

1320  
PUBLIC ACTS. *Handwritten signature*

23

ACTS

OF THE

*44<sup>th</sup>*  
GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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

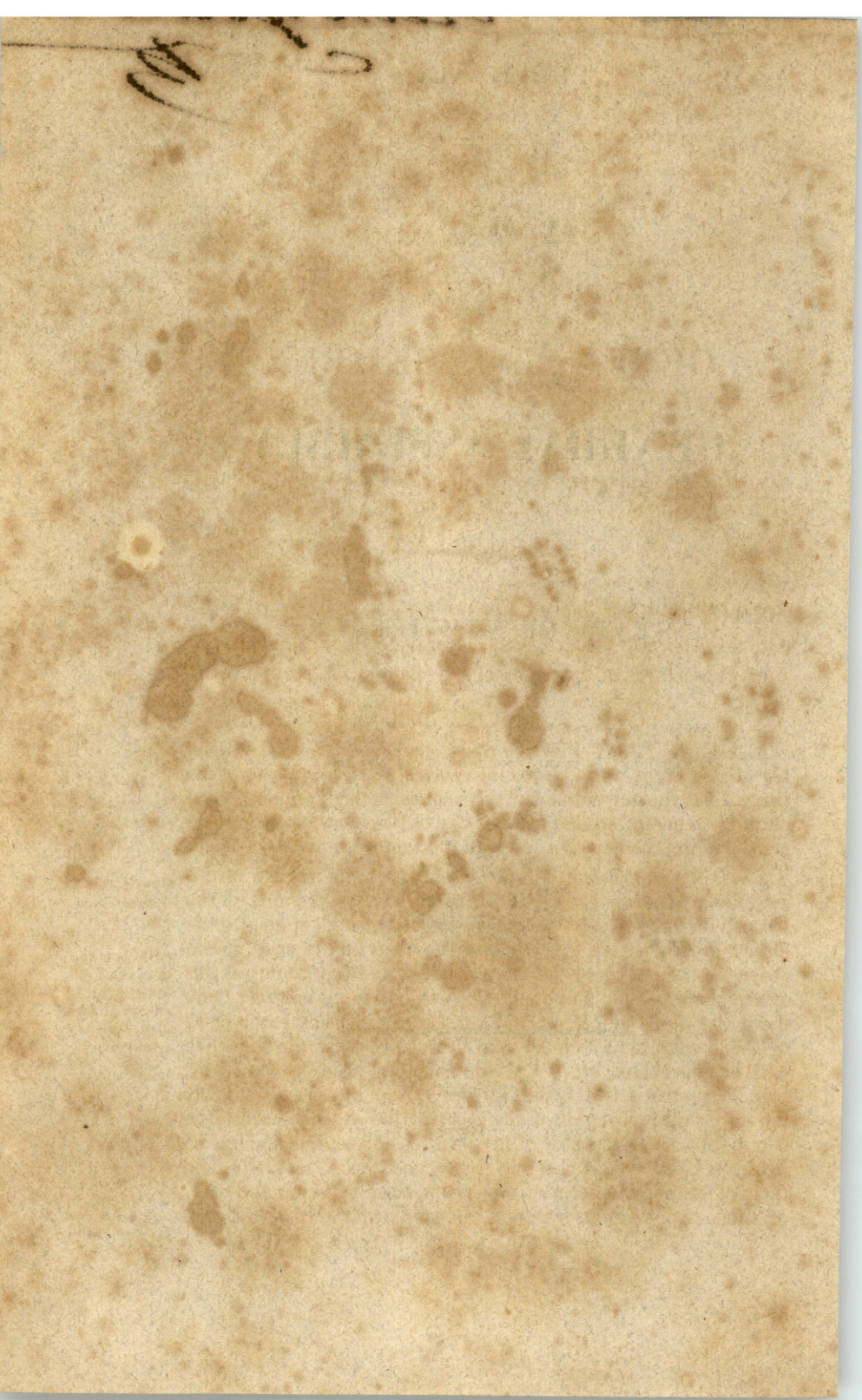


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Trenton:

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1823.



**ACTS**  
OF THE  
**FORTY-SEVENTH**  
**GENERAL ASSEMBLY**

OF THE  
**STATE OF NEW-JERSEY.**



AN ACT to repeal an act entitled, "An act respecting Deputies to the Attorney-General," and to provide for the appointment of Prosecutors of the Pleas of the State in the several counties.

1. *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 respecting deputies to the attorney-general," passed the fifth day of February, one thousand eight hundred and twelve, be, and the same is hereby repealed.

Former act repealed.

2. *And be it enacted,* That from and after the passage of this act, the respective Courts of General Quarter-Sessions of the Peace, in the several counties of this state, shall appoint some fit and proper person to prosecute the pleas of the state, in the absence of the attorney-general, in each and every county of this state, which person, so appointed, previous to his entering upon the duties of his office, shall take and subscribe, before the clerk of the county for which he has been appointed, the following oath or affirmation, *viz.* "I, do solemnly promise and swear, (or affirm) that I will faithfully, justly, and impartially execute the duties of prosecutor of the pleas of the state in and for the county of \_\_\_\_\_ to the best of my abilities and understanding: so help me God." And the said prosecutors shall severally hold their offices for the term of five years, from and after the dates of their appointments respectively, and shall, during the said

Courts of Quarter-Sessions henceforth to appoint, on certain conditions, prosecutors of the pleas, in each county, &c.

term, be vested with the same powers, entitled to the same fees, and subject to the same penalties, in the absence of the attorney-general, within their respective counties, as the attorney-general is by law vested with, and entitled, and subject to.

On certain contingencies, court may appoint a substitute, &c.

3. *And be it enacted*, That nothing herein contained shall prevent the court of any county, in case of the absence of the attorney-general and of the prosecutor for said county, during any term of said court, from appointing a substitute to prosecute the pleas of the state during said term, who shall take the oath, be vested with the powers, entitled to the fees, and subject to the penalties above prescribed, allowed, and imposed.

A. Passed November 9, 1822.

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AN ACT for the better preservation of the Books and Papers belonging to the Legislature of this State.

State librarian.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That a suitable person shall be annually appointed, by the council and general assembly of this state, in joint-meeting, as a librarian of the two houses of the legislature, to serve for one year, and until another be chosen in his stead.

His duty.

2. *And be it enacted*, That the said librarian shall have the custody of the books and papers belonging to the council and general assembly, except the papers immediately appertaining to the business of the respective clerks; and that it shall be his duty to arrange the same, in proper cases, in one of the committee rooms of the state-house most convenient for that purpose, and to attend daily, during the sitting of the legislature and of the Court of Errors, and keep a regular catalogue of the books and papers, and give out the same agreeably to such regulations as may, from time to time, be established by the joint authority of the two houses; and that he shall receive, for his services, a compensation of two dollars for every day he shall be necessarily employed in the said business, to be paid to him by the treasurer, upon a certificate of the president or vice-president of the council and speaker of the house of assembly.

Moneys appropriated.

3. *And be it enacted*, That for the purpose of enabling the said librarian to procure the necessary accommodations, and to bind and put in order the books now on hand, there be, and hereby is, appropriated the sum of two hundred dollars, to be paid to him by the treasurer, out of any moneys in the treasury not otherwise appropriated, and expended under the direction of Garret D. Wall, Charles Ewing, and James J. Wilson; and the

said librarian and his assistants are hereby authorized to expend any surplus of the said appropriation in purchasing such books and documents as may be necessary to complete broken sets, or may, in their opinion, be most useful to the members of the two houses.

C. Passed November 16, 1822.

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AN ACT appropriating a sum of money for the protection of the Oyster-beds in the Delaware Bay.

1. 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 one thousand dollars be, and hereby is, appropriated to defray the reasonable expenses incurred and to be incurred by the inhabitants of Maurice river, and others, in defending the oyster-beds situate in the Delaware Bay, within the bounds of this state, against the depredations and claims of citizens of other states.

Moneys appropriated.

2. And be it enacted, That Timothy Elmer, George Bacon, and Elias P. Seely, are hereby appointed commissioners, and authorized to draw on the treasurer for the whole or such part of said appropriation as they shall, from time to time, determine to be necessary, and expend the same in prosecuting or defending any suits at law, between citizens of this state and of other states, relating to the defence of the said oyster-beds: *Provided*, That before the said commissioners shall draw any money by virtue of the appropriation herein made, they shall make oath or affirmation, before some justice of the peace of the county of Cumberland, faithfully and impartially to execute the duties of their said appointment, and file the same in the clerk's office of said county, and present a certified copy thereof to the treasurer.

Commissioners.

3. And be it enacted, That the said commissioners shall keep an exact and true account of the expenditures made by virtue of this act, and lay the same before the legislature at their next session, and pay any balance that may remain in their hands to the treasurer.

Balance to be paid to treasurer.

C. Passed November 21, 1822.

A SUPPLEMENT to an act entitled, "An act for the relief persons imprisoned for debt," passed the eighteenth day of March, one thousand seven hundred and ninety-five.

Debtors to answer certain interrogatories, &c.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in addition to what is provided by the act above recited, it shall be the duty of the court, at the time of hearing, to examine the debtor touching his confinement, whether his imprisonment was compulsory or voluntary, and whether he has not, at any time between the day of his application to the court for his hearing, and the time of his examination, been without the prison limits, prescribed by law, to all which, and such other questions as shall be asked by the creditor, under permission of the court, the debtor shall a full answer make, subject to the requirements and liabilities of the original act: and if it shall appear, that the debtor has been without the prison limits, or that his confinement was not compulsory, or will not a satisfactory answer make to the questions proposed, it shall be the duty of the court to stay all further proceeding in the case.

Weekly stipend, how and when paid.

2. And be it enacted, That the weekly stipend allowed by the sixth section of the act, to which this is a supplement, to be paid to the debtor under the direction of the court, be extended, at the discretion of the court, to one dollar, and that the same may be paid to the debtor, or left with the gaoler, at such time, and in such sum, as the creditor or creditors may choose: *Provided* the said allowance be not withheld for a space longer than one week at any one time.

A. Passed November 28, 1822.

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### AN ACT respecting Aliens.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, all aliens in this state, who have been in the United States for a less term than five years, be, and they are hereby exempted from the performance of common militia duty.

A. & C. Passed November 27, 1822.

## AN ACT directing the mode of appointing Surrogates.

1. 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 surrogates of the several counties of this state, shall hereafter be appointed by the joint-meeting, and shall hold their offices during the term of five years, unless sooner removed according to law.

By whom appointed.

2. *And be it enacted,* That in case any vacancy should occur in any of the aforesaid offices, by death, resignation or otherwise, it shall be the duty of the governor or person administering the government for the time being, to appoint some fit and proper person to fill such vacancy; which person so appointed, shall hold his office until the next session of the legislature, when the joint-meeting shall appoint for the term of five years, as provided in the first section of this act.

Vacancies, how to be filled.

3. *And be it enacted,* That the surrogates so as aforesaid to be appointed, shall severally give bond and security; take an oath or affirmation; perform the duties; be entitled to the compensation, and be subject to the penalties prescribed by the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state," passed the thirteenth day of June, one thousand eight hundred and twenty, and that so much of the above recited act, as comes within the purview of this act, be, and the same is hereby repealed.

To give bond, &c.

What repealed.

C. Passed November 28, 1822.

A further supplement to "An act for the preservation of deer and other game, and to prevent trespassing with guns," passed December 21, 1771.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person or persons shall kill, destroy, hunt or take any doe, buck, fawn, or any sort of deer whatsoever, at any other time or season, except only between the first day of October and the second day of January, yearly and every year, he or they so offending shall forfeit and pay the sum of twenty dollars for each and every such offence, to be sued for and recovered, with costs of suit, in an action of debt, by any person, before any justice of the peace of any county of the state of New-Jersey,

When deer may be killed.

Penalty for killing contrary to this act.

where he or they so offending may be taken, one half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector for the use of the township.

When certain fowl may be killed.

Penalty for transgressing the provisions of this section.

2. *And be it enacted*, That if any person shall hunt for the purpose of killing, or to destroy, or take, or kill any moor-fowl or grouse, except only from the first day of October, to the first day of February, yearly and every year, he or they so offending, shall forfeit and pay for each moor-fowl or grouse, ten dollars, for each and every offence, to be sued for and recovered in an action of debt, with costs of suit, by any person who shall sue for the same, in manner aforesaid; and any person or persons in whose hands or custody any moor-fowl or grouse shall be found, that shall have been killed contrary to the provisions of this act, shall be deemed, taken and adjudged to be the killer or destroyer of such game, and liable to the penalties aforesaid; and when two or more persons shall go in company for the purpose of killing, and shall kill any game or deer, contrary to the true intent and meaning of this act, each and every person shall be answerable, individually, for the penalties incurred by the whole party or company.

What repealed.

3. *And be it enacted*, That so much of the supplement to the said act, passed the twenty-first of February, eighteen hundred and twenty, as comes within the purview of this act, and is contradictory thereto, be, and the same is hereby repealed.

C. Passed November 28.

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

Time for fishing prohibited.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, if any person or persons, whomsoever, shall cast, draw, or in any wise make use of any seine or net in the river Delaware, within the jurisdiction of this state, from sunset on Saturday until sunrise on Monday of each and every week, he, she, or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every offence: *Provided*, That nothing in this section contained shall prevent the owners or occupiers of eddy fisheries above the tide water, from beginning to fish at twelve o'clock on Sunday night.

Proviso.

2. *And be it enacted*, That if any person or persons, whomsoever, shall cast, draw, or otherwise use, for the purpose of catching fish, more than one seine or net in any one pool or fishing place in the river Delaware, within the jurisdiction of this state, on, opposite, or above the lowest or south-west end of Newbold's or Biddle's Island, from thence down as far as the concurrent jurisdiction of this state and the state of Pennsylvania extends, more than two seines or nets in any one pool or fishing place within any one term of twenty-four hours, beginning at sunrise and ending on sunrise the day following, or shall be aiding or assisting therein, contrary to the true intent and meaning of this act, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every such offence: *Provided always*, That it shall and may be lawful for any person or persons who, by accident or otherwise, may be deprived of the use of the seine or net first used in any pool or fishing place, in any term of twenty-four hours, to withdraw the same, and substitute another seine or net in the place of the one so withdrawn.

But one seine in a pool.

Penalty for trespass.

Proviso.

3. *And be it enacted*, That if any person or persons shall cast, draw, or otherwise make use of any seine or net of a larger mesh than three inches, for the purpose of catching fish in the river Delaware, within the jurisdiction of this state, below the head of Trenton Falls, between the last day of May and the tenth of June, and between the tenth day of June and the tenth day of July, in any year, of any net more than fifty yards in length, and above the head of Trenton Falls, of any seine or net of a larger mesh than two inches, and more than fifty yards in length, between the last day of May, and the tenth day of July, in any year, he, she, or they, so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with costs of suit, for each and every offence.

What kind of seine may be used.

How long fishing may be continued in certain specified places.

4. *And be it enacted*, That the owner or possessor of every fishery upon the river Delaware, within the jurisdiction of this state, his tenant or agent, shall, before he occupies the same as a fishery, give to the clerk of the Court of Common Pleas of the county wherein such fishery or the greatest part thereof may be, a description in writing of his, her, or their pool or fishing place, designating the beginning and ending point, and the extent thereof on the river shore, together with the name of the township and county in which it is situated, and the number of men generally employed in fishing the same, and shall also enter into bond, with one or more sufficient sureties, to the clerk of the said county, and his successors in office, in the penal sum of five hundred dollars, conditioned for the payment of all fines and penalties created or given by this act, or the act or acts to which this is a supplement, that shall and may be incurred and recovered for

Possessor of fishery to give a description of the same to the county clerk, in writing, and also a bond, &c.

any infraction of, or offence against the said act or acts, committed at such fishery, by his, her, or their command or permission, during his, her, or their occupying the said fishery, personally or by tenant, which said description and bond it shall be the duty of said clerk to file in his office, and give a certificate thereof to the person producing the same, on being paid fifty cents; which said bond shall be a security for all such penalties as may be recovered against the said owner or possessor, tenant or agent, during the time he, she, or they may occupy the same; and in case of a recovery against such owner or possessor, tenant or agent, for any penalty given by the said act or acts, and the non-payment thereof, it shall be the duty of the said clerk to cause the said bond to be prosecuted to judgment, and apply the proceeds thereof to the payment or discharge of the said recovery, and if any person or persons shall fish in any fishery so entered as aforesaid, or draw, cast, or otherwise make use of any seine or net within the same, or in the said river opposite the river shore, included within the bounds thereof, without permission, in writing, from him, her, or them so owning, possessing, and entering the same, first had and obtained, he or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every offence, to be sued for and recovered by the person or persons so owning, possessing, and entering the said fishery, in any court of competent jurisdiction.

Bond to be filed in clerk's office, &c.

Penalty for non-compliance.

5. *And be it enacted*, That if any person or persons shall cast, draw, fish with, or otherwise make use of any seine or net in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, between the first day of April and the tenth day of July, in each and every year, without having first entered his, her, or their fishery as aforesaid, or at any place in the said river Delaware, within the jurisdiction of this state, than at, in, or opposite the shore boundaries of a pool or fishing place, described and entered in the manner prescribed in the preceding section, he or they so offending shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit, for each and every such offence.

Penalty for violating the provisions of the preceding section.

6. *And be it enacted*, That it shall and may be lawful for any owner or owners, possessor or possessors, of any shore on the river Delaware, within the jurisdiction of this state, below the Trenton Bridge, having entered the same as a fishery, and given bond in the manner prescribed by the fourth section of this act, to fish the same in front and opposite the bounds thereof, with a sweeping or shore seine or net, or a gilling-seine or drift-net: *Provided always*, That if he, she, or they use a gilling or drift-net, the mesh thereof shall not be larger than six inches and a

Gilling-seine.

Proviso.

half, and the said net shall not be more than sixty fathoms in length, and the boat or boats used at such gilling-seine or drift-net fishery shall have the name or names, and place or places of abode, of the person owning or entering the said fishery, painted in large legible capital letters, on the gunwale thereof.

7. *And be it enacted*, That if any person or persons shall be found making use of a gilling-seine or drift-net in the river Delaware, within the jurisdiction of this state, and within the limits of the concurrent jurisdiction of this state and the state of Pennsylvania, without having first entered his gilling-seine or drift-net fishery, and given bond, as aforesaid, or beyond the angles of the shore boundaries of the said fishery so entered, or with a mesh larger than six inches and a half, or with a net longer than sixty fathoms, between the first day of March, and the tenth day of July, of each and every year, he, she, or they so offending, shall forfeit and pay the sum of two hundred and fifty dollars, together with the costs of suit; for each and every such offence.

Gilling-seines may be used at certain times, after complying with certain conditions.

Penalty for non-compliance.

8. *And be it enacted*, That the township committee of each township adjoining the said river Delaware, within the jurisdiction of this state, may, every year, at their first meeting after their election, appoint one constable of their respective townships, whose duty it shall be, having taken an oath or affirmation before a justice of the peace of the township in which he resides, that he will, without fear, favour, or affection to any, endeavour to execute this act, and the act or acts to which this is a supplement, according to the true intent and meaning thereof, carefully and diligently to view and inspect the shores of the said river, and the fisheries thereon, in his township, once a week, at least, between the first day of April, and the tenth day of July, in each and every year, to put this act in force, and to cause all offences or transgressions against the same, or the act or acts to which this is a supplement, to be prosecuted agreeably to the directions thereof, for which service he shall be entitled to receive the sum of seventy-five cents per day, to be paid by the collector of the county in which he acts, on proving, by his own oath or affirmation, before some justice of the peace of the township, the number of days engaged in the said service.

Duty of constables.

Their compensation.

9. *And be it enacted*, That if any constable of any township in this state, adjoining the river Delaware, shall neglect or refuse to do and perform the duty enjoined upon him by this act, or the act or acts to which this is a supplement, or to carry the same into effect against any offenders within his own view or knowledge, or upon the information of any credible witness, he shall forfeit and pay, for every such neglect, the sum of one hundred dollars, together with the costs of suit.

Penalty for neglect of duty.

10. *And be it enacted*, That if any person or persons shall, by threat, menace, or otherwise, attempt to deter or prevent any

Offenders, how punished.

constable, collector, or any other person from enforcing or carrying into effect this act, or the act or acts to which this is a supplement, or any part thereof, he or they so offending shall forfeit and pay the sum of one hundred dollars, with costs of suit, for each and every such offence.

Duty of collectors.

11. *And be it enacted*, That it shall be the duty of the collectors of the several townships adjoining the river Delaware, within this state, to prosecute for any fines and penalties incurred within the limits of their respective townships, under this act, or the act to which this is a supplement, which come to their knowledge by their own view or the information of one or more credible witnesses.

How process may be bro't.

12. *And be it enacted*, That in all and every action or suit for any fine or penalty given or created by this act, or the act to which this is a supplement, the person prosecuting shall or may sue by warrant or summons, in case the same is commenced in the court for the trial of small causes, and by *capias ad respondendum* or summons, in case the action is commenced in any other court, any law, usage, or custom to the contrary notwithstanding.

Additional penalties inflicted on offenders, by forfeiture of boat, seine, &c.

13. *And be it enacted*, That if any person or persons shall be found making use of any boat, seine, net, or other tackling in the river Delaware, within the jurisdiction of this state, contrary to the true intent and meaning of this act, or the act or acts to which this is a supplement, he or they so offending shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, or other tackling so made use of, and that it shall be the duty of all the sheriffs and constables, and may be lawful for any person or persons, to seize and secure any such boat, seine, net, or other tackling, as aforesaid, and immediately thereafter give information to two justices of the peace of the county where such seizure shall have been made, who are hereby required and empowered to meet at such time and place as they shall appoint for the trial thereof, and hear and determine the same in a summary manner, and, in case the same shall be condemned, it shall be sold by the order, and under the direction, of the said justices, who, after deducting all legal costs and charges, shall pay one half of the proceeds of said sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same.

Penalty for resisting, &c.

14. *And be it enacted*, That if any person or persons on board any such boat, or in possession of such seine, net or tackling, shall resist any officer or another person or persons in the lawful seizure of the same, then every person so offending shall forfeit and pay the sum of one hundred dollars, together with the costs of suit, for each offence.

15. *And be it enacted*, That all and each of the penalties created, given, or contained in this act, or the act to which this is a supplement, or the other supplementary acts thereto, except such as are given to the party aggrieved, shall be sued for and recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person or persons who will sue for the same, one half to the prosecutor or prosecutors, and the other half to the collector of the county, for the use of the county in which such offence shall be committed.

Penalties, how recovered and disposed of.

16. *And be it enacted*, That the first, second, and fourth sections of the act to which this is a supplement, passed the twenty-sixth day of November, one thousand eight hundred and eight, and the act supplementary thereto, passed the twentieth day of November, one thousand eight hundred and nine, and a supplement to the said act, passed the twentieth day of January, one thousand eight hundred and fourteen, and the further supplement to the said act, passed the ninth day of February, one thousand eight hundred and nineteen, and all and every part of the said acts, as come within the purview of this act and is contrary hereto, be, and the same is hereby repealed: *Provided*, That the said repeal shall in no wise affect any rights acquired under the act or acts so repealed, nor invalidate or make void any proceedings legally had or done, or commenced under the same, but the same shall be prosecuted to judgment and execution, as though the said act or acts were not repealed: *And provided also*, That no section, proviso, or part of this act shall be considered as valid or operative until the legislature of Pennsylvania shall approve of the same by enacting a similar section, proviso or act, in whole or in part, and that from and after the passing of such law, such parts hereof as shall be so enacted and approved, shall immediately go into full force and effect.

Sections of former acts repealed.

Proviso.

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

C. Passed November 28, 1822.

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A further supplement to an act entitled, "An act for dividing and ascertaining the boundaries of all the counties in this province," passed the twenty-first day of January, one thousand seven hundred and nine.

1. 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 easterly bounds of the county of Essex are de-

Boundaries of Essex.

clared to be the middle or midway of the waters of the Sound, adjoining the same, as far as the limits of the said county extend.

Boundaries of  
Middlesex.

2. *And be it enacted*, That the easterly bounds of the county of Middlesex, are declared to be the middle or midway of the waters of the Sound adjoining the same, to the middle of the channel, at the junction of the waters of the Sound, with the waters of the Rariton river, to the eastward of the flat or shoal which extends from Amboy or Cole's Point, and thence to the mouth of Whale creek, the beginning of the bounds of the counties of Middlesex and Monmouth.

Boundaries of  
Monmouth.

3. *And be it enacted*, That the northerly bounds of the county of Monmouth, are declared to be the middle or midway of the waters of Rariton Bay, from the line of Middlesex to the main channel, which passes by Sandy-Hook, and along the said channel to the sea.

Boundaries of  
Salem.

4. *And be it enacted*, That the northern bounds of the county of Salem, shall be taken and deemed to be as follows: to extend from the middle of the channel at the mouth of Oldman's Creek to the main ship channel of the River Delaware, striking the same at a right angle, and the southern bounds extending from said ship channel along the Cumberland line, to the middle of the channel at the mouth of Stow creek.

Boundaries of  
Cumberland.

5. *And be it enacted*, That the northerly bounds of the county of Cumberland, shall be taken and deemed to extend from the middle of the channel at the mouth of Stow-creek, to the main ship channel in the river Delaware, striking the same at a right angle, and the southern bounds shall be taken and deemed to extend, from opposite the middle of the mouth of West's creek, to the main ship channel in Delaware Bay, making a right angle therewith.

Boundaries of  
Cape-May.

6. *And be it enacted*, That the line of partition between the counties of Cumberland and Cape-May, shall be taken and deemed to be as follows, to wit: to begin at the place where the waters of Mill or Hickman's creek fall into the channel of Tuckahoe river, at the boundary line of Gloucester county, and running thence directly into the mouth of said creek, continuing the same course by a line of marked trees, (which by the present position of the compass is south, fifty-seven degrees, and about thirty minutes west) until it strikes Hughes' on the lower mill-pond, on West or Jecak's creek, thence down the middle of the ancient watercourses thereof, until it falls into Delaware Bay, and thence continue a due south-west course until it strikes the line of said counties, at the ship channel of the said bay.

C. Passed November 28, 1822.

AN ACT to cede to the United States, the jurisdiction over a piece of land in the county of Cape-May, for a Light-House.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That for the purpose of erecting a light-house, jurisdiction is hereby ceded to the United States, in and over the following tract or piece of land in the county of Cape-May, to wit: beginning at a stone, for a corner, standing on the north-east side of a large ridge of sand hills, and on a course from the Light-House, at Cape-Henlopen, north about thirty-four degrees east, distance about twenty miles by calculation, and on a course from Thomas H. Hughes' large house on Cape-Island, due west, distance about two and a half miles, and running from said beginning corner north fifty-four degrees east ten perches to another stone for a corner standing about four feet from a leaning red cedar tree, marked with four blazes and twelve notches, and on the north side thereof, then running north thirty-six degrees west sixteen perches to another stone corner, then running south fifty-four degrees west ten perches to another stone corner, standing by the side of a black-oak sapling, marked with four blazes and twelve notches, then running south thirty-six degrees east sixteen perches to the beginning, within which bounds is contained one acre of land, be the same more or less.

A certain tract of land ceded to the United States, &c.

2. And be it enacted, That this state shall, and hereby doth, retain concurrent jurisdiction with the United States, over the said tract or piece of land, so far that process, civil and criminal, issuing under the authority of said state, may be executed in any part of the said tract or piece of land, or in any building thereon to be erected.

New-Jersey to hold concurrent jurisdiction over the same.

C. Passed October 29, 1822.

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A further supplement to the act entitled, "An act for the relief of creditors against absconding and absent debtors," passed the eighth day of March, one thousand seven hundred and ninety-eight.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the jurisdiction of justices of the peace, in cases of attachment under the act to which this is a supplement, be, and the same is hereby extended to any sum not exceeding fifty

Jurisdiction of justices of the peace extended.

dollars, subject, in every other respect, to all the provisions, limitations, and liabilities of said act, in relation to attachments for any sum not exceeding twenty dollars, any thing in the said act contained to the contrary notwithstanding.

A. & C. Passed November 28, 1822.

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A further supplement to an act entitled "An act making provision for carrying into effect the act for the punishment of crimes," passed the fifteenth of February, one thousand seven hundred and ninety-eight.

What prisoners may be discharged.

Proviso.

Prisoners in the yard to be classed.

Certain sections of former acts repealed.

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the inspectors of the state-prison of this state, to discharge from confinement every offender now imprisoned, or who may be hereafter imprisoned in said prison, by the sentence of any court, as soon as the term of his or her imprisonment shall expire, upon the payment of the costs of prosecution and fine, (if any fine shall have been imposed by the court) *provided*, that they shall not discharge any person imprisoned as aforesaid, who labours under any acute or dangerous distemper, unless at his or her request, until he or she can be safely discharged; and further, that no person being so discharged, shall be liable for any charge which may have been made for his or her support or clothing, during his or her confinement in prison.

2. *And be it enacted*, That the prisoners in the yard be classed by the inspectors of the prison, and the greatest offenders be confined at night in the solitary cells, separately, so far as the vacant cells will permit.

3. *And be it enacted*, That the seventh and twentieth sections of the act to which this is a supplement, and so much of the second and eighth sections of the act entitled, "A supplement to an act entitled an act making provision for carrying into effect the act for the punishment of crimes," passed February the fifteenth, one thousand seven hundred and ninety-eight, as comes within the purview of this act, be, and the same are hereby repealed.

A. Passed November 28, 1822.

AN ACT to enable two-thirds of the owners in value of any body or tract of salt marsh or meadow, within this State, using a common road to the fast land, to support the same.

1. 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 case the owners of any body or tract of salt marsh or meadow, where roads to the fast land have been or hereafter may be laid out by law, or have been and hereafter may be established by contract, or by the consent of the proprietors, cannot agree to support and keep the same in good and sufficient repair, it shall and may be lawful for two-thirds of the owners in value thereof, after giving three weeks previous notice of their intentions, and the time and place of meeting, by advertisements set up in three of the most public places in the neighbourhood, to meet and by a plurality of the votes of those so met, to choose such person or persons as they may think proper for manager or managers, treasurer, and clerk for the ensuing year, or until their next annual meeting; they shall likewise, at said first meeting, appoint three judicious and disinterested persons to value the marsh and meadow belonging to each individual using said road, having regard not only to the value of said marsh or meadow, but also to the comparative benefit that may be derived to the owner, from the road so contemplated to be improved.

When and how managers, &c. are to be chosen.

2. And be it enacted, That the manager or managers, when appointed as aforesaid, shall, as soon as may be, cause all the lots or parcels of marsh belonging to each owner, to be carefully and strictly measured, and a draught or plot to be made, shewing the quantity held by each owner, and the valuation made thereon, and shall thereupon make an estimate of the sum or sums of money, which will be necessary to defray the expenses of the different services required by this law, and also of making and keeping the aforesaid road sufficiently good for hauling hay over, and shall assess the same ratably on said marsh, and shall state the said assessment in a regular duplicate, containing the names of the owners or possessors; the number of acres and parts of acres held by each; the sums assessed on them severally, and the time or times of payment; which duplicate shall be delivered by him or them to the treasurer appointed as aforesaid; and it shall be the duty of the manager or managers to keep in repair the said road, from time to time, as he or they shall think necessary; and the said manager or managers shall be accountable for any moneys remaining in his or their hands at the end of every year, or at the annual meeting; and if the said manager or managers, shall refuse to pay such balance re-

Measurement, plot, valuation, &c. to be made.

Duplicate to be delivered to treasurer.

Managers to keep road in repair, &c.

maining in his or their hands, to his successor or successors in office, then such successor or successors shall sue for and recover the same in an action of debt, with costs of suit.

Meadows may be rented to pay assessment.

3. *And be it enacted*, That the treasurer, on receipt of said duplicate, shall in person or by notice in writing, left at the usual place of abode of each owner or possessor, demand of and from such owner or possessor, twenty days before the time of payment, the sums assessed as aforesaid: and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed as aforesaid, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful to and for the said treasurer, to seize and rent out by public vendue, to the highest bidder, for so long a time and no longer, as will be requisite, so much of the said marsh belonging to, or in the possession of, said delinquent owner or possessor, as may suffice to discharge such assessment and all expenses attending the recovery thereof, having first advertised the same for the space of three weeks, in three of the most public places in the neighbourhood, where the said marsh lies, may be sold.

Managers, when to meet.

4. *And be it enacted*, That the owners and possessors of said marsh, shall meet annually, after their first meeting, on the first Monday in May, at such places as they shall, by a majority of those met, appoint.

Their Privileges, &c.

5. *And be it enacted*, That it shall and may be lawful for the said manager or managers, and he or they are hereby authorized and empowered, from time to time, to dig and take for the purposes aforesaid, any earth, mud or sod, in any part of the said marsh most convenient and least detrimental to the owners thereof, and to have free ingress and egress, for himself or themselves, his or their team or teams and workmen, through any part of said marsh, whenever he or they may deem it necessary.

By-laws may be passed at annual meetings.

6. *And be it enacted*, That it shall and may be lawful for the owners and possessors of two-thirds of said marsh in value, at their annual meeting, to pass such by-laws respecting the pasturing of said marsh as a majority of those so met may think proper.

A new valuation may be made every ten years.

7. *And be it enacted*, That a new valuation or assessment may be had every ten years, if two-thirds of the owners in value and possessors deem it necessary.

C. & A. Passed November 18, 1822.

## AN ACT for the relief of Watermen.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all persons actually employed as mariners on board of any vessel, under license of the United States, in the coasting trade, be, and they are hereby exempted from the performance of common militia duty, and in case fines shall be imposed upon them, they shall be relieved therefrom by producing to the company or battalion court, to whom the same may be returned, a receipt for the payment of hospital money during the time they may have been so fined.

Exempted from militia duty.

C. Passed November 19, 1822.

A further supplement to an act entitled, "An act to incorporate a part of the township of Trenton, in the county of Hunterdon."

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That every person who is a free white male citizen of this state, of the age of twenty-one years, and whose name shall be enrolled on the duplicate list of the last tax of the city of Trenton, and shall have paid a tax for the use of the city, and resided therein for at least one year immediately preceding, shall be adjudged to be a freeholder and inhabitant of the city of Trenton, and entitled to vote at all elections and town-meetings to be held in the said city, for the purposes mentioned in the act to which this is a supplement.

Who may vote at town-meetings in Trenton.

2. *And be it enacted,* That from and after the passing of this act, no freeholder and inhabitant of the city of Trenton shall be adjudged to be entitled to vote at any such election or town-meeting, except those possessing the qualifications required in the first section of this act, and those who may have arrived at the age of twenty-one years since the date of the last duplicate, or of persons who may have been inadvertently overlooked by the assessor, in either of which cases, such person claiming a vote, and being in other respects qualified, shall be admitted to vote, and their names shall be immediately entered on the tax list.

What qualifications are necessary.

3. *And be it enacted,* That the annual town-meeting of the said freeholders and inhabitants, for the purposes mentioned in the act to which this is a supplement, shall, in future, be held on the fourth Monday in April, and that the officers chosen at the last

When town-meetings are to be held,

annual election shall hold their offices until the fourth Monday in April next.

and how conducted.

4. *And be it enacted*, That the elections to be held in the said city, by virtue of the act to which this is a supplement, shall be conducted in the manner prescribed by the act entitled, "An act to regulate the election of members of the legislative council and general assembly, sheriffs, and coroners in this state," and the supplement thereto; and the officers conducting the same shall be invested with all the powers and authority, and the said officers, and all other persons, shall be subject to all the penalties for neglect of duty or misbehaviour, and liable to the punishment given or inflicted by the said acts, or either of them.

What repealed.

5. *And be it enacted*, That the third section of the act entitled, "An act further supplementary to an act entitled an act to incorporate a part of the township of Trenton, in the county of Hunterdon," passed the third day of January, one thousand eight hundred and seventeen, and so much of the act, to which this is a supplement, as comes within the purview hereof, and is inconsistent herewith, be, and the same is hereby repealed.

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

C. Passed November 19, 1822.

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A SUPPLEMENT to the act entitled, "An act concerning Justices of the Peace, and Courts of General Quarter-Sessions," passed twenty-second day of November, one thousand seven hundred and ninety-four.

Jurymen, &c.

1. *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 respective sheriffs of the several counties in this state shall cause to come before the Courts of General Quarter-Sessions of the Peace of the several counties of this state, at the times and places of holding their respective courts, twenty-four good and lawful men to serve as grand jurors, and so many good and lawful men to serve as petit jurors, as shall be necessary, and without any precept being issued for those purposes.

What repealed.

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

C. Passed November 2, 1822.

1822

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PRIVATE AND TEMPORARY ACTS.

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ACTS

OF THE

47 1/4  
GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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



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Trenton:

PRINTED BY JOSEPH JUSTICE.

1823.



ACTS  
OF THE  
FORTY-SEVENTH  
GENERAL ASSEMBLY  
OF THE  
STATE OF NEW-JERSEY.



AN ACT to repeal an act entitled, "An act to enable the owners and possessors of a tract of marsh and meadows, lying in the Lower township of the county of Cape-May, to make, uphold, and maintain the necessary banks, sluices, and waterworks, to keep the tide out, and more effectually to improve the same," passed the eighth day of November, one thousand eight hundred and three.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the said act as relates to, and includes the marsh and meadows lying above the main road leading to Cape-Island, and on the southwesterly side of the same, known by the name of the Cape Marsh, be, and the same is hereby repealed: *Provided,* That nothing herein contained shall prevent the managers of said banking company from recovering any moneys now due for maintaining and keeping up said bank and waterworks.

C. Passed November 2, 1822.

A SUPPLEMENT to an act entitled, "An act to authorize the governor of this state to incorporate a company for erecting a Bridge over the river Delaware, at Columbia Glass Manufactory."

Charter extended.

Proviso.

1. 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, Managers, and Company for erecting a Bridge over the river Delaware, at Columbia Glass Manufactory," be allowed five years from the thirtieth day of January, in the year eighteen hundred and twenty-three, to complete their bridge, according to the intent and meaning, and subject to the penalties and restrictions, in all other respects, of the act to which this is a supplement: *Provided*, That this act shall not be in force until a concurrent one is passed by the legislature of the state of Pennsylvania.

A. Passed November 7, 1822.

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AN ACT to repeal an act passed February the second, one thousand eight hundred and sixteen, respecting a tract of marsh situate in the township of Lower Alloways Creek, in the county of Salem, between Moore's Bank and Tyler's and Street's Points; and a supplement to said act, passed February the twelfth, one thousand eight hundred and sixteen; and an act to enable the owners and possessors of said marsh to cut and keep open a watercourse through Moore's Bank, passed February the seventh, one thousand eight hundred and eighteen.

Former acts repealed.

1. 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 enable the owners and possessors of the marsh lying between Moore's Bank and Tyler's Point, being the fast land of the heirs of Joseph Hancock, deceased, and Street's Point, being the fast land of David Stretch, in the county of Salem, to build, repair, and keep in repair, a bank, dam, sluices, and other works to prevent the tide from overflowing the same," passed February the second, one thousand eight hundred and sixteen, and a supplement to said act, passed the twelfth day of February, one thousand eight hundred and sixteen, and an "Act to enable the owners and possessors of the meadow ground lying between Moore's Bank and the bank

running from Tyler's Point to Street's Point, in the township of Lower Alloways Creek, in the county of Salem, to cut and keep open a watercourse through Moore's Bank, and to open and keep open the present watercourses on each side of the said bank," passed the seventh day of February, one thousand eight hundred and eighteen, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall prevent the managers of said company from entering upon said marsh for the purpose of selling and removing the sluices and other property belonging to said company from off the same. Proviso.

C. Passed November 11, 1822.

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AN ACT to authorize the Board of Chosen Freeholders of the county of Monmouth to erect a Bridge over Matavan creek.

1. 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 Monmouth be, and they hereby are authorized to erect a bridge over Matavan creek, in the county of Monmouth, at or near the store-house formerly occupied by John Quay, corresponding with the public road which crosses the said creek leading from Middletown Point through Matavan neck.

C. Passed November 11, 1822.

---

AN ACT to prevent the draw erected in the Bridge over Alloways creek, in the county of Salem, (known by the name of Hancock's Bridge) being left open or damaged.

1. 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 owner or owners, master or person having charge of any vessel of burden, for every time the said vessel may be tied or fastened, in any manner, to the bridge over Alloways creek, in the county of Salem, (known by the name of Hancock's bridge) or any part thereof, shall forfeit and pay the sum of two dollars, and the owner or owners, master or person having charge of any vessel, who shall remove, or suffer to be removed, by any person belonging to the said vessel, any of the plank or other timber belonging to the said bridge, and leave the same displaced, or that shall keep or leave the draw of the said

Penalty for  
injuring the  
bridge, &c.

How to be recovered and disposed of.

bridge hoisted above five minutes, when the same is not necessary for the passage of said vessel, or shall let the draw of said bridge, when hoisted, run down without proper and necessary care taken to lower the same safely, shall, for each and every such offence, forfeit and pay the sum of ten dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who will sue for the same, one moiety to the prosecutor, the other to the collector of the county, for the benefit of the same.

Double damages to be recovered, &c.

2. *And be it enacted*, That if any boatman or other person or persons, shall in any wise damage said bridge, or offend against any of the provisions of this act, he, she, or they so offending, shall, for each and every such offence, forfeit and pay double the amount of damages occasioned by his misconduct, to be recovered by the person having the charge or care of said bridge, in an action of debt, with costs of suit, in any court where the same may be cognizable, to be by him applied to the repair of the said bridge.

Former act repealed.

3. *And be it enacted*, That the act to support and maintain the draw erected in the bridge over Alloways creek, in the county of Salem, known by the name of Hancock's bridge, passed October the fourth, one thousand seven hundred and eighty-two, be, and the same is hereby repealed: *Provided*, That nothing herein contained shall prevent the collection of any forfeits or penalties at this time recoverable under said act.

C. Passed November 20, 1822.

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AN ACT to incorporate the Salem Steam-Mill and Banking Company, in the county of Salem.

Commissioners.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Samuel L. James, Thomas Sinnickson, Benjamin Griscom, Morris Hancock, Samuel Clement, John Tuft, and William N. Jeffers, or any two of them, be, and they are hereby authorized to receive subscriptions to a capital stock, for erecting a Steam-Mill, in the town of Salem, in the county of Salem, and that such subscription shall be received at such times, in such places, and under such regulations, as the said commissioners, or a majority of them shall appoint. And the subscribers to the said capital stock shall be, and they, and their successors and assigns are hereby made and declared to be a corporation, and body politic, by the name of "The Salem Steam-Mill and Banking Company," and by that name shall have continued

Style of the incorporation.

succession, and shall be able to sue and be sued, implead, and be impleaded, in all courts of record and elsewhere; and to purchase, have, hold, and receive, possess, retain, and enjoy, to them, their successors and assigns, lands, tenements, hereditaments, rents, goods, chattels, and effects of whatever kind, nature or quality: and the same from time to time; to sell, grant, demise, alien, or dispose of at pleasure, to make by-laws, not contrary to law, or the constitution of this state or of the United States, and also to appoint such officers, agents, and servants, as shall be necessary to carry into effect the provisions by this act vested in the said corporation, and to allow them such compensation as shall be right and proper, which together with all other expenses shall be defrayed out of the corporation fund.

Powers, &amp;c.

2. *And be it enacted*, That the capital stock of the said corporation, shall consist of seventy-five thousand dollars, divided into shares of fifty dollars each, and every person subscribing to the said capital stock, shall, at the time of his subscription pay to the commissioners, five dollars on each and every share of the said capital stock, and the residue of the said capital stock shall be paid by the several and respective subscribers, into the hands of the treasurer or cashier of the said corporation, at such time, and in such instalments as the directors of the said corporation shall require, giving four weeks previous notice in a newspaper printed in this state, circulating in the county of Salem, of the time and place at which such instalment is to be paid; failure of the payment at the time and place mentioned in such notice, or within ten days thereafter of any instalment due on any share, shall incur a forfeiture of such share, and all previous payments made thereon, to the use of the said corporation.

Capital.

Notice.

Shares, how forfeited.

3. *And be it enacted*, That the following shall be the fundamental articles of the said company or corporation, that is to say:

Fundamental articles.

#### ARTICLE I.

The affairs of the corporation shall be conducted by thirteen directors, to be chosen annually by the stockholders. No person shall be a director who is not a stockholder, and a citizen of the state of New-Jersey, and resident in the county of Salem.

Number of directors.

#### ARTICLE II.

That when the whole of the said capital stock shall be subscribed, the commissioners or a majority of them, shall call a meeting of the stockholders, by giving four weeks notice of the time and place of such meeting, in a newspaper printed in this state, circulating in the said county of Salem, for the purpose of organizing said company and electing thirteen directors, who shall serve for one year or until others shall be elected, and the stockholders shall annually thereafter, on the same day, meet and elect directors of the said corporation. Should any vacancy

Notice.

Election.

Vacancy.

at any time happen among the directors, by death or otherwise, the remaining directors convened at the next succeeding stated meeting shall elect, by ballot, a director to fill such vacancy until the next annual election, and the said directors so elected, shall assemble on the Monday succeeding their election, and choose by ballot, one of their number as president, who shall serve for one year.

### ARTICLE III.

Officers.

The board of directors for the time being shall have power to elect a president, and appoint a treasurer or cashier, and all such other officers, agents, and clerks, to employ such workmen, artificers, and labourers as shall be necessary for erecting a steam-mill, and executing the business of the said corporation, and to allow them such compensation for their services respectively, as they may deem reasonable, and shall be capable of exercising such other powers and authorities, and of making, revising, altering, or annulling, all such by-laws and regulations for the government of the company, and that of their officers and affairs, as they or a majority of them, may from time to time think expedient, not contrary to the provisions contained in the first section in this act.

By-laws.

### ARTICLE IV.

Quorum.

Seven directors shall form a board or quorum for the transaction of business, but the common business and money concerns of the corporation may be made and done by a board of four directors. The president of the corporation shall preside at all meetings of the directors, but in case of sickness or absence, his place may be supplied by any other director whom the directors present may nominate for that purpose. The stated meetings of the directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by particular appointment, or upon the call of the president.

### ARTICLE V.

Election,  
judges of.

For the well ordering and conducting the election first to be held, the commissioners shall appoint three stockholders to be judges of election, and annually thereafter, the directors shall appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same, and shall have power to decide upon the qualification of voters agreeably to this act.

### ARTICLE VI.

Number of  
votes.

The number of votes to which each stockholder shall be entitled, shall be according to the number of shares he or she shall hold in proportion following, to wit: for every share not exceeding twenty shares, one vote; for every ten shares above twenty,

one vote : stockholders may vote by proxy, upon such terms and conditions as may be prescribed by the by-laws of the corporation.

#### ARTICLE VII.

The shares of the capital stock at any time owned by any stockholder, shall be transferable on the books of the company, in such a manner as the by-laws shall ordain, but all debts due or payable to the company by such stockholder, shall be satisfied before such transfer can be made.

Shares transferable.

#### ARTICLE VIII.

The treasurer or cashier of the said corporation, shall, before he enters upon the duties of his office, give a bond with such security, and in such sum, as the directors may require, with condition for the faithful performance of his duty.

Bond.

#### ARTICLE IX.

Dividends of so much of the profits of the corporation, as shall appear advisable to the directors, shall be made and paid to the stockholders at such stated periods as the directors shall determine ; but no part of the capital stock shall be divided during the continuance of this charter ; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, shall be liable for the same in their natural and private capacities, and an action of debt may be brought in such case against them, or any of them, their heirs, executors, or administrators, in any court of record within this state, by any creditor of the company, and may be prosecuted to judgment and execution, any condition, covenant or agreement, to the contrary notwithstanding : and such of the said directors who may have been absent when such dividend took place, and who may have dissented from the act or resolution directing the same, may exonerate themselves from being so liable by forthwith giving notice of the fact of his or their absence to the governor of the state, for the time being, and to the stockholders at a general meeting, which they, the said directors, shall have power to call for that purpose.

Dividends, &c.

4: *And be it enacted*, That the capital stock of the said corporation, shall be deemed personal estate, and the said corporation shall be permitted to employ any surplus capital, which they may have in banking operations, and for that purpose may erect such buildings as may be necessary ; and if the said corporation shall so employ the surplus capital in banking operations, the said surplus shall be subject to such taxes, as all other banking institutions in this state are liable to : *Provided always*, That the said corporation shall set apart, and appropriate to the use and erection of a steam-mill, in the town of Salem, the sum of twenty-

Stock personal estate.

Proviso.

five thousand dollars, if that sum shall be necessary, and shall actually erect the said steam-mill, and put the same in full and complete operation, running not less than four pair of stones, within two years after the capital stock of seventy-five thousand dollars shall be subscribed; and in default thereof, this act shall be void and of none effect: *And provided also*, That the said corporation shall not, at any time, have in circulation notes for the payment of money exceeding twice the amount of capital employed in banking operations.

5. *And be it enacted*, That if the said corporation shall employ any part of the said capital in banking operations, not only the capital so employed, but all the property, real and personal, of the said corporation shall and hereby is made liable for the payment of the notes and bills issued by the said corporation.

What real estate may be held, &c.

6. *And be it enacted*, That the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, shall be only such as shall be requisite for the immediate accommodation, and necessary for the fuel and wood required for the steam-mill, and such as shall have been bona fide mortgaged to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall be obtained for said debts.

Rate of discount.

7. *And be it enacted*, That the said corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, or in the purchase and sale of grain, flour, and such things as shall have relation to the said mill, and shall be necessary for the carrying into effect the powers hereby granted, or in the sale of goods which shall be the produce of its lands; nor shall the said corporation take more than at the rate of seven per cent. per annum for or upon its loans and discounts.

Penalty for counterfeiting, &c.

8. *And be it enacted*, That if any person or persons shall, within this state, forge or counterfeit any of the notes or checks of the said corporation, or pay or tender in payment, or in any manner pass or suffer to pass, such forged or counterfeited note or check, knowing them to be forged or counterfeited, and shall be thereof convicted in any court of law within this state, he, she, or they shall be adjudged guilty of a misdemeanor, and suffer such punishment as persons guilty of counterfeiting bank bills or notes are liable to, under the existing laws of this state.

Toll.

9. *And be it enacted*, That the said corporation shall be authorized to take and receive the toll now, or which may hereafter be established by law, for the manufacture of flour and grain, and no more.

Limitation.

10. *And be it enacted*, That this act shall be, and continue in force for and until the first day of January, in the year of our Lord one thousand eight hundred and forty-three.

C. Passed November 6, 1822.

AN ACT to divorce Samuel Jeroleman from his wife Hannah  
Jeroleman.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the marriage of Samuel Jeroleman and Hannah his wife be, and the same is hereby dissolved, annulled, and made of no effect, as fully, to all intents and purposes, as if they had never been joined in the bonds of matrimony.

C. Passed November 18, 1822.

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AN ACT to divorce Francis Redstrake from his wife Nancy  
Redstrake.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Francis Redstrake and Nancy Redstrake be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony.

C. Passed November 22, 1822.

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AN ACT to repeal an act entitled, "An act respecting forfeited  
estates, which remain unsold in the county of Gloucester."

1. 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 respecting forfeited estates, which remain unsold in the county of Gloucester," passed November the twenty-sixth, one thousand eight hundred and twenty-one, be, and the same is hereby repealed.

C. Passed November 13, 1822.

AN ACT to incorporate a Company to make a Lock or Boat Navigation on Maurice River.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jacob Stanger, Samuel Down, Samuel Fisler, Moses Crane, George Cake, William Porch, and Ephraim Miller, of Gloucester; David C. Wood, Henry B. Kemble, John Lanning, jun. William Duffie, Israel Ewing, Isaac Townsend, and George Bacon, of Cumberland; Philip Fries and Jacob Wick, of Salem, or any four of them, be, and they are hereby appointed commissioners to do and perform the several things herein after mentioned, that is to say: They shall, on or before the first Monday in January next, procure a sufficient number of books, one of which shall be opened at some convenient place at Mallago, in the county of Gloucester, and one other at Millville, in the county of Cumberland, and in each of them enter as follows: "We whose names are hereunto subscribed, do promise to pay to the President and Managers of the Maurice River Navigation Company, the sum of twenty-five dollars for every share of stock set opposite to our respective names, in such manner and proportions, and at such times as shall be determined by the president and managers of the said company, in pursuance of an act of the general assembly of this state entitled, 'An act to incorporate a company to make a lock or boat navigation on Maurice River.' Witness our hands this      day of      in the year of our Lord one thousand eight hundred and twenty      ." And shall thereupon give notice, in at least two newspapers printed in the city of Philadelphia, and two or more newspapers printed in the state of New-Jersey, for one calendar month at least, of the times and places when and where said books shall be kept open to receive subscriptions for the stock of said company, at which respective times and places, at least two of the commissioners shall attend, and permit and suffer all persons of lawful age, who shall offer, to subscribe in the said books, in their own name or the name of any other person who shall authorize the same, for any number of shares of said stock, and the said books shall be kept open respectively for the purpose aforesaid, at least six hours in every judicial day, for the space of ten days, or until there shall be subscribed, in the different books, two thousand shares; and if at the expiration of ten days, the books aforesaid shall not have the number of shares aforesaid therein subscribed, the said commissioners may adjourn from time to time, and transfer the books elsewhere, until the whole number of two thousand shares shall be subscribed, of which adjournment and transfer the commissioners aforesaid shall give public notice, as the occasion may require; and when the whole number of two thousand shares

Commissioners.

Their duty.

Notice.

Commissioners to attend, &c.

May adjourn.

shall be subscribed in all the books, the same shall be closed: *Provided always*, That every person offering to subscribe in the said books, in his or any other name, shall previously pay to the attending commissioners, the sum of five dollars for every share to be subscribed, out of which shall be defrayed the expenses attending the taking of such subscriptions and other incidental expenses, and the remainder shall be paid to the treasurer of the incorporation, as soon as the same shall be organized, and the officers chosen as herein after mentioned.

2. *And be it enacted*, That when thirty persons or more, shall have subscribed four hundred shares or more, of the said stock, the commissioners, or a majority of them, may, by giving at least thirty day's notice in the newspapers aforesaid, call a meeting of the subscribers aforesaid, then such of said subscribers as are present at such meeting, or their representatives, shall and may proceed to elect, by ballot, a president and eight managers, and, if thought necessary, a treasurer, for conducting, directing, and completing said lock or boat navigation and managing the business of the corporation, under this act, until like officers shall be chosen, at which election, and so at every future election, each subscriber or stockholder shall be allowed, either in person or by proxy duly authorized, (which proxy shall have been obtained and bear date within three months previously to the election at which such proxy shall be presented) one vote for every share not exceeding three shares, and one vote for every two shares not exceeding ten shares, and one vote for every three shares above ten, held by such stockholders in the said company; and the said subscription books shall then be closed, and deposited with the said president: and subscriptions for the residue of the said capital stock, if any, shall and may be taken and received by the said president and directors, or their successors, in whole shares as aforesaid, from such persons as shall first offer, from time to time thereafter, to subscribe for the same.

3. *And be it enacted*, That from and immediately after the said election, the subscribers, their heirs, successors and assigns, shall be, and are hereby incorporated by the name of "The Maurice River Navigation Company," and by that name they and their successors, and assigns, are hereby constituted a body politic and corporate in law, with all the privileges and franchises incident to a corporation, and shall be capable of taking and holding their capital stock, and the increase and profits thereof, and of enlarging the same, from time to time, by new subscriptions, in such manner and form as they shall think proper, if such enlargement shall be found necessary to fulfil the intention of this act, and of purchasing, taking, and holding to them, their successors, and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments, and estate, real and personal, as

Provide

Election of officers.

Votes.

Style of the incorporation, &amp;c.

Powers, &amp;c.

Seal and by-laws.

shall be necessary to them in the prosecution of their works, and of suing and being sued, impleading and being impleaded, in courts of justice or any other place whatever, to make and use a common seal, and the same to alter and renew at their pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances and regulations, as shall seem necessary and convenient for the government of the said corporation, and of doing all and every other matter and thing which a corporation or body politic may lawfully do, observing that at all times the orders and regulations do not contravene the constitution and laws of the United States, or of this state, or of this act.

Times of meeting, &c.

4. *And be it enacted*, That the said president and managers shall meet at such times and places as shall be found most convenient for the transacting of their business, and when met, five shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book, and a quorum being formed, they shall have full power and authority to appoint all such surveyors, engineers, superintendants, labourers, and other artists and officers as they shall deem necessary to carry on their respective works, and to fix their salaries and wages; to ascertain the times, manners, and proportions in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer: *Provided*, That such drafts or orders be signed by the president, or, in his absence, by a majority of the quorum present, and generally to do all such other acts, matters and things, as by this act, and by the by-laws and regulations of the company, they are authorized to do.

Proviso.

Sealed certificates transferable.

5. *And be it enacted*, That the president and managers, first chosen, shall procure certificates or evidence of stock for all the shares of the said company, and shall deliver one such certificate, signed by the president, and countersigned by the treasurer, and sealed with the common seal of the said corporation, to each person, for every share by him subscribed and held, he paying five dollars for each share, which certificate or evidence of stock shall be transferable at pleasure, in person or by attorney duly authorized, in the presence of the president or treasurer; a book for which purpose shall be kept, subject, however, to all the payments due or to become due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company, to be kept for the transfer of stock, shall be a member of the said corporation, and for every certificate assigned to him, as aforesaid, shall be entitled to one share of the capital stock, and of all the estate and emoluments of the company incident to one share, and to vote, as aforesaid, at the meetings thereof, and subject to all the penalties and forfeitures, and of being sued for all the balances and penalties due or to be-

come due, on each share, as the original subscribers would have been.

6. *And be it enacted*, That if after thirty days' notice in the public papers, as aforesaid, of the time and place appointed for the payment of any proportion or instalment of the said capital stock, in order to carry on the work, any stockholder shall neglect to pay such proportion or instalment at the place appointed, for the space of thirty days after the time so appointed, every such stockholder, or his assignee, shall, in addition to the instalment so called for, pay at the rate of two per centum per month for the delay of such payment; and if the same, and the additional penalty shall remain unpaid for such space of time as that the accumulated penalty shall become equal to the sums before paid in part and on account of such shares, the same shall be forfeited to the said company, and may be sold to any person or persons willing to purchase, for such price as can be obtained for the same; or in default of payment by any stockholder of any such instalment as aforesaid, the said president and managers may, at their election, cause suit to be brought in any court having competent jurisdiction, for the recovery of the same, together with the penalty aforesaid: *Provided*, That no stockholder, whether original subscriber or assignee, shall be entitled to vote at any election, or at any general or special meeting of the said company, on whose share or shares any instalments or arrearages may be due and payable more than thirty days previous to the said election or meeting.

Penalty of non-payment

Forfeiture of shares.

Proviso.

7. *And be it enacted*, That every president and manager, before he acts as such, shall take an oath or affirmation for the due execution of this office; and the treasurer shall give bond in such penalty, and with such security, as the president and managers, or a majority of them, shall direct, for the faithful discharge of the trust reposed in him; and no officer in the company shall have a vote in settling his own accounts.

Oath.

8. *And be it enacted*, That the said president and managers, and company, shall, in making their improvements, divide the river into three sections; the first whereof shall extend from the Herring-hole landing, or furnace wharf, in the county of Cumberland, near the head of the tide in said river, to the Union mill-pond; the second section shall extend from the Union mill-pond to Fork Bridge mill-pond, in the counties of Cumberland and Salem; and the third section shall extend from Fork Bridge mill-pond, as far up the said river as the president, managers, and company may think proper; and shall commence their improvements on the first section, in the county of Cumberland, and shall proceed upwards in said section with the improvements, until the same shall be completed, or until the funds of the company may be expended, and so to progress as further funds may

Three sections &c.

be received, with similar improvements in each section, until all are finished.

Privileges.

9. *And be it enacted*, That it shall and may be lawful for the said president, managers, and company, their superintendants, surveyors, engineers, artists, and workmen, to enter upon the said Maurice-River, to open, enlarge, or deepen the main channel of said river, in any part or place thereof, not at this time occupied or improved by mill-ponds, dams, canals, seats, or other improvements, belonging to private individuals, which shall appear to them most convenient for opening, changing, making anew, improving the channels, or cutting canals, and also to cut, break and remove, and take away all trees, rocks, stones, earth, gravel, sand, or other material, or any obstruction or impediment whatsoever, within the said river, excepting, as before expressed, such improvements as are at this time erected thereon, or to use all such timber, rocks, stones, earth, gravel, sand or other material necessary in the construction of their necessary works, and to form, make, erect, and set up any dams, wing-dams, locks, or other device whatsoever, which they shall think most fit and convenient to make a complete slack-water navigation, from one end thereof to the other, so as to admit a safe and easy passage for loaded boats, rafts, arks, and other vessels up as well as down said river, or by means of such collateral sluices and locks, as they may devise for the purpose: *Provided*, That said improvements shall not interfere, impede, obstruct or injure the permanent improvements, at this time erected, or made on said river.

Proviso.

Injuries, how to be redressed.

10. *And be it enacted*, That if any person or persons shall be injured by means of any dam or dams being erected, as herein mentioned, or the land of any person inundated by swelling of the water in consequence of the erection of any dam or dams, or any mill or other waterworks injured by swelling the water into the tail race of any mill or other waterworks, which may have been erected on said river, or any stream of water emptying into the same, and if the president, managers, and company cannot agree with the owner or owners thereof, on the compensation to be paid for such injury, the same proceedings shall be had as is provided in the eleventh section of this act, the persons valuing the damages being first sworn or affirmed, or the jury, as the case may be, shall take into consideration the advantages which may be derived to such owner or owners, by the navigation aforesaid.

11. *And be it enacted*, That the president, managers, and company shall have power and authority, by themselves or their superintendants, engineers, artists, and workmen, to enter in and upon, and occupy for the purpose, all land which shall be necessary and suitable for erecting of a lock, sluice, or canal, do-

ing as little damage as possible, and then to dig, construct, make, and erect such locks, sluice, or canal, satisfying the owner or owners thereof; but if the parties cannot agree upon the compensation to be made to such owner or owners, it shall and may be lawful for the owner or owners of said lands, to choose one respectable freeholder, in the state, not interested, and the said 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 corporation, the amount of the 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 of said lands, 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 said lands will not agree to any of the provisions heretofore made, or refuse or neglect to join in such choice, or shall be feme covert, non compos mentis, or out of the state, or in any case the men so chosen shall not decide thereon, then it shall be lawful for one of the justices of the Supreme Court, upon the application of either party, and at the cost and charges of the corporation, to direct a special jury of freeholders, in any county in which said improvements shall be, to be struck before such justice, in the manner in which special juries are generally struck, who shall view, examine, and survey the said lands, tenements, and hereditaments, and estimate the injury or damages sustained as aforesaid, and shall make an inquisition thereof under their hands and seals, to be returned to the said justice of the Supreme Court, by the sheriff of the county, in which said inquisition is taken; and it shall be the duty of such sheriff to attend before the said justice with the book of the 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 the said notice, and to administer the oath or affirmation to the first twelve of said jurors not excepted to, and for good cause set aside by the said sheriff, and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries; and upon the coming in of such report or inquisition and confirmation thereof, and the said company paying to the owners respectively, the sums in such report in full compensation for such 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 owner held in the same, and they and all

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

In what case special juries may be called

Sheriff's duty.

Sheriff's and jurors' fees.

Provido.

who have acted under them, shall be acquitted and freed from all responsibility, for and on account of such injury: *Provided*, That the payment of damages aforesaid for land, through which said improvements may be made; 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 improvements, unless the consent of the owner of such land be first obtained.

Notice before entry, &c.

12. *And be it enacted*, That the president and managers, by and with their superintendants, engineers, artists, workmen, and labourers, with their tools, instruments, carts, waggons, and other carriages, and beasts of draft or burden, may enter upon the lands contiguous and near to the said river, giving notice to the owners or occupiers thereof, and from thence to take and carry away any stone, gravel, sand, or earth, doing as little damage thereto as possible, and repairing any breaches they may make in the enclosures thereof, and making amends for any damages that may be done thereon, and paying for the materials taken away; the amount whereof, if the parties do not agree, shall be assessed and valued by any three disinterested freeholders residing in the neighbourhood, under oath or affirmation, to be appointed by consent of the parties, or if they cannot agree, refer the same to the Supreme Court, as in the eleventh section of this act.

When governor shall appoint commissioners, &c.  
Toll collectors &c.

13. *And be it enacted*, That as soon as the said president, managers and company, shall have perfected the necessary locks, and completed such wing-dams and other improvements, that may be found requisite, so that boats can pass backward and forward along either section of said improvement, they shall give notice thereof to the governor or person administering the government of this state, who shall thereupon nominate and appoint three disinterested persons to view and examine that section, said to be completed, and to report to him, in writing, under oath or affirmation, whether either section of said navigation is so far executed in a masterly workmanlike manner, according to the true intent and meaning of this act; and if at any time the report of two or more of the commissioners shall be in the affirmative, then the governor shall, by licence under his hand, permit the said president, managers and company, or such person or persons as they shall from time to time appoint as toll collectors, or their deputies, at such places as they may direct, to receive of and from the persons having the charge of any boat, raft, ark, or other vessel passing along either section of said river or improvements, the following rates of toll for the whole distance between Millville, and Malhigo, viz.

For all boats, arks, or vessels passing down said river or improvements, light or not loaded, six cents per ton on its rate of

tonnage. And for every ton of cargo that may be on board said boat, ark, or vessel, be the same whatever it may, passing up or down said river, thirty-seven and a half cents per ton.

For all boats, arks, or vessels, passing upwards along said river or improvements, either light or not loaded, three cents per ton on its rate of tonnage. Rates of toll

And the following rates of toll on all rafts; viz.

For all rafts of wood, for cord-wood or other purposes, thirty-seven and a half cents per cord.

Ditto, boards, plank, or scantling, fifty cents per thousand feet.

Ditto, hoop-poles, staves, &c. sixty cents per thousand.

One third part of said toll payable by all boats, rafts, arks, or vessels, passing along said improvements, between the Union mill-pond and Millville, called the first section—one half part of said toll payable by all the boats, rafts, arks, or vessels passing along said improvements, between Fork-Bridge mill-pond and the Union mill-pond, in the counties of Cumberland and Salem, called the second section, and the remaining one-sixth part of said toll payable by all boats, rafts, arks, or vessels passing along said improvements, above Fork-bridge mill-pond, in the county of Gloucester, called the third section: *Provided*, That the said stockholders, or a majority of them, holding at least one half the capital stock, shall have full power and authority, at any general meeting, to lessen the said tolls or any part thereof. Proviso.

14. *And be it enacted*, That in order to ascertain the size of the rafts, or arks, and the tonnage of boats or vessels, using or passing the said lock or boat navigation, and to prevent disputes between the owner, skipper, or supercargoes, and collectors of tolls concerning the same, upon the request of the owner, skipper, or supercargo of such raft, ark, boat, or vessel, or of the collector of the said tolls at any lock, upon the said navigation, it shall and may be lawful for each of them to choose one skilful person to measure and ascertain the size of said rafts or arks, and the tonnage, the said boat or vessel is capable of carrying, and to mark the said tonnage, so ascertained, in figures, upon the head and stern of said boat or vessel, in colours mixed with oil or other durable matter, and that the said boat or vessel, so measured and marked, shall be permitted to pass through the locks and navigation, for the price per ton to which the number of tons, so marked on her, shall amount to, agreeably to the rates fixed in the manner aforesaid; and if the owner, skipper, or supercargo of any raft, ark, boat or vessel, declines choosing a person resident within two miles of the place where said toll is payable, to ascertain the quantity or tonnage thereof, then the amount of such quantity or tonnage, shall be fixed and ascertained by the person appointed for that purpose by the president Vessels to be marked, &c.

Proviso.

and managers, or chosen by the said collector of tolls for the said company, and the toll shall be paid according to such measurement, before any such raft, ark, boat, or vessel shall be permitted to pass the place where such toll is made payable, by the said president and managers: *Provided*, such locks directed to be made, shall be at least eighteen feet wide, and one hundred feet long.

When collectors may seize a vessel, &c.

15. *And be it enacted*, That in case of the refusal or neglect to pay the toll at the time of offering to pass the places appointed by the president and managers to collect the same, and previous to the raft, ark, boat or vessel, passing through the lock, gate, or sluice, the collectors of said tolls, or either of them, may lawfully refuse passage to such raft, ark, boat, or vessel; and if any raft, ark, boat or vessel, shall pass without paying the said toll, then the said collectors, or either of them, may seize such raft, ark, boat, or vessel wherever found, and sell the same at auction, for ready money, giving five day's public notice thereof, in the manner prescribed by law for constable's sales, which money, so far as necessary, shall be applied towards paying said toll and expenses of seizure and sale, and the balance, if any there be, shall be paid to the owner; and in case such sales should not be sufficient to pay the toll and expenses, the person having the direction of such raft, ark, boat, or vessel, shall be liable for the deficiency.

Trumpet to be blown, &c.

Penalty for unnecessary delay, &c.

16. *And be it enacted*, That it shall be the duty of the master or commander of any raft, ark, boat, or vessel navigating said river, lock or boat navigation, when they shall arrive within one fourth of a mile from any lock, gate or sluice, so erected, under the penalty of two dollars, to blow a trumpet or horn, whereupon the keeper of such lock, gate, or sluice shall attend for the purpose of opening the lock, gate or sluice, to let the said raft, ark, boat, or vessel pass without unnecessary delay, and in safety, and if any raft, ark, boat or vessel, shall be prevented from passing up and down any of the said locks, gates, or sluices, by reason of their not being raised more than thirty minutes, the president, managers, and company shall, on conviction thereof before any justice of the peace of the proper county, forfeit and pay to the person so hindered, the sum of one dollar for every thirty minutes beyond the said time that he shall be so prevented, and in the same proportion for any longer or shorter time, and the service of any civil process upon the toll gatherer, in the proper county, and next to the place where the offence shall have been committed, shall be held as good and available in law as if served upon the president and managers of said company.

Locks, &c. to be kept in good order, &c.

17. *And be it enacted*, That if the president, managers, and company, shall neglect or refuse to keep in good order or repair any dam, lock, gate or sluice, of their own construction, or be-

longing to them, or shall neglect to remove any obstacle which may occur, so that rafts, arks, boats, or vessels can at all times safely navigate the said river or lock navigation, the president, managers, and company shall for every such offence, pay the sum of one hundred dollars, to be recovered in the same manner as debts of equal amount are by law made recoverable, before any justice of the peace of the proper county, where the offence shall be committed, one half to the use of the informer, and the other half to the use of the poor of the township where the neglect may occur.

18. *And be it enacted*, That if any person or persons shall wilfully and knowingly do any act or thing, whereby the navigation shall be injured or damaged, he, she, or they so offending, shall forfeit and pay to the company a fine of ten dollars, together with double the damages by them sustained, with costs of suit, to be recovered by action of debt, before any court of competent jurisdiction.

Penalty for  
injuring the  
navigation.

19. *And be it enacted*, That if any person shall hereafter fall any tree, or cut any logs, or erect any dam in said river, or by any means obstruct the waters in said river, and shall not remove the same in the space of twenty-four hours, he shall forfeit and pay ten dollars, together with the full expense of removing the same, to be sued for by the managers, or any one of them, in an action of debt, in any court where the same may be cognizable, with costs of suit, to be applied towards clearing said navigation.

Obstructions  
to be remov-  
ed.

20. *And be it enacted*, That the branch of Maurice River, called Muddy Run, as well as all other branches that empty into the said Maurice River, above the Union mill-pond, shall, as to every provision of this act, be considered as part of this navigation.

Muddy Run.

21. *And be it enacted*, That the president and managers of said company, shall keep fair and just accounts of all moneys received by them, from the said commissioners, and from the subscribers to the said undertaking, on account of the said several subscriptions, of all penalties for delay in the payment thereof, and the amount of the profits on the shares which may be forfeited aforesaid, and also of all moneys by them expended in the prosecution of the said works, and shall in every year submit such accounts to the stockholders at their annual meeting, to choose the officers of the company; and the aggregate amount of such receipts and expenditures shall be ascertained, and if upon such liquidations, or when the capital shall be nearly expended, it shall be found, that the said capital stock will be insufficient to complete the said navigation, according to the true intent and meaning of this act, it shall and may be lawful for the said president, managers and company, at a stated or special meeting to be convened for that purpose, to increase the num-

Accounts to  
be yearly ex-  
hibited.

Capital may  
be increased.

ber of shares to such extent as shall be deemed sufficient to accomplish the work, and to receive and demand the moneys for shares so subscribed, in like manner, and under like penalties, as are herein before provided for the original subscription, or shall be provided by their by-laws.

Dividend

22. *And be it enacted*, That the said president, managers, and company shall also keep a just and true account of all the moneys received by their several and respective collectors of tolls, in the several and respective locks, gates, and sluices, and all the moneys received for other emoluments, and shall make and declare a dividend of the clear profits and income thereof among all the stockholders, all contingent costs and charges being first deducted, and shall on the first Monday of January, in every year, or if the president, managers, and company find it advisable, may also on the first Monday of July, publish the yearly or half yearly dividends, made of the clear profits, and the time when and where the same will be paid to the stockholders, not exceeding twenty days thereafter, and shall cause the same to be paid accordingly.

23. *And be it enacted*, That if an election of president and managers, shall not take place upon any day on which it is directed to be held by this act, the said corporation shall not on that account, be dissolved, but it shall be lawful on any other day, as soon as may be, to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the company.

C. Passed November 9, 1822.

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A SUPPLEMENT to an act entitled, "An act to incorporate the New-Jersey Salt Marsh Company," passed January twenty-eighth, one thousand eight hundred and twenty-two.

Additional  
powers given

1. **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 corporation erected by the act to which this is a supplement, by the name of the New-Jersey Salt Marsh Company, in addition to the powers given them by said act, shall have power to purchase and hold a site for a banking house at Hoboken, in the county of Bergen, in this state, to erect thereon a banking house and such buildings as may be necessary for their accommodation, and, at the said place, to employ and use one half of their capital or joint stock for banking purposes, for

the term of fifteen years from the passing of this act; the name and style of the said corporation shall hereafter be, "The Home-bred Banking and Grazing Company." Name.

2. *And be it enacted*, That from and after the first Monday of January next, all the affairs, concerns, and business of the said corporation shall be managed, conducted, and governed by a president and six directors, or a majority of them, (instead of a president and twenty directors, as in the said act mentioned) a majority of which said directors shall be stockholders in said company, and citizens of this state; that on the first Monday in January next, and on the first Monday in January annually thereafter, the stockholders of the said company, under the direction of the president and directors of the said company, for the time being, or a majority of them, shall, in the manner prescribed by said act, elect seven directors, who shall hold their offices for the ensuing year, and thence until others shall be duly elected in their stead; and, in case of the death, refusal, resignation, disqualification, or removal of any one director, the remaining directors, or a majority of them; at any meeting thereafter to be held, shall choose another director in his place, for the residue of the year; and the directors, so elected or chosen as aforesaid, or a majority of them, as soon as conveniently may be after their election, shall elect one of their number to be president, and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors, at a meeting to be held as soon as may be convenient thereafter, shall elect, from among their number, another president for the remainder of the year: *Provided*, That in case it should at any time happen that an election of directors should not be made on any day, when pursuant to this act it ought to have been made, it shall be lawful on any subsequent day, upon such notice and in such manner as the by-laws of the said company may prescribe, to hold an election of directors of the said company; and the directors so elected shall proceed to choose a president, as herein before directed. Election.

3. *And be it enacted*, That the following shall be the fundamental articles of the said corporation: Vacancy.

#### ARTICLE I.

The board of directors, for the time being, shall have power to appoint a cashier and such officers and clerks under them as shall be necessary for carrying on the business of said company, and to allow them such compensation for their services, respectively, as they may deem reasonable, and shall be capable of exercising such other powers and authorities, and of making, revising, altering, or annulling all such by-laws and regulations for the government of the company and their officers, and the regular conducting of their affairs and business, as they, or a majority of them, from time to time, may think expedient: *Provided*, Fundamental articles.

Powers.

Proviso.

That such by-laws and regulations be not inconsistent with the constitution and laws of this state and of the United States.

#### ARTICLE II.

Quorum.

Four directors, of whom the president shall be one, shall form a board or quorum for the transaction of business; and in case of sickness or necessary absence of the president, his place may be supplied by any other director whom the directors present may nominate for that purpose. The stated meetings of the board of directors shall be held at such times as the by-laws shall ordain, and special meetings may be held by particular appointment, or upon the call of the president.

#### ARTICLE III.

Election,  
judges of.

For the well ordering and conducting of the election of directors, the president and directors, for the time being, shall, previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same, except the first election, which shall be held under the direction of the commissioners appointed in this act to receive subscriptions to the capital stock thereof.

#### ARTICLE IV.

Who may call  
a general  
meeting, &c.

The board of directors, or ten or more stockholders, being together proprietors of a majority of the stock, may, at any time call a general meeting of the stockholders, for purposes relative to the business of the company, giving at least thirty days' notice thereof in one of the newspapers printed in the city of New-York, and one of the newspapers printed in this state, specifying the object or objects of such meeting.

#### ARTICLE V.

Transfers.

The shares of the capital stock at any time owned by any stockholders, shall be transferable, on the books of the company only, in such manner as the by-laws shall ordain.

#### ARTICLE VI.

Cashier to  
give bond.

The cashier, before he enters upon the duties of his office, shall be required to give bond to the said corporation, with two or more sureties, to the satisfaction of the directors, in such sum as the board of directors may, by their by-laws, order and direct from time to time, conditioned for the faithful performance of his duty.

#### ARTICLE VII.

Rate of dis-  
count.

The rate of discount at which loans may be made by the said company, shall not exceed the legal rate of interest in this state for the time being.

## ARTICLE VIII.

Dividends of so much of the profits of the company, as shall appear advisable to the directors, shall be made, declared, and paid to the stockholders, or their legal representatives, twice a year, but they shall, in no case, exceed the amount of net profits actually made or acquired by the company, so that the capital stock shall never be thereby impaired; and if the said directors shall knowingly and wilfully make any dividend which shall impair the said capital stock, the directors consenting thereto shall be liable, in their individual capacities, to the company for the amount of the stock so divided, and each director present, when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend. Dividends.

## ARTICLE IX.

A general statement of the affairs of the company shall be exhibited every year, at the banking house, for the inspection of the stockholders, on the day of their annual meeting. Annual general statement.

## ARTICLE X.

The total amount of the debts which the said company shall at any time owe, whether by bond, bill, note, or other contract, shall not exceed double the amount of their banking capital stock actually paid in, over, and above the deposits there made with the bank for safe-keeping; and, in cases of excess, the directors, under whose administration it shall happen, shall be liable for the same in their private capacities, and an action of debt, in such case, may be brought against them, or their heirs, executors, or administrators, in any court of record in this state or the United States, by any creditor or creditors of the said corporation, and may be prosecuted to judgment and execution, any condition, covenant, or agreement to the contrary notwithstanding; but this shall not be construed to exempt the said corporation, or the goods, chattels, lands, or tenements of the same, from being also liable for, and chargeable with, the same excess; that such of the directors who may have been absent when the said excess was contracted or created, or who may have dissented from the resolution or act whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact to the stockholders, at a general meeting, which they shall have the power to call for that purpose. Amount of debts.

## ARTICLE XI.

The corporation shall in no case be owner of any ships or vessels for the purpose of carrying on any trade in merchandise, but it shall and may be lawful for them to deal and trade in bills Restrictions.

of exchange, promissory notes, or obligations for the payment of money, gold or silver bullion, and such ships or vessels, goods, wares, and merchandise as shall be truly pledged to them by way of security for debts due, owing, or growing due, to the said corporation, or purchased to secure such debts on the sale of such goods or vessels, or which shall be the produce of its lands; and the president and directors are empowered to sell and dispose of the ships, goods, chattels, or produce so acquired, in such manner as they shall deem for the interest of the corporation.

#### ARTICLE XII.

Bills, how assignable and negotiable.

The bills, obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable, by endorsement thereon, under the hand or hands of such person or persons, and his, her, or their assignees successively, and shall enable such assignees to bring and maintain an action thereupon, in his, her, or their name or names; and the bills and notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory on the same, in like manner and with the like effect as upon any private person or persons, issued by him or them in their private or natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were so issued by any private person or persons, to wit: those which shall be payable to any person or persons, his, her, or their order, shall be assignable or negotiable by endorsement, in like manner and with like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable or assignable by delivery.

#### ARTICLE XIII.

Oath of office.

Each director, cashier, or treasurer, before he enters on the duties of his office, shall take the following oath or affirmation, as the case may be: "I,                    do swear, (or affirm) that I will faithfully execute the duties of                    agreeably to the provisions of the law and the trust reposed in me, to the best of my skill and understanding.

Funds, personal estate.

4. *And be it enacted*, That the capital stock and funds of the said corporation shall be deemed personal estate.

Denomination.

5. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than one dollar, and that the portion of the capital stock of said company, hereby authorized to be employed in banking operations, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to, and their real

estate subject to be taxed as other lands in this state are or shall be taxed. Taxes.

6. *And be it enacted*, That Robert Swartwout, Charles G. Haines and Cornelius Doremus, be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of this company; that the said commissioners, or any two of them, shall open books of subscription for the purpose, at Hoboken, in the county of Bergen, on the second Monday of December next, giving previous notice thereof, for one week, in one of the newspapers of the city of New-York, and also in the Hackensack Newsman, and shall continue the same open from day to day, (Sunday excepted) for the space of ten days, unless the whole capital stock shall be sooner subscribed; that when the capital stock shall be subscribed, and the amount thereof paid in, or secured to be paid to the said company, the said commissioners shall certify the same, in writing, to his excellency the governor of this state, who shall thereupon, by warrant under his hand and seal, authorize the said company to commence the banking operations designed by this act. Commissioners. Notice.

7. *And be it enacted*, That for the better understanding of the provisions of the act of incorporation and of this supplement, it is hereby expressly *Provided*, That whenever this corporation shall cease to employ one half of its capital for the uses and purposes contemplated in the original act, then the banking privilege hereby granted shall become null and void: *And provided further*, That when the banking privileges of this company expire by the limitation in this act, the capital which may have been employed in banking operations shall revert to, and become a part of, the capital stock, and be used for the purposes expressed in the act to which this is a supplement. Proviso.

8. *And be it enacted*, That on the first Monday in November, in every year, the president and directors of the company shall furnish to the treasurer of this state, to be laid before the legislature, a true and correct statement, under oath, of the stock of said company, and the manner in which the same is employed. A correct statement of stock to be laid annually before the legislature.

9. *And be it enacted*, That if at any time after the passing of this act the said president, directors, and company should refuse, on demand made at their banking house, during the regular hours of doing business, to redeem in specie or in other lawful money of the United States, their bills, notes, or other lawful evidences of debts, issued by the said company, the said president, directors, and company shall, on pain of forfeiture of their charter, discontinue their banking operations, by discount or otherwise, excepting as far as may be necessary for the collection of debts due to the company, until such time as the said president, directors, and company shall resume the redemption of their notes, bills, or other evidences of debt, in specie or other Non-compliance to forfeit charter.

lawful money of the United States; and in case the said president, directors, and company shall, at any time hereafter, offend against either of the provisions of this act, on conviction thereof the charter shall be deemed void.

Section and  
part of section  
of former acts  
repealed.

10. *And be it enacted*, That the seventh section of the act to which this is a supplement, and so much of the third section of said act as relates to the number of directors in the said corporation, and the time of their election, and of the annual meetings of the company, and such other alterations and amendments as are supplied by this act, be, and the same are hereby repealed.

A. Passed November 15, 1822.

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AN ACT to incorporate a Company for carrying on the Whale and Seal Fisheries from the port of Perth-Amboy, and for Banking purposes.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Andrew Bell, James Parker, Matthias Bruen, Samuel Edgar, Thomas Salter, Oliver W. Ogden, William Edgar, William S. Pennington, and Joseph Barron, or a majority of them, be, and they are hereby authorized to receive subscriptions to an amount not exceeding one hundred thousand dollars, in shares of fifty dollars each.

Commission-  
ers.

Capital.

2. *And be it enacted*, That the sum so to be subscribed shall be paid in the manner following, viz. five dollars on each share, to the persons receiving subscriptions, at the time of subscribing; five dollars on each share, on or before the day appointed for the first election of directors of the company hereby incorporated, to be paid previous to the said election; and the remainder, in instalments not exceeding five dollars on each share, to the directors of the said company, for the time being, at such time as the said directors may direct, always giving sixty days' notice thereof in one of the newspapers printed in New-Brunswick, Elizabeth-Town, and Newark; and any person, copartnership, or body politic failing to pay any instalment, shall forfeit to the said company every share upon which such payment shall not be made, and all payments thereon previously made.

Shares.

Notice.

3. *And be it enacted*, That the said commissioners shall pay over to the directors first chosen, on the day they are so chosen, or as soon thereafter as may be required, the amount of all money's received by them, and shall also, at the same time, deliver over to the said directors the original books of subscriptions,

Amount to be  
paid, and  
books deliver-  
ed to the di-  
rectors.

and, as soon as twenty thousand dollars shall be paid, the said company shall be considered as duly incorporated under this act, and authorized to employ their capital for the purposes, and in the manner herein after provided.

4. *And be it enacted*, That, as soon as one thousand shares are subscribed, the persons herein empowered to receive subscriptions, or a majority of them, shall call a meeting of the subscribers, to be held at Perth-Amboy, giving at least three weeks' notice of the time and place of such meeting in the newspapers before mentioned, and the subscribers so assembled, or their proxies, shall choose, by ballot, from among themselves, by a majority of the votes given, nine directors, who shall hold their office for one year after the said election, and from the end thereof until the first Tuesday in April, one thousand eight hundred and twenty-four; and on the first Tuesday in April annually thereafter, a like election shall be made, and in case of death, refusal, resignation, disqualification, or removal of any director, the remaining directors, at their first regular meeting thereafter, shall choose a person in his place, for the residue of the year; and the directors chosen, or a majority of them, present at their first meeting after every general election, shall, by ballot, from among themselves, by a majority of the directors, elect a president; and in case of the death, refusal, resignation, disqualification, or removal of the president, the said directors shall meet, as soon as convenient thereafter, and elect, in the manner before mentioned, a president in his room, for the remainder of the year: *Provided*, That in case it should happen that an election of directors shall not be made upon the day herein prescribed, the said company shall not thereby be considered to be dissolved, but it shall be lawful, on any other day thereafter, to hold an election for directors for the year, in such manner as the by-laws of the corporation shall direct.

First meeting.

Notice.

Election of directors.

Vacancies, how filled.

President.

Proviso.

5. *And be it enacted*, That a sum not exceeding one-third part, and not less than one-fifth part, of the capital stock so subscribed, shall be set apart and employed by the said company in prosecuting and carrying on, from the port of Perth-Amboy, the fishing for whales, seals, and sea-fish, in the Atlantic and Pacific Oceans, and for no other purpose whatsoever; and to that intent it shall and may be lawful for the said company, by their directors, to purchase and build such and so many ships and vessels as may be necessary for prosecuting and carrying on the said fisheries, and to equip and fit out the said ships or vessels, to make and execute all proper and necessary contracts or agreements with the masters and mariners therein employed, and to have and to hold the said ships and vessels, and the produce of such fisheries, and to sell and dispose of the ships or vessels, and the cargoes of oil, skins, or other articles procured, taken,

What part of the capital to be employed in fishing for whales, &c.

and brought therein; and also to appoint and employ all such agents and factors as may be necessary and expedient, and generally to do and perform all and every such act and acts as may be necessary and proper to carry into effect the purposes hereof: *Provided always*, That if the said company shall not, within two years after the first election of directors, and during the time thereafter limited by the charter, comply with the provisions of this section, that then this act shall be void and of no effect.

Proviso.

What part in banking operations.

6. *And be it enacted*, That the remaining part of the capital stock so subscribed shall and may be employed by the said company in banking operations, at the city of Perth-Amboy, upon the terms, restrictions, and regulations herein after provided.

Style of incorporation, &c.

7. *And be it enacted*, That all such persons as shall become subscribers to the capital stock aforesaid, their successors and assigns shall be, and are hereby ordained and declared to be a body politic and corporate, in fact and in name, by the name of "The President and Directors of the Commercial Bank of New-Jersey," and by that name they and their successors may and shall have succession, and shall be, in law, persons capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and they and their successors may have a common seal, and may change and alter the same at pleasure; and also, that they and their successors, by the aforesaid name of incorporation, shall be, in law, capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation.

Fundamental articles.

8. *And be it enacted*, That the following, shall be the fundamental articles of the said company or corporation hereby created, that is to say:

#### ARTICLE I.

The number of votes to which each stockholder shall be entitled, shall be as follows: for every share not exceeding ten, one vote, and for every ten shares above ten, one vote.

#### ARTICLE II.

The board of directors, for the time being, shall have power to elect a cashier and all such officers and clerks under them as shall be necessary for executing the business of said company, and to allow them such compensation for their services respectively as they may deem reasonable, and shall be capable of exercising such other powers and authorities, and making, revising, altering, amending, or annulling all such by-laws and regulations for the government of the company, and that of their officers and affairs, as they, or a majority of them, from time to time may think expedient.

Officers.

Powers.

## ARTICLE III.

Five directors, of which the president shall be one, shall form a quorum for the transaction of business; in case of sickness or necessary absence of the president, his place may be supplied by any other director whom the directors present may nominate for that purpose. The stated and special meetings of the directors shall be held at such times as the by-laws shall ordain. The president shall be allowed for his services such compensation or salary as the stockholders, met at the annual election of directors, shall direct.

Quorum.

President pro tem.

Meetings.

Compensation of president.

## ARTICLE IV.

For the well ordering and conducting of the elections, the directors shall previously thereto appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same.

Judges of elections.

## ARTICLE V.

The board of directors, or so many of the stockholders as shall be together proprietors of one half of the stock, may, at any time, call a general meeting of the stockholders, for purposes relative to the business of the company, giving, at least, four weeks' notice thereof in one or more newspapers printed in the counties of Middlesex and Essex.

When general meeting may be called.

Notice.

## ARTICLE VI.

The shares of the capital stock shall be deemed personal estate, and shall be transferable, on the books of the company, in such manner as the by-laws shall ordain.

Stock, personal estate, &amp;c.

## ARTICLE VII.

On the appointment of a cashier or president for the said corporation, the votes of a majority of the directors shall be necessary for a choice; and the cashier, before he enters upon the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in such sum, not less than twenty thousand dollars, as the board of directors may, by their by-laws, order and direct, from time to time, with conditions for faithful performance of his duty.

Cashier to give bond.

## ARTICLE VIII.

The rate of discount at which loans may be made by the said company, shall not exceed seven per centum per annum.

Discount.

## ARTICLE IX.

Dividends of so much of the profits of the company, as shall appear advisable to the directors, shall be made and paid to the stockholders twice a year; but they shall in no case exceed the amount of net profits actually acquired by the company, so that

Dividends.

the capital stock shall never be thereby impaired, and if the said directors shall knowingly and wilfully make any dividend which shall impair the said capital stock, the directors consenting thereto shall be liable, in their individual capacity, to the company, for the amount of the stock so divided, and each director present when such dividend shall be made, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give public notice to the stockholders of the declaring of such dividend.

#### ARTICLE X.

Annual statement, &c.

A general statement of the affairs of the company, shall be exhibited every year at the banking-house, for the inspection of the stockholders, at least three weeks previous to the annual election.

#### ARTICLE XI.

Amount of debts.

The total amount of the debts which the said company shall at any time owe, whether by bond, bill, note, or other contracts, shall not exceed double the amount of their capital stock actually paid in, over and above the deposits then made with the bank for safe keeping; and in case of excess, the directors, under whose administration it shall happen, shall be liable for the same in their private capacities.

#### ARTICLE XII.

Restrictions.

The corporation shall not in any case be owners of any ships or vessels, other than such as are employed in the fisheries aforesaid, nor directly or indirectly deal or trade in any thing, except bills of exchange, promissory notes, gold or silver bullion, and the cargoes of oil, skins, or other articles the produce of the fisheries aforesaid, or such articles as may be received for the same, if sold in a foreign state or country; and such ships or vessels, goods, wares, or merchandise, as shall be truly pledged to them, by way of security for debts due, owing, or growing due, to the said company, or purchased to secure such debts, or the sale of goods, which shall be the produce of its lands; nor shall the said corporation hold or purchase any lands, tenements, or other real estate, other than may be necessary for the convenient transacting of their business, unless such lands, tenements, or other real estates, shall have been bona fide mortgaged to it, by way of security, or conveyed to it in satisfaction of debts previously contracted in course of dealing, or purchased to secure debts previously contracted with the corporation and due to it; and in every instance in which the said corporation may become the owner or claimant of lands, tenements, or real estates, the president and directors are empowered to sell and dispose of the same, in such manner as they shall deem for the interest of the corporation.

## ARTICLE XIII.

The bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsements thereon under the hand or hands of such person or persons, and his, her, or their assigns successively, and shall enable such assigns to bring and maintain an action thereupon in his, her, or their name or names; and bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the corporation, shall be binding and obligatory on the same, in like manner and with the like effect, as upon any person or persons if issued by him or them, in their private or natural capacity or capacities, and shall be assignable and negotiable in like manner, as if they were so issued by any private person or persons, to wit: those which shall be payable to any person or persons, his, her, or their order, shall be assignable and negotiable by endorsement, in like manner and with the like effect as foreign bills of exchange now are, and those which are payable to bearer shall be negotiable or assignable by delivery.

Bills, how assignable and negotiable.

## ARTICLE XIV.

Each director, cashier, or treasurer, before he enters upon the duties of his office, shall take the following oath or affirmation the case may be: I, \_\_\_\_\_ do swear, (or affirm) that I will faithfully execute the duties of \_\_\_\_\_ agreeably to the provisions of the law and the trust reposed in me, to the best of my skill and understanding.

Oath of office.

## ARTICLE XV.

Not more than two of the directors of the said company shall be residents of any other state at any one time.

## ARTICLE XVI.

That the said corporation shall not issue bills or notes of less denomination than one dollar, and shall be liable to pay the same tax upon that part of their capital employed in banking, as now are, or shall be payable by other banking companies.

Denomination of bills.  
Taxes.

9. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company, should refuse, on demand made at their banking-house, during the regular hours of doing business, to redeem in specie, or in other lawful money of the United States, their bills, notes, or other lawful evidences of debts, issued by the said company, the said president, directors, and company shall, on pain of forfeiture of their charter, discontinue their banking operations by discount or otherwise, excepting as far as may be necessary, for the collec-

Penalty of forfeiture of charter, &c.

tion of debts due to the company, until such time as the said president, directors, and company shall resume the redemption of their notes, bills, or other evidences of debt, in specie or other lawful money of the United States; and in case the said president, directors, and company, shall, at any time hereafter, offend against either of the provisions of this act, on conviction thereof, the charter shall be deemed void.

No foreigner  
to hold capital  
stock.

10. *And be it enacted*, That no person other than a citizen of the United States, shall, at any time, have or hold any part of the capital stock of the said corporation, or be directly or indirectly interested therein. And all subscriptions of the said capital stock made by, or for the use of any person being a citizen or subject of any foreign power or state, and all transfers of the stock of said company made to, or for such person, shall be null and void as to him, her, or them, and the said stock so subscribed or transferred, as the case may be, shall upon such subscription or transfer, immediately and without further proceeding, enure to, and vest, in the other stockholders of the said company, according to their respective shares therein.

Limitation.

11. *And be it enacted*, That this act shall continue and be in force, for and during the term of twenty-one years, and from thence to the end of the next session of the legislature, and no longer.

C. Passed November 15, 1822.

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AN ACT for incorporating Trustees of the Theological Seminary of the Presbyterian Church, at Princeton, in the state of New-Jersey.

Trustees:

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Andrew Kirkpatrick, Gabriel H. Ford, Samuel L. Southard, Robert M'Neely, John Condict, of Bergen, Ebenezer Elmer, John Beatty, Alexander Henry, Benjamin Strong, Charles Ewing, Samuel Bayard, John Van Cleve, Ashbel Green, John M'Dowell, David Comfort, George S. Woodhull, Isaac V. Brown, Alexander M'Cleland, Jacob J. Janeway, James Richards, and Samuel B. How, and their successors, duly elected and appointed in manner as is herein after directed, be and they are hereby made, declared, and constituted a corporation and body politic and corporate, in law and in fact, to have continuance by the name, style, and title of "Trustees of the Theological Seminary of the Presbyterian Church," and by the name, style, and title aforesaid, shall be persons able and capable in

Title of the  
incorporation.

Powers.

law, as well to take, receive, and hold, all and all manner of lands, tenements, rents, annuities, franchises, and other hereditaments, which at any time or times heretofore have been granted, bargained, sold, enfeoffed; released, devised, or otherwise conveyed, for use of the Theological Seminary of the Presbyterian Church in the United States of America, located at Princeton, in the state of New-Jersey, or any other person or persons, to the use of the said Seminary, or in trust for the same; and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments, are hereby vested and established in the said corporation and their successors, according to the original use and intent for which such devises, gifts, and grants were respectively made; and the said corporation and their successors, are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, and other conveyances thereof, is or are declared, limited, and expressed; also, that the said corporation and their successors shall be capable and able to purchase, have, receive, take, hold, and enjoy, in fee simple, or of lesser estate or estates, any lands, tenements, rents, annuities, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise of any person or persons, bodies politic and corporate, capable and able to make the same: and further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to and for the use of the Theological Seminary at Princeton, or to the directors thereof, or to any other person or persons, body politic or corporate, in trust or for the use of the said Seminary, or that hereafter shall be given, sold, leased, or bequeathed to the said corporation, by any person or persons, bodies politic, or corporate, that is able or capable to make a gift, sale, bequest, or other disposal of the same; such money, goods, or chattels to be laid out, and disposed of for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the objects, articles, and conditions of this act.

2. *And be it enacted*, That no misnomer of the said corporation and their successors, shall defeat or annul any gift, grant, devise, or bequest to or for the said corporation, provided the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant, or other writing, whereby any estate or interest was intended to pass to or for the said corporation.

Misnomer

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

Seal.

May sue and  
be sued.

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

By-laws.

5. *And be it enacted*, That the said corporation and their successors shall be, and hereby are authorized and empowered to make, ordain, and establish by-laws and ordinances, and do every thing incident and needful for the support and due government of the said corporation, and managing the funds and revenues thereof; *provided*, the said by-laws be not repugnant to the constitution and laws of the United States, to the constitution and laws of this state, or to this act.

Of how many  
to consist.

6. *And be it enacted*, That the said corporation shall not, at any time, consist of more than one-and-twenty persons, twelve of whom shall at all times be laymen and citizens of this state; whereof the General Assembly of the Presbyterian Church in the United States may, at their annual meetings, change one-third, in such manner as to the said General Assembly shall seem proper: and the corporation aforesaid, shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements, and hereditaments, and other estate whatsoever, committed to their care and trust by the said General Assembly; but, in cases where special instructions for the management and disposal thereof shall be given by the said General Assembly, in writing, under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions; *provided*, the said instructions shall not be repugnant to the constitution and laws of the United States, or to the constitution and laws of this state, or to this act.

How to be  
changed.

To manage  
and dispose of  
property,

under certain  
restrictions.

Quorum.

7. *And be it enacted*, That seven members of this corporation, whereof the president, or, in his absence, the vice-president, to be one, shall be a sufficient number to transact the business thereof, and to make by-laws, rules, and regulations: *Provided*, That, previous to any meeting of the board or corporation, for such purposes, not appointed by adjournment, ten days' notice shall be previously given thereof, by the secretary or clerk of the said corporation, to each of the members of the same; and the said corporation shall and may, as often as they shall see proper, and according to the rules by them to be prescribed, choose, out of their number, a president and vice-president, and secretary, and shall have authority to appoint a treasurer, and such other officers and servants, as shall by them, the said corporation, be deemed necessary; to which officers the said corporation may assign such a compensation for their services, and such duties to be performed by them, to continue in office for such time, and to be succeeded by others, in such way and manner, as the said corporation shall direct.

Notice of  
meeting.

Officers.

8. *And be it enacted*, That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president or vice-president, when acting as president, who shall have only the casting vote and voice, in case of an equality in the votes of the other members. Votes.

9. *And be it enacted*, That the said corporation shall keep regular and fair entries of their proceedings, and a just account of their receipts and disbursements, in a book or books to be provided for that purpose, and shall, once in a year, exhibit to the General Assembly of the Presbyterian Church, in the United States of America, an exact state of the accounts and funds of said corporation, and also to the legislature of this state, every five years. Accounts.

10. *And be it enacted*, That the said corporation may take, receive, purchase, possess and enjoy messuages, lands, tenements, rents, annuities and other hereditaments, real and personal estate of any amount: *Provided*, That the same do not yield an annual income exceeding the sum of fifteen thousand dollars. Extent of property.

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

A. Passed November 15, 1822.

AN ACT for ascertaining the most eligible route for, and probable expense of, forming a Canal to connect the waters of the Passaic river with the waters of the Delaware river.

1. 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 P. McCulloch, Charles Kinsey, (of Essex) and Thomas Capner, esquires, be, and they are hereby appointed commissioners, with authority to employ a scientific engineer and surveyor of known abilities and experience, and such other assistants as they may find requisite, to aid them in exploring, surveying, and taking a level of the easiest and most practicable route for a canal to connect the tide waters of the Passaic with the waters of the Delaware river, at or near the mouth of the Musconetcong river; to make an estimate of the probable expense of digging, locks, water-rights, and every other charge incident to the completion of such canal, as far as the same can be ascertained or anticipated, and make report to the next legis- Commissioners appointed, &c.

To make report to the next legislature, &c.

lature, at an early day in the session. And that the said commissioners shall, as aforesaid, report such information concerning the minerals along the line of said canal and in the neighbourhood thereof, and collect and deposit in the state library room, at Trenton, such specimens of said minerals as can be procured without much additional expense, or a diversion from the main object of the appointment.

The governor  
to supply any  
vacancy, &c.

2. *And be it enacted*, That in case of the death, refusal, or inability of either of said commissioners to act, the governor, for the time being, or the person administering the government, be, and he is hereby authorized and required to supply such vacancy, and to draw upon the treasurer of the state in favour of said commissioners, for any sum not exceeding two thousand dollars, to defray the expenses of such survey and estimate. And the said commissioners shall keep and exhibit, with their other proceedings, a just and true account of all moneys expended by them, in pursuance of this act.

Commissioners  
to exhibit  
an account of  
their expenditures,  
&c.

C. Passed November 15, 1822.

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AN ACT to incorporate the Washington Canal Company

WHEREAS that part of the river called South River, which is below the village of Washington, in the county of Middlesex, in this state, and which empties into the river Rariton, is very circuitous, and the passage of sloops and other vessels going from the said village of Washington down the Rariton to New-York and other places, would be facilitated by cutting and forming a canal, leading from South River, near said village, to the Rariton, through and over the intervening lands; and whereas the intervening lands are owned in fee simple by Robert Montgomery, Christopher Van Deventer, and Henry Obert, who have consented and agreed, in writing, that such canal should be cut and formed, and that buildings and other works necessary and proper for the formation and use of such canal, should be made and erected upon their said lands; and that the public shall have the right of using the same when completed—THEREFORE,

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Runyan Barkelow, Frederick A. Kline, Vincent Barkelow, Samuel Holmes, and Samuel Gordon, or a majority of them, be appointed commissioners; and authorized to receive subscriptions for cutting and forming a canal, to lead from South

Commissioners.

River, near the said village of Washington, and to go through and over the lands of the said Robert Montgomery, Christopher Van Deventer, and Henry Obert, to the river Rariton, near the dwelling house of Xerxes Price, 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 Washington Canal Company, and to perform the other duties required of them by this act, in such form and amount as the governor in his discretion may require, and for their services they shall be paid by the said canal company.

2. *And be it enacted*, That such subscriptions shall consist of five hundred shares, of ten 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 said canal company, by such instalments as the president and directors shall order and appoint: *Provided*, That no instalment to be called for shall exceed the sum of two dollars on each share, and that four weeks' notice of the time of payment shall be given by advertisement; and, as soon as fifteen hundred dollars shall be subscribed, the said Runyan Barkelow, Frederick A. Kline, Vincent Barkelow, Samuel Holmes, and Samuel Gordon, or a majority of them, or a majority of the survivors of them, shall call a meeting of the subscribers and stockholders, to be held at the inn now kept by Robert Carson, at ten o'clock in the forenoon, after four weeks' notice in a newspaper printed in the city of New-Brunswick, to choose a president and five directors, any three of whom shall constitute a board to transact business, and a treasurer, to continue in office till the first Tuesday in October next, or until others shall be chosen; and also, on the first 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, shall 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 Washington Canal Company," and shall have all the powers and privileges incident to a body politic and corporate, for the purposes herein mentioned.

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 powers vested by this act in said company; and if any vacancy or vacancies shall happen in the said offices of president, directors, or treasurer, such va-

Capital stock.

Proviso.

Meeting, &amp;c.

Proviso.

Time and place of meeting.

Vacancies, &amp;c.

caney or vacancies shall be filled by the directors, at their next or some subsequent 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*, the same be not repugnant to the constitution and laws of the state or of the United States; which ordinances and by-laws, and all their accounts and proceedings, shall be submitted to the stockholders, at their annual meeting, for their inspection and revision.

By-laws.

4. *And be it enacted*, That the said president and directors shall lay out, cut, and form the said canal, and ascertain the most eligible places for doing the same, through and on the lands aforesaid, and shall cause the same to be made of such size and dimensions as to be navigable by sloops, schooners, and steam-boats, and shall cause a lock or locks to be made and formed, if in their opinion it shall be necessary, and construct any houses or other buildings and improvements near said canal, and on the lands aforesaid, that may be necessary or useful in the making and subsequent using of said canal, and may enter on any part of the said lands with their servants, waggons, tools, and materials, provided the same be necessary or proper for the purposes aforesaid; and if any person shall hinder or obstruct the said president and directors, or any of them, in entering on said lands, or in the execution of any part of the duties assigned to them in this section, he shall forfeit and pay one hundred dollars, to be sued for by the said president and directors, in an action of debt, with costs of suit, the proceeds to be applied towards defraying the expense of making said canal.

Dimensions,  
&c.

5. *And be it enacted*, That as soon as the said canal shall be completed, it shall be lawful for the president and 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 canal is executed and completed 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 license under his hand, to permit the said president and directors to demand and receive toll for passing through and over the said canal, after the following rates, viz.

When completed, to inform the governor.

For every sloop and other vessel of five tons and upwards, two cents per ton, on their rates of tonnage.

Rate of toll,  
&c.

For every vessel or small craft under five tons, three cents.

For every raft of timber or scantling, six cents for every thousand feet.

And it shall be lawful for the tollgatherer to stop any person or persons passing with any boat or vessel above mentioned, and prevent them from passing through the said canal, until they shall have respectively paid the toll as above specified.

6. *And be it enacted*, That if any person shall wilfully cut, break, destroy, throw down, deface, or open any lock, dam, gate, bridge, or deface or destroy any of the printed rates of toll, or directions constructed or put up pursuant to this act, or shall forcibly pass through said canal, without having paid the legal toll, he shall forfeit and pay a fine of ten dollars, to be recovered by the corporation, to their own use, with costs of suit, besides being subject to an action for the damages sustained.

Penalty for  
injuring the  
works.

7. *And be it enacted*, That if any tollgatherer shall unnecessarily delay or hinder any person or persons from passing through said canal with his boat or vessel, or shall take 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 ten dollars, to be recovered in an action of debt, with costs of suit.

Penalty for  
detention.

8. *And be it enacted*, That the shares or stock in said canal shall be taken, deemed, and considered personal property, and be transferred in such manner as the directors may appoint: *Provided*, That if the said company shall not commence their operations in one year from the date hereof, and complete the said canal in five years from the date hereof, within the intent and meaning of this act, then this act shall cease and be void.

Stock personal  
property.  
Proviso.

9. *And be it enacted*, That the president and directors of said company shall cause to be kept, just and true accounts of all moneys received from the subscribers to the stock of the said company, and of all moneys expended in the prosecution of the said work, and shall, once in every year, submit such account to a general meeting of the stockholders, until the said canal shall be completed; and if, at any time previous to the completion of the said canal and the payment of all the costs, charges, and expenses thereof, and of the incidents thereto, it shall be found that the capital stock of the said company is not sufficient to complete the same, it shall 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 moneys subscribed for such shares, in the manner herein before provided for original subscriptions.

On certain  
contingency,  
number of  
shares may be  
increased.

10. *And be it enacted*, That the president and directors shall also cause to be kept, just and true accounts of all the moneys received by the collectors of tolls for passing through said canal, and of all the penalties and forfeitures accruing to the company, and also of all costs, charges, and expenses of repairing and

When divi-  
dends to be  
made.

maintaining the said canal and transacting the business of the 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 of the said company, which shall be paid by the treasurer of the said company to the said stockholders or their legal representatives, in such manner as the said president and directors shall appoint.

An account of expenditures and profits to be laid before the legislature every five years.

State may purchase after twenty years.

11. *And be it enacted*, That at the end of every five years, after the completion of the said canal, an account of the expenditures upon the said canal, 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 twenty years, from and after the passing of this act, repay the proprietors of the said canal the amount of the sums expended thereon, and in that case the said canal shall become the property of the state of New-Jersey, and be under the control of the legislature thereof, any thing in this act to the contrary notwithstanding.

C. Passed November 22, 1822.

AN ACT for the relief of the Trustees of the Paterson Academy.

Time of annual election altered.

Proviso.

1. 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 annual election of trustees for the Paterson Academy shall take place on the third Monday of April, in each and every year, instead of the second Monday, as prescribed by the act entitled, "A supplement to an act entitled an act to incorporate societies for the promotion of learning:" *Provided*, That the present trustees of said academy shall continue in office until the third Monday of April next.

C. Passed November 23, 1822.

A further supplement to an act entitled, "An act to incorporate the Paterson and Hamburgh Turnpike Company."

Time extended.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the president and directors of the Paterson and Hamburgh Turnpike Company to complete the erection of a bridge over the Passaic river, at the town of Paterson, as authorized by an act entitled, "An act to

incorporate the Paterson and Hamburg Turnpike Company,"<sup>3</sup> passed March third, one thousand eight hundred and six, at any time within two years after the passing of this act, subject to the provisions, and according to the directions, of said act, any thing in the proviso contained in the fifteenth section of said act to the contrary notwithstanding: *Provided always*, That if the said company shall not complete the said bridge within the time hereby limited, that then, this act and the act to which this is a supplement shall cease, be void, and of no effect, except so far as compels the said company to make reparation for damages. Proviso.

C. Passed November 23, 1822.

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AN ACT for the relief of David Mills, late sheriff of the county of Morris, and Henry A. Ford, late deputy attorney-general of the county of Morris.

1. 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 is hereby authorized to pay to David Mills, late sheriff of the county of Morris, the sum of eighty dollars and eighty-three cents, and to Henry A. Ford, late deputy attorney-general of the county of Morris, the sum of fifty-five dollars, which two sums, amounting to one hundred and thirty-five dollars and eighty-three cents, are the costs taxed upon four several convictions against one Jacob Fredericks, and one conviction against one Barnabas C. Dinman, in the Court of General Quarter-Sessions of the Peace holden at Morristown, in and for the county of Morris, in the term of July, in the year of our Lord one thousand eight hundred and seventeen.

C. Passed November 23, 1822.

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AN ACT for incorporating Trustees of the New-Jersey Baptist Association.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Edward Thomas, John Blakely, George Allen, Joseph Evans, Gershom Mott, Joseph Boss, Harris Cox, William Sheppard, Abraham Stout, John Walker, David Cubberly, Thomas Swaim, and Charles Kaighn, and their successors, duly elected and appointed in manner as is herein directed, be, and they are

Style of the  
corporation.

Powers, &c.

hereby made, declared, and constituted a corporation and body politic and corporate, in law and in fact, by the name, style, and title of "Trustees of the New-Jersey Baptist Association," and by the name, style, and title aforesaid, shall be persons able and capable in law as well to take, receive, and hold all and all manner of lands, tenements, rents, annuities, franchises, and other hereditaments which at any time or times heretofore have been granted, bargained, sold, enfeoffed, released, devised, or otherwise conveyed for the use of the New-Jersey Baptist Association, or any other person or persons to the use of the said association, or in trust for the same; and the same lands, tenements, rents, annuities, liberties, franchises, and other hereditaments are hereby vested and established in the said corporation and their successors, according to the original use and intent for which such devises, gifts, and grants were respectively made; and the said corporation and their successors are hereby declared to be seized and possessed of such estate and estates therein, as in and by the respective grants, bargains, sales, enfeoffments, releases, devises, and other conveyances thereof, is or are declared, limited, and expressed; also, that the said corporation and their successors shall be capable and able to purchase, have, receive, take, hold, and enjoy, in fee simple, or of lesser estate or estates, any lands, tenements, rents, annuities, franchises, and other hereditaments, by the gift, grant, bargain, sale, alienation, enfeoffment, release, confirmation, or devise of any person or persons, bodies politic and corporate, capable and able to make the same; and further, that the said corporation and their successors may take and receive any sum or sums of money, and any portion of goods and chattels that have been given to and for the use of the New-Jersey Baptist Association, or to any other person or persons, body politic or corporate, in trust or for the use of the said association, or that hereafter shall be given, sold, leased, or bequeathed to the said corporation, by any person or persons, bodies politic or corporate, that is able and capable to make a gift, sale, bequest, or other disposal of the same; such money, goods, or chattels to be laid out and disposed of for the use and benefit of the aforesaid corporation, agreeably to the intention of the donors, and according to the objects, articles, and conditions of this act.

Misnomer.

2. *And be it enacted*, That no misnomer of the said corporation and their successors shall defeat or annul any gift, grant, devise, or bequest to or for the said corporation; provided the intent of the party or parties shall sufficiently appear upon the face of the gift, will, grant, or other writing whereby any estate or interest was intended to pass to or for the said corporation.

Seal.

3. *And be it enacted*, That the said corporation and their successors shall have full power and authority to make, have, and use a common seal, with such device and inscription as they shall

think fit and proper, and the same to break, alter, and renew at their pleasure.

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

5. *And be it enacted*, That the said corporation and their successors shall be, and hereby are authorized and empowered to make, ordain, and establish by-laws and ordinances, and do every thing incident and needful for the support and due government of the said corporation, and managing the funds and revenues thereof; *provided* the said by-laws be not repugnant to the constitution and laws of the United States, to the constitution and laws of this state, or to this act. By-laws.  
Proviso.

6. *And be it enacted*, That the said corporation shall not, at any time, consist of more than thirteen members, who shall be members of the association and citizens of this state, and who or any of whom the said association, at their annual meetings, may change in such manner as to the said association shall seem proper; and the said corporation shall have power and authority to manage and dispose of all moneys, goods, chattels, lands, tenements, and hereditaments, and other estate whatsoever, committed to their trust by the said association; but in cases where special instructions, for the management and disposal thereof, shall be given by the said association, in writing under the hand of their clerk, it shall be the duty of the said corporation to act according to such instructions; *provided* the said instructions shall not be repugnant to the constitution or laws of this state, or of the United States, or to this act. Number of trustees.  
Proviso.

7. *And be it enacted*, That five members of this corporation shall be a sufficient number to transact the business thereof, and to make by-laws, rules, and regulations; and the said corporation shall and may, as often as they shall deem proper, and according to the rules by them to be prescribed, choose out of their number a president and secretary, and shall have authority to appoint a treasurer and such other officers as shall by them, the said corporation, be deemed necessary, to continue in office for such time, and to be succeeded by others in such way and manner as the said corporation shall direct. Quorum.  
Officers.

8. *And be it enacted*, That all questions before the said corporation shall be decided by a plurality of votes, whereof each member present shall have one, except the president, who shall only have the casting vote and voice, in case of an equality in the votes of the other members. Voting.

9. *And be it enacted*, That the said corporation shall keep regular and fair entries of the proceedings, and a just account of Accounts to be made annually.

their receipts and disbursements, in a book or books to be provided for that purpose, and shall yearly exhibit to the association an exact statement of their accounts.

Extent of property.

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

Proviso.

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

C. Passed November 25, 1822.

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AN ACT for appointing trustees for the sale of a tract of land, in the county of Sussex, late the property of Peter Smith, dec. and for disposing of the money arising from the sale agreeably to the will of the said deceased.

Preamble.

WHEREAS it appears that Peter Smith, late of the county of Sussex, deceased, by his last will and testament, dated the sixth day of August, one thousand seven hundred and ninety-five, which will has been duly proved and recorded, did give and devise unto his executors therein named, and to the survivor of them, their heirs, executors, and assigns, a certain tract of land, situate in the township of Greenwich, in said county, with the appurtenances, in trust, for certain uses and purposes in the said will expressed, and after the other trusts should be fulfilled, that the said farm and plantation should be sold by his said executors or the survivor of them, for the best and highest price that could conveniently be gotten for the same, and that the money arising from the sale, should be divided amongst his children: And whereas it appears that the said Peter Smith, did appoint his son Jacob Smith, and Jacob Hulsizer, executors, and Margaret Smith his wife, executrix, of his last will and testament: And whereas it hath been represented, that all the trusts in the said will expressed and limited, have been duly executed, except the last, which yet remains to be executed; and that the said Jacob Smith, Jacob Hulsizer, and Margaret Smith, have departed this life, by which means there is no person remaining, who is authorized to execute the last trust in the said will expressed and limited, viz. that of selling the said land, and dividing the moneys aris-

ing from the sale, agreeably to the will of the said testator: And whereas a number of the children of the said testator have, by their petition, prayed that Charles Carter, and Thomas Stewart, esquires, of the township of Greenwich, in said county, may be appointed trustees to sell and dispose of the said tract of land, and to divide the moneys arising from such sale, agreeably to the true intent and meaning of the said testator—**THEREFORE,**

1. **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 Charles Carter, and Thomas Stewart, or the survivor of them, be, and they are hereby appointed trustees, with full power to sell and dispose of all or any land in the township of Greenwich, belonging to the estate of the said Peter Smith, deceased, with the appurtenances, for the best price that can reasonably be gotten for the same, and to make and execute a good and sufficient deed or deeds of conveyance, to the purchaser or purchasers, for the same, and to divide the moneys arising from such sale, after deducting their reasonable and necessary expenses, and a reasonable compensation for their services, to be allowed by the Orphans' Court of said county, out of the same, between all and every of the children of the said testator, and the legal representatives of any of them, who may be since dead, agreeably to the true intent and meaning of the said last will and testament.

Trustees.

Their duty.

2. *And be it enacted,* That before the said Charles Carter, and Thomas Stewart, or the survivor of them, shall enter upon the execution of the trust reposed in them by this act, they shall enter into bonds, with such sureties and in such amount, to the governor of this state, as shall be approved of by the Orphans' Court, of the county of Sussex, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be deposited in the office of the secretary of this state.

To give bond, &amp;c.

3. *And be it enacted,* That the said Charles Carter, and Thomas Stewart, or the survivor of them, shall within six months after the sale of the said tract of land shall be completed, make, subscribe and exhibit, under oath, unto the surrogate of the said county of Sussex, an exact statement of the amount of the said sale, to be by him recorded and filed in his office agreeably to law; and that the said Charles Carter, and Thomas Stewart, shall be accountable for all moneys by them, or either of them, received by virtue of this act.

Statement of sale, &amp;c. to be recorded, &amp;c. in surrogate's office.

C. Passed November 25, 1822.

AN ACT to authorize the draining of the low grounds in the town of Newark.

WHEREAS certain parts of the town of Newark are subject to great inundations of water, at particular seasons of the year, in consequence of the natural outlet to the river being obstructed, whereby considerable injury hath been sustained by the inhabitants of said town—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Robert B. Camfield, colonel Stephen Hayes, and James Bruen, be, and they hereby are appointed commissioners, with full authority to enter upon and explore the lands in said town adjacent to Washington-street, which are subject to inundations at the breaking up of winter, or at other seasons, and with their workmen and teams to dig or cause to be dug, and completed in such manner as to them shall seem expedient, one or more ditches or drains, so as to prevent in future any inundations of said lands; and also, to divert the course of the water, where necessary, for effecting the object of this act, in the nearest direction to the river: *Provided however*, That it shall not be lawful for the said commissioners to divert any natural stream of water within the said town of Newark, from its usual course, or to diminish the quantity of water ordinarily flowing in such stream, or to dig any ditch or drain in such manner as to injure any building, without the consent of the owner thereof.

2. *And be it enacted*, That whenever the said commissioners shall have determined upon the necessary ditches or drains to be dug, and the manner of constructing the same, they shall make, or cause to be made, an estimate of the expense thereof, which they shall deliver to the town committee of the township of Newark, who are hereby empowered to order the township assessor to levy and assess the amount of the said estimate, or so much thereof, as to them shall appear necessary, upon the owners and possessors of such property in said town, as shall be benefitted by said improvements, in proportion to the value of the property and the benefit arising to the same.

3. *And be it enacted*, That the assessor aforesaid, after assessing the tax so ordered by the township committee, shall deliver a list or duplicate of the same to the township collector, who is hereby authorized and required to collect the said tax; and the said assessor and collector shall perform all the duties required of them by this act, at the same time and under the same responsibilities, and shall be entitled to the same fees as are prescribed and allowed by the laws of this state, regulating

Commissioners.

Not to infringe natural rights.

To make a just estimate of the expense, &c.

Duplicate of the assessment to be delivered to the township collector, &c.

the assessment and collection of state and county taxes; and in case any person so taxed as aforesaid, shall conceive himself aggrieved thereby, application may be made for redress to the commissioners of appeal for said township, who are hereby authorized and required to hear and determine upon the same, as in other cases of taxation.

4. *And be it enacted*, That the township collector shall pay over the moneys collected under this act, to the order of the chairman of the township committee, which committee are hereby authorized to audit and settle all the accounts of the said commissioners arising under this act, and also to settle with and receipt the township collector for said tax; and in case any surplus of the moneys arising therefrom, shall remain after discharging all just claims of the commissioners, the same shall be appropriated as occasion may require, for the maintenance and repair of the said works, under the direction and superintendence of the said committee.

Township committee to audit and settle the accounts of the commissioners.

5. *And be it enacted*, That if any person or persons shall wilfully let, or hinder, or in any way obstruct the commissioners herein appointed, or any of their workmen, or agents, in the prosecution of the improvements authorized by this act, or shall fill up, break down, or in any manner wilfully injure or destroy the same, such person or persons so offending, shall be deemed trespassers, and may be prosecuted therefor by the said commissioners, in their own names under this act, before any justice of the peace in said township.

Penalty of obstructing commissioners, or injuring their works.

6. *And be it enacted*, That in case of the death, removal or resignation of any of the commissioners herein named and appointed, it shall be the duty of the township committee, upon notice thereof, to appoint some fit person or persons to fill such vacancy or vacancies.

How vacancies may be filled.

A. Passed November 25, 1822.

**AN ACT** to authorize the reduction of the Capital Stock, and the number of Directors, of the State Bank at Camden.

**WHEREAS** the president and directors of the State Bank at Camden, have represented to the legislature, that in consequence of the establishment of other banks, and from other causes, the capital stock of said bank, actually subscribed and paid in, is larger than can be employed under existing circumstances—**THEREFORE**,

Preamble.

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That whenever at a meeting of the stockholders of the

said bank, convened at their Banking-house, in Camden, in the manner prescribed by the sixteenth section of the act, entitled "An act to establish State Banks in New-Jersey," a majority of the said stockholders, voting according to the rule, and in the ratio prescribed in the said act, shall determine that a reduction of the capital stock of the said bank is expedient, it shall and may be lawful for the said stockholders, by resolution to be adopted at such meeting, to reduce the capital stock of the said bank, to such sum as they may deem most likely to promote the interests of the said stockholders; and that the capital stock, so reduced, shall and may be employed and the interests and profits thereof be divided among the stockholders, subject to the same provisions, restrictions, limitations and penalties, as are provided in and by the above mentioned act: *Provided always*, That the said capital stock shall not be reduced to a sum less than three hundred thousand dollars; and also, that the said reduction shall not be legally perfected and established, until a copy of the resolution of the stockholders, for that purpose, to be entered into as aforesaid, signed by the president, and countersigned by the cashier of the said bank, and sealed with the common seal of the said bank, shall be delivered to the secretary of this state, to be by him filed in his office, and also until James Parker, David Thompson, jun. and John T. Woodhull, commissioners, appointed on the part of this state, to inspect the accounts and examine into the circumstances of said bank, or in case of the death or refusal to serve of them, or either of them, such other person or persons as shall be appointed for that purpose by the governor of this state, shall, after such examination, report to the said governor, that such reduction of the capital stock has been actually and bona fide made, and that the full amount of the capital stock so reduced, really exists, in good and sufficient moneys, stocks, securities, and other property, in the funds of said bank, and also that such reduction may take place without endangering the interests of persons having claims upon the said bank, and the said report be approved of by the governor and filed in the office of the said secretary.

2. *And be it enacted*, That the said stockholders, convened as aforesaid, and voting as aforesaid, may, if they think proper, order and determine, that at and from the time fixed by the above mentioned act for the next election of directors, the number of directors of the said bank, instead of twenty-one, shall be thirteen, seven of whom shall be citizens resident in the state of New-Jersey, and out of which seven, a president shall be chosen; and that the said order and determination being so made, and a copy thereof signed by the president, and countersigned by the cashier of the said bank, and sealed with the seal of the said bank, and delivered to the secretary of this state, to be by

Reduction of  
capital stock,  
&c.

Commission-  
ers.

Report to be  
filed, &c.

Number of di-  
rectors reduc-  
ed.

Order to be  
filed in secre-  
tary's office.



dent 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, and one collector, who shall be chosen by the inhabitants of the said borough, qualified to vote at town meetings, at their annual town meetings, to be holden on the first Monday of 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, 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 for ever, 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; which said oaths or affirmations may be taken before the mayor, recorder, or either of the aldermen within the said borough of Princeton, a certificate whereof shall be filed with the clerk of the said borough.

Title, oath,  
&c.

Their powers,  
&c.

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 this 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, clerk, 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 or other executive officer authorized to serve process within the same, who is authorized and required to execute the same; which fines and amercements shall be paid to the borough 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.

4. *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 innkeeper, tavernkeeper, 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 Courts of General Quarter-Sessions of the Peace, in this state, and shall also have the sole, only, and exclusive right and power of licensing such and so many hucksters, confectioners, and keepers of oyster cellars, within the said borough, upon such terms and conditions, and under such regulations, as may be deemed most conducive to the good of the inhabitants of the said borough.

5. *And be it enacted*, That in case a vacancy shall happen in the office of mayor or 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 or 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

Proviso.

Proviso.

To license taverns, &amp;c.

Vacancies, how filled.

otherwise, giving at least five days' notice, to call a meeting of the inhabitants of the said borough, qualified to vote at town meetings as aforesaid, who, when assembled, are hereby authorized, by 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.

Taxes, how to be assessed, collected, &c.

6. *And be it enacted*, That the inhabitants of the said borough of Princeton, at their annual town meetings, 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 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 the 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 advertisement, giving at least five days' notice, and propose to them the sum in their opinion 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 the 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.

Proviso.

Improvements to be made by equable assessments.

7. *And be it enacted*, That all such improvements on 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 corporation.

Respecting gaols.

Offenders to be committed to the gaols of Middlesex and Somerset.

8. *And be it enacted*, That it shall be lawful for the mayor, recorder and aldermen, of the said borough, or either of them, to commit every offender against the laws of this state, of the United States, or the ordinances of the corporation of the said borough, whom by law they are authorized to commit, to the county gaols of Middlesex and Somerset, that is to say: for offences committed within their jurisdiction and subject to their cognizance, in that part of said borough which lies in the county of Middlesex, the offenders to be committed to the Middlesex gaol; and for offences under like circumstances, committed in that part of the borough which lies in the county of Somerset, the offenders, respectively, to be committed to the Somerset

gaol: *Provided nevertheless*, That the said corporation shall provide for, and defray, all the necessary expenses incurred by the support of the offenders so committed, by any judicial officer of the said borough, at the same rate, and on the same terms, as if the said offenders had been committed to either of the gaols aforesaid by a justice of the peace in and for either of the counties aforesaid.

9. *And be it enacted*, That the marshal or other executive officer of the said borough is hereby authorized to deliver, and the keepers of the said gaols respectively are hereby required to receive and safely to keep, in custody, all offenders who may be committed to either of the said gaols, by either of the judicial officers of the said borough, until the offenders shall severally be discharged by due course of law.

Gaolers, &c. to receive them, &c.

10. *And be it enacted*, That the mayor, recorder and aldermen, of the said borough, or either of them, upon judgments rendered or to be rendered before them, or either of them, in civil cases, shall and may issue execution and executions according to the provisions of the act constituting courts for the trial of small causes, commanding the marshal or other executive officer of the said borough, for want of goods and chattels sufficient whereof to satisfy the same, to take the body of the defendant or defendants, to the several gaols of the said counties of Middlesex and Somerset, having regard to the county wherein the said judgment was, or shall be rendered; and the keepers of the said gaols, respectively, are hereby required to receive and keep the said defendant or defendants, in execution, upon such terms and conditions as in other cases of a civil nature.

Prerogative of borough officers.

11. *And be it enacted*, That from any judgment rendered, or to be rendered, in civil cases before the mayor, recorder, or either of the aldermen of the said borough, an appeal may be taken to the Inferior Court of Common Pleas of the said counties of Middlesex and Somerset, respectively, wherein such judgment is or shall be rendered, upon such terms, conditions and regulations, as in other cases of judgments rendered before justices of the peace of this state.

Appeal may be made, &c.

12. *And be it enacted*, That the officers, at present elected by the inhabitants of the borough, shall continue to hold their respective offices until the next election, and 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 of the same, and revoking and annulling the powers, privileges and authorities hereby granted.

Powers, &c. to continue ten years.

What repealed.

13. *And be it enacted*, That all other acts, and parts of acts, coming within the purview of this act, and contradictory thereto, be, and the same are hereby repealed.

A. Passed November 27, 1822.

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AN ACT to encourage the formation of an accurate Map of the state of New-Jersey.

1. 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, advance to Thomas Gordon, any sum not exceeding one thousand dollars, the better to enable him to procure additional surveys, and to defray other expenses respecting the formation of an accurate map of this state, and the publication thereof: *Provided*, That he shall give bond to the governor of this state, with security to be by him approved of, to reimburse such sum or sums of money so advanced, not exceeding the sum aforesaid, in two years from the date of said bond, without interest.

C. Passed November 28, 1822.

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AN ACT respecting the Brotherton Indians.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority aforesaid*, That the treasurer of this state be, and he is hereby authorized and required, to demand and receive of Charles Ellis, of Burlington, a transfer of two certificates of six per cent. United States' stock, now standing in his name, as trustee for the Brotherton Indians, amounting to three thousand five hundred and fifty-one dollars and twenty-three cents; and upon such transfer being made, the treasurer of this state is hereby required to pay over to the said Charles Ellis, the sum of two hundred and thirty dollars and seventy-one cents, being the amount of the balance now due to the said Charles Ellis, upon a settlement of his account with the said Brotherton Indians; and that he also pay over to William H. Chandler, or his order, the sum of one hundred dollars, being the amount of money due from the said Brotherton Indians to the said William H. Chandler.

Transfer of certificate, &c.

Balance, &c.

2. *And be it enacted*, That upon such transfer being made, the said Charles Ellis, be discharged from his said trust; and

that the bond executed by the said Charles Ellis, together with William Stockton, Abraham Stockton, William Coxe, and Joseph M'Ilvaine, in the penal sum of fifteen thousand dollars, conditioned for the faithful discharge of said trust, now filed in the office of the secretary of this state, be cancelled and given up to the said Charles Ellis.

Bond cancelled.

3. *And be it enacted*, That as soon as the said transfers shall be made, the treasurer of this state be, and he is hereby authorized and required to pay to Bartholomew Calvin, Jonathan C. Johnson, and John Haddock, on behalf and for the use of the said Brotherton Indians, the sum of one thousand dollars, and that he pay over to the said Brotherton Indians, or their agent duly authorized to receive the same, the interest which may become due upon the balance of said stock remaining in his hands, to be paid every six months from the date of said transfer.

4. *And be it enacted*, That the treasurer of this state be, and he is hereby authorized to pay over to the said Brotherton Indians, or their agent, or for their use, the balance of said stock that shall remain in his hands, upon a warrant to be issued by the governor of this state, as is herein after directed.

Treasurer to pay balance, &c.

AND WHEREAS the said Brotherton Indians, by their petition, report, that they expect to purchase a tract of land in the Michigan Territory, and to settle thereon—THEREFORE,

5. *Be it enacted*, That the governor of this state, as soon as he shall be satisfied that the said Brotherton Indians have made such purchase, be, and he is hereby directed and required to draw his warrant upon the treasurer of this state, directing him to pay over the balance of stock or money remaining in his hands, to the said Brotherton Indians, or to their use, in such manner that it shall operate as a payment for the lands so purchased, and if any balance should remain, after paying said purchase money, the same to be paid over to the said Brotherton Indians, or their agent duly authorized to receive the same.

C. & A. Passed November 28, 1822.

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AN ACT to raise the sum of Ten Thousand Dollars, for the year of our Lord, one thousand eight hundred and twenty-three.

1. 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

Amount to be raised.

lands and tenements within the same, the sum of ten thousand dollars, money of the United States; which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and twenty-four.

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

Quotas of counties.

The county of Bergen, shall pay the sum of six hundred and forty-nine dollars and ninety-six cents.

The county of Essex, shall pay the sum of nine hundred and fifty-five dollars and fifty-one cents.

The county of Middlesex, shall pay the sum of eight hundred and thirteen dollars and thirty-four cents.

The county of Monmouth, shall pay the sum of nine hundred and thirty dollars and ninety-two cents.

The county of Somerset, shall pay the sum of six hundred and sixty dollars and seventy-one cents and a half.

The county of Burlington, shall pay the sum of one thousand and seventy-six dollars and seventy-eight cents.

The county of Gloucester, shall pay the sum of eight hundred and forty-four dollars and eighty cents.

The county of Cumberland, shall pay the sum of three hundred and ninety-six dollars and fifty-four and a half cents.

The county of Salem, shall pay the sum of five hundred and thirty-nine dollars and fifteen cents.

The county of Cape-May, shall pay the sum of one hundred and sixty-one dollars and fifty cents.

The county of Hunterdon, shall pay the sum of one thousand one hundred and thirty-three dollars and ninety-six cents.

The county of Morris, shall pay the sum of seven hundred and eighty-four dollars and one cent.

The county of Sussex, shall pay the sum of one thousand and fifty-two dollars and eighty-one cents.

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

Every covering-horse, above three years old, any sum not exceeding four dollars, to be paid by the person where such horse is kept; all other horses, and mules, three years old and upwards, two cents; all neat cattle, three years old and upwards, one cent.

4. *And be it enacted*, That in assessing the aforesaid sum of

ten thousand dollars, the following persons, articles, and things, shall be valued and rated at the discretion of the assessor, 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 ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors, at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be to the valuation of the land aforesaid.

All householders, (under which description shall be included, all married men living with their parents) the estimated value of whose ratable estate does not exceed thirty dollars, any sum not exceeding one dollar, over and above their certainties and other estate made ratable by this act.

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

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

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

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

All furnaces, any sum not exceeding five dollars.

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

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

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

All snuff-mills, any sum not exceeding two dollars and fifty cents.

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

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

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

Every ferry or toll-bridge, any sum not exceeding seven dollars and fifty cents.

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 fifty cents: *Provided*, That every single man, possessed of a ratable estate, the tax whereof amounts to the sum above directed to be rated, shall be assessed for that estate only: *And provided also*, That any one taxed as a single man, shall not be taxed as a house-holder.

Every male slave, between the ages of fifteen and sixty years, any sum not exceeding twenty-five 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 ten dollars.

All other distilleries used for distilling spirits, any sum not exceeding two dollars and fifty cents, having due regard to the size or capacity and use of said stills.

Every coach or chariot, any sum not exceeding one dollar and fifty cents.

Every phaeton, coachee, or four wheeled chaise, and every light-waggon, with steel or iron springs, any sum not exceeding one dollar.

Every four-horse stage-waggon, any sum not exceeding one dollar and twenty-five cents.

Every two-horse stage-waggon, any sum not exceeding seventy-five cents.

Every covered waggon, with a fixed or framed top, any sum not exceeding twenty cents.

Every two-horse chair or curricule, and every two-horse riding chair, with steel or iron springs, any sum not exceeding thirty cents.

Every riding-chair, gig or sulkey, stuffed and lined, any sum not exceeding twenty cents.

Every windsor riding-chair or sulkey, any sum not exceeding eight cents.

Mode of assessment and collection.

5. *And be it enacted*, That the said sum of ten thousand dollars shall be assessed, levied, and collected, in the manner prescribed by the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven 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 said act; and the assessors, collectors, and other officers, concerned in the assessment and collection of the said tax, shall be entitled to the fees and compensation allowed by the before recited act.

C. Passed November 27, 1822.

**A SUPPLEMENT** to the act entitled, "An act to regulate the pasturing of lands and meadows lying on Manasquan Beach, in the county of Monmouth," passed the fourth day of December, one thousand eight hundred and four.

1. **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 person who now is, or may hereafter become, owner of any part of Manasquan Beach, to prosecute such person or persons who may pasture said beach contrary to the provisions of the act, to which this is a supplement, in his, her, or their own name or names, and that the fines and forfeitures by said act inflicted, shall, when recovered, be appropriated in the same manner, and in the same proportion, as is prescribed by the said act, to which this is a supplement.

Offenders may be prosecuted.

2. *And be it enacted,* That all such parts of the act, to which this is a supplement, as are inconsistent with the provisions of this act, shall be, and the same are hereby repealed.

What repealed.

C. Passed November 29, 1822.

**A SUPPLEMENT** to the act entitled, "An act to establish the Sussex Bank, at Newton, in the county of Sussex."

1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That none but a stockholder, being a citizen of the United States, and resident in the present county of Sussex, in the state of New-Jersey, and worth at least, in real estate, in the said county, the sum of one thousand dollars, over and above all incumbrances, shall be eligible as a director of the said bank.

Who may be a director.

2. *And be it enacted,* That the treasurer of this state, for the time being, shall and may, at all elections for directors of the said bank hereafter to be held, either in his own proper person or by his attorney in fact, by him, as treasurer, duly authorized, vote for directors of said bank, according to the number of shares owned by this state in the capital stock of the said bank.

Treasurer may vote, &c.

3. *And be it enacted,* That the second rule in the thirteenth section of the act to which this is a supplement, be, and the same is hereby repealed.

What part repealed.

C. Passed November 27, 1822.

A SUPPLEMENT to an act entitled, "An act to regulate the Newark Fire Department," passed the eleventh day of February, one thousand eight hundred and fifteen.

1. 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 persons exempted from personal labour on the highways, in and by the ninth section of the act to which this is a supplement, shall be, and they are hereby exempted from personal labour on the said highways, for any time not exceeding three days, and no longer, in each year. And whenever the said highways shall be worked by hire, the said persons shall be, and they are hereby exempted from any tax for that purpose; not exceeding three dollars in each year.

A. Passed November 28, 1822.

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AN ACT for the support of the government of the state of New Jersey.

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

Governor's salary.	To the governor of this state, for the time being, at the rate of two thousand dollars by the year.
Chief justice.	To the chief justice of the Supreme Court of this state, for the time being, at the rate of twelve hundred dollars by the year.
Other justices.	To the other justices of the Supreme Court, for the time being, at the rate of one thousand one hundred dollars by the year.
Treasurer.	To the treasurer of this state, for the time being, at the rate of one thousand dollars by the year.
Law reporter.	To the law reporter of this state, for the time being, at the rate of two hundred dollars by the year.
Attorney-general.	To the attorney-general of this state, for the time being, at the rate of eighty dollars by the year.
Adjutant-general.	To the adjutant-general of this state, for the time being, at the rate of one hundred dollars by the year.
Quartermaster-general.	To the quartermaster-general of this state, for the time being, at the rate of one hundred dollars by the year.

All of which salaries shall be paid to the several officers before

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

2. *And be it enacted,* That there shall be paid to the vice-president of council, and to the speaker of the house of assembly, the sum of three dollars and fifty cents; and to every member of the council and assembly, the sum of three dollars, for each and every day they have respectively attended this, or may attend any future meeting or sitting of the legislature; and to every member, the additional sum of three dollars, for every twenty miles of the estimated distance, by the most usual road, between his place of residence and the seat of government, in going and returning, on a certificate to be produced to the treasurer, expressing the sum due, and the number of days and miles, signed by the president or vice-president of council, for the members of council, and by the speaker of the house of assembly, or by Garret D. Wall, James J. Wilson, Gershom Mott, and William B. Ewing, or any two of them, for the members of the house of assembly.

Compensation  
of members of  
the legislature.

Certificates.

3. *And be it enacted,* That there shall be paid to the secretary of the council, and to the clerk of the assembly, the sum of three dollars and fifty cents each, for every day they have respectively attended this, or may attend any future sitting of the legislature, and the sum of eight cents by the sheet, computing one hundred words to the sheet, for entering the minutes of the council and assembly, and the joint-meeting, fairly in the journals, and five cents by the sheet, for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice-president of the council, for the secretary of council, and by the president of council, or by the speaker of the house of assembly, for the clerk of assembly.

Clerks, for  
copying.

4. *And be it enacted,* That the treasurer pay to such person or persons, as may print the law reports, and such person, or persons, as shall be appointed by the house of assembly, for printing the laws of this state, and the votes and proceedings of the assembly, and to such person as shall be appointed by council, for printing the journals of council and minutes of the joint-meeting, thirty-nine dollars for every sheet thereof, and that thirteen hundred copies of the same be printed; and for printing the laws and law-reports, forty-one dollars for every sheet thereof, and that sixteen hundred copies of the same be printed, and that the printer of the laws be required to print the public and private acts, in such a manner, that they may be bound separately.

Printers.

Sergeant at  
arms and door-  
keeper.

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

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

Continuance  
of this act.

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

C. Passed November 29, 1822.

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AN ACT to enable the chosen freeholders, of the county of Gloucester, to build a Bridge over Mantua creek, at a place called Crown Point.

1. *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 board of chosen freeholders, of the county of Gloucester, to repair, rebuild, and keep in good order, a good and sufficient bridge over Great Mantua creek, at a place called Crown Point, so as to meet the roads now laid out in the townships of Deptford and Greenwich, the expense whereof to be defrayed by the said county of Gloucester.

2. *And be it enacted*, That if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or plank belonging to, or a part of said bridge, posts, or piles, or shall remove any piece or pieces of timber, or any plank or planks off said bridge, or any iron work belonging to the said posts or piles, or otherwise wilfully damage, or do any act which may have a tendency to injure said bridge, unnecessarily, he, she or they so offending, shall for each and every offence, forfeit and pay the sum of ten dollars, over and above the damage done to the said bridge, to be recovered in an action of debt, before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the

use of the prosecutor, and the other half to be for the use of the county of Gloucester.

3. *And be it enacted*, That the act entitled, "An act to enable the chosen freeholders, of the county of Gloucester, to build a Draw-bridge over Great Mantua creek, at a place called Crown Point, passed November seventh, one thousand eight hundred and nine, be, and the same is hereby repealed.

A. Passed November 28, 1822.

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AN ACT to defray Incidental Charges.

1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be lawful for the treasurer of this state, to pay to the several persons herein after mentioned, namely:—

To William Gould, for ten and one-quarter cords of wood, sixty-nine dollars, twelve and one-half cents.

To Joseph Justice, for stationary for council, six dollars.

To Joseph Justice, for stationary for the house of assembly, thirty dollars and six and a quarter cents.

To Westley P. Hunt, for decanters and tumblers, two dollars, forty-three cents.

To John R. Smith, for glass and putty, one dollar and nine cents.

To William Gould, for receiving, cording, and sawing wood, and sundry articles, eighteen dollars, eighty-six cents and one-half.

To Samuel Brearley, for mending andirons, one dollar, ninety-one and a half cents.

To Justice & Potts, for newspapers furnished the two houses, fourteen dollars and eighty cents.

To E. Littell, for stationary, five dollars, fifty-six cents.

To William Gould, for work, three dollars.

To his excellency I. H. Williamson, for postage and messenger going to Monmouth county for the list of nomination for members of congress, forty-seven dollars and forty-three cents.

To David Taylor, for mending arms, and sundries, twenty-four dollars, twelve and a half cents.

To William L. Prall, for filing the papers and documents, agreeably to the report of the committee, fifty dollars.

To Daniel Coleman, for a book purchased by order of council, and forwarding laws to the several states and territories in the United States, ten dollars.

To James J. Wilson, for printing bills for the use of the two houses, during the present session, one hundred and twelve dollars; for publishing the public acts of last session, twenty dollars; and for newspapers furnished the legislature this session, eleven dollars and fifteen cents; and for printing circulars to the clerks of counties of nominations for congress, and lists of acts for the members of the legislature, five dollars.

To Francis S. Wiggins, for printing bills for house of assembly, seven dollars.

To George Sherman, for newspapers for the legislature, thirteen dollars and fifty cents.

To Thomas Cain, for candles, six dollars, sixty-six cents.

To William Griffith, for seven sets of the third and fourth volumes of his Law Register, seventy dollars.

To Thomas C. Sterling, for sundries, seventy-three cents.

To John C. Chambers, for sundries, one dollar, thirty-five cents.

All which sums shall be paid out of any moneys in the treasury not otherwise appropriated.

C. & A. Passed November 29, 1822.

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## REPORT AND RESOLUTIONS

**RESPECTING** the balances due from sundry Sheriffs and county Collectors, on the books of the Treasurer of this State.

The committee to whom was referred a report from the treasurer of this state, made in compliance with a resolution of this house, containing a statement of the balances standing due on the books of the late treasurer, against sundry sheriffs and county collectors,

### **RESPECTFULLY REPORT,**

That from the best information your committee have been able to obtain, they are induced to believe, that of the sum of three thousand one hundred and fifty-five dollars and thirty-one cents, appearing to be due from sheriffs, two thousand five hundred and thirty-five dollars and five cents may be collected, unless it should be found that the courts of the respective counties have remitted any part thereof, of which the committee have no

**evidence**—That the balance of six hundred and twenty dollars and twenty-six cents, is more doubtful, as the sheriffs from whom it was due, are either dead, insolvent, or have absconded; but the committee would hope, that in the cases where the sheriffs are deceased, their executors or administrators, and in cases of sheriffs who have become insolvent or have absconded, that their sureties may be able to discharge the respective balances.

Of the sum of eight hundred and fifty-eight dollars and eighty-eight cents, due from county collectors, the committee believe no part need be lost.

The committee, after the best consideration they have been able to give the subject, recommend to the House the adoption of the following resolutions:

*Resolved*, That the treasurer of this state, be, and he hereby is directed to notify the several sheriffs, and county collectors, against whom balances appear to be due, and the executors, administrators or sureties of such as have died, are insolvent, or have absconded, of the amount which appears to be due from such sheriffs and county collectors respectively, and of the necessity of an immediate settlement of the same.

*Resolved*, That the treasurer of this state, be, and he hereby is directed, in case any of the said accounts shall remain unsettled, and the balance found due unpaid, for more than three months from the time the said notification shall have been given as aforesaid, to deliver or transmit to the attorney-general of the state, a list of the balances so remaining unpaid, with the interest due thereon, certified by him as treasurer of the state; and that the said attorney-general, be, and he hereby is directed, on the receipt of such list, to commence such suits for the recovery of the said balances as the circumstances of each case may require.

*Resolved*, That in all cases when a settlement shall take place, and the balance found due, be paid before the expiration of the three months, from the time of notification as aforesaid, the treasurer of the state, be, and he hereby is authorized and directed to remit the interest due on such balances; but in all cases where such settlement and payment shall not be made within the said three months, the attorney-general of the state, be, and he hereby is directed to prosecute for both principal and interest.

*Resolved*, That the attorney-general of the state, be, and he hereby is directed, to pay any moneys which he may recover on suits brought as aforesaid, into the treasury of the state, for the use of the same; and that he lay before the legislature at their next session, an account of his proceedings herein, and his charges for his services.

C. Passed November 27, 1822.

Preamble and Resolution relative to the Pennsylvania and New-Jersey, Communication Company.

WHEREAS by a convention of the states of New-Jersey and Pennsylvania, held in the year seventeen hundred and eighty-three, the commissioners, on behalf of each, entered into a compact, whereby the river Delaware and its waters should be and remain of common use to the two states, and that neither should thereafter be authorized to erect any improvements thereon, or divert its waters for separate use, without the consent and approbation of the other: *And whereas* the said river borders on the two states, about one hundred and fifty miles, and unless each shall disregard considerations of the private local interest of her citizens, many important improvements on or over the said river, may be entirely defeated, the utility of which, on the score of general policy, could not be questioned: *And whereas* the legislature of this state has passed an act incorporating a company, to erect a bridge from a point near Camden, to Windmill Island, together with two supplements, containing also a provision that said act shall not take effect, or become a law, until an act of concurrent import shall be passed by the state of Pennsylvania: *And whereas* the opinion of successive legislatures has been expressed, from time to time, for several years, with more than common unanimity, in favor of the passage of said acts: *And whereas* the two states have strong ties of mutual interest, and in a great degree even the same interest in the growth and prosperity of Philadelphia; and it is desirable that they should always maintain the present reciprocal good feelings, and desires to meet the views of each other, more especially as to a free intercourse, therefore it is hoped that the legislature of Pennsylvania, after seeing the importance which the legislature of this state have for several years attached to this public improvement, will with their accustomed liberal and dignified policy, take the subject into their early consideration, and concur in the views and wishes of this state, by granting a liberal authority to erect the said bridge on the site aforesaid, on such terms as are usual in such corporations, and such as will encourage individuals to make the investments necessary to complete the work—THEREFORE,

RESOLVED by the Council and General Assembly of this State, that the governor be, and he is hereby requested to communicate this resolution and preamble, together with the memorial of the directors of the Pennsylvania and New-Jersey Communication Company, to the governor of the state of Pennsylvania, with a request that he will cause them to be laid before the legislature of that state, at an early day of their next session.

C. Passed November 22, 1822.

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