for the same, which deed or deeds shall convey to and vest in the purchaser or purchasers all the estate, right, title, and interest which the said Robert S. Seeley at the time of his decease had of, in, and to the premises so sold; and to dispose of and distribute the proceeds of said sale according to the direction of the judges of the orphans' court of the said county of Monmouth.

Bond to be given
to governor.

Sec. 2. *And be it enacted*, That the said trustee, before she may enter on the duties prescribed by this act, shall enter into bond to the governor of this state, with sufficient sureties, to be approved by the surrogate of the said county of Monmouth, in such sum as he shall direct, conditioned for the faithful performance herein expressed, which said bond shall be filed in the office of said surrogate.

Passed February 23, 1838.

AN ACT to authorize the sale and conveyance of certain real estate, late the property of John Est. Hopkins, of Haddonfield, in the county of Gloucester, deceased.

Preamble.

WHEREAS the said John Est. Hopkins, in and by his last will and testament in writing, bearing date the twenty-sixth day of October, A. D. eighteen hundred and five, duly proven and of record in the surrogate's office of said county, in Liber A. of Wills, did, among other things, give and devise, in words following, to wit:—"I give and devise unto my daughters Hannah and Sarah the house I now live in, with four lots of land, which I have caused to be laid out and surveyed by John Clement, surveyor, as the same are limited and bounded in a map under his hand and seal, bearing date the eighteenth day of October, eighteen hundred and five, containing together twenty-five acres, three roods, and one perch, to hold to them my said daughters during the term of their natural lives and the life of the survivor of them. At the decease of both my said daughters, I will and order that the said house and four lots of land shall be sold and the moneys arising

from the sales thereof be equally divided and paid to my eight grandchildren, namely, Samuel C., Elizabeth L., Charles, Beulah, Hannah W. Griffith, Sarah, and Rebecca, or the survivors of them for the time being, share and share alike." And whereas, during the lifetime of Hannah Hopkins, one of the daughters of the testator above named, three of the above mentioned grandchildren, to wit, Samuel C., Sarah, and Rebecca, departed this life, and now the above named Hannah and Sarah, daughters of the said John Est. Hopkins, are both deceased, and all his executors deceased, during the lifetime of the said Hannah Hopkins, and no person being named in the will to sell the said premises; and it also appearing, from the opinion of counsel learned in the law, given upon the case, that the fee in said lots and premises has descended to all the heirs at law of the said testator, and is now vested in them, but that the estate, when sold, is subject nevertheless to the order of distribution mentioned in said will, in equal shares amongst the said five surviving grandchildren; and whereas the said five surviving grandchildren, together with others, heirs at law of the aforesaid testator, have petitioned the legislature for a private act, appointing a commissioner, and authorizing him to sell and convey the said premises, and divide the proceeds thereof amongst the persons entitled under the will to receive the same—therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Joseph Saunders, of Woodbury, in the county of Gloucester, be, and hereby is authorized and empowered to sell the real estate above particularly mentioned, at public vendue for the best price that can be obtained therefor, and to make, execute, and deliver to the purchaser or purchasers thereof good and sufficient deeds and conveyances in the law for the same.

J. Saunders authorized to sell certain real estate of J. E. Hopkins, dec.

Sec. 2. And be it enacted, That the proceeds of the sales of the said real estate, after deducting therefrom all costs, charges, fees, and expenses incident to the sale and conveyance of the same, and to the distribution of the proceeds of the sales thereof, shall, by the said Joseph Saunders, be paid over to, and distributed among the several persons who under the will of the said John Est. Hopkins, deceased, can lawfully claim the same, and in conformity with the said will.

Mode of distributing proceeds of sale.

Sec. 3. And be it enacted, That before the said Joseph

Trustee to give
bond to gover-
nor.

Saunders shall proceed to make sale of the said real estate, he shall enter into bond to the governor of this state in the penal sum of ten thousand dollars, with such surety as shall be approved of by the surrogate of the said county of Gloucester, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be filed and deposited in the office of the said surrogate.

Accounts to be
exhibited to or-
phans' court of
Gloucester.

Sec. 4. *And be it enacted*, That the said Joseph Saunders shall, within three months after the said real estate shall be completed, exhibit, under oath or affirmation, to the orphans' court of the said county of Gloucester an exact account of the amount of the sales thereof, and of the costs, charges, fees, expenses, and commissions incident to the execution of the trust hereby reposed in him, which account, after being allowed by the said court, shall be filed in the office of the said surrogate.

Interest vested
in purchaser.

Sec. 5. *And be it enacted*, That all deeds and conveyances made and executed by the said Joseph Saunders, under and by virtue of this act, shall be good and effectual in the law to pass all the estate, right, and title of which the said John Est. Hopkins died seized.

Passed February 23, 1838.

AN ACT to establish two new townships in the county of Hunterdon, to be called the townships of Delaware and Raritan.

Boundaries of
the township 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 all that part of the township of Amwell, in the county of Hunterdon, which lies within the boundaries and descriptions following, to wit: beginning in the Delaware river, in the western boundary line of the county of Hunterdon, at the division line between the townships of Kingwood and Amwell; thence down the said river Delaware, along said boundary line, to the mouth of Alexsockin creek; thence up the middle of the said creek, the several courses thereof, to the middle of the old York road, leading from Lambertville to the village of Ringoes; thence north-

easterly, up the middle of said road, until it intersects the road leading from Trenton to Quakertown, by the way of Ringoes and Buchanan's tavern, at the village of Ringoes; thence northwardly, following the middle of the said road leading from Trenton to Quakertown, until it intersects the division line between the townships of Kingwood and Amwell; thence southwestwardly following the said division line to the place of beginning, shall be, and hereby is set off from the said township of Amwell, in the county of Hunterdon, into a separate township, to be called and known by the name of the township of Delaware; and that all that part of the township of Amwell, in the county of Hunterdon, which lies within the boundaries and descriptions following, to wit: beginning at a corner in the division line between the townships of Lebanon, Kingwood, and Amwell, on the south branch of the Raritan river; thence down the said south branch of Raritan river, until it intersects the division line between the counties of Somerset and Hunterdon, commonly called the province line; thence southeastwardly along said division line between the counties of Somerset and Hunterdon, to the middle of the road leading from Clover Hill to Manners' tavern, now called Greenville; thence southwardly, along the middle of the said road, to said Manners' tavern, now called Greenville, where it intersects the old York road leading to the village of Ringoes; thence, still southwestwardly, along the middle of the said old York road, until it intersects the road leading from Trenton to Quakertown at the village of Ringoes; thence northwardly, along the middle of said last mentioned road, by way of Buchanan's tavern, until it intersects the division line between the townships of Kingwood and Amwell; thence northeastwardly, along the said division line between the townships of Kingwood and Amwell, to the place of beginning last aforesaid, shall be, and hereby is set off from the said township of Amwell, in the county of Hunterdon, into a separate township, to be called and known by the name of the township of Raritan.

Boundaries of
the township of
Raritan.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Delaware shall be, and they hereby are constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Delaware, in the county of Hunterdon," and that the inhabitants of the said township of Raritan shall be, and they hereby are constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the township of Raritan, in the county of Hunterdon," and shall, respectively, be entitled to all the

Corporate
names of the
townships, and
their privileges
and powers.

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

Times and places of holding town meetings.

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

First town meeting.

Sec. 4. *And be it enacted*, That the inhabitants of the said township of Raritan shall hold their first annual town meeting at the inn of Mahlon C. Hart, in Flemington, in the said township of Raritan, on the day appointed by law for holding the annual town meetings in the other townships in the county of Hunterdon.

Allotment of proportion of property and debts to Amwell, Delaware, and Raritan.

Sec. 5. *And be it enacted*, That the town committees of the township of Amwell, and of the townships of Delaware and Raritan, shall meet on the second Monday after the next annual town meetings in the said townships of Amwell, Delaware, and Raritan, at the inn now occupied by William Yard, in the village of Ringoes, in the said township of Amwell, at ten o'clock in the forenoon of said day, and shall then and there, or as soon afterwards as may be, proceed, by writing signed by a majority of members of each township committee, to allot and divide between the said three townships all the property and moneys on hand or due, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at their last assessment; and the inhabitants of the said townships of Delaware and Raritan, respectively, shall be liable to pay their just proportion of the debts, if any there be.

Allotment of proportions of paupers chargeable to the townships.

Sec. 6. *And be it enacted*, That the said township committees of Amwell, Delaware, and Raritan shall, at their first meeting, or as soon after as may be, make division by writing, signed by a majority of the members of each township committee, of the paupers at that time chargeable to said townships, in proportion to the taxable property and ratables, as taxed by the assessor within their respective limits at their last assessment; *provided nevertheless*, that the paupers which may, as aforesaid, be found chargeable to the said townships, respectively, shall be continued in the present pauper establishment, at the costs and charges of the said townships, respectively, until otherwise ordered by

Proviso.

law, or until otherwise agreed upon and arranged by the said township committees of the said several townships; *and provided further*, that this act shall take effect and be in force on and after the first Monday of April next.

When act to
take effect.

Passed February 23, 1838.

AN ACT to set off from the township of South Amboy, in the county of Middlesex, a new township, to be called the township of Monroe.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all that part of the township of South Amboy, in the county of Middlesex, that lies west of the Matchaponix and South rivers shall be, and the same hereby is established a separate township, to be called the township of Monroe.

Boundaries of
township of
Monroe.

Sec. 2. *And be it enacted*, That the inhabitants of that part of the township of South Amboy that lies west of the Matchaponix and South rivers be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the Inhabitants of the township of Monroe, in the county of Middlesex;" and that the inhabitants of that part of the said township of South Amboy that lies east of the Matchaponix and South rivers be, and they and their successors are hereby constituted a body politic and corporate, by the name of "the Inhabitants of the township of South Amboy, in the county of Middlesex," which said two townships, in their corporate capacities respectively, shall be entitled to all the rights, powers, privileges, and advantages, and subject to the same laws, duties, and liabilities, as the inhabitants of the other townships in the said county of Middlesex may be entitled or subject to.

Corporate
names and pow-
ers of townships
of Monroe and
South Amboy,

Sec. 3. *And be it enacted*, That all paupers who may be chargeable to the township of South Amboy, in the county of Middlesex, at the time this act shall go into operation, shall thereafter be chargeable to and supported by that one of the said townships hereby erected within the bounds of which they have acquired their settlements respectively, or

Distribution of
paupers to the
two townships.

in which said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the township of South Amboy, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships hereby erected within the bounds of which they resided at the time of acquiring their respective settlements.

Times and places of town meetings of Monroe and South Amboy.

Sec. 4. *And be it enacted*, That the inhabitants of the township of Monroe, hereby created, shall hold their first annual town meeting on the second Monday of April next, at the house now occupied by Jacob Vancleef, innkeeper, within the bounds of said township hereby created; and that the inhabitants of the township of South Amboy, hereby created, shall hold their first annual town meeting on the second Monday in April next, at the house now occupied by Clarkson Brown, innkeeper, within the bounds of said township of South Amboy, hereby created, and afterwards where the inhabitants of the respective townships shall determine, in the manner prescribed by law.

Poorhouse to be held in common.

Sec. 5. *And be it enacted*, That the poor house farm, with the buildings and improvements thereon, now belonging to the township of South Amboy, shall hereafter belong to the townships of Monroe and South Amboy, hereby created, in the proportion of the tax assessed to the inhabitants residing within the bounds of each on the last duplicate, and shall be owned and held by them in common; and that the provisions of the fifth section of the act entitled, "An act concerning the boards of chosen freeholders," passed the twenty-eighth day of February, in the year of our Lord eighteen hundred and twenty, be, and the same are hereby extended to the said townships; *provided*, that the debts which may be due to or from the present township of South Amboy at the time when this act goes into operation, shall be received or paid by the respective townships hereby created, in the proportion herein before stated.

Proviso.

When act to go into effect.

Sec. 6. *And be it enacted*, That this act shall take effect on and after the second Monday in April next, and not before.

Passed February 23, 1838.

A SUPPLEMENT to an act entitled, "An act to facilitate the administration of justice," passed fourteenth of February, eighteen hundred and thirty-eight.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the courts of oyer and terminer and general jail delivery shall be held in the respective counties of this state, at the times of holding the circuit courts in the same, as prescribed by the act to which this is a supplement, and at any other time that the chief justice or one of the associate justices of the supreme court shall think it necessary to appoint, on application to him, made in writing, by the board of chosen freeholders of the county.

When courts of oyer and terminer to be held.

Sec. 2. *And be it enacted,* That every person who now is or may hereafter be empowered to take recognizance or recognizances of bail or bails, and administer oaths or affirmations in any cause pending or to be depending in the supreme court, shall, ex-officio, have the same power to take bail and affidavits (in every cause to be depending) in said circuit courts.

Extension of powers of commissioners of supreme court for taking bail, &c.

Sec. 3. *And be it enacted,* That all writs issuing out of any of said circuit courts, returnable to the term of any of said courts next after the passage of this act, shall be tested as of the day on which the same shall issue.

When writs to be tested.

Sec. 4. *And be it enacted,* That this act shall take effect immediately after the passage thereof.

Act to take effect immediately.

Passed February 23, 1838.

AN ACT to repeal a part of an act entitled, "An act to enable the owners and possessors of lands adjoining Devils brook, in the township of South Brunswick, in the county of Middlesex, to drain the same, and to straighten the channel of the said brook within the limits therein mentioned."

Authority to increase the size of ditch.

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 act to which this is a supplement as prescribes the width and depth to which the said Devils brook shall be cleared out, shall be, and is hereby repealed, and the size to which it shall be lawful to clear out the same, shall be of a width and depth sufficient, in the opinion of the managers authorized by the said act, to be elected, to vent all the surplus water.

Passed February 24, 1838.

AN ACT to incorporate the Trenton Cemetery Company, in the city of Trenton.

Names of incorporators.

Style of incorporation.

Qualifications of members of corporation.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Elisha Gordon, Ogden D. Wilkinson, Crispin Blackfan, Thomas Slack, Charles C. Yard, John D. Hester, Andrew Allison, Enoch W. Green, Henry N. Barton, David Witherup, Joseph Witherup, Charles Hunt, Thomas Gordon, Jasper Scott, James T. Clarke, John A. Hutchinson, and their associates, be, and they are hereby made a body politic and corporate in law, under the name, style, and title of "the Trenton Cemetery Company," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation.

Sec. 2. *And be it enacted,* That the said corporation shall be composed only of persons who are and shall be

owners of sub-lots or burial places in the said cemetery; and that the said corporation shall have power to take and hold in fee the tract of land designed, appropriated, and laid out by Elisha Gordon [a plot of which, together with the deed of conveyance, shall be recorded in the office of the secretary of this state,] for such cemetery, and such other tract of land which the said Elisha Gordon, his heirs or assigns, or the said corporation, may hereafter add thereto, for the purpose aforesaid [a plot of which additional land, and the deed of conveyance therefor, when made, shall also be recorded in the said office]; and that the said corporation shall hold such tract or tracts of land in trust and for the uses hereinafter mentioned, to wit:—first, the said Elisha Gordon, his heirs and assigns, may sell or otherwise dispose of the sub-lots in the said cemetery, and take the proceeds of sale to his and their only proper use and behoof, but shall occupy the same only as burial places for deceased human beings, with the use and privileges of the several walks and passages; and may erect on said tract or tracts of land such buildings and accommodations as he and they may deem suitable for the establishment: second, the sub-lots shall be, so nearly as they conveniently may be, ten by eight feet, and shall be conveyed to the respective purchasers by the said Elisha Gordon, his heirs or assigns, in fee, on payment to him or them of the purchase money therefor, and one dollar for the deed: third, the purchaser of each sub-lot, his heirs and assigns, shall have the exclusive use and occupation thereof, in fee simple, only for the interment of deceased persons, with the common use and occupation of the walks and passages, subject to such regulations as have been or may be established by the said association, for digging graves, building vaults, and ornamenting and preserving the said plats: fourth, the care and management of the said cemetery shall be confided to five managers, being lot holders, who shall have the exclusive superintendence thereof, with power to appoint and employ such officers and agents therefor as they may deem expedient; to fix the compensation of such officers and agents; to cause the ground, graves, and fences, walks and improvements, to be kept in good order; to assess and collect from the owner of each sub-lot not more than fifty cents in any one year, for defraying the necessary expenses of the institution, and generally to do all such other things as may be proper in the premises; but such sub-lots as shall be at any time unsold in the hands of the said Elisha Gordon, his heirs or assigns, and not used by them as burial places, shall not be subject to more than one-fourth of the above mentioned

Objects of incorporation.

Size of sub-lots.

Managers to have care of cemetery.

Their duties and powers.

When managers
to be chosen.

assessment : fifth, such managers shall be chosen annually, by the owners of the sub-lots, at such time and place, and in such manner, after the first election, as the board of managers may direct ; and the time, place, and manner of the first election for managers, shall be fixed by the lot holders, or any ten of them ; but until such managers be chosen the charge and superintendence of said cemetery shall be and abide with the said Elisha Gordon, his heirs or assigns : sixth, the managers for the time being, immediately before proceeding to an election, shall report to the lot holders the state of the concerns of the cemetery, and the majority of the lot holders present shall then have power to direct improvements thereof, and to that end to levy on each lot not exceeding fifty cents, to be paid by the respective owners to the managers ; but nothing herein shall prevent voluntary contributions for the improvement of said cemetery.

What personal
estate may be
held.

Sec. 3. *And be it enacted*, That the said corporation shall have power to hold such personal estate, and no more, as may be necessary for the purposes of this incorporation.

No streets to be
opened through
their lands.

Sec. 4. *And be it enacted*, That no streets or roads shall be hereafter opened through the lands of the said corporation occupied as a burial ground.

Passed February 24, 1838.

AN ACT to incorporate the Boundbrook Mutual Fire Assurance Company.

Names of corpora-
tors.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John H. Voorhees, John Lattourette, Caleb C. Brokaw, Robert S. Smith, John Ross, Ebenezer S. Lewis, Andrew V. D. B. Vosseller, John S. Randolph, Nehemiah V. Steele, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Boundbrook Mutual Fire Assurance Company," the office thereof to be located in the village of Boundbrook, and by that name they and their successors shall and may have succession during the continu-

Style of incor-
poration.

ance of this act, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the name of "the Boundbrook Mutual Fire Assurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided*, that the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and to transact the business of the said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns, the said corporation shall be bound to sell and dispose of the same, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of five years.

Powers and privileges.

Proviso.

Sec. 2. *And be it enacted*, That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods or commodities whatsoever, or in buying or selling any stock created by any act of the congress of the United States or any individual state, unless by purchasing for the purpose of investing its capital stock, or any part thereof, in the same, and in selling the goods and commodities and stock so purchased, or when such stock shall have been duly pledged to it by way of security of debts to the corporation, or for the payment of their deposits.

Restrictions.

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

Persons who cannot be president, director, or agent.

Sec. 4. *And be it enacted*, That the property and concerns of the said corporation shall be managed and conducted by

Time and mode
of electing di-
rectors.

fifteen directors, all of whom shall be citizens of this state, to be chosen by ballot, by and from among the members, to hold their office for one year and until others are chosen to fill their places; and that the election for directors shall be held on the third Monday in February, in every year, between the hours of ten in the forenoon and six in the afternoon, at such place as the majority of directors for the time being shall appoint; and public notice shall be given by the secretary, by advertisements set up in four of the most public places within the townships of Bridgewater and Franklin, in the county of Somerset, and the township of Piscataway, in the county of Middlesex, or in two such newspapers as the directors shall designate, at least ten days previous to the time of holding said election; and if any of the said directors shall die, or refuse to serve, or neglect to act in their said office for and during the space of six months successively, then and in every such case another director shall and may be chosen in the place of said director so dying, refusing, or neglecting to act as aforesaid, by a majority of the directors, or such of them as shall be present at their next meeting of the corporation after such vacancy shall happen, which person so appointed shall be a director until the next general election; and in case it should happen that an election of directors should not be held on any day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of directors, in such manner as the by-laws of the said corporation shall have prescribed; and until an election of directors shall be had according to the provisions of this section, the following persons shall be directors, namely, John H. Voorhees, John Lattourette, Robert S. Smith, Earnest Schenck, Nehemiah V. Steele, John D. Field, John Garretson, John Steele, jr., Andrew V. D. B. Vosseller, Matthew Hopper, John S. Randolph, John Ross, Jeremiah Parsell, Caleb Morton, and Ebenezer S. Lewis.

Corporation not
dissolved for
failure to elect
on day prescrib-
ed.

First directors.

What property
may be insured.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said corporation to assure houses, stores, and other buildings, together with all kinds of household furniture, goods, wares, and merchandise, against loss by fire.

Amount of pre-
miums to be
paid to effect
insurance.

Sec. 6. *And be it enacted*, That every person who shall be a member of this corporation shall pay in advance, from the commencement, the annual premiums required by the by-laws of said company for ten years, whereupon he or she shall be considered assured for and during the time that the said corporation shall continue to exist, without any

further payments, unless the hazard should be increased or the losses sustained by the said corporation should exceed the interest of the funds already paid in; and if such losses should occur, it shall and may be lawful for the board of directors for the time being to require such further premiums from the members of said corporation, to be paid to the secretary thereof, as shall be equivalent to the sum taken from the ten premiums aforesaid, occasioned by such losses; *provided*, that any member may withdraw from said corporation at any time he or she may desire, and shall not be liable to pay any other sum or sums of money, or any other tax or assessment, than that or those already paid before he or she withdrew from the said corporation; *provided further*, that the right of any member shall be transferable, and the person or persons to whom the transfer may be made shall be admitted as a member of the said corporation, with the consent of a majority of the directors for the time being; but in case of failure of any member, or his assignee, to pay such additional premium within sixty days after notice thereof in writing by the secretary, the premiums already paid in shall be forfeited.

Proviso.

Proviso.

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

Qualifications of membership.

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

Directors not to receive compensation.

Sec. 9. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching all such other matters as appertain to the business ends and purposes which the corporation, by this act, is entitled to; and also, shall have power to appoint a secretary, surveyors, and such additional

Powers of directors.

Proviso.

officers, clerks, and servants, for carrying on the business of the said corporation, with such allowances as to them shall seem meet; *provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of the United States or of this state.

Quarterly meeting of directors.

Annual meeting of members.

Sec. 10. *And be it enacted*, That the directors shall meet once in each and every three months, and oftener if need be, at such time and place as the said directors shall appoint for the transacting the business of the said company; and there shall be a general meeting of the members of the said corporation on the third Monday in February in each and every year, notice of which shall be given ten days previous, by setting up four advertisements within the townships of Bridgewater and Franklin, in the county of Somerset, and the township of Piscataway, in the county of Middlesex, or in two such newspapers, printed in this state, as the directors shall designate; and all meetings of the directors and of the members shall be held in such place and conducted in such manner as shall be from time to time prescribed by the by-laws of the said corporation; and it shall be lawful for the members of the said corporation, at any such meeting so called and advertised, to alter, amend, or repeal the by-laws, rules, and regulations which may be made and prescribed in conformity to this act.

President and vice president to be elected.

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

Duties of the secretary.

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

Sec. 13. *And be it enacted,* That all policies of assurance which shall be made by the said corporation in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordained and prescribed by the by-laws, rules, and regulations of the said corporation.

How policies
are to be made.

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

Transfer of po-
licies.

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

Funds not to be
employed for
certain purpo-
ses.

Sec. 16. *And be it enacted,* That this act shall continue and be in force until the third Monday in February, one thousand eight hundred and eighty; *provided,* that the legislature may at any time alter, amend, or repeal this act, when in its judgment the public good may require it.

Limitation of
charter.

Proviso.

Passed February 24, 1838.

AN ACT to incorporate the Monroe Manufacturing Com- pany.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel G. Wheeler, Patrick McGinnis, Jeremiah Carpenter, and Arthur McGinnis, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name and style of "the Monroe Manufacturing Company," for the

Names of corpo-
rators.

Style of incor-
poration.

Powers and privileges of company.

purpose of manufacturing cotton and woollen goods, and dyeing, printing, and bleaching cotton, woollen, and silk goods, in the town of Paterson, in this state, and of carrying on the business incident thereto; and by that name they and their successors shall have succession and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing, pleading, defending, and answering, and being sued, impleaded, defended, and answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters and causes whatsoever, and of doing and causing to be done all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold, and enjoy, and again to sell or otherwise dispose of, such personal and real estate not exceeding three acres, as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used in banking operations, nor for any other purpose not plainly indicated by the provisions of this act.

Proviso.

Time and mode of electing officers.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of said corporation shall be managed and conducted by five directors, being stockholders, (one of whom shall be president) who shall hold their offices for one year and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of the said corporation, and public notice thereof shall be given, not less than ten days previous, in one or more newspapers printed in the county of Passaic; and each stockholder shall, at such election, be entitled in person or by proxy to as many votes as he or she shall hold shares of the capital stock of said corporation and the persons having or receiving in such election the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority

of the whole number of directors being present when the same shall be done; and all vacancies, occurring by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and the said Samuel G. Wheeler, Patrick McGinnis, Jeremiah Carpenter, Authur McGinnis, and George A. Bicknell, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in April next, and until others are legally chosen.

First directors.

Sec. 3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as fifty thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for said corporation to commence their said business, or any part of it, and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation, or a majority of them, from time to time to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published, for the space of thirty days, in one or more newspapers printed in said county, designating the proportion of such payment per share, and the time and place when, and the officer to whom the same shall be required to be made.

Amount of capital stock.

When company may commence business.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the subscription for said stock shall be opened until the sum required shall be subscribed, or for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Manner of receiving subscriptions for stock.

Sec. 5. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividend shall be made to and among the stockholders except from and out of the actual net profits of said corporation.

Stock personal estate.

Proviso.

Sec. 6. *And be it enacted*, That in case it should at any

Corporation not dissolved for failure to elect on day prescribed.

time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

Quorum of directors.

Sec. 7. *And be it enacted*, That a majority of directors for the time being shall form a board for transacting the business of said corporation, and shall have power to make and enforce such by-laws and regulations as they shall deem expedient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

Transfer books of stock to be kept.

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

How corporation may be dissolved.

Sec. 9. *And be it enacted*, That the said corporation may be dissolved at and by a general meeting of the stockholders, specially summoned for that purpose, *provided*, that at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering its claims, and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock; unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustees for the purpose aforesaid.

Limitation of act.

Proviso.

Sec. 10. *And be it enacted*, That this act shall, unless the corporation be dissolved as above provided for, continue in force for the term of thirty years from the time of its passage; *provided nevertheless*, that the legislature reserve the right to alter, amend, or repeal this act, whenever the public good may require it.

Passed February 24, 1838.

A FURTHER SUPPLEMENT to an act entitled, "An act relating to hawkers, pedlers, and petty chapmen, and to repeal the former acts on the subject," passed the twenty-seventh of February, eighteen hundred and thirty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be the duty of every person who may have obtained a license in pursuance of the act to which this is a further supplement, before he shall sell, or expose for sale, any goods, wares, or merchandise by virtue thereof, in any county of this state, to file in the clerk's office of such county a copy of his license; and the clerk of such county shall thereupon endorse on the original license a certificate of the filing of the said copy; and in case any person shall sell, or expose for sale, any goods, wares, or merchandise, as aforesaid, without first having procured the said certificate on his license, he shall be liable to all the penalties of the act to which this is a supplement; and the said clerks shall be entitled to receive fifty cents for such certificate and filing.

Copy of license to be filed in clerk's office of county where goods are offered for sale.

Sec. 2. *And be it enacted*, That it shall be the duty of the overseers of the poor of every township in this state, to sue for and recover the penalties of any person or persons who may offend against any of the provisions of the said act entitled, "An act relating to hawkers, pedlers, and petty chapmen, and to repeal the former acts on this subject," passed the twenty-seventh of February, eighteen hundred and thirty, and the several supplements thereto, in their respective townships, and shall be entitled to one half of any penalty or penalties, when received, to their own use, the other half to be appropriated to the use of the poor of the township.

Duty of overseers of the poor to sue for penalties.

Passed February 24, 1838.

AN ACT regulating the election of township officers and appropriations of money in the townships of Manchester, Paterson, and Aquackanonk, in the county of Passaic.

Officers to be elected, and appropriations of money to be made by plurality of votes, &c.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, the several township officers enumerated in the twelfth section of the act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first of February, seventeen hundred and ninety-eight, shall be elected, and all appropriations of money which may be authorized by law shall be made, by a plurality of votes, by ballot, in any town meeting held in the townships of Manchester, Paterson, and Aquackanonk, in the county of Passaic, and not otherwise, any thing in the before recited act, or in a further supplement to said act, passed the twenty-fifth day of February, eighteen hundred and thirty-four, to the contrary notwithstanding.

Passed February 24, 1838.

AN ACT authorizing the administrator and administratrix of Jacob J. Hopper, deceased, to carry into effect certain contracts made by him for the sale and purchase of lands.

Preamble.

WHEREAS Jacob J. Hopper, of the county of Bergen, in his lifetime contracted, in writing under seal, bearing date the eleventh day of October, A. D. eighteen hundred and thirty-six, with Peter M. Ryerson, of said county, for the sale and conveyance to him, in fee simple, of certain lands, situate in the townships of Saddle river and Pompton, for the consideration of seven thousand dollars, to have been paid by him on the first day of April, A. D. eighteen hundred and thirty-seven, at which time, also, the said conveyance was to have been made, and which lands in said contract are in substance described as fol-

lows, viz: all that farm of land and premises situate in the townships of Saddle river and Pompton, in the county of Bergen, which the said Jacob J. Hopper bought of Cornelius Ackerman, by deed bearing date the seventh day of April, A. D. eighteen hundred and thirty-six—one lot containing one hundred and fifteen acres; the second lot containing eleven acres; the third lot containing twenty-five acres, being the homestead farm late of Arent P. Schuyler, deceased: also, two lots of land and premises which the said Jacob J. Hopper bought of Barney Lawback, by deed bearing date the seventh day of April, A. D. eighteen hundred and thirty-six—the one lot containing twenty acres, being part of the homestead farm of Ryer Ryerson, deceased: also, one other lot containing five acres, as by reference to said deeds will more fully appear. And whereas, also, the said Jacob J. Hopper in his lifetime contracted in writing under seal, bearing date the twenty-fourth day of October, A. D. eighteen hundred and thirty-six, to purchase from Aaron J. Demarest, of the township of Harrington, in said county, a certain farm of said Aaron J. Demarest, situate in the township of Franklin, in the county aforesaid, for the consideration of three thousand dollars, to have been paid to him, the said Aaron J. Demarest, on his executing a conveyance therefor on or before the tenth day of April, A. D. eighteen hundred and thirty-seven, which said farm contains one hundred acres, more or less, and is bounded northerly and easterly by lands of David Bartholf and John W. Hopper, southerly by lands of William P. Van Blarcom and Peter Hopper, and westerly by the Ramapo river. And whereas the aforesaid Jacob J. Hopper was accidentally killed, on or about the seventh day of March, A. D. eighteen hundred and thirty-seven, leaving a widow (Charity Hopper) and eight children, viz: Elizabeth, John, Abraham, Maria, Anthony, Charity, Sarah, and Barnard C. Hopper, all minors, and all now living, the eldest being less than seventeen, and the youngest less than two years of age. And whereas the said widow, (Charity Hopper) together with Abraham Vanhorn, of the township of Franklin aforesaid, have obtained from the surrogate of the county of Bergen letters of administration of the personal estate of the said Jacob J. Hopper, deceased, and the aforesaid contracts were not carried into effect during the lifetime of the said Jacob J. Hopper, and do still remain unexecuted, to the great detriment and inconvenience of all parties interested therein; and it appearing to the satisfaction of the legis-

Preamble.

lature, that the friends of the said minor children, and the aforesaid widow and administrator, and all parties interested in the said contracts, or parties thereto, are willing and desirous that the same should be carried into effect—therefore,

Administrator of J. J. Hopper, dec., authorized to convey certain lands to P. M. Ryerson.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That* Charity Hopper, the administratrix, and Abraham Van Horn, the administrator of the aforesaid Jacob J. Hopper, deceased, or the survivor of them, be and are hereby authorized and empowered, to make and execute, in due form of law, a deed or deeds of conveyance, in fee simple, to the aforesaid Peter M. Ryerson, for the lands purchased by him as aforesaid from the said Jacob J. Hopper in his lifetime, with the appurtenances thereunto belonging, which lands the said Jacob J. Hopper, in his lifetime, agreed to convey to the said Peter M. Ryerson, for the price or consideration of seven thousand dollars; and said deed or deeds, when duly executed, shall be as good and effectual for the conveyance of the said lands, freed from any claim of dower of the said widow, (Charity Hopper) as if the same had been made and duly executed and acknowledged by the said Jacob J. Hopper and Charity his wife in the lifetime of the said Jacob J. Hopper.

Heirs of J. J. Hopper authorized to receive a deed for lands from A. J. Demarest.

Sec. 2. *And be it enacted, That* the aforesaid Aaron J. Demarest is hereby fully authorized and empowered to make and execute, and the aforesaid eight minor children of the said Jacob J. Hopper, deceased, to wit, Elizabeth, John, Abraham, Maria, Anthony, Charity, Sarah, and Barnard C. Hopper, to receive and take a deed or deeds in fee simple for the aforesaid lands, with the appurtenances, sold by the said Aaron J. Demarest as aforesaid, and purchased by the said Jacob J. Hopper in his lifetime, in consideration of the sum of three thousand dollars; and the said deed or deeds, when duly executed, shall be as good and effectual for the conveyance of said lands, with their appurtenances, to the said minor children, as tenants in common, as if the said minors were of full age, and the contract for the sale and purchase of the said lands had been duly made between the said Aaron J. Demarest and them.

Widow of J. J. Hopper to take dower of lands conveyed by A. J. Demarest.

Sec. 3. *And whereas,* if the aforesaid contracts had been carried into effect in the lifetime of the said Jacob J. Hopper, his widow, the aforesaid Charity Hopper, would now be legally entitled to her dower in the farm and lands so purchased from the aforesaid Aaron J. Demarest—there-

fore, *Be it further enacted*, That upon the execution of the deed or deeds herein before mentioned, by the aforesaid Aaron J. Demarest to the aforesaid minor children of the said Jacob J. Hopper, deceased, for the aforesaid farm or lands, with the appurtenances, purchased by him from the aforesaid Aaron J. Demarest, the said Charity Hopper shall be entitled to a right of dower therein, in the same manner as if the said farm had been conveyed to her aforesaid husband, and he had become seized thereof in his lifetime and during their coverture.

Sec. 4. *And be it enacted*, That the said administrators, or the survivor of them, are hereby authorized to receive from the said Peter M. Ryerson, or his attorney or representatives, the consideration money, or the balance thereof, now due upon the purchase of the said lands by him as aforesaid, and out of the same to pay to the said Aaron J. Demarest, or his lawful attorney or representatives, the consideration money, or the balance thereof, now due for the lands so as aforesaid purchased by the said Jacob J. Hopper from him; and the residue of the said moneys remaining, or that shall remain in the hands of the said administrators after said payment, shall be assets in the hands of the said administrators, to be administered and disposed of according to law.

Administrators of J. J. Hopper authorized to receive proceeds of sales of lands to P. M. Ryerson.

Authorized to pay A. J. Demarest for lands conveyed to heirs of J. J. Hopper.

Sec. 5. *And be it enacted*, That the said administrators are hereby authorized to pay, out of any moneys in their hands belonging to the estate of the said Jacob J. Hopper, deceased, the necessary costs, charges, and expenses of applying for, procuring, and executing this act; and shall report to the orphans' court of the county of Bergen a particular account of their proceedings under this act in carrying the same into effect, and the costs, charges, and expenses of the same, to be taxed by the said court; which said report and taxed bill of costs shall be filed in the surrogate's office of the county of Bergen.

Costs and charges to be paid by estate of decedent.

Passed February 24, 1838.

A SUPPLEMENT to an act entitled, "An act to incorporate a company to construct a harbour on the New Jersey shore of the Hudson river," passed the thirteenth day of March, one thousand eight hundred and thirty-seven.

Time extended
for receiving
subscription to
stock.

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 period of one year, mentioned in the sixth section of the act to which this is a supplement, within which the subscription of one million of dollars, and the paying in of one hundred thousand dollars, are required to be made, be, and the same is hereby extended to the period of three years from and after the passing of the said act; and that the said act shall not be deemed null and void by reason of the said subscription and payment, or either of them, not being made within the time limited, any thing in the said act contained to the contrary in any wise notwithstanding.

Passed February 24, 1838.

A SUPPLEMENT to an act entitled, "An act to incorporate the Camden and Woodbury Railroad and Transportation Company," passed March first, eighteen hundred and thirty-six.

Company au-
thorized to con-
struct three se-
veral branches.

Sec. 1. 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 Camden and Woodbury Railroad and Transportation Company, incorporated by an act entitled, "An act to incorporate the Camden and Woodbury Railroad and Transportation Company," passed the first day of March, in the year of our Lord one thousand eight hundred and thirty-six, be, and they hereby are authorized and empowered to survey or lay out and construct three several branches, or lateral railroads, to connect with their main railroad from Camden to Woodbury, from suitable and convenient point or points of their said main railroad, and leading thence—one from the said main railroad to the

river Delaware, at or near Gloucester point; another from the said main railroad to the river Delaware, at or near Kaighns point; and the third, from the said main railroad to some point in or near the lower end of the village of Haddonfield, where the Clements bridge road now enters said village: and to enable said company to effect the objects before expressed, or such of them as shall seem to be of public utility and beneficial to the company, they are hereby invested with all the rights, powers, and authority, and entitled to all the privileges and emoluments to which they are now entitled under the act entitled, "An act to incorporate the Camden and Woodbury Railroad and Transportation Company," and shall be subject to all the provisions, conditions, liabilities, limitations, and restrictions to which they are now subject under said act, in the same manner and to the same effect as if the said company had been originally authorized by said act to construct all or any of the before mentioned roads.

Sec. 2. *And be it enacted*, That, for the purpose of enabling the said company to construct said branches or lateral railroads, or such of them as shall be deemed to be of public utility and beneficial to the company, it shall and may be lawful for the president and directors thereof to increase their capital stock, by adding to the sum first authorized the sum of one hundred thousand dollars, to be subscribed in such manner and at such time or times, and at such place or places, as they may deem expedient and proper: separate subscriptions may be opened, separate stock may be created, and accounts be opened and kept for each road, or the whole be blended in one general fund, as the said company, by their officers, shall direct.

Capital stock
may be increased.

Sec. 3. *And be it enacted*, That if the said branches or lateral roads, or any of them, herein and hereby authorized to be constructed, shall not be completed and in use within ten years after the passing of this act, that then and in that case this supplemental act, so far as relates to the said branch or lateral road, or branches or lateral roads, not completed and in use as aforesaid, shall be void and of none effect.

Time limited for
construction of
the lateral roads

Passed February 24, 1838.

A SUPPLEMENT to the act entitled, "An act to enable the owners of swamp or meadow ground to drain the same, and to repeal a law heretofore made for that purpose," passed the twenty-fourth November, in the year of our Lord one thousand seven hundred and ninety-two.

When and how
review of pre-
mises may be
had, and ditch,
&c., abolished.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in any case where a ditch, drain, or watercourse has heretofore been, or shall hereafter be laid out and opened pursuant to the act to which this is a supplement, for the period of one year, it shall be lawful for any owner or possessor of any land drained thereby, or through which the same shall be cut or run or the water flow, to apply to the surveyors of the highways and chosen freeholders for the time being to review the premises, proceeding therein, in all respects, as by the said act is required to be done, to lay out the ditch, drain, or watercourse; and the said surveyors and freeholders, or a majority of them, shall have authority to alter, change, or abolish the said ditch, drain, or watercourse as shall then appear to them to be just and reasonable, and to make a new assessment of damages, if they judge the same proper, proceeding in all respects as is required to be done in laying out said ditch, drain, or watercourse; *provided*, that if they shall abolish the said ditch, drain, or watercourse, instead of an actual survey, they shall make and sign a certificate to that effect, which shall be recorded in the clerk's office of the county.

Proviso.

Act to take ef-
fect immediate-
ly.

Sec. 2. *And be it enacted*, That this act shall take effect immediately after the passage thereof.

Passed February 24, 1838.

AN ACT to incorporate the Bergen Land and Improvement Company.

WHEREAS Samuel Swartwout has, by his memorial, represented himself to be the owner in fee simple of a tract of land and premises, with the appurtenances, and all the right and interest therein, as well at law as in equity, which premises are situated at Hoboken, in the county of Bergen, in the state of New Jersey, containing about three hundred and fifty acres—therefore,

Preamble.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said Samuel Swartwout, and such other persons as he may hereafter associate with him, together with the stockholders for the time being, and future directors for the time being, to be appointed as hereinafter mentioned, be, and they are hereby incorporated and made a body politic and corporate, by the name of "the Bergen Land and Improvement Company;" and by that name shall have perpetual succession, and be capable in law of purchasing, receiving by devise for the use of said company, and of holding and conveying such real and personal property only as may be necessary for the objects of this incorporation clearly indicated by this act; may sue and be sued, and have a common seal, which they may adopt and alter at pleasure.

Style of incorporation.
General powers.

Sec. 2. And be it enacted, That the said associates, or a majority of them, and their successors in office may receive subscriptions from time to time to the capital stock of the said company, which may amount to two millions of dollars, to be divided into twenty thousand shares, at one hundred dollars per share, of which ten dollars shall be paid on each share at the time of subscription, the balance to be paid to the persons authorized to take subscription, as the same may be called for by advertisements of the time and place of payment for two weeks in two newspapers published in the city of New York, and one newspaper published in the county of Bergen, if there is one published in said county at the time; and on failure to pay, suits may be brought to recover the same, in the corporate name of the company, in debt or assumpsit, but not more than ten dollars shall be called for on each share in one instalment; any person or corporation holding one share of stock to be a member of the company, and on transfer thereof, or otherwise being

Subscriptions to be opened for capital stock.

Stockholders to be members of the company.

Certain lands
may be received
as purchase money
for stock.

divested thereof, shall cease to be a member; any of the owners of the above described premises, or of lands that may be hereafter purchased by said company, may take stock to the amount of his, her, or their interest therein, without paying any money thereon, which shall become full stock when the conveyance and transfer of such interest shall be made to the company, and shall be taken as so much purchase money thereon, the stock to be designated as so taken at the time of subscribing therefor; and until an election of directors shall have been made, as hereinafter provided, Samuel L. Southard, Samuel Swartwout, James B. Murray, Thomas E. Davis, David B. Ogden, Edward Curtis, and Henry Ogden shall be directors of said company, and they, or a majority of them, shall exercise the corporate powers of the company.

First directors.

Time and mode
of electing di-
rectors.

Sec. 3. *And be it enacted*, That the stockholders of the said company shall annually, on the first Monday of May, at the village of Hoboken, or at such other time or place, before such judges, and the election to be conducted in such manner as by the by-laws or regulations hereafter to be made by the directors may be appointed, elect seven directors to serve for the term of one year, two weeks' notice of such election to be given by advertisement in two newspapers published in the city of New York, and one newspaper published in the county of Bergen, if there be one published in the said county at the time; said election shall be made by such of the stockholders of said company as shall attend for that purpose, either in person or by proxy; the votes to be by ballot; each share of stock on which all instalments required to be paid have been paid shall entitle the holder thereof to one vote; the seven persons having the greatest number of votes to be the directors; the directors so chosen shall elect one of their number to be the president of the board of directors of the said company; in case of vacancy, the same shall be filled by such person or persons as the remainder of the directors, or a majority of them, may appoint; if an election shall not be held at the time so appointed, it may take place at any future time upon the like notice, the old directors in the meantime to continue in office; the directors for the time being shall manage and superintend the affairs of the company.

Directors to e-
lect a president.

Failure of elec-
tion at time pre-
scribed provided
for.

Price at which
certain describ-
ed property
shall be receiv-
ed as stock.

Sec. 4. *And be it enacted*, That so soon as the said company shall be organized, the said owner of the above described premises may convey the same, with the appurtenances, in fee simple absolute, with the proper and accustomed covenants of title, to "the Bergen Land and Improve-

ment Company," for the price or consideration of three hundred and fifty thousand dollars, to be paid for in the stock of said company, at its par value; and the said company may purchase or hold any other lands adjoining the above described premises, but the said company shall not own at any one time exceeding one thousand acres of land, in addition to the above described premises.

Sec. 5. *And be it enacted*, That the said company are hereby authorized to improve the above described premises, and any other lands hereby authorized to be purchased or holden by them, by laying the same out in lots, streets, squares, blocks, alleys, lanes, and any other divisions, leveling, raising, and grading streets and avenues north of Fourth, and west of Bloomfield streets, in the village of Hoboken, building workshops, factories, storehouses, stores, dwellings, and other buildings thereon, and constructing aqueducts for conveying pure and wholesome water, and letting, renting, leasing, selling, mortgaging, and changing the same; and they shall have liberty to purchase, fill up, occupy, possess, and enjoy all land covered with water fronting and adjoining the premises that may be owned by them; and they may construct thereon wharves, harbours, piers, and slips, and all other structures requisite or proper for commercial and shipping purposes; and when they shall have possessed themselves of the ferry right, by purchase of the same from the owners thereof, they may enjoy, carry on, and conduct the same; *provided*, it shall not be lawful for said company to fill up any such land covered with water, nor to construct any dock, pier, or wharf immediately in front of the lands of any other person or persons owning down to the water, without the consent of such person or persons so owning first had and obtained.

Powers and privileges.

Proviso.

Sec. 6. *And be it enacted*, That a majority of the directors, when such shall form a quorum, in the absence of the president, may appoint a vice president to preside; and they shall have full power to make all by-laws or ordinances for the better regulation of the company; to appoint a treasurer, clerk, and all other officers they may deem proper, and fix their salaries, employ agents, mechanics, workmen, and labourers to transact the business of the company; to declare the forfeiture of stock in case of non-payment of instalments; to declare and provide for the payment of dividends to the stockholders; and in general to transact, plan, and superintend the business and concerns of the company; *provided*, such by-laws are not repugnant to the constitution or laws of the United States or of this state.

Certain powers of directors.

Stock forfeited on failure to pay instalments.

Proviso.

Stock personal
property.

Sec. 7. *And be it enacted*, That the shares of stock of the company shall be personal estate, and nothing herein contained shall be construed to restrict the legislature from imposing any tax upon the property of the company.

Company may
purchase stock
of railroads, &c.

Sec. 8. *And be it enacted*, That the said company shall be at liberty to subscribe for and take stock in any canal, railroad, or turnpike company, that is or may hereafter be incorporated and established by the legislature of this state, and shall pass through any lands that may be owned by the said company, or to connect a canal or railroad with any now authorized by law in said county of Bergen, by and with the consent of such company; and the charter of this company shall continue in force for ninety-nine years.

Limitation of
act.

Restrictions.

Sec. 9. *And be it enacted*, That nothing herein contained shall be taken or construed so as to authorize the said company to establish a banking institution, or to issue at any time any note or obligation in the style or nature of a bank note, or to use any part of its capital for banking, trust, or any other purpose not plainly indicated by this act.

Act may be al-
tered or repeal-
ed.

Sec. 10. *And be it enacted*, That the legislature may at any time hereafter alter, modify, or repeal this act when the public good may require it.

Passed February 24, 1838.

AN ACT to provide for granting letters of administration of the estate of intestates residing out of this state at the time of their decease.

Preamble.

WHEREAS doubts have arisen whether the ordinary of this state or the surrogates of the several counties have power to grant letters of administration of the estate of any person who did not at the time of his decease reside in this state—therefore,

Proceedings on
application for
administration
when intestate
died out of the
state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That when any person shall die intestate, who did not at the time of his decease reside in this state, and it

shall become necessary or desirable to have letters of administration granted in this state, it shall and may be lawful for any surrogate of any county in this state, upon application in writing made to him for the purpose, to make an order that cause be shown before him, at a certain time and place, therein to be expressed, not less than thirty days, nor more than six months, from the time of making such order, why letters of administration shall not be granted to the person or persons making such application; which order shall be published in such manner as the surrogate making the same shall direct.

Sec. 2. *And be it enacted*, That if the person or persons making such application shall, at the time and place designated for that purpose as aforesaid, prove, to the satisfaction of the surrogate, that the said order has been duly advertised and published, in manner therein directed, and if no sufficient cause shall appear, or be shown to the contrary, it shall and may be lawful for the said surrogate to grant letters of administration of the estate of the said intestate to the person or persons making application as aforesaid, upon his, her, or their giving bond to the ordinary or surrogate general of this state, with security for the faithful administration of the estate of said intestate, in the same manner as is now required by law in granting letters of administration in other cases.

In what case surrogate may grant letters of administration.

Sec. 3. *And be it enacted*, That this act take effect immediately after the passage thereof.

Act to take effect immediately.

Passed February 26, 1838.

AN ACT to incorporate the New Jersey Association for the Insurance of Houses and other Buildings from loss by Fire.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That Amos Hendrickson, Joseph Hendrickson, Robert Vanderbeck, George Thorn, Allen Middleton, Samuel Middleton, Asa Middleton, John Radford, Nathan Satterthwait, George Middleton, and Phineas S. Bunting, and

Names of incorporators.

Style of incorporation.

General powers.

Time and mode of electing directors.

Directors to be residents of N. Jersey.

First directors.

their associates, their successors and assigns, be, and they are hereby constituted and appointed a body politic and corporate, in fact and in name, by the name of "the New Jersey Association for the Insurance of Houses and other Buildings from loss by Fire;" and by that name they and their successors shall have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of causes and matters whatever; and may have and use a common seal, and the same alter and renew at pleasure; and shall be capable of purchasing, taking, receiving, holding, and conveying all estate, real and personal, necessary for the purposes of said company, or which may be mortgaged or conveyed to it in security or satisfaction of debts, or purchased at sales on judgments, orders, or decrees obtained on account of such debts.

Sec. 2. *And be it enacted*, That the members of said company shall hold an annual meeting in each year on the first Monday in May, at one o'clock in the afternoon, at the village of Crosswicks, or at such other time and place as a majority of them may at any annual meeting direct, and shall then and there elect the directors of said company for the ensuing year; and when said election is over may proceed to other business, a part of which shall be to settle and determine a compensation for the services of the directors.

Sec. 3. *And be it enacted*, That the property and concerns of the said company shall be managed and conducted by eleven directors, who shall be residents of New Jersey, and shall be chosen by ballot at the annual meeting before mentioned, by the members of said company; the directors shall appoint three members of said company judges and managers of the election, who, or any two of them, shall, under their hands, report to the annual meeting of members before mentioned the names of the persons duly elected directors; and the following persons, viz., Amos Hendrickson, Joseph Hendrickson, Robert Vanderbeck, George Thorn, Allen Middleton, Samuel Middleton, Asa Middleton, John Radford, Nathan Satterthwait, George Middleton, and Phineas S. Bunting shall be the first directors of said company, whose powers and duties shall commence immediately; and they shall continue in office until the first annual meeting of the members of said company and until others are chosen in their stead.

Sec. 4. *And be it enacted*, That the directors for the time being, chosen or appointed as aforesaid, (any six of

whom shall be a quorum to transact business) shall, in the first place, proceed to choose, out of their own number, a president, secretary, and treasurer; and they shall also have power to appoint one or more clerks, messengers, surveyors, and other agents, as they may deem necessary, and to remove or suspend them at pleasure, and also to fix their compensation and take such security of them for the faithful performance of their trust as they may deem proper; they shall from time to time order and direct the making and giving out of policies, place out and take in, secure and improve, the moneys of the company, direct the president to give orders on the treasurer for disbursements of the contingent charges and expenses of the company, and satisfying such losses as may occur, within the rules and regulations of the company to be discharged; they shall examine and settle the treasurer's accounts, and report the same to the annual meeting of the members of said company, so stated as to exhibit a summary of the moneys received and paid out during the year, and the balance for or against the company; they shall keep regular minutes of their proceedings, and exhibit them to said annual meeting, in order that the members of said company may have a knowledge of the concerns thereof, and the manner in which its business is conducted; they shall also make by-laws, rules, and regulations for the government of said company; *provided* the same be consistent with the laws and constitution of this state and of the United States.

Quorum of directors.

Directors to appoint officers of company.

Powers of directors.

Books to be exhibited at annual meetings.

Proviso.

Sec. 5. *And be it enacted*, That the directors for the time being of the said company shall meet at least once in six months, and oftener if necessary, at such time and place as they, or a majority of them, may select, for the purpose of transacting the business of said company, and may adjourn their meetings from time to time, as they may deem proper; and in case any of the directors shall die or refuse to act, or neglect to meet and act with the board for two successive regular meetings, which shall be deemed to be a refusal to act, then the directors may thereupon proceed to choose some other member or members of said company to act in the place of the director so deceased or refusing or neglecting to act, and such director so chosen shall have the same power and privileges, and shall perform the same duties and services, as those elected at the annual meeting, and shall so continue until the next succeeding annual election and until others are chosen in their stead; and said directors shall have power, and are hereby required to demand and take of the treasurer of said company, proper security, by bond or otherwise, for the faithful perform-

Mode of supplying vacancies.

Treasurer to give security.

ance of his duties, in such sum as they may think proper ; and said directors shall also fix and allow the treasurer a just compensation for his services.

What property
may be insured.

Sec. 6. *And be it enacted*, That the said company shall have full power and authority to insure the houses and other buildings of any of the members of said company against loss or damage by fire, also all goods and chattels in the same, according to such by-laws and rules as they may adopt.

Holders of poli-
cies members of
company.

Terms of ob-
taining policies.

Sec. 7. *And be it enacted*, That every person or persons taking out any policy or policies of insurance according to the rules of said company, shall be deemed a member thereof; and every person or persons so taking out such policy or policies, shall first deposit with the treasurer of said company at least at the rate of one dollar and fifty cents on every hundred dollars insured ; and the rate of insurance may be raised by the directors, if in their opinion the property to be insured is such, from its situation, combustible nature, or other cause, as that the safety of the company in their opinion requires a higher rate of insurance, which deposit money shall be returned to the person or persons depositing the same, his, her, or their executors, administrators, or assigns, at the expiration of his, her, or their policy or policies, after deducting out of the same a ratable proportion for all losses sustained, for expenditures on account of incidental and other proper charges and expenses, and also ten per cent. on the original amount deposited ; *provided*, that the said deposit money shall be demanded within two years after the expiration of the policy or policies on which the same was paid, and in default of such demand within that time, if the policy or policies shall not be renewed during that period, then such deposit money shall be forfeited for the benefit of the company ; *and provided also*, that when any transfer of any property on which the building or buildings insured are erected shall be made, and the policy of insurance not transferred therewith, then the owner or owners of such policy shall bring the same to the office of said company to be cancelled, and shall be thereupon entitled to receive the original deposit money, subject to the deductions before mentioned.

Proviso.

Proviso.

Stock security
for payment of
policies.

Sec. 8. *And be it enacted*, That all and every person and persons insuring in said company shall have the stock of the company as a security for the payment of any moneys that may be entitled to under his, her, or their policy or policies, for or on account of loss or damage by fire ; and if such loss occasioned by one fire, or more than one, hap-

pening before the extinguishment of the first, shall amount to more than the whole stock of said company, in such case the several sufferers shall receive a share of the dividend of said stock, in proportion to the sum they may be severally entitled to under their respective policies.

Sec. 9. *And be it enacted*, That all and every person or persons insuring in said company shall have one or more policies, as the case may require, under the seal of the said company and the hands of the president, secretary, and treasurer thereof; and such insurance shall be good from the time of making the deposit before mentioned, and paying the charges and expenses attendant thereon, to the time of the expiration of the term of such policy, and no longer; but in case of the total loss of the property insured, the policy shall, upon the payment of such loss, or upon the rebuilding of the property, as hereinafter provided, be delivered up to said company, who shall retain the deposit money for their own use, and the insurance shall thenceforward cease and be of no effect; and if any person or persons shall assign or transfer any policy or policies of insurance, such assignment or transfer shall be lodged in the office, there to be entered within sixty days next after such assignment or transfer, and in default thereof the benefit of insurance shall be lost.

Regulations respecting policies.

Sec. 10. *And be it enacted*, That all and every person having property insured in said company, who shall sustain loss or damage by fire in the property so insured, shall give immediate notice to the president or treasurer of said company, in order that the directors, their officers, or agents may examine and inquire into the same; and it shall be the duty of the said directors in all cases of partial loss, either to repair the same without delay or to pay the estimated damages thereof, within thirty days after the amount is agreed to by the parties or ascertained by arbitration or otherwise.

Immediate notice to be given of loss by fire.

Duty of directors on ascertaining loss by fire.

Sec. 11. *And be it enacted*, That, to prevent frauds and avoid inconveniences, no person or persons insuring their property in said company shall receive benefit from the same if such property is insured in any other office or place, unless such insurance is made known to the directors, their approbation obtained, and an endorsement to that effect made upon the policy of said company.

Policy void, if property is also insured elsewhere.

Sec. 12. *And be it enacted*, That this act shall take

Legislature may
alter or repeal
this act.

effect immediately; *provided nevertheless*, that the legislature reserve the right to alter or amend this act whenever the public good may require it.

Passed February 26, 1838.

AN ACT for the relief of Robert Phares, of the county of Burlington.

Pension of \$60
per annum to
R. Phares.

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 unto Robert Phares, of the county of Burlington, a soldier in the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the first day of March next.

Passed February 26, 1838.

A SUPPLEMENT to an act entitled, "An act to incorporate the Belvidere Manufacturing Company," passed the twenty-sixth of February, eighteen hundred and twenty-eight.

Additional powers
granted to
the company.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That, in addition to the privileges and powers granted to the said company by the first section of the act to which this is a supplement, John Kinney, jun., Peter Klinehance, John P. B. Maxwell, and William P. Robeson, and their

associates, be empowered and authorized to manufacture iron, wood, and flour, as fully as by the said act the said company are authorized to manufacture other articles.

Passed February 26, 1838.

A SUPPLEMENT to the act entitled, "An act to incorporate the New Jersey Insurance Company, in the county of Essex."

Sec. 1. 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 corporation shall have full power and authority to make and cause themselves to be reinsured against any risk, of whatever kind, upon which they may have made insurance, and upon the interest which they may have in any grants they may have made, or upon any insurance they may hereafter make.

Corporation
may reinsure
property in o-
ther companies.

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

Passed February 26, 1838.

AN ACT to incorporate the Port Colden Mutual Fire Insurance Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Strader, jun., Samuel Shields, William M. Warne, Samuel C. Bowlby, John Opdycke, Cornelius Stewart, William C. Dusenbery, Cornelius Benjamin, William B. McCullough, Peter Wyer, John B. Woolston, Thomas Jefferson, John Gibson, John A. Wright, and Joseph Carter, sen., with such persons as shall hereafter be

Names of corpora-
tors.

Style of incorporation.

admitted members in the manner hereinafter provided, shall be, and they hereby are created and made a body politic and corporate, by the name, style, and title of "the Port Colden Mutual Fire Insurance Company;" and they and their successors are hereby ordained and declared a body politic and corporate in fact and in law, with all the legal incidents to a corporation aggregate.

Time and mode of electing managers.

First managers.

Sec. 2. *And be it enacted*, That on the first Monday in April next, and on the same day of each year thereafter, the said members of the said corporation shall convene for the election of managers of the said company, who shall continue in office for one year and until successors shall be duly chosen; and in the event of a failure to elect on the day herein appointed, the election shall be held as soon thereafter as practicable, giving at least ten days' notice of the time and place of election; and that until the first election hereby authorized, and until successors shall be chosen as herein directed, John Strader, jun., Samuel Shields, William M. Warne, Samuel C. Bowlby, John Opdycke, Cornelius Stewart, William C. Dusenbery, Cornelius Benjamin, William B. McCullough, Peter Wyer, John B. Woolston, Thomas Jefferson, John Gibson, John A. Wright, and Joseph Carter, sen., shall be the managers of the said company, with power to transact all the business hereafter enjoined upon the managers of the said corporation.

How meetings of the company may be convened.

Managers to appoint officers.

Sec. 3. *And be it enacted*, That general meetings of the company shall be held whenever called by the board of managers, or whenever requested by twenty members; and the members shall, at such general meetings, pass all by-laws, rules, and regulations necessary for the well government of the affairs of the corporation, or vest the power so to do in the board of managers, whenever it shall be deemed advisable to do so; and all elections shall be by ballot, each member being entitled to one vote, to be conducted by three judges, chosen by the existing board of managers for that purpose, who shall certify, under their hands, the result of such election, to be filed with the papers of the corporation; the managers for the time being shall choose one of their members for president, and they shall, also, from time to time, as it shall be found necessary, choose a secretary and treasurer, one or more surveyors, and other agents and officers, and fix their respective fees and salaries, as shall be deemed necessary for the transaction of the business of the corporation, and shall have power to suspend, remove, or displace all or any of the agents or officers of the company by them appointed, and to supply any vacancy which may

happen by death, resignation, or removal, either in the board of managers (until the next election) or in the other officers of the company; and they shall, at the annual meeting to be held for the election of managers, present to the company a general statement of its affairs.

Annual statement of affairs to be made to company.

Sec. 4. *And be it enacted*, That the president and managers shall have power, on behalf of the said corporation, to make insurance against losses by fire on any house, tenement, manufactory, or other buildings, and on goods, wares, merchandise, and effects therein, and on hay, grain, and other agricultural products, in barns, stacks, or otherwise, and generally on all kinds of buildings, and of goods, wares, merchandise, and effects upon the land, and to make, execute, and perfect such and so many contracts, bargains, agreements, policies, and other instruments as shall or may be necessary, and as the nature of the case shall or may require; and every such contract, bargain, agreement, and policy to be made by the said corporation shall be in writing or in print, and shall be under the seal of the said corporation, signed by the president, and attested and signed by the secretary or other officer who may be appointed by the president and managers for that purpose, and also by the party insured.

Powers of managers.

How policies are to be made.

Sec. 5. *And be it enacted*, That it may be lawful for the said corporation to employ and improve all moneys received for premiums, and the profits thereof, in the funded debt of the United States, or of any of the United States, or of any city or incorporated borough of this state, or in the stock of any chartered or incorporated bank, or in the stock or loan of any chartered or incorporated canal, navigation, bridge, or road company, or of any company that now is, or hereafter may be incorporated by this state or the United States, or in the purchase of any groundrents or mortgages, or in any loans on good and sufficient security, for answering the contingent charges of the corporation, and satisfying such losses and damages as shall happen in and to the same; *provided*, that nothing herein contained shall in any way be construed to authorize the said company to use the funds of this institution for banking purposes, or for any other purpose not plainly indicated by this act.

Moneys may be invested in stocks, &c.

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Sec. 6. *And be it enacted*, That it may be lawful for the said corporation to appropriate so much of the said premiums as may be necessary, not exceeding the sum of five thousand dollars, to put down and lay aqueducts from certain springs of water situate near Port Colden, on lands of John Gibson, to the said town, for the purpose of conveying

\$5000 may be applied to the construction of aqueducts.

Proviso.

the water therein, in as straight a course as may be practicable; and that the said company may lay the said aqueducts, and at all times when necessary repair the same, or others that may be put in their place, which they may hereafter lay and keep in repair; *provided nevertheless*, that not any thing in this act contained shall be so construed as to authorize the said corporation, their agents, or any of them, to take and use the waters from the springs of water of the said John Gibson, or to enter on his lands, or the lands of any other person or persons, for the purpose of laying aqueducts, or of repairing the same, without the consent in writing of the owner or owners thereof first had and obtained.

Company may contract for the use of water.

Sec. 7. *And be it enacted*, The said company are hereby authorized to contract with any person or persons for the use of said water, on such terms as may be mutually agreed upon between said parties.

Penalty for injuring springs or works.

Sec. 8. *And be it enacted*, That any person or persons who shall wilfully disturb, injure, or in any way obstruct the spring or springs or the water or watercourses belonging to the said company, or injure or disturb the logs, pipes, or fixtures belonging or in any way appertaining to the aqueducts, may be sued in an action on the case, by said company, in any court within the state having cognizance of the same, and judgment may be recovered against him, her, or them for triple the amount of damages done, with costs.

Premiums pledged as security, &c.

Sec. 9. *And be it enacted*, That the premiums paid by each and every person shall be and remain as a pledge for the performance of his, her, or their covenants, which deposit money shall be returned to the depositor who may withdraw from the company, his executors, administrators, or assigns, at the expiration of the policy on which it has been deposited, together with a proportionable dividend of the profits in the meantime, after deducting losses and incidental charges; but if the deposit money shall not be demanded within three years after the expiration of a policy, the deposit money shall be forfeited for the benefit of the company.

Assignment of policies.

Sec. 10. *And be it enacted*, That in case any person or persons assured and named in any policy or contract of insurance made by the said corporation, shall sell, convey, or assign the subject insured, it shall be lawful for such assured to assign and to deliver to the purchaser such policy or contract of insurance, and such assignee shall have all the benefit of such policy or contract of insurance, and may bring and maintain a suit in his own name; *provided*, that before

Proviso.

any loss happens, he shall obtain the consent of the president or secretary to such assignment, and have the same endorsed on or annexed to such policy or contract of insurance, to be according to the aforesaid directions for that purpose, and not otherwise.

Sec. 11. *And be it enacted*, That each and every person or persons insuring in said company shall stand bound, and be obliged to pay his, her, or their proportion, according to his, her, or their deposits, of all losses happening in and to the same, during the limit for which he, she, or they had insured.

Insurers to pay
their proportion
of loss.

Sec. 12. *And be it enacted*, That the net profits arising, by interest or otherwise, to every member in the proportion to his, her, or their deposit, shall be ascertained yearly, and for which each member shall have credit in the company's books, payable only at the cancelling of their policies, to such members as withdraw from the company, after deducting the proportionable share of losses and incidental charges.

Disposition of
profits.

Sec. 13. *And be it enacted*, That the managers for the time being shall, with convenient expedition after any loss sustained, settle a rate of contribution in proportion to the amount deposited, and publish the same in such manner as they shall think fit, and that when such rate or rates shall exceed the dividend or dividends of interest or profits on the amount of money deposited, all and every of the members of the company shall pay into the hands of the treasurer his, her, or their proportionable part of such rate or rates within sixty days after such publication as aforesaid, and in default of such payment, he, she, or they, and every of them making such default therein, shall forfeit and pay double the said rates, and neglecting to pay the said forfeiture for thirty days more, shall or may, by the managers for the time being, be excluded and debarred from any benefit or advantage from his, her, or their insurances respectively, and all right to the stock of this company, and shall notwithstanding be liable to the said rates, pursuant to his, her, or their covenants and agreements.

Mode of settling
for losses sus-
tained.

Sec. 14. *And be it enacted*, That the managers shall have power to reward, out of the company's stock, such as are voluntarily and usefully active in dangerous cases to extinguish fire.

Managers may
reward persons
extinguishing
fires.

Sec. 15. *And be it enacted*, That the legislature may at any time hereafter alter, modify, or repeal this act, when the public good may require it.

Act may be al-
tered, &c.

Passed February 26, 1838.

AN ACT to enable the owners of the swamps and bog meadows lying in the Great Swamp, in the county of Morris, to drain the same.

Preamble.

WHEREAS it is represented to this legislature, that there are large bodies of bog meadow and swamp land lying in the Great Swamp, and on the Passaic river, adjoining the swamp, in the townships of Chatham and Morris, in the county of Morris, in this state, containing between three and four thousand acres, in a waste and unproductive state, and which, if properly drained and reclaimed, would be valuable and productive, and the surrounding country rendered much more healthy, and its agricultural products greatly increased. And whereas no existing law of the state will enable the owners thereof effectually to drain and reclaim the same, and part of said owners, by their petition, having prayed legislative aid in the premises—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of the bog meadows and swamp land

Time and mode
of electing managers of the
Great Swamp
Meadow Co.

lying in the Great Swamp, and on the Passaic river, adjoining the swamp, in the townships of Chatham and Morris, in the county of Morris, which said owners and possessors shall hereafter be denominated and known by the name of "the Great Swamp Meadow Company," to meet at the house of William High, on the first Monday in April, at two o'clock in the afternoon, and yearly thereafter on the same day and hour, and at such place as may by a majority of votes of the said owners and possessors present be decided upon, and on failure of such appointment, where the last meeting was held, then it shall be lawful for any five of the said owners or possessors, by public advertisement under their hands, set up in three of the most public places in the neighbourhood of said lands, and giving eight days' notice, to call a meeting of said owners and possessors at the place where the last annual meeting was held, and then and there elect by ballot, either in person or by proxy, five managers, who are to serve until the next meeting, or until others be chosen; and in case of the death, removal, inability, or refusal to serve of the said managers, or either of them, then it shall be lawful for any five of the owners or possessors to advertise and proceed, in manner above pre-

scribed, to elect one or more managers, as the case may require ; and at all such elections each owner or possessor of such swamp or bog meadow shall have one vote for every five acres held by him, and one additional vote for every additional ten acres.

Sec. 2. *And be it enacted*, That it shall be the duty of said managers, chosen as aforesaid, as soon as convenient after their appointment, to proceed, if necessary, with the assistance of a surveyor or surveyors, to measure, ascertain, and determine each owner's or possessor's number of acres of swamp and bog meadow ; and they shall further ascertain and determine the proportion that each owner or possessor shall pay, per acre, of any sum of money which shall be raised, as hereinafter provided, according to the proportion of benefit which, in the judgment of the said managers, or a majority of them, the said owners or proprietors will eventually receive, and make a regular return, plot, and drawing of the same, upon which shall be entered the rate or proportion of such assessments or determinations aforesaid, and, after certifying the same under their hands, and filing a true copy thereof in the office of the clerk of the county of Morris, there to remain of record, they shall retain the original in their possession during their continuance in office, and upon the expiration of such time, deliver the same to their successors in office ; which return shall be received as evidence of each person's possessions, and all assessments and votes shall be made and given thereby.

Managers to ascertain each owner's number of acres, and the sum he shall pay per acre.

Survey to be made, and copy filed in clerk's office of Morris county.

Sec. 3. *And be it enacted*, That the said landowners and possessors, at the time of the election of said managers, yearly and every year, shall appoint three freeholders, resident in the townships of Chatham or Morris, not interested in said land, for commissioners of appeal, to meet at such time and place as the managers shall appoint for that purpose, to hear and determine all appeals that may be made to them by the landowners for any assessment that may be made against them under this act ; and if it appear to them that such person or persons are overtaxed, to strike off such sum or sums as appear too much, and the decision of the said commissioners, or any two of them, shall be conclusive to the parties ; and that it shall be the duty of the said managers, after having assessed the said land, and given written notice to each one residing in the townships of Chatham or Morris, to advertise for twenty days, by setting up five notices in the neighbourhood of said land, giving notice of the time and place for the meeting of the

Landowners annually to appoint commissioners of appeal.

said commissioners; but the expense of ascertaining the quantity of swamp land each person is possessed of, in cases where the quantity is disputed, shall be borne by such owner or possessor.

Remedy for delinquencies in the payment of sums assessed by managers or commissioners.

Sec. 4. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid, shall neglect, for the space of thirty days after the time of the meeting of the commissioners of appeal, to pay the money so taxed against them, then it shall be lawful for the managers, or one of them, to make return of the name or names of the person or persons, with the sum he, she, or they were taxed, or which shall be determined to be due by the said commissioners of appeal, to any justice of the peace in the county where such person or persons reside, which justice, upon the oath of one of the managers that the tax has been demanded, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him, within thirty days, to seize upon the goods and chattels of such delinquent or delinquents, and to make sale of the same, or so much thereof as may be sufficient to pay the sum assessed, together with costs, and to pay the same to the managers, or one of them; and the justice and constable shall receive the same fees, and be liable to the same penalties, as for the issuing and serving an execution in debt in the court for the trial of small causes.

Powers and duties of managers.

Sec. 5. *And be it enacted*, That the said managers are hereby authorized and empowered to break up and remove the reefs, loose stones, logs, and obstructions in the Passaic river, and widen the same, if necessary, above the head of the mill-pond of the Doughty mills, now owned by Mr. Dunn, or Dunn and company, being in the township of Morris, in the county of Morris, and the township of Bernards, in the county of Somerset, along the course of said river, where necessary, to the mouth of Black brook, above the bridge called the White bridge, and to ditch and clear out the stream called Black brook, from the river to the head thereof; and that the said managers are hereby authorized to lay out, if necessary, a new ditch or ditches from any point of the said Black brook to said river, in order to shorten the watercourse of said brook, or to lay out ditches across the bends of said brook, which ditch or ditches may be of such dimensions as they may judge necessary to convey the water from said swamp to the other passages for the same; and that the said managers are hereby authorized to take, use, occupy, and possess a sufficient portion of land adjoining each bank of said river and Black brook, on which

to lay the roots, stones, logs, and other substances that may be removed from the channel of said river and brook, and to have free ingress and egress for themselves and their teams and workmen through any part of said lands, when necessary for the purpose, doing as little damage to the owners of said land as reasonably can be done; and that the said company shall become possessed of, and may sell the old wood, logs, or materials obstructing the said river Passaic within the limits specified, which they shall remove from said river, where the materials are not claimed and proved to be the property of individuals; and, if claimed and proved, the persons claiming the same shall pay a reasonable sum for the removing of said materials, before taking them away.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said managers, and they are hereby authorized and empowered, to lay out a ditch from the head of Black brook, where they may have cleared said brook out, to, along, and through the Great Swamp, in such parts and in such directions as will best drain and carry off the water from said swamp, and will best accommodate all the landholders in said swamp, from the head of Black brook, as specified, through the whole length of said swamp to the upland at the northeast end of said swamp, to the lands owned by Isaac Meeker, or near there; and that where the swamp is so wide that one main ditch will not be sufficient to drain the said swamp, they may lay out other main ditches, and as many as they may judge necessary, leading into Black brook or the first specified ditch, and running in such directions on either or both sides of the said first stated main ditch to the upland, or near there, as will be necessary to convey the water from the said swamp, so as to drain the same; and that such ditches may be laid out and dug of such size and dimensions as the said managers may think necessary for effectually draining the said swamp; and that they may direct and have the earth thrown on both or either side of said ditch or ditches, as they may judge necessary; and that, in laying out said ditches, they shall lay them in such directions and of such distance apart as will best drain the said swamp and will equally accommodate all the landowners and possessors who may want immediately to improve their land; and that the said managers, hereafter to be appointed, and their successors may from time to time, and whenever they may judge it necessary and the landowners wish to improve their land, provide and lay out the ditches hereby authorized to be laid out.

Managers authorized to lay out ditches thro' certain lands, to drain the swamp

Regulations respecting the ditches and drains.

Sec. 7. *And be it enacted*, That it shall be the duty of

Managers may remove obstructions in river Passaic.

the said managers and their successors, and they are hereby authorized and empowered from time to time, and at all times when it shall be necessary, to clear out any obstructions in the said river Passaic within the limits herein before particularly mentioned, and also any obstructions in the said Black brook and in any ditch or ditches they may dig, or cause to be dug, in pursuance of this act, so as to enable the owners of said land always to drain the same, and to assess, from time to time, and to collect all such moneys as may be necessary to defray such expenses, taking care to assess the money on the lands benefited by such clearing out of the river, brook, or ditches.

Owners may pay their assessments by labour.

Sec. 8. *And be it enacted*, That the owners and possessors, and each and every of them, shall be at liberty to work to the amount of the assessment (to them individually assessed) on or adjoining their respective lands, under the direction of one or more of the managers, provided the said owner or possessor shall give notice to the managers, in writing, on or before the time of his having notice of the taxes assessed against him, which notice shall be recorded by the said managers in a book kept for that purpose; and the said owner or possessor shall be allowed a reasonable compensation, to be adjudged by the managers.

Managers to appoint officers.

Sec. 9. *And be it enacted*, That the said managers shall procure a book or books, to be kept by them, in which shall be recorded the proceedings of the several meetings of the owners and possessors aforesaid, and also the proceedings of the managers; and that they have power to organize their board of managers, by the appointment of a president of their board, secretary, and treasurer, annually or after each election for managers; that they have power to make such by-laws as they may think necessary, not repugnant to the laws of this state or of the United States; and that the said managers shall lay the said books of proceedings and vouchers before the said landowners, at their meeting annually; and that the said managers and officers of the board, for the services performed under this act, shall have such compensation, and receive such pay, as the landowners and possessors shall direct at their annual or other meeting, and shall make a report of their proceedings and of the funds in their hands at such annual meeting.

Books of accounts to be exhibited annually to landholders.

Other lands benefited by the draining may be included in the company.

Sec. 10. *And be it enacted*, That the managers are hereby authorized, in case they should find lands benefited by such clearing out of the river or brook, as specified, or by the ditches they have or may dig, or cause to be dug, for the draining of the said swamp, and which was not first put in

the list or plot of land laid out, to take into the said list or plot of land such lands so discovered, or which the owners wish to improve, and to assess the same, and collect the taxes, as in case of other lands assessed under this act.

Sec. 11. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall in any way fill up, stop, or obstruct the free course of the waters of said river, brook, ditch or ditches, cleared out and ditched by virtue of the provisions of this act, within the limits specified aforesaid, he, she, or they so offending shall forfeit the sum of twenty dollars, to be recovered in an action of debt, with costs of suit, by said managers, in any court having cognizance thereof, to be applied to the purposes aforesaid; and that this act take effect immediately from the passage thereof.

Penalty for injuring works or obstructing watercourses.

Act to operate immediately.

Passed February 26, 1838.

AN ACT to incorporate the Trenton Gas and Insurance Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be, and hereby are constituted and made a body politic and corporate in law and in fact, by the name of "the Trenton Gas and Insurance Company," and by that name shall be known in law, and shall have power to sue and be sued, defend and be defended, in all courts and places whatsoever; and may also purchase, take, have, hold, possess, and enjoy, to them and their successors, all lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purposes of this incorporation, and the same to grant, demise, alien, sell, and dispose of at pleasure for the benefit of said company; and may also have and use a common seal, and alter and renew the same at pleasure, and also make and establish such by-laws and regulations as shall seem necessary and expedient for the government and well ordering of

Style of incorporation.

Powers.

Proviso.

said company and their concerns, and to put the same into execution; *provided* the same be not inconsistent with the laws of this state or of the United States.

Amount of capital stock.

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

Manner of paying subscriptions.

Sec. 3. *And be it enacted*, That the sums subscribed shall be paid to the persons hereinafter mentioned in the following manner, viz: five dollars, at least, on each share at the time of subscription, and the remainder at such times, and in such instalments, not exceeding ten dollars at any one time, as the president and directors may appoint.

Notice to be given when instalments are to be paid.

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

Stock forfeited on failure to pay instalments.

Nine directors to manage affairs of company.

Sec. 5. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by nine directors, who shall hold their offices, respectively, for one year and until others are chosen and qualified to act in their stead, and no longer, but said directors, or any of them, shall be capable of a re-election; and said directors shall at all times be stockholders in said company, and at least two-thirds of them shall be citizens of New Jersey; and hereafter the directors of said company shall be elected on the last Tuesday of January, in each and every year, at such hour of the day, and at such place in the city of Trenton, as the board of directors for the time being shall direct, of which election public notice shall be given in the newspapers printed in the city of Trenton, for at least three weeks previous to the time of holding the same; and every such election shall be made by ballot, and shall be determined by a plurality of the votes of the stockholders then present and voting, each stockholder being entitled to one vote for each share, either in person or by proxy, but no share shall entitle the holder thereof to vote

Time and mode of electing directors.

unless the same has been held by him at least twenty days next preceding such election; and the first directors of said company shall be Lewis P. Higbee, John Titus, Samuel McClurg, Joseph Wood, Joshua Hollinshead, Zachariah Rossell, Jacob Kline, Philemon Dickinson, and William Grant, who shall respectively hold their offices until the last Tuesday in January, in the year of our Lord eighteen hundred and thirty-nine, and until other directors are duly chosen and qualified to act in their stead.

First directors.

Sec. 6. *And be it enacted*, That the directors herein before mentioned shall, as soon as convenient after the passing of this act, and the directors to be annually chosen agreeably to the provisions of this act shall, as soon as convenient after their election, proceed to choose, out of their own body, one person to be president, who shall be a resident of the county of Mercer, and shall preside until the next annual election thereafter; and in case of the death or resignation, or the refusal or inability to serve, of the president or any director of said company, the vacancy occasioned thereby may be filled, for the remainder of the term, by such person as the directors then in office, or a majority of them, 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 such powers and perform such duties as the by-laws of said company may provide; *provided*, that the president of said company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

President to be elected.

Vacancies, how supplied.

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

Directors to appoint officers.

Sec. 8. *And be it enacted*, That Isaac Southard, Joseph Wood, Benjamin Fish, Joshua Hollinshead, and Zachariah Rossell be the commissioners to open the books for subscriptions to the capital stock of said company, whose duty it shall be to give at least three weeks' notice thereof, by publishing the same in the newspapers of the city of Trenton, therein naming the time and place where said books are to be opened, and shall keep said books open from day to day, for at least three days, unless the whole stock shall be sooner subscribed: the commissioners named shall appoint one of their number to be the receiver of all moneys paid

Books to be opened for subscriptions for stock.

thereon, who shall deposit or dispose of the same at the expiration of three days from opening the books as aforesaid, as the directors may by resolution direct.

Objects of incorporation.

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

Company may manufacture and dispose of gas, &c.

Sec. 10. *And be it enacted*, That said company shall also have the power to engage in the manufacture or distillation of gas, from coal or other matter, and such gas, together with coke and all other products of distillation from coal, to sell, distribute, and dispose of to the said city of Trenton and to individuals, and all incorporated or other companies who may desire the same; and shall also have authority to erect, make, and purchase all necessary buildings, fixtures, pipes, machinery, and other apparatus whatever, necessary or convenient for the purposes aforesaid; and shall also have authority to take, carry, or conduct any iron, wooden, or any pipe, through the streets in the city of Trenton.

Manner in which policies are to be executed.

Sec. 11. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by said company, may be made either under or without the seal thereof, and shall be subscribed by the president pro tempore or by such other person as may be designated for the purpose by the by-laws of said corporation, and shall also be attested by the secretary, and, being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent, and meaning of this act and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested, and executed, and the business of the said company may be otherwise conducted and carried on, without the presence of the whole board of directors, but by such committee, or otherwise, as said board may direct, and the same shall be binding and obligatory on the said company.

President to appoint judges of election.

Sec. 12. *And be it enacted*, That, for the well regulating and conducting of the election of directors, the president for the time being shall previously thereto appoint three

stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same; and five directors shall constitute a quorum for the transaction of business.

Sec. 13. *And be it enacted*, That the board of directors, or any number of stockholders being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of the company, previously advertising the time and place of said meeting, and the object thereof, for at least three weeks in one or more of the newspapers published in the city of Trenton.

By whom meeting of stockholders may be called.

Sec. 14. *And be it enacted*, That it shall and may be lawful for said company to purchase and hold such and so much real and personal estate as shall be necessary for the convenient and proper conduct of their business, and to enable them to carry out the objects of this act; and also to take and hold any real estate or securities mortgaged or pledged to said company, or to secure the payment of any debt which may be contracted with the said company; and also to proceed on the said mortgages or securities for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee or owner of mortgage 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 to receive in any other way any real or personal 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 otherwise dispose of it; *provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds, or money thereof for or in any banking operations; but it shall nevertheless be lawful for said company to purchase and hold any stock or funded debt, created or to be created under the laws of the United States or of any of the individual states, for the purpose of investing therein any part of their capital stock, funds, or money, and also to sell and transfer the same, and again renew such investments, when and as often as the exigencies of said company or a due regard to its interests may require; and also to make loans of their capital stock, funds, or moneys on bonds and mortgages, and the same to call in and again-reloan as aforesaid.

What real and personal estate may be held by company.

Funds not to be employed in banking.

Sec. 15. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so

Semi-annual dividends may be made.

much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders or their legal representatives; but the dividends shall at no time exceed the amount of clear profits made by the company, but the capital stock shall be and remain unimpaired.

Statement of affairs of company to be annually exhibited.

Sec. 16. *And be it enacted*, That at the annual meeting for the choice of directors, a statement of the affairs and business of the company for the preceding year shall be made out, and submitted to the inspection of the stockholders; and the said board of directors shall cause to be kept at their office, or the office of the company, proper books, in which shall be entered fairly and truly all the accounts and transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Books open to inspection of stockholders.

Stock personal estate.

Sec. 17. *And be it enacted*, That the stock of said company shall be deemed personal property, and shall be assignable and transferable according to such rules and regulations as the board of directors may from time to time establish.

Public act.

Act may be altered or repealed.

Sec. 18. *And be it enacted*, That this act shall be deemed a public act, and shall take effect immediately; *provided nevertheless*, that the legislature reserve the right to alter, amend, or repeal this act, whenever the public good may require the same.

Passed February 26, 1838.

A SUPPLEMENT to the act entitled, "An act to incorporate the Plainfield Mutual Assurance Fire Company," passed February fifteenth, eighteen hundred and thirty-four.

Part of former act repealed.

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 seventh section of the act to which this is a supplement, as prohibits any person from becoming a member of the said corporation after the expiration of two years from the passing of the said act, be, and the same is hereby repealed.

Passed February 26, 1838.

AN ACT to abolish the punishment of death in certain cases.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That after the passage of this act there shall be three degrees of murder: whenever the homicide shall be perpetrated from a premeditated design to effect the death of the person killed, or of any human being, it shall be murder in the first degree: when perpetrated by any act imminently dangerous to others, and evincing a depraved mind, regardless of human life, although without any premeditated design to effect the death of any particular individual, shall be murder in the second degree: when perpetrated without any design to effect death, by a person engaged in the commission of any felony, shall be murder in the third degree.

Murder to be of three degrees.

Definition of the several degrees of murder.

Sec. 2. *And be it enacted,* That every person guilty of murder in the first degree shall, on being thereof convicted, suffer death; that every person guilty of murder in the second degree shall, on being thereof convicted, suffer solitary imprisonment for life, at hard labour; that every person guilty of murder in the third degree shall, on being thereof convicted, suffer an imprisonment at hard labour for any term not exceeding twenty years.

Punishments for the several degrees of murder.

Sec. 3. *And be it enacted,* That any person so sentenced to imprisonment for life, shall be considered and esteemed civilly dead, and the same disposition shall be made of the estate of any such person so sentenced, as if he had died on the day sentence was pronounced; and any last will, testament, or codicil he may have made prior to that time shall take effect in the same manner as if he had died on that day.

Person sentenced to imprisonment for life to be esteemed civilly dead.

Sec. 4. *And be it enacted,* That so much of the act entitled, "An act for the punishment of crimes," or the supplements thereto, as comes within the purview of this act, be, and the same is hereby repealed.

Part of former act repealed.

Passed February 27, 1838.

AN ACT to incorporate the Schooleys Mountain 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 Ephraim Marsh, William N. Wood, Ira C. Whitehead, and John Marsh, and such other persons as may be hereafter associated with them, and their successors and assigns, shall be, and hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Schooleys Mountain Manufacturing Company," for the purpose of mining, and vending iron and other ores, of establishing and carrying on manufactures of iron and other articles, in the county of Morris, in this state; 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 and use 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 receiving, 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 Ephraim Marsh and William Gibbons, or either of them, at or in the vicinity of Schooleys mountain, in said county, and such other as may be necessary for the purposes for which this corporation is established; and likewise such other real estate 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 or decrees which shall have been obtained for such debts.

Sec. 2. *And be it enacted,* That the first above named persons, or either of them, shall have power to raise by subscription, in shares of one hundred dollars each, a capital of one hundred thousand dollars; but it shall nevertheless be lawful for the said corporation, when and so soon as twenty-five thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be 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.

When company may commence business.

Sec. 3. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall, after the first organization of the said company, be elected annually, on the first Tuesday of August in each year, at such time and place as the by-laws and ordinances of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than three weeks previous thereto, in a public newspaper printed in the county of Morris; and the election shall then and there be made by such of the stockholders as shall attend for the 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 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 directors for the time being, or a majority of them, shall appoint; *provided*, that all persons to be appointed directors shall be stockholders and citizens of the United States.

Time and mode of electing directors.

Directors to elect a president.

Proviso.

Sec. 4. *And be it enacted*, That in case it shall at any time happen that an election for directors shall not be made on the day on which pursuant to this act it ought to be made, the corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other 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.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, or may still be due on the stock they hold, at such time and in such proportions as they shall deem expedient, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in one of the newspapers printed in the county of Morris.

Stock forfeited on failure to pay instalments.

Powers of directors.

Sec. 6. *And be it enacted,* That a majority of the directors for the time being shall form a board or quorum for the transaction of business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear necessary and proper, touching the management and disposition of all such matters and things as pertain to the concerns of the said corporation.

Stock personal property.

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

Books to be kept.

Transfer books of stock to be kept.

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

When company may be organized.

Sec. 9. *And be it enacted,* That whenever the sum of twenty-five thousand dollars, as aforesaid, are subscribed, it shall and may be lawful for the subscribers to proceed to organize the said company, by the election of officers, in the manner prescribed in the third section of this act.

Restrictions.

Act may be altered or repealed.

Sec. 10. *And be it enacted,* That the corporation hereby created shall not use any part of their funds for banking or any other operations not clearly indicated by this act; and that the legislature may alter, modify, or repeal this act at any time hereafter, if in their opinion the public good requires it.

Passed February 27, 1838.

AN ACT to incorporate the Shrewsbury Mutual Fire Insurance 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 George A. Corlies, Gabriel West, Edmund West, John P. Lewis, Henry W. Wolcott, Thomas Thomas, Joseph E. White, Esek T. White, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic; in fact and in name, by the name of "the Shrewsbury Mutual Fire Insurance Company," the office thereof to be located in the township of Shrewsbury; and by that name they and their successors shall and may have succession during the continuance of this act, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatever; and that they and their successors may have a common seal, and may alter and change the same at pleasure; and also, that they and their successors, by the name of "the Shrewsbury Mutual Fire Insurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided*, that the lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold be only such as shall be requisite for the purpose of erecting buildings thereon in which to meet and transact the business of the said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagers, their heirs, or assigns, the corporation shall be bound to sell and dispose of the same, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of five years.

Names of corporators.

Style of incorporation.

General powers.

Lands to be sold within five years after acquired.

Sec. 2. *And be it enacted,* That the said corporation

Restrictions.

shall not directly or indirectly deal or trade in buying or selling any goods or commodities whatsoever, or in buying or selling any stock created by any act of the congress of the United States or any individual state, unless by purchasing for the purpose of investing its capital stock, or any part thereof, in the same, and in selling the goods and commodities and stock so purchased, or when such stock shall have been duly pledged to it by way of security of debts to the corporation or for the payment of their deposits.

Officers not to be officers of other insurance companies.

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

Time and mode of electing directors.

Sec. 4. *And be it enacted,* That all persons who now are members of the said corporation, or shall at any time hereafter insure in or with the said company, or be allowed so to do, shall be deemed and taken for members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by eleven directors, all of whom shall be citizens of this state, to be chosen by ballot by and from among the members, to hold their office for one year and until others are chosen to fill their places; and that the election for directors shall be held on the first Monday of January, in every year, between the hours of twelve and eight in the afternoon, at such place as the majority of directors for the time being shall appoint, and public notice shall be given by the secretary, by advertisements set up in four of the most public places within the township of Shrewsbury and in one or more newspapers, as the directors shall designate, at least ten days previous to the time of holding said election; and if any of the said directors shall die, or refuse to serve, or neglect to act in their said office for and during the space of six months successively, then and in every such case another director shall and may be chosen in the place of said director so dying, refusing, or neglecting to act as aforesaid, by a majority of the directors, or such of them as shall be present at their next meeting of the corporation after such vacancy shall happen, which person so appointed shall be a director until the next general election; and in case it should happen that an election of directors should not be held on any day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful, on any other day, to hold an election of di-

Corporation not dissolved for failure to elect on day prescribed.

rectors in such manner as the by-laws of the said corporation shall have prescribed; and until an election of directors shall be held according to the provisions of this section, the following persons shall be directors, namely, George A. Corlies, Edmund W. Allen, Gabriel West, John P. Lewis, John P. Corlies, Edmund West, Joseph E. White, George A. White, Jacob Dennis, Tunis Vandervere, and Thomas Thomas.

First directors.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said corporation to insure houses, stores, and other buildings, together with all kinds of household furniture, goods, wares, merchandise, and all other personal property, against loss or damage by fire.

What property may be insured.

Sec. 6. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, and touching all such other matters as appertain to the business, ends, and purposes which the corporation by this act is entitled to, and shall have power to appoint a secretary, surveyor, or surveyors, and such additional officers, clerks, and servants for carrying on the business of said corporation, with such allowances as to them shall seem meet; *provided*, that such by-laws, rules, and regulations be not repugnant to the constitution and laws of the United States or of this state.

Directors to appoint officers of company.

Proviso.

Sec. 7. *And be it enacted*, That the directors shall meet once in six months, and oftener if need be, at such time and place as the said directors shall appoint for the transacting the business of the said company; and all meetings of the directors and of the members shall be held in such place, and conducted in such manner, as shall be from time to time prescribed by the by-laws of the said corporation; and, at the general meeting of the members of the said corporation, it shall be lawful for said members to alter, amend, or repeal the by-laws, rules, and regulations which by this act are authorized to be made and prescribed by the directors; *provided*, a written notice shall have been given agreeably to the said by-laws; and the same shall not be altered, amended, or repealed, except at the annual meeting.

Meeting of members may alter or repeal by-laws.

Sec. 8. *And be it enacted*, That, at the first meeting of the directors held after the annual meeting of the members in each and every year, the directors shall choose from among themselves one person to be president, and one to be vice president, who shall continue in office until the next

President and vice president to be elected.

annual meeting and until others shall be appointed in their stead; it shall be the duty of the president to preside at all meetings of the company and directors, preserve order, and give the casting vote, sign all policies of insurance, all drafts and orders for the payments of money, and all obligations and other instruments ordered by the board of corporations; and in his absence, it shall be the duty of the vice president to perform his duties.

Transfer of policies.

Sec. 9. *And be it enacted*, That no transfer of any policy of insurance of the said corporation shall be valid until the same shall be entered into the books of the company and certified on such policy by the secretary.

Duties of the secretary.

Sec. 10. *And be it enacted*, That it shall be the duty of the secretary to give notice of all meetings of the corporation, to attend the same, to keep a faithful record of their proceedings, also an account of profit and loss, fill up all policies of insurance, countersign and seal the same with the seal of the said corporation, certify all drafts or orders of the president for the payment of money, and such other duties as the company or board from time to time by their by-laws may direct.

Regulations respecting policies.

Sec. 11. *And be it enacted*, That all policies of insurance which shall be made by the said corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordained and prescribed by the by-laws, rules, and regulations of said corporation.

Restrictions.

Sec. 12. *And be it enacted*, That it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money, except the same be under the seal of said corporation, and all such notes, bills, and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law; nor shall the said corporation be concerned, directly or indirectly, in any banking or other operations not plainly indicated by this act.

Limitation of act.

Act may be altered or repealed.

Sec. 13. *And be it enacted*, That this act shall continue and be in force until the first day of March, one thousand eight hundred and eighty; *provided*, that the legislature may at any time alter, amend, or repeal this act, when the public good in the opinion of the legislature may require it.

Passed February 27, 1838.

AN ACT to incorporate the Washington Steamboat and
Transportation Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That James Seguine, Charles Morgan, John M. Tufts, Vincent Barkelow, Aaron Gulick, Jonathan Booraem, Joseph M. Taylor, John R. Ried, and such other person or persons as shall hereafter become associated with them for the purpose of establishing a steamboat communication between Washington, South river, in the county of Middlesex, and the city of New York, and their successors and assigns, be, and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name of "the Washington Steamboat and Transportation Company;" and by that name they and their successors shall have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, and causes whatsoever; and they and their successors may have a common seal, and may change and alter the same at their pleasure; and they and their successors, by the name of "the Washington Steamboat and Transportation Company," shall in law be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, real or personal estate whatsoever, necessary for the objects of the incorporation; the capital to be employed by the said company for the building or purchase of a wharf and store house, and the building or purchase of a steamboat (and towboats, if found necessary) to ply between Washington, South river, in the county of Middlesex, and the city of New York; *provided*, that nothing in this section shall be construed to prevent their taking and landing passengers, produce, merchandise, or other goods and chattels, at any intermediate point or points.

Names of corporators.

Style of incorporation.

General powers.

Proviso.

Sec. 2. *And be it enacted,* That John M. Tufts, Aaron Gulick, and Henry B. Poole shall be commissioners for receiving subscriptions to the capital stock of said corporation, notice of the time and place of taking said subscription having been previously given by public advertisement, inserted in one of the newspapers printed at New Brunswick, for three weeks previous thereto.

Manner of receiving subscriptions for stock.

Sec. 3. *And be it enacted,* That the capital stock of the said company shall be twenty-five thousand dollars, and

Amount of capital stock.

shall be divided into shares of twenty-five dollars each, which shall be deemed personal property and transferable in such manner as the said corporation shall by their by-laws direct.

Regulations respecting subscriptions for stock.

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

Time and mode of electing officers.

Sec. 5. *And be it enacted*, That at the time of subscribing for the said stock, five dollars shall be paid to the above named persons, or one of them, upon each share subscribed for, which money shall be paid into the hands of the treasurer of said company, as soon as one shall be appointed; and when the capital stock shall be subscribed for, and the books closed and the apportionment made, it shall be the duty of the persons named in the second section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose seven directors; and such election shall be made by ballot, at the same time and place, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said persons, or a majority of them, shall be inspectors of the first election of the said corporation, and shall certify, under their hands, the names of the persons duly elected, and deliver over the said subscription books to the directors, and that annually thereafter, upon the like notice being given by the directors for the time being, shall appoint three inspectors of the election, who shall be stockholders; and the first meeting of the directors shall be appointed by the persons mentioned in the second section of this act, or a majority of them; and the directors chosen at any of the elections shall be citizens of this state, and, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder

Directors to elect a president and fill vacancies.

of the year wherein they may happen, by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, shall and may appoint a president pro tempore, who shall have such power and perform such duties as the by-laws of the said corporation shall provide and enjoin.

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

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That the directors, or a majority of them, shall be competent to transact all the business of the said corporation; and they shall have power to call in the remainder of the capital stock of the said company, by instalments not exceeding five dollars on each share at any one time, and at such times as they may direct, by giving three weeks' notice, published in one of the papers printed at New Brunswick, and in case of the non-payment of the said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, to and for the use of the said corporation; and the said directors, or a majority of them, shall make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, superintendents, and such other agents as may be required to transact the business of said corporation, and allow such compensation to the president and other officers and agents as to them shall seem proper, and shall exact from the treasurer sufficient security for the due performance of his trust; and whenever any share or shares of stock shall become forfeited for non-payment of the instalments of any part thereof, in the manner set forth, the forfeited share or shares may be sold by the president and directors for the time being for such prices as can be had for them, and the purchaser or purchasers shall be deemed and considered as members of the company, as fully as if they had been originally stockholders.

Duties of directors.

Stock forfeited on failure to pay instalments.

Directors to be stockholders.

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

Powers of directors.

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

When company may go into operation.

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

Penalty for using or obstructing dock or wharf of company.

Sec. 11. *And be it enacted*, That the dock or wharf, rented or owned and occupied by the said corporation, shall be for the exclusive use of the said corporation, and that no person shall use, occupy, or obstruct the free use of the same by the said corporation, without special permission of the directors or the agent appointed to superintend the same; and any person so offending shall forfeit and pay, for the use of the corporation, the sum of twenty-five dollars, to be recovered by an action of debt, in any court having competent jurisdiction of the same, and shall also be liable to pay to said corporation the amount of damages sustained thereby, to be sued for in an action of trespass.

Restrictions.

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

Sec. 13. *And be it enacted*, That this act shall con-

tinue to be in force during the term of twenty years from the passage thereof; *provided*, that it shall be lawful for the council and general assembly, at any time hereafter, to amend, modify, or repeal this act.

Limitation.

Act may be altered, &c.

Passed February 27, 1838.

AN ACT for the government and regulation of the state prison.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That every person sentenced to hard labour and imprisonment, under the laws of this state, for any time not less than six months, shall, within twenty days after such sentence, be transported, at the expense of the state, by the sheriff of the county where such conviction may be had, or by his lawful deputy, to the state prison, and there delivered into the custody of the keeper of said prison, together with a copy of the sentence of the court ordering such punishment and of the taxed bill of costs of prosecution against such offender, certified under the hand and seal of the clerk of the court where such conviction was had; and said person so delivered to the keeper of said prison, shall be safely kept therein until the term of his or her confinement shall have expired and the fine or fines and costs of prosecution be paid or remitted, or until he or she shall be otherwise discharged according to law; and every person sentenced to imprisonment for any time less than six months, shall be confined in the common jail of the county where the conviction was had, and there safely kept until the term of his or her confinement shall expire and the fine and costs of prosecution be paid, or until he or she shall be discharged by due course of law.

Transportation of convicts by sheriff within twenty days after sentence.

Convicts to be delivered to keeper of state prison, and safely kept.

Imprisonment for less than six months to be in county jail.

Sec. 2. *And be it enacted*, That the several sheriffs, or their deputies, shall transport to the state prison, at the same time, all offenders sentenced as aforesaid, during any one term of the court pronouncing such sentence; and that for transporting, sustaining, and securing such offenders,

Compensation for transportation of prisoners.

they shall be entitled to receive the following, and no other compensation, to wit:

For a single offender, forty cents per mile;

For two offenders, thirty-five cents per mile, each;

For three offenders, thirty cents per mile, each; and

For four or more offenders, twenty-five cents per mile, for each one;

For each offender from the city of Trenton, one dollar.

Which sums shall be certified by the keeper of said prison; and said certificates shall be delivered to the treasurer of this state, who shall, upon the same, and the order of said keeper, pay the said sheriffs the amount so certified, out of any moneys in his hands not otherwise appropriated.

How to be paid.

Costs of conviction to be paid by treasurer.

Sec. 3. *And be it enacted*, That the costs of the conviction of every offender sentenced to hard labour and imprisonment in the state prison, shall hereafter be paid by the treasurer of this state, on a certificate of the taxed bill of costs, signed by the clerk of the court where such conviction shall be had, and countersigned by the keeper of the prison; *provided*, that if the treasurer aforesaid shall have reason to believe that any such bill of costs is improperly taxed, it shall be his duty to return the same to the court where such conviction was had, that the same may be re-examined and retaxed by the court.

Time and mode of electing inspectors.

Sec. 4. *And be it enacted*, That, at the first joint-meeting in each year, after the accounts of the state prison are settled, five suitable persons shall be chosen as inspectors of the state prison, who shall continue in office one year and until others are chosen and legally qualified to act in their stead; and if any vacancy shall happen, by the death, removal, resignation, or refusal to act, or other inability of said inspectors, the governor, or person administering the government, shall appoint a person or persons to fill the vacancy; and said inspectors shall be entitled to receive one dollar and fifty cents per day for every day necessarily employed in the duties of their office, to be paid to them by the treasurer of this state, upon orders drawn by said inspectors.

Compensation of inspectors.

Time and mode of electing principal keeper.

Sec. 5. *And be it enacted*, That at the joint-meeting aforesaid, in each year, a suitable person shall be appointed to be the principal keeper of the said prison, who shall hold his office for one year from the date of his appointment and until a successor is chosen and legally qualified to act; and said keeper shall reside at said prison during the term of his office, and shall receive a salary of one thousand dollars,

Salary and emoluments.

with fuel and light, per annum, and at that rate for a shorter period, to be paid quarterly, by the treasurer of this state, upon orders drawn on him by any two of the inspectors; and said keeper shall have power to appoint as many assistants and deputies as the said inspectors shall deem necessary and proper to enable him to execute the duties of his office, which said deputies and assistants shall have such compensation and allowances as the inspectors shall deem just and proper, which allowances shall be paid by the treasurer quarterly, upon orders drawn by any two of said inspectors; and the said keeper shall dismiss all or any of his said deputies and assistants whenever he shall think proper, or shall be required so to do by the inspectors, or a majority of them; and before said keeper shall exercise any part of his office, he shall give bond to this state, with two sufficient sureties, to be approved by the treasurer of this state, in the sum of two thousand dollars, with condition that he and his deputies and assistants shall well and faithfully perform the duties imposed on them by law; and said keeper, with his sureties, shall acknowledge the execution of said bond, or cause the same to be proved before the governor or one of the justices of the supreme court of this state, and shall then deliver the same to the treasurer of this state, who shall cause the same to be recorded and filed in the office of the secretary of this state; and copies of said record, legally exemplified by said secretary, shall be legal evidence in all courts of this state in any suit against said keeper and his sureties, or any of them; and if any vacancy shall occur during the recess of the legislature, by the death, resignation, or removal, or refusal to act, of the keeper, the inspectors shall elect a suitable person to fill his place until another shall be appointed by the joint-meeting; and said keeper, so appointed by the inspectors, shall give bond in manner above mentioned.

Keeper may appoint deputies.

Compensation of deputies.

Keeper to give bond, with sureties.

To be recorded and filed by secretary of state.

Inspectors may appoint Keeper, in case of vacancy.

Sec. 6. *And be it enacted*, That the following rules and regulations, for the better ordering of said state prison, shall be in force until altered by the legislature, or in the manner hereinafter directed, viz:

Rules and regulations for the government of the state prison.

ARTICLE I.—*Of the Inspectors, and their duties.*

The said inspectors shall hold stated meetings once a month at the said prison, and special meetings whenever they deem necessary; they shall, at their first meeting after their appointment, elect out of their number a president and secretary and two acting inspectors, who shall continue such for so long a time as a majority of said inspectors shall

Duties and powers of the board of inspectors.

direct ; and at said meetings they shall also elect a suitable person to be the physician of said prison, and a suitable person to be clerk of said prison, who shall hold their offices, respectively, for one year and until others are chosen, subject to removal by the inspectors, upon good cause shown, and shall receive such compensation as the inspectors shall deem just, to be paid to them quarterly by the treasurer of this state, upon orders drawn by said inspectors, or any two of them ; they shall keep full and regular minutes of their proceedings ; they shall see that the duties of the keeper and the several officers and attendants of the prison are duly performed, so as to prevent all oppression, speculation, or other abuse or mismanagement ; they shall, on or before the first Tuesday in November in each year, make a report to the legislature of the state of the prison, which report shall contain the number of prisoners in confinement, their age, sex, place of nativity, time of commitment, and term of imprisonment, noticing those who have escaped or died, the diseases which have prevailed, and proved mortal, and the names of those who have been pardoned or discharged, designating also the offence for which each has been committed, and whether for the first or repeated offence, and by what court, or by whose order ; and in said report, said inspectors shall make such remarks and statements respecting the system of separate confinement, and the efficiency of the same, as shall be the result of their own observation, and give such information as may be useful in making the institution more effectual in the punishment and reformation of offenders ; and they shall also report the rules adopted by them for the government and regulation of the prison, and to what extent the provisions of this act have been complied with.

Further duties
of board of in-
spectors.

They shall have power to make such rules and regulations for the internal government and regulation of said prison, as they may deem necessary and proper, consistent with the principles of separate confinement and the laws of this state, and they shall cause the same to be written or printed, and copies thereof furnished to the keeper, and his deputies and assistants, and to the physician and clerk of said prison.

They shall cause the keeper, from time to time, to lay before them his accounts, and other books of the prison, and shall carefully inspect and examine the same.

They shall have power to examine, under oath or affirmation, any person or persons relative to any abuse or breach of duty in any of the officers of said prison.

They shall cause such repairs and improvements to be

made in said prison, and the walls and grounds belonging to it, as may from time to time be necessary or proper, which expenses shall be paid by the treasurer of the state, upon orders drawn by said inspectors, or any two of them.

They shall have power to remit the costs of prosecution of any prisoner, and any debt due from him to the state for his support in said prison, upon a recommendation from the keeper, certifying that such prisoner is, in his opinion, unable to earn more than is sufficient for his clothing and maintenance.

A majority of the inspectors shall constitute a quorum for the transaction of business.

The acting inspectors shall, at least once in every week, visit the cell or place of confinement of each prisoner, out of the presence and hearing of the keeper and all other persons employed in the prison. They shall examine into the truth of all complaints of oppression or ill treatment of the prisoners. On such visit, said inspectors shall be furnished by the keeper with a list of all the prisoners, and shall ascertain, by actual inspection, whether all prisoners named in the list are in the situation therein stated; and they shall make a report of the result of such visits and examination, and of all such matters and things connected with said prison, as they may deem necessary, to the meetings of the inspectors, and oftener, if by them required; which reports shall be entered in the minutes of said inspectors.

Duties of acting inspectors.

If it shall appear, by the report of the acting inspectors or otherwise, to the satisfaction of the board of inspectors, that the keeper of the prison, or any of his deputies or assistants, do not strictly perform their respective duties, or do in any way mismanage the affairs of the prison, then it shall be the duty of the board forthwith, in writing, to notify the keeper thereof, and of their disapproval of such neglect or failure, particularly specifying the conduct, neglect, or failure complained of and disapproved. And if said keeper shall continue, or suffer his deputies or assistants to continue, such conduct, neglect, or failure the said board shall immediately petition the governor, or one of the justices of the supreme court of this state, to remove said principal keeper from office. And it shall be the duty of the governor or justice, upon such petition being presented to him, to institute, in a summary way, such inquiry into the truth of the facts charged as he may think fit. And if, upon hearing the allegations of the board and the defence of the keeper, he shall be of opinion that said keeper has wilfully continued, or suffered to be continued, such conduct or ne-

Further duties of the board of inspectors.

glect, or failure, he shall forthwith declare said keeper to be removed from his office, and thereupon all his authority as keeper shall immediately cease, and a successor shall be appointed by the inspectors, as before directed.

ARTICLE II.—*Of the Principal Keeper, and his duties.*

Duties of the
principal keep-
er.

The keeper of said prison shall receive from the hands of the sheriff, or other proper officer, every person convicted under the laws of this state, and sentenced to imprisonment and hard labour for any term not less than six months, and safely keep him in said prison, according to the laws of this state and the rules and regulations of the prison, until he is discharged according to law; he shall receive and safely keep in said prison, at the expense of the United States, all persons committed under the authority of the United States, until they shall be discharged by due course of the laws thereof.

He shall visit every cell and apartment in the prison at least twice a week, and shall, at least once in each week, make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of every prisoner, and also the complaints that are made, and the punishments that are inflicted for the breach of prison discipline, as they occur, the visits of the inspectors and physician, and such other occurrences of importance as concern the state of the prison.

Further duties
of principal
keeper.

He shall not absent himself from the prison, except on business of the prison, without permission in writing from two of the inspectors; but the board of inspectors may, by rule, make such modification or alteration in this item as they may find necessary from time to time.

He shall, at the expense of the state, furnish each prisoner with a copy of the Bible and such other books as he, with the approbation of the acting inspectors, may deem useful in producing the moral reformation of the convicts.

He shall, with the assistance and advice of the acting inspectors, provide a sufficient quantity of stock and materials, working tools and implements, for the said prisoners, for which, when received, the keeper shall be accountable; he shall, with the acting inspectors, have power to advertise for all or any of the supplies and articles required under the laws of this state, in three or more newspapers, at least thirty days, and to make contracts with any person or persons for the clothing, provisions, and all articles necessary for the proper support and maintenance of the prison-

ers, and for the implements and materials of any kind of manufacture or labour in which the prisoners may be employed, and for the sale of all articles there manufactured or prepared, always taking the best offer for supplies, and the best terms for sales.

He shall cause all accounts respecting the maintenance of the prisoners to be entered regularly in a book or books, and shall also cause to be kept full and regular accounts of the stock and materials, tools and implements, provided for the prisoners, and of the articles manufactured or prepared in the prison, and sold or disposed of, and the sums for which they were sold, and to whom, in books to be provided by him for the purpose; all which books and accounts shall be open to the examination of the inspectors, and shall be by the keeper regularly laid before them at their monthly meetings, and at such other times as they shall direct.

He shall receive all moneys for articles sold and for work done in the prison, and shall pay the same from time to time to the treasurer of this state, except so much as may, in the opinion of the acting inspectors, be necessary to defray the actual expenses, and carry on the operations of the prison.

Further duties
of principal
keeper.

He shall have his accounts ready for examination and settlement on the fourth Tuesday of October in every year, and for that purpose may close his accounts for the year on the thirtieth day of September.

He shall prepare, on or before the fourth Tuesday of October, annually, an abstract of all expenditures and receipts of moneys for the prison, the amount of labour done, the raw materials purchased, the articles manufactured or prepared and sold, all the bills of transportation and the taxed bills of costs which have been certified by him, and shall lay the same before the committee annually appointed by the legislature to settle the accounts of the state prison, and before the legislature itself, at such times as it shall direct.

He shall suffer no letter or communication in writing to be conveyed or delivered to, or for any prisoner, or from him, without first inspecting and approving it.

Further duties
of principal
keeper.

If any prisoner shall escape, the keeper shall advertise a reasonable reward for his or her apprehension, and, with the advice and assistance of the acting inspectors, shall take all proper measures to effect his arrest, of all which he shall make a written report to the board of inspectors at their next meeting, which reward shall be paid by the treasurer of this state, upon an order drawn by the inspectors, or any two of them.

He shall on Sunday, at all proper hours, admit to the

hall of the prison a sufficient number of pious intelligent persons, competent to give instruction to the prisoners in the doctrines of the christian religion, and desiring to be admitted for that purpose, and shall, with his deputies, give such persons every attention and aid, to enable them to perform that office in a suitable manner.

He shall assign to each deputy keeper a certain number of prisoners, to be under the particular care of such deputy, for such length of time as he shall direct.

He may, by and with the advice and consent of the inspectors, appoint one or more agents, in any place they may deem proper, for the sale of any articles manufactured in the prison, and allow them reasonable commissions.

He shall obey the instruction of the physician with the regard to the treatment and disposition of the sick prisoners, unless inconsistent with their safe keeping.

He may, with the consent of the acting inspectors, contract with any person or persons for the labour of the prisoners, or any part of them.

Regulations respecting contractors for labour of prisoners.

He may, with such consent, permit such contractor or contractors to name and employ such instructor or instructors, as the keeper and said inspectors shall approve, to direct the work of the prisoners whose labour is so contracted for, which instructors, before they enter upon their duties, shall enter into bond to the principal keeper, in such sum and with such security as he shall deem reasonable, for the due observance of all the laws and rules of the prison. He shall, in the name of the keeper of the prison, under the advice and direction of the acting inspectors, prosecute all debts due to the institution.

ARTICLE III.—*Of the duty of the Deputy Keepers.*

It shall be the duty of each deputy keeper to inspect the condition of each prisoner under his care at least three times a day, to see that the meals are regularly furnished according to the prison allowance, and to superintend the work of the prisoners, and at least once a day, make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape.

Duties of deputy keepers.

The deputy keepers on guard at night shall, at least once between midnight and five o'clock in the morning, inspect the exterior walls of the ranges of cells and the main building.

Whenever any prisoner shall complain of sickness to any deputy keeper, he shall give immediate notice to the principal keeper or to the physician of the prison.

The deputy keepers on guard at night, shall, at least

once between midnight and five o'clock in the morning, inspect the exterior walls of the ranges of cells and the main building.

Whenever any prisoner shall complain of sickness to any deputy keeper, he shall give immediate notice to the principal keeper or to the physician of the prison.

Each deputy shall give full and particular care and attention to the prisoners assigned to his charge by the principal keeper, and shall make a daily report to the keeper of their health and conduct, and a like report to the inspectors, when required.

The deputy keepers shall punctually and promptly obey all legal orders given by or through the principal keeper, and all rules established by the board of inspectors for the government and regulation of the prison.

All orders to the deputy keepers must be given by or through the principal keeper.

The deputy keepers shall not absent themselves from the prison without permission from the principal keeper. Further duties of deputy keepers.

They shall not converse with the prisoners further than may be absolutely necessary for the performance of their duties, and shall in no case give information to any prisoner of any thing that occurs out of his cell.

They shall not furnish any prisoner, nor permit a prisoner to have in his cell, any other article than such as is allowed by the rules of the inspectors.

They shall not deliver to, or receive from any prisoner any letter, communication in writing, or message, but to or from the principal keeper.

ARTICLE IV.—*Of the duties of the Physician.*

The physician of the prison shall visit each prisoner once in each week, and as much oftener as the state of the health of any prisoner may in his opinion require, and shall report once in each month to the board of inspectors. Duties of the physician.

He shall attend immediately on being notified that any prisoner is sick.

He shall give such directions for the health and cleanliness of the prisoners, and when necessary for such alteration in their diet, as he shall deem proper, all which the principal keeper shall observe and cause to be obeyed, unless the same shall be contrary to law or inconsistent with the safe custody of the prisoners.

ARTICLE V.—*Of the Clerk.*

The clerk of the prison shall keep the books and accounts of the same, and of each prisoner, and perform the neces- Duties of the clerk.

sary and proper writing of the establishment, under the direction of the inspectors and keeper.

ARTICLE VI.—*Of the reception and treatment of Prisoners.*

Duties of officers of prison on reception of a prisoner.

Each convict, upon being received at the prison, shall be examined by the principal keeper, clerk, and as many of the deputy keepers as can conveniently attend, in order to their becoming acquainted with the person and countenance of such convict, his or her name, height, apparent and alleged age, place of nativity, trade, complexion, colour of hair and eyes, and length of feet, together with such natural and other marks, and such peculiarity of features or appearance, as may serve to identify such convict, all which shall be entered in a book provided for that purpose; and if the convict can write, he or she shall sign his or her name under such description of his or her person; and in such description shall be stated the clothes and other articles brought to the prison by such convict, all which shall be taken from him, and carefully preserved, to be restored to him at the time of his discharge, unless they shall be otherwise disposed of by order of the inspectors.

Treatment of prisoners.

Every convict shall be confined in one of the cells of the prison, separate and alone, except in such cases of sickness as are by this act provided for, and shall be comfortably clothed in habits of coarse materials, uniform in colour and make; the males shall have their hair cut short at least once a month, and their beards close shaven at least once in every week; each convict shall be sustained upon plain food, at the discretion of the keeper, with the approbation of the inspectors, and shall every day, except Sundays, be kept as far as may be consistent with their sex, age, health, and ability, strictly at hard labour, of some sort in which the work is least liable to be spoiled by ignorance, neglect, or obstinacy, and in which the materials cannot be easily embezzled or destroyed; if the work to be done requires previous instruction or constant oversight of the convict, the keeper shall, with the approbation of the acting inspectors, employ suitable persons for the purpose, and fix for them a just compensation, which shall be paid by the treasurer, upon orders drawn by the keeper and countersigned by said inspectors.

Prisoners to be instructed in their work.

Accounts to be kept of the labour done by each convict, and of their expense.

In order to encourage industrious and proper habits, a separate account shall be opened and kept, in books to be provided for that purpose, for each convict, in which he shall be credited the amount of the labour performed by him, over and above what, in the opinion of the keeper and acting inspectors, he ought to perform, due regard being had to his

ability for labour, which sums so credited shall, at the discharge of such convict, be paid to him, or laid out in decent raiment for him, or otherwise applied to his use, as the acting inspectors shall direct; but no credit shall be given for overwork to any convict whose whole weekly earnings do not exceed the whole weekly expense of his maintenance in the prison.

No convict shall be employed, or act as under keeper; nor shall any convict act as clerk, cook, or servant in the said prison, except in such manner as is consistent with the principles of separate confinement.

Convict not to act as under keeper, nor as clerk, &c.

No convict shall be allowed to use tobacco, in any form, nor to receive or have any other clothing or food than is prescribed by law and the rules of the inspectors.

Tobacco prohibited.

The particular employment of each convict shall be such as the keeper may consider best adapted to his state and condition, having due regard to that employment which is most profitable.

Convicts to be suitably employed.

The convicts shall be supplied, as far as practicable and consistent with the interests of the state, with articles manufactured by the prisoners.

No person shall take any thing into or out of the prison, for any prisoner, without the consent of the keeper.

If the physician shall report to the keeper that any prisoner is in such situation as to need the care of a nurse, the keeper may, with the approbation of the acting inspectors, employ one of the prisoners as nurse, so long as the physician shall deem necessary. And whenever, in the opinion of the physician, the enlargement of any prisoner confined in the cells of said prison shall be absolutely necessary to the preservation of life, the keeper shall, from time to time, and for such length of time as the physician shall direct, cause said prisoner to be removed from his or her cell; but the prisoner shall, in every such case, be kept from the society of the other prisoners, except such as may attend as nurses, and shall, in no case, be permitted to go beyond the walls of the prison.

May be employed as nurses to others.

Enlargement of prisoners in certain cases.

If any deputy keeper shall report that any prisoner has violated any of the rules and regulations for the government of the prison, the keeper shall have before him said prisoner and deputy keeper who charges him with such offence, and shall inquire into such charges, adjudge the case, and award such measure of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with a chain on the leg, or handcuffs, or both, for six days: and if, in his opinion, the convict should receive further punishment, he shall refer the case to the acting in-

Infliction of punishments for misbehaviour.

spectors, who shall order such further punishment as they shall think proper; *provided*, that corporal punishment shall in no case be inflicted.

Prisoner may not be discharged, if sick, at the expiration of term.

If a prisoner, entitled to his discharge by expiration of his term of confinement, or by pardon, shall be labouring under an acute or dangerous disease, so as to render him, in the opinion of the physician, unable to take care of himself, or unfit to be set at large, he shall not be discharged, except at his own request, until the physician shall deem that it may be done with safety to the prisoner and others.

Money to be furnished prisoner when discharged.

Upon the discharge of each prisoner, who has not money to the amount of five dollars, the keeper shall pay him any sum not exceeding that amount out of the moneys of the state, to the end that all temptation to commit offences against society, before employment or the means of living can be procured, may be removed.

Clothing to be delivered to prisoner.

Each prisoner, upon his discharge, shall take off the prison dress, and have restored to him the clothes and all other articles which he brought to the prison, and which were then taken from him, unless the same have been sold or disposed of by the keeper, under the direction of the inspectors, and then such prisoner shall have the value thereof paid to him by the keeper.

ARTICLE VII.—Of Visitors.

Of official and other visitors.

The official visitors of the state prison shall be, the governor, members of the legislature, secretary of state, the treasurer of the state, the justices of the supreme court, and the attorney general.

The official visitors may at any time visit the said prison, and examine the same and the cells thereof, and the keeper shall give them every facility for so doing.

The board of inspectors shall make such rules and regulations, and shall give the keeper such authority respecting the admission of other visitors than the official visitors, as they shall deem proper.

Deputies to give bond to keeper.

Sec. 7. *And be it enacted*, That each deputy keeper and assistant shall hereafter give a bond to the principal keeper, in such sum as he shall require, not exceeding two thousand dollars, and with such sureties as he shall approve; and the clerk of said prison shall give bond to the inspectors, with two sufficient sureties, to be approved by them, in any sum required by said inspectors not exceeding the amount before mentioned, which bonds shall be conditioned for the faithful performance of the duties of said officers, respectively.

Sec. 8. *And be it enacted*, That the said inspectors, keeper, deputy keepers, and assistants, and the clerk of said prison, shall not be authorized to enter upon the duties of their respective offices until they shall have taken and subscribed, before a justice of the peace, and delivered to the secretary of state, to be filed in his office, the following oath or affirmation, viz: "I, ———, do solemnly swear (or affirm, as the case may be) that I will well and faithfully serve the state of New Jersey in the office of ———, and will faithfully and diligently execute all the duties required of me, as such officer, and carry into execution all the laws and regulations of the state prison of New Jersey, so far as they pertain to my said office, according to the best of my ability: so help me God!"

Oath to be taken
by officers of
the prison.

Sec. 9. *And be it enacted*, That the act passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and twenty-nine, entitled, "An act making provision for carrying into effect the act for the punishment of crimes," and the act passed the second day of March, in the year of our Lord one thousand eight hundred and thirty, entitled, "A supplement to an act entitled, an act making provision for carrying into effect the act for the punishment of crimes, passed the twenty-third day of February, eighteen hundred and twenty-nine," and the act passed the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and thirty-one, entitled, "A supplement to the act entitled, an act making provision for carrying into effect the act for the punishment of crimes, passed February twenty-third, eighteen hundred and twenty-nine," and the act passed the fifteenth day of February, eighteen hundred and thirty-one, entitled, "A supplement to an act making provision for carrying into effect the act for the punishment of crimes, passed February twenty-third, one thousand eight hundred and twenty-nine," the act passed the fourteenth day of March, eighteen hundred and thirty-two, entitled, "An act supplementary to the act entitled, an act making provision for carrying into effect the act for the punishment of crimes, passed the twenty-third day of February, eighteen hundred and twenty-nine," the act passed the fifteenth day of March, in the year of our Lord eighteen hundred and thirty-seven, entitled, "An act for the regulation of the state penitentiary," and the sixth, seventh, and eighth sections of the act passed the fifteenth day of March, eighteen hundred and thirty-seven, entitled, "A further supplement to the act for the punishment of crimes, passed seventeenth of February, eighteen

Former acts and
parts of acts re-
pealed.

hundred and twenty-nine," be, and the said acts and sections are hereby repealed; but the repeal thereof shall in no wise affect any act done by their authority.

Act to take effect immediately.

Sec. 10. *And be it enacted*, That this act shall go into operation, and take effect immediately after the passing thereof.

Passed February 27, 1838.

AN ACT making appropriation for defraying the expenses incurred in completing work on and about the new prison, authorized by an act passed March fifteenth, eighteen hundred and thirty-seven.

Preamble.

WHEREAS it appears that the sum of two thousand dollars, appropriated March fifteenth, eighteen hundred and thirty-seven, for pointing the walls, paving and leveling the ground, and other work about the prison, authorized by the legislature to be done; which work, it satisfactorily appears has been done at the cost of five thousand dollars—therefore,

\$3000 appropriated to pay expenses incurred.

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 authorized and empowered to pay, out of any moneys not otherwise appropriated, the sum of three thousand dollars to Joseph A. Yard, keeper of the prison, to defray the balance of expenses incurred by him in completing the work set forth in the foregoing preamble, and that the receipt of the said keeper be his good and sufficient voucher.

Passed February 27, 1838.

A SUPPLEMENT to the act entitled, "An act to incorporate the Weehawken Turnpike Company," passed second of March, eighteen hundred and thirty-seven.

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 Weehawken Turnpike Company, incorporated by an act entitled, "An act to incorporate the Weehawken Turnpike Company," passed the second day of March, in the year of our Lord, eighteen hundred and thirty-seven, to continue the said road from the present northern point, or termination thereof, to the Fort Lee turnpike, upon such route as may be designated by the said company; and, also, to make such branches from any part of said road as may be deemed advisable; *provided,* that the said road shall be constructed in accordance with the tenor of the act to which this is a supplement, and that the said branches shall not, either of them, exceed three miles in length, nor be more than three in number.

Road extended
to Fort Lee
turnpike.

Proviso.

Passed February 27, 1838.



A SUPPLEMENT to the act entitled, "An act to erect parts of the counties of Hunterdon, Burlington, and Middlesex into a new county, to be called the county of Mercer," passed the twenty-second day of February, eighteen hundred and thirty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Montgomery, in the county of Somerset, which lies south of the following line, to wit: beginning on the Millstone river, where the boundary line between the counties of Middlesex and Somerset crosses the same, continuing down said river to the original southeasterly corner of a tract of land called the Van Horn tract, and thence running westerly along the original south boundary of said tract, and continuing on in

Part of the county
of Somerset
annexed to the
county of Mer-
cer.

Boundaries
thereof.

the same course to the middle of the road called the Pennington road, leading from the village of Rocky Hill to the village of Pennington; and thence westerly, along the middle of said road, to the boundary line of the county of Somerset, shall be, and the same is hereby attached to, and made a part of the county of Mercer, and shall be subject to all the laws which the county of Mercer now is, or may be subject to; and said line shall hereafter be the boundary line between the county of Mercer and the county of Somerset.

Township of
Princeton erected.

Corporate name

Proviso.

Sec. 2. *And be it enacted*, That all that part of the township of Montgomery described in the foregoing section, together with so much of the township of West Windsor, in the county of Mercer, as lies within the borough of Princeton, shall be, and the same is hereby erected into a separate township, to be called the township of Princeton, in the county of Mercer, and that the inhabitants thereof shall be, and they are hereby constituted a body politic and corporate in law, by the name of "the Inhabitants of the township of Princeton, in the county of Mercer," and shall be, and they are hereby vested with, entitled to, and authorized to exercise and enjoy all the franchises, powers, privileges, immunities, and authorities, and shall be, and are hereby made subject to all the provisions of the laws for the time being for the regulation and government of the inhabitants of the other townships of this state; *provided however*, that all elections for township officers within the said township of Princeton shall be conducted by ballot, and determined by a plurality of votes.

Jurisdiction of
officers therein,
limited in So-
merset.

Jurisdiction of
officers in Mont-
gomery town-
ship transferred
to Mercer coun-
ty.

Sec. 3. *And be it enacted*, That the judges, justices of the peace, and other officers within the limits of that part of the township of Montgomery described in the first section of this act, and hereby attached to the county of Mercer, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of said county of Somerset, until the second Monday of April next; and all courts at the time of the passing of this act existing and being within the aforesaid limits of said county of Somerset, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and that from and after the second Monday of April next, and until their respective terms of office in the county of Somerset shall expire, all persons in office at the time of the passing of this act resident within that part of the township

of Montgomery hereby attached to the said county of Mercer, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges, and emoluments thereto belonging, within the limits of the county of Mercer, as officers of said county, as fully and effectually to all intents and purposes as if they had been elected and appointed to their said offices, respectively, within the said county of Mercer; *provided*, that all judges of the court of common pleas and all justices of the peace shall take and subscribe the official oaths or affirmations required by law, within the said county of Mercer, on or before the first day of May next, and before they act in their respective offices as officers of the county of Mercer.

Proviso.

Sec. 4. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Somerset, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county, and before said courts, in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action does at the time of the passing of this act reside within the limits of that part of the said township of Montgomery hereby attached to the county of Mercer, or where in any local action the cause of action arose within that part of the said township, either party may, at his election, on application to said court for that purpose, have the venue in said action changed to the said county of Mercer, and the cause tried therein, as if the said action had originally been commenced in said county.

Suits pending not to be affected.

Proviso.

Sec. 5. *And be it enacted*, That from and after the second Monday of April next, and until a sheriff shall be elected for the county of Mercer, and enter upon his duties, all writs to be executed within that part of the township of Montgomery hereby attached to the county of Mercer, which are by law to be executed by the sheriff, shall be directed and delivered to the sheriff of the county of Somerset, and shall be by him executed in person or by his undersheriff or deputy; and in case of the legal disability of said sheriff, then said writs shall be directed to the coroners of said county of Somerset, and be by them executed; and said sheriff and coroners shall, respectively, make returns of

Sheriff of Somerset to execute writs until election of sheriff of Mercer.

said writs to the courts to which they shall be made returnable, and shall be responsible, respectively, in their official capacity, as sheriff and coroners of said county of Somerset, for the due and legal execution thereof.

Jail of Somerset to be used by county of Mercer for certain prisoners.

Sec. 6. *And be it enacted*, That the jail of the county of Somerset be, and the same is hereby constituted a jail for the confinement of all prisoners arrested or residing at the time of their arrest within that part of the township of Montgomery hereby attached to the county of Mercer; and the sheriff or other officer having custody of any such prisoner or prisoners is hereby authorized to confine him, her, or them in said jail; and the keeper thereof is hereby required to receive and keep every such prisoner so delivered to him, in the same manner and under the same penalties as he is or may be required by law to receive and keep the prisoners of his own county, until such prisoner shall be demanded by the proper officer of the said county of Mercer or by other legal authority; and said keeper shall be entitled to receive from the board of chosen freeholders of the county of Mercer, such fees and compensation for the support of the prisoners of said county as are or shall be allowed by law in other cases.

Time and place of town meetings of township of Princeton.

Sec. 7. *And be it enacted*, That the first town meeting hereafter to be held in the said township of Princeton, shall be held on the second Monday in April next, at the house now occupied by Simon W. Vleit, in said township; and that thereafter the town meetings in said township shall be held annually on the second Monday in April, at such place as the electors of said township shall from time to time appoint under the existing laws of this state.

Judgments, in certain cases, to be of force in the county of Somerset.

Sec. 8. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Somerset, upon any action, suit, or proceeding actually commenced or depending, before the second Monday of April next, shall be of the same force and effect within the former limits of the said county as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of said county of Mercer, in the same manner as he should by law have done in case this act had not been passed; and upon such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as the party prosecuting the same would have

been entitled to in other cases, and in the same manner as if this act had not been passed.

Sec. 9. *And be it enacted*, That an election to determine in which township in said county of Mercer the seat of justice shall be, and in which the courthouse, jail, and other public buildings shall be erected, shall be held in said township of Princeton, at the place herein before appointed for holding the next annual town meeting in said township, on the first Tuesday in June next, and that the clerk of said township shall give notice thereof, in the manner prescribed in the fourteenth section of the act to which this is a supplement, for the clerks of the other townships in said county; and all legal voters who, at the time of the passing of the act to which this a supplement, resided within the limits of said township of Princeton, shall be entitled to vote at said election.

Times and places of holding election to determine in what township in Mercer the seat of justice is to be located.

Sec. 10. *And be it enacted*, That all the provisions of the fifteenth, sixteenth, seventeenth, eighteenth, and nineteenth sections of the act to which this is a supplement, in regard to the other townships in said county and their officers, shall also apply in all things to the said township of Princeton, and the officers thereof, and be obligatory upon them.

Provisions of former act applicable to township of Princeton.

Sec. 11. *And be it enacted*, That until a sheriff shall be elected for the said county of Mercer, and shall enter upon the duties of his office, it shall be the duty of the sheriff of the county of Somerset, or in case of his death or legal disability, then of the coroners of said county, to summon according to law from that part of the county of Somerset taken from his bailiwick, before each term of the courts of the county of Mercer, two grand jurors to attend said courts; and the sheriff of the county of Middlesex, or, in case of his death or legal disability, the coroners of said county, shall summon seven grand jurors, in the manner and for the purposes mentioned in the twenty-third section of the act to which this is a supplement, instead of nine grand jurors, as provided by said section; and until a sheriff shall be elected for said county of Mercer, and shall enter upon the duties of his office, the like duties imposed by said section upon the sheriffs of the counties of Hunterdon, Burlington, and Middlesex, in regard to attending at the clerk's office of said county of Mercer, and selecting and summoning and returning petit jurors, shall be, and are hereby declared to be incumbent and binding on the sheriff of said county of Somerset; and the clerk of said county of Mercer shall put the names of such petit jurors into four,

Duties of sheriff of Somerset in selecting first jurors for county of Mercer.

instead of three boxes, as provided by the said section, and shall also deliver to the sheriff of the county of Somerset such list as he is thereby required to deliver to the sheriffs of said counties of Hunterdon, Burlington, and Middlesex.

Poorhouse in the township of Hopewell to belong to townships of Hopewell and Marion, in proportion to tax paid.

To whom paupers in said townships are chargeable.

Time of act going into effect.

Sec. 12. *And be it enacted*, That the poorhouse farm, with the buildings and improvements thereon, and all other real and personal estate belonging to the township of Hopewell at the time of the passing of the act to which this is a supplement, shall hereafter belong to the inhabitants of the township of Hopewell, in the county of Hunterdon, and to the inhabitants of the township of Marion, in the county of Mercer, in the proportion of the tax assessed to the inhabitants residing within the limits of each on the last duplicate, and shall be owned and held by them in common; and the debts due to or from the said township of Hopewell, in the county of Hunterdon, at the time of the passing of the act to which this is a supplement, shall be received and paid by the said township of Hopewell and the said township of Marion, in the proportion herein before stated; and the paupers who may be chargeable to said township of Hopewell at the time the act to which this is a supplement shall go into operation, shall thereafter be chargeable to, and supported by that one of said townships of Hopewell and Marion within the bounds of which their settlements were respectively acquired, or in which said paupers may have resided at the time of acquiring their respective settlements.

Sec. 13. *And be it enacted*, That this act shall take effect at the same time as the act to which this is a supplement.

Passed February 27, 1838.

AN ACT to provide for a more easy mode of proving surveys of land in this state, 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 there shall be a seal for the surveyor general of the western division of this state, and also a seal for the surveyor general of the eastern division of this state, provided by the governor, at the expense of the state, to be by him devised; and a description of each seal, in writing, deposited and recorded in the office of the secretary of this state, shall there remain as public records thereof; and the said seal for the surveyor general of the western division of this state shall be deposited with him, and the said seal for the surveyor general of the eastern division shall be deposited with him; and they shall be handed down to their respective successors in office.

Seals to be provided for surveyors general of the eastern and western divisions of the state.

Sec. 2. *And be it enacted,* That copies of all surveys and other writings of record, in either the office of the surveyor general of the western or eastern division of this state, if certified to be true copies, under the hand and seal of the surveyor general in whose office the same may be of record, shall be esteemed and taken for true copies thereof, and, as such, may be read in evidence in any court of law or equity in this state, where the same would be admissible, if proved to be true copies, according to the existing laws of evidence, any law, usage, or custom to the contrary notwithstanding.

Copies from books, under hand and seal of surveyor general to be received in evidence.

Sec. 3. *And be it enacted,* That the aforesaid surveyors general, and their successors in office, shall be, respectively, entitled to demand and receive the following fees for services rendered by either of them, in their respective offices, and no more, that is to say: for each certificate under seal, fifty cents; for every search for any record or paper, twelve and a half cents; for copies of any record or other writing, twelve and a half cents for every sheet of one hundred words.

Fees of surveyor general.

Sec. 4. *And be it enacted,* That this act shall take effect immediately after the passing of the same.

Act to take effect immediately.

Passed February 27, 1838.

AN ADDITIONAL SUPPLEMENT to the act entitled, "An act for the preservation of deer and other game, and to prevent trespassing with guns," passed December twenty-first, one thousand seven hundred and seventy-one.

The killing of
specified game
prohibited at
certain seasons.

Penalty.

Proviso.

Part of former
act repealed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That if any person or persons shall kill, destroy, or take any partridge, moorfowl, grouse, quail, or rabbit, except only between the first day of November and the tenth day of January, yearly and every year, or any woodcock, except only between the fifth day of July and the first day of January, yearly and every year, he, she, or they so offending shall forfeit and pay, for every partridge, moorfowl, grouse, quail, rabbit, or woodcock, one dollar for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same; and any person in whose hands or custody any partridge, moorfowl, grouse, quail, rabbit, or woodcock shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken, and adjudged to be the killer and destroyer of such game, and liable to the penalties aforesaid, unless such person shall make it appear who it was that killed the same, or from whom such person so possessed thereof received the same; *provided nevertheless*, that no person or persons shall be prohibited from gunning on his or their own land.

Sec. 2. *And be it enacted*, That the first section of an act entitled, "A further supplement to an act for the preservation of deer and other game, and to prevent trespassing with guns," passed December twenty-first, seventeen hundred and seventy-one, which supplement was passed February twenty-second, one thousand eight hundred and thirty, be, and the same is hereby repealed.

Passed February 27, 1838.

AN ACT to confirm certain acknowledgments and proofs of deeds and other instruments, taken by Ebenezer Cobb.

WHEREAS it appears to the legislature that Ebenezer Cobb was duly appointed a judge of the inferior court of common pleas, in and for the county of Bergen, on the twenty-sixth day of February, in the year of our Lord one thousand eight hundred and thirty-four, for the term of five years, and was duly sworn into that office and acted therein. And whereas, by an act of the legislature of this state, passed February seventh, A. D. one thousand eight hundred and thirty-seven, entitled, "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic, and the eastern part of the county of Gloucester, into a separate county, to be called the county of Atlantic," the judges were required to qualify according to law, within the new counties respectively, on or before the first day of May next ensuing the passage of the said act, as officers of the said new counties; and whereas the said Ebenezer Cobb, not knowing that he was required to qualify as above stated, continued after the said first day of May to take acknowledgments and proofs of deeds and other instruments, as he had been authorized to do by virtue of his said commission, until the first day of September, one thousand eight hundred and thirty-seven—therefore,

Preamble.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the several acknowledgments and proofs of deeds and other instruments, taken and certified by Ebenezer Cobb, as one of the judges aforesaid, between the first days of May and September, in the year eighteen hundred and thirty-seven, be, and the same are hereby confirmed and declared valid and effectual, in like manner as if the said Ebenezer Cobb had been duly qualified as required by law; *provided nevertheless,* that nothing in this act contained shall be construed so as to affect the rights of any judgment creditor, or bona fide purchaser or mortgage creditor, for a valuable consideration, before the passage of this act.

Acknowledgments taken by E. Cobb rendered valid.

Proviso.

Passed February 28, 1838.

A SUPPLEMENT to the act entitled, "An act relative to the probate of wills," passed the sixth of March, eighteen hundred and twenty-eight.

Restrictions on admission of wills to probate.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That no instrument in writing be admitted to probate under the act entitled, "An act relative to the probate of wills," passed on the sixth of March, one thousand eight hundred and twenty-eight, unless the same be signed and published by the testator as his will.

Passed February 28, 1838.

A FURTHER SUPPLEMENT to the act entitled, "An act to incorporate the city of Newark."

Corporate authorities of Newark may appropriate lands necessary for the passage of sewers, &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 Mayor and Common Council of the city of Newark, to enable them the more fully, effectually, and completely to exercise the powers already conferred on them of passing all such ordinances as they shall think proper, and of raising and borrowing money for causing common sewers, drains, or vaults to be made in any part of the said city, for the prevention and suppression of fires, and for supplying the said city with water for the extinguishment of fires, for watering the streets, and for domestic uses, be, and they are hereby authorized and empowered to enter upon any lands within or adjacent to the said city, for the purpose of ascertaining and surveying proper locations and routes for such sewers, drains, and vaults, as may be necessary to drain and carry off the water from the streets, lanes, alleys, and grounds in the said city, and also any reservoir or reservoirs, and all such culverts, ducts, pipes, conductors, appendages, and other works as shall be suitable and necessary to collect, convey, receive, hold, discharge, and supply water for the uses before mentioned, or any of them, doing as little injury or damage as possible ;

to take and appropriate to the use of the said city, have and hold, all such lands, waters, streams, works, and improvements, within and adjacent to the said city, as may be suitable or necessary for the purposes aforesaid, or any of them; to do, build, execute, erect, and repair all suitable and necessary works, buildings, and appendages for such purposes, or any of them; to take and use any gravel, clay, or other earth or materials, on or adjacent to such lands and works, which may be required for the construction, repair, alteration, extension, and improvement of any such works, buildings, or appendages; and to enter upon all lands, on, over, across, or adjacent to which any such sewer, drain, vault, reservoir, culvert, duct, pipe, conductor, appendage, or other works shall be located, and from time to time to make, do, and renew all necessary excavations, erections, and works; *provided*, that all the powers granted by this section shall be exercised under the limitations and restrictions hereinafter mentioned and imposed, and subject to such compensation as is hereinafter provided for; *and provided*, that this act shall not be construed to authorize and empower the said mayor and common council to execute any work for the supply of the said city with pure and wholesome water for domestic uses, unless the said mayor and common council shall first purchase of the Newark Aqueduct Company their stock, works, powers, and privileges for the supply of the said city with pure and wholesome water for domestic uses, or shall take and appropriate to the use of the said city the works and improvements of the said Newark Aqueduct Company, and make such compensation as shall be agreed on between the parties.

Proviso.

Rights of the Newark Aqueduct Company not to be impaired.

Sec. 2. *And be it enacted*, That "the Mayor and Common Council of the city of Newark" shall pay to the owner or owners, proprietor or proprietors, of all such lands, waters, streams, works, and improvements, suitable or necessary for the purposes aforesaid, or any of them, which the said mayor and common council shall take and appropriate to the use of the said city, have and hold as aforesaid, unless the same shall be a free gift to the said mayor and common council, such reasonable compensation as shall be agreed upon by the owner or owners, proprietor or proprietors, with the said mayor and common council; and in case of disagreement in relation to the value of such lands, waters, streams, works, or improvements, or in case the owner or owners, proprietor or proprietors, or any of them, shall be feme covert, under age, non-compos mentis, or reside out of this state, then it shall be lawful for the said mayor and common council to apply to any justice of the

Compensation to be made to owners of land.

Proceedings
when corpora-
tion and owners
of lands cannot
agree as to val-
ue, or when
owners are feme
covert, minors,
or non-resi-
dents.

supreme court, who, upon such application, is hereby authorized, empowered, and enjoined to frame or issue one or more writ or writs, as occasion shall require, in the nature of a writ ad quod damnum, to be directed to the sheriff of the county of Essex, commanding him that by the oaths or affirmations of twelve good and lawful men of his bailiwick, who shall be indifferent to the parties and not inhabitants of the said city, he shall inquire whether the person or persons, or body corporate, owning or having any right in any lands, waters, streams, works, or improvements proposed to be taken and appropriated to the use of the said city, and to be had and held by the said city for the purposes aforesaid, or any of them, (which person or persons, or body corporate, shall be named, if known, and which lands, streams, waters, works, or improvements shall be described in such writ or writs) will suffer and sustain any, and what damages by reason or means of taking such lands, streams, waters, works, or improvements, suitable or necessary for the purposes aforesaid, or any of them, and to return the said writ or writs, together with the finding of such jury, to the next supreme court of this state after such finding, on or before the first day of such term; and upon such writ or writs being delivered to the said sheriff, he shall give at least twenty days' notice in writing to the proprietor or proprietors, owner or owners, of the lands, streams, waters, works, or improvements in such writ or writs described, or to so many of them as can be found, if they be resident in this state, and not feme covert, or under age, or non-compos mentis; and if not resident in this state, or if feme covert, of non-age, or non-compos mentis, then by publishing such notice in the newspapers published in the said city for the same length of time before executing said writ, of the time of executing the same; and he shall cause to come upon the premises, at the time appointed, twelve good and lawful men of his bailiwick, who shall be indifferent to the parties and not inhabitants of the said city, and shall be selected in such manner, and on like notice to the parties, as struck juries usually are, to whom he shall administer an oath or affirmation, that they will diligently inquire concerning the matters and things in such writ or writs specified, and a true inquisition make, according to the best of their skill and judgment, without favour or partiality; and thereupon the said sheriff and jury shall proceed to view all and every the lands, streams, waters, works, or improvements in such writ or writs specified, and having considered the quantity and value of lands, streams, waters, works, or improvements, or other matters and things in such writ or

writs specified for the purposes aforesaid, or any of them, they shall cause the same to be minutely and accurately described by metes and bounds, or other particular description, and shall value or appraise the same, and the injury or damages, if any, which the owner or owners of such lands, streams, waters, works, or improvements, or other matters and things, will, to the best of their judgment and skill, sustain or suffer by means of so much of such lands, streams, waters, works, or improvements, or other matters and things, being vested in the said city; and, in making such valuation and appraisement, it shall be the duty of the jury to allow compensation for the lands, streams, waters, works, or improvements, or other matters and things, to be taken for the purposes aforesaid, except as hereinafter provided, at the fair value thereof, without reference to any advantage which the owner or owners of the same will or may derive from the doing, making, erecting, or constructing of any work or works thereon or therewith; and the said sheriff and jury shall make a return of their inquisition in writing, under their hands and seals, distinctly or plainly setting forth all the matters and things aforesaid; and the sheriff shall return the same, together with the said writ, to the office of the clerk of the supreme court, according to the command or commands in such writ or writs; and the justices of the said court shall examine the same at the term to which it or they shall be returned; and if the said writ or writs shall appear to have been duly executed, and the return thereof sufficiently certain to ascertain the lands, streams, waters, works, or improvements, and other matters and things intended to be vested in the said company, and the several compensation awarded to the owner or owners thereof, then the said court shall enter judgment; and if any return, so to be made, shall not appear to have been so executed and returned, or the jury or juries shall not have agreed, the said court shall award an inquisition or inquisitions de novo, which shall be executed and returned in the same manner as herein before directed; and the said mayor and common council, paying the sum or sums assessed as aforesaid to the person or persons, or body corporate, entitled thereto, unless such person or persons be feme covert, under age, non-compos mentis, or reside out of the state, in which case the same being paid into the court of chancery, in either case, over and above the costs of such writ or writs, and the execution and return of the same, to be taxed by the justice who issued it, shall be entitled to have and to hold to them and their successors and assigns for ever, in fee simple, all and every the lands, streams, waters,

works, or improvements, and other matters and things in the said inquisition described, as fully and effectually as if the same had been granted to them by the owners thereof; *provided*, that whenever lands are intended to be taken for the purposes of a sewer or sewers, or any like drain or vault, to drain and carry off the water from the streets and other places in the said city, it shall be the duty of the jury or juries to estimate the advantage which such sewer, drain, or vault will be to the owner or owners of such lands, and deduct the sum so estimated from the value of the said lands; and it shall be the duty of the sheriff and such jury or juries to make return thereof as aforesaid.

Compensation
for the use of
gravel, &c.

Proceedings
when corpora-
tion and owners
of soil cannot
agree as to a-
mount of dama-
ges, or where
owners are feme
covert, minors,
or non-residents

Sec. 3. *And be it enacted*, That "the Mayor and Common Council of the city of Newark" shall pay to the owner or owners, proprietor or proprietors, of all lands on, over, or across which the said mayor and common council shall locate and make any sewer, drain, vault, culvert, duct, pipe, conductor, or other work, in manner aforesaid, in case the said mayor and common council shall not elect to appropriate, have, and hold such lands to their own use exclusively, and to the owner or owners, proprietor or proprietors, of any gravel, clay, or other earth or materials, on or adjacent to such lands and works as aforesaid, suitable or necessary for the purposes aforesaid, or any of them, such reasonable compensation as may be agreed upon by the said mayor and common council and the said owner or owners, proprietor or proprietors; and in case of disagreement as to the amount of damage done to such land, or the value of such gravel, clay, or other earth or materials, or in case the owner or owners, proprietor or proprietors, or any of them, shall be feme covert, under age, non-compos mentis, or reside out of the state, then it shall be lawful for the said mayor and common council to apply to one of the justices of the supreme court, not an inhabitant of the city of Newark, for the appointment of three disinterested freeholders, citizens of this state, not inhabitants of the said city, to appraise the amount of damage done to such lands, or the value of such gravel, clay, or other earth or materials, having first given ten days' notice in writing of such application to the owner or owners, proprietor or proprietors, if they be residents in this state, and not feme covert, or under age, or non-compos mentis, and if not resident in this state, or if feme covert, of non-age, or non-compos mentis, then by publishing such notice for the like period in the newspapers printed in the said city; and thereupon it shall be the duty of such justice to appoint three disinterested freeholders as aforesaid as appraisers, who, be-

fore they enter upon the duties of their appointment, shall severally take and subscribe an oath or affirmation, before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act; and thereupon it shall be the duty of the said appraisers, or any two of them, to make a just and equitable appraisement of the damage done to such lands, or of the value of such gravel, clay, or other earth or materials, and to make a report or certificate thereof in writing, and, within ten days after signing thereof, to file the same in the clerk's office of the county of Essex, there to remain of record; and the said "the Mayor and Common Council of the city of Newark" shall pay the sums so appraised to the person or persons, or body corporate, entitled thereto, unless such person or persons be feme covert, under age, non-compos mentis, or reside out of this state, in which cases the same shall be paid into the court of chancery, to be disposed of under the direction of the chancellor; and it shall be the duty of the said appraisers to give ten days' notice in writing, of the time and place of their meeting for such appraisement, to the person or persons, or body or bodies corporate, interested therein, unless such person or persons reside out of this state, and be feme covert, under age, or non-compos mentis, then by publishing such notice for the same period in the newspapers printed in the said city; and the said mayor and common council, or any person or persons, body or bodies corporate, interested in the proceedings of such appraisers, may, within thirty days, appeal, by petition to the circuit court of the county of Essex, from the proceedings or determination of such appraisers, and the said court shall thereupon proceed to try the said appeal in a summary way upon the merits, directing a jury to be returned for that purpose; and upon the determination thereof, judgment may be entered, and execution, as in other cases, issued thereon; and for the costs of such appeal, to be taxed by the judge of the circuit court who heard the same, and the justice of the supreme court, who shall appoint the appraisers under this section of this act, shall receive five dollars for such appointment, and the appraisers so appointed two dollars, each, for each day necessarily spent by them in the duties of their appointment, which sums shall be paid by the said mayor and common council; and if any appraiser shall refuse or neglect to do the duties of his appointment, or shall die, then another appraiser, of like qualifications, may be appointed in his place, by one of the justices of the supreme court, not an inhabitant of the city of Newark.

Sec. 4. *And be it enacted*, That it shall be lawful for the

Corporation
may lay pipes,
&c., along pub-
lic streets.

Act to take ef-
fect immediate-
ly.

said mayor and common council to lay and fix pipes, con-
ductors, and appendages, for the purposes aforesaid, or any
of them, in and along the public streets of the said city.

Sec. 5. *And be it enacted*, That this act shall take effect
immediately upon the passage thereof.

Passed February 28, 1838.

A FURTHER SUPPLEMENT to an act entitled, "An act to
regulate the shad fisheries in South river, in the county
of Middlesex," passed February twenty-second, one thou-
sand eight hundred and four.

Boat and seine
forfeited for of-
fence against
former act.

Duty of sheriffs
and constables
to enforce the
law.

Proceeds of sale

When act to
take effect.

Sec. 1. BE IT ENACTED *by the Council and General As-
sembly of this state, and it is hereby enacted by the authority
of the same*, That if any person or persons shall be found
violating any of the provisions of the act to which this is a
further supplement, and of the supplement thereto, passed
the fifth day of March, one thousand eight hundred and
thirty-six, he or they so offending shall, in addition to the
penalties heretofore provided, forfeit the boat or boats, seine
or seines, net or nets, or other tackling so made use of; and
that it shall be the duty of the sheriff and constables of the
county of Middlesex, and it may be lawful for any freeholder
in the said county, to seize and secure any such boat, seine,
net, or other tackling, as aforesaid, and immediately there-
after give information to any two justices of the peace of
the said county, who are hereby required and empowered
to meet at such time and place as they shall appoint for the
trial thereof, and hear and determine the same in a sum-
mary manner; and in case the same shall be condemned,
it shall be sold by the order and under the direction of the
said justices, who, after deducting all legal costs and charges,
shall pay one half of the proceeds of said sale to the col-
lector of the said county, and the other half to the person
or persons who shall have seized and prosecuted the same.

Sec. 2. *And be it enacted*, That this act shall take effect
on the first day of June next.

Passed February 28, 1838.

A FURTHER SUPPLEMENT to the act entitled, "An act relative to dower."

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, after the passage of this act, for any purchaser of lands in which a widow is entitled to dower to proceed in the same manner to procure an assignment of such dower as the widow, heir, or guardian of a minor child is authorized to proceed by the second section of an act entitled, "A supplement to an act relative to dower," passed the twenty-fourth day of February, one thousand eight hundred and twenty.

Purchaser may proceed as heir in assignment of dower.

Passed February 28, 1838.

AN ACT to authorize a trustee to sell certain real estate of Moses C. Dunn, a minor, one of the heirs at law of Gershom Coursen, deceased.

WHEREAS it appeareth to the legislature that Gershom Coursen, deceased, late of the village of Hope, in the county of Warren, died seized of certain real estate in the said county, and left no children of his own surviving to inherit the same, by reason whereof the said estate descended to his brothers and sisters and their legal representatives, and that, among others, the children of his brother Enos Coursen, deceased, late of the county of Sussex, became heirs at law to his said estate;—that Phebe E. Coursen, a daughter of the said Enos Coursen, deceased, after being married to Lewis Dunn, of Vernon, in the said county of Sussex, died on the twenty-fifth day of June, eighteen hundred and thirty-six, without having ever alienated or conveyed away her right, as one of the said heirs, leaving an only child, to wit, Moses C. Dunn, who is the legal representative and sole heir of his mother's inheritance in the said estate;—and whereas the said inheritance consists of an undivided share of a small lot of land and premises, situate in the township of Knowl-

Preamble.

Preamble.

ton, in the county of Warren aforesaid, adjoining lands of William Hibbler, Charles Beatty, Joseph W. Dey, and others, which yields but little or no profit or income to the said Moses C. Dunn;—and his father and other near relatives represent that the interests of the said minor would be greatly advanced by a sale of the said real estate, and pray for a law appointing a trustee to sell the same, and place the money at interest for his benefit; and their petition appearing to be reasonable and proper—therefore,

Trustees authorized to sell land of M. C. Dunn, a minor.

Interest vested in purchaser.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Lewis Dunn be, and he is hereby appointed, a trustee, with full power and authority to sell and convey, for the highest sum or sums of money the same will bring, all the estate, right, title, and interest which the said Moses C. Dunn, a minor, hath of, in, and to the said lot of land and premises, with the appurtenances, either at law or in equity, and to execute, make, and deliver a good conveyance or conveyances in law to the purchaser or purchasers of the same; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns, for ever, all the estate, right, title, and interest which the said Moses C. Dunn now hath, and which the said Phebe E. Dunn, deceased, had at the time of her death, of, in, and to the said premises, with the appurtenances.

Bond to be given to governor.

Sec. 2. *And be it enacted,* That before the said Lewis Dunn shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, with such security and in such sum as shall be approved by the judges of the orphans' court of the county of Warren, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be deposited in the office of the surrogate of said county.

Account of sales to be filed with surrogate.

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

Disposition of the proceeds of sale.

Sec. 4. *And be it enacted,* That the said Lewis Dunn shall be accountable for all money so received by him, and, after paying off all legal claims and liens upon said estate, together with such reasonable charges for his services as shall be allowed by the orphans' court of the county of Warren, shall pay over the surplus moneys to the said Moses C.

Dunn, or his legal guardian, according to law; and the receipt or discharge of him, or of his proper guardian, shall be his sufficient voucher to settle up the said estate in the orphans' court aforesaid.

Passed February 28, 1838.

AN ACT relative to a division of lands, late of Henry Doty, deceased.

WHEREAS, deeds for the division of lands, late of Henry Doty, deceased, situate part in the township of Mendham, and part in the township of Randolph, in the county of Morris, were made and executed by and between William Pool and Abigail Pool, his wife, and Daniel Lawrence and Sibbel or Sibelor Lawrence, his wife, bearing date the nineteenth day of April, in the year of our Lord one thousand eight hundred and eleven, which said lands and premises were devised by the said Henry Doty, in his lifetime, to the said Abigail and Sibbel, to be held by them during their natural life, and after their decease to belong to their children, and by them to be possessed for ever; and such division having been intended by them as a permanent and lasting division between them and their children respectively, of the said lands so devised, and that the said lands have been so used and enjoyed by the families, respectively, of said parties, in such manner as that by a new and different division injustice will be done—now therefore for the purpose of confirming said division,

Preamble.

BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the said division made by deeds, bearing date the nineteenth day of April, in the year of our Lord one thousand eight hundred and eleven, shall be, and are hereby made good, established, ratified, and confirmed by and between the parties thereto, and their children, respectively mentioned in said will, their heirs and assigns for ever, and that the lands so allotted, assigned, and conveyed to the

Deeds of division of lands of H. Doty, dec., confirmed.

said Daniel Lawrence, by the deed from the said William Pool and Abigail Pool, shall be held, had, and enjoyed by the children of the said Sibbel, mentioned in said will, and by their heirs and assigns for ever, relieved and discharged from any claim, right, title, or demand of the said children of the said Abigail Pool, or any of them, made under or by virtue of said will; and that the lands so allotted, assigned, and conveyed to the said William Pool, by the deed from the said Daniel Lawrence and Sibbel, his wife, shall be had, held, and enjoyed by the children of said Abigail Pool, mentioned in said will, and by their heirs and assigns for ever, relieved and discharged from any claim, right, title, or demand of the said children of the said Sibelor, or any of them, made under or by virtue of said will:

Passed February 28, 1838.

AN ACT to tax the stock of the New Hope Delaware Bridge Company.

Stock of New
Hope Delaware
Bridge Compa-
ny taxed.

Amount of cost
of bridge ex-
empted.

Penalty for non-
payment.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the president and managers of the New Hope Delaware Bridge Company be, and the same are hereby required to pay, or cause to be paid, into the treasury of this state, on or before the first day of January next, and on or before the first day of January in each and every year thereafter, a tax of one half of one per centum on the whole amount of capital stock actually subscribed and paid in, and which shall hereafter be subscribed and paid in to the said company; *provided,* that the said company shall be relieved from the payment of such tax on that part of such capital stock as shall have been the original cost, to the said company, of the bridge constructed by the said company over the river Delaware, on satisfying the treasurer of this state of the amount of such original cost.

Sec. 2. *And be it enacted,* That in case of the neglect or refusal of the said company to pay, or cause to be paid, the tax as herein before directed, for the space of thirty days after the annual period in the first section of this act pre-

scribed, it shall be the duty of the said treasurer and of the justices of the supreme court of this state to proceed, in all things, in the manner directed in the second section of the act entitled "An act to tax bank stock," passed on the second day of November, in the year one thousand eight hundred and ten; and the said company shall be liable and subject to the same proceedings as are prescribed in the aforesaid section of the act before recited.

Passed February 28, 1838.]

A SUPPLEMENT to an act concerning stray cattle, horses, and sheep, passed March seventh, seventeen hundred and ninety-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 it shall be the duty of the clerks of the different townships of this state to advertise all the estray cattle and horses recorded in the township book, their several ages, colours, and marks, natural and artificial, the person's name in whose possession the same are, the expenses to be paid by the owners of the estrays, and where no owner appears, by the moneys arising from the sale of the said estray or estrays, to be advertised in one of the newspapers in the county where said estray is, and if no newspaper be published in such county, then in a newspaper published nearest to the same, once a week for the space of three weeks from the first week immediately after said estray shall be recorded in his town book.

Estrays to be
advertised in
newspapers.

Sec. 2. *And be it enacted,* That the supplement passed March tenth, eighteen hundred and thirty-six, be, and the same is hereby repealed.

Former act re-
pealed.

Passed February 28, 1838.

AN ACT to incorporate the New Jersey Agricultural Company.

Preamble.

WHEREAS it has been represented to the legislature, that Robert Swartwout is proprietor of a large quantity of salt meadow and marsh land, in the valley of the Hackensack river, in the county of Bergen; that he has expended large sums of money in embanking, draining, ditching, and otherwise reclaiming and improving the same; but that it is impracticable entirely to reclaim and improve them without authority given by law to make such embankments, dams, locks, and other works as will prevent the overflow of the tides in the Hackensack river; that by such embankments, locks, and other works, many thousands of acres of land, owned by himself and other persons, will be reclaimed and improved; and that great benefit will result to the agricultural interest of that portion of the state, if sufficient provision be made by law to enable him and his associates to effect the same—therefore,

Style of incorporation.

General powers.

Proviso.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Robert Swartwout and his associates be, and they are hereby constituted a body politic and corporate, by the name and style of "the New Jersey Agricultural Company," and by that name shall be known in law, and have power to sue and be sued and to defend and be defended in all courts of law and equity, and in all actions and matters whatsoever; and may have a common seal, and renew and alter the same at their pleasure; and by the same name shall be, and hereby are made capable in law to purchase and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature or kind soever, necessary for the purposes of this corporation, and the same to grant, demise, alien, or dispose of at pleasure, for the benefit of the said company and their legal representatives, in proportion to their respective shares; *provided always,* that the lands and tenements which it shall be lawful for the said corporation to purchase and hold, shall only be tracts of salt meadow and other marsh land within the county of Bergen aforesaid, together with such lots or parcels of upland adjacent thereto, as may be requisite for the purposes of carrying into effect the objects of this incorporation; *and provided also,* that

the original cost of such lands do not exceed in the whole the sum of one million of dollars; *provided also*, that it shall be lawful for the said corporation to hold all such lands as shall be bona fide mortgaged to the said corporation by way of security, or conveyed to it in satisfaction for debts previously contracted, or purchased at sales upon judgments which shall have been obtained for such debts.

Amount of value of lands to be held by company.

Sec. 2. *And be it enacted*, That the said company shall have authority to make and erect such banks, dams, and other works as may be necessary and proper to exclude and shut out the tides, and prevent the same from overflowing the said marsh and meadow lands, and to dig, make, and form such ditches, drains, sluices, and other improvements as may be necessary and proper to drain and draw off the water which may at any time be upon such marsh or meadow land as may be above the said banks, dams, and other works adjacent to the said Hackensack river; *provided*, that no dam or other work shall be erected across the Hackensack river, nor shall any thing contained in this act be construed to authorize the said company to impede or otherwise intercept the navigation of said river, or any of its navigable branches; *and provided also*, that the authority to embank said marshes shall not extend to nor embrace any marsh land on the east side of the Hackensack river, not belonging to the company, nor on the west side thereof north of the mouth of Berry's creek, and running from that point to the south boundary of marsh land belonging to Cornelius G. Brinkerhoff, and along the said line to the upland, leaving the marshes of said Brinkerhoff north of said embankment.

Company authorized to erect banks, dams, &c.

Navigation of Hackensack river not to be impeded.

Certain lands not to be included in embankments.

Sec. 3. *And be it enacted*, That any person or persons now owning marsh or meadow ground above the place where the said banks, dams, and other works shall be erected, and which shall be benefited thereby, may become a member or members of said company, and have a number of shares and an interest therein equal to the assessed value of his said marsh or meadow ground; *provided*, that such person or persons shall become subscribers, associates, and members of said company before the said banks, dams, and other works shall be commenced.

Owners of meadow out of the banks may become members of company.

Sec. 4. *And be it enacted*, That the capital stock of said company shall not be less than one, or more than two millions of dollars, to be divided into shares of one hundred dollars each.

Amount of capital stock.

Sec. 5. *And be it enacted*, That so soon as the sum of five hundred thousand dollars shall have been subscribed to

When company may commence operations and elect directors.

Proviso.

the said company, and the payments on such subscription made according to the provisions of this act, the said company shall be organized by the election of a president and fifteen directors, each subscriber and associate of said company being entitled to, and allowed one vote in said election, on each share held by him; and each share shall be entitled to one vote in all future elections; *provided always*, that public notice, of at least twenty days, of the time and place of holding said election shall be given in two at least of the newspapers printed and circulated in the said county of Bergen, or in the nearest adjoining county to said lands.

Directors to be divided into classes.

Majority of directors to be citizens of the state.

Proviso.

Sec. 6. *And be it enacted*, That the first board of directors shall, within one month after their election, choose one of their number for president, and proceed to divide the other directors into three classes, of five directors each; the seats of one of the said classes, in succession, shall be vacated at the expiration of each and every two years, and their places supplied by an election of the stockholders, so that in the space of six years the seats of each and every class composing the board of directors shall have been vacated and renewed, which principle shall govern in all subsequent elections under this act; *provided*, that all the directors shall be stockholders, and a majority of them citizens of this state, and that all vacancies which may occur by death, resignation, or otherwise, may be filled by the board of directors; *and provided also*, that in case it should at any time happen that an election of directors should not be made on any day when pursuant to this act it ought to have been made, it shall be lawful on any subsequent day, upon such notice and in such manner as the by-laws of the said company may provide, to hold an election for directors of said company; and the directors so elected shall proceed to choose a president, as herein before directed.

Commissioners to make a map of lands benefited.

Sec. 7. *And be it enacted*, That the said company shall apply to the court of common pleas of the said county of Bergen, who shall appoint commissioners according to the provisions of the act entitled, "An act to enable the owners of tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed the twenty-ninth of November, seventeen hundred and eighty-eight, and the several acts amending and supplementary thereto; and it shall be the duty of the said commissioners to make a map of all the lands which may be benefited by the said banks, dams, and other works, and an

estimate of the present value of said lands, which said map and estimate shall be filed and recorded in the clerk's office of said county, according to the provisions of said act; which estimate shall be taken and received as the value of the said lands owned by each individual, in any subscription which he may make to the capital stock of said company, and in any assessment which may be made under the provisions of this act; nor shall said company commence the erection of their said dams and other improvements until they shall have filed in the clerk's office of the said county of Bergen a certificate, under the seal of said corporation, that the owners of more than one half the marsh lands embraced within said improvement have become associates, or have given their assent thereto.

Commissioners' valuation of lands received in subscriptions for stock.

Sec. 8. *And be it enacted*, That within three years after the said banks, dams, and other works shall have been completed, and notice thereof filed in the clerk's office of said county, the said commissioners, or, in case of their death or inability to act, such persons as may, on application to said court, be appointed in their stead, shall make another valuation of all the said lands possessed by the said owners or their assignees, and embraced within the map so filed as aforesaid; and shall be governed in ascertaining and fixing the value of the said lands by the condition and worth thereof, at the time when the said last mentioned valuation shall be made.

Valuation to be made after completion of works.

Sec. 9. *And be it enacted*, That such sum or sums as shall be the difference in the value of the said lands, between the amount thereof in the first and second valuations, shall be taken and received as the benefit which each owner or possessor of said lands shall have derived from the making and erection of the said embankments, dams, drains, sluices, locks, and other works; and the sum of benefit so appearing shall be a lien upon the respective shares or portions of salt marsh or meadow land; and the said lands shall be bound for the payment thereof to the said company; and the said sum or sums may be collected according to the provisions of the before recited acts.

Difference between valuations, benefit received, and lien on lands therefor, to company.

Sec. 10. *And be it enacted*, That any owner or possessor of the said marsh or meadow land shall be at liberty to elect either to pay the said sum mentioned in the preceding section of this act, or to let the same remain as a lien as aforesaid, on his said land, and pay to the said company, yearly and every year, the legal interest on said sum; *provided always*, that if he elect to pay the principal, the same shall be paid within six months after the said second valu-

Amount of benefit received may be paid to company or remain on interest.

Proviso.

ation shall have been made, and the said sum ascertained ; and if the sum or principal be not paid within said time, the owner of said lands shall be considered as having made his election, and shall be thereupon charged with legal interest on said sum from the date of one year after the completion of said works ; which arrears shall be collected annually, in the manner provided in the next preceding section of this act.

Mode of securing payment for stock.

Sec. 11. *And be it enacted*, That after the shares shall have been subscribed and allotted, each stockholder shall pay, or secure by mortgage on real estate, in the discretion of the directors, the whole amount due on the shares so held by him, within twelve months thereafter, at such time and place as the said directors shall appoint, of which due notice shall be given ; and in default, the said directors may declare the shares of every stockholder omitting to make such payment, or to give such security, to be forfeited to the use of the company, together with all previous payments made thereon.

Powers and duties of directors.

Sec. 12. *And be it enacted*, That it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands in the valley of the Hackensack, within the bounds mentioned in the second section of this act, for the purpose of exploring, surveying, and laying out the route or routes of said embankments, dams, draws, locks, and abutments, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property ; and when the location of the said embankments, draws, dams, locks, and abutments shall have been determined upon, and a survey of such location deposited in the office of the clerk of Bergen county, then it shall be lawful for the said company, by its officers and agents in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, dams, bridges, drains, locks, and abutments, and to do all other things which may be suitable and necessary for the completion and repair of their said works, and to carry into full effect the object of this incorporation, and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route or location, which may be required for the construction of, repairing, altering, or extending the said embankments, dams, drains, or any of the works or appendages, subject to such compensation therefor as shall be equitable ; and where the company or its agents cannot agree with the owners of any such required

May enter upon lands to explore route, &c.

Map of survey of location to be filed in clerk's office of Bergen.

Land necessary for works may be taken on making compensation to owners.

lands or materials, for the use or purchase thereof, then subject to the provisions in like cases provided for in the eighth section of the act incorporating the Paterson and Hudson river Railroad Company, passed twenty-first of January, eighteen hundred and thirty-one; *provided always*, that if there be any mills or other water-works which have been erected upon the said Hackensack river, or upon streams flowing into the same, which shall be affected and injured by the embankments, dams, and other obstructions to the flowing of the tides in the said river, hereby authorized to be erected, the injury and damage so done to the owners thereof, and all damages done to the fisheries on said river, shall be paid and satisfied by the said company; and if the said company or its agents cannot agree with the owners of said mills for the amount so to be paid, the same shall be ascertained and assessed in the mode, and according to the principles pointed out and prescribed in this section.

Sec. 13. *And be it enacted*, That the property and effects of the said company may be invested, secured, assigned, and transferred according to such rules as shall be instituted in that behalf by its by-laws and ordinances; and that the capital stock of the corporation, other than such as may be subscribed for in land by the associates, as provided for in the third section of this act, may be called in by instalments of such sums on each share, and at such periods, as the purposes of the company may require, giving at least thirty days' notice thereof in one of the newspapers published in the county of Bergen.

Property may be invested or transferred, &c.

Sec. 14. *And be it enacted*, That the following, shall be the fundamental articles of the said corporation:

Fundamental articles of incorporation.

ARTICLE I. The said company shall have power to borrow money upon mortgage or otherwise; but they shall not set up or establish any bank, or perform the ordinary banking operations.

Company may borrow money, but shall not engage in banking.

ARTICLE II. The board of directors for the time being shall have power to appoint a treasurer, secretary, and such agents, officers, and clerks under them as shall be necessary for carrying on the business of said company, and to allow them such compensation for their services, respectively, as they may deem reasonable, and shall be capable of exercising such other powers and authorities, and of making, revising, altering, or annulling all such by-laws and regulations for the government of the company and their officers, and the regular conducting of their affairs and busi-

Directors to appoint officers.

Proviso.

ness, as they, or a majority of them, from time to time may think expedient; *provided*, that such by-laws and regulations be not inconsistent with the constitution and laws of this state or of the United States.

Quorum of directors.

ARTICLE III. Five directors, of whom the president shall be one, shall form a board or quorum for the transaction of business, and in case of sickness or necessary absence of the president, his place may be supplied by any other director whom the directors present may nominate for that purpose; the stated meetings of the board of directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by particular appointment, or upon the call of the president.

How general meeting of stockholders may be called.

ARTICLE IV. The board of directors, or ten or more stockholders, being together proprietors of a majority of the stock, may at any time call a general meeting of the stockholders, for purposes relative to the business of the company, giving at least thirty days' notice thereof in one of the newspapers printed in the county of Bergen or county of Essex, specifying the object or objects of such meeting.

Stock transferable.

ARTICLE V. The shares of the capital stock at any time owned by any stockholder shall be transferable on the books of the company only, in such manner as the by-laws shall ordain.

Treasurer to give bond.

ARTICLE VI. The treasurer, before he enters upon the duties of his office, shall be required to give bond to the said corporation, with two or more sureties, to the satisfaction of the directors, in such sum as the board of directors may by their by-laws order and direct from time to time, conditioned for the faithful performance of his duty.

Semi-annual dividends may be made.

ARTICLE VII. Dividends of so much of the profits of the company, as shall appear advisable to the directors, shall be made, declared, and paid to the stockholders, or their legal representatives, twice a year, but they shall in no case exceed the amount of net profits actually made or acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall knowingly and wilfully make any dividend which shall impair the said capital stock, the directors consenting thereto shall be liable, in their individual capacities, to the company for the amount of the stock so divided; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest

Capital stock not to be impaired.

on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

ARTICLE VIII. A general statement of the affairs of the company shall be exhibited every year, for the inspection of the stockholders, on the day of their annual meeting.

Annual statement of affairs to be made to company.

ARTICLE IX. Each director, secretary, or treasurer, before he enters upon the duties of his office, shall take the following oath or affirmation, as the case may be: "I, ——— do swear (or affirm) that I will faithfully execute the duties of ———, agreeably to the provisions of the law, and the trust reposed in me, to the best of my skill and understanding."

Oaths of officers.

Sec. 15. *And be it enacted*, That the capital stock and funds of the said corporation shall be deemed personal estate.

Stock personal property.

Sec. 16. *And be it enacted*, That on the first Monday in November, in every year after the completion of their works, the president and treasurer of the company shall furnish the governor of this state, to be laid before the legislature, a true and correct statement, under oath, of the stock of said company, and the manner in which the same is employed.

Annual statement to be furnished to the governor.

Sec. 17. *And be it enacted*, That the legislature reserves the right to alter, modify, or repeal this act at any time.

Act may be altered or repealed.

Passed February 28, 1838.

A FURTHER SUPPLEMENT to an act entitled, "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic; and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic," passed February seventh, eighteen hundred and thirty-seven.

Surrogates of Passaic and Atlantic authorized to issue new letters testamentary, of administration, and of guardianship, in certain cases.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That whenever any executor, administrator, or guardian, who was appointed in either of the counties of Essex, Bergen, or Gloucester, before the act to which this is a supplement went into operation, shall die, cease to act, or for any other cause be disqualified, or whenever the letters of administration, guardianship, or letters testamentary shall be vacated, then and in such cases the surrogates of the counties of Passaic and Atlantic, respectively, are hereby authorized to issue new letters of administration, or letters of guardianship, or letters of administration cum testamento annexo, as the case may require, in the said counties of Passaic and Atlantic; *provided* the testator or intestate resided within the bounds of either of the said counties, or the estate of the ward or wards lies within the same; and that the orphans' courts of the said counties, respectively, may proceed thereupon as if the said letters of administration, letters of guardianship, letters testamentary, or letters of administration cum testamento annexo, had been originally issued by the surrogates of the said counties, respectively.

Venue may be changed to counties of Passaic and Atlantic, in certain cases.

Sec. 2. *And be it enacted*, That in all cases pending in the supreme court of this state prior to the passage of the act to which this is a supplement, where the plaintiff or defendant in any transitory action did, at the time of the passing of said act reside within the limits of either of the counties of Passaic or Atlantic, or when in any local action the cause of action arose within the bounds of either of said counties, either party may, at his election, on application to the said court for that purpose, have the venue in said action changed to the county in which the plaintiff or defendant resided or the cause of action arose, as aforesaid, and the cause tried therein, as if the said action had originally been commenced in the county to which the venue be changed as aforesaid.

Sec. 3. *And be it enacted*, That this act take effect immediately after the passage thereof.

Act to take effect immediately.

Passed February 28, 1838.

AN ACT to authorize alterations and repairs to the New Jersey state arsenal.

Sec. 1. 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 quartermaster general be, and is hereby authorized to make such alterations and repairs to the New Jersey state arsenal, for the preservation of the arms and accoutrements, as in his opinion may be deemed necessary, and that the treasurer pay the same out of any moneys in his hands, upon certificate of the commander in chief, *provided* such sums shall not exceed three hundred dollars.

\$300 appropriated to repair of state arsenal.

Sec. 2. *And be it enacted*, That the act entitled, "An act relative to the distribution of the public arms," passed March ninth, eighteen hundred and thirty-seven, be so construed as to authorize the quartermaster general to hold the said field pieces and apparatus therein designated subject to the order of the brigade boards of the respective counties of Sussex and Warren.

Construction of former act.

Passed February 28, 1838.

AN ACT for the relief of Tunis Felter, of the county of Morris.

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

Pension of \$60 per annum to be paid to T. Felter.

rized and directed to pay unto Tunis Felter, of the county of Morris, a soldier of the Revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made on the fourth day of March next.

Passed February 28, 1838.

AN ACT to authorize the sale of real estate of William H. Mount and Sarah his wife, of the county of Middlesex.

Preamble.

WHEREAS William H. Mount intermarried with Sarah, widow of Vincent Witherill; and whereas the heirs of the said Vincent Witherill conveyed a certain farm, containing two hundred acres, to the said William H. Mount and Sarah his wife, by deed bearing date the twenty-first day of September, A. D. eighteen hundred and twenty-six, and duly recorded in the clerk's office of Middlesex county, in book XX. of deeds, pages 280 and 282, "unto them, the said William and Sarah, for and during their natural lives, and after their decease unto the children of the said Sarah and William;"—and whereas the said Sarah has departed this life, leaving six children; and whereas it is the desire of all interested that the same should be sold—therefore,

Trustees authorized to sell certain lands of heirs of Sarah Mount.

Sec. 1. 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 T. McDowell and Peter Duncan be, and they are hereby authorized to sell and convey the said farm or tract of land at public sale, upon giving thirty days' notice of the time and place, by advertisements set up in ten public places in said county of Middlesex, and execute good and sufficient conveyances to the purchaser or purchasers for the same.

Distribution of proceeds of sale.

Sec. 2. And be it enacted, That the said John T. McDowell and Peter Duncan shall, with the proceeds of such sale, pay off the mortgage now on said farm, and the balance of one thousand dollars pay to the said William H. Mount, and divide the residue of the moneys arising from

such sale into as many equal shares as there are children of the said William H. Mount and Sarah his wife, formerly widow of Vincent Witherill, deceased, and pay to such of the said children as are of full age their respective shares, and the shares of such of the said children as are not of full age securely invest, until they respectively attain the age of twenty-one years; *provided*, that in case any of the said children should die under twenty-one years of age, or before receiving their said shares, that then such shares of the moneys arising from the sale hereby authorized shall descend in the same manner as if this act had not been passed.

Passed March 1, 1838.

A FURTHER SUPPLEMENT to the act entitled, "An act concerning inns and taverns," passed the twenty-fourth day of February, seventeen hundred and ninety-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 so much of the laws heretofore passed concerning inns and taverns as authorized the courts of general quarter sessions of the peace, in the several counties of this state, to license persons to keep inns and taverns and to utter and sell victuals, and vinous, spirituous, and other strong liquor, for the accommodation of men, and provender for horses, within their respective counties, and to take, and proceed on, forfeit, and collect recognizances given by persons licensed to keep inns or taverns, be, and the same are hereby repealed; and that all the power and authority heretofore conferred by the said laws upon the said courts to license persons to keep inns and taverns, and to regulate the same, or to do all or any of the matters before mentioned, shall be, and the same are hereby conferred upon the inferior courts of common pleas of the several counties; which courts shall, in all things concerning inns and taverns, be entitled to like fees, and proceed as by the said laws the said courts of general quarter sessions of the

Licensing of taverns transferred from quarter sessions to courts of common pleas.

peace might and ought to have done before the passing of this act.

Freeholders to
certify that ta-
vern is neces-
sary.

Sec. 2. *And be it enacted*, That no person shall be licensed to keep an inn or tavern, unless the freeholders who shall recommend him or her shall also certify that such inn or tavern is necessary, and will conduce to the public good.

Recognizance
may be taken
by judge out of
court.

Sec. 3. *And be it enacted*, That the recognizance required by the fourth section of the act to which this is a further supplement, may be taken by any judge of the said court of common pleas, out of court, and, being signed by such judge and filed by the clerk, shall have the same force and effect as if the same had been taken in open court.

License forfeit-
ed for selling li-
quor out of ta-
vern house.

Sec. 4. *And be it enacted*, That no license shall authorize any inn holder or tavern keeper, or any person by his or her authority or permission, to sell, or to keep and expose for sale, any rum, gin, brandy, whiskey, cider-spirits, or other ardent spirits, wine, or any other liquid of which distilled spirits or wine shall form a component part, in any bar, stand, or other place out of the inn or tavern house for which license shall have been granted according to law; and any person offending against the provisions of this section shall be considered as keeping a disorderly house, and forfeit his or her license and recognizance, and shall be liable to all the penalties imposed by law for selling without license.

Liquors prohib-
ited to be sold
in less measures
than prescribed,
without license.

Sec. 5. *And be it enacted*, That it shall not be lawful for any person or persons, without license for that purpose first had and obtained, to sell, or cause, or knowingly permit to be sold, directly or indirectly, any wine, rum, gin, brandy, whiskey, cider-spirits, or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient, except such as shall be compounded and intended to be used as medicine, by less measure than one quart, or any mixed liquors, by less measure than five gallons; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction shall be fined in any sum not exceeding twenty dollars, together with costs of prosecution; *provided* that the prosecution shall be commenced within six months after the offence shall have been committed; *and provided also*, that nothing in this act shall be construed or taken to prohibit any person or persons from selling methueghin, currant wine, or other wine, or cider made by him, her, or them.

Penalty.

Proviso.

Liquors may be
described as ar-
dent spirits in
indictments.

Sec. 6. *And be it enacted*, That in all indictments hereinafter found upon this act, or the act to which this is a supplement, or any other act relative to inns or taverns, it

shall be sufficient to describe the liquor sold as ardent spirits, without specifying particularly the kind or description thereof.

Sec. 7. *And be it enacted*, That all acts and parts of acts coming within the purview of this act be, and the same are hereby repealed; and this act shall take effect and be in force from and after the passage thereof.

Former acts repealed.

Passed March 1, 1838.

AN ACT respecting the clerk and surrogate of the county of Mercer.

Sec. 1. 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 clerk of the inferior court of common pleas and general quarter sessions of the peace of the county of Mercer, and the surrogate of the said county, to submit their respective official bonds to any one of the justices of the supreme court, and to take and subscribe the oaths or affirmations required of them, respectively, by law, before said justice of the supreme court, which said justice is authorized to inspect the said bonds and administer the said oaths or affirmations; and when the said justice shall have approved the said bonds, respectively, and the sureties therein named, and administered the said oaths or affirmations, the said clerk and surrogate shall be fully authorized to enter upon and discharge the duties of their respective offices.

Clerk and surrogate of Mercer to be qualified by justice of supreme court.

Sec. 2. *And be it enacted*, That the said justice, by whom the said bonds may be approved and the said oaths or affirmations administered, shall transmit the said bonds, so executed and approved of, together with the said oaths or affirmations of office, duly taken and subscribed, to the secretary of this state, to be recorded in said secretary's office, and filed in the same.

Oaths and bonds to be filed in office of secretary of state.

Sec. 3. *And be it enacted*, That this act go into effect on the second Monday in April next, and only apply to the first clerk and surrogate of the said county of Mercer.

When act to go into effect.

Passed March 1, 1838.

AN ACT for the better regulation of the banks in this state
and for other purposes.

Suspension of
certain provisions
of law, by
former act, pro-
longed.

Sec. 1. 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 provisions of law in force on the tenth day of November, in the year one thousand eight hundred and thirty-seven, which were on the following day suspended in their operations by an act entitled, "An act to provide for an investigation of the condition of the banks in this state, and for other purposes," and enumerated in the first section of said act, are hereby further suspended in their operation until fifteen days have expired after the public proclamation of the governor of this state shall be made and published in the manner directed in the second section of this act, unless prior to that time the legislature of this state shall otherwise order.

Governor to
make proclamation
on resumption
of specie
payments by
banks of Penn-
sylvania and
New York.

Sec. 2. And be it enacted, That so soon as the governor of this state shall ascertain that a majority of the banks and companies exercising banking privileges, in the cities of New York and Philadelphia, under charters granted by the state of New York or Pennsylvania, have resumed the payment of their debts in specie, he shall forthwith make public proclamation thereof, and deliver a copy of the same to the secretary of this state; and thereupon, it shall be the duty of said secretary to cause said proclamation to be published immediately in at least one newspaper in each of the counties of this state in which a newspaper is printed and published, and a certified copy of said proclamation to be delivered to the president or cashier of each of the banks and companies exercising banking privileges in this state.

Not to impair
any remedy for
demands against
banks.

Sec. 3. And be it enacted, That nothing in the foregoing sections contained shall impair or defeat any right or remedy of any person or persons, or body corporate, having any demand against any such bank or company, to enforce the payment of the same, in as full and ample a manner as though this act had not been passed.

All bank notes
to be payable
on demand.

Sec. 4. And be it enacted, That no such bank or company shall hereafter issue or put in circulation any note, bill, check, or draft intended or calculated for circulation as a bank note, other than such as are payable on demand at the banking house of such bank or company.

Annual state-
ment of banks
to be exhibited
to treasurer.

Sec. 5. And be it enacted, That it shall be the duty of every such bank or company to forward to the treasurer of this state, on the first day of January, in each and every

year hereafter during which such bank or company shall exist, a statement of its affairs and condition on that day, which statement shall be made under the oath or affirmation of the cashier of such bank or company, and either the oath or affirmation of the president thereof, or the oaths or affirmations of three of the directors thereof, and shall at least contain the amount of the capital stock subscribed and actually paid in; of the capital stock of such bank or company pledged or responsible for notes and bills discounted and bought; of the capital stock of such bank or company owned by such bank or company; of notes and bills discounted and bought; of specie on hand, actually in the possession of, and the property of such bank or company; of balances due from other banks and companies; of bank notes of other banks and companies; of real estate, the cost and a fair valuation of the same, and all other assets, designating them, and of the assets which are deemed by them to be good, doubtful, and bad; and also the amount of its notes and bills in circulation; of dividends unpaid; due to depositors, due to other banks and companies, and of all other debts due from such bank or company, enumerating them; and also the amount of the surplus above, or a loss on the capital stock of such bank or company, as the case may be; and it shall be the duty of the said treasurer, as soon as possible thereafter, to lay every such statement before the legislature of this state.

Sec. 6. *And be it enacted,* That no such bank or company shall be entitled to the privileges conferred by this act which shall not within thirty days of the time of passing this act, and notice thereof given by the governor of this state to said bank or company, forward to the treasurer of this state the acceptance of, and consent to the provisions of this act by such bank or company, in writing, under the hand of the president thereof, and the seal of such bank or company.

Banks to notify their assent to this act.

Sec. 7. *And be it enacted,* That notwithstanding this act, the chancellor may proceed, in all cases not within the intent and meaning of this act, according to the provisions of an act entitled, "An act to prevent frauds by incorporated companies," passed on the sixteenth day of February, in the year one thousand eight hundred and twenty-nine.

Chancellor may proceed in certain cases.

Sec. 8. *And be it enacted,* That this act shall take effect immediately after the passing of the same.

Act to take effect immediately.

Passed March 1, 1838.

AN ACT to establish public schools.

\$30,000 appropriated annually for the support of free schools.

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

Trustees to apportion the money to the counties, in the ratio of taxation.

Sec. 2. And be it enacted, That as soon as the said appropriation shall be made, it shall be the duty of the said trustees to apportion the same amongst the several counties of this state, in the ratio of the last taxes paid for the support of the government of this state by the said counties, respectively, a true list of which apportionment shall be made out and filed with the treasurer, whose duty it shall be forthwith to give notice in writing to the collectors of the several counties of the sum apportioned to each county, and the said collectors shall thereupon have power to draw for the same.

Chosen freeholders to apportion their quotas to townships.

Sec. 3. And be it enacted, That the boards of chosen freeholders in the several counties of this state shall, at their annual meetings in each year, apportion among the several townships in their respective counties the money so as aforesaid received from the treasurer, in the ratio of the county tax paid by the several townships, a true list of which apportionment shall be filed by the clerk of the said board, and a duplicate copy thereof filed with the county collector; and it shall be the duty of the clerks of the said boards of chosen freeholders, respectively, as soon as such apportionment shall be made and filed as aforesaid, to give notice in writing to the collectors of the several townships in their respective counties of the amount so apportioned to the respective townships; and it shall be the duty of the said township collectors, on the receipt of such notice, to draw upon the county collector for the same.

Sec. 4. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized and empowered, at their annual town meetings, to raise by tax, or otherwise, in addition to the amount so apportioned to their use, such further sum or sums of money as they may deem proper for the support of public schools within their respective townships; *provided*, that such additional sum shall not exceed double the amount of such apportionment.

Townships may raise additional sum.

Proviso.

Sec. 5. *And be it enacted*, That the inhabitants of the several townships in this state are hereby authorized and empowered, at their annual town meetings, to elect and choose, in the same manner as other town officers are elected, three suitable persons, who shall constitute the school committee for the respective townships, whose duty it shall be, on or before the second Monday in May next, to set off and divide their respective townships into convenient school districts, with power to alter and change them as circumstances may require; and in case a district can be more conveniently formed of parts of two or more adjacent townships or counties, it shall be lawful for the school committees of such adjacent townships, collectively, to make such division.

Town meetings to elect school committee, who are to set off districts.

Sec. 6. *And be it enacted*, That it shall be the duty of the school committee in each township, within twenty days after the school districts shall have been set off and divided as aforesaid, to prepare a notice in writing describing such districts, and appointing a time and place for the first district meetings, a copy of which notice shall be set up in three of the most public places within each of the said districts, at least ten days previous to the time of such meeting; and that district meetings shall be held annually, on the first Monday of April thereafter.

Meeting of school districts to be advertised.

Sec. 7. *And be it enacted*, That it shall be lawful for the taxable inhabitants of the several school districts in this state, when assembled in pursuance of the notice given as aforesaid, to elect, by a plurality of votes, three or more discreet persons, who shall constitute the trustees for the respective districts, and who shall hold and exercise their offices for one year and until others are duly elected; and the said trustees may resolve and determine how many months in the year a school shall be kept and maintained within their respective districts, and may also designate a site for the district school house.

School districts to elect trustees.

Sec. 8. *And be it enacted*, That it shall be the duty of the board of chosen freeholders in each of the several counties of this state, at their annual meetings, to elect and choose

Chosen freeholders to elect examiners, who are to license teachers.

three or more persons, citizens of said county, who shall constitute a board of examiners in and for said county, whose duty it shall be to meet at such times and places as the said board of chosen freeholders shall determine and appoint, and to examine and license, by certificate under their hands and seals, suitable persons as teachers of public schools within said county, having regard always to their scholarship and moral character, which license shall be restricted to the county where the same may be given, but may be revoked and renewed at the pleasure of the board of examiners; and that the members of the said board of examiners shall receive, as a compensation for their services, the sum of one dollar for each and every day by them actually employed in the duties of their office, to be paid to them by the county collector; *provided however*, that where the board of chosen freeholders of any county shall, at their said annual meeting, resolve and determine to dispense with the licensing of teachers within said county, then and in that case the provisions of this section shall not be deemed or taken to be applicable to any such county; but in such case it shall be lawful for the township school committee of any township of such county to perform the same duties for such township as the county board of examiners for such county might have done for the county by the provisions of this act relating to the licensing of teachers.

Proviso.

Duties of trustees of school districts.

Sec. 9. *And be it enacted*, That it shall be the duty of the trustees of the several school districts in the state, as soon as may be after their election as aforesaid, to provide a suitable house or room where a school shall be taught, and to employ a competent teacher, having a certificate of license for said county, unless where the board of chosen freeholders of said county and the township school committees, respectively, shall have resolved to dispense with the licensing of teachers; and it shall also be the duty of the said trustees, within twenty days after their election, to make out a list of the children capable of attending school, between the ages of five and sixteen years, within their said district, together with the names of the parents or guardians of such children, and to transmit the same to the school committee of the township of which such district forms a part.

Duties of township school committee.

Sec. 10. *And be it enacted*, That it shall be the duty of the school committees in the several townships of this state, upon the receipt of the lists of children within the respective districts, transmitted to them as aforesaid, to apportion the money received by their respective township collectors as herein before provided for, and also all other moneys which

may be raised by their respective townships for the support of public schools, among the several school districts so as aforesaid formed, in the ratio of the number of children capable of attending school between the ages of five and sixteen years, in each district, a true list of which apportionment shall be made out, and a copy thereof filed with the collectors of the respective townships, whose duty it shall be to pay to the trustees of the respective districts their just proportion of said moneys, according to the said ratio, for the use and benefit of the schools in said districts, to be applied in such manner and form as the said trustees may from time to time order and direct; but no portion of such moneys shall be applied except for the building, renting, or repairing of school rooms, purchasing fuel, furniture, and books, and paying teachers.

Sec. 11. *And be it enacted*, That it shall and may be lawful for the trustees of two or more of the school districts in any township, city, or borough of this state to unite and consolidate the respective quotas of the school money apportioned to them, for the purpose of establishing one or more free schools in said township, city, or borough; which school or schools, so determined upon, shall be under the supervision of the school committee, whose duty it shall be to determine what pupils shall be admitted, and upon what terms, and in general to discharge the office of trustees of such school or schools.

School districts may unite in establishing free schools.

Sec. 12. *And be it enacted*, That where the patrons or proprietors of any school already organized and established under the care of any religious society or denomination of christians, whose church discipline provide for the establishment of schools and the appointment of trustees, are unwilling to relinquish such school, and become subject to all the provisions of this act, it shall be the duty of the trustees of said school to transmit to the school committee of their respective townships a certificate of their organization, together with a list of the children of such patrons and proprietors between the ages of five and sixteen years, who are capable of attending school; whereupon every such school shall be entitled to receive its just and ratable proportion of the money assigned to said township out of the income of the school fund, and of such additional sum as may be raised or appropriated by said township for the support of public schools; which apportionment shall be made by the school committee of the respective townships, and a copy thereof filed with the township collector, whose duty it shall be to

Organization of certain schools continued, with privilege of receiving their quota of township moneys.

pay to the trustees of said school their just proportion of such moneys, for the use and benefit of said school.

School committees to perform certain duties, and report to trustees of the school fund.

Sec. 13. *And be it enacted*, That it shall be the duty of one or more members of the respective school committees to visit and examine the schools in their respective townships, at least once in every six months, and on or before the first Monday of March, in each and every year, to make out a report in writing of the state and condition of the schools within their respective townships, the number of scholars taught therein, the terms of tuition, the length of time the schools have been kept open, the amount of money received by them from the township collectors, and the manner in which the same has been expended; which report shall be exhibited and read at the next annual town meeting in their respective townships, and a copy thereof, together with such other information as they may deem it necessary to communicate, transmitted to the trustees of the school fund.

Certain duties of the trustees of the school fund.

Sec. 14. *And be it enacted*, That it shall be the duty of the trustees of the school fund to prepare suitable forms and regulations for making all reports, and conducting all proceedings prescribed by law in relation to public schools, and to transmit the same, together with such suggestions as they shall deem necessary and proper for their better organization and government, to the school committees of the several townships throughout the state, and to prepare and submit an annual report to the legislature, containing a statement of the condition of public schools throughout the state, estimates and accounts of expenditures of all moneys appropriated by law to the purposes of education, and all such matters relating to education as they may deem it expedient to communicate.

Compensation to school committees.

Proviso.

Sec. 15. *And be it enacted*, That the said school committees shall receive, as a compensation for the services required of them by this act, the sum of one dollar per day, to be paid to them by the township collector, out of the funds of the township; *provided*, that no compensation shall be paid by the said township collector until the said committee shall produce an acknowledgment of the trustees of the school fund that they had received from them a copy of the report required to be made by the preceding section of this act.

Former act repealed.

Sec. 16. *And be it enacted*, That the act entitled, "An act relative to common schools," passed the sixteenth day

of February, eighteen hundred and thirty-one, be, and the same is hereby repealed.

Sec. 17. *And be it enacted*, That this act shall take effect from and after the passage thereof. Act to operate immediately.

Passed March 1, 1838.

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

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That there shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of forty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state on or before the twentieth day of January, one thousand eight hundred and thirty-nine. \$40,000 to be raised by tax.

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

The county of Bergen shall pay the sum of two thousand one hundred and fifty-four dollars.

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

The county of Passaic shall pay the sum of one thousand and twenty-four dollars.

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

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

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

The county of Hunterdon shall pay the sum of three thousand three hundred and seventy-two dollars.

The county of Somerset shall pay the sum of two thousand five hundred and ten dollars.

The county of Middlesex shall pay the sum of two thousand seven hundred and thirty-three dollars.

The county of Monmouth shall pay the sum of three thousand seven hundred and twenty-three dollars.

The county of Burlington shall pay the sum of three thousand eight hundred and nineteen dollars.

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

The county of Gloucester shall pay the sum of two thousand nine hundred and thirteen dollars.

The county of Salem shall pay the sum of two thousand one hundred and fifty-six dollars.

The county of Cape May shall pay the sum of six hundred and forty-six dollars.

The county of Atlantic shall pay the sum of four hundred and sixty-six dollars.

The county of Mercer shall pay the sum of two thousand dollars.

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

Every covering horse above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose premises the horse is kept; all other horses or mules, three years old and upwards, any sum not exceeding eight cents; all neat cattle, three years old and upwards, any sum not exceeding four cents.

Enumeration of articles valued and taxed at discretion of assessor. Sec. 4. *And be it enacted*, That, in assessing the aforesaid sum of forty thousand dollars, the following articles, persons, and things shall be valued and rated at the discretion of the assessor, to wit:

All tracts of land more than ten acres, at any sum not exceeding one hundred dollars by the hundred acres; and all houses and lots of land of ten acres and under, connected therewith, and all lots of land of ten acres and under, not connected with houses, shall be valued by the respective assessors, at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent and value of the same, as near as may be, according to the scale by which they shall rate lands in regard to the actual yearly rent or value thereof.

All householders, (under which description shall be included all married men) any sum not exceeding three dollars over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding twenty dollars.

All grist mills, for each run of stones, any sum not exceeding six dollars.

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding thirty dollars.

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

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

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

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

All oil mills or oil presses, any sum not exceeding nine dollars.

All bark mills, propelled by water or steam, for grinding bark for sale, any sum not exceeding nine dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding four dollars.

Every ferry or toll bridge, any sum not exceeding twenty dollars.

All tan yards, where leather is tanned for sale or hire, each vat, any sum not exceeding thirty cents.

All distilleries, used for distilling spirits from rye or other grain, or molasses or other foreign materials, any sum not exceeding one hundred dollars.

All other distilleries, used for distilling, any sum not exceeding thirty 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-wheel 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 riding wagon, any sum not exceeding seventy-five cents.

Every two-horse chair or curricie, with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulkey, or pleasure wagon, any sum not exceeding seventy-five cents.

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding seventy-five cents.

Every printing, bleaching, and dyeing company, any sum not exceeding ten dollars.

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

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding ten dollars.

Tax for single
man.
Proviso.

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars: that if any single man be a householder, he may, at the discretion of the assessor, be taxed as other householders are liable by law to be taxed.

Duties of assessor.

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law; and that the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing, levying, and collecting.

Sec. 6. *And be it enacted*, That the said sum of forty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, in the year one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said 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. Fees of officers.

Sec. 7. *And be it enacted*, That this act shall go into operation and be in force on and after the passage thereof. Act to take effect immediately.

Passed March 1, 1838.

A SUPPLEMENT to the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative courts, and to establish an orphans' court in the several counties of this state."

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in all cases in which letters of administration shall have been, or hereafter shall be granted to two or more administrators, and complaint shall be made to the orphans' court of the county where the same shall have been granted, that one or more of the said administrators neglects or refuses to proceed with the administration of the estate, or when one or more of such administrators shall remove or reside out of the state of New Jersey, and shall neglect or refuse to proceed in the settlement of the estate on which such letters shall be granted, it shall and may be lawful for such orphans' court to cause a citation or notice to be served, agreeably to their own order, on such administrator or administrators; and thereupon the said orphans' court may proceed to hear such complaint, and shall have full power and authority, upon satisfactory proof of such neglect or refusal, to revoke and annul the letters of administration of such defaulting administrator or administrators; and the remaining administrator or administrators shall proceed in the same manner as if he, she, or they had been appointed the sole administrator or administrators; and such defaulting administrator or administrators shall be liable to all actions, suits, and to account in the same manner as if this act had not been passed, so far as the administration has come into his hands; and nothing in this act shall be con-

Letters of an administrator not proceeding to act may be revoked.

strued to release the securities of such administrator or administrators from their liability for so much of the estate as may have come to the hands of such administrator or administrators.

Passed, March 1, 1838.

AN ACT to defray incidental charges.

Certain incidental charges directed to be paid.

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

To William Closson, for making pump, thirty-three dollars and eighty-two and a half cents.

To Rebecca Sterling, for candles, forty-four dollars and twenty-nine cents.

To David Eastburn, for repairs to government house, sixteen dollars and eighty-seven and a half cents.

To Charles Yard, for repairs in library, one dollar and eighty-one and a half cents.

To William Yard, for paint, turpentine, &c., one dollar and eighty-five cents.

To C. B. Howell, for wash basins, wafer boxes, &c., six dollars and sixty-two and a half cents.

To William Hancock, for repairing stoves and furnaces, twenty-two dollars and two cents.

To Fish, Cook, & Co., for lumber, three dollars and twenty cents.

To John Sunderland, for turning and setting posts and finishing chains, eighty dollars.

To D. & J. Witherup, for carpenter work at state arsenal, one hundred and fifty dollars and ten cents.

To Gen. Samuel R. Hamilton, for freight and portorage for arms, thirty-five dollars and fifty-three cents.

To president and directors of the State Bank at Trenton, for rent of arsenal, one hundred dollars.

To Daniel Baker, for work done at arsenal, one hundred and twenty-three dollars and seventy cents.

To Daniel Baker, for ninety days' work, by William D. Rice, ninety dollars.

To S. & J. G. Brearley, for nails, hoop-iron, &c., for arsenal, six dollars and two cents.

To Boswell & Company, for paint, oil, glass, &c., four dollars and eighty-two cents.

To H. C. Boswell, for oil, &c., for the arsenal, four dollars and nineteen cents.

To Jacob Kline, for books, postage, and business for state, &c., one hundred and six dollars and seventy-two cents.

To Reuben Bechtel, for four settees for council chamber, twenty dollars.

To Daniel Childs, for locks, window sash, and work, &c., twenty dollars and twenty-five cents.

To Halsey Canfield, for six dozen and a half knives, ninety-two dollars and fifty cents.

To Philip Slack, for socket for bell-rope, one dollar.

To John & James G. Cook, for lumber, eleven dollars and forty and a half cents.

To John Cook, for iron hinges for gate, eleven dollars and seventy cents.

To William Kerwood, for painting, varnishing, and covering the president of council chair, three dollars.

To George Miller & Co., for candles and soap, &c., twenty-two dollars and ten cents.

To John Milledge, for wood, and splitting the same, seven dollars and twenty-five cents.

To John Wilson, for painting, &c., eighteen dollars and forty-seven cents.

To A. W. Archer, for transporting arms to state arsenal, twenty-eight dollars and fifty cents.

To Isaac Barnes, for estate of J. R. Smith, for locks, &c., five dollars and ninety-five cents.

To George Furman, for putting away two hundred and fifty bushels coal, one dollar and seventy-one cents.

To Samuel Roberts, for furnishing pen-knives, three dollars.

To John R. S. Barnes & W. S. Barnes, for hardware, &c., sixty dollars and eighteen cents.

To R. H. Shreve, for stationary, &c., three hundred and eight dollars and sixty-four cents.

To James T. Sherman, first bill, printing second session, seven hundred and seventy-eight dollars and forty-seven cents.

To James T. Sherman, for stationary, &c., one hundred and eighteen dollars and nineteen cents.

To James T. Sherman, for acts of last session, one hundred and eighty-five dollars and six cents,

To M. K. Kellogg, for extra work on portrait of Washington, one hundred dollars.

To D. Fenton, for stationary, &c., twenty-four dollars and five cents.

To Isaac Southard, for expenses in obtaining loan for state, thirteen dollars and fifty-seven cents.

To Benjamin Fish, for lime furnished for the arsenal, eighteen dollars and twelve and a half cents.

To Joseph Justice, for printing, stationary, &c., two hundred and nine dollars and forty cents.

To Miss Johnson, for sewing on the drapery for portrait, one dollar.

To William DeHart, for books furnished the treasurer, thirteen dollars and twenty-five cents.

To Samuel Newbold, for coal, twenty-two tons, one hundred and sixty-five dollars and twelve cents.

To Thomas Combs, for breaking coal, and putting away same, twenty-five dollars.

To Charles West, for painting posts and chains along the walk, five dollars and twenty-four cents.

To James D. Westcott, for fuel, books, and extra services, one hundred and fifty dollars.

To Phillips & Boswell, for printing, three hundred and two dollars and twenty cents.

To Henry C. Boswell, for paints, &c., two dollars and sixty-eight cents.

To Lewis Condict, for expenses going to Newark and state business, eleven dollars.

To Andrew Newton, for furnishing and setting glass, fourteen dollars and eleven and a half cents.

To Joseph Cunningham, for postage for governor, forty-three dollars and thirty-one cents.

To James T. Sherman, for balance on printing, seven dollars and eight cents.

To William Currey, for sand and sack, seventy-five cents.

To Phillips & Boswell, to balance on printing, fourteen dollars.

Passed, March 1, 1838.

JOINT RESOLUTIONS.

RESOLVED *by the Council and General Assembly*, That the secretary of state be authorized to subscribe for five hundred copies of "A Digest of the public laws of this State," by Lucius Q. C. Elmer, esquire, as proposed to be published by James M. Newell, in the prospectus laid before the legislature; and that he furnish the clerks, surrogates, and boards of chosen freeholders, of the respective counties, and the clerks of the respective townships, of this state, and the present members of the legislature, with a copy of the same; *provided* he can obtain the same at the rate of four dollars per copy; *provided also*, that the work shall, in all respects, correspond with the aforesaid prospectus.

Secretary of state to subscribe for 500 copies of Elmer's Digest.

Passed February 14, 1838.

BE IT RESOLVED *by the Council and General Assembly of this state*, That the librarian, under the direction of Professor Henry D. Rogers, be, and he is hereby instructed to fit up the one side of the room opposite the library with appropriate fixtures, for the reception of minerals and fossils that may hereafter, from time to time, be deposited therein by the said Professor Henry D. Rogers or any other person or persons; *provided* the expense shall not exceed the sum of one hundred and fifty dollars.

Room to be fitted up for minerals and fossils.

Passed February 21, 1838.

BE IT RESOLVED *by the Council and General Assembly of this state*, That the treasurer of this state be, and he hereby is authorized to borrow, for the use of this state;

Treasurer authorized to borrow money.

from time to time, such sum or sums of money as the governor, or person administering the government of the state, may deem necessary to meet the expenses authorized by law, at a rate of interest not exceeding six per centum per annum; *provided*, that the whole sum borrowed shall not exceed the amount of taxes hereafter directed to be raised for the ensuing year; *and provided*, that the money so borrowed be repaid from the first receipts into the treasury not otherwise appropriated.

Passed February 23, 1838.

2000 copies of
H. D. Rogers'
final report of
geological survey
to be purchased.

RESOLVED by the Council and General Assembly of this state, That the secretary of state be authorized to order two thousand copies of the final report of Professor Henry D. Rogers' geological survey of this state; and that he furnish to the governor, the justices of the supreme court, each of the libraries, lyceums, and the incorporated colleges of this state, a copy each; one copy to each of the members of the present legislature, a copy to each of the chosen freeholders of the respective counties, and to each member of the township committees and clerks of each and every township, and the residue to be deposited in the state library; *provided* the expense does not exceed the sum of eighty-seven cents each.

Passed February 27, 1838.

Printers of minutes of assembly and journals of council appointed.

RESOLVED by the Council and General Assembly of this state, That Moses S. Harrison & Company, of Newark, be employed to print the votes and proceedings of the house of assembly; and that Stephen L. B. Baldwin, of Somerville, be employed to print the journal of the proceedings of the legislative council and of joint-meeting; that they print thirteen hundred copies thereof, and be paid therefor twenty-two dollars per sheet.

2. *Resolved*, That James Adams, of Burlington, be employed to print the laws of the present session; and that Edward Sanderson, of Elizabethtown, be employed to print the chancery reports; and that they print sixteen hundred copies, on large octavo pages, to correspond with those heretofore used; and that they be paid therefor thirty-two dollars per sheet.

Printers of the laws and chancery reports.

Passed February 28, 1838.



RESOLVED by the Council and General Assembly of this state, That the treasurer of this state be directed to have such repairs done to the government house and premises as he may think necessary; *provided*, that the expense of such repairs do not exceed one hundred and fifty dollars.

Repairs to be made to the government house.

Passed March 1, 1838.

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