

PUBLIC ACTS.

ACTS

OF THE

FORTY-SIXTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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



TRENTON:

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NEW YORK

GENERAL ASSEMBLY

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ACTS

OF THE

FORTY-SIXTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.



An Act for the instruction of indigent deaf and dumb persons,
inhabitants of this State.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That a sum not exceeding two thousand dollars, be appropriated annually, out of any moneys in the Treasury not otherwise appropriated; to be applied under the direction of the Governor, or person administering the government, for the instruction, or placing for instruction, in some suitable and convenient institution established for that purpose, such indigent deaf and dumb persons, inhabitants of this state, as may be duly recommended to him by the Board of chosen freeholders of the county in which such indigent deaf and dumb person may reside, stating that said deaf and dumb person is in such indigent circumstances as to be unable from their own resources or those of their parents or guardians, to obtain instruction for themselves, and is of good natural capacity: *Provided* each person so to be instructed, shall have attained the age of twelve years: *And provided also,* The amount per annum for any one individual shall not exceed the sum of one hundred and sixty dollars, nor the term of instruction three years.

Money appropriated,
&c. for the
instruction of
deaf and dumb
persons, &c.

Proviso.

C. Passed Nov. 10, 1821.

A Supplement to an act, entitled "An act to suspend the sentence of death in certain cases, until after the meeting of the Governor and Council," passed the sixteenth day of November, eighteen hundred and twenty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when a reprieve shall be granted under the act to which this is a supplement; and a pardon shall not be granted to the offender from the sentence of death, at the next meeting of the Governor and Council, after such reprieve; it shall be lawful, and it is hereby made the duty of the Governor and Council to appoint a time for the execution of such criminal, which shall be thereupon entered in the minutes of the court of pardons; a copy whereof duly certified by the Secretary of state under his seal; it shall be the duty of the Governor for the time being, or the person administering the government, to cause to be transmitted by a special messenger to the Sheriff of the county in which the criminal aforesaid was tried, at least twenty days before the day appointed for the said execution, the expense of which shall be paid out of the Treasury of this state, upon an order of the Governor or person administering the government, for that purpose; and upon the receipt of such notice and the time therein set forth, the said Sheriff shall, and he is hereby commanded to put the sentence aforesaid into execution according to the time appointed as aforesaid, any thing in any law to the contrary notwithstanding.

Governor and Council to appoint the day of execution.

The Governor to communicate by special message to the sheriff, &c.

What is repealed.

Sec. 2. *And be it enacted,* That the second section of the above recited act, be, and the same is hereby repealed.

C. Passed Nov. 26, 1821.

A further Supplement to the act for the preservation of Sheep, passed June the ninth, one thousand eight hundred and twenty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the inhabitants of the several townships in the county of Bergen, may at their annual town-meetings, by a majority of votes to be taken, lower the tax on Dogs or Sluts, to any sum below the present tax: *Provided,* the tax so to be lowered or brought down, shall not be less than twenty-five cents on the first dog or slut, and not less than fifty cents on a second one kept by the same person, and the said tax to be levied, collected, and applied as is directed in the original act.

Tax on dogs and sluts, reduced in Bergen county.

C. Passed November 23, 1821.

An Act to establish a new township in the county of Salem, to be called the township of Centreville.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all that part of the township of Pittsgrove, in the county of Salem, to the southward of the following line, that is to say: Beginning near the houses of Jacob Newkirk and Jonathan Jagers, at the corner in the line between Salem and Cumberland, and running thence north seventy degrees thirty minutes east, through Broad Pond, to the line of Gloucester county, shall be, and hereby is, set off from the said township of Pittsgrove, and erected and established a new township in the county of Salem, to be called and known by the name of the township of Centreville: *Provided*, that this act shall take effect, and be in force, from and after the first day of March next and not before.

Boundaries
of the town-
ship of Cen-
treville.

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

Style, privi-
lege, &c.

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Centreville shall hold the first town-meeting at the inn of Isaac Green, at Centreville, on the day appointed by law for holding the annual town-meeting in the other townships in the county of Salem.

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

Time of meet-
ing for settle-
ment, &c.

C. Passed November 19, 1821.

A further Supplement to the act, entitled "An act concerning Wills."

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in all cases wherein by any last will and testament, made since the sixteenth day of November, one thousand seven hundred and ninety-five, a power hath been given to two or more executors therein named, or any of them, to sell and dispose of the lands, tenements, and hereditaments of their testator, and the executors, so empowered, shall or may, all or any of them, have taken upon themselves the burden and execution of such last will and testament, and in all cases, wherein by virtue of the ninth section of the act entitled "An act concerning wills," passed the sixteenth day of November one thousand seven hundred and ninety-five, a power shall have been, or may be vested in the acting executors of any last will and testament, to sell and convey the lands, tenements and hereditaments of their testator, and one or more of such executors shall have died, or shall die, that then, and in either case, the trust shall be taken and deemed to have vested in the surviving acting executors or executor; and it shall be lawful for the acting and surviving executors or executor, named in any such last will and testament, to sell and dispose of the lands, tenements, and hereditaments of the testator, in the same manner, to all intents and purposes, as if all had been living and joined in such sale.

On what conditions a surviving executor, &c. may proceed to sell real estate of a testator.

C. Passed November 29, 1821.

A further Supplement to the act, entitled "An act to preserve and support the jurisdiction of this State," passed December third, one thousand eight hundred and seven.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the boundary lines of the counties of Salem, Cumberland and Cape May, are hereby declared to be the main ship channel in the river and bay of Delaware adjoining said counties respectively.

Boundary lines designated, between this state and the state of Delaware.

Sec. 2. And be it enacted, That the sum of two thousand dollars be appropriated, under the direction of the Governor of this state, for the time being, who is hereby authorized and empowered, at his discretion, to prosecute or defend, to final issue or judgment, any suit, or suits, which he may deem necessary for trying, or finally determining the jurisdictional line between

Money appropriated, &c. for the defence and support of the same.

this state and the state of Delaware, and for defending the common and exclusive rights of the citizens of this state to the natural oyster banks within the same.

Sec. 3. *And be it enacted*, That if the state of Delaware shall, at any time before the first day of May next, empower commissioners to enter into a friendly negotiation with the state of New-Jersey, for the settlement of the aforesaid jurisdictional line, it shall, in that case, be lawful for the Governor, or person administering the government of the state, on receiving due notice thereof, to appoint commissioners for that purpose, agreeably to an act passed November seventh, one thousand eight hundred and twenty, entitled "An act concerning the boundaries and jurisdiction of this state in the bay of Delaware," and that he be also empowered to stay proceedings at law, if he deem it expedient, while such negotiations are pending.

When Com-
missioners
may be ap-
pointed to set-
tle the same,
&c.

A. Passed November 21, 1821.

An additional Supplement to the act, entitled "An act to preserve and support the jurisdiction of this State," passed the twenty-fifth day of February, one thousand eight hundred and twenty.

Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That in case of proceeding to judgment in any suit whatever in any court of law or equity in the state of New-York, against a citizen or inhabitant of this state, or any agent, captain, servant, or other person employed by such citizen, or inhabitant of this state, for navigating a boat moved by steam or fire, in the waters between the ancient shores of the states of New-Jersey and New-York, that then the provisions of the third and fourth sections of the further supplement to the act entitled "An act to preserve and support the jurisdiction of this state," which further supplement was passed February the twenty-fifth, one thousand eight hundred and twenty, shall be effectual to all intents and purposes, against the plaintiff or plaintiffs in such suit, and all and every person or persons claiming a right, or navigating a steam-boat, derived from, or under such plaintiff or plaintiffs, or under any right or license of such plaintiff or plaintiffs, claimed by virtue of, or under colour of any act of the legislature of the state of New-York, or all and every person or persons that may remove into this state with a view to evade the intentions of this act, the same as if they had been plaintiff or plaintiffs in any order or writ of injunction of the court of chancery of New-York.

C. Passed November 24, 1821.

A further Supplement to the act, entitled, "An act constituting courts for the trial of small causes," passed February twelfth, one thousand eight hundred and eighteen.

Appeal made to, and determined by court of common pleas, except the parties demand a new trial.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That upon every appeal now depending, or which may hereafter be made to any inferior court of common pleas of this state, from the judgment of any justice of the peace, founded upon the verdict of a jury, by virtue of an act, entitled A supplement to the act, entitled "An act constituting courts for the trial of small causes," passed the twelfth day of February, one thousand eight hundred and eighteen, which said supplement was passed the seventeenth day of November, one thousand eight hundred and twenty, the court to whom such appeal is or shall be made, shall hear and determine the same as in other cases, unless either of the parties to the said appeal shall demand a trial by jury, in which case the sheriff shall return a jury, either immediately or at such future time as the said court shall direct, and that by order of the court and without writ.

Reports of referees here determined.

Sec. 2. *And be it enacted*, That if such judgment shall have been rendered upon the report of referees, the court of common pleas to which such appeal shall be made, shall have power to enquire into such report of referees, and the judgment thereupon, and either to affirm or set aside the same for the same causes and upon the same principles as reports of referees are set aside in such court in other cases, and to award a trial before themselves, if need be, in the same manner as is directed in the preceding section.

Time for trial extended to thirty days, &c.

Sec. 3. *And be it enacted*, That the time within which the trial shall be had in causes instituted in the said court for the trial of small causes, shall not be limited to fifteen days, as heretofore, but shall be extended to thirty days from the return of the original process, and that there shall be no judgment of non-suit or discontinuance after the merits of the cause on either side are submitted to the court or jury, in cases of trial by jury, unless by the consent of both parties.

On filing affidavit, what additional evidence may be given, &c.

Sec. 4. *And be it enacted*, That upon the trial of any appeal hereafter to be brought before any inferior court of common pleas of this state, the parties to the said appeal shall be confined to the same evidence that was offered upon the trial before the justice, unless the parties to the said appeal, or either of them, shall, at the term to which said appeal is made, file an affidavit with the clerk of the court to which such appeal shall be made, stating that he hath newly discovered evidence, and setting forth the substance of the same, and the names of witnesses to be ex-

amined, in which case the said court of common pleas, shall upon the trial of the said appeal admit the said newly discovered evidence, provided the same shall be otherwise legal and proper, and that the said court of common pleas may permit the appellant to substitute a new appeal bond, in the place of the appeal bond filed and sent up by the justice, provided that no delay in the trial of the said appeal shall be occasioned thereby.

Sec. 5. *And be it enacted,* That in all cases of trial by jury, before the said courts of common pleas upon appeals, the following additional costs shall be allowed and taxed with the other costs of suit, to wit :

Additional costs allowed.

To the Sheriff.

For making out and returning a list of the jury, twenty cents.

To the Clerk of the said Court.

For calling and swearing the jury, - - fifteen cents.

Taking and entering verdict, - - - - ten cents.

To the Cryer.

For calling jury, - - - - - six cents.

To the Jurors.

The same fees as are allowed in other cases in the court of common pleas.

To the Constable.

For attending jury, - - - - - twenty-five cents.

Sec. 6. *And be it enacted,* That in all cases of appeals, the court of common pleas, to which such appeal shall be taken, upon filing of the appeal bond, with the clerk of said court, shall, if they are satisfied with the legality and sufficiency of the same, have power to order a stay of the execution which may have been issued by the justice, until the said court of common pleas shall make some further order thereon, a rule to which effect shall be entered in the minutes of the said court, and a copy thereof certified by the clerk, shall be served on the constable in whose hands the execution may be : *Provided always,* That no appeal shall be granted to remove a judgment rendered upon the verdict of a jury, or on the report of referees, unless the party demanding the appeal shall at the time of filing the appeal bond with the justice, also file with him an affidavit, made by the said party, stating that the said appeal is not intended for the purpose of delay, and that he verily believes that he hath a just and legal defence to make upon the merits of the case—which said affidavit the said justice shall cause to be sent up to the court, to which the appeal is taken, with the other papers in the cause.

On filing appeal bond, execution may be stayed.

Proviso.

What repealed.

Sec. 7. *And be it enacted*, That the third, fourth, and fifth sections of the act, entitled A Supplement to the act entitled, "An act constituting courts for the trial of small causes," passed the twelfth day of February, one thousand eight hundred and eighteen, which said supplement was passed November seventeenth, one thousand eight hundred and twenty, be, and the same are hereby repealed.

A. Passed November 23, 1821.

A Supplement to the act, entitled, "An act to constitute and appoint trustees for the security and management of the fund for the support of free schools."

Trustees authorized to invest the moneys in stock, &c.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the trustees for the support of free schools, or a majority of them, be, and they are hereby authorized and empowered to invest, at their discretion, all moneys in the school fund, whether principal or interest, in public stock, bank stock, or on private security, until otherwise directed by the legislature.

Treasurer to make annual report, &c. to Board of Trustees.

Sec. 2. *And be it enacted*, That the Treasurer of this state, shall annually make and furnish to the board of trustees for the support of free schools, on the first day of the stated annual meeting of the legislature, and at such other times as the majority of said trustees shall require the same, a particular statement of the school fund, containing an account of the stocks and all other securities belonging to said fund, with the dates of investment, their value and the interest arising from each denomination of stock and other securities—together with an account of moneys in the Treasury belonging to said fund.

Secretary of State to be Secretary of the Board.

Sec. 3. *And be it enacted*, That the Secretary of state, and his successor in office, for the time being, be, and he is hereby constituted and appointed secretary of the said Board of trustees, whose duty it shall be to record, in a book to be kept for such purpose, the proceedings of the said Board and the accounts to be furnished by the Treasurer as herein before directed.

C. Passed November 26, 1821.

A further Supplement to the act, entitled "An act to issue commissions for the examination of witnesses, and to take their depositions in certain cases," passed February the eighteenth, one thousand seven hundred and ninety-nine.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the commissioner, or commissioners appointed, or hereafter to be appointed, under and by virtue of the act to which this is a supplement, or under and by virtue of the general power and authority of the court of chancery, or any two of them, having first taken an oath or affirmation, faithfully, fairly and impartially, to execute the said commission, which oath or affirmation may be taken before any person lawfully authorized to administer an oath or affirmation in the state, territory or kingdom where the said commissioner or commissioners reside, or may be at the time, shall and may examine every witness named in the said commission, or such as can be met with, upon the interrogatories annexed to the said commission, on oath or affirmation, to be administered to each and every witness by the said commissioner or commissioners, and cause the examination of each and every such witness, to be reduced to writing, and signed by such witness. And the said commissioner or commissioners shall also sign the same, and annex such examination and all exhibits produced to the said commissioners, and proved by such witness, and close the same up under the hand and seal of the said commissioner, or under the hands and seals of the said commissioners, or any two of them, and direct the same to the chancellor, justices or judges of the court out of which the same issued, at the place of holding the said court—and shall and may place the same in any post-office, certifying thereon the time when, and the post-office in which the same may be so placed—and that the chancellor, or any one of the justices or judges of the court to which it may be directed, may take the same out of the post-office in which it may be found in this state, and open the same and endorse thereon, how, or in what manner, he received the same, and subscribe his name to the said endorsement; or the party in the said commission, his attorney or agent, may take the same out of the post-office and deliver it to the said chancellor, justice or judge, making oath or affirmation before such chancellor, justice or judge, that he or she received the same out of the post-office, designating the time and place when and where received, and that the same has not been opened or altered since he or she so received it—and the said chancellor, justice or judge making the like endorsement thereon, shall then deposit the same, and the said affidavit or affirmation, with the clerk of the court out of which the same issued, there to remain as a record.

Before whom
commission-
ers may be
sworn, &c.

and witnesses
examined, &c.

How com-
mission must
be returned,
and to whom,
&c. &c.

Sec. 2. *And be it enacted*, That if it shall be more convenient for the party in the said commission, his attorney or agent, to receive the said commission and return closed up and directed as aforesaid, from the hands of the said commissioner or commissioners, it shall and may be lawful for him so to do, and he or she shall thereupon deliver the same to the chancellor or any one of the justices or judges of the court out of which the same issued, making oath or affirmation, as is directed in the first section of this supplement; and the said chancellor, or justice or judge, shall thereupon endorse the same and deposit it as is also therein directed.

Sec. 3. *And be it enacted*, That the several provisions of this act, so far as the same can be applied, shall extend to the court for the trial of small causes and commissions issuing therefrom.

Second section of a former act repealed.

Sec. 4. *And be it enacted*, That the second section of the act to which this is a further supplement, be, and the same is hereby repealed.

C. and A. Passed November 27, 1821.

A Supplement to the act, entitled "An act respecting the office of Treasurer."

Sec. 1. 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 any Treasurer of this state, shall, during the recess of the Legislature, die, resign, or remove out of the state, or become disqualified to execute the duties of his office, it shall be the duty of the Governor or person administering the government, to appoint some fit person to execute the duties of Treasurer, who shall continue in office until the next joint-meeting of the Legislature after the said appointment: And the person administering the government, shall, by proclamation, give public notice of such appointment; and in such cases the Treasurer so appointed, shall, prior to entering upon the duties of his office, give bond, with sufficient sureties, to be approved of by the Governor, or person administering the government, and a privy council, in the sum of fifty thousand dollars, in the manner and as prescribed by the act to which this is a supplement, and shall also take the oath of office, as in the said act prescribed.

On certain contingencies, the governor authorized to appoint a Treasurer, &c.

Bond, to what amount, to be given, &c.

Sec. 2. *And be it enacted*, That the official bond of every person appointed to the office of Treasurer of this state, shall remain and continue in full force and effect against such Treasurer and his sureties, until such person or his sureties, shall procure and file in the office of the Secretary of this state, a cer-

tificate duly executed by the committee, to be appointed to settle and audit the accounts of such person as Treasurer, approved of by the Legislature, expressing that the accounts of such person, as Treasurer, are regularly stated and balanced, and also that the balance of moneys, evidences of public stock, securities and other effects, if any there be, are actually in the Treasury, or deposited in some bank, as directed by law; which certificate so procured and filed, shall be a discharge of the sureties in the said bond; but shall in no way affect or impair the legal liability of the Treasurer.

Certificate, &c. to be filed in Secretary's office, &c.

Sec. 3. *And be it enacted*, That the Treasurer is hereby directed and required to deposit all moneys which shall, from time to time, come into his hands as Treasurer, in one or more of the chartered banks of this state, within three days after receiving the same; and the moneys so deposited, shall be placed to his account as Treasurer—and the Treasurer shall always keep a bank-book, or books, in which shall only be entered his account of moneys deposited by him or to his credit as Treasurer, and moneys drawn from the banks in which he shall so make deposits, in which book or books shall be truly entered and stated every year, all his credits and debits up to the first day of the annual meeting of the Legislature, and the balance struck and certified by the cashier of the bank; and shall exhibit such book or books properly balanced and settled on every settlement of his accounts for examination and inspection, and that the Treasurer shall not be authorized to draw any moneys so deposited by him, or to his credit unless by check subscribed by him as Treasurer, and countersigned by the Secretary of state.

To deposit all moneys received in some chartered bank within three days, &c. &c.

Checks to be countersigned by the Secretary of State.

Sec. 4. *And be it enacted*, That after striking the balance and certifying the same, as aforesaid, it shall not be lawful for any bank to pay any checks or draughts of the Treasurer, until they shall have been duly notified by the Secretary of state of the election of a Treasurer for the ensuing year; and that he hath given bond according to law; which notice it is hereby made the duty of the said Secretary to give to all the chartered banks within this state, immediately after such election, as aforesaid.

No checks of a Treasurer to be accepted by any bank, till officially informed of his election by Secretary of State, &c.

Sec. 5. *And be it enacted*, That all moneys deposited as aforesaid by the Treasurer, or to his credit, in any bank of this state, and standing to his credit at the expiration of his office, shall be carried to the account of his successor in office; and the banks shall transfer such accounts accordingly, upon producing to them a certificate from the Secretary of state of the appointment of such successor in office.

C. and A. Passed November 27, 1821.

An Act to regulate the packing of Herrings for exportation.

Sec. 1. *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 herring designed for exportation, which shall

In what condition herring must be packed, and in what casks, &c.

be packed after the passing of this act, shall be sound and merchantable, well packed and well secured with a proper quantity of salt and pickle, in tight casks, made of good, sound, well seasoned white-oak timber, hooped with at least fourteen good and substantial hoops, secured at each bilge with three pins, and at each head or chime hoop with at least three nails, and the casks shall be of the following dimensions, viz. The length of the stave when in the cask, shall be twenty-seven and a half inches; the head,

Dimensions of the casks, &c.

seventeen and a half inches; the bilge, twenty inches; and to contain twenty-eight gallons, wine measure—and every half barrel containing herring, designed for exportation, shall be of the gauge of fourteen gallons of the measure aforesaid; and each and every barrel or half barrel of herring designed for exportation, shall be branded with the initial letter of the christian name, and the surname at full length, of the person or persons putting up the same, or of the person selling such herring, under the penalty of fifty cents for each and every barrel or half barrel sold and delivered, not branded as aforesaid; and in case the aforesaid barrels or half barrels of herring, not being branded as aforesaid, and after the fine being paid, the inspector, appointed by virtue of this act, may brand them with his name in the manner hereafter described, for which he shall demand and receive from the person selling the same, the sum of six cents for each barrel or half barrel.

to be branded, &c.

Sec. 2. *And be it enacted,* That herring designed for exportation may be packed in tight casks made of any kind of timber, if sound and merchantable, well packed and secured with a proper quantity of dry salt; the casks to be of the same size and dimensions as is designated by the first section of this act, and secured by being hooped with at least twelve good and sufficient hoops, and nailed or pinned as directed in the first section.

What casks are legal.

Sec. 3. *And be it enacted,* That every barrel or half barrel of herring, designed for exportation, shall, before the exportation thereof, be carefully examined by an inspector appointed by virtue of this act, who shall pass as merchantable, and brand with the brands hereinafter described, each and every barrel or half barrel, being of the materials herein before directed and described, which shall respectively contain the proper quantity of sound and merchantable herring, and be secured in manner aforesaid; and the said inspector shall erase and effectually deface the brand, mark, or marks, off and from each and every barrel and half barrel containing herring designed for exportation as afore-

To be examined by an inspector;

said, which shall not be of the dimensions, and made in the way herein before described, and which shall not be of the quality and packed and secured in the manner herein before directed and described, and if the same cannot be rendered merchantable, according to the requisitions and meaning of this act, by salting, pickling, re-packing and coopering thereof, then the said inspector shall impress and brand across thus X, each stroke of said cross being at least two and a half inches in length, upon one head of each and every barrel or half barrel, containing herring so as aforesaid, incapable of being rendered merchantable.

if not merchantable to be crossed.

Sec. 4. *And be it enacted*, That each and every person or persons, who shall sell and deliver any barrel or half barrel of herring for exportation to the purchaser or purchasers thereof, before the same has been duly examined by an inspector appointed by virtue of this act, and branded with the brands herein directed for branding the same—or who shall lade or ship on board of any vessel or vessels for exportation, or who shall refuse to allow or suffer the said inspector in the cases aforesaid, to erase and effectually deface the brand, mark, or marks, off and from every barrel and half barrel of herring, and if need be, to impress and brand thereon the said mark of a cross as aforesaid, shall forfeit and pay for each and every barrel or half barrel so sold or delivered, and for each and every barrel or half barrel so laden or shipped on board any vessel or vessels as aforesaid, and for each and every barrel or half barrel from which he, she, or they shall refuse to allow or suffer the said brand, mark, or marks to be erased and effectually defaced as aforesaid, and for each and every barrel or half barrel whereon he, she, or they do refuse to allow or suffer the said mark of a cross to be impressed and branded as aforesaid, the sum of one dollar and twenty-five cents; and all and every person or persons who shall, by any means whatsoever, wilfully erase or deface the said mark of a cross after the same has been duly impressed and branded by the said inspector upon any barrel or half barrel as aforesaid, shall forfeit and pay the sum of twenty dollars for each and every barrel and half barrel, off and from which the said mark of a cross shall be erased or defaced; the said sums of money or forfeitures to be recovered and applied in the manner hereafter provided and declared.

Penalty on them who sell, &c. without inspection.

How to be recovered.

Sec. 5. *And be it enacted*, That the inspectors appointed by virtue of this act, may lawfully demand, receive and take from the person or persons selling the same, the sum of twenty-five cents for each and every barrel or half barrel of herring he may repack; and for each and every barrel or half barrel of herring he shall fill up and head, the sum of eight cents; and for inspecting, examining, and branding every barrel or half barrel of herring, the sum of eight cents; and for each and every barrel or half barrel of herring, exported from any port in this state, the cus-

Compensation for inspection.

Proviso.

tomary allowance and compensation for the expense and trouble of cooperating and putting the same into good and merchantable order and condition: *Provided*, That it shall and may be lawful to, and for the owner, owners or sellers, of such herring, to employ any person or persons, other than the said inspector, to do, execute and perform the cooperage necessary to put the same in good and merchantable order and condition as aforesaid, and in that case the said inspector shall not be entitled to have or receive any allowance or compensation whatsoever, for or on account of said cooperage.

When casks to be re-examined, &c.

Sec. 6. *And be it enacted*, That each and every barrel and half barrel of herring, inspected and branded, as is by this act required, shall, if lying on hand and unsold, and not exported from this state for six months from and after such inspection and branding, before sale or delivery, be again examined by the said inspector, and if found sound and merchantable, agreeably to the intent and meaning of this act, they shall or may be exported as aforesaid, but if unsound, they shall be subject to the same regulations as stated in the third section of this act, and the said inspector shall have and receive, from the person or persons selling the aforesaid barrels or half barrels of herring, for his expense and trouble for opening, examining and heading each and every barrel as aforesaid, the sum of three cents.

Sec. 7. *And be it enacted*, That all and singular the forfeitures and penalties, in and by this act imposed, shall be collected by the said inspector, with costs of of suit, in any court having cognizance thereof; one half thereof to and for his own use; the other half, when recovered, to be paid by the said inspector to the overseers of the poor of the town or place where the offence shall be committed, for the use of the poor thereof.

Inspector, &c. how to be commissioned.

Sec. 8. *And be it enacted*, That the governor, or person administering the government of this state for the time being, on the application and recommendation of the common council of any city or town corporate, or on the application and recommendation of twelve respectable freeholders of any other town within this state, may appoint and commission one or more inspectors and repackers of herring, (who shall not be dealers in said articles) in such parts of the state as may be deemed necessary and expedient.

Oath to be taken.

Sec. 9. *And be it enacted*, That each and every inspector and repacker of herring, appointed and commissioned as aforesaid, shall, before he enters upon the execution of the said office, take and subscribe the following oath or affirmation, before one of the justices of the supreme court of this state, or before one of the judges of the court of common pleas in and for the county in which the duties of such office are to be exercised, viz. "I, A. B. do solemnly swear (or affirm,) that I will faithfully,

truly, and impartially, according to the best of my judgment, skill and understanding, execute the office and duty of an inspector and repacker of herring, according to the true intent and meaning of the laws of this state relative to the same; and that I will not directly or indirectly brand or suffer to be branded, any casks of herring, but what shall be sound and merchantable agreeably to the said laws."

A copy of which said oath or affirmation subscribed by the person appointed as aforesaid, and signed by the officer by whom it was administered, shall be filed in the office of the clerk of the county where the said inspector and repacker usually resides. and filed.

Sec. 10. *And be it enacted*, That the said inspectors shall hold their offices for the term of five years from the time of their appointment and no longer, but upon being again recommended as aforesaid, may be re-appointed.

Sec. 11. *And be it enacted*, That the said inspectors and repackers shall provide themselves with, and brand every barrel and half barrel of herring, as follows:—"New-Jersey Herring:" and also the initial letter of his christian name, and his surname at full length, together with the name of the place where inspected or repacked. Casks how to be branded.

Sec. 12. *And be it enacted*, That no person or persons shall use casks which have been emptied, after being branded as aforesaid, a second time, unless they shall first erase, and effectually deface the repacker's brand, off, and from every such cask, under the penalty of twenty dollars for every such cask so used. Penalty on using casks a second time, &c.

Sec. 13. *And be it enacted*, That if any inspector or repacker of herring, shall neglect or delay to inspect or repack any herring, when thereunto required by the owner or possessor thereof, for the space of forty-eight hours, every such inspector or repacker, shall, for each neglect, pay to such owner or possessor, the sum of two dollars per barrel or half barrel. Penalty for neglect or delay.

Sec. 14. *And be it enacted*, That for every offence which the said inspectors and repackers shall commit against the true intent and meaning of this act, and be thereof convicted, he or they so offending, shall forfeit the sum of twenty dollars, and be rendered incapable of serving again in said office. Penalty on inspector for offences committed, &c.

Sec. 15. *And be it enacted*, That if any dispute shall happen between the said inspectors or repackers, and the possessor of such herring, concerning the soundness or package of the same, or the soundness or contents of the casks, it shall be lawful for any justice of the peace, of the city or county where the said dispute arises, upon application to him made, and he is hereby required to issue his warrant to two indifferent, judicious persons of skill and integrity, to view and search the said herring, together Disputes to be settled by referees, &c.

with the cask in which they are contained, and make report forthwith, after having examined the same, to the said justice, (which report shall be in writing, and to which they shall swear or affirm), according as they find the same; and the said justice is hereby empowered and required, to give judgment accordingly; and in case the said herring shall be found to be unfit for exportation, the said justice shall order them not to be exported, under the penalty of forfeiting all such herring, and shall also award the owner or possessor to pay the said inspector and repacker, the sum of twenty-five cents per cask, for all such herring as shall be judged not fit for exportation as aforesaid, with reasonable charges; but in case the said herring, upon trial as aforesaid, shall be found good and merchantable, according to the directions of this act, the charges of prosecution shall be paid by the inspector.

Inspectors authorized to enter on board of vessels, &c.

Sec. 16. *And be it enacted*, That the said inspectors shall have full power by virtue of this act, and without any further or other warrant, to enter on board any ship, sloop or vessel whatsoever, lying or being in any port or place in this state, to search for and make discovery of any herring, shipped for exportation, and if the owner or possessor, or their servants or others, shall deny him or them entrance; or if the said inspectors shall be in any way molested, in making such discovery as aforesaid, every such person shall forfeit and pay the sum of twenty dollars; or if any person or persons, shall ship off any cask or casks of herring, not branded as is herein before required, every such person so offending, shall forfeit and pay the sum of one dollar and twenty-five cents, for every cask so shipped.

Foreign herring not subject to inspection.

Sec. 17. *And be it enacted*, That salted herring, in barrels or half barrels, which shall have been brought or imported from any place or places, without the bounds and limits of this state, with the name of the state, town or place from which the same shall have been brought or imported, branded or marked at full length, and in plain legible manner thereon, and which shall be exported with the same name so as aforesaid branded or marked thereon, and not as the herring of New-Jersey, shall not be liable to examination by the inspectors herein appointed, but the same may be lawfully exported without inspection.

C. Passed November 27, 1821.

An Act respecting forfeited estates which remain unsold in the county of Gloucester.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all estates, real, of what nature or kind soever, lying and being in the said county of Gloucester, and which are

forfeited to or vested in this state, in pursuance to an act of assembly, passed the eleventh day of December, one thousand seven hundred and seventy-eight, entitled "An act for forfeiting to and vesting in the state of New-Jersey, the real estates of certain fugitives and offenders, and for directing the mode of determining and satisfying the lawful debts and demands which may be due from, or made against such fugitives and offenders, and for other purposes therein mentioned," and which remain unsold by the state, shall and may be disposed of by virtue of a writ or process, issuing out of the court of common pleas of said county, directed to Joseph V. Clark, Thomas Bee, and Joseph Dilks, of the said county, who are hereby appointed commissioners for the purposes hereafter mentioned, or to any two of them; which writ or process the clerk of said court is hereby required to issue, on application to him made for that purpose by said commissioners, or any two of them—and moreover to record the same in a book kept for the purpose of recording executions issued out of said court, before the delivery thereof—and the said commissioners, or any two of them, shall thereupon proceed to sell at public vendue, all such forfeited estates in said county, which remain unsold, giving notice of the time and place of such sale, at least two months previous thereto, by advertisement in the newspapers published in said county, and also in three or more public places in said county, particularly describing the premises to be sold; which sales shall take place between the hours of twelve and five in the afternoon of the day of sale, subject to adjournment, from time to time, at the discretion of said commissioners, for any time not less than fourteen days—and after the receipt of the full purchase money for such lands, shall, in their own names, make, seal, and deliver to the purchaser or purchasers, by deed poll a good and sufficient conveyance for the same, therein reciting the writ by which they were directed to sell such lands, and granting and conveying to the said purchaser or purchasers, all the right, title, interest, property, claim and demand whatsoever, either in law or equity, which the person or persons, forfeiting, had or ought to have had, of, in and to the same at the time of committing the offence for which the same became forfeited; by which said deed the purchaser or purchasers shall in every case be, and is, and are hereby declared to be seized of and vested with as good and perfect an estate in the said bargained premises, as the person or persons forfeiting was seized of and vested with at the time of committing the offence as aforesaid; and shall have, hold and enjoy the said bargained premises, as fully in every respect, as the person or persons forfeiting held, or might or ought to have held the same, at any time before the committing the offence for which the same became forfeited as aforesaid; and shall moreover be entitled to all such deeds, conveyances, and other

writings respecting the title of such bargained premises, as can be found or obtained.

Sec. 2. *And be it enacted*, That if any process, or proceeding, by virtue of which any sale may be made as aforesaid, shall hereafter be reversed or made void for error, or any other cause whatsoever, such reversal shall not affect or injure, or in anywise operate against any bona fide purchaser, under this act, but against this state only; and in every such case the plaintiff in error, or person injured by the sale of such estate, shall apply to the legislature to be indemnified to the amount of the purchase money for such estate.

Sec. 3. *And be it enacted*, That the said commissioners shall pay into the Treasury of this state, the moneys arising from any sale made in pursuance of this act, within nine months after such sale; and it shall be their duty to exhibit a statement of their proceedings before the legislature, annually, within the first or second week of their first sitting, and they shall be allowed such per cent. on the amount of moneys by them paid into the Treasury, as the legislature shall think proper, for their services.

Sec. 4. *And be it enacted*, That in case of the death, resignation, refusal to serve or other disability, of any commissioner or commissioners appointed as aforesaid, it shall and may be lawful for the governor, for the time being, to fill up such vacancy by a new appointment in writing under his hand; and the commissioner or commissioners so appointed, shall be vested with the same powers, perform the same duties, and be entitled to the same compensation as the commissioners appointed by this act—and any commissioner or commissioners, having any moneys in his or their hands or possession, arising from any sale to be made as aforesaid, and who shall neglect or refuse to account for the same, or shall make default in paying the same into the Treasury, shall be subject to an action or actions of debt, at the suit of the Treasurer of this state for the time being, for the recovery of the same, with interest and costs of suit.

A. Passed November 26, 1821.

An Act for the protection of persons who have planted Oysters in the navigable waters of this State.

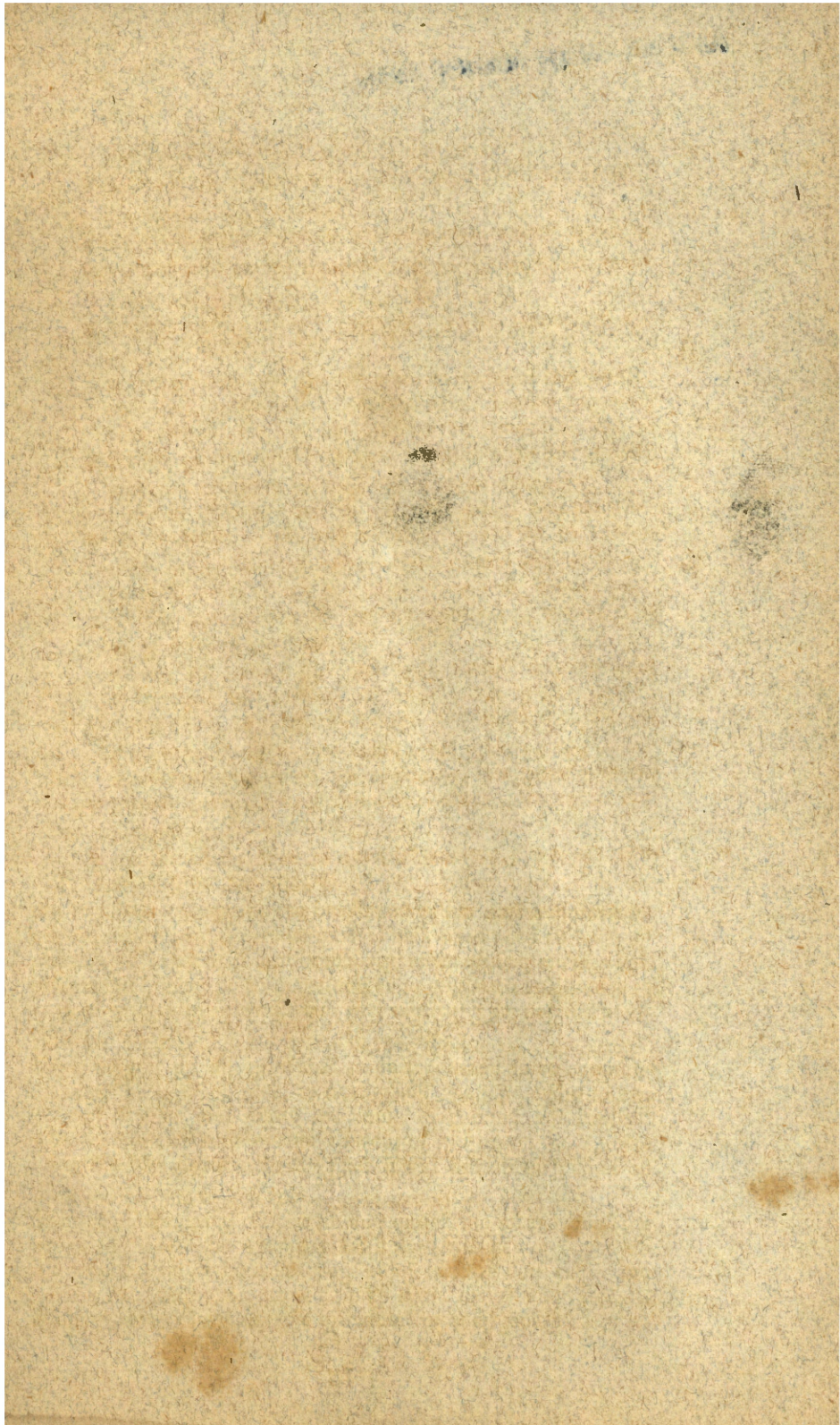
Sec. 1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be lawful for any person or persons, who may have planted oysters in any of the navigable waters of this state, prior to the passage of this act, to mark and stake out, and enclose, the ground upon which such oysters have been

planted, by stakes at suitable distances, of such length as to be at least two feet above the usual high water mark, and thereupon such person or persons shall hold, possess and enjoy the same, and have the exclusive right and privilege of taking up and disposing of such oysters for and during the term of one year from the passing of this act.

Sec. 2. *And be it enacted*, That if any person shall enter on such enclosure, without the consent of the owner or owners of such oysters, and injure the same or commit any trespass thereon, he, she, or they, so trespassing, shall be liable to the party injured for all damages, to be recovered in an action of trespass, according to the nature of the injury.

Sec. 3. *Provided always and be it enacted*, That nothing herein contained, shall be so construed as to authorize any person to appropriate to his own use, or to mark, stake off and enclose any natural oyster bed, on which oysters may have been so planted, nor to injure, or infringe the navigation of the waters aforesaid.

C. Passed Nov. 26, 1821.



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PRIVATE AND TEMPORARY ACTS.

ACTS

OF THE

FORTY-SIXTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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

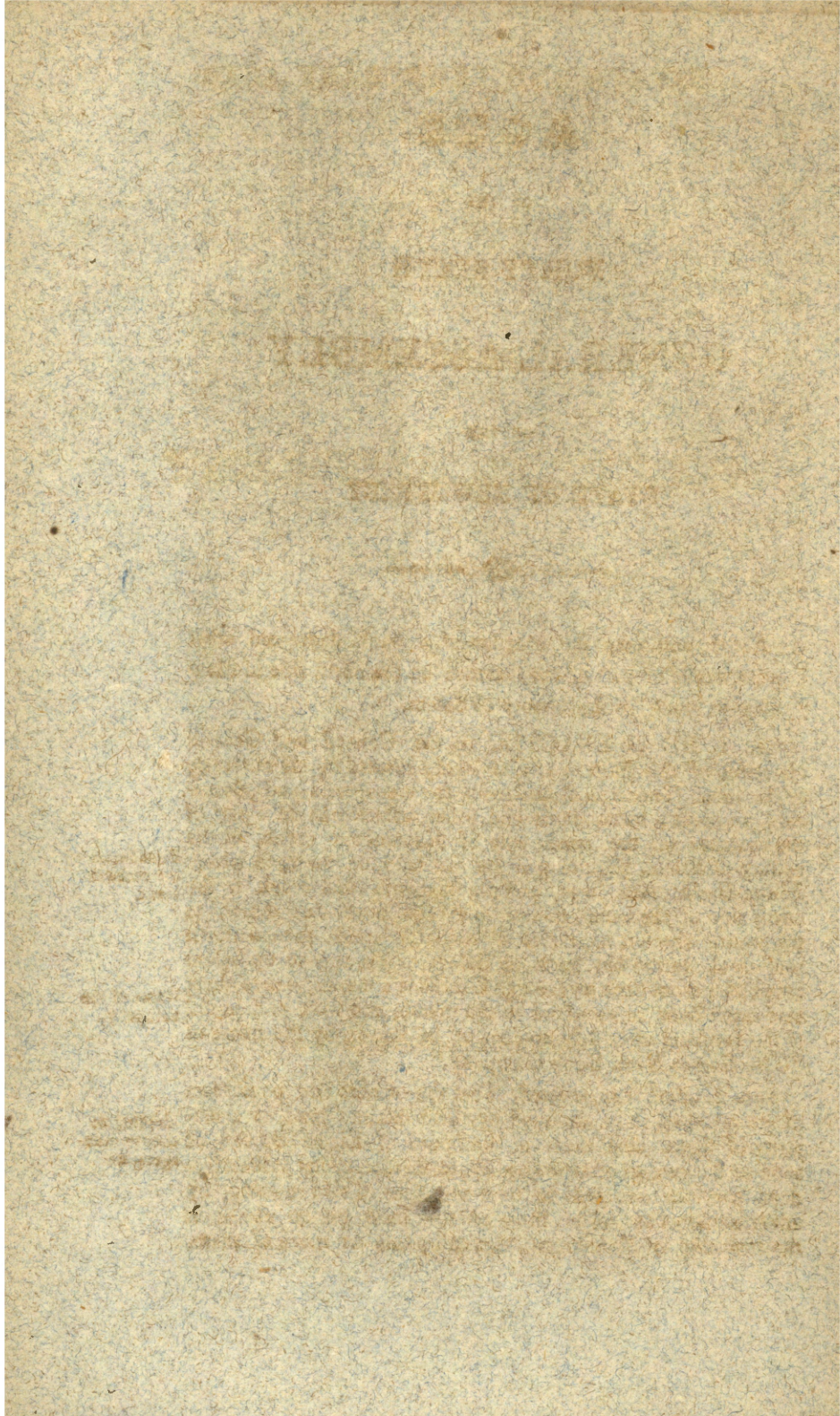
1st sitting



TRENTON:

PRINTED BY JOSEPH JUSTICE.

1822.



ACTS

OF THE

FORTY-SIXTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY.



An Act to authorize the erection of a bank, dams and other waterworks on part of the marshes on the north side of Mannington creek, in the county of Salem.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the owners and possessors, to erect a bank, dams and other waterworks on a part of the marshes on the north side of Mannington creek, in the county of Salem, beginning at the fast land, on the farm where Elisha Bassett now lives, and running with said creek to the north side of the canal, thence down the north side thereof to the mouth where it intersects Mannington creek, thence down said creek to the old bank on Salem creek, thence up Salem creek to a cross bank on George Laurence's marsh, thence along said cross bank to an island in the marsh, and from said island to the fast land of said Laurence; to be known by the name of "The Haines Neck Bank Company."

Boundaries of the embankment.

Name of the company.

Sec. 2. *And be it enacted,* That the owners and possessors of the marshes, to be enclosed by said bank and dams, or a majority of them, shall meet at the house of Elisha Bassett, as soon as convenient after the passing of this act, giving at least five days previous notice of the time and place of said meeting, by advertisements set up in three of the most public places in the township of Mannington, signed by one or more of them,

Meeting to choose managers, &c.

and, then and there, choose by a plurality of votes, of those so met, one or more managers to erect a bank, dams and other waterworks, and one collector, owners and possessors of said marsh, to serve until the second Thursday of March next; also three disinterested persons, well acquainted with banking and improving tide meadows as commissioners, to lay out the bank, dams, sluices and sluice-races, and to designate how far said sluice-races shall be kept open, at the expense of the company, and to report, in writing, to the manager or managers; which report shall be entered in a book to be kept by the company for that purpose.

Commissioners, &c. to make report,

and be entered in a book.

Sec. 3. *And be it enacted*, That the expense of making said bank, dams and other waterworks connected with the draining said marsh, shall be assessed by the manager or managers, from time to time, as the money may be required, for the purpose of carrying on the work, and collected by the collector, in proportion to the number of acres of each owner or possessor inclosed by said act.

Expenses to be assessed.

Sec. 4. *And be it enacted*, That as soon as the erection of said bank, dams and other waterworks are completed, the manager or managers, shall give notice by advertisements set up in three of the most public places in said township, at least five days previous to the time of the meeting, for the owners and possessors of said meadow, to meet and choose three disinterested persons, well acquainted with bank-meadows, which persons, when so chosen, shall proceed to measure, view and value the marsh of each owner and possessor, according to quantity and quality, and make their report, in writing, to the manager or managers; which report shall be entered in the book aforesaid; by which valuation all succeeding assessments and taxes shall be made, until a re-valuation, which shall be lawful whenever the owners of one half of the said meadow, according to the said valuation, shall demand it. And if it shall appear that any owner or possessor shall have paid more than his due proportion in the erection of said bank, dams and other waterworks, agreeably to the said valuation, such owner or possessor shall be paid the overplus; and in case he or they shall not have paid their proportion, as aforesaid, he or they shall be further taxed to make up their deficiency.

Each owner's share to be ascertained, &c.

Sec. 5. *And be it enacted*, That the commissioners so as aforesaid chosen, shall also make a valuation of the quantity of marsh whereon the bank is erected, and between said bank and Mannington creek and canal, from the place of beginning to the lower mouth of said canal, and the amount of said valuation shall be paid to the owners thereof in their due proportion out of the taxes.

Owners to be remunerated for the marsh on which banks are erected.

Sec. 6. *And be it enacted*, That for the security of the moneys to be expended in the erection and maintaining of said

bank, dams and other waterworks, the marsh of each owner or possessor shall be a pledge for the payment thereof, according to the valuation and assessment made thereon, into whosoever hands the same may come; any judgment, sale or alienation to the contrary notwithstanding.

Marsh to be a pledge, &c.

Sec. 7. *And be it enacted*, That the collector of said company shall notify in writing, the owners or possessors of the amount of their taxes, and on their refusal or neglect to pay the same, in one month after such notice, the collector may enter upon the marsh by giving ten days notice by advertisements set up in five of the most public places in the said township, and sell and dispose of the grass, hay or grain found thereon—but in case of the insufficiency thereof to satisfy the said assessment, then the said collector shall rent out the same, at public vendue, to the highest bidder, for such term, and no longer, as may be sufficient to satisfy the demand.

Taxes how to be collected.

Sec. 8. *And be it enacted*, That the annual meeting of the said company for the appointment of the necessary officers for the settlement of their accounts, shall be held at some convenient place in the neighbourhood of said marsh, on the second Thursday in March, at two o'clock in the afternoon; of which said meeting, ten days previous notice shall have been given by the collector, by advertisements set up in three or more public places, in the township of Mannington—at which meeting it shall be the duty of the manager or managers and collector, to exhibit for settlement the account and vouchers of all moneys by them collected and expended—and in case others are appointed in their stead, it shall be their duty to deliver over to their successors in office, such books, papers and moneys, as may be in their possession—and also the said owners and possessors, or a majority of them, are hereby authorized and empowered to meet at any time other than the annual meetings, by giving five days public notice of the time and place, to appoint any officer or officers, to fill the vacancy or vacancies which may be occasioned by death, inability, or neglect of duty.

Time of annual meeting, &c.

To deliver books, &c. to successors, &c.

Sec. 9. *And be it enacted*, That the manager or managers shall, from time to time, or as often as it becomes necessary, notify, in writing, the owners or possessors to open and clear out their line ditches, to give the water a free course off said marsh; and upon their neglect or refusal to open and clear out the same in one month after such notice, the manager or managers shall choose two disinterested freeholders, who shall view the said ditch or ditches, and if the said freeholders cannot agree, they shall choose a third, who, after viewing the same, if they or a majority of them think said ditch or ditches need opening and clearing out, shall report, in writing, to the manager or managers, who, if the owners or possessors still refuse, shall employ

Line ditches to be cleared out, &c.

labourers, enter on the premises and open and clear out the said ditch or ditches; and if the party having so neglected, refused to pay the expense thereby incurred for the space of one month, the collector may recover the same as above directed.

May flood the meadows in winter.

Sec. 10. *And be it enacted*, That the manager or managers, may, with the concurrence of the owners of two thirds of the number of acres of marsh, agreeably to the valuation aforesaid, erect floodgates that may enable them to let the water flow on and recede from said meadows in the winter season.

Former act in part repealed.

Sec. 11. *And be it enacted*, That the act entitled, "An act to enable the owners and possessors of some meadows, marshes and cripples in Mannington, in the county of Salem, to keep the tide from overflowing the same," passed the tenth day of August, seventeen hundred and fifty-eight, be, and the same is hereby repealed; so far as the same may relate to lands or marsh described in this act.

C. and A. Passed November 2, 1821.

An Act to incorporate the Paterson Fire Association.

WHEREAS the citizens of the town of Paterson have, by petition to the legislature, expressed the desire and necessity they feel of being incorporated, for the purpose of guarding by more effectual provisions against the destruction of lives and property by fire.

Boundaries.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all the proprietors of dwelling houses, stores, buildings and other edifices, and machinery, of the value of two hundred dollars, and upwards, liable to injury by fire, in the town of Paterson, in the county of Essex, within the following boundaries and limits, to wit: beginning at the Passaic river where the Dwass line intersects said river, thence along said Dwass line, in a southerly direction, to the line between the lands of John Merselius and the society for the establishment of useful manufactures; thence along said line of John Merselius and the society, in a westerly direction, to the first ridge of the Weazle mountain, thence along said ridge, in a north westerly direction to the basin at the foot of the Great Falls of Passaic, thence down the river Passaic to the place of beginning, be, and are hereby constituted, ordained and declared to be a body corporate and politic, in fact and in name, by the name of "The Paterson Fire Association," and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being im-

Incorporated.

pleaded, 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 make, change and alter the same at pleasure, and by their name aforesaid, and under their seal, make, enter into and execute any contracts, agreements and other writings, touching and concerning the objects of said corporation, and shall have full power and authority to make, form and adopt such constitution, and such by-laws and regulations for their government, not inconsistent with the laws of this state or the United States, as they shall think proper.

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

Capital stock.

Sec. 3. *And be it enacted*, That, for the purpose of effecting the objects of this corporation, it shall and may be lawful for the members thereof to assemble on the first Monday in December next, and on the first Monday in December of every succeeding year, public notice of the time and place of such meeting being previously published in the newspaper printed at Paterson, or by advertisements set up in three of the most public places within the boundaries aforesaid, for the space of one week next before the day of such meeting, and then and there by plurality of persons so assembled, to elect from the members of said corporation, a president, a treasurer, secretary, accomptant, and five fire wardens, which officers thus elected, shall constitute the board of wardens of the Paterson Fire Association, and in whose hands the active powers of this corporation are hereby vested, and who shall take charge and care of all the property belonging to said corporation; and the members aforesaid, at the time and place aforesaid, shall determine the sum of money to be raised in the year next ensuing each meeting, and a majority of the board of wardens, aforesaid, shall have power to fill all vacancies of officers, at any time arising, until the next annual election thereafter.

Board of Wardens to be chosen.

Sec. 4. *And be it enacted*, That the board of wardens so elected, as aforesaid, shall, at their first meeting after such election, appoint one or more proper person or persons, as assessor or assessors, whose duty it shall be to take a fair and correct list of all the dwelling houses, stores, buildings and other edifices and machinery of the value of two hundred dollars, and upwards, within the aforesaid limits, liable to destruction by fire, with the

Assessors, and their duty.

names of the owners and occupants of such buildings, and the value thereof, and shall assess such sum thereon, as may be deemed just and equitable, in proportion to the whole sum to be raised by the members of said corporation, at their annual meetings, such assessor or assessors making such allowance as may be just on account of the various dangers and hazards to which such buildings and other property as aforesaid, may be subject by reason of its local situation, the materials of which it is composed, or any other circumstance, which list and estimate shall be returned by the assessor or assessors, within sixty days after such assessment shall be ordered, to the said board of wardens.

To whom persons aggrieved may appeal.

Sec. 5. *And be it enacted*, That the members of said corporation shall at their annual meetings, as aforesaid, elect three members of said corporation, whose duty it shall be to hear and determine all complaints of any person or persons who shall think himself, herself or themselves aggrieved by any assessment made by virtue of the preceding section, who shall meet within twenty days after such assessment shall be returned, as aforesaid, of which meeting public notice shall be given at least one week in the newspaper printed at Paterson, or by public advertisement set up in three of the most public places within the boundaries aforesaid.

Treasurer to give bond.

Sec. 6. *And be it enacted*, That it shall be the duty of the board of wardens to require and take from the Treasurer, before he enters upon the duties of his office, security in an amount not less than the sum voted to be raised.

Treasurer to collect assessments.

Sec. 7. *And be it enacted*, That after the assessment shall have been fairly made, it shall be the duty of the Treasurer of the said corporation to demand of the person or persons assessed, as aforesaid, if they can be found within the limits of said corporation, the amount of such assessment, and in case of non-payment, he is hereby authorized to prosecute all such persons neglecting or refusing to pay the same, and to recover the amount thereof with costs, in the name of the said corporation, in an action of debt, before any justice of the peace of the county of Essex.

Company of firemen to be appointed, &c.

Sec. 8. *And be it enacted*, That the said board of wardens shall have power to raise and organize from among the members of said corporation and from other persons residing within the limits of the same, one company of firemen, not exceeding thirty, to each fire engine belonging to the said corporation; which firemen, and each of them, while belonging to said company or companies, shall be exempt from serving as jurymen in justices' courts, and that the said board of wardens have power to make all necessary by-laws for the organization and regulation of said

company or companies of firemen: *Provided*, they shall not be inconsistent with the laws of this state or of the United States.

Sec. 9. *And be it enacted*, That it shall be lawful for the Council and General Assembly of this state, at any time hereafter, to amend, repeal or modify this act as they shall think fit.

C. Passed November 3, 1821.

An Act to establish the rates of the Hoboken steam-boat ferry.

WHEREAS John C. Stevens and Robert L. Stevens have rented the Hoboken Ferry for the term of thirteen years from the first day of May, in the year one thousand eight hundred and twenty-two, and have caused to be built a large, commodious and fast going steam-boat, with suitable wharves, stairs and other conveniences, whereon they have expended a large sum, and whereby the public will be much benefited—NOW THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That so soon as said steam-boat may or shall be in actual operation on said ferry, and so long as the same shall be continued, the said John C. Stevens and Robert L. Stevens may demand and take for passing said ferry, from Hoboken to New-York, in the steam-boat, or other boats, belonging to them, the following and no higher rates of ferriage, a printed table of which shall be placed in some conspicuous part of the several boats employed by them, to wit:—

For every person in the steam, horse, or other boats, twelve and a half cents.

An ordinary market waggon, loaded, covered or uncovered, with two horses and the driver, fifty cents.

Ditto, drawn by four horses, and the driver, one dollar.

N. B. A load of a market waggon is to consist of fruits, vegetables, meats and poultry, a few bags of flour, such as five or six, which is generally the most a farmer carries at once to sell at market, may be considered a market article.

Ditto drawn by two horses, loaded with iron, steel, lead, paints, cider, spirits, grain, flour in barrels, bags or otherwise, and other heavy articles, and driver, one dollar and twenty-five cents.

Ditto drawn by four horses, and driver, one dollar eighty-seven and a half cents.

Rates of ferriage—a printed table of which to be placed in public view, &c.

Ditto drawn by two horses, loaded with paper, hemp, cotton, cotton-yarn, furniture or other kind of light goods, and driver, one dollar.

Ditto drawn by four horses, and driver, one dollar and fifty cents.

Ditto or a cart empty, drawn by one or two horses and driver, fifty cents.

Ditto drawn by one horse, with an ordinary load on to travel a distance with, such as a hogshead of rum, or a similar weight, and driver, seventy-five cents.

A large Pennsylvania waggon, or a similar one, empty, drawn by two horses and driver, one dollar.

Ditto with a load, two dollars.

For every additional horse to said waggons, nineteen cents.

A coach, cochee or chariot, drawn by two horses, and driver, one dollar fifty-six cents.

A two wheel carriage, that is to say, chair, sulky, &c. drawn by one horse, and one person, seventy-five cents.

A phaeton drawn by two horses, and one person, one dollar nineteen cents.

A sleigh drawn by one horse, and one person, sixty-two and a half cents.

Ditto drawn by two horses, and one person, eighty-seven and a half cents.

Market sleighs and sleds to be rated as market waggons.

Loaded sleighs or sleds to be rated the same as loaded waggons.

A pleasure waggon drawn by one horse, and one person, eighty-one cents.

Ditto drawn by two horses, and one person, one dollar fifty cents.

A coach, cochee, chariot, or covered waggon, one dollar.

A phaeton, sixty-two and a half cents.

A chaise, top chair, or sulky, forty-four cents.

A sleigh, thirty-one cents.

Horses and cattle each, twenty-two cents.

A sheep, calf, or hog, six cents.

A large trunk or chest, twelve and a half cents.

A small trunk or chest, six cents.

A bushel of salt, two cents.

A pipe or hogshead of wine, spirits, or molasses, seventy-five cents.

- A barrel of ditto, twelve and a half cents.
 A barrel of beef, pork, flour, or fish, twelve and a half cents.
 Plank of every kind, each two cents.
 Boards ditto, one cent.
 A side of sole leather, two cents.
 Ditto, upper ditto, one cent.
 A raw-hide, three cents.
 Iron, steel, lead, paints, copperas, dye-woods, &c. per cwt. six cents.
 A desk, thirty-seven and a half cents.
 A large table, nine cents.
 A small table, four cents.
 A mahogany chair, two cents.
 A common chair, one cent.
 A basket, or bag of fruit, of two bushels, four cents.
 A bag of grain, flour, or meal, three cents.
 A crate of earthen ware, twenty-five cents.
 A tierce of ditto, twenty-five cents.
 A feather bed, six cents.
 A clock case, twelve and a half cents.
 A chest of tea, twelve and a half cents.
 Gunpowder, per cwt. twelve and a half cents.
 A large bale of cotton, twenty-five cents.
 An empty hogshead or pipe, twelve and a half cents.
 Ditto barrel, three cents.
 Shad, per hundred, twenty-five cents.
 Cabbage, per hundred, nineteen cents.

And all other things in the same proportion: *Provided*, Rates, &c. may be altered by the legislature. That the legislature may at any time alter or regulate, by law, the foregoing rates of ferriage.

Sec. 2. *And be it enacted*, That if any person authorized to receive ferriage for passing the Hudson river in any steam, or other boats, belonging to said John C. Stevens and Robert L. Stevens, shall demand or receive a higher rate of ferriage than is allowed by this act, he shall forfeit and pay a fine not exceeding ten dollars, to be recovered by the person from whom it shall be demanded, for his use, in an action of debt with costs of suit. Penalty for demanding, &c. higher ferriage.

C. A. Passed November 3, 1821.

An Act to regulate the pasturing of a tract of salt marsh in the township of Elsinborough, in the county of Salem.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of salt marsh situate in the township of Elsinborough, in the county of Salem, known by the name of Money Island Marsh, bounded north by Black Ditch, east by Elsinborough half way creek, south by John and Thomas Mason's line, and west by Delaware river; to meet at the house of Samuel Pancoast, on the first Saturday in April next, between the hours of twelve and five in the afternoon, and by a plurality of voices, choose two managers to transact the business of the company, who shall be owners or possessors of part of the marsh aforesaid, who shall continue in office for one year, and until others shall be chosen.

Times and place of meeting to elect managers.

Sec. 2. And be it enacted, That after the passing of this act, no person or persons owning or possessing any part of the aforesaid Money Island Marsh, shall turn on to pasture, nor suffer any person by his consent, more than one head of cattle or horses for every two acres he or she shall own or possess, under the penalty of five dollars per head for every one so turned on, over and above his or her ratable proportion, to be recovered and sued for by the managers, in their own names, in an action of debt, with costs of suit, in any court where the same shall be cognizable, and applied to the use of the company: *Provided*, That nothing in this act shall be construed to prevent the owners and possessors from pasturing a greater or less number of cattle or horses whenever the owners or possessors of three fourths of said marsh shall think proper to make any alteration therein, at their annual or other meetings; which alterations shall be entered upon the company's book, and signed by each owner or possessor agreeing thereto.

The number of cattle admitted, under certain restrictions, &c.

Proviso.

Sec. 3. And be it enacted, That every person claiming any part of the aforesaid Money Island Marsh, shall before he or she shall turn on any cattle or horses, give in to the managers the number of acres which he or she shall own or possess, accompanied with some legal vouchers, to satisfy the managers that he or she is entitled to the privileges of an owner or possessor; and the managers shall procure convenient books, in which they shall enter the name of every owner or possessor, and the number of acres which he or she shall own or possess, together with the number of cattle and horses, each owner, or any other person in his name, shall turn on to pasture every year, and also keep fair entries of all fines and forfeitures received by them, and of all moneys received and expended for the use of the company.

Owners' names to be entered in book, &c.

Sec. 4. *And be it enacted*, That the managers shall, on or before the first day of May next, in case a private road shall be laid out from Mason's point to the Money Island Marsh, and legally recorded, proceed to open the same, and build all bridges which they shall consider necessary for the use of the company, and assess the whole expense of the said road and bridges upon the owners or possessors in proportion to the number of acres which they shall own or possess; and in case that any owner or possessor shall refuse or neglect to pay his or her quota so assessed, for the space of twenty days after being notified of the amount of his or her tax by the managers, then it shall be lawful for the said managers, to prosecute in their own names, in an action of debt, in any court having cognizance thereof, and give the said assessment in evidence, under oath or affirmation, and the justice, or the court before which the said prosecution shall be commenced, shall give judgment for the same, with costs of suit.

May open a road, build bridges, &c.

Penalty for non-payment, &c.

Sec. 5. *And be it enacted*, That the annual meeting of the company shall be on the first Saturday in April in every year, to be holden between the hours of twelve and three in the afternoon, and at such place as the company shall agree upon at their annual or other meetings; and the company shall, at their annual meetings, choose two managers who shall continue in office until others shall be chosen in their place, and order to be raised any sum or sums of money the majority of the members present at said meetings shall consider necessary for the repairs of bridges or roads, or any other expense which may arise in the common course of the company's business; which order shall be entered upon the book, and signed by all the members agreeing to the same, and the money so ordered to be raised, shall be assessed and collected by the managers in the manner aforesaid.

Annual meeting where to be holden.

Sec. 6. *And be it enacted*, That in case of the death or removal of any manager or managers, that any owner or possessor of any of the wild marsh aforesaid, may call a meeting of the owners and possessors, by giving ten days notice of the time and place of meeting, by advertising in two of the most public places in the townships of Salem and Elsinborough, and the owners and possessors, when met, shall choose a manager or managers to fill the vacancy, occasioned by such death or removal; and all managers chosen by virtue of this act, or their executors or administrators, shall present a true statement of their accounts at every annual meeting, and settle the same, and pay forward all balances due the company from him or them, within ten days, to his or their successor or successors in office; and also immediately deliver, at the expiration of his or their office, to his or their successor or successors in office, the books directed to be kept for the use of the company, under the penalty of one hundred dol-

How vacancies may be filled.

Books to be delivered to successors.

lars in case of default, to be recovered in an action of debt, by their successors, with costs of suit, in the manner aforesaid, and be applied to the use of the company.

Compensation of managers. Sec. 7. *And be it enacted,* That the managers shall be allowed a reasonable compensation for their services in building and repairing bridges, and opening and mending roads, and also receive from the person, who shall give in, either cattle or horses for entrance, as aforesaid, two cents upon each head so received and taken into pasture.

Managers neglecting their duty, liable to a fine, &c. Sec. 8. *And be it enacted,* That any manager or managers who shall refuse or neglect to perform any of the duties enjoined upon him or them by virtue of this act, shall forfeit the sum of ten dollars to any owner or possessor, who shall sue for the same, in his or her own name, in an action of debt, in any court where the same shall be cognizable.

What provisions not binding on certain owners, &c. Sec. 9. *And be it enacted,* That nothing in this act shall be binding upon any owner or possessor, who shall make a legal line fence, and dig a line ditch sufficient to prevent cattle and horses from crossing it, for the purpose of enclosing his or her part of the marsh aforesaid, to themselves, except the expense of building and repairing bridges and opening and repairing roads.

C. Passed November 8, 1821.

An Act to discharge Thomas Redman, jun. from a trust therein mentioned.

Preamble. WHEREAS Matthias Kay, late of the county of Gloucester, being in his lifetime seized of a tract of land and a grist mill, situated in said county, on the eighth day of April, A. D. one thousand eight hundred and sixteen, with his wife, Elizabeth Kay, and did sell and convey the same to one Thomas Evans, in fee simple; that at the time of the said conveyance it was agreed between the said Matthias Kay and Elizabeth his wife, Thomas Evans, and Thomas Redman, junior, that the sum of four thousand dollars, being part of the consideration money of the said conveyance, should be paid to Thomas Redman, junior, in trust, for the following purposes, to wit: That the said Thomas Redman, junior, his executors, administrators and assigns, should pay to the said Elizabeth Kay, all the interest money arising on the said sum of four thousand dollars, and at her decease should pay to all the children of the said Matthias Kay, namely, Eliza Kay, Ann Kay, John E. Kay, Miriam Kay, Rebecca Kay, and Charles Kay, or the survivors of them, in equal proportions, the said sum of four thousand dollars; or as soon after the decease of their

said mother as they should respectively attain to lawful age to receive the same, with the interest that may arise on each child's share after the decease of their said mother. And whereas, on or about the first day of June, A. D. one thousand eight hundred and seventeen, the said Matthias Kay, died, and that shortly after his death the said Elizabeth Kay, and her said children, removed to live in the state of Ohio, for a permanent residence, and do now reside in the county of Warren, in the said state of Ohio; that since their removal, the said Eliza has intermarried with David Wilson, and is now above the age of twenty-one years, that the said Ann is above the age of eighteen years, and by the laws of the state of Ohio, no longer a minor; that guardianship of the persons and estates of the said John E. Kay, Miriam Kay, Rebecca Kay, and Charles Kay, who are minors, has been granted by the court of common pleas of the said county of Warren, to John Satterthwaite, of the said county of Warren, who has given approved security as their guardian. And whereas, from the great distance of the said Thomas Redman, junior, from the said Elizabeth Kay and her said children, the payment of the interest on the said sum of four thousand dollars, is attended with much inconvenience, expense and risk; and the said Elizabeth Kay, David Wilson and Eliza, his wife, Ann Kay, and John Satterthwaite, guardian as aforesaid, have applied to the said Thomas Redman, junior, to pay over to the said John Satterthwaite, the said sum of four thousand dollars, for the use of the said Elizabeth Kay, and her said children; and that the said Thomas Redman, junior, should be discharged from the said trust; all which appearing to be true from the several documents exhibited by the said Thomas Redman, junior, executed in due form of law, under the hands and seals of Elizabeth Kay, David Wilson and Eliza, his wife, Ann Kay, and John Satterthwaite, guardian as aforesaid.—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Thomas Redman, junior, be, and he is hereby authorized and empowered, to pay over to the said John Satterthwaite, the said sum of four thousand dollars, to be held by him in trust for the purposes aforesaid, and that upon the payment of the said sum of four thousand dollars, by the said Thomas Redman, junior, to the said John Satterthwaite, the said Thomas Redman, junior, be, and hereby is discharged from the aforesaid trust, and all liability on account of the same; and that his heirs, executors and administrators, be for ever exonerated therefrom.

On payment,
to be dis-
charged, &c.

Sec. 2. *And be it enacted,* That previous to the payment of

the said sum of four thousand dollars, by the said Thomas Redman, junior, to the said John Satterthwaite, that the said John Satterthwaite, shall give approved security to the court of common pleas, of the county of Warren, in the state of Ohio, aforesaid, for his true and faithful performance of the said trust, a certificate thereof, under the seal of the said court, and signed by the clerk, shall be transmitted to the said Thomas Redman, junior.

C. Passed November 9, 1821.

An Act to authorize the sale of the Real Estate of the Rev. Charles Hardenberg, dec.

Preamble.

WHEREAS it is represented, by the widow, administratrix, of the Rev. Charles Hardenberg, deceased, late of the city of New-York, who died intestate, that the said deceased died, seized of a farm of one hundred and sixty acres of land, in the county of Somerset, within the state of New-Jersey; and it being also represented that the personal estate of said deceased, is insufficient to pay his debts; and it being also represented, that the rents, issues and profits of said farm, are insufficient for the support of the widow and her seven minor children, and that the said land is decreasing in value, by reason of decay and waste, and is becoming much less beneficial to the said widow and heirs than if the same were sold, when, with the interest of the proceeds of the sale, and some other aid, the children may be raised, and the principal reserved for their use when they arrive at lawful age: all which appearing to be true—Therefore,

Trustees appointed.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Nicholas Arrowsmith and Jacob Kline, esquires, be, and they hereby are appointed trustees, with full power and authority to sell, dispose of, and convey, all the real estate whereof the said Charles Hardenberg died seized, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and for the same when sold, to make and execute, in due form of law, in their own names as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate and interest which the said Charles Hardenberg had or might legally claim of, in, and to the same; which sale or sales being made and confirmed by deed, shall entitle the purchaser or purchasers, to all the estate, right, title, claim and demand, which the said Charles Hardenberg had to said premises at the time of his death.

Sec. 2. *And be it enacted*, That the said Nicholas Arrowsmith and Jacob Kline, shall keep a fair account of the said sale or sales, and of the expenses attending the same, and pay to the executrix, under the direction of the orphans' court, such a sum as is found necessary to liquidate the debts of said deceased, and keep the residue of said sum out at interest upon good security, for the benefit of said widow and heirs, paying one third of the interest to the widow, and the remaining two thirds to the support of the children of the said deceased, until they severally arrive at lawful age, and then to pay to each one his or her distributive share of such sum as may be in their hands to be distributed according to law.

To keep account of sales, &c.

Sec. 3. *And be it enacted*, That before the said Nicholas Arrowsmith and Jacob Kline, do enter upon the trust assigned them by this act, they do enter into bond, with sureties, unto the governor of this state, in such amount as shall be approved by the orphans' court of the county of Somerset, conditioned for the faithful performance of the trust assigned them by this act; which bond shall be deposited in the surrogate's office of the county of Somerset.

To give bond, &c.

Sec. 4. *And be it enacted*, That the said Nicholas Arrowsmith and Jacob Kline, or the survivor of them, shall, within six months after the sale or sales, make, subscribe, and exhibit, under oath, unto the surrogate of the county of Somerset, an exact statement of the amount of said sale or sales, to be by him recorded and filed agreeably to law; and no deed of such lands or estate shall be valid, unless it be certified in or upon such deed by Andrew Howell and Job Lane, esquires, or the survivor of them, under their hands and seals, that such sale is made bona fide, and for the highest price that could be obtained for such property at the time of such sale or sales. And said sale or sales shall not affect any lien upon said estate, except that of the heirs of the said Charles Hardenberg, deceased, and of his widow Alletta Hardenberg.

Statement of sales to be filed, &c.

C. Passed November 9, 1821.

An Act appointing Thomas Carpenter, David Brown, and Thomas Clayton, trustees to fulfil certain purposes of the last will and testament of Edward Tonkin, deceased.

WHEREAS, Edward Tonkin, late of the township of Springfield, in the county of Burlington, and state of New-Jersey, deceased, by his last will and testament, bearing date the first day of April, in the year of our Lord, one thousand seven hundred and sixty-eight, did, among other things, devise as

Preamble.

follows, to wit: "Item, I give, devise and bequeath, unto my son Samuel Tonkin, all that my plantation, marsh and cedar swamp, situate in Greenwich, in the county of Gloucester, that I purchased of James Hinchman, to hold to him my said son, in case he have issue, his heirs and assigns for ever. But my will is, that in case my said son should die leaving no issue of his body, lawfully begotten, that then the said land shall be sold by my executors, whom I hereby empower to make good and sufficient deeds, in fee simple, to the purchasers for the same, and the money arising by such sale, to be equally divided between my daughter-in-law Elizabeth, wife of my said son Samuel, and all the rest of my children, share and share alike.—My mind and will further is, that if any of my children should happen to die before their respective portions are payable unto them, that the share of them so dying, be equally divided among the survivors of them, share and share alike"—And did appoint his two sons, John and Edward, executors of the said last will and testament; and shortly after making the said last will and testament the said Edward Tonkin, the testator, died.

AND WHEREAS, the said Samuel Tonkin, on the twenty-fourth day of February, in the year of our Lord one thousand eight hundred and twenty-one, departed this life without having had any issue of his body lawfully begotten—and the said Elizabeth, the wife of the said Samuel Tonkin, departed this life in the life time of the said Samuel Tonkin, and the said John Tonkin and Edward Tonkin, executors, named in the said last will and testament, departed this life in the life time of the said Samuel Tonkin—

AND WHEREAS, Bathsheba Clayton, Thomas Carpenter, and Mary his wife, and Martha Tallman, which said Bathsheba, Mary and Martha are the only children of the said Edward Tonkin, the testator, who have survived the said Samuel Tonkin, have presented a petition to the Legislature of this state, praying the appointment of a trustee or trustees, to make sale of the said plantation, marsh and cedar swamp, and to distribute the moneys thence arising, agreeably to the will of the said Edward Tonkin—THEREFORE—

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Thomas Carpenter, David Brown, and Thomas Clayton, or any two of them, be, and they are hereby authorized and empowered to make sale of all the aforesaid plantation, marsh and cedar swamp, situate in the township, late Greenwich, now the township of Woolwich, in the county of Gloucester, devised as aforesaid, to be sold, and to make and execute a deed or deeds for the same, and to distribute the mo-

Power and
authority of
the trustees.

neys thence arising, agreeably to the said last will and testament of the said Edward Tonkin, deceased: *Provided*, that the said Thomas Carpenter, David Brown, and Thomas Clayton, shall, before they enter upon the duties herein required, execute sufficient bonds to the governor of this state, with two sureties, conditioned for the faithful discharge of the trust hereby reposed in them: *And provided also*, that whensoever the said trust shall have been completely executed, the said trustees shall file their account thereof in the surrogate's office of the said county of Gloucester.

C. Passed November 12, 1821.

An Act to authorize Andrew M. Prevost, Emma Prevost, and Lewis M. Prevost, executors of Henry M. Prevost, deceased, to fulfil a contract for the sale of a certain lot of land, made by the said Henry M. Prevost, to Francis Rooks.

Sec. 1. 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 M. Prevost, Emma Prevost, and Lewis M. Prevost, executors of Henry M. Prevost, deceased, be, and they are hereby authorized and empowered to make and execute a deed of conveyance in fee simple, to the said Francis Rooks, for a certain lot of land, in the township of Kingwood, in the county of Hunterdon, containing seven acres and fifty-one hundredths of an acre of land, and which the said Henry M. Prevost, in his life time, did agree to convey, and for which the said Francis Rooks, has nearly paid the full amount of purchase money; and which deed, when duly executed and delivered, shall be as good and effectual for the conveyance of the said lot of land, as if the same had been executed by the said Henry M. Prevost, during his life time.

C. Passed November 8, 1821.

An Act to authorize Joseph Earl, esq. acting executor of Caleb Earl, esquire, deceased, to make and execute a deed of conveyance to John Horner.

WHEREAS William W. Stockton, acting executor of Samuel Stockton, late of the county of Burlington, deceased, hath, by his petition to this house set forth, that Samuel Earl, in his life time, was seized of certain real estate in the township

Preamble.

of New-Hanover, in said county, and by his last will and testament directed his executor, Caleb Earl, esquire, to sell the same; that the said executor, Caleb Earl, esquire, did sell about twenty-five acres of said real estate, to Samuel Stockton, of Springfield, in said county, but died without making a title for the same; that the said Samuel Stockton, since deceased, by his last will and testament, directed all his estate, real and personal, to be sold, and appointed his son William W. Stockton, to execute his said will, and the said William W. Stockton, having sold the said twenty-five acres of land to John Horner, and received the purchase money therefor, but being unable to make a proper title for the same; and the said William W. Stockton, executor of Samuel Stockton, as aforesaid, having prayed the Legislature to pass an act, authorizing Joseph Earl, esquire, acting executor of Caleb Earl, esquire, to convey the said twenty-five acres of land to the said John Horner, and the same appearing just and reasonable—**THEREFORE—**

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Joseph Earl, esquire, acting executor of Caleb Earl, esquire, late of the county of Burlington, deceased, be, and he hereby is authorized and empowered to make, execute, and deliver to the said John Horner, a deed of conveyance for the twenty-five acres of land, above described; which deed of conveyance, so made, executed and delivered, by the said Joseph Earl, esquire, acting executor of Caleb Earl, esquire, to the said John Horner, shall be as good and effectual for the conveyance of the same as a deed of conveyance from Caleb Earl, executor of Samuel Earl, deceased, to the said Samuel Stockton, if executed and delivered in the life times of the said Caleb Earl and Samuel Stockton, would or could have been.

C. Passed November 12, 1821.

An Act to compensate Samuel L. Southard, and Charles Ewing, for their services in publishing the revised laws of this state, and for other purposes therein named.

Sec. 1. 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 two hundred and fifty dollars be paid to Samuel L. Southard, for his services in publishing the revised laws of this state, and that the sum of two hundred and fifty dollars, be paid to Charles Ewing, for his services in publishing the revised laws of this state; and that the sum of one

hundred and fifty-four dollars and fifty cents be paid to Daniel Coleman, for his services in publishing the revised laws of this state; and that the sum of seven hundred and twenty-three dollars be paid to Joseph Justice, the balance due him for printing the revised laws of this state, all of which sums shall be paid by the Treasurer of this state, out of any moneys in the treasury, not otherwise appropriated.

C. Passed November 12, 1821.

An Act to sell a portion of the revised laws of this state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Treasurer of this state, be, and he is hereby authorized and required to sell four hundred copies of the revised laws of this state, now deposited in his office, agreeably to the law of June, one thousand eight hundred and twenty: *Provided,* the said laws can be sold for the sum of five dollars per copy, and to place the money thence arising, in the Treasury of this state, for the use of the same.

C. Passed November 9, 1821.

An Act to reduce the capital stock of the State Bank, at New-Brunswick.

WHEREAS the President, Directors, and Company of the State Bank at New-Brunswick, have represented to the Legislature, that the capital stock of said bank has been impaired by losses, which, under the existing charter, prevents a division of the interest or profits of the remaining capital among the stockholders—THEREFORE—

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the President, Directors, and Company of said Bank, to reduce the capital stock thereof, in such a sum that each of the shares of said Bank shall consist of eleven dollars, instead of seventeen dollars and fifty cents, the amount paid on the original subscription of eight thousand shares—which said capital stock may be employed, and the interests and profits thereof, divided among the stockholders, subject to the same provisions, restrictions, limitations, and penalties as are provided in the original charter: *Provided nevertheless,*

that this act shall not take effect until John Rutherford, James Parker and John Frelinghuysen, 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 either of them, such other person or persons as shall be appointed for that purpose, by the governor, shall, after such examination, report to the governor of this state, that such reduction of the nominal amount of the capital stock does not exceed the real diminution which the said capital stock has suffered from losses sustained, and also that such reduction of the capital stock may take place without endangering the interest of the creditors or stockholders of the Bank, and until such report be approved of by the governor, and filed in the secretary's office of this state.

C. and A. Passed November 12, 1821.

An Act for the relief of the Trustees of the Newark Academy.

Preamble.

WHEREAS the lot of land, hereinafter described, on which the Academy, in the village of Newark, now stands, was in or about the month of September, in the year one thousand seven hundred and ninety-two, obtained by, and conveyed to a number of individuals who associated for the purpose of erecting thereon the said Academy, for the promotion of learning; which Academy was erected by voluntary subscriptions.—And after the Academy was erected, the subscribers thereto incorporated themselves under the act entitled, “An act to incorporate societies for the promotion of learning,” and thereupon chose trustees, who, according to law, took upon themselves the corporate name of “The Trustees of the Newark Academy.”—And the said corporation have ever since been in the enjoyment of the said Academy, and used it for the promotion of learning; but the legal title to the said lot of land has never been conveyed by the individuals to the said corporation—and it appearing to the legislature, by the petition of the trustees of the Newark Academy, that it is impracticable for them to obtain the legal title to the premises, without the aid of the Legislature—THEREFORE—

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the legal estate and title of the original subscribers and grantees thereof, of, in and to the aforesaid lot of land, with the appurtenances, is hereby transferred to, and shall be deemed and taken to be vested in “The Trustees of the Newark Academy” and their successors, as fully as though the said subscribers and grantees had released and conveyed the

Title vested
in the corpo-
ration.

same to the said corporation; which lot of land in the deed for the same to the associates, bearing date the third day of September, one thousand seven hundred and ninety-two, is thus described, viz. "All that certain lot of land, situate and lying in the town of Newark aforesaid, contiguous and adjoining to the house and home lot of Jonathan Sayrs, beginning on the west side of the broad street, at the north east corner of Doctor Griffith's lot, thence running north thirty degrees and fifteen minutes east, two chains and seventeen links along the broad street to the south east corner of Jonathan Sayrs' lot; thence north sixty-two degrees and thirty minutes west, five chains and ninety-three links; thence south thirty degrees and fifteen minutes west, two chains and seventeen links to the north west corner of Doctor Griffith's lot; thence south sixty-two degrees and thirty minutes east, five chains and ninety-three links, along said Doctor Griffith's line to the place of beginning at broad street, containing one acre, one rood and six perches": *Provided*, that nothing in this act contained, shall be taken, or construed, to invalidate the right or claim of any person or persons, to any part of the said lot of land derived from the said "The Trustees of the Newark Academy," as a body corporate.

Boundaries.

Proviso.

Sec. 2. *And be it enacted*, That the annual election of trustees of said Academy, as prescribed in the act, entitled "A supplement to an act entitled An act to incorporate societies for the promotion of learning," passed the sixth of June, one thousand eight hundred and twenty, shall take place on the third Monday in April, in each and every year, instead of the second Monday as in the above mentioned act is directed: *And further*, that any such trustee, lawfully chosen, under the said act, shall continue in office until the third Monday in April next.

Trustees to meet annually on third Monday in April.

A. Passed November 20, 1821.

An Act to enable James C. Vandike, to convey certain real estate, therein named, to James Drake.

WHEREAS James Drake, the elder, late of the city of New-Brunswick, in and by his last will and testament, in writing, did make and create certain trusts for the benefit of his son James Drake, and for the children of his said son James, and in the same will, did appoint Andrew Kirkpatrick, esquire, the trustee, and did give and devise certain estate, real and personal, to the said Andrew Kirkpatrick, trustee as aforesaid, to the end that the same should be applied to the use and benefit of the said James Drake, the younger, and his children.

AND WHEREAS in and by a certain decretal order made by his ex-

cellency the chancellor of this state, in the high court of chancery, the said trust was duly transferred from the said Andrew Kirkpatrick, esquire, to James C. Vandike.

AND WHEREAS the said James Drake, the younger, and the said James C. Vandike, together with the mother and sisters of the said James Drake, the younger, have presented their petition to the legislature, praying that an act of assembly may be passed to dissolve and destroy the said trust, and enable the said James Drake to take and receive the said estate, so devised as aforesaid, as fully and effectually as if he were named directly as devisee and legatee in the will of his father, the said James Drake, the elder—and it appearing reasonable that the prayer of the petitioners ought to be granted—THEREFORE,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said James C. Vandike, trustee as aforesaid, be authorized, empowered and directed, to convey, transfer and assign the said trust estate, so committed to him as aforesaid, to the said James Drake, the younger, in fee simple : and upon such conveyance, transfer and assignment as aforesaid having been made, as in this act is directed, the said James C. Vandike, is hereby declared to be for ever released, exonerated and discharged, from the said trust, and all liabilities thence arising.

C. Passed November 13, 1821.

An Act to extend the charters of the Newark Banking and Insurance Company, and of the Trenton Banking Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled “An act to erect and establish a Banking and Insurance Company in the town of Newark and county of Essex,” passed the seventeenth day of February, in the year of our Lord one thousand eight hundred and four, be, and the same is hereby extended and limited to the seventeenth day of February, which shall be in the year of our Lord one thousand eight hundred and thirty-nine.

Sec. 2. *And be it enacted,* That the act entitled “An act to erect and establish the Trenton Banking Company,” passed on the third day of December, in the year of our Lord one thousand eight hundred and four, be, and the same is hereby extended and limited to the third day of December, in the year of our Lord one thousand eight hundred and thirty-nine.

A. and C. Passed November 14, 1821.

An Act to divorce Cornelia M. Vanderveer, from her husband
Jacob R. Vanderveer.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Cornelia M. Vanderveer, be, and she is hereby divorced from her husband Jacob R. Vanderveer—and that the marriage contract heretofore existing between the said Jacob R. Vanderveer, and Cornelia M. Vanderveer, be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony: *Provided nevertheless,* That the issue of the said marriage shall not be deemed illegitimate.

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

C. and A. Passed November 24, 1821.

A Supplement to the act, entitled “An act to incorporate the Essex and Middlesex Turnpike Company, in the state of New-Jersey,” passed March third, one thousand eight hundred and six.

Sec. 1. 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 next meeting of the stockholders of the Essex and Middlesex turnpike company, for the choice of officers and for the transaction of such other business as appertains to the said stockholders to transact, shall be holden on the first Monday in May next, at such place as has been or may hereafter be appointed, by the board of directors for that purpose; and the annual meeting of the said stockholders for the purposes aforesaid, shall always hereafter be held on the first Monday in May, in every year, at such place as the board of directors may at their last meeting, antecedent thereto, have appointed for that purpose: *Provided always,* That the officers who may be elected at any such meeting, shall continue in office until others shall be chosen in their stead, unless they shall previously resign, remove out of this state, or become otherwise incapable of acting; in which case the vacancy or vacancies may be supplied in the manner prescribed in the third section of the act to which this is a supplement.

Sec. 2. *And be it enacted*, That so much of the act to which this is a supplement, as requires the annual meeting of the stockholders of the said company, to be held on the first Tuesday in May annually, be, and the same is hereby repealed.

A, Passed November 17, 1821.

An Act to incorporate the New-Brunswick Society for encouraging domestic manufactures.

Preamble.

WHEREAS John Bray, James Dunham, James Neilson, Peter Dayton, John T. Duyckinck, Matthew Egerton, Daniel W. Disborough, Thomas Letson, John Hutchings, Fitz Randolph Smith, John N. Simpson, and others, have presented their memorial, stating that from an anxious desire to promote the growth and prosperity of New-Brunswick, by encouraging domestic manufactures, and increasing the quantum of productive labour, they have formed a company under the name and style of "The New-Brunswick Society, for encouraging domestic manufactures," have raised by subscription, from nearly one hundred subscribers, in shares of ten dollars each, seven thousand two hundred and sixty dollars, have erected a number of looms, and commenced the weaving of cotton goods, but finding a considerable difficulty in conducting the concerns of a company so numerous without the aid of a charter, and wishing to extend their operations to the spinning, as well as weaving, of cotton, and perhaps wool and flax, by the erection of a mill or mills for the purpose, and in order that the business may be conducted with more facility, have prayed to be incorporated with authority to increase the number of their shares, so that their capital shall not exceed fifty thousand dollars—THEREFORE,

Name.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John Bray, James Dunham, James Neilson, Peter Dayton, John T. Duyckinck, Matthew Egerton, Daniel W. Disborough, Thomas Letson, John Hutchings, Fitz Randolph Smith, John N. Simpson, and such other persons, as now are, or hereafter shall be, associates with them for the purpose of manufacturing cotton, woollen and flaxen fabrics, and their successors, be, and are hereby constituted and declared to be a body corporate and politic, by the name of "The New-Brunswick Society for encouraging domestic manufactures," and, by that name, they and their successors shall have power and continue to be a body corporate, for and during the term of twenty-one years, and be capable of suing and being sued, plead-

ing and being impleaded, defending and being defended, answering and being answered unto, in all courts of judicature whatsoever, and they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, shall in law, be capable of purchasing, holding and conveying, any lands, tenements, hereditaments, goods and chattels, wares and merchandize, whatsoever, necessary to the objects of this incorporation. Powers.

Sec. 2. *And be it enacted,* That the stock, property and concerns of said corporation, shall be managed and conducted by eleven directors, who shall be annually elected on the first Monday in May, at such place as shall be agreed upon by the stockholders, and directed by the by-laws of said corporation; and the said elections shall be made by such stockholders as shall attend for that purpose, either in person or by proxy, and all elections shall be by ballot, each share in the stock, not exceeding ten, shall have one vote; and every five shares above ten, and not exceeding thirty shares, one vote; and every ten shares above thirty, one vote—and the persons having the greatest number of votes, shall be the directors; and whenever any vacancy shall happen, it shall be filled for the remainder of the year by the remainder of the board for the time being. Directors.

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

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

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

vants, for carrying on the business of said company, and with such allowances and salaries as to them shall seem meet: *Provided*, such by-laws be not inconsistent with the laws of this state, or of the United States.

Stockholders,
how far re-
sponsible.

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

Present direc-
tors.

Sec: 7. *And be it enacted*, That the directors annually to be chosen as herein before directed, shall elect one of their number to be president, and that John Bray, James Dunham, James Neilson, Peter Dayton, John T. Duyckinck, Matthew Egerton, Daniel W. Disborough, Thomas Letson, John Hutchings, Fitz Randolph Smith, and John N. Simpson, be the directors of the said company until the next annual election.

C. Passed November 22, 1821.

An Act to divorce Ann Eliza Freeman from her husband, Aaron B. Freeman.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Ann Eliza Freeman, be, and she is hereby divorced from her husband Aaron B. Freeman, and that the marriage contract heretofore existing between the said Aaron B. Freeman and Ann Eliza Freeman, be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony: *Provided nevertheless*, that the issue of the said marriage shall not be deemed illegitimate.

C. and A. Passed November 14, 1821.

An Act to dissolve the marriage contract between Nathan Talmage and Abigail Talmage, his wife.

Sec. 1. 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 between Nathan Talmage of the

county of Morris, and Abigail, his wife, be, and the same is hereby declared to be dissolved to all intents and purposes whatsoever; and the said Nathan Talmage and Abigail, his wife, are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony.

C. Passed November 24, 1821.

An Act to divorce Sarah Hopkins from her husband, Drial Hopkins.

Sec. 1. 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 Drial Hopkins, and Sarah his wife, of the county of Sussex, in this state, be, and the same is hereby dissolved, annulled and made of no effect, as fully and effectually to all intents and purposes as if they had never been joined in matrimony: *Provided always,* that nothing contained in this act shall be construed to make illegitimate any child of the said Drial and Sarah Hopkins, born before the passing of this act.

A. Passed November 20, 1821.

An Act to divorce Margaretta Campbell, of the county of Bergen, from her husband, George Campbell.

Sec. 1. 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 matrimonial relation now subsisting between George Campbell and said Margaretta Campbell, shall be, and the same is hereby declared to be dissolved, annulled, and made of no effect; as fully and effectually to all intents and purposes, as if they never had been joined in matrimony.

C. Passed November 24, 1821.

An Act establishing an Uniform Independent Battalion within the bounds of the third regiment, Sussex brigade.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the uniform companies at present formed, or

which may hereafter be formed, within the bounds of the third regiment, Sussex brigade, shall be, and are hereby set off and formed into an Uniform Independent Battalion, to be attached to the Sussex brigade, and shall meet for company exercise, by companies, upon the appointed day, by the militia law of this state, for company trainings; by battalion, upon the second Wednesday in May; and by battalion, for exercise and inspection, upon the second Tuesday of June, or upon such day as the commandant of the brigade shall order, at least twenty days previous to the said mentioned day, for exercise and inspection—and shall further be intitled to all the privileges, and subjected to all the penalties an independent battalion may, by the militia law of this state, be subjected to.

C. and A. Passed November 26, 1821.

A Supplement to the act, entitled “An act to enable the owners and possessors of meadowing marsh, lying on Newton Creek, in the county of Gloucester, to make and maintain a bank, dam, and necessary waterworks, to stop the tide out of said creek, and to keep the watercourse thereof open and clear,” passed November the twentieth one thousand, seven hundred and eighty-six.

Sec. 1. *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 managers appointed, under the act to which this is a supplement, to keep open and clear the watercourse of a branch of Newton Creek, called Peter’s Creek, as it now goes, in the same way and manner, and subject to the same regulations and penalties, as are provided for keeping open and clear,” the watercourses of the main creek, and the branches thereof, called Bank Creek and South Branch.

C. Passed November 26, 1821.

An Act constituting an Independent Battalion in the town of Newark, in the county of Essex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That an Independent uniform battalion be, and the same is hereby formed in the town of Newark, in the coun-

ty of Essex, to be composed of the first, second and third companies of Independent Cadets and the company of Independent Artillery, and such other uniformed companies within the bounds of the third regiment of the Essex brigade as may elect to join the said battalion, and the battalion court of appeals may choose to receive in the said battalion, unless prohibited by the brigade board of officers of the Essex brigade.

Sec. 2. *And be it enacted*, That the said battalion shall meet for exercise, by companies, upon the day appointed by the militia law for company trainings; by battalion upon the Wednesday immediately following the second Monday in May, and by battalion for exercise and inspection upon the Friday immediately following the first Monday in June; and once by battalion on such day as the commandant of the battalion shall appoint; and that a written or printed notice thereof, signed by the commandant of the battalion and posted in three of the most public places in the battalion for ten days previous to such parade, shall be deemed legal notice thereof.

Sec. 3. *And be it enacted*, That the battalion court of appeals shall consist of the commandant of the battalion, and the captains: and that the said battalion shall be entitled to all the privileges and subjected to all the penalties an independent battalion may, by the militia law of this state, be subjected to.

C. Passed November 26, 1821.

An Act concerning the estate of Robert Morris, late of New-Brunswick, esquire, deceased.

WHEREAS the said Robert Morris, in and by his last will and testament, bearing date the twenty-sixth day of April, in the year of our Lord seventeen hundred and eighty-eight, after giving certain specific legacies and devises, directed his real estate to be converted into personal estate—which, together with the residue of his personal estate, he bequeathed to and among his nephews and nieces, in certain proportions therein set forth; and among the rest, he bequeathed two sixteenth parts thereof to his nephew Samuel Boggs; which said last will was by the said Robert Morris, the testator, re-published from time to time, so as to embrace and extend to after purchased lands: and whereas the said Samuel Boggs, the legatee above named, died in the lifetime of the testator, whereby it is doubtful whether the said legacy to him is not lapsed—

AND WHEREAS, the said testator, after the death of the said Samuel Boggs, intended and resolved to give and bequeath unto

Robert Morris Boggs, the said legacy so as aforesaid given to the said Samuel Boggs, in and by a new will which he caused to be drawn, and which he signed, but the execution of which was not completed by reason of the violent sickness and consequent death of the said testator—

AND WHEREAS the said testator has left no lawful issue, or next of kin, in whom the said share of his property bequeathed as aforesaid, to the said Samuel Boggs, if lapsed, can legally vest—

AND WHEREAS doubts exist, whether the said two sixteenth parts of the estate of the said Robert Morris, so devised to the said Samuel Boggs, have escheated to this state—**THEREFORE,**

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the right of this state, in and to the said two sixteenth parts of the estate of the said Robert Morris, deceased, be, and the same is hereby released, and for ever quit-claimed to the said Robert Morris Boggs: *Provided,* That nothing in this act contained, shall be so construed as to impair or in any way to interfere with the claims of the heirs or devisees of the said Robert Morris, or of the said Samuel Boggs, if any there be, or of any other person claiming or to claim under them, or either of them.

C. Passed November 22, 1821.

An Act to raise the sum of ten thousand dollars for the year of our Lord, one thousand eight hundred and twenty-two.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That there shall be assessed, levied and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of 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-three.

Amount to be raised in 1822.

Sec. 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 manner following; that is to say:

Quota of the respective counties.

The county of Bergen shall pay the sum of six hundred and forty-five dollars and forty-seven cents.

The county of Essex shall pay the sum of nine hundred and ten dollars and sixteen cents.

The county of Middlesex shall pay the sum of eight hundred and forty-three dollars and forty-one cents.

The county of Monmouth shall pay the sum of nine hundred and thirty-seven dollars and twenty-eight cents.

The county of Somerset shall pay the sum of six hundred and sixty-four dollars and thirty-seven cents.

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

The county of Gloucester shall pay the sum of eight hundred and ten dollars and forty-five cents.

The county of Cumberland shall pay the sum of four hundred dollars and twenty-two cents.

The county of Salem shall pay the sum of five hundred and ninety-nine dollars and sixty-two cents.

The county of Cape-May shall pay the sum of one hundred and forty-five dollars and fifty-four cents.

The county of Hunterdon shall pay the sum of eleven hundred and twenty-five dollars and thirty-three cents.

The county of Morris shall pay the sum of eight hundred and nine dollars and ninety-seven cents.

The county of Sussex shall pay the sum of one thousand and twelve dollars and forty-six cents.

Sec. 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:—

How to be assessed.

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.

Sec. 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.

Rates of persons and things.

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 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 tanyards, 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 he is above directed to be rated, shall be assessed for that estate only—*Also*, That any one taxed as a single man, shall not be taxed as a householder.

Every male slave, between the ages of sixteen and fifty years, any sum not exceeding 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 curricie, 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.

Sec. 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 26, 1821.

A Supplement to "An act to authorize John Denn, of the county of Salem, to shorten the navigation of Salem creek, by cutting a canal."

Sec. 1. **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 operation of the fifth section of the act to which this is a supplement, shall be suspended for the term of eight years from and after the passing of this act.

C. Passed November 15, 1821.

An Act to defray the expenses of the government of this State.

Sec. 1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That there shall be paid to the officers appointed

for the administration of the government of this state, the several sums following, to wit :

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

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

To the other justices of the supreme court, for the time being, at the rate of one thousand dollars by the year.

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

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

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

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

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

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.

Sec. 2. *And be it enacted*, That there shall be paid to the vice-president of council and speaker of the house of assembly, the sum of three dollars; and to every other member of the council and assembly, the sum of two dollars and fifty cents, for each and every day they shall have attended this or any future meeting or sitting of the legislature; and the further sum of two dollars and fifty cents 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 James J. Wilson, Israel Taylor, Gershom Mott and James Cook, or any two of them, for the members of the house of assembly.

Sec. 3. *And be it enacted*, That there shall be paid to the clerks of the council and assembly, the sum of three dollars each, for every day they shall have respectively attended this, or 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 for a copy thereof for the printers, on a certificate produced to the treasurer, signed by the president or vice-president of council for the clerk of council, and by the president of council or the speaker of the house of assembly, for the clerk of assembly.

Sec. 4. *And be it enacted*, That the treasurer pay to such person or persons as 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 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 separately bound.

Sec. 5. *And be it enacted*, That there shall be paid to the sergeant at arms, for the time being, who shall attend the council and the house of assembly, and to the doorkeepers of council and 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.

Sec. 6. *And be it enacted*, That there shall be paid to the secretary of council and clerk of assembly, who shall severally engross the bills of council and assembly, this session of the legislature, after 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 the house of assembly.

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

C. Passed November 13, 1821.

An Act directing the mode of proceeding to collect the sum of ten thousand dollars due on the note of Isaac G. Ogden.

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

Mode of proceeding prescribed, &c.

hereby authorized and directed, to issue a writ of attachment out of the supreme court, against the goods and chattels, rights and credits, lands and tenements, moneys and effects of the said Isaac G. Ogden, in this state, to compel the appearance of the said Isaac G. Ogden to answer, and that the proceedings shall be, in like manner as near as may be, as is directed by an act, entitled "An act for the relief of creditors against absconding and absent debtors," passed the eighth day of March, A. D. one thousand seven hundred and ninety-eight, and also the supplement to the said act, entitled "A supplement to an act entitled an act for the relief of creditors against absconding and absent debtors," passed the thirtieth day of May, eighteen hundred and twenty, excepting that instead of the oath in that act required, it shall be only necessary that the attorney general, shall file the oath of one of the commissioners appointed in the act, entitled "An act to facilitate the intercourse between the states of New-York, Pennsylvania and this state"—that the said Isaac G. Ogden, doth not reside in this state as he verily believes, and that a sum of money is due from the said Isaac G. Ogden, ascertaining the sum as near as may be.

May prosecute in the court of New-York, or the circuit court of the United States.

Sec. 2. *And be it enacted*, That the attorney general, be, and he is hereby authorized and directed, in case he may deem it expedient for the interest of the state, instead of proceeding by attachment as above directed, to institute a suit against the above named Isaac G. Ogden, in any court of the state of New-York; where the same may be cognizable, or in the circuit court of the United States, and prosecute the same to final issue, on behalf of this state, and that he be further authorized to employ such legal assistance, as in his opinion the case may require; for which purpose, any sum not exceeding two hundred and fifty dollars, is hereby appropriated, to be drawn by the governor of this state, or person administering the government thereof: *Provided*, That nothing herein contained, shall prevent such amicable adjustment of the claim of this state against the above named Isaac G. Ogden, as may be agreed upon by John Rutherford and the attorney general of this state, for the time being, and the said Isaac G. Ogden: and the said John Rutherford and attorney general, are hereby vested with full authority for that purpose.

Money appropriated to carry on the suit.

C. and A. Passed November 27, 1821.

An Act to defray sundry incidental charges.

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

To Joseph Justice, for stationary and newspapers this session, sixty-nine dollars and sixty-five cents.

To William L. Prall, for ten cords hickory wood, sixty-two dollars and fifty cents.

To Zachariah Rossell, for andirons for supreme court office, two dollars sixty-three cents.

To Charles Freeman, for repairing carriage, painting, and a set of harness for a piece of ordnance, in the first regiment of Morris brigade, forty seven dollars seventy-five cents.

To William Gould, for sundry articles furnished state-house, and sawing wood, sixteen dollars ninety-eight cents.

To Charles Parker, esquire, treasurer, for two copies of Washington's farewell address, forty-seven dollars.

To the clerk of the house of assembly, for a map of the United States, ten dollars.

To Thomas Cain, for candles, three dollars ninety-eight cents.

To David Taylor, for drying tents, moving and repairing arms, fifty-two dollars eighty-two cents.

To James J. Wilson, for publishing the public acts of the last session, thirty dollars.

To do. for newspapers furnished the two houses during the present session, eleven dollars fifty-three cents,

To do. for advertising court of appeals and governor's proclamation, four dollars seventy-five cents.

To James J. Wilson, for printing public bills, &c. during the present session, one hundred and sixty-nine dollars and twenty-five cents.

To George Sherman, for advertising court of appeals, public acts, governor's proclamation for election of members of congress, and newspapers, fifty dollars and three cents.

To D. & E. Fenton, for stationary, twenty-three dollars and sixty-six cents.

To John Cook, for repairs done to secretary's office, eight dollars twenty-one cents.

To James Knox, for putting in glass, and weights for windows, ninety-eight and a half cents.

To Daniel Coleman, esquire, paid messenger to transmit governor's order to the sheriff of Gloucester, for the execution of John Gooby, and for masonry and glazing secretary's office, five dollars eighty-seven cents.

To Alexander Witherup and son, for materials and labour done, four dollars seventy-five cents.

To his excellency I. H. Williamson, for postage, twenty-two dollars thirty-six cents.

To Robert M'Neely, commissioner appointed by the legislature to superintend the alteration and repairs of the state-house, the balance of his accounts, one hundred and five dollars twelve cents.

To Samuel Paxson and sons, for locks, two dollars and eighty-eight cents.

To John Bellerjeau, for sundries, three dollars and eighty-seven and a half cents.

To A. M'Kean, for binding, repairing books, &c. ten dollars and fifty-six cents.

To John Davisson, for stationary, two dollars and twenty-five cents.

To John Noble, for removing prisoner from Philadelphia, twenty-six dollars and ninety-five cents.

To Theodore Frelinghuysen, attorney general, for services rendered the state in examining the treasurer's accounts, thirty dollars.

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

A. and C. Passed November 27, 1821.

REPORT AND RESOLUTIONS.

THE Committee to whom were referred a certain Report and Resolutions of the Legislature of Maryland, and a certain other Report and Resolutions of the Legislature of New-Hampshire, recommending an equitable appropriation of a portion of the public lands of the United States, to the purposes of education in those states which have yet received no such appropriation—

RESPECTFULLY REPORT,

That they have given to the documents referred to them such consideration as the importance of the subject demanded, and their time permitted; that the facts adduced, and the arguments advanced, in those documents, in favour of grants of land, for the purposes of education, to those states which have not received such grants, appear to your committee correct and conclusive; that, without recapitulating those facts or repeating those arguments at length, your committee will briefly state, that the United States have acquired by conquest, cession or purchase, an immense body of land, probably at this time more than four hundred millions of acres, which, as it was acquired by common valour, wisdom and contribution, is consequently the common property of all the states;—that this property is at the disposal

of the general government, which has made large grants thereof, for the purposes of education, to several of the states, while others, and this state among the number, equally friendly to the diffusion of knowledge among all classes of their citizens, and equally entitled to, and in need of, assistance in carrying their benevolent views into full effect, have received no part thereof:—that according to calculations made in the report to the Maryland legislature, which appear to be founded on the best data which could be obtained, the state of New-Jersey would be entitled, in a distribution to be made upon principles heretofore adopted, to one hundred and seventy-three thousand, four hundred and ninety-four acres, which at the lowest price at which congress has heretofore sold its lands at private sale, would amount to three hundred and forty-six thousand, nine hundred and eighty-eight dollars; that although it cannot be reasonably expected that all this land could be immediately sold, so as to realize at once the whole sum at which it is here estimated, yet it is probable that such sales might be made from time to time, and such payments had thereon, as would furnish a permanent and productive resource in aid of the fund already constituted in this state, for the establishment of free schools; that under these impressions, the committee deem it their duty to recommend to this house, a cordial co-operation with our sister states of Maryland and New-Hampshire, in the object which their communications to this state have in view; and therefore respectfully submit to the house the following resolutions:—

Resolved, unanimously, by the Council and General Assembly of the State of New-Jersey, “ That each of the United States has an equal right to participate in the benefit of the public lands, the common property of the Union.

Resolved, That the states in whose favour congress have not made appropriations of land for the purposes of education, are entitled to such appropriations as will correspond, in a just proportion, with those heretofore made in favour of the other states.

Resolved, That his excellency the governor, be requested to transmit copies of the foregoing report and resolutions, to each of our senators and representatives in congress, with a request, that they will lay the same before their respective houses, and use their endeavours to procure the passage of an act to carry into effect the just principles therein set forth.

Resolved, That his excellency the governor, be requested to transmit copies of this report and resolutions, to the governors of the several states, with a request that they will communicate the same to the legislatures thereof respectively, and solicit their co-operation.

C. Passed November 12, 1821.

Resolutions relative to a settlement of the State with the late Treasurer and his sureties.

RESOLVED by the Council and General Assembly, That the attorney general, be authorized and directed to institute a suit or suits against Peter Gordon and his sureties, for the amount which may appear to be due from the said Peter Gordon as late treasurer.

Resolved, That Peter I. Stryker, of council, and Thomas Newbold and Samuel Pennington, of the assembly, be a committee to consult with and advise the attorney general, in the prosecution of such suit or suits; to employ additional counsel to assist the attorney general, and a skilful and faithful clerk to re-state the accounts of the late treasurer, during the whole time he was in office, if such counsel and such clerk shall appear to them necessary, that they have power to send for persons and papers; to draw from the treasury any sum not exceeding two hundred and fifty dollars to defray necessary expenses of such suit or suits, or such investigation; and that the said committee, or any two of them, with the consent of the attorney general, be authorized to compromise and settle with the late treasurer and his sureties, in such manner as may appear to them consistent with justice, and with the rights and interests of the state.

C. and A. Passed November 27, 1821.

Preamble and Resolutions relative to an application to congress for the passage of a law for the decision of territorial and other controversies between States.

WHEREAS controversies exist between the states of New-Jersey and New-York; and of New-Jersey and Delaware, concerning their respective boundaries: And whereas the constitution of the United States has declared, that the judicial power of the general government shall extend to controversies between two or more states, thereby providing for the legal settlement of disputes, which might otherwise endanger the peace and safety of the Union; and whereas congress have hitherto omitted to carry into effect, the wise and salutary provisions of the constitution for that purpose, by vesting adequate powers in the courts of the United States—**THEREFORE**,

RESOLVED by the Council and General Assembly of this State, That our senators and representatives in congress, be requested to use their endeavours to procure the passage of a law for the decision of territorial or other controversies between states, in such manner as is authorized by the constitution of the United States.

Resolved, That his excellency the governor, be requested to transmit copies of the foregoing preamble and resolution to each of our senators and representatives in congress, to be by them laid before their respective houses.

C. and A. Passed November 27, 1821.

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