

PUBLIC ACTS.

A C T S

OF THE

485

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

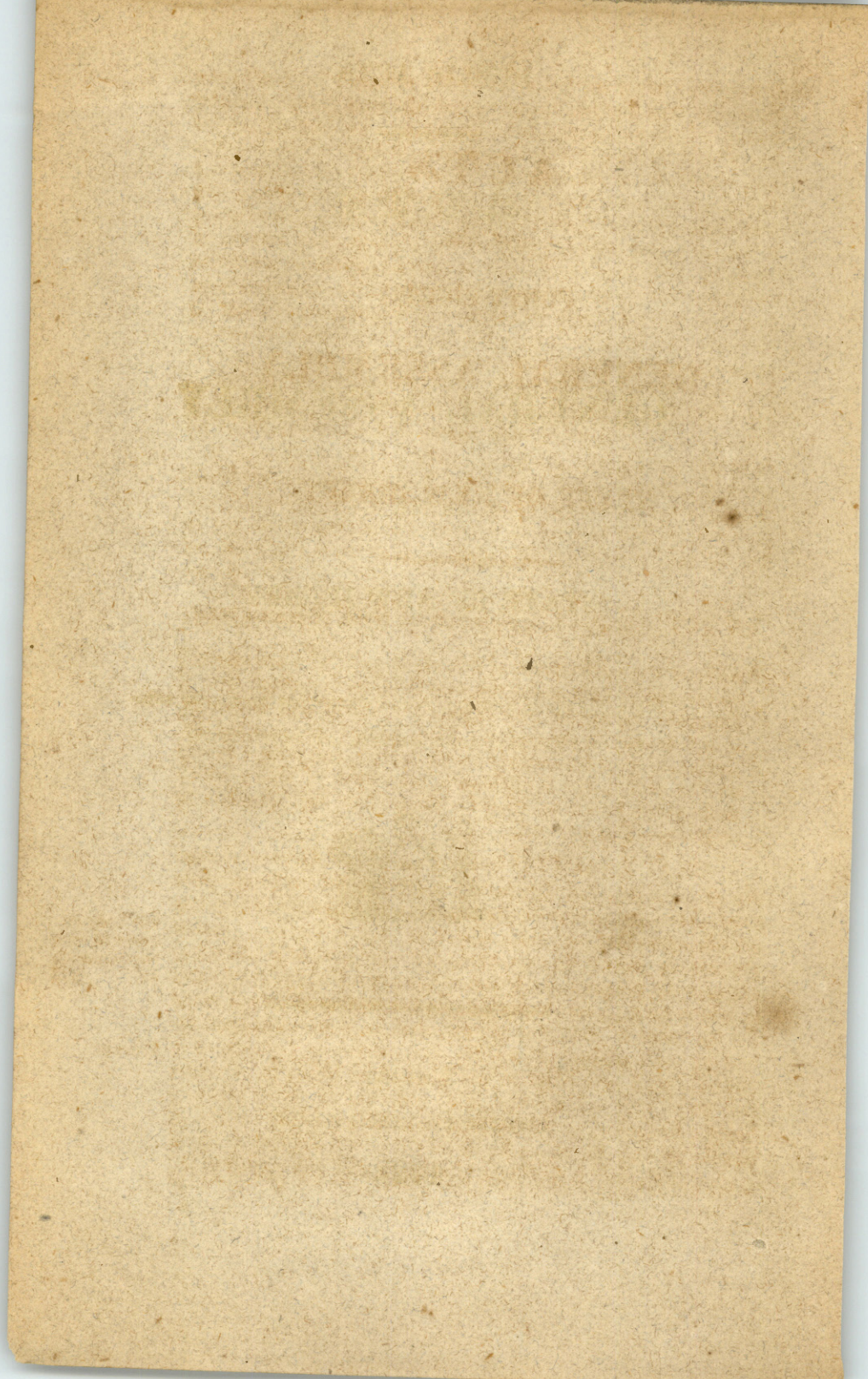
AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-EIGHTH DAY OF OCTOBER, ONE THOUSAND EIGHT HUNDRED AND TWENTY-THREE.




Trenton:

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1823.



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



AN ACT to abolish Imprisonment for Debt, in certain cases.

WHEREAS the confinement of debtors in gaol, who are arrested and intend to petition for the benefit of the insolvent laws of this state, during the time required to obtain their discharge, is unnecessary to the end of justice, tends to increase the distresses of those dependant on such debtors, and bring a charge on the public, and is oftentimes productive of habits which destroy any future exertion for themselves, their families, or creditors—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That any person or persons who may be arrested by any sheriff, constable, or other officer in any civil action, mesne process, or process of execution, and who intends or intend to apply to the judges of the Court of Common Pleas of the county in which such process is served, for the benefit of the act made for the relief of insolvent debtors, shall be discharged from arrest by such officer: *Provided*, such person or persons, so in custody, shall give bond to the plaintiff or plaintiffs, at whose suit he or they are arrested, with sufficient surety or sureties, being a freeholder or freeholders, and resident in the county, in double the sum for which he or they is or are arrested or taken in execution, with a condition, that he or they will appear at the

The body ex-
onerated from
imprisonment,
&c.

Proviso.

next Court of Common Pleas, to be holden in the county, and petition the said court for the benefit of said act, and will, in all things, proceed on said petition and application as is required and directed in case of persons actually in gaol at the time of application, and as is required by the said acts; and that he or they will appear in person at every subsequent court, or time and place to which his or their application may be adjourned, until he or they shall be duly discharged under the said acts; and if refused a discharge, surrender himself or themselves, immediately thereafter, to the sheriff or keeper of the gaol of said county, there to remain until discharged by due course of law: and in case of a forfeiture of said bond, by breach of any condition therein, the said plaintiff or plaintiffs, his or their executors or administrators, may bring an action thereon, and recover the debt, damage, and costs due from said debtor or debtors, and for which the arrest was made as aforesaid.

2. *And be it enacted*, That any person or persons arrested as aforesaid, and having given such bond, shall be entitled to make application for his or their discharge, under the act aforesaid, at the next court, as fully as if, at the time of such application, he or they was or were actually confined in the gaol of said county.

3. *And be it enacted*, That where the sheriff, constable, or other officer has, upon any mesne process, discharged the defendant or defendants, on giving bond as aforesaid, he shall so return on the process to the court or justice issuing the same; and the plaintiff or plaintiffs may thereupon proceed to judgment and execution, as in other cases where the defendant is returned in custody: and where the sheriff or constable, or other officer, hath discharged any defendant or defendants on process of execution against the body or bodies as aforesaid, he shall so return to the court or justice out of which the same issued, which return, in either case, shall exonerate him from any liability for escape.

4. *And be it enacted*, That the sheriff, constable, or other officer taking such bond as aforesaid shall be entitled to receive for such service, of the defendant or defendants executing the same, the sum of fifty cents, which bond such officer shall deliver, or cause to be delivered, over to the plaintiff or plaintiffs, his or their executors or administrators, to be sued on in case of any breach of the condition thereof.

5. *And be it enacted*, That any conveyance, deed, mortgage, judgment, sale, transfer, assignment, or other disposition made, given, or executed by the said debtor, of, for, or upon any of his estate, real or personal, to any person, after the said arrest, shall, as against his creditors, or any assignee or assignees, to be appointed by the said court, under the fifth section of the act to

which this is a supplement, be void and of no effect; and such assignee or assignees may recover the said estate, real or personal, or the value thereof, in their own name or names, for the use of said creditors, in any proper action to be instituted therefor against any person who may have purchased or in any manner come to the possession thereof, after the giving of the said bond, with costs of suit.

C. Passed December 11, 1823.

A SUPPLEMENT to an act, entitled "An act against Usury," passed the eighth day of February, one thousand seven hundred and ninety-seven.

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 fourth day of July next ensuing, no person shall, upon any contract, take, directly or indirectly, for loan of any money, wares, merchandise, goods or chattels, above the value of six dollars for the forbearance of one hundred dollars for a year, and after that rate for a greater or less sum, or for a longer or shorter time.

2. *And be it enacted,* That the several sections and provisions in the said act to which this is a supplement, concerning the rate of interest therein mentioned and allowed, shall be deemed and taken to be in force, and apply after the fourth day of July, as aforesaid, to the rate of interest herein mentioned and allowed, and as if six per centum and not seven per centum per annum was mentioned as the rate of interest in the said several sections and provisions: *Provided always,* that nothing in this act contained shall be construed to impair the obligation of any contract made before the fourth day of July, as aforesaid, for the loan of any money, wares, merchandise, goods, or chattels, or the interest taken, reserved, due, or growing due thereon; but as well any such contract of loan as any other contract made before the said fourth day of July, and the interest reserved or to be allowed or taken thereupon, shall be and remain and continue as if this act had not been passed.

C. Passed December 5, 1823.

A SUPPLEMENT to an act, entitled "An act to establish a new township in the county of Salem, to be called the township of Centreville."

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 west line of the township of Centreville shall begin near the houses of Jacob Nieu Kirk and Jonathan Jagers, at the corner of the line of Salem and Cumberland, and shall run from thence, continuing the course of said line between the counties of Salem and Cumberland, to the line of the county of Gloucester.

2. And be it enacted, That the township committees of the townships of Pittsgrove and Centreville shall meet on the first Monday in January next, at the inn of Isaac Johnson, at ten o'clock in the forenoon, and shall then and there in writing, under the signatures of a majority of those present, allot and divide between the townships of Pittsgrove and Centreville the taxes now due to the said township of Pittsgrove, from the inhabitants residing within the limits of the said township of Pittsgrove, and by this act annexed to the township of Centreville; and the proportion of taxes so assigned by such allotment to the said township of Centreville, in writing as aforesaid, shall become due and payable to the said township of Centreville, and shall be collected by the collector of said township, agreeably to law.

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

C. Passed November 19, 1823.

AN ACT to regulate the fisheries in Mulica's River.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, it shall not be lawful for any person to erect, fasten, or fix any fish-weir, hoop-nets, seine, or other device for the purpose of catching fish, across any part of Mulica's River, so as to prevent a free passage of fish between the mouth of said river and a station known by the name of Mapp's creek: and if any person shall offend against this act, he or she shall forfeit and pay, for every such offence, ten dollars, to be sued for and recovered in the name

of any person who shall make complaint thereof, and, when recovered, to be applied, the one half to the overseers of the poor of the township where the said offence shall be committed, for the use of the poor of the said township, and the other half to the person who shall sue for the same.

C. Passed December 2, 1823.

A SUPPLEMENT to an act, entitled "An act concerning Idiots and Lunatics," passed the twenty-eighth of February, one thousand eight hundred and twenty.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That, from and after the passing of this act, if any lunatic person, who is furiously mad, or dangerous to be permitted to go at large, shall be found within any county of this state, whose last legal place of settlement is not known, or cannot at the time be ascertained, it shall and may be lawful for any two justices of the peace in and for said county, by warrant under their hands and seals, directed to some one or more of the constables or overseers of the poor of the city or township within such county, to cause such person to be apprehended and conveyed to any place provided in said county for the reception of maniacs or lunatic persons, and in case no such place be provided in such county, to be conveyed to the gaol of said county for safe keeping: and it shall be the duty of the sheriff of such county, and he is hereby required to receive into his custody such lunatic or mad person, and safely to keep him or her until the last legal place of his or her settlement shall be ascertained, and in case no such settlement can be discovered, then until some order on the subject shall be taken by the Court of Common Pleas, whose duty it shall be to decide thereon.

How lunatics
may be dis-
posed of.

2. *And be it enacted*, That all reasonable charges and expenses, accruing in the removal, maintaining, and keeping any lunatic or mad person, agreeably to the provisions contained in the foregoing section, shall be paid and satisfied by the county wherein such person shall have been apprehended: *Provided*, that if the last legal place of settlement of such lunatic or mad person shall be discovered and ascertained, then and in that case the charges and expenses aforesaid shall be reimbursed to the county where such expenses may have occurred, by the city or township where such settlement may be.

Proviso.

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

C. Passed December 2, 1823.

AN ACT directing the manner of appointing Prosecutors of the Pleas of the State in the several counties thereof.

Preamble.

WHEREAS the present mode of appointing prosecutors of the pleas for the state of New-Jersey is liable to abuses, and tends to the great injury of the state, by the choice, in many instances, of incompetent persons, and is also contrary to the rights of the people, by taking away from them, or their representatives in Assembly, the election of public officers, and vesting the same in justices of the peace—THEREFORE, to remedy these and other injurious consequences,

Prosecutors of the pleas, how appointed, &c.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That hereafter there shall be appointed, by the Council and Assembly of this state, in joint-meeting, some one fit person for each county, (and who shall be an attorney and counsellor at law) whose duty it shall be to prosecute the pleas of the state in such county, in the absence of the attorney-general, and further to do and perform such acts and things in behalf of the state, in and about such prosecutions as the said attorney-general might, or ought to do, if he were personally present; which said prosecutor shall be appointed for five years, and be commissioned by the governor, or, in his absence, by the vice-president; provided that the said prosecutor shall be liable to be dismissed, when adjudged guilty of misbehaviour, on an impeachment of the Assembly.

Oath of office.

2. And be it enacted, That every prosecutor of the pleas as aforesaid, before entering upon the duties of his office, shall take and subscribe, before the clerk of the county of which he has been appointed, or before one of the judges of the Court of Common Pleas for such county, the following oath or affirmation, viz. I, do solemnly promise and swear, (or affirm, as the case may be) that I will faithfully, justly, and impartially execute the duties of prosecutor of the pleas of the state, in and for the county of to the best of my abilities and understanding. So help me God.

Fees, &c.

3. And be it enacted, That the said prosecutors shall, severally, during the continuance of their appointments, be vested with the same powers, subject to the same penalties, and entitled to the same fees for services, in the absence of the attorney-general, within their respective counties, as the attorney-general is or shall, by law, be vested with, or subject or entitled to.

4. And be it enacted, That in case of the absence of the attorney-general and of the prosecutor as aforesaid, at any term of the Court of Common Pleas and General Quarter-Sessions

of the Peace in any county, it shall be lawful for the judges and justices of such court to appoint some fit person to prosecute the pleas of the state, during said term, who shall take the oath, be vested with the powers, entitled to the fees, and subject to the penalties as above prescribed, allowed, and imposed, in respect of the person who shall have been appointed by the Council and Assembly in the joint-meeting as aforesaid.

Judges, &c.
may appoint
in certain
cases.

5. *And be it enacted*, That the second section of the act, entitled "An act to repeal an act respecting deputies to the attorney-general, and to provide for the appointment of prosecutors of the pleas of the state, in the several counties," passed November the ninth, one thousand eight hundred and twenty-two, shall be, and the same is hereby repealed, and the appointment of any prosecutor of the pleas, as aforesaid, under and by virtue of the said section, shall cease and determine: *Provided nevertheless*, that until a prosecutor of the pleas shall be chosen and appointed in any county, in the manner in this act directed, all acts done and performed by any prosecutor of the pleas as aforesaid, in pursuance of his authority, under his said appointment, in virtue of the said second section, shall be as valid as if this act had never been passed.

What repeal-
ed.

Proviso.

C. Passed December 11, 1823.

AN ACT respecting Trustees.

WHEREAS inconvenience and expense often arises from the death of trustees appointed by last will and testament, or from their neglect or refusal to act—in remedy whereof,

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, when any trustee, appointed by last will and testament, shall neglect or refuse to act, or shall die before the execution and completion of the trust so committed to him, the Orphans' Court of the county where such testator resided at the time of his death, shall have full power and authority to appoint some suitable person or persons to execute such trust; and the said court are hereby authorized and required to demand and take from such trustee or trustees, a bond, with one or more freehold sureties, conditioned for the due performance of the said trust; and the trustee or trustees so appointed shall have and possess all the power of the said trustee, or trustees neglecting, refusing, or dying aforesaid: *Provided always*, that nothing in this act contained shall

be so construed as to authorize the said court to supply any vacancy arising from the death, or refusal to act, of any executor, otherwise than they have been heretofore enabled by law to do.

C. Passed November 29, 1823.

A further supplement to an act, entitled "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," and 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."

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 court, justice, justices, or judges, who may have appointed, or shall hereafter appoint commissioners to make partition of lands in the manner prescribed in the act or acts to which this is supplementary, or either of them, to supply the place of any commissioner or commissioners so appointed who have died or removed out of this state, or shall hereafter die or remove out of this state; and the commissioner or commissioners thus newly appointed, being duly sworn or affirmed, as the law requires, shall be vested with all the authority and power, and his or their act or acts shall be as valid and effectual, to all intents and purposes, as if he or they had been originally appointed under the act or acts to which this is supplementary.

C & A. Passed November 28, 1823.

AN ACT establishing an Independent Regiment of Horse Artillery.

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 troop of horse artillery commanded by Captain James C. Vandyke, and the troop of cavalry commanded by Captain John Gulick, junior, as soon as they shall be organized and equipped as horse artillery shall be, and they are hereby

set off and formed into one squadron; and the troop of horse artillery of Elizabeth-Town, commanded by Captain Elias Dayton Ogden, and the troop of cavalry of Woodbridge, commanded by Captain Beverly Crowell, as soon as they shall be organized and equipped as horse artillery, shall form one squadron, in like manner, which two squadrons shall form one regiment, styled "The First Regiment of Horse Artillery." The field officers of the regiment shall organize squadron courts of appeal; each squadron court of appeal shall be composed of the colonel, major, senior captain, and surgeon, and shall be invested with all the powers of a battalion court of appeal and brigade board, so far as are absolutely necessary for the good order of the regiment, and authorized to receive and appropriate all fines incurred in said squadron, and to vary the days of exercise, and time of holding their courts of appeal. The commanding officer shall report annually, to the adjutant-general, the armament, state, and condition of the regiment, and in all other respects shall be regulated and subject to the militia laws of this state.

A. Passed December 5, 1823.

A SUPPLEMENT to the act, entitled "An act for the preservation of Clams and Oysters," passed on the ninth day of June, eighteen hundred and twenty."

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 owner or owners, or any person or persons, having a license, in writing, from the owner or owners of meadow or other lands, which are opposite or contiguous to flats which are at any time bare, or coves upon or within which flats or coves there have not been heretofore any natural oyster beds, along the shores of such parts of the Newark Bay and Staten-Island Sound, as lie within the township of Elizabeth, to plant and lay clams, oysters, or other shell-fish upon, within, or above such flats and coves, and one chain beyond the same: *Provided* the clams and oysters thus planted shall be enclosed and designated by stakes placed beyond them within the prescribed limits, not less than six rods apart, and of such length as to be at least two feet above ordinary high water: *And provided also*, that this act shall not be so construed as to take away, or in any wise impair the common rights of citizens to any natural oyster beds which may be embraced by the boundary in the said act specified.

2. *And be it enacted*, That any person or persons who shall gather or take away any oysters or clams upon, above, or within the limits aforesaid, without permission first had and obtained from such owner or owners, person or persons, occupying under such owner or owners as aforesaid, shall be liable to the same forfeitures and the like suits for damages, to be recovered and sued for in manner as is directed and provided in the thirteenth section of the act to which this is a supplement.

3. *And be it enacted*, That nothing in this act shall prevent the legislature from the repeal, or modification of the same, at their pleasure.

C. & A. December 8, 1823.

A further Supplement to the act, entitled "An act to incorporate the Medical Society of New-Jersey."

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That every physician, surgeon, quack, or mountebank doctor who shall practice or attempt to practice physic or surgery, or shall sell or attempt to sell any drugs or medicines of any kind in this state, without such license or certificate as is mentioned and required in the fourth section of the act to which this is a supplement, shall, for every such offence, forfeit and pay the sum of twenty-five dollars, to be recovered, with costs of suit, in any court having cognizance of the same, one half to the use of the person who will prosecute the same to effect, and the other half to the use of the poor of the town, city, or borough where the said offence may have been committed: *Provided always*, that nothing in this act shall prevent or in any way interfere with the practice of the persons mentioned in the proviso annexed to the said fourth section of the act to which this is a supplement: *Provided also*, that nothing in this act shall be construed to prevent any merchant, shopkeeper, or apothecary, resident, or who shall be resident in the state, from selling drugs or medicines out of his store or shop.

2. *And be it enacted*, That the sixth section of the act to which this is a supplement, be, and the same is hereby repealed.

C. & A. Passed November 28, 1822.

A SUPPLEMENT to the "Act directing the appointment of Surrogates," passed November the twenty-eighth, one thousand eight hundred and twenty-two.

WHEREAS in some of the counties of this state, surrogates have since the aforesaid act, exercised and performed the duties of their offices, by virtue of their appointments by the ordinary or surrogate-general: AND WHEREAS doubts exist, whether the acts of such surrogates done and performed after the passage of said law are valid—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the acts and proceedings of such surrogates, respectively, in the several counties, done and performed since the twenty-eighth day of November, one thousand eight hundred and twenty-two, or which shall hereafter be done and performed by either of them, before any appointment already or hereafter to be made by joint-meeting for any such county, shall be, and the same are hereby declared to be as valid, to all intents and purposes, as if the said act, to which this is a supplement as aforesaid, had not been enacted.

C. & A. November 26, 1823.

A SUPPLEMENT to the act concerning Taxes.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the assessors of the different townships in this state, at their annual meeting, in addition to what is required of them in the fourth section of the act to which this is a supplement, to designate, in separate columns in the abstract, the amount of quotas, if any, of county, poor, and road tax, to be assessed and collected in the different townships, to be laid annually before the legislature; also the number of taxable inhabitants in each township; and that so much of the fifth section of the act, entitled "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, as makes it the duty of the several assessors to deliver a transcript or duplicate to the county collector, within fifteen days after the annual meeting of the board of assessors, be, and the same is hereby repealed.

2. And be it enacted, That it shall be lawful for the said as-

sessors to commence taking an account of the ratable property in the several townships, from and after the twentieth day of May, in each year, any thing in the first section of the act to which this is a supplement to the contrary notwithstanding.

3. *And be it enacted*, That before any constable shall collect any tax by distress and sale of timber, wood, herbage, or other vendible property, according to the thirty-third section of the act to which this is a supplement, it shall be his duty to put up notices of such sale in five of the most public places in the township where the premises are, at least twenty days previous to such distress and sale.

4. *And be it enacted*, That it shall and may be lawful for the purchaser or purchasers of any timber, wood, herbage, or other property, so as aforesaid, to enter upon the premises for the purpose of conveying away the property by him purchased, for the space of two months next after the day of sale, and no longer.

5. *And be it enacted*, That if any person or persons shall enter upon said premises for the purpose of cutting or conveying away any timber, wood, herbage, or other property, after the time allowed in the fourth section of this act shall expire, he or she so offending shall be guilty of trespass, and, on conviction, shall be fined in any sum not less than twenty dollars, or exceeding one hundred, to be prosecuted and recovered by the owner or owners, in any court of competent jurisdiction.

A. Passed December 10, 1823.

AN ACT to reduce Fees and Costs of Suit, and for other purposes.

Names of defendants residing in one county to be inserted in one process.

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 names of all defendants in any suit or case, who are resident in the same county where process is to be served by any sheriff, coroner, or other officer, shall be inserted in one process.

Proceedings on foreclosure of a mortgage.

2. *And be it enacted*, That where a bill shall be filed, or any mortgage or instrument in the nature thereof, for a foreclosure or sale of the premises contained in the same or any part thereof, and the complainant or complainants shall deem it expedient to make any person or persons a defendant or defendants therein, other than the mortgagor, his heirs, executors, administrators, or assigns, such complainant or complainants shall, with the subpoena to be issued against such other defendant or de-

defendants, cause to be issued a ticket, in writing, shortly making known for what cause he, she, or they are subpoenaed to answer, which ticket shall be, by the officer serving the subpoena, left with the defendant or defendants, at the time of such service, and no charge be made therefor.

3. *And be it enacted*, That no fees shall be allowed to the clerk in Chancery for attending the court on argument or hearing, with the pleadings or papers in the cause, or reading any pleadings or papers in the same; and that, for commissions for moneys paid in the Court of Chancery or any other court, and lodged with the clerk by order of the court, such clerk shall be allowed, on any amount not exceeding one hundred dollars, one per centum, if over one hundred, and not exceeding one thousand dollars, one half per cent. on such excess, and if exceeding one thousand dollars, one quarter per cent. on such excess.

No fees to be allowed clerk in chancery for attending with papers, &c.

Commissions to be allowed clerk in chancery.

4. *And be it enacted*, That there shall be allowed, in the taxation of cost, for the declaration filed in any cause, the sum of one dollar, fifty cents, and for a copy of the same, seventy-five cents, and no more.

Fees for declaration and copy.

5. *And be it enacted*, That on every subpoena or attachment, or any mesne process issuing out of the Court of Chancery, on every attachment, summons, capias ad respondendum, ejectment, or any mesne process, issuing out of the Supreme Court, or any Court of Common Pleas, and on every citation, attachment, or any mesne process issuing from the Prerogative Court or Orphans' Court of any county, or by the surrogate of any county, the sheriff or other officer serving such process shall, for the first defendant or party on whom such process is served, be allowed the sum of two dollars, and for service on a second defendant named therein, one dollar and fifty cents, and such mileage on such services as is allowed in the "Act to regulate fees," passed thirteenth June, one thousand seven hundred and ninety-nine, and for serving such process on any other defendant or defendants therein named, the sum of fifty cents each, and no more; and if a man and his wife be named in such process, they shall be understood as one defendant, and no mileage shall be allowed but on one or two services, as the case may be, as aforesaid.

Fees on serving process in the different courts.

6. *And be it enacted*, That on every process of execution, the sheriff shall, for serving the same, and making an inventory and return, be allowed one dollar, and where, on any such execution, a sale is made by such officer, or by a master in Chancery, by authority of the chancellor, such sheriff or master shall be allowed, on the amount of sales, as follows, to wit, on any sum not exceeding one thousand dollars, two per cent. on the amount, and if the amount of sales exceeds one thousand dol-

Fees of sheriff and master in chancery.

Proviso. lars, then one per cent. on such excess: *Provided*, that in all cases where such execution shall be settled between the parties without actual sale, and such settlement is produced to the officer, such officer shall be allowed and paid, on any sum or portion of the debt, not exceeding one thousand dollars, at the rate of one per cent. by the plaintiff; and where, in such case, the debt exceeds one thousand dollars, then one half per cent. on such excess: *Provided also*, that the plaintiff, on such settlement, shall also pay the execution fees incurred before the settlement.

Duty of sheriffs, &c. in cases of sales.

7. *And be it enacted*, That in case of a sale on execution, made by a sheriff, under-sheriff, or coroner, he shall, within thirty days thereafter, file in the clerk's office of the county where such sale was made, a true statement and calculation, in order of time of the execution or executions in his hands, upon which such sale was made, and the amount due thereon, respectively, at the time of such sale, mentioning the time or times of sale, as also the amount of sales, certified under his hand, together with his bill of costs or execution fees, for which service he shall be entitled to one dollar, and on failure thereof he shall be liable to pay to the defendant or defendants whose property was sold, his, or their executors or administrators, the sum of fifty dollars, and to the plaintiff or plaintiffs, on every execution in his hands, or to his or their executors or administrators, the sum of fifty dollars: *Provided nevertheless*, that such statement, so filed, shall not be conclusive against any person other than such officer: *And provided*, that if there be more sales than one, such statement shall be made and filed within thirty days after the final sale.

Penalty.

Proviso.

Taxation of bills of cost.

8. *And be it enacted*, That every judge, clerk, or other person, who by law now is, or hereafter shall be directed or authorized to tax any bill of costs or fees, shall, in such bill, class and set together those which appertain and belong to the courts or justices, or judges, clerk, attorney and counsellor, sheriff, and other person or persons, distributively, by not intermingling the same, as heretofore.

Repealing clause.

9. *And be it enacted*, That so much and such parts of any act or acts of the legislature as come within the purview of the several provisions in this act made, and are contrary thereto, be, and the same are hereby repealed.

C. Passed December 12, 1823.

AN additional Supplement to "An act establishing a Militia System."

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 respective brigade boards, at their discretion, upon application made to them, by any number of uniform companies competent to form a battalion, squadron, or regiment, to set off said uniform companies into an independent battalion, squadron, or regiment, as the case may be.

2. *And be it enacted,* That it shall be the duty of the respective brigade inspectors, in the annual returns required from them, to make a particular statement of the troops and companies in uniform, their arms and equipments; likewise the arms and equipments, if any, belonging to the state, which may have been loaned to the brigade, or to any troop or companies within the bounds thereof, or that may have been purchased with money arising from fines of exempts, or others, within the respective brigades.

3. *And be it enacted,* That all fines imposed upon the members of any uniform troop or company, under the provisions of the act to which this is a supplement, be, and they are hereby appropriated to the use of such uniform troop or company, and the battalion paymaster is hereby directed to pay the same, when collected, after deducting therefrom the expenses of the troop or company court, into the hands of the respective commanding officers, for that purpose.

C. & A. Passed December 11, 1823.

A further Supplement to an act, entitled "An act making lands liable to be sold for the payment of debts," passed the eighteenth of February, seventeen hundred and ninety-nine.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when any Orphans' Court in this state shall order and direct any executor or administrator to sell any lands, tenements, hereditaments, or real estate of any testator or intestate, it shall and may be lawful for the said Orphans' Court, at their discretion, to take of the respective executor or executors, administrator or administrators, applying for such order, sufficient bonds, with two or more able and sufficient sureties, being resi-

C

dents in the county, to the ordinary of the state and his successors, in a penalty double the amount of the estimated value of the lands, tenements, hereditaments, or real estate ordered to be sold, with condition in form and manner following, to wit:— The condition of this obligation is such, that if the above bound A. B., executor of the last will and testament of C. D., deceased, (or administrator of all and singular the goods, chattels, and credits of C. D., deceased, as the case may be) shall well and truly administer the moneys arising from the sale of any lands, tenements, or real estate of the said C. D., directed by the order of the Orphans' Court of the county of M. to be sold according to law; and further do make, or cause to be made, a just and true account of his administration, within twelve months from the date of the above obligation; and the surplus of money which shall be found remaining upon the account of such sale or sales, the same being first examined and allowed of by the judges of the Orphans' Court of the county, or other competent authority, shall distribute and pay unto such person or persons respectively, as is, are, or shall be by law entitled to receive the same; then the above obligation to be void and of none effect, otherwise to be and remain in full force and virtue.

2. *And be it enacted*, That all bonds given by executors or administrators and their sureties, in pursuance of this act, shall be good, to all intents and purposes, and pleadable in any court of justice; and in case such bonds shall become forfeited, it shall and may be lawful for the ordinary to cause the same to be prosecuted in any court of record, at the request of any party grieved by such forfeiture; and the moneys recovered upon such bond shall be applied towards making good the damages sustained by the not performing the said condition, in such manner as the judge of the Prerogative Court shall, by his sentence or decree, direct; and further, that it shall and may be lawful to and for the judges of the Orphans' Court of the respective counties in this state, after such executors or administrators shall have legally accounted for and touching the sale or sales of the said lands, tenements, hereditaments, and real estate of the person so deceased, to order a just and equal distribution of the surplus, after debts and just expenses of every sort first allowed and deducted, among the heirs or devisees to whom the lands, tenements, hereditaments, and real estate so sold, descended, or were devised according to the law of descents, in the former, and the will of the testator in the latter case, and the same distribution to decree and settle; and the person entitled to such distribution shall have their remedy at law, in case of non-payment, for the recovery of the same against the executor or executors, administrator or administrators so accounting, saving to every one, supposing him, her, or themselves aggrieved, his, her, or their right of appeal.

3. *And be it enacted*, That where the Orphans' Court of the proper county has made an order to shew cause, as is mentioned in the nineteenth section of the act to which this is a supplement, either on the application of the said executor or administrator, or of a creditor or creditors, as is directed in the twentieth section of the act, entitled "An act to ascertain the powers and authority of the ordinary and his surrogates to regulate the jurisdiction of the Prerogative Court, and to establish an Orphans' Court in the several counties of this state," passed thirteenth June, eighteen hundred and twenty, if the said executor or administrator shall, at the term mentioned in the said order, neglect or refuse to give bonds, with sureties, as aforesaid, then, and in every such case, the said court shall forthwith, by sentence, revoke or repeal the letters testamentary or letters of administration of such executor or administrator neglecting or refusing, and thereupon the surrogate shall grant letters of administration or letters testamentary with the will annexed, to such person or persons having right thereunto, as will give bonds in manner and form aforesaid, who may have every lawful and proper action against such removed executor or administrator, to recover the amount of all moneys, assets, goods, or chattels received by such removed executor or administrator, and not applied according to law, as well as all damages done or committed by such executor or administrator, in respect of the estate in his hands: *Provided*, that this act shall not go into operation until the first day of July next.

A. Passed December 11, 1823.

AN ACT for arranging, repairing, and preserving the public arms and accoutrements.

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall be the duty of the quartermaster general to cause to be constructed in the room of the state-house occupied as an arsenal, such additional racks as the same will conveniently contain, for the arrangement of the arms lately received from the United States; also to fit and prepare the adjoining room, upon the north side, for the same purpose, previously causing it to be lathed and plastered.

2. *And be it enacted*, That it shall be the duty of the quartermaster general to cause the arms heretofore in the arsenal to be repaired, cleaned, and oiled, in a workmanlike manner; and to clean and oil the accoutrements in the attic story, as far as the same may be necessary.

3. *And be it enacted*, That the governor of this state be authorized to settle the accounts that may accrue under the provisions of this act, and to draw upon the treasurer of this state for such amount as may be necessary to satisfy the expenses thereof, and that he render an account to the legislature, at their next session.

4. *And be it enacted*, That it shall be the duty of the quartermaster general, hereafter carefully to compare the returns made by the respective brigade inspectors, of the number and condition of public arms and equipments, in the respective regiments inspected, with the number actually loaned to such regiment; and if the number does not fully appear on the respective returns, or their good condition is not manifested, the said quartermaster general shall, as soon as may be, cause the public arms and equipments of such regiment to be returned to his care: he is also authorized to cause all such arms belonging to the state, deposited in any place, or in possession of any person or persons not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments returned in pursuance of this act, separate from those now in the arsenal; and it shall be the duty of the quartermaster general, on the first week of every session of the legislature, to lay before them a particular return of all the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all the camp equipage in his charge; and the quartermaster general is authorized to require, from the respective brigade inspectors, such particular returns as may give every information requisite fully to carry this section into effect.

C. & A. Passed December 11, 1823.

A SUPPLEMENT to the act, entitled "An act constituting an Independent Battalion in the town of Newark," passed November twenty-sixth, eighteen hundred and twenty-two.

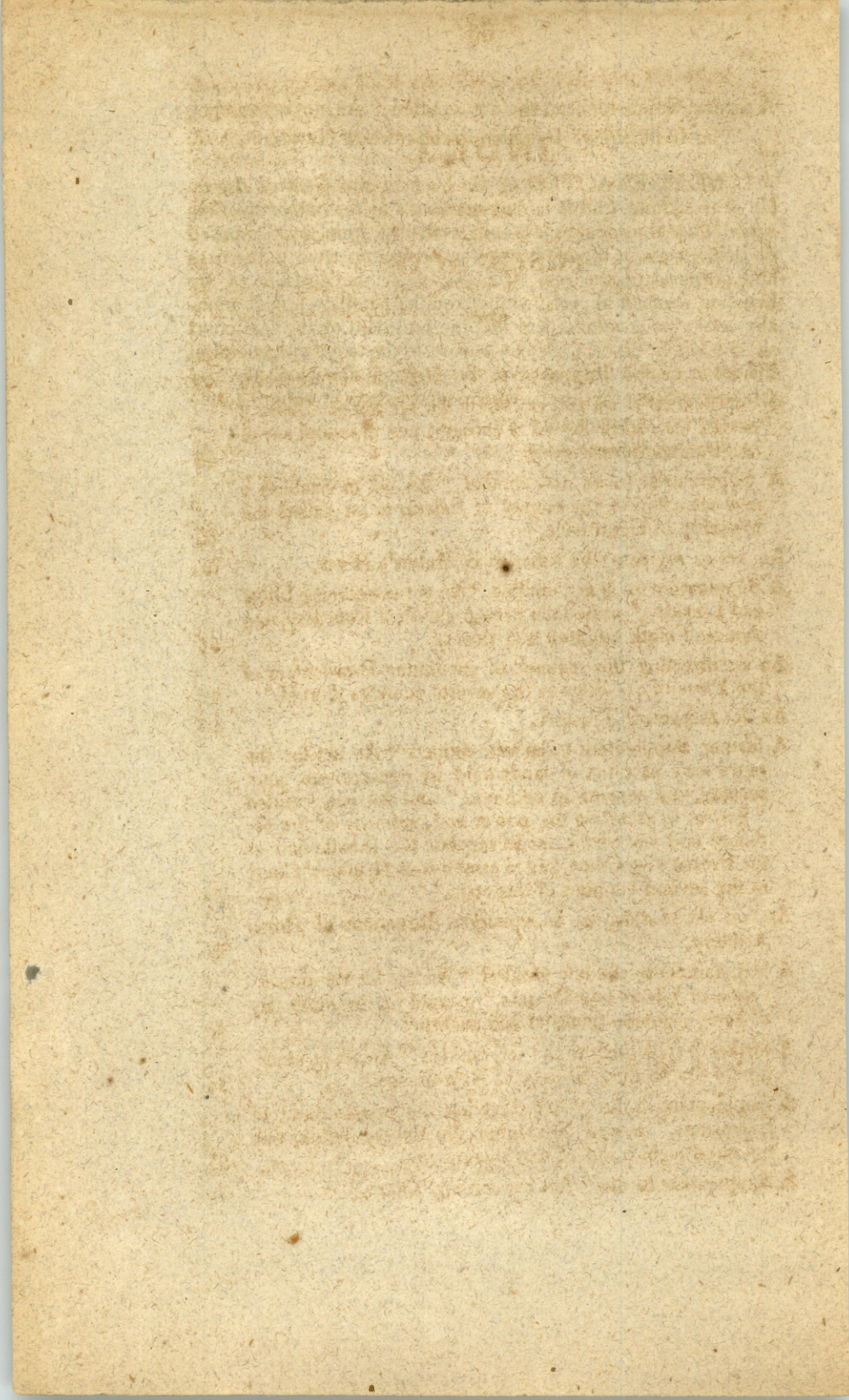
1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the first section of the act to which this is a supplement, shall be construed as to authorize a troop of horse to be attached to the battalion, which shall not be required to do common militia duty, except with the battalion.

A. Passed December 3, 1823.

A further Supplement to the act, entitled "An act constituting an Independent Battalion in the town of Newark."

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 moneys annually collected from fines imposed on delinquents in the said battalion be appropriated to the uses and purposes of the said battalion, under the direction of the battalion court of appeals, with whom the paymaster shall annually settle his accounts: and that the president of the said court shall annually make a specific report to the adjutant-general of this state, of the manner and the purposes for which the said moneys shall be disbursed, which report shall be subject to the inspection of the legislature.

A. Passed December 9, 1823.



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PRIVATE AND TEMPORARY ACTS.

A C T S

OF THE

48K

GENERAL ASSEMBLY

OF THE

STATE OF NEW-JERSEY,

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



Trenton:


PRINTED BY JOSEPH JUSTICE.

1823.

New Jersey State Library

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A C T S
OF THE
FORTY-EIGHTH
GENERAL ASSEMBLY
OF THE
STATE OF NEW-JERSEY.



A SUPPLEMENT to the act, entitled "An act to authorize and empower the Trustees of Queen's College, in New-Jersey, to erect a Lottery for the purposes therein mentioned."

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 proviso contained in the first section of the act to which this is a supplement, be, and the same is hereby repealed; and that the drawing of the lottery or lotteries authorized by the said act shall terminate within three years after the passing of this act.

2. *And be it enacted,* That so much of the first section of the said act as relates to the appropriation of the proceeds of the said lottery towards finishing of their new college edifice, and the purchase of a library and a philosophical apparatus, be, and the same is hereby repealed; and that the said board of trustees be, and they are hereby required, to place all the money received by them for the avails of the lottery, at interest, upon good and sufficient real estate, and that the interest only shall be applicable to the payment of the salary of a professor of mathematics in said college, and to no other purpose.

3. *And be it enacted,* That the power in the said act given to the trustees of Queen's College, in New-Jersey, to appoint them managers of the said lottery or lotteries, shall continue with

them, and they are hereby authorized, whenever they may think proper, to remove any or all of the said managers, and to appoint others in their places; and also to take from said managers proper and reasonable securities, and to require of them an account of their proceedings from time to time.

4. *And be it enacted*, That no matter, clause, or thing in this act contained, shall be of any force or effect until the trustees of Queen's College, in New-Jersey, shall pay into the treasury of this state the sum of five thousand dollars.

C. Passed December 4, 1823.

AN ACT to authorize Ezekiel Smith, administrator of Joseph Stout, deceased, to fulfil a contract for the sale of land, made by the said Joseph Stout with Jacob Van Dyke.

WHEREAS it appears that Joseph Stout, late of the county of Middlesex, deceased, did, in his lifetime, contract to sell to Jacob Van Dyke two certain tracts of land, situate in the township of West-Windsor, in the said county, containing forty-eight acres and thirty-one hundredths, at thirty dollars per acre; and that a large part of the consideration money has been paid by the said Jacob Van Dyke unto the said Joseph Stout, in his lifetime, as appears by receipts for the same, in the hands of Jacob Van Dyke; and whereas the said Joseph Stout is since deceased, intestate, leaving his heirs minors, and the agreement or contract not being made in writing, in presence of two witnesses, a conveyance of the land cannot be ordered by the Orphans' Court, under the existing laws—
THEREFORE,

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Ezekiel Smith, administrator of Joseph Stout, deceased, he, and is hereby authorized and empowered to convey to Jacob Van Dyke two certain tracts of land, situate in the township of West-Windsor, and county of Middlesex, lately belonging to the said Joseph Stout, being the first lot mentioned in the deed executed by Garret I. Schenck unto the said Joseph Stout, containing forty-one acres, or thereabouts, beginning at a stake in the Bear Swamp line; thence running north forty-one degrees, west fifty-two chains and thirty-five links, to a stake in David Schenck's line; thence north forty-six degrees and fifty minutes east seven chains and seventy-six links along the same, to the said Joseph Stout's line; thence, along his line, south

forty-one degrees east fifty-three chains and sixty-nine links; thence south fifty-six degrees and fifteen minutes west seven chains and sixty-five links, to the place of beginning; containing forty-one acres and five-hundredths of an acre: also the third wood lot described in the above mentioned deed, beginning at the stake in Joseph Stout's line; thence south seventy-seven degrees east five chains; thence north thirteen degrees east seventeen chains and six links, to a stone in the Bear Swamp line; thence south fifty-six degrees and fifteen minutes west seven chains and thirty links, along said line, to a stake; thence south thirteen degrees west twelve chains, to the place of beginning; containing seven acres and twenty-six-hundredths of an acre—upon payment, by the said Jacob Van Dyke, of the balance of the consideration money due for the said land upon a contract for the sale thereof, made by the said Joseph Stout with the said Jacob Vandyke, as appears by receipts given for a part of the consideration money now in the hands of the said Jacob Van Dyke; and that a deed or conveyance of the same, made and executed by the said, Ezekiel Smith, administrator aforesaid, shall be valid and effectual to convey to, and vest in, the said Jacob Van Dyke, his heirs and assigns, all the estate, right, and title in the said land which the said Joseph Stout had in the same, at the time of his decease: *Provided always*, that such deed or conveyance shall in no wise affect the right, title, or interest in the said lands, of any other person, other than the heirs of the said Joseph Stout, deceased.

2. *And be it enacted*, That the said Ezekiel Smith shall, upon the execution and delivery of the deed or conveyance aforesaid, make report thereof to the Orphans' Court of the county of Middlesex, and shall, also, within three months after the execution and delivery thereof, as aforesaid, make and exhibit to the said Orphans' Court a true account of the moneys received in payment for the said land, and give such further security as the court shall direct; and the amount thereof shall be accounted for by the said Ezekiel Smith, in the settlement of his account of the administration of the estate of Joseph Stout, deceased; and if part of the said moneys shall remain in the hands of the said Ezekiel Smith, after paying the debts of the said Joseph Stout, deceased, the same shall be distributed among the heirs of the said deceased, according to the interest they have or had in the real estate aforesaid.

C. Passed December 2, 1823.

AN ACT to amend an act, entitled "An act to authorize the draining of the low grounds in the town of Newark," passed November the twenty-fifth, eighteen hundred and twenty-two.

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 first section of the act to which this is supplementary, as grants power to the commissioners therein named to divert the course of the water, where necessary for effecting the object of the said act, in the nearest direction to the river, shall be so construed as to enable the said commissioners and their successors to divert the course of water in the most convenient direction to the river, doing the least possible injury to the land of the owners through which the drain may run, any thing in the above recited act to the contrary notwithstanding.

C. Passed November 20, 1823.

AN ACT authorizing Parmenas Corson to fulfil a certain contract respecting real estate in the county of Gloucester.

WHEREAS Elibu Lee, late of the county of Gloucester, deceased, who died intestate, leaving real property in the township of Weymouth, in said county, which said property was afterwards divided, by order of the Orphans' Court of said county, among the heirs of the said deceased; and whereas one of the heirs, viz. Margaret Lee, sold her share or proportion of the said real estate unto John Peterson, of the same township, and received a part of the purchase money, but the said Margaret being under age, she could not make a title for the premises at that time, and Parmenas Corson became bound for the fulfilment of the said agreement, when she, the said Margaret Lee, arrived at lawful age; and the said Margaret Lee died during her minority, it is therefore necessary to have the aid of the legislature in the premises—**THEREFORE,**

1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Parmenas Corson be authorized to fulfil the said contract, made by the said Margaret Lee with the said John Peterson, and make a good and sufficient title of the said premises to the said John Peterson, his heirs and assigns; and also, that he be authorized to receive whatever balance of moneys there may be due and owing from the said John Peterson unto the estate of the said Margaret Lee, and that he pay the same over to the legal heirs of the said Margaret Lee, deceased.

C. Passed November 14, 1823.

AN ACT authorizing the enclosure of a certain tract of land, situate in the township of Pequannock, in the county of Morris, called Toms Point.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the owners and possessors of all that tract of low land, situate, lying, and being in the township of Pequannock, in the county of Morris, called Toms Point; which said land is enclosed in the following boundaries, to wit: beginning on the bank of Passaic river, on the Morris side thereof, at the Long Bridge, otherwise called Horse-Neck Bridge; thence up the old road, to its intersection with the new road, between the lowlands aforesaid and the high ground; thence along said road, until it comes to the old road, leading from Thomas Dodd's to the two bridges; thence along the said old road, to the bank of the Passaic, at the two bridges; thence along the Passaic, up the stream, to the place of beginning—and to erect such fences and swinging gates, as by the persons herein after elected, to make the assessments from time to time, may be deemed proper to enclose the same; and that from and after enclosing the same, as aforesaid, no person or persons whatever shall be at liberty to drive or let in any horses, cattle, sheep, or hogs, with an intent that they should run at large in the said tract: *Provided*, that nothing in this act contained shall be construed to prevent any person or persons from permitting his, her, or their own, or the cattle, horses, sheep, or hogs of any other person, to run on any part of the said tract already enclosed by him, her, or them, or which may be hereafter enclosed, so long as the same shall be enclosed by him, her, or them, by a lawful fence.

Boundaries to be enclosed, and assessments made for that purpose.

Proviso.

2. *And be it enacted*, That if any person or persons whatsoever, shall drive or let in any horses, cattle, sheep, or hogs within the said tract, after it shall have been enclosed, as aforesaid, except as is excepted in the first section, with an intent that they should run at large, such person or persons shall forfeit and pay the sum of ten dollars, to be recovered in an action of debt, with costs of suit, in the name or names of any person or persons hereafter to be appointed, in any court having cognizance of the same, to be applied towards repairing the said fence.

Penalty for violating the first section, &c.

3. *And be it enacted*, That it shall and may be lawful, immediately after the passing of this act, for any one concerned in the aforesaid tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places in the township of Pequannock, at least ten days previous to the time of meeting, and publishing the same, for two

Meeting of possessors to be advertised, &c.

weeks prior thereto, in a newspaper printed in the town of Morris; on which notice being given, the owners and possessors of said tract shall convene at the house of Henry I. Van Houten, near the two bridges, in the township of Pequannock, which owners and possessors of the said tract, or such of them as shall assemble in pursuance of said notice, shall, when met, proceed to elect, by a plurality of votes, three persons, being owners of some part of said tract, to make and repair the fences and swinging gates necessary to enclose the aforesaid tract, and for the purpose of making assessments and superintending the expenditures of all moneys to be received and paid for the purpose aforesaid, which said persons, so elected, shall continue in office until the first Tuesday in April next, when a new election shall take place between the hours of twelve and three o'clock P. M. of that day; and an election for that purpose shall be had on the first Tuesday in April, in each year afterwards, at such place as shall be agreed on by a majority of the said owners, assembled at a previous annual meeting, between the hours aforesaid; and each owner or possessor shall be entitled to one vote for any quantity of land he or she may own or possess, under, or amounting to five acres, and one vote for every additional five acres, until the quantity of land, owned or possessed as aforesaid, shall amount to twenty acres, and one vote for every additional ten acres owned or possessed as aforesaid, until he or she shall become entitled to twelve votes, to which number he or she shall be restricted.

Officers, &c. to
be chosen, &c.

Votes, &c.

4. *And be it enacted*, That if any horses, cattle, sheep, or hogs shall be found running at large on any part of the said tract that shall be enclosed as aforesaid, and by a lawful fence, except as is excepted in the first section of this act, it shall and may be lawful for any owner or possessor of any part of the said tract, to take and drive the same to any public pound in the township of Pequannock, and shall, as soon as may be, make affidavit, stating that the same were taken running at large in the said tract; and, in such affidavit, shall state a description of the horses, cattle, sheep, or hogs so taken; which affidavit shall be delivered to the pound-keeper where the horses, cattle, sheep, or hogs are impounded, and the person impounding the said cattle, horses, sheep, or hogs shall be entitled to receive, for every head so taken and impounded, the sum of thirty-seven cents, if not exceeding four, and then twenty-five cents for every additional one over four, to be collected by the pound-keeper of the owner, or from the sale of the said cattle, horses, sheep, or hogs, and which shall be the measure of damage to be paid on such occasions; and the pound-keeper is directed to receive such beasts, and to proceed in the same manner, after the receipt of the same, as is directed in case of distress for damage

Horses, &c.
running at
large, &c. sub-
ject to be im-
pounded, &c.

feasant, by the twelfth section of the act, entitled "An act regulating fences," passed the twenty-second day of January, seventeen hundred and ninety-nine, and shall be entitled to the same fees, and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act.

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

Damages received, how to be appropriated.

6. *And be it enacted*, That the persons so elected, as aforesaid, shall, by virtue of this act, be authorized to make an estimate of the part of the tract benefited by such enclosure; shall ascertain the number of acres, as accurately as they can, which each individual owns or possesses therein, and which may receive benefit from such enclosure, either by an actual survey or otherwise, as shall be agreed on by a majority of the owners and possessors met at their first or any subsequent meeting; which estimate, when made, shall be, by the persons so elected as aforesaid, fairly entered in a book to be kept for that purpose, in which book shall be entered the names of the persons from time to time elected to superintend the expenditures of the moneys assessed for making and repairing fences and swinging gates as aforesaid, and other of the proceedings relative to the enclosing of said tract; which book shall be kept by the persons elected as aforesaid, and all assessments shall be made according to the first estimate, until the same is altered by a majority of votes of the owners and possessors of the said tract.

Superintendants to estimate the value of each owner's share, &c.

7. *And be it enacted*, That as soon as any assessment is made, and the sum which each individual is to pay is ascertained, it shall be the duty of the persons so elected, as aforesaid, to demand from each individual his, her, or their proportion, either personally or by leaving a statement of the sum he, she, or they are to pay, with some white person above the age of fourteen years, at their dwelling-house; and on failure of payment thereof for thirty days after such demand, which may be proved by the oath or affirmation of the person making it, it shall be lawful for the persons elected as aforesaid to sue for and recover the same in their own names jointly, from each individual so assessed and notified as aforesaid, together with costs of prosecution, before any court having cognizance of the same.

and also to collect, &c.

8. *And be it enacted*, That the person so elected shall annually account to the owners and possessors aforesaid, for all moneys which shall have come to their hands as aforesaid, and shall pay over all balances remaining in their hands, if any, to their successors, together with the book or books directed to be kept,

and to be accountable for all moneys received, &c.

immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by their successors, in their own names jointly, with costs of suit, in any court having cognizance thereof, to be applied by them, when recovered, to the purposes contemplated by this act.

Privileges of owners.

9. *And be it enacted*, That if any person or persons shall think fit to fence off his, her, or their tract or lot by itself, such person or persons shall be entitled to all the privileges of voting, contained and given in the third section of this act; and if any horses, cattle, sheep, or hogs shall be found running at large on his, her, or their lot fenced off as aforesaid, he, she, or they may impound the same, and be entitled to the same fees for impounding, and in all things to be governed as in the fourth section of this act is authorized and directed.

C. Passed December 11, 1823.

AN ACT to incorporate the Jersey Little Falls Manufacturing Company.

Preamble.

WHEREAS John Haight, in behalf of himself and Nicholas Haight, and Warren Haight, hath, by his petition to the legislature, represented that the said John Haight and Nicholas Haight are the proprietors of an extensive carpet manufactory, at present located in the city of New-York, and that they contemplate the removal of the same to this state, which will be a great benefit to this state, by the introduction and employment of a considerable capital therein, and hath prayed that the said John Haight, and Nicholas Haight, and Warren Haight, and their associates, may be incorporated into a company, for the sole purpose of manufacturing carpeting, flannels, bombazetts, and other articles; and whereas the prayer of the said petition appears to be reasonable—THEREFORE,

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the said John Haight, Nicholas Haight, Warren Haight, and such other persons as now are or hereafter may be associated with them and their successors, be, and they are hereby constituted a body politic and corporate in this state, by the name and style of "The Jersey Little Falls Manufacturing Company," for the sole purpose of manufacturing wool, cotton, flax, hemp, and other articles of a similar nature, into carpeting, flannels, bombazetts, and other articles, and that by that name they and their successors shall have power and continue to be a

Name of the incorporation, and privileges thereof.

body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change, at their pleasure; and they and their successors, by their corporate name, shall, in law, be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares, and merchandises whatsoever, in any part of this state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation, by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof, shall not at any time be used or employed in banking transactions, or in the purchase and sale of any stock of this state or of the United States, or in any business or operations not necessary and proper to fulfil the declared objects of the said company.

Proviso.

2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices one year from the first Tuesday of October in every year; and that the said directors shall be elected on the last Tuesday of September in every year, at such time and place as shall be directed by the by-laws of the said company, and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more of the newspapers printed nearest the place where such election shall be held; and the election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of the said company, and the persons having the greatest number of votes (being stockholders) shall be the directors; and if it shall happen, at any election of directors, that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by plurality of votes, appear to be chosen as directors, then the said stockholders, herein before authorized to vote at such elections, shall proceed to ballot a second time, and by plurality of votes determine which of the persons so having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed, in like manner to elect, by ballot, one out of their number to be their president, and shall

Five directors to conduct the business of the company; to be annually chosen, and in what manner.

Vacancies,
how filled.

also, at the same time, elect a secretary to the company, and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint; and that the first directors shall be Peter Remsen, Abraham G. Thomson, John Haight, Nicholas Haight, and Warren Haight, and shall hold their offices until the first Tuesday of October, one thousand eight hundred and twenty-four.

Amount of
capital stock,
&c.

3. *And be it enacted*, That the capital stock of the said corporation shall not exceed four hundred thousand dollars, and shall be divided into shares of one thousand dollars each; but it shall nevertheless be lawful for the said company, when and so soon as two hundred thousand dollars of the said capital stock shall have been subscribed and paid for, or satisfactorily secured to be paid, to commence their said business, and with that capital conduct and carry it on until they shall find it expedient to extend 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 and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payments shall have been published, for that time, in one or more of the public newspapers published in the county where such payment shall be required to be made; and if no newspaper be published in said county, then in the newspaper published nearest the place where such payment shall be required to be made, and also in one or more of the public newspapers printed in the city of New-York.

Forfeiture.

Stock to be
considered
personal es-
tate, &c.

4. *And be it enacted*, That the stock and property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of the said corporation: *Provided always*, that no dividends shall be made to and amongst the stockholders, except from and out of the profits of the said corporation: *And provided further*, that for all debts, which in case of the dissolution of the said corporation shall then be due and owing by the said corporation, the stockholders for the time being shall be responsible, in their individual and private capacities, to the extent of their respective interests in the corporate property of the said corporation, and no farther, in any suit or action to be brought or prosecuted after such dissolution of the said corporation.

5. *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 be for that cause deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

6. *And be it enacted*, That a majority of the directors for the time being shall form a board or quorum for transacting the business of said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States or of this state, as shall appear to them needful and proper, touching the management and disposition of the stock, property, estate, effects, and profits of the said corporation, the duties and conduct of the officers, clerks, and servants employed therein, the election of directors, and all such other matters as appertain to the concerns of the said corporation, and shall have power to employ so many officers, clerks, and servants for carrying on the said business, with such salaries and allowances as to them shall seem meet.

Majority to be a quorum, &c.

7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory, proper books of accounts, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of the said company.

All transactions to be entered in a book.

8. *And be it enacted*, 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 that purpose.

C. Passed November 14, 1823.

AN ACT authorizing the Board of Chosen Freeholders of the county of Burlington to build a Draw-Bridge over Bass River, about a quarter of a mile above the dwelling-house of Benjamin Mathis.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That it shall and may be lawful for the board of chosen freeholders, in and for the county of Burlington aforesaid, at their discretion, to build and maintain a good and sufficient bridge over Bass River, about one quarter of a mile above the dwelling-house of Benjamin Mathis, and about one hundred

yards below William Butler's house, where the new laid out road crosses the same, leading from Tuckerton to Bridgeport, with a suitable draw therein, of sufficient width for the convenient passage of vessels navigating the same.

Penalty for injuring said bridge, &c.

2. *And be it enacted*, That if any master of a vessel, or other person or persons, shall hoist the draw in said bridge, and leave the same hoisted, so as to prevent travellers and others from passing over the same, for more than twenty minutes, where the same is not absolutely necessary for the passage of some vessel through the same; or if any person or persons shall cut, remove, or destroy any piece or pieces of timber, or any plank or planks belonging to or composing a part of the said bridge, draw, post, or piles, or shall remove any piece or pieces of timber, or any plank or planks off the said bridge, or any iron or iron work belonging to the said bridge, draw, post, or piles, or otherwise wilfully damage, or do any act which may have a tendency to injure the said bridge or draw unnecessarily, he, she, or they so offending shall, for each and every such offence, forfeit and pay the sum of twenty-five dollars, over and above the damage done to the said bridge or draw, to be recovered in an action of debt, before any court of competent jurisdiction, with costs of suit, by any person who will sue for the same; one half thereof to the use of such prosecutor, and the other half thereof to the use of the county of Burlington.

3. *And be it enacted*, That if any master of a vessel, scow, or other boat, of four tons and upwards, shall moor or fasten to the said bridge longer than is absolutely necessary for making ready and passing through the draw of said bridge, he or they shall forfeit and pay the sum of ten dollars to any person who shall prosecute the same, with cost of suit, before any court having cognizance of the same.

4. *And be it enacted*, That it shall and may be lawful for any person or persons, finding any vessel, scow, or boat riding fastened, or moored to the said bridge, to desire the captain, owners, or occupiers of such vessels, scows, or boats, to remove from their said fastening or mooring, and if he or they shall refuse so to do, that it shall and may be lawful for any person or persons to loose the same, by casting off or cutting the same.

C. & A. Passed November 13, 1823.

A SUPPLEMENT to an act, entitled "An act to authorize the Board of Chosen Freeholders of the county of Monmouth to erect a Bridge over Matavan Creek."

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the chosen freeholders of the county of Monmouth be, and they are hereby authorized to erect and keep up a draw in the bridge over Matavan creek, built in pursuance of the act to which this is a supplement, of sufficient width for boats or vessels that may navigate the same.

2. *And be it enacted,* That if any person shall keep, or leave the draw of said bridge hoisted above fifteen minutes, when the same is not necessary for the passage of any boat or vessel, or shall let down the draw of said bridge, when hoisted, without proper care, so as to injure the same, he shall, for every such offence, forfeit and pay the sum of five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same, to be paid to the collector of the county, for the use of the same.

C. Passed November 22, 1823.

A further Supplement to the act, entitled "An act to incorporate the Georgetown and Franklin Turnpike Company," passed February the fifteenth, one thousand eight hundred and sixteen.

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, after having travelled with a carriage, team, or horse, on any part of the Georgetown and Franklin turnpike road, which was not a public highway at the time of passing the act to which this is a supplement, shall turn out and pass any of the gates of said company, and again enter and travel on any part of the Georgetown and Franklin turnpike road, which was not a public highway at the time of the passing of the act to which this is a supplement, he, she, or they so offending, shall, for every such offence, be liable to pay to the said corporation the sum of one dollar; which may be recovered by the said corporation, for the use thereof, before any court having cognizance of that sum, in an action of debt, with costs of suit.

Penalty for
avoiding the
gates.

2. *And be it enacted,* That the said company may and shall have three years further time for the completion of said road,

Extension of
time to com-
plete the road.

from and after the time prescribed in the original act, to which this is a supplement.

3. *And be it enacted*, That it shall be lawful for the council and general assembly of this state to repeal this act, whenever they shall think it expedient.

C. Passed December 12, 1823.

AN ACT to vest the title to certain lands and premises in "The inhabitants of the township of Newark, in the county of Essex," as a body politic and corporate, by law established.

Preamble.

WHEREAS, in pursuance of an act of the legislature of the state of New-Jersey, passed on or about the twenty-fourth day of November, in the year one thousand eight hundred and eight, entitled "An act to ascertain and define the boundary lines of the several streets in the town plat of Newark, in the county of Essex, and for preventing encroachments on the same," and of a supplement to the said act, passed on or about the twenty-seventh day of November, one thousand eight hundred and nine, the commissioners or persons thereby appointed or authorized for that purpose, did cause a survey to be made, and thereby ascertained and defined the said streets, and made a field-book, or written explanation, of the said survey, which is on file, as of record, in the clerk's office of the county of Essex, as by law directed: and they also made, or caused to be made, and filed in the said clerk's office, a map of the said streets, as by law directed.—*And whereas*, in making the said survey, it was found that certain pieces or parcels of ground within the said town plat were open and in common, or used by the public, and not embraced within the said streets, and which were considered as vacant grounds, and are so delineated upon the said map, and are hereafter specified or referred to, that is to say, a triangular piece adjoining Orange Street and the Quarry Road, so called; another triangular piece, situated in the rear of the dwelling-house and premises lately owned and occupied by John N. Cumming, deceased, and in front of the present dwelling-house of James Hedden, being surrounded on three sides by four-rod roads, or streets, and terminating in a point where two of the said roads meet, leading to the bridge over Passaic river; another triangular piece adjoining Washington Street and Market Street, so called, being on the easterly side of Washington Street, and on the northerly side of Market Street; a triangular piece, situate adjoining to and on the southerly side of Market Street, and adjoining to and on the northerly side of

the Springfield and Newark turnpike road, at the intersection thereof; an oblong piece, lying on the southerly side of, and adjoining the said turnpike road, and on the easterly side of, and adjoining High Street, so called; a triangular piece, lying on the southerly side of, and adjoining Maston Street, so called, and on the easterly side of, and adjoining said High Street; a piece or parcel, situated between, and at the intersection of Broad Street and the turnpike road leading from Newark to Elizabeth-Town, adjoining the southerly side of Broad Street and the westerly side of the last mentioned turnpike road; a triangular piece, bounded southerly and easterly by Broad Street, westerly by Washington Street, and northerly by a road called the Hill Road, and a triangular strip on the easterly side of Mulberry Street, so called, and at the southerly end thereof—all which pieces or parcels of ground are, on the said map, coloured green, to distinguish and designate the same.—*And whereas* it is deemed expedient to vest the legal title to the said several pieces or parcels of ground in the “inhabitants of the township of Newark, in the county of Essex,” as a body politic and corporate—**THEREFORE,**

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the legal estate and title of, in, and to all and singular the pieces or parcels of ground and premises before mentioned or referred to, as the same are designated on the said map, shall be, and is hereby transferred to and vested in the said “the inhabitants of the township of Newark, in the county of Essex,” to be preserved for, and appropriated to public uses, so far as the public convenience may require.

Certain specified lands invested in the inhabitants of the township of Newark, for public uses.

AND WHEREAS there is in the said town plat of Newark another piece or parcel of ground, situated in the southerly side of, and adjoining Market Street, and easterly of the ground lately occupied by Daniel Harrison, deceased, and westerly of the ground now or lately owned or claimed by the First Presbyterian Church in Newark, on which said piece or parcel of ground, or a part thereof, stands a Market House, which ground is public property, or was originally left for public use, and it is also deemed expedient to vest the legal estate in, and title to the same in “the inhabitants of the township of Newark, in the county of Essex,” as a body politic and corporate, as by law established—**THEREFORE,**

2. *Be it enacted by the authority aforesaid,* That the legal estate and title of, in, and to all and singular the piece or parcel of ground last mentioned or referred to, shall be, and is hereby transferred to, and vested in the said “the inhabitants of the township of Newark, in the county of Essex,” to be preserved

Certain specified lands invested, &c.

for, and appropriated to public uses, so far as public convenience may require.

AND WHEREAS there is in the village of Newark, adjoining and upon the Passaic river, a landing place, commonly called the town dock, and adjoining the property owned by Aaron Ward, which landing place has been from time immemorial considered as public property, and has, until within some years last past, been used as a public landing place, but the dock, or a part thereof, is in a state of decay, and unfit for the public use and convenience; and it is also deemed expedient to vest the legal estate in, and title to the landing place or town dock in "the inhabitants of the township of Newark, in the county of Essex," as a body politic and corporate, as by law established—THEREFORE,

Certain specified lands invested, &c.

3. *Be it further enacted*, That the legal estate and title of, in, and to all and singular the said landing place or town dock, so called, as the same was formerly laid out or improved and used as a public landing place or town dock, shall be, and is hereby transferred to, and vested in the said "the inhabitants of the township of Newark, in the county of Essex," to be for ever preserved as a public landing place or dock and highway, and not to be otherwise used or appropriated: *Provided always*, that nothing in this act contained shall impair the legal estate or title of any person or persons in or to the pieces or parcels of land and premises comprehended in this act, or to any part thereof.

Provisb.

C. Passed November 20, 1823.

AN ACT to incorporate the Rahway Fire Company.

Preamble.

WHEREAS the citizens of Rahway and its vicinity have, by petition to the legislature, expressed the desire and necessity they feel of being incorporated, for the purpose of guarding, by more effectual provisions, against the destruction of lives and property by fire—THEREFORE,

Boundaries.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That all the proprietors of dwelling-houses, or other buildings liable to injury by fire, in Rahway and its vicinity, in the counties of Essex and Middlesex, within the following boundaries and limits, to wit, beginning at the dwelling-house of William Edgar, and including the same, and thence running in a direct line to the dwelling-house of Isaac Vail; thence, in a direct line, to the dwelling-house of Jonathan Squire; thence, in a di-

rect line, to the house of Peter Trembly; thence, in a direct line, to the dwelling-house, formerly Kinsey's old tavern house; thence, in a direct line, to the dwelling-house of Amos Brown; thence, in a direct line, to the place of beginning, including all the aforesaid houses, be, and are hereby constituted, ordained, and declared to be a body politic and corporate, in fact and in name, by the name of "The Rahway Fire Association," and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts and places whatsoever, and that they and their successors may have a common seal, and shall make, change, and alter the same at pleasure, and by their name aforesaid, and under their seal, may make, enter into, and execute any contracts, agreements, and other writings, touching and concerning the objects of said corporation, and shall have full power and authority to make, form, and adopt such constitution, and such by-laws and regulations, for their government, not inconsistent with the laws of this state or of the United States, as they shall think proper.

Incorporated.

2. *And be it enacted*, That the capital stock of said association shall not exceed the sum of one thousand dollars, and shall be solely and exclusively applied to the procuring, maintaining, and repairing such engines, reservoirs of water, ladders, buckets, fire-hooks, and other implements and machines, and to such other incidental expenses, as shall, in the opinion of the officers herein after named, be best calculated to effect the objects of this corporation.

Capital stock,
how to be em-
ployed.

3. *And be it enacted*, That, for the purpose of effecting the objects of this corporation, it shall and may be lawful for the members thereof to assemble at the Peace Tavern, in Rahway, in the county of Middlesex, on the first Monday in January next, at the hour of one o'clock in the afternoon of that day, and on the first Monday in January of every succeeding year, at the same hour, public notice of the place of such meeting being previously published in the newspaper printed at Rahway, if such there be, or public notice being given by hand-bills posted up in at least five of the most public places within the aforesaid limits, for the space of one week next before the day of such meeting, and then and there, by plurality of persons so assembled, to elect, from the members of said corporation, a president, a treasurer, a secretary, accountant, and five managers; which officers, thus elected, shall constitute the board of managers of "The Rahway Fire Association," and in whose hands the active powers of this corporation are hereby vested, and who shall take charge and care of all the property belonging to said corporation; and the members aforesaid, at the time and place afore-

Officers, how
to be chosen,

said, shall determine the sum of money to be raised in the next ensuing year, and a majority of the board of managers aforesaid, shall have power to fill all vacancies of officers at any time arising, until the next annual election thereafter.

Assessors, and
their duty.

4. *And be it enacted*, That the members of the said corporation, shall, at their first meeting, and at each meeting, choose and elect one or more proper person or persons as assessor or assessors, whose duty it shall be to make a fair and correct list of all buildings within the aforesaid limits, liable to destruction by fire, with the names of the owners and occupants of such buildings, and the value thereof, and shall assess such sum thereon as may be deemed just and equitable, in proportion to the whole sum ordered to be raised by the members of the said incorporation, at their annual meetings, such assessor or assessors making such allowances as may be just, on account of the various dangers and hazards to which such buildings may be subject, by reason of their local situation, the materials of which they are composed, or any other circumstances, which list and estimate shall be returned by the assessor or assessors, within sixty days after such assessment shall be ordered, to the said board of managers.

Committee of
appeal.

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

Treasurer to
collect, &c.

6. *And be it enacted*, That after the assessments shall have been fairly made, it shall be the duty of the treasurer of the said corporation to demand of the person or persons assessed as aforesaid, if they can be found within the limits aforesaid, the amount of such assessment, and in case of non-payment he is hereby authorized to prosecute all such persons neglecting or refusing to pay the same, in the name of the said corporation, in an action of debt, and shall prosecute those residing in the county of Essex, before any magistrate residing in the county of Essex, having competent jurisdiction, and those residing in the county of Middlesex, he shall prosecute in the county of Middlesex, before any magistrate having competent jurisdiction, which magistrates are hereby required to render judgment for the same, with costs of suit.

7. *And be it enacted*, That, in case any of the buildings so assessed as aforesaid, shall belong to non-resident proprietors, the tenants in possession shall be liable for the sum so assessed, in the same manner as the owner would be, if residing in or occupying such buildings, and such tenants are hereby required to pay such sum so assessed, and are authorized to deduct such sum so paid, from the amount of the rent they were to pay, by contract or otherwise, to the landlord or proprietor; and in case of the non-payment of any sum or sums so assessed, by reason of the non-occupancy of any building or buildings, the same shall remain a lien upon such building or buildings, and the future occupier or possessor shall be liable for all such arrearages of assessment.

Assessment on non-residents, how to be collected.

8. *And be it enacted*, That the said corporation shall have power to raise and organize, from among the members thereof, and from other persons residing within the limits of the same, one company of firemen to each and every engine that is or may be within said limits aforesaid, consisting of twenty-five men each; and that the said corporation have power to make all necessary by-laws for the organization and regulation of the said companies, provided they shall not be inconsistent with the laws of this state or of the United States.

Firemen, how organized.

9. *And be it enacted*, That any person who shall be found firing guns, squibs, crackers, rockets, or making bonfires, fire-balls, or other means whereby the property of the citizens may be endangered within the limits aforesaid, shall, on due proof thereof before any justice of the peace within the county where the offence is committed, be punished by a fine not exceeding five dollars, or imprisonment in the county gaol not exceeding five days: *Provided*, that nothing herein contained shall be construed to prevent any person, or the family of such person from firing guns or other fire-arms on his own lands, nor to prevent the firing of guns on the fourth of July, or any day appointed by law for military parades.

Penalty, &c.

10. *And be it enacted*, That it shall be lawful for the council and general assembly of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall think fit.

C. Passed December 5, 1823.

AN ACT respecting the Delaware and Rariton Canal.

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 Silas Condit, George Holcombe, and Lucius Q. C.

Commission-
ers, &c.

Elmer, esquires, be, and they are hereby appointed commissioners for the purposes of ascertaining the practicability and expediency of a canal to unite the tide waters of the Delaware and Rariton rivers, and to report to the next session of the legislature the probable expense, and the revenue to be derived therefrom; as also upon any arrangement that may be made with the United States in respect to said canal, and upon the ways and means proper to be adopted for executing the same, and generally on every other matter which, in their opinion, would be useful to be understood by the legislature in the premises.

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

C. Passed December 8, 1823.

AN ACT to repeal certain acts therein mentioned.

1. **BE IT ENACTED** *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act, entitled "An act to enable the owners of the meadows and marshes belonging to the town of Salem," passed the fifteenth day of March, one thousand seven hundred thirteen-fourteen, together with two supplements to the said act, passed, the first, on the eighth day of June, one thousand seven hundred and fifty-three, and the other, on the twenty-first day of December, one thousand seven hundred and seventy-one, together, also, with all private acts or parts of private acts having any relation to the said marshes in the said former acts mentioned, be, and the same are hereby repealed.

C. Passed November 27, 1823.

AN ACT to incorporate the New-Brunswick Steam-Boat Ferry Company.

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 Lewis Carman, Elias Molleson, Simeon Ayres, John T. Duyckinck, and James Bishop, and such persons as have, or hereafter shall be associated with them, for the purpose of conducting a Steam-Boat Ferry, from New-Brunswick, and their successors and assigns, be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name of "The New-Brunswick Steam-Boat Ferry Company," and by that name they and their successors shall and may have succession, and shall be persons in law, capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors by the name of "The New-Brunswick Steam-Boat Ferry Company," shall in law be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, or real or personal estate whatsoever, necessary for the objects of this incorporation.

Name of the incorporation, and privileges.

2. *And be it enacted*, That subscriptions shall be taken in under the direction of Lewis Carman, Elias Molleson, Simeon Ayres, John T. Duyckinck, and James Bishop, or a majority of them, to the capital stock of the said corporation, not to exceed one thousand shares, they, the said Lewis Carman, Elias Molleson, Simeon Ayres, John T. Duyckinck and James Bishop, or a majority of them, giving two weeks public notice, in two newspapers printed in the city of New-Brunswick, of the time and place of taking the said subscriptions, and that a share of the said stock shall be twenty dollars; that the stock of the said company shall be deemed and considered personal estate, and that nothing herein contained shall authorize and empower the said company to carry on banking business, or to use or employ their funds, or any part of them, or to permit the same to be used or employed in the stock of any bank in the United States for any purpose, or in any manner whatsoever not herein expressly authorized.

Amount of capital stock.

Amount of share—to be considered personal estate.

3. *And be it enacted*, That the sum to be subscribed shall be paid to the persons herein mentioned in the manner following, that is to say: ten dollars on each share at the time of subscribing, to the persons receiving subscriptions, and ten dol-

Amount to be paid on subscribing.

lars on each share on the day appointed for the election of the first directors of the said company, to be paid to the persons aforesaid, previous to said election.

How shares
may be forfeited.

4. *And be it enacted*, That any person, copartnership or body politic, failing for the space of thirty days to pay any instalment or part thereof, in the manner set forth in the third section, shall forfeit to the said company every share upon which there shall be a deficiency, and all moneys thereon previously paid.

How and
when directors
are to be
chosen, &c.

5. *And be it enacted*, That as soon as eight hundred shares shall be subscribed the persons hereby empowered to receive subscriptions, or a majority of them, may call a meeting of the subscribers at New-Brunswick, by giving at least one week previous notice in the newspapers printed in that city; and the subscribers assembled in consequence of such notice shall choose by ballot from among the subscribers, by a majority of votes of such as are present, or by proxy, five directors for one year thereafter, in the manner following, to wit: for every share not exceeding five, one vote each; for every two shares over five and not exceeding eleven, one vote; for every three shares over eleven and not exceeding twenty, one vote; for every five shares over twenty and not exceeding fifty, one vote; and for every ten shares over fifty, one vote; and on the same day, annually, a like election shall be made; and in case of death, refusal, resignation, disqualification, or removal of any director, the remaining directors, at their next meeting thereafter, shall elect by ballot another person in his place for the residue of the year, and in case of the death, refusal, resignation or disqualification of the president, the directors shall meet as soon as conveniently can be thereafter, and elect in the manner before mentioned another person qualified as aforesaid for president.

By-laws, &c.

6. *And be it enacted*, That the directors or a majority of them or their successors in office, shall have power from time to time, to make, constitute, ordain, and establish all by-laws, rules, ordinances, and regulations touching the election of directors not herein provided for, and also for the transacting of the business of the said company, and the better government of the said ferry, not repugnant to the constitution or laws of the United States, or of this state: *Provided*, that all contracts, engagements, and responsibilities entered into on the part of the said company by the directors or a major part of them, and signed by the president, shall be binding on the said company in the like manner, as any contract would be if made and entered into by any individual.

7. *And be it enacted*, That this act shall continue and be in force during the term of twenty-one years from the passage thereof.

C. Passed December 10, 1823.

A SUPPLEMENT to the act, entitled "An act respecting the Brotherton Indians," passed November the twenty-eighth, one thousand eight hundred and twenty-two.

WHEREAS difficulties have intervencd in respect of the execution of the fifth section of the act to which this is a supplement, in regard to the payment over of the moneys therein mentioned, so that it may be applied to the purposes intended, and it is deemed requisite, in order to effect such purpose, that a special agent should be appointed to carry the same into execution—THEREFORE,

Preamble.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Dow, be, and he is hereby constituted and appointed a special agent, by the state of New-Jersey, in behalf of the said Brotherton Indians, and, after receiving directions from the governor of this state, shall immediately proceed to New-Stockbridge, in the state of New-York, the residence of the said Indians, and there, or at any other place, and by such ways and means, and on such securities and vouchers as he shall deem advisable to take, cause the said moneys to be paid over and appropriated to the actual purchase of the land mentioned in said act: *Provided always*, that it shall be lawful to pay over such part thereof towards the removal of the said Indians to their settlement therein, as may be deemed proper and necessary by the said Indians, and as the same shall be determined in their council, by and with the assent of the said agent.

Special agent, and his duty.

Proviso.

2. *And be it enacted*, That if it shall appear to the said agent that the said moneys can be prudently placed in the hands of the superintendants of Indian affairs, or any of them, in the state of New-York, so as to be duly and faithfully applied to the use of the said Indians, as intended by the said act and this supplement thereto, then and in that case he shall be, and is hereby authorized to pay over the said moneys to such superintendent or superintendants for the use aforesaid, taking proper vouchers for the receipt thereof.

3. *And be it enacted*, That the treasurer of this state be, and he is hereby required, upon the request of the said agent, to state an account of all moneys remaining in his hands under and by virtue of the law aforesaid, and belonging to the said Indians, and thereupon to pay over such balance in his hands to the order or orders of the said agent, as the same may be drawn upon him therefor: *Provided*, that if the governor shall receive such information on the subject as to be fully satisfied that the money can be forwarded, or payments by drafts made to such agent

or agents of the said Indians aforesaid, who are duly authorized to negotiate and receive the same, so as to secure the objects intended by this act, in that case the governor be, and is hereby authorized, by such arrangement as he shall be able to make, to pay over the money and complete the objects intended.

4. *And be it enacted*, That such agent, provided he shall have performed all the duties prescribed by this act, shall be allowed three dollars for every twenty-five miles going to and returning from said New-Stockbridge, calculating the distance of the proper road to be travelled; and also three dollars per day for every day he shall necessarily spend on the duties of his appointment at New-Stockbridge aforesaid, to be paid by the treasurer of this state, duly supported by vouchers, and be filed in the office of the said treasurer; and in case of any mismanagement, conversion, or loss of said moneys, or any part thereof, by the wilful default or negligence of said agent, he shall be liable to an action therefor, to be brought in the name of the treasurer of this state for the time being, and any recovery thereon to be for the use of the Indians aforesaid: *And provided also*, that in case of the death, inability, or neglect of the said agent to proceed agreeably to the directions of the governor, in that case the governor is hereby authorized to appoint an agent in his place, with full powers to perform all the duties required by this act.

5. *And be it enacted*, That the fifth section aforesaid, and all other parts of said act, coming within the purview of this supplement, be, and the same is and are hereby repealed.

C. Passed November 21, 1823.

AN ACT more effectually to provide for the draining of the meadows on Black Brook and its branches, in the townships of Hanover and Chatham, in the county of Morris.

1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be lawful for the owners and possessors of flowed or meadow lands in the vicinity of Black Brook and its branches, including the Pinch Ditch and other tributary streams, to meet together on the first Monday of April, annually, at two o'clock P. M. and that their first meeting shall be held at the house of Samuel Sayres, in Columbia, where said meetings shall continue to be held, unless it should be determined otherwise, at the first or some subsequent meeting, and, by plurality of voices of those met, to choose a moderator and clerk, and not

Owners, &c.
to meet, ap-
point officers,
&c.

less than three, nor more than four managers, all of whom shall continue in office for one year, or until others are chosen; and it shall be lawful for those interested to procure a book, at their first or any subsequent meeting, which shall be kept by the clerk, in which shall be recorded the proceedings of the several meetings; and the said book, or a certified copy thereof, signed by the moderator and clerk for the time being, shall be received in evidence in any court where the same may be required; which book, if lost or destroyed, may be replaced.

2. *And be it enacted*, That the managers, or a majority of them, shall, at least once in each and every year, inspect said brook and its branches; and if they find the waters obstructed in said streams, by the washing in of any gravel, or mud, or wood, or brush, or from the growth of any grass or weeds, or from roots or trees in the banks, in that case they shall enter in the before mentioned book what obstructions they wish removed, and what proportion, against each owner's and possessor's land, which book may be offered in evidence, as well by any owner or possessor as by the said managers; and the said clerk, or one of the managers, shall give notice thereof to each owner or possessor, in writing; and if the owner or possessor shall neglect or refuse to remove said obstructions for the space of ten days from the service of said notice, the managers, or any one of them, are authorized to remove said obstructions, or to employ persons for that purpose, and to demand of and receive, from such refusing and neglecting owner or possessor, such sums of money as shall be by them expended in doing the same, and a full compensation for time spent in procuring the same to be done, and one dollar for the service of and recording said notice by the clerk; and on neglect or refusal to pay the same, when demanded, to sue for and recover the same, by action of debt, in any court where the same may be cognizable, with costs of suit.

Managers annually to inspect, &c.

Remove obstructions on certain occasions, &c.

3. *And be it enacted*, That if any owner or possessor of any of the aforesaid flowed or meadow lands shall neglect or refuse to open or clear out any ditch or ditches necessary for the draining of said lands, it shall be lawful for any person thereby aggrieved to notify the said managers, or a majority of them, whose duty it shall be to attend and examine said ditch or ditches, so proposed to be cleared out or opened, for which service they shall be entitled to receive, from the person so complaining, at the rate of one dollar per day, and, after being satisfied that the person so neglecting or refusing has been notified of their meeting for that purpose, they may proceed to apportion to such person so neglecting or refusing, such part of said ditch or ditches, to open or clear out, as they may think proper, provided the same shall not be more than nine, nor less than five feet wide,

Owners, &c. refusing or neglecting duties prescribed, how coerced.

nor more than three, nor less than two feet deep; and said managers shall deliver, to the person so calling them, a copy of their apportionment, stating the work which in their opinion is necessary to be done, and the time when the same shall be completed, which copy may be given in evidence, if required; and shall also cause a copy of the same to be delivered to the person so neglecting or refusing, and further setting forth in each copy the time when the same shall be done by the person so neglecting or refusing; and if the owner or possessor so neglecting or refusing shall not, upon due service of said notice, comply therewith, the person complaining may enter upon the premises, and open or clear out the said ditch or ditches, as directed by the managers, or employ persons for that purpose; and when the same shall be completed, as aforesaid, may sue for and recover, of the person so neglecting and refusing, the full amount due for such service, together with the fees of the said managers as aforesaid, and costs of suit, in any court where the same may be cognizable; and the said owner or possessor, so neglecting or refusing, shall, in all cases, be liable to the person so complaining for the amount of fees by him paid to the said managers, provided they shall decide that the said ditch or ditches require clearing out or opening, and not otherwise.

Certain act,
&c. repealed.

4. *And be it enacted*, That the act, entitled "An act to enable the proprietors and possessors of the meadows and swamps lying on Pinch Ditch, Black Brook, and part of Whippany River, in the county of Morris, to clear, deepen, and dig ditches for the more effectual draining the said meadows and swamps, and for other purposes," passed in the twelfth year of George the third, and all other acts relative to said brook or its branches, be, and the same are hereby repealed.

C. Passed December 2, 1823.

AN ACT to enable William S. Pennington, of the county of Essex, to carry into effect a trust therein named.

Preamble.

WHEREAS it is represented to the legislature, that John Budd, and Sarah his wife, afterwards wife of John Scott, all of the county of Morris, now deceased, during their lives, were seized in fee of a tract of land in the county of Morris, containing sixteen hundred and eighty acres, or thereabout, be the same more or less, known by the name of the Budd or Long-Valley Tract, but at this time by the name of the Dutch-Valley Tract; which tract of land, by divers descents, devises, and conveyances, became vested in fee in the heirs and descen-

dants of the said John Budd and Sarah Scott, or one or both of them, which heirs and descendants, by articles of agreement, bearing date the twenty-ninth day of July, eighteen hundred and seventeen, agreed to convey all their rights and titles in and to the said tract of land, to William S. Pennington, of the county of Essex, by the name of William S. Pennington, esquire, in trust, to dispose of the same for their mutual benefit, according to the proportions and provisions set forth and contained in said agreement, reference being thereunto had, will more fully and at large appear.—*And whereas* it is further represented to the legislature, that in pursuance of said agreement, the said heirs and descendants of the said John Budd and Sarah Scott, deceased, as far as it is in their powers to do the same, have conveyed to the said William S. Pennington their respective rights, titles, and interests in and to the said tract of land.—*And whereas*, by reason of the numerous heirs and descendants of the said John and Sarah being dispersed into divers parts of the United States and elsewhere, who derive their title from several distinct branches of the said family, and the minority of some of them, doubts exist as to the right of the said William S. Pennington, and his power to sell and dispose of said land, so as to make a complete title to purchasers thereof, whereby the said William S. Pennington hath not been able to execute the trust reposed in him; for remedy whereof, and to enable the said William S. Pennington to carry into effect the said trust for the best advantage of all parties interested therein—

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the right, title, interest, property, claim, and demand of the heirs and descendants of the said John Budd, and Sarah Scott, formerly the wife of the said John Budd, or of either of them, and of those claiming under the said heirs and descendants, or of either of them, in and to the said tract of land, lying and being in the county of Morris, formerly known by the name of the Budd or Long-Valley Tract, but at this time by the name of the Dutch-Valley Tract, supposed to contain one thousand six hundred and eighty acres, as aforesaid, be the same more or less, together with the remainder or remainders, reversion or reversions, rents, issues, and profits thereof, be, and the same is and are hereby vested in the said William S. Pennington, of the county of Essex, his heirs and assigns, in trust nevertheless; and the said William S. Pennington is hereby authorized and empowered to sell and convey the said premises, and, if necessary, to demand and sue for the same, and the rents, issues, and profits thereof, in his own name, and as though the said William S. Pennington was entitled to the same in fee-sim-

ple, and to apply and dispose of the moneys arising on said sales, and the rents, issues, and profits of the said premises, according to the directions and provisions contained in the herein before recited agreement, and also according to the further direction hereinafter expressed.

2. *Be it enacted by the authority aforesaid,* That any moneys arising on the said sales, and the rents, issues, and profits of the premises, the share of which shall belong, according to the aforesaid agreement, to any minor under the age of twenty-one years, shall be, by the said William S. Pennington, deposited in the Court of Chancery, there to remain and be disposed of for the advantage and benefit of said minor, at the discretion of the chancellor.

3. *Provided nevertheless, and it is hereby enacted,* That nothing in this act contained or expressed shall in any manner or way affect, defeat, injure, or impair the right, title, interest, property, or demand of any person or persons whatsoever, in law or equity, to the said tract of land or any part thereof, or to the rents, issues, and profits thereof, claiming the same by, from, or under the heirs and descendants of the said John Budd and Sarah Scott, as aforesaid, or by any other or paramount right or title whatsoever; nor shall any thing in the aforesaid act be construed or taken to deprive any person or persons in possession of said tract of land, and claiming as owners, tenants, occupiers, or otherwise, from any defence which he, they, or any of them may have, by reason of length of time or limitation of suit against the said heirs and defendants of the said John Budd or Sarah Scott, as aforesaid, to any action brought or to be brought by the said William S. Pennington for the said tract of land or any part thereof, or of the rents, issues, and profits, or any part of the same.

C. Passed November 27, 1823.

AN ACT to divorce Abigail B. Jones, from her husband Lewis Jones:

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 Abigail B. Jones, be, and she is hereby divorced from her husband Lewis Jones, and that the marriage contract heretofore existing between the said Lewis Jones and Abigail B. Jones, be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony. *Provided nevertheless,* that the issue of the said marriage shall not be deemed illegitimate.

A. Passed December 9, 1823.

A SUPPLEMENT to an act, entitled "An act to incorporate the Salem Steam-Mill and Banking Company in the county of Salem."

WHEREAS the Salem Steam-Mill and Banking Company have represented, that Mr. Perkins, a citizen of the United States, now of the city of London, in England, has made important improvements in the principles and application of steam power, and that the time limited in the fourth section of the act incorporating the said company is too short to enable them to take advantage of the said improvements, should they prove to be real;—and the said company having further represented that they are desirous of erecting a good and substantial mill upon the cheapest and most economical plan, and will erect the same upon the principles formerly used, should those proposed by Mr. Perkins appear inapplicable—THEREFORE,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the Salem Steam-Mill and Banking Company shall have one year from and after the first day of January, one thousand eight hundred and twenty-five to erect the steam-mill mentioned in the fourth section of the act to which this is a supplement, any thing in the said act to the contrary notwithstanding.

C. & A. Passed November 13, 1823.

A further Supplement to the act, entitled "An act to authorize certain inhabitants of the counties of Essex and Bergen to erect a bridge over the river Passaic, near the Dutch Church, in Second River," passed December the second, one thousand seven hundred and ninety-four.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the draw required by the second section of the act, to which this is a supplement, shall be twenty-four feet in length.

2. *And be it enacted,* That so much of the second section of the before mentioned act, as defines and determines the length of the said draw, be, and the same is hereby repealed.

C. Passed November 12, 1823.

AN ACT authorizing Edward Clark and his associates to navigate the river Delaware.

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 to and for Edward Clark, of the city of Philadelphia, state of Pennsylvania, and his associates, his or their heirs, assigns, or successors, to proceed forthwith, or as soon as he or they may deem it fit and convenient, to navigate any or all of the rapids in the river Delaware, between the bridge at Bloomsbury and the north-west corner of this state, as bounded by said river, conformable to his plan, wherein the agency of the current is made to operate on water or paddle wheels and other apparatus, so as to propel boats against rapids, and to exact and receive such compensation therefor, through such collectors as may be appointed for that purpose, as he or they may deem suitable and just: *Provided*, that the choice between his mode of propelling or towing boats, and that at present practised, shall continue to be optional to those concerned or engaged in the navigation of said river: *And provided also*, that this act shall not be construed as affecting, in any manner, the rights and privileges of this state, as connected with the improvement of the navigation of said river, on any plan differing from the aforesaid.

2. *And be it enacted*, That if any person or persons shall wilfully and knowingly do any act or thing by which the mode of navigation aforesaid shall be impeded, or any boat, cable, machine, or property thereunto belonging, shall be injured or destroyed, he, she, or they so offending shall forfeit and pay to the said Edward Clark and his associates, his or their heirs, assigns, or successors, or to his or their collector or collectors, fifty dollars, together with the amount of damages by him or them sustained, and legal costs of prosecution; to be recovered by action of debt, before a justice of the peace, or any court of competent jurisdiction.

3. *And be it enacted*, That this act shall not become a law until the legislature of the state of Pennsylvania shall pass an act granting similar privileges herewith to the said Edward Clark and his associates, his or their heirs, assigns, or successors, or to a company organized in his or their stead.

4. *And be it enacted*, That nothing in this act shall prevent the legislature from the repeal or modification of the same, at their pleasure.

C. Passed December 5, 1823.

A SUPPLEMENT to an act, entitled "An act for incorporating Trustees of the Theological Seminary of the Presbyterian Church, at Princeton, in the state of New-Jersey."

WHEREAS, by the eleventh section of the act to which this is a supplement, the legislature of this state has retained the power to alter, amend, or repeal the said act, whenever in their opinion the public good requires it—*And whereas* the exercise of that power may leave the property which may then be vested in the said corporation, without proper trustees to manage and dispose of the same—**THEREFORE**,

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in case the legislature of this state shall, at any time hereafter, alter, amend or repeal the act to which this is a supplement, the trustees of the said Seminary for the time being shall be, and they are hereby authorized and empowered, at any time within one year after any such alteration, amendment, or repeal, to convey all the property belonging to them, as trustees aforesaid, to any number of citizens of this state, not less than three, nor more than five, whom they may select, their heirs and assigns, who shall hold the said property, thus conveyed to them, their heirs and assigns, in trust, for the sole use of said Seminary, any thing in the said act to the contrary notwithstanding.

C. Passed December 9, 1823.

AN ACT to dissolve the marriage contract between Vincent E. Lockerman and Ann Lockerman his wife.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, the marriage of Vincent E. Lockerman and Ann Lockerman his wife, of the county of Somerset, in this state, be, and the same hereby is dissolved and annulled, and made of no effect, as fully and effectually, to all intents and purposes, as if they had never been joined in matrimony: *Provided always*, that nothing contained in this act shall be construed to make illegitimate any child born of the said Ann Lockerman before the passing of this act.

C. Passed November 7, 1823.

AN ACT to publish and distribute the documents of the contemplated Canal to unite the waters of the Delaware, near Easton, with the tide waters of the Passaic.

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 five hundred copies of the report and documents, with the map accompanying the same, of the contemplated canal, exhibited to the legislature by the commissioners appointed to explore the route to unite the waters of the Delaware, near Easton, with the tide waters of the Passaic, be printed, published, and distributed with the public and private acts, to the members of the present legislature.

2. *And be it enacted*, That Jacob Mann, be, and he is hereby authorized to superintend the printing and publishing of the said report, documents, and map; and that the governor, or the person administering the government, be, and he is hereby authorized and required to draw upon the treasurer of this state in favour of the said Jacob Mann, to defray the necessary expense of printing, publishing, and distributing the same: *Provided* the whole expense shall not exceed the sum of two hundred dollars.

C. & A. Passed December 11, 1823.

AN ACT authorizing the sale of certain Real Estate, late of William Ashbridge, deceased.

WHEREAS it has been represented to the legislature, that William Ashbridge, late of the city of Philadelphia, in the state of Pennsylvania, deceased, died seized of a mansion-house, furnace, forges, mills, and other real estate, situate in the county of Burlington in this state, leaving a widow, and four children, who are minors; that the furnace bath been burnt down and the forge dam broken; that the works and buildings are in a state of decay, and that the said real estate, by reason of want of repair, and exposed situation, is by no means productive to its present owners, and is depreciating in value:—*And whereas* the widow of the said William Ashbridge, and the guardians and some of the relatives of the said minor children, have, by their petition, represented to the legislature, that the interests of the said children would be promoted by a sale of the said real estate, and have prayed that the said guardians may be authorized to make the same, and the prayer

of the said petition appearing to be just and reasonable—
THEREFORE,

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jonas Preston and Richard Thomas, junior, the guardians appointed by the Orphans' Court of the city and county of Philadelphia aforesaid, of William, Mary, Jane, and Richard Ashbridge, minor children of William Ashbridge, late of the said city, deceased, be, and they hereby are authorized and empowered to sell, convey, and dispose of all and singular the real estate whereof the said William Ashbridge, deceased, died seized, situate in the said county of Burlington, at such time or times as they may think expedient, at public or private sale, for the best price they can obtain for the same; and for the same, or any part thereof, when so sold, to make and execute, in due form of law, in their own names, good and sufficient deed or deeds of conveyance, according to the estate which the said William Ashbridge had or might legally have claimed thereto; and any sale or sales, so made and confirmed by a deed or deeds, which may be made as aforesaid, and certified as herein after provided, shall entitle the purchaser or purchasers to all the estate, right, title, and claim which the said William Ashbridge, at the time of his death, had in the premises so to be sold and conveyed by such deed or deeds.

2. *And be it enacted,* That the said Jonas Preston and Richard Thomas, junior, shall keep a true and fair account of any sale or sales which they may make by virtue of the authority hereby granted, and shall also put out or invest in good and sufficient securities, upon ground rents, dividends, or interest, the proceeds of such sale or sales, for the benefit of the said minors, and shall receive and pay to Thomazin Ashbridge, the widow of the said William Ashbridge, deceased, during her natural life, one-third of such ground rents, dividends, or interest, and the residue of the said ground rents, dividends, or interest, together with the principal of the said proceeds or purchase moneys, shall pay, divide, and dispose of, agreeably to the laws of this state: *Provided* the said widow shall, previous to, or at the time of the said sale or sales, duly execute, under her hand and seal, a good and sufficient release of dower of, in, or to all and singular the said real estate so sold.

3. *And be it enacted,* That before the said Jonas Preston and Richard Thomas, junior, shall proceed to sell and convey the said real estate, they shall enter into bond to the governor of this state and his successor in office, with sufficient sureties, to be approved of by the said governor, and in such sum as he, the said governor, may deem adequate and proper, conditioned for the faithful performance of the powers hereby granted, and

the due execution of the trust hereby in them reposed and confided; which bond may be prosecuted at any time, by the order of the said governor or any of his successors, for the benefit of any person aggrieved by the misconduct of the said guardians.

4. *And be it enacted*, That no deed or deeds which may be made as aforesaid, shall be valid, unless it be certified in or upon such deed or deeds, by the said Thomazin Ashbridge, the said widow, that the sale or sales, to confirm which the said deed or deeds is or are made, was or were believed by her to be made bona fide, and for the best price or prices that could be obtained for the premises so sold.

5. *And be it enacted*, That no sale or deed, which may be made by virtue of the authority of this act, shall impair, or in any way affect the right, title, interest, or claim of any person or persons other than the said widow and children of the said William Ashbridge, deceased.

C. & A. Passed December 5, 1823.

AN ACT to divorce Keziah Cooper.

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 Keziah Cooper, of the county of Gloucester, and Aaron P. Cooper, be, and the same is hereby dissolved, as fully as if they had never been joined in matrimony.

C. Passed November 18, 1823.

AN ACT for the relief of Jonathan Vansciver.

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 is hereby authorized and directed to pay to Jonathan Vansciver the sum of fifty-two dollars, as a full compensation for all his claims and demands against the state of New-Jersey, for bringing from the state of Pennsylvania to the state of New-Jersey Mahlon Elwell, a fugitive from justice, demanded by the governor of New-Jersey from the governor of Pennsylvania.

C. & A. Passed November 21, 1823.

AN ACT for the relief of Higgins Harrison.

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 for the time being, shall, and he is hereby required, quarter-yearly to pay to Higgins Harrison, late a soldier in Captain Joab Houghton's company of militia, in the county of Hunterdon, in this state, who was wounded in the service of the United States, during the revolutionary war, or to his order, at the rate of forty dollars by the year, from the passing of this act, during the lifetime of the said Higgins Harrison; and the receipt of the said Higgins Harrison, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid, by virtue of this act, in the settlement of his accounts.

C. Passed December 12, 1823.

AN ACT to divorce James Sigler, junior, from his wife Elizabeth Sigler.

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

A. Passed November 20, 1823.

AN ACT to repeal an act, entitled "An act to authorize the owners of land on each side of Mannington Creek to clear out the same."

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act, entitled "An act to authorize the owners of land on each side of Mannington Creek to clear out the same," passed the thirteenth day of February, in the year of our Lord one thousand eight hundred and seventeen, be, and the same is hereby repealed.

A. Passed November 28, 1823.

AN ACT to divorce Sarah Naylor from her husband Robert Naylor.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the marriage of Sarah Naylor and Robert Naylor, be, and the same is hereby dissolved, annulled, and made of no effect, as fully, to all intents and purposes, is if they had never been joined in matrimony: *Provided nevertheless,* that the issue shall not be deemed illegitimate in consequence of this act.

A. Passed December 8, 1823.

A SUPPLEMENT to an act appropriating a sum of money for the protection of the Oyster Beds in Delaware Bay.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the sum of one hundred and sixteen dollars and ninety-two cents, be, and hereby is appropriated to defray the additional expense incurred by the inhabitants of Maurice River and others, in defending the oyster beds situate in the Delaware Bay, within the bounds of this state, against the depredations and claims of citizens of other states, over and above the appropriation made by the act to which this is a supplement.

2. *And be it enacted,* That the treasurer pay the above sum to the commissioners appointed by the act to which this is a supplement, to be applied by them agreeably to the provisions and restrictions of said act.

C. Passed December 11, 1823.

AN ACT to divorce Archibald Turner from his wife.

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 bonds of matrimony between Archibald Turner and Louisa his wife, be, and the same are hereby dissolved.

A. Passed December 9, 1823.

AN ACT to alter the corporate name of the First Presbyterian Congregation in the township of Roxbury, in the county of Morris, located at Chester, in said county.

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 name of the said corporation, be, and the same is hereby changed to the name of "The First Presbyterian Congregation in the township of Chester, in the county of Morris, and state of New-Jersey."

2. *And be it enacted,* That all deeds, gifts, grants, devises, bequests, records, acts, matters, and things whatsoever, in which the said corporation has heretofore been described, by the first above mentioned name, shall be good and available in law, and shall enure to the benefit of said corporation, under the last above mentioned name, as fully and effectually as if no change were made in the name of said corporation; and the said "The First Presbyterian Congregation in the township of Chester, in the county of Morris, and state of New-Jersey," may have, claim, sue for, and recover, in any court of law or equity, all debts, dues, rights, choses in action, and demands whatsoever, real and personal, which have in any manner accrued or appertained to the said corporation, by its first above mentioned name, or which shall hereafter accrue to it by its name, as changed by this act.

C. Passed December 11, 1823.

AN ACT to authorize the Board of Chosen Freeholders of the county of Burlington to build a Bridge over the Rancocus Creek.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the Board of Chosen Freeholders of the county of Burlington, at their discretion, to build and maintain a good and sufficient bridge across Rancocus Creek, with a draw in the same.

2. *And be it enacted,* That the said bridge shall and may be erected and built at or near a place called the Irish Wharf, on the said creek, or at such other place, either above or below the said Irish Wharf, as the said board of chosen freeholders shall direct and appoint.

C. Passed December 12, 1823.

AN ACT relative to Conascunk Salt Meadows, in the county of Monmouth.

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 owners and possessors of all that tract of salt meadow in the township of Middletown, and county of Monmouth, known by the name of Conascunk Salt Meadows, bounded southerly, in part, on a ditch running between the aforesaid meadows and salt meadows belonging to Richard Pool and Cornelius J. Walling, and in part by the upland owned by Peter Snider, westerly, northerly, and easterly on Amboy Bay, are hereby authorized and required, respectively, to erect and maintain his or her several share or shares of a good, substantial, and lawful fence, or dig, cut, and clear out a lawful ditch, necessary to enclose the same, and to dig, cut, and clear out such other ditches, from time to time, as also to clear out the ditches through and about the meadows as heretofore dug, as a majority of the said owners may from time to time direct and determine.

Boundaries of meadows to be enclosed, &c.

2. *And be it enacted,* That if any owner or owners, possessor or possessors, of the aforesaid tract of salt meadow, shall refuse or neglect to erect and maintain his, her, or their respective share or shares of the said fence, or to dig, cut, and clear out the ditch as aforesaid, or such other ditches, as may be directed and determined according to the directions and requirements in the preceding section, in proportion to the quantity of meadow owned or occupied by each individual, such person or persons so refusing or neglecting for the space of ten days after notice of such direction and determination as aforesaid, it shall and may be lawful for any owner or possessor of any part of said meadows, to call a meeting of the several owners and possessors thereof, by putting up advertisements in three of the most public places in the township of Middletown, at least ten days previous to the time of meeting, who shall convene at the house of Duncan Graham, or any other place that may be mentioned in the advertisements, within the said township of Middletown; and the owners and possessors so met, or a majority of them, shall choose, from amongst themselves, three persons, being owners, to be managers, who shall cause the said fence to be erected, maintained, and repaired, from time to time, as necessity may require; and also to cause the said ditches to be dug, cut, and cleared out, in every respect as directed and required in the first section of this act; and the said owner or owners, possessor or possessors, so neglecting or refusing to do any and every thing respecting the said fence or ditches, as before directed and required, shall be liable to pay the expense of erecting, repairing, digging, cutting, or clearing out the same, and, on

Managers, and their duty.

Penalty of owners neglecting, &c. to keep their fences, &c. in repair.

refusal so to do for the space of thirty days after notice thereof, the same may be recovered in any court of this state having cognizance thereof, by and in the name of the aforesaid managers, in an action of debt, with costs of suit, for the use of those who may have performed the necessary work, as aforesaid, in and about the premises.

3. *And be it enacted*, That if any owner or owners, possessor or possessors, of the aforesaid meadows, shall turn in and upon the same, at any time after the same shall be enclosed by such lawful fence or ditch as aforesaid, his, her, or their horses, mules, cattle, or sheep, or any one of the same, without the consent of a majority of the owners of said meadows previously obtained, in writing, and signed by them, shall, for every such offence, forfeit and pay, for each horse, mule, or other creature, as aforesaid, the sum of five dollars, by action of debt, in any court, by and in the name of the said managers, to and for the use of the owners of the said meadows, to be appropriated towards the improvement of the same, in such manner as a majority of the owners shall determine.

Forfeitures to be appropriated to improve the meadows.

4. *And be it enacted*, That if any horses, mules, cattle, or sheep shall be found running at large on any part of said salt meadows, after the same shall be enclosed by such lawful fence or ditch, as aforesaid, it shall and may be lawful for any owner or possessor of any part of the same, to proceed as in case of distress for damage feasant, or may maintain action of trespass, and recover damages, as in other cases recoverable by law; and the proceeds arising from such procedure or action shall be applied as mentioned in the preceding section.

A. Passed December 5, 1823.

A SUPPLEMENT to the act, entitled "An act to incorporate the Newark and Morris Turnpike Company," passed February the eleventh, one thousand eight hundred and eleven.

WHEREAS Jephtha Baldwin, Benjamin Lindsley, Nathan Squier, Aaron Brown, Josiah Baldwin, Peter Sythoff, Williams Canfield, Charles Ford, Samuel Halliday, and Caleb Campbell, have presented a memorial to the legislature, setting forth, that the original stock subscribed and paid in to the said company, was insufficient to complete the road, and that the said memorialists, upon their individual responsibility, borrowed the sum of five thousand dollars, for the purpose of

Preamble.

completing said road, which sum was applied for that purpose, but contrary to their expectations, also proved insufficient, and but about seven miles of said road, commencing at Morris-Town, has been completely finished, upon which, a gate has been erected and toll received; and by the said memorial it is further set forth, that the said turnpike road has been sold according to law, by virtue of a judgment recovered against said company, and that the same has been purchased by the said memorialists—and whereas the said memorialists are desirous that a further subscription should be authorized, in order to raise the sum of two thousand five hundred dollars, to finish the said road, and it appearing by the joint memorial of the stockholders of said company, that the facts herein set forth are true—**THEREFORE,**

1. **BE IT ENACTED** by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jephtha Baldwin, Benjamin Lindsley and Josiah Baldwin, be authorized to receive subscriptions to raise the sum of two thousand five hundred dollars, to be applied to the finishing and making good the said turnpike road as the same has been heretofore laid out and in part made; that they shall give security to the governor of this state, to pay over the moneys received upon such subscription, to the treasurer of the said company, and to perform the other duties required of them by this act.

2. *And be it enacted,* That the said subscription shall consist of one hundred shares, of twenty-five dollars each; that five dollars on each share shall be paid down at the time of subscribing, and the residue in equal instalments, in three and six months, from the time of subscribing for the same, to the commissioners herein before appointed to receive subscriptions as aforesaid.

3. *And be it enacted,* That the said money, when paid in upon subscriptions as aforesaid, shall as soon as conveniently may be, be paid over to the treasurer of the said turnpike company, and be by them applied to the purpose of finishing the said turnpike road, in the manner required by the act to which this is a supplement.

4. *And be it enacted,* That the capital stock of said company shall consist of two hundred shares, of twenty-five dollars each; that the said Jephtha Baldwin, Benjamin Lindsley, Nathan Squier, Aaron Brown, Josiah Baldwin, Peter Sythoff, Williams Canfield, Charles Ford, Samuel Halliday and Caleb Campbell, shall be deemed and taken, and are hereby declared to be the owners of one hundred shares of the said capital stock of said company, to be divided and apportioned among them according to the amounts they have individually paid upon the aforesaid

loan of five thousand dollars; the remaining one hundred shares of said capital stock to be filled by subscriptions as aforesaid; and that the said Jephtha Baldwin, Benjamin Lindsley, Nathan Squier, Aaron Brown, Josiah Baldwin, Peter Sythoff, Williams Canfield, Charles Ford, Samuel Halliday and Caleb Campbell, and their assigns, and such other persons as shall subscribe for stock under this act, and pay in the same, and their assigns, shall constitute the stockholders of the said "The Newark and Morris Turnpike Company," and shall be entitled to all the rights, privileges and immunities, and subject to all the regulations and penalties in the act to which this is a supplement contained.

5. *And be it enacted*, That the time for completing the said road, be extended to three years from the time of passing this act.

A. Passed December 5, 1823.

AN ACT to incorporate "The New-Jersey Manufacturing and Banking Company."

WHEREAS Charles Kinsey, John Davisson, Elias Wade, junior, James Henderson, Peter Morris, William Myer, and others, engaged in the manufacture and sale of American products, associated as a company, under the name and style of "The New-Jersey Manufacturing Company," have prayed for the privilege of being incorporated, the better to enable them to carry on the purposes of their institution, and the more effectually to aid and foster the manufactures of this state—THEREFORE,

Preamble.

1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said Charles Kinsey, John Davisson, Elias Wade, junior, James Henderson, Peter Morris, William Myer, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The New-Jersey Manufacturing and Banking Company," to be located at Hoboken, in the county of Bergen, and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever, and may have a common seal, and may change, alter, and renew the same, at their pleasure, and by the same name shall be, and

Name of the incorporation.

Proviso.

hereby are made capable, in law, of purchasing, holding, and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the said corporation shall in no case be owner of any ships or vessel, or directly deal or trade in any thing, except bills of exchange, promissory notes, gold or silver bullion, stock of the United States, and such ships and vessels, goods, wares, and merchandise as shall be truly pledged to them by way of security for debts due, owing, or growing due to the said corporation, or purchased to secure such debts, or on the sale of goods which shall be the produce of its lands: *Provided also*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans or contracts made or conveyed to it, in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments for the purpose of bona fide securing any debt or debts due to the said corporation.

Capital stock,
&c.

2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred and fifty thousand dollars, to be divided into shares of fifty dollars each; and that subscriptions be taken in under the direction of John Hill, John Westervelt, junior, John Davisson, William Myer, and Robert Bartow; which said commissioners, or any four of them, shall open books of subscription at such times and places, and for such space of time as they may appoint, not less than eleven days, giving notice in a newspaper published in Newark, one in Paterson, and one in the city of New-York; the said books of subscription shall be kept open, the first five days, at Hoboken, and five days, at least, in the city of Jersey; and should more stock be subscribed, within the said eleven days, than the whole amount of capital, the said commissioners shall make an equitable deduction; and, upon the closing of the said books of subscription, or within twenty days thereafter, the said commissioners shall pay over to the directors herein appointed, or to their successors, duly elected, the whole amount of money which they or any of them may have received upon the said subscriptions.

Books to be
opened, &c.

Directors to
be citizens of
the U. States;
a majority of
whom to be
manufactur-
ers.
Elections to
be annual, &c.

3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by eleven directors, who shall be stockholders and citizens of the United States, a majority of whom shall be manufacturers, and residents of this state; and which directors shall hold their offices for one year, and shall be elected on the first Monday in December in every year, at the banking house, at such time of the day as the board of directors for the time being shall appoint, and notice shall be given by the said directors, not less

than fourteen days previous to the time of holding the said election, by an advertisement, to be inserted in one of the public newspapers printed in the town of Newark, in one of the public newspapers printed in the town of Paterson, and in one of the public newspapers printed in the city of New-York: for the well ordering of which elections, the directors shall, previously thereto, appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same, after having been sworn or affirmed well and faithfully to discharge the duties of their office: they shall determine whether the persons voted for are duly qualified to be elected directors; and, after the conclusion of the ballot, shall decide and declare who are elected directors: and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their name or names, at least three months before the time of voting; and all such elections shall be by ballot, and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen, at any such election, that two or more persons should have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot and by plurality of votes, to determine which of the directors, so having an equal number, shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, who shall be their president: and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Charles Kinsey, John Davisson, Elias Wade, junior, James Henderson, Peter Morris, William Myer, John Westervelt, jun. Robert Bartow, William B. Townsend, Paul Tucker, and Henry C. Yates shall be the present directors, and shall hold their offices, respectively, until the first Monday in December, which will be in the year of our Lord one thousand eight hundred and twenty-four, and until others shall be chosen by the stockholders.

Judges of election.

Elections to be by ballot, and in what proportion stockholders may vote, &c.

Vacancies, how filled.

Present directors.

4. *And be it enacted*, That six directors shall constitute a quorum for the transaction of business.

Quorum.

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

Powers of the directors specified, &c.

needful and proper, touching the government of the said corporation; the management and disposition of the stock, business, and effects thereof; the time, manner, and terms at and upon which discounts and deposits shall be made and received by the said corporation; the duties and conduct of the officers, clerks, and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall also have power to appoint so many officers, clerks, and servants for carrying on the said business, and with such salaries and allowances as to them shall seem meet: *Provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state.

No notes to be issued less than one dollar, and stock considered personal estate.

6. *And be it enacted*, That the said corporation shall not issue bills or notes of a less denomination than one dollar, and that the stock of the said corporation shall be considered personal property, and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of the said bank shall pay, at the time of subscribing, to the commissioners receiving subscriptions, or to any one of them, the sum of five dollars, in specie, upon every share so by him subscribed; and the directors of said company may require payment of the remaining instalments which shall have been subscribed, at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required after the first, and of the time when the same are to be paid, shall be previously published, at least thirty days, in one of the public newspapers printed in the town of Newark, and in one of the public newspapers printed at Paterson, and in one of the public newspapers printed in the city of New-York.

Instalments, when to be paid, &c.

Transfer of stock, &c.

7. *And be it enacted*, That no transfer of stock of the said corporation shall be valid and effectual, until any debt or debts which may be due to said company from the person transferring shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe over and above the actual deposits in said bank, shall not exceed twice the sum of the capital stock subscribed and actually paid into the said bank; and in case of such excess, the directors under whose administration it shall happen shall be liable for the same in their

Amount of debts, &c.

Directors liable, &c.

separate and private capacities; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from also being liable and chargeable with such excess; but such directors who shall have been absent when the said excess was contracted, or who may have dissented from the resolution or act by which the same was contracted, shall not be liable.

8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hands of such person or persons, his, her, or their assignee or assignees, successively, and so as to enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of the said corporation, signed by the the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order or bearer, though not under the seal of the said corporation, shall be binding and obligatory on the same, and with like force and effect as upon any private person or persons, if issued by him or them in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were issued by such private person or persons, provided that no bill or note issued by said corporation, payable to bearer, or to any person or persons, his or their order, or bearer, shall express any place of payment other than the office of the said banking company.

Bills, how assignable, &c.

9. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of the said bank as to them, or a majority of them, shall seem advisable, but that they shall make no dividend of any part of the capital stock; and that the rate of discount at which loans may be made by the said corporation shall not exceed the legal rate of interest in this state for the time being.

Dividends to be made semi-annually.

Discount, the rate of.

10. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation for the time being, once in each year, if thereunto required by the legislature of this state, to make a full return to the secretary of state, under oath, of the stock of the said company, and the manner in which the same is employed, how much specie is in the vault, and what amount has been paid out during the year then last past to redeem the notes of the said bank, and how much has been otherwise disposed of, and for what purposes, and where the said specie has been by them sent: and in case the said president and cashier shall refuse or neglect to make such return as aforesaid, within twenty days after the same shall have been required

President and cashier, if required, to make an annual return, &c.

as aforesaid, the legislature may, at any time thereafter, in their discretion, dissolve the said incorporation.

Charter may
be forfeited.

11. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company should refuse, on demand being made at their banking house, during the regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, and other evidences of debt issued by the said corporation, the said president, directors, and company shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, until such time as the said president, directors, and company shall resume the redemption of their said bills, notes, and other evidences of debt in specie or other lawful money of the United States; and the said bank shall be liable to pay the holder or holders of all such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand until the same shall be paid as aforesaid, or otherwise satisfied.

Penalty of
non-payment,
&c.

Certain condi-
tions to be
complied with
before notes
may be issued.

12. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that fifty per centum of the capital stock of the said corporation shall have been subscribed, and the amount thereof paid in specie, and the other half of the said stock satisfactorily secured to be paid to the said corporation.

13. *And be it enacted*, That this act shall be benignly and favourably construed for all the purposes therein expressed and declared, in all courts and pleas whatsoever.

Preference
to be given to
manufacturers.

14. *And be it enacted*, That in all loans or discounts made or to be made by this bank, manufacturers shall be entitled to a preference over every other class of citizens.

Bonus to the
state.

15. *And be it enacted*, That the said corporation shall, as a consideration for granting this charter, pay into the treasury of this state the sum of four thousand dollars, in thirty days from and after commencing of operations of said bank.

16. *And be it enacted*, That this act shall be and continue in force until the first day of January, in the year of our Lord one thousand eight hundred and forty-three, and no longer.

A. Passed December 9, 1823.

NEW YORK STATE ARCHIVES

AN ACT to incorporate the Burlington county Association, for insurance of the owners, of houses and other buildings from loss by fire.

WHEREAS William Reeve, Edward Thomas, John Evans, Abraham Brown, Benjamin Davis, John Dobbins, Joseph Haines, Jacob Prickett, John N. Reeve, George Hulme, and Uriah Borton, associated with others, as a company, under the style of "The Burlington county Association for the Insurance of the owners, of houses and other buildings, from loss by fire," for the useful purpose of promoting the safety and insurance of houses and other buildings from loss by fire, by their petition presented to the legislature, have prayed to be incorporated, the better to enable them to carry into effect the salutary objects of their institution—THEREFORE,

Preamble.

1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That all such persons as now are, or hereafter shall be members of the said company, shall be, and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the the name of "The Burlington county Association for the Insurance of the owners, of houses and other buildings, from loss by fire;" and that by that name, they and their successors shall, and may, have succession, and shall 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 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 may change and alter the same at pleasure; and also, that they and their successors, by the name aforesaid, shall be, in law, capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation, and necessary and proper to carry into effect its declared objects.

Name of the incorporation.

Powers.

2. And be it enacted, That the general meetings of the members of the association, shall be held annually, at the Cross-Roads, in Evesham, or at such other place as shall from time to time be agreed on at such meeting, on the first Monday in May, at one o'clock in the afternoon, at which meetings, eleven of the members of the association, all residents of the county of Burlington, shall be chosen, by ballot, directors for the ensuing year, and until others are chosen in their place: the directors shall appoint three members of the association judges and managers of the election, who shall, under their hands, or under the hands of a majority of them, report the names of the persons

Meetings to be held annually, &c.

duly elected directors, to the general meeting; and when the election is over, the meeting may proceed to other business.

3. *And be it enacted*, That the directors for the time being, chosen or appointed as aforesaid, any six of whom shall be a quorum to transact business, shall in the first place, proceed to choose, by the votes of a majority present, one of their number to be president, one for treasurer, and one for secretary: they shall have power to take a house or room, as an office, at such rent and for such term as they think necessary; to appoint one or more clerks, book-keepers, surveyors, messengers, and other agents, and fix their respective compensations, and to take such securities of them for the faithful performance of the trust reposed as they may deem necessary: they shall, from time to time, fix the rate of insurance, and order and direct the making and giving out policies, place out, take in, secure, and improve the stock of the company; direct the president to give orders on the treasurer for disbursements of the contingent charges and expenses of the company, and for satisfying such losses as may accrue within the rules and regulations of the company; provide books for accounts, and all other things necessary for the office and affairs thereof: and the said directors shall have power to suspend, remove, or displace all or any of the officers or agents by them appointed as above mentioned, as they shall see cause, and to supply such vacancy, so that such displacing, removal, suspension, &c. be agreed to by a majority of the directors present at the time of such change or alteration being made; and the said directors, or a majority of them present, are empowered to do and perform all other acts and things needful to be done and performed, touching and concerning the business and concerns of the association, not inconsistent with this act of incorporation and the by-laws of the company.

4. *And be it enacted*, That the directors for the time being, shall examine and settle the treasurer's accounts, and report the same to the general meeting, so stated as to exhibit a summary of the moneys received, and amount paid out during the year, and the balance for or against the institution: they shall keep regular minutes of their proceedings, and exhibit them to the general meeting, in order that the members of the association may have a knowledge of the concerns and management of the business of the company.

5. *And be it enacted*, That if at any time it shall so happen that there shall be just claims on the treasury for losses sustained, to a greater amount than there are funds or stock of the company to discharge, in such case the directors for the time being shall, with all convenient expedition, proceed to assess such deficiency, in a ratable proportion, on the members of the association, or their representatives, according to to the amount of

Officers of the
association,
and their pow-
ers.

Directors,
their duty.

On what occa-
sion new as-
sessments may
be made and
moneys col-
lected, &c.

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.

6. *And be it enacted*, That the treasurer for the time being, and his successors in office, shall have in their particular charge and care the cash, securities, deeds, and papers of the company, and shall, from time to time, pay over, dispose of, and deliver the same, according to the orders of the president; the treasurer shall keep fair and regular books of account, of cash, securities; and other things in his custody, and shall, before he enters on the duties of his office, give competent security for the faithful discharge of his trust, and for delivering up to the orders of the president, or the succeeding treasurer, all moneys, deeds, securities, and effects of the company, which shall have come to his possession or custody; which security the directors are required to take, and in default thereof the directors for the time being shall be liable, in their own proper persons and estates, the same as if they had entered security for such treasurer.

Treasurer, his duty.

7. *And be it enacted*, That, to prevent frauds and avoid inconvenience, no person or persons insuring their buildings in the office of said company shall receive benefit from the same, if such building or buildings are insured in any other office or place.

Fraud, how to prevent.

8. *And be it enacted*, That the said corporation, at their annual meetings, by the vote of a majority present, are hereby authorized and empowered to make, ordain, establish, alter, or repeal any by-laws and ordinances, and do every thing incident and needful for the support and due government of the said corporation, and managing the funds and revenues thereof: *Provided* the said by-laws, ordinances, &c. be not repugnant to the constitution and laws of this state, or of the United States, or to this act.

By-laws.

9. *And be it enacted*, That the said association, by their president, directors, or otherwise, shall not have power to issue any note or notes in the nature of bank notes, or to make discounts after the manner of any incorporated bank or banks; and if at any time it shall appear to the legislature that the chartered privileges hereby granted are injurious to the public welfare, they

Legislature
may alter, &c.

shall have power to alter or repeal the same; but such repeal shall not affect any contract or engagements to which the said company may have become a party previous thereto; and the said company, upon such repeal being made, shall have a reasonable time, not exceeding two years, to bring their accounts to a final settlement and termination.

C. Passed November 27, 1823.

AN ACT to incorporate the Orange and Sussex Canal Company.

Preamble.

WHEREAS it is contemplated to open a canal or water communication between the Delaware and Hudson rivers, commencing at or near the village of Columbia, on the Delaware; thence running through the counties of Sussex, in the state of New-Jersey, and Orange, in the state of New-York:—
THEREFORE, in order to effect that desirable object,

Commissioners, and their duties.

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 Maurice Wurts, of Philadelphia, William Hankinson, Jacob S. Thomson, N. A. Shafer, David Ryerson, Samuel Price, junior, and Abiah Wilson, John Guştn, Samuel Fowler, Sebastian Solleday, and Johnson N. Gould, or any two or more of them, and such others as may or shall be appointed by the legislature of the state of New-York, be, and they are hereby appointed commissioners, to do and perform the several duties and acts herein after mentioned, that is to say: they shall and may employ engineers and other persons whom they may consider necessary, and with them explore, survey, and determine the route for this proposed canal; and, when the same is surveyed, they shall cause a regular plot or map thereof to be made, and filed in the office of the secretary of state of each of the states of New-York and New-Jersey, there to remain as a public record; and they are hereby authorized to apply to such purpose such funds as may be put in their hands for that object, and enter in and upon any and all lands on the route or tract contemplated for the canal; and they shall and may, on or before the first day of April, one thousand eight hundred and twenty-six, procure at least four books, and open them in the city of New-York, in the city of Philadelphia, and at such places in the said counties of Sussex and Orange, as they may deem most expedient, for the purpose of receiving from persons, either individual or corporate, subscriptions to the amount of six hundred thousand dollars, in shares of fifty dollars each,

Books, where to be opened.

Amount of subscription.

which shares shall be deemed personal property; said books to be continued open for the purpose aforesaid, at least twenty days, notice for one month having been previously given, by one or more of the commissioners, of the times and places of opening said books, in one or more newspapers published in the city of New-York, and in one or more newspapers published in each of the said counties; and if at the expiration of twenty days the necessary number of shares shall not have been subscribed, then the said commissioners shall and may open said books, in manner aforesaid, by giving like notice, and continue them open until the requisite number of shares shall and may be subscribed; but if, at the expiration of the said twenty days, it shall appear that the subscriptions amount to more than six hundred thousand dollars, the commissioners shall and may reduce the same to that amount, by proportionate reduction of each subscription; provided, in so doing, they do not divide any subscription into parts or fractions of a share.

2. *And be it enacted*, That whenever it shall appear that the subscriptions in said books amount to the sum of two hundred thousand dollars, the said commissioners are hereby authorized and required to call a general meeting of the subscribers, to be held at such time and place as said commissioners, or a majority of them may fix upon, by publishing the same in newspapers, in time and manner as aforesaid; at which meeting the subscribers then present, or a majority of them, shall and may proceed to elect, by ballot, twelve directors, of whom at least four shall reside in the county of Sussex, who shall proceed to appoint, from among their number, a president: said president and directors shall continue in office until the third Tuesday of May next ensuing said election, and shall have, during that time, all the direction and management of the business and concerns of said company, at which election (and so at every succeeding election) each subscriber or stockholder shall have a vote for every share owned by him, not exceeding five, and two votes for every five additional shares: *Provided*, that the said commissioners, or a majority of them, shall have previously chosen three disinterested stockholders as judges of said election, who shall determine what directors are duly elected, and who are qualified to act as such.

Officers, how
to be elected.

Proviso.

3. *And be it enacted*, That from and after the said election, the subscribers, their heirs, successors, and assigns, shall be, and hereby are incorporated by the name of "The Orange and Sussex Canal Company," and by that name they and their successors and assigns are hereby constituted a body politic and corporate in law, and shall be capable of holding their capital stock, and the increase and profits thereof, from time to time, and in such manner and form as they shall see proper, and also to sue and be sued, implead and be impleaded, in courts of justice or

Name of the
incorporation,
their powers,
&c.

any other place whatever; to adopt and to use a common seal, and the same to change and renew at pleasure, and also to adopt, establish, and put in execution such by-laws, ordinances, and regulations as shall be necessary and convenient for the said corporation; provided the same are not contrary to the constitution or laws of the United States, or either of the states of New-York or New-Jersey.

Officers to be elected annually, by ballot.

4. *And be it enacted*, That on the third Tuesday in May, after the expiration of the term for which the said first president and directors shall have been chosen, as aforesaid, and so in every year thereafter, there shall be a general meeting of the stockholders, at such place as they shall have agreed upon at the election last preceding, who shall then and there proceed to elect, by ballot and plurality of votes then and there given, in person or by proxy, according to the scale of voting herein before prescribed, twelve directors, four at least of whom shall reside in the county of Sussex, for the management of the affairs of said company; and the directors so appointed shall serve until the third Tuesday of May next ensuing: and the board of directors so chosen, shall, at their first meeting after their election, proceed to appoint one of their number president of the corporation, who shall hold said office during the term for which said directors are elected as aforesaid: *Provided*, that if an appointment of president, or election of directors should, for any cause, happen not to be so made as to take effect on any day when in pursuance of this law they ought to take effect, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful at any other time to hold such election, and make such appointments: and the manner of holding the election in such case shall be regulated by the by-laws and ordinances of the corporation, and until such appointments or elections be made, the president and directors for the time being shall continue in office: *Provided also*, that in case of the death, resignation, incapacity, or removal of the president or of one or more of the directors, such vacancy or vacancies may be supplied by appointment by the board of directors.

Proviso.

Vacancies to be supplied.

Money to be paid when subscribing, and, with other moneys received by the commissioners, to be entered in a book, &c.

5. *And be it enacted*, That every subscriber, at the time of his or her subscribing, shall pay to the commissioners the sum of five dollars for every share by him or her subscribed; of which payment, and of all other moneys received by the commissioners, and of all the moneys laid out and expended by them for the use of said company, they shall keep a fair and accurate account, in a book or books to be kept by them for that purpose, which book or books shall be put by them into the hands of the president, when elected, or as soon thereafter as it may be convenient; and for all services by them rendered, and moneys advanced, they shall be allowed, in a settlement with

the president and directors, which shall take place at the time of delivery of the books, and the balance in the hands of the commissioners shall be paid over to the order of the president and any two of the directors.

6. *And be it enacted*, That the said corporation, by the president and directors, or by any agent, superintendent, engineer or other person or persons employed in the service of the corporation, may enter into and upon all and singular the land and lands, whether covered with water or not, for the purpose of exploring or surveying the route for said canal; and when the route shall have been fixed upon and agreed to by the president and directors; or a majority of them, then the said president and directors may contract and agree with the owner or owners of any land or lands and water privileges for the purchase of so much thereof as shall be necessary for the making, digging, and perfecting the said canal, and for erecting and establishing all the necessary locks, works, and devices to such navigation belonging, if they can agree with such owner or owners; but in case of disagreement as to the amount of damages done thereby to lands lying in this state, or in case the owner or owners thereof shall be feme covert, under age, non compos mentis, or reside out of the state, upon notice being given by publishing the same in two newspapers published in New-Jersey, then it shall be lawful to and for the said president and directors to cause a survey and map to be made of the ground in their estimation requisite, and which they may be authorized by law to take for the uses aforesaid; in the field-book of which map and survey, shall be distinguished the land of each of the several owners and occupants, appropriated or intended to be appropriated as aforesaid, and the quantity thereof, and shall exhibit such field-book and map to one of the justices of the Supreme Court of this state, having given at least ten days previous notice, in writing, to the parties concerned, residing in this state, of the time and place of such exhibition; and if such justice shall be of the opinion that the land so surveyed is not more than what is requisite for the said uses, and may be lawful and necessary for said company to appropriate; he shall certify such map and field-book under his hand and seal, and shall cause the same to be filed in the office of the clerk of the county where such land may be situated, there to remain a public record; and it shall be lawful for such justice, by a writing under his hand and seal, to appoint not less than three, nor more than five discreet freeholders, who shall be disinterested in the question, to appraise the premises specified in the field-book, of which said appointment, and of the time when the said appraisers will attend to do the duties of their appointment, ten days' notice, in writing, shall be given to the owners or occupiers residing in this state; and it shall be the duty of the appraisers, or a majority of such as shall be appointed, to

Lands may be explored, purchased, and manner of proceeding in certain cases, &c.

examine the land of each owner or occupant, and to ascertain the value thereof, and the damages, if any, that each may sustain by such appropriation; and they shall make a regular entry of such valuation and assessment of the damages sustained by each owner or occupant, respectively, in a book to be by them kept for that purpose, and certify the same, under oath or affirmation, to be a true, fair, and impartial valuation and assessment, to the best of their belief, and shall thereupon cause such book (the execution of such certificate being first duly proven or acknowledged before some person authorized to take the acknowledgment of deeds) to be filed in the office of the clerk of the county as aforesaid, and there to remain as a public record; and the said corporation or their successors, upon paying to the several owners or occupants, respectively, according to their rights, the several sums of money so assessed as aforesaid, together with the costs of appraisement, or in case such owner or owners shall be feme covert, under age, non compos mentis, or reside out of this state, by paying the same into the Court of Chancery of this state, to be disposed of under the order of the Chancellor according to the laws of this state, shall immediately be vested with the fee-simple of the lands and tenements mentioned and specified in such field-book filed in the office; provided such payment, with interest, shall be made in one year after filing such certificate, and before any damage shall have been done to said property, and if default shall be made in making such payment within the time herein specified, the lessor or lessors, owner or owners, of such lands or improvements, may, at their discretion, sue for and recover from the said corporation, the amount of such appraisement, with interest and cost, or by action of ejectment, recover the said land and improvements so entered upon by the said corporation, their agent, superintendant, engineer or other person or persons in their employ.

7. *And be it enacted*, That it shall and may be lawful to and for the president and directors of the said company, and their superintendant, engineers, artists, workmen and labourers, with carts, waggons and other carriages, and with their beasts of draught and burden, and all necessary tools and implements, to enter upon the lands contiguous or near to the route or tract of the intended canal, first giving notice to the owners or occupants thereof of their intention, and doing as little damage thereto as possible, and repairing any breaches they may make in the enclosure thereof, and to take and carry away any stone, gravel, clay, sand or other earth there, being most conveniently situated, and being most suitable for making or repairing the said canal, the locks and other devices thereto belonging, the said owners or occupants being entitled to a fair compensation or remuneration for the materials taken and damages done; but in case of disagreement as to the amount, or in case any owner or oc-

May enter
lands to pro-
cure articles to
repair canal,
&c.

cupant so injured, labour under a legal disability to contract, or reside out of the state, then it shall be lawful for any judge of the court of Common Pleas of the county, to appoint three judicious, disinterested freeholders as appraisers, who having been previously sworn, fairly and impartially to inquire into and report the amount of damages, shall deliver to each party a copy of their appraisal, under their hands and seals, which appraisal shall be conclusive evidence of the amount of damages in any suit to be brought therefor; provided that if the damages so appraised in favour of any person authorized to contract, be not more than had been previously tendered by the company, then such person shall be compelled to pay all the charges and costs incident to such appraisement, and if they be paid by the company, the amount thereof shall be deducted out of the amount of damages.

Appraisement
of damages,
&c.

8. *And be it enacted*, That the said president and directors so elected, and their successors, or a majority of them assembled, shall have full power and authority to agree with any person or persons, on behalf of the said company, to cut such canal, and erect and make such dams and locks, and perform such other works as may be necessary, in their opinion, for opening, improving and extending the navigation between the rivers aforesaid, as they shall think fit and convenient; provided such canal shall be cut for not more than four feet depth of water, and not more than forty feet wide on the surface of the water therein; and out of the money for subscriptions and tolls, and other aids herein after given to pay for the same; and to repair and keep in order the said canal, locks, dams and other works necessary thereto, and to defray all incidental charges; and also to appoint a treasurer, clerk and such other officers and toll-gatherers, managers and servants as they shall deem requisite, and to agree for and settle their respective allowances and wages, and settle, pass and sign their accounts, and also make and establish rules and proceedings; and to transact all other business and concerns of said company, in and during the intervals between the general meetings of the same; and they shall be allowed for their trouble such sum as shall be determined in a meeting of the directors: *Provided always*, that the treasurer shall give bond in such penalty, and with such security, as the said president and directors, or a majority of them shall direct, for the faithful discharge of the trust reposed in him; and no officer of the company shall have a vote in settling and passing his own account.

Depth and
width of the
canal, and all
necessary officers
to be appointed,
&c.

Proviso.

9. *And be it enacted*, That the said president and directors, or a majority of them, shall have full power and authority, from time to time, as money shall be wanted, to make and sign orders for that purpose, and direct in what manner and what proportions, and at what time the subscribers shall advance and pay the sums by them respectively subscribed; and the said presi-

President and
directors em-
powered to
collect subscrip-
tions for
repairing the
canal, &c.

dent and directors, or a majority of them, are authorized and empowered to demand and receive of the said subscribers, respectively, the sums of money so ordered to be advanced for carrying on and executing, or repairing and keeping in order the said canal, dams, locks, and other works, until the sum subscribed shall be fully paid, and to order the said sums to be deposited in the hands of the treasurer, to be by him disbursed as the said president and directors, or a majority of them, shall order and appoint: *Provided*, that the said president and directors shall give thirty days' notice of such orders; and if any subscriber shall refuse or neglect to pay the sum which he or she ought to pay, according to such order, in one month after the time appointed by such order for that purpose, the same may and shall be recovered by action of debt, in any court of record in this state, in the name of the said company, against the subscriber, his heirs, executors, administrators, or assigns; or the president and directors, or a majority of them, may, upon such neglect or refusal to pay, declare and cause the stock subscribed or owned by such delinquent, and all moneys paid thereon, to be forfeited to and for the use of said company.

Proviso.

Oath of office.

10. *And be it enacted*, That every president and director, before he acts as such, shall take an oath or affirmation for the due execution of his office.

President and directors annually to render just accounts to the stockholders; and dividends to be made.

11. *And be it enacted*, That, at the said annual meeting of the stockholders, the president and directors shall make report, and render distinct and just accounts of all their proceedings, and, on finding them fairly and justly stated, the stockholders there present, or a majority of them, shall give a certificate thereof, a duplicate of which shall be entered on the said company's books; and at such yearly general meetings, after leaving in the hands of the treasurer such sum as the stockholders, or a majority of them, shall judge necessary for repairs and contingent charges, an equal dividend of all the net profits arising by the tolls hereby granted, shall be ordered and made to and among the stockholders of the said company, in proportion to their several shares.

The canal works, &c. vested, with certain limitations, in the said corporation, &c.

12. *And be it enacted*, That for and in consideration of the expense the said stockholders may incur, not only in cutting the said canal and other works for opening the said navigation, but in maintaining and keeping the same in repair, the said canal works, with all their profits, under the limitations aforesaid, shall be, and the same are hereby vested in the said corporation, subject nevertheless to the conditions hereafter mentioned; and that it shall and may be lawful for the said president and directors, after the said canal shall be made wholly or in part navigable, to demand and receive such toll and rates as the said president and directors shall think proper: *Provided*, that the said toll shall

not in the whole exceed the rate of eight cents per mile for every ton weight of the ascertained burthen or capacity of any boat, ark, craft, or vessel laden with or engaged in the transportation of stone coal, and one half that sum for every ton weight of the ascertained burthen or capacity of any boat, ark, craft, or vessel laden with or engaged in the transportation of any other article of merchandise, and the same for every hundred feet, cubic measure, of timber, and one thousand feet, board measure, of boards, plank, or scantling, and for every five thousand shingles, and so in proportion for any other distance.

13. *And be it enacted*, That in case of the refusal or neglect to pay the toll at the time of offering to pass through the said canal, and previous to the vessel passing through the same, the collectors of the said tolls may lawfully refuse passage to such vessel; and if any vessel shall pass without paying the said toll, then the said collectors may seize such vessel, wherever found, and detain the same three days, and in case the toll shall not be paid within that time, then the said collectors may, after having given five days' notice of the time and place of such sale, in three of the most public places in the township where such seizure may be made, sell the same at auction for ready money, which, so far as necessary, shall be applied towards paying said toll, and all expenses of seizure and sale; and the balance, if any there be, shall be paid to the owner; and the person having the direction of such vessel, shall be liable to such toll, if the same is not paid by the sale of such vessel aforesaid.

14. *And be it enacted*, That scales, steelyards, or other machines for the weighing of goods shall be established at convenient distances along the said canal; and if any dispute shall arise between the toll-gatherer and the boatman, with respect to his lading, and the said toll-gatherer shall have cause to suspect deception or fraud, the said boatman may be compelled to give an accurate account of his said lading; and if the same be unsatisfactory, the said toll-gatherer may take said boat to the nearest wharf, where accurate scales, steelyards, or engines for weighing goods are kept, and there have the cargo unloaded and weighed, which expense, together with a penalty of thirty dollars, if he shall have refused or neglected to give an account of his lading, or if his account so given shall prove below the real weight of the goods, shall be paid by the said bargeman; and if it shall prove that the said boatman has given a correct account of his cargo, then the said corporation shall be liable to the owner of said boat for damages of detention: in all cases where the toll is charged by the number of articles, or by the number of feet contained therein, if any difference shall arise between any collector of the said toll and the boatman or person having charge of such articles, it shall be lawful for any such collector

Machines for weighing, &c. to be erected,

Toll-gatherers and their duties, &c.

Collector, his powers, &c.

to stop and detain any such articles, together with the vessels in which they may be contained, and to count or measure the same; and upon ascertaining the weight or measure of lading as aforesaid, the said toll-gatherer shall give a certificate thereof to the said bargeman, which shall be sufficient proof of his not having a greater cargo on board throughout his passage of the said canal, unless an addition shall have been made after the said weighing or admeasurement.

Canal to be a public highway.

15. *And be it enacted*, That the said canal, and the works to be erected thereon in virtue of this act, when completed, shall for ever thereafter be esteemed a public highway, free for the transportation of any goods, commodities, or produce whatsoever, on payment of the tolls imposed by this act.

President, &c. may purchase land for the erection of necessary buildings, &c.

16. *And be it enacted*, That the said president and directors, or a majority of them, are hereby authorized to agree with the proprietors for the purchase of any quantity of land for the purpose of convenient places for the receipt of tolls and the erection of necessary buildings, and for securing reservoirs and supplies of water for the said canal and other necessary purposes; and in case of disagreement, or any of the disabilities aforesaid, or the proprietors being out of the state, then such land may be valued, taken, and paid for as aforesaid, for the purposes aforesaid, and the said company shall, upon payment of the valuation of said lands, be seized thereof in fee-simple, as aforesaid.

Shares transferable.

17. *And be it enacted*, That the shares of capital stock at any time owned by any person or persons, shall be transferable only in the books of the said company, according to such rules as may be lawfully prescribed in the by-laws of the said corporation: *Provided*, that no transfer whatever shall be made, except for one or more whole share or shares, and not for part of such shares; and the purchasers thereof shall be entitled to the same privileges, and subject to the same liabilities as the original subscribers, and that no share shall at any time be sold, conveyed, transferred, or held in trust for the use and benefit, or in the name of another, whereby the said president, directors, or stockholders of said company, or any of them, shall or may be challenged or made to answer concerning any trust; but that every person appearing, as aforesaid, to be a stockholder, shall, as to others of said company, be, to every intent, taken absolutely as such; but as between any trustee and any person for whose benefit any trust shall be created, the common remedy may be pursued.

Proviso.

The capital stock may be increased, and in what manner.

18. *And be it enacted*, That if the said capital stock shall prove insufficient, it shall and may be lawful for the said company, from time to time, to increase the said capital, by the addition of so many more whole shares as may be judged necessary by the said stockholders, or a majority of them present, at

any general meeting of the said company; and the said president and directors, or a majority of them, are hereby empowered and required, after giving at least one month's notice in the newspapers aforesaid, to open the books at such place or places as shall be directed by the said meeting for receiving and entering such additional subscriptions, in which the stockholders of the company for the time being shall be, and they hereby are declared to have the preference of all others for the first twenty days after the said books shall be opened, as aforesaid, and of taking and subscribing for as many whole shares as any of them shall choose; and the said president and directors are hereby required to observe, in all other respects, the same rules therein as are by this act prescribed for receiving and adjusting the first subscriptions; and all stockholders of such additional shares shall be, and they are hereby declared to be from thenceforward incorporated into the same company.

19. *And be it enacted*, That whenever said canal shall cross any public road, it shall be the duty of the said company, at the proper expense of the same, to make and keep good and sufficient bridges across the said canal, so as to prevent any inconvenience in the usage of the said road or roads, by reason of the said canal crossing the same, and, in like manner, construct bridges to connect farms that may be divided by the passage of said canal; and that it shall be lawful for the legislature of this state, at all times hereafter, to enact laws for the erecting and maintaining bridges across the said canal, at the expense of said company, and to subject the said company to forfeitures, pains, and penalties for not complying with said laws.

Bridges to be erected whenever the canal crosses public roads.

20. *And be it enacted*, That no state, county, township, or other public assessments, taxes, or charges whatsoever, shall at any time be laid or imposed upon the said canal company, or upon the stock or estate which may become vested in them under this act: *Provided*, that nothing herein contained shall exempt from taxation any lands, buildings, or other property not necessary for the use of said canal.

No taxes to be laid upon the estates or stock of the company.

Proviso.

21. *And be it enacted*, That if any person shall, in any manner, wilfully and maliciously injure or obstruct the said canal, locks, or other devices or parts thereof by any manner of ways or means, every person so offending shall be liable to pay double the amount of damages, to be recovered by the company in a suit in any court having competent jurisdiction.

Penalty for injuring the canal, &c.

22. *And be it enacted*, That the funds of the said company shall never be employed in any other operation, or for other purposes than those provided for in this act.

23. *And be it enacted*, That nothing in this act shall be taken or construed to impair the right of any person to an action

Action for damage done by the company.

against the said company for any damage done to his or her water rights, lands, tenements, or hereditaments, by the erection or construction of the said canal, where such person hath not been agreed with by the said company, or his or her right, damages, and estate, satisfied and vested in the said company, under the provisions of this act.

How charter
may be for-
feited.

24. *And be it enacted*, That unless the said company shall be incorporated under the provisions of this act, within five years from the passing hereof, or, if being so incorporated, shall not open the said canal fit for use within twenty years thereafter, the charter hereby granted to the said company shall be void, and the estate of the said company in the said canal shall thereupon become vested in this state for ever.

25. *And be it enacted*, That the treasurer of this state shall, and is hereby authorized to pay to any one of the commissioners which may be appointed to receive it by the board of commissioners appointed in this act, or by a majority of them; the sum of four hundred dollars, on his presenting a copy, duly certified, that the state of New-York has passed an act so far corresponding herewith as to authorize the construction of a canal through the counties of Orange and Sussex, to unite the Hudson with the Delaware, to be expended at the discretion of said board, or a majority of them, in surveying any route or routes through the county of Sussex, which may be by them deemed proper and suitable for the construction of said canal.

C. Passed December 10, 1823.

AN ACT to raise the sum of fifteen thousand dollars, for the year of our Lord one thousand eight hundred and twenty-four.

Amount to be
raised.

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 fifteen thousand dollars, money of the United States, which sum shall be paid into the treasury of this state, on or before the twentieth day of January, one thousand eight hundred and twenty-five.

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

Quotas of
counties.

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

ORIGINAL STATE RECORDS

The county of Essex, shall pay the sum of one thousand four hundred and thirty-three dollars and twenty-seven cents.

The county of Middlesex, shall pay the sum of twelve hundred and twenty dollars and one cent.

The county of Monmouth, shall pay the sum of thirteen hundred and ninety-six dollars and thirty-eight cents.

The county of Somerset, shall pay the sum of nine hundred and ninety-one dollars and seven cents.

The county of Burlington, shall pay the sum of one thousand six hundred and fifteen dollars and seventeen cents.

The county of Gloucester, shall pay the sum of twelve hundred and sixty-seven dollars and twenty cents.

The county of Cumberland, shall pay the sum of five hundred and ninety-four dollars and eighty-two cents.

The county of Salem, shall pay the sum of eight hundred and eight dollars and seventy-two cents.

The county of Cape-May, shall pay the sum of two hundred and forty-two dollars and twenty-five cents.

The county of Hunterdon, shall pay the sum of one thousand seven hundred dollars and ninety-four cents.

The county of Morris, shall pay the sum of eleven hundred and seventy-six dollars and two cents.

The county of Sussex, shall pay the sum of one thousand five hundred and seventy-nine dollars and twenty-one cents.

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

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

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

4. *And be it enacted*, That in assessing the aforesaid sum of fifteen thousand dollars, the following persons, articles, and things shall be valued and rated at the discretion of the assessor, to wit: all tracts of land held or owned by deed, patent, occupancy, survey, or otherwise, any sum not exceeding one hundred dollars by the hundred acres: *Provided always*, that houses and lots of ten acres and under, shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value

How to assess,
&c.

thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

Rates of persons and things.

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

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

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

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

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

All furnaces, any sum not exceeding six dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Every riding chair, gig, or sulky, any sum not exceeding thirty cents.

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

Mode of assessment and collection.

C. Passed December 12, 1823.

AN ACT for the support of the Government of the State of New-Jersey.

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

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

To the Chief Justice of the Supreme Court of this state, for the time being, at the rate of twelve hundred dollars by the year.

To the other Justices of the Supreme Court, for the time being, at the rate of eleven 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.

To the Law Reporter of this state, for the time being, at the rate of two hundred dollars by the year.

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

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

To the Quartermaster-General of this state, for the time being, at the rate of one hundred dollars by the year—

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

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

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

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

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

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

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

C. Passed December 12, 1823.

AN ACT to defray Incidental Charges.

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

To Charles Parker, as per his account, with accompanying vouchers, fifty-one dollars and twenty-nine cents.

To William Gould, for services in receiving and sawing wood for the use of the state-house, &c. and for expenditures, as per vouchers rendered, nineteen dollars and seventy-five cents.

To George P. M'Culloch, as per resolution of this House, for services rendered as a commissioner, in exploring the route of a canal to unite the waters of the Delaware and Passaic rivers, two hundred dollars; and the additional sum of six dollars, for the conveyance of pamphlets relative to said canal.

To Charles Kinsey, agreeably to the before mentioned resolution, for services rendered as commissioner, one hundred and twenty-four dollars.

To Thomas Capner, one of the commissioners aforesaid, for money expended in discharge of his official duties, fifteen dollars.

To William L. Prall, for ten cords and one-quarter of hickory wood, purchased for the use of the state-house, sixty-one dollars and twenty-five cents, and the further sum of eight dollars, for a map of the state of New-York, purchased by order of the House.

To Robert M'Neely, for repairs done to the Assembly room and Council chamber, as per vouchers, one hundred and nineteen dollars and sixty-one and a half cents.

To Peter I. Stryker, for the purchase of a piece of field artillery, agreeably to a resolution on that subject, one hundred and fifty dollars.

To Daniel Fenton, for stationary, &c. as per his account, thirty-four dollars and seven cents.

To Joseph M. Yard, for a cabinet as a repository for mineralogical specimens, fifteen dollars.

To his excellency Isaac H. Williamson, for postage for letters, &c. thirty-three dollars and forty-three cents.

To David Johnston, for crape furnished the members of Council, three dollars fifty cents.

To James Vanderpool, for services as commissioner for the sale of the Jersey Banking House, ten dollars.

To Samuel Brearley, for sheet-iron, and applying of it to a fire-place in the upper part of the state-house, two dollars.

To George Sherman, for printing, as per bill, seventy-nine dollars and eighty cents.

To John Davisson, for bringing a fugitive to justice, thirty-five dollars, as per resolution on that subject.

To Joseph Justice, for articles furnished both branches of the Legislature, and printing bills for Council, fifty-four dollars and nineteen cents.

To James J. Wilson for printing bills and reports, two hundred and thirteen dollars and forty-three cents.

To the Quartermaster-General, for the removal of two thousand four hundred stand of arms from Bloomsbury to the state-house, four dollars and twenty-five cents.

To Asa Belden, for repairing andirons for the council-chamber, three dollars.

To Justice & Potts, for serving the Legislature with the Emporium, and for advertising, eighteen dollars and ninety-three cents.

To John R. Smith, for shovel and tongs, and other articles furnished for the council-chamber, four dollars and twenty-four cents.

To John Bellerjeau, for services, three dollars and six cents.

To David Taylor, for work done in the armory department, as per his account, fifty-seven dollars, sixty-four cents.

To James Johnson, for work done to the state-house, one dollar and fifty cents.

To William L. Prall, for two cords of hickory wood, to be procured and sawed, fourteen dollars.

To James Johnson, as per article of agreement, twenty dollars.

To Thomas Cain, for candles, four dollars and forty-seven cents.

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

C. Passed December 12, 1823.

RESOLUTIONS.

PREAMBLE AND RESOLUTIONS.

WHEREAS the Legislature of this State, feeling a lively interest in the promotion of agriculture, manufactures, and general industry, and believing that no means are better calculated to have that effect than the completion of a general system of inland navigation, did, at its last session, pass an act, entitled "An act for ascertaining the most eligible route for, and probable expense of forming a Canal to connect the waters of the Passaic river with the waters of the Delaware river,"—*And whereas* the co-operation of the General Government and of the respective states, in all great works of internal improvement, is essential to the execution of extensive plans of general utility, and is calculated to strengthen the bonds of our federal union, this Legislature has seen with great satisfaction the wise and liberal policy of the distinguished citizen at the head of the war department manifested, by his promptly ordering to the assistance of the commissioners two able and scientific officers of the United States' Board of Engineers. It reciprocates, also, most cordially, the friendly feelings of the Legislature of the state of New-York, exhibited in the resolution of the Senate and House of Representatives of that state, adopted on the second day of April last, directing their canal commissioners to send to the line of the contemplated canal in this state, one of the engineers in their employ: *And whereas* this Legislature is much gratified with the results of the survey lately made of the proposed route through the counties of Morris and Sussex, and is desirous of giving a public testimonial, as well of the sense it entertains of the able and timely assistance so liberally afforded the commissioners and engineers acting under the authority of the before mentioned act, as of the manner in which the survey has been made—Therefore,

RESOLVED, by the Council and General Assembly of this State, That the Governor be requested to transmit two copies of the Report and documents laid before this Legislature by the said commissioners and engineers, to the Honourable John C. Calhoun, Secretary at War; three copies of the same to the Governor of the state of New-York, for the use of the Governor, Senate, and House of Representatives of that state; and five copies to the Honourable Dewitt Clinton, President of the New-York Board of Canal Commissioners, for the use of that board.

Resolved, That the thanks of the Legislature be given to George P. McCulloch, Charles Kinsey, and Thomas Capner, esquires, the commissioners appointed by the aforesaid act; and to Ephraim Beach, esquire, the engineer employed by them, for the intelligence, zeal, and industry they have displayed in the prosecution and completion of the business with which they were intrusted.

Resolved, That the thanks of the Legislature be presented to General Joseph G. Swift, Professor James Renwick, and Benjamin Wright, esquires, of the state of New-York; to John L. Sullivan, esquire, of the state of Massachusetts, and to General Bernard and Colonel Totten, of the United States' Corps of Engineers, for their practical, scientific, and zealous co-operation in surveying the route of the canal, and planning the various works necessary for its safe and advantageous execution.

Resolved, That the Governor be requested to transmit copies of the above preamble and resolutions to the respective gentlemen therein named.

C. Passed November 25, 1823.

PREAMBLE AND RESOLUTION.

WHEREAS *it is the opinion of the Legislative Council and General Assembly of the state of New-Jersey*, That manufactures form an important pillar of our national prosperity, and that their encouragement is an object, which deeply involves the present and future welfare of these United States—Therefore,

RESOLVED by the Council and General Assembly of this state, That it be earnestly recommended to the Senators and Representatives of this state in Congress, that wherever such a course shall not interfere with their views of our political economy, they use their exertions in promoting all measures calculated to cherish and advance the interest of manufacturers.

C. Passed November 25, 1823.

RESOLUTION.

RESOLVED by the Council and General Assembly, That the governor be requested to transmit to each of our Senators and Representatives in Congress, a copy of a resolution passed at the present session of the legislature, recommending to their attention the subject of manufactures.

C. & A. Passed December 12, 1823.

PREAMBLE AND RESOLUTION.

WHEREAS the sureties of Peter Gordon, late treasurer, for the year one thousand eight hundred and twenty, twenty-one, did subsequently give their bond to the state for ten thousand dollars, on account of the delinquency of said Peter Gordon, in the said year, and have only been able to secure themselves partially therefor; and whereas from circumstances known to this house, although the said sureties are strictly liable for the whole sum, it would be reasonable for the state to remit part of the same, and especially on account of the distress it would occasion to some certain of the sureties to pay the same; and whereas the sureties have proposed, immediately to pay into the treasury, such sum in addition to what they already paid, as to make up the sum of nine thousand dollars in said bond, and request that they may be relieved from payment of the residue for the reasons aforesaid—Therefore,

RESOLVED by the Council and General Assembly of the state of New-Jersey, That upon their paying into the treasury, immediately after the passage of this resolution, such sum as with the previous payment, will amount to nine thousand dollars, the said sureties ought to be discharged from the residue of the principal and interest due on said bond.

C. Passed December 11, 1824.

PREAMBLE AND RESOLUTION.

WHEREAS the state of New-Jersey is possessed of twenty-four pieces of heavy field ordnance of six pound caliber, viz: two to each brigade; and whereas they are found not to be well adapted to field exercise—Therefore,

RESOLVED, That, if the house of assembly concur herein, the Commander in Chief is hereby authorized to negotiate with the General Government, for an exchange of twelve of the above pieces of ordnance, one from each brigade with their carriages, harness and equipments for as many of less weight and smaller caliber, say from two to four pounders, as can be obtained for them.

C. & A. Passed December 10, 1823.

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