Feby 4. 1813 —

PUBLIC ACTS.

ACTS

OF THE

THIRTY-SEVENTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SEVENTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND CONTINUED BY ADJOURNMENTS.

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY GEORGE SHERMAN.

1813.

ACTS

OF THE

THIRTY-SEVENTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

An Act to insure the faithful and impartial execution of Office.

Preamble.

WHEREAS it is of great importance to preserve the dignity and rights of this state, and to ensure to its citizens at all times the benefits of the constitution, in the exercise of the powers of the governor, that he should be within the state, and as much as possible abstracted from other duties, and especially be under no temptation or inducement to surrender the rights of the state and its citizens, during the period of his appointment—therefore,

Governor to accept no office under the U. S. government.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall not be lawful for the governor of this state, now chosen, or hereafter to be chosen, to accept of any office or appointment, civil or military, under the gov-

New Jersey State Library

ernment of the United States, or any department or office of the same. And in case the governor of this state, now being, or hereafter appointed, shall accept any such office under the government of the United States, or any department or office thereof, such acceptance shall be deemed an abdication and resignation of his office of governor, and of the other authorities vested in him by the constitution of this state, and all the authority, powers and duties appertaining to the office of governor, as aforesaid, shall immediately devolve upon the vice-president of the council of this state, and be by him exercised as if the case had happened, provided for in the eighth section of the constitution of this state:

Proviso. *Provided nevertheless*, That nothing hereby enacted, shall be construed to prevent the said governor, for the time being, performing and exercising all the powers and duties required, or which may be required of him, under the constitution of the United States, and of this state; or to prevent the governor aforesaid from accepting any appointment under the president of the United States, the object of which shall be the defence of this state, and of adjoining posts, on whose security its safety may depend. And whereas it is essential to the purity of the administration of justice within this state, and to the diligent and able execution of the same, that the justices of the supreme court of this state should not hold plurality of public offices, or become

engaged as officers in corporate bodies and interests, to the great danger of the pervertion or neglect of juſtice—

Sec. 2. *Be it therefore enacted*, That it shall not be lawful for any juſtice of the supreme court of this ſtate, hereafter to accept of any office or appointment, civil or military, under the government of the United States, or any department or office thereof, or under the legiſlature of this ſtate, or the joint-meeting, or governor, commander-in-chief, chancellor and ordinary in the ſame, or any office or appointment in any body corporate or politic, within this ſtate; and in case any of the ſaid juſtices of the ſaid ſupreme court, now or hereafter being, ſhall accept of any ſuch office or appointment, ſuch acceptance ſhall be deemed an abdication and reſignation of his ſaid office of juſtice of the ſupreme court of this ſtate, and his ſalary ſhall immediately ceaſe, and any act afterwards done by ſuch juſtice, in his ſaid character of juſtice of the ſupreme court, ſhall be null and void: *Provided nevertheleſs*, That nothing in this act ſhall prevent any of the juſtices of the ſaid ſupreme court from accepting and exerciſing any office or appointment in any body corporate for the promotion of eccleſiaſtical, religious or literary purpoſes, or the office of maſter or examiner in the court of chancery of this ſtate.

Juſtices of Supreme Court to hold no other office.

Proviſo.

Clerks of pleas not to hold surrogate's office.

Sec. 3. *And be it enacted*, That no clerk of the court of common pleas, of any county of this state, shall hereafter hold at the same time, the office of surrogate; and in case any clerk of the court of common pleas shall hereafter be appointed to, and accept the office of surrogate, such acceptance shall be taken and deemed an abdication and resignation of his office as clerk, and the said office of clerk shall be considered as vacant, and a new appointment made accordingly.

A. Passed at Trenton, Feb. 4, 1813.

A Supplement to the act entitled "An act for the relief of creditors against absconding and absent debtors."

Attachments, in what case to be advertised three months.

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 when it is made to appear to the satisfaction of the court from which any foreign attachment may issue, or in which it may be now depending, against any debtor or debtors who may reside out of this state, that notice in writing of such attachment has been served on him, her or them; that in such case, the publication of the same for the space of three months, in one of the newspapers published in this

state, in the state of Pennsylvania and the state of New-York, shall be deemed sufficient to authorize the entry of judgment, the requisitions of the act to which this is a supplement being in other respects complied with, any law, usage or custom to the contrary notwithstanding.

A. Passed at Trenton, Feb. 4, 1813.

An Act to set off and erect the township of Livingston, 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 all those parts of the townships of Springfield and Caldwell, in the county of Essex, included within the following limits, viz.—Beginning at the mouth of a ditch, on lands of Bernard Dickerson, about thirty rods south of said Dickerson's dwelling-house; thence on a direct line to the centre of a bridge, near the house of Samuel Baldwin; thence on a direct line to Keen's mill, between the mountains, being the southeast corner of Orange township; thence along the line of the township of Orange, to the northwest corner of the same, near Joel Condit's quarry; thence running in a straight direction to the mouth of the road near captain Burnet's, leading

Boundaries and limits of the township.

by major Abijah Williams's; thence along the centre of said road until it intersects the cross road, leading from Swinefield to Cyrus Crane's saw-mill; thence in a direct line to the centre of an island in Passaick river, opposite lands of Aaron Kitchll, Esquire; thence up the river Passaick, on the Morris county line, to the place of beginning, be, and the same is hereby set off from the said townships of Springfield and Caldwell, and erected into a separate township, to be known by the name of the township of Livingston.

How incorporated.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Livingston be, and they hereby are constituted a body politic and corporate in law, by the name of "the inhabitants of the township of Livingston in the county of Essex," and entitled to all the privileges, authorities and advantages that the other townships in the said county are entitled to by virtue of the act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-eight.

First meeting.

Sec. 3. *And be it enacted*, That the first annual town-meeting of the inhabitants of the said township of Livingston, shall be held at the house now kept by Isaac Samo, in the said township.

Sec. 4. *And be it enacted*, That every person becoming chargeable as a pauper, after the second Monday in April next, shall be deemed a pauper of the township within whose limits he or she shall have gained his or her last legal residence; and the township committees of Springfield and Livingston shall meet on the third Monday in April next, at the house of Thomas Parcel the third, in the township of Livingston, at ten o'clock in the forenoon, and then and there proceed to make an allotment between the said townships, of such poor persons as shall then be chargeable, and also of the debts and credits, monies and other effects of the said township of Springfield, in proportion to the taxable property within their respective limits, to be ascertained by the assessor's books of the last year's tax; and if either of the said committees, in whole or in part, shall neglect or refuse to meet as aforesaid, it shall be lawful for such members of the said committees as do meet, to proceed to such distribution, which shall be final and conclusive; and the township committees of the townships of Caldwell and Livingston shall meet for the like purpose at the house of Cornelius L. Ball, in the township of Caldwell, on the fourth Monday in April next, at ten o'clock in the forenoon, and then and there make an allotment of the poor, and distribution of the debts and credits, monies

Paupers.

Committees of Springfield and Livingston to meet.

to make allotment of poor,

also, of debts, monies and effects.

Caldwell and Livingston committees to meet.

and effects of the township of Caldwell, in the same manner and under the same regulations and restrictions as is provided in the former part of this section.

C. Passed at Trenton, Feb. 5, 1813.

An Act to incorporate into a township, a part of the townships of Great-Eggharbour & Weymouth, in the county of Gloucester, by the name of Hamilton.

Preamble.

WHEREAS a number of the inhabitants of the townships of Great-Eggharbour and Weymouth, in the county of Gloucester have, by their petitions, set forth to the legislature the disadvantages they labour under by reason of the great extent of the said townships—for remedy whereof,

Boundaries and limits of the township.

Sec. 1. 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 townships of Great-Eggharbour and Weymouth, in the county of Gloucester, lying within the following bounds: Beginning in the line of the townships of Great-Eggharbour and Weymouth, at the mouth of Miery Run, where it empties into Great-Eggharbour river; thence running up the middle of said Miery Run, the several courses there-

of, to the head of said run; then a north-east course until it intersects the line of Galloway township; then along the line of Galloway and Great-Eggharbour townships, northwesterly, until it intersects the line of the township of Gloucester; then along the line of the townships of Great-Eggharbour and Gloucester, southwesterly, and still on the same course in the line between the township of Weymouth and the townships of Deptford, Greenwich and Woolwich, until it intersects the line of the county of Cumberland; then in the line of the counties of Cumberland and Gloucester, southeasterly, to a station in said county line, where a course, corresponding with the southwardly line of the West-Jersey society's large re-survey will strike the southwest corner of said re-survey; then along the said southwardly line of the West-Jersey society's re-survey to Great-Eggharbour river; then down the said river the several courses thereof to the mouth of Miery Run aforesaid, being the place of beginning, shall be and is hereby set off and made a separate township, to be called by the name of the township of Hamilton. Boundaries, ect. continued.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Hamilton shall be, and they are hereby vested with and entitled unto all the powers, privileges and authorities, and made subject to the like regulations and government, with other townships in this state; and that the How incorporated.

inhabitants of the said township of Hamilton be, and they are hereby incorporated, styled and known by the name of "The inhabitants of the township of Hamilton, in the county of Gloucester," and entitled to all the privileges, authorities and advantages that the other townships in the said county are entitled unto by virtue of an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February, in the year of our Lord one thousand seven hundred and ninety-eight.

First meeting.

Sec. 3. *And be it enacted*, That the first town-meeting of the inhabitants, after the passing of this act, shall be on the second Wednesday of March next, at the house of Richard Westcoat, at May's Landing, and that all town-meetings thereafter, shall be held on the second Wednesday of March, annually, at such place as the electors of the said township shall from time to time direct and appoint.

Monies and debts to be apportioned.

Sec. 4. *And be it enacted*, That the said township of Hamilton shall be entitled to receive from the townships of Great-Egg-harbour and Weymouth, their proportion of all monies on hand or due, and shall be liable to pay their proportion of the debts due at the time of the final passage of this act.

A. Passed at Trenton, Feb. 5, 1813.

An Act to repeal part of the act entitled "A supplement to the act entitled an act for the preservation of sheep," passed the twenty-third day of February, eighteen hundred and eleven.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the fifth section of the act entitled "A supplement to the act entitled an act for the preservation of sheep, passed the twenty-third day of February, eighteen hundred and eleven," and which was passed the fifth day of February, eighteen hundred and twelve, be and the same is hereby repealed.

A. Passed at Trenton, Feb. 9, 1813.

A Supplement to the act entitled "An act relative to juries and verdicts," passed the tenth day November, seventeen hundred and ninety-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 the list of all jurors struck by virtue of the act to which this is a supplement, shall be delivered to the sheriff or other officer who ought to summon such jury, together with

the venire facias, at least fifteen days previous to the time appointed for the trial of such cause, which list and venire facias shall be delivered by the person applying for such struck jury, his agent or attorney; and in case of neglect or refusal to deliver the list and venire as aforesaid, the cause shall be tried by a common jury of the county, (unless the court shall for some good cause determine otherwise) any thing in the above recited act to the contrary notwithstanding.

A. Passed at Trenton, Feb. 10, 1813.

An Act for the more effectual enforcement of the provisions contained in an act entitled "An act for the protection of steam boats, owned and navigated by citizens of this state."

Preamble.

WHEREAS the legislature of the state of New-York have passed an act for the more effectual enforcement of the provisions contained in an act for the further encouragement of steam boats on the waters of that state, whereby it has become expedient and just that a similar act should be passed for the more effectual enforcement of the provisions contained in the act for the protection of steam boats owned and navigated by citizens 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 any person or persons who shall or may be entitled to seize and take into possession any boat or boats moved by steam or fire, or to whom the forfeiture of such boat or boats would accrue after such seizure in virtue of the act entitled "An act for the protection of steam boats, owned and navigated by citizens of this state," passed the twenty-fifth of January, eighteen hundred and eleven, shall and may be entitled to the same remedy both in law and equity, for the recovery of such boat or boats, with the engine, tackle and apparel thereof, as if the same had been tortiously and wrongfully taken out of his or her possession.

How boats may be secured.

Sec. 2. *And be it enacted*, That when any writ, suit or action is brought for the recovery of such forfeiture, the defendant or defendants to such writ, suit or action, the captains, mariners and others employed in navigating said steam boat so liable to seizure and forfeiture, shall be prohibited by writ of injunction, from navigating with or employing said boat or boats, engine or engines, or from removing the same or any part thereof, out of the jurisdiction of the court, or to any other place than that which shall be directed for their safe keeping, by the court during the pendency of such suit or suits, action or actions, or after

Injunction to be issued.

judgment shall be obtained, if such judgment shall be against the defendant or defendants, or the matter or thing forfeited.

Suits not to be delayed.

Sec. 3. *And be it enacted,* That when the plaintiff shall elect to sue out an injunction, the court granting the same shall impose upon them such rules as may appear just and proper to prevent unnecessary delays in bringing such suit to issue and trial.

C. Passed at Trenton, Feb. 12, 1813.

An additional supplement to the act entitled "An act respecting conveyances, passed the seventh day of June, in the year seventeen hundred and ninety-nine.

Preamble.

WHEREAS great inconvenience arises from the difficulty of procuring the acknowledgment or proof of deeds or conveyances of lands lying in this state, when the grantors or witnesses reside in some other state—for remedy whereof,

In what case acknowledgments of deeds may be taken 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 if any deed or conveyance of any real estate, lands, tenements or hereditaments, lying and being in this state, has been or shall be executed by a party or

parties residing out of this state, and in some other state of the union, or if the witness or witnesses to such deed or conveyance reside out of this state and in some other state of the union, the acknowledgment or proof of such deed or conveyance made before, and certified by any judge of the court of common pleas of the county in which such party or witness resides, shall be as good and effectual as if the same had been made before and certified by any one of the judges of the court of common pleas of any of the counties of this state.

Certificate to be taken.

Sec. 2. *And be it enacted*, That a certificate under the great seal of the state, or under the seal of the county in which such proof or acknowledgment shall be taken, that the judge so taking the same is one of the judges of the court of common pleas of said county, shall be deemed sufficient evidence of the authority of such judge to take such proof or acknowledgment as aforesaid.

A. Passed at Trenton, Feb. 12, 1813.

An Act concerning the State Library.

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

Richard L. Beatty, the clerk of the house of assembly be authorized and required to

Books to be put in order.

cause as soon as conveniently may be, the books in the state library to be assorted and placed in regular order on the shelves, to enquire for and procure such books as may have been taken out of the same, and have them replaced; and in case where any volume or volumes have been lost of any regular set of books, to procure others to supply the deficiency.

Books to be bound.

Sec. 2. *And be it enacted*, That the said clerk be authorized and required to cause all the unbound books and public printed documents, to be bound and lettered, and that he also make out a catalogue of all the books and public documents in said library, with the number of sets of each, to be laid before the legislature at their next sitting.

Compensation to be made.

Sec. 3. *And be it enacted*, That the treasurer of this state be authorized and required to pay to said clerk of assembly for the services rendered and expenses incurred by the requisitions of this act, the amount of the same, on a warrant to be signed by the governor or person administering the government, stating such services and expenses, and the amount due for the same: *Provided*, That the expenses to be incurred under this act, shall not exceed the sum of one hundred dollars.

A. Passed at Trenton, Feb. 12, 1813.

An Act authorizing a transfer of the right of subscription reserved to this state in the state banks, 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 the governor of this state, or person administering the government, be, and he is hereby authorized, to sell to any person or persons, or body corporate purchasing the same, all the right and privilege belonging to and possessed by this state, of subscribing to the capital stock of all or either of the several banks, incorporated by the act entitled "An act to establish state banks in New-Jersey," passed twenty-eighth January, eighteen hundred and twelve, and upon payment of the consideration money to the treasurer of this state, for the use of the state, to transfer the same to such purchaser or purchasers, who shall thereupon be entitled to and vested with such right of subscription, in as full and ample manner as the same is now reserved to and possessed by this state: *Provided,* That the right of subscribing to the State Bank at Camden shall not be sold and transferred for a less sum than twenty thousand dollars; the right of subscribing to the State Bank at Trenton shall not be sold and transferred for a less sum than fifteen hundred dollars; the right of sub-

Governor to sell the right of subscription.

At what rate.

scribing to the State Bank at New-Brunswick shall not be sold and transferred for a less sum than three thousand dollars; the right of subscribing to the State Bank at Elizabeth shall not be sold and transferred for a less sum than fifteen hundred dollars; the right of subscribing to the State Bank at Newark shall not be sold and transferred for a less sum than three thousand dollars; the right of subscribing to the State Bank at Morris shall not be sold and transferred for a less sum than one thousand dollars.

In what case the right of subscription to be extinguished.

Sec. 2. *And be it enacted*, That if no person or persons, or body corporate shall within three months from and after the passing of this act, purchase the said right and privilege belonging to and possessed by this state, of subscribing to the capital stock in each of the said banks, then and in that case, if any person or persons, or body corporate shall pay the one half of such sum to the treasurer of the state, for the use of the state, as the said right of the state in such bank is by this act authorized to be sold for, all the right and privilege belonging to and possessed by the state, of subscribing to the capital stock of such bank, in which the right reserved by the state shall not be sold as aforesaid, shall be and the same is hereby extinguished: *Provided always*, That the governor of this state, or person administering the government, may accept from any person

or persons, or body corporate, the sum or sums of money before mentioned, for all the right and privilege belonging to and possessed by this state, of subscribing to the capital stock of all or any of the said banks before enumerated, whenever the same may be offered.

Sec. 3. *And be it enacted*, That upon the sale and transfer or extinguishment of the right of subscription reserved to this state in any one of the several banks herein mentioned, it shall be lawful for the stockholders of such bank to elect and choose (in the manner prescribed for the election of the directors heretofore elected and chosen by the stockholders) all such directors of the said bank as are by the provisions of the sixth section of the act to establish state banks in New-Jersey, directed to be chosen by the Legislative Council and General Assembly of this state, any thing in the said act to the contrary notwithstanding.

Stockholders to elect all the directors.

Sec. 4. *And be it enacted*, That the directors of the said bank, the right of subscribing to which may or shall be sold and transferred or extinguished, shall, on the second Tuesday in November annually, choose from among themselves a president, to act as such for one year, and until another is chosen to supply his place; and in case of the death, resignation, disqualification or removal of the president of any of

Elections, when held.

the said banks, the directors of such bank shall meet as soon as conveniently can be thereafter, and elect in manner aforesaid another person qualified as above mentioned, for president.

Part of act repealed.

Sec. 5. *And be it enacted*, That so much of the aforesaid act as directs that the bank notes or bank paper of said banks shall be of one device or impression, shall be annulled and made void, as to such bank the right of subscribing to which shall or may be sold and transferred or extinguished as aforesaid.

Sections repealed.

Sec. 6. *And be it enacted*, That the nineteenth and thirty-third sections of the act to establish state banks in New-Jersey, be, and the same is hereby annulled and made void, as to such bank the right of subscribing to which may or shall be sold and transferred or extinguished as aforesaid: *Provided always*, That none of the said banks shall be at liberty to issue any bank note under the denomination of three dollars.

Directors of Camden banks.

Sec. 7. *And be it enacted*, That the stockholders of the Camden bank shall choose by ballot, twenty-one directors, fourteen of whom shall be citizens resident in the state of New-Jersey, out of which fourteen a president, who shall be an inhabitant of the county of Gloucester, shall be chosen.

Sec. 8. *And be it enacted*, That James B. Caldwell, Samuel Whitall, William Potter, Clement Acton, Joseph Faulkinburge and Benjamin B. Howell, shall be and are hereby appointed directors of the Camden bank, in addition to those already elected and appointed, to serve until the second Tuesday in November next.

Directors appointed.

Sec. 9. *And be it enacted*, That the person or persons, or body corporate to whom the right to subscribe to the capital stock of the State Bank at Camden may or shall be transferred, shall, previous to a transfer of such right, enter into obligation with such surety as the governor shall approve, to pay into the treasury of this state the sum of twelve thousand dollars at the end of ten years, provided that no other bank shall be established within the county of Gloucester within that period, by virtue of any law of this state.

Sum to be paid by Camden bank.

Sec. 10. *Provided always, and be it enacted*, That so much of this act as provides for any alteration of, or amendment to the act entitled "An act to establish state banks in New-Jersey," in regard to such bank the right of subscribing to which may be sold and transferred as aforesaid, shall not be valid or of any effect, unless by and with the consent of the stockholders of such bank, convened at a general meeting in the manner prescribed by the sixteenth section of the said act; but upon such

Stockholders' assent to be obtained to this act.

And filed in secretary's office.

consent being duly authenticated under the seal of such bank as aforesaid, and filed in the secretary's office of this state, shall be considered as if the charter of such bank had been altered accordingly: *And provided also*, That this act shall be void and of no effect, as to such of the said banks the right of subscribing to which shall not be sold and transferred or extinguished within six months from the passing of this act.

A. Passed at Trenton, Feb. 15, 1813.

An Act to raise the sum of twenty thousand dollars for the year of our Lord eighteen hundred and thirteen.

Sum to be raised.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That there shall be assessed, levied and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of twenty 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, in the year of our Lord eighteen hundred and fourteen.

Sec. 2. *And be it enacted*, That the said sum of twenty thousand dollars shall be paid by the several counties of this state, in the proportions following, that is to say : Quotas of each county.

The county of Bergen shall pay the sum of one thousand two hundred and ninety dollars and ninety-three cents.

The county of Essex shall pay the sum of one thousand eight hundred and twenty dollars and thirty-two cents.

The county of Middlesex shall pay the sum of one thousand six hundred and eighty-six dollars and eighty-five cents.

The county of Monmouth shall pay the sum of one thousand eight hundred and seventy-four dollars and fifty two cents.

The county of Somerset shall pay the sum of one thousand three hundred and twenty-eight dollars and seventy-seven cents.

The county of Burlington shall pay the sum of two thousand one hundred and ninety-one dollars and forty-five cents.

The county of Gloucester shall pay the sum of one thousand six hundred and twenty dollars and ninety-two cents.

The county of Cumberland shall pay the sum of eight hundred dollars and forty-two cents.

The county of Salem shall pay the sum of one thousand one hundred and ninety-nine dollars and twenty-four cents.

The county of Cape-May shall pay the sum of two hundred and ninety-one dollars and six cents.

The county of Hunterdon shall pay the

sum of two thousand two hundred and fifty dollars and sixty-eight cents.

The county of Morris shall pay the sum of one thousand six hundred and nineteen dollars and ninety-four cents.

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

Sec. 3. *And be it enacted*, That the assessors of the several townships of this state, to raise the aforesaid sum of twenty 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, at one half the price at which said horse shall cover for the season, to be paid by the person where such horse is kept.

All other horses and mules three years old and upwards, six cents.

All neat cattle three years old and upwards, three cents.

Assessors' duty.

Sec. 4. *And be it enacted*, That in assessing the aforesaid sum of twenty thousand dollars, the following persons, articles and things, shall be valued and rated at the discretion of the assessors, to wit:

All tracts of land held or owned by deed, patent, occupancy, survey or otherwise, any sum not exceeding one hundred dollars by the hundred acres: *Provided always*, That houses and lots of land of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard

to the yearly rent and value thereof, proportioning the same as nearly as may be to the valuation of the land aforesaid.

All householders, under which description shall be included all married men living with their parents, the estimated value of whose rateable estate does not exceed thirty dollars, any sum in proportion to their abilities, not exceeding three dollars over and above their certainties and other estate made rateable by this act.

All merchants, shop-keepers and traders, any sum not exceeding ten dollars.

All fisheries where fish are caught for sale, any sum not exceeding ten dollars.

All saw-mills, any sum not exceeding four dollars.

All grist-mills, for each run of stones, any sum not exceeding five dollars.

All fulling-mills, any sum not exceeding three dollars.

All furnaces, any sum not exceeding eight dollars.

All forges that work pig iron, and all forges and bloomeries that work bar iron immediately from the ore, for each fire, any sum not exceeding two dollars.

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

All paper-mills, any sum not exceeding five dollars.

Every ferry or toll-bridge, any sum not exceeding fifteen dollars.

All tan-yards where leather is tanned for sale or hire, for each vat, any sum not exceeding ten cents.

Every single man, whether he lives with his parents or not, any sum not exceeding
Proviso. one dollar: *Provided always*, That every single man possessed of rateable estate, the tax whereof amounts to the sum he is above directed to be rated, shall be assessed for that estate only, and not as a single man; *And provided also*, That any one taxed as a single man shall not be taxed as a householder.

Every male slave between the ages of sixteen and fifty years, any sum not exceeding fifty cents: *Provided*, That no slave shall be taxed who is usually unable to labour.

All distilleries used for distilling spirits from rye or other grain, or molasses, or other foreign materials, any sum not exceeding forty dollars.

All other distilleries used for distilling spirits, any sum not exceeding ten dollars, having in all cases a due regard to the size or capacity, and use of said stills.

Every coach or chariot, any sum not exceeding three dollars.

Every phaeton, coachee or four wheel-chaise, and every light waggon with steel or iron springs or jacks, other than stage-waggons, any sum not exceeding two dollars.

Every four-horse stage-waggon, any sum not exceeding two dollars and fifty cents.

Every two horse stage-waggon, any sum not exceeding one dollar and fifty cents.

Every two horse chair or curricle, and every two horse riding chair with steel or

iron springs, or with a top or cover, any sum not exceeding one dollar.

Every riding chair, gig or sulky, stuffed and lined, any sum not exceeding fifty cents.

Every windsor riding chair or sulky, any sum not exceeding fifteen cents.

Every covered waggon with a fixed or frame top, any sum not exceeding forty cents.

All powder-mills, any sum not exceeding six dollars.

All oil-mills, any sum not exceeding four dollars.

All plaster-mills, any sum not exceeding two dollars.

Sec. 5. *And be it enacted*, That the said sum of twenty thousand dollars shall be assessed, levied and raised in the manner prescribed in and by the act entitled "An act concerning taxes," passed the tenth day of June, in the year of our Lord seventeen hundred and ninety-nine; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duty imposed by the said act; and the assessors, collectors and other officers concerned in the assessment and collection of the said tax, shall be entitled to and receive the same fees and compensations as are provided and allowed by the before recited act.

Tax to be levied according to act of 1799.

A. Passed at Trenton, Feb. 17, 1813.

An Act for the inspection of flour and meal.

Governor to appoint inspectors.

Sec. 1. 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 person administering the government of this state shall from time to time appoint one or more inspectors of flour and meal, in each of the cities of Perth Amboy, Burlington, New-Brunswick and Trenton, and as many inspectors of flour and meal in each county in this state, as shall appear necessary, who shall hold their respective offices during the pleasure of the person administering the government aforesaid.

Oath to be taken.

Sec. 2. *And be it enacted,* That the inspectors to be appointed in pursuance of this act, before they enter upon the duties of their respective offices, shall take the following oath or affirmation, before one of the judges of the court of common pleas, viz. I A. B. do swear (or affirm as the case may be) that I will faithfully, truly and impartially, according to the best of my judgment, skill and understanding, execute, do and perform the office and duty of inspector and examiner of flour and meal, according to law.

Articles to be inspected and branded.

Sec. 3. *And be it enacted,* That no wheat flour, rye flour, indian meal or buckwheat meal, shall be shipped for exportation out of this state to a foreign market,

before the same shall have been submitted to the view and examination, and approved of and branded by one of the inspectors aforesaid; and it shall not be lawful for such inspector to brand any cask containing indian meal, unless the same shall have been made of corn properly kiln-dried, and shall be ground fine and bolted.

Sec. 4. *And be it enacted*, That all wheat flour, rye flour, indian meal or buckwheat meal, manufactured for exportation as aforesaid, shall be packed in good and strong casks, made of seasoned oak, or other suitable timber, each cask whereof shall be hooped with at least ten hoops, three of which hoops shall be on each chime, and properly nailed, which said casks shall be but of two sizes, one size whereof shall contain one hundred and ninety-six pounds of flour or meal, with staves of twenty-seven inches long, and each head sixteen inches and one half diameter—the other size whereof shall contain ninety-eight pounds of flour or meal, the staves whereof may be twenty-two inches long, and each head fourteen inches diameter, or the staves may be twenty-seven inches long, and each head not to exceed twelve inches diameter, both which sizes of casks shall be made nearly straight for the convenience of stowage, and the tare of said casks respectively shall be marked on one head with a marking iron: *Provided nevertheless*, That nothing in this act shall be construFour, ect. how packed.

Size of casks.

Indian meal may be packed in hogsheads.

ed to prevent the packing of indian meal in hogsheads, for exportation, which shall contain eight hundred pounds, and be duly inspected and branded; and each cask of flour and meal packed as aforesaid, shall be branded with the initials of the christian name and sirname of the manufacturer thereof, at full length, together with the nett weight of the flour or meal which shall be contained in each cask, except hogsheads of indian meal, on which the nett weight only shall be branded; and on each cask of wheat flour intended for the first quality, shall be branded the word "superfine," and on each cask intended for second quality, shall be branded the word "fine," and on each cask intended for the third quality shall be branded the words "fine middlings," and on each cask intended for the fourth quality, shall be branded the word "middlings," and on each cask of rye flour intended for the first quality, shall be branded the words "superfine rye flour," and on each cask intended for the second quality, shall be branded the words "fine rye flour," and on each cask of indian meal shall be branded the words "indian meal," and on each cask of buckwheat meal shall be branded the word and letter "B. meal," before either respectively shall be offered for inspection; and the manufacturer or owner of any flour or meal put up in a cash or casks, shall be and hereby is made subject to a penalty of fifty cents for every pound each such cask is tared

To be branded.

Qualities to be marked

less than the true weight thereof, and any inspector of flour or meal having reason to suspect such cask or casks to be falsely tared may ascertain the same by a suitable examination thereof.

Sec. 5. *And be it enacted*, That it shall be the duty of the said inspectors, upon application to them made, to examine and determine the quality of such flour and meal, and on each cask made and branded, and the flour or meal packed therein agreeably to this act, he shall then and not otherwise brand the initial letter of his christian name, and his sir name at full length, together with the name of the city, town or county, where the same is inspected, on the quarter in a distinguishable manner; and in all cases where the brands describing the quality of flour or meal shall not in his judgment be branded according to its respective kinds and qualities, he shall alter the same so as to describe the real quality according to the true intent and meaning of this act; that it shall be the duty of the inspector from time to time to weigh such casks of flour and meal as he or they shall suspect of being too light, and if found not to contain the just and true weight, to mark or brand the same on the head with the word "light," and for each cask which he or they shall so mark or brand with the word "light," such inspector shall be entitled to receive from the owner or shipper of such flour or meal for his trouble of weighing the same, that is

Duty of inspectors.

To brand.

To weigh.

Inspector's fees.

to say: for every barrel or half barrel, the sum of twenty cents, and for each hogshead forty-five cents; and every cask of flour or meal which shall not contain the full weight branded thereon, the manufacturer thereof shall forfeit and pay for every pound weight of flower or meal so deficient, the sum of twenty cents, and on all flour or meal injured in manufacturing, or otherwise damaged so as not to be fit for exportation under any denomination in the judgment of said inspector, he shall mark or brand on the same, the word "bad," which flour or meal, so marked or branded "light" or "bad" shall not be shipped out of this state to any foreign market under the penalty of five dollars for every cask so marked or branded, to be recovered in any court having cognizance thereof, by action of debt, by any person who shall prosecute for the same; and for the trouble aforesaid the said inspectors shall be entitled to receive two cents for each and every cask of flour or meal, and four cents for each and every hogshead of indian meal he shall so inspect or examine, to be paid him by the owner or possessor of such flour or meal, who shall charge the buyer or purchaser of such flour or meal with one half of the amount of such inspection over and above the price of such flour or meal.

Flour or meal not to be shipped.

Further fees of inspector.

Sec. 6. *And be it enacted*, That all flour or meal purchased for exportation shall be inspected as aforesaid at the time and place

Where to be inspected.

of such exportation, and if any purchaser of flour or meal for exportation shall not have the same inspected as aforesaid at the time and place of such exportation, such purchaser or exporter shall forfeit and pay for every cask of flour or meal, five dollars, although the said flour or meal may have been inspected and branded any time previous to such purchase.

Penalty.

Sec. 7. *And be it enacted*, That if any person shall lade or attempt to lade on board any vessel, with intent to ship or export the same direct out of this state to any foreign market any flour or meal not branded as aforesaid by one of the inspectors for good and merchantable flour or meal, such person shall forfeit the same; and if any person shall have exported any flour or meal out of this state to a foreign market not branded by one of the inspectors for good and merchantable flour or meal, such person shall forfeit and pay the sum of five dollars for every cask of flour or meal so exported.

Penalty for exporting without inspection.

Sec. 8. *And be it enacted*, That it shall and may be lawful for any inspector of flour or meal to enter on board of any vessel, between sun-rise and sun-set, to search for flour or meal that he may have reason to suspect has been shipped contrary to the true intent and meaning of this act, and if any person shall hinder or interrupt any such inspector in so entering on board and

Inspector may go on board vessels to examine.

New Jersey State Library

Penalty for hindrance.

searching, every such person shall forfeit and pay one hundred dollars, to be recovered in any court having cognizance thereof, one half thereof to the use of the overseers of the poor in the city or town where the offence may happen, and the other half to the person prosecuting for the same.

Inspector not to make purchases.

Sec. 9. *And be it enacted*, That no inspector of flour or meal shall purchase any flour or meal other than for his own private use under the penalty of five hundred dollars; and if any person shall alter or counterfeit any of the aforesaid brand marks, whether state or private, such person shall forfeit for every such offence the sum of one hundred dollars; and that if any person shall put any flour or meal into any empty casks for sale which have been branded by the inspector before such casks were emptied, without first cutting out the said brands, such person shall for every cask so repacked forfeit and pay the sum of five dollars; and that every person offering for sale any flour for wheat flour, which shall be found upon examination to be or contain a mixture of indian meal or any other mixture, such person shall forfeit and pay for every such cask so mixed the sum of five dollars, and the flour shall be liable for the payment thereof.

Brands to be cut out of empty cask.

Fines and penalties how recovered.

Sec. 10. *And be it enacted*, That all such fines, penalties and forfeitures aforesaid not herein otherwise directed to be collect-

ed, shall be recoverable before any justice of the peace, or in any court of record in this state having cognizance thereof, by any person who will prosecute for the same, one half to the prosecutor, and the other half to be paid to the overseers of the poor of the city or town where the fraud is detected; and for the more certain and easy recovery of the penalties for the false tare or brand mark upon any cask of flour or meal, it shall be lawful for the inspectors thereof to seize and sell the same, and out of the nett proceeds retain such penalty or penalties, one half for his own use, and the other half to the overseers of the poor in the city or town where the same may be recovered, to the use of the poor thereof, and pay the remainder to the owner or consignee of such flour or meal.

In what case inspector may seize and sell.

A. Passed at Trenton, Feb. 18, 1813.

A Supplement to the act entitled "An act to authorize the transfer of the right of subscription reserved to this state in the state banks, and for other purposes."

WHEREAS the governor, who alone was by the said act authorized to sell and transfer the state right to subscribe to the capital stock in the state banks, has signified his disinclination to execute the commission assigned him by the said act—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 on the payment of the sum of twenty-five thousand dollars into the treasury of this state, for the use of the state, by John Moore White, Michael C. Fisher, James Wood, Samuel Whitall, James B. Caldwell, Samuel Clement, Franklin Davenport, William Potter, Isaac Mickle and John Buck, or any five of them, the governor of the state, or person administering the government, may, and he is hereby authorized, to transfer unto the said John Moore White, Michael C. Fisher, James Wood, Samuel Whitall, James B. Caldwell, Samuel Clement, Franklin Davenport, William Potter, Isaac Mickle and John Buck, or any five of them, the state right to subscribe to the capital stock of the State Bank at Camden: *Provided,* That the said sum of money be paid into the treasury of the state on or before the first day of March next.

Right of subscription to be transferred.

Sec. 2. *And be it enacted,* That the ninth section of the act entitled "An act authorizing a transfer of the right of subscription reserved to this state in the state banks, and for other purposes," and so much of the said act as comes within the purview of this act, be and the same is hereby repealed.

Part of act repealed.

A. Passed at Trenton, Feb. 19, 1813.

An Act directing the treasurer to subscribe to the capital stock of the State Bank at Camden.

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 receive for the use of this state, as many shares in the capital stock of the State Bank at Camden, as will amount to the sum which may be paid to this state for the right reserved to the state to subscribe to the capital stock in said bank: *Provided* the shares so to be obtained shall not exceed the ratio at which the original stockholders do now hold the same.

To what amount treasurer to subscribe.

C. Passed at Trenton, Feb. 20, 1813.

An Act concerning the costs of prosecution against persons sentenced to hard labour and imprisonment in 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 the inspectors be, and they hereby are authorized and directed to place to the account of the attorney-general, the costs of

Costs to be paid attorney general.

prosecution which shall be payable to him, against offenders who have been sentenced to hard labour and imprisonment in the said state prison, and who have been actually confined therein, in pursuance of the sentence against them, and that the same be paid out of the funds of the institution.

Sheriff to pay fees in certain cases.

Sec. 2. *And be it enacted*, That when any offender shall hereafter be convicted in any of the courts of this state, and sentenced to imprisonment in the state prison it shall be the duty of the sheriff of the county where the conviction shall be had, to pay the jury who have passed on the trial of the cause, their legal fees before their separation, and the witnesses sworn or affirmed to testify in behalf of the state in said cause, before they leave the court, and, if the offender shall be sentenced to imprisonment in the county goal, the said sheriff shall pay the jurors and witnesses in manner aforesaid, and if the said offender shall not be able to pay the cost of prosecution, it shall be the duty of the county collector of said county, and he is hereby directed to pay the same to the sheriff of said county on a taxed bill of cost by the clerk, taking his receipt therefor which shall be allowed to him in the settlement of his account with the treasurer of the state.

County collector to reimburse sheriff.

Sec. 3. *And be it enacted*, That the said inspectors, or any two or more of them, do certify to the treasurer of this state the costs

of prosecution delivered to them, together with the sum due to the sheriff for the mileage and expenses for sustaining, transporting and securing the offender, which said costs shall be paid to the sheriff out of any money belonging to the state in the hands of the treasurer, and shall be discharged by the said inspectors, when funds shall be in their hands sufficient to discharge the same; and for which costs, the said sheriff shall be accountable, and shall pay to the several persons entitled to receive the same.

Treasurer to pay sheriff.

A. Passed at Trenton, Feb. 18, 1813.

An Act for the appropriation of a certain sum of money for the protection of the maritime frontier of this state.

WHEREAS it appears that the maritime frontier of this state is exposed to the predatory incursions from hostile fleets now cruising, or which may hereafter be cruising on the coasts of this state, against which no suitable preparation exists, either as it respects the munitions of war or discipline; and whereas there is no appropriation of monies whatever to enable the commander in chief, according to his duties as such, to take the proper measures either of precaution or defence, and whereas it is

Preamble.

the indispensable duty of the Legislature of this state, to afford the means of protection in time of war to every part thereof according to its ability—therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the sum of five thousand dollars be and is hereby appropriated out of any unappropriated monies in the treasury of this state, to be placed at the disposal of the commander in chief, and under his responsibility to be accounted for, and expended by him, if necessary, in defence of this state against the enemy, and in precautionary measures therefor, according as circumstances and the exigencies of occasions may require, and the commander in chief is hereby directed to render a statement of the monies so expended to the next meeting of the Legislature.

Money appropriated.

A. Passed at Trenton, Feb. 20, 1813.

An Act supplementary to the act authorizing a transfer of the right of subscription reserved to this state in the state banks, and for other purposes.

WHEREAS the governor has signified his disinclination to execute the commis-

Preamble.

sion assigned him by the act above recited —therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Beatty, Peter Gordon and Aaron D. Woodruff, be, and each of them, is hereby appointed to receive sealed proposals from the President and Directors of any of the banks incorporated by the act entitled "An act to establish state banks in New-Jersey," or from any other person or body corporate, for the purchase of the right of this state to subscribe to the capital stock of any of the banks established by said act, until the fifteenth day of March next, at twelve o'clock of said day; and they, or a majority of them, are authorized to sell and convey unto the purchaser or purchasers, the said right or rights, on the conditions on which the governor of the state was authorized to sell and convey them by the act to which this is a supplement.

Commissioners to receive proposals.

and sell.

Provided, That if the president of any of the said banks, or any person for and in their behalf, shall offer and secure as large a sum as any other person, for the said right, they shall be entitled to the preference, and the conveyance made to them accordingly—and provided also, that the commissioners appointed by this act shall publish this law in the papers of this state

Proviso.

until the day appointed to close the sale of said right as aforesaid.

C. Passed at Trenton, Feb. 20, 1813.

An Act supplementary to the act entitled "An act for securing the laws, and relative to the office of the prerogative court," passed twenty-fifth November, eighteen hundred 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 secretary of the council and the clerk of the assembly shall forthwith, upon the passage of any bill into a law, deliver the same to the secretary of state, to be by him filed in his office, and preserved in the manner prescribed by the first section of the act to which this act is a supplement; and the same shall be by the said secretary safely kept in his office, and not suffered to be taken or removed therefrom upon any pretence whatever.

Secretary of state to keep the laws.

Sec. 2. *And be it enacted,* That the secretary of state, shall, on the delivery to him of any law as aforesaid, within the time hereinafter prescribed, cause a true copy thereof to be made, and certify the same; and the copies of all laws which

Copy of laws for the printer.

shall be passed at any sitting of the legislature, shall be by the said secretary, within four weeks after the end of such sitting, delivered to the person appointed to print the laws; and it shall be the duty of the secretary of the state to assist the printer who may be appointed as aforesaid, in comparing the proof sheets with the original laws, for which purpose the said printer is required to attend at the office of the secretary of state, with the proof sheets of all such laws as he may be appointed to print; and the said secretary, when he shall have made and delivered to the printer as aforesaid, a copy of the laws, and shall have assisted him in comparing all the proof-sheets that may be struck off previous to the printing of the same, with the original laws, shall obtain from the said printer a receipt and certificate thereof, stating the laws and the number of sheets contained therein, computing one hundred words to a sheet, and for his services in copying and comparing as aforesaid, shall be entitled to receive from the treasurer of the state, at the rate of six cents for every sheet, computed as aforesaid, and certificate to be signed by the governor or person administering the government, stating that the said services had been performed and the sum due for the same.

Proof-sheets to be compared with the original laws.

Sec. 3. *And be it enacted*, That so much of the act entitled "An act for securing the laws, and relative to the office of the

Part act repealed.

prerogative court," and so much of the act entitled "An act to provide for the payment of the several officers of the government of this state, passed November eleventh, eighteen hundred and twelve, as comes within the purview of this act, be, and the same is hereby repealed.

A. Passed at Trenton, Feb. 17, 1813.

An Act to authorize the board of chosen freeholders of the county of Gloucester, to purchase a toll-bridge over Newtown Creek.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the board of chosen freeholders of the county of Gloucester be, and they hereby are authorized, to contract with Elizabeth Cozens for her right in the toll-bridge over Newtown Creek, for such price as they may agree with her for the same, and that her conveyance for the said right shall vest in the said board all the right, title, interest and property, which she the said Elizabeth hath by virtue of any act of the legislature or otherwise in the same toll-bridge, or the causeways adjoining thereto.

Freeholders to contract.

Sec. 2. *And be it enacted,* That in case the said board of chosen freeholders shall

purchase and receive a deed of conveyance from the said Elizabeth Cozens, for her right in the said toll-bridge, it shall and may be lawful for the said board, when they shall have erected a bridge and causeway over the said Newtown Creek, where the said road hath been lately laid out, to demand and receive for passing over the same, a toll not exceeding the following rates, to wit:

Freeholders authorized to receive toll.

For every carriage, sleigh or sled, drawn by one beast, four cents.

Rates.

For every additional beast, two cents.

For every horse and rider, or led horse and mule, three cents.

For every dozen of calves, sheep or hogs, six cents.

For every dozen of horses, mules or cattle, twelve cents and an half.

For every foot passenger, one cent.

And it shall be lawful for the toll-gatherer to stop persons riding or driving any horses, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing over the said bridge until they shall respectively have paid the toll so as above specified, or such other toll not exceeding the sum as may be agreed on by the said board of chosen freeholders.

Toll gatherer's authority.

Sec. 3. *And be it enacted*, That the said board of chosen freeholders shall be, and they are hereby authorized to demand and receive the above specified toll for passing over the said bridge for the space of ten

Term of receiving toll.

years from the time that the said bridge shall be finished so as to pass over the same, and no longer; and that they be required to keep the same in good and sufficient repair, and that after the said space of ten years, the same be free from toll, and supported as other public bridges are.

A. Passed at Trenton, Feb. 18, 1813.

An Act regulating travelling on public and turnpike roads in this state.

Preamble.

WHEREAS the provisions in some of the acts incorporating turnpike companies with regard to carriages meeting and overtaking each other, are variously expressed and differently understood, and in some acts of incorporation entirely omitted, in consequence whereof great inconvenience has arisen to the good people of this state and others travelling the said turnpike roads, and whereas it is of importance that a like regulation should be adopted whereby travelling on all public roads of this state may not be interrupted—therefore,

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

Carriages to keep to the right.

That all drivers of carriages, sleighs or sleds, whether of burthen or of pleasure,

using any of the turnpike or public roads in this state, when met by another carriage, sleigh or sled, shall keep to the right, and when overtaken by a carriage, sleigh or sled, they shall likewise keep to the right, so as in both cases to permit such carriage, sleigh or sled, either met or overtaken, to pass free and uninterrupted, and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any person who shall be obstructed or hindered in his or her passage and will sue for the same, and shall be subject to an action of damages for every such offence to be recovered with costs of suit. Penalty.

A. Passed at Trenton, Feb. 18, 1813.

An Act providing for paving the walks in front of the state house yard, and of the offices of the secretary of state, and clerk of the supreme court.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Richard L. Beatty be, and he hereby is appointed a commissioner with power to cause the walks in front of the state house yard, and also the walk in front of the offices of the secretary of state and clerk of the supreme court, to be prepared and pa- Commissioner appointed.

How to be paid.

ved, and that the expense be paid by the treasurer of this state, on a certificate signed by the person administering the government that the work has been done, provided that the expense shall not exceed the sum of two hundred and fifty dollars.

A. Passed at Trenton, Feb. 19, 1813.

An Act for the relief of such part of the militia of this state as may be called into actual service.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That each non-commissioned officer, musician and private, belonging to the militia of this state, shall, when called into actual service under the laws of this state, or of the United States, be entitled to and receive at the rate of three dollars per month during the time of such service, in addition to the pay and emoluments otherwise allowed by law, and the treasurer of this state is hereby directed to pay the same out of any monies in the treasury not otherwise appropriated, on accounts duly certified and by warrants for the payment thereof under the hand of the governor or person administering the government for the time being.

Pay per month.

On certificate of governor.

A. Passed at Trenton, Feb. 19, 1813.

An Act to defray sundry 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 to pay to the several persons herein after named, the following sums, viz.

To John Johnson, clerk of Sussex, for sundry services relative to the election of members of the thirteenth congress, twenty-eight dollars.

To Samuel Swan, clerk of Somerset, for like services, twenty-three dollars and fifty cents.

To Caleb Lloyd, clerk of Monmouth, for like services, twenty-three dollars and fifty cents.

To Abraham Westervelt, clerk of Bergen, for like services, twenty-six dollars.

To William Deare, clerk of Middlesex, for like services, twenty-three dollars and fifty cents.

To Silas Whitehead, clerk of Essex, for like services, twenty-five dollars.

To Abijah Smith, clerk of Cape-May, for like services, thirty dollars, and for services in September eighteen hundred and twelve, nine dollars and six cents.

To Edward Condict, clerk of Morris, for like services, twenty-six dollars, and for services rendered in eighteen hundred and eight and eighteen hundred and ten, thirty-two dollars and fifty cents.

To Joseph Broadhurst, for twelve cords of hickory wood, eighty-four dollars.

To Cornelius A. Blauvelt, for services relative to the late election for electors, ten dollars.

To Ebenezer P. Rose for repairs, two dollars and thirty-five cents.

To Furman and Belden, for an iron kettle, three dollars.

To Richard L. Beatty, clerk of the house, for stationary, binding books, &c. forty-six dollar and twenty-five cents.

To Peter Gordon, treasurer, for a blank book and binding for his office, twelve dollars and twenty-three cents.

To Robinson Howell, for repairing a stove, fifty cents.

To John R. Smith and Company, for ironmongery, &c. twenty dollars and sixty-two cents.

To James Linn, secretary of state, for services rendered relative to a law passed in August last, and sundry other services, ten dollars and ninety-nine cents.

To Daniel Fenton, for stationary, fourteen dollars and twenty-nine cents.

To William Hancock, for sundries for the state house, six dollars and sixty-two and one half cents.

To Benjamin Hendrickson, for work, nails and posts for the state-house fence, five dollars and twenty-four cents.

To his excellency, the governor, for postage of public letters, thirty dollars and sixty-seven cents.

To Alexander Chambers, for stationary, candles, &c. for the use of the Legislature, sixteen dollars and twenty-five cents.

To Shepard Kollock, for news-papers and printing, nineteen dollars and twenty-five cents.

To William Tuttle, for news-papers and postage, one dollar and forty-eight cents.

To Charles Rice, for postage, ninety-eight cents.

To D. and J. Fitzrandolph, for news-papers, one dollar and twenty-five cents.

To Lewis Evans, and son, for flowered paper for window curtains, two dollars.

To Isaac Yard, for a bell-rope, one dollar and twenty-five cents.

To George Sherman, for printing, seventy-three dollars and seventy cents.

To James Montjoy, for repairs, fifty cents.

To John T. Wooley, for repairing and-irons, two dollars and twenty-five cents.

To John Bellerjeau, for sawing and splitting wood, six dollars and forty-four cents.

To Benjamin Yard, for extra expenses in serving copies of the law passed the last sitting, respecting the mode of electing members of congress and for electors of president and vice-president of the United States, fifty-two dollars.

A. Passed at Trenton, Feb. 20, 1813.

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PRIVATE ACTS.

ACTS

OF THE

THIRTY-SEVENTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-SEVENTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND CONTINUED BY ADJOURNMENTS.

BEING THE SECOND SITTING.



TRENTON:

PRINTED BY GEORGE SHERMAN.

1813.

ACTS

OF THE

THIRTY-SEVENTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.

An Act to incorporate the New-Jersey Bible Society.

Preamble.

WHEREAS a number of citizens of this state of different religious denominations have formed themselves into a society for the purpose of distributing the sacred scriptures among the poor of this state, and elsewhere; and whereas they have by a committee represented to the legislature of this state the expedience of being constituted a body corporate, so as to be enabled to hold such property as pious and liberal persons may be disposed to give them for the purposes of their association—therefore,

Persons incorporated.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Elias Boudinot, John Woodhull, Charles H. Wharton, Joseph Clark, Robert Finley, George S. Woodhull, James

Richards, John McDowell, Joseph Rue, Peter Studdiford, Simon Wilmur, Samuel Fisher, Jacob V. Romeyn, Asa Hillyer, Isaac V. Brown, Stephen Thompson, Andrew Kirkpatrick, Joshua M. Wallace, Samuel Bayard, David Bishop, Lucius H. Stockton, William Wallace and William Steele, the present board of managers, together with all the other members of the said society, be and they are hereby made and constituted a corporation and body politic in law and in fact, by the name, style and title of the "New-Jersey Bible Society," which said society, thus designated, shall have all the rights, powers and privileges by law incident to a corporation, for the term of twenty-five years.

Name of the Society.

Sec. 2. *And be it enacted*, That the members of said society, or as many of them as can conveniently attend, shall annually meet at some suitable time and place, of which, notice shall previously be given in two or more of the newspapers of this state, and then and there shall, by a plurality of votes, proceed to elect twenty-three persons to act as managers for the period of one year; which managers, so elected, shall be authorized to choose such officers as they may deem necessary for the discreet management of the concerns of said society.

To meet annually.

Sec. 3. *And be it enacted*, That the estate and property of what kind soever the same may be, now held, and which at any time

Property, how entrusted.

hereafter shall be acquired by the said society, shall be vested in the managers aforesaid, and their successors duly elected, who 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, 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 value or income of the real and personal estate of the said corporation shall not exceed the annual sum of two thousand dollars.

What amount society may hold,

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

Constitution authorized.

Income, how expended.

1. The yearly profits, receipts or income of the said society, (except so much as may be necessary for contingent expenses) shall be expended in procuring and distributing the scriptures of the Old and New Testament, together, or the New Testament separately, as hereinafter pointed out, in such language as may by the said society be found to be useful, convenient or necessary, and for no other purpose.

Bibles to be purchased.

2. The Bible or Testament selected for publication or distribution, shall contain no other additions to the text of the scriptures than contents of the chapters, marginal references, and the table of kindred, weights and measures, usually published with the bible.

Members' entrance and annual payments

3. Every person, at the time of becoming a member of said society, shall pay at least three dollars, and one dollar every year afterwards, while he or she shall continue a member of the same; and any person hereafter subscribing, or who may have already subscribed the sum of twenty-five dollars, shall be a member for life without any further contribution.

Officers of the society.

Sec. 5. *And be it enacted*, That until the election of managers as aforesaid, pursuant to this act, the managers before named and the officers of the said society, viz. Elias Boudinot, president, Andrew Kirkpatrick, first vice-president, John Woodhul, second vice-president, James Richards, third vice-president, Charles H.

Wharton, fourth vice-president, Samuel Bayard, corresponding secretary, William C. Schenck, recording secretary, and John Neilson, treasurer, shall be, and they are hereby continued and confirmed.

Sec. 6. *And be it enacted*, That no misnomer of the said corporation in any deed, will, gift, devise or other instrument of grant or conveyance, shall vitiate or defeat the same, if the said corporation shall be sufficiently described to ascertain the intention of the party, or parties to give, devise, bequeath or assure to, or contract with the corporation hereby created by the style and title aforesaid; nor shall any non-use, unless for a greater term than five years, of the privileges hereby granted, create any forfeiture of the same.

Misnomer not to vitiate deed or gift.

A. Passed at Trenton, Feb. 6, 1813.

An Act for incorporating the town of Princeton.

WHEREAS sundry inhabitants of the town of Princeton have, by their petition to the legislature, prayed that they may, by law, be incorporated and formed into a body politic, with such powers, privileges and immunities, as will most conduce to the good order and regulation of the citizens thereof, and further the interests of those institutions of learning and piety es-

Preamble.

tablished within the same, and as the legislature think it reasonable that the prayer of the said petition be granted—Therefore,

Sec 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That such parts of the township of West-Windsor, in the county of Middlesex, and of the township of Montgomery, in the county of Somerset, as are contained within the following limits and boundaries—that is to say, beginning easterly on the turnpike road, at the western line of col. Beatty's farm, and coursing the same four hundred and fifty yards, to a run of water at the bottom of Joseph Schenck's orchard, thence westerly in a straight line to the southeasterly corner of Dr. Vancleve's lot, thence one thousand three hundred and thirty five yards northernly along a division fence, passing west of Richard Stockton's mansion-house, to a hedge, thence easterly in a straight line, passing north of the town, to a ditch and fence in front of Elijah Blackwell's dwelling-house, thence in a straight line five hundred and eighty-five yards, to the place of beginning, shall and the same are hereby enacted into a borough and town corporate, which shall henceforth be called, distinguished and known by the name of the Borough of Princeton.

Boundaries and limits.

Name of the borough.

Sec. 2. *And be it enacted*, That for the preservation of peace and good order, the more effectually to secure the important object of society, and for the better ruling and governing the said Borough of Princeton and the inhabitants thereof, there shall henceforth be therein a mayor, who shall be keeper of the borough seal, a recorder, who, besides his said office, in absence of the mayor shall have and execute the several offices annexed to the mayoralty and every of them, three aldermen, who shall be resident freeholders; all which officers shall be justices of the peace, ex-officio, within the said borough, and 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 judges and justices of the peace throughout the state are appointed and commissioned, shall continue in office the same length of time, and be amenable in like manner to the Council and General Assembly; and there shall likewise be therein, six assistants, one assessor, one collector, and a clerk, who shall be chosen by the inhabitants of the said borough, qualified to vote at town meetings at their annual town-meeting, to be holden on the third Monday in April, which mayor, recorder, aldermen and assistants, so appointed and elected as aforesaid, shall be one body politic, in deed, fact and name, with perpetual succession, to be known and distinguished by the name of "The Mayor,

Officers.

Officers, by whom appointed.

Assistants, how chosen.

Title.

Recorder, Aldermen and Assistants of the Borough of Princeton," and they and their successors, at all times hereafter by the name aforesaid, shall be able and capable in law, to have, purchase, take and receive, possess and enjoy, lands, tenements, hereditaments, liberties, franchises and jurisdictions, goods, chattels and effects, to them and their successors forever, or for any other or less estate; and the same lands, tenements and hereditaments, goods, chattels and effects, to grant, bargain and sell, alien, convey, demise and dispose of, to sue and be sued, implead and be impleaded, in any court of justice whatever; and to make and use one common seal, and the same to alter and renew at pleasure; *Provided always*, that the said officers, and each and every of them, before they proceed to execute their respective offices, shall take and subscribe the oath or affirmation of allegiance to this state, and likewise an oath or affirmation, that they will faithfully discharge and execute such office according to the best of their knowledge and understanding.

May hold property.

Officers to be qualified.

To hold common council.

Sec. 3. *And be it enacted*, That the mayor, recorder, aldermen and assistants, or a majority of them, of which the mayor or recorder is always to be one, shall have full power and authority, from time to time, and at all times hereafter, to hold a common council within the said borough, at such convenient place as the mayor, or, in

his absence, the recorder shall appoint, and to make such by-laws, ordinances and regulations, in writing, not repugnant to the laws and constitution of the state, nor of the United States, and the same to enforce, revoke, alter and amend, as to them shall appear necessary for the well ordering and governing of the said borough and the inhabitants thereof, to administer all oaths incidental and necessary to the execution of their office, and to appoint a borough treasurer, borough marshal, and such other subordinate officers as they may think necessary for the good government of the said borough, and by ordinance to require such securities from the several officers, and annex such fees to the several offices of the said corporation, as to them shall seem necessary and convenient, and to make, limit, impose and tax reasonable fines and amercements against all, and upon all persons who shall offend against the laws, ordinances and regulations of the corporation, made as aforesaid, provided always that no fine or amercement shall exceed twenty dollars, and all and every such fines and amercements, to take, demand, require and levy of the goods and chattels of each offender, by warrant issued under the hand and seal of the mayor, recorder, or either of the aldermen, directed to the marshal of the said borough, who is required and authorized to execute the same; which fines and amercements shall be paid to the borough

By-laws.

May appoint borough officers.

Levy fines.

treasurer, to be appropriated to the use and benefit of the inhabitants thereof: *Provided always*, That every person who may think him or herself aggrieved by the decision of the said mayor, recorder or single alderman, may appeal to the common council, who are hereby required to hear his or her cause of complaint, and to do therein what unto them shall appear just and equitable.

Aggrieved may appeal.

Sec. 4. *And be it enacted*, That until the said corporation shall have provided a suitable place within the same, for the confinement of persons charged with, or convicted of offences, subject to their cognizance, it shall be lawful for the mayor, recorder and aldermen, or either of them, to commit offenders to the gaol of Middlesex county, by and with the permission of the board of freeholders of said county.

Offenders may be committed to Middlesex jail.

Sec. 5. *And be it enacted*, That the said mayor, recorder, aldermen and assistants, or a majority of them in common council met as aforesaid, shall have the sole, only and exclusive right and power of licensing all and every inn-keeper, tavern-keeper and retailer of spirituous liquors, residing within the said borough, subject to the same provisions, and in like manner as the same may be lawfully done by the court of general quarter sessions of the peace in this state.

May license tavern keepers.

Sec. 6. *And be it enacted*, That in case a vacancy shall happen in the office of mayor and recorder of said borough, by death, resignation, removal or otherwise, in such case the aldermen shall meet together, and by plurality of voices, choose one of their number, who shall have and execute the duties annexed to both offices, until a mayor and recorder shall be appointed and commissioned according to law, and that as soon as may be convenient; and when by death, removal or otherwise, any vacancy or vacancies shall happen in any of the offices herein rendered elective by the inhabitants of the said borough, the mayor for the time being is hereby required and directed, by advertisement or otherwise, giving at least five days notice, to call a meeting of the inhabitants of the said borough, qualified to vote as aforesaid, who, when assembled, are hereby authorized, by a plurality of voices, to elect such and so many fit persons as are necessary to fill up the offices and supply such vacancy or vacancies; which officers, so elected, shall be sworn in the manner aforesaid, and shall continue in office until the next annual election.

Vacancies, how supplied.

Town meetings may be called.

Sec. 7. *And be it enacted*, That the inhabitants of the said Borough of Princeton, at their annual town meeting, shall vote such sum or sums of money as they may think necessary to be raised for the ensuing year, for the exigencies of the said

Money, how raised.

borough, which sum shall be assessed upon the inhabitants by the assessor, agreeably to the laws and regulations to be made by the common council of the said borough for that purpose, and collected by the collector at such time, and be paid and disposed of in such manner as the common council shall direct; and if no sum, or an insufficient sum shall be voted to be raised, and the interest of the borough require it, the common council are hereby authorized to call a meeting of the inhabitants, by advertisements, giving at least five days notice, and to propose to them in their opinion the sum necessary to be raised, and whatever sum the inhabitants shall by plurality of voices vote to be raised, shall be assessed and collected, paid and disposed of in manner aforesaid: *Provided always*, That if any person shall think him or herself aggrieved by any assessment made as herein before directed, he or she may appeal to the common council, who are hereby required to hear his or her complaint, and redress the grievance, if any shall be made to appear.

Additional supplies, how raised.

Sec. 8. *And be it enacted*, That all such improvements upon or in front of vacant lots, as shall or may be authorized and required to be made by any law, ordinance, regulation or other act of the said corporation, shall, and the same are hereby directed to be made by an equable assessment upon the inhabitants of the said corpora-

Assessments on vacant lots.

tion: *Provided*, That the powers, privileges and authorities granted by this act to the said mayor, recorder, aldermen and assistants of the Borough of Princeton, shall continue and be held by them during the term of ten years, at the expiration of which time nothing in this act shall be so construed as to prevent the repealing the same, and revoking and annulling the powers, privileges and authorities hereby granted. Proviso.

A. Passed at Trenton, Feb. 11, 1813.

An Act appointing trustees to sell and convey the real estate of Alexander C. McWhorter, Esquire, deceased.

WHEREAS Alexander Cumming McWhorter, Esquire, late of the county of Essex, counsellor at law, in the year of our Lord one thousand eight hundred and eight, died intestate, seized in fee simple of a certain house, and lot of land adjoining the same, in the town of Newark, formerly the property of Abraham Ogden, Esquire, deceased; also a lot of land lying in Newark Great Neck, formerly the property of Caleb Bruen: And whereas it is represented to the legislature by Phebe McWhorter, widow and administratrix of the late Alexander C. McWhorter, and Alexander Preamble.

New Jersey State Library

Preamble continued.

McWhorter and George H. McWhorter, two of the sons of the said Alexander C. McWhorter, who though minors, are so far advanced in years as, with the advice and information of their friends and near relations, to be capable of understanding and to judge with reasonable discretion of their own situation and interest; that the said Alexander C. McWhorter, besides the petitioners, also left four daughters, viz. Julia Ann, Frances, Mary and Adrianna, all infants, and some of whom of tender years: That the annual income of the personal estate of the said deceased is inadequate to the maintenance and education of the said infant children, and that if some other fund is not provided, the principal of the personal estate, which was, in the lifetime of the deceased, vested in the stock of the banks and other incorporated institutions in this state, must be applied to that purpose: That the aforesaid house and improvements appurtenant thereto are fast going out of repair; that the real estate will not rent for more than one half of the interest of the money for which it can be sold; that the said house and lot are not susceptible of partition, and constitutes so considerable a portion of the estate of the deceased that it will become necessary in a few years to sell the same for the purpose of a division among the children of the deceased; that the near friends and relations of the family having been consulted, have advised the sale of the real estate, and that an advanta-

geous offer had been made for the house and lot; that the interest of the amount of the sale of the real estate, together with the income of the personal estate, will be amply sufficient for the maintenance and education of the children of the deceased, during their minority; and that the sale of the real estate will greatly facilitate the alotment of portions to the children as they shall come of age—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 Matthias Bruen and William Whitehead, and the survivor of them be, and they are hereby appointed trustees, with full power to sell, dispose of and convey, the house and lots of land before described, being the real estate of which the said Alexander C. McWhorter died seized in fee simple, as soon as conveniently may be, for the higest sum or sums of money the same will bring; and for the same or any part thereof when sold, to make, execute and deliver, in due form of law, in their own names, or in the name of the survivor of them, as trustees or trustee aforesaid, good and sufficient deed or deeds of conveyance according to the estate, title and interest which the said Alexander C. McWhorter had in the same at the time of his death; which sale or sales being made and confirmed by deed, and certified as hereinafter directed, shall entitle the purchaser or pur-

Trustees appointed to sell property.

To make deeds.

chasers to all the estate, right, title, interest, claim and demand, which the said Alexander C. McWhorter, Esquire, deceased, had in the premises at the time of his death, and which the heirs and widow of the said Alexander C. McWhorter now have in and to the same.

Account to be kept.

Sec. 2. *And be it enacted*, That the said trustees, or the survivor of them, shall keep a fair account of all the sales by them made of the said house and lots of land, as aforesaid, and after deducting reasonable costs and charges of procuring this act and expenses of said sales, and reasonable allowance for their trouble in executing this trust, to be allowed by the orphans court of the county of Essex, and after paying such just and lawful debts of the said Alexander C. McWhorter as his personal estate may not be sufficient to answer, if any such there be, all the residue of the monies so arising from the sales of the said house and lots of land, the said trustees or the survivor of them shall vest, under the direction of the orphans court of the county of Essex, in the capital stock of some one or more of the incorporated banks of this state, or under the same direction, put out on interest on good and sufficient landed security, in at least double the value of the monies so put out on interest; that the said trustees or the survivor of them, shall specifically set apart one third of the monies so arising from the said sale or sales of the said house and lots of land, after de-

Avails, how to be invested.

One third to be set apart.

ducting as aforesaid, and vested or put out at interest as aforesaid, for the dower of the said Phebe McWhorter, and the dividends or interest arising from which, pay to the said Phebe McWhorter, during her life; that the dividends or interest arising from the remaining two thirds of the monies arising from the said sale or sales, the said trustees or the survivor of them shall pay to the guardians of the said six children of the said Alexander C. McWhorter, in the proportions prescribed by the act entitled "An act to alter the law directing the descent of real estates," and in the same proportions the said trustees or the survivor of them shall on any of the said children arriving at the age of twenty-one years, pay or assign to such child so arriving at age, its proportion of the principal of the said two thirds of the amount of such sale or sales as aforesaid; and further, that on the death of the said Phebe McWhorter, the said trustees or the survivor of them shall pay or assign to the said six children, their proportions of the principal of the said one third so reserved and set apart as the widow's dower, in the proportions before mentioned: *Provided*, That no part of the principal be paid or assigned to either of the said children until such child shall arrive at the age of twenty-one years; but in the mean time the dividends or interest of such child's proportion be paid to the guardian of such child; *Provided further*, That in case any of the said children shall

Dividends, how paid.

Proviso.

die before such child shall arrive at the age of twenty-one years, in such case the proportion of such child shall descend and be inherited in the same manner as in cases of real estate in fee simple.

Dower, how it may be disposed of.

Sec. 3. *And be it enacted*, That in case it should so happen after any of the said children should arrive at the age of twenty-one years, that such child should in any way compensate the said Phebe McWhorter for such portion of the principal set apart for her dower as appertains to such child's share, and the said Phebe McWhorter should, under her hand and seal, voluntarily release the same, then and in such case it shall be the duty of the said trustees or the survivor of them, to pay or assign to such child as shall so compensate its mother, such child's portion of the said principal of the one third of the amount of the said sales, set apart for the dower of the said Phebe McWhorter.

Trustees to give security.

Sec. 4. *And be it enacted*, That before the said Matthias Bruen and William Whitehead do enter into the execution of the trust by this act assigned them, they enter into bond to the governor of this state, with such surety and in such sums as the said governor shall approve of, conditioned for the faithful performance of the trust by this act assigned them, which bond shall be deposited in the office of the secretary of state of this state.

Sec. 5. *And be it enacted*, That no deed or deeds of conveyance of such house and lots of land, made by the trustees aforesaid, or the survivor of them, shall be of any force or effect unless it be certified in or upon such deed or deeds of conveyance, by John N. Cumming, Elias Van Arsdale and Silas Condit, Esquires, or the survivor or survivors of them, under their hands and seals, that such sale is made bona fide, and for the highest price that could be obtained for such property at the time of such sale.

Condition on which deed is to be made.

Sec. 6. *And be it enacted* That the said Matthias Bruen and William Whitehead, or the survivor of them, shall within six months after the sale of said house and lots of land, or any part of the same, make, subscribe and exhibit under oath unto the surrogate of the county of Essex, an exact statement of the amount of such sale or sales, to be by him recorded and filed, and that the said Matthias Bruen and William Whitehead, their executors and administrators, shall be accountable for all monies received by them by virtue of this act: *Provided always*, That no sale or conveyance of the lands and tenements herein mentioned, made by the said trustees, shall in any ways affect the right or interest in the premises held by any person or persons other than the said Alexander C. McWhorter and Phebe McWhorter, and the heirs of the said Alexander C. McWhorter.

Trustees to make account and be accountable.

A. Passed at Trenton, Feb. 4, 1813.

An Act to incorporate the New-Germantown Turnpike Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That David Welsh, Leonard Neighbour, John C. Saltar, Oliver W. Ogden, Everit Berger, John Bayles, James Honeyman and major Jacob Kline, or a majority of them, be authorized to receive subscriptions for erecting a turnpike road four rods wide, beginning at the New-Jersey Turnpike between Bayles' mill and the white house, thence running the most direct and convenient route to New-Germantown, and thence to intersect the Washington Turnpike, at or near Nitzer's mill, in the county of Morris; and that they shall give security to the governor of this state, to pay the subscription money they shall receive, to the treasurer of the turnpike company, and to perform the other duties required of them by this act, for which services they shall be paid by the turnpike company.

Names of persons incorporated.

Boundaries.

Sec. 2. *And be it enacted,* That such subscriptions shall consist of eight hundred shares of twenty dollars each, that two dollars on each share shall be paid to the commissioners at the time of subscribing, and the residue shall be paid by the subscribers, their executors, administrators or assigns, to the treasurer of the turnpike company, by such instalments as the president and

Number shares, and sum paid on subscribing.

directors ſhall order and appoint: *Provided*, That no inſtalment to be called for ſhall exceed the ſum of five dollars on each ſhare, and that four weeks notice of the time of payment ſhall be given by advertiſement; and that as ſoon as five hundred ſhares ſhall be ſubſcribed, the ſaid David Welſh, Leonard Neighbour, John C. Saltar, Oliver W. Ogden, Everit Berger, John Bayles, James Honeyman and major Jacob Kline, or a majority of them, or their ſurvivors, ſhall call a meeting of the ſubſcribers and ſtockholders, to be held at the houſe now kept by James Honeyman, in New-Germantown, after four weeks notice in a newſpaper printed in the cities of New-Brunſwick and Trenton, to choose a preſident and ſix directors, any four of whom ſhall conſtitute a board to tranſact buſineſs, and a treaſurer to continue in office until the fourth Tueſday in October next, and until others ſhall be choſen; and alſo on the fourth Tueſday in October annually thereafter, there ſhall be a choice of officers for one year and until others ſhall be choſen, at ſuch place as the ſtockholders at their laſt meeting may have appointed, that each ſtockholder may vote in perſon or by proxy, and ſhall have as many votes as he or ſhe ſhall have ſhares of ſtock: *Provided nevertheleſs*, That no ſtockholder ſhall have more than ten votes, although he or ſhe may have a greater number of ſhares; and the ſaid preſident, directors and company ſhall be called and known by the name of

Meeting to be called.

Annual meeting for the choice of officers.

Name of the the company.

"The New-Germantown Turnpike Company," and shall have all the powers and privileges incident to a body politic and corporate for the purposes herein mentioned, for the term of ninety-nine years.

Vacancies, how supplied.

Sec. 3. *And be it enacted*, That the said president and directors shall have power to fix the time and place of all their meetings, and to appoint all such agents and servants as they may deem necessary for carrying into effect the power vested by this act in the said company; and if any vacancy or vacancies shall happen in the said offices of president, directors or treasurer, such vacancy or vacancies shall be filled by the directors at their next meeting; and the person or persons so chosen shall continue in office until others are elected by the said company, and that the said president and

By-laws.

directors may make such ordinances and by-laws relative to their concerns as they may deem expedient: *Provided*, That the same shall not be repugnant to the constitution and laws of this state or of the United States, which ordinances and by-laws, and all their accounts and proceedings shall be submitted to the inspection of the stockholders at their annual meeting.

Commissioners to lay out the road.

Sec. 4. *And be it enacted*, That John Kinney, Robert C. Thomson and John Blair be, and they are hereby appointed, commissioners to lay out the said turnpike road, they having due regard to the situation and

nature of the ground and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property; and the said road ſhall not pass through any burying ground or place of public worſhip, nor any dwelling-house without the consent of the owner thereof; nor ſhall it pass through any out-building of the value of three hundred dollars, without such conſent; and the report of said commissioners or a majority of them, certified under their hands and seals, ſhall be entered on record in the ſecretary's office of this ſtate; and the said commissioners ſhall within six months after aſcertaining the route of the said intended turnpike road, cause an accurate survey of the lines of the said road to be made, noticing thereon the principal streams or runs of water, and public roads crossing or intersecting the same, a map or plot of which survey ſhall be correctly laid down on a scale of four inches to the mile, and filed in the secretary's office of this state, which certificate and plot, or a certified copy thereof, ſhall be ſufficient evidence of the course of the said road which ſhall then be opened, and all the expenses incurred thereby ſhall be defrayed by the said company, provided that in case of the death, reſignation, refuſal or inability of either of the said commissioners to fulfil the duties of his appointment, that then it ſhall be lawful for the governor of this state, or the person

Survey and map.

administering the government thereof, to appoint some other disinterested person in his place.

Road, how to be formed.

Sec. 5. *And be it enacted*, That in the middle of the said turnpike road, there shall be formed a space or artificial road not less than thirty feet in breadth, the centre of which ſhall be raised fifteen inches at least above the sides, arising towards the middle by a gradual arch, which artificial road shall be drained by ditches and subterraneous passages of a sufficient depth to carry off the water, and shall be sufficiently bedded or faced with stone, gravel or other hard substance, so as to secure a solid foundation for the same at all seasons of the year, and twenty feet thereof shall be faced with gravel or broken stone, so as to form a firm and even surface, and in its progress no part of it shall rise above an angle of five degrees with the plane of the horizon; and the said directors shall cause good and sufficient bridges, where necessary, on the line of said road, to be constructed not less than twenty-two feet in breadth, and wherever the said road in passing over low ground is raised so much at the margin or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Bridges to be made.

Sec. 6. *And be it enacted*, That full power and authority be given to the said commissioners and the said corporation, their agents and servants, and all persons employed by or under them for the purposes contemplated in this act, to enter upon any land which shall be deemed necessary for laying out said road, and also for the purpose of searching for stone, sand and gravel for the use of said road, but no stone, sand or gravel shall be taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to compensation for lands over which said road may be laid.

Power to enter on land to take gravel.

Sec. 7. *And be it enacted*, That if any of the owners of land through which the said road shall pass shall conceive themselves injured thereby, and the parties cannot agree for the compensation and damages to be made for the same, then it shall be lawful for the owners of such land to meet at the house now kept by James Honeyman, at New-Germantown, on thirty days notice being given in the newspapers named in the second section, and by advertisements signed by the president of the said company, put up in four of the most public places adjacent to the said road, and to choose one respectable freeholder in the state, not interested, and the said corporation shall also choose one respectable freeholder

Owners of land in case of disputes, how to proceed.

not interested, who, in case of their disagreement, shall have power to choose an umpire, and who, together with the said umpire, if chosen, or a majority of them, after having taken an oath or affirmation to act impartially and to the best of their knowledge, shall determine, at the expense of the turnpike company, the amount of compensation which shall be paid by the company to such of the applicants as they shall conceive to be injured, on which payment, or tender thereof, to the owner or owners, the company shall become seized in the same estate in the said lands which the owner or owners held in the same; but if the owner or owners of any lands through which the said road shall pass, will not agree to any of the provisions heretofore made, or refuse or neglect to join in such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the men thus chosen do not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon the application of either party, and at the cost and charges of the corporation, to direct a special jury of freeholders, of any township in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or damage sustained as aforesaid, and shall make an inquisition thereof, under their hands and seals, to be returned to the said

In what case special juries may be called.

justice of the supreme court by the sheriff of the said county in which the said inquisition is taken; and it shall be the duty of such sheriff to attend before the said justice with the book of freeholders, at such time and place as the said justice shall appoint, upon reasonable notice being given him, for the purpose of striking such jury, and also upon like notice, to have the jury upon the premises in question at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries; and upon the coming in of such report or inquisition and the confirmation thereof, and the said company paying to the owners respectively the sums in such report, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized in the same estate in the said lands which the said owners held in the same, and they and all who have acted under them shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That the payment of damages aforesaid for land through which the said road may be laid, or tender thereof be made before the said company, or any person under their direction, or in their employ, enter upon and break ground in the premises, (except surveying and laying out said road) unless the consent of the owner of such land be first obtained.

Sheriff's duty.

Fees to be allowed.

Proviso.

When governor may appoint commissioners

Sec. 8. *And be it enacted*, That as soon as the said company shall have completed five miles of the said road, then it shall be lawful for the directors to give notice to the governor, or person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners, who shall, at the expense of the corporation, view the same and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act, and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, or person administering the government, by licence under his hand, to permit the said directors to erect gates and turnpikes across the said road, and to demand and receive toll at the rates hereinafter specified, and in like manner when the remainder of the said road, or any part thereof, shall be made, approved of and licensed as aforesaid, to erect other gates and turnpikes, and for passing through the same to demand and receive toll for travelling each mile of the said road, after the following rates to wit:

Gates to be erected.

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every additional beast exceeding four, two cents.

For every horse and rider, or led horse or mule, five mills.

For every dozen of calves, sheep or hogs, five mills.

For every dozen of horses, mules or cattle, two cents.

Toll-gatherers' authority.

And it shall be lawful for the toll-gatherers to stop persons riding, leading or driving any horse, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the toll as above specified: *Provided*, That nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for the grinding of grain for his family's use, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or re-passing when called to do duty by the laws of this state or of the United States.

Who may not pay toll.

Sec. 9. *And be it enacted*, That no toll-gate shall be erected, or other obstruction placed on such part of said road as is at present a public highway.

Milestones to be set up.

Sec. 10. *And be it enacted*, That before said company shall receive toll for travel-

ling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from New-Brunswick, and shall cause to be fixed and always kept up at the gates aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right as the law directs."

Penalty for breaking mile stones, and forcibly passing gates.

Sec. 11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile-stones or posts so erected on the said road for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, to be recovered by the corporation to their use, with costs of suit, besides being subject to an action of trespass for the damages sustained; and if any person with his carriage, team or horse, turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter on said road, so as to avoid the toll due by virtue of this

act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through the said gates, to be recovered by the said corporation for the use thereof, in an action of debt, with costs of suit.

Penalty for improper conduct in toll-gatherer.

Sec. 12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence, forfeit and pay to the person so hindered or defrauded, the sum of twenty dollars, to be recovered in an action of debt, with costs of suit.

Stock to be personal property.

Sec. 13. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors may appoint: *Provided*, That if the said company shall not commence their operations within three years from the passing of this act, and complete the said road within eight years, according to the intent and meaning of this act, then and in either of these cases, this act shall cease, be void, and of no effect, except so far as compels the said company to make reparation for damages.

Carriages to keep to the right.

Sec. 14. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of all kinds, whether of burthen or pleasure, or

persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any persons who shall be obstructed in their passage, and will sue for the same, to be recovered with costs of suit; and shall also be subject to an action of trespass for the damages sustained.

Accounts to be kept.

Sec. 15. *And be it enacted*, That the president and directors of the said company shall cause to be kept just and true accounts of all monies received from the subscribers to the stock of the said company, and also of all monies by them expended in the prosecution of the said work, and shall at least once in every year, submit such account to a general meeting of the stockholders, until the said turnpike shall be completed; and if at any time previous to the completion of the said turnpike, and payment of all the costs, charges and expenses thereof, it shall be found that the capital stock of the said company is not sufficient to complete the same, it shall and may be lawful for the said president, directors and company, at a stated or special meeting convened for that purpose, to increase the number of shares to such extent as may

be necessary to complete the same, and to demand and receive the monies subscribed for such shares, in the manner herein before provided for original subscriptions.

Account of toll.

Sec. 16. *And be it enacted*, That the said president and directors shall also cause to be kept, just and true accounts of all the monies received by the collectors of tolls, for travelling on said road, and of all penalties and forfeitures accruing to said company, and also of all costs, charges and expenses of repairing and maintaining the said road, and transacting the business of the said company, and shall once in every year, or oftener, if they shall deem it necessary, make and declare a dividend of the clear income and profits thereof, among the stockholders in said company, which shall be paid by the treasurer of said company to the said stockholders or their legal representatives, in such manner as the said president and directors shall appoint.

How to proceed in case the road is not good.

Sec. 17. *And be it enacted*, That if the said company shall not keep the said road and bridges in good repair, and complaint thereof shall be made to any justice of the peace of the county where the cause of complaint may arise, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee, of the township wherein the cause of complaint arose, or if it be on the line of any two town-

ships, of either of the said townships; which three persons being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavourable to the said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate to keep open the same until otherwise ordered; and if the said keeper shall notwithstanding the order of the justice to open said gate, exact toll of travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person that will prosecute for the same in an action of debt, with costs of suit; and the said justice shall be allowed for his services, fifty cents, and the persons so appointed, one dollar each, to be paid by the turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said turnpike company, again to view the said road and report as aforesaid their opinion to said justice, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed

Penalty on keepers of gates.

Fees of justice and committee.

to the toll-gatherer, permit the gates to be shut and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view as before mentioned, the report of the persons appointed shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Sec. 18. *And be it enacted*, That at the end of every ten years after the completion of said road, an account of the expenditures upon the said road, and the profits arising therefrom, shall be laid before the legislature, and that the state of New-Jersey may at any time after the expiration of fifty years from and after the passing of this act, repay the proprietors of the said road the amount of the sums expended thereon, and in that case the said road shall become the property of the state of New-Jersey, and be under the controul of the legislature thereof, any thing in this act to the contrary notwithstanding.

State may purchase in after 50 years.

A. Passed at Trenton, Feb. 11, 1813.

An Act to incorporate the Spruce Run Turnpike Company.

Names of persons incorporated.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Ralph, Hunt, Adam Runkle, Caleb Dusenbery, Robert C. Thomson and William M'Cullough, be authorized to receive subscriptions for erecting a turnpike road four rods wide, to extend from the New-Jersey Turnpike, at or near Hunt's mills, in the county of Hunterdon, on the most advantageous route, to intersect the Washington Turnpike road between John Beaver's tavern and Samuel Sherrerd's mills, in the county of Sussex; and that they shall give security to the governor of the state, to pay the subscription money they shall receive, to the treasurer of the turnpike company, and to perform the other duties required of them by this act, for which services they shall be paid by the turnpike company.

Boundaries.

Number shares, and sum paid on subscribing.

Sec. 2. *And be it enacted,* That such subscriptions shall consist of six hundred shares of twenty dollars each, that two dollars on each share shall be paid to the commissioners at the time of subscribing, and the residue shall be paid by the subscribers, their executors, administrators or assigns, to the treasurer of the turnpike company, by such instalments as the president and directors shall appoint: *Provided,* That no instalment to be called for shall exceed

five dollars on each share, and that at least four weeks notice of the time of payment shall be given by advertisement; and that as soon as four hundred shares shall be subscribed, the said Ralph Hunt, Adam Runkle, Caleb Dusenbery, Robert C. Thomson and William McCullough, or a majority of them, or their survivors, shall call a meeting of the subscribers and stockholders, to be held at the house now kept by John Eveland, at Spruce Run, after four weeks' notice in a newspaper printed in the cities of New-Brunswick and Trenton, to choose a president and five directors, any four of whom shall constitute a board to transact business, and a treasurer to continue in office until the first Tuesday in November and until others shall be chosen; and also on the first Wednesday in November annually thereafter, there shall be a choice of officers for one year and until others shall be chosen, at such place as the stockholders at their last meeting may have appointed; that each stockholder may vote in person or by proxy, and shall have as many votes as he or she shall have shares of stock: *Provided nevertheless*, That no stockholder shall have more than ten votes, although he or she may have a greater number of shares; and the said president, directors and company shall be called and known by the name of "The Spruce Run Turnpike Company," and shall have all the powers and privileges incident to a body politic and cor-

Meeting to be called.

Annual meeting for the choice of officers.

Name of the the company.

porate for the purposes herein mentioned, for the term of ninety-nine years.

Sec. 3. *And be it enacted*, That the said president and directors shall have power to fix the time and place of all their meetings, and to appoint all such agents and servants as they may deem necessary for carrying into effect the power vested by this act in the said company; and if any vacancy or vacancies shall happen in the said offices of president, directors or treasurer, such vacancy or vacancies shall be filled by the directors at their next meeting; and the person or persons so chosen shall continue in office until others are elected by the said company, and that the said president and directors may make such ordinances and by-laws relative to their concerns as they may deem expedient: *Provided*, That the same shall not be repugnant to the constitution and laws of this state or of the United States; which ordinances and by-laws, and all their accounts and proceedings shall be submitted to the inspection of the stockholders at their annual meeting.

Vacancies, how supplied.

By-laws.

Sec. 4. *And be it enacted*, That Andrew Howell, John N. Simpson and Jacob Losey be, and they are hereby appointed, commissioners to lay out the said turnpike road, they having due regard to the situation and nature of the ground and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do

Commissioners to lay out the road.

the least damage to private property; and the said road ſhall not pass through any burying ground or place of public worſhip, nor any dwelling-house without the conſent of the owner thereof; nor ſhall it pass through any out-building of the value of three hundred dollars, without ſuch conſent; and the report of the ſaid commiſſioners, or a majority of them, certified under their hands and ſeals, ſhall be entered on record in the ſecretary's office of this ſtate; and the ſaid commiſſioners ſhall within ſix months after aſcertaining the route of the ſaid intended turnpike road, cause an accurate ſurvey of the lines of the ſaid road to be made, noting thereon the principal ſtreams and runs of water, and public roads croſſing or interſecting the ſame, a map or plot of which ſurvey ſhall be correctly laid down on a ſcale of four inches to the mile, and filed in the ſecretary's office of this ſtate, which certificate and plot, or a certified copy thereof, ſhall be ſufficient evidence of the courſe of the ſaid road which ſhall then be opened, and all the expenſes incurred thereby ſhall be defrayed by the ſaid company, provided that in caſe of the death, reſignation, refuſal or inability of either of the ſaid commiſſioners to fulfil the duties of his appointment, that then it ſhall be lawful for the governor of this ſtate, or the perſon adminiſtering the government thereof, to appoint ſome other diſintereſted perſon in his place.

Survey and map.

Road, how to be formed.

Sec. 5. *And be it enacted*, That in the middle of the said turnpike road, there shall be formed a space or artificial road not less than thirty feet in breadth, the centre of which shall be raised fifteen inches at least above the sides, rising towards the middle by a gradual arch, which artificial road shall be drained by ditches and subterraneous passages of a sufficient depth to carry off the water, and shall be sufficiently bedded or faced with stone, gravel or other hard substance, so as to secure a solid foundation for the same at all seasons of the year, and twenty feet thereof shall be faced with gravel or broken stone, so as to form a firm and even surface, and in its progress no part of it shall rise above an angle of five degrees with the plane of the horizon; and the said directors shall cause good and sufficient bridges, where necessary, on the line of the said road, to be constructed not less than twenty-two feet in breadth, and wherever the said road in passing over low ground is raised so much at the margin or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Bridges to be made.

Power to enter on land to take gravel.

Sec. 6. *And be it enacted*, That full power and authority be given to the said commissioners and the said corporation, their agents and servants, and all persons employ-

ed by or under them for the purposes contemplated in this act, to enter upon any land which shall be deemed necessary for laying out said road, and also for the purpose of searching for stone, sand or gravel for the use of said road, but no stone, sand or gravel shall be taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to the compensation for lands over which the said road may be laid.

Owners of land in case of disputes, how proceed.

Sec. 7. *And be it enacted*, That if any of the owners of land through which the said road shall pass shall conceive themselves injured thereby, and the parties cannot agree for the compensation and damages to be made for the same, then it shall be lawful for the owners of such land to meet at the house now kept by John Eveland, at Spruce Run, on thirty days notice being given in the newspapers named in the second section, and by advertisements signed by the president of the said company, put up in four of the most public places adjacent to the said road, and to choose one respectable freeholder in the state, not interested, and the said corporation shall also choose one respectable freeholder not interested, who, in case of their disagreement, shall have power to choose an umpire, and who, together with the said um-

pire, if chosen, or a majority of them, after having taken an oath or affirmation to act impartially and to the best of their knowledge, shall determine, at the expense of the turnpike company, the amount of compensation which shall be paid by the company to such of the applicants as they shall conceive to be injured, on which payment, or tender thereof, to the owner or owners, the company shall become seized in the same estate in the said lands which the owner or owners held in the same; but if the owner or owners of any lands through which the said road shall pass, will not agree to any of the provisions heretofore made, or refuse or neglect to join in such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the men thus chosen do not decide thereon, then it shall be lawful for one of the justices of the supreme court, upon the application of either party, and at the cost and charges of the corporation, to direct a special jury of freeholders, of any township in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or damage sustained as aforesaid, and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the said county in which the said inqui-

In what case special juries may be called.

sition is taken; and it shall be the duty of such sheriff to attend before the said justice with the book of freeholders, at such time and place as the said justice shall appoint, upon reasonable notice being given him, for the purpose of striking such jury, and also upon like notice, to have the jury upon the premises in question at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries; and upon the coming in of such report or inquisition and the confirmation thereof, and the said company paying to the owners respectively the sums in such report, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized in the same estate in the said lands which the said owners held in the same, and they and all who have acted under them shall be acquitted and freed from all responsibility for and on account of such injury: *Provided*, That the payment of damages aforesaid for land through which the said road may be laid, or tender thereof be made before the said company, or any person under their direction, or in their employ, enter upon and break ground in the premises, (except surveying and laying out said road) unless the consent of the owner of such land be first obtained.

Sheriff's duty.

Fees to be allowed.

Proviso.

When governor may appoint commissioners

Sec. 8. *And be it enacted*, That as soon as the said company shall have completed five miles of the said road, then it shall be lawful for the directors to give notice to the governor, or person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners, who shall, at the expense of the corporation, view the same and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act, and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, or person administering the government, by licence under his hand, to permit the said directors to erect gates and turnpikes across the said road, and to demand and receive toll at the rates hereinafter specified, and in like manner when the remainder of the said road, or any part thereof, shall be made, approved of and licensed as aforesaid, to erect other gates and turnpikes, and for passing through the same to demand and receive toll for travelling each mile of the said road, after the following rates to wit:

Gates to be erected.

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every additional beast exceeding four, two cents.

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Milestones to be set up.

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Penalty for breaking mile stones, and forcibly passing gates.

Sec. 11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile-stones or posts so erected on the said road for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, to be recovered by the corporation to their use, with costs of suit, besides being subject to an action of trespass for the damages sustained; and if any person with his carriage, team or horse, turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter on said road, so as to avoid the toll due by virtue of this

act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said corporation for the use thereof, in an action of debt, with costs of suit.

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Carriages to keep to the right.

Sec. 14. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of all kinds, whether of burthen or pleasure, or

persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of the said road in the passing direction, leaving the other side of the said road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any persons who shall be obstructed in their passage, and will sue for the same, to be recovered with costs of suit; and shall also be subjected to an action of trespass for the damages sustained.

Accounts to be kept.

Sec. 15. *And be it enacted*, That the president and directors of the said company shall cause to be kept just and true accounts of all monies received from the subscribers to the stock of the said company, and also of all monies by them expended in the prosecution of the said work, and shall at least once in every year, submit such account to a general meeting of the stockholders, until the said turnpike shall be completed; and if at any time previous to the completion of the said turnpike, and payment of all the costs, charges and expenses thereof, it shall be found that the capital stock of the said company is not sufficient to complete the same, it shall and may be lawful for the said president, directors and company, at a stated or special meeting convened for that purpose, to increase the number of shares to such extent as may

be necessary to complete the same, and to demand and receive the monies subscribed for such shares, in the manner herein before provided for original subscriptions.

Account of toll.

Sec. 16. *And be it enacted*, That the said president and directors shall also cause to be kept, just and true accounts of all monies received by the collectors of tolls, for travelling on said road, and of all penalties and forfeitures accruing to said company and also of all costs, charges and expenses of repairing and maintaining the said road, and transacting the business of the said company, and shall once in every year, or oftener, if they shall deem it necessary, make and declare a dividend of the clear income and profits thereof, among the stockholders in said company, which shall be paid by the treasurer of said company to the said stockholders or their legal representatives, in such manner as the said president and directors shall appoint.

How to proceed in case the road is not good.

Sec. 17. *And be it enacted*, That if the said company shall not keep the said road and bridges in good repair, and complaint thereof shall be made to any justice of the peace of the county wherein the cause of complaint may arise, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee, of the township wherein the cause of complaint arose, or if it be on the line of any two town-

ships, of either of the said townships; which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavourable to the said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the justice to open said gate, exact toll of travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person that will prosecute for the same in an action of debt, with costs of suit; and the said justice shall be allowed for his services, fifty cents, and the persons so appointed, one dollar each, to be paid by the turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said turnpike company, again to view said road and report as aforesaid their opinion to said justice, who shall, if authorized by the report of said persons, or any two of them, by license under his hand and seal, directed

Penalty on keepers of gates.

Fees of justice and committee.

to the toll-gatherer, permit the gates to be shut and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view as before mentioned, the report of the persons appointed shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed and paid by the persons instituting the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Sec. 18. *And be it enacted*, That at the end of every ten years after the completion of said road, an account of the expenditures upon the said road, and the profits arising therefrom, shall be laid before the legislature, and that the state of New-Jersey may at any time after the expiration of fifty years from and after the passing of this act, repay the proprietors of the said road the amount of the sums expended thereon, and in that case the said road shall become the property of the state of New-Jersey, and be under the controul of the legislature thereof, any thing in this act to the contrary notwithstanding.

State may purchase in after 50 years.

A. Passed at Trenton, Feb. 6, 1813.

An Act to incorporate the Hope and Hacketstown Turnpike Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Adam Hibler, Daniel Swayze, Barnabas Swayze, Thomas Fleming, John A. Johnson, Benajah Gustin and William Hampton, be authorized to receive subscriptions for erecting a turnpike road four rods wide, beginning where the spur of the Washington Turnpike ends in Hacketstown, and running from thence on the most eligible route to the head of Comyns' lane, thence pursuing the old road, over Comyns' bridge, by the stone school-house, the houses of John Biles, Joseph Murray, Thomas Fleming and Amos Hogeland, to the school-house above Hogeland's, or as near to the said old road as may be convenient, (not departing therefrom between the head of Comyns' lane and the school-house above mentioned, without the consent of the persons over whose lands such departure may be made) and from thence on the most eligible route to Hope, in the county of Suffex; and that they shall give security to the governor of this state, to pay the subscription money they shall receive, to the treasurer of the turnpike company, and to perform the other duties required of them by this act, for which services they shall be paid by the turnpike company.

Names of persons incorporated.

Boundaries.

Sec. 2. *And be it enacted*, That such subscriptions shall consist of six hundred shares of twenty dollars each, that two dollars on each ſhare ſhall be paid to the commissioners at the time of subscribing, and the residue shall be paid by the subscribers, their executors, administrators or assigns, to the treasurer of the turnpike company, by such instalments as the president and directors ſhall order and appoint: *Provided*, That no instalment to be called for shall exceed five dollars on each share, and that at least four weeks notice of the time of payment shall be given by advertisement; and that as soon as four hundred shares shall be subscribed, the said Adam Hibler, Daniel Swayze, Barnabas Swayze, Thomas Fleming, John A. Johnson, Benajah Gustin and William Hampton, or a majority of them, or their survivors, shall call a meeting of the subscribers and stockholders, to be held at the house now kept by Elijah Allen in Hope, after four weeks notice in a newspaper printed in the cities of New-Brunswick and Trenton, to choose a president and five directors, any four of whom shall constitute a board to transact business, and a treasurer to continue in office until the fourth Tuesday in October next, and until others shall be chosen; and also on the fourth Tuesday in October annually thereafter, there shall be a choice of officers for one year and until others shall be chosen, at such place as the stockholders at their last meeting may have appointed; that each stock-

Number shares, and sum paid on subscribing.

Meeting to be called.

Annual meeting for the choice of officers.

holder may vote in person or by proxy, and shall have as many votes as he or she shall have shares of stock: *Provided nevertheless*, That no stockholder shall have more than ten votes, although he or she may have a greater number of shares; and the said president, directors and company shall be called and known by the name of "The Hope and Hacketstown Turnpike Company," and shall have the powers and privileges incident to a body politic and corporate for the purposes herein mentioned, for the term of ninety-nine years.

Name of the the company.

Sec. 3. *And be it enacted*, That the said president and directors shall have power to fix the time and place of all their meetings, and to appoint all such agents and servants as they may deem necessary for carrying into effect the power vested by this act in the said company; and if any vacancy or vacancies shall happen in the said offices of president, directors or treasurer, such vacancy or vacancies shall be filled by the directors at their next meeting; and the person or persons so chosen shall continue in office until others are elected by the said company, and that the said president and directors may make such ordinances and by-laws relative to their concerns as they may deem expedient: *Provided*, That the same shall not be repugnant to the constitution and laws of this state or of the United States; which ordinances and by-laws, and all their accounts and proceedings shall

Vacancies, how supplied.

By-laws.

be submitted to the inspection of the stockholders at their annual meeting.

Sec. 4. *And be it enacted*, That Isaac Crissman, Robert C. Thompson and Ralph Hunt, be, and they are hereby appointed, commissioners to lay out the said turnpike road, they having due regard to the situation and nature of the ground and of the buildings thereon, the public convenience and the interest of the stockholders, and so as to do the least damage to private property; and the said road shall not pass through any burying ground or place of public worship, nor any dwelling-house without the consent of the owner thereof; nor shall it pass through any out-building of the value of three hundred dollars, without such consent; and the report of said commissioners, or a majority of them, certified under their hands and seals, shall be entered on record in the secretary's office of this state; and the said commissioners shall within six months after ascertaining the route of the said intended turnpike road, cause an accurate survey of the lines of the said road to be made, noting thereon the principal streams and runs of water, and public roads crossing or intersecting the same, a map or plot of which survey shall be correctly laid down on a scale of four inches to the mile, and filed in the secretary's office of this state, which certificate and plot, or a certified copy thereof, shall be sufficient evidence of the course of the said road which shall then

Commissioners to lay out the road.

Survey and map.

be opened, and all the expenses incurred thereby shall be defrayed by the said company, provided that in case of the death, resignation, refusal or inability of either of the said commissioners to fulfil the duties of his appointment, that then it shall be lawful for the governor of this state, or the person administering the government thereof, to appoint some other disinterested person in his place.

Road, how to be formed.

Sec. 5. *And be it enacted*, That in the middle of said turnpike road, there shall be formed a space or artificial road not less than thirty feet in breadth, the centre of which shall be raised fifteen inches at least above the sides, rising towards the middle by a gradual arch, which artificial road shall be drained by ditches and subterraneous passages of a sufficient depth to carry off the water, and shall be sufficiently bedded or faced with stone, gravel or other hard substance, so as to secure a solid foundation for the same at all seasons of the year, and twenty feet thereof shall be faced with gravel or broken stone, so as to form a firm and even surface, and in its progress no part of it shall rise above an angle of five degrees with the plane of the horizon; and the said directors shall cause good and sufficient bridges, where necessary, on the line of said road, to be constructed not less than twenty-two feet in breadth, and wherever the said road in passing over low ground is raised so much at the margin

Bridges to be made.

or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railing to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Power to enter on land to take gravel.

Sec. 6. *And be it enacted*, That full power and authority be given to the said commissioners and the said corporation, their agents and servants, and all persons employed by or under them for the purposes contemplated in this act, to enter upon any land which shall be deemed necessary for laying out the said road, and also for the purpose of searching for stone, sand or gravel for the use of the said road, but no stone, sand or gravel shall be taken away from any land without the consent of the owner thereof, until compensation for the same be ascertained and paid, which compensation, if the parties cannot agree thereon, shall be ascertained in the manner hereinafter prescribed as to the compensation for lands over which said road may be laid.

Owners of land in case of disputes, how to proceed.

Sec. 7. *And be it enacted*, That if any of the owners of land through which the said road shall pass shall conceive themselves injured thereby, and the parties cannot agree for the compensation and damages to be made for the same, then it shall be lawful for the owners of such land to meet at the house now kept by Elijah Allen, in Hope, on thirty days notice be-

ing given in the newspapers named in the second section, and by advertisements signed by the president of the said company, put up in four of the most public places adjacent to the said road, and to choose one respectable freeholder in the state, not interested, and the said corporation shall also choose one respectable freeholder not interested, who, in case of their disagreement, shall have power to choose an umpire, and who, together with said umpire, if chosen, or a majority of them, after having taken an oath or affirmation to act impartially and to the best of their knowledge, shall determine, at the expense of the turnpike company, the amount of compensation which shall be paid by the company to such of the applicants as they shall conceive to be injured; on which payment, or tender thereof, to the owner or owners, the company shall become seized in the same estate in the said lands which the owner or owners held in the same; but if the owner or owners of any lands through which the said road shall pass, will not agree to any of the provisions heretofore made, or refuse or neglect to join in such choice, or ſhall be feme covert, under age, non compos mentis, or out of the state, or in case the men thus chosen do not decide thereon, then it ſhall be lawful for one of the juſtices of the supreme court, upon the application of either party, and at the coſt and charges of the corporation, to direct a special jury of freeholders, of any township

In what case special juries may be called.

in the said county through which the said road shall not run, to be struck before such justice in the manner in which special juries are usually struck, who shall view, examine and survey the said lands, tenements and hereditaments, and estimate the injury or damage sustained as aforesaid, and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the said county in which the said inquisition is taken; and it shall be the duty of such sheriff to attend before the said justice with the book of freeholders, at such time and place as the said justice shall appoint, upon reasonable notice being given him, for the purpose of striking such jury, and also upon the like notice, to have the jury upon the premises in question at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries; and upon the coming in of such report or inquisition and the confirmation thereof, and the said company paying to the owners respectively the sums in such report, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall become seized in the same estate in the said lands which the said owners held in the same, and they and all who have acted under them shall be acquitted and freed from all responsibil-

Sheriff's duty.

Fees to be allowed.

ity for and on account of such injury: *Provided*, That the payment of damages aforesaid for land through which the said road may be laid, or tender thereof be made before the said company, or any person under their direction, or in their employ, enter upon and break ground in the premises, (except surveying and laying out the said road) unless the consent of the owner of such land be first obtained.

Proviso.

Sec. 8. *And be it enacted*, That as soon as the said company shall have completed five miles of the said road, then it shall be lawful for the directors to give notice to the governor, or person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners, who shall, at the expense of the corporation, view the same and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act, and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, or person administering the government, by licence under his hand, to permit the said directors to erect gates and turnpikes across the said road, and to demand and receive toll at the rates hereinafter specified, and in like manner when the remainder of the said road, or any part thereof, shall be made, approved of and licensed as aforesaid, to erect other gates

When governor may appoint commissioners

Gates to be erected.

and turnpikes, and for passing through the same to demand and receive toll for travelling each mile of the said road, after the following rates to wit:

Rates of toll.

For every carriage, sleigh or sled, drawn by one beast, one cent.

For every additional beast, one cent.

For every additional beast exceeding four, two cents.

For every horse and rider, or led horse or mule. five mills.

For every dozen of calves, sheep or hogs, five mills.

For every dozen of horses, mules or cattle, two cents

Toll-gatherers' authority.

And it shall be lawful for the toll-gatherers to stop persons riding, leading or driving any horse, cattle, mules, calves, sheep or hogs, or carriages of burthen or pleasure, from passing through the said gates or turnpikes, until they shall have respectively paid the toll as above specified: *Provided*, That nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person passing to or from public worship on the sabbath day, or to or from any mill to which he may usually resort for the grinding of grain for his family's use, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from any training on a muster day appointed by law, or any other military officer or soldier pas-

Who may not pay toll.

sing or re-passing when called to do duty by the laws of this state or of the United States.

Sec. 9. *And be it enacted*, That no toll-gate shall be erected, or other obstruction placed on such part of said road as is at present a public highway.

Milestones to be set up.

Sec. 10. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile-stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Hacketstown, and shall cause to be fixed and always kept up at the gates aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right as the law directs."

Penalty for breaking mile stones, and forcibly passing gates.

Sec. 11. *And be it enacted*, That if any person shall wilfully break, throw down or deface any of the mile-stones or posts so erected on the said road for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the

legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, to be recovered by the corporation to their use, with costs of suit, besides being subject to an action of trespass for the damages sustained; and if any person with his carriage, team or horse, turn out of said road to pass a gate or gates, on private ground adjacent thereto, and again enter on said road, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said corporation for the use thereof, in an action of debt, with costs of suit.

Penalty for improper conduct in toll-gatherer.

Sec. 12. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence, forfeit and pay to the person so hindered or defrauded, the sum of twenty dollars, to be recovered in action of debt, with costs of suit.

Stock to be personal property.

Sec. 13. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed and considered as personal property, and be transferred in such manner as the directors may appoint: *Provided*, That if the said company shall not commence their operations within three years

from the passing of this act, and complete said road within eight years, according to the intent and meaning of this act, then and in either of these cases, this act shall cease, be void, and of no effect, except so far as compels the said company to make reparation for damages.

Carriages to keep to the right.

Sec. 14. *And be it enacted*, That all drivers of carriages, sleighs or sleds, of all kinds, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds, on the right hand of the said road in the passing direction, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any person who shall be obstructed in their passage, and will sue for the same, to be recovered with costs of suit; and shall also be subjected to an action of trespass for the damages sustained.

Accounts to be kept.

Sec. 15. *And be it enacted*, That the president and directors of the said company shall cause to be kept just and true accounts of all monies received from the subscribers to the stock of the said company, and also of all the monies by them expended in the prosecution of the said work, and shall at least once in every year submit such account to a general meeting of the stock-

holders, until the said turnpike shall be completed; and if at any time previous to the completion of the said turnpike, and payment of all the costs, charges and expenses thereof, it shall be found that the capital stock of the said company is not sufficient to complete the same, it shall and may be lawful for the president, directors and company, at a stated or special meeting convened for that purpose, to increase the number of shares to such extent as may be necessary to complete the same, and to demand and receive the monies subscribed for such shares, in the manner herein before provided for original subscriptions.

Account of toll.

Sec. 16. *And be it enacted*, That the said president and directors shall also cause to be kept, just and true accounts of all the monies received by the collectors of tolls, for travelling on said road, and of all penalties and forfeitures accruing to said company, and also of all costs, charges and expenses of repairing and maintaining the said road, and transacting the business of the said company, and shall once in every year, or oftener, if they shall deem it necessary, make and declare a dividend of the clear income and profits thereof, among the stockholders in said company, which shall be paid by the treasurer of said company to the stockholders or legal representatives, in such manner as the said president and directors shall appoint.

New Jersey State Library

How to proceed in case the road is not good.

Sec. 17. *And be it enacted*, That if the said company shall not keep the said road and bridges in good repair, and complaint thereof shall be made to any justice of the peace of the county of Sussex aforesaid, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of the said townships; which three persons, being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as the said justice may appoint, and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavourable to the said road, the said justice shall immediately, in writing under his hand and seal, order the keeper of the said gate to keep open the same until otherwise ordered; and if the said keeper shall, notwithstanding the order of the justice to open said gate, exact toll of travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person that will prosecute for the same in an action of debt, with costs of

Penalty on keepers of gates.

suit; and the said justice shall be allowed for his services, fifty cents, and the persons so appointed, one dollar each, to be paid by the turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said turnpike company, again to view the said road and report as aforesaid their opinion to said justice, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates to be shut and the toll to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view as before mentioned, the report of the persons appointed shall be in favor of the turnpike company, the same fees shall be allowed as before prescribed and paid by the persons instituting the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Fees of justice and committee.

Sec. 18. *And be it enacted*, That at the end of every ten years after the completion of said road, an account of the expenditures upon the said road, and the profits arising therefrom, shall be laid before the legislature, and that the state of New-Jersey may

Account to be laid before the legislature.

State may purchase in after 50 years.

at any time after the expiration of fifty years from and after the passing of this act, repay the proprietors of the said road the amount of the sums expended thereon, and in that case the said road shall become the property of the state of New-Jersey, and be under the controul of the legislature thereof, any thing in this act to the contrary notwithstanding.

A. Passed at Trenton, Feb. 11, 1813.

A Supplement to the act entitled "An act to regulate gunpowder manufactories and magazines within this state," passed the seventh February, eighteen hundred and eleven.

Preamble.

WHEREAS Bullus, Decatur and Rucker, manufacturers of gunpowder, at Bellville, in the county of Essex, within this state, are not only subject to serious inconvenience, but the danger of explosion at their works of powder manufactured there, and consequently the danger to the inhabitants residing in the neighbourhood of the said manufactory is increased by reason of the prohibition contained in the second section of the act to which this is a supplement, respecting the building of a magazine—therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Bullus, Decatur and Rucker be, and they are hereby authorized, to erect a powder magazine, at any distance not less than four hundred yards from their present powder-mill, in a direction south-westerly from the same, and not less than four hundred yards from any dwelling-house, out-house or barn, and to deposit powder therein, any thing in the said act to which this is a supplement to the contrary notwithstanding.

May erect magazine.

C. Passed at Trenton, Feb. 18, 1813.

An Act authorizing the enclosure of a certain tract of woodland, situate in the township of New-Barbadoes, in the county of Bergen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of all that tract of woodland situate, lying and being in the county of Bergen, in the township of New Barbadoes, including what is generally called the Moonachie Swamp, the Rysen, and all the uninclosed woodland lying to the southward of the town of Hackensack and

Power to enclose,

the Bergen turnpike road, and to the southward of the Pollafly road, to enclose the same by running a fence from the land of Peter Terune, along the west side of the Bergen turnpike road and across the sand hill to the lot of James Campbell, lying between the lot of John Ackerman and Morris Earl, to fix a swinging gate at or near the bridge across Berry's creek, in the road leading to Moonachie, and to erect such other fences and gates as by the persons hereinafter mentioned, to make the assessments from time to time, may be deemed proper to inclose the same; and that from and after enclosing the same as aforesaid, no person or persons whatsoever shall be at liberty to drive or let in any horses, cattle or sheep, with an intent to run at large in the said tract: *Provided*, That nothing in this act contained shall be construed to prevent any person or persons from permitting his, her or their own, or the cattle, horses and sheep of any other person, to run on any part of the said tract already inclosed by him, her or them, or which may hereafter be enclosed, so long as the same is enclosed by him, her or them, by a lawful fence.

Fence to begin.

Proviso.

Sec. 2. *And be it enacted*, That if any person or persons whatsoever shall drive or let in any horses, cattle or sheep, within the said tract, after it shall have been enclosed as aforesaid, except as excepted in the first section of this act, with an intent to run at

Penalty for turning in cattle.

large, such person or persons shall be subject to an action of trespass, to be brought in the name of any owner or owners of the said tract, and be liable to pay treble damages, to be assessed by a jury to be summoned in any court having cognizance of the cause, and shall also be liable to pay all costs of suit incurred in the prosecution thereof.

Sec. 3. *And be it enacted*, That if any horses, cattle or sheep, shall be found running at large on any part of the tract enclosed as aforesaid, except as excepted in the first section of this act, it shall and may be lawful for any owner or possessor of any part of the said tract, to take and drive the same to any public pound in the township of New-Barbadoes, and shall as soon as may be, make an affidavit, stating that the same were taken running at large in the said tract, and in such affidavit shall state a description of the horses, cattle or sheep so taken, which affidavit shall be delivered to the pound-keeper where the cattle, horses or sheep are impounded; and the person impounding the said cattle, horses or sheep, shall be entitled to receive for every head so taken and impounded, the sum of thirty-seven cents, if not exceeding four; if more, then for every head so taken and impounded, the sum of twenty-five cents, to be collected by the pound-keeper of the owner, or from the sale of the said cattle, horses or sheep, and shall be the measure of damages to be paid on such oc-

Trespassing cattle, how dealt with.

casion; and the pound-keeper is directed to receive such beasts, and to proceed in the same manner after the receipt of the same as is directed in the case of distress for damage feasant by the twelfth section of the act entitled "An act regulating fences," passed the twenty-third day of January, seventeen hundred and ninety-nine, and he shall be entitled to the same fees and subject to the same penalties for the neglect of duty, as are allowed and imposed in and by the said act.

Damages, how disposed of.

Sec. 4. *And be it enacted*, That all damages recovered by virtue of this act, shall be appropriated and applied from time to time towards making and repairing the fences deemed necessary to enclose the aforesaid tract.

Meeting to be advertised.

Sec. 5. *And be it enacted*, That it shall and may be lawful, immediately after the passing of this act, for any one concerned in the aforesaid tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places in the township of New-Barbadoes, at least ten days previous to the time of meeting; on which notice being given, the owners and possessors of the said tract shall convene at the house where Abraham Allen now lives, in the town of Hackensack, in the township of New-Barbadoes; which owners and possessors, or such as shall assemble in pursuance of the

said notice, shall when met, proceed to elect, by a plurality of votes, three persons, being owners of some part of the said tract, to make and repair the fences necessary to enclose the aforesaid tract, and for the purpose of making assessments and superintending the expenditure of all monies to be received and paid for the purpose aforesaid, which said persons so elected, shall continue in office until the first Saturday in April next, when a new election shall take place between the hours of ten and twelve in the morning of that day, and an election for that purpose shall be had on the first Saturday in April, in each year afterwards, at such place as shall be agreed upon by a majority of the said owners, assembled at a previous annual meeting, between the hours aforesaid.

Managers to be elected.

Sec. 6. *And be it enacted*, That the persons so elected as aforesaid, shall by virtue of this act be authorized to make an estimate of the part of the tract benefitted by such enclosure, shall ascertain the number of acres as accurately as they can which each individual owns or possesses therein, and which may receive benefit from such enclosure, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners or possessors met at their first or any subsequent meeting, which estimate, when made, shall be by the persons so elected as aforesaid, fairly entered in a book to be kept for the purpose, in which

Managers, how to proceed.

Estimate to be entered in a book.

book shall be entered the names of the persons from time to time elected to superintend the expenditures of the monies assessed for making and repairing the fences aforesaid, and other of the proceedings relative to enclosing of the said tract, which book shall be kept by the persons elected as aforesaid; and all assessments shall be made according to the first estimate, until the same is altered by a majority of the owners and possessors of the said tract.

Assessments to be made.

Sec. 7. *And be it enacted*, That as soon as any assessment is made, and the sum which each individual is to pay is ascertained, it shall be the duty of the persons elected as aforesaid, to demand from each individual his proportion, either personally or by leaving a statement of the sum he is to pay with some white person at his dwelling-house, and on failure of payment thereof for ten days after such demand, which shall and may be proved by the oath of the person making it, it shall be lawful for the said persons elected as aforesaid, to sue for and recover the same in their own names, from each individual so assessed and notified as aforesaid, together with the costs of prosecuting for the same, before any justice of the peace in the county of Bergen.

Assessments to be collected.

Sec. 8. *And be it enacted*, That the persons so elected shall annually account to the owners for all monies which have come to their hands as aforesaid, and shall pay

Annual settlement.

over the balance remaining in their hands, to their successors, together with the book directed to be kept by them, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by their successors, with costs of suit, and to be applied by them when recovered, to the purposes contemplated by this act.

A. Passed at Trenton, Feb. 11, 1813.

An Act to incorporate the owners of certain fisheries in the Upper and Middle Townships, in the county of Cape-May.

WHEREAS it hath been represented to the legislature that Jacob Spicer, formerly of the county of Cape-May, did grant and convey unto divers persons, inhabitants of the Upper Precinct (now Upper Township) in the said county, certain fisheries and rights of fishing and fowling, and privileges in the said Upper Township, on the seaboard, and did also grant and convey unto divers persons, inhabitants of the Middle Precinct (now Middle Township) in the said county, certain fisheries and rights of fishing and fowling, and privileges in the said Middle Township, on the seaboard, as by the deeds of conveyance thereof, duly recorded in the office of the clerk of the

Preamble.

said county more fully appears; and that the said owners, by reason of their great numbers, have experienced very great injury and inconvenience in the enjoyment of their common property, for the want of proper by-laws and regulations, and the means of enforcing them, and also of more conveniently redressing trespasses committed on their said common property by strangers, and an act of incorporation is therefore prayed, which appearing to the legislature to be just and reasonable—

Upper Township incorporated.

Sec. 1. 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 persons, inhabitants of the Upper Township in the county of Cape-May, who now are or may become owners of the said fisheries and rights of fishing and fowling, and privileges so granted and conveyed as aforesaid, by the said Jacob Spicer, and their heirs and assigns, be, and they hereby are incorporated by the name of the "General Association of the Upper Township in the county of Cape-May," and by the same name are hereby declared and constituted a body politic and corporate in law, for and during the term of twenty-five years, and from thence to the end of the next session of the legislature, and no longer; and as such shall and may have succession, and be able and capable in law to sue and be sued, implead and be impleaded, in all courts and places whatever,

Name of the corporation.

How long to continue.

and may have and use a common seal, and the same alter, change and renew, at their pleasure, and shall and may hereafter, during the term aforesaid, have and enjoy all the rights, powers and privileges incident to a body politic and corporate, for the use, enjoyment, management and preservation of their said common property, and for no other intent or purpose whatever.

Sec. 2. *And be it enacted*, That the several persons, inhabitants of the Middle Township in the said county of Cape-May, who now are or may become owners of the said fisheries and rights of fishing and fowling, and privileges so granted and conveyed as aforesaid by the said Jacob Spicer, and their heirs and assigns, be and they hereby are incorporated by the name of "The General Association of the Middle Township in the county of Cape-May," and by the same name are hereby declared and constituted a body politic and corporate in law, for and during the term of twenty-five years, and from thence to the end of the next session of the legislature, and no longer, and as such shall and may have succession, and be able and capable in law to sue and be sued, implead and be impleaded, in all courts and places whatever, and may have and use a common seal, and the same alter, change and renew at their pleasure, and shall and may hereafter, during the term aforesaid, have and enjoy all the rights, powers and privileges incident to

Middle Township incorporated.

Name.

How long to continue.

a body politic and corporate, for the use, enjoyment, management and preservation of their said common property, and for no other intent or purpose whatever.

When to elect trustees.

Sec. 3. *And be it enacted*, That the members of the said corporations respectively, of full age, are hereby authorized to meet at the places of holding the annual town meetings in the said townships respectively, on the fourth Wednesday in March in every year after the passing of this act, and by plurality of votes, to elect any number of trustees not exceeding seven, who shall remain in office for one year, and until others be chosen in their stead.

Trustees may call meetings.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the trustees so elected, to call special meetings of the said corporations respectively, whenever a majority of the said trustees respectively shall deem the same expedient, of which special meetings, the clerks of said corporations shall, when required by the said trustees, give eight days notice by advertisements set up in three of the most public places of the said townships respectively.

By-laws, how made.

Sec. 5. *And be it enacted*, That the members of the said corporations respectively shall, at their annual or special meetings, make and ordain such by-laws and regulations as the majority of them so met shall, from time to time judge necessary or proper

for improving their common property, and directing the use and management, and the times and manner of using the same, and for the preservation thereof, and for such other purposes respecting the same as they may deem necessary or proper: *Provided*, The same be not inconsistent with the constitution and laws of this state or of the United States; and to impose such penalties on the offenders against such by-laws and regulations, as they shall deem expedient, not exceeding twelve dollars for each offence, to be recovered with costs of suit, by and in the name of the said corporations respectively, by action of debt, in any court where the same may be cognizable: *Provided always*, That nothing in this act contained shall be so construed as to affect the rights and privileges of any other person or persons of, in or to the fisheries, rights of fishing, fowling and privileges herein mentioned, or any part of the same.

Penalties.

Proviso.

C. Passed at Trenton, Feb. 5, 1813.

An Act to authorize the mayor, recorder, aldermen and commonalty of the city of Burlington, to purchase or build a common gaol and work-house.

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

That it shall and may be lawful for the mayor, recorder, aldermen and commonalty of the city of Burlington, at the expense of the said city, to purchase or procure a lot of ground, within the limits of the corporation, and to erect or provide a suitable building for the purposes of a common gaol and work-house for the said city.

Corporation officers may commit offenders.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the mayor, recorder and aldermen of the said city, or either of them, to commit to the said gaol any person or persons, offender or offenders, whom by law they or either of them are authorized to commit to the gaol or imprison in the work-house of the county; and the keeper of the said gaol, who may hereafter be appointed by the common council of the said city, is hereby required to receive such person or persons so committed, and him, her or them to keep in close and safe custody, until discharged by due course of law.

Work-house according to law,

Sec. 3. *And be it enacted*, That the said work-house or gaol shall be deemed, esteemed or taken, to be a work-house within the intention and meaning of the fifth, sixth and seventh sections of the act entitled "An act for the establishment of work-houses in the several counties of this state," passed the twentieth of February, one thousand seven hundred and ninety-nine; and also of the act to describe, ap-

prehend and punish disorderly persons, passed the tenth of June, one thousand seven hundred and ninety-nine: *Provided*, That no magistrates but the mayor, recorder and aldermen of the said city, or either of them, shall have authority to commit any person to the said work-house.

Duties of the keeper.

Sec. 4. *And be it enacted*, That of the keeper of the said work-house or gaol shall be required the same duties, in respect to the safe keeping of the persons committed to his custody by virtue of this act, as are required of the sheriff or keeper of the common gaol of the several counties of this state; and the said keeper of the said work-house or gaol shall be subject to the same pains, penalties and forfeitures, for failure of duty, misconduct in office, and voluntary or negligent escapes, to which the sheriff or keeper of the common gaol of the several counties of this state is by law subject and liable.

Keeper's fees.

Sec. 5. *And be it enacted*, That the keeper of the said gaol shall be entitled to receive the same fees for his services as are allowed by law to the keeper of the gaol of the county of Burlington for like services.

A. Passed at Trenton, Feb. 2, 1813.

A Supplement to the act entitled "An act to incorporate the Ringwood and Long-Pond Turnpike Company," passed February ninth, eighteen hundred and eleven.

May extend the road.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the Ringwood and Long-Pond Turnpike Company are hereby authorized and empowered to extend the said turnpike road from Woodruff's Gap northwardly, until it meets with the New-York and New-Jersey line, near the twenty-ninth and thirtieth milestone; and from the house of Charles Board, at Ringwood, southwardly through Wynokee, till it intersects the Paterson and Hamburgh turnpike road at Pompton, near the new brick church, subject nevertheless to all the restrictions and regulations provided for in the act to which this is a supplement; *And provided,* That in extending the said road, they shall not interfere with any turnpike road heretofore laid out, without the consent of the owners thereof first had and obtained.

Limitation of time.

Sec. 2. *And be it enacted,* That the time to commence their operations, provided for by the act to which this is a supplement, is hereby continued and extended to two years from and after the passing of this act.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the said company to commence their operations as soon as two hundred shares are subscribed, and the first instalment paid in, any thing in the second section of the original act to the contrary notwithstanding.

When to commence operations.

Sec. 4. *And be it enacted*, That John Hopper and Robert Colfax be, and they are hereby appointed commissioners to lay out said turnpike road, in the place of Henry Van Dolsen and Adrian Post.

Commissioners.

C. Passed at Trenton, Feb. 10, 1813.

An Act concerning the Trenton Library 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 the president and directors of the Trenton Library Company be, and they are hereby authorized and empowered, to erect a frame building not exceeding twenty feet in width by thirty feet in depth, on the southwest corner of the government lot in Second-Street: *Provided*, That the said company shall be compelled and compellable to remove the said building, on four months previous notice.

Size of the building.

A. Passed at Trenton, Feb. 19, 1813.

An Act authorizing the banking and improvement of certain meadows and swamps in the county of Cape-May.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners of the marsh, meadows and swamps, lying in the Upper Township of the county of Cape-May, between the southernmost point of Stipson's Island and East Creek, and between said East Creek and Dennis Creek, as far as shall hereafter be directed by this act, which owners and possessors shall hereafter be denominated and known by the name of "The East and Dennis Creek Meadow Company," to meet together on the first Saturday in March ensuing, and yearly thereafter on the same day in every year, at the hour of two o'clock in the afternoon; the first meeting to be held at the house of Daniel Goff, in the said upper township of the county aforesaid, and every future meeting to be held at such place as may, by a majority of votes of the owners present at the meeting be decided upon, and on failure of such appointment, at the place where the last meeting was held, and then and there, by plurality of votes of the said owners or possessors present, personally or by regular proxies, to choose, out of the said owners or possessors, two managers for the ensuing

Meadows to be banked.

Managers to be chosen.

year, or until others shall be chosen in their place, and in case of death, removal, inability or refusal to serve, of the said managers or either of them, then it shall be lawful for any two of the owners or possessors, by public advertisement, under their hands set up in three of the most public places in the above neighborhood of said marsh, &c. giving eight days notice, to call a meeting of the said owners or possessors, at the place where the last annual meeting was held, and then and there, by plurality of votes of the persons so met, personally or by proxies in writing, duly executed, choose one or two managers, as the case may require, who are to serve until the next annual meeting, or until others be chosen; and that it may be fully understood, it is hereby directed and appointed by the authority aforesaid, that each owner or possessor of said marsh, meadow, &c. shall be entitled to one vote for every five acres (either in person or by proxy duly executed) which he or she may have enclosed in said bank.

Vacancies, how filled.

Sec. 2. *And be it enacted*, That it shall be the duty of the managers chosen as aforesaid, to employ a well known and respectable surveyor in said township, who shall forthwith, upon the receipt of this act, proceed to measure and determine each owner's or possessor's number of acres of marsh and meadow, and make a regular return, plot and drawing of the same, which

Duty of the managers.

shall be given to the said managers and shall remain in their possession during their continuance in office, and upon expiration of such time be delivered to their successors in office; such return of the so to be appointed surveyor, shall be received as evidence of each person's possessions, and all assessments and votes shall be made thereby.

Bank; how to be made,

Sec. 3. *And be it enacted*, That it shall be the duty of the managers, and they are hereby authorized and empowered to make a good and sufficient bank, dams, sluices and every other work necessary and proper to keep out the tide at all times, and to prevent said marsh and meadow from being overflowed—to begin their bank on the south side of Stipson's Island, on the edge of the land belonging to James Ludlam, Esquire, and near the division line between said Ludlam and Abijah Smith, Esquire, to run from thence an easterly course, or thereabouts, to East Creek, thence across said creek, near what is called South-Point-Gut, in which creek shall be erected a sluice, with gates, sufficient to stop the tide from flowing up said creek, said gates to open not less than twelve feet and not more than sixteen feet in width; after crossing said creek, said bank to continue an easterly course, or thereabouts, to Dennis Creek, just below what is called Old Robbins Gut, from thence following the several courses of said Dennis Creek, until it reaches

and gates.

above Thomas Ludlam's landing, to his upper line, between the said Thomas and Henry Ludlam.

Assessments, how made.

Sec. 4. *And be it enacted*, That it shall and may be lawful for said managers, and they are hereby authorized and empowered to assess and collect, from the several owners and possessors of the marshes, meadows and swamps, lying within the bounds of the above described bank, who shall be benefitted thereby (excepting Cedar Swamp) all such sum or sums of money, which may be necessary to pay the expense of making such bank, dams, sluices and other water works, necessary for the above mentioned intended purpose; and also the expenses attending the obtaining this act, in proportion to the number of acres which each owner or possessor may have included in said described bank.

Managers to repair banks.

Sec. 5. *And be it enacted*, That it shall be the duty of the said managers, and they are hereby authorized and empowered, from time to time and at all times, to amend, uphold, maintain and keep in good repair, the said bank, dams, sluices and every and any works so by them erected for the purposes aforesaid, and to assess and collect from each and every of the said owners or possessors of said marsh, meadow and swamp, (except cedar swamp) from time to time, all such sum or sums of money as may be necessary to pay for amending, upholding

and repairing said bank, dams, sluices and other water works necessary to the aforesaid purposes, in proportion to the number of acres which each owner or possessor may have included in said bank.

Powers to managers.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said managers, and they are hereby authorized and empowered, from time to time, to dig and take for the purposes aforesaid, any earth, mud or sods, in any part of the said marsh or meadow most convenient and the least detrimental to the owners thereof, and also to contract with good artificers, skilful in this business, and to purchase materials for the purpose aforesaid, and to have free ingress and egress for themselves, their teams and workmen, through any part of said meadow, where it may be deemed necessary.

Their duty.

Sec. 7. *And be it enacted*, That it shall be the duty of the said managers, from time to time, to examine the condition of the said bank, dams, sluices and other works, and make such improvements on said works as may be deemed necessary, provided such improvements do no exceed fifty dollars.

Penalty for non payment.

Sec. 8. *And be it enacted*, That if any of the said owners or possessors shall neglect or refuse to pay any sum or sums of money which may be assessed as aforesaid,

for the space of four weeks after notice to him, her or them, or left at their place of abode, it shall and may be lawful for the said managers to recover the amount thereof in an action of debt in any court having cognizance thereof, and to give the said assessment and this act in evidence, and on proof of such demand having been made as aforesaid, the court in which, or the justice before whom, such action may be brought, shall give judgment for the sum so assessed, with cost of suit, and issue execution thereon for the same.

Meadow may be sold to pay expenses.

Sec. 9. *And be it enacted*, That for the security of the monies expended, or to be expended, or assessed by virtue of this act, all the marsh, meadow and swamp (except cedar swamp) that shall be included in the said bank, shall be a pledge for the payment thereof (or for each owner or possessor's share therof,) into whose hands soever the same may come, notwithstanding any judgment, execution, sale or alienation thereof, and the said managers may, for the recovery of the sum or sums of money so assessed, and for the said debt and cost, after judgment is obtained as aforesaid, enter upon and take the rents, issues and profits thereof, or sell or dispose of the grass, hay or grain thereon, or may sell by public vendue for a year or term of years, the marsh, meadow or swamp of such delinquent owner or possessor, and

make a good and valid lease for the same during such term, taking care to sell the same for the shortest period of time that will raise the said unpaid sum or sums, with the costs and expenses attending such delinquency; and it shall be the duty of said managers to give at least one month's previous notice in three of the most public places of the neighbourhood of said marshes and swamps, by advertisement, before they proceed to sell or lease the property of any delinquent owner or possessor.

Book of assessments and accounts to be kept.

Sec. 10. *And be it enacted*, That the said managers shall find and provide, at the expense of the said company, a suitable book, in which shall be entered by said managers, all assessments by them made as aforesaid, and shall, at every annual meeting, produce and lay before the said company, the same for the inspection of the different members, and shall produce and shew the same to any of said members, at any reasonable time when thereto required, and shall also provide at the expense of said company, another suitable book, in which said managers shall enter all their proceedings, and a just and true account of all the monies they shall receive and expend, or lay out in the said business, and shall, at every annual meeting, produce and lay the same before the said company, with fair vouchers for all the monies by them received and expended by virtue of this act, and shall deliver the balance, if there be any

remaining in their hands, together with the said books and all other necessary papers, to their successors, and on default thereof, and every neglect in any part of their several duties prescribed by this act, they the said managers shall forfeit and pay for a breach of their trust and neglect of their duty, in action of trespass, in any court of competent jurisdiction, the sum of fifteen dollars for every such neglect; also, to pay all damages that may arise by their omission, to be sued for and recovered by any member of the company who shall be aggrieved and injured by such omission or neglect of the said managers, in and with the above action of trespass; and the said managers shall be accountable for any monies remaining in their hands at the end of every year; and if the said managers refuse to pay such balance in their hands to the successors, then their successors shall sue for and recover the same in action of debt, with costs of suit.

Penalty for neglect of duty.

Sec. 11. *And be it enacted*, That if any person or persons shall wilfully do any harm or damage to the said bank, dams or sluices, or any of the works authorized by this act, they, he or she shall, for every such offence, forfeit and pay ten dollars, together with all damages, to be sued for and recovered in action of trespass, in any court or before any justice having cognizance of thesame, with costs of suit, to be applied to repairing said works so injured, and the

Penalty for damage to banks.

managers for the time being are hereby enjoined and authorized to prosecute the same.

A. Passed at Trenton, Feb. 11, 1813.

A Supplement to an act entitled "An act to authorize the making of a road or causeway in Elizabeth-Town Great Meadows.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the commissioners appointed by an act to authorize the making of a road or causeway in Elizabeth-Town Great Meadows, passed November tenth, eighteen hundred and twelve, and their successors in office, be, and they are hereby authorized, to make and keep in repair, such other causeway or causeways as they may judge proper, between the meadow of Jeremiah Ballard, Esquire, and Newark bay, so that the expense thereof shall not exceed the one third part of the expense of the causeway authorized by the above recited act; and the said commissioners, and their successors, shall have the same powers, under the same regulations and restrictions, to assess and collect an equitable tax from the owners of meadows interested, and who ac-

Causeways to be extended,

tually travel on said causeway or cause, ways, to defray the expense of making and keeping the same in repair, as are granted to them in respect to the causeway authorized by the above recited act.

A. Passed at Trenton, Jan. 27, 1813.

A Supplement to the act entitled "An act to authorize a turnpike road to be made from Deckertown in the county of Sussex, to the Delaware, nearly opposite to Milford in the state of Pennsylvania.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the act entitled "An act to authorize a turnpike road to be made from Deckertown in Sussex, to the Delaware, nearly opposite Milford in Pennsylvania, passed the twenty-eighth of November, eighteen hundred and nine, be, and the same is revived and continued in force, as to the laying out of said road, agreeably to the direction of the third section of said act, and as to the proviso respecting the building of said road, agreeably to the fifth section; and in all other respects as though the law passed at this time.

Act to be continued.

Commissioner.

Sec. 2. *And be it enacted*, That Simon Cortright be appointed a commissioner to lay out the road from Deckertown to Milford, on the Delaware, in the place of John Cox.

A. Passed at Trenton, Feb. 11, 1813.

A Supplement to the act entitled "An act to incorporate the Water-Gap Turnpike Company.

Course of road altered.

Sec. 1. 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 commissioners appointed under the act entitled "An act to incorporate the Water-Gap Turnpike Company, passed February eighth, eighteen hundred and eleven, to lay out said road without having any regard to the village of Hope, which was to have been a point in said road.

Limitation of time.

Sec. 2. *And be it enacted*, That the time for the commencement of the said Water-Gap turnpike, be further extended from February eighth, eighteen hundred and thirteen, to February eighth, eighteen hundred and fifteen, any thing to the contrary in said act notwithstanding.

A. Passed at Trenton, Feb. 3, 1813.

An Act authorizing the division of Eagle Island survey, in the county of Cumberland.

WHEREAS a tract of upland and salt marsh, situate in Fairfield, in the county of Cumberland, is so circumstanced on account of the numerous owners, who are unequally interested in the same, a part of whom are minors, that an equitable division thereof cannot be had under any existing law of the state, without manifest injury and inconvenience—therefore, Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any one of the justices of the supreme court of judicature of this state on the application of any one of the parties interested in that tract of land and salt marsh in the township of Fairfield, in the county of Cumberland, to appoint three commissioners to make a division of said tract of land and marsh into such shares and proportions as the same are now held or may be held at the time of such division by the several owners thereof; the metes and bounds of each share to be ascertained and set off by the said commissioners; and the report of the said commissioners, or any two of them, when made to the supreme court of this state, and approved of by the said court, shall be conclusive between the parties. Judges may appoint commissioners.

Proceedings, how to be conducted.

Sec. 2. *And be it enacted*, That the nomination and appointment of the said commissioners, and all other proceedings herein (otherwise than such as relate to the manner of division above directed) shall be made and conducted according to the provisions of the act entitled "An act for the more easy partition of lands held by coparceners, joint-tenants and tenants in common," passed eleventh of November, one thousand seven hundred and eighty-nine; and the said justice, commissioners and other persons employed, shall be entitled to receive for their services, the same fees as are allowed by the said act.

Meeting to be held.

Sec. 3. *And be it enacted*, That it shall be the duty of the said commissioners, before they proceed on the duties of their appointment, to hold a meeting in the vicinity of said lands, previously advertising the same twenty days in five or more places in the neighbourhood, at which time, those interested are required to produce their deeds or other evidences of title to any part of said survey.

A. Passed at Trenton, Feb. 9, 1813.

An Act to enable Abner Batten to make and maintain banks or dams across Raccoon Creek.

WHEREAS the said Abner Batten and others, owners and possessors of meadow ground or marsh, lying on said Raccoon Creek, and the owners, masters of vessels, and other persons concerned in the navigation of said creek, having petitioned and set forth that it would be an improvement to the navigation, as well as a great saving of expense of banking, to the said petitioners and others, to bank or dam off the said Raccoon creek so as to turn the current through a certain thoroughfare now cut—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 it shall and may be lawful for the said Abner Batten, his heirs and assigns, to erect and make, or cause to be made and erected, two banks or dams across the said Raccoon Creek, one at a place called Tussocky Cove, and the other called Deep Cove; and in order that the banks and dams may be effectually made and supported, the said Abner Batten, his heirs and assigns, shall and may from time to time, and at all times hereafter, have full, free and absolute authority to dig and remove mud, sand or loam, for that purpose, in any place where it shall be most convenient and least detrimental to the owners of the soil. Where to erect dams.

A. Passed at Trenton, Feb. 13, 1813.

An Act to authorize Alexander T. Moore, his heirs or assigns, to erect and maintain a dam across Maurice River, in the county of Cumberland, sufficient to accommodate mills or other water-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 it shall and may be lawful for Alexander T. Moore, his heirs or assigns, to erect and maintain a dam, sufficient to accommodate mills or other water-works, across Maurice River, in the township of Milville, in the county of Cumberland, on his own land, at any place at or above the bridge, and between it and the head of the tide, the said Alexander T. Moore, his heirs or assigns, building and keeping in repair sufficient flood-gates and ways for the passage of rafts of timber, or other property, down the said river, of at least twenty feet in breadth, and also sufficient locks and other conveniencies, for the free passage up said river, of scows, flats or other craft: *Provided*, That the said Alexander T. Moore, his heirs and assigns, do first have and obtain in writing under hand and seal, the consent of those persons whose lands may reasonably be considered liable to be overflown by the erection of said dam and water-works;

Authority to erect dam.

To erect flood gates.

Provided also, That nothing herein contained shall beconstrued to prevent any person or persons from maintaining his, her or their action or actions, against the said Alexander T. Moore, his heirs or assigns, for recovering of damages for any injury they may sustain by reason of erecting the said dam and water-works, in as full and ample manner as if this act had not been passed. Proviso.

Sec. 2. *And be it enacted*, That if any person or persons shall wilfully do or cause to be done any matter or thing whereby the said dam, lock or flood-gate, or any canal or watercourse, or any other matter or thing appertaining to the same, or shall leave open the said flood-gates, or other gates of such lock, or cause them to be left or kept open longer than absolutely necessary for passing through the same with their boats, flats or shallops, or with their rafts of timber, plank or boards, the person or persons so offending shall forfeit and pay to said Alexander T. Moore, his heirs or assigns, three times the amount of the damages sustained by means of such offence or injury, to be recovered by action of debt, with costs, in any court having competent jurisdiction in this state. Penalty for damages.

A. Passed at Trenton, Feb. 11, 1813.

An Act for the improvement of the channel between Perrywig and Bile's Islands, in the river Delaware.

Preamble.

WHEREAS the navigation of the river Delaware is at present obstructed by a bar across the same about three miles below the bridge near Trenton, and also by other impediments between said bar and said bridge; and whereas John Stevens, proprietor of the steam boat Phœnix hath presented a memorial to the legislature of this state, representing that he hath been occupied, principally at his own individual expense, during part of the last summer and the preceding autumn, in clearing out a channel for the passage of vessels between what is commonly called Perrywig Island and Biles's Island, in the river Delaware, about three miles below Trenton bridge, in the prosecution of which important object, he hath already expended considerable funds, but owing to the interruptions and derangements of his machinery, occasioned by the passage of shallops and other boats, through said channel, he found it impracticable for him to proceed with any prospect of advantage; that in consequence of the frequency of these interruptions, he hath, about mid-summer last, been constrained to quit working and to lay the machinery up; that although the undertaking proved to be much more arduous and

expensive than was at first apprehended, yet, with due encouragement, he by no means despaired of final success; that the accomplishment of this object will not only prove highly beneficial to the public, by the facility it will afford to the navigation of vessels generally, but, in a more especial manner, by affording the public the advantages and facilities resulting from effecting a steam-boat navigation on the river Delaware, nearly up to the city of Trenton; that for the more effectual completion of this object, he is now engaged in the construction of another steam-boat, upon a larger and more improved plan: praying therefore, that the legislature would afford him such protection as may enable him to proceed in this useful undertaking without hindrance or molestation, and also to give him such further aid in the premises as may appear just and proper—therefore,

Preamble continued.

Sec. 1. 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 boats or vessels be and they are hereby prohibited from passing through said channel, between what is commonly called Perrywig Island and Biles's Island, during such time or times as the machinery used by said John Stevens, or persons employed under him, in clearing said channel, shall in prosecution of said purpose be stationed therein; and should any boat or vessel pass or attempt to pass through said

Prohibition through certain channel.

channel whilst said machinery shall be sta-
Penalty. tioned therein, the owner or owners, navi-
gator or navigators thereof, shall be subject
to such fine or penalty not exceeding twen-
ty dollars, with costs of suit, as the court
having cognizance thereof shall order and
adjudge; and for any damage said machine-
ry may sustain by any boat or vessel passing
or attempting to pass through said channel,
the owner or owners, navigator or naviga-
tors thereof shall be liable to treble dama-
ges, recoverable by said John Stevens, or
his legal representatives, in any court hav-
ing cognizance thereof, with costs of suit.

Sec. 2. *And be it enacted*, That the cap-
tains, owners and navigators of vessels are
Anchoring pro- hibited, and the discharge of stone and gravel. hereby prohibited from anchoring the same
in any part of said channel, and from dis-
charging stone, gravel or other substances
in the same, or in any part of the river
between said channel and the bridge, or
lying at anchor therein in such situation
or manner as to obstruct or interfere with
the free passage of all other vessels, and
for each and every offence against any one
of the prohibitions above specified, the
owner or owners, navigator or navigators
of such vessel, shall be liable to a fine or
Penalty. penalty of fifty dollars, recoverable in any
court of record having cognizance thereof,
with costs of suit, by any person prosecut-
ing for the same, one half to go to the said
prosecutor and the other half to the state:
Provided, That nothing in this act contained

shall be of any effect until a similar law shall be passed by the legislature of the commonwealth of Pennsylvania.

C. Passed at Trenton, Feb. 13, 1813.

An Act supplementary to the act entitled "An act to empower the governor of this state to incorporate a company to cut a canal to shorten the navigation of Salem Creek, in the county of Salem and State of New-Jersey, passed the seventeenth day of November, eighteen hundred.

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 stockholders under the act to which this is a supplement, or a majority of them when met, on two weeks notice being given in the public papers printed in Trenton, and by advertisements set up in four public places in the said county of Salem, at any time previous to the first day of April next, to choose officers to supply said vacancies, by death, removal or otherwise, who, together with those formerly chosen, shall continue in office until the said first Monday in April next, and until others are cho-

Officers to supply vacancies.

sen; which choice being made, the said officers and their successors may proceed hereafter according to the said charter and by-laws made consistent therewith, and with the laws and constitution of this state, to complete the object of said charter.

A. Passed at Trenton, Feb. 18, 1813.

An Act to repeal an act passed the first day of June, seventeen hundred eighty-six, authorizing Elias Boudinot, Samuel Bayard and Richard Kemble, Esquires, to drain and make partition of certain bog or fly meadow in Morris county.

Preamble.

WHEREAS it appears to the legislature by the petition of Philip J. Schuyler and others, owners of the bog or fly meadow in Morris county, that a law was passed first June, seventeen hundred and eighty-six, vesting said property in certain commissioners therein named, in trust to ditch, drain, apportion and divide the same to the owners, first having sold so much of said meadow as would defray the expenses and charges of ditching and draining the same; and whereas it appears to the legislature that the commissioners aforesaid have but very partially executed the trust

reposed in them; and whereas it appears that Peter Ward and John Outwater, Esquires, commissioners appointed by a law passed twenty-eighth February, eighteen hundred and six, for the final settlement of the estate of Henry Brockholst, deceased, in pursuance of said law, had taken possession of two thirds of the said meadow, the property of the heirs of the said Henry Brockholst, deceased, and had sold and conveyed the same; and whereas the title of the last mentioned purchasers and owners may become precarious and uncertain by the two conflicting acts above recited—to remedy which, Preamble continued.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the act entitled "An act for draining and making partition of a certain tract of bog or fly meadow, situate in Paquanonk, in the county of Morris, and for other purposes therein mentioned," passed first June, seventeen hundred and eighty-six, be, and the same is hereby repealed: *Provided always*, That nothing in this act shall be so construed as to prevent the said commissioners aforesaid, their agents or attornies, from being remunerated and paid all lawful costs and charges, if any by them accrued, their agents or attornies, agreeably to the provisions of the law above recited; and it shall and may be lawful, and it is hereby required, that the said John Act repealed. Proviso.

Money to be paid commissioners.

Outwater, Esquire, shall pay and discharge two equal third parts of the accounts of the said Elias Boudinot, Samuel Bayard and Richard Kemble, commissioners as aforesaid, their agents or attornies, or either of them, for any lawful expenditures in relation to the said meadow, the said accounts first being audited and certified by one of the judges of the supreme court, as directed by the said law of first June, 1786.

Money to be paid treasurer.

Sec. 2, *And be it enacted*, That the said John Outwater, be and he hereby is authorized and directed to pay to the treasurer of this state, the moiety of the monies remaining in his hands of the nett proceeds of the said two third parts of the said bog or fly, after deducting two third parts of the expenses that have been incurred by the trustees, under the law of the first of June 1786, and the whole of the expenses attending the execution of the trust of the said John Outwater, Alexander C. M'Whorter and Peter Ward, and that the said moiety remain in the hands of the said treasurer, subject to the claims of the representatives of the said Nicholas Bayard, who are hereby notified to exhibit the same and substantiate their claim in a due course of law.

C. Passed at Trenton, Feb. 18, 1813.

An Act to incorporate the Beaver Woollen Factory, at Paterson.

WHEREAS Roswell L. Colt and others, their associates, have presented their memorial, stating that they have established a woollen manufactory at Paterson, and in order that the business may be conducted with more facility, have prayed to be incorporated—Therefore, Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Roswell L. Colt, John Thomson, John Meyer, Joseph Sterlits, William Cutting, and Thomas Fairchild, and such other persons as now are, or hereafter shall be, associated with them, for the purpose of manufacturing and finishing woollen and cotton cloth, and their successors, be, and are hereby constituted and declared to be a body corporate and politic, in fact and in name, by the style of "The Beaver Woollen Factory at Paterson," and by that name they and their successors shall have power, and continue to be a body corporate, for and during the term of twenty-one years, and be capable of suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature whatsoever and wheresoever; and that they and their successors may have a common seal, and may change and persons incorporated

Name of the company.

New Jersey State Library

alter the same at their pleasure; and that they and their successors shall in law be capable of purchasing, holding and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandize whatsoever, necessary or beneficial to the object of this incorporation.

May hold property.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said corporation, shall be managed and conducted by five directors, who shall be annually elected on the first Monday in May, at such place as shall be agreed upon by the stockholders, and directed by the by-laws of the said corporation; and the said elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, each share in the stock having one vote, and the persons having the greatest number of votes shall be the directors; and whenever any vacancy shall happen among the directors, such vacancy shall be filled for the remainder of the year, by the remainder of the board for the time being.

Directors to be elected,

Sec. 3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day when, pursuant to this act, it ought to have been done, the said corporation, for that cause, shall not be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of di-

Charter not vacated.

rectors, in such manner as shall have been regulated by the by-laws of the said corporation.

Sec. 4. *And be it enacted*, That the capital stock of the said corporation shall not exceed one hundred thousand dollars, and that a share of the said stock shall be two hundred and fifty dollars; and it shall be lawful for the directors to call and demand from the stockholders respectively, all such sums of money by them subscribed, at such time, and in such proportions, as they shall see fit, under pain of forfeiture of their shares and all previous payments made thereon, if such payments be neglected to be made for the space of one month after such call and demand shall have been made, and due notice given thereof. Amount of capital stock.

Sec. 5. *And be it enacted*, That the directors for the time being, shall have power to make and prescribe such by-laws, rules and regulations, as shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, the duties of the officers, workmen and servants, by them employed, the election of directors, and all such matters as appertain to the concerns of the said corporation; to appoint the necessary officers, clerks and servants, for carrying on the business of the said company, and with such allowances and salaries as to them shall seem meet; By-laws.

Not to interfere with other corporations.

provided such by-laws be not inconsistent with the laws of this state or of the United States; provided also, that the powers and privileges granted by this act, shall not in any way interfere with the powers and privileges that may have been granted any former incorporation at the place aforesaid.

Stock to be personal property.

Sec. 6. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate; provided always, that for all debts which, in case of dissolution of the said company, shall then be due and owing by said company, the stockholders for the time being shall be responsible in their individual and private capacity, to the extent of their respective shares, and no further, on any suit or action to be brought or prosecuted after such dissolution of the said corporation; and provided also, that nothing in this act contained, shall be construed to authorize the said company to employ their funds, or any part thereof, for any other purpose than that contemplated by this act.

Proviso.

President.

Sec. 7. *And be it enacted*, That the directors annually to be chosen as herein before directed, shall elect one of their number to be their president.

A. Passed at Trenton, Feb. 17, 1813.

An Act authorizing Trustees to sell and convey the real estate of Benjamin Westervelt, deceased.

WHEREAS it is represented that Benjamin Westervelt, late of the county of Bergen, died seized of certain real estate in the said county of Bergen, so situated that a division thereof cannot be made without greatly diminishing the value of the respective shares belonging to the heirs of the said deceased, who are numerous and some of them young; and whereas it is represented by the petition of the widow and heirs of the deceased, that the real and personal estate of the deceased was forfeited by an act of the legislature passed twenty-second December, one thousand seven hundred and eighty, and by the said act descended to his children and proper heirs at law; and whereas it is represented that the said widow and heirs are willing to mingle all the estate of said deceased, as well that part forfeited as aforesaid, as those lands thereafter purchased by said deceased—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 George I. Brinkerhoff, Albert C. Zabriskie and Martin Van Houten, or a majority of them, be and they hereby are ap- Trustees appointed.

pointed trustees, with full power in their discretion, to sell, dispose of and convey, all the real estate of the said Benjamin Westervelt, deceased, as well the lands forfeited by the act of the legislature of the twenty-second December, seventeen hundred and eighty, as the lands thereafter purchased by said deceased, situate, lying and being in the county of Bergen, as soon as conveniently may be, at private or public sale, for the highest sum or sums of money which the same will bring, and for the same or any part thereof, when thus sold, to make and execute in due form of law, in their own name or names of a majority of them, as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate, title and interest which the said Benjamin Westervelt, at the time of his death, or before the forfeiture as aforesaid, had or ought to have claimed, or might legally claim of, in and to the same; which sale or sales being made and confirmed by deed, and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand, which the said Benjamin Westervelt, had to the said premises, at the time of his death.

Make Deeds.

Sec. 2. *And be it enacted*, That the said George I. Brinkerhoff, Albert C. Zabriskie and Martin Van Houten, shall keep a fair account of the sale or sales of real estate so by them sold as aforesaid, and of the

To keep accounts.

expenditures and appropriations of the money arising thereon.

Sec. 3. *And be it enacted*, That the said George I. Brinkerhoff, Albert C. Zabriskie and Martin Van Houten, or a majority of them, shall within six months after the sale of the said real estate, make, subscribe and exhibit, under oath or affirmation, to the surrogate of the county of Bergen, an exact statement of the amount of the said sale or sales of said real estate, and of the monies arising therefrom, and shall report the same to the next orphans court, to be held in and for said county. Statement to be made to surrogate.

Sec. 4. *And be it enacted*, That the monies arising from the said sale or sales, after a reasonable allowance to be made by the orphans court, for services of said trustees, shall be distributed among the heirs at law of the said Benjamin Westervelt, in the same proportion, and divided as directed by law regulating the descent of real estates of persons dying intestate, one third part thereof as aforesaid, being first put out by said commissioners, on security of bond and mortgage, and the interest accruing therefrom, paid Annautye Westervelt, widow of the said deceased, annually during her natural life, and after her decease to descend to the heirs of the said Westervelt, deceased, as aforesaid—and that the share or shares of those of the heirs who are minors, shall be paid to the guardians of the Monies how divided.

said minors, to be by them appropriated as the law directs.

Trustees to give bond.

Sec. 5. *And be it enacted*, That before the said George I. Brinkerhoff, Albert C. Zabriskie and Martin Van Houten, or either of them, do enter upon the trust assigned to them by this act, they shall enter into bond to the governor of this state, with such securities and in such amount as shall be approved of by the said orphans court, conditioned for the true and faithful performance of the trust assigned to them by this act, which bond shall be filed in the said surrogate's office.

Survivors of trustees may act.

Sec. 6. *And be it enacted*, That if any of the said persons herein before appointed to execute the trust created by this act, should refuse to act as such trustee, or depart this life before the execution of the trust herein before created, that such one or more of the said trustees, who may be willing to take on him or themselves the said trust, or such one or more who may be survivors or survivor of the whole, shall, and he or they are hereby fully authorized and empowered to execute the said trust herein created, to all intents and purposes which are herein before set forth.

Trustees may sell estate.

Sec. 7. *And be it enacted*, That the said trustees or trustee, who may execute the trust herein created, shall have full power and authority in their or his discretion, to

sell a part or the whole of the real estate herein before described, either for cash or on credit, with a security by way of mortgage on the said real estate so to be sold, and with such other security as the trustees or trustee may think necessary for the payment of the purchase money, with lawful interest, at any future period not exceeding five years.

Sec. 8. *And be it enacted*, That no deed of conveyance of such real estate, made by the said trustees or trustee, shall be valid, unless it be certified in or upon such deed of conveyance by Henry I. Brinkerhoff, John Anderson and John P. Duryea, or any two of them, or the survivors or survivor of them, that such sale was made bona fide and for the highest price that could be obtained for such real estate, at the time of the sale. Deeds, how made valid.

Sec. 9. *And be it enacted*, That no sale made by virtue of this act, shall effect any lien or claim upon the said real estate, other than that of the heirs at law of the said Benjamin Westervelt, deceased.

A. passed at Trenton, Feb. 19, 1813.

An act to authorize Lewis Gordon, and John Brown, adminiſtrators of James Earhart, deceased, to fulfil a contract for the sale of lands, made by the deceased, with Peter Brown, James Jolly, Anthony Connels and Peter Earhart.

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 Gordon and John Brown, administrators of James Earhart, deceased, be and are hereby authorized and empowered to make a deed or deeds of conveyance in fee simple to the said Peter Brown, James Jolly, Anthony Connels and Peter Earhart, for the lands purchased by them as aforesaid, with the appurtenances thereunto belonging, which lands the said James Earhart agreed, in his life time, should be conveyed to them the said Peter Brown, James Jolly, Anthony Connels and Peter Earhart, which deed or deeds, when duly executed and delivered, shall be as good and effectual for the conveyance of said lands, as if the same had been made and executed by the said James Earhart, in his lifetime.

Persons empowered to make deed.

A. Passed at Trenton, Feb. 20, 1813.

An Act to appoint trustees to receive and apply certain legacies left by John Miller and Isabella Paterson.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Woodhull, Samuel S. Smith, James F. Armstrong, Robert Finley, John Neilson, Peter Gordon and John Pool, and others, the present presbytery of New-Brunswick, and their successors, shall be known in law for the term of ten years, by the name, style and title of "The Presbytery of New-Brunswick," with power to appoint from time to time, any number not exceeding seven of their body, as their successors, who shall be capable in law to receive, hold or recover a certain legacy bequeathed by John Miller and Isabella Paterson, to the trustees that now are, or may be appointed by the presbytery of New-Brunswick, in trust for the use and support of pious young students in divinty, as they the said trustees in their discretion may think proper; which said bequest, when so recovered and received, shall be appropriated agreeably to the intentions of the donors, and not otherwise.

persons incorporated

A. Passed at Trenton, Feb. 17, 1813.

An Act to authorize William Alexander Duer, John Duer and Beverly Robinson, trustees of the estate of William, Earl of Stirling, deceased, to receive certain balances remaining in the hands of the representatives of John Mehelm and Richard Stevens, deceased.

Preamble.

WHEREAS by a law passed on the thirty-first day of May, seventeen hundred and seventy-nine, all the estate of William Alexander, Earl of Stirling, was vested in John Mehelm and Richard Stevens, to be by them sold for the purpose of paying the debts of the said Earl of Stirling; and whereas the said John Mehelm and Richard Stevens are since deceased, without having finally closed their accounts—therefore,

Balances to be paid trustees.

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 representatives of the said John Mehelm and Richard Stevens, deceased, be and they are hereby authorized and directed to pay William Alexander Duer, John Duer and Beverly Robinson, trustees of the estate of the said William, Earl of Stirling, all such balances as may remain in the hands of the representatives of the said John Mehelm and Richard Stevens, or either of them, after they shall have deduct-

ed therefrom a reasonable compensation for their services: *Provided always*, That the said William Alexander Duer, John Duer and Beverly Robinson, trustees as aforesaid, before they receive the said balances, shall enter into bond, with security to be approved by the orphans court of the county of Somerset, to the representatives of the said John Mehelm or Richard Stevens, conditioned to refund the said balances or such parts of the same as may be necessary to satisfy any legal claims which may hereafter appear against the estate of the said William Alexander, Earl of Stirling; which bond shall be filed in the clerk's office of the county of Somerset, to be prosecuted by any person who may have a legal claim against the estate aforesaid, which when done, shall discharge the trustees aforesaid and their representatives from the trust in them reposed by virtue of the act herein mentioned.

proviso.

Bond.

A. Passed at Trenton, Feb. 19, 1813.

An Act to dissolve the marriage contract between Elizabeth Burnet, late Elizabeth Bunnel, and Moses Burnet, her husband.

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

Elizabeth his wife, late Elizabeth Bunnel, of the county of Essex, be and it is hereby declared to be dissolved to all intents and purposes whatsoever, and the said Moses Burnet and Elizabeth his wife, shall be and they are henceforth respectively declared to be separated, set free and discharged from their matrimonial contract, and from all duties and obligations to each other as husband and wife, as fully, effectually and absolutely, as if they had never been joined in matrimony.

C. Passed at Trenton, Feb. 8, 1813.

[This law not being printed with the other laws passed the same session, the council and assembly by resolution, directed it to be printed with the laws passed the present session. February 20, 1813.]

An Act to authorize the sale of the real estate of Jonathan Paul, deceased.

Preamble.

WHEREAS it hath been represented to the legislature that Jonathan Paul, late of the township of Greenwich, in the county of Gloucester, died intestate, seized of the following lots of land in said township, the first containing about forty-five acres, the second a house and lot containing ten acres, the third a lot of meadow containing six acres, the fourth an undivided moiety of a lot of woodland, containing about forty acres, which said lands are so situa-

ted, that a division thereof cannot be made agreeably to the existing law of this state, without greatly diminishing the value thereof, and manifest injury to the heirs of said deceased, and as it also appears that there being no personal property left after the payments of debts, &c. of said deceased, and that the rents and income of the younger ones' share, would be insufficient for their maintenance and education, but if the property could be sold, it is believed that the interest of the money arising from the sale of each one's share, would be sufficient for that purpose—and whereas it also appears that Sarah Paul, widow of said deceased, and the children who have arrived to the age of twenty-one years, and the brothers of said deceased, and relatives of the minor children, unite in opinion as to the propriety of selling the whole of said real estate, and of dividing the monies arising from the sales thereof, among the heirs of said deceased—therefore, Preamble continued.

Sec. 1. 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 V. Clark, be and he is hereby appointed a trustee, with full power and authority to sell, dispose of and convey, all the real estate whereof the said Jonathan Paul, died seized of, as soon as conveniently may be, at public or private sale, for the highest sum or sums of money the same will bring, and for the same or any part Trustee appointed.

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thereof when sold, to make and execute in due form of law, in his own name as trustee aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate, title or interest which the said Jonathan Paul, at the time of his death, had or ought to have claimed, or might legally claim, of, in and to the said real estate, which sale or sales so made and confirmed by deed or deeds, and certified as hereafter directed, shall entitle the purchaser or purchasers to all the estate, title, interest, claim and demand whatsoever the said Jonathan Paul, at the time of his death had in and to the said real estate; and the said trustee shall have full power to sell a part or the whole of said real estate for cash or on credit, on a security by way of mortgage on said premises so sold, and with such other security as the trustee may think necessary for the payment of the purchase money, with lawful interest for the same.

To enter into bond.

Sec. 2. *And be it enacted*, That before the said Joseph V. Clark, shall enter upon the trust assigned to him by this act, he shall enter into bond to the governor of this state with such sureties, and in such amount as shall be approved of by Richard M. Cooper, Amos Cooper and James Pancoast, Esquires, or any other three judges of the orphans court of the county of Gloucester, conditioned for the true and faithful performance of the trust assigned him by this act; which bond shall be filed

in the surrogate's office of the said county of Gloucester, and may, on breach of the condition, by order of the governor of this state for the time being, be prosecuted for the benefit of those who may be aggrieved thereby.

Sec. 3. *And be it enacted*, That the said Joseph V. Clark, shall keep a fair account of the sale or sales so by him made as aforesaid, and of the expenses attending such sales, and shall within six months thereafter, make, subscribe and exhibit, under oath or affirmation, an exact statement of the amount of the sale or sales of said real estate, and the expenses attending the same, to the surrogate of the county of Gloucester, who shall file and record the same in his office, and the said surrogate after deducting reasonable allowance for the services of said trustee, court and surrogate fees and other incidental charges attending the sale of said estate, all which shall be ascertained and fixed by the judges of the orphans court of said county of Gloucester, shall enter the balance thereof in the minutes of said court. Keep account.

Sec. 4. *And be it enacted*, That the said Joseph V. Clark, shall put out to interest on land security, the one equal third part of the balance so found, after deducting the fees as aforesaid, for and during the natural life of the said Sarah Paul, widow of the said Jonathan Paul, deceased, and pay Dower to be put to interest.

to her the said Sarah Paul, yearly and every year during her said life, the interest arising from the said one third part of said monies, in lieu and full satisfaction of her dower in said real estate; and after her decease the said one equal third part of said monies shall be distributed by the said Joseph V. Clark, his executors or administrators, to and among the heirs of the said Jonathan Paul, deceased, in the same manner and proportion as prescribed by the law, directing the descent of real estate in this state.

Distribution to be made.

Sec. 5. *And be it enacted*, That the said Joseph V. Clark shall, after deducting the said one equal third part of said monies for the use of the widow, as aforesaid, shall distribute the residue of all such monies arising from the sale of said real estate, amongst the heirs of the said Jonathan Paul, deceased, according to and in the manner and proportion prescribed by the law directing the descent of real estate in the state of New-Jersey, and that the share or shares of those of the said heirs who are minors, shall be paid to the guardian or guardians of said minors.

Deed how made valid.

Sec. 6. *And be it enacted*, That no deed or conveyance of such real estate made by the said trustee, shall be valid unless it be certified in or upon such deed or conveyance by Richard Maffett, John Atkinson and William Hollingshead, or any two of them, the survivors or survivor of them,

that such sale or sales was made bona fide and for the highest price that could be obtained for the same, at the time of sale.

Sec. 7. *And be it enacted*, That if the said Joseph V. Clark, should depart this life, or be disabled in any respect whatever to execute the trust created in him by this act, before the same is completed, it shall be lawful for the judges of the orphans court of said county, upon due proof of the death or disability of the aforesaid trustee, and on application for that purpose by the persons interested in said estate, to appoint some other fit person as a trustee, which person so appointed, upon giving bond to the governor of this state as aforesaid, shall be fully authorized and empowered to carry into effect every matter and clause of this act, as fully to all intents and purposes, and be equally as binding upon all parties concerned, as if the same had been done by the above named Joseph V. Clark.

Court to appoint trustee in case of death.

Sec. 8. *And be it enacted*, That no sale made by virtue of this act, shall affect any lien or claim upon the said real estate, other than that of the heirs of the said Jonathan Paul, deceased.

Sale not to affect lien.

A. Passed at Trenton, Jan. 16, 1812.

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AN ACT to incorporate the New-Jerſey Bible Society. 1
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