

A C T S

SESSION No. 32983

OF THE

RECEIVED

CATALOGUED

SIXTY-FIFTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY,

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-SEVENTH DAY
OF OCTOBER, EIGHTEEN HUNDRED AND FORTY.

Being the First Sitting.



TRENTON:

PRINTED BY PHILLIPS AND BOSWELL.

1841.



ACTS

OF THE

SIXTY-FIFTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY.

AN ACT for the relief of the President and Trustees of the Methodist Episcopal Church in Morristown.

WHEREAS the said trustees and the members of the said church and congregation have by their petition set forth, that they are disturbed in their meetings for religious worship by reason of the erection of large and extensive stables and the location of the track of the Morris and Essex Railroad Company near their house of worship, and that the said the Morris and Essex Railroad Company are making arrangements for a depot on a lot adjoining their church lot, from which they apprehend further disturbance; and whereas the said trustees and the members of the said church and congregation, in view of these difficulties, have resolved to sell and dispose of all the land and premises they now own adjacent to the route of the Morris and Essex Railroad Company, consisting of their meeting-house, church-yard, burying-ground, and parsonage-house and lot, and with the moneys arising from the sale thereof, purchase another lot whereon to erect another house of worship; but as the said president and trustees are advised, and believe, they cannot make any valid legal conveyance of the said premises with-
Preamble.

out authority from the legislature, and have by their petition asked for a law for that purpose---therefore,

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the said the President and Trustees of the Methodist Episcopal Church in Morristown, by their trustees, or a majority of them, to grant and convey in fee-simple, or otherwise, all and singular the lands and premises they now own situate in Morristown, in the county of Morris, in this state, consisting of the lot of land on which is situate their meeting-house, the church-yard, burying-ground, their parsonage-house and lot, and all and singular their other lands, situate near their meeting-house and the track or route of the Morris and Essex Railroad Company, and to make, execute, and deliver to the purchaser or purchasers thereof a good and sufficient deed or deeds for the same.

Trustees authorized to sell certain lands belonging to the church.

SEC. 2. *And be it enacted,* That the said deed or deeds to the purchaser or purchasers of the said premises, executed by the said trustees, or a majority of them, shall vest in the purchaser or purchasers thereof as good and sufficient title and estate in the said premises as the said the president and trustees may have therein at the time of such conveyance or conveyances, and as their grantor or grantors had therein at and before the time of the respective conveyances thereof to the said the president and trustees; *provided however,* that the said deed or deeds of conveyance shall not in any way affect any legal claim or demand, if any such there be, of any person or persons whatever, other than the said the president and trustees and their successors, and the person or persons, body politic or corporate, for whose use and benefit the said premises were originally conveyed to the said the president and trustees.

Title vested in purchaser.

Proviso.

Passed October 29, 1840.

A further supplement to an act entitled, "An act to authorize the board of chosen freeholders of the county of Mercer to borrow money."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State; and it is hereby enacted by the authority of the same,* That the board of chosen freeholders of the county of Mercer be empowered to borrow any sum of money, not exceeding twenty thousand dollars in addition to the amount they are now empowered to borrow, for such expenditures as are authorized by law, and to pledge the faith of the county for the repayment of the moneys so borrowed.

Authorizing the chosen freeholders to borrow money.

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

When to take effect.

Passed October 30, 1840.

AN ACT for the support of the government of this state.

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

Payment of officers provided for.

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

The governor,

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

Justices of the supreme court,

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

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

Treasurer,

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

Law and chancery reporters,

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

Attorney general,

quartermaster
general,

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

adjutant general,

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

how to be paid.

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

Members of
Council and As-
sembly,

Sec. 2. *And be it enacted*, That there shall be paid to the vice president of Council and to the speaker of the House of Assembly the sum of three dollars and fifty cents, each, and to every member of Council and Assembly the sum of three dollars, for each and every day they have attended, or shall attend, this or any future sitting of the legislature; and to every member of Council and Assembly the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going or 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 Joseph Greer, Charles Reeves, James H. Robinson, Abraham Brittin, or any two of them, for the members of Assembly.

how to be paid.

Secretary of
Council and
clerk of Assem-
bly,

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

how to be paid.

Sergeant-at-
arms and door-
keeper, how to
be paid.

Sec. 4. *And be it enacted*, That there shall be paid to the sergeant-at-arms, or to any person or persons acting in that capacity, who shall attend the Council and House of Assembly for the time being, and to the door-keepers of the Council and House of Assembly for the time being, the sum of two dollars, each, by the day, for each day, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days they have

respectively attended, signed by the president or vice-president of Council and the speaker of the House of Assembly, respectively.

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

Engrossing clerk, how to be paid.

Sec. 6. *And be it enacted*, That there shall be paid to each of the electors of president and vice-president of the United States, the sum of three dollars for every day he may attend in the performance of his duties as an elector, and the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on warrants, to be produced to the treasurer, to be signed by the president of the said electors, and the warrant in favour of said president to be signed by a majority of the electors.

Electors of president and vice-president, how to be paid.

Sec. 7. *And be it enacted*, That this act shall be and continue in force for one year from the twenty-seventh day of October, in the year of our Lord one thousand eight hundred and forty, and no longer, and that the same shall go into effect immediately after the passage thereof.

Limitation of act.

Passed November 13, 1840.

AN ACT to incorporate the Mendham Mutual Fire Assurance 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 I. Ford Morris, James W. Drake, John Marsh, Samuel D. Beach, John J. Ballentine, Luther Conkling, Peter Wolfe, Henry Hillard, Ephraim Marsh, Samuel S. Doty, William Logan, Henry Seward, Stephen Conger, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Mendham Mutual Fire Assurance Company," for the purpose of ensuring

Names of corporators.

Style and objects of incorporation.

their respective dwelling-houses, stores, shops, and other buildings, household furniture, merchandise, and other property, against loss or damage by fire; and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and, by that name, may also have, purchase, possess, and enjoy, to them and to their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien, and dispose of at pleasure, for the benefit of said company; and, also, may have a common seal, and alter and renew the same at pleasure, and, also, may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same in execution; *provided*, that they be not contrary to the constitution or laws of this state or of the United States.

Powers and privileges.

Proviso.

Persons ensuring to become members.

Sec. 2. *And be it enacted*, That all persons who shall ensure with the said corporation, and also their heirs, executors, administrators, and assigns, continuing to be ensured in said corporation, as hereinafter provided, shall thereby become members thereof, during the period they shall remain ensured by the said corporation, and no longer.

Number of directors.

Vacancies, how filled.

First directors.

Time and mode of electing directors.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of the said corporation, shall take an oath of office, and choose out of their body a president; all vacancies may be filled, for the remainder of the year, by such person or persons as a majority of the board of directors for the time being may appoint, and a majority of the whole shall constitute a quorum for the transaction of business; and that the said I. Ford Morris, James W. Drake, John Marsh, Samuel D. Beach, John J. Ballentine, Luther Conkling, Peter Wolfe, Henry Hillard, Ephraim Marsh, Samuel S. Doty, William Logan, Henry Seward, and Stephen Conger, shall be the first directors of said corporation, which board of directors shall hereafter be elected in each year, at such time and place in Mendham, in the county of Morris, as the said corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election, which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors, and shall be made

by ballot and by a plurality of the votes of the members, or their proxies, then present, allowing one vote for every five hundred dollars insured in said company; *provided always*, that each member shall have at least one vote, and that no member shall have more than five votes.

Sec. 4. *And be it enacted*, That the board of directors may appoint a secretary and such other officers and agents as may be requisite for effecting the business of said company, and allow them such compensation as they may deem reasonable, and also determine the rates of insurance.

Directors to appoint officers.

Sec. 5. *And be it enacted*, That all policies, and contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president and attested by the secretary, and, being so subscribed and attested, shall be binding and obligatory upon the said company; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Policies and contracts, how made.

Sec. 6. *And be it enacted*, That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note, with good and sufficient security, for such a sum of money as shall be determined by the directors to be the premium for said insurance, and that a part, not exceeding ten per centum, of said note shall be immediately paid, and the remainder of said deposit shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance, the said note, or such part of the same as shall remain unpaid, if any, after all losses and expenses occurring during said term shall have been provided for, according to the provisions of this act, shall be relinquished and given up to the maker thereof; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation.

Holder of policy to deposit his promissory note.

Moneys may be loaned.

Sec. 7. *And be it enacted*, That when any property insured by the said corporation shall be alienated, by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company, to be cancelled; and, upon such surrender, the assured shall be entitled to receive his deposit note or notes; upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him may

Transfer of policies.

have the same ratified and confirmed to him, for his own use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposite or premium note or notes as shall remain unpaid; and by such ratification and confirmation such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

Corporation may be sued if payment be withheld.

Sec. 8. *And be it enacted*, That suits at law or in equity may be maintained by said corporation against any of its members for the collection of said deposite notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also suits at law or in equity may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company are duly notified of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause on account of his being a member of said corporation.

Proportion of loss or damage to be paid by each member.

Sec. 9. *And be it enacted*, That the directors shall, after receiving notice of any loss or damage by fire sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposite note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him, as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposite note or notes, with costs of suit, and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

Members may be sued in case of neglect or refusal to pay.

Sec. 10. *And be it enacted*, That whenever and as often as it shall happen that the whole amount of the funds of the said company, and of the sums due on the deposite notes held by it, shall be insufficient to pay the whole loss occasioned by any

fire, the directors shall assess upon, and demand from each member, a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note, and assessment among the sufferers by such fire who have been insured by said company, in proportion to their losses and the amounts by them respectively insured; but no such assessment of a greater amount than one dollar on every hundred dollars by the members respectively insured, shall at any time be made for the loss or damage occasioned by any one fire; and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

Members may be assessed in case of deficiency.

Assessment not to exceed a certain ratio.

Sec. 11. *And be it enacted*, That no transfer of any policy of assurance of the said corporation shall be valid until entered into the books of the company, and certified on such policy by the secretary.

Transfers, how made.

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

Duty of the secretary.

Sec. 13. *And be it enacted*, That the operations and business of the corporation shall be carried on and conducted at such place in Mendham as shall be designated by a majority of the directors present at any regular meeting.

Sec. 14. *And be it enacted*, That, at every meeting of the said company, the directors for the time being shall make and exhibit a full and true statement of the affairs and business of the said company for the preceding year, for the general satisfaction of the members of said company.

Statements to be exhibited.

Sec. 15. *And be it enacted*, That this act shall continue in force thirty years, subject to be altered, amended, modified, or repealed by the legislature at any time hereafter.

Limitation of act.

Passed November 13, 1840.

AN ACT to incorporate the Proprietors of the Orange Cemetery,
in the county of Essex.

Names of corporators. **Style of incorporation.** **Powers.**

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 Calvin Dodd, Cyrus Baldwin, Aaron Williams, Timothy W. Mulford, Jabez Pierson, Albert Pierson, and William Pierson, junior, and their associates, be, and they are hereby made a body politic and corporate in law, under the name, style, and title of "the Proprietors of the Orange Cemetery," and, by that name, shall be able and capable in law to have and use a common seal, to sue and be sued, to plead and be impleaded, and to do all such other things as are incident to a corporation.

Qualifications of members. **Objects of incorporation.**

Sec. 2. *And be it enacted,* That the said corporation shall be composed, only, of persons who are or shall be owners of sub-lots or burial places in the said cemetery; and that the said corporation shall have power to take and hold in fee the tract of land situate in the township of Orange, near the residence of Caleb Williams, containing about ten acres, late the property of John Quinby, deceased, for such cemetery, and such other tract of land which the said corporation may hereafter add thereto for the purpose aforesaid, not exceeding thirty acres in the whole; and that the said corporation shall hold such tract or tracts of land in trust and for the uses hereinafter mentioned, to wit: first, the said corporation may sell, or otherwise dispose of, the sub-lots in the said cemetery, and take the proceeds of sale to their only proper use and behoof; but such sub-lots shall be occupied, only, as burial places for deceased human beings, with the use and privileges of the several walks and passages; and may erect on said tract or tracts of land such buildings and accommodations as they may deem suitable for the establishment; second, the sub-lots shall be conveyed to the respective purchasers in fee, on the payment of the purchase money, and the purchaser of each lot, his or her heirs and assigns, shall have the exclusive use and occupation thereof, only, for the interment of deceased persons, with the common use of the walks and passages, subject to such regulations as may be established by the said association for digging graves, building vaults, and ornamenting and preserving the said plats.

Managers to have care of cemetery. Their duties. and powers.

Sec. 3. *And be it enacted,* That the care and management of the said cemetery and the business of the said corporation shall be confided to seven managers, being lot-holders, who shall have the exclusive superintendence thereof, with power to appoint and employ such officers and agents as they may deem

expedient, and to fix the compensation of such officers and agents; which managers shall be chosen annually, by the owners of the sub-lots, at such time and place, and in such manner, as the board of managers may direct; and for the first year, and until others shall be chosen, Calvin Dodd, Aaron Williams, Cyrus Baldwin, Timothy W. Mulford, Jabez Pierson, Albert Pierson, and William Pierson, junior, shall serve as managers; and the managers for the time being, immediately before proceeding to an election, shall report to the proprietors the state of the affairs of the association; and the proprietors present shall then have power to elect managers, and direct such improvements to be made as they may deem expedient.

Present managers.

Sec. 4. *And be it enacted*, That no streets or roads shall be hereafter opened through the lands of the said corporation occupied as a burial ground, nor shall any part or parcel of the premises occupied as aforesaid ever be subject to sale by virtue of execution or any legal process.

No streets to be opened through their lands.

Passed November 13, 1840.

JOINT RESOLUTIONS.

Whereas two thousand copies of the final report of professor Rogers, on the geology of this state, have been furnished, agreeably to the requirements of a joint resolution, passed by the legislature of this state on the twenty-seventh day of February, eighteen hundred and thirty-eight, and are now deposited in the library of this state; and whereas it appears that, after the distribution of said report, as authorized by said resolution, as well as the further distribution authorized by a resolution, passed the eleventh day of March, eighteen hundred and thirty-nine, there will remain on hand and undisposed of about seven hundred copies of the report aforesaid; and whereas it is deemed essential for the public

Preamble.

benefit that the information contained in said report should be widely disseminated among the people of this state--therefore,

Secretary of state to supply each member of the legislature with a copy.

1. *RESOLVED by the Council and General Assembly of this State*, That those members of the present legislature who have not heretofore been provided for by the before named resolutions, be furnished by the secretary of state with one copy, each, for his own use, and that the remaining copies (after reserving two hundred copies for the use of the state) be apportioned by the said secretary of state equally among the members of the present legislature, to be by them distributed, agreeably to their discretion, among the citizens of the several counties of this state.

Copies to be sent to librarian of Congress and the governors of each state.

2. *And be it further resolved*, That out of the two hundred copies reserved as aforesaid, the secretary of state transmit ten copies to the librarian of the Congress of the United States, and two copies to the governor of each state and territory of the United States.

Passed November 13, 1840.

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OF THE
SIXTY-FIFTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW JERSEY,

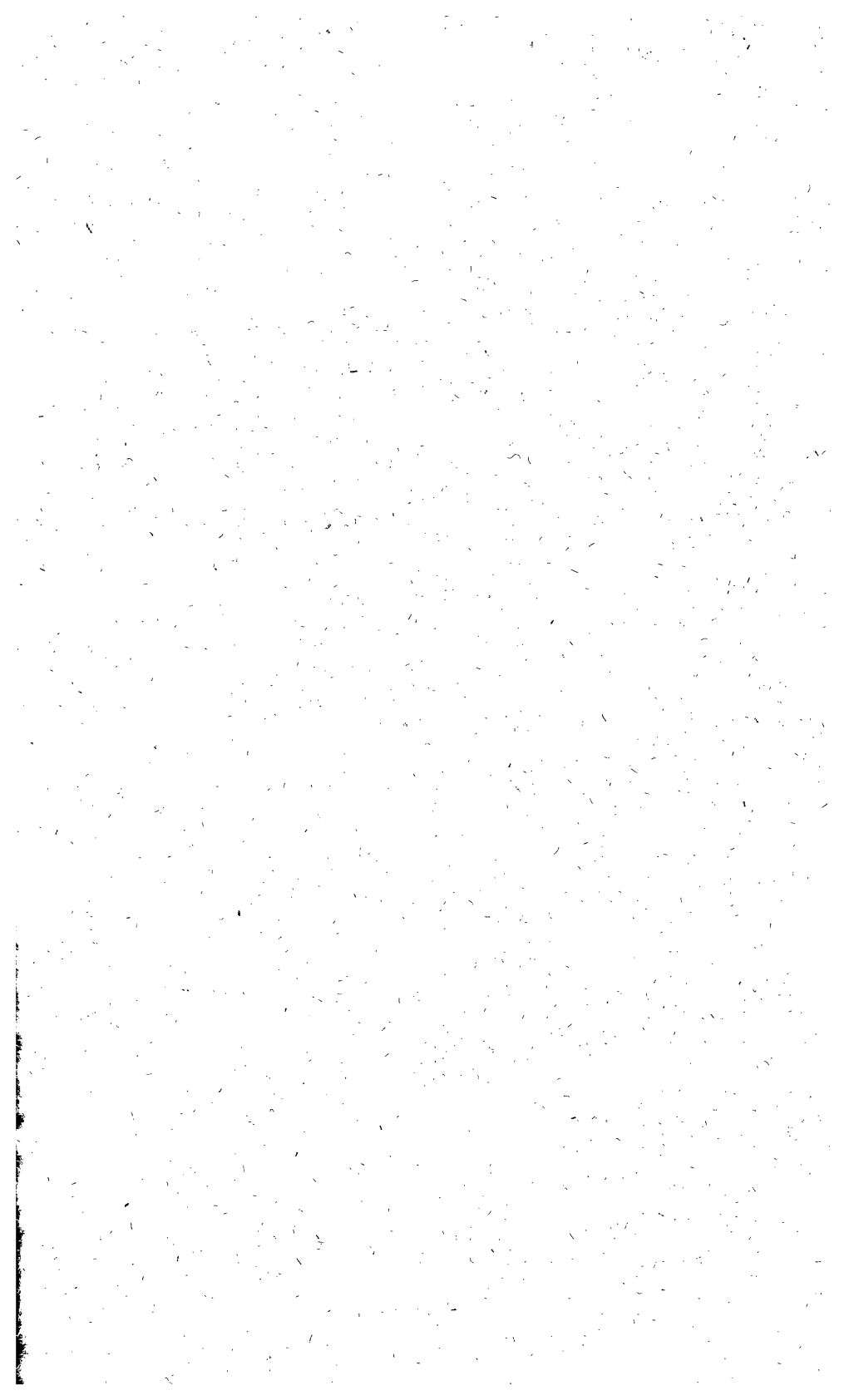
AT A SESSION BEGUN AT TRENTON ON THE TWENTY-SEVENTH DAY
OF OCTOBER, EIGHTEEN HUNDRED AND FORTY.

Law
Being the Second Sitting.



TRENTON:
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ACTS

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SIXTY-FIFTH

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY.

A supplement to an act entitled, "An act to compel the appearance of corporations to indictments and informations;" passed February tenth, eighteen hundred and thirty-seven.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when any executions which have been issued, or which hereafter may be issued, against any township, for the amount of any fine and costs, as provided by the second section of the act to which this is a supplement, shall be returned by the sheriff or other proper officer unsatisfied for want of goods and chattels, or for want of lands and tenements, of the township against which said execution issued, it shall be the duty of the clerk of the court out of which the same issued to make a copy thereof, with the endorsements thereon and the return of the sheriff or other proper officer thereto, having first added to the costs endorsed thereon one dollar, the fee of the said clerk for said copy, and a certificate thereof, and two dollars, the fee of the sheriff for the services hereinafter required of him, and to certify the same under his hand and seal of office, and deliver the same to the sheriff or other proper officer.

Mode of proceeding when execution is returned unsatisfied.

County collector to pay am't of costs, &c.

Sec. 2. *And be it enacted,* That it shall be the duty of the sheriff or other proper officer, upon receiving such certified copy of the execution and return, to present the same to the county collector, who shall pay to the sheriff of said county or other proper officer the amount of the costs endorsed, together with the interest due thereon, taking the receipt of the sheriff or other proper officer thereupon, which certified copy and receipt shall be a sufficient voucher for the payment thereof, in the settlement of the accounts of said collector.

Amount of costs and interest to be added to quota of tax of township.

Sec. 3. *And be it enacted,* That the said collector, having paid the said costs, shall thereupon charge the same, together with the amount of said fine, to the township against which such execution was issued, adding thereto interest up to the twenty-second day of December next ensuing the next annual meeting of the board of assessors of said county, and shall lay the same before the said board of assessors at their next annual meeting, which sum shall be added to the proportion or quota of the tax next to be levied and collected in such township, and shall be assessed, levied, collected, and paid over in the same manner, and under the same penalties, as the said proportion or quota of tax is by law directed to be assessed, levied, collected, and paid over.

Passed January 28, 1841.

AN ACT to divorce Mehetable H. Bourn from her husband Joseph Bourn.

M. H. Bourn and J. Bourn divorced.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Mehetable H. Bourn, of the county of Hudson, and Joseph Bourn be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony.

Passed February 2, 1841.

AN ACT to incorporate the New Jersey Baptist State Convention.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the association now known as "the New Jersey Baptist State Convention for Missionary Purposes" shall be, and is hereby constituted a body politic and corporate, by the name and title of "the New Jersey Baptist State Convention;" and, by that name and title, they and their successors shall be known in law, have power to sue and be sued, to defend and be defended, in all courts; and shall be capable of acquiring and receiving, by purchase, gift, devise, bequest, or otherwise, and becoming possessed of and holding or conveying, any real or personal estate, not exceeding the yearly value of five thousand dollars in the whole; and shall have perpetual succession, and also a common seal, with power to alter or renew the same at pleasure; and may ordain or make such regulations and by-laws as shall be necessary or convenient for the admission of members, the election of officers, the convening and government of the said corporation, and for conducting its affairs; *provided,* that the said regulations and by-laws be not contrary to the constitution or laws of the United States or this state, nor inconsistent therewith.

Style of incorporation.

Powers.

Proviso.

SEC. 2. *And be it enacted,* That the said corporation shall annually elect, at such time as they shall by their regulations and by-laws ordain and establish, a president, two vice presidents, a secretary, a treasurer, and twenty-five managers, who shall constitute the executive board to transact the business of the corporation, all of whom shall be residents in this state, and nine of whom shall be a quorum to do business; and Greenleaf S. Webb shall be president, John Rogers and John C. Harrison vice presidents, Clarence W. Mulford secretary, Peter P. Runyon treasurer, and James E. Welsh, Charles Bartolette, David B. Stout, Samuel Aaron, Edward W. Dickinson, William D. Hires, Joseph K. Hillegas, James Vanderpool, Samuel Cornelius, John M. Carpenter, Charles J. Hopkins, John W. Wigg, Isaac Moore, Gershom Mott, David Brister, William Sym, James G. Collom, Samuel Smith, William Maul, Joseph M. Smith, Levi G. Beck, Simeon J. Drake, John Jones, Ezekiel Sexton, and Samuel Smith managers of the said corporation; until others are elected.

Election of officers.

Qualifications of officers.

Present officers.

SEC. 3. *And be it enacted,* That the said corporation shall not use its funds for any other than missionary and education purposes, and the support of the widows and children of deceased ministers.

Exclusive objects of incorporation.

Act may be altered or repealed.

Sec. 4. *And be it enacted*, That the legislature shall have the right to alter or repeal this act, at any time hereafter, when they shall think proper.

Passed February 3, 1841.

An act to incorporate the Farmers Ferry Company at Camden.

Names of incorporators.

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 Evans, Levi Borton, and Joseph Hollinshead, of the county of Burlington, and Samuel Nicholson, William Folwell, Richard Feters, Joseph A. Burrough, and Abraham Browning, of the county of Gloucester, and William Coffin, junior, of the city of Philadelphia, and their associates, and all other persons who shall become subscribers and owners of the capital stock hereby created, shall be, and they and their successors are hereby made and declared to be a corporation and body politic, by the name of "the Farmers Ferry Company at Camden;" and, by that name, they shall have continual succession, and shall be able to sue and be sued, plead and be impleaded, in all courts of law and equity, and to purchase, have, hold, use, occupy, possess, and enjoy all such lands, tenements, and hereditaments, goods, chattels, and effects, as may be necessary to carry into effect the object of this act; *provided*, that the said lands, tenements, and hereditaments shall not exceed in the whole three acres; and the same from time to time to grant, bargain, sell, alien, convey, demise, lease, or otherwise dispose of at pleasure, to make and have a common seal, and the same at will to alter and change; to appoint all such officers, agents, and servants, and to employ all such engineers, workmen, and labourers as they may deem necessary; and to exercise all such other powers as shall be requisite to carry into full effect the provisions of this act; and to make by-laws, not contrary to law or to the constitution of this state or of the United States.

Style of incorporation.

Proviso.

Amount of capital stock.

May be increased.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall consist of one hundred thousand dollars, with liberty to the directors of said corporation to increase the same to any sum not exceeding two hundred thousand dollars; and the said capital stock shall be divided into shares of twenty-

five dollars each, shall be deemed personal estate, and shall be transferable in such manner as the by-laws of said corporation may direct; and every share shall be entitled to one vote, to be given in person by the bona fide owner thereof; *provided*, no stockholder shall be entitled to more than twenty votes, however many shares he or she may own; and every person subscribing to the said capital stock shall, at the time of such subscription, pay to the directors of said corporation, or some one of them, or other person authorized by them to receive the same, two dollars and fifty cents, for each and every share subscribed for by him or her; and the residue of the said capital stock shall be paid by the several and respective stockholders into the hands of the treasurer, or other proper officer of said corporation, at such time and in such instalments as the directors of the said corporation may require, they giving four weeks' previous notice in some two newspapers printed in this state, one in the county of Burlington, and the other in the county of Gloucester, and also in some daily newspaper printed in the city of Philadelphia, setting forth the time and place at which such instalment will be required to be paid; and a failure in paying any instalment within twenty days of the time mentioned in such notice, may, in the discretion of the directors, be adjudged a forfeiture of the share or shares on which such failure shall be made, and of all previous payments made thereon, to the use of said corporation.

Stock personal property and transferable.

Instalments, how to be paid.

Directors to give notice of time of payment.

Stock forfeited on failure to pay instalments.

Sec. 3. *And be it enacted*, That the affairs of the said corporation shall be managed by nine directors; and the said Thomas Evans, Levi Borton, Joseph Hollinshead, Samuel Nicholson, William Folwell, Richard Fettes, Joseph A. Burrough, Abraham Browning, and William Coffin, junior, are hereby appointed the first directors, who shall serve for one year and until others shall be chosen; and the said directors, or a majority of them, shall assemble, as soon as convenient after the passing of this act, and appoint some one of their number president of the said corporation, who shall serve for one year and until his successor shall be chosen; and should a vacancy occur, by death or otherwise, in the said board of directors, or in any subsequent board, the remaining directors, or a majority of them, convened at the next or any subsequent stated meeting, may appoint a director to fill such vacancy until the next annual election; *provided always*, that no person shall be a director who is not a stockholder; and at least six of the said directors shall be residents of the state of New Jersey and citizens of the United States.

First directors.

Directors to appoint a president.

Vacancies, how filled.

Proviso.

Sec. 4. *And be it enacted*, That the above named directors, or a majority of them, are hereby authorized and appointed to receive subscriptions to the capital stock of said corporation;

Directors to receive subscriptions.

and they shall open books for that purpose at such time or times, and at such place or places, as they may for that purpose appoint, and of which they shall give at least twenty days' notice, by advertising the same in a newspaper printed in the county of Burlington, and also in a newspaper printed in the county of Gloucester; and if more subscriptions be taken than the amount of the capital stock, the said directors, or a majority of them, shall apportion the same, in a fair and just manner, among the subscribers, so as best to advance the objects of the said corporation; but no apportionment shall be made upon subscriptions of twenty shares or less, and a preference shall be given to the inhabitants of the counties of Burlington, Gloucester, and Atlantic; and if the said capital stock should not all be taken, the said directors, or a majority of them, may, in their discretion, close the books, or keep them open till the whole shall be taken; and if the books shall be closed, and again be opened for subscriptions, the like notice of the time and place of doing the same, as herein before mentioned, shall be given; and, as soon as two thousand shares shall be subscribed for, and the sum of five thousand dollars paid thereon, (provided the same be paid within three years after the passage of this act,) it shall be lawful for the said corporation to commence their said business,

Stock to be apportioned.

When company may commence business.

Directors may appoint officers.

Officers to give bonds.

Powers of corporation.

Duty of corporation.

Penalty for refusal.

Sec. 5. *And be it enacted*, That the directors for the time being shall have power to appoint some one of their number president of said corporation, and also to appoint a treasurer, secretary, and all such other officers, agents, clerks, and servants as they may deem necessary; and they may require and receive from such officers, agents, clerks, and servants such bonds and other securities for the faithful performance of their respective duties as they shall direct; and they shall have power to establish a ferry between the city of Camden, in the county of Gloucester, and state of New Jersey, and the city and county of Philadelphia, in the state of Pennsylvania, at such place or places, on either side of the Delaware river, as they may deem best for the public accommodation and the interest of the said corporation; and for that purpose they may purchase or lease any real estate, not exceeding three acres, and erect and construct all such wharves, piers, slips, buildings, and other appendages as may be necessary to carry into effect the purposes of this act, and purchase or build steamboats, vessels, and other ferry-boats, of such descriptions and dimensions as they may think proper; and it shall be the duty of said corporation to keep a steamboat or boats running throughout the year, for the accommodation of the public; and if they shall refuse, in the day time, to carry any person or persons across said river, when the navigation thereof is not im-

practicable or imminently dangerous, they shall forfeit and pay to the person or persons so refused the sum of fifty dollars, to be recovered, by an action of debt, in any court of competent jurisdiction in this state.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said corporation to ask, demand, recover, and receive, Rates of ferri-
for ferrying across said Delaware river during the months of age.
March, April, May, June, July, August, September, October,
and November, of each year, the following rates of ferriage,
viz :

For each passenger,	five cents ;
Single passenger in wherries,	ten cents ;
For marketing, a barrel to be rated equal to two bushel baskets, and tubs, chests, and scow baskets rated according to the number of bushels they contain, for each bushel,	one cent ;
All articles having contained marketing to return free if empty, otherwise to pay the usual rates.	
For a two horse load, with or without the carriage, not otherwise rated,	twenty-five cents ;
A barrel of salt, plaster, flour, sugar, liquor, &c.,	six cents ;
A hogshead of liquor, sugar, molasses, &c.,	twenty-five cents ;
Lime, per hogshead,	fifteen cents ;
Stove of cast iron, of six or more plates,	ten cents ;
Salt, plaster, grain (except oats), clover, and other grass seeds, per bushel,	two cents ;
Oats, per bushel,	one cent ;
Flour, beef, pork, iron, &c., per cwt.,	three cents ;
Coffee, per bag, chest, large trunk, &c.,	five cents ;
Soap, candles, glass, chocolate, &c., per box,	two cents ;
Windsor chairs, per dozen, bureau, bedstead, clock case, &c.,	ten cents ;
Lumber, per hundred feet,	ten cents ;
Live calves and fat hogs, per head,	five cents ;
Sheep and store hogs, per head,	three cents ;
Fat cattle, per head,	twenty-five cents ;
Cow and calf,	twenty cents ;
Store cattle, horses, mules, &c.,	fifteen cents ;
Saddle horse and rider,	twenty cents ;
Sideboard,	twenty cents ;
Desk, secretary, &c.,	fifteen cents ;
Table, stand, feather bed, mattress, large chest of tea,	five cents ;
Crate or tierce of earthenware, hamper of bottles,	fifteen cents ;
Fresh shad, per hundred, or herring, per thousand,	twenty cents ;

CARRIAGES AND DRIVERS.

Every four wheel carriage drawn by four horses,	fifty cents ;
Every four wheel carriage drawn by two horses,	thirty cents ;
Every two wheel carriage drawn by two horses,	twenty-five cents ;
Every four wheel carriage drawn by one horse,	twenty-five cents ;
Every two wheel carriage drawn by one horse,	twenty cents ;
Market carriages with their drivers, including fish wagons, going to or returning from market, with four wheels drawn by two horses,	thirty cents ;
Ditto, drawn by one horse,	twenty cents ;
All passengers in carriages, except the driver, to pay the same as other passengers ;	
Carriages of burden, to include charcoal, tin wagons, pedlers, &c., with their drivers, two horse load,	thirty-five cents ;
Unloaded,	twenty-five cents ;
One horse load,	twenty-five cents ;
Unloaded,	twenty cents ;
Hay, straw, hemp, flax, and other bulky articles, two horse load,	fifty cents ;
Unloaded,	twenty-five cents ;
One horse load,	thirty cents ;
Unloaded,	twenty cents ;
Each additional horse, ox, or mule,	fifteen cents ;
Bricks on carriages,	seventy-five cents per thousand ;
Not more than eight hundred on two wheels, empty carriages to return free ;	
Charity schools, with their teachers, free ;	
And during the months of December, January, and February, of each year, the following rates of ferriage, viz :	
For all articles and things, not hereinafter enumerated, double the sums mentioned in the foregoing rates ;	
For every four wheel carriage drawn by four horses,	eighty cents ;
For every four wheel carriage drawn by two horses,	fifty cents ;
For every two wheel carriage drawn by two horses,	forty cents ;
For every four wheel carriage drawn by one horse,	forty cents ;
For every two wheel carriage drawn by one horse,	thirty cents ;
Market carriages with their drivers, including fish wagons, going to or returning from market, with four wheels drawn by two horses,	forty-five cents ;
For the same, drawn by one horse,	thirty cents ;

Carriages of burden, to include charcoal, tin wagons, pedlers, &c., with their drivers, two horse load,	fifty cents;
Unloaded,	forty cents;
One horse load,	forty cents;
Unloaded,	twenty-five cents;
Hay, straw, hemp, flax, and other bulky articles, two horse load,	sixty cents;
Unloaded,	forty cents;
One horse load,	fifty cents;
Unloaded,	twenty-five cents;
Each additional horse, ox, or mule,	twenty cents;
Saddle horse and rider,	thirty cents;
Fat cattle, per head,	forty cents;
Store cattle, horses, mules, &c., per head,	twenty-five cents;
A hogshead of liquor, sugar, molasses, &c.,	forty cents;
Lime, per hogshead,	twenty-five cents;
Cow and calf,	thirty cents;
Lumber, per hundred feet,	fifteen cents;
Salt, plaster, grain (except oats), clover, and other grass seeds, per bushel,	three cents;
All passengers in carriages, except their drivers, to pay the same as other passengers.	

Sec. 7. *And be it enacted*, That if the said corporation shall knowingly receive a higher ferriage for any person, or for the articles and things mentioned in the foregoing rates, than the ferriage therein specified, they shall forfeit and pay to the party aggrieved the sum of fifty dollars for each offence, to be sued for and recovered, in an action of debt, in any court of competent jurisdiction; but no action shall be sustained for the recovery thereof, or of any other penalty created by this act, unless the same be commenced within six months from the time the offence was committed.

Penalty for overcharge, and how to be recovered.

Sec. 8. *And be it enacted*, That five directors shall be a quorum for the transaction of business; the president shall preside at all meetings of the directors, except in cases of his sickness or absence, when any other of the directors present may be chosen president pro tempore; and the stated meetings of the directors shall be held at such times and places as the by-laws may ordain; and special meetings may be held by any particular appointment of the board of directors or upon the call of the president.

Special meetings, how called.

Sec. 9. *And be it enacted*, That there shall be an annual election of directors held, at such time and place, in this state, as shall be ordained by the by-laws, of which election three weeks' notice shall be given in two of the public newspapers printed in this state, one in the county of Burlington, and the other in the county of Gloucester, setting forth the time and place

Time and mode of appointing directors.

Corporation not to be dissolved for failure to elect on day prescribed.

of the election; but if it should happen that an election of directors should not be made at the time and place designated in said notice, the said corporation shall not for that cause be deemed to be dissolved, but such election shall be held at such other time and place, in this state, as the directors for the time being shall appoint, of which notice shall be given as aforesaid; and the directors for the time being shall continue in office until new ones shall be chosen in their places.

Dividends, how made.

Sec. 10. *And be it enacted,* That dividends of so much of the profits of said corporation, as shall appear advisable to the directors, shall be made, and paid to the stockholders at such times as the directors shall determine; but no dividends shall at any time be made of any part of the capital stock of said corporation; and at each annual meeting of the stockholders for the purpose of election, it shall be the duty of the president and directors of the preceding year to exhibit to the stockholders present a full and complete statement of the affairs of the corporation during the past year; and they shall produce the books, accounts, and papers of the said corporation at such annual meeting, if required to do so by any person or persons who, separately or together, shall be the owner or owners of fifty shares of said capital stock.

Annual statements to be made to stockholders.

Mayor and common council may lease to corporation.

Sec. 11. *And be it enacted,* That it shall and may be lawful for the mayor, aldermen, and common council of the city of Camden to demise or lease to the said corporation the termination of any public road, street, or highway in the said city, beyond highwater mark in the river Delaware, and appropriate the rents to such city purposes as they may think proper; *provided* nothing herein contained shall be construed to authorize an interference with private property or with the public use and enjoyment of such road, street, or highway, or the said termination thereof.

Proviso.

Penalty for injuring works of corporation.

Sec. 12. *And be it enacted,* That if any person or persons shall wilfully injure, impair, destroy, or obstruct the wharves, slips, bridges, piers, boats, or any of the works, engines, or machines of the said corporation, such person or persons so offending shall forfeit and pay to the said corporation any sum not exceeding one hundred dollars, to be recovered, with costs, in an action of debt, in any court of competent jurisdiction, and shall also be liable to pay double the amount of the damages sustained thereby, to be recovered, with costs, in any court of competent jurisdiction, by action of trespass or other proper form of action.

Limitation of act.

Sec. 13. *And be it enacted,* That this act shall be deemed and taken as a public act, and shall go into effect immediately after the passing thereof, and continue in force for thirty years;

and that the legislature of this state reserve the right, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good may require it. Act may be altered or repealed.

Passed February 3, 1841.

AN ACT concerning the last will and testament of Joseph Wilfred Parkins, esquire, deceased.

WHEREAS George Best, of the city of Newark, in the county of Essex, in this state, hath presented his petition to the legislature of this state, and therein hath set forth, that Joseph Wilfred Parkins, esquire, formerly of the city of London, in Great Britain, on the twelfth day of April, in the year one thousand eight hundred and forty, departed this life, at the said city of Newark, having first duly made and published his last will and testament in writing, and thereby devised certain real estate to the said George Best, and to a certain other devisee in the said last will and testament named, and therein and thereby constituted the said George Best the sole executor thereof; and that the said George Best hath taken upon himself the burden of the execution of the said last will and testament, as the executor thereof; and that the said last will and testament was duly admitted to probate before John Joseph Chetwood, esquire, then and now being the surrogate of the county of Essex aforesaid, and now remains filed in the office of the register of the prerogative court of this state; and further setting forth, that the said deceased was not, at the time of his death, seized or possessed of, or entitled to, any real estate in this state; and that the said deceased died seized or possessed of, or was entitled to, certain real estate situate in the kingdom of Great Britain and Ireland, and within the jurisdiction of the prerogative court of Canterbury, in the said kingdom; and that he, the said George Best, as such executor, is under the necessity of proving the said last will and testament per testes in solemn form of law, in the said court, to enable him to execute the said last will and testament; and the said George Best hath thereupon petitioned the legislature for relief in the premises--therefore, Preamble.

Ordinary to
cause the will
of J. W. Parkins
to be taken
from the files.

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 ordinary of this state be, and he is hereby authorized, in his discretion, and on such terms and conditions as to him shall seem meet and just, to cause the said last will and testament of the said Joseph Wilfred Parkins, esquire, deceased, to be taken from the files of the registry of the prerogative court of this state, and to cause the same to be delivered to the said George Best, the executor therein named.

Passed February 4, 1841.

AN ACT for the relief of William Coleman, of the county of Mercer.

Sixty dollars
per annum to be
paid to W.
Coleman.

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

Passed February 12, 1841.

AN ACT to divorce Henrietta B. Ennis from her husband Jacob Ennis.

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

That Henrietta B. Ennis, of the county of Sussex, be, and she is hereby divorced from her husband Jacob Ennis, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

H. B. Ennis
and J. Ennis
divorced.

Passed February 12, 1841.

AN ACT for the enclosure of a certain tract of woodland in the township of Franklin, in the county of Bergen.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of woodland, situate, lying, and being in the township of Franklin, in the county of Bergen aforesaid, being butted and bounded as follows, viz: on the south, by the public road leading from David J. Ackerman's to the Franklin turnpike; on the west, by the cleared lands of Albert Zabriskie, Garret A. Ackerman, and others; on the north, by the cleared lands of John P. Debaun; on the east, by the cleared lands of Garret A. L. Zabriskie, Andrew Esler, and others, to fence the same in common, and to erect and maintain such swing-gates as they may deem proper; and that, from and after the enclosing the same as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle, or sheep, with intent to let them run at large in said tract; *provided always*, that nothing in this act contained shall be construed so as to prevent any person or persons from turning horses, cattle, or sheep on such part of the said tract as may belong to him, her, or them, and as may be kept enclosed by a sufficient and lawful fence, separate from the remainder of the said tract.

Boundaries of
land to be fenced.

Swing-gates to
be maintained.

Proviso.

SEC. 2. *And be it enacted*, That if any person or persons whatsoever shall drive or let in any horses, cattle, or sheep into the said tract, after the same shall have been enclosed as aforesaid, except as is provided for in the preceding section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing-gates thereon, such person or persons shall be liable to a penalty of ten dollars; and if any person or persons shall leave open any bars or swing-gates thereon, either negligently or wilfully, such per-

Penalty for
trespassing, &c.

son or persons shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the trustees hereinafter mentioned, or a majority of them, in any court of competent jurisdiction in this state, in an action of debt, and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences and swing-gates around the said tract.

Horses, cattle,
&c., may be
impounded.

Duty of pound-
keeper.

Sec. 3. *And be it enacted*, That if any horses, cattle, or sheep be found running at large in said tract, it shall be lawful for any person, so finding them, to drive them to any public pound in the township of Franklin, leaving with the keeper of such pound an affidavit that such horses, cattle, or sheep were found running at large in said tract; and it shall be the duty of such pound-keeper to receive and keep the horses, cattle, and sheep so delivered to him until the owner thereof shall pay to him the fees of impounding the same, together with twenty-five cents per head for horses and cattle, and eight cents per head for sheep, and such poundkeeper shall collect and receive the same, and pay the same over unto the person so impounding said horses, cattle, or sheep; and said pound-keeper shall be entitled to the same fees, and be subject to the same penalties, and shall in all matters proceed as is directed by an act entitled, "An act regulating fences," passed January twenty-third, seventeen hundred and ninety-nine.

Time and mode
of electing trust-
tees.

Sec. 4. *And be it enacted*, That a majority of the owners of said tract shall meet, on the first Tuesday of April next, at the house of Henry G. Ackerman, at Saddle River, in the township of Washington, and on the first Tuesday in April each year thereafter, at such place as a majority of them shall direct, and shall proceed to choose from among themselves three persons to be trustees of said lands, who shall hold their office for one year and until their successors shall be appointed.

Their duties.

Sec. 5. *And be it enacted*, That the trustees elected as aforesaid shall designate the line of fence to be erected around the said tract, and shall assign, by marks and measurement, to each of the owners of said tract a part of said fence to make and maintain, in proportion to the number of acres owned by him or her therein; and if, after such assignment and notice thereof, any of the owners shall neglect to make and maintain the fence so assigned him or her, the said trustees shall make or repair the same, and shall be entitled to sue for and recover the expenses from the person or persons so refusing, or their legal representatives, in any court of competent jurisdiction in this state; and it shall be the duty of such trustees to cause a

lawful fence at all times to be kept up and maintained around the abovesaid tract.

Sec. 6. *And be it enacted*, That each trustee shall be entitled to receive one dollar per day for every day spent in the above mentioned duties, to be paid by the owners of said tract in proportion to their interest therein, which shall be assessed by the said trustees according to the number of acres held by each owner of said tract; and they shall make out a duplicate list of the amount assessed upon the property of each individual, who, upon refusal or neglecting to pay the same, after notice of the aforesaid assessment being set up in three of the most public places near the premises for the space of thirty days, shall be liable to prosecution before any court having competent jurisdiction of the same, in an action of debt, with costs of suit. Compensation.

Sec. 7. *And be it enacted*, That the legislature of this state shall have the power at any time to alter, modify, or repeal this act. Act may be altered or repealed.

Passed February 16, 1841.

AN ACT to authorize the sale of certain real estate of John Frelinghuysen, deceased, late of the county of Somerset.

WHEREAS it is represented to the legislature, that John Frelinghuysen, deceased, late of the county of Somerset, made his last will and testament in writing, duly executed to pass real estate, and thereby, among other things, devised his homestead farm, lying in said county, and containing about one hundred and fifty acres, to his daughters Elizabeth, Louisa, Sarah, Catharine, and Sophia, to be equally divided among them when the youngest should arrive at the age of eighteen years; that the youngest of the said devisees is now aged about eleven years, so that the said farm cannot now be divided, and that a part thereof, containing about fifteen acres, can now be sold to the Somerville Water-Power Company for a price greatly exceeding its value for agricultural purposes, and that the value of the residue of the said property would be greatly increased by the improvements proposed to be made by said company in the event of such sale---therefore, Preamble.

Trustees authorized to sell.

To make report to orphans' court.

To give bond to the governor.

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 Theodore Frelinghuysen, junior, and Frederick J. Frelinghuysen be, and they are hereby appointed trustees, with full power and authority to sell, for the best price or prices which they can obtain, any quantity, not exceeding fifteen acres, of the said farm adjoining the Raritan river, at such time or times and in such manner as they shall deem most for the interest of the said devisees; and that the said trustees shall make report in writing of the said sale to the orphans' court of the said county of Somerset, at its next stated term thereafter, for confirmation; and, if such sale be confirmed by the said court, the said trustees; or the survivor of them, shall and may execute and deliver to the purchaser or purchasers a deed or deeds for the land so sold, which shall transfer to and vest in the said purchaser or purchasers all the right, title, and interest of the said devisees of, in, and to the land so sold and conveyed; *provided always*, that the said trustees, before they enter upon the execution of the trust hereby reposed in them, shall enter into bond to the governor of this state, in such sum and with such sureties as the surrogate of the said county of Somerset shall direct, conditioned for the faithful performance of said trust, which bond shall be filed in the office of the said surrogate.

To exhibit their accounts to orphans' court.

Sec. 2. *And be it enacted*, That the said trustees, or the survivor of them, shall, within six months after the sale of the said land shall be completed, exhibit, under oath or affirmation, to the orphans' court of the said county of Somerset a just and true account of the proceeds of the said sale, and of the costs, charges, fees, expenses, and commissions incident to the execution of the trust reposed in them by this act, which account the said court shall examine, adjust, and settle, and the same shall then be filed in the office of the surrogate of said county.

Proceeds to be invested.

Sec. 3. *And be it enacted*, That it shall be the duty of the said trustees, or the survivor of them, to invest or keep at interest on good and sufficient security the net proceeds arising from such sale, after deducting the costs, charges, fees, expenses, and commissions settled and allowed by the said orphans' court, until the youngest of the devisees, named in the preamble of this act, shall arrive at the age of eighteen, and in the mean time to pay over the income or interest thence arising annually, or oftener, to the said devisees, in equal shares or proportions, and, as soon as the youngest of the said devisees shall arrive at the age of eighteen years, to pay over and distribute the said proceeds equally to and among the said devisees, or if either of them shall have died before that time without lawful issue, then to and among the survivors; and if

either of the said devisees should die under the age of twenty-one years, her share of the said proceeds shall descend and be inherited in the same manner, and by the same persons, as the said land would have descended and been inherited if this act had not been passed.

Passed February 18, 1841.

AN ACT for the relief of Daniel Harris, of the county of Cumberland.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall be, and he is hereby authorized and required to pay to the said Daniel Harris, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars per annum, to be paid to the said Daniel Harris, in half-yearly payments from the passing of this act, during the lifetime of the said Daniel Harris, the first half-yearly payment to be made on the passage of this act; and the receipt of the said Daniel Harris, or his order, shall be a sufficient voucher to the treasurer for such sums as he may pay by virtue of this act, in the settlement of his accounts.

Sixty dollars
per annum to be
paid to D. Har-
ris.

Passed February 18, 1841.

AN ACT for the relief of Ambrose Clark, of the county of Cumberland.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall be, and he is hereby authorized and required to pay unto Ambrose Clark, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the

Sixty dollars
per annum to
be paid to A.
Clark.

sum of sixty dollars per annum, to be paid to the said Ambrose Clark, in half-yearly payments from the passing of this act, during the lifetime of the said Ambrose Clark, the first half-yearly payment to be made on the passage of this act; and the receipt of the said Ambrose Clark, or his order, shall be a sufficient voucher to the treasurer for such sums as he may pay by virtue of this act, in the settlement of his accounts.

Passed February 18, 1841.

A supplement to an act entitled, "An act for facilitating the communication from Morristown, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex."

Preamble.

WHEREAS, by an act of the legislature of the state of New Jersey, passed the twenty-third day of February, in the year of our Lord one thousand eight hundred and four; certain persons, therein named, were created a body politic and corporate, by the name of "the Union Turnpike Company," for the purpose of erecting and maintaining a good and sufficient turnpike road from Morristown, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex; and whereas the said Union Turnpike Company have, by their petition, represented to the legislature, that the said company have for some time past been unable to keep that part of said road situate between Morristown and Dover, in the county of Morris, in such a state of repair as to justify the receiving of toll thereon, and that the said company is willing and desire to surrender all that part of said road situate between Morristown and Dover, in the county of Morris, to the inhabitants of the several townships through which the same passes, so as to enable the said inhabitants to have the entire control and management thereof--therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Union Turnpike Company be, and is hereby authorized to yield up and surrender all that part of said road situate between Morristown and the house of the widow

Part of road
surrendered.

Love, in the village of Dover, in the county of Morris, to the inhabitants of the several townships through which the same passes.

Sec. 2. *And be it enacted*, That from and after the passage of this act, the liability of the said company to keep, amend, and repair that part of said road above mentioned, and all their right, titles, interest, and franchise in, to, or over the same shall cease and for ever determine, and the same shall be a public and common highway, and amended, worked, repaired, vacated, or altered in the same manner, in all respects, as though the same had been laid out as directed by "An act concerning roads."

Company not liable to repair certain part of road.

Sec. 3. *And be it enacted*, That this act shall be deemed and taken as a public act.

Passed February 22, 1841.

AN ACT to authorize the partition of a certain farm, held by Jacob Drake, in the county of Hunterdon.

WHEREAS Jacob Drake, of the county of Hunterdon, by his petition to the legislature, has represented, among other things, that his father Daniel Drake, late of the said county, deceased, before and at the time of his death, held and owned the one half part of the farm whereon he and the petitioner then lived, in the township of Amwell, in the county of Hunterdon, adjoining and bounded by lands of Elnathan Stevenson, esquire, Richard Holcomb, John Rose, and others, supposed to contain one hundred and fifty acres, more or less, in fee, and the petitioner was and still is the owner of the other half of said farm in fee-simple; that the said Daniel Drake, in and by his last will and testament, bearing date the eleventh day of April, eighteen hundred and seventeen, in respect to his half of said farm, devised as follows: "and I do give and devise unto my said son Jacob Drake all my undivided right and share whatsoever in and to all that plantation or tract of land, situate in the township of Amwell, whereon I now live, during his natural life; and if he should die leaving a child or children, then I do will the same to his said child or children, and to their heirs and assigns for ever; but if my said son Jacob shall die without

Preamble.

issue, then I do will that the same be sold by my other executor, hereinafter named, who is hereby empowered in such case to sell the same, and to make a sufficient deed or deeds for the same, and the proceeds thereof shall be equally divided amongst all my remaining grandchildren, share and share alike;" that since the decease of the said Daniel Drake the said petitioner has held, and still holds and occupies, the whole of said farm, as owner in fee-simple of the one half part, and tenant for life of the other half part thereof; that he has no child or issue living, is aged and infirm, and is also encumbered with debts, which he is unable to pay without disposing of the half of said farm which he owns in fee-simple, which he cannot do to advantage without a partition being made to ascertain which part he owns in fee-simple, and which part he owns as tenant for life; and that the devise-over of the part he owns for life is a contingent remainder to such of the testator's grandchildren as may be living at the death of the petitioner, who cannot be ascertained until that event happens, and there is no person or persons who can now be considered as entitled thereto, between whom and the petitioner a partition could be made under any of the statutes for the partition of real estate; and praying that the legislature would pass a law appointing and authorizing three disinterested persons to make partition of the said farm, and set off the one half part thereof to the petitioner in fee-simple, and the other half part thereof to him as tenant for life, which appearing to be 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 James Johnson Fisher, William Drake, and Amos Wilson be, and they are hereby appointed and authorized to make partition of the said farm into two equal parts or shares, having due regard to quantity and quality, exclusive of the buildings erected thereon by the said Jacob Drake, of which he is to have the benefit, and to assign and set off the one equal half part thereof to the said Jacob Drake, his heirs and assigns, in fee-simple, and the other equal half part thereof to him as tenant for life, under the will of his father, the said Daniel Drake, deceased; which said latter half part, after the decease of the said Jacob Drake, shall be disposed of according to the will of the said Daniel Drake, deceased.

Commissioners
to divide a cer-
tain farm.

SEC. 2. *And be it enacted,* That the said commissioners, or any two of them, shall make a survey, field book, and report, under their hands and seals, of the said partition, setting forth the metes and bounds of each of the said half parts or shares of said farm, and designating which is assigned to the said

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

Jacob Drake in fee-simple, and which for life; which report shall be filed in the clerk's office of the county of Hunterdon, and recorded in the record of partitions for said county; which partition, so made as aforesaid, shall be valid and conclusive between the said Jacob Drake, his heirs and assigns, and the person or persons who may become interested in said premises upon the death of the said Jacob Drake, under the said devise contained in the will of the said Daniel Drake, deceased.

Sec. 3. *And be it enacted*, That before the said commissioners shall proceed to make said partition and report, they shall severally take and subscribe an oath or affirmation in writing, before any justice of the peace of the said county of Hunterdon, that they will make a just and equal partition of the said farm now occupied by the said Jacob Drake, according to the directions of this act, to the best of their judgment and ability; which oath or affirmation shall be annexed to, and filed and recorded with the said report.

Commissioners
to be sworn or
affirmed;

Sec. 4. *And be it enacted*, That the costs and expenses of making such partition, shall be assessed and ascertained by any justice of the supreme court of this state, to whom application may be made for that purpose, and shall be divided and recovered in the manner prescribed in the act entitled, "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common."

Costs, how as-
sessed.

Passed February 23, 1841.

A supplement to the act entitled, "An act for the maintenance of bastard children," passed February twenty-sixth, seventeen hundred and ninety-five.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That if any person against whom a warrant has been or shall be issued by any justice or justices of the peace of any county in this state, under and by virtue of the second section of the act to which this is a supplement, shall escape, go into, reside, or be in any other county out of the jurisdiction of the justice or justices granting such warrant, it shall and may be lawful for, and is hereby declared to be the duty of any justice of the peace of the county into which such per-

Warrant, how
to be served on
persons residing
in other coun-
ties.

son shall escape or go, or where he shall reside or be, upon proof being made, on oath or affirmation, of the handwriting of the justice or justices granting such warrant, to endorse his name thereon, which shall be a sufficient authority for the person or persons bringing such warrant, and to all other persons to whom the same was originally directed, to execute such warrant in such other county, and to apprehend and carry the person therein named before the justice or justices who issued the same, or some other justice or justices of the county in which the same was issued.

Act when to
take effect.

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

Passed February 23, 1841.

A supplement to an act entitled, "An act to incorporate the Morris and Sussex Manufacturing Company," passed February twenty-eighth, eighteen hundred and thirty-five.

Preamble.

WHEREAS it hath been satisfactorily shown to this legislature, that the capital stock of the Morris and Sussex Manufacturing Company is insufficient to conduct the business of said company, they having already expended seventy-five thousand dollars in the purchase of real estate and in the erection of three blast furnaces, to smelt iron ore with anthracite coal; and also, that it may become necessary for said company to purchase and hold lands and tenements at more distant points than one and a half miles from Stanhope, and that it would be more expressive of the business which the said company is engaged in to alter its style of incorporation---

Style of corpo-
ration altered.

Capital stock
increased.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the corporate name of the Morris and Sussex Manufacturing Company be altered to "the Stanhope Iron Company," and that the capital stock of said company be increased to two hundred and fifty thousand dollars, which increased capital shall be divided into shares of fifty dollars each.

Sec. 2. *And be it enacted*, That the president and directors

be authorized to open books for the subscription of the increased capital stock of said company at such time and place as they shall deem expedient, and to require the payment for the same in such instalments as they shall determine on, not exceeding ten dollars on each share at any one time, at intervals not less than thirty days, of which at least thirty days' notice shall be given.

President and directors to open books for subscriptions.

Sec. 3. *And be it enacted*, That the said company be authorized to purchase and hold any lands, tenements, and hereditaments necessary or useful to carry on said business in the counties of Sussex, Morris, and Warren.

Company authorized to hold lands in certain counties.

Sec. 4. *And be it enacted*, That every manager, president, and treasurer, and all such other officers as the manager shall direct, shall, before he or they act as such, take an oath or affirmation for the due and faithful execution of the duties of his or their office; and that it shall not be lawful for the company created by the act to which this is a supplement to contract debts, or issue notes or other obligations for the payment of money, to an amount exceeding at any one time the amount of its capital actually paid in; and for any violation of this section, the charter granted by the act to which this is a supplement may be forfeited.

Officers to take an oath.

Sec. 5. *And be it enacted*, That the legislature may amend, modify, alter, or repeal this act, whenever in their opinion the public good shall require it.

Act may be altered or repealed.

Passed February 25, 1841.

A supplement to "An act for the relief of the President and Trustees of the Methodist Episcopal Church in Morristown," passed October the twenty-ninth, eighteen hundred and forty.

WHEREAS the President and Trustees of the Methodist Episcopal Church in Morristown, by their petition have set forth, that the title to a certain part of the land and premises authorized to be sold by the act to which this is a supplement, containing sixty-hundredths of an acre, or thereabouts, described in, and conveyed for a valuable consideration, by deed, bearing date the twenty-fourth day of September,

Preamble.

eighteen hundred and twenty-five, and made between the President, Directors, and Company of the State Bank at Morris, of the first part, and Samuel W. Bonsall, Nathaniel R. Phillips, Moses A. Brookfield, James C. Canfield, and Silas C. Ayres, being the president and trustees of the Methodist Episcopal Church in Morristown, for the uses and purposes thereafter mentioned, of the second part; to have and to hold all and singular the described tract or lot of land and premises, with the appurtenances, unto the said party of the second part and their successors in office for ever, in trust, that they should erect and build, or cause to be erected and built thereon, a house or place of worship for the use of the members of the Methodist Episcopal Church in the United States of America, with various terms and regulations, and among others prescribed, as often as one or more of the trustees therein before mentioned should die or cease to be a member or members of said church, in what manner the minister and remaining trustees should fill such vacancy or vacancies, in order to keep up the number of five, and not exceeding seven trustees, for ever; and prescribing also, among other things, in case the said trustees, or any of them or their successors, should advance any sum or sums of money on account of said premises, the manner in which the trustees, or a majority of them, were authorized to raise said sum or sums of money by mortgage or sale of said premises, and dispose of any surplus money, as by reference to said deed, which is recorded in Morris county record of deeds, liber W. W. folio 80, &c., would more fully appear; that since the date and execution of said deed, Samuel W. Bonsall, Nathaniel R. Phillips, and James C. Canfield, three of the trustees named in the said deed, have departed this life, leaving the said Moses A. Brookfield and Silas C. Ayres them surviving; that no other trustee or trustees has or have been appointed in the place of the said deceased trustees, in the manner prescribed in the said deed; that James Cook, Robert K. Tuttle, Jason King, Job Brookfield, William M. Kitchell, and Silas Brookfield, the present trustees of the Methodist Episcopal Church in Morristown, have been appointed according to the act of the legislature of this state, passed the twelfth day of June, seventeen hundred and ninety-nine, entitled, "An act to incorporate trustees of religious societies," in pursuance of the provisions of which act the said the Methodist Episcopal Church in Morristown became incorporated, by that name, on or about the fifteenth day of August, eighteen hundred and twenty-five, as by the certificate of the clerk of the said county of Morris would appear; that the consideration money, being one hundred dollars, in the said deed mentioned, has long since been

paid, and no sum or sums of money whatever is due or owing to the trustees, or any or either of them, in the said deed named, for or on account of said premises, nor have they made any mortgage or sale thereof, or of any part thereof; that since the date and execution of the said deed by the said State Bank at Morris, the said Methodist Episcopal Church in Morristown have possessed and enjoyed the said lot of land in the said deed mentioned, and have endeavoured, by their said trustees, to make sale thereof, according to the provisions of the act to which this is a supplement; but doubts have arisen as to the parties necessary to convey, to whom the purchase money is to be paid, and in what manner the premises are to be released from the trusts, in order to make a valid title, freed and discharged from the trusts in the said deed set forth, the said State Bank at Morris being willing to execute a full release for the same---therefore,

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

That upon any sale of the lot of land, with the appurtenances, or any part thereof, described in the said deed executed by the said State Bank at Morris as aforesaid, in pursuance of the act to which this is a supplement, and a conveyance therefor to the purchaser or purchasers, according to said sale, executed by "the Methodist Episcopal Church in Morristown," under their common seal, and the present trustees of the said church, or a majority of them, uniting in said conveyance, to be signed and sealed by them, with such covenants as shall be agreed on by the parties and by the said Moses A. Brookfield and Siles C. Ayres, the said surviving trustees, uniting in the said conveyance, or by executing a separate conveyance, according to said sale, and releasing all liens and incumbrances to which they, or either of them, have any claim or demand, under their hands and seals, and the President, Directors, and Company of the State Bank at Morris executing a release under their common seal, as well for the said lot of land, with the appurtenances, conveyed by them as aforesaid, and so agreed to be sold, as also for all the said trusts and all incumbrances to which they have any claim or demand, such conveyance or conveyances and release to be approved of by one of the masters of the court of chancery of this state, and upon the payment of the purchase money by the purchaser or purchasers to the present trustees of the said Methodist Episcopal Church in Morristown, or a majority of them, taking their receipt therefor, upon or endorsed on the conveyance to be signed and sealed by them as aforesaid, such purchaser or purchasers shall be vested with, and entitled to all the estate, right, title,

Conveyances,
how to be executed.

To be approved
of by a master
in chancery.

interest, and possession of, in, and to the said lot of land, with the appurtenances, described or mentioned in the deed made by the said State Bank at Morris as aforesaid, and now held by the said the Methodist Episcopal Church in Morristown, the said Moses A. Brookfield and Silas C. Ayres, the surviving trustees as aforesaid, and the said the President, Directors and Company of the State Bank at Morris, or some or one of them, freed and discharged from all liens and incumbrances for which they, or any or either of them, have any claims or demands; and the said purchaser or purchasers, his or their heirs and assigns, shall hold the same, so conveyed, to his or their own use, free and clear, and absolutely discharged from all trusts whatsoever, upon which the same was or is held in pursuance of the trust contained in the said deed of conveyance, made by the said State Bank at Morris as aforesaid; and the purchase money paid by the said purchaser or purchasers as aforesaid, when received by the present trustees of the said Methodist Episcopal Church, or a majority of them, as aforesaid, shall be held in the place and stead, for the like trusts and purposes, as the said lot of land, with the appurtenances, is or are now held, and be used and applied accordingly.

Purchase money, how to be disposed of.

Passed February 25, 1841.

AN ACT empowering Ann Meeker and James F. Meeker, guardians of Nathan Meeker, a lunatic, to sell real estate.

Preamble.

WHEREAS Ann Meeker and James F. Meeker, guardians of Nathan Meeker, a lunatic, and James T. Meeker and Elizabeth W. Meeker, his only children, have by their petition set forth, that the said Nathan Meeker is the owner in fee of about three hundred acres of land, situate in the township of Union, in the county of Essex, and state of New Jersey, and that his personal property is barely sufficient for the ordinary use and comfort of the said Nathan Meeker and his family, and for farming utensils necessary for cultivating the said land; and also, that there are debts against the said estate to the amount of seven or eight hundred dollars, and that the same cannot be paid without an order from the orphans' court of the said county of Essex for the sale of the said personal property, which would cause great

inconvenience to the said Nathan Meeker and his family, and damage to his estate; and whereas it is also represented, that a portion of the property of the said Nathan Meeker is detached from the rest of his estate, being about a mile distant therefrom, thereby causing much labour and trouble in cultivating the same, and that the sale thereof would enable the said guardians to pay the said debts, and, besides contributing greatly to the convenience and comfort of the said Nathan Meeker and his family, would be of great advantage to his estate; and whereas it is further represented, that the said Nathan Meeker has, before the period of his mental aberration, and since, during his lucid intervals, frequently expressed his desire and intention to dispose of the property last above referred to, and that all other persons interested in the same are also desirous of such sale---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 Ann Meeker and James F. Meeker,

guardians of the said Nathan Meeker, or the survivor of them, be, and they are hereby authorized and empowered to grant, bargain, sell, and convey, either at public or private sale, as to the said guardians shall seem most conducive to the advantage of the said estate, the following described property of the said Nathan Meeker, being a farm known as the "Watkins place," situate in the township of Union, in the county of Essex, and state of New Jersey, containing about seventy acres of land, more or less, and bounded by lands owned now, or formerly, by Trembly Watkins, Nehemiah Watkins, David Maxwell, Daniel Higgins, David Ball, and others, and more particularly described in deeds for the same to the said Nathan Meeker from James Watkins and William Day and wife, the former of which is recorded in Book G. 2, of deeds for Essex county, pages 187, 188, and 189, and the latter in book P. 2, of deeds for the said county of Essex, pages 31 and 32, and to execute and deliver a deed or deeds for the said land and premises, or any part thereof, to the purchaser or purchasers, which deed or deeds shall convey unto the grantee or grantees therein named all the estate, right, title, interest, claim, and demand in and to the land and premises therein described, with the appurtenances, which the said Nathan Meeker shall be seized or possessed of, or entitled to, at the time of such sale; *provided always,* that before the said guardians, or the survivor of them, shall execute a deed for the said land and premises, or any part thereof, the said guardians, or the survivor of them, shall enter into bond to the ordinary of this state, and his successor in office, in such sum and with

Guardians authorized to sell certain real estate.

Description.

Proviso.

Guardians to give bond.

such sureties as shall be directed and approved by the orphans' court of the county of Essex, with condition, that the said guardians, or the survivor of them, will well and faithfully apply and account for the proceeds arising from the sale thereof, according to law, as part of the personal estate of the said lunatic, which bond shall be filed in the office of the surrogate of the said county of Essex.

Sec. 2. *And be it enacted*, That, during the lifetime of the said Nathan Meeker, the proceeds arising from the said sale shall be deemed and taken to be part of his personal estate, and, in case the said Nathan Meeker shall die intestate, the said proceeds, or so much thereof as shall not have been expended in due cause of law, shall descend and be inherited in the same manner as the said land and premises would have descended and been inherited if the same had not been sold.

Passed February 26, 1841.

AN ACT to authorize the inhabitants of the townships of Westfield, New Providence, Rahway, and Caldwell, in the county of Essex, to vote by ballot at their town meetings.

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 townships of Westfield, New Providence, Rahway, and Caldwell, in the county of Essex, who are or shall be entitled to vote at town meetings, shall, at their town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect at their town meetings, determine the amount of money to be raised for such purposes as are or may be authorized by law, and, also, the amount of tax to be levied upon dogs, and the sum to be allowed per day for labour upon roads, and appoint the place or places for holding their town meetings and election for state and county officers, by ballot, and not otherwise; and shall also, at the same time and in the same manner, determine how many assessors, collectors, constables, overseers of the poor, pound-keepers, and other township officers, the number of which is not fixed by law, shall be chosen for said townships, respectively, at their next annual meeting; and at their next annual town meeting, to be held next after the pass-

Voting to be by ballot at town meetings.

ing of this act, the number of assessors, collectors, constables, and other township officers, to be then elected by them, shall be the same as were elected at their last annual town meeting.

Sec. 2. *And be it enacted*, That Henry Baker, Dennis Coles, and Randolph Dunham, of the township of Westfield, and John Littell, Apollos M. Elmer, and Jonathan M. Wilcox, of the township of New Providence, and Jonathan Provost, Caleb D. Burnet, and Thomas D. Gould, of the township of Caldwell, and John Martin, Elias Stansberry, and James Finegan, of the township of Rahway, shall be the board of election for their respective townships at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor and collector of each year, shall constitute a board of election for the succeeding annual town meeting and all special town meetings that may be held during the year; and the said board, of which the said judge shall be chairman, shall be empowered to determine who are by law entitled to vote at such meetings, and shall be invested with the same powers, be liable to the same penalties, and governed by the same rules in conducting the election at such meetings, as at the annual county or state election, so far as the same are applicable; and if, at any such annual town meeting, two or more assessors or collectors are to be chosen, the voters at such election shall, upon their ballots, designate which of the persons so chosen shall act as one of the judges of election, and only the assessor and collector so designated shall be deemed and taken to be members of the board of election within the meaning of this act.

Present board
of election.

Board of in-
spectors of elec-
tion.

Powers.

Sec. 3. *And be it enacted*, That in case of the absence, inability, or neglect to serve of any member of the board of election, the lawful voters present at the opening of the poll shall elect, "viva voce," a person or persons, being a lawful voter or voters in such township, to fill such vacancy or vacancies during such election; and that the township clerk shall be the clerk of such election, and in case of his absence, inability, or neglect to serve, the board of election shall choose a clerk to serve during such election; and that the clerk of election shall take an oath or affirmation, to be administered by one of the board of election, faithfully and impartially to perform his duties therein.

Vacancies, how
supplied.

Clerk to take
an oath.

Sec. 4. *And be it enacted*, That, previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each of the board of election: "You do swear (or affirm), that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to re-

Oath to be ta-
ken by board of
inspectors.

ceive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge and refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein."

Time of opening and closing the poll.

Sec. 5. *And be it enacted*, That the poll shall be opened at ten o'clock in the forenoon, and close at four o'clock in the afternoon, at the place appointed for holding the annual town meeting; and that immediately upon the closing of the poll, the board of election and clerk shall, without adjournment or delay, proceed, in an open and public manner, to count the votes given, and determine the result of said election, which shall be recorded by the clerk in the minutes of said town meeting, which record shall be signed by said board of election, or a majority of them, and by the said clerk.

May adjourn for an hour.

Sec. 6. *And be it enacted*, That the board of election may, at their discretion, adjourn such election, at any proper time between the opening and closing of the polls, for a space of time not exceeding one hour.

Sec. 7. *And be it enacted*, That a plurality of votes shall be sufficient to elect all officers and decide all other matters which are herein directed to be decided by ballot, except the amount of moneys to be raised; and in case a majority of the voters at any such town meeting shall vote to raise money for any purpose authorized by law, but a majority of them shall not vote for the same sum or amount, it shall be the duty of the township committee to fix and determine the amount to be raised for that purpose, which amount shall not be more than the highest, nor less than the least sum so voted for; and the said committee shall declare their determination in writing, and transmit the same to the township clerk, who shall enter the same in the book in which shall be kept the minutes of the town meetings of said township.

Ties, how decided.

Sec. 8. *And be it enacted*, That in case of a tie between two candidates for the same office, or between two sums of money voted for, or in any other matter, the township committee shall decide; and in case of a neglect or inability to serve on the part of any officer elected, the said committee shall, by writing under their hands and seals, appoint a person to fill the vacancy, or shall order a new election, at their discretion; and in case they shall fill such vacancy by their own appointment, they shall give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed, of such his appointment, within five days after making the same, and also within that time transmit an account of

Vacancies, how supplied.

such appointment to the clerk of the court of common pleas of said county.

Sec. 9. *And be it enacted*, That any matters which by neglect or failure shall not be determined by such town meeting, and which by this act said town meeting is empowered to determine, shall be decided by the township committee; and they shall declare their determination upon any such matter in writing, and transmit the same to the township clerk, who shall enter the same in the book in which shall then be kept the minutes of the town meeting of said township.

Sec. 10. *And be it enacted*, That the officers of the board of election and clerk shall be allowed, for their services in attending every such election, the sum of two dollars each, to be paid by the township committee out of the funds of the township, and that no such officer shall be incompetent to act by reason of his being a candidate for any office to be voted for at such election.

Compensation to certain officers.

Sec. 11. *And be it enacted*, That it shall be the duty of the township committee to meet, at least twelve days before the day of town meeting, and prepare a report, as now directed by law; and it shall be the duty of the clerk to attend said meeting of the committee, and to cause said report to be published, at least six days prior to the next town meeting, in a newspaper circulating in said township, or in hand-bills set up in five or more public places in said township, as said committee may direct, and for which services said clerk shall receive such compensation as the said committee shall determine.

Clerk to publish report of township committee.

Sec. 12. *And be it enacted*, That the school committee shall also publish such report, as they are now required by law to make, in a newspaper circulating in the township or in hand-bills, which they shall set up in one or more public places in each school district, at least six days before the annual town meeting, and that the expense of such publication shall be defrayed by the township.

School committee to publish report.

Sec. 13. *And be it enacted*, That this act shall go into operation immediately after its passage.

Act to go into operation immediately.

Passed February 26, 1841.

A further supplement to the act entitled, "An act for the limitation of actions," passed February seventh, eighteen hundred and ninety-nine.

Mode of proceeding in case of death of parties.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That if any person, against whom there is or shall be any such cause of action, as is specified in the first, fifth, sixth, or seventh sections of the act to which this is a supplement, shall have died, or shall hereafter die, before the expiration of the times of limitation therein mentioned, the space or term of six months next succeeding the death of such person shall not be computed as part of the limited period within which such action or actions is or are required to be brought by the said sections; and that this act shall go into effect immediately after the passage thereof; *provided,* that no action or cause of action, already barred by the provision of the act to which this is a supplement, shall be revived by the passing of this act.

Passed February 27, 1841.

A supplement to the act entitled, "An act to incorporate the Newark Lime and Cement Manufacturing Company," passed February twentieth, A. D. eighteen hundred and forty.

Certain part of former act repealed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the third section of the act to which this is a supplement, as requires that all the directors of the said company shall be citizens of this state, be, and the same is hereby repealed; and that hereafter at least three of the said directors, including the president, shall be citizens and residents of this state.

Company not to contract debts beyond certain amount.

Sec. 2. *And be it enacted,* That it shall not be lawful for the said company to contract debts, or issue notes or other obligations for the payment of money, to an amount exceeding at any one time the amount of its capital actually paid in; and in case of any violation of this section, the directors for the time being shall severally and jointly be liable for all the

Penalty.

debts and contracts of said company, in addition to the liability of the said company for the same.

Passed February 27, 1841.

AN ACT to regulate the bridges over Alloways creek, in the county of Salem.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That no draw shall hereafter be constructed and placed in Quinton's bridge, in the county of Salem, of a less width than thirty feet, nor shall any draw hereafter be constructed, and placed in Hancock's bridge, in the county aforesaid, of a less width than thirty-five feet; but nothing in this act contained shall be so construed as to prevent the use of the present draws in said bridges, so long as the same are safe and sufficient.

Width of draws
in bridges.

Passed March 2, 1841.

AN ACT for the relief of Cornelius D. Board, of the county of Passaic.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay Cornelius D. Board, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars per annum, to be paid to the said Cornelius D. Board, in half-yearly payments from the passing of this act, during the lifetime of the said Cornelius D. Board, the first payment to be made on the passage of this act; and the receipt of the said Cornelius D. Board, or his order, shall be a sufficient voucher to the treasurer for such sums as he may pay by virtue of this act, in the settlement of his accounts.

Sixty dollars
per annum to be
paid to C. D.
Board.

Passed March 2, 1841.

AN ACT to incorporate the Temperance Beneficial Society of Trenton.

Preamble.

WHEREAS a number of the inhabitants of the county of Mercer, in this state, have formed themselves into an association or society, to which they have given the name of "the Temperance Beneficial Society of Trenton," the object of which is to raise a fund to be applied towards the relief or support of such of the members thereof as shall by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual trade or calling; and also towards the decent interments of its deceased members; and whereas it is believed an act of incorporation will promote the objects of said society, and add security to the property thereof--therefore,

Names of incorporators.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That David Milledge, Henry Pierson, Thomas Macpherson, Obadiah Howell, junior, Thomas Gandy, Daniel B. Coleman, Franklin S. Mills, Andrew Newton, Amos Hutchinson, and Charles C. Yard, and all such other persons, not exceeding four hundred, as now are or may hereafter become members of said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Temperance Beneficial Society of Trenton;" and, by that name, they and their successors shall have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and by their name aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching, or concerning the objects of the said incorporation.

Style of incorporation.

Powers.

Officers of the corporation.

Sec. 2. And be it enacted, That, for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vice president, treasurer, and secretary, and such other officers and assistants as shall be deemed necessary, who shall be elected by ballot by a majority of the members present at such election, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint and direct.

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

Property vested in the company.

Amount thereof limited.

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

May make constitution and by-laws.

Sec. 5. *And be it enacted*, That the sole and exclusive objects of the society hereby incorporated shall be, the relief of its members when sick or disabled by bodily infirmities from pursuing their ordinary avocations, defraying the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided for in the constitution and by-laws of said society, and such other necessary expenses as will accrue by carrying into effect the objects set forth in the preamble and in this and the foregoing sections of this act; and no part of the funds of the said corporation shall be used for banking purposes or in any other way, except as provided for in this act.

Objects of incorporation.

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

Act may be altered or repealed.

Passed March 2, 1841.

AN ACT relative to the last will and testament of Peter Massie, deceased, late of the township of Elizabeth, in the county of Essex.

Preamble.

WHEREAS Peter Massie, deceased, late of the township of Elizabeth, in the county of Essex, in and by his last will and testament, dated the nineteenth day of March, in the year of our Lord one thousand eight hundred and thirty-nine, and duly executed and proved according to law, did give and bequeath to the Reverend Nicholas Murray and the Reverend David Magie, of Elizabethtown aforesaid, and to the survivor of them, and to the heirs, executors, or administrators of the survivor of them, the sum of five thousand dollars, in trust, to be applied in such a manner as they shall direct for the education of the poor children of the township of Elizabeth, in the county of Essex, and state of New Jersey; and whereas the said legatees have by their petition represented to the legislature, that, at the time of the making of the said will, they were and still are the pastors of the first and second presbyterian churches in Elizabethtown, and believe that the said gift and bequest was designed and intended to be made to them, as such pastors, and to their successors in office, and would have been so made but for the misapprehension and mistake of the said testator, and have therefore prayed the aid of the legislature in the premises---therefore,

Bequest, how construed.

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 gift and bequest shall be construed in the same manner, and have the same force and effect, as if the same had been made to the pastors for the time being of the first and second presbyterian churches in Elizabethtown, and to their successors in office, upon the trust therein mentioned.

Vacancy, how supplied.

Sec. 2. *And be it enacted,* That in case of a vacancy in the office of pastor of either of the said churches, it shall and may be lawful for the session of the said church to elect and appoint some suitable person, who during such vacancy shall have and exercise the same power and authority under the said bequest, and in relation to the said trust fund, which the pastor of said church, if the said office were not vacant, would be entitled to have and exercise.

Passed March 2, 1841.

A supplement to the act entitled, "An act to prohibit tavern keepers, store keepers, confectioners, and hucksters from entertaining minors under the age of twenty-one years, at colleges, academies, and schools for the purposes of instruction, and from selling to them strong drinks," passed the twentieth of November, eighteen 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 no debt contracted after the fourth day of July next, by any minor under the age of twenty-one years, being a scholar or student of any college, academy, or school within this state, without the special permission, in writing, of the parent or guardian of such minor, or of the president, principal, master, or teacher of the said college, academy, or school, shall be binding on or recoverable of the said minor, or his parent or guardian, in any of the courts of this state; *provided,* that nothing herein contained shall prevent the recovery of any debt contracted by such minor for reasonable entertainment in coming to or returning from such college, academy, or school, and until he is provided with lodging and board, according to the usage and practice of such college, academy, or school, or for the convenient and proper board and lodging of any scholar or student of such college, academy, or school, boarding and lodging out of the same by the permission of the president, principal, master, or teacher thereof.

Debts contracted by minors not binding on parent or guardian.

Proviso.

Sec. 2. *And be it enacted,* That in all actions, suits, and proceedings which may be brought to recover any debt contracted as aforesaid (except debts contracted as mentioned in the proviso of the preceding section) every person being a regular scholar or student of any college, academy, or school within this state shall be deemed and taken to be a minor, unless he shall be proved to be of full age, by other evidence than the admission or declaration of such person.

Who are to be considered minors.

Passed March 2, 1841.

AN ACT to extend the charter of the Peoples Bank of Paterson.

Further extension of charter.

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 establish the Peoples Bank of Paterson," and the supplement thereto, be, and the same are hereby extended and declared to be continued until the thirteenth day of December, one thousand eight hundred and sixty-four; *provided however,* that it shall and may be lawful for the legislature, at any time hereafter, to alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Passed March 2, 1841.

AN ACT to incorporate the New Jersey Zinc and Copper Mining and Manufacturing Company.

Preamble.

WHEREAS Lambert Van Hosen, William M. Mailler, Lathrop S. Eddy, Charles Cleveland, and John Culbert, with others, have by their petition represented to the legislature, that they are associated together for the important purpose of mining and manufacturing zinc and other minerals; that the said associates have, in the pursuit of those objects, become the proprietors of large beds or veins of zinc ore and other minerals, in the township of Hardyston, in the county of Sussex, and in the township of Jefferson, in the county of Morris, in the state of New Jersey, in such quantities and of such quality as fully show that they may be usefully worked as mines; and that the prosecution of their undertaking will in all probability be attended with great expense and hazard, and have therefore prayed to be incorporated--therefore,

Names of incorporators.

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 Lambert Van Hosen, William M. Mailler, Lathrop S. Eddy, Charles Cleveland, and John Culbert, and such others as may hereafter be associated with them for the purposes aforesaid, shall be, and hereby are ordained,

constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the New Jersey Zinc and Copper Mining and Manufacturing Company," until the first day of May, which will be in the year of our Lord one thousand eight hundred and seventy-one; and, by that name, they and their successors and assigns be persons in law capable of suing and being sued, pleading and being impleaded, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and change, make, and alter the same at their pleasure; and also, that they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided*, that the real estate, or their interest therein, so to be holden shall be such only as shall be requisite to promote and obtain the objects of this incorporation, or such as shall have been bona fide mortgaged to it by way of security for any debt or debts due the said corporation, or conveyed to it in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments or decrees which shall have been obtained for such debts or sales, made by virtue of any mortgage given to the said corporation for the purposes aforesaid.

Style of incorporation.

Powers of corporation.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be five hundred thousand dollars; and that a share in the said stock shall be fifty dollars; and that books of subscription to the capital stock of the said company shall be opened at such place in Jersey City as the directors shall appoint, and shall be kept open for thirty days, under the direction of the said president and directors, and until at least one thousand shares of stock shall be subscribed, they first giving thirty days' notice of the opening of said books in one or more newspapers published in the counties of Sussex and Morris and in the city of New York; and that five dollars upon each share shall be paid in cash to the directors at the time of subscription for the same; and in case more stock shall be subscribed for than the whole amount of stock authorized by this act, it shall be the duty of the said commissioners to apportion the same among the subscribers, in proportion to their subscriptions; but no apportionment shall be made of any subscription for ten shares or less.

Amount of capital stock.

President and directors to open books for subscriptions.

Stock to be apportioned.

Sec. 3. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, three of whom shall be citizens of and residents within this state, who shall hold their offices for one year from the first Tuesday in May in every year here-

Number of directors.

Time and mode of electing directors.

after; and that the said directors shall be elected on the first Tuesday in May, in the year eighteen hundred and forty-two, and in every year thereafter, at such time in the day, and at such place in the township of Hardyston, in the county of Sussex, as a majority of the directors for the time being may appoint; and public notice shall be given by the said directors, not less than twenty days previous to the time of holding said election, by an advertisement to be inserted in one public newspaper printed in each of the aforesaid counties, and one printed in the city of New York; and the said election shall be made by such of the stockholders of the corporation as shall attend for that purpose in their proper persons or by proxy; and all elections shall be by ballot, each share of stock having one vote; and the persons who shall have the greatest number of votes at any election, being stockholders in said corporation, shall be the directors, subject always to the requirement of citizenship and residence above specified; and if it shall happen at any election that two or more persons have an equal number of votes, so that no choice shall have been made as to such person, then the said stockholders herein before authorized to vote at said election shall proceed to ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one of their number to be their president; and if any vacancy shall be occasioned in said direction, by death, resignation, or otherwise, the same shall be filled for the remainder of the year in which it may happen by such person or persons as the remainder of the directors for the time being, or a major part of them, shall appoint; that the first directors shall be Lambert Van Hosen, John Lambert, Peter Bentley, Charles Cleveland, and James L. Hurd, who shall hold their offices until the first Tuesday of May, in the year one thousand eight hundred and forty-two, and until others shall be chosen, and shall at their first meeting, by a majority of votes, appoint one of their number to be president.

Directors to choose president.

First directors.

Corporation not to be dissolved for failure to elect on day prescribed.

Sec. 4. *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 that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on some other day, as prescribed by law.

Sec. 5. *And be it enacted*, That it shall be lawful for the president and directors of said corporation to call and demand of the stockholders, respectively, all such sums of money as

are by them subscribed, at such times and in such manner and proportions as they shall deem fit, under pain of forfeiture of their shares, and all previous payments thereon, to the said corporation, always, however, giving at least thirty days' previous notice of such call and demand in two or more of the public newspapers, one to be printed and published in the county of Sussex, and one in the city of New York; and that it shall be lawful for the president and directors to sell at public auction the stock thus forfeited, and so much of any other stock as may be held by the delinquent subscribers as shall amount to their indebtedness to the corporation, after having given thirty days' previous notice thereof, to be published in the two last mentioned newspapers.

Stock forfeited
on failure to pay
instalments.

Sec. 6. *And be it enacted,* That a majority of the directors for the time being shall form a quorum for transacting all the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution or laws of the United States or of this state, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, and the duties and conduct of their officers, clerks, and servants for carrying on said business; and also touching the election of directors, and all such matters as appertain to the concerns of the institution; and also to appoint such officers, clerks, and agents, and with such salaries, as they shall judge proper.

Powers of di-
rectors.

Sec. 7. *And be it enacted,* That no transfer of stock shall be valid or effectual, as against said company, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Transfers, how
made.

Sec. 8. *And be it enacted,* That the directors of the said corporation shall keep, or cause to be kept, a stock book, transfer book, and other books of account, in which shall be entered an account of all the stock issued by the said corporation, and an account of all their transactions and affairs, which said stock, transfer, and account books shall be kept written and posted up, and always open during business hours to the inspection of any of the stockholders in the said corporation; and in case the secretary, or any other officer having charge of said books, shall refuse or neglect to exhibit the same to any stockholder or stockholders in said corporation, who may request the same, for each and every time the said secretary or other officer shall so refuse or neglect to exhibit the said books, all or any part of them, he shall forfeit the sum of two hundred and fifty dollars, to be recovered, in an action of debt, in any court of record held within the state, with costs of suit, one half of said penalty for the benefit of the party prosecut-

Books open for
inspection of
stockholders.

ing, and the other for the benefit of the poor of the county where the same may be forfeited.

Dividends, how made.

Sec. 9. *And be it enacted*, That all dividends to be made upon the profits of this corporation shall be paid equally to all the stockholders thereof, in proportion to their respective interests therein.

May not engage in banking.

Sec. 10. *And be it enacted*, That it shall not be lawful for the corporation hereby established to employ any part of their capital stock or funds in the purchase of any stock created by any law of this state or of the United States or in any banking operations.

Stock personal property.

Sec. 11. *And be it enacted*, That the stock of the said corporation shall be deemed and considered personal estate.

Sec. 12. *And be it enacted*, That it shall not be lawful for the corporation created by this act to contract debts to an amount exceeding, at any one time, the amount of its capital actually paid in; and for any violation of this section, the president and directors shall be severally and jointly personally responsible for all debts beyond the amount of cash capital actually paid in.

Penalty for commencing business in certain time.

Sec. 13. *And be it enacted*, That unless one thousand shares of said stock shall have been subscribed and actually paid for, and the work of mining and manufacturing zinc commenced within two years from the passage of this act, this charter shall be deemed forfeited and dissolved for non-user.

Where office of company to be located.

Sec. 14. *And be it enacted*, That the office of this corporation shall be located in the township of Hardyston, in the county of Sussex; and that this corporation shall have the right to mine and manufacture zinc, copper, and other minerals, except the manufacturing of iron, within the said township of Hardyston, and the adjacent township of Jefferson, in the county of Morris, and not elsewhere in the state; and that it shall be lawful for the legislature at any time hereafter to alter, modify, or repeal this act.

Act may be altered or repealed.

Passed March 3, 1841.

AN ACT to extend the charter of the Salem 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 incorporate the Salem Steam-Mill and Banking Company, in the county of Salem," passed the sixth day of November, one thousand eight hundred and twenty-two, and the supplement thereto, passed the eleventh day of November, one thousand eight hundred and twenty-five, be, and the same are hereby extended and declared to be continued until the first day of January, one thousand eight hundred and sixty-three; *provided however,* that it shall and may be lawful for the legislature at any time hereafter to alter, modify, or repeal the same, whenever in their opinion the public good requires it.

Further extension of charter.

Sec. 2. *And be it enacted,* That it shall not be lawful for the said banking company to charge more than six per centum per annum upon any loan of money made by them to any person or persons whatsoever.

Company not to charge more than six per cent. per annum.

Passed March 4, 1841.

A further supplement to the act entitled, "An act to incorporate the city of Newark."

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 common council of the city of Newark to appoint, annually, an officer to be called "the collector of arrears of taxes of the city of Newark," whose duties shall be as hereinafter mentioned.

Collector of arrears of taxes to be appointed.

Sec. 2. *And be it enacted,* That if any ward collector of the city of Newark shall neglect, for the space of ten days after the time mentioned in the twelfth section of the act entitled, "An act concerning taxes," to make out a list of the names of delinquents, as directed by said section, and deliver the same to some justice of the peace of the county of Essex, residing in said city, he shall forfeit and pay for such neglect the sum of five hundred dollars, to be sued for and recovered, with costs, in the name and for the use of "the Mayor and Common Council of the city of Newark;" and the said collector and his sureties shall also be liable for the payment of such forfeiture.

Ward collector, penalty for neglect to make list of delinquents.

Proviso.

under his official bond; *provided*, that no such neglect shall in any wise be held to relieve any person or persons from the payment of his, her, or their tax or taxes, or to affect the proceedings for the collection thereof, hereafter mentioned; and the said collector shall also forfeit all fees and compensation to which he would have been entitled for collecting and paying over the tax for the year in which such neglect shall happen.

Mode of making assessment.

Sec. 3. *And be it enacted*, That it shall be the duty of the several ward assessors of said city, in making their assessments as now provided by law, to assess all lands, tenements, hereditaments, and real estate, in the names of the owners thereof, respectively, and to designate the same by the street where situate, and by the number thereof, where the same is numbered, and if not numbered, then by such other short description as will be sufficient to ascertain the location and extent thereof.

Sec. 4. *And be it enacted*, That all taxes hereafter assessed in said city of Newark shall bear interest at the rate of six per centum per annum, from and after the twentieth day of December next after the assessment thereof.

Assessment to be a lien on property.

Sec. 5. *And be it enacted*, That any assessment of taxes, hereafter made in the city of Newark against any person or persons, shall be and remain a lien on all the lands, tenements, hereditaments, and real estate of such person or persons within said city for the amount of such assessment, with interest thereon and all costs and fees, for the space of two years from the twentieth day of August of the year in which such assessment shall be made.

Amount due from delinquents, how collected.

Sec. 6. *And be it enacted*, That it shall be the duty of any justice of the peace to whom any list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof, to administer to the collector returning the same the oath prescribed by the thirteenth section of "An act concerning taxes," and to issue his warrant directed to "the collector of arrears of taxes of the city of Newark," containing a list of the names of the several persons, and of the sums due from them, respectively, either in figures or words at length, as the same shall have been returned to him as aforesaid; and shall thereby command the said collector to cause the said several sums of money, with interest thereon as aforesaid, and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons therein named, and from whom the same are due, respectively, by selling the same at public vendue, giving at least four days' notice of the time and place of such sale, by advertisement set up in five public places in said city; and in case sufficient goods and chattels of the several persons

named in such warrant cannot be found, whereof the sums due from them, respectively, with interest, costs, and fees as aforesaid can be made, then to cause the whole, or the residue thereof, as the case may be, to be made of the lands, tenements, hereditaments, and real estate in the city of Newark, of the persons, respectively, from whom the same shall remain due, by selling the same, or any part thereof, for the shortest term for which any person or persons will agree to take the same, and pay such tax, or the balance thereof remaining unpaid, and the interest thereon, and all costs, fees, charges, and expenses; and in case the said collector of arrears of taxes cannot find sufficient goods and chattels, lands, tenements, hereditaments, and real estate of said persons, whereof the tax or taxes due from them, respectively, with all costs and fees, can be made, then the said warrant shall further direct the said collector of arrears of taxes to take such further proceedings, to be set forth in said warrant, as are mentioned in the seventeenth section of the act entitled, "An act concerning taxes," which warrant the said justice, before delivery thereof to said collector, shall record in his docket; and if any justice of the peace, residing in the city of Newark, shall neglect or refuse to perform any duty required of him by this act, he shall for every such neglect or refusal forfeit and pay the sum of five hundred dollars, to be sued for and recovered, with costs, in the name and for the use of "the Mayor and Common Council of the city of Newark," before any court of competent jurisdiction.

Penalty for refusal of justice of the peace to perform duties.

Sec. 7. *And be it enacted*, That the said collector of arrears of taxes, before he enters upon the execution of the duties of his office, shall take and subscribe, before the clerk of said city, or before a judge of the inferior court of common pleas of the county of Essex, an oath or affirmation faithfully and impartially to execute the trust reposed in him, according to the best of his abilities and understanding, and shall also execute a bond to the said "the Mayor and Common Council of the city of Newark," in such sum and with such sureties as the said common council shall require and approve, conditioned for the faithful execution of the duties of his office.

Collector of arrears of taxes to give bond.

Sec. 8. *And be it enacted*, That it shall be the duty of the said collector of arrears of taxes to execute, according to the command thereof, all warrants which shall be issued and delivered to him as aforesaid, to pay over, from time to time and at least once in each week, without delay all moneys received by him to the treasurer of said city; and, within sixty days from the date of any warrant directed and delivered to him, to make a full return and statement in writing to the common council of said city of his proceedings on the same, setting

Duties of collector of arrears of taxes.

forth particularly the amount of money received by him, the several sums then remaining unpaid, and the names of the several persons then in arrear, and the sums due from each, respectively; and, on or before the twentieth day of August next after receiving any warrant, as fully as practicable, to execute the same, and make return thereof to the justice who issued the same, with a full return of all his proceedings thereon; and at the same time to make a full return and statement to the common council of said city, setting forth the amount of money received by him thereon since his first return and statement, the sums, if any, remaining unpaid, the names of any persons still in arrear, and the sums due from them, respectively; and it shall be lawful for the justice who issued such warrant, or, in case of his death, removal from office, or other inability, for any other justice of the peace residing in said city, thereupon to issue another warrant for the collection of the sum or sums remaining unpaid, with interest, costs, and fees, in the like form, and to be proceeded upon in the same manner, as herein before mentioned, and so until the whole is collected.

Vacancies, how filled.

Sec. 9. *And be it enacted*, That the said collector of arrears of taxes shall be removable at the pleasure of the common council of said city; and in case of a vacancy in the office, by removal, death, or otherwise, the common council shall have full power at any time to fill such vacancy; and any warrant in the hands of said collector at the time any vacancy happens may be executed, in all or in part, as the case may require, by his successor; and it shall be the duty of any collector, within twenty days after being removed from office, or the expiration of the term of his appointment, to make a full return of his proceedings upon any warrant or warrants in his hands to the justice or justices who issued the same, together with such warrant or warrants, and within the same time to make and deliver to the common council of said city a full statement of his proceedings thereon, including all the particulars mentioned in the preceding section.

Notice of sale of real estate to be given.

Sec. 10. *And be it enacted*, That notice of the time and place of the sale of any real estate under this act shall be given by advertisement, signed by said collector of arrears of taxes, published in at least two newspapers printed and published in said city for at least sixty days, at least once in each week, before the time appointed for such sale; *provided*, that such sale may be adjourned from time to time, not exceeding ninety days in the whole.

Collector to give deed.

Sec. 11. *And be it enacted*, That the said collector of arrears of taxes shall execute and deliver to any person or persons who shall be the purchaser or purchasers of any lands;

tenements, hereditaments, or real estate under this act, a deed for the same, under his hand and seal; and such purchaser or purchasers, and his and their legal representatives, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, hereditaments, and real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until the term shall be completed and ended for which the purchaser or purchasers may have agreed to take the same, and at the expiration of the said term shall peaceably and quietly yield up the same to the lawful owner or owners thereof, and shall be liable for any injury or waste by him or them done or committed therein, in the same manner as a tenant for a term of years.

Sec. 12. *And be it enacted*, That the said collector of arrears of taxes shall be liable to the said the mayor and common council of the city of Newark for the amount of taxes mentioned in any warrant directed and delivered to him under this act, with interest, or for such part thereof as shall not have been paid to the treasurer of said city on or before the twentieth day of August next after said collector shall receive said warrant, unless the deficiency happen without any neglect, fraud, or default on his part, to be recovered, with interest and costs, in an action on the case for so much money had and received by the said collector, for the use of the said the mayor and common council of the city of Newark.

Deficiencies,
how recovered.

Sec. 13. *And be it enacted*, That notwithstanding any mistake in the name or names of the owner or owners, or omission to name the real owner of any lands, tenements, or hereditaments, in the city of Newark, in assessing the taxes thereon, such assessment shall be valid and effectual in law against said lands, tenements, and hereditaments, and the same may be proceeded against and sold in the manner prescribed by the act entitled, "A further supplement to the act entitled an act incorporating the city of Newark," passed March second, eighteen hundred and thirty-nine.

Mistakes in
names of owners
not to affect
the validity of
assessment.

Sec. 14. *And be it enacted*, That the said collector of arrears of taxes shall be entitled to receive the sum of fifty cents for executing a tax warrant against each person named therein, and, in addition thereto, two cents on each dollar by him collected and paid over to the treasurer of said city; for advertising the sale of any lands, tenements, hereditaments, or real estate, for each delinquent, the sum of one dollar; and for a deed to a purchaser, the sum of two dollars; and the justice, for his services, shall be entitled to the same fees as are now allowed by law for issuing tax warrants.

Compensation
to collector.

Sec. 15. *And be it enacted*, That so much of the act to

Parts of former
acts repealed.

which this is a supplement, and of any former supplement thereto, as is inconsistent with this act, be, and the same is hereby repealed.

Passed March 4, 1841:

AN ACT to authorize the inhabitants of the township of South Brunswick, in the county of Middlesex, and the inhabitants of the township of Upper Freehold, in the county of Monmouth, to vote by ballot at their town meetings.

Voting to be by
ballot at town
meetings.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the inhabitants of the township of South Brunswick, in the county of Middlesex, and the inhabitants of the township of Upper Freehold, in the county of Monmouth, who are or shall be entitled to vote at town meetings, shall, at their respective town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect at such town meetings, determine the amount of money to be raised for such purposes as are or may be authorized by law, and, also, determine the place or places for holding their town meetings and elections for state and county officers, by ballot, and not otherwise.

Present board
of election.

Board of in-
spectors of elec-
tion.

Sec. 2. *And be it enacted,* That George Morris, George T. McDowell, and Ralph C. Stults, of the township of South Brunswick, and Furman Hendrickson, Robert W. Miller, and Charles Allen, of the township of Upper Freehold, shall be the board of election for their respective townships at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor and collector of each year, shall constitute a board of election for the succeeding annual town meeting and all special town meetings that may be held during the year; and the said board, of which the said judge shall be chairman, shall be empowered to determine who are by law entitled to vote at such meeting, and shall be invested with the same powers, be liable to the same penalties, and governed by the same rules in conducting the election at such meeting, as at the annual county and state elections, so far as the same are applicable.

Sec. 3. *And be it enacted,* That in case of the absence, ina-

bility, or neglect to serve of any member of the board of election, the lawful voters present at the opening of the poll shall elect, viva voce, a person or persons, being a lawful voter or voters in such township, to fill such vacancy or vacancies during such election; and that the township clerk shall be the clerk of such election, and in case of his absence, inability, or neglect to serve, the board of election shall choose a clerk to serve during such election; and that the clerk of election shall take an oath or affirmation, to be administered by one of the board of election, faithfully and impartially to perform his duties therein.

Vacancies, how supplied.

Clerk to take an oath.

Sec. 4. *And be it enacted*, That, previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each member of the board of election: "You do swear (or affirm), that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge and refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein."

Oath to be taken by board of inspectors.

Sec. 5. *And be it enacted*, That the poll shall open at eleven o'clock in the forenoon, and close at four o'clock in the afternoon, at the place appointed for holding the annual town meeting; and that immediately upon the closing of the poll, the board of election and clerk shall, without adjournment or delay, proceed, in an open and public manner, to count the votes given, and determine the result of said election, which shall be recorded by the clerk in the minutes of said town meeting, which record shall be signed by said board of election, or a majority of them, and by said clerk.

Time of opening and closing the poll.

Sec. 6. *And be it enacted*, That the board of election may, at their discretion, adjourn such election, at any proper time between the opening and closing of the polls, for a space of time not exceeding one hour.

May adjourn for an hour.

Sec. 7. *And be it enacted*, That a plurality of votes shall be sufficient to elect all officers and decide all other matters which are herein directed to be decided by ballot, except the amount of moneys to be raised; and in case a majority of the voters at any such town meeting shall vote to raise money for any purpose authorized by law, but a majority of them shall not vote for the same sum or amount, it shall be the duty of the township committee, or a majority of them, to fix and determine the amount to be raised for that purpose, which amount

Amount of money to be raised, how decided.

shall not be more than the highest, nor less than the least sum so voted for; and the said committee, or a majority of them, shall make their determination in writing, and transmit the same to the township clerk, who shall enter the same in the book in which shall be kept the minutes of the town meetings of said township.

Ties, how decided.

Sec. 8. *And be it enacted*, That in case of a tie between two candidates for the same office, or between two sums of money voted for, or in any other matter, the township committee, or a majority of them, shall decide; and in case of a neglect or inability to serve on the part of any officer elected, the said committee, or a majority of them, shall, by writing under their hands and seals, appoint a person to fill the vacancy, or shall order a new election, at their discretion; and in case they shall fill such vacancy by their own appointment, they shall give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed, of such his appointment, within five days after making the same, and also within that time transmit an account of such appointment to the clerk of the court of common pleas of said county.

Township committee to decide in certain cases.

Sec. 9. *And be it enacted*, That any matters which by neglect or failure shall not be determined by such town meeting, and which by this act said town meeting is empowered to determine, shall be decided by the township committee, or a majority of them; and they shall declare their determination upon any such matter in writing, and transmit the same to the township clerk, who shall enter the same in the book in which shall then be kept the minutes of the town meeting of said township.

Compensation to certain officers.

Sec. 10. *And be it enacted*, That the officers of the board of election and the clerk shall be allowed, for their services in attending every such election, the sum of one dollar each, to be paid by the township committee out of the funds of the said township, and no such officer shall be incompetent to act by reason of his being a candidate for any office to be voted for at such election.

Sec. 11. *And be it enacted*, That this act shall go into operation immediately after its passage.

Passed March 5, 1841.

AN ACT authorizing the administratrix of William Tilton, deceased, to convey certain real estate.

WHEREAS William Tilton, late of the city of Trenton, in the county of Mercer, and state of New Jersey, in his lifetime entered into an agreement with Daniel Rogers for the sale and conveyance of a tract of land, situate in the township of Nottingham, in the county of Mercer aforesaid, adjoining lands of Joseph Middleton, William Scoby, and others, and containing about sixteen acres, whereby the said William Tilton agreed, for the consideration of sixteen hundred dollars, to be paid by the said Daniel Rogers, to execute and deliver to the said Daniel Rogers, on the first day of April, eighteen hundred and forty, a deed of conveyance in fee-simple for the said tract of land; and whereas the said Daniel Rogers, in pursuance of the said agreement, entered into possession of the said tract of land, and still continues in the possession thereof, but the said William Tilton died before the time appointed for the execution of the said deed, without having executed the same, or made any provision for the fulfilment of the said contract; and whereas Hannah Tilton, the widow of the said William Tilton, hath been duly appointed sole administratrix of his estate, and by her petition hath prayed the aid of the legislature to enable her to fulfil the aforesaid agreement, and it appearing that it will be for the interest of the representatives of the said deceased that the said contract should be fulfilled---therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Hannah Tilton, administratrix of William Tilton, deceased, be, and she is hereby authorized, in fulfilment of the aforesaid agreement between the said William Tilton and the said Daniel Rogers, to make, execute, and deliver unto the said Daniel Rogers a good and sufficient deed conveying unto the said Daniel Rogers, and his heirs and assigns, the aforesaid tract of land, and all the right, title, interest, and estate of which the said William Tilton died seized of, in, and to the same, and to receive from the said Daniel Rogers the price or consideration agreed to be paid therefor.

Administratrix empowered to convey to Daniel Rogers a certain tract of land.

SEC. 2. *And be it enacted,* That the said Hannah Tilton, administratrix as aforesaid, shall, before she proceeds to the execution of the powers and authority vested in her by this act, enter into bond to the ordinary or surrogate general of this state, in the penal sum of three thousand two hundred dollars, with such surety or sureties as shall be approved by the surro-

Bond to be given by administratrix.

gate of the county of Mercer, conditioned for the faithful performance of the trust reposed in her by this act, which bond shall be deposited in the office of the said surrogate, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the ordinary or surrogate-general of this state to cause the same to be prosecuted at the request and for the benefit, and at the proper costs and charges, of any person or persons aggrieved by such forfeiture.

Sec. 3. *And be it enacted*, That the said administratrix shall account according to law for the said sum of sixteen hundred dollars, with all interest accrued and accruing thereon, as a part of the personal estate of the said William Tilton, deceased.

Passed March 5, 1841.

Administratrix
to account for
proceeds.

A further supplement to the act entitled, "An act concerning taxes," passed the tenth of June, seventeen 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 if any assessor or township collector shall neglect or refuse to perform any duty or service required of him by law, whereby the proportion or quota of any tax or taxes, or other sum of money, fixed and ascertained at any meeting of the assessors of the county, to be assessed and levied in the township for which he has been chosen or appointed assessor or collector, or any part thereof, shall not be assessed or collected as by law directed, the deficiency arising from any such cause shall and may be recovered, with interest and costs of suit, against such assessor or collector, in an action of debt or trespass on the case, in any court of competent jurisdiction, by the board of chosen freeholders of the county in which such township is situate, for the use of said county.

Assessor or collector,
penalty for neglect of
certain duties.

Sec. 2. *And be it enacted*, That the supplement to the act to which this is a supplement, passed the tenth day of March, in the year of our Lord eighteen hundred and thirty-six, be, and the same is hereby repealed,

Certain act re-
pealed.

Passed March 6, 1841.

AN ACT to authorize the conveyance of certain real estate, late of Thomas Martin, deceased.

WHEREAS it is represented to the legislature, that Thomas Martin, deceased, late of the township of Mansfield, in the county of Warren, shortly before his death, entered into a verbal contract with Jacob Frace, of the township of Washington, in the county of Morris, to sell and convey to him in fee-simple, for the sum of one hundred and fifty dollars, a certain tract of land, situate in the said township of Washington, and butted and bounded as follows, that is to say: beginning at a black-oak tree, which is a corner of land belonging to John Hann, and running thence, along said Hann's line, north, seventy-two and a half degrees east, four chains and ninety links, to a stone monument in said Hann's line, which is also a corner of land now or lately belonging to Peter Veestler; thence, along said Veestler's line, north, forty degrees and forty-five minutes east, seven chains and sixty links, to a stone monument in Bird's line; thence, along said Bird's line, north, twenty-eight degrees west, eight chains and sixty-eight links, to a stone monument in said Bird's line; thence south, forty-two degrees west, eleven chains and forty-seven links, to a stone monument; thence south, twenty-eight degrees east, two chains and seventy-eight links, to another stone monument; thence south, fifty-seven and a half degrees west, five chains and twenty-one links, to another stone monument; thence south, thirty-three degrees east, three chains and fifty links, to a stone monument in said Hann's line; thence, along said Hann's line, north, forty-three degrees east, five chains and thirty-eight links, to the place of beginning, containing eleven acres strict measure; that, in pursuance of the said contract, the said Jacob Frace paid to the said Thomas Martin one hundred and forty-five dollars, part of the said consideration money, and entered into the possession of the said lot or tract of land, and made sundry improvements thereon; but that the said Thomas Martin died intestate, leaving minor heirs at law, without having executed a deed of conveyance therefor; that administration of the goods and chattels of the said Thomas Martin was duly granted to his widow Mary Martin, who has since died; and that administration of the estate of the said Thomas Martin was thereupon granted to Robert C. Caskey; and that the said Jacob Frace has also died intestate, leaving a widow and children—therefore,

Preamble.

Administrator authorized to fulfil a certain contract made for the sale of certain lands.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Robert C. Caskey shall be, and he is hereby authorized, upon receipt of the residue of the said purchase money, to execute and deliver to the legal heirs of the said Jacob Frace a deed of conveyance of and for the said tract of land, which shall vest in and transfer to the said heirs all the right, title, and interest of the heirs at law of the said Thomas Martin in and to the said tract of land at the time of passing this act, and that the money so received shall be deemed part of the personal estate of the said Thomas Martin; and that the widow of the said Jacob Frace shall be entitled to dower in the said land, in the same manner as though the same had been conveyed to the said Jacob Frace in his lifetime.

Passed March 6, 1841.

AN ACT to incorporate the Alexandria Delaware Bridge Company.

Amount of capital stock.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the capital stock of the Alexandria Delaware Bridge Company shall amount to thirty thousand dollars, and may be increased to forty thousand dollars, if the same shall become necessary; and the stock shall be divided into shares of fifty dollars each; and the subscribers to the said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportions as the directors of the said company may determine.

Commissioners to receive subscriptions.

Sec. 2. *And be it enacted,* That Hugh Capner, William Case, senior, Lewis M. Prevost, Cornelius Huff, senior, William L. King, or a majority of them, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the said capital stock, at such times and places as they, or a majority of them, may direct, by giving notice thereof in two of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and in two of the newspapers printed in the county of Hunterdon, in this state, for at least twenty days next preceding the

time of receiving said subscriptions, and of the times and places where and when the said subscriptions shall be received; at which times and places books of subscriptions shall be opened by the said commissioners, or a majority of them, and be kept open for three days, at least, from ten o'clock in the forenoon, until six o'clock in the afternoon of each day; and if the number of shares subscribed for shall exceed the amount or number of shares authorized by this act, then the said commissioners, or a majority of them, shall apportion the said stock among the subscribers, in proportion to the amount by them subscribed for, but no apportionment shall be made of any subscription for five shares or less; and in case the whole of the original stock shall not be subscribed for before the books shall be closed, or it shall afterwards become necessary to increase the said stock to the amount authorized in the former section of this act, books of subscription shall be opened by the president and directors for the time being, or a majority of them, who shall act as commissioners, and shall give the like notice, and proceed in the like manner, in all respects, as is above directed.

Stock to be apportioned.

Sec. 3. *And be it enacted*, That, at the time of subscribing, five dollars in cash shall be paid on each share, to the said commissioners, or some one of them, selected by the others for that purpose, to be paid over to the treasurer of the said company, as soon as one shall be appointed; and that the residue of the money subscribed shall be paid in such instalments, not exceeding five dollars each, nor required to be paid within thirty days of each other, and at such times and places, and to such persons, as the president and directors shall from time to time direct, and of which the like public notice as is mentioned in the preceding section of this act shall be given; and if any person or persons shall neglect or refuse to pay any instalment so required, for the space of thirty days after the time appointed for the payment thereof, it shall be lawful for the president and directors to forfeit the share or shares of him or them so neglecting or refusing, with all previous payments made thereon, to and for the use of the said company.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That when two hundred shares of said capital stock shall have been subscribed for, and the sum of five dollars on each share paid, as is above directed, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Alexandria Delaware Bridge Company;" and by that name shall have perpetual succession; and shall have authority to erect and maintain a good and sufficient bridge over the river Delaware, at the foot of and opposite to the main street in the village of Alexandria, otherwise called Frenchtown, in the county of Hunterdon, in this state; and shall be capable of purchasing,

Style of incorporation.

Powers of corporation.

taking, and holding, to them and their successors and assigns, in fee-simple or for any less estate, all such lands, tenements, hereditaments, and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works; and of suing and being sued, pleading and being impleaded, in all courts of justice.

Commissioners to give public notice of time and place of meeting.

Sec. 5. *And be it enacted*, That as soon as two hundred shares of the said capital stock shall be subscribed for, and the sum of five dollars paid on each of said shares as aforesaid, it shall be the duty of the said commissioners to give notice, in two or more of the newspapers printed in the county of Bucks, in the state of Pennsylvania, and, also, in two or more newspapers printed in the county of Hunterdon, in this state, of the time and place, by them to be appointed, not less than thirty days from the time of issuing said notice, at which time and place the said stockholders shall proceed to organize the said company.

Annual meeting of stockholders.

Sec. 6. *And be it enacted*, That the stockholders shall meet on the second Monday in January, in every succeeding year, at such place as shall be fixed by the by-laws of said company, and at such annual meetings, and at the meeting provided for in the preceding section, the stockholders present, in person or by proxy, shall choose, by ballot, a president, six directors, a treasurer, and such other officers as they may think necessary to conduct the business of said company, who shall hold their offices until the next annual meeting and until others are chosen in their places; and may make such by-laws and regulations, not inconsistent with the constitution or laws of this state or of the United States, as they shall deem necessary and proper for the management of their affairs; *provided always*, that each stockholder shall be entitled to one vote for every share of stock owned by him, not exceeding ten, and one vote for every two shares above ten, and not exceeding twenty, and one vote for every five shares of stock by him held above twenty, until the number of his votes amount to twenty; and that no person shall be entitled to more than twenty votes.

Certificates of stock to be issued, and transferable.

Sec. 7. *And be it enacted*, That the president and directors, first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively, signed by the president, and countersigned by the treasurer of the said company, which certificates shall be transferable at his or her pleasure, in person or by attorney, subject, however, to the payments due and that may become due thereon; and the assignee holding any certificate, having first caused the assignment or transfer to be entered on a book of the company, to be kept by the treasurer for that purpose, shall be entitled to the same rights

and privileges as if he had originally subscribed for the stock so assigned or transferred to him.

Sec. 8. *And be it enacted*, That the said president and directors shall meet at such times and places, and be convened in such manner, as shall be agreed on for transacting their business; at such meeting five members shall be a quorum, who, in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions fairly entered in a book; and a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendents, artists, and other officers, as they shall think necessary for the erection and completion of said bridge, and to fix their salaries and other wages; to determine the time, manner, and proportions in which the stockholders shall pay the money on their respective shares; to draw orders on the treasurer for all moneys that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board; and to do and transact all matters and things as by the by-laws or regulations of the said company shall be lawful.

Duties and powers of directors.

Sec. 9. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors to contract and agree with the owner or owners of any lands, for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, or in case any such owner or owners thereof shall be feme covert or under age, non compos mentis or reside out of the state, then it shall and may be lawful for the president and directors to apply to one of the justices of the supreme court of this state, not being a stockholder or otherwise interested, who, upon such application, is hereby authorized and directed to appoint three discreet and disinterested freeholders of this state, who, after being duly sworn or affirmed, before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view the said banks and all such lands as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and establishing all necessary works and roads to and from the same; and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands, so necessary to be taken as aforesaid; and shall report what sum shall be paid by the said company

Mode of valuation of lands.

for the same ; which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them, and shall be by them returned, together with a map describing the metes and bounds of such lands, to the supreme court at the term thereof next after they shall have agreed upon and signed the same ; and the said report, having been confirmed by the said supreme court, shall be filed in the clerk's office of the said court with the map aforesaid ; and the said president and directors, having paid the said owners, respectively, the several sums awarded to be paid to them in or by the said report, together with the fees of the said arbitrators, at the rate of two dollars to each, for every day employed in the said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns for ever, the said lands, as fully and effectually as the respective owners thereof were entitled to have and to hold the same ; and in case any owner or owners of such land so appraised shall be feme covert, under age, non compos mentis, or out of the state, then and in such case the said company shall pay the amount which has been awarded to such owner or owners, respectively, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners ; all which proceedings shall be had at the proper cost and charges of said company, to be determined by the said justices of the supreme court ; *provided always*, that should the owner or owners of any such lands or the said company feel himself or themselves aggrieved by the decision of the arbitrators aforesaid, he or they may appeal to the next circuit court in the county where the land lies, reserving to either party the right of trial by jury in said court, and the decision of the said court in the premises shall be final and conclusive ; but the party so appealing shall in no case be entitled to costs, unless the award of the arbitrators shall be reversed or altered in favour of the party so appealing ; and it shall and may be lawful thereupon, and not before, for the said president and directors to enter upon the said lands, and to commence and complete the erection of said bridge.

Persons aggrieved may appeal.

Annual statements to be made to stockholders.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall keep fair and just accounts of all moneys received by them from the said commissioners and from the stockholders, and of the amount of the profits and shares that may be forfeited as aforesaid, and of all voluntary contributions, and also of all moneys by them expended in the prosecution of the said work ; and shall, at least once in each year, submit such accounts to a general meeting of the stockholders, until the said bridge be completed, and until all the costs, charges, and expenses for effecting the same shall be

fully paid and discharged, and the aggregate amount of all such expenses shall be ascertained and liquidated.

Sec. 11. *And be it enacted*, That when a good and complete bridge shall be erected over the said river Delaware, at the village of Alexandria, otherwise called Frenchtown, and at the foot of and opposite the main street thereof, the said company may demand and receive toll from travellers and others, not to exceed the following rates: for every coach, landau, chariot, phaeton, or other pleasure carriages with four wheels drawn by four horses, the sum of seventy-five cents; for the same kind of carriages with two horses, the sum of fifty cents; for every wagon with four horses, the sum of sixty-three cents; for every carriage of the same description drawn by two horses, the sum of fifty cents; for every chaise, riding chair, sulky, cart, or other two-wheeled carriage, or a sleigh or sled with two horses, the sum of thirty-one and one-fourth cents; for the same with one horse, the sum of fifteen cents; for every single horse and rider, the sum of ten cents; for every led horse or driven mule, the sum of five cents; for every foot passenger, the sum of two cents; for every head of horned cattle, the sum of three cents; for every sheep or swine, the sum of half a cent; *provided*, that all persons going to or returning from funerals, persons going to or returning from religious meeting or church, children going to or returning from school, shall pass free of toll; *provided also*, that in fixing the toll of all carriages drawn wholly by oxen, or partly by horses and partly by oxen, two oxen shall be estimated equal to one horse; and the said company shall so erect said bridge as in no wise to injure, stop, or interrupt the navigation of the said river or prevent boats and rafts from passing.

Rates of toll.

Proviso.

Sec. 12. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break, or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise wilfully or maliciously damage the same, he, she, or they so offending shall forfeit and pay for every such offence, over and above the damages done to the said bridge, the sum of thirty dollars, to be recovered, with costs of suit, by action of debt, in any court having cognizance thereof, by any person or persons who shall sue for the same.

Penalty for injuring bridge.

Sec. 13. *And be it enacted*, That if the said company, their successors or assigns, or any person or persons having the charge or custody of the said bridge, shall collect or demand any greater rate or prices for passing over the said bridge than are herein before prescribed and specified, or if the said company or their assigns shall neglect to keep the said bridge in

Penalty for exacting unlawful tolls.

good repair; he, she, or they so offending shall for every such offence forfeit and pay the sum of thirty dollars, to be recovered, with costs of suit, in an action of debt or other proper form of action, in any court of competent jurisdiction, by any person who shall sue for the same, one-third part thereof for the use of the poor of the county of Bucks, in the state of Pennsylvania, and one-third part thereof for the use of the poor of the township of Alexandria, in the county of Hunterdon, and state of New Jersey, and the other third for the use of the person who may sue for the same; *provided always*, that no suit or action shall be brought unless within sixty days after each offence shall be committed.

Compensation to owners of ferries and fisheries injured by bridge.

Sec. 14. *And be it enacted*, That the said president and directors shall have power to agree with any owner or owners of ferries or shad fisheries that may be injured by the erection of said bridge, and to compensate them for any damages they may thereby sustain; and if they cannot agree with such owner or owners, then and in such case the said damages shall be ascertained and paid in the same manner as is provided for in the ninth section of this act; *provided*, that no person shall receive any compensation for ferrying at any ferry which shall have been purchased and paid for by the said company, after the said bridge shall have been completed.

Semi-annual dividends to be made.

Sec. 15. *And be it enacted*, That the said president and directors shall also keep a just and true account of all and every the moneys received by their respective collectors of tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, if any, among all the stockholders of the said company, deducting first therefrom all contingent costs and charges and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for rebuilding and repairing of said bridge; and shall, on every first Monday in January and July, in each and every year, publish the dividend, if any, to be made of the said clear profits thereof among the stockholders, and of the time and place when and where the same shall be paid, and shall cause the same to be paid accordingly.

Officers to be sworn or affirmed.

Sec. 16. *And be it enacted*, That the president and all such officers as the managers shall direct, shall, before he or they act as such, take oath or affirmation for the due and faithful execution of the duties of his or their office.

Act, when to take effect.

Sec. 17. *And be it enacted*, That this act shall not take effect or go into operation until the legislature of the commonwealth of Pennsylvania shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place

aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises, and emoluments as to the said company are hereby given, and subject to the same restrictions, limitations, provisos, and conditions as are herein contained.

Sec. 18. *And be it enacted*, That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges whatsoever, or to issue any notes in the nature of bank notes. May not engage in banking.

Sec. 19. *And be it enacted*, That it shall not be lawful for the company authorized to be created by this act to contract debts, or issue notes or other obligations for the payment of money, to an amount exceeding, at any one time, the amount of its capital actually paid in; and for any violation of this section the persons who acted as president and directors at the time when such excess of debts was contracted, or such excess of notes or other obligations was issued, shall severally and jointly be responsible for all the debts and contracts of the said company. Penalty for violation of this section.

Sec. 20. *And be it enacted*, That if the said bridge shall not be commenced within five years, and completed within ten years from the passing of this act, the charter hereby granted shall be void.

Sec. 21. *And be it enacted*, That it shall and may be lawful for the legislature, at any time hereafter, to amend, alter, or modify this act, whenever in their opinion the public good shall require it. Act may be altered or repealed.

Passed March 5, 1841.

A further supplement to the act entitled, "An act for the punishment of crimes," passed February seventeenth, eighteen hundred and twenty-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 if any offender, who shall have been sentenced to imprisonment in the state prison under the laws of this state, shall be convicted of a second offence, of the like nature, such offender shall be sentenced to imprisonment in Second offence, how punished.

the state prison for any period not exceeding double the time for which said offender might have been sentenced for the first offence.

Part of former act repealed.

Sec. 2. *And be it enacted*, That the eightieth and eighty-first sections of the act to which this is a supplement be, and the same hereby are repealed.

Passed March 8, 1841.

AN ACT to authorize the owners of a swamp on Pompton Plains, commonly known by the name of Mouyic, to ditch the same.

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 swamp, lowland, and bog meadow, lying on the north side of the causeway leading from James R. Vanness's to Pompton Plains, in the township of Pequannock, in the county of Morris, which said owners and possessors shall hereafter be denominated and known by the name of "the Mouyic Company," to meet at the house of Martin J. Berry on the first Saturday in April next, at two o'clock in the afternoon, and yearly thereafter, on the same day and hour, and at such place as by a majority of votes of the said owners and possessors present at the last annual meeting shall have been appointed; and on failure of such appointment, then it shall be lawful for any five of the said owners or possessors, upon eight days' notice given by advertisements under their hands, set up in three of the most public places in the neighbourhood of said lands, to call a meeting of said owners and possessors at the place where the last annual meeting was held, and then and there to elect by ballot, either in person or by proxy, three managers, who shall serve until the next annual meeting and until others be chosen; and in case of the death, removal, inability, or refusal to serve of the said managers, or either of them, then it shall be lawful for any five of the owners or possessors to call a meeting, in the manner above prescribed, for the election of one or more managers, as the case may require; and at all such elections each owner or possessor of such swamp, lowland, and bog meadow shall have one vote for the first five acres, and one additional vote for every additional ten acres held by him.

Time and mode of electing managers.

Vacancies, how supplied.

Sec. 2. *And be it enacted*, That it shall be the duty of said managers, chosen as aforesaid, as soon as convenient after their appointment, to proceed, if necessary with the assistance of a surveyor, to measure, ascertain, and determine each owner's and possessor's number of acres of swamp, lowlands, and bog meadow, and to ascertain and determine the proportion that each owner or possessor shall pay per acre of any sum of money which shall be raised, as hereinafter provided, according to the proportion of benefit which, in the judgment of the said managers, or a majority of them, the swamp, lowlands, and bog meadow of such owners or proprietors will receive, and make a regular return, plot, and drawing of the same, upon which shall be entered the rate or proportion of such assessments or determinations aforesaid, and, after certifying the same under their hands, and filing a true copy thereof in the office of the clerk of the county of Morris, there to remain of record, they shall retain the original in their possession during their continuance in office, and, upon the expiration of such time, deliver the same to their successors in office; which return shall be received as evidence of each person's possession, and all assessments and votes shall be made and given thereby, except so far as the same may be varied by any subsequent sale or change of possession.

Duties of managers.

Survey to be made, copy filed, &c.

Sec. 3. *And be it enacted*, That the said landowners and possessors, at the time of the election of said managers, yearly and every year, shall also elect, in manner aforesaid, three freeholders, resident in the township of Pequannock, not interested in said land, for commissioners of appeal, who shall meet, at such time and place as the managers shall appoint for that purpose, to hear and determine all appeals that may be made to them by any landowner or possessor from any assessment that may be made against them under this act, of which meeting the said managers shall give notice, in writing to each of the said owners or possessors resident in the said township of Pequannock, and, also, by advertisements set up in five of the most public places in the said township, at least twenty days before the time so appointed; and if it shall appear to the said commissioners, or any two of them, that any assessment so made against any of the said owners or possessors is excessive, it shall be the duty of the said commissioners to reduce the same to such sum as to them may seem equitable and just, and the determination of the said commissioners, or any two of them, made in writing, shall be final and conclusive; the reasonable costs and expenses of such appeal shall be taxed by the said commissioners, or any two of them, and paid, if the assessment be affirmed, by the said owner or possessor, otherwise by the said managers, out of the fund of the company.

Landowners annually to appoint commissioners of appeal.

Penalty for delinquency.

Sec. 4. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid shall neglect, for the space of thirty days after the time of the meeting of the commissioners of appeal, to pay the money so assessed or taxed against them, then it shall be lawful for the managers, or one of them, to make return of the name or names of the person or persons, with the sum so assessed against such person or persons, respectively, or which shall be determined to be due by the said commissioners of appeal, to any justice of the peace in the county where such person or persons reside, which justice, upon the oath of one of the managers, that the tax or assessment has been demanded ten days before the making of said return, shall immediately issue his warrant of distress, directed to some one of the constables of said county, commanding him, within thirty days, to seize upon the goods and chattels of such delinquent or delinquents, or enter upon his or her land in said swamp, and, upon giving at least fifteen days' notice thereof, by advertisements set up at three of the most public places in the neighbourhood of said swamp, to make sale of the same, or of the timber or herbage standing and growing in the swamp, lowlands, and bog meadow of the said person or persons, respectively, or so much thereof as may be sufficient to pay the said assessment, and costs accruing thereon, to the managers, or one of them; and the justice and constable shall be entitled to the same fees as for the issuing and serving an execution in debt in the court for the trial of small causes; and for any neglect or violation of the duty hereby imposed upon said justice and constable, they shall, severally, be subject to the same actions, liabilities, and penalties as for the like neglect or violation under the "Act constituting courts for the trial of small causes," passed February twelfth, eighteen hundred and eighteen, and the several supplements thereto.

Regulations respecting the ditches.

Sec. 5. *And be it enacted*, That the said managers shall be, and hereby are invested with full power and authority to enter upon said tract of swamp, lowland, and bog meadow, and lay out a ditch from the head of the same, beginning at the causeway in front of Peter De Bow's house, and running through said swamp in such parts and in such direction as will best drain and carry off the water, and will best accommodate all the landholders in said swamp, to intersect the main ditch of the bog and fly meadow, and there to end; and that such ditch may be laid out and dug of such size and dimensions as the said managers may think necessary for effectually draining the said swamp; and that they may direct and cause the earth taken therefrom to be thrown on both sides, or either side, of said ditch, as they may judge necessary.

Sec. 6. *And be it enacted*, That it shall be the duty of the

said managers, and they are hereby authorized and empowered, from time to time, and all times when it shall be necessary, to clear out any obstructions in the said ditch, so as to enable the owners of said lands always to drain the same, and assess, from time to time, and to collect all such money as may be necessary to defray such expenses, taking care to assess the money on all the lands benefited by digging or clearing out said ditch.

Powers and duties of managers.

Sec. 7. *And be it enacted*, That the said managers shall procure a book or books, to be kept by them, in which shall be recorded the proceedings of the several meetings of the owners and possessors aforesaid, and also the proceedings of the managers; and shall have power to organize their board of managers, by the appointment of a president of their board, secretary, and treasurer, annually or after each election for managers; to make such by-laws as they may think necessary, not repugnant to the laws of this state or of the United States; and that the said managers shall lay the said books of proceedings and vouchers before the said landowners and possessors, at their annual meeting; and that the said managers and officers of the board, for the services performed under this act, shall have such compensation and receive such pay as the landowners and possessors shall direct at their annual or other meeting, and shall make a report of their proceedings and of the funds in their hands at each annual meeting.

Books to be exhibited annually to landowners.

Sec. 8. *And be it enacted*, That if any person or persons, after the passing of this act, shall in any way fill up, stop, or obstruct the free course of the water in the said ditch cleared out and ditched by virtue of the provisions of this act, he, she, or they so offending shall forfeit the sum of twenty dollars, to be recovered in an action of debt, with costs of suit, by said managers, in any court having cognizance thereof, to be applied to the purposes of the said company.

Penalty for obstructing water-courses.

Sec. 9. *And be it enacted*, That the legislature of this state may at any time hereafter amend, modify, or repeal this act, whenever, in their opinion, the public good requires it.

Act may be altered or repealed.

Passed March 8, 1841.

AN ACT supplementary to the acts entitled, "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," and "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court in the several counties of this state."

Preamble.

WHEREAS it has sometimes happened, that after lands or real estate have been duly sold by commissioners, under and by virtue of the acts to which this act is supplementary, and a former act supplementary thereto, and, after such sale has been reported to, and approved and confirmed by the proper court, and a rule of the said court has been made directing the said commissioners to execute good and sufficient conveyances in the law to the purchasers for the lands or real estate so sold to them, that the said commissioners, with the consent of the persons reported as purchasers, have executed conveyances for the land or real estate so sold to some other person or persons; and have received the price agreed to be paid for such land or real estate—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 upon proof being made, to the satisfaction of the court or jury before whom any such deed or conveyance may be offered in evidence, that the lands or real estate therein mentioned were sold fairly and without fraud, and that such deed or conveyance was made and executed in good faith and for a sufficient consideration, and with the consent of the person or persons reported to the court as the purchaser or purchasers, the said deed or conveyance shall have the same force and effect as though the same had been made and executed to the purchaser or purchasers reported to the court.

Deed to be considered valid, upon proof being made.

SEC. 2. *And be it enacted,* That in all cases wherein a sale of any lands or real estate has been made by commissioners, under and by virtue of either of the acts to which this is supplementary, and a former act supplementary thereto, and approved and confirmed by the proper court, at its next stated term thereafter, and one or more of the said commissioners has died after such approval and confirmation, and after the said court has directed the said commissioners to execute good and sufficient conveyances in the law to the purchaser or purchasers for the lands or real estate so sold, and the surviving com-

Mode of proceeding in case of death of one of commissioners.

missioner or commissioners has or have executed a deed or deeds of conveyance for the said lands or real estate, to the purchaser or purchasers thereof, such deed or deeds shall have the same force, effect, and validity as though the same had been made and executed by all the said commissioners; *provided always*, that it be proved, to the satisfaction of any court or jury before whom any such deed shall be offered in evidence, that the same was executed and delivered to the purchaser or purchasers within six calendar months after the making of the rule or order of court directing the same to be executed, and that the price agreed to be paid for the lands or real estate therein mentioned, has been duly paid to the persons entitled thereto.

Proviso.

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

Act when to take effect.

Passed March 9, 1841.

A further supplement to an act entitled, "An act to incorporate the New Jersey Turnpike Company," passed the twenty-seventh day of February, eighteen hundred and six.

WHEREAS, by an act of the legislature of the state of New Jersey, passed the twenty-seventh day of February, eighteen hundred and six, to incorporate the New Jersey Turnpike Company, certain persons therein named were authorized to construct a turnpike road from the city of New Brunswick to Phillipsburgh, opposite Easton; and whereas it is represented to the legislature that said company, meeting with opposition from the inhabitants of the county of Hunterdon, through which a considerable part of said road passed, were finally compelled, after expending large sums of money therein, to abandon and give up all that part of said road between Somerset county line and the Delaware river; that, in consequence thereof, the said company have been, from the time of the completion of said road, largely indebted, so that no dividend in money has been made to the stockholders, but that there is now a prospect that said debt

Preamble.

will shortly be extinguished, and that, by reason of the loss of some of the books and papers of said company, and the death, removal, and insolvency of many of the original stockholders, the present directors of said company are unable to determine who are lawfully entitled to receive a dividend on said stock--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 persons owning stock in said company shall be, and they are hereby required to present their scrip, or other evidence of their ownership of the said stock, to the president and directors of said company for the time being, or to some one of them, in three years from the time of passing this act, and in default thereof shall be barred from having or claiming any dividend from said company which may accrue previous to the time of presenting such scrip or other evidence of ownership of said stock; and, after the said three years, it shall be lawful for the directors of said company, from time to time, to declare a dividend of all profits accruing to said company among such persons as may, previous to such dividend, at any time present their said scrip or other evidence of ownership.

Scrip to be presented within three years.

Sec. 2. *And be it enacted,* That it shall be the duty of said company to cause notice to be given of this act, by publishing the same in one of the weekly newspapers printed in the city of New York, and in a newspaper printed at Somerville, in said county of Somerset, and also in a newspaper printed at Trenton, New Jersey, within sixty days from the passing of this act, and to be continued in said newspapers until the expiration of the time limited by this act for the stockholders to present their claims of stock to the president and directors of said company.

Company to give notice of the passage of this act.

Passed March 9, 1841.

A further supplement to the act entitled, "An act to authorize the owners and possessors of a certain tract of woodland, therein named, to prevent horses, cattle, and sheep from running at large therein," passed February twenty-fifth, eighteen hundred and one.

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 that tract of woodland mentioned in the first section of the act to which this is a supplement, to enclose the same with a good and lawful fence or fences, close, strong, and sufficient to prevent horses, neat cattle, and sheep from going through or under the same; beginning on the north side of the road laid through said tract, at or near a small house belonging to Matthew Bogert, and running thence easterly, along said road, to the top of the Hudson river hill; and, after the said fence shall have been completed, the said tract, from the north side of said fence to the north extreme of said tract, shall be construed part of the tract mentioned in the first section of the act to which this is a supplement; and the owners and possessors of any land within the above described bounds shall have all the rights and privileges which the act to which this is a supplement has given the owners and possessors of the tract mentioned in the first section of said act, and shall be subjected to the duties imposed on them by the said act.

Owners authorized to enclose a certain tract of land.

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

Part of former act repealed.

Sec. 3. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that the legislature may at any time alter, modify, or repeal the same.

Act may be altered or repealed.

Passed March 9, 1841.

AN ACT to incorporate the Franklin Beneficial Society of
Bridgeton.

Preamble.

WHEREAS a number of the citizens of Bridgeton, in the county of Cumberland, having formed themselves into a society for the purpose of raising a fund sufficient for the relief of its members, in case of disease, age, or accident, as well as to discourage intemperance, have petitioned this legislature for an act constituting them a body corporate, so as to enable them to hold property, and more safely to vest their funds in stock or other securities, for the purpose of their association---therefore,

Names of cor-
porators.

Style of incor-
poration.

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 Salkeld, Samuel Bowen, Hugh R. Merselles, Nathan Tomlinson, junior, Adrian Ogden, George Mosier, Lorenzo Lore, Nathaniel Fish, Michael Horner, Aaron S. Hall, Walter Nichols, Henry R. Foster, Daniel Fithian, Joseph Reeves, and all such other persons, not exceeding three hundred, as now are or hereafter shall become members of "the Franklin Beneficial Society," shall be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "the Franklin Beneficial Society;" and, by such name, shall have succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatever; and they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation.

Time and mode
of electing di-
rectors.

Sec. 2. *And be it enacted,* That the members of said society, or as many of them as can conveniently attend, shall meet on the third Monday of July next, and on the third Monday of July annually thereafter, at some suitable time and place, of which meetings notice, for the space of ten days, shall be given in one of the newspapers in the county of Cumberland, and then, by a plurality of the votes of those present, proceed to elect a president, vice president, secretary, treasurer, and such other officers and assistants as they shall find necessary for conducting their affairs according to their constitution and by-laws; and the said president shall keep in his custody the

common seal of said company, and, at the expiration of his term of office, shall deliver it over to his successor.

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

Property vested
in the company.

Amount thereof
limited.

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

Powers.

Proviso.

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

Sec. 6. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, modify, or repeal this act.

Act may be altered or repealed.

Passed March 9, 1841.

AN ACT to incorporate the Eagle Island Salt Marsh Company,
in the county of Salem.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That William J. Shinn, Joseph Foster, William F.

Names of corporators.

Miller, George Hall, Thomas Shourds, and all such other persons as now are or shall hereafter become owners of the land and marsh, in the township of Elsinborough, in the county of Salem, called and known as the Eagle Island Salt Marsh, bounded on the south side thereof by Black Ditch, which separates it from Money Island Marsh, on the east side by Rich Island, on the north by meadow of the heirs of John Holmes, and on the west by Delaware river, be, and they hereby are constituted a body politic and corporate in law, by the name of "the Eagle Island Salt Marsh Company," and by that name they and their successors shall have power and continue to be a body corporate, and capable of suing and being sued in all courts of law and equity.

Style of incorporation.

Meetings, when to be held.

Sec. 2. *And be it enacted*, That the first meeting of said company shall be held at Sherron's hotel, in Salem, on the first Saturday in April next after the passage of this act, at two o'clock in the afternoon, public notice of which shall be first advertised by two of the owners, for two weeks immediately preceding the time of holding said meeting, in the Freeman's Banner; the owners, when met, shall have power to elect such officers, and make, ordain, and adopt such by-laws, rules, and regulations, as may be necessary for the regulation of the said company, and as shall be considered best calculated to secure to the owners of the said marsh above mentioned all the rights and privileges to which they are entitled; and all future meetings of said company shall be held at such time and place as the said by-laws shall fix and determine.

Powers.

Sec. 3. *And be it enacted*, That the said company may, by their said by-laws, fix and determine the time when the said meadow shall be subject to pasturage; the number of cattle which each owner may place on said marsh, in proportion to his or her right therein; the terms upon which other persons, not owners, may have the right of pasturage, and the mode in which the taxes on said marsh shall be assessed and collected; *provided* the said by-laws shall not be inconsistent with the laws of the United States or of this state.

Sec. 4. *And be it enacted*, That in case of the breach of any by-law of said company, suit may be instituted, in the corporate name of said company, in any court having cognizance of the same.

Rights of owners not to be affected by this act.

Sec. 5. *And be it enacted*, That nothing contained in this act shall alter or in any wise affect the right or title of the several owners of property in said salt marsh, or prevent the sale, transfer, devise, or other disposition thereof, as if this act had not been passed.

Sec. 6. *And be it enacted*, That the said corporation shall

not use any power or corporate authority hereby granted for any matter or thing whatever inconsistent with the object and purpose herein before expressly set forth, and the legislature may at any time amend, alter, modify, or repeal this act.

Act may be altered or repealed.

Passed March 9, 1841.

AN ACT authorizing the administratrix of John Scudder, deceased, to sell and convey certain real estate.

WHEREAS John Scudder, deceased, late of the township of Ewing, in the county of Mercer, in this state, did, in his lifetime, purchase of Zabina Ellis, at the price of seven hundred dollars, a certain lot of land, situate in said township, called the Snedeker lot, adjoining lands of Amos Reeder and Absalom Moore, and containing between five and six acres, for the purpose of establishing a fishery opposite the same; and whereas the said John Scudder shortly afterwards departed this life suddenly, leaving no last will or testament, and without having carried out his said purpose in regard to the establishment of a fishery as aforesaid, and leaving children and heirs at law, all of whom are minors and unable to use said land for the object intended by their father; and whereas Nancy Scudder, widow and administratrix of said John Scudder, deceased, and Jasper S. Scudder and Abner Scudder, his only surviving brothers, have by their petition represented to the legislature of this state, that there is still due from the estate of said intestate the sum of six hundred dollars, part of the purchase money of said lot, which cannot be paid without selling a part of his personal estate expressly for that purpose, and that the children and heirs at law of said intestate would be more benefited by selling the said land than by selling said personal estate, and that the said widow has relinquished her dower therein for their benefit, and that Theodore W. Hill is now willing and desirous to buy the said land, at the price of seven hundred dollars; and whereas said petitioners have prayed that a law may be passed authorizing said administratrix to sell said lot for the price aforesaid---therefore,

Preamble.

Administratrix
authorized to
sell real estate.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Nancy Scudder, administratrix of John Scudder, deceased, be, and she is hereby authorized to sell the said lot of land unto the said Theodore W. Hill, or to such other person or persons as she may deem proper, for the sum of seven hundred dollars, or such greater sum as she may be able to obtain for the same, and to make, execute, and deliver a good and sufficient deed for the same, conveying unto the said Theodore W. Hill, or such other person or persons, and his, her, or their heirs and assigns, the said lot of land, and all the right, title, interest, and estate in and to the same, of which the said John Scudder died seized, which deed, when so executed and delivered, shall be good and effectual in law for that purpose.

Administratrix
to give bond to
ordinary.

Sec. 2. *And be it enacted*, That the said Nancy Scudder, administratrix as aforesaid, shall, before she proceeds to the execution of the power and authority vested in her by this act, enter into bond to the ordinary of this state in the penal sum of fourteen hundred dollars, with one or more good sureties, to be approved by the surrogate of the county of Mercer, conditioned for the faithful performance of the trust reposed in her by this act, and that she will well and truly apply the money which she may receive from the sale of said lot, or so much thereof as may be necessary for that purpose, in satisfaction of the debt due from the estate of her said husband on account of the purchase of said lot; and that the residue she will pay in equal shares to the children and heirs at law of said John Scudder, deceased, or to their lawful representatives; and said bond shall be filed in the office of the surrogate of the county of Mercer, and shall be good to all intents and purposes and pleadable in any court of justice; and in case the same shall become forfeited, it shall be lawful for the ordinary to cause the same to be prosecuted at the request and for the benefit, and at the proper costs and charges, of any person or persons aggrieved by such forfeiture.

To distribute
proceeds of sale.

Passed March 9, 1841.

AN ACT to incorporate the Salem County Lyceum.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all such persons as now are or hereafter may become members of the Salem County Lyceum be, and they are hereby constituted a body corporate and politic; in fact and in law, by the name of "the Salem County Lyceum;" and, by that name, they and their successors and assigns shall be known in law, and have continual succession, and have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places, and in all causes and proceedings whatsoever; and shall and may have and use a common seal, and the same may change at pleasure; and may make and execute such contracts, agreements and other writings as may be necessary to carry into effect the objects and business of the corporation.

Style of incorporation.

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

Objects of incorporation.

Sec. 3. *And be it enacted,* That the officers of said lyceum shall consist of a president, three vice presidents, one corresponding secretary, and one recording secretary, a treasurer, and such other officers as the society shall deem necessary, all of whom shall be elected annually, by ballot, on the evening of the first Tuesday in October, shall hold their offices for one year and until others are elected, and may be re-elected.

Time and mode of electing officers.

Sec. 4. *And be it enacted,* That the said corporation, by the name aforesaid, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of said lyceum, and may receive, by bequest or otherwise, any estate, real or personal, absolutely or in trust, for the promotion of the objects specified in the second section of this act; *provided* the clear annual income of the whole real and personal estate shall not exceed the sum of five thousand dollars; *and provided also,* that the real and personal estate of the said lyceum, or any part thereof, or the income or proceeds thereof, shall in no case be divided among the members of said lyceum, their assigns, or representatives.

What estate may be held.

Estate or its income in no case to be divided among the members.

Sec. 5. *And be it enacted,* That the said lyceum shall have power to make a constitution and to adopt such by-laws, rules, and regulations as may be necessary for their good govern-

Powers of corporation.

ment, for prescribing the duties of their several officers, regulating the management and disposition of their property and concerns, for the admission and the expulsion of members, and for such other purposes as they may deem necessary ; *provided* the said constitution or by-laws be not inconsistent with the constitution and laws of the United States or of this state.

Sec. 6. *And be it enacted*, That the constitution and by-laws made and adopted by the said corporation shall be binding and operative on all the members, and may be enforced by suit, in any court of competent jurisdiction, in the name of the said corporation.

Act may be altered or repealed.

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

Passed March 8, 1841.

AN ACT to alter a part of the boundary line between the townships of Westfield and New Providence, in the county of Essex.

Boundaries, &c.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all that part of the township of New Providence lying within the following bounds, to wit: beginning at the intersection of the east and west branches of Green Brook in the line between Somerset and Essex counties; thence up the west branch of said brook, as it runs in the line of said counties to a turn or bend of said branch, forty links northwest of the northwest end of the centre of the arch of a stone bridge in the valley road leading to Springfield; thence, along the north-west side of said road, north, forty-two degrees thirty minutes east, six chains and eighty links, to the northern angle of said road and the road leading from Scotch Plains to New Providence; thence, along the northwest side of said valley road, north, fifty-six degrees east, fourteen chains and fifty links, to the line of the township of Westfield, in the middle of the east branch of Green Brook, eighty links distant, on a course bearing north, seventy-five degrees east, from the centre of a spring in front of Humphrey M. Drake's house; thence, down the middle of said branch, as it runs, to the place of beginning, be, and the same is hereby taken from the township

of New Providence, and annexed to, and made part of the township of Westfield.

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

Act, when to
take effect.

Passed March 10, 1841.

AN ACT to divorce Margaret G. Van Blarcom from her husband Abraham Van Blarcom.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Margaret G. Van Blarcom, of the county of Bergen, be, and she is hereby divorced from her husband Abraham Van Blarcom, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

M. G. Van
Blarcom and A.
Van Blarcom
divorced.

Passed March 10, 1841.

AN ACT to divorce Jacob W. Fountain from his wife Catharine Fountain.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Jacob W. Fountain, of the county of Monmouth, be, and he is hereby divorced from his wife Catharine Fountain, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

J. W. Fountain
and C. Fountain
divorced.

Passed March 10, 1841.

AN ACT to incorporate the Bergen County Mutual Assurance Association.

Names of corporators. **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 Vanbrunt, Abraham Lydecker, Henry J. Brinkerhoff, Peter C. Westervelt, senior, David Kip, Samuel R. Demarest, Abraham Hopper, Albert G. Doremus, Abraham H. Berry, James B. Cleveland, William D. Wolff, John G. Ackerson, Albert Terhune, Abraham Westervelt, and others, their associates, successors, and assigns, shall be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Bergen County Mutual Assurance Association;" and, by that name, they and their successors shall and may have succession during the continuance of this act, and shall be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters, and causes whatever; and that they and their successors may have a common seal, and may alter and change the same at pleasure; and, also, that they and their successors, by the name of the Bergen County Mutual Assurance Association, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided,* that the lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon in which to meet and transact the business of the corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts; and with regard to all such lands, tenements, and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the mortgagors, their heirs or assigns, the corporation shall be bound to sell and dispose of the same, respectively, within five years after it shall acquire the same, and shall not be capable of holding the same after the expiration of five years.

Style of incorporation. **Sec. 2.** *And be it enacted,* That all persons who shall at any time hereafter ensure in or with the said association shall, while they continue so ensured, be deemed and taken as members of the said corporation; and that the property and con-

Powers. *Affairs of company to be managed by thirteen directors.*

Proviso.

cerns of the said corporation shall be conducted and managed by thirteen directors, all of whom shall be citizens of this state, and shall not hold a like office or agency in any other insurance company, to be chosen by ballot, by and from among the members, and shall hold their office for one year and until others are chosen; and that the election for directors shall be held on the fourth Wednesday of January, in every year, at the office of the company, or such other place as a majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed or circulating in the county, at least two weeks previous to the time of holding said election; and if any of the said directors shall die, refuse to serve, or neglect to act in their said office for the space of two months, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the next election; and in case it should happen that an election for directors should not be held on the day when pursuant to this act it ought to be held, the said corporation shall not be dissolved for that cause, but it shall and may be lawful to hold an election for directors pursuant to law; and, until an election for directors shall be held according to the provisions of this act, the persons named in the first section of this act shall have the direction and management of the said corporation.

Time and mode of electing directors.

Vacancies, how filled.

Corporation not to be dissolved for failure to elect on day prescribed.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure the dwelling houses, stores, shops, mills, and other buildings, together with household furniture, merchandise, and all other personal property of its members, and of no other person or persons, against loss or damage by fire.

What property may be ensured.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the officers of said corporation to take the notes or obligations of the members for the amount, either in part or the whole, of the premium of insurance, in proportion to the amount ensured, and that such note or obligation shall create a lien on the property so ensured, in the nature of a mortgage, which shall continue during the continuance of his policy, and commence whenever the said corporation shall file with, and have entered in the book of mortgages kept by the clerk of the county where the property is situate, a memorandum of the name of the individual ensured, a description of the property, the amount of deposit note or notes, and the term for which said policy shall continue.

Property of members ensured to be a lien for payment of losses.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper for the management and dis-

Powers of directors.

position of the stock, property, estate, and effects of the said corporation, and for all such other matters as appertain to the business thereof; and shall have power to appoint a secretary, surveyors, and such additional officers, clerks, and servants, for carrying on the business of said corporation, with such allowances as to them shall appear just and satisfactory; *provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Officers to be appointed by directors.

Sec. 6. *And be it enacted*, That, at the first meeting of the directors held after the annual meeting of the members in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be appointed in his place; they shall also elect a treasurer, and require him to give bonds to the company for the faithful performance of his duty, in such sum and with such sureties as to them shall appear sufficient and satisfactory.

Assessment to be made when funds are insufficient to pay losses.

Sec. 7. *And be it enacted*, That all policies of insurance which shall be made by the said corporation in pursuance of this act, shall be made on such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained to a greater amount than they have funds on hand to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their lawful representatives, according to the amount of each member's insurance; *provided*, that such assessment shall not exceed the amount of the note or obligation given by each member; which rates or assessment shall be approved of by a majority of the directors, and notice in writing shall be given to each member, or his lawful representative, of the assessment and amount by him, her, or them required to be paid; and each and every member, or his lawful representative, so notified, shall pay the same to the treasurer for the time being within sixty days after such notification, and in default thereof shall forfeit all right and claim to any policy that he may have obtained, and be no longer a member of the association, and shall also be liable for the amount of such assessment, with interest, to be recovered by action of debt, with costs of suit, before any court of competent jurisdiction.

Mode of calling meetings.

Sec. 8. *And be it enacted*, That any one or more of the directors shall have power to call a meeting of the directors, by

giving notice in one or more newspapers, published or circulating in the said county, at least ten days before said meeting.

Sec. 9. *And be it enacted*, That no part of the funds of said corporation shall be used for banking or for any other purpose not designated by this act. Not to engage in banking.

Sec. 10. *And be it enacted*, That this act shall continue in force for thirty years from the passage thereof, unless sooner repealed; and it shall be lawful for the legislature, at any time hereafter, to amend, modify, or repeal the same. Limitation of act.

Passed March 10, 1841.

AN ACT to divorce Sophia Rutherford from her husband Elijah Rutherford.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Sophia Rutherford, of the county of Gloucester, be, and she is hereby divorced from her husband Elijah Rutherford, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved. S. and E. Rutherford divorced.

Passed March 10, 1841.

AN ACT to incorporate the Paterson and Ramapo Railroad 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 Elisha B. Clark, Cornelius G. Garrison, Abraham Godwin, David Roe, Jacob M. Ryerson, Cornelius S. Van Wagoner, John S. Van Winkle, John G. Ackerson, Charles Kinsey, Henry B. Hagerman, Francis Salmon, Jacob H. Hopper, Lauriston Hall, William G. Hopper, John Ward, Christian A. Wanmaker, and such other persons as may here-

Names of corporators.

Style of incorporation.

Powers and privileges.

after be associated with them, shall be, and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "the Paterson and Ramapo Railroad Company;" and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels necessary or expedient to the objects of this corporation, and shall be clothed with all the rights, powers, and privileges pertaining to corporate bodies and requisite for the purposes aforesaid.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be four hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct.

Notice to be given of opening subscriptions.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation at such time or times and place or places, in this state, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in Paterson and in a newspaper printed in the city of New York; and that the said books shall be kept open for three days at least, from ten o'clock in the forenoon until three o'clock in the afternoon, and as much longer as the said commissioners, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock hereby authorized, it shall be the duty of the said commissioners, or a majority of them, to apportion the stock among the subscribers, in proportion to their subscriptions; but no apportionment shall be made of any subscription for five shares or less.

Stock to be apportioned.

Sec. 4. *And be it enacted*, That at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made (if the same become necessary), it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stock-

holders, upon like notice as above, to choose seven directors, a majority of whom shall be residents in this state; and such election shall be made by ballot, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors, a majority of whom shall be residents in this state; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Directors to be chosen by ballot.

Directors to appoint a president.

Vacancies, how supplied.

Sec. 5. *And be it enacted*, That in case an election of directors should not be made during the day when by this act it ought to have been made, the said corporation shall not be deemed to be dissolved, but such election may be afterwards held according to law, on notice as aforesaid; and the directors for the time being shall continue in office until an election shall take place.

Corporation not dissolved on failure to hold election on day prescribed.

Sec. 6. *And be it enacted*, That five directors of said corporation shall be a quorum to transact business; and they shall have power to call in the remainder of the capital stock by such instalments, not exceeding five dollars on each share at one time, and at such times as they may direct, and in case of the non payment of any such instalment, to forfeit the share or shares upon which such default shall arise; and shall have power to appoint a secretary, treasurer, engineers, agents, and such workmen as may be required to transact the business of the company, with such compensation to them and the president as the board shall deem proper; and to take from the treasurer sufficient security for the due performance of his trust; and further, to make and prescribe such by-laws, rules,

Powers of directors.

Proviso.

and regulations, as to them shall appear needful and proper; *provided* the same be not repugnant to the laws or constitution of this state or of the United States.

Commencement and course of the road.

Corporation authorized to enter lands, &c.

Survey to be deposited in the office of secretary of state.

Sec. 7. *And be it enacted*, That the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from a suitable place in or near the town of Paterson, through the counties of Passaic and Bergen, to some suitable point or points in or near the division line between the township of Franklin, in the county of Bergen, and the state of New York, and to locate and form said railroad, not exceeding sixty-six feet in width, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, and others in their employ, to enter upon all lands and waters, for the purpose of exploring, surveying, levelling, and laying out the route of such railroad, and of locating the same; and when the route and the location of said road shall have been determined upon, and a survey thereof deposited in the office of the secretary of state, it shall then be lawful for said company, by its officers, engineers, agents, contractors, and workmen, to enter upon, take possession of, hold, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other necessary works thereon, and to lay rails and do all other things which may be suitable and necessary for the completion and repairs of the said railroad and to carry into full effect the object of this act; and may also take and use any stone, gravel, sand, clay, or other materials, wood and timber excepted, on or near the said route, which may be required for the construction of, repairing, or altering the said road, or any of the works or appendages, subject to such compensation to be made therefor as is hereinafter provided; *provided always*, that the payment of all damages for the occupancy of lands through which the said railroad may be laid out and located be made by the company, either to the owner or into court, as hereinafter provided for, before they or any person under their direction or in their employ shall enter upon or break ground upon the premises, excepting for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands shall be first had in writing.

Disputes relative to lands taken by the company, how settled.

Sec. 8. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use

of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residencé, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, to be paid by the company for such land or materials and damages aforesaid, and to make a report thereof under the hands and seals of the said commissioners, or any two of them, and file the same within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein, and shall be recorded by the said clerk; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, after payment of the value and damages so assessed, and of the right of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall constitute a lien upon the property of the company in the nature of a mortgage; and the said justice shall tax and allow

such costs, fees, and expenses to the justice, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, which shall in all cases be paid by the company; *provided always*, that should the said company, or the owner or owners of any land or materials, feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next circuit court in the county wherein said lands or materials shall be.

Appeal to be made in writing, and notice thereof given.

Sec. 9. *And be it enacted*, That every appeal from the decision of commissioners appointed under the preceding section shall be made in writing, and filed with the clerk of the circuit court of the county wherein the lands or materials appraised by the said commissioners shall be; and notice in writing of such appeal shall be given to the opposite party, within ten days after the filing thereof; and thereupon, without any further proceedings, the parties shall be considered as at issue, and the like proceedings shall be had, and the like process awarded, for the trial thereof by a jury, and for compelling the attendance of witnesses, as may be had or awarded for the trial of any other issue before the said court, and the like judgment shall be rendered on the verdict of the jury, with costs, if costs ought to be awarded; and such judgment shall be recorded in the same manner, and have the like force and effect as in any action of trespass or on the case prosecuted in the said court, and execution may be thereupon issued, as in other cases; and if the verdict of the jury shall be for a greater amount than was reported by the commissioners, or, upon an appeal made by the company, shall be for the same amount which was reported by the commissioners, costs shall be awarded against the said company; and if the verdict of the jury shall be for a less amount than was reported by the commissioners, or, upon an appeal made by the owner of the land or materials, shall be for the same amount which was reported by the commissioners, then each party shall pay his, her, or their own costs, and such appeal shall be brought on and disposed of at the first term of the court after the filing thereof, unless good and sufficient cause be shown to the court for a postponement; and the judgment of the circuit court rendered in such appeal shall be sufficient to authorize the company to take possession of and use the said land or materials; *provided* the amount of the said judgment shall first be paid to the party or parties recovering the same, or upon his, her, or their refusal to receive it, on tender thereof, it first be paid into the said court, to the clerk thereof.

Sec. 10. *And be it enacted*, That in case any owner or owners of any such required lands or materials, so appraised, or

in favour of whom damages may have been so assessed, shall be feme covert, under age, non compos mentis, or resident out of this state, or shall refuse to receive the amount so awarded or assessed, then and in any such case the said company shall pay the amount or amounts so awarded to the last mentioned owner or owners, respectively, or the damages so assessed into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of the said owner or owners or of the said person or persons so damnified; which payment shall have the same force and effect, and vest in the company the same rights and privileges, as if paid to the owner or person damnified, or paid into the circuit court under the provisions of the next preceding section, subject, however, to the right of appeal, in the manner herein before provided.

Proceedings in case of refusal to accept amt of assessment.

Sec. 11. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be prevented thereby; and where the railroad shall intersect any farm or lands, they shall provide and keep in repair suitable wagon ways over or under the said railroad, so that persons may conveniently pass the same.

Bridges to be constructed.

Sec. 12. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on their railroad, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient, and right.

President and directors may purchase engines, &c.

Sec. 13. *And be it enacted*, That the president and directors of the said company shall declare and make such dividends as they may deem prudent and proper, from time to time, of the net profits of the said railroad.

Dividends to be made.

Sec. 14. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act, or any of their necessary works, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company any sum, not exceeding two hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, with costs of suit, in any court having competent jurisdiction, and also shall be liable to pay to said company the amount of damages sustained thereby, with costs of suit, to be sued for in an action of trespass.

Penalty for injuring works of company.

Company authorized to hold real estate.

Sec. 15. *And be it enacted,* That the said company may have and hold real estate, at the commencement and termination of said road, not exceeding four acres at each place, and may erect and build thereon houses, warehouses, stables, machine-shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof; and shall have the privilege and authority to erect, build, and maintain on the river Passaic, and such other streams as the road may cross, such piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions.

Road free for the passage of any railroad carriage on payment of toll.

Sec. 16. *And be it enacted,* That the road authorized by this act be, and the same is hereby declared free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always,* that the said carriages so used thereon shall be so constructed and so regulated, as to the time of starting, speed of travelling, and amount of tonnage, as not to interfere with the carriages of the company, nor injure the said road.

Road to be commenced and completed within a certain time.

Sec. 17. *And be it enacted,* That if the said railroad shall not be commenced in two years from the fourth day of July next, and completed at the expiration of six years from the same time, that then and in that case this act shall be void.

Capital not to be employed in banking.

Sec. 18. *And be it enacted,* That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by said company for banking purposes, under the penalty of forfeiting this charter.

State to have the privilege of taking railroad, &c.

Sec. 19. *And be it enacted,* That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may cause an appraisement of said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and

they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for three years of taking the said road upon the payment to the company of the amount of the said report within one year after electing to take said road, which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon the payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and the appendages thereof; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the said valuation shall in no case exceed the first cost of the said railroad, with the lands and appendages thereof.

President to make statement of the cost of said road.

Sec. 20. *And be it enacted*, That it shall be lawful for the said company, at any time during the continuance of its charter, to make contracts and engagements with any other corporation, or with individuals, for transporting or conveying any kind of goods, produce, merchandise, freight, or passengers between the northern termination of this road and the Hudson river, opposite to the city of New York, or between any intermediate point or points on the line thereof, and to enforce the fulfilment of such contracts; *provided*, that every such contract and engagement for transporting or conveying any goods, merchandise, freight, or passengers upon the Paterson and Hudson River Railroad, or by virtue or in pursuance of which any such goods, produce, merchandise, freight, or passengers shall be conveyed or transported on the said Paterson and Hudson River Railroad, shall be so made as to secure to this state the payment of five cents for each and every such passenger, and eight cents for each and every ton of such goods, produce, merchandise, and freight; and that before any such contract or engagement shall take effect, a copy thereof, certified by the president, secretary, or treasurer of the company hereby created, shall be filed with the treasurer of this state.

Company authorized to contract for transportation, &c.

Sec. 21. *And be it enacted*, That it shall be lawful for the said company to demand and receive, for carrying each passenger over said railroad, at the rate of six cents per mile, and for the transportation thereon of every species of property and freight, the loading and unloading thereof upon and from the cars of said company inclusive, at the rate of ten cents per mile for each ton weight; and when such passengers or pro-

Rates of toll.

perty are carried over and upon said road in vehicles and by means not belonging to said company, but owned by others, the said company shall be empowered to demand and collect, as tolls therefor, at the rate of three cents per mile for each and every passenger, and at the rate of five cents per mile for each and every ton weight; and that the said company shall provide and maintain, at each end of the said road, suitable and sufficient warehouses for the reception and protection of all such goods, produce, merchandise, and freight as shall be brought to the same, to be transported on the said road in the carriages of the said company.

Treasurer of company to make annual returns.

Sec. 22. *And be it enacted*, That from and after the completion of the said road, or its use by the company for public travel, it shall be the duty of the treasurer of the company, under oath or affirmation, to make annual returns to the treasurer of this state for the time being of the number of passengers and of the number of tons of goods, produce, merchandise, and freight transported over said road, and thereupon to pay to the said treasurer of the state the sum of five cents for each and every passenger, and the sum of eight cents for each and every ton of freight so transported thereon; and that no other state tax shall be levied or assessed on the said company; and that the said annual returns of the treasurer shall also contain statements of the number of passengers and the number of tons of goods, produce, merchandise, and freight transported by the company hereby created on the Paterson and Hudson River Railroad, and the number of each delivered by this company to any other company, person or persons, to be transported on said Paterson and Hudson River Railroad.

Act may be altered or repealed.

Sec. 23. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to alter, amend, or modify this act, whenever in their opinion the public good may require it.

Passed March 10, 1841.

AN ACT to divorce Elizabeth Ann Litts from her husband David Litts.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Elizabeth Ann Litts, of the county of Sussex, be, and she is hereby divorced from her husband David Litts, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved; *provided however,* that nothing herein contained shall be construed or taken to render the issue of said marriage illegitimate.

E. A. Litts and
D. Litts di-
vorced.

Passed March 10, 1841.

AN ACT to set off, from the township of Lebanon, in the county of Hunterdon, a new township, to be called the township of Clinton.

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 Lebanon, in the county of Hunterdon, lying to the southward of the following line, to wit: beginning on the north side of a certain bridge over Spruce run, near the buildings of William Alpaugh, and at a point where said bridge is crossed by the line dividing the township of Lebanon from the township of Bethlehem; and running thence, on a northeasterly course, and in a direct line, across the said township of Lebanon, to the southeasterly corner of a school-house, situate on the lands of Frederick I. Hoffman, near the Tewksbury line; and thence, continuing on the same course, to the line dividing the township of Lebanon from the township of Tewksbury, and to end there, shall be, and the same is hereby set off from said township of Lebanon, and established as a separate township, to be called the township of Clinton.

Boundaries of
the township of
Clinton.

Sec. 2. *And be it enacted,* That the inhabitants of the township of Clinton shall be, and are hereby constituted a body

Inhabitants of township incorporated.

politic and corporate in law, and shall be styled and known by the name of "the Inhabitants of the township of Clinton, in the county of Hunterdon," and shall be entitled to all rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Hunterdon are or may be entitled or subject to by the existing laws of this state.

Town meetings, when and where held.

Sec. 3. *And be it enacted*, That the inhabitants of the township of Clinton shall hold their first town meeting at the inn of John C. Wert, on the day appointed by law for holding the annual town meetings in the other townships in the county of Hunterdon.

Committees to apportion the property, debts, &c., of each township.

Sec. 4. *And be it enacted*, That the town committees of the township of Lebanon and the township of Clinton shall meet on the Monday next after the annual town meetings in the said townships of Lebanon and Clinton, at the inn of John C. Wert, in the said township of Clinton, 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 shall also ascertain and determine which of the paupers now supported by the township of Lebanon have their residence in that part of the said township hereby set off as the township of Clinton; and the inhabitants of the township of Clinton shall be liable to pay their just proportion of the debts, if any there should be, and to support and maintain the paupers so allotted to them; 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 a decision of a majority of those present shall be final and conclusive; *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled as aforesaid may think proper.

Proviso.

Settlement of paupers.

Sec. 5. *And be it enacted*, That all paupers who may be chargeable to the said township of Lebanon at the time when this act shall go into operation, shall thereafter be chargeable to, and supported by that township within the bounds of which they have or shall have acquired their settlements, respectively, or in which said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the said township of Lebanon, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said townships of Lebanon and

Clinton within the bounds of which they respectively resided at the time of acquiring their respective settlements.

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

Passed March, 11, 1841.

A supplement to the act entitled, "An act to provide for voting by ballot in the township of Bergen, in the county of Bergen," passed March eighth, eighteen hundred and thirty-nine.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That no person shall be disqualified from acting as judge, inspector, or clerk, at any election to be held under the act to which this is a supplement, by reason of his being a candidate for any office to be voted for at such election; nor shall any person be disqualified from serving in any office for which he may have received a plurality of votes at any such election, by reason of his having acted as judge, inspector, or clerk at such election, and that this act shall go into effect immediately after the passage thereof.

Officers of election not disqualified in certain cases.

Passed March 11, 1841.

AN ACT to furnish the Historical Society of the State of New York with certain documents and records.

WHEREAS the Historical Society of the State of New York have made a respectful application to the legislature to be furnished with a copy of the laws, votes, and reports of this state, with any other documents tending to exhibit the political history of the state, with the view of perpetuating them, and of rescuing from oblivion the passing events of the country; to aid in so desirable an object--therefore, Preamble.

Librarian authorized to present certain works to the Historical Soc. of N. York.

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 librarian be, and he is hereby authorized and directed to procure and present to the Historical Society of the State of New York a copy of each of the following works, to wit: the revised laws, Harrison's compilation, Elmer's digest, Rogers's geological report, the New Jersey law and chancery reports, and the republication of the proceedings of the provincial congress.

Laws, law reports, &c., to be furnished said society yearly.

Sec. 2. *And be it enacted,* That it shall be the duty of the librarian hereafter to furnish the said society with a bound copy of the laws of this state, the law reports, chancery reports, and the votes and proceedings of both houses of the legislature, from year to year, as soon as the same are published.

To furnish certain documents.

Sec. 3. *And be it enacted,* That the librarian be, and he is hereby authorized to furnish, under the direction and advice of the governor, to the said society, from time to time, such other official documents, books, and papers, relating to the state, as can be conveniently spared from the library.

Passed March 11, 1841.

A supplement to the act entitled, "An act constituting courts of oyer and terminer and general gaol delivery," passed November twenty-seventh, seventeen hundred and ninety-four.

Courts of oyer and terminer and of general gaol delivery to be one court.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the courts of oyer and terminer and of general gaol delivery, in and for each of the several counties of this state, shall hereafter be deemed and taken to be one court, to be called the court of oyer and terminer and general gaol delivery, which court shall possess, enjoy, and exercise all the jurisdiction, powers, and authority heretofore belonging to either of the said courts; and that all process, indictments, and other matters returnable before or pending in either of the said courts at the time when this act shall take effect, shall be returned to, and proceeded in by the said court of oyer and terminer and general gaol delivery in the same manner, in all

respects, as the same might or should have been returned to, and proceeded in, by either of said courts, if this act had not been passed.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the said court, in their discretion, and on motion on behalf of this state or of any defendant, in any indictment or presentment depending or to be depending before them, and triable by a jury of twelve men, wherein the defendant is not by law entitled to challenge peremptorily or without cause shown, to order a jury to be struck for the trial thereof; which jury shall be struck before one of the justices of the supreme court, in the same manner and upon the same terms as are or may be prescribed by law in other cases; and that all notices relating thereto shall and may be given by or to the attorney general or the prosecutor of the pleas for the proper county.

Jury to be stricken in certain cases.

Sec. 3. *And be it enacted*, That any person indicted for perjury or subornation of perjury, who shall duly and voluntarily plead the plea of not guilty to such indictment, shall be entitled to a copy of the indictment and a list of the jury, and peremptorily to challenge twenty of the jury, in the same manner as a person indicted for arson or robbery.

Peremptory challenge not admitted in certain cases.

Passed March 11, 1841.

AN ACT concerning the survey of the coast of New Jersey.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for any person or persons, employed under and by virtue of the act of the Congress of the United States entitled, "An act to provide for surveying the coasts of the United States," passed the tenth day of February, in the year of our Lord eighteen hundred and seven, at any time hereafter to enter upon any lands within this state, for the purpose of exploring, surveying, or levelling, or doing any other matter or thing which may be necessary to effect the objects of the said act, and to erect any works, stations, buildings, and appendages necessary for that purpose, doing no unnecessary injury to private or other property.

Persons employed in surveying may enter upon lands.

Sec. 2. *And be it enacted*, That in case the person or persons so employed under the said act cannot agree with the

Damages, how assessed in case of disagreement with owners.

owners or possessors of the said land so entered upon, for the use of the same, or upon the amount of the damage done thereto, it shall and may be lawful for the person or persons so employed, or the owners or possessors of the said lands, to apply to one of the justices of the supreme court of this state, who shall thereupon appoint three disinterested and judicious freeholders resident in the county wherein the said lands do lie, which said freeholders, having first severally taken and subscribed an oath or affirmation, before some person duly authorized to administer the same, faithfully to examine the matter in question, and assess the damages sustained by the owners or possessors of the lands so occupied, by reason of such occupation thereof, according to the best of their skill and understanding; and the said freeholders, or a majority of them, having given to the owners or possessors of the said lands, and to the person or persons so employed, five days' notice of the time and place of meeting, shall proceed upon the testimony of witnesses, to be by them sworn or affirmed and examined, or upon their own view, or both, to assess the said damages; and shall make report thereof in writing, under their hands and seals, and file the same within five days thereafter in the office of the clerk of the county in which the said lands do lie; which report, as between the said parties, shall be final and conclusive, and the amount so assessed and reported be paid to the said owners or possessors of the said lands within ten days after the filing of the said report; and upon default of such payment, any person or persons so entering upon the said lands shall forfeit all his or their right of entry given by this act, and shall be taken and considered as guilty of trespass, in like manner as if this act had not been passed; and the said justice of the said supreme court shall, on application of either party, tax and allow such costs, fees, and expenses, to any person or persons performing any of the duties prescribed in this act, as he shall think equitable and just, which shall be paid by the person or persons employed under the said act, within the time above limited.

Penalty for injuring or removing works.

Sec. 3. *And be it enacted*, That, if any person or persons shall wilfully injure, deface, or remove any signal, station, monument, or building, or any appendage thereto erected, used, or constructed under the said act of the Congress of the United States, or under this act, such person or persons so offending shall severally forfeit and pay the sum of one hundred dollars, with costs of suit, to be sued for and recovered by any person who shall first sue for the same in any court having cognizance thereof; one half thereof for the use of the said prosecutor, and the other half thereof to be paid to the overseers of the poor of the township in which the offence was

committed, for the use of the poor of the said township, and shall be also liable to pay the amount of damages thereby sustained, to be recovered, with costs of suit, in an action on the case, in the name and for the use of the United States of America, in any court of competent jurisdiction.

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

Act to go into operation immediately.

Passed March 11, 1841.

AN ACT to set off the township of Van Vorst, in the county of Hudson.

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 or district of the township of Bergen, lying within the following boundary: beginning on the New York bay, or Hoboken cove, at a place where the Creek of the Woods, or Mill creek empties into the same; thence, following said creek till it comes to a sprout of said creek, which runs into Hoboken meadow; thence, in a northwesterly direction, till it meets the Hoboken bank; thence southwesterly, along said bank, till it comes to the upland at the foot of the hill; thence southerly, along the foot of the hill, in a straight line, till it intersects the aforesaid Creek of the Woods, or Mill creek; thence, following the middle of said creek, to its entrance in the Communepau cove, or York bay; thence up to, and along the line of Jersey city, to the place of beginning, be, and the same is hereby set off from the said township of Bergen, and erected into a separate township, to be known by the name of "the township of Van Vorst, in the county of Hudson."

Boundaries of the township of Van Vorst.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Van Vorst shall be, and they are hereby incorporated by the name of "the Inhabitants of the township of Van Vorst, in the county of Hudson," and vested with, and entitled to all the power, privileges, authorities, and advantages, and subject to the like regulations, duties, and liabilities, as other townships in this state.

Inhabitants incorporated.

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Van Vorst shall hold their first annual town meeting

Town meetings,
when and where
held.

at the house of David Bedford, innkeeper, at Harsimus, on the day appointed by law for holding the annual town meetings in the other townships in the county of Hudson.

Elections, &c.,
to be by ballot.

Sec. 4. *And be it enacted*, That the several township officers, and the number of such officers, when not prescribed by law, and all appropriations of money which are or may be authorized by law to be elected and made, and the place or places of holding elections and town meetings, shall be elected, determined, made, and appointed by a plurality of votes, by ballot, in any town meetings to be held in the said township, and not otherwise.

Township com-
mittee to make
report.

Sec. 5. *And be it enacted*, That it shall be the duty of the township committee of the said township, at least eight days previous to the annual town meeting in each and every year, to meet and make out a report, as directed in the twelfth section of the act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings;" and it shall be the duty of the clerk of said township to attend said meeting, and all other meetings of the committee, and to record their acts and proceedings in a book to be kept for that purpose; and to cause said report to be published in the form of hand-bills, or otherwise, as the said committee shall direct, for which the said clerk shall be allowed all reasonable charges, to be determined by said committee.

Officers of elec-
tion, how cho-
sen.

Sec. 6. *And be it enacted*, That at the first annual town meeting to be holden in pursuance of this act, the inhabitants of the said township entitled by law to vote at town meetings present shall, at the hour of ten o'clock in the forenoon, choose three reputable freeholders as inspectors, and one reputable freeholder to be clerk of said election; and the said inspectors and clerk shall conduct the said election, and be governed in all things as is hereinafter prescribed for holding the annual town meetings in the said township.

Board of in-
spectors, their
duties.

Sec. 7. *And be it enacted*, That the judge of election, the assessor and collector of said township of the preceding year, shall constitute a board of inspectors to conduct and regulate such election, who shall open the poll at ten o'clock in the forenoon, and close the same at five o'clock in the afternoon, shall take the same oath, perform the same duties, be vested with the same power, liable to the same penalties, and conduct the said election in all respects as is or may be directed by the laws regulating state and county elections, so far as the same are applicable; and all persons who by law are or may be qualified to vote at town meetings shall be entitled to vote at such election; and the votes and ballots shall be forthwith canvassed, and a return thereof made to the township clerk, who

shall record and file the same; and that the officers conducting any township election shall not be disqualified from being elected to, or holding any township office.

Sec. 8. *And be it enacted*, That if the judge of election, assessor, or collector, or either of them, shall be absent or sick at the time and place of holding any town meeting, then the persons present at the time for opening the polls, entitled to vote, shall proceed to choose a person or persons to serve in the stead of him or them so absent or unable to serve, which person or persons so chosen shall take the oath or affirmation herein before required, and shall in all respects perform the duties and services, and be entitled to the same compensation, and subject to the like penalties, as is specified for the said judge, assessor, and collector.

Vacancies, how supplied.

Sec. 9. *And be it enacted*, That the judge of election, assessor, collector, and clerk, for holding any annual or special township election, shall severally be entitled to the sum of one dollar and fifty cents per day for their services, to be paid by the township committee.

Compensation to certain officers.

Sec. 10. *And be it enacted*, That the township committees of the township of Bergen and the township of Van Vorst shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the public house of Henry Drayton, in North Bergen, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor, within the respective limits of the said two townships at the last assessment, and may adjourn the said meeting from time to time, and to such time and place as a majority of those assembled may think proper; and the township of Van Vorst shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees shall neglect to meet as aforesaid, those present may proceed to make such division, and their decision, or a decision of a majority of them, shall be final and conclusive.

Committee to apportion property, debts &c.

Sec. 11. *And be it enacted*, That all paupers who may be chargeable to the said township of Bergen at the time this act goes into operation, shall thereafter be chargeable to, and supported by that township within the bounds of which they have acquired their settlements, respectively, or in which said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlements are in the township of Bergen, and who shall hereafter become chargeable as paupers, shall be supported by that one of the

Settlement of paupers.

said townships of Van Vorst and Bergen within the bounds of which they resided at the time of acquiring their respective settlements.

Act when to
take effect.

Sec. 12. *And be it enacted*, That this act shall take effect on the second Monday in April next, and not before, and that all persons then residing within the limits of the township of Van Vorst, who would have been entitled to vote at the next annual town meeting of the township of Bergen if this act had not been passed, shall be entitled to vote at the town meeting of the said township of Van Vorst to be held on the said second Monday in April next.

Passed March 11, 1841.

AN ACT to divorce Sarah Brown from her husband Peter A. Brown.

S. and P. A.
Brown divorc-
ed.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Sarah Brown, of the county of Essex, be, and she is hereby divorced from her husband Peter A. Brown, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

Passed March 11, 1841.

A supplement to the act entitled, "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," passed the eighth of December, eighteen hundred and twenty-five.

Mode of elect-
ing managers
and directors.

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 elections for managers or directors of every incorporated stock company in this state shall be held

by ballot (unless otherwise expressly provided in their respective charters), and that the poll, at every such election, shall be opened between the hours of nine o'clock in the morning and five o'clock in the afternoon, and shall continue open at least one hour by daylight, and shall close before nine o'clock in the evening.

Sec. 2. *And be it enacted*, That (unless otherwise provided in their respective charters) at every such election each stockholder shall be entitled to one vote for each share of the capital stock of said company held by him or her, which vote may be given in person or by proxy; but no proxy shall be voted on, allowed, or received for more than three years from its date, nor shall any share or shares of stock be voted on at any election which have been transferred on the books of the company within twenty days next preceding such election.

Stockholders
entitled to one
vote on each
share.

Sec. 3. *And be it enacted*, That it shall be the duty of the secretary, clerk, treasurer, or other officer, of each and every incorporated stock company, who shall have charge of the transfer books of said company, to prepare and make out, at least ten days before every election of said company, a full, true, and complete list of all the stockholders of said company entitled to vote at the ensuing election, with the number of shares held by each, which list shall be made and arranged in alphabetical order, and shall at all times during the usual hours for business be open to the examination of any stockholder of such company; and if any officer having charge of such list shall neglect or refuse to exhibit the same, upon application of any stockholder of such company, during the usual hours of transacting business, he shall for every such offence be liable to the same penalty as is provided in the first section of the act to which this is a supplement.

List of stock-
holders to be
made out and
exhibited.

Sec. 4. *And be it enacted*, That the board of directors or managers of each and every incorporated stock company in this state shall be required to produce, at the time and place of election of such incorporated company, during the whole time such election shall be open, a full, true, and complete list of all the stockholders of said company entitled to vote at such election, with the number of shares held by each; which list shall be arranged in alphabetical order, and subject to the inspection of any stockholder who may be present at such election; and upon the neglect or refusal of said directors or managers to produce said list at any election of said company, they shall be ineligible to any office at such election.

List to be exhi-
bited during
election.

Passed March 11, 1841.

AN ACT to authorize William A. Scattergood and others to convey certain real estate in the county of Burlington.

Preamble.

WHEREAS Jonathan Scattergood, being, or pretending to be, seized in fee of and in a certain farm or plantation, situate in the township of Mansfield and Springfield, in the county of Burlington, and state of New Jersey, did by deed of bargain and sale, duly executed, bearing date on the fifth day of August, in the year of our Lord one thousand eight hundred and thirty-six, convey unto William A. Scattergood all his right, title, and interest in and to the said farm, in trust, nevertheless, for the sole and only proper use, benefit, and behoof of Eliza Scattergood, wife of the said Jonathan Scattergood, during her natural life, and after her death to and for the use, benefit, and behoof of the heirs at law of the said Jonathan Scattergood, equally to be divided among them according to the laws of descent of the state of New Jersey. And whereas the said trust was purely voluntary, being made without any valuable consideration paid therefor, and the said Jonathan Scattergood, at and before the execution of the said deed, was deeply involved in debt, by reason whereof the said trust deed was absolutely void in law, as against the creditors of the said Jonathan Scattergood, in consequence of which the trustee named in the said deed never accepted the said trust, nor in any way claimed or controlled the said property. And whereas, since the execution of the said deed of trust, the said farm has been sold by the sheriff of the county of Burlington, by virtue of divers executions, issued upon judgments for large sums of money recovered against the said Jonathan Scattergood, since the execution of the said deed of trust; and whereas the said William A. Scattergood, being advised and satisfied that the said trust deed was wholly inoperative and void, as against the said executions, became the purchaser, at the said sheriff's sale, of the said farm, for the sum of two thousand dollars, subject to prior encumbrances, and has received a deed for the same in his own name. And whereas the said William A. Scattergood hath since entered into a contract for the sale of the said premises to Benjamin S. Bryan, at a considerable advance in price over the sum paid therefor upon the sale by the sheriff, provided a good and sufficient title can be made therefor, which sale the said William A. Scattergood is willing and desirous to make for the benefit of the said Jonathan Scattergood and the wife and children of the said Jonathan; and whereas the purchaser is unwilling to accept the title for said premises

while the said trust deed remains on record uncanceled; and whereas the persons interested have prayed legislative aid in the premises, and the prayer of the said petition appearing to be reasonable and proper---therefore, in order to remove any doubts which may exist in regard to the title to said lands,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That William A. Scattergood, Jonathan Scattergood, and Eliza his wife be, and they are hereby authorized and empowered to execute and deliver to Benjamin S. Bryan a deed of conveyance in fee-simple for the said farm, which said deed shall convey to, and vest in the said Benjamin S. Bryan as full, perfect, and unencumbered a title to the said premises as though the said deed of trust had never been made or executed.

Authority to convey certain real estate.

Sec. 2. *And be it enacted,* That nothing in this act contained shall be construed to impair or hinder the right of any creditor of the said Jonathan Scattergood, or to impair or in any wise affect the rights of any encumbrancer upon said premises, under or by virtue of the said deed of trust.

Rights of others not to be affected.

Passed March 11, 1841.

AN ACT to incorporate the Mount Holly Cemetery Company, in the county of Burlington.

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 Isaac N. Risdon, James S. Hulme, and James Langstaff, and such persons as shall become holders of burial lots in the cemetery hereinafter named, be, and they are hereby made and constituted a corporation and body politic, by the name of "the Mount Holly Cemetery Company," and by that name shall be able and capable in law to have and use a common seal, to sue and be sued, plead and be impleaded, and to do all such other acts and things as are incident to a corporation and necessary for the purposes of this act.

Names of corporators.

Style of incorporation.

Sec. 2. *And be it enacted,* That the said corporation shall have power to take and hold in fee a tract of land containing

May hold in fee a certain tract of land.

about four acres, situate on the southeastern declivity of Mount Holly, laid out by Isaac N. Risdon, as a cemetery, in trust, to convey, by deeds duly executed, to such person or persons as the said Isaac N. Risdon, his heirs or assigns, may nominate or appoint, the burial lots in the aforesaid cemetery; the said Isaac N. Risdon, his heirs or assigns, however, to have the use and privilege of the several walks and passages, and the power to erect on said land (the consent of the managers being first obtained) such buildings, fences, and other fixtures as may be deemed necessary and suitable for said cemetery; the purchaser of each lot and his heirs and devisees to have the exclusive use thereof for ever for the interment of deceased human bodies, and for no other purpose, with the common use of the walks and passages, subject to such regulations as may be established by the said corporation for digging graves, building vaults, and ornamenting and preserving the ground.

Objects of incorporation.

Sec. 3. *And be it enacted*, That, upon the conveyance of each and every of the burial lots in the said cemetery, the said Isaac N. Risdon, his heirs and assigns, shall pay over to the said corporation the sum of three dollars, until the whole sum so paid shall amount to the sum of two thousand dollars, to be held by the said corporation as a fund to defray the necessary expenses of said cemetery.

Amount to be paid to corporation on sale of lots.

Sec. 4. *And be it enacted*, That the three persons in the first section named, and their successors, shall be the managers of said cemetery, and shall have the care and management thereof, and of the fund to be appropriated, as aforesaid, for its permanent support; they shall have power to lay out and ornament the grounds, erect fences and such buildings as may be necessary, and to make such by-laws relative to the duties of the managers and their successors, the appointment of suitable officers and agents, and their several duties and compensation, and to make such rules and regulations, from time to time, for the government of the lotholders and the visitors to the cemetery as they may deem necessary.

Powers and duties of managers.

Sec. 5. *And be it enacted*, That in case of the death, resignation, neglect, or refusal of any manager of said corporation to act, an election shall be held by the lotholders to supply the vacancy, at a meeting of the lotholders, to be convened in Mount Holly for that purpose, by public notice published in a newspaper printed and circulated in the county of Burlington, at least two weeks, designating the time, place, and object of such meeting, which notice may be given by any three or more of said lotholders; and at such election the holder or holders of each lot shall be entitled to one vote, and the said Isaac N. Risdon, his heirs and assigns, shall be entitled to as

Vacancies, how filled.

many votes as he or they may have burial lots laid out and undisposed of.

Sec. 6. *And be it enacted*, That the lands of the said corporation, above mentioned, shall be used for the interment of deceased human bodies, and for no other purpose whatever, and the burial lots, vaults, and other erections and fixtures in the said cemetery shall not be subject to any assessments, taxes, or fines, or liable to be seized upon, distrained, sold, or otherwise subject to any process of law whatever, except for encumbrances existing at or previous to the passage of this act.

Property not to be assessed.

Sec. 7. *And be it enacted*, That this corporation may hold so much personal estate, and no more, as may be necessary for its legitimate purposes.

Sec. 8. *And be it enacted*, That no street or road shall hereafter be opened through the lands of this corporation.

No streets to be opened through their lands.

Sec. 9. *And be it enacted*, That the legislature may at any time hereafter amend, modify, alter, or repeal this act.

Act may be altered or repealed.

Passed March 11, 1841.

A further supplement to the act entitled, "An act to provide for the publication and distribution of the laws and proceedings of the legislature of this state, and the distribution of the laws of the United States," passed the seventh day of June, in the year of our Lord 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 it shall be the duty of the secretary of Council and clerk of Assembly to deliver the manuscript copies of the votes and proceedings of their respective branches of the legislature, to the printers who may be appointed by law to print the same, within thirty days after the rising of the legislature.

Copies to be delivered to printers within a certain time.

Sec. 2. *And be it enacted*, That the printer or printers who may be appointed to print the laws and proceedings of the legislature of this state shall, within ninety days after he or they receive the copies of said laws and proceedings, deliver to the

Printed copies to be delivered to treasurer within ninety days.

treasurer of this state as many printed copies of said laws and proceedings as shall have been directed to be printed.

Treasurer to retain compensation until copies are delivered.

Sec. 3. *And be it enacted*, That it shall be the duty of the treasurer of this state to retain in his hands the compensation allowed by law to the secretary of Council and to the clerk of Assembly for making copies of the aforesaid votes and proceedings, until they shall respectively produce to him the receipt of the printer or printers appointed to print the same, acknowledging the reception, by him or them, of the said copies; and in case the said secretary or clerk shall fail to deliver the said copies to the said printer or printers, or the said printer or printers shall fail to deliver to the treasurer the required number of printed copies of the laws and proceedings within the times above limited and prescribed, the person or persons so failing shall forfeit the one-fourth part of the compensation to him or them allowed.

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

Passed March 11, 1841.

AN ACT to incorporate the Mallery Manufacturing Company.

Names of incorporators.

Style of incorporation.

Powers and privileges.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Stephen R. Parkhurst, James Lawton, Austin Cowles, Pliny Lawton, and James Jackson, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, for the purpose of manufacturing cotton and wool, by the name of "the Mallery Manufacturing Company;" and by that name they and their successors shall be, and they are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable in law to purchase, rent, receive, have, hold, and enjoy such lands, tenements, water power, and water privileges, in the township of Paterson, in the county of Passaic, and also such goods, chattels, machinery, and personal estate, as may be necessary and useful for carrying on the manufacturing business and purposes afore-

said, and the same to use and employ, grant, demise, pledge, convey, and dispose of, as they shall deem proper; and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary and proper for the purposes of their incorporation; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said Stephen R. Parkhurst, James Lawton, Austin Cowles, Pliny Lawton, and James Jackson, or a majority of them, are hereby authorized to receive subscriptions to the capital-stock of said company, and for that purpose shall open books of subscription, at such time or times, and place or places, in this state as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in one of the newspapers printed in Paterson; and if more subscriptions be taken than the amount of the capital stock hereby authorized, it shall be the duty of the said persons, or a majority of them, to apportion the stock among the subscribers, in proportion to their subscriptions; but no apportionment shall be made of any subscription for five shares or less.

Capital not to be employed in banking.

Stock to be apportioned.

Sec. 2. *And be it enacted*, That the capital stock of said company shall not exceed fifty thousand dollars, to be subscribed for in shares of fifty dollars each; and as soon as five hundred shares of the said stock shall be subscribed for, the persons above named may, by public notice published in one of the newspapers printed in the town of Paterson, for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the stock, property, and concerns of said company shall be managed and conducted by five directors, being stockholders, at least three of whom shall be residents in this state, who shall hold their offices for one year and until others are elected in their places; and the stockholders may vote, either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors, the stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders as inspectors and judges of the election; and the said directors may make, ordain, and

Mode of electing directors.

Duties and powers of directors.

execute such by-laws and regulations for the government of the said corporation in their proceedings, and for the management of the stock, property, effects, and concerns of said company, as may by them be deemed necessary and convenient; *provided* the same be not repugnant to the constitution or laws of this state or of the United States; and the said directors, or a majority of them, shall and may appoint such officers, superintendents, agents, and workmen, with such compensation as they may think proper, and may remove the same at their pleasure.

When company may commence business.

Sec. 4. *And be it enacted*, That as soon as fifteen thousand dollars of the capital stock of the said company shall have been paid, it shall and may be lawful for the said company to commence their business; and the said directors, or a majority of them, shall have power to call in said stock, at such times, not less than thirty days apart, as they shall deem proper, and in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid, not exceeding five dollars on each share for every one instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of six months after the thirty days' notice as aforesaid, to pay his or their respective instalment or instalments, on his or their respective share or shares so called as aforesaid, then the stock of such stockholder or stockholders so neglecting or refusing, and all previous payments thereon, may be forfeited to the said company, for the use and benefit of the said company.

Stock personal property and transferable.

Sec. 5. *And be it enacted*, That the stock of the said company shall be deemed personal property, and shall be transferable on the books of the said company, or in such manner as shall be prescribed by the by-laws of the said corporation.

Semi-annual dividends to be made.

Sec. 6. *And be it enacted*, That a dividend of the profits of the said company (except so much thereof as shall be set apart for a surplus fund) shall be made semi-annually, by the said directors, among the stockholders, but no dividend shall be made of any part of the capital stock of the said company; and the books of said company shall, at all times during business hours, be open for the inspection of the stockholders, or any of them; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in a book or books, to be kept by the directors for that purpose.

Stockholders may call meetings, on neglect or refusal of directors so to do.

Sec. 7. *And be it enacted*, That all elections of directors of the said company shall be by ballot; and if the directors of said company for the time being shall at any time neglect or refuse to call annual meetings for the election of directors, as herein-before prescribed, the stockholders, or a majority of them, may within the time in such case prescribed give notice

and call meetings, and elect directors, in like manner as if said directors had given notice as prescribed by this act; and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

Sec. 8. *And be it enacted*, That in case it should happen that an election for directors should not be held or made on the day on which pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Corporation not dissolved on failure to hold election on day prescribed.

Sec. 9. *And be it enacted*, That this act shall remain and continue in force for the term of thirty years, and no longer, unless sooner modified or repealed; and that it shall and may be lawful for the legislature of this state at any time hereafter to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Limitation of act.

Sec. 10. *And be it enacted*, That every president and director, and all such other officers as the directors shall direct, shall, before he or they act as such, take an oath or affirmation for the due and faithful execution of the duties of his or their office.

Officers to take an oath.

Sec. 11. *And be it enacted*, That it shall not be lawful for the company authorized to be created by this act to contract debts, or issue notes or other obligations for the payment of money, to an amount exceeding, at any one time, the amount of its capital actually paid in; and for a violation of this section the charter granted by this act shall be forfeited.

Debts not to be contracted beyond a certain amount.

Passed March 12, 1841.

AN ACT to incorporate the Camden Mutual Insurance Association.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Gideon V. Stivers, Isaac Cole, Richard Feters, Ebenezer Toole, Nathan Davis, Charles S. Garret, Joab Scull, John Knisell, Edward Dougherty, Thomas Peak, Charles Bon-

Names of corporators.

Style of incorporation.

Powers.

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

Persons ensuring to be members of incorporation.

Time and mode of electing officers.

Sec. 2. *And be it enacted*, That all persons who, at any time hereafter, shall ensure in or with the said company shall be deemed and taken to be members of said corporation; and that the property and concerns of the said corporation shall be conducted and managed by thirteen directors, all of whom shall be citizens of this state and shall not hold a like office or agency in any other insurance company; the said directors shall be chosen by ballot, by and from among the members, and hold their office for one year and until others are chosen; and that the election for directors shall be held on the first Thursday in February in every year, at the office of the company, or such place as the majority of the directors may previously designate, public notice of which shall be given by the secretary, in one or more newspapers printed in the city of Camden, at least two weeks previous to the time of holding said

election; and if any of the said directors shall die or refuse to serve, or neglect to act in said office for the space of six months, successively, then and in every such case the remaining directors shall have power to fill such vacancy or vacancies until the time of the next annual election; and in case it shall happen that an election of directors should not be held on the day when pursuant to this act it ought to have been held, the said corporation shall not for that cause be dissolved; but it shall and may be lawful on any other day to hold an election for directors; and until an election for directors shall be held according to the provisions of this section, the following persons shall be directors, namely Gideon V. Stivers, Isaac Cole, Richard Fetters, Ebenezer Toole, Nathan Davis, Charles S. Garrett, Joab Scull, John Knisell, Edward Dougherty, Thomas Peak, Charles Bontemps, Richard Thomas, and John K. Cowperthwait.

Corporation not to be dissolved for failure to elect on day prescribed.

First directors.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the said corporation to ensure the dwellings, houses, stores, shops, mills, and other buildings, together with household furniture, merchandise, and all other personal property of its members, and of no other person or persons, against loss or damage by fire.

What property may be ensured.

Sec. 4. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make or prescribe such by-laws, rules, and regulations as to them shall appear needful and proper for the management and disposition of the stock, property, estate, and effects of said corporation, and for all such other matters as appertain to the business thereof; and shall have power to appoint a secretary, surveyor or surveyors, and such additional officers, clerks, and servants for carrying on the business of said corporation, with such allowances as to them shall appear satisfactory; *provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Powers of directors.

Sec. 5. *And be it enacted*, That at the first meeting of the directors held after the annual meeting of the members in each year, the directors shall choose, from among themselves, one person for president, who shall continue in office until the next annual meeting and until another shall be appointed in his place; they shall also elect a treasurer, and require him to give bond to the company for the faithful performance of his duty for such sum as to them shall appear sufficient and satisfactory.

Directors to choose president.

Sec. 6. *And be it enacted*, That all policies of insurance which shall be made by the said corporation, in pursuance of this act, shall be made on such terms and conditions, and for

Assessment to be made when funds are insufficient to pay losses.

such periods of time, and confined to such places, as shall be from time to time ordered and prescribed by the by-laws, rules, and regulations of said corporation; and if at any time it shall so happen that there shall be just claims on the corporation for losses sustained to a greater amount than they have funds or stock to discharge, in such cases the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their representatives, according to the amount of each member's ensurance, which rates or assessment shall be approved by a majority of the whole number of directors; and notice in writing shall be given to each member, or his or her representative, of the assessment and amount by him or her to be paid; and each and every member, or his or her representative, so notified shall pay the same to the treasurer for the time being, within sixty days after such notification, and in default thereof shall forfeit all the right and claim to any policy he or she may have obtained, and be no longer a member of the association; and he or she shall also be liable to a recovery of the amount of assessment, by action of debt, with costs of suit, before any court of competent jurisdiction.

Meetings, how called.

Sec. 7. *And be it enacted*, That any three or more of the directors, after the passage of this act, shall have power to call a meeting of all the directors named herein, by giving notice in one or more of the newspapers printed in the city of Camden at least ten days before said meeting.

Not to engage in banking.

Sec. 8. *And be it enacted*, That no part of the funds of the association shall be used for banking or for any other purpose not indicated by this act.

Act may be altered or repealed.

Sec. 9. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to amend, modify, or repeal this act.

Passed March 12, 1841.

AN ACT to provide for voting by ballot in the township of Franklin, in the county of Bergen.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the several township officers, and the number of such officers, when not prescribed by law, and all appropriations of money which now are or may be authorized by law to be elected and made, and the place and places of holding elections and town meetings, shall be elected, determined, made, and appointed by a plurality of votes, by ballot, in any town meeting to be held in the township of Franklin, and not otherwise.

Voting to be by ballot at town meetings.

SEC. 2. *And be it enacted*, That it shall be the duty of the township committee of said township, at least eight days previous to the annual town meeting in each and every year, to meet and make out and prepare a report, as directed in the twelfth section of the act entitled, "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings;" and it shall be the duty of the clerk of said township to attend said meeting, and all other meetings of the committee, and to record their acts and proceedings in a book to be kept for that purpose, and to cause said report to be published in the form of hand-bills, as the said committee shall direct, for which the said clerk shall be allowed all reasonable charges, to be determined by said committee.

Duty of township committee.

SEC. 3. *And be it enacted*, That the judges of election, the assessor and collector of said township, of the preceding year, shall constitute a board of inspectors to conduct and regulate such election, who shall open the poll at ten o'clock in the forenoon, and close the same at seven o'clock in the afternoon; shall take the same oath, perform the same duties, be vested with the same powers, liable to the same penalties, and conduct the said election, in all respects, as is or may be directed by the laws regulating state and county elections, so far as the same are applicable; and all persons who by law are or may be qualified to vote at town meetings, shall be entitled to vote at such election; and the votes and ballots shall be forthwith canvassed, and a return thereof made to the township clerk, who shall record and file the same; and that the officers conducting such elections shall not be disqualified from being elected to any township office.

Who shall constitute board of inspectors.

SEC. 4. *And be it enacted*, That at the hour and place appointed according to law for holding the annual town meeting, the legal voters of the said township shall proceed to choose,

Moderator and clerk to be chosen.

vive voce, a moderator and clerk for the day, before whom all other legal and proper township business that may come before them shall be voted on and determined, in the same manner as heretofore.

Clerk pro tempore to be chosen.

Sec. 5. *And be it enacted*, That in cases where the town clerk of the previous year is also chosen town clerk of the current year, or when from any other cause he shall not serve, the judges and inspectors shall choose a clerk pro tempore for transacting the business of said township, so far as the same is hereby required to be done, by ballot; and such clerk shall take an oath, to be administered by one of the judges of election, well and faithfully to transact the business enjoined upon him as clerk of the ballot election.

Sec. 6. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed March 11, 1841.

A supplement to an act entitled, "An act to incorporate Jersey City," passed February twenty-second, eighteen hundred and thirty-eight.

Part of former act repealed.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That so much of the act to which this is a supplement as authorizes the common council of Jersey City to pass ordinances for regulating petty grocers in selling of liquors, or to grant licenses to victuallers and retailers of spirituous liquors, be, and the same is hereby repealed from and after the passage of this act.

Passed March 11, 1841.

AN ACT to raise by tax the sum of thirty thousand dollars.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That there shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of thirty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and forty-two.

\$30,000 to be raised by tax.

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

Proportions to be raised by the several counties.

The county of Bergen shall pay the sum of one thousand dollars.

The county of Hudson shall pay the sum of six hundred and fifteen dollars.

The county of Essex shall pay the sum of twenty-six hundred and sixty-four dollars.

The county of Passaic shall pay the sum of seven hundred and sixty-eight dollars.

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

The county of Sussex shall pay the sum of fifteen hundred and nineteen dollars.

The county of Warren shall pay the sum of sixteen hundred and thirty-nine dollars.

The county of Hunterdon shall pay the sum of twenty-three hundred and twenty-six dollars and fifty cents.

The county of Somerset shall pay the sum of eighteen hundred and eighty-two dollars and fifty cents.

The county of Middlesex shall pay the sum of two thousand and forty-nine dollars.

The county of Monmouth shall pay the sum of twenty-seven hundred and ninety-three dollars.

The county of Burlington shall pay the sum of twenty-eight hundred and fifty-seven dollars.

The county of Gloucester shall pay the sum of twenty-one hundred and eighty-four dollars.

The county of Cumberland shall pay the sum of eleven hundred and eighty-nine dollars and fifty cents.

The county of Salem shall pay the sum of sixteen hundred and seventeen dollars.

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

The county of Atlantic shall pay the sum of three hundred and fifty dollars.

The county of Mercer shall pay the sum of seventeen hundred and ten dollars.

Enumeration of articles taxed at specific sums.

Sec. 3. *And be it enacted*, That the assessors of the several townships, cities, or boroughs of this state, to raise the aforesaid sum of thirty thousand dollars, shall assess and rate the several articles and things herein after enumerated at the following sums :

Every covering horse or jack, above three years old, any sum not exceeding seven dollars, to be paid by the person upon whose premises the horse is kept ; all other horses or mules, three years old and upwards, any sum not exceeding five cents.

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

Articles to be valued and rated at the discretion of the assessor.

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

All tracts of land of more than ten acres, at any sum not exceeding one hundred dollars by the hundred acres ; and all houses and lots of land of ten acres and under, connected therewith, and all lots of land of ten acres and under, not connected with houses, shall be valued by the respective assessors at their discretion, valuing and rating the same, however, in proportion to the actual yearly rent or value of the same, as near as may be, according to the scale by which they shall rate lands in regard to the actual yearly rent or value thereof.

All householders (under which description shall be included all married men), any sum not exceeding one dollar and fifty cents, over and above their certainties and other estate made ratable by this act.

All merchants, shopkeepers, and traders, any sum not exceeding eight dollars.

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

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

All clover mills, any sum not exceeding five dollars.

All cotton manufactories, any sum not exceeding twenty-two dollars.

All sail duck manufactories, any sum not exceeding ten dollars.

All woollen manufactories, any sum not exceeding eight dollars.

All carding machines, propelled by water or steam, and not

connected with any cotton or woollen manufactory, any sum not exceeding two dollars and fifty cents.

All cupola furnaces, any sum not exceeding twelve dollars.

All blast furnaces, other than cupola furnaces, any sum not exceeding twenty-five dollars.

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

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

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

All paper mills, any sum not exceeding seven dollars.

All snuff mills, any sum not exceeding eight dollars.

All powder mills, any sum not exceeding twelve dollars.

All oil mills or oil presses, any sum not exceeding six dollars.

All bark mills, propelled by water or steam, for grinding bark for sale, any sum not exceeding eight dollars.

All fulling mills, not connected with any woollen manufactory, any sum not exceeding eight dollars.

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

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

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

All other distilleries, used for distilling, any sum not exceeding fifteen dollars, having due regard to the size, capacity, and use of stills.

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

Every phaeton, coachee, or four wheeled chaise, with steel or iron springs, any sum not exceeding three dollars.

Every four horse stage wagon, any sum not exceeding four dollars.

Every two horse stage wagon, any sum not exceeding two dollars.

Every covered riding wagon, any sum not exceeding sixty cents.

Every two horse chair or curricule with steel or iron springs, any sum not exceeding one dollar and fifty cents.

Every riding chair, gig, sulky, or pleasure wagon, any sum not exceeding fifty cents.

Every dearbon wagon with steel, iron, or wooden springs, any sum not exceeding fifty cents.

Every printing, bleaching, and dyeing manufactory, any sum not exceeding fifteen dollars.

Every earthen or stone ware manufactory, any sum not exceeding five dollars.

Every glass or porcelain manufactory, where glass or porcelain ware is manufactured for sale, any sum not exceeding eight dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard to the extent and capacity of the same, any sum not exceeding eight dollars.

Tax of single men.

Proviso.

Every single man, whether he lives with his parents or not, any sum not exceeding one dollar over and above the certainties made ratable by this act; if any single man be a householder, he may, at the discretion of the assessor, be taxed as other householders are liable by law to be taxed; *provided*, that nothing in this section shall be construed to subject any species of property to be taxed more than once, and that no property herein specifically mentioned as taxable shall be subject to a tax as real estate.

Duties of assessor.

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out, in his tax book, and the duplicate thereof, a just and true valuation of the real estate made liable by law; and that the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing, collecting, and levying.

Sec. 6. *And be it enacted*, That the said sum of thirty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax shall be entitled to the fees and compensation allowed by the before mentioned acts.

Act, when to take effect.

Sec. 7. *And be it enacted*, That this act shall go into operation, and be in full force immediately after the passage thereof.

Passed March 12, 1841.

AN ACT to defray incidental expenses.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be lawful for the treasurer of this state to pay the several persons hereinafter named the following sums, viz:

Certain incidental charges directed to be paid.

1. To Peter V. Coppuck, for stationery and making the index to the votes and proceedings of the House of Assembly, one hundred and sixty-six dollars.

2. To Joseph Justice, for blank books for clerk of chancery, tape for secretary of state, and printing blank commissions, eighty-four dollars and ninety-one cents.

3. To Charles C. Yard, for sundries for library, four dollars and eighteen cents.

4. To J. Bowen, for lithographed diagrams of the House, twenty dollars.

5. To Jonathan S. Fish, for twenty tons of coal, one hundred and two dollars.

6. To Trenton water works, for laying aqueduct pipe and fixtures attached, in addition to the appropriation heretofore made, the sum of forty-six dollars and eighty-five cents.

7. To W. W. Norgross, for candles and brooms, sixteen dollars and ninety-seven cents.

8. To John Wilson, for repairs to state house, nine dollars and eighty-seven cents.

9. To Samuel Prior, junior, for stationery, one hundred and one dollars and twelve cents.

10. To Benjamin Hayden, for door mats, two dollars and twenty-five cents.

11. To Joseph Justice, for advertising the public laws, forty-seven dollars and seventy-five cents.

12. To James T. Sherman, for forty-five copies of Sitgreaves' Manual, sixty-seven dollars and fifty cents.

13. To Sherman and Harron, for advertising public laws, printing labels for library, and for advertising notice of court of appeals, fifty-four dollars and twenty-five cents.

14. To George M. Furman, for cleaning state house, breaking and putting away coal, and sundries, eleven dollars and fifteen cents.

15. To John B. Boling, for window glass for state house and office of clerk of supreme court, four dollars and sixty-two cents.

16. To Phillips and Boswell, for miscellaneous printing for Council and Assembly, and for printing ruled blanks for adjutant general, one hundred and sixty dollars and seventy-four cents.

17. To Fish, Green, & Co., for shingles and boards for the arsenal, thirty-one dollars and eighty cents.

18. To H. Mershon, for freight and portorage on four boxes of books, two dollars and fifty cents.

19. To Daniel Childs, for desk and hardware for council chamber, ten dollars and fifty cents.

20. To J. R. S. & W. S. Barnes, for hardware and stationery for Council, fifty-six dollars and ninety-two cents.

21. To Smith and Howell, for cloth and sundries for council chamber, eight dollars and nine cents.

22. To John Davisson, for stationery for Council, one hundred and twenty-nine dollars and seventy-five cents.

23. To George M. Furman, for labour and services, repairing assembly room, eleven dollars and fifty cents.

24. To Isaac Southard, treasurer, for boxes, cloth, and wrappers, in packing minutes of Assembly, journals of Council, state laws, supreme court reports, and office rent for one year, to extra travelling expenses to Newark, Jersey City, Hackensack, New York, Bordentown, and Philadelphia, to obtain quarterly returns and dividends of railroad and canal company, and interest, renew notes, borrow money, and so forth, one hundred and seventy-two dollars and fifty-two cents.

25. To Samuel R. Hamilton, quartermaster general, for letter postage, one dollar and sixty-five cents.

26. To Charles Scott, for binding twenty volumes of laws, and binding and interleaving two catalogues for state library, ten dollars and sixty-two cents.

27. To Reuben Bechtel, for one chair for council chamber, two dollars.

28. To William Hancock, for materials and repairs to the heating apparatus in the state house, nineteen dollars and ninety-seven cents.

29. To Phillips and Boswell, for printing blank commissions for secretary of state, twelve dollars.

30. To George W. Howell, for firewood for the court of chancery, six dollars and seventy-five cents.

31. To S. G. and J. G. Brearly, for paints, oil, and hardware for the arsenal, thirteen dollars and forty-eight cents.

32. To Joseph Justice, for advertising the court of appeals and for stationery for the court of chancery, thirty dollars and forty-four cents.

33. To Halsey Canfield, for breaking and putting away eight tons of coal and for bell-rope, four dollars and eighty cents.

34. To Samuel Mulford, for repairs to the government house, seven dollars and fifty cents.

35. To William Marseilles, for materials for, and repairs to the government house, five dollars and twenty-one cents.

36. To F. R. Lafaucherie, for hardware for the government house, glass, putty, and hardware for arsenal, to twine, cordage, and hardware for council chamber and library, nine dollars and ninety-six cents.

37. To J. R. S. & W. S. Barnes, for stationery and hardware for council chamber and government house, thirty-nine dollars and seventy-eight cents.

38. To John Davisson, for stationery for Council, twenty-four dollars.

39. To William W. Norcross, for candles for Council and Assembly, fifty-eight dollars and nineteen cents.

40. To Samuel Pryor, junior, for making out list of members of the legislature and their places of residence, and for stationery, sixty dollars and thirty cents.

41. To Sherman and Harron, for printing reports and bills for Council and Assembly, nine hundred and seventeen dollars and seventy-eight cents.

42. To William Biddle, for carting state arms from Burlington to the arsenal, eleven dollars.

43. To William C. Shinn, for carting state arms from Mount Holly to arsenal, thirty dollars.

44. To Daniel Baker, for storing state arms in arsenal, four dollars.

45. To Isaac Southard, for repairs to state house, in addition to appropriation, seventy-two dollars and forty-eight cents.

46. To John Wilson, for interest on his account, eighteen dollars and eighty-one cents.

47. To William Brittin, for boxing and forwarding state arms from Morris county to arsenal, ten dollars.

48. To B. Davenport, for stationery, ten dollars.

49. To G. D. Wall and George Wood, esquires, as counsel fees for arguing the case of *Waddel vs. Martin* and others on the part of the state, in defence of her water rights, before the supreme court of the United States, at Washington, at the present term of that court, the sum of twelve hundred and fifty dollars.

50. To Joseph Warren Scott, esquire, for his services in preparing a revision of the orphans' court system, by request of a former legislature, five hundred dollars.

51. To William De Hart, for stationery for supreme court, four dollars and ninety-four cents.

52. To Daniel Fenton, for stationery, forty-five dollars and thirteen cents.

53. To Elizabeth Hyer, widow of William Hyer, deceased, for stove for government house, fifteen dollars.

Passed March 12, 1841.



JOINT RESOLUTIONS.

RESOLVED, *by the Council and General Assembly of this State*, That the treasurer of this state be, and he is hereby authorized to borrow from time to time, for the use of the state, such sum or sums of money as may be necessary to meet the expenses authorized by law, at a rate of interest not to exceed six per centum per annum.

Treasurer authorized to borrow money.

Passed February 22, 1841.

RESOLVED, *by the Council and General Assembly of this State*, That the secretary of state be authorized, and he is hereby directed and empowered, to make a new general index of wills recorded in his said office, prior to the year eighteen hundred and four, and procure such books as he may deem necessary for that purpose, and to have re-bound such books of record as require the same, for the better preservation of the records of the said office; and that the governor, or person administering the government, be authorized to draw on the treasurer of this state for such amount as he may deem necessary and right to defray the expenses of the same.

Secretary of state authorized to make new index of wills.

Passed February 24, 1841.

RESOLVED, *by the Council and General Assembly of this State*, That Josiah Harrison, of Camden, be employed to print sixteen hundred copies of the law reports; that Edward San-

Printers of laws and law reports.

Printers of votes
and proceed-
ings.

derson, of Elizabethtown, be employed to print sixteen hundred copies of the chancery reports; and that Phillips & Boswell, of Trenton, be employed to print sixteen hundred copies of the laws; that they print the same on large octavo pages, corresponding with those heretofore printed, and be paid therefor at the rate of twenty-seven dollars per sheet, each; that Callender & Johnston, of Freehold, be employed to print the votes and proceedings of Assembly, and index to the same; that Augustus S. Barber, of Woodbury, be employed to print the journal of the proceedings of the Legislative Council and of Joint Meetings; and that they each print thirteen hundred copies thereof, to correspond with those heretofore printed, and be paid therefor nineteen dollars per sheet, each; *provided*, that if any person or persons herein named shall not inform the treasurer of this state, on or before the fifteenth day of March instant, that he or they will execute the printing as herein provided for, then the said treasurer may procure the same to be done at his discretion, and at prices not to exceed those herein named.

Passed March 8, 1841.

Declaration that
the public lands
are the common
property of the
Union.

BE IT RESOLVED, *by the Council and General Assembly of this State*, That, by the plighted faith of the nation, and the immutable principles of justice and equity, the public lands are, and of right ought to be, the common property of the whole Union, and that the proceeds arising from the sale thereof, when not required to defray the necessary expenses of the general government, ought to be distributed among all the states.

Resolved, That, in the name and behalf of the people of New Jersey, we do publicly and solemnly protest against the passage of any law for ceding said lands to the states in which they lie, or for reducing the prices thereof to sums merely nominal, or for granting prospective rights of pre-emption therein:

Because it would be a palpable and unjustifiable violation of the express terms upon which a part of them were granted by the states originally claiming title thereto, and of the implied, but not less sacred contract by which the common funds of the whole nation were applied for the purchase of the residue;

Because it would deprive the old thirteen states, whose valour, toil, and blood achieved the independence of our country, of their just rights, and appropriate for the exclusive benefit of a part, that which honour, justice, and gratitude alike declare to be the common property of the whole ;

Because it would induce an unhealthy and unnatural drain of the population and industry of the old states, and foster and encourage a spirit of rash and reckless adventure and speculation; and

Because, by holding out temptations to lawless trespassers, it would encourage a spirit of violence and disorder, and break down and destroy that regard for the peace and order of society, which is indispensable to the maintainance of a free government.

Passed March 12, 1841.



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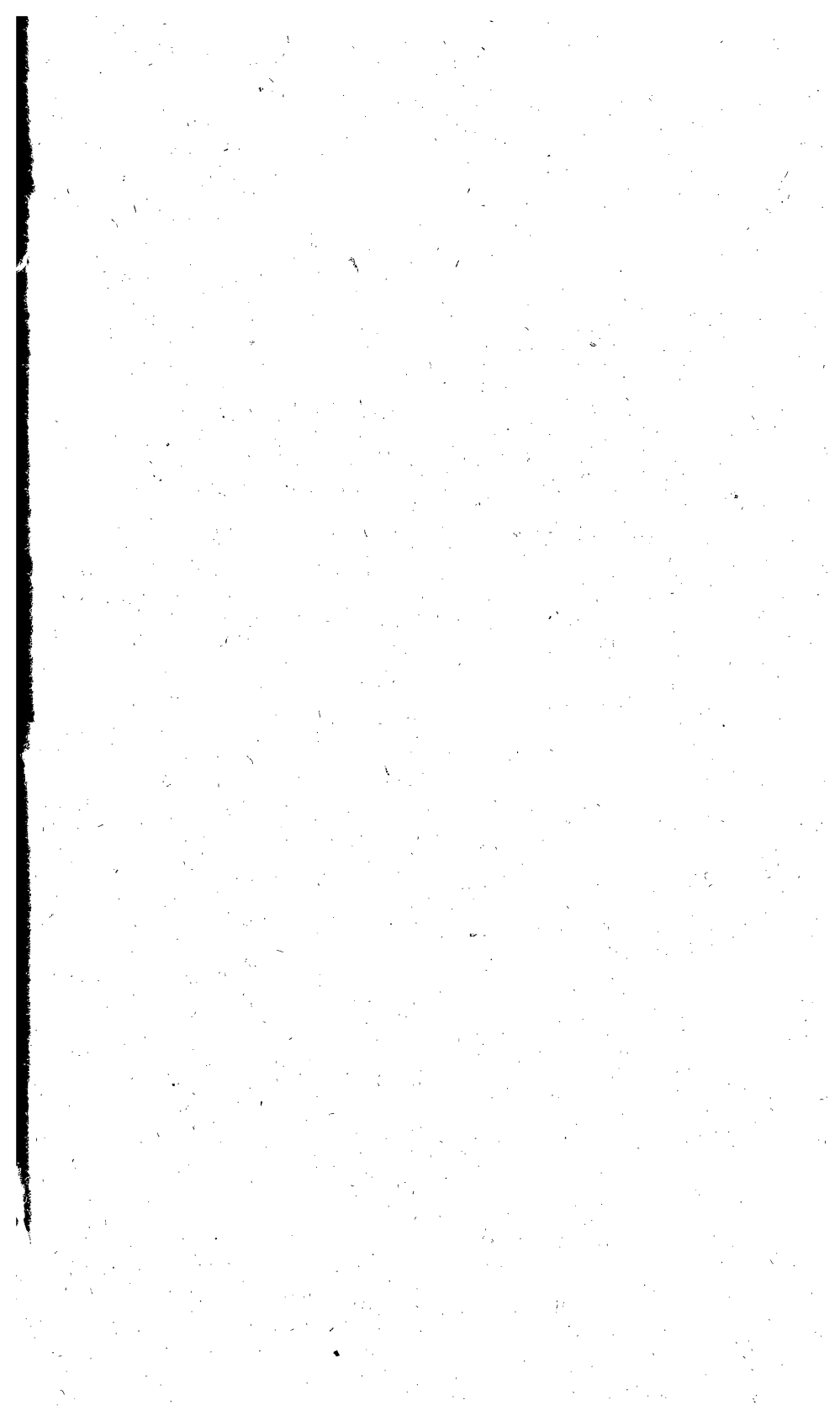
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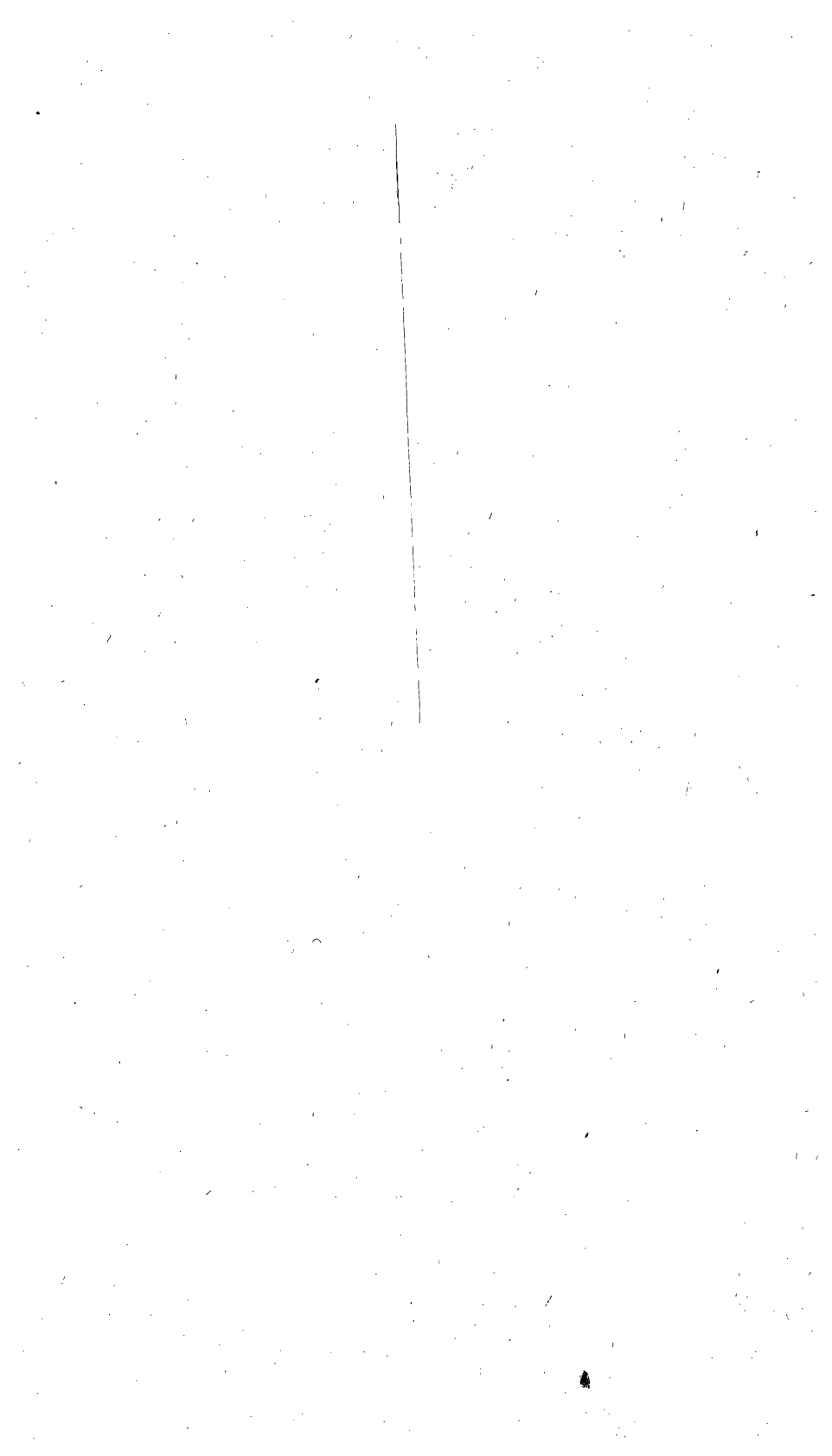
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C E N S U S
OF THE
STATE OF NEW JERSEY,
FOR THE YEAR 1840.

New Jersey State Library



FREE WHITE PERSONS.

MALES.

COUNTIES.	MALES.												
	under 5	5 & under 10	10 & under 15	15 & under 20	20 & under 30	30 & under 40	40 & under 50	50 & under 60	60 & under 70	70 & under 80	80 & under 90	90 & under 100	100 & up- wards.
Bergen, - -	865	705	716	646	950	739	514	355	210	163	35	5	
Hudson, - -	827	587	474	385	1015	774	336	157	98	34	7		
Essex, - -	3392	2638	2432	2207	3649	2923	1768	948	539	265	65	5	1
Passaic, - -	1329	1082	974	785	1452	960	691	364	170	96	24	4	
Morris, - -	1960	1778	1569	1422	1941	1476	1076	695	388	203	50	5	
Sussex, - -	1889	1569	1348	1254	1988	1198	804	467	272	108	35	2	
Warren, - -	1802	1360	1315	1261	1886	1041	739	454	243	111	32	2	2
Somerset, - -	1193	984	982	913	1323	931	673	435	266	139	38	6	
Middlesex, - -	1543	1298	1240	1094	1609	1287	816	529	284	187	35	8	2
Hunterdon, - -	1941	1621	1511	1380	2040	1252	868	685	380	216	75	7	
Mercer, - -	1315	1159	1097	1335	1950	1178	754	468	268	124	40	3	
Monmouth, - -	2712	2232	2034	1603	2570	1860	1204	731	467	221	78	6	
Burlington, - -	2488	2104	1988	1558	2703	1963	1185	739	433	209	62	3	
Gloucester, - -	2040	1645	1543	1256	2300	1487	880	524	316	127	28	3	1
Atlantic, - -	809	672	571	465	750	518	291	161	123	52	6		
Salem, - -	1229	999	871	739	1380	842	572	365	159	105	19	2	
Cumberland, - -	1060	969	903	743	1097	781	559	333	205	89	22	5	
Cape May, - -	435	370	368	231	400	324	214	126	71	38	7	2	
	28,829	23,772	21,936	19,277	31,003	21,534	13,944	8,536	4,892	2,487	658	68	6

FREE WHITE PERSONS.

FEMALES.

COUNTIES.

	under 5	5 & under 10	10 & under 15	15 & under 20	20 & under 30	30 & under 40	40 & under 50	50 & under 60	60 & under 70	70 & under 80	80 & under 90	90 & under 100	100 & up- wards.
Bergen, - -	771	700	640	656	878	643	437	361	217	140	53	4	
Hudson, - -	755	509	429	494	1103	588	290	137	65	52	10	1	
Essex, - -	3286	2612	2281	2370	4336	2894	1726	1141	653	358	89	7	
Passaic, - -	1252	1108	950	989	1371	995	618	384	199	94	19		
Morris, - -	1947	1616	1454	1333	2013	1461	1078	647	445	212	69	6	
Sussex, - -	1832	1542	1302	1206	1865	1074	784	451	255	116	40	7	
Warren, - -	1591	1369	1174	1123	1766	1007	744	473	237	112	33	4	
Somerset, - -	1137	997	926	926	1295	887	684	445	294	174	50	5	
Middlesex, - -	1514	1320	1189	1177	1840	1286	924	535	359	180	52	5	1
Hunterdon, - -	1908	1569	1335	1436	1979	1315	976	628	417	226	83	4	1
Mercer, - -	1265	1107	1049	1166	1790	1141	798	567	333	195	59	7	
Monmouth, - -	2453	2114	1846	1654	2533	1688	1150	729	445	240	80	9	
Burlington, - -	2474	1945	1809	1966	2664	1749	1136	760	438	214	69	6	
Gloucester, - -	1939	1613	1371	1275	2294	1337	861	552	310	157	20	8	
Atlantic, - -	763	664	572	475	611	440	242	149	90	56	11	1	
Salem, - -	1203	981	814	706	1331	726	548	358	163	83	18	2	
Cumberland, - -	1044	955	877	701	1149	749	542	365	179	91	28	2	
Cape May, - -	406	330	330	309	442	281	192	141	60	36	13		
	27,540	23,051	20,348	19,962	31,260	20,261	13,766	8,823	5,159	2,736	796	78	2

FREE COLOURED PERSONS.

COUNTIES.	M A L E S .						F E M A L E S .					
	under 10	10 and under 24	24 and under 36	36 and under 55	55 and under 100	100 and up- wards.	under 10	10 and under 24	24 and under 36	36 and under 55	55 and under 100	100 and up- wards.
	Bergen, - - -	250	315	164	93	21		215	244	143	61	22
Hudson, - - -	43	62	54	26	14		25	29	26	20	13	1
Essex, - - -	249	242	185	170	49	1	224	312	229	159	87	2
Passaic, - - -	112	141	69	41	15		99	107	60	48	16	
Morris, - - -	125	168	82	66	38		108	146	76	60	30	
Sussex, - - -	56	60	33	16	14		45	68	30	15	14	1
Warren, - - -	74	87	36	32	12		57	60	45	30	21	2
Somerset, - - -	243	334	176	108	53		197	224	169	95	50	
Middlesex, - - -	182	248	105	125	54		194	265	163	134	63	1
Hunterdon, - - -	114	130	63	55	21		125	127	63	58	17	
Mercer, - - -	270	342	243	192	64		304	320	284	197	94	
Monmouth, - - -	295	412	179	156	59		311	364	178	147	70	
Burlington, - - -	246	212	153	163	53	1	231	201	191	125	67	1
Gloucester, - - -	261	199	137	146	86		229	198	156	125	85	
Atlantic, - - -	29	32	28	20	11		35	40	19	14	6	
Salem, - - -	292	278	170	147	79	1	259	241	158	109	61	1
Cumberland, - - -	138	123	84	73	37	1	143	122	70	57	25	1
Cape May, - - -	20	27	14	16	15		30	28	16	19	13	
	2,999	3,412	1,975	1,645	695	4	2,831	3,096	2,076	1,473	754	10

SLAVES.

COUNTIES.	SLAVES.											
	MALES.					FEMALES.						
	under 10	10 and under 24	24 and under 36	36 and under 55	55 and under 100	100 and up- wards.	under 10	10 and under 24	24 and under 36	36 and under 55	55 and under 100	100 and up- wards.
Bergen, - - -			1	71	46			2		46	57	
Hudson, - - -				2	2					5	2	
Essex, - - -				2	9					1	6	
Passaic, - - -				12	20					24	29	1
Morris, - - -	1		2	7	7			2	1	8	6	
Sussex, - - -				1	3					2	7	
Warren, - - -					2				1	2		
Somerset, - - -			1	16	26				2	36	23	1
Middlesex, - - -				2	8					6	9	
Hunterdon, - - -				7	9				1	8	10	
Mercer, - - -		1	1	3	4			1	2	5	3	
Monmouth, - - -				8	21				1	22	30	
Burlington, - - -												
Gloucester, - - -												
Atlantic, - - -												
Salem, - - -											1	
Cumberland, - - -												
Cape May, - - -												
	1	1	5	131	157			5	8	165	183	2

POPULATION OF THE SEVERAL COUNTIES.

Bergen,	-	-	-	-	13,190
Hudson,	-	-	-	-	9,451
Essex,	-	-	-	-	44,512
Passaic,	-	-	-	-	16,704
Morris,	-	-	-	-	25,777
Sussex,	-	-	-	-	21,773
Warren,	-	-	-	-	20,342
Somerset,	-	-	-	-	17,457
Middlesex,	-	-	-	-	21,873
Hunterdon,	-	-	-	-	24,661
Mercer,	-	-	-	-	21,498
Monmouth,	-	-	-	-	32,912
Burlington,	-	-	-	-	32,309
Gloucester,	-	-	-	-	25,509
Atlantic,	-	-	-	-	8,726
Salem,	-	-	-	-	16,012
Cumberland,	-	-	-	-	14,322
Cape May,	-	-	-	-	5,324

Total population of the state, 372,352

COUNTIES.	Number of persons employed in							Number of pensioners for Revolutionary or military services, included in the foregoing.
	Mining.	Agriculture.	Commerce.	Manufactures and trades.	Navigation of the ocean.	Navigation of canals, lakes, and rivers.	Learned professions and engineers.	
Bergen, - - - - -	21	2485	57	978	26	35	54	34
Hudson, - - - - -		796	20	1095	13	46	115	
Essex, - - - - -	16	3002	538	5465	252	97	248	81
Passaic, - - - - -	15	1155	105	1875	6	15	82	14
Morris, - - - - -	96	3226	117	1231	3	53	117	52
Sussex, - - - - -	36	4068	84	1120		40	56	14
Warren, - - - - -	17	4451	72	1218	3	104	62	6
Somerset, - - - - -	56	3360	162	981	15		76	31
Middlesex, - - - - -	1	2756	205	1351	10	160	77	45
Hunterdon, - - - - -	521	4209	275	1369	1	20	76	34
Mercer, - - - - -	3	1989	199	2070	4	56	178	36
Monmouth, - - - - -		5429	116	1349	257	198	96	62
Burlington, - - - - -	1	4566	235	2021	121	147	121	2
Gloucester, - - - - -		4849	128	1789	20	193	95	10
Atlantic, - - - - -		1792	39	345	325		7	8
Salem, - - - - -	3	4089	94	823	23	96	55	1
Cumberland, - - - - -		2261	75	905	41	320	52	18
Cape May, - - - - -		862		179	178	35	11	
	786	55,345	2,521	26,164	1,298	1,615	1,578	448

COUNTIES.	Deaf and dumb, blind and insane, white persons included in the foregoing.						Deaf and dumb, blind and insane, col'd persons included in foregoing.					
	DEAF AND DUMB.			BLIND AND INSANE.			DF. DMB. BLIND.		INSANE & IDIOTS.			
	under 14	14 and under 25	25 and upwards.	Blind.	Insane & idiots at public charge.	Insane & idiots at private charge.	Deaf and dumb.	Blind.	Insane and idiots at private charge.	Insane and idiots at public charge.		
Bergen, - - - - -			1	2	1	19	3					
Hudson, - - - - -			1				1	1				
Essex, - - - - -	5	3	16	14	7	11	2	3		9	8	
Passaic, - - - - -	4	2	6	8	2	12		2		2		
Morris, - - - - -	1	1	3	4	1	12	2	1		6		
Sussex, - - - - -		1	2	5	9	31		1				
Warren, - - - - -		1	6	6	11	19						
Somerset, - - - - -	2	1	2	12	7	17		1		1	2	
Middlesex, - - - - -	1	1	6	5	1	9		4		4	1	
Hunterdon, - - - - -	3	8	12	11	16	27	1	2		7	3	
Mercer, - - - - -		2	8	5	3	9	2	2		8	3	
Monmouth, - - - - -	4	2	12	10	9	27	1	2		10	7	
Burlington, - - - - -	3	3	7	7	30	10				3		
Gloucester, - - - - -	4		6	8	16	10	2	2			2	
Atlantic, - - - - -	1			2								
Salem, - - - - -	2	1	6	9	10	5		2		1		
Cumberland, - - - - -	1	3	6	12	11	9		1				
Cape May, - - - - -	1			1	1			2				
	32	29	100	121	135	227	14	26		51	26	

COUNTIES.	SCHOOLS, &c.							
	Universi- ties or col- leges.	Students.	Acade- mies and grammar schools.	Scholars.	Primary and common schools.	Scholars.	Scholars at public charge.	White persons over 20 years of age who cannot read and write.
Bergen, - - - - -			1	25	40	1388		284
Hudson, - - - - -				1	29	1136	70	137
Essex, - - - - -		1	16	680	111	4636	536	459
Passaic, - - - - -			3	138	41	1987	784	1195
Morris, - - - - -			10	456	103	4343	693	373
Sussex, - - - - -			5	172	121	3370		317
Warren, - - - - -					92	5531	792	247
Somerset, - - - - -	1	115	1	56	47	1305		76
Middlesex, - - - - -			3	113	70	2340	187	23
Hunterdon, - - - - -					84	2522		241
Mercer, - - - - -	2	328	8	279	49	1472	176	391
Monmouth, - - - - -			2	111	97	4992		1031
Burlington, - - - - -			6	135	100	4081	1794	171
Gloucester, - - - - -			5	355	69	4291	110	612
Atlantic, - - - - -					35	2520		279
Salem, - - - - -			2	71	43	1646	332	340
Cumberland, - - - - -			3	396	54	2783	1451	164
Cape May, - - - - -					20	992		10
	3	444	65	2,988	1,205	51,335	6,929	6,350

Recapitulation exhibiting the general aggregate amount of each description of persons in New Jersey.

Free White Persons.

MALES.		FEMALES.	
Under 5 years of age,	28,829	Under 5 years of age,	27,540
Of 5 and under 10,	23,772	Of 5 and under 10,	23,051
Of 10 and under 15,	21,936	Of 10 and under 15,	20,348
Of 15 and under 20,	19,277	Of 15 and under 20,	19,962
Of 20 and under 30,	31,003	Of 20 and under 30,	31,260
Of 30 and under 40,	21,534	Of 30 and under 40,	20,261
Of 40 and under 50,	13,944	Of 40 and under 50,	13,766
Of 50 and under 60,	8,536	Of 50 and under 60,	8,823
Of 60 and under 70,	4,892	Of 60 and under 70,	5,159
Of 70 and under 80,	2,487	Of 70 and under 80,	2,736
Of 80 and under 90,	658	Of 80 and under 90,	796
Of 90 and under 100,	68	Of 90 and under 100,	78
Of 100 and upwards,	6	Of 100 and upwards,	2
	<u>176,942</u>		<u>173,782</u>

Total, 350,724.

White persons, included in the foregoing, who are deaf and dumb under fourteen years of age,	32
Of fourteen and under twenty-five,	29
Over twenty-five,	100
Who are blind,	121
Insane and idiots at public charge,	135
Insane and idiots at private charge,	227
	<u>644</u>
Total number of persons employed in mining,	786
Agriculture,	55,345
Commerce,	2,521
Manufactures and trades,	26,164
Navigation of the ocean,	1,298
Navigation of canals, lakes, and rivers,	1,615
Learned professions,	1,578
	<u>89,307</u>

Free Coloured Persons		Slaves.	
MALES.		MALES.	
Under 10 years of age,	2,999	Under 10 years of age,	1
Of 10 and under 24,	3,412	Of 10 and under 24,	1
Of 24 and under 36,	1,975	Of 24 and under 36,	5
Of 36 and under 55,	1,645	Of 36 and under 55,	131
Of 55 and under 100,	695	Of 55 and under 100,	157
Of 100 and upwards,	4		
	10,730		295
FEMALES.		FEMALES.	
Under 10 years of age,	2,831	Under 10 years of age,	
Of 10 and under 24,	3,096	Of 10 and under 24,	5
Of 24 and under 36,	2,076	Of 24 and under 36,	8
Of 36 and under 55,	1,473	Of 36 and under 55,	165
Of 55 and under 100,	754	Of 55 and under 100,	183
Of 100 and upwards,	10	Of 100 and upwards,	2
	10,240		363
Total coloured persons, 20,970.		Total slaves, 658.	

Slaves and coloured persons, included in the foregoing, who are deaf and dumb,	14
Blind,	26
Insane and idiots at private charge,	51
Insane and idiots at public charge,	26
	117

Total number of pensioners for revolutionary or military services,	448
Universities or colleges,	3
Students in universities or colleges,	444
Academies and grammar schools,	65
Students in academies and grammar schools,	2,988
Primary and common schools,	1,205
Scholars in common schools,	51,335
Scholars at public charge,	6,925
White persons over 20 years of age who cannot read and write,	6,350

AGGREGATE
OF THE
STATISTICS OF NEW JERSEY.

MINES.

Iron.

Furnaces,	25
Cast iron produced,	11,075 tons
Bloomeries, forges, and rolling mills,	80
Bar iron produced,	7,171 tons
Fuel consumed,	406,459 "
Men employed, including mining operations,	2,047
Capital invested,	1,764,820 dolls.

Other Metals.

Value produced,	39,550 dolls.
Men employed,	33
Capital invested,	15,000 dolls.

Domestic Salt.

Produced,	500 bushels
Men employed,	1
Capital invested,	1,500 dolls.

Granite, Marble, and other Stone.

Value produced,	36,021 dolls.
Men employed,	121
Capital invested,	10,700 dolls.

AGRICULTURE.

Live Stock.

Horses and mules,	69,769
Neat cattle,	219,548
Sheep,	218,555
Swine,	259,051
Poultry of all kinds, estimated value,	412,487 dolls.

Cereal Grains.

Wheat,	-	-	-	-	774,023 bushels
Barley,	-	-	-	-	12,601 "
Oats,	-	-	-	-	3,096,516 "
Rye,	-	-	-	-	1,636,576 "
Buckwheat,	-	-	-	-	866,970 "
Indian corn,	-	-	-	-	4,311,381 "

Various Crops.

Wool,	-	-	-	-	396,573 lbs.
Hops,	-	-	-	-	4,429 "
Wax,	-	-	-	-	10,015 "
Potatoes,	-	-	-	-	2,074,118 bushels
Hay,	-	-	-	-	336,496 tons
Hemp and flax,	-	-	-	-	33,710 "
Tobacco gathered,	-	-	-	-	1,922 lbs.
Flax seed,	-	-	-	-	18,736 bushels
Clover seed,	-	-	-	-	1,637 "
Timothy seed,	-	-	-	-	1,177 "

Cotton, Sugar, Silk, &c.

Silk cocoons,	-	-	-	-	1,966 lbs.
Sugar made,	-	-	-	-	56 "
Wood sold,	-	-	-	-	346,344 cords
Value of the products of the dairy,	-	-	-	-	1,315,676 dolls.
Value of the products of the orchard,	-	-	-	-	562,863 "
Wine made,	-	-	-	-	9,416 gallons
Value of home made, or family goods,	-	-	-	-	198,148 dolls.

HORTICULTURE.

Gardens and Nurseries.

Value of produce of market gardeners,	-	-	-	-	252,563 dolls.
Value of produce of nurseries and florists,	-	-	-	-	27,167 "
Men employed,	-	-	-	-	1,232
Capital invested,	-	-	-	-	124,316 dolls.

COMMERCE.

Commercial houses in foreign trade,	-	-	-	-	2
Commission houses,	-	-	-	-	8
Capital invested,	-	-	-	-	99,000 dolls.
Retail dry goods, grocery, and other stores,	-	-	-	-	1,513
Capital invested,	-	-	-	-	3,834,915 dolls.

Lumber yards,	-	-	-	-	87
Capital invested,	-	-	-	-	402,970 dolls.
Men employed,	-	-	-	-	1,280
Internal transportation, men employed,	-	-	-	-	423
Butchers, packers, &c., " " "	-	-	-	-	30
Capital invested,	-	-	-	-	204,900 dolls.

FISHERIES.

Pickled fish,	-	-	-	-	1,134 barrels
Spermaceti oil,	-	-	-	-	12,000 gallons
Whale and other fish oil,	-	-	-	-	80,000 "
Value of whalebone and other productions of the fisheries,	-	-	-	-	74,000 dolls.
Men employed,	-	-	-	-	179
Capital invested,	-	-	-	-	93,275 dolls.

PRODUCTS OF THE FOREST.

Value of lumber produced,	-	-	-	-	297,856 dolls.
Tar, pitch, turpentine, and rosin,	-	-	-	-	2,200 barrels
Pot and pearl ashes,	-	-	-	-	2 tons
Skins and furs, value produced,	-	-	-	-	20,000 dolls.
Value of productions of the forest,	-	-	-	-	42,075 "
Men employed,	-	-	-	-	446

MANUFACTURES.

Machinery.

Value of machinery manufactured,	-	-	-	-	755,050 dolls.
Men employed,	-	-	-	-	932

Hardware, Cutlery, &c.

Value of hardware, cutlery, &c., manufactured,	-	-	-	-	52,525 dolls.
Men employed,	-	-	-	-	123

Small Arms.

Small arms made,	-	-	-	-	2,010
Men employed,	-	-	-	-	71

Precious Metals.

Value manufactured,	-	-	-	-	65,500 dolls.
Men employed,	-	-	-	-	60

Various Metals.

Value manufactured,	-	-	-	405,955	dolls.
Men employed,	-	-	-	130	

Granite, Marble, &c.

Value manufactured,	-	-	-	10,000	dolls.
Men employed,	-	-	-	16	

Bricks and Lime.

Value manufactured,	-	-	-	376,805	dolls.
Men employed,	-	-	-	572	
Capital invested in preceding manufactures,	-	-	-	1,102,889	dolls.

Wool.

Fulling mills,	-	-	-	48	
Woollen manufactories,	-	-	-	30	
Value of manufactured goods,	-	-	-	430,710	dolls.
Persons employed,	-	-	-	419	
Capital invested,	-	-	-	311,950	dolls.

Cotton.

Cotton manufactories,	-	-	-	42	
Spindles,	-	-	-	63,744	
Dying and printing establishments,	-	-	-	12	
Value of manufactured articles,	-	-	-	2,080,504	dolls.
Persons employed,	-	-	-	2,404	
Capital invested,	-	-	-	1,723,810	dolls.

Silk.

Reeled, thrown, or other silk made,	-	-	-	153	lbs.
Value of the same,	-	-	-	750	dolls.
Males employed,	-	-	-	9	
Females and children employed,	-	-	-	5	
Capital invested,	-	-	-	2,020	dolls.

Flax.

Value of manufactures of flax,	-	-	-	83,314	dolls.
Persons employed,	-	-	-	178	
Capital invested,	-	-	-	105,700	dolls.

Mixed Manufactures.

Value of produce,	-	-	-	151,352	dolls.
Persons employed,	-	-	-	362	
Capital invested,	-	-	-	82,100	dolls.

Tobacco.

Value of manufactured articles, - - -	92,600	dolls.
Persons employed, - - -	106	
Capital invested, - - -	42,590	dolls.

Hats, Caps, Bonnets, &c.

Value of hats and caps manufactured, -	1,181,556	dolls.
Value of straw bonnets, - - -	23,220	"
Persons employed, - - -	953	
Capital invested, - - -	332,529	dolls.

Leather, Tanneries, Saddleries, &c.

Tanneries, - - - - -	228	
Sides of sole leather tanned, - - -	58,370	
Sides of upper leather tanned, - - -	86,674	
Men employed, - - -	1,031	
Capital invested, - - -	525,728	dolls.
All other manufactories of leather, saddleries, &c.,	416	
Value of manufactured articles, - - -	1,579,546	dolls.
Capital invested, - - -	637,940	"

Soap and Candles.

Soap, - - - - -	483,642	lbs.
Tallow candles, - - - - -	372,516	"
Men employed, - - - - -	27	
Capital invested, - - - - -	38,400	dolls.

Distilled and Fermented Liquors.

Distilleries, - - - - -	219	
Produced, - - - - -	356,417	gallons
Breweries, - - - - -	6	
Produced, - - - - -	179,375	gallons
Men employed, - - - - -	394	
Capital invested, - - - - -	231,330	dolls.

Drugs and Medicines, Paints and Dyes.

Value of medicinal drugs, paints, dyes, &c., -	127,400	dolls.
Turpentine and varnish, value produced, -	43,000	"
Men employed, - - - - -	70	
Capital invested, - - - - -	140,800	dolls.

Glass, Earthenware, &c.

Glass-houses, - - - - -	21	
Glass-cutting establishments, - - - - -	4	
Men employed, - - - - -	815	

Value of manufactured articles, including-looking-glasses, - - - -	518,600	dolls.
Capital invested, - - - -	390,500	"
Potteries, - - - -	-	22
Value manufactured, - - - -	256,807	dolls.
Men employed, - - - -	-	122
Capital invested, - - - -	135,850	dolls.

Confectionary.

Value manufactured, - - - -	1,000	dolls.
Men employed, - - - -	-	2
Capital invested, - - - -	500	dolls.

Paper.

Manufactories, - - - -	-	37
Value of produce, - - - -	554,200	dolls.
Value of all other manufactures of paper, playing cards, &c., - - - -	7,000	"
Men employed, - - - -	-	380
Capital invested, - - - -	503,900	dolls.

Printing and Binding.

Printing offices, - - - -	-	40
Binderies, - - - -	-	30
Daily newspapers, - - - -	-	4
Weekly newspapers, - - - -	-	31
Semi and tri-weekly do., - - - -	-	1
Periodicals, - - - -	-	4
Men employed, - - - -	-	198
Capital invested, - - - -	105,900	dolls.

Cordage.

Rope walks, - - - -	-	8
Value of product, - - - -	93,075	dolls.
Men employed, - - - -	-	60
Capital invested, - - - -	37,305	dolls.

Carriages and Wagons.

Value manufactured, - - - -	1,393,449	dolls.
Men employed, - - - -	-	1,813
Capital invested, - - - -	645,524	dolls.

Mills.

Flouring mills, - - - -	-	69
Flour manufactured, - - - -	240,797	barrels
Grist mills, - - - -	-	505

Saw mills, - - - - -	586
Oil mills, - - - - -	21
Value manufactured, - - - - -	3,477,095 dolls.
Men employed, - - - - -	1,290
Capital invested, - - - - -	3,268,850 dolls.

Ships.

Value of ships and vessels built, - - -	304,240 dolls.
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Furniture.

Value manufactured, - - - - -	179,133 dolls.
Men employed, - - - - -	514
Capital invested, - - - - -	133,605 dolls.

Houses.

Brick and stone houses built, - - -	205
Wooden houses built, - - - - -	867
Men employed, - - - - -	2,113
Value of constructing or building, - - -	1,106,798 dolls.

All other Manufactures.

All other manufactures not enumerated, - - -	1,900,895 dolls.
Capital invested, - - - - -	1,492,658 "
Total capital invested in manufactures, - - -	12,128,912 "

POPULATION
OF
COUNTIES AND TOWNSHIPS.

Townships.	BERGEN COUNTY.				Population.
Hackensack,	-	-	-	-	2631
Saddle River,	-	-	-	-	839
Franklin,	-	-	-	-	4012
Harrington,	-	-	-	-	1128
Washington,	-	-	-	-	1833
New Barbadoes,	-	-	-	-	2120
Lodi,	-	-	-	-	687
				Total,	13,250

	HUDSON COUNTY.				
Bergen,	-	-	-	-	5230
Jersey City,	-	-	-	-	3033
Harrison,	-	-	-	-	1173
				Total,	9,436

	ESSEX COUNTY.				
Springfield,	-	-	-	-	1651
Clinton,	-	-	-	-	1974
Union,	-	-	-	-	1483
Bloomfield,	-	-	-	-	2528
Belleville,	-	-	-	-	2466
Rahway,	-	-	-	-	2536
Westfield,	-	-	-	-	3146
New Providence,	-	-	-	-	833
Elizabeth,	-	-	-	-	4184
Orange,	-	-	-	-	3269
Caldwell,	-	-	-	-	2183
Livingston,	-	-	-	-	1081
Newark,	-	-	-	-	17303
				Total,	44,637

PASSAIC COUNTY.

Townships.	Population.
Paterson, - - - -	7598
Acquackanonk, - - - -	2473
Manchester, - - - -	3105
West Milford, - - - -	2108
Pompton, - - - -	1437
Total,	<hr/> 16,721

MORRIS COUNTY.

Pequannock, - - - -	5227
Jefferson, - - - -	1410
Roxbury, - - - -	2230
Chester, - - - -	1321
Washington, - - - -	2451
Hanover, - - - -	3908
Randolph, - - - -	1792
Morris, - - - -	4006
Chatham, - - - -	2138
Mendham, - - - -	1378
Total,	<hr/> 25,861

SUSSEX COUNTY.

Sandyston, - - - -	1209
Montague, - - - -	1025
Frankford, - - - -	2410
Byram, - - - -	1153
Hardiston, - - - -	2831
Newton, - - - -	3857
Walpack, - - - -	728
Stillwater, - - - -	1476
Wantage, - - - -	3908
Vernon, - - - -	2395
Green, - - - -	777
Total,	<hr/> 21,769

WARREN COUNTY.

Mansfield, - - - -	3057
Oxford, - - - -	2855
Franklin, - - - -	1348
Harmony, - - - -	1602
Greenwich, - - - -	2902
Hope, - - - -	1903

Townships.	Population.
Independence, - - - -	2140
Knowlton, - - - -	2310
Hardwick, - - - -	1957
Pahaquarry, - - - -	292
Total,	20,366

SOMERSET COUNTY.

Bridgewater, - - - -	3986
Bedminster, - - - -	1589
Bernards, - - - -	2059
Hillsborough, - - - -	2857
Montgomery, - - - -	1481
Warren, - - - -	1601
Franklin, - - - -	3878
Total,	17,451

MIDDLESEX COUNTY.

Piscataway, - - - -	2828
Woodbridge, - - - -	4822
Perth Amboy, - - - -	1303
North Brunswick, - - - -	5866
Monroe, - - - -	2453
South Brunswick, - - - -	2797
South Amboy, - - - -	1825
Total,	21,894

HUNTERDON COUNTY.

Lebanon, - - - -	3848
Alexandria, - - - -	3420
Amwell, - - - -	3071
Bethlehem, - - - -	2371
Kingwood, - - - -	2947
Tewksbury, - - - -	1952
Readington, - - - -	2373
Raritan, - - - -	2510
Delaware, - - - -	2305
Total,	24,797

MERCER COUNTY.

Nottingham, - - - -	5109
Princeton, - - - -	3055

Townships.	Population.
East Windsor,	1989
West Windsor,	1536
Hopewell,	3213
Lawrence,	1156
Ewing,	996
Trenton,	4021
Total,	21,075

MONMOUTH COUNTY.

Upper Freehold,	5026
Stafford,	2141
Dover,	2731
Middletown,	6063
Shrewsbury,	5914
Freehold,	6299
Howell,	4699
Total,	32,873

BURLINGTON COUNTY.

Little Egg Harbour,	1878
Springfield,	1634
Mansfield,	2401
Washington,	1630
Evesham,	5060
Willingborough,	900
Hanover,	3045
Chester,	2603
North Hampton,	6812
Chesterfield,	3439
Burlington,	3434
Total,	32,836

GLOUCESTER COUNTY.

Washington,	1545
Gloucester,	2847
Union,	1075
Newton,	1864
Waterford,	3467
Camden,	3366
Deptford,	2570
Greenwich,	2958
Woolwich,	3676
Franklin,	2077
Total,	25,445

ATLANTIC COUNTY.				Population.
Townships.	-	-	-	
Egg Harbour,	-	-	-	2739
Galloway,	-	-	-	2208
Hamilton,	-	-	-	1565
Mullica,	-	-	-	1056
Weymouth,	-	-	-	1158
Total,				8,726

SALEM COUNTY.				
Salem,	-	-	-	2006
Mannington,	-	-	-	2064
Lower Penns Neck,	-	-	-	1219
Pittsgrove,	-	-	-	2390
Elsinborough,	-	-	-	526
Alloways Creek,	-	-	-	1252
Upper Penns Neck,	-	-	-	1864
Upper Alloways Creek,	-	-	-	2237
Pilesgrove,	-	-	-	2477
Total,				16,035

CUMBERLAND COUNTY.				
Millville,	-	-	-	1771
Maurice River,	-	-	-	2143
Downe,	-	-	-	1920
Fairfield,	-	-	-	1935
Greenwich,	-	-	-	918
Stow Creek,	-	-	-	846
Deerfield,	-	-	-	2621
Hopewell,	-	-	-	2209
Total,				14,363

CAPE MAY COUNTY.				
Upper,	-	-	-	1217
Middle,	-	-	-	1624
Dennis,	-	-	-	1350
Lower,	-	-	-	1133
Total,				5,324