

ACTS  
OF THE  
SIXTY-FOURTH  
GENERAL ASSEMBLY

OF THE  
*Law*  
STATE OF NEW JERSEY,

*1839-40*

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

BEING THE FIRST SITTING.

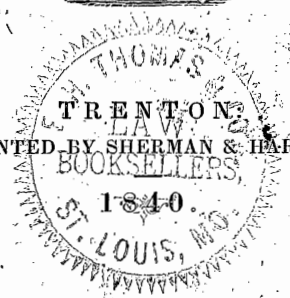
ACCESSION No. *32985*

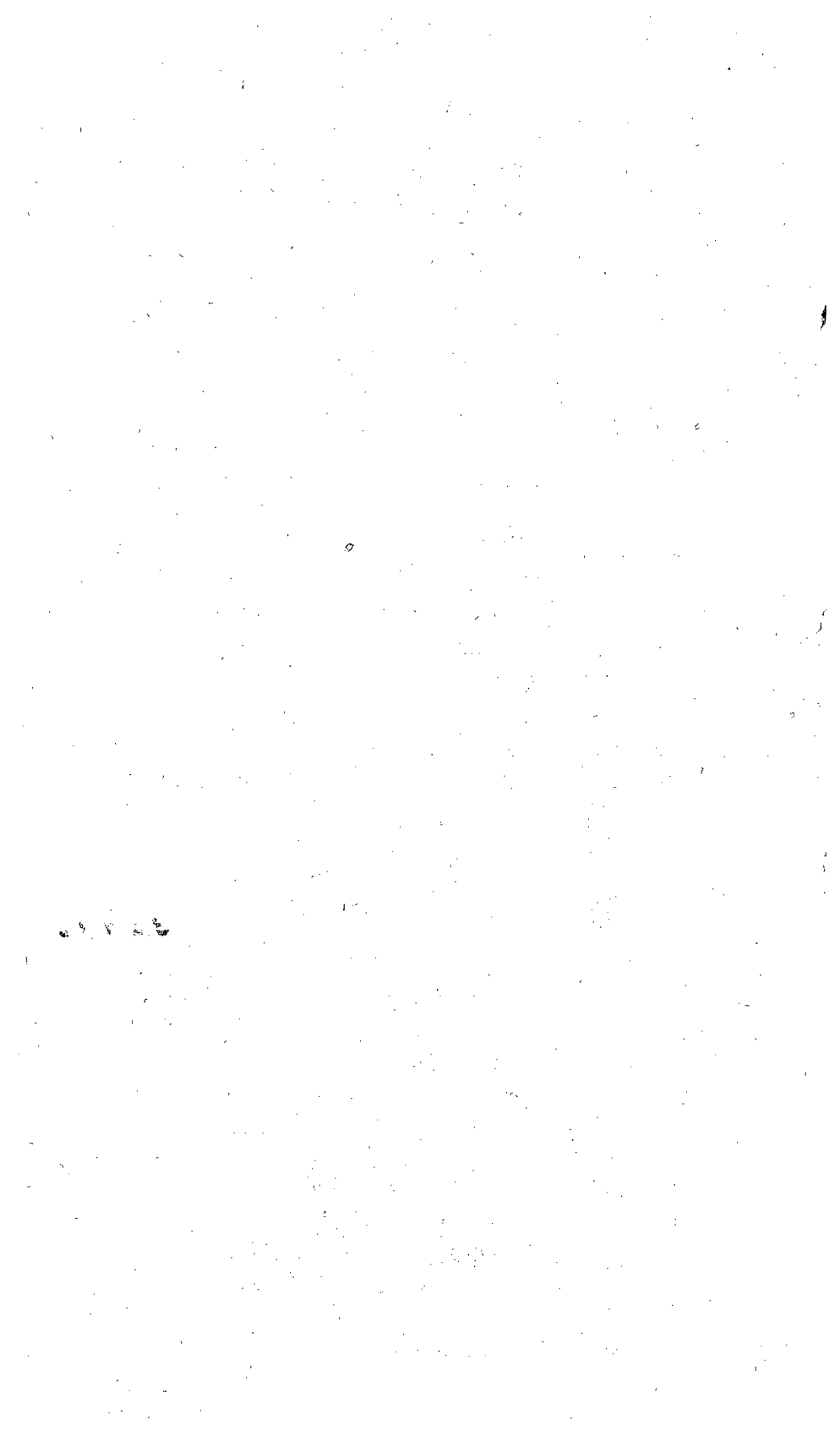
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ACTS  
OF THE  
SIXTY-FOURTH  
GENERAL ASSEMBLY  
OF THE  
STATE OF NEW JERSEY.

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A 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 fifteen thousand dollars, in addition to the sum of twenty thousand dollars mentioned in the act to which this is a supplement, for such expenditures as are authorized by law; and to pledge the faith of the county for the repayment of the moneys so borrowed.

Board of freeholders of Mercer county authorized to borrow money.

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

Act to take effect immediately.

Passed October 31, 1839.

AN ACT to authorize the sale of the old Methodist meeting house and lot in Mount Holly, in the county of Burlington.

Trustees authorized to sell Methodist Church in Mount Holly.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That "the trustees of the Methodist Episcopal Church in Mount Holly, in the county of Burlington and state of New Jersey," be and they are hereby authorized and empowered to make sale and conveyance of the old Methodist meeting house and lot in Mount Holly, for the best price that can be obtained for the same; which conveyance so made by the said trustees, shall vest in the purchaser or purchasers, all the estate, right, and title, which the said trustees, or any other person or persons have, in, and to the same, by virtue of a deed from Sarah Ross, dated the twenty-eighth day of May, in the year of our Lord one thousand eight hundred and ten, and recorded in the clerk's office of the county of Burlington, in book B 2, of deeds, page 82, &c.

Proceedings of trustees to be entered in the minutes of the Methodist society.

Sec. 2. *And it be enacted,* That within one month after such sale, the said trustees shall make a statement of their proceedings containing the time and amount of the sale, the name of the purchaser or purchasers, and the expenses attending the same, which statement they shall cause to be entered at length upon the minutes of said society.

Passed November 7, 1839.

A SUPPLEMENT to an act entitled, "An Act for suppressing vice and immorality," passed the sixteenth day of March, 1798.

Persons complained of under the act for suppressing vice and immorality, may be tried by jury.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That in every complaint or information which shall be made or brought before any justice of the peace under and by virtue of the act to which this is a sup-



plement, it shall and may be lawful for the person charged in such complaint or information, after he has appeared thereto, and before the said justice has proceeded to inquire into the merits of the said complaint or information, to demand a trial by jury, and thereupon a venire shall be issued to summon a jury of six men to try whether the said person so charged is guilty or not guilty of the offence charged against him in the said complaint or information; and it shall be the duty of the said justice to issue the said venire, and to direct a return thereof to be to him made, and to proceed therein as in other cases of trials by jury: *provided* that the costs of the justice and constable upon the said venire, and the costs of the said jury, and of swearing and attending the same, shall in all cases be paid by the person demanding the said jury: *and provided also*, Proviso. that this act shall not extend to any case in which any justice of the peace is authorized by the act to which this is a supplement, to convict upon his own view or personal knowledge.

Passed November 7, 1839.

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AN ACT to repeal part of the fifth section of the act entitled, "An act to facilitate the administration of justice," passed the fourteenth day of February, one thousand eight hundred and thirty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That so much of the fifth section of the act entitled, "An act to facilitate the administration of justice," passed the fourteenth day of February, one thousand eight hundred and thirty-eight, as authorizes the circuit courts of this state to award costs to the plaintiff or plaintiffs, in any certiorari and supersedeas thereon, brought to remove any judgment, order, or proceeding, in the courts for the trial of small causes, or in any court of common pleas, upon appeal from a court for the trial of small

Part of act to facilitate the administration of justice repealed.

causes, into the said circuit courts, be and the same is hereby repealed; *provided*, that this act shall in no way affect any certiorari, or supersedeas thereon, which may have been brought before the passage of this act.

Passed November 7, 1839.

AN ACT to authorize "the Mayor and Common Council of the City of Newark," 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 it shall be lawful for the Mayor and Common Council of the City of Newark, to borrow on the credit of said city, any sum or sums of money not exceeding in the whole, one hundred thousand dollars, payable at such time or times, and at such rate or rates of interest, as may be agreed upon between them and the person or persons who may agree to lend the same; and to secure the payment of such loan, or any part thereof, by one or more bonds of the said "the Mayor and Common Council of the City of Newark," under their coporate seal.

City of Newark  
authorized to  
borrow \$100,-  
000.

Sec. 2. *And be it enacted*, That it shall be the duty of the said "the Mayor and Common Council of the City of Newark," to apply the said loan and every part thereof, to the payment and discharge of the debts and liabilities of the said City of Newark, now existing, and for no other use or purpose whatever.

How to be ap-  
plied.

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

Act to take ef-  
fect immediate-  
ly.

Passed November 7, 1839.

# AN ACT to defray incidental charges.

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

Certain incidental charges directed to be paid.

To Peter V. Coppuck, for stationery, three hundred and forty-two dollars and seventy cents.

To J. T. Bowen, for lithographing and printing diagram of house of assembly, twenty dollars.

To John Davisson, for articles furnished for the secretary of state's office, and court of chancery, and for council, one hundred and ninety-eight dollars and forty-five cents.

To Jonathan S. Fish, for coal, one hundred and fifty dollars.

To G. M. Furman, for cleaning state house and so forth, twelve dollars and fifty cents.

To Justice and Mills, for printing commissions, twenty-three dollars and fifty cents.

To Joseph Justice, for articles for court of chancery, one hundred and twelve dollars and six cents.

To Phillips and Boswell, for printing pedlar's licenses, six dollars.

To Phillips and Boswell, for printing for council, ninety dollars and ten cents.

To Phillips and Boswell, for printing for assembly, twenty dollars and eighty-one cents.

To James T. Sherman, for printing report of trustees of school fund, and manuals for assembly, ninety dollars and twenty-five cents.

To Sherman and Harron, for advertising public acts, &c., one hundred and fifty-six dollars and thirty-nine cents.

To Enoch W. Green, for carpenter work and materials, at state house, and fence round the same, forty-three dollars and twenty-two cents.

To A. C. and I. Dunn, for repairing blinds in assembly room, one dollar and fifty cents.

To D. Fenton, for stationery, nineteen dollars and sixty-five cents.

To Joseph A. Yard, for superintending the completion of cells in the new state prison, and for other services as commissioner, six hundred dollars.

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

Passed November 7, 1839.

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AN ACT authorizing the sale of certain real estate of John Smith, deceased.

Preamble.

WHEREAS, John Smith, late of the county of Somerset, deceased, departed this life, leaving in full force his last will and testament, executed in the manner required by law to pass real estate, and bearing date on the twenty-fifth day of March, in the year of our Lord eighteen hundred and eleven, in and by which he did among other things, give and devise to Jacob Kershow and Rachel, his wife, daughter of said testator, for "the life of each of them," the moiety of a certain farm in said will mentioned, situate in said county of Somerset; and did direct that after the death of said Jacob and Rachel, the executors in said will named, should sell the said moiety of said farm, and should divide the proceeds in the manner and proportions specified in said will among the children of said testator's daughters, Rachel and Ann, and the children of his sons John and Adam; which said will the executors therein named refused to prove. AND WHEREAS, the said Jacob Kershow hath departed this life, leaving his said wife Rachel surviving him, who, though still living, is advanced in years and infirm in health, and consequently unable to manage the said real estate with profit, and is therefore anxious to be relieved from the burthen thereof. AND WHEREAS, the said Rachel and her children, and the children of the said testator's sons John and Adam, and the children of his said daughter Ann, who are the only persons interested in the said real estate, believing that a sale of the

same at the present time will be most for their benefit, desire that the said moiety of said farm should now be sold and converted into personal estate; but are advised that there is no person who can legally sell and convey the same, and have therefore petitioned the legislature of this state, that John M. Schenck, of the county of Somerset, and Aaron Lane, of the county of Hunterdon, should be appointed and empowered to sell the same, and make a good title therefor; and that a statute be enacted 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 John M. Schenck, of the county of Somerset, and Aaron Lane, of the county of Hunterdon,

be and they are hereby appointed trustees, with full power and authority to sell and convey the aforesaid moiety of said farm, and to execute good and sufficient conveyances therefor to the purchaser or purchasers thereof, and that said conveyances shall be good and effectual to vest in the grantee or grantees the estate therein mentioned, and intended to be conveyed in as full and ample a manner as the said executors of the said last will and testament might and could have conveyed the same under and by virtue of the power vested in them, by the said last will and testament, if they had proved the same, and not otherwise.

Trustees authorized to sell certain real estate of John Smith, deceased.

**Sec. 2.** *And be it enacted,* That the said trustees shall sell said real estate at public vendue, to the highest bidder, either in parcels or all together, as they shall deem best; and they shall give notice of the time and place of such sale, by advertisements signed by themselves, and set up in five or more public places in the said county of Somerset, at least two months before the time appointed for selling the same; and also by advertising the same in one of the newspapers printed in this state, and circulating in the neighborhood of said land, once a week, for at least four weeks successively, next preceding the time appointed for said sale.

Sale to be advertised, and to be at public vendue.

**Sec. 3.** *And be it enacted,* That the said trustees shall place the proceeds of said sale, after deducting all proper charges, expenses, and reasonable commissions at interest upon good and safe security, and shall pay the interest thereof annually, to the said Rachel Kershow, during her life; and if said Rachel shall relinquish all her right and interest therein, or otherwise, in case of her decease, then the said trustees shall divide and pay the said proceeds in the manner and proportions specified in said will, to and among the

Disposition of the proceeds of sales.

children of said Rachel and the children of the said testator's two sons John and Adam, and the children of said testator's daughter Ann, or to such other person or persons as may be entitled thereto, according to the true intent and meaning of said will.

Trustees to give bond.

Sec. 4. *And be it enacted*, That before the said trustees shall proceed to make sale of the said land, they shall enter into bond to the governor of this state in the penal sum of ten thousand dollars, with such surety as shall be approved by the surrogate of the county of Somerset, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be filed in the office of said surrogate, and there remain.

Trustees to account to orphans' court of Somerset.

Sec. 5. *And be it enacted*, That the said trustees shall, within three months after the sale of the said land shall be completed, exhibit under oath or affirmation to the orphans' court, of the county of Somerset, an exact account of the amount of the sales thereof, and of the costs, charges, fees, expenses, and commissions incident to the execution of the trust reposed in them by this act, which account the said court shall examine and settle, and the same shall then be filed in the office of said surrogate.

Trustee dying powers to vest in survivor.

Sec. 6. *And be it enacted*, That in case of the decease of either of the said trustees, the powers hereby vested in them shall remain in the survivor, who shall have full power to execute the same, and who shall perform all the duties hereby imposed upon said trustees, which may remain to be performed.

Passed November 7, 1839.

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

Payment of officers provided for.

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

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

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

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

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

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

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

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

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

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 in to office. How to be paid.

Sec. 2. *And be it enacted*, That there shall be paid to the vice-president of council and to the speaker of the house of assembly, the sum of three dollars and fifty cents each, and to every other 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 this legislature; and to every member of council and assembly the additional sum of three dollars, for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president or vice-president of council, for the members of council, and by the speaker of the house of assembly, or by John Emley, Belford M. Bonham, Lewis Golding, Garret Hiers, or by any two of them, for the members of assembly. Members of council and assembly.

Sec. 3. *And be it enacted*, That there shall be paid to the secretary of council and to the clerk of assembly, the

Secretary of  
council and  
clerk of assembly.

How to be paid.

Sergeant-at-  
arms and door-  
keepers.

Engrossing  
clerk.

Limitation of  
act.

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.

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.

Sec. 6. *And be it enacted*, That this act shall be and continue in force for one year from the twenty-second day of October, in the year of our Lord one thousand eight hundred and thirty-nine, and no longer, and that the same shall go into effect immediately after the passage thereof.

Passed November 7, 1839.



## JOINT RESOLUTION.

## JOINT RESOLUTION.

RESOLVED *by the Council and General Assembly*, That the treasurer of this state be authorized to borrow such sum or sums of money, not to exceed eight thousand dollars, as may be necessary to enable him to meet the demands upon the treasury during the recess of the legislature. Treasurer authorized to borrow money.

Passed November 8, 1839.



ACTS  
OF THE  
SIXTY-FOURTH  
GENERAL ASSEMBLY

OF THE  
STATE OF NEW JERSEY,

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

*John*  
BEING THE SECOND SITTING.



TRENTON:  
PRINTED BY SHERMAN & HARRON.

1840.



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

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AN ACT to divorce Mary R. Sturges from her husband  
John Sturges.

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 Mary R. Sturges, of Bergen county, J. Sturges and M. R. Sturges be and she is hereby divorced from her husband, John divorced. Sturges, 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.

Passed January 29, 1840.

AN ACT to set off from the township of Harrington, in the county of Bergen, a new township to be called the township of Washington.

Washington township established.

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 Harrington, in the county of Bergen, that lies west of the Hackensack river shall be and the same hereby is established a separate township, to be called the township of "Washington."

Boundaries of Washington township and Harrington township.

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

Division of paupers between Harrington and Washington townships.

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

Time and place of holding first town meetings of Harrington and Washington.

Sec. 4. *And be it enacted,* That the inhabitants of the township of Washington, hereby created, shall hold their first annual town meeting on the second Monday of April next, at the house of Peter A. Jersey, innkeeper, within the bounds of said township, hereby created; and that the inhabitants of the township of Harrington, hereby created,

shall hold their first annual town meeting on the second Monday in April next, at the house of Richard Blanch, innkeeper, within the bounds of said township of Harrington, hereby created; and afterwards at such place in the respective townships as the inhabitants of each shall determine in the manner prescribed by law.

Sec. 5. *And be it enacted*, That the township committees of the township of Harrington and Washington shall meet on Saturday, the eighteenth day of April next, at ten o'clock in the forenoon, at the house of Richard Blanch, innkeeper, before mentioned, and shall then and there proceed by writing, to be signed by a majority of those present, to allot and divide between the said townships all the property and money on hand or due, in proportion to the taxable property and ratables, as valued and assessed by the assessor within the respective limits of the said two townships at the last assessment; and the township of Washington shall be liable to pay their just proportion of the debts, if any there be; and if any of the members of the said township committees should neglect to meet as aforesaid, those present may proceed to make such division; and their decision, or the decision of a majority of them, shall be final and conclusive: *provided*, that it shall and may be lawful to adjourn the above meeting to such time and place as a majority of those assembled, as aforesaid, may think proper.

Division of property and debts between the townships.

Proviso.

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

Time of act taking effect.

Passed January 30, 1840.

AN ACT for the relief of Cæsar Jackson, of Bergen county.

WHEREAS, Cæsar Jackson, of the township of Hackensack, in the county of Bergen, a coloured man, having been born previously to the year 1804, is therefore a slave in law, and not entitled to the benefit of "An act for the gradual abolition of slavery and other purposes respecting slaves," passed the 24th of February, 1820;

Preamble.

AND WHEREAS, Peter Bourdett, late of the same place, and in his lifetime owner of the said Cæsar Jackson, inserted in his will an earnest request that the said slave should, on the demise of the testator, be set free, and the heirs of the said Peter Bourdett are willing and anxious to carry the request of the said testator, as expressed in his will, into full effect, but have been unable to do so; AND WHEREAS, the said Cæsar Jackson is in possession of a lot of land in said township, given to him by the heirs of his late master, on which he has erected a dwelling house for himself and family, but cannot obtain a deed for the same, by reason of his still being a slave in law, and hath by his petition to the legislature prayed that he may be released from his disability, and be made capable in law of receiving a title for the said lot of land—Therefore,

C. Jackson declared to be a free man.

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 Cæsar Jackson, of the township of Hackensack, in the county of Bergen, a coloured man, and late a slave of Peter Bourdett, of the same place, deceased, be, and he hereby is released from his state of slavery, and shall hereafter be entitled to all the rights and privileges of a free coloured man of the state of New Jersey.

Passed February 4, 1840.

AN ACT to authorize Peter McClees and Robert Allen to build a dock upon and in front of their land on Shrewsbury river.

P. McClees and R. Allen authorized to build a dock on Navisink.

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 Peter McClees and Robert Allen, their heirs or assigns, to erect and build a dock upon and in front of their land in the township of Middletown, in the county of Monmouth, on



the north side of Navisink or Shrewsbury river, to extend out in said river a sufficient distance to accommodate such vessels as usually navigate the same, provided the said dock shall not obstruct the navigation of said river.

Sec. 2. *And be it enacted*, That if any person or persons shall destroy or in any way injure the said dock, such person or persons shall be responsible for, and shall make good all damages which the owners may sustain.

Sec. 3. *And be it enacted*, That it shall be lawful for all vessels to touch, make fast, load and unload at said dock; and it shall be lawful for the said Peter McCleese and Robert Allen, their heirs or assigns, to demand, receive, and collect compensation therefor. Compensation to be made by vessels using the dock.

Passed February 5, 1840.

AN ACT to authorize the administrator of Johnson Robbins, deceased, to convey a certain farm and tract of pine land, therein mentioned.

WHEREAS, Johnson Robbins, late of the township of New Hanover, in the county of Burlington, deceased, in his lifetime entered into a verbal agreement with Joseph B. Hodson, to sell and convey to him a certain farm or tract of land and premises, situate in the township and county aforesaid, containing one hundred and twenty-five and a half acres, of which the said Johnson Robbins became seized by indenture of bargain and sale, under the hands and seals of Jesse Mallsberry and wife, duly executed, bearing date the eighth day of January, in the year of our Lord one thousand eight hundred and thirty-nine, for the sum of one thousand four hundred and fifty dollars, to be paid to the said Johnson Robbins on the delivery of the deed, and delivered possession of said farm to the said Joseph B. Hodson, in pursuance of said agreement, but was prevented by sudden indisposition and death from executing a deed of conveyance for the same; AND WHEREAS, the said Johnson Robbins, in his life- Preamble.

time, did also, by writing under his hand and seal, dated the ninth day of March, in the year of our Lord one thousand eight hundred and thirty-nine, contract and agree to sell and convey unto Daniel Danoly, for the sum of four dollars and fifty cents per acre, a certain tract or parcel of land, situate in said township of New-Hanover, containing eighteen acres and eighty-seven hundredths of an acre, which he the said Johnson Robbins purchased of Barzillai Gaskill, reserving to the said Johnson Robbins the timber thereon, and four years within which to cut and cart off the same; but died without executing and delivering the deed for the same. AND WHEREAS, Joseph K. Hulme hath been duly appointed administrator of the estate of said Johnson Robbins, deceased, and by his petition hath prayed the aid of the legislature to enable him to execute the aforesaid agreements, and it appearing that it will be for the benefit of the representatives of said deceased that the said agreements should be fulfilled—Therefore,

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

J. K. Hulme to fulfill an agreement made by J. Robbins deceased, with J. B. Hodson.

Johnson Robbins, deceased, be and he hereby is authorized, in fulfilment of the aforesaid agreement between the said Johnson Robbins and Joseph B. Hodson, to make, execute, and deliver unto the said Joseph B. Hodson a good and sufficient deed, conveying unto the said Joseph B. Hodson and his heirs and assigns all the right, title, interest, and estate of which the said Johnson Robbins died seized, of, in, and to the aforesaid farm or tract of land, and to receive from the said Joseph B. Hodson, on the delivery of the said deed, the aforesaid sum of one thousand four hundred and fifty dollars, with lawful interest thereon from the twenty-fifth day of March last past.

Sec. 2. And be it enacted, That the said administrator be and he is hereby authorized, in fulfilment of the aforesaid agreement between the said Johnson Robbins and Daniel Danoly, to make, execute, and deliver unto the said Daniel Danoly a good and sufficient deed, conveying unto the said Daniel Danoly and his heirs and assigns, all the right, title, interest, and estate of which the said Johnson Robbins died seized, of, in, and to the aforesaid tract of land, containing eighteen acres and eighty-seven hundredths of an acre, reserving in said deed the timber now standing on said tract, and four years from the date thereof, within which to cut and cart off the same, and to re-

Agreement made by J. Robbins, deceased, with D. Danoly, to be fulfilled by administrator.

ceive from the said Daniel Danoly, on the delivery of said deed, at the rate of four dollars and fifty cents per acre.

Sec. 3. *And be it enacted*, That the said administrator shall, before he proceeds to execute and deliver the deeds and receive the sums of money herein before mentioned, enter into bond to the governor of this state, in the penal sum of three thousand dollars, with such surety as shall be approved by the surrogate of the county of Burlington, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be filed in the office of said surrogate, and there remain for the benefit of such person or persons as shall and may be interested therein.

Administrator  
to give bond to  
the governor.

Sec. 4. *And be it enacted*, That the said administrator shall account according to law for the said sums of money to be by him received on the delivery of said deeds, as a part of the personal estate of said Johnson Robbins, deceased.

Administrator  
to account for  
money received.

Passed February 5, 1840.

AN ACT to incorporate "The Lodi Manufacturing Company," for purposes of agriculture.

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 Peter Barthelemy, Jacob C. Dey, and Anthony Dey, and their present and future associates, their successors and assigns, be and they are hereby created a body corporate and politic by the name of "The Lodi Manufacturing Company," and are hereby ordained, constituted, and declared to be a body corporate and politic in fact and in name, for the purpose of manufacturing Urate and Poudrette, and other manures; and with liberty to purchase, hold, and improve real estate necessary in the conducting of their business and affairs, not however to exceed four hundred acres of land, and with liberty to sell or underlet the same, or any part thereof, except that

Names of corporations.

Style of incorporation.

Objects of incorporation.

the same shall not be underlet to gardeners, nor the lands used by the company for the purpose of raising vegetables for market ; which said real-estate and manufactories shall be located on or near the west side of the Hackensack river, in the township of Lodi, and county of Bergen, about midway between the Morris canal and the south side of the railroad belonging to the "New Jersey Rail Road and Transportation Company," and not elsewhere.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred thousand dollars; that a share of the said stock shall be one hundred dollars, and each share entitled to one vote; and the holder of each share may vote in person or by proxy; and that the stock of the said company shall be deemed and considered personal estate.

First directors.

Sec. 3. *And be it enacted*, That the said Peter Barthelmy, Jacob C. Dey, and Anthony Dey shall be the first directors to manage the affairs of the said company, and shall continue in office until the first Monday in October next, or until others shall be elected in their stead.

Commissioners to receive subscriptions for stock.

Sec. 4. *And be it enacted*, That the said Anthony Dey, Jonathan D. Miller, and Edmund Elmendorf, junior, or a majority of them, shall be commissioners to receive subscriptions for the stock of the said company, to the extent of fifteen hundred shares, at such times and places as they, or a majority of them, may direct; that the first notice of subscription to the said stock shall be to be held at some convenient place in Jersey City, in the county of Bergen, giving at least twenty days' previous notice thereof, by publishing the same in at least two newspapers published in the counties of Bergen or Essex; and the said commissioners, or a majority of them, shall open a book of subscription for said stock, and shall cause the same to be opened at the place so appointed at least two successive days, from ten o'clock in the forenoon until three o'clock in the afternoon of each day; and if there shall be a subscription for more shares of stock than are authorized to be subscribed for at any one time, the same shall be apportioned among the subscribers in proportion to the amount by them severally subscribed; and if the amount of the stock shall not be subscribed for at the time aforesaid, the said commissioners, or a majority of them, may appoint any other time and place they may deem expedient to receive subscriptions for the same of which the like notice as aforesaid shall be given; and the said commissioners shall receive not less than five dollars upon each share at the time of subscription for the said stock.

Five dollars on each share to be paid at time of subscribing.

Sec. 5. *And be it enacted,* That as soon as twenty thousand dollars of the capital stock of the said company shall have been paid in, provided that ten thousand dollars be paid within two years from the passage of this act, it shall and may be lawful for the said company to commence their business; and the president and directors, of the said company, or a majority of them, shall have power to call in said stock from time to time 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 instalment; and if any stockholder or stockholders shall neglect or refuse, for the space of sixty days after the expiration of 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 in 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.

When company may commence business.

Stock forfeited on failure to pay instalments.

Sec. 6. *And be it enacted,* That after five hundred shares of the said stock shall be subscribed for, as is herein before provided, it shall be lawful for the directors of the said company to authorize a further subscription of five hundred shares of the said stock to be opened and subscribed for, by farmers or gardeners exclusively, to an amount not exceeding five shares to each person; and the directors may stipulate that an annual dividend in poudrette, of fifty bushels to each share, for the term of five years, shall be delivered to such shareholders; and that after the period of five years the holders of the said five hundred shares shall receive a dividend in common with, and to the same extent as the other stockholders in the company; that subscriptions to the said five hundred shares may be received at any time and place the said directors may deem most convenient, and be continued open for sixty days or until the whole of the said five hundred shares shall be subscribed for; and that in such subscription, a preference shall be given to farmers and gardeners residing in this state; and if the said shares are not subscribed for by farmers or gardeners within the sixty days from the time the same shall be opened, then the same may be subscribed for by any person or persons other than farmers or gardeners; and that previous notice of the time and place of the said subscription being opened, shall be published at least twenty days, in two of the newspapers published in the counties of Bergen or Essex.

Conditions on which subscriptions for stock to be opened exclusively for farmers and gardeners.

Sec. 7. *And be it enacted,* That as soon as fifty thousand dollars of the said stock shall have been subscribed

Time and mode of electing directors. Powers and duties of directors.

for, the commissioners aforesaid, or a majority of them, shall cause notice to be published for at least ten days in one or more public newspapers printed in the city of New York, and also, in two newspapers printed in this state, of the time and place of holding, at some convenient place in Jersey City, an election for the choice of five directors of the said company, who shall hold their offices until the first Monday in October, then next ensuing, and until others shall be chosen in their place; and that on the first Monday in October, in each and every year thereafter, an election, of which like notice shall be given, shall be held for the choice of five directors, who shall choose one of their number to be president, and shall have power to appoint such other officers and agents as they shall deem necessary and proper for conducting the business of said Company; and that a majority of the said directors shall at all times be residents in the state of New Jersey, and shall constitute a quorum for the transaction of business.

Corporation may make by-laws.

Sec. 8. *And be it enacted*, That the said corporation and their successors shall have full power to make, ordain, and establish, by and with the consent of a majority, in value, of the persons interested in the said company, such by-laws, rules, ordinances, and regulations as they from time to time, shall judge proper for conducting the election of directors; and the directors above named, or their successors in office, shall have power to make, constitute, ordain, and establish all other by-laws, rules, ordinances, and regulations for the transaction of the business of the said company, not repugnant to the constitution or laws of the United States or of this state.

Restrictions.

Sec. 9. *And be it enacted*, That the company hereby incorporated shall not employ its capital, or any part thereof, in banking operations, or for any other purposes inconsistent with the provisions of this act.

Limitation of act.

Sec. 10. *And be it enacted*, That this act shall continue in force for thirty years, unless sooner modified or repealed, and that the legislature may at any time hereafter alter, modify, or repeal the same.

Passed February 6, 1840.

A FURTHER SUPPLEMENT to an act entitled, "An act concerning Idiots and Lunatics."

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 where any person residing out of this state, hath been or shall be duly found or proved to be an idiot or lunatic, according to the laws of the state, territory, nation, or kingdom, where such idiot or lunatic shall reside, it shall and may be lawful for the orphans' court, of any county in this state, in which any property or estate of such idiot or lunatic may be found or situate, upon application made to them for that purpose, and upon exhibiting to the said court, and filing in the surrogate's office of such county, an exemplified copy of the proceedings upon such inquest or finding of idiocy or lunacy to make an order, that cause be shown before them at a certain time and place, therein to be expressed, not less than thirty days, nor more than six months from the time of making such order, why a guardian should not be appointed for the said idiot or lunatic; which order shall be served or published in such manner as the said orphans' court shall direct.

Guardian may be appointed for an idiot or lunatic residing out of the state, if owning property within the state.

Sec. 2. *And be it enacted,* That the said orphans' court, at the time and place mentioned in the said order, or at such other time and place as they may then appoint, shall hear and examine the allegations and proofs of the party making such application, and of other persons interested, if any shall apply to be heard, and if the court, upon examination, shall be of opinion that letters of guardianship for the said idiot or lunatic ought to be issued, then the said court shall appoint such person or persons as they may approve guardian or guardians of the said idiot or lunatic, with such powers and under such regulations and restrictions as are mentioned or contained in the act to which this is a supplement.

Regulations and restrictions of guardian.

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

Act to take effect immediately.

Passed February 7, 1840.

AN ACT to confirm and establish a codicil to the last will and testament of Job Irick, late of the county of Burlington, deceased.

Preamble.

WHEREAS, Job Irick, late of the township of Northampton, in the county of Burlington, did, on the sixth day of August, in the year of our Lord one thousand eight hundred and thirty-nine, make and publish his last will and testament, bearing that date, which will has been duly proved and recorded in the surrogate's office, of the county of Burlington; AND WHEREAS, the said Job Irick, did, immediately after the execution and publication of the said last will and testament, give the following instructions and directions, to be reduced to writing, and to be signed and published by him, as a codicil thereto, viz: "It is my will that all the pine land and cedar swamp belonging to myself, and my brothers, William Irick and John S. Irick, as tenants in common, should be divided by three competent men, with the exception of the mill and mill tract, which I should like to remain as it now is, if my said brothers should think well of it; but if they should not, then the mill and mill tract are to be divided also; and after such division, my executors, in my will named, are to sell my share in all the aforesaid property to the best advantage, at proper times, when they think it will sell best for the benefit of my children.—*Second.* I also direct that the timber now growing on the cedar swamp tract belonging to myself and William Ridgway, as tenants in common, be sold, and the soil to remain as it now is, for the benefit of my children, or that my share be laid off, and the timber on it to be sold.—*Third.* I order and direct that my share of the Johnson farm, so called, be laid off and sold, or sold with the share of William Ridgway, the other part owner, if he should be willing. I also direct the landing at Lumberton, owned by William Ridgway and myself, to be divided, and my share to be sold, or that the said landing be sold altogether, as may be thought best.—*Fourth.* I order and direct that the landing adjoining lands of Edward B. Thomas, and Benjamin Deacon, owned by William Irick, John S. Irick, and myself, as tenants in common, be sold, if they are willing. All of which I order to be done for the benefit and advantage of my children." AND WHEREAS, the said Job Irick, before the said instructions and directions could be re-



duced to writing, so as to be signed and published as a codicil to his said last will and testament, died, without changing or revoking the same—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 above recited instructions and directions of the said Job Irick shall have, and the same are hereby declared to have the like force, validity, operation, and effect as if they had been reduced to writing, signed and published by the said Job Irick, as a codicil to his said last will and testament, in the presence of three subscribing witnesses, and had been regularly proved and entered of record according to the now existing laws of this state.

Certain directions of Job Irick, dec'd, to have same effect as a legal codicil to his will.

Sec. 2. *And be it enacted,* That Richard Campion, Joseph Kirkbride, and William R. Braddock, of the county of Burlington, and the survivors and the survivor of them, shall have full power and authority to divide the lands in the said codicil named, according to its directions, by metes and bounds, and their report, to be made in writing under their hands, or the hands of any two of them, to the orphans' court of the county of Burlington, and approved of by said court, shall be final and conclusive upon all parties concerned, and shall be entered of record in the minutes of said court.

Persons authorized to divide certain lands.

Sec. 3. *And be it enacted,* That William Irick, William Ridgway, and John S. Irick, the executors in the said will named, or the survivors or survivor of them, shall have full power and authority to sell and dispose of all the property in the said codicil named, agreeably to its directions, and to make, execute, and deliver good and sufficient deeds to the purchasers therefor.

Executors authorized to sell certain lands.

Sec. 4. *And be it enacted,* That the proceeds of the said property shall be distributed according to the provisions of the said last will and testament, after deducting the reasonable expenses of such division and sales.

Distribution of proceeds of sale.

Passed February 7, 1840.

AN ACT to confirm the last will and testament of Hendrick Booraem, late of the city of New York, deceased.

Preamble.

WHEREAS, it appears, among other things, from the petition of Julia R. Booraem, widow of Hendrick Booraem, deceased, Hugh K. Toler, and Julia Toler, that Hendrick Booraem, late of the city of New York, deceased, departed this life in the year eighteen hundred and thirty-four, having first made and executed his last will and testament in writing, in the presence of two subscribing witnesses only, which is sufficient to pass real estate in New York, but not sufficient to pass real estate in New Jersey; and it appearing by the said will, among other things, that part of the real estate of the said testator is situate in the state of New York, and part in this state, and that he made large provision for the other members of his family, and in and by said will devised all his real estate to his executors; therein named, upon the trusts and conditions therein set forth; and, among other things, did direct his said executors to permit his said wife to use and occupy, during her life, his farm and premises, with the dwelling-house thereon, called Locust Hill, in the town of Newark, in Essex county, New Jersey, said farm and premises to include all the real estate which he owned in said county of Essex; that his said wife should have the use of the same, free of rent, and that she should have a life estate therein; and that after her death, her father Hugh K. Toler, and her mother Julia Toler, if they or either of them should survive her, should have the use and occupation of the same, so long as they or either of them should live, free of rent; the occupants thereof, however, were at all times to keep the same, at their own charge, in proper repair and free from taxes and assessments, so that the same might not be a source of expense to his executors; and it appearing that the said will has been proved in the state of New York, and also to be just and reasonable that the intentions of the said testators should not be defeated, so far as they relate to his real estate in New Jersey; and it also appearing that the said executors have had due notice of this application, and no objection being made thereto—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 last will and testament of the said

Hendrick Booraem, deceased, so far as the same relates to the devises of his real estate in New Jersey, be confirmed in all things, and that the same be as valid and effectual in the law, as if the said last will and testament had been well executed to pass real estate in the presence of three subscribing witnesses, as required by the laws of this state.

Will of Hendrick Booraem, dec'd, confirmed.

Passed February 7, 1840.

AN ACT to authorize the Mayor and Common Council of the city of Newark 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 it shall be lawful for the mayor and common council of the city of Newark to issue bonds, under their corporate seal, for an amount not exceeding one hundred thousand dollars, bearing interest at the rate of six per centum per annum, negotiable by endorsement, and payable at such time or times, and such place or places, as may be agreed upon, pledging the credit and the whole property of said city for the payment of the same; which bonds it shall be lawful for said mayor and common council, or any other person, to sell at such rate or rates as may be agreed upon, above or below par.

Mayor and common council of Newark authorized to borrow \$100,000.

Sec. 2. *And be it enacted,* That it shall be the duty of the said the mayor and common council of the city of Newark to apply the net proceeds of said bonds to the payment and discharge of the debts and liabilities of the city of Newark, now existing, and for no other purpose whatever.

Application of the money.

Sec. 3. *And be it enacted,* That the act entitled, "An act to authorize the Mayor and Common Council of the city of Newark to borrow money," passed the seventh day of November, in the year of our Lord eighteen hundred and thirty-nine, be and the same is hereby repealed.

Former act repealed.

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

Act to take effect immediately.

Passed February 7, 1840.

AN ACT to authorize and empower Joseph Davis and Harriet Emley, administrators of Stratton Emley, late of the county of Monmouth, deceased, to convey certain real estate of said deceased.

Preamble.

WHEREAS, Stratton Emley, by a memorandum of agreement in writing, bearing date the first day of April, one thousand eight hundred and thirty-two, bargained to sell and convey to Henry W. Emley, of the township of New Hanover, in the county of Burlington, a certain house and lot of land, situate near Jacobstown, in the county of Burlington, containing about twelve acres, more or less, being the same premises on which the said Henry W. Emley now resides, for the sum of three hundred and fifty dollars; AND WHEREAS, the said Henry W. Emley, in performance of his part of the said agreement, paid to the said Stratton Emley in his lifetime, the said sum of three hundred and fifty dollars; AND WHEREAS, the said Stratton Emley, about the year one thousand eight hundred and thirty-eight, died intestate, without having made any deed or legal conveyance of the said premises to the said Henry W. Emley; AND WHEREAS, the said Joseph Davis and Harriet Emley have been duly appointed administrators of the estate of the said Stratton Emley, deceased, and have, together with the said Henry W. Emley, by their petition prayed the aid of the legislature in the premises—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said Joseph Davis and Harriet Emley, administrators of the said Stratton Emley, deceased, be and they are hereby authorized and empowered to convey to the said Henry W. Emley, and to his heirs and assigns, all the right, title, interest, and estate that were of the said Stratton Emley, at the time of his death, of, in, or to the said house and lot of land, and which by the said agreement were to be conveyed to the said Henry; and the deed of the said Joseph Davis and Harriet Emley, administrators as aforesaid to the said Henry W. Emley, therefor made in pursuance of this act, shall vest in the said Henry W. Emley, his heirs and assigns, as good and perfect a title for said house and lot of land as the said Stratton Emley in his lifetime could have made.

Administrators  
of S. Emley,  
dec'd, author-  
ized to convey  
certain lands.

Passed February 7, 1840.

A FURTHER SUPPLEMENT to an act entitled, "An act to incorporate a company to extend the Paterson and Ham-  
burgh Turnpike to the Hudson river," passed Februa-  
ry sixteenth, eighteen hundred and sixteen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the time for completing the road and bridges of the said company shall be, and the same is hereby extended to the eighteenth day of February, in the year of our Lord one thousand eight hundred and forty-three; *Time of completing road and bridges extended.*  
*provided,* that the said company shall, from the passage of this supplement, conform to the provisions of the tenth section of the act to which this is a supplement; and in consideration thereof, said company be authorized to erect a toll gate, and collect the same tolls as are authorized by the thirteenth section of said act. *Proviso.*

Sec. 2. *And it be enacted,* That the directors of said company may re-open their books of subscription to the capital stock of said company, and that public notice be given of the same, by advertisement in two of the newspapers printed in the counties of Bergen and Passaic, for the space of thirty days, naming the time and place where said books are to be re-opened, and that said books shall be kept open for at least three successive days, from ten o'clock in the morning until four o'clock in the evening of each day. *Directors may re-open books for subscriptions for stock.*

Sec. 3. *And be it enacted,* That it shall be lawful for the legislature at any time to amend, modify, or repeal the act to which this is a supplement, with all the supplements thereto, when in their opinion the public good shall require it. *Act may be modified or repealed.*

Passed February 18, 1840.

AN ACT to authorize Daniel Elmer, administrator of David Compton, deceased, late of the county of Cumberland, to fulfil certain contracts of said deceased.

Preamble.

WHEREAS, it appears that David Compton, deceased, late of the county of Cumberland, and William Arey were seized as tenants in common in fee simple, of five lots of land, situate lying and being in the village of Bricksborough, in the township of Maurice river in the said county of Cumberland; the first thereof containing one acre and twenty-one square perches, more or less: the second, containing thirty-seven square perches, more or less: the third, containing sixty square perches, more or less: the fourth, containing one acre and a half, more or less: and the fifth, containing three quarters of an acre, more or less; and that on or about the twenty-sixth day of December, A. D. eighteen hundred and thirty-eight, the said David Compton and the said William Arey, contracted and agreed to sell and convey to one William Heisler the two lots first above mentioned, for the price of five hundred and seventy-five dollars; and also contracted, and agreed to sell and convey to one Jacob Coombs the three lots last above mentioned, for the price of four hundred and seventy-five dollars; in pursuance and execution of which contracts and agreements, deeds of conveyance for the said lots were duly executed and acknowledged by the said William Arey and Elizabeth his wife, but the same were not executed by the said David Compton in consequence of his sudden death; AND WHEREAS, it appears to be just and reasonable, and for the benefit of the heirs of the said David Compton, that the said contracts and agreements should be executed —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 Daniel Elmer, administrator of the goods and chattels, rights and credits which were of the said David Compton, deceased, shall be and he hereby is authorized and empowered to convey to the said William Heisler and the said Jacob Coombs respectively, all the estate, right, title, and interest of the said David Compton, at the time of his decease, of, in, and to the aforesaid lots of land and premises with the appurtenances, according to the aforesaid contracts and agreements, on receiving from the

Administrator  
of D. Compton,  
dec'd, author-  
ized to convey  
certain lands.

said William Heisler and Jacob Coombs respectively, payment, or good and sufficient security for the payment, of such portion of the purchase money of the said lots of land, as the said David Compton would have been entitled to receive; and that the said conveyances shall vest in the said William Heisler and Jacob Coombs respectively, and in their respective heirs and assigns, as good and perfect an estate in the said lots of land and the appurtenances, as the said David Compton had therein at the time of his death.

Sec. 2. *And be it enacted*, That the said Daniel Elmer, administrator as aforesaid, shall, before he proceeds to make such conveyances and to receive the purchase money as aforesaid, enter into bond to the governor of this state, in the penal sum of two thousand dollars with such surety as shall be approved by the surrogate of the county of Cumberland, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be filed in the office of said surrogate, and there remain for the benefit of such person or persons as shall and may be interested therein.

Administrator  
to give bond to  
the governor.

Sec. 3. *And be it enacted*, That the said Daniel Elmer shall account to the orphans' court of the county of Cumberland, for the purchase money so received, agreeably to law in relation to the accounts of administrators, and shall pay and apply the same in the due course of administration.

To account to  
the orphans'  
court of Cum-  
berland.

Passed February 18, 1840.

AN ACT to alter a part of the boundary line between the townships of Chester and Washington, in the county of Morris.

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 Washington, in the county of Morris, lying east of the following line: beginning at the corners of the townships of Roxbury, Washington and Chester; from thence to run south-

Part of town-  
ship of Wash-  
ington set off  
to Chester in  
Morris county.

wardly until it strikes the west corner of the stone house of Reuben Carlile; thence a straight course to the west corner of the stone house of Samuel Swayze; thence a straight course to the forge late of Skinner and Emmons, be and is hereby set off and annexed to the township of Chester.

Part of Chester  
set off to  
Washington.

Sec. 2. *And be it enacted*, That all that part of the township of Chester lying west of the aforesaid line, be and is hereby set off and annexed to the township of Washington.

Passed February 19, 1840.

A FURTHER SUPPLEMENT to the act entitled, "An act to regulate elections," passed March twelfth, 1839.

Oath of persons who resided in U. S. previous to July 4, 1776.

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 shall decline or refuse to take the oath or affirmation prescribed in the forty-fifth section of the act to which this is a supplement, but shall take the following oath or affirmation—

"You do swear (or affirm as the case may be,) that to the best of your knowledge, information and belief you resided within the limits of the United States of America, on the 4th day of July, 1776, and are now a citizen thereof, and do not owe allegiance to any foreign prince, potentate, state, or sovereignty," then such person shall be deemed and taken to be a citizen of the United States, and entitled to vote, if in other respects qualified.

When more than one assessor, or collector is chosen, the judge of election to be designated.

Sec. 2. *And be it enacted*, That in case the inhabitants of any township, at their annual meeting, shall choose two or more assessors or collectors for said township, they shall, by a plurality of votes at such annual meeting, designate which of the persons so chosen assessors or collectors shall act as one of the judges of election, and only the assessor or collector so designated shall be deemed and



taken to be a judge of election, within the meaning of the act to which this is a supplement.

Sec. 3. *And be it enacted*, That the proviso contained in the ninety-ninth section of the act to which this is a supplement, be and the same is hereby repealed, and that the ninety-ninth, one hundredth, one hundred and first, one hundred and second, one hundred and third, one hundred and fifth, and one hundred and seventeenth sections of the act to which this is a supplement, shall extend and apply to the election heretofore held for the choice of representatives from this state in the twenty-sixth congress of the United States, any thing in the said act to the contrary notwithstanding; and that this act shall go into effect immediately after the passage thereof.

Parts of former act repealed.

Act to take effect immediately.

Passed February 19, 1840.

A FURTHER SUPPLEMENT to the act entitled, "An act to issue commissions for the examination of witnesses, and to take their depositions in certain cases."

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 where a commission has been or shall be issued by virtue of the act to which this is a supplement, or of any supplement thereto, and executed in any foreign state, nation, or kingdom, in the manner required by the laws of this state, such commission, and the return thereto, closed up under the hand and seal of the commissioner, or the hands and seals of the commissioners, or any two of them therein named, and directed to the chancellor, justice, or judges of the court out of which the said commission issued, may be transmitted to the party on whose application such commission issued, or his, her, or their agent or attorney in the United States; and the person or persons to whom the said commission and return shall be transmitted as aforesaid, may deliver the same to the chancellor, or one of the justices or judges to whom they were

Commissions executed in a foreign country may be transmitted to the agent of the party in U. S.

directed, making oath or affirmation, before the said chancellor, judge, or justice, when and how received, and that the same has not been opened or altered since he or she received it, and that he or she verily believes that it has not been altered or opened since it was closed up and sealed as aforesaid; and the said chancellor, justice, or judge, being satisfied that it has not been opened or altered since it was closed up and sealed as aforesaid, shall open the same, and endorse thereon how or in what manner he received it, and subscribe his name to such endorsement, and shall then deposit the said commission and return, and the said affidavit or affirmation, with the clerk of the court out of which the said commission issued, there to remain as a record; and such return shall be as good and effectual as if made in the manner heretofore prescribed by law.

Act to take effect immediately.

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

Passed February 19, 1840.

A FURTHER SUPPLEMENT to the act entitled, "An act constituting courts for the trial of small causes."

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That if any person or persons shall make affidavit before any justice of the peace, in any county of this state, that he, she, or they believe that any bond heretofore given, or hereafter to be given, by any constable and his sureties, hath become forfeited by the neglect or default of any such constable in his official duties, and that the said deponent or deponents hath or have sustained loss thereby, and shall tender such affidavit to the clerk of the township, city or borough having the custody of such bond, it shall be the duty of such clerk to file the said affidavit in his office, and thereupon forthwith to deliver to the person or persons making such affidavit, his, her, or their agent or attorney, a certified copy of such bond, whereupon an action may be brought upon such bond in any court

Copies of constable's bond to be given to person desirous of prosecuting on affidavit of loss.

of this state having cognizance thereof, without any order, or proceeding by or from the township committee, or authorities of the city or borough, any thing in the fifty-eighth section of the act to which this is a supplement to the contrary in any wise notwithstanding.

Sec. 2. *And be it enacted*, That the name of the person or persons for whose use the said bond shall be prosecuted, shall be endorsed upon the first process to be issued thereon and shall also be mentioned and stated in the declaration in such suit; and if in any such suit the plaintiffs shall discontinue, be nonsuited, or judgment pass against them, the said person or persons for whose use the said suit is brought and prosecuted, and not the said township, city or borough shall be liable for costs; and it shall be the duty of the sheriff, or other officer, to whom any writ of execution issued upon such judgment shall be directed and delivered, to make and levy the amount of money required to be made and levied by the said writ of execution upon and out of the property, real or personal, as may be required, of the said person, or persons, for whose use the said suit is brought or prosecuted.

Name of person to be endorsed on process.

Sec. 3. *And be it enacted*, That the person or persons for whose use the said action shall be brought upon any such bond, shall, if required before issue joined, give bond to the defendants in the sum of one hundred dollars, with sufficient sureties, being freeholders and residents in this state, with condition to prosecute the said action with effect and pay costs, if the plaintiffs discontinue, be nonsuited, or judgment pass against the plaintiffs; which bond shall be filed in the office of the clerk of the court in which such action shall be pending.

Prosecutor to give bond for costs.

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

Act to take effect immediately.

Passed February 19, 1840.

AN ACT supplementary to an act entitled "An act to incorporate the Neshanic Mining Company of the county of Hunterdon," passed the twenty-ninth day of February, in the year of our Lord one thousand eight hundred and thirty-six.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the president and directors of the Neshanic Mining Company, of the county of Hunterdon, to increase the amount of shares in the same to any number not exceeding fifteen thousand, subject to the like provisions as are contained in the act to which this is a supplement.

Capital of company increased.

Sec. 2. *And be it enacted,* That said company shall have liberty to construct a railroad from their mining lands, in the township of Raritan, in the county of Hunterdon aforesaid, to a point on the South Branch of the Raritan and Delaware rivers respectively; said points to be the nearest to, and the most easily to be attained from said lands; *provided* that said road shall be used only for purposes connected with the mining operations of said company.

Authority to construct a railroad.

Sec. 3. *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 impeded thereby; and also where the said railroad shall intersect any farm or lands of any individual, to provide, and keep in good repair, suitable wagon ways over or under said railroad, so that he may pass the same; *provided* that it shall not be lawful for said company to use any public highway or road for said railway, (except to cross the same in the most direct and convenient manner,) without the consent of a majority of the inhabitants of the township in which such public road or highway is situate, to be obtained at a regular town meeting.

Bridges to be constructed over railroad at certain places.

Proviso.

Sec. 4. *And be it enacted,* That so much of the act to which this is a supplement, as comes within the purview of this act, and is repugnant thereto, be and the same is hereby repealed.

Part of former act repealed.

Passed February 19, 1840.

AN ACT to incorporate "the Newark Lime and Cement Manufacturing Company."

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

Names of incorporators.

Jotham Hedden, Reuben D. Baldwin, Ira Vangeison, Daniel Tomkins, 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 lime, plaster, and cement, by the name of "the Newark Lime and Cement Manufacturing Com-

Style of incorporation.

pany;" 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, in their corporate name, shall be and they are hereby made capable in law to purchase, have, hold, and enjoy such

Powers.

lands and tenements, goods, chattels, and personal estate, as may be necessary and useful for carrying on the business aforesaid, and the same to use and employ, grant, demise, pledge, and dispose of, and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to bodies corporate, and necessary or proper for the purposes of their incorporation; *provided*, that the funds of the said corporation shall not be used or employed in banking operations, or for any purpose inconsistent with the provisions of this act; and the said persons above named, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company, for which purpose a book of subscription shall be opened, and kept open, for at least five successive days, at such time in the city of Newark, as the said persons, or a majority of them, shall appoint, of which time and place at least twenty days' previous notice shall be given in two newspapers printed in the said city; and if more stock be subscribed than the amount of the capital hereafter provided for, said stock shall be apportioned by said persons among the subscribers, in proportion to their respective subscriptions.

Restrictions.

Corporators to open books of subscription for stock.

Sec. 2. *And be it enacted*, That the capital stock of said company shall not exceed one hundred and fifty thousand dollars, to be subscribed for in shares of one hundred dollars each; and as soon as five hundred shares of said stock shall be subscribed for, and ten dollars paid on each of the

Amount of capital stock.

Act to be void  
in two years,  
on certain con-  
ditions.

said five hundred shares, the persons above named, or a majority of them, may, by public notice published in two of the newspapers printed in the city of Newark, for a period of not less than fifteen days, call a meeting of the stockholders of the said company, for an election of five directors; and if the said five hundred shares shall not be subscribed, and ten dollars paid on each share, within two years from the passage of this act, then the corporation hereby created shall thenceforth forever cease, and this act be null and void.

Time and  
mode of first  
election of di-  
rectors.

Sec. 3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, and citizens of this state, one of whom shall be president; and they 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 herein before 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 president and 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, not being directors, as inspectors and judges of the election; and the said president and directors may make, ordain, and execute such by-laws and regulations for the government of the said corporation and the management of its concerns, as may by them be deemed necessary and convenient, not repugnant to the constitution or laws of this state or of the United States; and may appoint such agents and superintendents, with such compensation as they may think proper, and remove them at pleasure.

Time and  
mode of annu-  
al election of  
directors.

Duties and  
powers of di-  
rectors.

Sec. 4. *And be it enacted*, That a majority of the directors for the time being, shall form a board for the transaction of business; and in case any vacancy shall happen in the office of director, by death, resignation, or otherwise, the remaining directors for the time being, or a majority of them, shall have power to fill such vacancy; and the said president and directors, or a majority of them, shall have power to call in payments on said stock, from time to time, in such instalments as they shall see fit, giving at least thirty days' notice as aforesaid; and if any

stockholder shall neglect, for the space of six months after the expiration of the thirty days' notice as aforesaid, to pay his instalment, so called for as aforesaid; his stock, and all previous payments thereon, may be forfeited to the said company, for their use and benefit.

Stock forfeited on failure to pay instalments.

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 said company, in such manner as shall be prescribed by the by-laws of said corporation.

Stock personal property, and transferable.

Sec. 6. *And be it enacted*, That no dividend shall be made of any part of the capital stock of 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 entered in a book to be kept by the directors for that purpose.

Books to be open for inspection of stockholders.

Sec. 7. *And be it enacted*, That all elections of directors shall be by ballot; and in case an election for directors should not be held on the day on which pursuant to this act it ought to have been held, 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 such corporation; after thirty days' notice; and that this act shall continue in force for the term of thirty years, unless sooner modified or repealed, and no longer; and that it shall be lawful for the legislature of this state, at any time, to alter, modify, or repeal the same.

Corporation not dissolved for failure to elect on day prescribed.

Limitation of act.

Act may be altered or repealed.

Passed February 20, 1840.

## AN ACT to incorporate the Pedricktown Steam-Mill 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 Richard Somers, Joseph White, Hudson A. Springer, William H. Pedrick, William Somers,

Names of incor- Joseph Taylor, Samuel Bond, Jacob S. Pedrick, Benjamin Pedrick, Thomas B. Hews, and such other persons as now are or may hereafter be associated with them, be and they are hereby constituted a body corporate and politic in law, by the name of "the Pedricktown Steam-Mill Association;" and by that name they and their successors shall have continued succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattles whatsoever, necessary or expedient for the objects of this incorporation.

Style of incorporation.

Powers.

Objects of incorporation.

Limitation of quantity of lands to be held.

Amount of capital stock.

Proviso.

Time and mode of receiving subscriptions for stock.

Sec. 2. *And be it enacted*, That the said association shall be and they are hereby authorized and empowered to engage in and carry forward, at or near the village of Pedricktown, in the county of Salem, the business of a flouring and saw-mill, and for that purpose to purchase, erect, or procure one or more steam engines, and all such buildings, machinery, fixtures, and other articles as may be necessary or expedient for the objects aforesaid.

Sec. 3. *And be it enacted*, That the lands, tenements, and hereditaments which the said association may purchase and hold under this act, for the purposes of their incorporation, shall not at any one time exceed ten acres; but they may also purchase, hold, and convey all such real estate as shall have been bona fide mortgaged to the said corporation, in satisfaction of debts previously contracted in course of their dealings, or sold upon judgments or decrees which shall have been obtained in favour of said corporation.

Sec. 4. *And be it enacted*, That the capital stock of said corporation shall be ten thousand dollars, with liberty to increase the same to twenty thousand dollars, and shall be divided into shares of twenty-five dollars each; *provided*, that no part of said capital stock shall be used for banking purposes, or for any other purposes not plainly indicated by this act.

Sec. 5. *And be it enacted*, That Hudson A. Springer, Joseph White, and Richard Somers be and they are hereby appointed commissioners to receive subscriptions to the capital stock of said association; 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



Salem, and one printed in the county of Gloucester; which books shall be kept open for three days at least, from ten o'clock in the forenoon till four o'clock in the afternoon of each day; and if more subscriptions be taken than the amount of the capital stock, the said commissioners shall apportion the same, in a fair and just manner among the subscribers, in proportion to the shares, by them respectively subscribed; and if the capital stock should not all be taken, the said commissioners may, in their discretion, close the books or keep them open till the whole shall be taken; and if the books should be closed, and again be opened for subscriptions, the like notices of the time and place of doing the same as is herein before mentioned shall be given; and in case any of the said commissioners shall die, neglect or refuse to act, the board of directors shall have full power to elect another person in his stead.

Sec. 6. *And be it enacted*, That as soon as the sum of seven thousand dollars shall be subscribed, and twenty-eight hundred dollars paid in, provided the same be subscribed and paid within two years after the passage of this act, it shall be lawful for the said corporation to commence their said business, and call in the balance of the seven thousand dollars, whenever the same may be wanted for the use of said corporation, and with such capital to conduct and carry on their said business until they shall deem it expedient to extend their operations, when they shall be at liberty, in their discretion, to call in further payments or to increase their capital within the limits in this act mentioned, as they may deem best; and it shall be lawful for the directors to call in and demand from the stockholders, respectively, all sums of money by them subscribed or due on their shares, at such times and in such proportions as they, the said directors, deem proper, not exceeding five dollars on each share at any one time, which said stockholders shall pay, under pain of forfeiting their shares respectively, and all moneys paid thereon, if such payment shall not be made within thirty days after thirty days' notice duly given of the calling in of such payments, which notice shall be given by publishing the same in two newspapers printed as aforesaid.

When company may commence business.

Stock forfeited on failure to pay instalments.

Sec. 7. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and shall be assignable and transferable on the books of said corporation, according to such rules, and subject to such regulations, as the board of directors may from time to time establish; and in case the said corporation shall have any just claim or demand against any stockholder, then due

Stock personal property.

Stock a lien for debts due to the company by the stockholder.

and payable, such stockholder shall not be entitled to make any transfer, sale, or conveyance of his stock, or receive a dividend thereon, until such claim or demand shall be paid or secured to the satisfaction of the board of directors for the time being.

Powers and duties of directors.

Sec. 8. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be managed and conducted by five directors, being stockholders in their own right, a majority of whom shall be residents of this state, who shall elect one of their number to be president; which directors shall hold their offices for one year from the time of their election and until others shall be duly chosen and qualified to act in their stead; and they shall have power to fill vacancies that may happen, by death or otherwise, during the term for which they were elected or empowered to act, and shall also have power to appoint, and at pleasure to remove, such officers, superintendents, agents, and workmen as they may deem necessary, and to assign them a just compensation, and make, and from time to time alter and repeal, ordinances and by-laws for the regulation and government of said association, provided the same be not inconsistent with the constitution or laws of this state or of the United States; and a majority of the said board of directors shall at all times be necessary to form a board for the transaction of business.

Time and mode of electing directors.

Sec. 9. *And be it enacted*, That the first directors of said corporation shall be Hudson A. Springer, William Somers, William H. Pedrick, Jacob S. Pedrick, and Job Bevis, who shall hold their offices until the first Friday in January, eighteen hundred and forty-one, and until others shall be legally chosen and qualified to act in their stead; and on that day, and on the first Friday in January of every year thereafter, at such hour and place as the directors for the time being shall appoint, such of the stockholders as shall then and there attend, either in person or by lawful proxy, shall proceed to elect by ballot a board of directors for the ensuing year, under such regulations as may have been established by the by-laws of said corporation; and each stockholder shall be entitled to one vote for every share he or she may hold not exceeding four; and one vote for every two additional shares, not exceeding twenty-four; and one vote for every four additional shares over twenty; and the directors for the time being shall give public notice of the time and place of holding such election, at least twenty days before the time appointed, by advertising the same in a newspaper printed in the county of Salem and one printed in the county of Gloucester.

Sec. 10. *And be it enacted*, That if it should at any time happen that an election should not be held or made on the day aforesaid, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election afterwards, at such time and place as the directors or any five stockholders may appoint, due notice thereof being given in the manner and for the period mentioned in the preceding section; and the directors then chosen shall continue in office until the first Friday in January thereafter, and until others shall be chosen and qualified to act in their stead.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 11. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their office or place of business, proper books, in which shall be regularly entered all their proceedings and all the dealings and transactions of said corporation, which book shall be subject at all times during business hours to the inspection of the stockholders of the company; and they shall also, at every annual meeting of the stockholders, on the first Friday in January, lay before the stockholders a report in writing, showing the condition of the funds and property of the company, which report shall at all times during business hours be open to the inspection of the stockholders.

Books open to the inspection of stockholders.

Directors to make an annual statement of affairs of the company.

Sec. 12. *And be it enacted*, That it shall and may be lawful for the said corporation, whenever they have no occasion to use all of their steam power, machinery, fixtures, and buildings, for the purposes mentioned in the second section of this act, to rent the surplus, or any part thereof, for driving machinery and for the making and manufacturing of any articles or commodities, not forbidden by the laws of this state or of the United States.

Company may rent steam power.

Sec. 13. *And be it enacted*, That this act shall be in force for the term of thirty years from the passage thereof, and no longer, and that the legislature may at any time during said term alter, amend, modify, or repeal the same, whenever in their opinion the public good may require it.

Limitation of act.

Act may be altered or repealed.

Passed February 20, 1840.

A FURTHER SUPPLEMENT to an act entitled, "An act to incorporate the Paterson Fire Association," passed November third, eighteen hundred and twenty-one.

Officers to be elected by a plurality of votes.

Who entitled to vote.

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 wardens, and all other officers mentioned in the third and fourth sections of the act to which this is a supplement, shall be elected, and all appropriations of money which may be authorized by that act shall be made, by a plurality of votes, by ballot, and not otherwise; and no person shall be entitled to vote or hold any office mentioned in the said third and fourth sections, unless he is a member of said association, and is at the time he offers his vote liable to be taxed for the support thereof.

Manner of electing officers.

Sec. 2. *And be it enacted*, That before the members of said association proceed in said elections, they shall appoint some suitable person, who is a member thereof, to preside at said meeting; and the said meeting, from their own body, shall select a judge and clerk of election, who shall be chosen by a majority of the votes of the members present; and the judge and clerk of the said election, after having been duly sworn or affirmed before a justice of the peace, faithfully and impartially to decide upon the legality of the votes offered, shall then proceed to receive the votes from the members of said association, for the wardens and other officers thereof; and the person or persons having the greatest number of votes the said judge shall declare him or them duly elected; and further, that the annual meetings for the election of officers and for other purposes shall be held between the hours of ten o'clock in the morning and seven o'clock in the evening.

Owners of certain property liable to assessment as members.

Sec. 3. *And be it enacted*, That the owners of furniture, goods, wares, and merchandise, of the value of two hundred dollars and upwards, shall also be members of this association, and shall be, as members thereof, subject to assessment for fire tax the same as other persons mentioned in the first section of the act to which this is a supplement.

Penalty for voting when not qualified.

Sec. 4. *And be it enacted*, That if any person shall vote at the said annual election who is not qualified as aforesaid, he shall be subject to a fine of five dollars, to be recovered before any justice of the peace of the county of Passaic, and which action shall be brought in the

name and for the use of said association ; and that all actions for the non-payment of assessments or fines, mentioned in the seventh section of the act to which this is a supplement, shall and may be brought before any justice of the peace in the county of Passaic, or before any court having jurisdiction thereof.

Sec. 5. *And be it enacted*, That the said association shall not raise by assessment any sum exceeding two thousand dollars any year, unless two-thirds of the members of said association agree thereto ; and it shall be the duty of the board of fire wardens to give notice of the sum they may deem necessary to be raised, in the newspapers published in the town of Paterson, at least one week previous to the annual meeting.

Limitation of amount of assessments.

Sec. 6. *And be it enacted*, That, within ten days after the annual election, the firemen of the different companies of said association shall elect one chief, and two assistant engineers, to serve for one year ; and at the said election one of the wardens shall be judge of said election, who shall, before he enters on his duty as said judge, take an oath or affirmation before a justice of the peace, that he will decide without partiality, and admit no person to vote unless he is entitled by law thereto ; and no person shall vote at said election unless he shall have belonged to one of said companies for at least six months previous to said election, and is above the age of twenty-one years at the time of said election ; and that the said election shall be by ballot ; and if the vote of any person is disputed he shall not be permitted to vote, unless he proves to the satisfaction of said judge that he is entitled to vote ; *and provided always*, that the board of fire wardens shall have power to remove any person or persons elected to office agreeably to this section, upon good and sufficient cause, and when removed to supply the vacancy.

Firemen to elect engineers to each company.

Qualifications of voters.

Proviso.

Sec. 7. *And be it enacted*, That the wardens and other officers elected at the next annual meeting, be elected to serve until the third Monday in May, eighteen hundred and forty-one, and that thereafter the annual meeting of said association be held on the third Monday in May, in each and every year.

Time of future elections.

Passed February 20, 1840.

AN ACT for the relief of John Cole, of the county of Hunterdon.

60 dollars annually to be paid to John Cole.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be and he is hereby authorized and directed to pay unto John Cole, of the county of Hunterdon, a soldier of the revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the fourth day of March next.

Passed February 20, 1840.

AN ACT for the relief of Christopher Philhower, of the county of Hunterdon.

60 dollars annually to be paid to Christopher Philhower.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be and he is hereby authorized and directed to pay unto Christopher Philhower, of the county of Hunterdon, a soldier of the revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the fourth day of March next.

Passed February 21, 1840.

AN ACT to incorporate the New Jersey, Delaware, and  
Pennsylvania Steam Boat Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That George T. Boon, Lawrence H. Boon, Robert M. Boon, Samuel Hyat, William Kennedy, Isaac Hackett, and all such persons as are now members or partners of an association called and known by the name of the Salem, Delaware City and Philadelphia Steam Boat Company, and their successors and assigns, be and they hereby are made and declared to be a corporation and body politic, by the name, title, and designation of "the New Jersey, Delaware, and Pennsylvania Steam Boat Company," and by that name may have continual succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded in all courts of record and elsewhere; and may have full power, right, and legal authority to purchase, build, hold, occupy and convey any steam boats, lands, tenements, hereditaments, and real and personal estate whatsoever, which shall be necessary to carry into effect the objects of the said corporation, as herein after declared.

Names of corporators.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That all the joint stock of the said association, and all the estate, real, personal and mixed, all the securities, claims and demands, all the records, books, papers, and vouchers, in any wise belonging to the said association, shall be transferred to and vested in the said corporation as absolutely and completely to all intents and purposes, as if the same had been acquired by the said corporation after the passing of this act: *provided*, that nothing in this section contained shall impair or affect the rights of the creditors of the said association.

Joint stock &c. of former association vested in the incorporation.

Proviso.

Sec. 3. *And be it enacted*, That the capital stock of the said corporation shall not exceed seventy-five thousand dollars, which shall be divided into shares of fifty dollars each; the capital stock of the said association is to be taken as a part of the said sum of seventy-five thousand dollars, and the members of the said association are to receive so many shares of the said stock of the said corporation, as will equal in amount the stock which they now respectively own in the said association; and the said capital stock is to be employed in running one or more steam boats, from Salem, in the county of Salem, to Philadelphia and elsewhere on the river Delaware, and is to be vested in the purchase or building of one or more steam boats, with steam en-

Amount of capital stock.

Employment of capital stock.

gines, boilers, and machinery, and all their rigging, furniture and apparatus; and in the repairs thereto; and in the purchase, repairing or building of suitable landings, wharves, and store houses; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of said corporation agreeably to the by-laws for that purpose, to be made and adopted.

Stock personal property.

Sec. 4. *And be it enacted*, That George T. Boon, Isaac Hackett, William Kennedy, David Coggins, and Samuel Hyatt, shall be and they are hereby declared to be the directors of the said corporation, from the passage of this act, until the election is held, as is herein after provided for; that the board of directors for the time being shall have power to elect a president (who shall be a director), a treasurer, and all such officers and agents, and to employ such workmen, artificers and laborers, as shall be necessary to carry into effect, and execute all the powers by this act granted to said corporation, and to allow such compensation as shall be agreed upon; and, if they judge it necessary, to exact and take from their officers and agents bonds for the proper execution of their several duties and trusts, and for the faithful performance of their several contracts.

First directors and their duties.

Sec. 5. *And be it enacted*, That immediately from and after the passage of this act, the said company shall be considered fully organized, and the said directors may proceed to carry into effect the purposes and powers of the said corporation; and the said corporation shall have power to make, ordain, and establish such by-laws, rules and regulations for the said company, as to them shall seem expedient, and not inconsistent with the laws of this state or of the United States.

Corporation may make by-laws.

Sec. 6. *And be it enacted*, That the residue of the capital stock of said company or any part thereof, may be taken at any time hereafter, whenever a majority of the stockholders may deem it necessary and proper; the amount however to be limited by the board of directors for the time being, who are authorized to open books of subscription to said stock, at such time or times, and place or places, as they or a majority of them shall think proper, giving at least twenty days' notice of the time and place of their meeting, and at the time of the subscription to said stock, the sum of ten dollars on each share shall be paid to the directors, and the remainder of such subscriptions shall be paid at such times and in such instalments as the directors for the time being shall appoint, under pain of forfeiting all previous payments on such shares for the use

Books may be opened for subscriptions for additional stock.

Stock forfeited on failure to pay instalments.



of the company: *provided always*, that no instalment shall exceed the sum of ten dollars on each share; and that no two instalments shall be required to be paid within thirty days of each other; *and provided also*, that at least thirty days' notice of the time and place appointed for the payment of each instalment, shall be published in one or more newspapers published in the county of Salem, and also in one or more newspapers published in the city of Philadelphia.

Sec. 7. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by five directors, a majority of whom shall constitute a quorum, and at least two of whom shall be residents in this state, and shall be chosen annually by ballot, by the stockholders either in person or by proxy; and in the choice of directors, and in all other cases, each share shall be entitled to one vote; should a vacancy occur at any time in the board of directors, the place shall be supplied by the remaining directors, until the next annual election; the first election for directors under this charter shall be held at Salem on the first Tuesday of April next, twenty days' notice being first given thereof in a newspaper published at Salem, and also the like notice in a newspaper published in Philadelphia; and the stockholders when met to choose three persons as judges of election; and all future elections for directors of said corporation, shall be held annually, at such time and place in this state as the by-laws shall direct.

Time and mode of electing directors.

Sec. 8. *And be it enacted*, That the president shall preside at all meetings of said corporation, and if absent, his place may be supplied for the time he is absent by the election of any one of the directors; that the directors shall have power to fix, determine, and regulate the prices of transportation of passengers, goods, wares, and merchandise, wagons, carriages, horses, cattle, stock of every description, or other articles that shall be transported in the boat or boats of said corporation; and that the said board of directors shall from time to time declare dividends of so much of the profits of the said corporation, as they may deem advisable, and pay the same over to the persons entitled thereto; but no part of the capital stock shall be divided during the continuance of this charter.

Powers and duties of directors.

Sec. 9. *And be it enacted*, That if an election of directors shall not be made during the day, when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any time thereafter, upon notice as aforesaid, and the directors for the time being shall con-

Corporation not dissolved for failure to elect on day prescribed.

tinue in all cases to hold their offices until new ones shall have been chosen in their stead; and in all elections for directors of said corporation, stockholders may vote either in person or by proxy.

Restrictions.

Sec. 10. *And be it enacted*, That the said corporation shall not use or employ any part of the capital stock or other funds, for banking or other purposes not clearly indicated in this act, under the penalty of an immediate forfeiture of their charter.

Act may be altered or repealed.

Sec. 11. *And be it enacted*, That it shall be lawful for the legislature at any time hereafter, to alter, amend, modify or repeal this act; and that this act shall continue in operation twenty-one years and no longer.

Passed February 21, 1840.

# AN ACT to divorce Ann Stivers from her husband Samuel Stivers.

Samuel Stivers and Ann Stivers divorced.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Ann Stivers, of the city of Camden, in the county of Gloucester, be and she is hereby divorced from her husband Samuel Stivers, 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: *provided always*, that nothing in this act contained shall be so construed or taken as to render illegitimate any issue of the said marriage.

Passed February 21, 1840.

A SUPPLEMENT to the act entitled, "An act to ascertain the power and authority of the Ordinary and his Surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans' court, in the several counties 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 whenever an oath, affirmation, or affidavit is required to be made or taken, to be used for any purpose whatever, in any proceeding to be had before any surrogate or in the orphans' court of the several counties of this state, the same may be made and taken by and before the surrogate or clerk of the orphans' court of the county wherein said proceeding may be had; and the said surrogate or clerk of the orphans' court shall be entitled to receive the sum of twelve cents for every such oath, affirmation, or affidavit, when not otherwise specially provided.

Affidavits to be used in orphans' court may be taken before surrogate.

Sec. 2. *And be it enacted,* That if any person shall wilfully and corruptly swear or affirm falsely in or by any oath, affirmation, or affidavit taken in pursuance of this act, such person shall be deemed guilty of perjury, and punishable accordingly.

Swearing falsely under this act perjury.

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

Act to take effect immediately.

Passed February 21, 1840.

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A SUPPLEMENT to the act entitled, "An act to incorporate the Morristown Fire Association," passed February 27, 1837.

WHEREAS, the members of the Morristown Fire Association have, by their petition, represented to the legislature that they have raised the sum of two thousand dollars, the amount of the capital stock limited by their

Preamble.

act of incorporation, and have expended the same agreeably to the provisions of the said act : that there is yet a deficiency in their means of protecting their property against loss and destruction by fire, and have prayed the legislature to pass an act authorizing the said association to assess and raise by tax a further sum of money for the purpose of effecting the objects of said corporation—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 “the Morristown Fire Association” be and they are hereby authorized and empowered at their next annual meeting, and at any subsequent annual meeting, to raise by a tax, for the objects of said corporation, any sum not exceeding five hundred dollars; *provided*, however, that the capital stock of said corporation shall at no time exceed the sum of four thousand dollars.

Tax may be raised by association at annual meeting, not exceeding 500 dollars.

Limitation of capital stock.

Stores of goods may be taxed.

**Sec. 2.** *And be it enacted,* That the several stores of goods, wares and merchandise, which are or may be kept within the limits prescribed in the first section of the act to which this is a supplement, shall be liable to be assessed and taxed to raise the said money according to their respective value, in addition to the other property mentioned in and liable to be assessed by the fourth section of the act to which this is a supplement. And it is hereby made the duty of the assessor or assessors, in addition to the duties prescribed in the fourth section of the said act, to assess such sum of money on the said several stores of goods, wares, and merchandise as may be deemed just and equitable, in proportion to the whole sum ordered to be raised by the said corporation, at their annual meeting, making all just allowances for the various dangers and hazards to which such stores of goods may be subject, by reason of the materials of which the said store houses may be made, their location, or any other circumstances : *provided*, that the seventh section of the act to which this is a supplement shall not apply to any assessment made under and by virtue of this section.

Proviso.

Mode of collection and application of money.

**Sec. 3.** *And be it enacted,* That the several sums of money which may be assessed under and by virtue of this act, shall be collected in all respects in the manner prescribed in and by the act to which this is a supplement; and that any person who may consider himself or herself aggrieved by any such assessment, may appeal therefrom in the manner prescribed in the original act; and

that the owners of stores of goods, wares and merchandise, Owners of stores taxed to be members of association.  
made liable to be assessed and taxed under and by virtue of this act, shall also be members of said association.

Passed February 21, 1840.

## AN ACT to incorporate the New Jersey State Agricultural Society.

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 persons, who now constitute the New Jersey State Agricultural Society, or who shall hereafter be admitted members of the same, shall be and they are hereby declared to be, a body politic and corporate, in fact and in law, by the name and title of "the New Jersey State Agricultural Society;" and by such name they shall have continued succession, and be 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, and shall have power to make and use a common seal, and to alter or renew the same at pleasure, and be capable to take, hold and enjoy lands, tenements and hereditaments, goods and chattels, and the same to sell, grant, demise, alien and dispose of: *provided*, that the clear yearly value of the real and personal estate by them held shall at no time exceed the sum of five thousand dollars.

N. Jersey state agricultural society incorporated.

Style of incorporation.

Powers.

Proviso.

Sec. 2. *And be it enacted,* That the officers of the said corporation shall consist of a president, four vice-presidents, treasurer, secretary, and such other officers as the said corporation may deem necessary, who shall be elected annually or otherwise, as the rules and by-laws of the corporation may direct.

Annual election of officers.

Sec. 3. *And be it enacted,* That the said corporation when convened; upon due notice given to the members by public advertisement, or otherwise, shall have power and authority to make, ordain, and establish such and so

Corporation may make rules and by-laws.

many rules, by-laws and ordinances, relating to the times and places of meeting, the admission of members, the powers and duties of the officers thereof, and the ordering of the other concerns of the said corporation, as they may deem necessary and proper: *provided*, that no rule, by-law or ordinance as aforesaid, shall be valid, if inconsistent with the constitution or laws of this state or of the United States.

Present officers to continue till new election.

Sec. 4. *And be it enacted*, That the present officers of the said society shall continue in their respective stations until an election shall be made under this act, and the rules, by-laws and ordinances now in force, not inconsistent with the constitution or laws of this state or of the United States, shall be good and valid, until altered, amended or abrogated by the corporation.

Act may be altered or repealed.

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

Passed February 22, 1840.

# A FURTHER SUPPLEMENT to the act entitled, "An act respecting the Court of Chancery."

Written appearance or acknowledgment of service to have same effect as subpoena served.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That a written appearance in any suit in chancery, or a written acknowledgment of the service of any subpoena to answer, signed by a defendant, or his or her solicitor, shall have the same force and effect as if such defendant had been regularly served with a subpoena to answer, by the sheriff or other proper officer.

Time for defendant to plead, answer or demur, or bill may be taken as confessed.

Sec. 2. *And be it enacted*, That when a subpoena to answer shall have been returned duly served by the proper officer, or the appearance of the defendant or defendants shall have been signed or service of a subpoena acknowledged, as mentioned in the preceding section, the defendant or defendants shall plead, answer, or demur to the bill

of complaint on or before the second day of the stated term next after the day of appearance specified in such subpoena, unless the court shall grant the defendant or defendants further time so to do; and if any defendant or defendants shall not plead, answer or demur within the time hereby limited, or that granted by the court, the bill of complaint shall be taken as confessed against such defendant or defendants, and such decree made thereon as by the court shall be deemed equitable and just, or the chancellor may, at his discretion, order the complainant or complainants to produce documents and witnesses to substantiate and prove the allegations in the bill of complaint, or the chancellor may examine the complainant or complainants on oath or affirmation, to ascertain the truth of the allegations in the said bill; and such decree shall be made in either case as the chancellor shall think equitable and just.

Sec. 3. *And be it enacted*, That nothing contained in the first and second sections of the act entitled, "A further supplement to the act entitled, an act respecting the court of chancery," passed the eighth day of March, eighteen hundred and thirty-nine shall be construed or taken to extend or apply to any bill filed or to be filed for the satisfaction or foreclosure of any duly registered mortgage.

Parts of former act not to apply to foreclosure of mortgages.

Sec. 4. *And be it enacted*, That the fifteenth section of the act to which this is a supplement be and the same is hereby repealed; and that this act shall go into effect on the first Tuesday in April next.

Part of former act repealed.

Passed February 22, 1840.

# AN ACT to incorporate the Sussex County Mutual Insurance Company.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That James Stoll, Isaac Bonnel, John Bell, John Strader, John H. Hall, Andrew A. Smalley, Robert F. Shafer, George H. McCarter, Pierson Hurd, Walter L. Shee, Joseph Linn, Alexander Boyle, James Evans,

Names of incorporators.

Style of incorporation.

Powers.

Proviso.

and Joseph Northrup, junior, 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 Sussex County Mutual Insurance Company;" 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 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 Sussex County Mutual Insurance Company," shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation; *provided*, that the lands, tenements, and hereditaments, which it shall be lawful for the said corporation to hold, be only such as shall be requisite for the purpose of erecting buildings thereon, in which to meet and transact the business of said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts previously contracted in the course of its business, or purchased at sales on judgments or decrees which shall have been obtained for such debts; and with regard to all such lands tenements, and hereditaments, so to be held by the said corporation as aforesaid, except such as may be for its immediate accommodation, as aforesaid, or such as it may hold by way of mortgage, and whereof the actual possession shall be and remain in the 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.

Persons insuring to be members of company.

Time and mode of electing directors annually.

Sec. 2. *And be it enacted*, That all persons who now are members of the said corporation, or shall at any time hereafter insure in or with the said company, shall be deemed and taken for members of the said corporation; and that the property and concerns of the said corporation shall be conducted and managed by nineteen 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, to hold their office for one year and until others are chosen; and that the election for directors shall be held on the first Monday in February 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 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 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 should 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 of directors shall be held, according to the provisions of this section, the following persons shall be directors, namely: Isaac Bonnel, John Bell, Pierson Hurd, John H. Hall, John Strader, Robert F. Shafer, Walter L. Shee, James Evans, Andrew A. Smalley, Zachariah Price, Joseph Northrup, junior, George H. M'Carter, Whitfield S. Johnson, Nathan Smith, Nathaniel Drake, Reuben F. Randolph, Isaac V. Coursen, Richard R. Morris, and Elias L. Homedeu.

Corporation  
not 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 insure their respective dwelling houses, stores, shops, mills, and other buildings, together with household furniture, merchandise, and all other personal property, against loss or damage by fire.

Description of  
property to be  
insured.

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 the 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 and  
duties of direc-  
tors.

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,

Directors to  
elect president  
and 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.

Terms and conditions of policies of insurance.

If losses exceed the amount of the funds of the company, the balance to be assessed on members in proportion to their insurance.

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 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 rateable proportion, on the members of the association, or their representatives according to the amount of each member's insurance; which rates or assessment shall be approved of by a majority of the whole number of the directors, and notice in writing, shall be given to each member, or his representative, of the assessment and amount by him, her, or them, to be paid; and each and every member, or his 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 their right and claim to any policy that they may have obtained, and be no longer members of the association; they shall also, be liable to a recovery of the amount of such assessment, by action of debt, with costs of suit, before any court of competent jurisdiction.

One director may convene the board.

Sec. 7. *And be it enacted*, That any one 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 county, at least ten days before said meeting.

Restrictions.

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

Limitation of act.

Sec. 9. *And be it enacted*, That this act shall continue in force 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.

Act may be altered or repealed.

Passed February 22, 1840.

A FURTHER SUPPLEMENT to the act entitled, "An act for the relief and employment of the poor in the county of Salem," passed March twelfth, one thousand seven hundred and ninety-six.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That hereafter the trustees of the poor of the county of Salem, may appoint the steward of the poor-house at their meeting in November, in each and every year, any thing in the act to which this is a supplement, or in any former supplement thereto contained, to the contrary notwithstanding.

Trustees of the poor to appoint keeper of poor-house.

Passed February 22, 1840.

AN ACT to enable Dennis Coles, and Frazee Coles, administrators of the estate of David Martin, deceased, to fulfil a certain contract therein named.

WHEREAS, by a certain instrument of writing, made and executed under the hand and seal of the said David Martin, on the twenty-fourth day of December, eighteen hundred and twenty-three, the said David Martin therein engaged to hold a certain deed executed by one Uzal Crane to him, the said David Martin, for five acres of land, with the appurtenances thereon, situate in the township of Springfield, in the county of Essex, in trust, for the mutual benefit of himself, Israel Lum, junior, and James R. Camp, (designated in the article of agreement as Doct. Jas. Camp.) in proportion to their several claims, in said writing set forth; and he the said David Martin, did also therein engage to consult them in relation to the management or sale of said premises, and to account to the said Israel Lum, jr., and James R. Camp for any monies he might receive for the rent or sale thereof, in proportion to their said several claims;

Preamble.

AND WHEREAS, the said David Martin, Israel Lum, junior, and James R. Camp are now all deceased, and the said property remains undisposed of, and no person now living has power to make a conveyance agreeably to the terms of said contract, and those interested have applied to the legislature for relief—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 Dennis Coles and Frazee Coles, administrators of David Martin, deceased, and the survivors of them be and they are hereby authorized and empowered, by and with the consent and advice of the personal representatives of the said Israel Lum, junior, and of the said James R. Camp, to manage, rent, sell, and dispose of the said land and premises, in the same manner as the said David Martin in his lifetime might or could have done; and that any deed or deeds of conveyance for the said land and premises, or any part thereof, made and executed by the said Dennis Coles and Frazee Coles, or the survivor of them, by and with such consent and advice, shall vest in the purchaser or purchasers, all the right, title, and interest of the heirs at law or other legal representatives of the said David Martin, Israel Lum, junior, and James R. Camp, in, and to so much of the said land and premises as shall be thereby conveyed; and that the proceeds arising from the renting or sale of the said land and premises, or any part thereof, after deducting all legal and proper costs, charges, and expenses, shall be rateably divided among the personal representatives of the said David Martin, Israel Lum, junior, and James R. Camp, in proportion to their several and respective claims and interests, as set forth and specified in the instrument of writing above referred to, and shall be by them applied and accounted for as parts of the personal estates of the persons whom they severally represent.

Administrators of David Martin, dec'd, authorized to sell lands on certain conditions.

Application of proceeds of sales.

Proceeds of sale accounted for as personal estate.

Passed February 22, 1840.

## AN ACT to create the county of Hudson.

WHEREAS, the inhabitants of the township of Bergen and Lodi, of Jersey City, and the villages of North Bergen, Harsimus, Hoboken, West Hoboken, Weehawken, New Durham, Secaucus, and Greenville, respectively, have by their petitions set forth, that by reason of the great increase of business from year to year, calling for the attendance of parties, jurors, and witnesses, at distances varying from twelve to twenty miles, and the proximity of the city of New York requiring the exercise of a rigid police, they are at an inconvenient distance from the county town, and the courts of justice, and have prayed that a new county should be erected—Therefore,

Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the county of Bergen, as the same stood before the passing of this act, contained within the following boundaries, viz: beginning at the north easterly corner of the present township of Bergen, in the boundary line between this state and the state of New York; thence, running westwardly on the line which divides the said township of Bergen from the township of Hackensack, to the Hackensack river; thence, down the middle of the said Hackensack river, to the middle of the turnpike road of the New Barbadoes Toll-Bridge Company; thence, westwardly along the middle of the said turnpike road, in the various courses thereof, to the middle of the abutment of the bridge across the Passaic, opposite to the village of Acquackononck; thence, along the middle of said bridge to the point where it meets the line between the present county of Passaic and Bergen; thence, down the said Passaic river and Newark bay, in the several courses thereof, on the boundary lines between the county of Bergen, as the same stood before the passing of this act, and the counties of Passaic and Essex, to Kill-Van-Kull; thence, eastwardly, on the boundary line between this state and the state of New York, to the Hudson river; thence, northwardly, continuing on the said boundary line between this state and the state of New York, up the said Hudson river to the place of beginning, be and the same is hereby erected into a separate county, to be called the county of Hudson; and said lines shall hereafter be the division lines between the counties of Essex, Passaic, and

Boundaries of  
the county of  
Hudson.

Bergen, and the state of New York, and the said county of Hudson, respectively.

Jurisdiction,  
rights, &c. of  
county of Hud-  
son.

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

Representation  
in council and  
assembly.

Jurisdiction of  
judges, jus-  
tices, &c. with-  
in the county  
of Hudson.

Sec. 3. *And be it enacted*, That the judges, justices of the peace, sheriff, and other officers, within the limits of the county of Bergen, as the same stood before the passing of this act, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the said limits, until the second Monday of April next after the passing of this act; and all courts at the time of the passing of this act existing and being within the said limits, shall continue to have and exercise, respectively, jurisdiction within the same, until the said second Monday of April next, in the same manner as if this act had not been passed; and that on and after the said second Monday of April next, and until their respective terms of office in and for the county of Bergen shall expire, all persons in office at the time of the passing of this act and resident within the bounds of the said county of Hudson, and every of them, except the clerk, surrogate, and prosecutor of the pleas, shall hold, exercise, and enjoy their respective offices, with all the power, authority, privileges, and emoluments thereto belonging, within the limits of the said county of Hudson, as officers of said county, as fully and effectually to all intents and purposes as if they had been elected or appointed to their said offices, respectively, within the said county of Hudson; *provided however*, that all judges of the court of common pleas and all justices of the peace within the said county of Hudson, shall qualify according to law, on or before the second Monday of April next, as officers of the said county of Hudson; and that the board of chosen freeholders of the county of Bergen, as it existed before the passing of this act, shall continue to exist, with all the duties, powers, privileges, authorities and emoluments thereto belonging, until the second Wednesday of May next, after the passing of this act; *provided always*, that the said board shall not have power to raise or order the raising by assessment or tax, or in any other manner, any sum or

Proviso.

Proviso.

sums of money for any purpose, or to vote or grant any sum of money whatsoever for any purpose other than to defray and pay any debt or charge existing against the said county of Bergen, at the time of the passing of this act, except to compensate themselves according to law, for their services as such chosen freeholders, up to the said second Wednesday of May next.

Sec. 4. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings commenced, or that may be commenced or depending in the supreme court of this state, or in any court or before any justice of the peace within the limits of the county of Bergen, as the same stood before the passing of this act, before the said second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county of Bergen and before said courts, in the same manner as if this act had not been passed, any thing herein to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action does at the time of the passing of this act, reside within the limits of the said county of Hudson, or where, in any local action, the cause of action arose within the bounds of said county of Hudson, either party may, at his election, on application to the said court for that purpose, have the venue in said action changed to the said county of Hudson, and the cause tried therein, as if the venue in the said action had originally been laid in said county of Hudson.

Suits pending in the county of Bergen not to be affected.

Proviso.

Venue may be changed.

Sec. 5. *And be it enacted*, That until a sheriff and coroners shall be elected in and for the said county of Hudson, and shall enter upon the duties of their respective offices, the sheriff and coroners of the county of Bergen shall discharge and perform all the duties, possess all the powers, and be subject to all the liabilities of sheriff and coroners of the said county of Hudson, and be entitled to the fees allowed by law for all services by them or either of them performed; and the said sheriff and his sureties shall be liable for any default or misconduct in the discharge and performance of said duties, in the same manner as if such default or misconduct had occurred in the county of Bergen; and that the said sheriff shall, on or before the second Monday in April next, take and subscribe, before a judge of the inferior court of common pleas in, and for the said county of Hudson, the oath or affirmation prescribed in and by the fourth section of "An act concerning sheriffs;" which oath or affirmation, the judge before whom

Sheriff and coroners of Bergen to act till such officers are elected for county of Hudson.

the same shall be taken, shall cause to be filed in the office of the clerk of said county.

Boundaries of township of Lodi in the county of Bergen.

Sec. 6. *And be it enacted*, That the inhabitants of that part of the township of Lodi lying north of the New Barba- does Toll Bridge Company's road, be and they and their successors are hereby constituted a body politic and corporate, by the name of the inhabitants of the township of Lodi in the county of Bergen, and shall hold their first town meeting at the tavern now kept by John B. Vreeland in said township, and afterwards at such place as the inhabitants shall determine.

Jail of Bergen constituted jail for Hudson until a new jail is prepared.

Sec. 7. *And be it enacted*, That the jail of the county of Bergen be and it is hereby constituted a jail for the confinement of all prisoners of or from the said county of Hudson, until a jail shall be prepared in said county of Hudson; and the sheriff or other officer having the lawful custody of any prisoner within said county of Hudson, is hereby authorized to carry and confine such prisoner to and in the jail of the county of Bergen; and the keeper of the said jail is hereby required to receive and safely keep every such prisoner so delivered to him, in the same manner and under the same penalties as he is or may be by law required to keep and provide for the prisoners of the county of Bergen, until such prisoners shall be demanded by the proper officer or officers of the said county of Hudson, or by other due and legal authority; and said keeper shall be entitled to receive from the board of chosen freeholders of the said county of Hudson, such fees and compensation for the support of the prisoners of said county, as are or shall be allowed by the board of chosen freeholders of the county of Bergen.

Boundaries and corporate names of townships in Hudson.

Sec. 8. *And be it enacted*, That the present township of Bergen, and that part of the present township of Lodi, within the limits of said county of Hudson, and the inhabitants thereof, respectively, be and they are hereby constituted bodies corporate and politic in law, by the following names, that is to say:—the inhabitants of the township of Bergen, shall be styled and known by the name of “the inhabitants of the township of Bergen, in the county of Hudson;” and the inhabitants of that part of the present township of Lodi, within the limits of the said county of Hudson, shall be styled and known by the name of “the inhabitants of the township of Harrison, in the county of Hudson;” and that the inhabitants of the said townships of Bergen and Harrison, respectively, shall be, and they are hereby vested with, entitled to, and authorized to ex-



ercise and enjoy all the franchises, powers, privileges, immunities, and authority, and shall be and hereby are made subject to all the rules, regulations, and government, which the inhabitants of the other townships of this state may be entitled and subject to; that the part of the said county of Hudson, and the inhabitants thereof at present incorporated, styled, and known by the name of "the Mayor and Common Council of Jersey City," shall be and remain a body corporate and politic in law, by the name of "the Mayor and Common Council of Jersey City," in the same manner as though this act had not been passed, save and except that the same shall constitute a part of the said county of Hudson, and have the same relation to the said county of Hudson, as the same heretofore had to the said county of Bergen, in all respects; that the chosen freeholders of the said townships of Bergen and Harrison, and of Jersey City, and their successors, shall be and they hereby are constituted a body politic and corporate in law, and they shall be styled and known by the name of "the Board of Chosen Freeholders, of the county of Hudson," and shall have, hold, use, exercise, and enjoy the like rights, powers and authority, and be subject to all the provisions of the laws for the time being, as the boards of chosen freeholders of the other counties of this state are or shall be entitled and subject to; and that the said board of chosen freeholders shall meet at the house now occupied by Henry Drayton, called the Buckhorn hotel, in Bergen township, on the day appointed by law for the next annual meeting of the boards of chosen freeholders, in other counties of this state, and afterwards at such times and places as they may appoint or shall be required by law, until a court-house shall be provided for said county of Hudson.

Board of chosen freeholders of the county of Hudson incorporated.

Sec. 9. *And be it enacted*, That the first town meeting, hereafter to be held in the township of Harrison, shall be held on the second Monday of April next, at the inn now kept by Thomas Watkins, in said township; and that the next town meeting, in the township of Bergen, shall be held at the Buckhorn hotel, now kept by Henry Drayton, on the second Monday of April next; and that the town meetings in said townships, respectively, shall thereafter be held annually, on the second Monday of April, at such places as the electors of said townships, respectively, shall from time to time appoint, under the existing laws of this state.

Times and places of holding the first town meetings in the county of Hudson.

Sec. 10. *And be it enacted*, That the court of common pleas, court of general quarter sessions of the peace, and orphans' court, in and for the county of Hudson, shall hold

Times and  
place of hold-  
ing the courts  
of the county  
of Hudson.

four terms each, to wit: one on the fourth Tuesday of April, one on the fourth Tuesday of July, one on the first Tuesday of October, and one on the fourth Tuesday of December, in each and every year; and that the circuit court and court of oyer and terminer and general jail delivery, shall be held in and for said county, at the times of holding the said court of common pleas; and that until the seat of justice for the said county shall be determined, and a court-house built or procured for the said county, or another place in the said county shall be provided therefor by the board of chosen freeholders, the said courts shall be held at the Lyceum building, in Jersey City; and all writs and process which may be issued out of the said courts after this act goes into operation, and before the fourth Tuesday of April next, shall be tested on the day on which the same are issued, respectively, and in the name of one of the judges of the said courts, and shall be made returnable at the place where the said courts shall be held; and it shall be the duty of the present sheriff of the county of Bergen, to give notice of the time and place of holding said courts, by publishing this section in a newspaper published in the said county of Hudson, for six weeks, successively, after the passing of this act; *provided always*, that the jurors to be summoned and returned to the first term of the courts of said county of Hudson, shall and may be selected and drawn according to law, at least ten days before the commencement of said courts.

Sheriff of the  
county of Ber-  
gen to publish  
notice thereof.

Judgments in  
certain cases in  
the county of  
Bergen to be in  
force in the  
county of Hud-  
son.

Sec. 11. *And be it enacted*, That all judgments already obtained, or that may hereafter be obtained, in the courts of the county of Bergen, upon any action, suit or proceeding actually commenced or depending before the said fourth Tuesday of April next, shall be of the same force and effect within the former limits of the said county, as if this act had not been passed, and writs of execution or other legal process may be issued thereon, directed to the sheriff or other lawful officers of the county of Bergen, who are hereby authorized and directed to execute the same within the limits of the said county of Hudson, in the same manner they should by law have done in case this act had not been passed; and that upon such judgment or judgments, a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid; and thereupon such further proceedings shall be had as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Sec. 12. *And be it enacted*, That the militia of the said

county of Hudson, shall form a separate brigade, to be called the Hudson brigade, and shall be attached to the first division of the militia of this state; and the militia of the county of Bergen, shall form a separate brigade, to be called the Bergen brigade, and shall be attached to the first division of the militia of this state; and said brigades shall be subject to the same laws as the other brigades of this state.

Militia of Bergen and Hudson constituted separate brigades.

Sec. 13. *And be it enacted*, That an election to determine in which township or city in the said county of Hudson, the seat of justice shall be, and in which the courthouse and other public buildings shall be located, shall be held at the places herein before appointed for holding the next annual town meetings in the townships of Bergen and Harrison, and the place of holding the next annual election for city officers, in Jersey City, on the first Tuesday in June next; that the clerks of the said townships and city, respectively, shall give notice of the time and place of holding said election, in the said townships and city, by advertisements set up in three of the most public places in the same, respectively, at least four weeks before the said time, and by causing the said notice to be published in at least one of the newspapers published in the said county of Hudson.

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

Sec. 14. *And be it enacted*, That on the day herein before appointed for that purpose, at the hour of ten o'clock in the forenoon, the officers of the said townships and city, who are by law required to hold elections for members of the legislature, sheriff, and coroners, are hereby required to open an election to determine in which township or city the seat of justice of the said county shall be located as aforesaid; which election shall be conducted, in all respects, according to the same rules and regulations, and under the same restrictions and penalties, and the officers thereof shall have the same power and authority, as are prescribed by the laws of this state, regulating the election of members of the legislature, sheriff, and coroners, except so far as the same are herein modified, and shall be closed at the hour of seven o'clock in the afternoon of the same day.

Mode of conducting election.

Sec. 15. *And be it enacted*, That the officers holding or conducting the said election, shall severally, before they receive any vote, take an oath or affirmation faithfully, fairly, and impartially, to execute the duties required of them by this act, which oath they are hereby authorized to administer to each other.

Officers of election to be sworn.

Sec. 16. *And be it enacted*, That every free white male

Qualifications  
of voters.

citizen of the United States, of the age of twenty-one years or upwards, and who shall have resided within the limits of the said county of Hudson, hereby created, six months next preceding the day of such election, shall be entitled to vote thereat.

Proceedings of  
officers of elec-  
tion at the close  
of the polls.

Sec. 17. *And be it enacted*, That the judges and inspectors of said election in the said townships and city, at the close of the polls, shall carefully count the votes received at said election, and make a certificate, under their hands and seals, containing the whole number of votes taken in the said townships and city, and the number taken for the townships and city, respectively, voted for as the seat of justice for said county, and shall, on or before the hour of three o'clock in the afternoon of the Saturday next after the day of election, transmit and deliver to the clerk of the inferior court of common pleas of said county of Hudson, their respective certificates, together with the list of voters, whose votes were taken at the said election, which certificate and list shall be filed by said clerk in his office; and the said clerk shall faithfully count the said votes in a public manner; and the township or city designated by a plurality of the said votes, shall be the township or city in which the seat of justice for said county shall be located; and it shall be the duty of the clerk of said county, to transmit a certificate, under his hand and seal, of the township or city so chosen as the seat of justice, to the board of chosen freeholders of said county, at their next meeting, which certificate shall be entered in words at length on the minutes of said board, who shall thereupon select and determine the particular site or sites in said township or city where the court-house, jail, and other public buildings shall be located.

Fees of officers.

Sec. 18. *And be it enacted*, That the clerk of the said county, and the judges, inspectors, and other officers of the said election, shall be entitled to the same fees as they are entitled to for like services, by the laws of this state, regulating elections; and the clerk of said county, for any extra service required by this act, shall be allowed such further sum as the board of chosen freeholders of said county shall deem just, to be paid by the collector of said county.

Sec. 19. *And be it enacted*, That the board of chosen freeholders of the said county shall, upon a call of their director, or upon their own adjournment, from time to time, as often as occasion may require, meet together at such place as they may appoint for that purpose; and said board, or a majority thereof, are hereby authorized, in the

corporate name of said board, to contract for and take a deed or deeds for land on which to erect the court-house, jail, clerk's and surrogate's offices, and other public buildings, and to erect said buildings, or to purchase or otherwise procure and provide the same; and also to order money to be raised by tax, to be assessed on the inhabitants of said county, or by loan, for the purpose of defraying the cost of purchasing said land, and of building, purchasing, or otherwise procuring and providing said public buildings.

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

Sec. 20. *And be it enacted*, That to raise money by tax for the purposes mentioned in the last section, the assessors and collectors of the several townships in said county, shall, in their respective townships from time to time as occasion may require, assess and collect such sums of money as the board of chosen freeholders of said county shall direct, in the manner in which other county taxes are assessed and collected.

County tax to be raised for the purpose.

Sec. 21. *And be it enacted*, That it shall be lawful for any three or more judges of the inferior court of common pleas in and for the said county of Hudson, at the request of the director of the board of chosen freeholders, when, in their opinion, the jail erected or procured in and for said county is finished or prepared, so as to be safe for the confinement of prisoners, so to certify in writing, under their hands, to the clerk of the court of common pleas of said county; and the said clerk shall then enter said certificate on the minutes of said court, and deliver a copy thereof, to the sheriff of said county, or the person acting as such sheriff; and thereupon it shall be the duty of the said sheriff, or person acting as such sheriff, to remove all prisoners of said county that may then be confined in the said jail herein before provided for the safe keeping of said prisoners to the jail of the said county of Hudson, there to be confined according to law; and such removal shall not be deemed an escape, or in any wise chargeable to the sheriff of said county of Bergen.

Proceedings on completion of public jail of Hudson county.

Sec. 22. *And be it enacted*, That so much of the eighth section of the act entitled, "An act to incorporate the Associates of the Jersey Company," passed the tenth of November, 1804, as requires or authorizes the clerk of the county of Bergen to appoint a deputy, who shall reside and keep an office within the district of country formerly distinguished by the name of the Island of Harsimus, and which includes Powles Hook, for the recording of all deeds, mortgages, and other writings which might thereafter be made and executed relating to real estate situate within the said district, or any part thereof, be and the same is

Deputy clerk of Bergen, at Harsimus to deliver his books and papers to clerk of Hudson.

hereby repealed; and that it shall be the duty of the said deputy clerk to deliver up, and without fee or reward, all records, books, maps, papers, or other instruments appertaining to said office to the clerk of the county of Hudson, on the second Monday of April next after the passing of this act; and that the same shall be taken and considered for all purposes whatsoever, as the proper records of the said county of Hudson appertaining to the office of clerk in said county.

Interest of that part of Bergen of which Hudson is formed in the surplus revenue not to be impaired.

Sec. 23. *And be it enacted*, That the right and interest of that part of the county of Bergen included within the bounds of the county hereby created, in, and to such portions of the surplus revenue of the general government as have been paid to the said county of Bergen, under the act entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is or may hereafter be apportioned to and received by this state," passed the tenth day of March, 1837; and all interest money which has accrued or may accrue thereon, shall not be deemed to be in any wise lessened or impaired by this act, but shall be as good and effectual in law as if said territory had never been separated from the county of Bergen.

Board of chosen freeholders of Bergen to pay to treasurer the proportion of surplus revenue to which Hudson is entitled.

Sec. 24. *And be it enacted*, That the board of chosen freeholders of the county of Bergen, as the same stood before the passing of this act, shall, on or before the first Monday of April next, after the passing of this act, ascertain and state in writing, the share of such portion of said surplus revenue as has heretofore been paid to the said county of Bergen, upon which that portion of the said county hereby erected into the county of Hudson would have been entitled to receive the interest, in proportion to the amount of taxable property and rateables therein, according to the assessment made next before the payment of the said surplus to the said county, and shall within ninety days thereafter, deliver such statement to the treasurer of this state, and shall within the term aforesaid pay to the said treasurer the interest which shall have accrued on the said share; and shall also, within the term aforesaid, pay to said treasurer the principal of said share, or deliver to said treasurer the bonds and mortgages or other securities by the said county of Bergen taken and received to secure the re-payment of such share, or other good and sufficient securities for the same amount, deducting therefrom the amount paid in pursuance of the nineteenth section of the act to incorporate Jersey City, passed February 22, 1838; and a just proportion of all costs

and expenses incurred in the receiving, loaning, and management of said surplus, having first duly assigned the same to the board of chosen freeholders of the said county of Hudson.

Sec. 25. *And be it enacted*, That as soon thereafter as the board of chosen freeholders of the said county of Hudson shall pledge the faith of the said county for the re-payment of the amount of the said share, and shall make, execute, and deliver to the treasurer of this state a certificate of deposit for the amount of such share, according to the provisions of the first section of the act entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is or may hereafter be apportioned to and received by this state," passed the tenth day of March, 1837, and in the form heretofore prescribed and used, which the said board of chosen freeholders are hereby authorized and empowered to do, it shall be the duty of the said treasurer to pay and deliver to the said board of chosen freeholders of the said county of Hudson, or to such person or persons as they shall appoint to receive the same, all the moneys, bonds, mortgages, and other securities so as aforesaid paid and delivered to him, and also to endorse upon the certificates of deposit, heretofore given and executed by the board of chosen freeholders of the county of Bergen, an acknowledgment of the receipt of so much of the principal of the said surplus as shall have been paid or delivered to him, in the manner aforesaid, by the board of chosen freeholders of said county of Bergen; which acknowledgment shall forever thereafter release and discharge the said board of chosen freeholders and the said county of Bergen from all liability for or on account of the sum or amount, the receipt whereof shall be so acknowledged.

Treasurer to pay the same to board of chosen freeholders of the county of Hudson.

Sec. 26. *And be it enacted*, That the board of chosen freeholders of the said county of Hudson shall, by virtue of said assignment, possess and be vested with the same right, title, interest, and right of action in and upon the bonds and mortgages and other securities so assigned to them as the board of chosen freeholders of the county of Bergen possessed or was vested with before the assignment thereof, and shall have and hold the same for the like uses and purposes, and subject to the same liabilities and conditions, in all respects, as are prescribed in the act entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is or may hereafter be apportioned to and received by this state."

Hudson board of freeholders to have the same rights respecting bonds assigned them as other counties.

Mode of apportionment of the surplus revenue by the board of freeholders of Hudson to the townships.

Sec. 27. *And be it enacted,* That the board of chosen freeholders of the said county of Hudson, in the management of the principal of the said surplus, and in the apportionment and payment of the interest that has accrued or may accrue thereon, shall be governed and regulated by the statement mentioned in the twenty-fifth section of this act, which shall be filed by the treasurer of this state; and that if any further instalment or portion of the said surplus revenue shall at any time hereafter be received by this state, a rateable and just share or part thereof, in proportion to the sum or amount mentioned in the said statement, shall be deducted from the share or portion of the said county of Bergen, and shall be paid by the proper officers of this state, to the board of chosen freeholders of the said county of Hudson, in the same manner, in all respects, as the like payments shall be made, to the board of chosen freeholders of the other counties of this state.

Number of representatives of Bergen county in the legislature.

Sec. 28. *And be it enacted,* That hereafter the county of Bergen shall elect, in the same manner as other counties in this state, two members to represent said county in the general assembly, and one member to represent said county in the legislative council of this state, and no more, unless otherwise authorized by law.

Apportionment of school fund to Hudson.

Sec. 29. *And be it enacted,* That it shall be the duty of the trustees of the school fund of this state, on or before the first Monday of April next, to apportion to the said county of Hudson its just share and proportion of the annual appropriation of the income of the school fund according to law.

Executors, administrators, guardians and trustees residing in Hudson county may account therein notwithstanding letters were issued by surrogate of Bergen, on filing copies of proceedings had in Bergen with surrogate of Hudson.

Sec. 30. *And be it enacted,* That in all cases in which letters testamentary, or of administration, or guardianship, or other power or authority, hath or have been or shall be issued or granted to any executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, by the surrogate or orphans' court of the county of Bergen, and in which such letters testamentary, or of administration, or guardianship, or other power or authority, should or might by law have been issued or granted by the surrogate or orphans' court of the said county of Hudson, if then existing, it shall and may be lawful for the said executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them, to procure from the surrogate of the county of Bergen, true copies, duly certified under his hand and seal, of all orders, decrees, inventories, accounts, or other proceedings or papers recorded or filed in the office of such surrogate, and relating to or made by such execu-



tor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and to file the same with the surrogate of the said county of Hudson; and thereupon the surrogate and orphans' court of the said county of Hudson shall have the same jurisdiction, power, and authority over or concerning such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them, and be authorized and empowered to state, audit, settle, and allow his, her, or their account or accounts, and to enforce and compel the due and faithful fulfilment and performance of his, her, or their duties and trusts in the same manner, in all respects, as the surrogate or orphans' court of the county of Bergen might or could have had or done if this act had not been passed; and the making and rendering, and the neglect or failure to make and render any inventory, statement, or account to the surrogate of the said county of Hudson, or to observe and perform any order or decree of the said orphans' court, shall have the same force and effect against such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and the survivors or survivor of them, and his, her, or their respective surety or sureties, and all other persons whomsoever, as the like making and rendering, or neglect or omission in reference to the surrogate or orphans' court of the county of Bergen would by law have had; *provided always*, that nothing in this act contained shall be so construed as to authorize or empower the orphans' court of the said county of Hudson to make any order or decree for the sale of any lands or real estate not situate within the said county. Proviso.

Sec. 31. *And be it enacted*, That when any executor, administrator, or guardian, who was or shall be appointed in the said county of Bergen before this act shall go into operation, shall die, cease to act, or for any other cause be disqualified, or whenever any letters of administration, guardianship, or letters testamentary shall be vacated, then, and in such cases, the surrogate or orphans' court of the county of Hudson, is hereby authorized to issue new letters of administration, or letters of guardianship, or letters of administration with the will annexed, according to law, as the case may require; *provided*, the testator or intestate, at the time of his or her death, resided within the territory which shall then compose the said county of Hudson, or the estate of the ward or wards lies within the same; and that the surrogate and orphans' court of the said county of Hudson may proceed thereupon as if the letters of New letters of administration, &c. may be issued by surrogate of Hudson in certain cases.

Proviso.

administration, letters of guardianship, or letters testamentary had been originally issued by the surrogate of the said county of Hudson.

Oaths of clerk and surrogate of Hudson to be taken before a justice of supreme court.

Sec. 32. *And be it enacted*, That it shall and may be lawful for the clerk of the inferior court of common pleas and general quarter-sessions of the peace of the county of Hudson, and the surrogate of the said county, to submit their respective official bonds to any one of the justices of the supreme court, and to take and subscribe the oaths or affirmations required of them respectively, by law, before said justice of the supreme court, which said justice is authorized to inspect the said bonds and administer the said oaths or affirmations; and when the said justice shall have approved the said bonds, respectively, and the sureties therein named, and administered the said oaths or affirmations, the said clerk and surrogate shall be fully authorized to enter upon and discharge the duties of their respective offices.

Oaths and bonds to be recorded in office of secretary of state.

Sec. 33. *And be it enacted*, That the said justice, by whom the said bonds may be approved and the said oaths or affirmations administered, shall transmit the said bonds, so executed and approved of, together with the said oaths or affirmations of office duly taken and subscribed, to the secretary of this state, to be recorded in the said secretary's office, and filed in the same.

Division of paupers of townships of Lodi and Harrison.

Sec. 34. *And be it enacted*, That all paupers now chargeable to that portion of the present township of Lodi which lies on the north side of the New Barbadoes Toll-Bridge Company's road, shall be supported by the "township of Lodi in the county of Bergen," and all paupers now chargeable to that portion of the present township of Lodi which lies on the south side of said turnpike, shall be supported by the "township of Harrison, in the county of Hudson."

Regulations respecting voting for one year.

Sec. 35. *And be it enacted*, That at all elections to be held in the said county of Hudson, within one year from the time when this act shall take effect, for the choice of electors of president and vice-president of the United States, representatives from this state in the congress of the United States, members of the legislature, sheriff, or coroners, every person who shall have resided in the said county, from the time when this act takes effect, and who would have been entitled to vote within the limits of said county, if this act had not been passed, shall be entitled to vote in that township of said county, in which he shall then reside, and that the oaths directed to be administered to persons claiming to vote at such election, and whose right

to vote shall be challenged, shall be varied in conformity to the provisions of this section.

Sec. 36. *And be it enacted*, That the said county of Hudson shall not be entitled to any of the lands, property, rights, credits, or effects of the county of Bergen, but that the said county of Hudson shall be liable for its just proportion of the debts, now due and owing by the said county of Bergen, after deducting the amount of monies or other securities now held by said county of Bergen, excepting the surplus revenue. Hudson not entitled to any lands or other property belonging to Bergen.

Sec. 37. *And be it enacted*, That this act shall take effect on and after the second Monday of April next, after the passing of this act, except where it is otherwise provided by this act; but, nevertheless, it shall and may be lawful for the joint meeting, at any time before that period, to appoint a clerk, surrogate, prosecutor of the pleas, and all other necessary and proper officers for said county of Hudson, who shall enter upon the duties of their office on the said second Monday of April next, after the passing of this act. Time of act taking effect.

Passed February 22, 1840.

# AN ACT for the relief of William Smick, of 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 the treasurer of this state be and he hereby is authorized and directed to pay unto William Smick, of the county of Salem, a soldier of the revolutionary war, or to his order, the sum of sixty dollars per annum, during his natural life, in quarterly payments of fifteen dollars each, the first payment to be made on the fourth of March next ensuing. Pension of \$60 per annum to W. Smick.

Passed February 24, 1840.

AN ACT to confirm the last will and testament of Daniel Ennis, late of Owasco, in the state of New York, deceased.

Preamble.

WHEREAS, it appears, among other things, from the petition of Joseph I. Westbrook and Sarah his wife, of the county of Sussex, that Daniel Ennis, late of Owasco, in the state of New York, deceased, departed this life, in the year of our Lord eighteen hundred and thirty-eight, having first made and executed his last will and testament in writing, in the presence of two subscribing witnesses only, (which is sufficient to pass real estate in New York, but not sufficient to pass real estate in New Jersey;) and it appearing, by the said will, among other things, that part of the real estate of the said testator is situate in the state of New York, and part in this state, and that he made provision in his said will for the other members of his family; and also, in and by his said will, devised to his daughter Sally Westbrook, wife of Joseph Westbrook, all that lot, piece, or parcel of land, which the said Joseph then had in his possession, and which the said testator owned in the town of Sandyston, in the county of Sussex, and state of New Jersey, unto her, her heirs, and assigns, forever, which lot contains one hundred and thirteen acres, but the said Joseph Westbrook, to pay to the executors of the said testator, any debts due from him to the said testator's estate; and also, in and by the said will, gave and devised to his daughter, Elizabeth Van Etten, all that lot and parcel of land, on which she then lived and occupied, and which the said testator owned, in the town of Montague, county of Sussex, and state of New Jersey, during her natural life, for her own use and benefit, and after her death the same to be sold by his executors, or the survivor of them, and the avails arising from the sale to be divided equally among the children of the said Elizabeth. And it appearing that the said will has been proved in the state of New York, and also to be just and reasonable that the intentions of the said testator should not be defeated, so far as they relate to his real estate in New Jersey—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 last will and testament of the said

Will of D. Ennis confirmed. Daniel Ennis, deceased, so far as the same relates to the devises of his real estate in New Jersey, be confirmed in

all things, and that the same be as valid and effectual in the law, as if the said last will and testament had been well executed to pass real estate in the presence of three subscribing witnesses, as required by the laws of this state.

Passed February 24, 1840.

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AN ACT directing the payment of a certificate given to William Dobbins, for militia services in the Revolutionary war.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state be and he is hereby authorized and directed to pay to the lawful representatives of William Dobbins, the sum of twenty-eight dollars and twenty cents, the amount of principal and interest due upon an original certificate given to the said William Dobbins, late of the county of Burlington, deceased, by James Fenimore, commissioner, for the sum of two pounds ten shillings, payable as by the terms thereof, in specie with interest at the rate of six per centum per annum until paid, and bearing date the first day of May, one thousand seven hundred and eighty four, for militia services rendered by the said William Dobbins.

Payment of  
certificate to  
Wm. Dobbins  
directed.

Passed February 25, 1840.

A SUPPLEMENT to an act entitled, "An act relative to incorporations and other purposes," passed February fourteenth, eighteen hundred and thirty-three.

Applications for new counties or for alterations in lines of counties or townships to be advertised.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That after the fourth day of July next, if any person or persons shall be disposed to make application to the legislature of this state, for the alteration of any boundary line between two or more townships or counties, or for the creation of any new township or county, it shall be the duty of the person or persons intending to make such application, to signify his or their intention by advertisement, inserted in one or more newspapers published in the county or counties in which the line or lines so proposed to be altered, or such proposed new township or county or any part thereof shall lie, six weeks preceding such application, and that due proof shall be made of such notice having been so published, before leave shall be given to bring in any bill to comply with such application.

Passed February 26, 1840.

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AN ACT to divorce Jonathan W. Miller from his wife Martha Miller.

J. W. Miller and Martha Miller, divorced.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract hitherto existing between Jonathan W. Miller, of the county of Somerset, and his wife Martha Miller, be and the same is hereby fully and absolutely dissolved; *provided*, nevertheless that the issue of the said marriage shall not be deemed illegitimate in consequence of this act.

Passed February 26, 1840.

A SUPPLEMENT to the act entitled, "An act to enable the President and Directors of the Bank of New Brunswick to settle the affairs of said Bank."

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 to which this is a supplement,

shall be and continue, and the same is hereby declared to be and continue in full force and effect, notwithstanding the expiration of the charter of the said Bank of New Brunswick therein mentioned, and that all the estate, right, title, and interest of the receivers, for the creditors and stockholders of the said bank, in and to all the goods and chattels, rights, credits, books, papers, bills, notes, and other property of every description, real, personal, and mixed, in the possession or under the control of the said receivers, and held by them in trust for the creditors and stockholders of the said bank, at the time when the said receivers were exonerated and discharged, as provided for in the third section of the act to which this is a supplement, and which have not been since disposed of according to law, be and the same are hereby vested in the president and directors of the said bank last elected, who are hereby invested with all the powers, and made subject to all the liabilities and duties, mentioned and contained in the fifth and sixth sections of "An act for the relief of creditors against corporations," passed the thirty-first day of January, in the year of our Lord eighteen hundred and seventeen.

Time of settlement of affairs of Bank of N. Brunswick, extended.

Passed February 26, 1840.

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

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 courts now directed by law to be holden in and for the county of Hunterdon, on

Times of holding courts in Hunterdon county changed.

the first Tuesday in February and the last Tuesday in July, in each and every year, shall hereafter be held in and for the said county, on the last Tuesday in January and the first Tuesday in August, in each and every year.

Passed February 26, 1840.

~~THE HUNTERDON COUNTY RECORD~~

A FURTHER SUPPLEMENT to the act entitled, "An act concerning roads."

Duties of freeholders and surveyors respecting roads may be performed after expiration of office in certain cases.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any chosen freeholder, or any surveyor of the highways who has been or shall hereafter be appointed by the supreme court or any court of common pleas in this state, in pursuance of the act to which this is a supplement, to discharge and perform all the duties of such appointment on or before the last day of the next regular term of the court by which he was so appointed, notwithstanding the term of office of such chosen freeholder or surveyor of the highways shall have previously expired.

When townships are divided by a public road commissioners to fix the parts to be kept in repair by each.

Sec. 2. *And be it enacted,* That where any two townships in this state are, or hereafter shall be divided by a public road or highway, it shall and may be lawful for the township committee of either of said townships, having given thirty days' previous notice in writing to the clerk of the other of said townships, to make application to the inferior court of common pleas of the county in which such townships are situate, or if the said townships are situate in different counties, then to the supreme court of this state, for the appointment of commissioners to ascertain and determine what part or portion of the said public road or highway shall be opened, cleared out, made, worked, amended, repaired, and kept in order by each of the said townships; and thereupon it shall be the duty of the said court to appoint three judicious commissioners, not being inhabitants of or freeholders in either of the said townships, to divide, assign, and set off to each of the said townships



its just share and portion of the said public road or highway, for the purposes aforesaid.

Sec. 3. *And be it enacted*, That the said commissioners shall, before they enter upon the execution of their appointment, take and subscribe an oath or affirmation faithfully and impartially to perform the duties of their appointment, and shall give ten days' notice in writing to the clerk of each of the said townships, of the time and place when and where they will meet to discharge the duties of such appointment; and at the time and place so designated, or at such other time and place as the said commissioners shall then and there appoint, the said commissioners, or any two of them, shall proceed to view and examine the said road or highway, and to divide and assign to each of the said townships its just share and proportion thereof; and shall cause the line of such division and assignment to be marked, so far as the same can conveniently be done, and shall also make a map or survey and description thereof, and file the same, with their oath of office, with the clerk of the court of common pleas of the county in which the said townships are situate, or if they are situate in different counties, then with the clerk of the supreme court, to be by him recorded and filed.

Duties of commissioners.

Sec. 4. *And be it enacted*, That all the charges and expenses of making and executing such appointment shall be taxed by the court making such appointment, and shall be paid equally by the said townships; and that each of the said townships shall thereafter open, clear out, make, work, amend, repair, and keep in good order the share or portion of the said road or highway so divided and assigned to it, in the same manner and under the same penalties as are or may be prescribed by law in reference to public roads or highways situate wholly within the bounds of such township, but such assignment shall not further or otherwise affect the said townships.

Charges of commissioners to be taxed by court of common pleas.

Sec. 5. *And be it enacted*, That the term "township," made use of in this act, shall be construed to comprehend precinct, ward, city, borough, and town corporate, and that this act shall go into effect immediately after the passage thereof.

Act to take effect immediately.

Passed February 26, 1840.

AN ACT relative to the Methodist Episcopal Male Seminary of the New Jersey Conference, located in Pennington.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That a visiting committee, of an equal number with the board of trustees of said institution, to be annually appointed by the New Jersey Conference of the Methodist Episcopal Church, are hereby jointly vested with the same powers and privileges as are conferred upon the board of trustees of said seminary, except what properly belongs to its financial department; *provided*, that the said conference shall extend to the said seminary, faithfully, its support and patronage.

Passed February 27, 1840.

Visiting committee appointed and their duties prescribed.

AN ACT to dissolve the marriage contract between John Wilson and Eleanor C. Wilson, his wife.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between John Wilson, of the county of Bergen, and his wife, Eleanor C. Wilson, be and the same is hereby dissolved, as fully to all intents and purposes, as if they never had been joined in marriage: *provided always*, that nothing in this act shall be so construed as to make the issue of the said marriage illegitimate.

Passed February 27, 1840.

John Wilson and E. C. Wilson divorced.

AN ACT relative to holding township elections by ballot in the township of Woodbridge, in the county of Middlesex.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the election of all the township officers in the said township of Woodbridge, shall be by ballot.

Township officers to be chosen by ballot.

Sec. 2. *And be it enacted,* That the judge, inspectors, and clerk of the next preceding annual election in said township shall be the officers of such ballot election, and if absent, others shall be chosen in their stead, in the same manner as vacancies are supplied at the annual election.

Judge, inspectors and clerk of election.

Sec. 3. *And be it enacted,* That the poll shall open 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 all persons who by law are or may be qualified to vote at town meetings, shall be entitled to vote at such election; and after the poll shall be closed, the ballots shall be forthwith canvassed, and a return thereof made by the officers conducting such election to the clerk of the township for the current year, to be by him recorded.

Time of keeping poll open.

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, viva 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.

Moderator and clerk to be chosen viva voce.

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 devolved upon him as clerk of the ballot election.

Clerk of election to take an oath.

Sec. 6. *And be it enacted,* That nothing in this or any other act contained shall be construed to prevent the judge, inspectors and clerk, from receiving the votes for the choice of officers of the said township while the moderator and clerk, with such legal voters as may be present, shall be

Town meeting may transact other business.

transacting such other township business as may legally come before them.

Officers of election may be candidates.

Sec. 7. *And be it enacted*, That nothing in this act contained shall prevent any officers conducting elections under it from being candidates for township offices.

Act to take effect immediately.

Sec. 8. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that so much of the act entitled, "An act relative to holding township elections by ballot in the township of Woodbridge," passed March twelfth, 1839, as comes within the purview of this act, and is inconsistent with and repugnant thereto, be and the same is hereby repealed.

Parts of former act repealed.

Passed February 27, 1840.

~~THE TOWNSHIP OF WOODBRIDGE~~

# AN ACT for the relief of James Schillinger, of the county of Cape May.

Pension of \$60 per annum to James Schillinger.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be and he is hereby authorized and directed to pay unto James Schillinger, of the county of Cape May, a soldier of the revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each, the first payment to be made on the fourth day of March next.

Passed February 28, 1840.

AN ACT to authorize Mary Brandriff and Josiah Shaw, administrators of Daniel Brandriff, deceased, to fulfil a certain contract therein named.

WHEREAS, Daniel Brandriff, late of the county of Cumberland, deceased, in his lifetime made an agreement with Uriah Ackley, of the county of Salem, to sell and convey to the said Uriah Ackley, two certain tracts of land, situate in the township of Pittsgrove, in the county of Salem, one of said tracts adjoining lands of John A. Clark, and others, containing forty-eight acres, the other of said tracts adjoining lands of the said Uriah Ackley, and others, containing six acres and seventy-one hundredths of an acre; AND WHEREAS, the said Uriah Ackley was, under and by virtue of the said agreement, put in possession of the same in the lifetime of the said Daniel Brandriff, and paid to the said Daniel Brandriff nearly all the purchase money for said land; AND WHEREAS, the said Daniel Brandriff departed this life without having executed and delivered any deed for the same—now therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Mary Brandriff and Josiah Shaw, administrators of the said Daniel Brandriff, deceased, be and they are hereby authorized to execute and deliver to the said Uriah Ackley a deed of conveyance for the two tracts of land above mentioned, and to receive from the said Uriah Ackley, at the time of the delivery of said deed, the balance of the consideration money for the said property, to be accounted for by the said administrators on the final settlement of the estate of said Daniel Brandriff, deceased, as a part of the personal estate of said deceased; and that the said conveyance shall have the same force and effect as a deed executed and delivered by the said Daniel Brandriff, in his lifetime, to the said Uriah Ackley would have had.

Administrators  
authorized to  
convey certain  
lands to Uriah  
Ackley.

Passed February 28, 1840.

AN ACT to erect a part of the township of Nottingham, in the county of Mercer, into a borough, to be called "the Borough of South Trenton."

Boundaries of  
borough of  
South Trenton.

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 that part of the township of Nottingham which is included within the following bounds, to wit: beginning at the confluence of the Assanpink creek with the river Delaware, in the middle of the said creek; thence up the middle of said creek, the several courses thereof; to the middle of the Delaware and Raritan canal; thence down the middle of said canal till it intersects the road running westwardly along the south side of the state arsenal; thence down the middle of said road to the end thereof, and continuing the same direction in a straight line to the river Delaware, and thence up the river Delaware, the several courses thereof, to the place of beginning shall be and the same is hereby incorporated into a borough, to be called "the Borough of South Trenton."

First officers of  
the borough.

Sec. 2. *And be it enacted,* That James M. Redmond be and he is hereby appointed chief burgess, and James H. Sims and Bailey A. West, assistant burgesses, Marshall C. Holmes high constable, and Jacob B. James borough clerk, to continue chief burgess, assistant burgesses, high constable, and borough clerk until the first Tuesday in May, in the year one thousand eight hundred and forty-one, and from thence until others shall be duly elected and appointed in their places, as herein after provided.

Corporate  
name of the bo-  
rough.

Sec. 3. *And be it enacted,* That the said burgesses and the inhabitants of the said borough, and their successors hereafter, shall be and are hereby constituted a body corporate and politic, by the name of "the Burgesses and Inhabitants of the Borough of South Trenton;" and by that name shall have perpetual succession, and shall at all times hereafter be able and capable in law, to have, get, receive, possess, and hold lands, tenements, rents, and hereditaments, to them and their successors, in fee-simple, or for term of life, lives, years, or otherwise, and also goods and chattles, and also to give, grant, let, sell, and assign the same lands, tenements, hereditaments, goods, and chattles, and to do and execute all other things about the same by the name aforesaid; and by that name they shall be able and capable in law to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all or any of the courts of this state or other

Powers.

places, and before any judge, justices, or other persons whatsoever within this state, in all manner of actions, suits, complaints, pleas, causes, and matters whatsoever; and that it shall and may be lawful to and for the said burgesses and inhabitants of the borough of South Trenton aforesaid, and their successors, to have and use a common seal, of which the chief burgess shall be the keeper, and the same from time to time, at their will to change and alter.

Sec. 4. *And be it enacted*, That the inhabitants of the said borough who are entitled to vote at town meeting, shall meet on the first Tuesday in May next, at the hour of ten o'clock in the forenoon, at the house now occupied by Charles M. Warner, in said borough, to choose an assessor and collector, and determine whether any and what sum shall be raised by tax for the purposes provided for by this act, and to transact such other business as by this act may be authorized.

Assessor and collector to be chosen.

Sec. 5. *And be it enacted*, That on the first Tuesday in May, one thousand eight hundred and forty-one, and annually thereafter on the first Tuesday in May, at such place as shall have been designated by a majority of the electors present at the preceding election, at the hour of ten o'clock in the forenoon, the persons qualified to vote as herein after provided, shall choose, by ballot, one chief burgess, two assistant burgesses, one assessor, one collector, one high constable, and one borough clerk, to serve for the term of one year; and at any such election every white male citizen of this state above the age of twenty-one years, who shall have resided within the said borough six months next preceding any such election, and have paid a tax for the support of said corporation, shall be entitled to vote.

Annual election of officers.

Sec. 6. *And be it enacted*, That the borough clerk shall give at least ten days' notice of every election, whether stated or special, by advertisements set up in at least five of the most public places within the borough, mentioning the time and place thereof; and if the last borough meeting shall have neglected to name a place, the clerk shall himself name some fit and convenient place, at which the same shall be held.

Election to be advertised.

Sec. 7. *And be it enacted*, That every election shall be held in the following manner: the chief burgess, or one of the assistant burgesses, shall at the hour mentioned for the opening of the meeting, open the same, and announce the offices to be filled; he shall preside until the meeting shall have chosen viva voce or by count, three judges and one clerk of the election then to be held, who shall not be

Mode of conducting elections.

candidates at such election for any office; the presiding burgess shall then administer to the said judges and clerk of election an oath or affirmation for the faithful execution of their respective offices according to law; and the said judges shall then proceed to open the poll and receive votes, and the clerk to record the names of the voters; after the closing of the polls, which shall not be earlier than three o'clock in the afternoon, the votes shall be counted, and the judges of the election shall certify the names of the persons elected, and their respective offices, under their hands and seals, to the burgesses then in office, who shall cause the same to be duly and fairly entered and recorded in the books of record of said corporation; but in case it shall so happen that the said inhabitants shall neglect or refuse to choose officers in the manner aforesaid, then the burgesses and other officers of the preceding year shall continue to hold and exercise their several offices, powers, and authorities for the ensuing year, and until an election shall be duly taken, at the times and in the manner aforesaid.

Vacancies in  
borough offices  
how filled.

Sec. 8. *And be it enacted*, That whenever a vacancy shall occur in any of the borough offices, by death, removal, or otherwise, which the burgesses shall deem it necessary to have filled before the next annual election, they shall cause an entry of the fact to be made on the records of the borough, and shall direct the clerk to advertise for a meeting of the inhabitants to hold an election to fill such vacancy; and the same notice shall be given of such election, and the same shall be conducted, and the result thereof certified, in all respects, after the manner prescribed for the regular borough elections.

Powers of bur-  
gesses.

Sec. 9. *And be it enacted*, That the said burgesses for the time being shall be and are hereby empowered and authorized to remove all nuisances and encroachments in the streets, lanes, alleys, and highways within the said borough, as they shall see occasion.

Burgesses con-  
servators of  
the peace.

Sec. 10. *And be it enacted*, That the said burgesses shall be within the corporate bounds of the said borough, conservators of the peace, by virtue of their said office; and, for the better preserving the peace of the said state within the said borough, shall have and exercise the same powers and authorities as justices of the peace have and exercise within the bounds aforesaid under the act entitled, "An act for suppressing vice and immorality," passed the sixteenth day of March, one thousand seven hundred and ninety-eight, and the several supplements thereto.

Sec. 11. *And be it enacted*, That the high constable of said borough shall have the same power and authority, and



be authorized to perform the same duties, in all respects, in civil as well as criminal cases, and be entitled to receive the same fees and compensation for his services as if he had been lawfully elected to the office of constable at an annual town meeting of the inhabitants of the township of Nottingham, in the county of Mercer, and had taken the oath or affirmation, and given the security required by law; *provided always*, that before any such high constable shall proceed to exercise the powers conferred upon him by this act, he shall take and subscribe such oath or affirmation for the due execution of his office, and enter into such bond with sureties, to be given to the burgesses and inhabitants of the borough of South Trenton, and to be approved by the burgesses of the said borough, as he would be by law required to take and enter into if he had been so elected to the office of constable at an annual town meeting of the inhabitants of the said township of Nottingham, before he proceeded to the execution of the duties of his office; and that the said bond shall be recorded and filed by the clerk of the said borough in his office.

Duties of high constable.

Sec. 12. *And be it enacted*, That before any of the said burgesses or other officers shall take upon themselves their respective duties, they shall take and subscribe an oath or affirmation for the due execution of their respective offices, before one of the justices of the peace of the county of Mercer, who are hereby authorized and required to administer the same; and the collector shall also give bond to the said borough, in such sum and with such sureties as the burgesses shall approve, for the faithful execution of his office.

Oath of borough officers.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the burgesses and inhabitants of the said borough, qualified to vote at the annual election in said borough, to assemble in borough meeting as often as occasion may require, at which meetings they may make such ordinances and rules, not repugnant to or inconsistent with the constitution or laws of the United States or of this state, as to the greater part of the inhabitants so assembled as aforesaid, shall seem necessary and convenient for the government of the said borough, and for the grading and levelling the roads, highways, streets and alleys of the borough, and the regulating and improving the pavements and side-walks thereof, and the same to repeal, alter, or make anew, as occasion may require; which rules and ordinances so made shall be entered and recorded in the books of the proceedings of the said corporation, to be kept by the clerk; and the said burgesses and high constable shall execute and enforce the same, in such manner as in

Powers of burgesses and inhabitants at borough meetings.

and by such rules and ordinances shall be provided and directed; and at such meetings any fines imposed for any violation or non-observance of the said rules and ordinances may be mitigated or wholly released; which meetings shall be assembled by the burgesses aforesaid, at their discretion, who shall require the clerk to give at least five days' public notice of any such intended meeting, by advertisements set up in at least five of the most public places within the said borough, mentioning the time and place, and as far as possible, the object of the meeting.

Money not to be raised in the borough for road tax of Nottingham township.

Sec. 14. *And be it enacted*, That no part of the money hereafter to be raised by the township of Nottingham, for the maintaining and repairing of the public roads thereof, shall be raised or levied within the limits of the said borough; but the said borough shall be at the expense of keeping up and maintaining its own roads and highways, and shall be under the same liabilities for neglect thereof, as the several townships of this state are under for like neglect, and the township of Nottingham shall be exempt from all liability on account of the roads or highways within the said borough.

Borough jail to be built.

Sec. 15. *And be it enacted*, That until the said burgesses and inhabitants of said borough shall provide a suitable jail within the same, it shall be lawful for any of the said burgesses to commit every offender against the laws of this state, whom by law they were authorized to commit, to the county jail of the county of Mercer; and the high constable of the said borough is hereby authorized to convey and deliver, and the keeper of said jail is hereby required to receive and safely keep in custody, all offenders who may be committed to the said jail by either of the burgesses of the said borough, until such offenders be severally discharged by due course of law.

Annual borough meeting to be held and accounts to be published.

Sec. 16. *And be it enacted*, That the annual meeting of the inhabitants of said borough shall be held at the time and place of holding the annual election in each year; and it shall be the duty of the burgesses to prepare a full and clear account of all the moneys received by them, for and on account of said borough, for fines, taxes, or any other account, and also the manner in which said moneys have been paid and disbursed, particularly stating each item and showing the balance, if any, remaining in their hands, and shall cause a copy thereof to be put up at three of the most public places in said borough within two weeks, and not less than five days, before the said annual meeting; and at the said annual meetings the inhabitants of the said borough shall determine, by ballot, what sums of money

shall be raised for the working, making, and keeping in repair the roads thereof, and for the other exigencies of the said borough; which sum so determined, the assessor shall assess upon the persons and property in said borough, in the same manner and at the same rates and proportions in which township taxes are rated and assessed; and the borough collector shall collect the same; and the said assessor and collector shall be subject to the same penalties for neglect, and be entitled to the same compensation for their services, as the assessors and collectors of townships are subject and entitled to: *provided*, that no such tax or assessment shall be made or levied upon any property belonging to this state within the limits of said borough.

No tax to be levied on state property.

Passed February 28, 1840.

**A SUPPLEMENT to the act entitled, "An act to incorporate the city of Trenton."**

**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 seventh, eighth, ninth, tenth, and eleventh sections of the act to which this is a supplement be and the same are hereby repealed; *provided*, that nothing herein contained shall render ineffectual any proceeding had or done under them, or either of them, or shall defeat, avoid, or discontinue any writ, precept, process, indictment, order, judgment, record, recognizance, or other proceeding of the court of general quarter sessions of the peace of the city of Trenton.

Parts of former act repealed.

Proviso.

**Sec. 2.** *And be it enacted*, That all indictments pending in the said court undetermined, together with all proceedings relating thereto, shall be certified by the clerk of the said court, and transmitted to the court of general quarter sessions of the peace of the county of Mercer, to be tried in the said last mentioned court, in like manner as if such indictments had originally been found therein.

Indictments pending in quarter sessions of Trenton transferred to quarter sessions of Mercer county.

**Sec. 3.** *And be it enacted*, That the mayor, recorder,

Mayor, recorder and aldermen of Trenton vested with powers as justices of the peace.

and aldermen of the city of Trenton, for the time being, shall severally and respectively have all the powers and authorities of justices of the peace of the state of New Jersey; and it shall be lawful for them, or either of them, to commit all offenders against the laws of this state, whom by law they, or either of them, are authorized to imprison, to the common jail of the county of Mercer, and the keeper of the said jail is hereby required to receive all persons so committed, and them to keep in safe custody until thence discharged by due course of law.

Exclusive power to grant tavern licenses.

Sec. 4. *And be it enacted*, That the mayor, recorder, and aldermen of said city, or the majority of them, shall have the sole and exclusive right and power to grant licenses to keep inns and taverns, and to sell spirituous liquors within the said city, subject to the same provisions, and in like manner, as the same may be lawfully done by the courts of common pleas of the several counties of this state; and for this purpose the said mayor, recorder, and aldermen shall meet at the city hall on the third Tuesday of April, in each and every year, and the amount assessed and paid upon granting such licenses shall be paid to the city treasurer, for the use of the said city.

Notice of time and place for granting licenses to be given.

Sec. 5. *And be it enacted*, That the clerk of the said city shall give ten days' notice of the time and place of the meeting of the mayor, recorder, and aldermen for the purpose aforesaid, in one or more of the newspapers published in said city, and shall attend such meetings, and perform the like services, and be entitled to the same fees, as the clerks of the several courts of common pleas of this state.

Act to take effect immediately.

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

Passed, February 28, 1840.

AN ACT to enable Samuel Fowler, administrator de bonis non of Elias Ogden, late of the county of Sussex, deceased, to fulfil certain contracts for the sale of real estate.

WHEREAS, by virtue of an order of the orphans' court of <sup>Preamble.</sup> the county of Sussex, for the sale of real estate for the payment of debts, Robert Ogden, administrator of Elias Ogden, late of the said county of Sussex, deceased, did at public sale, made pursuant to law, strike off and sell to Samuel Fowler, as the highest bidder therefor, and for the best price that could be then obtained for the same, two certain tracts of land, situate in Hardyston, in the said county of Sussex; AND WHEREAS, the said Robert Ogden, administrator as aforesaid, did afterwards, by and with the consent of the said Samuel Fowler, by an article of agreement, dated the ninth day of March, in the year of our Lord eighteen hundred and thirty-two, agree to sell and convey to one Samuel Knox one of the said tracts of land, containing about sixteen acres, being part of "the West Mountain tract," at and for the price and rate of seven dollars per acre, being an advance over the price for which the same was struck off to the said Samuel Fowler. AND WHEREAS, the said Robert Ogden departed this life on the fifteenth day of February, in the year of our Lord eighteen hundred and thirty-six, without executing any deed for the said tracts of land, or either of them, and leaving goods and chattels of the said Elias Ogden not administered; AND WHEREAS, afterwards, to wit, on the thirtieth day of November, in the year of our Lord eighteen hundred and thirty-six, administration of the goods, chattels, and estate of the said Elias Ogden, deceased, not administered, was granted to the said Samuel Fowler. AND WHEREAS, the said Samuel Fowler, on the second day of January, in the year of our Lord eighteen hundred and thirty-seven, did agree to sell and convey to one William M. Cory the other of the said tracts of land, containing about sixty-three acres and fifty-one-hundredths of an acre, at and after the price and rate of five dollars per acre, being an advance over the price for which the same was struck off to him at the said public sale, and a full price for the said tract of land, and for which he is willing to account as assets of the said estate; AND WHEREAS, it appears to be for the interest

and advantage of the said estate that the said contracts should be fulfilled, and that the parties interested therein desire the same—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 Samuel Fowler be and he is hereby authorized and empowered to make, execute, and deliver to the said Samuel Knox and William M. Cory, respectively, and to their respective heirs and assigns, or to such person or persons as may be severally directed and appointed by them, good and sufficient deeds of conveyance of the said tracts of land so sold by the said Robert Ogden in his lifetime, and contracted to be conveyed to the said Samuel Knox and William M. Cory, respectively, as aforesaid; which said deed of conveyance shall convey to and vest in the persons to whom the same shall be made, respectively, in manner as aforesaid, and their respective heirs and assigns, all the right, title, interest, and estate which the said Elias Ogden, had therein and thereto at the time of his death, and which the said Robert Ogden, as such administrator as aforesaid, by virtue of the said order of the said orphans' court, might and could have sold and conveyed; *provided always*, that the purchase money of the said land shall be deemed and taken as assets of the said estate, and be disposed of and accounted for by the said administrator according to law.

S. Fowler authorized to convey certain lands late of R. Ogden, dec., to S. Knox and W. M. Cory.

Proviso.

Passed February 28, 1840.

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A FURTHER SUPPLEMENT to the act entitled, "An act for the punishment of crimes."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That if any person or persons shall, during an alarm of fire, wilfully hinder, prevent, or deter, by any device whatsoever, any fireman or other person, from ren-

dering lawful assistance in abating or quelling such alarm of fire, if false, or from going to or returning from the place where any building or other property is on fire, or from which an alarm proceeds, or from aiding and assisting in extinguishing the burning of any building or other property on fire, or shall wilfully obstruct or hinder the passage of any fire engine, hook and ladder-truck, or hose-cart, in going to or from the place from which an alarm of fire proceeds, or where any building or other property may be burning, or shall at any time wilfully cut, deface, or injure any fire engine, hook and ladder-truck, hose-cart, hose, or any other apparatus or implement used for extinguishing fires, every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be punished by fine, not exceeding one thousand dollars, or by imprisonment at hard labour, not exceeding two years, or both.

Penalty for preventing assistance at fires or abating false alarm of fire.

Passed February 28, 1840.

### AN ACT for grading the streets of Hoboken, 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 the governor of this state, for the time being, be authorized and empowered to appoint three persons commissioners, with power to establish and fix the grades of the several streets in that portion of Hoboken, Bergen township, New Jersey, situate south of Fourth street, in said village, and east of the east line of a tract of salt meadow, conveyed by the late Col. John Stevens, of Hoboken aforesaid, to Samuel Swartwout, in 1814; which commissioners so appointed, shall proceed with all convenient despatch, after their appointment, to Hoboken, and cause such surveys and examinations to be made, as may be necessary to enable them to decide upon the grade best suited to the several streets, situate as above described: *provided,* that the grade line of Washington street, at

Governor to appoint commissioners to grade the streets of Hoboken.

Proviso.

its intersection with First street, shall not be placed at a greater depth below the present surface than six feet; and that the decision of the commissioners, when made and signed and sealed by at least two of their number, shall be filed in the county clerk's office, of the county of Hudson, and the grades thus established to be and forever remain as the grades of said streets.

Qualifications  
of commissioners.

Sec. 2. *And be it enacted*, That the commissioners so to be appointed as aforesaid, shall be disinterested reputable freeholders, residing in this state, and without the county of Hudson, and one at least of their number shall be a practical engineer; and they shall, previous to entering upon the duties assigned them by this act, severally take and subscribe an oath or affirmation before some justice of the peace of the county of Hudson, that they will act honestly and impartially, which oath or affirmation shall be filed in the office of the county clerk as aforesaid.

Pay of commissioners.

Sec. 3. *And be it enacted*, That said commissioners, while employed in the discharge of their duties as aforesaid, shall receive each three dollars per day, and six cents per mile for travel; which said expenses, as also all the expenses of the surveys and examinations, and fixing monuments, shall be defrayed by the property holders embraced within the tract in which the grades of the streets are to be established.

Payment of expenses of commission to be guaranteed.

Sec. 4. *And be it enacted*, That said commissioners shall not be required to enter upon the discharge of the duties of their commission, until they shall have received from the property holders above named, a satisfactory guarantee that all the necessary expenses of the commission, including surveys, examinations, and fixing monuments, will be defrayed.

Restrictions.

Sec. 5. *And be it enacted*, That in no part of Washington street, between First and Fourth streets, in Hoboken aforesaid, shall the grade line to be established by this act, be placed more than six feet below the present surface.

Regulations respecting grading the streets, assessment of damages to property &c.

Sec. 6. *And be it enacted*, That no grade or cutting or removal of earth, in any of the streets south of Fourth street, in Hoboken aforesaid, except only by unanimous consent of the land owners in such street, shall hereafter be made at any time without a previous equitable assessment of benefits and lossess from making such grade or grades, and award and payment of damages to the losers thereby, as is hereinafter provided; and that when three-fourths of the persons owning real estate upon any street, within said limits, shall file their consent, in writing, to grade such street pursuant to the provisions of this act,



with any justice of the supreme court of this state, it shall be lawful for the said justice to appoint in writing, three commissioners, who shall be disinterested reputable freeholders, residing without the county of Hudson and in this state, whose duty it shall be, as soon thereafter as they shall have received notice of such appointment, to view said street so intended to be graded, and to make just and true and equitable assessments, of the damages and benefits to happen from making such grade, and of the cost of removal and distribution of any surplus earth in grading the same, which assessments shall be confined to all the lots and other real estate only lying upon such street so to be graded as aforesaid; and in making such assessments, the said commissioners shall have due regard to the value of the property to be affected by such grade, and to the injury and benefit, or injury or benefit to the owners thereof, by making such grade; the commissioners, previous to entering upon the duties of their office, shall severally be sworn before some justice of the peace of Hudson county, to make the said assessments and estimates submitted to them, fairly and impartially, to the best of their skill and judgment; and when the said commissioners shall have made and completed their estimates and assessments, they shall sign and send the same to the said justice, and the same being approved by him, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, lying on such street so to be graded, subject only to an appeal to the supreme court of this state, if demanded within thirty days after the filing thereof, as hereinafter provided for, which appeal shall be tried by a jury ordered by said court, as in all other cases of assessment of damages and trial by jury; the said commissioners shall, for their services, receive the same fees, to be paid in the same manner as is directed in the third and fourth sections of this act.

Sec. 7. *And be it enacted*, That the said consent, appointment, oath, estimate, assessment and approval, shall, within twenty days after such approval, be filed in the office of the clerk of the county of Hudson, and that at any time after the expiration of thirty days from the filing thereof, a certified copy of such assessment and estimate, under the official seal of the said clerk, may be placed in the hands of a freeholder, to be selected by the freeholders, upon such street, at a public meeting to be held for that purpose, who is hereby authorized and required to demand and receive all payments upon such assessments to the use of the freeholders upon such street so to be graded, which

Estimate of  
damages to  
property to be  
filed in clerk's  
office.

Amount may  
be recovered.

Proviso.

Voting regula-  
ted

When act to  
take effect.

may be demanded by him, and paid to him, and in case of non-payment, the said freeholder shall in his own name, and to the use of the said freeholders as aforesaid, sue for and recover any and all assessments made under this act, by action of debt in any court of competent jurisdiction with costs, against any person or persons so assessed, and apply the same when collected and received, within thirty days thereafter, to the payment of all damages awarded pro rata by the said appraisements or assessment, and such certified copy as aforesaid, upon the trial of any such cause, shall be received as conclusive evidence of such indebtedness; *provided however*, that such freeholder shall retain in his hands all such moneys as shall have been assessed, levied and by him collected as aforesaid, for the purpose of defraying the expense of removal and distribution of any surplus earth in grading such street, and shall use the same or any part thereof, only upon the order or orders of a majority of the freeholders of such street which may from time to time be made in grading said street pursuant to this act; and the said freeholder shall, if required before he enter upon the discharge of his duties, give bond with sufficient surety or sureties, to be approved of by the said freeholders, to the said freeholders jointly, for the faithful performance of his said duties.

Sec. 8. *And be it enacted*, That no person owning less than twenty feet of land fronting upon any street within the limits aforesaid, shall be deemed competent to give a vote under the sixth section of this act.

Sec. 9. *And be it enacted*, That this act shall not go into effect unless the assent in writing of three-fourths of the present freeholders, within the limits herein before prescribed, whether resident or non-resident, shall be first obtained, and filed in the office of the clerk of the court of common pleas, of the county of Hudson, on or before the fourth Tuesday of October next; and that the legislature may at any time hereafter amend, alter, or repeal this act.

Passed February 28, 1840.

**A FURTHER SUPPLEMENT to the act entitled, "An act abolishing imprisonment for debt in certain cases."**

**Sec. 1.** *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That any person who now is or may hereafter be arrested or committed to the jail of any county in this state, by any sheriff, constable or other officer, upon a writ of attachment for not performing an award, shall be entitled to all the benefits and privileges, of the act to which this is a further supplement, and the several supplements thereto, in the same manner as if he had been arrested or committed upon process of execution.

Provisions of former acts extended to certain cases.

**Sec. 2.** *And be it enacted,* That the creditor at whose suit a debtor is imprisoned within the four walls of the prison, in cases where both parties are non-residents of this state, shall allow and pay weekly to, and for the support of such debtor, such sum as the courts of common pleas of the respective counties shall, from time to time fix as the general rates of weekly allowance in such cases, not exceeding two dollars per week, to be paid to the sheriff or keeper of jail of said county, on the second day of each week, for and during such imprisonment; and on failure of payment of which weekly sum such debtor shall, on application to the court, or any three judges thereof, be forthwith discharged by order in writing under their hands.

Allowance to be paid by creditor to imprisoned debtor when the parties are non-residents.

**Sec. 3.** *And be it enacted,* That the proviso of the act entitled, "A supplement to an act entitled, an act abolishing imprisonment for debt in certain cases," passed the fifteenth of March, 1837, which provides that no person or persons shall be entitled to the provisions of this act, or of the act to which it is a supplement, unless he or they shall have resided within this state at least three months before the time of arrest, be and the same is hereby repealed.

Part of former act repealed.

Passed, February 28, 1840.

**A FURTHER SUPPLEMENT to the act entitled, "An act concerning landlords and tenants."**

**Sec. 1.** *BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That in all cases where any tenant or tenants is, are, or may be entitled by law to six months' notice to quit the premises by him, her, or them holden, in order to determine his, her, or their tenancy three months' notice to quit, as aforesaid, shall be deemed and taken to be sufficient, any law, usage, or custom to the contrary thereof in any wise notwithstanding.

Three months' notice to quit premises sufficient in certain cases.

Passed February 28, 1840.

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**AN ACT to authorize Rebecca, wife of Alfred Aten, to sell real estate.**

**Preamble.**

**WHEREAS,** Rebecca Aten, wife of Alfred Aten, hath inherited in her own right in fee one undivided third part of a farm situate in the township of Oxford, county of Warren, containing about ninety-eight acres, and also one undivided fourth part of a wood lot, situate in said township, containing thirty-seven acres; **AND WHEREAS,** Alfred, the husband of the said Rebecca, hath deserted his said wife for the continued term of five years, and is supposed to be without the United States, without intention of returning to his said wife; **AND WHEREAS,** since the descent of the said estate, the sheriff of the said county hath levied upon all the right, title, and interest which the said Alfred had therein in any wise whatsoever, and hath sold the same to satisfy a judgment obtained against the said Alfred; **AND WHEREAS,** the said Rebecca is in destitute circumstances, and, owing to her coverture, cannot relieve herself by sale of her interest in said estate, or any part thereof: for remedy whereof she hath petitioned the legislature for authority to sell

and convey said estate, and such petition seeming reasonable and just—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 Rebecca Aten, wife of Alfred Aten, be and she is hereby authorized and empowered to sell, convey; and well assure in the law, all her right, title, and interest in and to the said real estate, as fully and completely as if she were at the time of such sale or sales a feme sole, and such conveyance and assurance shall be held good and valid in law, notwithstanding the coverture of the said Rebecca.

Rebecca Aten  
authorized to  
sell certain real  
estate.

Sec. 2. And be it enacted, That the proceeds of the sale of the said real estate, shall not be used, or taken for any purpose whatsoever by the said Alfred Aten, or by any of his creditors, or other person claiming under him; but the same shall be and remain the sole and exclusive property of the said Rebecca Aten, and shall and may be used and disposed of by her as fully and freely in every respect as if she were sole and unmarried.

Proceeds of  
sale protected  
from Alfred  
Aten and his  
creditors.

Passed February 28, 1840.

AN ACT in relation to certain streets laid out through the state lands at Paterson, lately sold by commissioners.

WHEREAS, the commissioners appointed by an act entitled, "An act relating to the lands belonging to the state, situate in the township of Paterson, in the county of Passaic," passed the second day of March, eighteen hundred and thirty-nine, in discharge of their trusts, caused several streets to be laid out through two portions of said lands, situate on the south side of Market street and on the north side of Broadway, in the said township of Paterson, and also plotted said portions into building lots on those several streets, as marked out and designated on two maps, marked A and B, which said maps are deposited in the clerk's office in the county of Passaic;

Preamble.

AND WHEREAS, it is just and right that the owners of those lots should also own to the middle of the streets upon which they are situate, subject to the easement—  
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 from and after the passage of this act the title in fee-simple to the streets, to the middle thereof, so laid out through the said state lands, as marked out and designated in the aforesaid maps, marked A and B, shall vest, in severalty, in the owners of the adjacent lots, their heirs and assigns, forever, in proportion to their length of line on said streets, as fully and completely as if the commissioners had laid out and sold the said lots to the middle of said streets, subject nevertheless to the said easement.

Owners of lots  
to own to mid-  
dle of streets.

Passed February 28, 1840.

AN ACT to raise by tax, the sum of twenty 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 twenty thousand dollars, money of the United States, which sum shall be paid into the treasury of this state on or before the twentieth day of January, one thousand and eight hundred and forty-one.

\$20,000 to be  
raised by tax.

Proportions to  
be raised in the  
several coun-  
ties.

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

Bergen.

The county of Bergen shall pay the sum of six hundred and sixty-seven dollars.

The county of Hudson shall pay the sum of four hundred and ten dollars. Hudson.

The county of Essex shall pay the sum of seventeen hundred and seventy-six dollars. Essex.

The county of Passaic shall pay the sum of five hundred and twelve dollars. Passaic.

The county of Morris shall pay the sum of fifteen hundred and sixty-eight dollars. Morris.

The county of Sussex shall pay the sum of ten hundred and twelve dollars and fifty cents. Sussex.

The county of Warren shall pay the sum of ten hundred and ninety-two dollars and fifty cents. Warren.

The county of Hunterdon shall pay the sum of fifteen hundred and fifty-one dollars. Hunterdon.

The county of Somerset shall pay the sum of twelve hundred and fifty-five dollars. Somerset.

The county of Middlesex shall pay the sum of thirteen hundred and sixty-six dollars. Middlesex.

The county of Monmouth shall pay the sum of eighteen hundred and sixty-two dollars. Monmouth.

The county of Burlington shall pay the sum of nineteen hundred and five dollars. Burlington.

The county of Gloucester shall pay the sum of fourteen hundred and fifty-six dollars. Gloucester.

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

The county of Salem shall pay the sum of ten hundred and seventy-eight dollars. Salem.

The county of Cape May shall pay the sum of three hundred and twenty-three dollars. Cape May.

The county of Atlantic shall pay the sum of two hundred and thirty-three dollars. Atlantic.

The county of Mercer shall pay the sum of eleven hundred and forty dollars. Mercer.

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 twenty thousand dollars, shall assess and rate the several articles and things herein after enumerated at the following sums: Enumeration of articles taxed at specific sums.

Every covering horse or jack, above three years old, any sum not exceeding five 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 four cents.

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

Enumeration  
of articles valu-  
ed and taxed at  
discretion of  
assessor.

Sec. 4. *And be it enacted,* That in assessing the afore-  
said sum of twenty thousand dollars, the following arti-  
cles, 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, con-  
nected therewith, and all lots of land of ten acres and un-  
der, not connected with houses, shall be valued by the re-  
spective 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 inclu-  
ded all married men,) the estimated value of whose ratable  
estate does not exceed thirty dollars, any sum not exceed-  
ing one dollar and fifty cents over and above their certain-  
ties and other estate made ratable by this act.

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

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

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

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

All cotton manufactories, any sum not exceeding fifteen  
dollars.

All sail-duck manufactories, any sum not exceeding five  
dollars.

All woollen manufactories, any sum not exceeding five  
dollars.

All carding machines propelled by water or steam, and  
not connected with any cotton or woollen manufactory, any  
sum not exceeding one dollar and fifty cents.

All cupola furnaces, any sum not exceeding eight dol-  
lars.

All blast furnaces, other than cupola furnaces, any sum  
not exceeding fifteen dollars.

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

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

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



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

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

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

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

Enumeration  
of articles valu-  
ed and taxed at  
discretion of  
assessor.

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

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

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

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

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

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

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

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

Every two-horse chair or curricie, with steel or iron springs, any sum not exceeding seventy-five cents.

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

Every dearborn wagon, with steel, iron, or wooden springs, any sum not exceeding forty cents.

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

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

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

Tax of single  
men.

Proviso.

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 all the real estate made liable by law; and that the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Manner of assessing, levying and collecting.

Sec. 6. *And be it enacted*, That the said sum of twenty 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.

Fees of officers.

Act to take effect immediately.

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

Passed February 28, 1840.

# AN ACT to provide for voting by ballot in the township of Belleville, in the county of Essex.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That the 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 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 meeting to be held in the township of Belleville, in the county of Essex, and not otherwise.

Township officers to be elected and appropriations of money made by plurality of votes by ballot.

Sec. 2. *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 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.

Annual reports of township committee to be published in hand-bills.

Sec. 3. *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 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; 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 election, shall not be disqualified from being elected to any township office.

Duties of the officers of election.

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

Act to take effect immediately.

Passed February 28, 1840.

## AN ACT to incorporate the New Jersey Patent Ship-Bread Company.

**Names of incorporators.**      **Style of incorporation.**      **Powers.**      **Proviso.**

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Bruce, Dudley S. Gregory, Francis Price, Jonathan D. Miller, Peter McMartin, Robert Gilchrist, John Griffith, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns shall be and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "the New Jersey Patent Ship-Bread Company," to be located at Jersey City, or in the township of Bergen; for the purpose of manufacturing pilot, navy, and ship bread, biscuits, and crackers, and all such machinery as may be found useful or necessary in the manufacture of the same; and by that name they and their successors may have succession and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at pleasure, and of doing all other acts needful to the proper management of the funds and property of the said corporation, and to the carrying on the business for which said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold, and enjoy, and again to sell or otherwise dispose of such personal and real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always,* that the funds of said corporation, or any part thereof, shall not be used or employed at any time in banking operations, or for any other purpose not plainly indicated in this act.

Sec. 2. *And be it enacted,* That the stock, property, and concerns of the said company shall be managed and conducted by seven directors, being stockholders, and citizens

of this state, one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Tuesday in June in every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than twenty days' previous thereto, in one or more newspapers printed in the county of Bergen or Hudson; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, and citizens of this state, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensations as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur by death, resignation, or otherwise, among the directors named in this act, or hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, until other directors are chosen from the stockholders; the first directors shall be John Bruce, Dudley S. Gregory, Peter McMartin, Jonathan D. Miller, Francis Price, Robert Gilchrist, and John Griffith, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in June next, or until others are legally chosen.

Time and mode of electing directors.

First directors.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, which shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as one thousand shares of the said capital stock shall have been subscribed, and twenty-five thousand dollars actually paid in, provided the same be subscribed and paid within two years from the passage of this act, to commence their said business, and with that capital to conduct and carry it on, until they shall deem it expedient to extend their operations and increase their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of the said company to call for and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in

Amount of capital stock.

Stock forfeited on failure to pay instalments.

such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments made thereon, if such payment shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in the county where such payment shall be required to be made.

Time and  
mode of receiv-  
ing subscrip-  
tions for stock.

Sec. 4. *And be it enacted*, That the subscription for the said stock shall be opened and kept open for any number of days not less than three, and not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated for that purpose, they giving twenty days' notice of the time and place by advertisement in one or more of the newspapers printed in the county of Bergen or Hudson; and if more shares are subscribed than herein provided for, the persons subscribing shall be entitled to an equal distribution of the same in proportion to their respective subscriptions.

Proviso.

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

Corporation  
not dissolved  
on failure to  
elect officers on  
day prescribed.

Sec. 6. *And be it enacted*, That in case it should at any time happen that an election 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 such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Duties of direc-  
tors.

Sec. 7. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

Proviso.

Sec. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times during business hours, be open to the inspection of the stockholders of the said company or their legal attorney

Books open to  
inspection of  
stockholders.

or attorneys; *and further*, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for the purpose.

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

How company  
may be dissolv-  
ed.

Sec. 10. *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 a greater sum than the amount of its capital actually paid in; and for any violation of this section, the charter granted by this act shall be forfeited, and the directors for the time being shall severally be responsible for all the debts and contracts of the said company.

Restrictions.

Sec. 11. *And be it enacted*, That this act shall be in force for thirty years from the passage thereof, unless sooner repealed, and that the legislature shall have full power, at any time hereafter, to alter, amend, modify, or repeal this act.

Act may be al-  
tered or re-  
pealed.

Passed February 28, 1840.

A SUPPLEMENT to the act entitled, "An act fixing the time in which public laws shall go into operation," passed ninth November, eighteen hundred and thirty-six.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That nothing in the act to which this is a supplement, shall apply to the first and third sections of the act entitled, "A further supplement to the act entitled, an act abolishing imprisonment for debt in certain cases, passed twenty-eighth February, A. D. eighteen hundred and forty, but the first and third sections thereof shall go into effect immediately.

Certain sections of an act to take effect immediately.

Passed February 28, 1840.

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AN ACT authorizing a sale of the real estate of Thomas Eddy, deceased.

Preamble.

WHEREAS, it is represented to the legislature of the state of New Jersey, that Thomas Eddy died seized of a farm of land, containing about fifty-two acres, in Morris county, valued at about twelve hundred dollars; and that the same has remained undivided from the time of his death, in eighteen hundred and thirteen, to this time; and that the same is now owned by a large number of persons, some of whom cannot be ascertained, nor their interest therein, and a part of whom are infants under age, and that the interest of some of the said parties is so small as scarcely to be worth a division; and that by reason thereof, a sale of the said premises is necessary; and it appearing that such sale cannot be made except by an act of the legislature of this state—Therefore,

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



*ty of the same,* That William Brittin, John B. Miller, and John Tunis be and they are hereby appointed commissioners, and they, or a majority of them, may sell the said real estate, at auction, to the highest bidder, first giving notice by advertisements, and otherwise, in the manner required by commissioners, in selling real estate, by order of the orphans' court, on application for partition; and the manner of making such sale, and the proceedings therein, shall be in all respects the same as are by law required in proceedings and sale upon application for partition to the orphans' court; and the orphans' court of the county of Morris shall have as full power and authority in the premises, as they would or could have, had a sale been ordered by them, and the above commissioners appointed for that purpose, upon application for a partition; and shall also, after such sale, have full power and authority to decree and settle the dividend, right, interest, and share of each and every of the several owners in and to the proceeds of such sale, upon application made by any of the parties or by the commissioners, and may order such notice to be given by advertisement, of the time and place of making such dividend as they may deem proper; and if any person interested shall not apply for his or her share of the said proceeds, the said orphans' court may direct the said commissioners to place the same at interest, in such manner as they may think best for the parties concerned.

Commissioners appointed to sell certain real estate of Thomas Eddy, deceased.

Sec. 2. *And be it enacted,* That the said commissioners shall, before they proceed to execute and perform the duties and trusts herein before mentioned, enter into bond to the governor of this state, in double the value of the said estate, with such surety as shall be approved by the said orphans' court of the county of Morris, conditioned for the faithful performance of the duties and trusts reposed in them by this act; which bond shall be filed in the office of the surrogate of the said county of Morris, and there remain for the benefit of such person or persons as shall and may be interested therein.

Commissioners to give bond to the governor.

Passed February 28, 1840.

AN ACT to divorce Elizabeth Heldebrant from her husband, Charles Heldebrant.

C. Heldebrant  
and E. Helde-  
brant, divorced.

SÉC. 1. 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 Heldebrant, of the township of Hope, in the county of Warren, be and she is hereby divorced from her husband, Charles Heldebrant; 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; *provided*, that the issue of the said marriage shall not hereby be rendered illegitimate.

Passed February 28, 1840.

AN ACT authorizing Benjamin Davis and Caleb Shreve, as trustees and administrators of Samuel C. Davis, deceased, to make and execute a deed of conveyance for certain real estate of said deceased, heretofore sold by them.

Preamble.

WHEREAS, the said Benjamin Davis and Caleb Shreve, as administrators of the said Samuel C. Davis, under and by virtue of a decree of the orphans' court of the county of Gloucester, have made sale, pursuant to law, of a certain farm, late of said Samuel C. Davis, deceased, and having duly reported the same to the said orphans' court, the same was confirmed, and the said Benjamin Davis and Caleb Shreve, were ordered and directed by said court, to execute a deed to the purchasers thereof, for the same, both, as such administrators, and also as trustees of the said Samuel C. Davis, under a certain deed of trust, executed to them by the said Samuel C. Davis, in his lifetime; AND WHEREAS, doubts have arisen as to the regularity of the said decree of confirmation, and

the aid of the legislature hath been prayed, as well by the said Benjamin Davis and Caleb Shreve, as administrators and trustees as aforesaid, as by and in behalf of the children and heirs at law of the said Samuel C. Davis, so as to enable the said Benjamin Davis and Caleb Shreve, to execute a good and sufficient deed for said premises, notwithstanding any irregularity in said decree of confirmation, the said premises having been sold for a fair and full consideration—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 Benjamin Davis and Caleb

Shreve, be and they hereby are authorized and empowered to execute and deliver to James Logan, the purchaser at such sale, a good and sufficient deed of conveyance for said premises, situate in the county of Gloucester, for the sum for which the same were cried off to him, which deed shall vest in the said James Logan, his heirs and assigns, as full, complete, and perfect a title to the said premises, as if the said order or decree of confirmation had been duly and regularly made according to law.

Administrators of S. C. Davis authorized to convey certain lands to James Logan.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said Benjamin Davis and Caleb Shreve, and they are hereby authorized and empowered to grant and convey to the said James Logan, his heirs and assigns, by said deed as full, complete, and perfect a title as the said Samuel C. Davis was seized of, in all that part of said farm, situate in the county of Burlington, as if the said deed of trust at the time of its execution, had been drawn in conformity with the provisions of the statute in such case made and provided, and had vested the use of said premises in the said Benjamin Davis and Caleb Shreve, their heirs and assigns, in trust, to and for the purposes in said last mentioned deed expressed.

Effect of the deed.

Sec. 3. *And be it enacted,* That before the execution of the said deed, the said Benjamin Davis and Caleb Shreve shall, together with sufficient security, to be approved of by the surrogate of the said county of Gloucester, execute a bond to the ordinary of this state, in double the sum for which the said premises were sold, conditioned for the faithful application of the proceeds of said sale, so far as the same may be necessary to the payment of the debts of the said Samuel C. Davis, and for the distribution of the residue among his children and heirs at law, according to the statutes regulating descents.

Administrators to give bond to the governor.

Passed February 28, 1840.

A SUPPLEMENT to the act entitled, "An act authorizing the enclosure of a certain tract of land situate in the township of Caldwell, in the county of Essex, called "the Hetfield Swamp," passed the twenty-eighth day of January, eighteen hundred and twenty-nine.

Certain lands  
excepted from  
the provisions  
of former act.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all the lands and premises now belonging to Stephen S. Gould, William B. Speer, Josiah Speer, John F. Crane, and Henry J. Van Duyne, or any or either of them, and included within the boundaries mentioned in the first section of the act to which this is a supplement, and every part thereof, shall be and the same are hereby exempted and discharged from the effect and operation of the said act to which this is a supplement, and every section and clause thereof, as fully, to all intents and purposes, as though the same were not included within the boundaries aforesaid; *provided always,* that nothing in this act contained shall release or discharge the said lands and premises, or the owners thereof, from any assessment heretofore made in pursuance of the act to which this is a supplement.

Proviso.

Passed February 28, 1840.

A FURTHER SUPPLEMENT to the act entitled, "An act to establish and confirm the charter rights and privileges of the Borough of Elizabeth," passed twenty-eighth of November, 1789.

Borough courts  
may adjourn to  
any specified  
day.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That from and after the passage of this act, it shall and may be lawful for the judges of the court of common pleas and general sessions of the peace, in and for the borough of Elizabeth, when sitting, to adjourn over

from any one day in the term to any subsequent day in the same term, whenever the public convenience and that of the members of the court may require or justify such an adjournment; and in case of such adjournment, all suits, indictments, process, orders, rules, recognizances and other proceedings pending in such courts shall be continued to the time to which said adjournment shall be made, without prejudice to any of the parties therein, and may be then proceeded in according to law, in the same manner as might have been done if such court or courts had been adjourned from day to day.

Sec. 2. *And be it enacted*, That the judges of the said courts shall have authority, from time to time to direct, in writing, the number of constables to be elected for the said borough at any election for that purpose, and no greater number than shall be so directed, shall, after any such election, be sworn into office or be capable of serving.

Judges to direct the number of constables to be elected.

Passed February 28, 1840.

## AN ACT to incorporate the Somerville Water-power Company.

WHEREAS, John I. Gaston and others, his associates, are the owners of certain lands and water privileges, situate on the Raritan river, in the county of Somerset and state of New Jersey, at or near the village of Somerville, with the right to erect and maintain a dam across said river, pursuant to an act of the legislature, passed the sixteenth day of February, in the year eighteen hundred and twenty, entitled, "An act to enable Jacob Van Doren to erect a mill-dam across the Raritan river;" AND WHEREAS, the said John I. Gaston and his associates, are desirous to increase said water-power, for the establishment of manufactures, by directing the water of said river from its accustomed channel into a canal to be constructed for that purpose, and have already incurred great cost and expense in effecting that object, and have represented

Preamble.

that the same can be effected with the voluntary consent of the owners of lands through which said canal is contemplated to be cut, and also of all others whose interests may in any wise be affected by the execution of said project, and have also represented that the public interest will be greatly promoted by such contemplated improvement; AND WHEREAS, the estimated cost of such improvement is represented to exceed what is usually effected upon private enterprize, and the said parties have petitioned the legislature for an act of incorporation—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 John I. Gaston, Garret D. Wall, Samuel L. Lyman, Luther Loomis, Robert Van Rensselaer, Abraham Suydam, Rynear Veghte, Thomas A. Hartwell, and William Thompson, and all and every person or persons who may become subscribers, according to the mode herein after prescribed, their successors and assigns, shall be and they are hereby incorporated by the name of "the Somerville Water-power Company," for the purpose and with the privileges and immunities herein after expressed and granted; and by that name shall be a body politic and corporate in fact and in law; and shall and may sue and be sued, implead and be impleaded, in all courts of justice and elsewhere; and the said company shall have power and authority, at any time after the passage of this act, to purchase, possess, and enjoy, retain, demise, grant, lease, alien, and sell any lands, mills, manufactories, erections, hereditaments, and water privileges and rights, situate within one mile of the Raritan river, in the townships of Bridgewater and Hillsborough, in the county of Somerset, under the restrictions and limitations herein after mentioned; and have perpetual succession, and power to make and use a common seal, and the same to change and renew at pleasure; and also to adopt, establish, and carry into effect such laws, ordinances, and regulations, as shall by its managers be judged necessary or convenient for the government and management of the said company, and the same to alter or repeal at pleasure; *provided*, that the same be not contrary to the constitution or laws of this state or the United States.

**Style of incorporation.**

**Powers.**

**Proviso.**

**Amount of capital stock.** Sec. 2. And be it enacted, That the capital stock of said company shall consist of two hundred thousand dollars, to be divided into shares of fifty dollars each, and that the company shall have power to increase the same to such

amount as may be found from time to time convenient and necessary for the completion of such water-power and other works contemplated by this act; *provided* the same does not exceed three hundred thousand dollars.

Sec. 3. *And be it enacted*, That the subscription to the capital stock of said company shall be opened on the fourth Tuesday in March next, under the direction of the persons named in the first section of this act, or a majority of them, at the village of Somerville, giving at least twenty days' notice of the time and place in one or more of the papers published in said village, and shall continue open from day to day, for three days at least, and until the sum of one hundred thousand dollars is subscribed; and that each person subscribing shall thereupon pay to the persons so taking subscriptions five dollars on each share; and in case a greater number of shares shall be subscribed for than shall be equal to the whole of the capital stock of the said company, the said capital stock shall be ratably apportioned among the subscribers, by the said commissioners, but no apportionment shall be made of any subscription for not more than five shares.

Time and mode of receiving subscriptions for stock.

Sec. 4. *And be it enacted*, That the management of the business and concerns of the said company shall be vested in seven managers, a majority of whom shall reside in the state of New Jersey, and four of whom shall constitute a quorum to do business.

Managers to be appointed.

Sec. 5. *And be it enacted*, That in all elections, or other questions touching the business of said company, each share shall be entitled to one vote; and that the managers shall at their first meeting appoint one of their number to be president, and shall also, in the same manner, appoint a treasurer and such other officers and agents as they may see proper for conducting the affairs of the company, who shall severally hold their offices during the pleasure of said managers; and the said managers may require of said officers, or any of them, security for the faithful discharge of their respective duties, in such manner and form as they may see proper.

Managers to appoint officers.

Sec. 6. *And be it enacted*, That Garret D. Wall, Luther Loomis, Robert Van Rensselaer, Abraham Suydam, William Thompson, John I. Gaston, and Thomas A. Hartwell shall be the first managers, and shall hold their offices until the first Tuesday in July next, and on that day, and annually thereafter, the managers of said company shall be chosen at a meeting of the stockholders, to be holden at such time and place in the village of Somerville, as the managers shall appoint, giving at least twenty days' notice

First managers.

Time and mode of annual election of managers.

Corporation  
not dissolved  
for failure to  
elect on day  
prescribed.

thereof, by advertisement in one or more of the newspapers published in said village; and if from accident or neglect, or other cause, an election of managers should not be made on the day when in pursuance of this act it ought to be made, the corporation shall not for that cause be considered as dissolved, but it shall and may be lawful to hold such election at any other time, giving public notice thereof in manner aforesaid; and until such election shall be made, the managers for the time being shall continue in office, but such election shall be held within ninety days after the time when by law it ought to have been made; and in case of vacancy in the office of managers, by death or otherwise, the other managers may supply such vacancy from time to time, for the unexpired term of the manager whose place is so supplied.

Powers of the  
company.

Proviso.

Proviso.

Sec. 7. *And be it enacted*, That it shall be lawful for said company to erect and build a dam across the river Raritan, opposite the lands of John H. Van Devere and Willet Taylor; *provided*, that the voluntary consent of the owners of said lands shall be first obtained; *and provided also*, that the said dam shall be so constructed as not to raise the water more than two and a half feet above its ordinary level; *and also provided*, that the said company shall be answerable to any owner or owners of lands and water privileges upon said river above said dam for all damages arising from overflowing or back-water, in case any such damages shall arise from such cause.

Further powers  
of the company.

Sec. 8. *And be it enacted*, That it shall be lawful for the said company to cut a main raceway or canal from the said dam to any point upon the said Raritan river between the present dam, commonly known as Van Doren's dam, and a point half a mile below the covered bridge crossing said river, of such depth and dimensions as the said company may see proper, and also to cut and erect as many lateral or branch raceways, locks, weirs, gates, and other works, from the said main raceway to the river Raritan, as the said company shall deem expedient for the purpose of creating and using the said water-power for mills, manufacturing, or other purposes connected with the objects of this act; *provided always*, that it shall not be lawful for the said company, their engineers, agents, officers, or others in their employ, to enter upon the lands of any other person or persons for the purpose of constructing such main or lateral raceways, or to take or occupy any such lands, without the consent and permission of such owner or owners first being had and obtained, and satisfaction made or agreed upon between said company and such



owner or owners for the lands required for the construction of such main and lateral raceways, and for all damages which may be sustained by such owner or owners by reason of the construction of said works.

Sec. 9. *And be it enacted*, That the right to make, erect and continue said dam and raceway shall be upon this further condition, that is to say, that the said company shall, within sixty days after the erection of said dam, and the completion of the main raceway, abate and remove the present dam, commonly known as Van Doren's dam, unless the same can be continued by the voluntary consent of all the owners of lands on the south side of said river, alleging themselves to be injured by the overflowing of the water, caused by said dam.

Van Doren's dam to be removed on certain conditions.

Sec. 10. *And be it enacted*, That it shall be lawful for the said company from time to time to construct, make, erect, and form all such embankments, reservoirs, aqueducts, culverts, locks, weirs, gates, ways, bridges, and other works as the said managers shall deem convenient and necessary for the uses and purposes aforesaid, and to repair and improve the same, for the better carrying on and management of the same; and it shall be the duty of said company to construct and make good, safe, and convenient bridges across the said main and lateral raceways, whenever the same cross any public highway, and the same to keep in good and sufficient repair at their own cost and expense; and when the location of said dam, and the route and location of said main raceway shall have been finally fixed and determined upon by said managers, it shall be the duty of said company to cause a map or survey thereof to be made by an engineer to be employed for that purpose, and when completed to deposit the same in the office of the secretary of this state.

Map of location of dam and raceway to be filed in secretary's office.

Sec. 11. *And be it enacted*, That when the said dam and main raceway shall be completed, it shall be lawful for the said company to divert the waters of the river Raritan, or so much thereof as may be necessary for the purposes of this act, from their natural channel into the said main raceway, and cause them to be again returned to said natural channel, in such way as the said company may deem most expedient; *provided always*, that it shall not be lawful for said company to make such diversion until they shall have obtained written consent and permission to do so from the owner and owners of all lands lying on said river Raritan between said dam and the point where the said main raceway again intersects said river.

Water of the Raritan may be turned into the raceway.

Sec. 12. *And be it enacted*, That the capital stock of

Stock personal  
property and  
transferrable.

Officers to be  
under oath.

Rights of oth-  
ers not to be  
affected.

Privileges ac-  
quired by this  
act may be dis-  
posed of.

Restrictions.

Further res-  
trictions.

said company shall be deemed personal property, and that all shares of the capital stock at any time owned by any stockholder shall be transferable on the books of said company, in such manner as the by-laws shall ordain; but all debts due or payable to the company, and all outstanding engagements with it, owing or made by such stockholder, shall be satisfied before such transfer can be made, and before any dividend or dividends shall be paid upon such shares, unless by consent of the managers.

Sec. 13. *And be it enacted*, That every manager, president, and treasurer, and all such other officers as the managers 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.

Sec. 14. *And be it enacted*, That nothing in this act shall be construed to impair the rights of any person or persons to an action against said company, their agents, workmen, or servants, for any damage done to his, her, or their lands, hereditaments, or premises, by the erection or construction of said dam, raceways reservoirs, or improvements, when such person or persons have not been agreed with by the said company, and his, her, or their damages paid or satisfied by said company under the provisions of this act.

Sec. 15. *And be it enacted*, That it shall and may be lawful for the said company to dispose of, grant, and sell all such portion, sites, lots, and privileges acquired by them under this act, and to convey the same, or any part thereof, by deeds acknowledged and recorded, or otherwise to demise, lease, and let the same for such term or time, and upon such conditions, as they shall from time to time think proper and expedient; and that the said company be authorized to take mortgages or other securities for any sum or sums of money that may be due or unpaid on account of such sales, uses or rents.

Sec. 16. *And be it enacted*, That nothing in this act contained shall be so construed as to authorize the said company to employ any part of their capital in banking operations.

Sec. 17. *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, a greater sum than the amount of its capital actually paid in; and for any violation of this section, the charter granted by this act shall be forfeited, and the managers for the time being, shall severally be responsible for all the debts and contracts of the said company.

Sec. 18. *And be it enacted*, That the managers shall at all times keep, or cause to be kept, at their chief place of business, proper books of accounts, in which shall be regularly entered all the transactions of the said company; which books shall at all times during business hours, be open to the inspection of any of the stockholders of the said company. Books open to inspection of stockholders.

Sec. 19. *And be it enacted*, That this act shall be in force for the space of thirty years from its passage; but the legislature may amend, modify, alter, or repeal the same, whenever in their opinion the public good shall require. Limitation of act. Act may be altered or repealed.

Passed February 28, 1840.

A SUPPLEMENT to the act entitled, "An act to establish public schools," passed the first day of March, 1838.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the trustees of the school fund be and they are hereby authorized to allow such sum as they may deem just and reasonable, as a compensation for the labour and expense attending the preparation of the annual report to the legislature required by the fourteenth section of the act to which this is a supplement; which sum shall be paid by the treasurer, on the order of the governor, out of any monies in the treasury not otherwise appropriated. Appropriation for preparing annual report of trustees of school fund.

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

Passed February 29, 1840.

AN ACT for the sale of a part of the real estate late of William Williams, deceased, situate in New Barbadoes, in the county of Bergen, and for the settlement of certain controversies relative to the same.

Preamble.

WHEREAS, William Williams, late of the township of New Barbadoes, in the county of Bergen and state of New Jersey, deceased, by his will, bearing date the fourth day of February, A. D. eighteen hundred and nine, divided (among other property) his homestead farm, situate in the township and county aforesaid, known by the name of the Steenraupy farm, to his wife Margaret, during her widowhood, and after that to his children, and the heirs of such of them as should then be dead, in certain proportions, in said will specified; AND WHEREAS, the orphans' court of the county of Bergen, at the term of September, A. D. eighteen hundred and thirty-six, upon the petition of the widow, surviving executors, and surviving children of the said William, did direct a division of said Steenraupy farm to be made according to said will, and did appoint Peter C. Westervelt, Jasper Demarest, and James H. Brinkerhoff commissioners to divide the same; and such proceedings were had thereon that the said farm was, by the order of the said orphans' court, sold by the said commissioners, at public auction, on or about the seventeenth day of March, A. D. eighteen hundred and thirty-seven, to Joseph Townsend, of the county of Bergen aforesaid, for the sum of four thousand six hundred and sixty-five dollars, who paid to the said commissioners the sum of one thousand dollars in cash, and gave his note for the further sum of five hundred dollars in part payment of the same; AND WHEREAS, doubts have arisen concerning the jurisdiction and power of the said orphans' court to order a division and sale in this matter, and as to the validity of the title that could be given by the said commissioners for the said farm, and pending negotiations concerning the same, the said Joseph Townsend died; AND WHEREAS, since his death, his administrator has declined to complete the said purchase, and has instituted proceedings at law to try the validity of the said sale, which proceedings are still pending undetermined in the supreme court of this state; AND WHEREAS, the difficulties arising out

of said proceedings and sale, and the settlement of the Preamble. estate of the said William Williams, deceased, are many and complicated, and cannot be adjusted, except by an act of the legislature, without a course of tedious, expensive, and complicated litigation at law and in equity; AND WHEREAS, all parties concerned, who are of full age, are desirous, and have petitioned that said difficulties may be settled without further litigation, and have mutually agreed upon the terms, but, for the want of power to give a satisfactory title for said farm, and on account of the minority of some of the parties interested therein, such compromise cannot be carried into effect without legislative aid, and the prayer of the said petitioners appearing to be reasonable and just—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 Peter I. Ackerman, James Heaton,

and Albert G. Doremus be and they are hereby appointed commissioners, and they or any two of them that may give bond, as herein after is required, are hereby authorized and empowered to sell at public auction, for the highest price that can be obtained therefor, the homestead farm, late of William Williams, deceased, called the Steenraup farm, in the township of New Barbadoes, in the county of Bergen, and state of New Jersey, and, when sold, to make and execute to the purchaser or purchasers thereof good and sufficient conveyances in the law, for the same; which conveyances when executed and delivered, shall vest in the purchaser or purchasers thereof such estate and title in the same as the said William Williams, had, or was seized of therein at the time of his death, free from any dower or other right or claim of his aforesaid widow; and the said commissioners shall give at least sixty days' notice of the time and place of said sale, by advertisements put up in ten public places of the said county, and also published for the like space of time in one of the public newspapers of this state circulating in said county, and also in one of the public newspapers of the city of New York, once a week during four weeks preceding the said sale; and the said commissioners shall have power, in their discretion, to adjourn the said sale from time to time.

Commissioners appointed to sell certain lands of W. Williams, dec.

Effect of conveyances.

Sec. 2. *And be it enacted,* That the said commissioners shall, before they enter upon the execution of their duties under this act, enter into bond to the governor of this state in the sum of five thousand dollars, with surety, to be approved of by the surrogate of the county of Bergen, con-

Commissioners to give bond to the governor.

Proceeds of  
sales to be ac-  
counted for to  
orphans' court.

ditioned for the faithful discharge of their duties under this act, which bond shall be filed of record in the office of said surrogate, for the benefit of all parties interested; and the said commissioners, when the said sale shall be completed, shall account for the proceeds thereof to the orphans' court of the county of Bergen, and said court shall allow out of the same the costs and expenses of obtaining proceeding under, and executing this act, and a reasonable compensation to said commissioners for their services, and the taxable costs of the proceedings heretofore had in said court, and under the orders of said court, relating to the division and sale of said farm; which costs and expenses shall be paid by the said commissioners out of the proceeds of the sale by this act authorized, and the balance, to be ascertained and settled by said orphans' court, after deducting all the costs and expenses aforesaid, shall constitute the net proceeds of the sales by this act contemplated and authorized.

Disposition of  
proceeds of  
sales.

Sec. 3. *And be it enacted*, That out of such net proceeds of said sale, the said commissioners shall pay to the said administrator of Joseph Townsend, deceased, a sum which shall bear the same proportion to the said net proceeds as the sum of one thousand dollars, being the amount paid by the said Joseph Townsend on said sale and purchase by him, bears to the sum of four thousand six hundred and sixty-five dollars, the amount for which said farm was sold to the said Joseph Townsend; but the whole sum to be paid to the said administrator shall in no event exceed the sum of one thousand dollars, so that the estate of the said Joseph Townsend shall bear its proportion of the loss (if any) on the sale of said farm contemplated by this act, and shall receive no benefit or advantage from any advance or increase of price of said farm, if the same should sell for a greater sum than that for which the said Joseph Townsend purchased the same.

Interest of one-  
third to be paid  
to widow.

Sec. 4. *And be it enacted*, That the one-third part of the net proceeds of said sale, ascertained as aforesaid, shall be retained by said commissioners during the life of the said Margaret Williams, and shall be by them invested, on good security, upon unincumbered real estate in this state, worth (besides buildings) at least one-third more than the value of such sum invested; and the interest thereof shall be paid semi-annually to the said Margaret, during her natural life.

Certain expen-  
ses incurred to  
be paid.

Sec. 5. *And be it enacted*, That out of the residue of said net proceeds, the costs and expenses of the aforesaid commissioners appointed by the said orphans' court, by them actually laid out and expended in the litigation aris-

ing out of the sale by them made as aforesaid, shall next be paid to said orphans' court commissioners, the said costs and expenses to be ascertained and taxed by the said orphans' court, together with the costs of said taxation.

Further disposition of proceeds of sale.

Sec. 6. *And be it enacted*, That the residue of the said net proceeds (and within a convenient time after the death of the said Margaret Williams) the sum so as aforesaid invested for her use shall be by the said commissioners hereby appointed, awarded among and paid to the children of the said William Williams, deceased, and the heir or heirs of such of them as shall be deceased, in the proportions prescribed in the said will, except the share, or the balance thereof, of his son Robert Williams, which shall, if any, be paid to the surviving executors or executor of William Williams, deceased, for the use of said Robert, as directed in said will; and the sum or sums that any devisee, or heir or heirs of any deceased devisee, may have already received out of said estate, either from the executors or from the aforesaid commissioners appointed by the orphans' court, shall be taken into computation, so that the whole amount received and to be received by each, respectively, shall be in the proportion prescribed in the said will; and in case any devisee or heir of any deceased devisee shall have sold, mortgaged, or incumbered his or her share or interest in said farm, by deed, mortgage or judgment duly recorded before the passage of this act, or within sixteen days thereafter, the assignee of such devisee or heir, in case of a sale, shall receive the whole or the balance of the share yet due thereon to said devisee, or heir; and in case of a mortgage or judgment, the incumbrancer shall first be paid the full amount of his debt, or so much thereof as the share of the said heir or devisee, yet due, shall amount to; and the residue of such share, if any, shall be paid to the said devisee or heir; and such purchasers and incumbrancers (if more than one) of any share shall be paid according to their legal priority; and in case of any dispute between any such devisee or heir, and a person claiming to be a purchaser or incumbrancer of his or her share, as to the validity of the deed or incumbrance, or the amount due thereon, the said commissioners may pay the amount of the proceeds of said share, ascertained as aforesaid, into the court of chancery, to be paid, upon order of the chancellor, upon bill or petition filed, by any of the claimants, to such person or persons as shall appear to him to be equitably entitled to receive the same.

Sec. 7. *And be it enacted*, That upon the sale of the said farm, and the proportion aforesaid of the moneys

arising therefrom, being paid over to the administrator of the said Joseph Townsend, deceased, as aforesaid, the said contract made by the said Joseph Townsend, with the aforesaid commissioners appointed by the orphans' court, for the purchase of said farm, shall cease and be void, and all notes and securities, or liabilities and claims for interest of the moneys paid thereon, or contracted to be paid, or for the use and occupation of said farm, and all other claims on both sides, arising out of said contract, shall be taken and considered as satisfied, extinguished and void; and the proceedings and orders of the said orphans' court, and of the commissioners appointed by them, in relation to the partition and sale of the said farm, shall be also, null and void; and the sum received by the said administrator of Joseph Townsend, deceased, by virtue of this act, shall be considered as assets in his hands, to be applied in the usual course of administration.

Sec. 8. *And be it enacted*, That if any of the commissioners above appointed shall, for the space of forty days after the passage of this act, refuse or neglect to give bond as aforesaid, or having given bond, shall die, remove from the state, or neglect, or become incapable or disqualified to act, the orphans' court of the county of Bergen may, upon application of any of the parties interested, appoint some other discreet person or persons to act in his or their stead; and the person or persons so appointed by said court from time to time, upon giving bond as aforesaid, shall be clothed with the same power and authority in the premises that the person or persons in whose place or stead they are or shall be appointed, have or might exercise under and by virtue of this act.

Passed February 29, 1840.

Certain proceedings of former commissioners declared void.

Vacancies in board of commissioners supplied by orphans' court.



## AN ACT to defray Incidental Expenses.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be lawful for the treasurer of this state to pay the several persons herein after named, the following sums, viz :

Certain incidental charges directed to be paid.

Bill No. 1. To Isaac Southard, treasurer of the state of New Jersey, for boxes, cloths, and wrappers, in packing minutes of assembly, journals of council, state laws, supreme court reports, laws of the United States, and to office rent for one year; to extra travelling expenses, to Newark, New York, New Brunswick, Bordentown, Philadelphia, and Camden, to obtain quarterly returns and dividends of railroad and canal company, to loan money, renew notes, &c., the sum of one hundred and thirty dollars and nineteen cents.

No. 2. To J. R. S. and Wm. S. Barnes, for hard ware and stationery, the sum of forty-one dollars and eighty-two cents.

No. 3. To B. Davenport, for stationery &c., the sum of eleven dollars and eighty-one cents.

No. 4. To Thomas Upton, for stove-pipe and repairs for the state-house, sixteen dollars and fifty-five cents.

No. 5. To Samuel R. Hamilton, for carting guns, three dollars and forty cents.

No. 6. To J. S. Fish, for three tons of coal for the state arsenal, sixteen dollars and fifty cents.

No. 7. To William Kerwood, for boxes for the assembly room, four dollars and eighty-seven cents.

No. 8. To Halsey Canfield, for five reams of paper, for council, twenty-four dollars.

No. 9. To H. McMiller, for collecting and carting arms to the state arsenal, twenty dollars.

No. 10. To Daniel Childs, for repairing fence of state-house yard, five dollars.

No. 11. To S. and J. G. Brearley, for oil and nails, five dollars and fifty-one cents.

No. 12. To the estate of Daniel Phillips, for pitcher and tumblers, one dollar and sixteen cents.

No. 13. To Jos. Justice, for stationery, twenty-nine dollars.

No. 14. To George Miller, for one box of candles, thirty-two pounds, at 50 cts. per lb., sixteen dollars.

Certain incidental charges directed to be paid.

No. 15. To Jesse Vanhice, for coal, sixteen dollars and twenty-five cents.

No. 16. To George M. Furman, for repairs about the state-house, two dollars and sixty cents.

No. 17. To William W. Norcross, for candles, forty-seven dollars and eighty-nine cents.

No. 18. To Wm. Hancock, for iron pipe for N. J. state prison, and repairs to the state arsenal, sixty-four dollars and ninety-two cents.

No. 19. To Enoch W. Green, for repairing the state-house, two dollars.

No. 20. To Japhet Ireland, for Thomas Price, six dollars and sixty-two cents.

No. 21. To David W. More, for collecting and carting arms for the state, eleven dollars and fifty cents.

No. 22. To John Wilson, for glass for the assembly room, three dollars and thirty-seven cents.

No. 23. To P. V. Coppuck, for stationery, thirty-five dollars and seven cents.

No. 24. To Henry Cook, for repairing table in the assembly room, one dollar and twenty-five cents.

No. 25. To Trenton Water Company, for laying seventy-five feet of pipe at government house, thirty-two dollars and forty-cents.

No. 26. To Enoch W. Green, for work on the government house, three dollars and five cents.

No. 27. To John Davisson, for stationery, twenty dollars and thirty-one cents.

No. 28. To Robert E. Hornor, for one large book, and stationary for enrolling minutes of council, eleven dollars and thirty-one cents.

No. 29. To D. Fenton, for stationery, twenty-five dollars and ninety-two cents.

No. 30. To Phillips and Boswell, for printing for assembly, three hundred and forty-eight dollars and ninety-eight cents.

No. 31. To Phillips and Boswell, for printing for council, one hundred and ninety-three dollars and sixty-two cents.

No. 32. To William Closson, for work at state and government house, six dollars and twenty-five cents.

No. 33. To Isaac Titsworth, for collecting and delivering arms at state arsenal, seventy dollars and sixty-five cents.

No. 34. To James Tyre, for one letter press, one dollar and seventy-five cents.

No. 35. To D. Fenton, for one blank book, twenty cents.

No. 36. To Joseph Justice, for printing the laws of New Jersey, of the year 1838, the session of that year, in the Emporium, sixty-two dollars and eighty-five cents.

No. 37. To Sherman and Harron, for printing school reports, and advertising, one hundred and eighteen dollars and sixty-nine cents.

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

Act to take effect immediately.

Passed February 29, 1840.



## JOINT RESOLUTIONS.

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**WHEREAS**, it appears from a report made by John B. Ay-  
crigg, John P. B. Maxwell, William Halsted, Charles C. Stratton, and Thomas Jones York, five of the persons duly commissioned as representatives of the people of New Jersey in the twenty-sixth Congress of the United States, to the Governor of this state, and by him communicated to the legislature, that, at the time and place prescribed by law for the meeting of that Congress, they appeared and produced their commissions as such representatives, and claimed the right to unite with the representatives from the other states of the Union in forming and organizing a House of representatives, but by the acts of a portion of those representatives were prevented from exercising that right, and are still excluded from any participation in their proceedings and deliberations;—by which acts the people of New Jersey are deprived of their just voice in the councils of the nation at a time when measures of great public importance and deeply affecting their feelings and interests are to be acted upon; their state authorities and their seal are treated with indignity; and a precedent is sought to be established, which, if not promptly and successfully resisted, may hereafter be used to justify the rejection of electoral votes or the exclusion of any number of duly commissioned representatives that a designing and unprincipled faction may deem necessary to secure to itself the control of the national legislature. **AND WHEREAS**, in this unprecedented emergency, it becomes the solemn duty of New Jersey firmly to oppose this attempt to subvert the fundamental principle of a free representative

government, and to call upon her sister states to disavow and redress the wrong which has been perpetrated by a portion of their representatives—Therefore,

New Jersey entitled to be represented in Congress.

BE IT RESOLVED, *by the Council and General Assembly of New Jersey*, That the state of New Jersey became a party to the Union upon the express condition, embodied in the constitution, that in common with her sister states, she should be at all times entitled to a number of members of the House of Representatives proportioned to her population, and that by the laws passed in pursuance of that constitution she is now entitled to *six* representatives.

Mode of certifying result of election prescribed by state laws.

*And be it resolved by the authority aforesaid*, That until Congress shall by law make some regulation of the subject, the legislature of each state has, by the constitution, full and exclusive power to prescribe "the times, places, and manner of holding elections for representatives," which necessarily includes the power to prescribe the manner in which the result of those elections shall be ascertained and certified.

Commission confers a right to exercise the duties of a representative.

*And be it resolved by the authority aforesaid*, That as the legislature of New Jersey has prescribed a commission granted by the governor under the great seal of the state, as the only mode in which the election of her representatives shall be officially certified, such a commission issued in due form of law confers upon each person to whom it is granted a full and perfect right to claim and exercise all the powers and duties of a representative of the state, until a regularly constituted and organized House of Representatives, after due examination, shall have solemnly adjudged that he is not elected or not qualified; and that any other mode of certifying such election is utterly invalid and unknown to the laws of New Jersey.

House not lawfully organized when a commissioned member is excluded.

*And be it resolved by the authority aforesaid*, That a House of Representatives cannot be constitutionally and lawfully organized and invested with any authority, judicial or legislative, while a single representative from any state, duly returned and commissioned according to the laws of that state, is excluded from his seat or denied the exercise of the rights and privileges of a representative.

*And be it resolved by the authority aforesaid*, That the late acts of a portion of the representatives from the sev-

eral states, by which five of the persons who were duly commissioned under the great seal of the state of New Jersey, as her representatives in the twenty-sixth Congress of the United States, were prevented from exercising their rights and discharging their duties as such representatives, were a palpable violation of the constitution and of the parliamentary law, established by reason and unvarying usage; a precedent of most alarming and dangerous character, and a gross outrage upon the rights and feelings of the people of New Jersey.

Declaration respecting the exclusion of commissioned members from N. Jersey from seats in Congress.

*Therefore be it resolved by the authority aforesaid, That,* in the name and behalf of the people of the state of New Jersey, we do hereby solemnly **PROTEST** against the acts aforesaid, as unconstitutional, unwarranted and unjust, and against any assumption by the remaining representatives from the several states, of the right or authority to exercise any of the powers conferred upon a constitutional House of Representatives, and more especially against the attempt to enact any law for regulating the collection or disbursement of the public revenue; for disposing of the public lands, or the proceeds thereof; for pledging the public faith or credit; for imposing any tax or duty, or for the apportionment of representatives until the people of New Jersey and their duly commissioned representatives shall have been restored to the rights of which they have been wrongfully deprived.

Protest against certain acts of Congress.

*And be it resolved by the authority aforesaid, That* a copy of the foregoing preamble and resolutions, certified under the great seal of the state, which since seventeen hundred and seventy-six has been, and still is the constitutional and cherished emblem of the sovereignty of New Jersey, be transmitted to the Hon. R. M. T. Hunter, a representative from Virginia, with a request that he will lay the same before the other representatives from the several states now assembled at Washington.

Copy of resolutions to be transmitted to R. M. T. Hunter.

*And be it resolved by the authority aforesaid, That* a copy thereof be transmitted to the governor of each of the several states of the Union, with a request that he will cause the same to be laid before the legislature thereof, and also to each of the senators and of the six representatives of this state.

Copies of resolutions to be forwarded to the several states.

Passed January 23, 1840.

Compensation  
to commission-  
ers for selling  
state lands.

BE IT RESOLVED, *by the Council and General Assembly of this state*, That the treasurer of this state be authorized to pay out of any funds, not otherwise appropriated, the following sums, viz: to Lucius Q. C. Elmer, one hundred and seventy dollars; to Joseph Saunders, one hundred and sixty-six dollars; to William Brittin, one hundred and five dollars; to William Stites, one hundred dollars; and to Andrew Parsons one hundred dollars in full for their services and travelling expenses, in disposing of the lands belonging to the state, situate in the township of Paterson, in the county of Passaic.

Passed February 7, 1840.

Treasurer to  
procure fire-  
proof safe.

RESOLVED, *by the Council and General Assembly*, That the treasurer of this state be and he hereby is authorized, at the expense of the state, to procure a suitable fire-proof iron safe, for the safe keeping of the papers and documents belonging to his office.

Passed February 19, 1840.

Declaration  
respecting the  
public lands.

RESOLVED, *by the Council and General Assembly of the state of New Jersey*, That the claims of the several states of this Union, to a proportionate interest in the public domain, are founded in reason and equity, and cannot be set aside without great and manifest injustice.



*Resolved*, That inasmuch as the opinion of the legislature and people of New Jersey on this subject was fully expressed in the resolutions adopted on the seventh of February, eighteen hundred and thirty-nine, it is inexpedient for this legislature to do more than to re-assert the same, and renewedly to protest against any disposition of the public lands, except in such way as shall enure to the common benefit of all the states composing the national Union.

Former opinions respecting the public lands re-asserted.

Passed February 25, 1840.

*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 Sanderson, of Elizabethtown, be employed to print sixteen hundred copies of the Chancery Reports; and that Sherman and Harron, of Trenton, be employed to print sixteen hundred copies of the Laws; that they print the same on large octavo pages; and that they correspond with those heretofore printed, and be paid therefor at the rate of twenty-seven dollars per sheet, each; that Wilson and Brittain, of Belvidere, be employed to print the votes and proceedings of Assembly; and that Callender and Co., of Freehold, be employed to print the Journal of the proceedings of the Legislative Council and of Joint-meeting; and that they each print thirteen hundred copies thereof, and be paid therefor nineteen dollars per sheet, each; *provided*, that before the said persons named in this resolution, shall enter upon the duties of printing as aforesaid, they shall respectively enter into bond to the Treasurer of this state, in such terms as he shall require, and with such security as he shall approve of, for the true and faithful performance of their respective duties; *provided also*, that if any person or persons herein named shall not inform the treasurer of this state on or before the fifteenth day of March next, that he or they will execute the printing as herein provided for, and

Printers of laws, law reports, minutes, &c. appointed.

Proviso.

furnish the security herein required, then the said treasurer may procure the same to be done at his discretion ; the prices not exceeding those herein named.

Passed February 28, 1840.

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Treasurer authorized to borrow money.

RESOLVED, *by the Council and General Assembly*, That the treasurer of this state be and he hereby is 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.

Passed February 28, 1840.

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State arsenal to be repaired.

Proviso.

RESOLVED, *by the Council and General Assembly of this state*, That the keeper of the state arsenal be authorized to procure the materials and attend to making the necessary repairs at the state arsenal, alluded to in a report of the joint committee on the militia ; *provided*, the sum so expended shall not exceed one hundred dollars ; that the treasurer of this state be authorized and directed to pay the same out of any moneys not otherwise appropriated, upon the certificate of the quarter-master-general, and approved by his excellency, the governor.

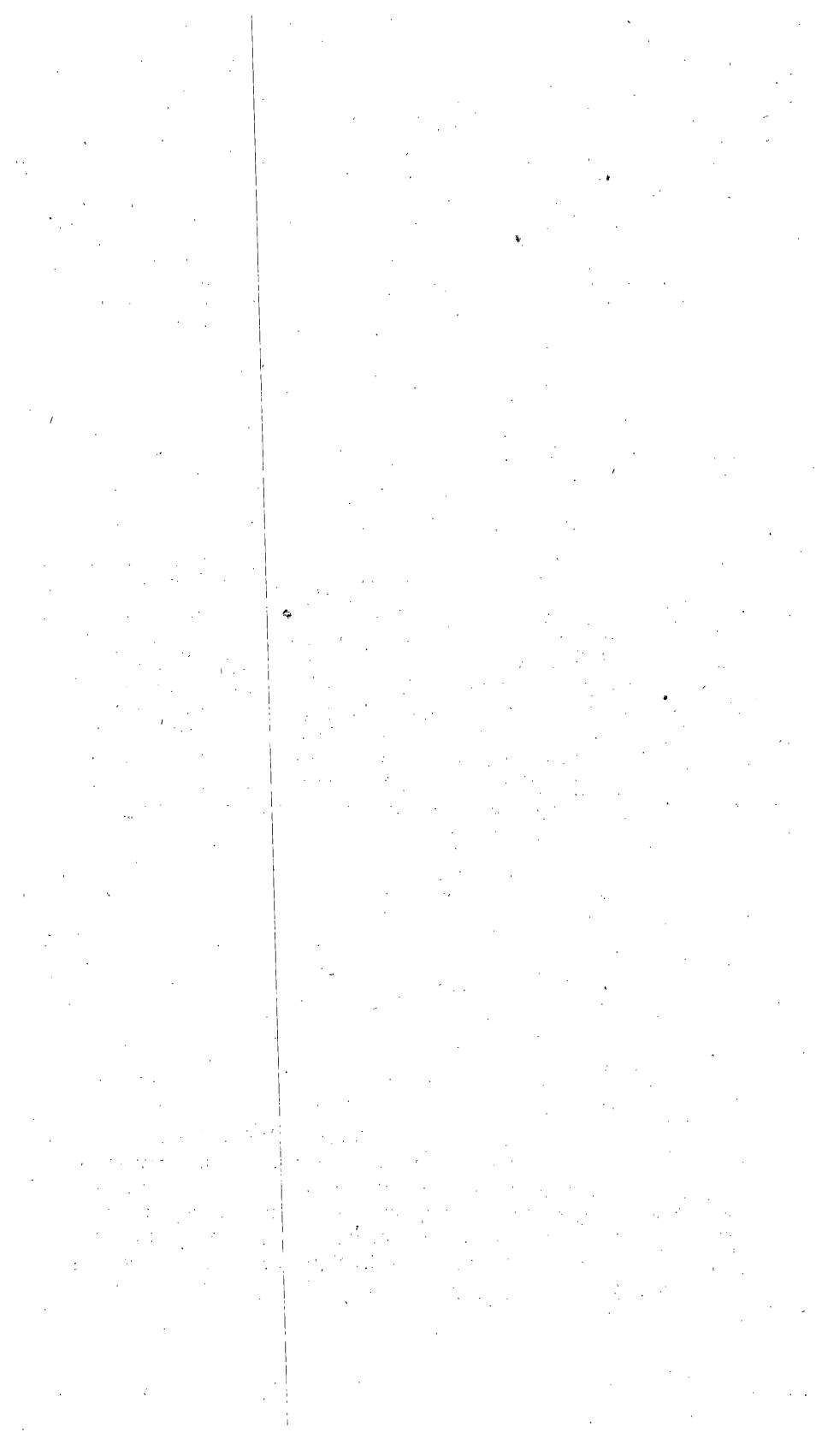
Passed February 28, 1840.

RESOLVED, *by the Council and General Assembly*, That the inspectors of the state penitentiary be and they hereby are authorized to draw upon the treasurer of this state, for such sum or sums of money as the necessities of the institution may require, not to exceed in the whole the sum of six thousand dollars. Inspectors of state prison to draw on treasurer for moneys.

Passed February 28, 1840.

BE IT ENACTED, *by the Council and General Assembly*, That the treasurer and attorney general of this state be and they hereby are authorized to submit to the decision of the supreme court of this state, all the matters in difference which have arisen between the said treasurer and the officers of the Camden and Amboy railroad and transportation company, and those of the New Jersey railroad and transportation company, respecting transit duties and taxes; and in case it shall be deemed expedient, that they have authority to employ counsel. Matters in dispute between treasurer and certain railroad companies to be submitted to supreme court.

Passed February 29, 1840.



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