

**A C T S**

33003

OF THE

**SIXTY-SEVENTH**

**GENERAL ASSEMBLY**

OF THE

**STATE OF NEW JERSEY,**

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

*Being the First Sitting.*



**NEW BRUNSWICK:**

PRINTED BY DAVID F. RANDOLPH.

1843.



**A C T S**  
OF THE  
**SIXTY-SEVENTH**  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF NEW JERSEY.**

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AN ACT to authorize the sale of certain real estate of John T. Halsey, deceased, late of Elizabethtown, in the county of Essex.

WHEREAS Margaret Halsey, widow of John T. Halsey, late of the township of Elizabeth, in the county of Essex, deceased, and nominated guardian of his children and heirs-at-law, Anna M., Mary P., James O., Julia S., Emelie F., Augustus O., William F., and Cornelia Halsey, hath, by her petition, set forth, that her said husband died seized of a farm and premises, situate in the said township of Elizabeth, containing about ninety-five acres of land, including eighteen acres of salt meadow, leaving his said children and heirs-at-law minors under the age of twenty-one years; that the said land and premises are situated in the immediate vicinity of Elizabethtown aforesaid, the buildings large and commodious, which constitute its principal value; and that if the said land and premises were sold at such price as can readily be obtained for the same, and the proceeds of such sale securely invested, the interest of such investment, together with that of the personal property left, at his decease, by her said husband, would afford a comfortable sup-

Preamble.

port for herself and family. And whereas the said Margaret Halsey further represents, that her said husband was, by the nature of his last illness, during the whole of the same, rendered incapable of making a last will and testament—therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That James F. Meeker, and his executor or executors, be, and he is hereby constituted and appointed a trustee, with full powers to sell and dispose of, at public or private sale, as shall be most conducive to the interests of those concerned, all the homestead farm and premises whereof John T. Halsey, late of Elizabethtown, in the county of Essex, died seized, situate, lying, and being in the said township of Elizabeth, containing seventy-seven acres, more or less, of upland, bounded by lands of James S. Taylor, Philip Ward, Stephen Magie, the heirs of Joseph Collet, and others, and eighteen acres of salt meadow, either in the whole or such parts as will cause most to be realized from the said land and premises, and to make and execute to the purchaser or purchasers thereof good and lawful deed or deeds of conveyance for the same; and such deed or deeds shall vest in the said purchaser or purchasers, his, her, or their heirs and assigns, for ever, all right, title, and interest which the said John T. Halsey had in the same at the time of his death.

Trustee authorized to sell certain real estate.

Trustee to make deed vesting interest in purchaser.

Trustee to exhibit accounts to orphans court of Essex county.

Balance of proceeds of sales, how to be disposed of.

SEC. 2. *And be it enacted,* That the said trustee and his executor or executors shall keep a fair account of the sale or sales made by him under this act, and exhibit, under oath or affirmation, such account to the orphans court of the said county of Essex, within six months after such sale or sales shall be made, to be filed and recorded by the surrogate of the said county; and, after deducting all legal costs and expenses and commissions, to be allowed by the said court, to place the whole amount of the balance arising upon such sale or sales at interest upon good and sufficient real estate security; and shall appropriate two-thirds of the interest money arising thereon, annually; and such part of the two-thirds of the proceeds of such sale or sales as shall be required for the comfortable support and maintenance of the children and heirs-at-law of the said John T. Halsey, or any of them, after all their part, or the part of any of them, of the personal property left at his decease by their said father shall have been expended for their equal use and benefit, and pay the interest of the remaining third of the said proceeds to Margaret Halsey, widow of the said John T. Halsey, for and during her natural life; and shall pay over to each of the said children, as they shall sever-

rally arrive at the age of twenty-one years, the portion, or the balance of the portion, of each child that may remain of the two-thirds of the said proceeds, after such use and appropriation; and the said remaining third part, of which the said Margaret Halsey is to receive the yearly interest during her natural life: in case of her death, the said trustee shall pay to the person or persons entitled to the same by law, or to their lawful guardian or guardians; and the said trustee, or his executor or executors, shall, in all things, account for the same as guardians are now by law required to do of the moneys and estates of their respective wards.

Sec. 3. *And be it enacted*, That before the said trustee, or his executor or executors, shall make and execute the deed or deeds aforesaid, or enter upon any of the trusts reposed in him or them by this act, he or they shall enter into bonds to the governor of this state, with such security as shall be approved of by the orphans court of the said county of Essex, conditioned for the faithful performance of the several trusts reposed in him or them by virtue of this act; which bond shall be deposited in the office of the secretary of this state.

Trustee to enter into bond to the governor.

Sec. 4. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sales of the said real estate, or the balance thereof, but the same shall descend as the said real estate would have done, had this act not been passed.

Descent of the proceeds of the sales, &c., not to be affected by this act.

Passed November 4, 1842.

AN ACT to divorce John W. Walling, of the county of Monmouth, from his wife Rachel Walling.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between John W. Walling, of the county of Monmouth, and Rachel his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony.

John W. and Rachel Walling divorced.

Sec. 2. *And be it enacted*, That the issue born of the said Rachel, during her coverture with the said John W. Walling, is hereby declared to be illegitimate.

Issue declared illegitimate.

Passed November 4, 1842.

## AN ACT relative to the borough of Princeton.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled, "An act for the incorporation of the town of Princeton," passed the twenty-seventh day of November, in the year of our Lord eighteen hundred and twenty-two, and extended and continued by the act of the thirty-first of October, in the year of our Lord eighteen hundred and thirty-two, be, and the same is hereby extended and declared to be continued until the twenty-seventh day of November, eighteen hundred and fifty-two, and until altered or repealed by the legislature of this state.

Former acts  
extended.

Sec. 2. *And be it enacted,* That it shall be the duty of the common council of the said borough of Princeton, on the first Monday of March, in each and every year, to make and exhibit a full and correct statement of the receipts and expenditures of the said borough during the preceding year, and to cause a copy of said statement to be published, for three successive weeks prior to the annual town meeting, in a newspaper printed and published in said borough.

Common council  
to make  
statement of  
expenditures.

Passed November 4, 1842.

## AN ACT to repeal certain acts therein named.

Preamble.

WHEREAS it is represented to the legislature, on behalf of the inhabitants of the townships of Fairfield and Greenwich, in the county of Cumberland, that the road and ferry established by virtue of an act entitled, "An act to lay out a road on the southerly side of Cohansie creek, in the county of Cumberland, and to establish a ferry across the said creek, from the town of Greenwich to the said road," passed the twenty-eighth day of June, seventeen hundred and sixty-six, are no longer necessary—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled, "An act to lay out a road on

Certain acts re-  
pealed.

the southerly side of Cohansie creek, in the county of Cumberland, and to establish a ferry across the said creek, from the town of Greenwich to the said road," passed the twenty-eighth day of June, seventeen hundred and sixty-six, and the supplement thereto, passed the thirteenth day of March, eighteen hundred and thirty-two, be, and the same are hereby repealed.

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

Passed November 8, 1842.

AN ACT to authorize the administrators of William Bishop, deceased, to convey certain real estate.

WHEREAS it is represented to the legislature, that Joseph Bishop, senior, late of the county of Hunterdon, deceased, departed this life in the year one thousand eight hundred and twelve, having duly made and published his last will and testament, which was afterwards duly proved and recorded in the surrogate's office of said county, by the executors thereof, by which, among other things, he bequeathed to his daughter, Ann Holcomb, the wife of Samuel Holcomb, a distributive share of his estate, and did order his executors, therein named, that before they should pay the said share of the said Ann Holcomb to her and her husband, they should take good and sufficient security of the said Samuel Holcomb, her said husband, for the repayment of the same to them, provided they should find it necessary to require it: and if they should find that the said Samuel was likely to squander and waste the said share, that they should recover the same into their own hands, and put it to interest for the use of the said Ann and her children, giving unto them, from time to time, such portion of the principal or interest as might be sufficient for their comfortable support; but no part of said share at any time to be subject to the debts and charges of the said Samuel Holcomb; and if the said Samuel Holcomb should die before the said Ann, the money then to be given to her and her children; but if she should die first, then the money to be reserved for the support of her Preamble.

children, and to be distributed among them in equal portions, as they should arrive at the age of twenty-one years; of which said testament and last will he appointed William Bishop, now deceased, David H. Bishop, and William F. Fritts the executors. And whereas it is also represented that the said share of the said Ann Holcomb was, by the other executors, placed in the hands of the said William Bishop, deceased, to be disposed of according to the direction of said will, and that the said William Bishop applied the same towards the purchase of a certain farm and parcel of land, situate in the township of Raritan, adjoining lands of Henry Rockafellow, Albert S. Coxe, Samuel H. Case, and others, containing about one hundred and fifty acres of land, being the same on which the said Ann Holcomb and her said husband now reside, and took the title therefor in his own name in fee-simple; and that the said William Bishop has lately and suddenly departed this life, holding the fee-simple title to the said farm, without having made and published any last will and testament; and whereas the administrators and heirs-at-law of the said William Bishop, deceased, have, by their petition, prayed legislative aid in the premises, and that the said real estate may be conveyed to a trustee, to hold in trust for the purposes specified in the said will, and the prayer of the petition appearing to be just and proper—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John Higgins, Jesse Higgins, and James N. Reading, the administrators of the estate of the said William Bishop, deceased, and the survivors and survivor of them, be, and they are hereby authorized and empowered to make, execute, and deliver a good and sufficient conveyance in law of said farm and premises to Job Holcomb, one of the sons of the said Ann Holcomb, in trust for the said Ann Holcomb and her children, pursuant to the provisions of the will of the said Joseph Bishop, deceased; which said conveyance shall vest in the said Job Holcomb, as trustee as aforesaid, all the estate, right, title, and interest which the said William Bishop, deceased, had of, in, and to the said farm and premises, with the appurtenances, at the time of his death.

Passed November 10, 1842.

Administrators  
authorized to  
convey certain  
real estate.

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

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

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

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

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

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

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

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

To the adjutant 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 the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal, and the salary of his successor shall commence from the time he shall be sworn or affirmed into office. Salaries, how paid.

Sec. 2. *And be it enacted,* That there shall be paid to the vice president of Council and to the speaker of the House of Assembly, the sum of three dollars and fifty cents, each; and to every member of Council and Assembly, the sum of three dollars for each and every day they have attended, or shall attend, this or any future sitting of the legislature; and to every member of Council and Assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the nearest route, between his place of residence and the seat of government, in going or returning, on a certificate, to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president or vice Members of Council and Assembly, how to be paid.

president of Council, for the members of Council, and by the speaker of the House of Assembly, or by Samuel M. Oliphant, Charles H. French, William Paterson, Reuben Willets, or any two of them, for the members of Assembly.

Secretary of Council, and clerk of Assembly, how to be paid.

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

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

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

Engrossing clerk, how to be paid.

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

Limitation of act.

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

Passed November 10, 1842.

AN ACT to amend the charter of the Hudson County Mutual Insurance Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the sixth section of the act entitled, "An act to incorporate the Hudson County Mutual Insurance Company," passed February eleventh, eighteen hundred and forty-two, is hereby amended, so that the said company may loan such portion of their money in hand as may not be immediately wanted for the purposes of said corporation, upon good and valid security, by bond or promissory notes; *provided*, that nothing herein contained shall be construed to authorize said company to exercise banking privileges.

Company authorized to loan money.

Proviso.

Sec. 2. *And be it enacted*, That the twelfth section of the said act is hereby amended, so that the said company may effect insurance on property throughout this state; anything in the act hereby amended to the contrary notwithstanding.

Company may ensure property.

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

Act, when to take effect.

Passed November 10, 1842.

AN ACT to prescribe the time and manner of holding elections for representatives in Congress from this state.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That this state shall be divided into five districts for the election of members of the House of Representatives, and that the counties of Cape May, Cumberland, Salem, Gloucester, and Atlantic shall compose one district, to be called "the First District;" the counties of Burlington, Monmouth, and Mercer shall compose one district, to be called "the Second District;" the counties of Hunterdon, Warren, and Sussex shall compose one district, to be called "the Third District;" the counties of Middlesex, Somerset, and Morris shall compose one district, to be called "the Fourth District;" and

State to be divided into five districts.

the counties of Essex, Hudson, Bergen, and Passaic shall compose one district, to be called "the Fifth District;" each of which districts shall elect one person to represent this state in the House of Representatives of the United States.

Representatives, how elected.

Sec. 2. *And be it enacted*, That at any and every election for a member of the House of Representatives, the persons in each of the said districts qualified to vote at such election shall vote for one person as such representative, and no more; and the person, in each of the said districts, having the highest number of votes shall be declared to be elected.

Elections, how conducted.

Sec. 3. *And be it enacted*, That every election held by virtue of this act, except as herein otherwise provided, shall be conducted, in all respects, in the same manner, and subject to the same rules and regulations, as are prescribed by the act entitled, "An act to regulate elections," passed the twelfth day of March, eighteen hundred and thirty-nine, and the supplement thereto.

Time of elections.

Sec. 4. *And be it enacted*, That on the second Tuesday of October, in the year of our Lord, one thousand eight hundred and forty-three, and on the Wednesday following, and thereafter at the several times prescribed by law for the election of members of the House of Representatives, an election shall be held in each of the said districts, to elect, for this state, one person in each of the said districts to be a member of the House of Representatives, who shall be a citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of the district in which he shall be elected, and who shall have been a citizen of the United States for seven years next preceding such election; *provided*, that if an election shall be held as provided for in the fifth section of this act, then no other election shall be held for the election of persons to represent this state in the House of Representatives in the twenty-eighth Congress, except a vacancy or vacancies shall occur in the representation.

Qualifications for representatives.

Proviso.

Governor may call special election in certain cases.

Sec. 5. *And be it enacted*, That if the twenty-eighth Congress shall be convened at any time prior to the second Tuesday of October, in the year of our Lord one thousand eight hundred and forty-three, it shall be the duty of the governor of this state forthwith to issue a writ of election, to elect, in each of the said districts, one member of the House of Representatives, in manner aforesaid; which writ of election shall be in the nature of a proclamation, and shall be signed by the governor, and shall specify the cause and purpose of such election, and the days on which such election shall be held, the first of which shall not be less than thirty, nor more than forty days from the date of such writ of election.

Sec. 6. *And be it enacted*, That the said writ of election shall forthwith, after the date thereof, be delivered to the secretary of state, and such proceedings shall be had thereupon, and the like notice of such election shall be given, as is prescribed by this act and the act entitled, "An act to regulate elections," in cases of elections to supply vacancies in the representation of this state in the House of Representatives.

Special election, how conducted.

Sec. 7. *And be it enacted*, That whenever any vacancy shall happen in the representation of this state in the House of Representatives, the secretary of state shall cause to be made as many copies of the writ of election to supply such vacancy as there are counties in the district in which such vacancy shall happen, and no more; shall certify each of the said copies to be true and correct, under his hand, and shall cause one of such copies to be delivered to the clerk of each county in the said district.

Vacancies, how supplied.

Sec. 8. *And be it enacted*, That this act shall go into effect immediately on the passage thereof, and that all acts and parts of acts coming within the purview of this act, and contrary thereto, be, and the same are hereby repealed.

Act, when to take effect.

Passed November 10, 1842.

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## RESOLUTION.

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RESOLVED, *by the Council and General Assembly of this State*, That Josiah Harrison, of Camden, be employed to print sixteen hundred copies of the Law Reports; that Edward Sanderson, of Elizabethtown, be employed to print sixteen hundred copies of the Chancery Reports; and that David F. Randolph, of New Brunswick, be employed to print sixteen hundred copies of the Laws; that they print the same in as condensed a form as a proper execution of the work will admit, on large octavo pages, trimmed, and in other respects corresponding with those heretofore printed, and be paid therefor twenty-seven dollars per sheet, each. That Augustus S. Barber, of Woodbury, be employed to print the Votes and Proceedings of Assembly, and index to the same; and that Sam-

Printers of Reports and Laws.

Printers of Votes and Proceedings and Journal.

uel P. Hull, of Morristown, be employed to print the Journal of the Proceedings of the Legislative Council and of Joint-Meeting; and that they each print thirteen hundred copies thereof, respectively, at nineteen dollars per sheet, in a form so condensed, in all suitable respects, as to be equivalent, in the diminution of bulk and cost, to a reduction of twelve and a half per centum on the prices paid for printing the same last year, and in other respects to correspond with those heretofore printed.

Passed November 10, 1842.

**ACTS**

OF THE

**SIXTY-SEVENTH**

**GENERAL ASSEMBLY**

OF THE

**STATE OF NEW JERSEY,**

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

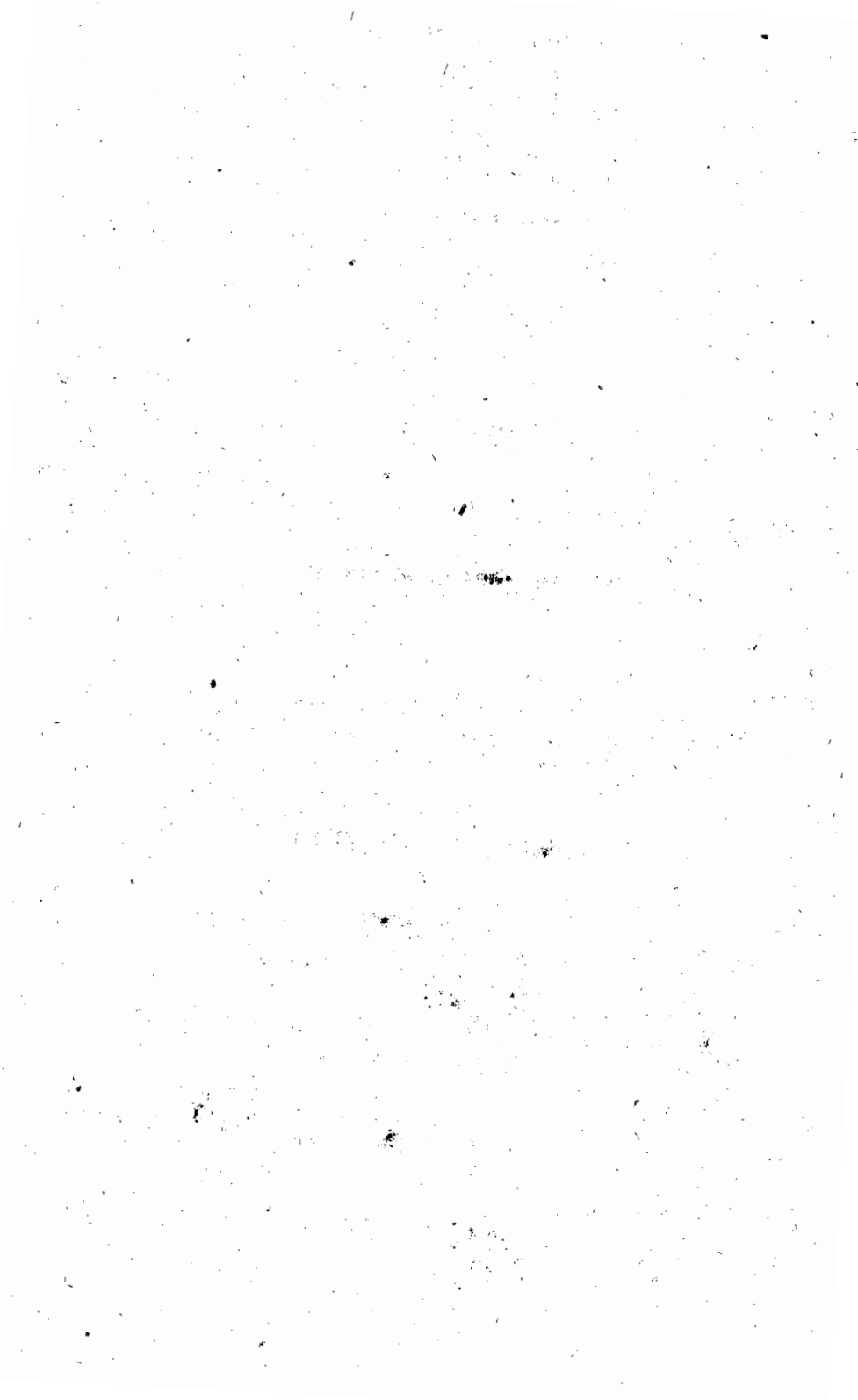
*L. J. J.*  
**Being the Second Sitting.**



**NEW BRUNSWICK:**

PRINTED BY DAVID F. RANDOLPH.

1843.



**ACTS**  
OF THE  
**SIXTY-SEVENTH**  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF NEW JERSEY.**

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AN ACT authorizing trustees to sell and convey certain real estate whereof Maria Mullany died seized.

WHEREAS Maria Mullany, late of Bergen Point, in the township of Bergen, in the county of Hudson, in or about the month of October, A. D. eighteen hundred and thirty, departed this life intestate, leaving seven children, viz: Mary B. Mullany, Jane Anna Maria Mullany, James R. M. Mullany, Elias B. Mullany, Andrew J. Mullany, John R. B. Mullany, and Erena Arrietta Mullany, of whom four, viz: Mary B., Jane Anna Maria, James R. M., and Elias B., have arrived at full age, and the other three are still minors; and whereas the said Maria Mullany was, at the time of her death, under and by virtue of the last will and testament of her deceased father, Elias Burger, seized in her own exclusive right of a certain farm at Bergen Point, in the township and county aforesaid, of about thirty acres, which by the terms of said will, upon the decease of the said Maria, immediately descended to, and became the property of her said children, as by referencé to the said last will and testament of Elias Burger, deceased, duly made and published, and bearing date on the first day of March,

Preamble.

eighteen hundred and sixteen, will more fully appear; and whereas it is represented that the annual rents and proceeds of the said tract of land are inconsiderable, and quite inadequate to the proper education and support of the said minors; and that the buildings and improvements thereon are unavoidably going to rapid decay; that a partition thereof, into seven different portions, would not only be impracticable, but against the manifest interest of all concerned; and that the whole of the tract together might be sold and disposed of so as to yield a legal interest on the principal value of the same; and the brothers and sisters, as well as the father of said minors, having united in a petition for a law for such purpose—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Mary B. Mullany, James R. M. Mullany, and Elias B. Mullany, and the survivors and survivor of them, or any two of them, be, and they are hereby authorized and empowered to sell and convey all the lands and real estate belonging to the heirs-at-law of Maria Mullany, of which she died seized, and which was devised to her by the last will and testament of her deceased father, Elias Burger, in fee-simple, for the highest sum or sums of money the same will bring, and for the same, or any part thereof, to execute and deliver, in due form of law, in their own names, or in the name of the survivors or survivor of them, or in the name of any two of them, as trustees aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate, right, title, and interest which the said Maria Mullany, deceased, had in the same at the time of her death; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his, her, or their heirs and assigns, for ever, all the estate, right, title, claim, interest, and demand which were devised to the said Maria Mullany by the said last will and testament of Elias Burger, deceased.

Trustees authorized to sell real estate.

To make deed to purchaser.

Sec. 2. *And be it enacted,* That before the said Mary B. Mullany, James R. M. Mullany, and Elias B. Mullany shall enter upon the trust reposed in them by this act, they shall enter into bond to the governor of this state, with such surety and in such sum as shall be approved of by the judges of the orphans court of the county of Hudson, conditioned for the faithful performance of the trust reposed in them in this act; which bond shall be deposited in the office of the secretary of this state.

Trustees to give bond.

Sec. 3. *And be it enacted,* That the said Mary B. Mullany, James R. M. Mullany, and Elias B. Mullany, within one year

after the sale of the said real estate shall be completed, shall exhibit, under oath, to the surrogate of the said county of Hudson an exact statement of the amount of sales, and the amount they have received for the same, to be by him recorded and filed in his office. To exhibit account of sales.

Sec. 4. *And be it enacted*, That the said Mary B. Mullany, James R. M. Mullany, and Elias B. Mullany shall be accountable for all moneys so received by them, and, after paying off all legal claims and liens upon said estate, together with such reasonable charges as shall be allowed by the orphans court of the county of Hudson, shall distribute the surplus moneys among the said heirs according to law; and the receipt or discharge of the said heirs, or their proper guardians, shall be their sufficient vouchers to settle up the said estate in the orphans court aforesaid. Surplus money to be distributed among heirs.

Passed January 20, 1843.

~~AN ACT TO DIVORCE GEORGE W. MOUNT, OF THE COUNTY OF MONMOUTH, FROM HIS WIFE MARY MOUNT.~~

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between George W. Mount, of the county of Monmouth, and Mary his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined together in matrimony. George W. and Mary Mount divorced.

Passed January 25, 1843.

AN ACT to authorize George Wanamaker, one of the executors of Darius Everitt, deceased, to convey certain real estate.

Preamble.

WHEREAS it is represented to the legislature that Darius Everitt, late of the township of Kingwood, in the county of Hunterdon and state of New Jersey, deceased, departed this life on or about the fourth day of June, eighteen hundred and twenty-one, having made and published his last will and testament, duly executed to pass real estate, of which said will he appointed Ezekiel Everitt, Daniel Everitt, and George Wanamaker the executors, and which was duly proved by said executors, who took upon themselves the burthen of the execution thereof; and whereas, in and by the said will, the said executors, or the survivors of them, were duly authorized to sell his real estate in the said township of Kingwood, to make good and sufficient conveyances for the same, to the purchaser or purchasers thereof; and whereas it is represented that the said Ezekiel Everitt and Daniel Everitt, two of said executors, have left the state of New Jersey some years since, and removed to the state of Ohio, and that they have not been heard from for two years last past; and whereas it has become necessary that the said real estate should be sold; and whereas the said George Wanamaker, the other executor, has lately sold the same to one William Hann, and the other two executors are not in this state to join in the deed—therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That George Wanamaker, one of the executors of the last will and testament of the said Darius Everitt, deceased, be, and he is hereby authorized and empowered to make, execute, and deliver good and sufficient conveyance or conveyances in the law of said real estate to the said William Hann; which conveyance shall vest in the said William Hann all the estate, right, title, and interest which the said Darius Everitt had of and in the said real estate at the time of his death.

Passed January 27, 1843.

Executor authorized to convey real estate.

AN ACT to release to Ann Roth the right of the state of New Jersey in certain lands therein mentioned.

WHEREAS it satisfactorily appears that John Roth, late of the city of Newark, in the county of Essex, in this state, died intestate, seized of certain lands situate in the said city, leaving no child nor any heirs-at-law capable of inheriting the said lands, and leaving the said Ann Roth his widow, and that the said lands have therefore escheated to this state; and that a part of the said lands has been sold under a decree of the court of chancery of this state, in a suit for the foreclosure of a certain mortgage thereon, given by the said John Roth and that the said Ann Roth hath become the purchaser, and paid the purchase money thereof—therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the right, title, and interest of this state of, in, and to the said lands, and every part and parcel thereof, by reason of such escheat, shall be, and the same is hereby released and granted to the said Ann Roth and to her heirs and assigns for ever.

Certain lands released to Ann Roth.

Sec. 2. *And be it enacted,* That this act shall take effect from the time of passing the same.

Act, when to take effect.

Passed January 27, 1843.

AN ACT to authorize Caleb Newbold and John Black, trustees of Rachel N. Whitall, to convey certain trust property.

WHEREAS Rachel N. Whitall, wife of Benjamin G. Whitall, did, before her marriage with her said husband, and with his knowledge and approbation, by deed, bearing date on the twenty-fourth day of October, Anno Domini eighteen hundred and twenty-three, convey all her estate, real and personal, unto her brother, Caleb Newbold, junior, and her brother-in-law, John Black, to hold in trust for her and for her children, the issue of said marriage; and in case there

Preamble.

were no issue, then for her next of kin, as in the said deed is particularly specified; which said deed was duly acknowledged and recorded in the clerk's office of the county of Burlington, in this state;—and whereas the said Rachel N. Whitall hath, by her petition, represented to this legislature that her said trustees are now desirous of retiring from their said office of trustees, and are willing to convey to her all the estate which they now hold in trust for her, that she may hold the same free from the debts and control of her said husband, and, in all respects, use and manage the same as if she were an unmarried woman; and hath prayed the legislature to pass a law dissolving said trust, and exonerating and discharging said trustees from all the duties and liabilities thereof, and authorizing and empowering them to convey to said Rachel N. Whitall all estate, real and personal, wheresoever or whatsoever the same may be, which they, or either of them, now hold or are entitled to under and by virtue of said deed, to be held and used by her as if she were an unmarried woman, and free from the debts and control of her said husband; and the said trustees and the husband of said petitioner having, in writing annexed to said petition, joined in the prayer thereof—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the said trustees be, and they are hereby authorized, empowered, and directed to convey, by good and sufficient conveyances in the law, all the estate, real and personal, wheresoever and whatsoever the same may be, which they or either of them now hold or are entitled to under and by virtue of the said deed of trust to them made as aforesaid, unto the said Rachel N. Whitall, in fee, to be held and used by her free from the debts and control of her present or any future husband, and in all respects as if she were an unmarried woman; *provided*, that the said Rachel N. Whitall shall pay, or secure to said trustees, all moneys which they or either of them shall, at the time of such conveyance, have paid and advanced to her, or for her use, over and above the income or revenue of said trust estate; and shall also secure to the said John Black, by mortgage upon said real estate, or by other security satisfactory to him, the payment of all moneys which he, as the executor of her father, Daniel Newbold, deceased, now is, or may hereafter be by law entitled to demand or receive from her, as one of the children and heirs-at-law of the said Daniel Newbold, deceased.

Sec. 2. *And be it enacted*, That upon the said trustees conveying to said Rachel N. Whitall the said trust property, in pursuance of the first section of this act, that the said trust

Trustees authorized to convey certain property.

Proviso.

Trust to be dissolved on conveying trust property.

shall be dissolved, and the said trustees shall be fully discharged from all the duties and liabilities thereof.

Sec. 3. *And be it enacted*, That the said Rachel N. Whitall, upon said trust property being conveyed to her as aforesaid, shall hold the same free and discharged of the said trust, and free from the debts and control of her present or any future husband, and with full power to use and dispose of the said property, real and personal, the same, in all respects, as if she were an unmarried woman; notwithstanding her coverture.

R. N. Whitall  
to hold said property free from  
the control of  
her husband:

Passed January 31, 1843.

—————

AN ACT relative to lands of David B. Thorp, a minor.

WHEREAS it is represented, by the petition of the heirs-at-law of David Thorp, late of the county of Morris, deceased, and of the guardian of David B. Thorp, a minor, that Mary Hopping, wife of John Y. Hopping, of the said county, departed this life in the year eighteen hundred and thirty-six, seized in fee of certain lands hereinafter more particularly described; and that the said minor is one of the heirs-at-law of the said Mary, and entitled to one-third part of the said lands, subject, nevertheless, to the life estate of her surviving husband aforesaid; and it being further represented that the said John Y. Hopping claims an interest, in right of his said wife, in certain other lands situate in the county of Essex, devised by the said David Thorp, deceased, on certain conditions, in his will more particularly stated, out of which the said minor is entitled to receive a certain sum of money, to be paid or secured by the devisees thereof; and whereas the said petitioners and the said guardian have mutually proposed and assented to exchange their respective rights and interests in the lands before mentioned, and all the heirs-at-law, except the said minor, are ready to convey and release to the said John Y. Hopping their respective rights, interests, and title in the said lands, in the county of Morris aforesaid, for the purposes aforesaid, to wit: the first lot, lying on the east side of the road leading from Whippany to

Preamble:

Columbia, and containing twenty-one and seventy-five hundredth acres; the second lot, on the west side of said road, and containing three and sixty-three hundredth acres; the third lot, called the meadow lot, lying on Black brook, containing five and fifty hundredth acres; and it appears that it will facilitate the arrangement, and also contribute to the interests of the said minor, to empower his guardian to unite with the other heirs in a conveyance of all the right, title, and interest of the said heirs in the before mentioned lands, lying in the county of Morris, to the said John Y. Hopping, for the purposes aforesaid—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That, in consideration of the release and conveyance by the said John Y. Hopping, as aforesaid, Silas Tuttle, guardian of David B. Thorp, a minor, be, and he is hereby authorized and empowered to execute and deliver to the said John Y. Hopping a good and sufficient deed for the one equal undivided third part of said lands and premises; which conveyance shall entitle the said John Y. Hopping to all the estate, right, title, interest, claim, and demand which the said minor now has in and to the said lands and premises.

Guardian authorized to make deed.

Expenses to be allowed by orphans court.

Sec. 2. *And be it enacted*, That the reasonable costs and charges for executing the trust created by this act shall be allowed to the said guardian, by the orphans court of the county of Morris, on the final settlement of his accounts as such guardian.

Passed February 1, 1843.

Supplement to "An act to provide for voting by ballot in the township of Belleville, in the county of Essex," passed February twenty-eighth, eighteen hundred and forty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the poll shall open at seven o'clock in the forenoon, and close at seven o'clock in the afternoon; and

Time of opening and closing the polls.

that so much of the third section of the said act as is contrary to this supplement be, and the same is hereby repealed; and also, that this act shall go into effect immediately after the passage thereof. Act, when to take effect.

Passed February 1, 1843.

AN ACT authorizing the executors of John Marselis, deceased, to convey certain real estate.

WHEREAS it is represented that John Marselis, deceased, late of the township of Paterson, in the county of Passaic, in this state, in his lifetime, entered into an agreement in writing, attested by only one witness, with Calvin Tomkins, Jotham Hedden, Ambrose Tomkins, and Elias Tomkins, for the sale and conveyance of a certain lot of land, situate in the said township of Paterson, for which they were to pay the said John Marselis the sum of fourteen hundred and seventy-five dollars; that, in pursuance of said agreement, a part of the said sum has been paid, but that the said John Marselis hath died, leaving a last will and testament, giving all the residue of his property, and among the rest the said lot of land, as follows: one half thereof to the children of his daughter Clausey, deceased, to wit, Henry Kip, Edo Kip, John Kip, Peter Kip, and Catharine Jane Kip, share and share alike, and the other half to his daughter Arriaunche, wife of Nicholas R. Terhune, and appointing Nicholas R. Terhune and Peter H. Kip executors of said will, but without giving his said executors power to sell or convey his real estate, and without having executed any deed of conveyance for the said lot; and whereas the said Nicholas R. Terhune and Arriaunche his wife, Henry P. Kip, Edo Kip, John P. Kip, and Peter H. Kip, guardian for Peter Kip and Catharine Jane Kip, minors, by their petition, have prayed the legislature to pass an act authorizing the said Nicholas R. Terhune and Peter H. Kip, executors as aforesaid, to make and deliver to the said Calvin Tomkins, Jotham Hedden, Ambrose Tomkins, and Elias Tomkins, or to their assigns, a good and sufficient deed of conveyance for the said lot of land—therefore, Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Nicholas R. Terhune and Peter H. Kip, executors of the last will and testament of John Marselis, deceased, late of the county of Passaic, be, and they are hereby authorized, in fulfilment of the aforesaid agreement between the said John Marselis and the said Calvin Tomkins, Jotham Hedden, Ambrose Tomkins, and Elias Tomkins, to make, execute, and deliver to the said Calvin Tomkins, Jotham Hedden, Ambrose Tomkins, and Elias Tomkins, a good and sufficient deed of conveyance in fee-simple for the said lot of land; which said deed, duly executed, shall convey to and vest in the grantees therein named all the estate, right, title, and interest of which the said John Marselis died seized of, in, and to the same, as fully and effectually as if the said deed had been duly executed by the said John Marselis in his lifetime.

Passed February 1, 1843.

Executors of  
J. Marselis au-  
thorized to con-  
vey certain real  
estate.

AN ACT authorizing the sale of the real estate whereof Richard Jacques died seized.

Preamble.

WHEREAS Enoch Knowles, administrator, &c., of Richard Jacques, late of the county of Mercer, in this state, deceased, hath by his petition, duly verified under oath, represented to the legislature that the real and personal estate of the said decedent is insufficient to pay his debts, and that, in consequence of certain circumstances in said petition particularly mentioned, great delay must necessarily occur before an order can be obtained from the orphans court of the said county of Mercer, authorizing the sale of the said real estate, and that great loss must necessarily result to his creditors, unless a speedy sale of the said real estate be made; and that the widow of the said Richard Jacques, and the creditors of the said estate, as far as he has been made acquainted with their views, concur in this opinion, and are desirous that a sale should be authorized by the legislature; and the said administrator having prayed that an act might be passed authorizing him to make sale of the said real estate, and the said prayer appearing reasonable—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Enoch Knowles, administrator of the said Richard Jacques, deceased, be, and he is hereby authorized and empowered to sell and dispose of all and singular the real estate whereof the said Richard Jacques died seized, situate in the county of Mercer aforesaid, at public vendue, for the best price that can be obtained for the same, upon giving public notice, at least once in each week, for the space of one month next preceding the time of said sale, by advertisements inserted in the newspapers published in the city of Trenton, and also by handbills set up in five of the most public places in said county; and, when sold, to make, execute, and deliver, in the name of the said Enoch Knowles, administrator as aforesaid, good, legal, and sufficient deed or deeds therefor to any purchaser or purchasers of the same; which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate the right, title, and interest of the said Richard Jacques therein at the time of his death.

Administrator of R. Jacques authorized to sell real estate.

To make good and sufficient deeds.

Interest vested in purchaser.

Sec. 2. *And be it enacted,* That the said Enoch Knowles shall keep a fair, full, and just account of the proceeds of the sale or sales made by virtue of this act, and of the costs and expenses thereof, and shall exhibit said account, under oath or affirmation, to the orphans court of the county of Mercer, within six months after such sale or sales, for settlement and allowance, which account shall be filed in the surrogate's office of said county; and the said Enoch Knowles, after deducting from the proceeds of such sale or sales all legal costs and expenses, and such reasonable commissions as shall be allowed by the court, shall distribute the balance thereof, according to law, among the creditors of the said Richard Jacques, ratably and in proportion to the amount of their respective claims, first satisfying all legal incumbrances upon the said real estate, in the order of their priority.

Administrator to exhibit account of sales.

Balance, how to be disposed of.

Sec. 3. *And be it enacted,* That the said Enoch Knowles, before entering upon the execution of the trust reposed in him by this act, shall enter into bond to the governor of this state, in such sum and with such security as the surrogate of the said county of Mercer shall approve, conditioned for the faithful performance of the said trust, which bond shall be filed in the office of the said surrogate; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state for the time being to cause the same to be prosecuted, at the request and for the benefit, and at the proper costs and charges, of the person or persons aggrieved by such forfeiture.

Administrator to give bond.

Sec. 4. *And be it enacted,* That no sale or conveyance,

Act not to impair the rights of any person, other than heirs of R. Jacques.

under and by virtue of this act, shall impair or in anywise affect the rights or interests of any person or persons whatever, other than the heirs-at-law of the said Richard Jacques, deceased, and those claiming under them or either of them.

Passed February 1, 1843.

A further supplement to the act entitled, "An act for the punishment of crimes," passed the seventeenth of February, eighteen hundred and twenty-nine.

Penalty for opening graves and removing bodies of deceased persons.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That if any person or persons shall remove the body or bodies, or remains, of any deceased person or persons, from his, her, or their grave or graves, tomb or tombs, or other place or places of sepulture, for the purpose of dissection or of any surgical or anatomical experiments, or for the purpose of selling the same, or from mere wantonness, or shall open the grave, tomb, or other place of sepulture of any deceased person or persons, or the grave, tomb, or other place of sepulture where the body or bodies, or remains, of any deceased person or persons have been deposited, for the purpose of removing therefrom such body or bodies, or remains, of any deceased person or persons, for either of the purposes aforesaid, or from mere wantonness, without the consent of the surviving husband or wife, or, if there be no surviving husband or wife of the next of kindred of such deceased person or persons, or shall in any way aid, assist, or procure the same to be done, every person so offending shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be punished by fine, not exceeding two thousand dollars, or imprisonment at hard labour, not more than five years, or both, at the discretion of the court.

Act, when to take effect.

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

Passed February 3, 1843.

A supplement to an act entitled, "An act for the better regulation of fishing in Cohansey creek," passed the twenty-eighth of January, eighteen hundred and twenty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That, from and after the passing of this act, it shall not be lawful for any person or persons to float, or otherwise make use of any gilling-seine or drift-net in the mouth of Cohansey creek, in the county of Cumberland, or in the river Delaware, within one mile of the mouth of said creek, that may tend to prevent, obstruct, or hinder the fish from going into said creek, or from going up or down the same, except upon the usual fishing grounds for draw-seines or scoop-nets, in the season for fishing, that are either now or may hereafter be established.

Gilling-seine or drift-net not to be used, &c.

Sec. 2. *And be it enacted,* That if any person or persons shall offend against the provisions of this act, they shall forfeit and pay the sum of thirty dollars, for each and every such offence, to be recovered and applied in the manner pointed out in the second section of the act to which this is a supplement.

Penalty for offending.

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

Passed February 3, 1843.

AN ACT to perfect the partition of certain real estate whereof Philip Hendrickson died seized.

WHEREAS it is represented to the legislature that William Preamble. Hendrickson, in his own right, and Israel Hendrickson, as trustee of Richard Hendrickson, were entitled, as tenants in common in fee-simple, each to one equal undivided moiety or half part of a certain farm or plantation, whereof Philip Hendrickson died seized, situate in the township of Lawrence, in the county of Mercer, and, being so seized thereof, did enter into an agreement, in writing, to make

partition of the said farm; in pursuance of which said agreement, a partition of the said farm was made into two equal shares or parts, and the metes and bounds of each share ascertained, but that no release was ever executed between the said parties, although the said lands have ever since been held in severalty, pursuant to said partition; and whereas the said William Hendrickson departed this life intestate, leaving Ann Hendrickson his widow, to whom letters of administration upon his estate have been granted, and three minor children his heirs-at-law; and whereas the said Israel Hendrickson, trustee as aforesaid, hath also departed this life, and his son, William Hendrickson, hath been duly appointed, in his stead, trustee of the said Richard Hendrickson; and whereas the said Richard Hendrickson hath, by his petition, prayed that the said partition may be ratified and confirmed, and the prayer of the said petition appearing to be just and proper—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Ann Hendrickson, administratrix of William Hendrickson, deceased, be, and she is hereby authorized and empowered to make, execute, and deliver unto the said William Hendrickson, trustee of Richard Hendrickson, a good and sufficient release and quit-claim for all that part of the said farm or plantation whereof Philip Hendrickson died seized, which was assigned to Israel Hendrickson, trustee as aforesaid, under and by virtue of the agreement so as aforesaid entered into between the said Israel Hendrickson and William Hendrickson; which said deed of release, duly made and executed, shall be as good and effectual, to all intents and purposes, as if executed by the said William Hendrickson in his lifetime.

Administrator  
authorized to  
execute release  
&c.

Sec. 2. *And be it enacted,* That the said William Hendrickson, trustee as aforesaid, be, and he is hereby authorized and empowered to make, execute, and deliver to the heirs-at-law of the said William Hendrickson, deceased, a good and sufficient release and quit-claim for all that part of the said farm or plantation which was assigned to the said William Hendrickson, deceased, under and by virtue of the aforesaid agreement; which said deed of release, duly executed, shall be as good and effectual, to all intents and purposes, as if executed by the owner of the said lands to the said William Hendrickson in his lifetime.

Trustee author-  
ized to execute  
release, &c.

Passed February 3, 1843.

A further supplement to the act entitled, "An act to incorporate the Paterson Fire Association."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the number of firemen in each company, now organized, or hereafter to be organized, by the fire wardens, may be increased to any number not exceeding fifty; which firemen, while belonging to any of the said companies, shall be subject to all the liabilities and regulations, and shall be entitled to all the privileges and exemptions, which are provided for in the act of incorporation, and the supplements thereto; and that so much of the eighth section of the said act as comes within the purview of this supplement be, and the same is hereby repealed.

Number of firemen may be increased.

Part of former act repealed.

Passed February 3, 1843.

AN ACT supplementary to the several acts relating to the partition of real estate.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That in all cases where commissioners, appointed by any court, or by the judge or judges of any court in this state, to make partition of real estate, shall have made, or shall hereafter make sale thereof, by order of such court, judge, or judges, and shall have paid, or shall hereafter pay the net proceeds of such sale or sales to the persons entitled by law to receive the same, it shall and may be lawful for the said commissioners to produce the receipts and discharges therefor to the surrogate of the county in which the said real estate, or the more valuable part thereof, is situate; and the said surrogate shall immediately record the same in the book of receipts and discharges in his office, provided the same be first proved or acknowledged in the manner that deeds of conveyance of land are required to be proved or acknowledged, which proof or acknowledgment shall be recorded with such receipts and dis-

Receipts and discharges to be recorded in surrogate's office.

charges; and the said surrogate shall endorse on such receipts and discharges the book and page on which the same are recorded, with the time of recording the same, and sign his name thereto; and the said record, or a certified copy thereof, under the hand and seal of office of the said surrogate, shall be received in evidence in any court of record in this state, if it shall be made to appear to the satisfaction of said court that the original receipt and discharge hath been lost, or that it is not in the power of the party offering the copy in evidence to produce the same; and the said surrogate shall be entitled to receive ten cents for recording every such receipt and discharge or proof and acknowledgment.

Surrogate's  
fees.

Passed February 3, 1843.

AN ACT for the relief of John Carter, of the county of Atlantic.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to John Carter, of the aforesaid county, a soldier and guide in the service of his country in the Revolutionary war, or to his order, the sum of forty dollars per annum, to be paid to the said John Carter, in half-yearly payments, from the passing of this act, during the lifetime of the said John Carter, the first payment to be made on the passage of this act; and the receipt of the said John Carter, or his order, shall be a sufficient voucher to the treasurer, for such sum or sums of money as he may pay by virtue of this act, in the settlement of his accounts.

\$40 per annum  
to be paid to J.  
Carter.

Passed February 9, 1843.

AN ACT to divide the township of Bergen, in the county of Hudson.

WHEREAS the freeholders and inhabitants of the township of Bergen, in the county of Hudson, in public meeting assembled, have resolved that it is expedient, and will be productive of mutual benefit and convenience, to divide said township into two separate townships, and have prayed legislative aid in the premises—therefore,

Preamble.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the township of Bergen, in the county of Hudson, be, and the same is hereby divided into two separate and independent townships: and all that part of the said township of Bergen which lies north of the centre of the railroad belonging to the New Jersey Railroad and Transportation Company, shall be, and is hereby set off into a separate township, to be called and known by the name of "the Township of North Bergen;" and all that part of the said township of Bergen which lies south of the centre of the railroad aforesaid shall be, and hereby is set off into a separate township, to be called and known by the name of "the Township of Bergen."

Boundaries of North Bergen.

Boundaries of Bergen.

SEC. 2. *And be it enacted,* That the inhabitants of the said township of North Bergen shall be, and they are hereby constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the Township of North Bergen, in the county of Hudson;" and that the inhabitants of the said township of Bergen shall be, and they hereby are constituted a body politic and corporate, and shall be styled and known by the name of "the Inhabitants of the Township of Bergen, in the county of Hudson;" and shall respectively be entitled to all the rights, powers, authority, privileges, and advantages, and subject to the same regulations, government, and liabilities, as the inhabitants of the other townships in the said county of Hudson are or may be entitled or subject to by the existing laws of this state.

Township of North Bergen incorporated.

SEC. 3. *And be it enacted,* That the inhabitants of the said township of North Bergen, shall hold their first annual town meeting at the house of Michel Saunier, innkeeper in the said township of North Bergen; and that the inhabitants of the said township of Bergen shall hold their first annual town meeting at the house of Jacob M. Vreeland, in the said township of Bergen; and that each of said townships of North Bergen and of Bergen shall hold their first and all subsequent annual town meetings on the day appointed by law for hold-

Time and place of first annual town meetings.

ing the annual town meetings in the other townships in the county of Hudson.

Allotment of paupers to be maintained by each township.

Sec. 4. *And be it enacted*, That all paupers who may be chargeable to the township of Bergen at the time this act shall go into operation, shall be chargeable to, and supported by that one of the townships created by this act within the bounds of which they have acquired their settlements, respectively, or in which said paupers may have resided at the time of acquiring their respective settlements; and all persons whose present settlement is in the township of Bergen, and who shall hereafter become chargeable as paupers, shall be supported by that one of the said new townships hereby created, within the bounds of which they respectively resided at the time of acquiring their respective settlements, or within the bounds of which the respective settlements were acquired.

Township farm, &c., to be vested in the townships of Bergen and North Bergen.

Sec. 5. *And be it enacted*, That the poor-house farm, now vested in the overseers of the poor of the township of Bergen, with the buildings and improvements thereon, shall be vested in, and remain to the townships of Bergen and North Bergen, in their corporate capacity, as townships in common, in the same manner and form, in all respects, and to all intents and purposes, the same as they are now vested in the said overseers.

Moneys to be divided between the townships.

Sec. 6. *And be it enacted*, That all the moneys, on hand or due, belonging to the present township of Bergen, shall be divided between the said township of North Bergen and the township of Bergen, now created by this act, in proportion to the taxable property and ratables, as taxed by the assessor, within their respective limits at the last assessment; and that all the debts and liabilities of the present township of Bergen, shall be paid and satisfied by the townships created by this act, in like proportion.

Meeting of townships' committees for division of moneys.

Sec. 7. *And be it enacted*, That the township committees of the township of North Bergen and the township of Bergen shall meet on the third Monday of April next, at ten o'clock in the forenoon, at the house of Rachel Riker, innkeeper at the Five Corners, in the township of North Bergen, and shall then and there proceed to allot and divide between the said townships all the money on hand or due, and all the debts and liabilities belonging to the present township of Bergen, in proportion to the taxable property and ratables, as valued or assessed within the respective limits of the said two townships at the last assessments; and may adjourn the said meeting from time to time, and to such time and place as a majority of them assembled may think proper: and if any of the said township committees shall neglect to meet as aforesaid, then those pre-

sent may proceed to make such allotment and division, and their decision, or the decision of a majority of them, shall be final and conclusive.

Sec. 8. *And be it enacted*, That the freeholders, inhabitants of each of the said townships of North Bergen and Bergen, respectively, shall, on the first Monday in May next, and on the first Monday in May in each and every year thereafter, by a plurality of votes of the said freeholders then met and assembled, elect and choose, out of the whole body of the said freeholders, four persons out of each of the townships created by this act, as trustees of the freeholders, inhabitants of the said townships respectively; which said eight persons, so elected, shall be styled and known by the name of "the Trustees of the Freeholders, inhabitants of the township of Bergen and of the township of North Bergen;" which said eight persons, so elected and chosen, shall be and continue in office for and during the term of one year, and until others are chosen or elected in their stead; and shall be invested with, and hold and enjoy all the rights, privileges, powers, and authorities whatsoever, which are now vested in, or of right belong to "the Trustees of the Freeholders, inhabitants of the township of Bergen."

Time and mode of election of trustees of the freeholders.

Sec. 9. *And be it enacted*, That the persons heretofore chosen or appointed, "Trustees of the Freeholders, inhabitants of the township of Bergen," and now acting as such trustees, shall be and remain trustees for the purposes for which they were chosen and appointed until other trustees are chosen in the manner prescribed by this act.

Former trustees to act until others are chosen.

Sec. 10. *And be it enacted*, That all deeds, mortgages, bonds, bills, notes of hand, securities, engagements, and contracts, of every nature and kind whatsoever, and all interest, property, and estates, real and personal, of every nature and kind, given, granted to, had, held, possessed, and enjoyed by "the Trustees of the Freeholders, inhabitants of the township of Bergen," shall be vested in and remain to "the Trustees of the Freeholders, inhabitants of the township of Bergen and of the township of North Bergen," in the same manner and form, in all respects and to all intents and purposes, the same as they are now vested in or held, possessed or enjoyed, by "the Trustees of the Freeholders, inhabitants of the township of Bergen;" and that all grants, conveyances, mortgages, bonds, notes, contracts, and engagements, of every nature and kind, given, made, done, and entered into by "the Trustees of the Freeholders, inhabitants of the township of Bergen;" and that all legal claims and demands, by any person or persons, body politic or corporate, of every nature and kind, against them, the said "the Trustees of the Freeholders, inhabitants of the

Deeds, mortgages, bonds, real estate, &c., to be vested in the townships of Bergen and North Bergen.

township of Bergen," shall be binding upon, and valid and effectual, against "the Trustees of the Freeholders, inhabitants of the township of Bergen and the township of North Bergen;" and that they, the said "the Trustees of the Freeholders, inhabitants of the township of Bergen," and the township of North Bergen," may, in their corporate capacity, sue and be sued, implead and be impleaded, for or on account of any cause or causes of action whatsoever, now accrued or hereafter to accrue, in favour of or against the said "the Trustees of the Freeholders, inhabitants of the township of Bergen," in like manner, and as fully to all intents and purposes, as the said "the Trustees of the Freeholders, inhabitants of the township of Bergen" might have sued or been sued, impleaded or been impleaded, in case this act had not been passed; and, to preclude all misconception, it is hereby further provided, that nothing in this act contained shall in any way prejudice, impair, or destroy any right, claim, or demand, of any kind whatsoever, which may now exist in the townships of Jersey City and Van Vorst, or either of them, against the present township of Bergen, or against "the Trustees of the Freeholders, inhabitants of the township of Bergen," for or on account of any estate, real or personal, by this act vested in the townships of Bergen and North Bergen, or in "the Trustees, inhabitants of the township of Bergen and of the township of North Bergen;" and the like remedies and rights of action are hereby reserved to, and vested in the said townships of Van Vorst and Jersey City, against the said townships of Bergen and North Bergen, and against "the Trustees of the Freeholders, inhabitants of the township of Bergen and of the township of North Bergen," as now exist against the present township of Bergen, or against "the Trustees of the Freeholders, inhabitants of the township of Bergen," for or on account of the said estate, real or personal.

Sec. 11. *And be it enacted*, That the election of all the township officers, in each of the townships created by this act, shall be by ballot; and that the inhabitants of each of the said townships, qualified by law to vote at town meetings, shall, by ballot, determine the amount of money to be by them raised for such purposes as are or may be authorized by law.

Election of officers to be by ballot.

Sec. 12. *And be it enacted*, That at the first annual town meeting, to be held in each of the townships of North Bergen and Bergen, on the day appointed by law for that purpose in the other townships in the county of Hudson, the judge, inspectors, and clerk shall be chosen viva voce; and at all subsequent elections, in each of said townships, for the election of township officers, the judge, inspectors, and clerk elected at the next preceding township election shall be the officers; and if

Judge, inspector, and clerk, how chosen.

absent, others shall be chosen in their stead, in the same manner as vacancies are supplied by law at the annual election.

Sec. 13. *And be it enacted*, That the judges, inspectors, and clerks, for holding any annual or special township election, shall severally be entitled to the sum of one dollar and fifty cents per day for their services, to be paid by the township committee of each of the townships created by this act. Compensation of officers.

Sec. 14. *And be it enacted*, That the poll shall open at ten o'clock in the forenoon, and close at four o'clock in the afternoon, at the place appointed for holding the annual town meetings in each of the said townships; and all persons who by law are or may be qualified to vote at town meetings, shall be entitled to vote at such election; and after the poll shall be closed, the ballots shall be forthwith canvassed, and a return thereof made by the officers conducting such election, to the clerk of each of the townships for the current year, to be by them recorded and filed; and that the officers conducting any township election shall not be disqualified from being elected to, or holding any township office. Mode of conducting election.

Sec. 15. *And be it enacted*, That this act shall take effect on the second Monday of April next, and not before.

Passed February 10, 1843.

Act, when to take effect.

A supplement to the act entitled, "An act to create the county of Hudson."

WHEREAS, in and by the twelfth section of the act entitled, "An act to create the county of Hudson," passed February twenty-second, eighteen hundred and forty, it is, among other things, enacted, "that the militia of the said county of Hudson shall form a separate brigade, to be called the Hudson brigade, and shall be attached to the first division of the militia of this state," and "the militia of the county of Bergen shall form a separate brigade, to be called the Bergen brigade, and shall be attached to the first division of the militia of this state;"—and whereas it appears that the said first division of the militia of this state is composed of brigades which are not contiguous to the said Hudson and Preamble.

Bergen brigades, but in a remote and distant part of the state, and that the second division is composed of brigades in the adjoining counties, and that the ancient county of Bergen was originally and properly attached to the said second division;—and whereas, also, it appears that no provision was made in the act to which this is a supplement, for the officers of the Hudson brigade to take and subscribe the oath or affirmation required by the act entitled, “An act establishing a militia system,” by reason whereof the officers of said brigade cannot be duly qualified and enter upon the execution of their respective offices, and that the militia service is much neglected in said county of Hudson, in consequence thereof—therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the twelfth section of the act entitled, “An act to create the county of Hudson,” as enacts that the Hudson brigade and the Bergen brigade shall be attached to the first division of the militia of this state, be, and the same is hereby repealed; and that the said Hudson brigade and the Bergen brigade shall be attached to the second division of the militia of this state.

Part of former  
act repealed.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the general, or any field officer of said brigade, who is now or may be hereafter appointed, to take and subscribe the oath or affirmation required by the act entitled, “An act establishing a militia system,” before the major general of the division to which said brigade is hereby attached; and such general or field officer, being thus qualified, shall have full power and authority to administer the oath of office to the other officers in said brigade; and all such officers shall thereupon be fully entitled to enter upon the execution of the respective offices to which they shall be appointed and commissioned.

Major general  
authorized to  
administer oath  
of office.

Passed February 10, 1843.

## AN ACT relative to bridges in the county of Cumberland.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any person or persons to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or ride, lead, or drive any horse or horses, mule or mules, or any description of cattle, over or upon any truss, lattice, or draw bridge, (or any bridge the arch of which is constructed of wood,) at a faster gait than a walk, such bridge or bridges being in the county of Cumberland; and every person or persons so offending shall forfeit and pay the sum of five dollars, for each and every offence so committed, to be sued for and recovered by action of debt, with cost of suit, in any court of competent jurisdiction, by any member of the board of chosen freeholders of said county, in the corporate name of said board, for the use of said county; *provided always,* that this act shall not apply to any physician, or person going for any physician, or to any person riding express by order of any public officer of this state or of the United States, or to any person pursuing a fugitive fleeing from justice; *provided further,* that the board of chosen freeholders of said county shall cause to be fixed up, at each end of such bridge or bridges in said county, in some conspicuous place, in plain letters, "Five dollars fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice the fine aforesaid shall not be incurred.

Penalty for driving over bridge at a faster gait than a walk.

How to be recovered.

Proviso.

Sec. 2. *And be it enacted,* That if any person or persons shall wilfully deface such letters, or any of them, he, she, or they so offending shall forfeit and pay five dollars, to be recovered in the manner directed by the first section of this act, for the use of said county.

Penalty for defacing letters.

Passed February 13, 1843.

A supplement to the act entitled, "An act to incorporate the Jefferson Beneficial Society, of the county of Salem, New Jersey," passed the eleventh day of March, eighteen hundred and forty-two.

Preamble.

WHEREAS the society incorporated by the act to which this is a supplement, have represented to this legislature, that before their said incorporation they were known by the name of "the Jefferson Total Abstinence Beneficial Society," and in that name had issued all their certificates of membership and transacted all their business, and that a change of name would cause the society much trouble and expense, and that it is therefore desirable that the name at first adopted by them should be also their corporate title—therefore,

Style of incorporation altered.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the name and title of the said body politic, incorporated by the act to which this is a supplement, be, and the same is hereby altered to "the Jefferson Total Abstinence Beneficial Society;" by which name they shall be known in law, and shall have all the rights, powers, and privileges, and be subject to all the obligations and duties, which the said corporation would have possessed or been subject to, in case this act had not been passed.

Suits now pending to be continued under new title.

Sec. 2. *And be it enacted*, That all suits and proceedings in law or equity, now pending, in which said corporation is a party, shall, by order of the court in which the same are instituted, be continued by or against said corporation, under the new title hereby given them, upon the change of the name of said corporation being suggested upon the records in such suit or proceeding.

Passed February 13, 1843.

AN ACT to authorize the enclosure of a certain tract of salt meadow in the township of Lodi, in the county of Bergen.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of all that tract of salt meadow, situate, lying, and being in the township of Lodi, in the county of Bergen, and comprised, as near as may be, within the following limits, to wit: beginning at a dam across Moonochy creek, which empties itself into the Hackensack river; thence up said creek, the various courses thereof, a northerly direction, to a ditch running between the meadows of Samuel C. Demarest, Jacob Outwater, and others; thence along said ditch, as the same runs, first a north-easterly, and then an easterly direction, until it comes to meadows of Albert Brinkerhoff; thence, across his meadows, to Lozen creek; thence along said creek, the various courses thereof, to the Hackensack river; thence, along said river, to the mouth of Moonochy creek aforesaid; thence up said creek, the various courses thereof, to the place of beginning, to fence the same in common, with such fences as are deemed and declared lawful, by an act entitled, "An act regulating fences," passed the twenty-third of January, seventeen hundred and ninety-nine, and to erect and maintain such gates, and build and keep in repair such bridges across ditches and creeks bounding the same, as the managers thereof, hereinafter mentioned, may deem proper; and that, from and after enclosing the same as aforesaid, no person or persons whatsoever shall drive or let in any horses, cattle, or sheep, with intent to let them run at large in said tract; *provided always,* that nothing in this act contained shall be construed so as to prevent any person or persons from turning horses, cattle, or sheep on such part of the said tract as may belong to him, her, or them, and as shall be kept enclosed, by a sufficient and lawful fence, separate from the remainder of said tract.

Boundaries of lands authorized to be enclosed:

Proviso:

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

Penalty for driving in cattle:

shall be liable to a penalty of two dollars for each offence ; any of which penalties may be recovered, by and in the name of any owner or owners of any part of the said tract, in any court of competent jurisdiction in this state, in an action of debt, besides costs of suit ; and the proceeds thereof, after paying the expenses of suing for and recovering the same, shall be applied to repairing the fences, gates, and bridges which are authorized by this act to be made.

Cattle trespassing to be impounded, &c.

Sec. 3. *And be it enacted*, That if any horses, cattle, or sheep shall be found running at large on any part of the tract enclosed as aforesaid, (except as is provided for 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 Lodi, and if there be no public pound in said township, then to any public pound in the township of New Barbadoes ; and shall, as soon as may be, make an affidavit, to be taken before any justice of the peace in said county of Bergen, stating that the same were taken running at large in the said tract ; and such affidavit shall state a description of the horses, cattle, or sheep so taken, which affidavit shall be delivered to the pound-keeper where the horses, cattle, or sheep are impounded ; and the person impounding the said horses, cattle, or sheep shall be entitled to receive for every head so taken and impounded the sum of thirty-seven cents, if not exceeding four, if more, then for every head so taken and impounded, the sum of twenty-five cents, to be collected, by the pound-keeper, of the owner, or from the sale of the said horses, cattle, or sheep, and the same shall be the measure of damages to be paid on such occasion ; 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 the case of distress for damage feasant, by the twelfth section of the act entitled, "An act regulating fences," passed the twenty-third day of January, seventeen hundred and ninety-nine ; and he 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.

Time and mode of electing managers and commissioners of appeal.

Sec. 4. *And be it enacted*, That it shall and may be lawful, immediately after the passing of this act, for any owner or possessor of any part of the said tract to call a meeting of the owners and possessors thereof, by putting up advertisements, in three public places, specifying the time of meeting, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes, at least ten days previous to the time of meeting ; on which notice being given, the owners and possessors of the said tract shall convene at the house of David D. Demarest, innkeeper in the village of Hackensack ;

which owners and possessors, or such as shall assemble in pursuance of the said notice, shall, when met, proceed to elect, by a plurality of votes, five persons, being owners of some part of the said tract, who shall be managers thereof, and who shall make, repair, and maintain the fences necessary to enclose the said tract, gates, and bridges aforesaid, make assessments, and superintend the expenditure of all moneys to be received and paid for the purposes aforesaid; and shall also, at the same time, proceed to elect, by plurality of votes, three judicious freeholders of the township of Lodi, not interested in the said tract, as commissioners of appeal; which said managers and commissioners of appeal shall continue in office for one year from the first Saturday in April next, and until others shall be chosen; and all elections for managers and commissioners of appeal shall be held on the first Saturday in April, in each year after the present, between the hours of one and three o'clock in the afternoon, at such place as shall be designated by the managers for the time being, or a majority of them, of which place of meeting, so designated, ten days' notice shall be given, previous to the time of meeting, by advertisements, signed by the said managers, or a majority of them, and put up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and all such elections shall be conducted in the same manner as that mentioned in the first part of this section.

Sec. 5. *And be it enacted*, That the persons so elected as aforesaid, to make, repair, and maintain the fences, gates, and bridges, make assessments and superintend the expenditure of money, or a majority of them, shall, by virtue of this act, be authorized to ascertain the number of acres of meadow usually mowed, or fit to be mowed, as accurately as they can, which each individual owns or possesses therein, 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; and shall fairly enter in a book, to be provided by them for that purpose, the names of all who may own or possess any meadow lying within said tract, together with the number of acres owned or possessed by each, and usually mowed, or fit to be mowed, and the amount of money assessed to each; also the names of the persons from time to time elected to superintend the expenditure of moneys assessed for making and repairing the fences, gates, and bridges aforesaid, the names of the persons from time to time elected commissioners of appeal, and the proceedings relative to enclosing of the said tract; which book shall be kept by the persons elected to superintend the expenditure of money as aforesaid.

Managers to enter in a book the names of owners and amount of assessment.

Sec. 6. *And be it enacted*, That as soon as the managers

Expense of enclosing said tract, how defrayed.

aforesaid, or a majority of them, shall have ascertained the number of acres of meadow usually mowed, or fit to be mowed, which each individual may own or possess in said tract, they, or a majority of them, shall proceed to make an estimate of the probable amount of money which may be required to defray the expenses of enclosing the said tract, in the manner hereinbefore mentioned; and shall assess and collect the same from the several owners and possessors of the said tract, ratably, in proportion to the number of acres of meadow, as aforesaid, which each may own or possess therein, that is to say: the amount to be assessed against, and paid by each owner or possessor of any part of the said tract, shall bear the same proportion to the whole number of acres of meadow, as aforesaid; which each owner or possessor may have therein, that the whole amount proposed to be raised bears to the whole number of acres of meadow, as aforesaid, contained in said tract; and if the amount so assessed and collected shall be found to be insufficient to defray the expenses of enclosing the said tract, and to keep the fences, gates, and bridges, as aforesaid, in repair, the said managers, or a majority of them, are hereby authorized and empowered to make such further assessments, upon the principle hereinbefore mentioned, as they, or a majority of them, shall from time to time think necessary for that purpose.

Managers to advertise amount of assessment.

Sec. 7. *And be it enacted*, That as soon as the said managers, or a majority of them, shall have ascertained the number of acres, as aforesaid, that each individual may own or possess in the said tract, and the amount assessed against each, it shall be their duty to advertise the same, by setting up statements containing the names of all who may own or possess any meadow within the said tract, the number of acres, as aforesaid, owned or possessed by each, and the sum which each has been assessed to pay, for the space of twenty days, in five public places, two whereof shall be in the township of Lodi, and three in the township of New Barbadoes, to which said statements they shall subjoin a written notice, specifying the time (which shall be on some day after the expiration of the said twenty days; and fixed upon by the said managers, or a majority of them,) and place when and where the commissioners of appeal will meet for the purpose of discharging their duties under this act; and shall also furnish each of the said commissioners of appeal with a copy of the said statement and notice, at least five days before the time appointed for their meeting as aforesaid.

Sec. 8. *And be it enacted*, That it shall be the duty of the said managers to attend, before the said commissioners of appeal, at the time and place mentioned in said notice, with the

book hereinbefore directed to be provided by them; and it shall be lawful for the owners and possessors of the said tract, or such of them as shall think themselves aggrieved by the said assessment, to attend, at the same time and place, before the said commissioners of appeal, and to state their objections, either as to the number of acres for which such owner or possessor thinking himself aggrieved has been assessed, the amount assessed against him, or as to the number of acres for which any other owner or possessor has been assessed, or the sum assessed against such owner or possessor; and the said commissioners, after hearing the objections and allegations of the person or persons thinking himself or themselves aggrieved of the managers, and of all other parties interested in said tract who may appear before them, if any shall be offered, and inquiring into such facts as they shall deem necessary to enable them to form a correct judgment, and duly considering the same, shall ascertain the number of acres each owner or possessor may have in said tract, and adjust and fix the amount to be paid by each, according to the principle mentioned in section sixth of this act, and shall make a written statement thereof; which said adjustment, both as to the number of acres which each owner or possessor may have in the said tract, and the amount to be paid by each, shall be final and conclusive; and their statement shall be entered in the said book, and certified in writing in the said book, under the hands of the said commissioners, to be a true statement of the number of acres which each owner or possessor may have in said tract, and of the sum to be paid by each, respectively, as finally fixed and adjusted by them at the time aforesaid.

Disputes, how determined.

Sec. 9. *And be it enacted*, That if, at the meeting of the said commissioners as aforesaid, no objection shall be taken to the assessment as first made by the managers aforesaid, the same shall be allowed by the commissioners without alteration, and shall be entered in the said book as final and conclusive, and be certified in the manner aforesaid.

Assessment to be final and conclusive, if no objection be made.

Sec. 10. *And be it enacted*, That as soon as any assessment is finally adjusted and fixed, entered and certified, as aforesaid, it shall be the duty of the said managers to demand from each individual his or her proportion, as finally fixed and adjusted as aforesaid, either personally or by leaving a statement of the sum he or she is to pay with some white person resident at his or her dwellinghouse or place of abode; and on failure of payment thereof, for thirty days after such demand, they shall make out a list of the names of such delinquents residing in the county of Bergen as shall have refused or neglected to pay their respective proportions, together with the amount due from each, respectively, thereto annexed, and shall deliver the same

Proceedings in case of neglect or refusal to pay assessment.

to some justice of the peace of said county, who, on due proof being made to him that the amount due from each delinquent, respectively, had been demanded as is herein mentioned, more than thirty days previous thereto, (which said proof may be made by the person making the demand, who shall be a competent witness for that purpose,) and also, on due proof being made to him that the amount demanded of such delinquent was fixed and adjusted by the commissioners of appeal aforesaid, in the manner aforesaid, (which may be proved by the oath of one of the said managers) to make out and deliver to any constable of the said county a warrant or warrants, commanding him to levy the amount due from each delinquent respectively mentioned therein, with costs, by distress and sale of the goods and chattels of the delinquent, giving at least four days' notice of the time and place of such sale, by advertisements set up in three of the most public places in the township in which such delinquent resides; and it shall be the duty of such constable, to pay the amount raised under any warrant issued as aforesaid, to the justice issuing the same, within twenty days after the date thereof, and such justice shall forthwith pay the same to the managers aforesaid; and if any delinquent, as aforesaid, shall reside in any other county, then it shall be the duty of the said managers to deliver the name of such delinquent, with the amount due from him or her, to any justice of the peace residing in such county, who, together with any constable of such county, shall proceed in all things in the manner aforesaid, in collecting and paying over the amount due from such delinquent; and the justice who shall issue any such warrant shall be allowed the sum of twelve cents for every delinquent's name contained therein, and the constable to whom the same may be delivered, thirty-seven cents for every distress and sale as aforesaid.

Penalty in case of neglect or refusal of constable to pay moneys, &c.

Sec. 11. *And be it enacted*, That if any constable, to whom any such warrant shall be delivered, shall neglect or refuse to execute the same, as hereinbefore directed, or shall neglect or refuse to pay the amount collected under such warrant to the justice issuing the same, he shall forfeit and pay for every such neglect or refusal ten dollars, to be recovered, with costs, by action of debt, by and in the name of any one of the managers aforesaid, in any court of competent jurisdiction, besides being liable for the amount so collected as aforesaid, and which he shall refuse or neglect to pay over to the said justice; which said amount may be recovered by and in the name of any one of the managers aforesaid, besides costs, in an action of debt, in any court of competent jurisdiction.

Sec. 12. *And be it enacted*, That in case of the death, removal, inability, or refusal to serve of any of the said persons

who shall have been elected managers, or of any or either of the persons who shall have been elected commissioners of appeal, before the next annual election, or before others shall have been chosen, then it shall and may be lawful for any three of the owners or possessors of the said tract to call a meeting of the owners and possessors of the same, at such time and place (within the townships of Lodi or New Barbadoes) as they shall appoint, giving at least ten days' previous notice of the time and place of such meeting in writing under their hands, and fixed up in three public places, one whereof shall be in the township of Lodi, and two in the township of New Barbadoes; and the owners and possessors, or such as shall assemble in pursuance of the said notice, shall proceed to elect, by plurality of votes, a fit person or persons, qualified as is required by this act, to fill such vacancy or vacancies until such annual election and until others shall be chosen, whose names shall be entered in the book aforesaid.

Vacancies, how supplied.

Sec. 13. *And be it enacted*, That the aforesaid commissioners of appeal, when convened for the discharge of their duties under this act, and before they proceed in the execution of the same, shall be sworn, before some justice of the peace of the county of Bergen, well and faithfully to execute the duties of commissioners of appeal under this act, according to the best of their knowledge and understanding, without favour or partiality.

Commissioners of appeal to take oath.

Sec. 14. *And be it enacted*, That the commissioners of appeal, elected by virtue of this act, and the persons elected as managers, shall be entitled to receive at the rate of one dollar per day, for every day necessarily spent in executing the duties of their offices under this act; the moneys necessary for defraying the same, to be included in and raised by the assessment to be made in manner aforesaid.

Compensation of managers and commissioners of appeal.

Sec. 15. *And be it enacted*, That the persons elected as managers of said tract, shall account to the owners and possessors of the same, at the time of holding their election for officers, for all moneys which have come to their hands as aforesaid, and shall pay over the balance remaining in their hands, if any, to their successors, and shall deliver to them the book or books directed to be kept as aforesaid, and all vouchers and other papers relating to the execution of their duties under this act, immediately on their going out of office, under the penalty of one hundred dollars on the defaulter, to be sued for and recovered by and in the name of any of their successors, with costs of suit, in any court of competent jurisdiction, and to be applied by them, when recovered, to the purposes contemplated by this act.

Managers to make annual statements of moneys on hand.

Penalty.

Act may be altered, modified, or repealed.

Sec. 16. *And be it enacted*, That the legislature of this state shall have power at any time to alter, modify, or repeal this act.

Passed February 14, 1843.

AN ACT to incorporate the Rockaway Manufacturing Company.

Names of incorporators.

Style of incorporation.

Powers and privileges.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Joseph Jackson, Stephen J. Jackson, and John Mott, with all others who are or shall hereafter become associated with them, their successors and assigns, be, and they are hereby incorporated, by the name of "the Rockaway Manufacturing Company," for the purpose of manufacturing iron, in all its various branches, at Rockaway, in the county of Morris, in this state, and carrying on the business incident to such manufactory; and by that name they and their successors and assigns shall and may have continual succession, and be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity; and that they and their successors may have and use a common seal, and may alter the same at their pleasure; and that they and their successors, by the same name and style, shall be, and hereby are authorized and empowered to purchase, hold, possess, use, and enjoy, to them and their successors, all or any such lands, not exceeding in value one hundred thousand dollars, tenements, waters, goods, chattels, and effects, of whatever kind they may be, as shall be necessary for the purposes of said corporation.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of said corporation shall be one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall, nevertheless, be lawful for the said corporation, when and so soon as twenty thousand dollars of said capital stock shall have been subscribed for and paid, or secured

to be paid to said company, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are hereby authorized to do, from time to time, to the amount hereinbefore mentioned.

Sec. 3. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by five directors, one of whom they shall appoint their president, who shall hold their offices until the annual meeting of the stockholders, to be held next after their election and until others shall be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in said company, in their own right, to the amount, at least, of ten shares, and shall be citizens of the United States, and shall, after the first election, be elected at the annual meeting of the stockholders, which shall be held on the third Monday in May, in each year, at such hours of the day and at such place at the regulations of said corporation shall prescribe; a majority of directors shall, on all occasions when assembled at such place as the by-laws of the company direct, constitute a board competent to the transaction of business, and all questions before them shall be decided by a majority of voices; and a majority of the stockholders, or their proxies, present at any legal meeting of such stockholders, shall be capable of transacting the business of such meeting, each share entitling the owner thereof, or his proxy, to one vote; but no shares shall entitle the holder to vote unless the same shall have been held by him at least three months next immediately preceding such election; and that Joseph Jackson, Samuel B. Halsey, John Mott, and Freeman Wood shall be commissioners, and hereby are authorized, at such time and place as they may choose, to open books and receive subscriptions for the capital stock of said company; and when the sum of twenty thousand dollars shall have been subscribed, then they shall call the first meeting of the said company, for the choice of directors; and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners; *provided*, that the said corporation shall organize and proceed to the business hereby authorized to be carried on within five years from the passage of this act, or that the privileges granted shall cease, and this act be void.

Affairs of corporation to be managed by five directors.

Time and mode of annual election of directors.

Commissioners to open books and receive subscriptions.

To be judges of election.

Sec. 4. *And be it enacted*, That the said president and directors for the time being, or a majority of them, shall have

Vacancies, how supplied.

Duties of president and directors.

power to fill any vacancy which may happen in their board, by death, resignation, or otherwise, for the then current year, and to appoint and employ, from time to time, a secretary, treasurer, and such other officers, mechanics, and labourers as they may think proper for the transaction of the business and concerns of the said company, and also to make and establish such by-laws, rules, and regulations as they shall think expedient for the better management of the concerns of the said company, and the same to alter and repeal; *provided always*, that such by-laws, rules, and regulations be not inconsistent with the laws of this state or the United States; and the said directors shall and may, whenever they shall deem it expedient, and at such time and place, and with such notice, as they shall think proper, and as often as the interests of the stockholders shall require and the affairs of the said company will permit, declare a dividend or dividends of profit on each share, which shall be paid by the treasurer of said company; *provided* the said company shall make no dividend of any part of the capital stock of said company.

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

Sec. 5. *And be it enacted*, That if it shall so happen that an election of directors should not take place on any day when pursuant to this act it ought to be made, the said corporation shall not for that cause be dissolved, but such election may be held on any convenient day within forty days thereafter, to be fixed on by the directors, they previously giving public notice thereof, by publishing the time and place of holding such election in one or more of the newspapers printed and published in the said county of Morris, or in the next adjoining counties, and one newspaper in the city of New York, for at least fifteen days next preceding the time appointed for such election.

Stock to be deemed personal property.

Sec. 6. *And be it enacted*, That the capital stock of said company shall be deemed personal property; and that all shares shall be transferable on the books of said company, in such form as the by-laws shall ordain; and such transfer shall be valid only after it shall have been registered on the books of said company; and 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.

Books of accounts to be open to the inspection of stockholders.

Sec. 7. *And be it enacted*, That the books of said company, containing their accounts, shall at all times be kept at their manufactory at Rockaway, and be open for the inspection of any of the stockholders of said company; and at the general meeting of the stockholders, to be held annually, agreeably to the third section of this act, a general statement of the affairs

of said company shall be made out and exhibited by the president and directors.

Sec. 8. *And be it enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places as they may think proper, giving such notice thereof as the by-laws and regulations of said company shall prescribe; and in case any stockholders shall neglect or refuse payment of such instalment or instalments, for the term of sixty days after the same shall have become due and payable, and after he, she, or they shall have been notified thereof, such stockholder or stockholders so neglecting or refusing to pay, shall, as the directors may elect, either forfeit to said company all his, her, or their previous instalments, together with all his, her, or their rights and interests, whatsoever, in said stock, or be compelled to pay up such further instalments by suit at law or otherwise.

Stock forfeited for refusal or neglect to pay instalments.

Sec. 9. *And be it enacted*, That the corporation hereby created shall not use any part of their capital or property in carrying on any banking operations, or for any other purpose than that of carrying on the manufacturing operations authorized by this act.

Capital not to be employed in banking operations.

Sec. 10. *And be it enacted*, That this act shall continue in force for the space of twenty years, and no longer, and that the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Limitation of act, &c.

Passed February 14, 1843.

AN ACT for the better regulation of the Amicable Meadow Company, in the county of Salem.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the owners and possessors of the marsh and meadow lying between the fast land of John Somers, on Oldmans creek, in the township of Upper Penns Neck, in the county of Salem, and the line of the Association Meadow Company shall hereafter be known by the name of "the Amicable Meadow Company."

Style of incorporation.

Time and mode  
of annual elec-  
tion of officers.

Sec. 2. *And be it enacted,* That it shall be lawful for the owners and possessors of the said marsh and meadow, to meet on the first Thursday in April next, at the inn now kept by Samuel Bond, in Pedricktown, and between the hours of two and seven o'clock, in the afternoon, and, by a plurality of the votes of the said owners and possessors present, choose two of the persons interested in said company, to be the managers thereof, one to be the clerk, and three disinterested persons to be commissioners, all of whom are to continue in office for one year, and until others are chosen in their stead; that the annual meeting of the company for the election of said officers shall be at the same time, in each successive year thereafter, and at such place as the company at the previous annual meeting shall designate; and the election shall be conducted in all respects as is hereinbefore provided; and in case any of the said officers should die, or neglect or refuse to act, then it shall be lawful for the managers, or any three members of the company, to call a special meeting for the purpose of supplying such vacancy, giving eight days' notice thereof, by setting up advertisements in three of the most public places in the neighbourhood of said meadow, stating the time, place, and object of said meeting; and at such special meeting, the members present shall proceed to elect some person to supply such vacancy, in the manner hereinbefore prescribed.

Vacancies, how  
supplied.

Proceedings  
in case of un-  
paid assess-  
ments.

Sec. 3. *And be it enacted,* That it shall be the duty of the managers, or either of them, to collect all assessments made as hereinafter mentioned; and in case any of the owners or possessors shall neglect or refuse to pay his or her quota of any such assessments, for the space of ten days after notice given in writing, by one of the managers, either personally or by leaving the same at his or her usual place of abode, then it shall be lawful for either of the managers to sell, at public vendue, so much of any hay, grass, or grain, being the property of such delinquent, and on his meadow, as will be sufficient to pay said quota, and all costs accruing thereon, giving five days' notice of such sale, by advertisements set up in five of the most public places in the neighbourhood of said meadow; and in case the said managers should not be able to make the amount of said quota and costs out of the said hay, grass, or grain, then it shall be lawful for either of them to make sale of the meadow of said delinquent, for such term of years as will be sufficient to satisfy the demand against him, and the cost, and to execute a lease therefor to the purchaser, which shall vest in him the same right as if executed by the owner or possessor himself; which sale shall be conducted in all respects in the manner hereinbefore pointed out in this section, except that the manager shall give thirty days' notice of

the sale ; and if upon any such sales a surplus should remain, the manager shall pay the same over to the owner or possessor, as the case may be ; and it shall also be the duty of said managers, or either of them, to view the banks and waterworks at least once in every month ; and in case any member of said company shall neglect or refuse to keep up and maintain his part or portion of any bank, sluice, or watercourse, which is or may be laid off or assigned to him to be kept up and maintained, it shall be the duty of the managers, or either of them, to give such person (if resident within said township) notice in writing, either personally or by leaving such notice at his usual place of abode, to repair the same ; and if such person shall still neglect or refuse to amend or repair said bank or sluice, or to open such watercourse, for the space of five days after the service of such notice, or in case of a breach in said bank, or if the said member be not resident in said township, then, without giving any such notice, the said managers, or either of them, are required to amend or repair said bank or sluice, and open such watercourse, and to collect the expense thereof, in the manner hereinbefore prescribed for the collection of assessments, from the person to whom the same has been assigned ; and it shall be the duty of the managers, or either of them, to keep all laid out private roads in said meadows in good repair, and to collect the expense thereof from the owners and possessors using the same, in proportion to their use thereof, in the manner hereinbefore pointed out for the collection of assessments ; *provided always*, that every such owner or possessor may have the privilege of working out his proportion of such expense upon such roads, under the direction of the managers, or either of them, who are hereby required to give five days' notice to all persons concerned, if resident in said township, before commencing any reparation of such roads ; and the said managers shall exhibit their accounts for settlement at every annual meeting, and pay over all moneys remaining in their hands belonging to said company to their successors in office.

Surplus of sales, how disposed of.

Proceedings in case of neglect or refusal to repair bank, &c.

Managers to keep roads in good repair.

To exhibit annual accounts.

Sec. 4. *And be it enacted*, That the banks enclosing said meadow shall be kept up and maintained as they are now laid off and allotted to each of the several owners thereof, until it shall be determined at an annual meeting, by a majority of said company, to have a new allotment ; and that in dividing the meadow, the commissioners shall divide the bank among all the owners thereof ; and the managers and persons having bank to maintain, who are not the owners of the soil, are authorized to take mud and earth for making or repairing the same from the said meadow, where it may be most convenient for that purpose and least injurious to the owners ; and

Banks, how to be made and maintained.

all sluices which are now laid, or may hereafter be laid, with two rods of bank or dam over the same, shall be made and maintained by an assessment upon all the meadows within the said bounds, unless at an annual meeting it shall be agreed, by a majority of said company, to divide the same, in which case the ditches may be stopped between the divisions, so as to prevent the water from passing from one division to the other; and the owners and possessors in each division are to make and maintain the sluices in such division, by an assessment upon the meadows in that division.

Duty of the clerk.

Sec. 5. *And be it enacted*, That the clerk shall provide a book, at the expense of the company, and enter therein the proceedings of all meetings held by the company, and all judgments and decisions that may be rendered by the commissioners; and it shall also be the duty of the clerk to assess upon the several owners and possessors of said marsh and meadow, according to the quantity of meadow that each may have, own, or possess, all sums of money that may be ordered to be raised by the managers, or either of them, with the approbation of any two of said company, for the use of the company, in defraying the necessary expenses thereof.

Disputes in said company, how determined.

Sec. 6. *And be it enacted*, That it shall be the duty of the commissioners to hear and determine all disputes that may arise in said company, between any persons interested therein; and the said commissioners, after hearing the parties and viewing the premises, shall give judgment in writing, under their hands or the hands of any two of them, as well in respect to the cost as to the matter in controversy; but in no case shall they proceed to hear and determine the matter in dispute, unless the party complainant shall notify his adversary of the time, place, and object of the hearing; and if either party shall think himself aggrieved by any such judgment or decision, then three other commissioners shall be appointed within ten days after the giving of said judgment or decision, in the manner following, that is to say: each of the disputing parties shall choose one, and the two thus selected shall choose the third; but the party thinking himself aggrieved shall have the power of choosing the first two commissioners, provided the adverse party should neglect or refuse to appoint a commissioner within one day after notice given him by the party thinking himself aggrieved, of his intention to appeal; and the three commissioners thus chosen, together with the regular commissioners, shall give the parties a rehearing, and their decision, or that of any four of them, shall be final and conclusive between the parties, as well with respect to the costs as to the matter in dispute.

Sec. 7. *And be it enacted*, That all line or division ditches

between any of the owners or possessors shall be watercourses, and all ditches that are eight feet wide at the top, and three feet deep from the surface of the meadow, and which lie on a mud or miry bottom, shall be deemed lawful fences, and all trespasses done over or through them shall be punishable as if done over or through any other lawful fence; and that the said ditches shall be opened and kept open by the owners or possessors, jointly, through whose meadow they may pass, and the mud and earth taken therefrom shall be thrown as equally upon each side as may be, unless otherwise agreed upon by the parties; and when ditches shall be dug or cleaned out along private roads, the mud or earth must all be thrown into said road, if the manager having charge thereof requires it.

Ditches to be kept open.

Sec. 8. *And be it enacted*, That it shall be the duty of each and every owner and possessor of meadow adjoining the tide or cross-banks, to mow or trim all the banks standing on his meadow and marsh, and clear the same of all kind of rubbish, once between the first day of June and the tenth day of July, and once between the first day of September and the first day of October, in each and every year; and in case any of the said owners or possessors shall refuse or neglect to perform any of the duties hereinbefore prescribed, after ten days' notice in writing, given by one of the managers, in the manner pointed out in the third section of this act, then it shall be the duty of the managers, or either of them, to have such work done, and to present his or their account therefor to such person as shall neglect or refuse as aforesaid, and upon his neglecting or refusing to pay the same for the space of ten days, then the said expense shall be collected in the manner pointed out in the third section of this act for the collection of assessments.

Owners to mow or trim banks.

Proceedings in case of neglect or refusal.

Sec. 9. *And be it enacted*, That if any person, duly appointed a manager, clerk, or commissioner in said company, shall neglect or refuse to perform any of the duties required of him by this act, he shall, for every such refusal or neglect, forfeit and pay the sum of ten dollars, to be recovered in an action of debt, with costs of suit, by any owner or possessor of marsh or meadow in said company who shall sue for the same; *provided always*, that no manager shall be liable to be prosecuted until he shall have had five days' notice, in writing, served upon him by some person interested, setting forth the case requiring his attention; and if it be work ordered to be done for the company, then not unless he shall have funds of the said company in his hands sufficient to defray the expense of said work; *and provided also*, that no commissioner shall be liable to be prosecuted for neglecting or refusing to hear and determine any dispute, as mentioned in the sixth section

Penalty for neglect of officers to perform duties.

Proviso.

of this act, until he shall have had five days' notice, in writing, served on him, either personally, or left at his usual place of abode, by one of the parties in dispute, setting forth the case requiring his attention.

Managers to  
open drains, &c.

Sec. 10. *And be it enacted*, That it shall be the further duty of the managers to lay, or cause to be laid, as many sluices in the tide-bank, and open drains thereto, as shall be sufficient to drain every part of such meadow, and to see that the said drains are kept clear, so as to effect the draining thereof, charging the expense of the sluice and dam, as directed in the fourth section of this act, and the expense of the watercourses, to the owner or possessor through whose meadow they may pass; and in case a majority of said company, at an annual meeting, shall agree to admit the tide upon the meadow, for the purpose of improving the same, it shall be the duty of the managers to cut the bank at the time fixed upon in the places pointed out by the company for cutting the same; and when a majority, as aforesaid, shall agree to reclaim the same, then it shall be the duty of the managers to stop said breaches; and the expense of cutting and stopping, as aforesaid, shall be defrayed by a tax upon the whole company, in proportion to the meadow by them owned or possessed; and the cross-bank shall be kept up and maintained in the same manner.

Meadows liable  
for expenses of  
repairs.

Sec. 11. *And be it enacted*, That all the meadows belonging to said company shall be held liable for all the expenses of any repairs which may be done to the banks, sluices, roads, or watercourses, by the managers, or either of them, agreeably to the directions of this act, any judgment or execution, or any sale or alienation of the meadow, in anywise notwithstanding.

Manner of vot-  
ing for officers.

Sec. 12. *And be it enacted*, That in all cases of an election of officers, or for other purposes, the mode of voting shall be in person or by proxy in writing, duly executed, and each and every owner or possessor shall be entitled to one vote; *provided always*, that there shall not be more than one vote given for meadow owned by the same person, unless it belongs, or is attached to two or more of his or her farms.

Compensation  
to commission-  
ers.

Sec. 13. *And be it enacted*, That the commissioners shall be allowed one dollar and fifty cents per day, each, for every day that they may be employed in the discharge of the duties required of them by this act, and the managers shall be allowed twenty-five cents per day, each, over and above the wages of common workmen.

Present mana-  
gers.

Sec. 14. *And be it enacted*, That Samuel Bond and William Somers shall continue to be the managers of said meadow un-

til the first Thursday in April next, and until others shall be chosen.

Sec. 15. *And be it enacted*, That the act entitled, "An act concerning the marsh and meadow lying between the fast land of Mahlon Haines, on the river Delaware, and the fast land of John Somers, on Oldmans creek, in the township of Upper Penns Neck, in the county of Salem," passed the twenty-fourth of November, eighteen hundred and nine, so far as it relates to the Amicable Meadow Company, shall be, and the same is hereby repealed.

Part of former  
act repealed:

Passed February 14, 1843.

A supplement to an act entitled, "An act to change the trust of the real estate of Charlotte Losey, and to authorize a sale of the same," passed the tenth day of March, eighteen hundred and thirty-seven.

WHEREAS, by a certain deed of conveyance, bearing date the twentieth day of October, eighteen hundred and twenty-one, executed by Jacob Losey, of the one part, and Charlotte Shotwell, (afterwards Charlotte Losey) of the second part, and Daniel Ayers, of the third part, certain personal property, therein mentioned, was conveyed by the said Charlotte to the said Daniel Ayers, in trust for the special uses and purposes therein expressed;—and whereas, by a certain other deed of conveyance, bearing date on the day and year aforesaid, executed by the said Jacob Losey, of the first part, and the said Charlotte Shotwell, of the second part, and by Henry Moore, junior, William Laign, and Richard H. Arnold, of the third part, certain lands and premises therein described, being two several lots of land, situated in the township of Randolph, in the county of Morris, one whereof contains nineteen acres, and the other six acres, more or less, were conveyed to the said Henry Moore, junior, William Laign, and Richard H. Arnold, in trust and for the special uses and purposes therein mentioned;—and whereas, by the act to which this is a supplement, at the request and by the consent of the parties interested, the

Preamble:

said Henry Moore and Richard H. Arnold were released and discharged from the further execution of the trust so reposed in them, and the said lands and premises vested in the said William Laign, in as full and ample a manner as the same were held by the former trustees, but with power to sell and convey the said lands and premises;—and whereas it appears to the legislature that the said William Laign has since departed this life, and that the said real estate remains unsold, and that the said Charlotte requires for her support more than the annual use and proceeds of said real and personal estate; and that the said Daniel Ayers is desirous to relinquish his said trust, and the said Charlotte and all the parties in interest have sought the aid of the legislature in this behalf—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Daniel Ayers be, and he is hereby wholly released and discharged from the further execution of the trust so reposed in him; and that the said personal estate, and every part thereof, and of the proceeds thereof, and every thing pertaining thereto, be, and the same is hereby vested in David S. Ives, in as full and ample a manner as the same was held by the said Daniel Ayers, upon the likè trust, and for the same uses and purposes, as the same was held by him; and further, that the said lands and premises, with the appurtenances, be, and they are hereby vested in the said David S. Ives, in as full and ample a manner as the same were held by the said William Laign at the time of his death, upon the like trust, and for the same uses and purposes, as the said lands and premises were held by him.

D. S. Ives appointed treasurer, in the place of D. Ayers.

Sec. 2. *And be it enacted,* That the said David S. Ives be, and he is hereby authorized and empowered, in his own name, to take, demand, and receive, sue for and collect, the said goods and chattels and choses in action, and to sell and transfer the same; and with the consent in writing of the said Charlotte Losey, to sell and convey the said real estate, with the appurtenances, and to execute good and sufficient deed or deeds for the same; and securely to invest the moneys arising from the said real and personal estate, and from time to time to pay over the interest accruing thereon, and such portions of the principal as she may require, and as may be requisite for her use, to the said Charlotte Losey, upon her separate order; and that this act take effect and go into operation immediately after the passage thereof.

Trustees authorized to sell real estate.

Passed February 15, 1843.

A further supplement to an act entitled, "An act to provide for the instruction of indigent blind persons, inhabitants of this state," passed March eighth, eighteen hundred and thirty-six.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the term of instruction allowed by the act to which this is a supplement, may be extended to any term not exceeding eight years at the discretion of the governor, or person administering the government of this state; and indigent blind persons, inhabitants of this state, who may have been under instruction for five years only, under the act aforesaid, may be readmitted for the residue of the term hereby allowed, whenever the governor, or person administering the government of this state, shall receive a written communication, signed by the principal and one or more of the directors of the institution, in which such indigent blind persons are placed, setting forth that such blind persons are capable of making good progress in the acquisition of knowledge, and recommending their readmission to such institution.

Term of instruction extended.

Passed February 16, 1843.

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AN ACT for the relief of Robert Thomas, of the county of Mercer.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall be, and he is hereby authorized and required to pay Robert Thomas, of the county aforesaid, a soldier in the service of the United States, in the Revolutionary war, or to his order, the sum of fifty dollars per annum, to be paid to the said Robert Thomas, in half-yearly payments, from the passing of this act, during the lifetime of the said Robert Thomas, the first payment to be made on the passage of this act; and the receipt of the said Robert Thomas, or his order, shall be a sufficient voucher to the treasurer for such sums of money as he may pay by virtue of this act, in the settlement of his accounts.

\$50 per annum to be paid to R. Thomas.

Passed February 16, 1843.

AN ACT to enable the townships of Dover, Middletown, and Howell, in the county of Monmouth, to sell and convey certain real estate therein named.

Preamble,

WHEREAS the townships of Dover, Middletown, and Howell, in their respective corporate capacities, are now tenants in common in a certain messuage and farm, and other out lands, situate in the township of Shrewsbury, and county of Monmouth, in this state, known by the name of "the poor-house farm;" and whereas the aforesaid townships of Dover, Middletown, and Howell are desirous of selling and disposing of a part, or the whole of the same, either jointly, as the said townships shall agree, or separately, as each township for itself shall deem expedient, so far as their right to said farm and out lands shall extend; and whereas there is no person or persons authorized by law to convey the said farm and out lands, belonging to the aforesaid townships of Dover, Middletown, and Howell—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the township committees of the respective townships of Dover, Middletown, and Howell, in the county of Monmouth, in this state, be, and they are hereby authorized and empowered, either jointly, or each township committee, for their respective townships, severally, to sell and convey the whole, or any part of the aforesaid farm and out lands, as they shall deem expedient, to any township or townships within the county of Monmouth; and all and every deed or deeds made and executed by the township committees of the aforesaid townships, either jointly or severally, or by either of them, shall convey to, and vest in any and every grantee thereof all the estate, right, title, and interest that the township or townships making such sale and conveyance may have at the time of the execution thereof.

Township committees of Dover, Middletown, and Howell authorized to sell certain lands.

Act, when to take effect.

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

Passed February 16, 1843.

AN ACT relative to the assessment and collection of taxes in  
the city of Newark.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the duties which the assessors of the several townships and wards in the county of Essex are required by law to perform, between the twentieth day of May and the twentieth day of August, shall be performed by them between the twentieth day of April and the twentieth day of June, in each year hereafter.

Duties of assessors, when to be performed.

Sec. 2. *And be it enacted*, That the said assessors shall meet annually, on the second Monday in July, instead of the first Monday in September, to perform the duties required of them by law; *provided*, that the assessors of the several wards of the city of Newark shall perform the duty required by the fifth section of the act entitled, "An act concerning taxes," within fifteen days from the said second Monday in July; and the assessors of the several other townships and wards of the county of Essex, within fifteen days from the first Monday in September, as now directed by law.

Time of meeting of assessors.

Sec. 3. *And be it enacted*, That the commissioners of appeal in cases of taxation of the several wards of the city of Newark, shall meet, annually, on the second Tuesday of September instead of the second Tuesday of November, as heretofore.

Time of meeting of commissioners of appeal.

Sec. 4. *And be it enacted*, That the duty which the collectors of the several wards of the said city of Newark are now required to perform by the tenth section of the act entitled, "An act concerning taxes," shall be performed on the first day of August, instead of the first day of October, in each year hereafter; and the provisions of the eleventh section shall be construed as relating to the said first day of August, except that the time of payment of moneys to the collector of the county of Essex shall be by the twenty-second day of October, instead of the twenty-second day of December, in each year; and that the provisions of the second and fourth sections of the act entitled, "A further supplement to the act entitled, an act to incorporate the city of Newark," passed March fourth, eighteen hundred and forty-one, shall also be construed as relating to the twentieth day of October, in each year, as aforesaid; and interest shall accrue and be reckoned accordingly, instead of the time mentioned in the fourth section of the last mentioned act; and that the lien mentioned in the fifth section of

Duties of collectors, when to be performed.

the last mentioned act shall commence on the twentieth day of June of each year, and continue for two years thereafter.

Sec. 5. *And be it enacted*, That the provisions of this act shall not be construed to repeal any of the existing provisions of law in reference to taxes, except so far as the same are inconsistent with the provisions of this act.

Act, when to take effect.

Sec. 6. *And be it enacted*, That this act shall go into operation upon the passage thereof.

Passed February 16, 1843.

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AN ACT to authorize the stockholders of the Mechanics and Manufacturers Bank at Trenton to reduce their capital stock.

Stockholders authorized to reduce capital stock.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever, at a meeting of the stockholders of the Mechanics and Manufacturers Bank at Trenton, convened at their banking-house in the city of Trenton, in the manner prescribed in the third section of an act entitled, "An act to incorporate the Mechanics and Manufacturers Bank at Trenton," a majority of the said stockholders, voting according to the rule and in the ratio prescribed in the said act, shall determine that a reduction of the capital stock of the said bank is expedient, it shall and may be lawful for the said stockholders, by resolution, to be adopted at such meeting, to reduce the capital of the said bank to such sum as they may deem most likely to promote the interests of the said stockholders; and that the capital stock so reduced shall and may be employed, and the interests and profits thereof be divided among the stockholders, subject to the same provisions, restrictions, limitations, and penalties as are provided for in and by the above mentioned act; *provided always*, that the said capital stock shall not be reduced to a sum less than one hundred thousand dollars, nor to a sum less than the amount of the existing liabilities of the said corporation at the time of such reduction; and also, that the said reduction shall not be legally perfected and established, until a copy of the resolution

Proviso.

of the stockholders for that purpose, to be adopted as aforesaid, signed by the president, and countersigned by the cashier of the said bank, and sealed with the common seal of the said corporation, shall be delivered to the secretary of this state, to be by him filed in his office.

Passed February 16, 1843.

AN ACT to confirm the division of the real estate, late of  
Jacob Kay, deceased.

WHEREAS Jacob Kay, late of the township of Waterford, in the county of Gloucester, and state of New Jersey, now deceased, in and by his last will and testament in writing, bearing date the eleventh day of September, eighteen hundred and forty-one, did devise certain real estate, therein mentioned, situate in said county, to his eight children, viz: Joseph Kay, Elizabeth Clark, Isaac Kay, Job B. Kay, Josiah Kay, Jacob Kay, Briggs Kay, and Jemima Fortner, equally to be divided between them, share and share alike and in fee-simple, except as to the one equal eighth part thereof, which he devised to his said son Josiah Kay, for life only, "and at his decease to descend to his legal heirs-at-law;" which said last will and testament hath been, since the decease of said testator, duly proved and recorded in the office of the surrogate of said county of Gloucester;— and whereas the said real estate, devised as aforesaid, has been since divided among the said eight children, by John Clement, Joseph Kay, and Joseph K. Lippincott, commissioners appointed for that purpose by the orphans court of said county, into eight equal shares, and the said commissioners have made report thereof in writing under their hands, bearing date the seventeenth day of March, eighteen hundred and forty-two, to said court; and the said court, at the March term thereof, eighteen hundred and forty-two, approved of and confirmed said division;—and whereas, although all of said children are well satisfied with said division, yet they are advised that it is doubtful whether the same will be binding upon the heirs-at-law of said Josiah

Preamble.

Kay, tenant for life as aforesaid, after his decease, and have therefore petitioned for a confirmation of said division—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the aforesaid division of the said real estate, late of Jacob Kay, of the township of Waterford, in the county of Gloucester, aforesaid; (now deceased) between his aforesaid eight children, named in said division, be, and the same is hereby confirmed and made valid and binding in law upon said children and their respective heirs and assigns, and all other person or persons claiming or to claim by, from, through, or under them, or any of them, or by, from, through, or under the aforesaid last will and testament of Jacob Kay, deceased, any law, usage, or custom to the contrary thereof notwithstanding.

Division of real estate of Jacob Kay confirmed.

Passed February 16, 1843.

AN ACT to incorporate the Temperance Beneficial Society of Lumberton, New Jersey.

Preamble.

WHEREAS a number of the inhabitants of the village of Lumberton and its vicinity, in the county of Burlington, have formed themselves into an association, or society, to which they have given the name of "the Temperance Beneficial Society of Lumberton, New Jersey," the object of which is to create a fund, to be applied towards the relief or support of such of the members thereof as shall, by sickness, casualty, or other cause, be rendered incapable of attending to their usual occupation or calling, and, also, towards the decent interment of deceased members;—and whereas it is believed an act of incorporation will promote the object of the society, and add to the security of its property; and the said society having, by petition presented to the legislature, prayed to be incorporated—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority*

*of the same*, That Mahlon Tash, Joseph W. Ross, William S. Fort, William C. Bishop, John H. Pippitt, William F. Moore, James Branson, junior, Jehu Murphins, Franklin A. Wright, and all such other persons, not exceeding four hundred, as now are or hereafter may become members of said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name, style, and title of "the Temperance Beneficial Society of Lumberton, New Jersey; and, by that name, they and their successors shall have continual succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all manner of action and actions, suits, matters, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their name as aforesaid, under their common seal, may make and enter into, form and execute, any contracts or agreements relating to or touching and concerning the objects of the said incorporation.

Names of incorporators.

Style of incorporation.

Powers and privileges.

Sec. 2. *And be it enacted*, That, for the more effectual accomplishment of the objects of the said corporation, there shall be a president, vice president, secretary, assistant secretary, treasurer, three or more stewards, an investigating committee of three persons, a messenger, and such other officers as shall be deemed necessary; who shall be elected by ballot, by a majority of the members present at a meeting convened for that purpose, of which two weeks' notice shall be given, by publishing the same in a newspaper published at Mount Holly, in the county of Burlington.

Officers of corporation, how elected.

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

What real and personal estate may be held.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt,

May make constitution and by-laws.

and use, and from time to time to alter, amend, or change, as by them may be deemed expedient, such general form of constitution and by-laws for the transaction of the business, and for effecting the purposes and objects of the association aforesaid, as to the members thereof, or a majority of them, when duly convened, shall be deemed right and proper; *provided*, that nothing in said constitution and by-laws shall be repugnant to the constitution and laws of the United States or of this state.

Objects of incorporation.

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

Act, when to take effect.

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

Passed February 17, 1843.

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A further supplement to the act entitled, "An act to incorporate the Newark and Pompton Turnpike Company," passed the twenty-fourth of February, eighteen hundred and six.

Turnpike bridges not to be free, except in certain cases.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That nothing contained in the original act to which this is a supplement, shall be so construed as to entitle any person to use the turnpike road belonging to said company free of toll, in passing to or from his common business on his

farm, to a greater distance than one mile, nor in that distance shall he be authorized to pass free of toll any bridge on said road over the Passaic river, except at the Pine brook bridges.

Sec. 2. *And be it enacted*, That all the bridges now erected by said company on the line of said road, not less than fifteen feet wide, shall be deemed of lawful width, anything in the sixth section of the original act to the contrary notwithstanding; and that all bridges hereafter to be constructed in the line of said road, by said company, shall be not less than fifteen feet wide; and that so much of said sixth section as is not compatible herewith, be, and the same is hereby repealed.

Bridges to be fifteen feet wide.

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

Act, when to take effect.

Passed February 17, 1843.

AN ACT changing a part of the boundary line between the townships of Princeton and West Windsor, in the county of Mercer.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passage of this act, the middle of the Princeton and Kingston branch turnpike road, from where it leaves the eastern line of the borough of Princeton, by the way it now runs to the Millstone river, shall be the boundary line, between those points, between the township of Princeton and the township of West Windsor, all previous acts in relation thereto to the contrary notwithstanding.

Boundary line between Princeton and East Windsor.

Passed February 17, 1843.

AN ACT to divorce Huldah Ann Dawson from her husband  
George Dawson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Huldah Ann Dawson, of the county of Middlesex, be, and she is hereby divorced from her husband George Dawson, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

Passed February 17, 1843.

H. A. and G.  
Dawson di-  
vorced.

AN ACT to authorize James Long and John H. Scattergood, executors of the last will and testament of John McGowan, deceased, to sell and convey certain real estate.

Preamble.

WHEREAS Samuel Leeds and Harriet his wife, of the county of Burlington, by indenture of bargain and sale, bearing date on the fifteenth day of March, A. D. eighteen hundred and forty-one, and since recorded in the clerk's office of said county, in book Z 3 of deeds, folios 90, &c., did convey to John McGowan, of said county, a lot of land, and the buildings thereon situate, in said indenture particularly described;—and whereas it was agreed between the said parties, at the time of such conveyance, that the said John McGowan should hold the said lot of land, subject to the payment of the mortgages and incumbrances thereon, in trust for the benefit of the said Harriet Leeds and her children;—and whereas the said John McGowan, on the thirteenth day of July, A. D. eighteen hundred and thirty-seven, made his last will and testament in writing, in due form of law to pass real estate, and constituted and appointed James Long and John H. Scattergood to be the executors thereof, with full power to sell and convey all his real estate; and the said John McGowan afterwards departed this life, without having executed any declaration of trust in pursuance of said agreement, and without having republished his said last will and testament, by means whereof the title to said lot of land

became vested in Mary Lippincott, Jane Ridsen, the wife of Samuel Ridsen, Hannah Scattergood, the wife of John H. Scattergood, Rebecca Atkinson, the wife of Joseph Atkinson, Harriet Leeds, the wife of Samuel Leeds, Keziah Folwell, the wife of John Folwell, James McGowan, Samuel McGowan, Eliza Ann Long, and Margaret McGowan, the heirs-at-law of said John McGowan, deceased;—and whereas the said Eliza Long and Margaret McGowan are minors, and cannot join in the sale and conveyance of the said lot of land; and all the heirs-at-law of the said John McGowan, deceased, except the said minors, being anxious that a sale thereof should take place as speedily as possible, have, with the said executors, petitioned for legislative aid in the premises;—and whereas William N. Shinn, trustee for the children of the said Harriet Leeds, who holds a mortgage, executed by the said Samuel Leeds and Harriet his wife, upon the said lot of land, to secure the payment of the sum of eight hundred dollars, bearing date on the fourth day of February, A. D. eighteen hundred and forty, hath joined in the said petition, and declared that he is willing to cancel his said mortgage, upon being authorized to receive and hold the balance of the money that may be produced by the sale of the said lot of land, over and above the amount of the other incumbrances thereon, (including the amount of money due to the executors of the said John McGowan, deceased,) in trust for the benefit of the said Harriet Leeds and her children, according to the agreement made by the said John McGowan; and the prayer of the said petitioners appearing to be just and reasonable—therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That James Long and John H. Scattergood, executors as aforesaid, and the survivor of them, be, and they are hereby authorized and empowered to sell the aforesaid lot of land at public vendue, to the highest bidder, and to make, execute, and deliver good and sufficient deed or deeds therefor, to the purchaser or purchasers thereof; which deed or deeds, when so executed and delivered, shall convey to, and vest in the said purchaser or purchasers as good and sufficient an estate in and to the said lot of land as the said John McGowan had therein at the time of his death, free and discharged of and from the said trust, and also free and discharged of and from the mortgage so as aforesaid held by William N. Shinn, trustee as aforesaid; *provided always,* that nothing in this act contained shall in any way affect the liens or mortgages of any other person or persons whatsoever.

Executors authorized to convey real estate.

Balance of purchase money, how to be disposed of.

Sec. 2. *And be it enacted*, That the said James Long and John H. Scattergood, or the survivor of them, be, and they are hereby authorized and empowered to take and receive the purchase money for said land, and, after paying all needful expenses in obtaining this act and in selling said land, and all liens and incumbrances thereon, including the amount due to the said executors, but not the mortgage so as aforesaid held by the said William N. Shinn, then to pay the balance of said purchase money over to the said William N. Shinn, whose receipt shall be a sufficient discharge to them therefor.

Money to be invested, and interest paid to H. Leeds.

Sec. 3. *And be it enacted*, That the money so received by the said William N. Shinn shall be held by him and his executors in trust, to invest the same; and pay the interest accruing thereon to the said Harriet Leeds annually, during her natural life, for her own separate use and upon her separate receipt, free from the debts and control of her husband, and, immediately after her death, to pay the said money to and amongst the children of the said Harriet Leeds, born and to be born, share and share alike; and in case of the death of any child of said Harriet, during her lifetime, leaving children, they are to represent their parent, and to take his or her share.

Sale of lands to be advertised.

Sec. 4. *And be it enacted*, That the said James Long and John H. Scattergood, or the survivor of them, shall advertise the sale of said land, by setting up notices thereof in five of the most public places in the county of Burlington, at least four weeks prior to the day of sale, and by advertisements published, at least once in every week, in a newspaper printed at Mount Holly, for at least four weeks previous to the time appointed for the sale thereof.

Executors to give bond to ordinary.

Sec. 5. *And be it enacted*, That before the said James Long and John H. Scattergood shall proceed to execute the powers and authority vested in them by this act, they shall enter into bond to the ordinary of this state, in the penal sum of two thousand and five hundred dollars, with two good and sufficient sureties, to be approved by the surrogate of the county of Burlington, conditioned for the faithful performance of the trusts reposed in them by this act, and that they will well and truly apply the moneys arising from the sale of the said land in the manner hereinbefore mentioned; and said bond shall be filed in the office of said surrogate; and if the same become forfeited, it shall be lawful for the ordinary to cause the same to be prosecuted, at the request of any person aggrieved thereby.

Trustee, how appointed in case of vacancy.

Sec. 6. *And be it enacted*, That in case of the death of the said William N. Shinn, or of his neglect or refusal to act, the orphans court of the county of Burlington shall have full pow-

er and authority to appoint another trustee in his stead, who shall have all the powers conferred upon the said William N. Shinn by this act.

Passed February 17, 1843.

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A further supplement to "An act concerning stray cattle, horses, and sheep," passed seventh March, seventeen hundred and ninety-seven.

WHEREAS it has been represented to the Council and General Assembly of the state of New Jersey, that the supplement to the act relative to estray cattle, horses, and sheep, passed twenty-eighth February, eighteen hundred and thirty-eight, which requires the township clerk of the different townships in each county to advertise such estrays in a newspaper published in the county, or if none, then in one published in the adjoining county, for the space of three weeks, is of great inconvenience to the inhabitants of the county of Atlantic, by reason of there being no newspaper printed in said county wherein to make advertisement, according to the said supplement—therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the inhabitants of the county of Atlantic be, and they are hereby declared to be exempt and free from the provisions of said supplement, and shall be discharged from the force and effect thereof, anything to the contrary in the same notwithstanding.

Inhabitants of Atlantic county exempt from provisions of act.

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

Act, when to take effect.

Passed February 17, 1843.

AN ACT to confirm the title to lands sold by Frazee Coles, administrator of the estate of Isaac W. Littell, deceased.

Preamble.

WHEREAS Frazee Coles, as administrator of the estate of Isaac W. Littell, deceased, late of the county of Essex, by virtue of the orders of the orphans court of the said county of Essex, made for that purpose, did, on the fourteenth day of September, A. D. one thousand eight hundred and thirty-eight, sell, at public vendue, to Joseph P. Tooker, since deceased, for the consideration of seven thousand and six hundred dollars, being a full price for the same, the real estate of the said Isaac W. Littell, in the said county of Essex, for the payment of his debts, consisting of a farm, situated in the township of Union, containing about one hundred and twenty-two acres; and did make and deliver to the said Joseph P. Tooker a deed for the said lands, bearing date the nineteenth day of September, A. D. one thousand eight hundred and thirty-eight, which is recorded in book C 5 of deeds, of Essex county, on pages 175, 176, 177;—and whereas it is alleged that the title to the said lands, intended to be conveyed by the said deed, is defective, by reason of certain irregularities in the said orders of the orphans court, and also because the said sale was not reported to and confirmed by the said orphans court, and a good and sufficient conveyance in the law directed by the said court to be made to the said Joseph P. Tooker—for remedy whereof, and in order to legalize the said sale, and confirm the title of the said Joseph P. Tooker, his heirs and assigns, to the said lands, intended to be conveyed by the said deed to the said Joseph P. Tooker,

Sale of real estate confirmed.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the sale of the real estate whereof Isaac W. Littell, late of the county of Essex, deceased, died seized, made by Frazee Coles, administrator, &c., of the said Isaac W. Littell, and the intended conveyance thereof to Joseph P. Tooker, by deed of conveyance from the said Frazee Coles, as administrator as aforesaid, to the said Joseph P. Tooker, bearing date the nineteenth day of September, one thousand eight hundred and thirty-eight, be, and they are hereby confirmed and declared to be valid and effectual in law, in like manner and to the same effect as if the orders for the sale of said lands by Frazee Coles, administrator as aforesaid, made by the orphans court of the county of Essex, were legal and valid; and also, as if the report of the said sale, as required by law, had been

made to, and confirmed by the said orphans court as valid and effectual in law, and the said administrator had been directed, by rule of said court, to execute a good and sufficient conveyance in the law to the said Joseph P. Tooker for the lands described in the said deed of conveyance; which said deed of conveyance is hereby declared to convey to and vest in the said Joseph P. Tooker, his heirs and assigns, at the time of the delivery of the said deed to the said Joseph P. Tooker, all the estate, right, title, and interest which the heirs-at-law of the said Isaac W. Littell, deceased, had therein at the time of the aforesaid sale.

Interest vested  
in purchaser.

Passed February 17, 1843.

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A further supplement to the act entitled, "An act respecting conveyances," and to an act entitled, "An act to register mortgages."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the governor of this state be, and he is hereby authorized to name, appoint, and commission one additional commissioner in each of the states of New York and Pennsylvania; which commissioner shall have the same power and authority as is now granted to commissioners appointed under and by virtue of the first section of an act entitled, "An additional supplement to the act entitled, an act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the third of November, eighteen hundred and thirty-six.

Appointment of  
additional com-  
missioners au-  
thorized.

Passed February 17, 1843.

AN ACT to incorporate the Union Total Abstinence Beneficial Society of Upper Penns Neck, Salem county, New Jersey.

Naines of corporators.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That David Smith, junior, James Denny, John P. Leap, William Sack, Samuel S. Thompson, James D. Simpkins, Jonathan Hannah, John K. Lowderback, John H. Simpkins, Thomas C. Price, Isaac Shute, Charles C. Holton, James Flanigin, Abel Biddle, David Zanes, John Burden, William Biddle, and such other persons as now are or hereafter shall become associates of the Union Total Abstinence Beneficial Society of Upper Penns Neck, Salem county, New Jersey, shall be, and they are hereby constituted and declared to be a body politic and corporate, in fact and in law, by the name of "the Union Total Abstinence Beneficial Society of Upper Penns Neck," Salem county, New Jersey.

Style of incorporation.

Powers and privileges.

Sec. 2. *And be it enacted,* That the said corporation, by such name, shall have perpetual succession, and be a body politic and corporate in law, capable of suing and being sued, pleading and being impleaded, defending and being defended, in all courts of law and equity; and may have a common seal, and may have power to alter the same at their pleasure, and, by their common seal, enter into and execute contracts and agreements; and such corporation shall have full power to make and adopt such laws and regulations as they may think proper, not inconsistent with the laws of the United States or of this state.

Capital stock, how applied.

Sec. 3. *And be it enacted,* That the capital stock of the said corporation shall not exceed the sum of five thousand dollars, which shall be applied to the nursing and attendance of members while sick, the purchase of necessaries for sick members, the payment of physicians' and surgeons' bills, the funeral expenses of deceased members, and such other incidental expenses as may be needful to further the objects of the said society.

How officers elected.

Sec. 4. *And be it enacted,* That the said corporation shall have power to elect, annually, or oftener, if necessary, out of their own body, a president and such other officers and assistants as shall be necessary for the proper management of the affairs of said corporation, according to their laws; and the president shall keep in his custody the common seal of the corporation, and deliver it over, at the end of his term of office, to his successors.

Sec. 5. *And be it enacted,* That the constitution and by-laws

of the said corporation shall be binding and imperative on the different members, and may be enforced by suit against defaulting members, in the corporate name of said company, before any court having competent jurisdiction; *provided*, that in all suits between the said corporation, and a member or members thereof, any of the said members may be witnesses for either party.

Constitution and by-laws, how enforced.

Sec. 6. *And be it enacted*, That the legislature may, at any time hereafter, alter, amend, modify, or repeal this act, as they may think proper.

Act may be altered, modified, or repealed.

Passed February 17, 1843.

AN ACT to repeal the act entitled, "A supplement to the act entitled, an act relative to the probate of wills."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled, "A supplement to the act entitled, an act relative to the probate of wills," passed the twenty-eighth of February, eighteen hundred and thirty-eight, be, and the same is hereby repealed.

Supplement to act repealed.

Passed February 17, 1843.

A further supplement to the act entitled, "An act securing to mechanics and others payment for their labour and materials in erecting any house or other building, within the limits therein mentioned," passed the third of March, eighteen hundred and thirty-five.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the provisions of the act to which this is a supplement, shall be extended to, and be in full force and effect

Provisions of former act extended.

within the limits of the city of Burlington, in the county of Burlington.

Act, when to  
take effect.

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

Passed February 20, 1843.

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AN ACT respecting the Paterson and Ramapo Railroad Company.

Preamble.

WHEREAS the Paterson and Ramapo Railroad Company was chartered in March, eighteen hundred and forty-one, and, on account of the depressed state of the money market, the commissioners have not deemed it expedient to open the subscription books for the stock thereof; and whereas it is proper that the said charter should be continued in existence—therefore,

Time for com-  
mencing road  
extended.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act entitled, "An act to incorporate the Paterson and Ramapo Railroad Company," passed the tenth day of March, in the year of our Lord one thousand eight hundred and forty-one, shall not become void if the said railroad shall not be commenced by the fourth day of July next, anything in the seventeenth section of the said act to the contrary notwithstanding.

Passed February 21, 1843.

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

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all the lands and premises now belonging to Zenas C. Crane, Caleb Crane, Moses P. Crane, and Nathaniel S. Crane, or any or either of them, and included within the boundaries mentioned in the first section of the act to which this is a further supplement, and every part thereof, shall be, and the same are hereby exempted and discharged from the effect and operation of the said act to which this is a supplement, and every section and clause thereof, as fully, to all intents and purposes, as though the same were not included within the boundaries aforesaid; *provided always,* that nothing in this act contained shall release or discharge the said lands and premises, or the owners thereof, from any assessment heretofore made in pursuance of the act to which is a further supplement.

Certain lands exempted from operation of former act.

Proviso.

Passed February 21, 1843.

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

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and is hereby authorized and required to pay John Beem, of the aforesaid county, a soldier in the service of the United States, in the Revolutionary war, or to his order, the sum of fifty dollars per annum, to be paid to the said John Beem, in half-yearly payments, from the passing of this act, during the lifetime of the said John Beem, the first payment to be made on the passage of this act; and

\$50 per annum to be paid to J. Beem.

the receipt of the said John Beem, or his order, shall be a sufficient voucher to the treasurer for such sums so paid as aforesaid, in the settlement of his accounts.

Passed February 22, 1843.

A further supplement to the act entitled, "An act concerning sheriffs," passed the eighteenth of March, seventeen hundred and ninety-six.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That where any sheriff, before the expiration of his term of office, shall die or remove out of the jurisdiction of this state, or otherwise become disabled by law to execute the duties of his office, having in his hands to be executed any writ or writs of execution, issued out of any court of law or equity in this state, and having, before such death, removal, or other disability, appointed, according to law, an under-sheriff, such under-sheriff may, after taking the oath of office required of him by law, and executing to this state a bond, in the manner directed by the act to which this is a supplement, proceed to execute all such writs of execution, to make or complete levies by virtue thereof, if the same have not been made or completed, to receive all moneys remaining due thereon, to make sale and disposition of all goods and chattels, lands and tenements, levied on by virtue thereof, either by himself or by the said sheriff, to make good and sufficient deeds of conveyance, sold by virtue of such execution, either by the said sheriff or under-sheriff, and to do and complete all other acts in the premises, in as full and ample a manner as the said sheriff might himself have done, subject to the same regulations and restrictions, and to the same penalties, suits, and amercements, for any neglect of duty thereon, and shall be entitled to the same fees and emoluments as are by law allowed to the sheriff.

SEC. 2. *And be it enacted*, That the bond to be executed by virtue of this act shall be, in all respects, similar to the bond mentioned in the second section of the act to which this is a

In case of death of sheriff, under-sheriff may perform duties.

Bond, how drawn.

supplement, except that, in the condition thereof, the words "under-sheriff" shall be substituted for the word "sheriff."

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

Passed February 22, 1843.

**AN ACT to incorporate the Temperance Beneficial Society of Bordentown, New Jersey.**

**WHEREAS** a number of the inhabitants of the county of Burlington have formed themselves into an association, or society, to which they have given the name of "the Temperance Beneficial Society of Bordentown," the object of which is mutual benevolence, by providing for themselves an honourable support, under such contingencies as Providence may permit, by raising a fund, to be applied towards the relief of such of the members thereof as shall, by sickness or bodily infirmity, or other cause, be rendered incapable of attending to their usual trade or calling, and, also, the decent interments of its deceased members;—and whereas it is believed an act of incorporation will promote the objects of said society, and add security to the property thereof— Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That John Higgins, Robert Idell, Thomas S. Field, John S. Hankins, Abraham Claypole, Jacob E. Moreton, William C. Carman, William Adams, George S. Bunting, and Israel Fraser, and all such other persons, not exceeding two hundred, as now are or may hereafter become members of said society, be, and they are hereby ordained, constituted, and declared to be a body corporate and politic in law, by the name, style, and title of "the Temperance Beneficial Society of Bordentown, New Jersey;" and, by that name, they and their successors shall have continued succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, in all man- Names of incorporators.

Style of incorporation.

Powers and privileges.

ner of actions, suits, complaints, and causes whatsoever; and that they and their successors may have and use a common seal, and shall have power to change and alter the same at pleasure; and, by their name aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching or concerning the objects of the said incorporation.

Officers of corporation, how elected.

Sec. 2. *And be it enacted*, That, for the more effectual accomplishment of the objects of the said incorporation, there shall be a president, vice president, secretary, assistant secretary, treasurer, three or more stewards, an investigating committee of three, and messenger, and all such other officers and assistants as shall be deemed necessary; all of whom shall be elected annually, by ballot, except the stewards and the investigating committee, who shall be chosen every four months, at such times and places as the said corporation shall, by their constitution and by-laws, from time to time appoint.

What real and personal estate may be held.

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

Proviso.

May make constitution and by-laws.

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

Proviso.

Objects of incorporation.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated, shall be the relief of its respective members, when sick or disabled by bodily infirmities from pursuing their ordinary avocations, the payment of

the expenses incident to the decent interment of deceased members, or the deceased wives of members, as provided in the constitution and by-laws of said society, and such other necessary expenses as shall accrue by carrying into effect the objects set forth in the preamble, and in this and the foregoing sections of this act; and no part of the funds of said corporation shall be used for banking purposes, or in any other way except as provided for in this act.

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

Act, when to take effect.

Passed February 22, 1843.

AN ACT to repeal the charters of certain banks therein named.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the following acts of the Council and General Assembly of this state, viz:

Charters of banks repealed.

“An act to incorporate the Franklin Bank of New Jersey,” passed December twenty-eighth, one thousand eight hundred and twenty-four;

“An act to incorporate the Monmouth Bank,” passed December twenty-eighth, one thousand eight hundred and twenty-four;

“An act to incorporate the Wehawk Banking Company,” passed December twenty-eighth, one thousand eight hundred and twenty-four;

“An act to incorporate the Manufacturers Bank at Belleville,” passed February twenty-sixth, one thousand eight hundred and thirty-four;

“An act supplementary to an act to incorporate the Belvidere and Delaware Railroad Company,” passed February seventh, one thousand eight hundred and thirty-seven;

“An act to incorporate the Citizens and Mechanics Bank of Elizabeth,” passed February twenty-fourth, one thousand eight hundred and thirty-seven;

“An act to incorporate the Bank of New Jersey,” passed February twenty-fourth, one thousand eight hundred and thirty-seven;

“An act to incorporate the Hamburg Bank,” passed March ninth, one thousand eight hundred and thirty-seven;

And so much of the act entitled, “An act to incorporate the Bergen Port Company,” passed March seventh, one thousand eight hundred and thirty-seven, as confers upon the company incorporated thereby the privilege of banking, be, and the same are hereby severally repealed; *provided always*, that nothing herein contained shall prevent a recovery, by or from any of the said corporations, in legal form, of moneys due and owing (if any) to or from either of them, or to preclude the directors from finally settling the affairs of said corporations, if they have commenced business.

Act, when to  
take effect.

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

Passed February 22, 1843.

#### AN ACT respecting poor lunatics and idiots.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall be the duty of the overseers of the poor of the several townships in each and every county in this state, to make out and furnish to the board of chosen freeholders of the county in which said townships are situated, a list of all the poor lunatics and idiots within the bounds of their townships, stating the age of such lunatics or idiots, when such lunacy commenced, what means (if any) they have for support, with all other facts connected with each case, calculated to give information of their actual state and condition.

Overseers of the  
poor to furnish  
list of idiots and  
lunatics.

Sec. 2. *And be it enacted*, That the said board of chosen freeholders shall, at their annual meeting, cause an examination to be made into the condition and circumstances of such idiots and lunatics; and if it shall appear to them that there is reasonable ground to believe that any of such persons can be restored to their right mind, it shall be their duty to cause such persons, under a warrant, signed by the director of the board,

Lunatics and  
idiots, how to  
be supported.

to be taken to a lunatic asylum in one of the adjoining states of New York or Pennsylvania, and there supported at the expense of such county, for such time as they may deem necessary and expedient for a fair trial to recover such person; *provided* they can be maintained at such asylums at the same rates at which they respectively maintain the pauper lunatics of the several states in which they are situated. Proviso.

Sec. 3. *And be it enacted*, That it shall and may be lawful for such board of chosen freeholders, to appoint a committee of said board to act in the intervals between the fixed and general meetings, if they shall deem it expedient so to do, of such number and with such powers as they shall deem proper. Board of freeholders to appoint committee.

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

Passed February 22, 1843.

A supplement to the act entitled, "An act to incorporate the Hoboken Land and Improvement Company," passed February twenty-first, eighteen hundred and thirty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That, whenever at a meeting of the stockholders of the Hoboken Land and Improvement Company, convened at their office at Hoboken for that purpose, upon ten days' notice, by advertisement in one of the newspapers published in the county of Hudson or Essex, of the time and place, it shall and may be lawful for the stockholders holding seven-eighths of all the stock of the said company, by a resolution, to be adopted at such meeting, to alter and reduce the par value of the shares of the capital stock of the said company from one hundred dollars to thirty dollars, each share. Par value of shares may be reduced.

Passed February 22, 1843.

AN ACT further supplementary to an act entitled, "An act concerning divorces."

Preamble.

WHEREAS doubts have arisen in the construction of the act to which this is a supplement, as to the jurisdiction of the court of chancery in cases of divorce, more definitely provided for by this act—therefore,

Jurisdiction of court of chancery.

Proviso.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the act to which this is a supplement, shall be construed so as to give to the court of chancery jurisdiction of all causes of divorce, and of alimony, or maintenance, in cases of desertion, by the said act directed and allowed; *provided* the complainant or defendant shall be a resident of this state at the time of the filing of the bill of complaint, and the complainant or defendant shall have been a resident of this state for the term of five years, during which such desertion shall have continued.

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

Passed February 22, 1843.



A further supplement to the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the prerogative court, and to establish an orphans court in the several counties of this state."

Proceedings in case of reversal of decree of orphans court by supreme court.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That in all cases where a decree of any orphans court, on the final settlement or allowance of the accounts of executors, administrators, guardians, or trustees, or any final decree of such orphans court, shall be removed into the supreme court by certiorari, and the said decree shall, by the judgment of the supreme court, be reversed, vacated, or set

aside, it shall and may be lawful for the supreme court to direct their clerk to audit and restate the said accounts, and report the same to the said supreme court for settlement and allowance; and the supreme court may proceed to decree thereon, in the same manner as the said orphans court might have done in case the said accounts or proceedings had not been removed into the supreme court; and the sentence or decree of the supreme court shall have the same force and effect as if the same had been made by the said orphans court; and the said accounts, so restated and allowed by the supreme court, together with a copy of the sentence or decree thereon, shall be thereupon transmitted to the orphans court to which such writ of certiorari may have been directed; which court shall thereupon proceed and enforce, or carry into effect, such judgment, sentence, or decree of the supreme court, in the same manner as if the same had been made and rendered in the said orphans court.

Sec. 2. *And be it enacted*, That if any minor or minors shall become seized or possessed of, or entitled to any real or personal estate in the lifetime of the father of such minor or minors, it shall and may be lawful for the ordinary or surrogate general, or for the orphans court of the county where such minor or minors reside, or such real or personal estate may be, to appoint the father or other suitable person or persons guardian or guardians of the estate of such minor or minors.

Guardian of estate of minors, how appointed.

Sec. 3. *And be it enacted*, That the provisions of the eleventh section of the act to which this is a supplement, shall be construed to extend to all moneys in the hands of executors, administrators, trustees, or guardians, which they are or may be lawfully required to retain, whether the same belong to minors, legatees, or to any other person or persons whomsoever.

Act, when to take effect.

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

Passed February 22, 1843.

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

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

\$40,000 to be raised by tax.

Proportions to be raised by the several counties.

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

The county of Bergen shall pay the sum of thirteen hundred and thirty-four dollars.

The county of Hudson shall pay the sum of eight hundred and twenty dollars.

The county of Essex shall pay the sum of thirty-five hundred and fifty-two dollars.

The county of Passaic shall pay the sum of ten hundred and twenty-four dollars.

The county of Morris shall pay the sum of thirty-one hundred and thirty-six dollars.

The county of Sussex shall pay the sum of twenty hundred and twenty-five dollars.

The county of Warren shall pay the sum of twenty-one hundred and eighty-five dollars.

The county of Hunterdon shall pay the sum of thirty-one hundred and two dollars.

The county of Somerset shall pay the sum of twenty-five hundred and ten dollars.

The county of Middlesex shall pay the sum of twenty-seven hundred and thirty-two dollars.

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

The county of Burlington shall pay the sum of thirty-eight hundred and ten dollars.

The county of Gloucester shall pay the sum of twenty-nine hundred and twelve dollars.

The county of Cumberland shall pay the sum of fifteen hundred and eighty-six dollars.

The county of Salem shall pay the sum of twenty-one hundred and fifty-six dollars.

The county of Cape May shall pay the sum of six hundred and forty-six dollars.

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

The county of Mercer shall pay the sum of twenty-two hundred and eighty dollars.

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

Enumeration of articles taxed at specific sums.

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

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

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

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

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

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

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

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

All clover mills, any sum not exceeding ten dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

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

All woollen manufactories, any sum not exceeding ten dollars.

All carding machines, propelled by water or steam, and not connected with any cotton or woollen manufactory, any sum not exceeding three dollars.

All cupola furnaces, any sum not exceeding fifteen dollars.

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

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

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

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

All paper mills, any sum not exceeding three dollars for each engine.

All snuff mills, any sum not exceeding nine dollars.

All starch factories, any sum not exceeding ten dollars.

All powder mills, any sum not exceeding fifteen dollars.

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

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

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

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

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

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

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

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

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

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

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

Every covered riding wagon, any sum not exceeding seventy-five cents.

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

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

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

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

Every earthen or stone ware manufactory, any sum not exceeding seven dollars and fifty cents.

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

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

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

Tax of single men.

Proviso.

Sec. 5. *And be it enacted*, That it shall be the duty of the assessors to assess all manufacturers, millers, lumber, wood, coal, and other merchants, of whatever kind not hereinbefore mentioned, according to the extent of their operations and the capital employed, as other certainties named in this act are taxed.

Manufacturers, &c., not herein specified, how to be taxed.

Sec. 6. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a just and true valuation of all the real estate made liable by law; and that the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Duty of assessor.

Sec. 7. *And be it enacted*, That the said sum of forty thousand dollars shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on them enjoined thereby, under the pains and penalties for neglect of duties imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before mentioned acts.

Manner of assessing, levying, and collecting.

Fees of officers.

Act, when to  
take effect.

Sec. 8. *And be it enacted*, That this act shall go into operation, and be in full force, immediately after the passage thereof.

Passed February 22, 1843.

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AN ACT to authorize repairs to the New Jersey state arsenal.

Repairs to arse-  
nal authorized.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the quartermaster general be, and he is hereby authorized to make such alterations, improvements, and repairs to the New Jersey state arsenal, for the preservation of the arms, ordnance, and accoutrements, as in his opinion may be deemed necessary; and that the treasurer pay the same out of any moneys in the treasury, not otherwise appropriated, upon certificate of the commander-in-chief, provided the amount shall not exceed three hundred dollars.

Passed February 22, 1843.

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A further supplement to an act entitled, "An act to secure to creditors an equal and just division of the estates of debtors, who convey to assignees for the benefit of creditors," passed the twenty-third of February, eighteen hundred and twenty.

Orphans court  
may direct as-  
signee to give  
further security.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever the security given by any assignee, under and by virtue of the third section of the act to which this is a supplement, shall be insufficient at the time of

giving the same, or shall afterwards become insufficient, then it shall be the duty of the orphans court of the county in which the assignor resided at the time of making the assignment, to order and direct such assignee to give such further or other security to the ordinary, by bond in the usual form, as to the said court, after hearing the objection of creditors or persons concerned, shall seem proper; and if it should appear, upon examination, that any assignee hath embezzled, wasted, or misapplied all or any part of the estate assigned to him, or shall neglect or refuse to give such additional security as may be ordered, then and in every such case, the said court shall proceed to remove said assignee, and appoint some suitable person or persons in his stead, to fulfil the trusts contained in the deed of assignment, who shall give bond, with security, in manner aforesaid, and shall thereupon have all the power and authority of the said assignee under the deed of assignment, and be subject to the same duties and liabilities; and the assignee so appointed by the orphans court shall have actions of trover, detinue, or on the case, for such goods, chattels, or moneys as came to the possession of the assignee so removed as aforesaid, and shall be retained, wasted, embezzled, withheld, or misapplied, and no satisfaction made for the same.

Proceedings in case of refusal to give further security.

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

Act, when to take effect.

Passed February 22, 1843.

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AN ACT to divorce Stephen Budd from his wife Susan Elizabeth Budd.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Stephen Budd, of the county of Morris, be, and he is hereby divorced from his wife Susan Elizabeth Budd, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved.

S. Budd divorced from his wife.

Passed February 23, 1843.

AN ACT to authorize James S. Springer, guardian of Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, to release their right to certain real estate.

Preamble.

WHEREAS Joseph Moore and Mary his wife, late of the county of Salem, in their lifetime, made an agreement with "the Trustees of the Methodist Episcopal Church of the township of Upper Penns Neck," in said county, to convey to the said trustees, in their corporate capacity, and their successors, in fee-simple, a certain lot of land, situate in said township, and bounded as follows: beginning in the road leading from Pedricktown to Perkindown, and runs, first, south, seventy degrees east, three chains and seventy-five links; thence, second, south, twenty degrees west, two chains and seventy links; thence, third, north, seventy degrees west, three chains and seventy-five links, to the said road; thence, along the same, fourth, north, twenty degrees east, two chains and seventy links, to the place of beginning, containing one acre, for the purpose of a cemetery;—and whereas, in consequence of said agreement, the said trustees took possession of said lot of land, and laid the same out as a cemetery;—and whereas the said lot has been since used as a place of burial, and numerous interments of deceased persons have been made therein;—and whereas the said Joseph Moore and Mary his wife, since making the said agreement, have departed this life without executing a deed for said lot of land, so that the legal title thereto is now vested in Rebecca Dolbow, the wife of George Dolbow, Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, the children and heirs-at-law of the said Mary Moore, deceased, four of whom, that is to say, Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, are minors;—and whereas, in consequence of the minority of the said heirs, no legal conveyance for said lot of land can be now made; and the trustees, the said George Dolbow and Rebecca his wife, and James S. Springer, the guardians of the four minor children, have, by their petition, prayed legislative aid in the premises; and the said petition appearing to be reasonable—therefore,

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That James S. Springer, guardian of Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, be, and he is hereby authorized and empowered to execute a release to the said "the Trustees of the Methodist Episcopal

J. S. Springer  
authorized to  
release certain  
real estate.

Church of the township of Upper Penns Neck," in the county of Salem, and their successors, of all the right, title, and interest that the said Lydia Moore, Robert Moore, Joseph Moore, and Mary Ann Moore, or either of them, now have in and to the hereinbefore described lot of land.

Passed February 23, 1843.

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AN ACT to authorize the inhabitants of the township of Morris, in the county of Morris, to vote by ballot at their town meetings.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the inhabitants of the township of Morris, in the county of Morris, who are or shall be entitled to vote at town meetings, shall, at their town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect at such town meetings, determine the amount of money to be raised for such purposes as are or may be authorized by law, and also the amount of tax to be levied upon dogs, the sum to be allowed, per day, for labour upon roads, and appoint the place or places for holding their town meetings and election for state and county officers, by ballot, and not otherwise; and at their next annual town meeting, to be held after the passing of this act, the number of assessors, collectors, constables, and other township officers to be then elected by them, shall be the same as were elected at their last annual town meeting; and shall also, at the same time and in the same manner, determine how many assessors, collectors, constables, overseers of the poor, pound-keepers, and other township officers, the number of which is not fixed by law, shall be chosen for said township at the ensuing annual town meeting.

Elections, &c.,  
in Morris township to be by ballot.

Sec. 2. And be it enacted, That Richard W. Stites, Isaac Bird, and Theodore Johnes, of the said township, shall be the board of election at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor, and collector, of each year, shall constitute a board of election for the succeeding annual town meeting and all special town meetings that may be held during the year; and the said board shall be empowered to determine who are by

Board of election, how constituted.

law entitled to vote at such meetings, and shall be vested with the same powers, be liable to the same penalties, and governed by the same rules in conducting the election at such meetings, as at the annual county or state election, so far as the same are applicable; and if at any such annual town meeting, two or more assessors or collectors are to be chosen, the voters at such election shall, upon their ballots, designate which of the persons so chosen shall act as one of the judges of election; and only the assessor and collector so designated shall be deemed and taken to be members of the board of election within the meaning of this act.

Vacancies in board of election, how supplied.

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

Oath of members of board of election.

Sec. 4. *And be it enacted*, That previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each of the members of the board of election:

“You do swear, (or affirm) that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you shall challenge and refuse to receive the same, unless you shall be made fully satisfied that he is legally entitled to vote therein.”

Mode of conducting election.

Sec. 5. *And be it enacted*, That the poll shall open at nine o'clock in the forenoon, and close at seven in the afternoon, on the day appointed by law for holding the annual town meeting, at the house now occupied by Charles Colbath, innkeeper in Morristown, at which place the next annual meeting of the inhabitants of said township shall be held; and that immediately upon the closing of the poll, the board of election and clerk shall, without adjournment or delay, proceed in an open and public manner to count the votes given, and determine the result of said election, which shall be recorded by the clerk in the minutes of said town meeting; which record shall be

signed by said board of election, or a majority of them, and by the said clerk.

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

Election may be adjourned.

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

Plurality of votes to determine.

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

Ties, how determined.

Vacancies, how supplied.

Sec. 9. *And be it enacted*, That it shall be the duty of the township committee to meet, at least twelve days before the day of town meeting, and prepare a report, as now directed by law; and it shall be the duty of said township clerk to attend said meeting of the committee, and to cause said report to be published, at least six days prior to the next town meeting, in a newspaper circulating in said township.

Township committee to prepare report.

Sec. 10. *And be it enacted*, That the school committee shall also publish such reports as they are now required by law to make, in a newspaper circulating in the township, at least six days before the annual town meeting, and that the expenses of such publication shall be defrayed by the township.

School committee to publish report.

Officers not disqualified by being candidates. Sec. 11. *And be it enacted*, That none of the said board of election, or clerk, shall be incompetent to act, by reason of his being a candidate for any office to be voted for at such township election.

Act, when to take effect.

Sec. 12. *And be it enacted*, That this act shall go into operation immediately after its passage.

Passed February 23, 1843.

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AN ACT to authorize the inhabitants of the township of Dennis, in the county of Cape May, to vote by ballot at their annual town meetings.

Elections, &c., in Dennis township to be by ballot.

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

Board of election, how constituted.

Sec. 2. *And be it enacted*, That the judge of election, assessor, and collector, of the year eighteen hundred and forty-two, shall be the board of election at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor, and collector, of each year, shall constitute a board of election for the succeeding annual town meeting, and all special town meetings that may be held during the year; and the said board, of which the said judge shall be chairman, shall be empowered to determine who are by law entitled to vote at such town meetings, and shall be invested with the same powers, be liable to the same penalties, and governed by the same rules, in conducting the election at such meeting as at the annual state and county elections, so far as the same are applicable.

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

Vacancies in board of election, how supplied.

Sec. 4. *And be it enacted*, That previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each member of the board of election:

“You do swear, (or affirm) that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge and refuse to receive the same, unless you shall be fully satisfied that he is legally entitled to vote therein.”

Oath of members of board of election.

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

Mode of conducting election.

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

Election may be adjourned.

Sec. 7. *And be it enacted*, That a plurality of the votes cast shall be sufficient to elect any and all officers voted for, and determine all other matters which are herein directed to be decided by ballot.

Plurality of votes to determine.

Sec. 8. *And be it enacted*, That in case of a tie between two candidates for the same office, or between two sums of money voted for, or in any other matter, the township committee, or a majority of them, shall decide; and in case of a neglect or

Ties, how determined.

Vacancies, how supplied.

inability to serve, on the part of any officer elected, the said committee, or a majority of them, shall, by writing under their hands and seals, appoint a person to fill the vacancy; and in case they shall fill such vacancy by their own appointment, they shall give personal notice to, or cause notice in writing to be left at the place of abode of the person so appointed of his appointment, within five days after making the same; and also, within that time, transmit an account of such appointment to the clerk of the court of common pleas of said county.

Sec. 9. *And be it enacted*, That any matters which by neglect or failure shall not be determined upon, and which by law said town meeting is empowered to determine, shall be decided by the township committee or a majority of them; and they shall declare their determination, by resolution, upon any such matter, and have the same entered on the town book in which the minutes of the town meeting shall have been kept.

Compensation to officers.

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

Township committee to prepare report.

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

Act, when to take effect.

Sec. 12. *And be it enacted*, That this act shall go into operation immediately after its passage.

Passed February 23, 1843.

AN ACT to authorize the sale of the real estate of Jonathan Beach, deceased, late of the county of Essex.

WHEREAS the widow and children of Jonathan Beach, deceased, late of the township of Caldwell, in the county of Essex, have represented to the legislature that the said Jonathan Beach, in and by his last will and testament, gave to his wife the use and occupation of his homestead farm, as long as she should continue his widow, and directed that all his out lands, lying partly in the county of Essex, and partly in that part of the county of Bergen which has since been erected into the county of Passaic, should be sold, as soon as might be, without making a sacrifice of the same; that one-third of the proceeds arising from such sale should be safely invested, and the interest thereof paid, annually, to his said wife, during her natural life, and that the remainder thereof, after payment of debts and legacies, should be equally divided among his seven children; and that his daughter, Mary Davenport, should have the use of her share during her life, and that at her death it should go to her children, to be equally divided when they should come of age; and also directed that, at the decease of his wife, his homestead farm should also be sold, and the proceeds applied and disposed of in the same manner as those of his out lands; that the said testator died seized of other lands and real estate in the counties of Essex and Passaic, which he acquired after the making of his said last will and testament; that one of the children of the said testator has died intestate and without issue, and another of the said children is now under age; and that there are doubts whether the executors are authorized or empowered by the said will to make sale of the said real estate, and have prayed the aid of the legislature in the premises—therefore,

Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That John Munn, of the township of Bloomfield, in the county of Essex, and Stephen I. Gould, of the township of Caldwell, in said county, be, and they hereby are appointed trustees, with full power and authority to sell all the lands and real estate of which the said Jonathan Beach died seized, at such time or times, and in such manner, as they shall deem most for the benefit of the persons interested therein; *provided always,* that no part of the homestead farm of the said Jonathan Beach shall be sold without the written consent of his widow, during the continuance of her widowhood; and that

Trustees authorized to sell real estate.

the said trustees shall make report, in writing, of every such sale to the orphans court of the county in which the real estate sold is situate, at its next stated term thereafter, for confirmation; and if such sale be confirmed by the said court, the said trustees, or the survivor of them, shall and may execute and deliver to the purchaser or purchasers a deed or deeds for the real estate so sold, which shall transfer to and vest in the said purchaser or purchasers all the right, title, and interest of the said Jonathan Beach, at the time of his death, of, in, and to the real estate so sold and conveyed.

Trustee to enter into bond to the governor.

Sec. 2. *And be it enacted*, That the said trustees, before they enter upon the execution of the trust hereby reposed in them, shall enter into bond to the governor of this state, in such sum and with such sureties as the surrogate of the county of Essex shall direct and approve, conditioned for the faithful performance of the said trust, which bond shall be filed in the office of the said surrogate; and that they shall, within six months after the sale of any part of the said real estate shall be completed, exhibit, under oath or affirmation, to the orphans court of the county in which the real estate sold is situate, a just and true account of the said sale, and of the costs, charges, and expense thereof, which account the said court shall examine, adjust, and settle, and the same shall then be filed in the office of the surrogate of the said county; and the said court shall also determine and allow the compensation of the said trustees for the execution of the trust reposed in them by this act, so far as relates to the real estate so sold.

To exhibit account of sales.

Proceeds of sales, how to be disposed of.

Sec. 3. *And be it enacted*, That it shall be the duty of the said trustees, or the survivor of them, to invest or keep at interest, on good and sufficient security, one equal third part of the net proceeds arising from the sale of the said real estate, after deducting the costs, charges, expenses, and compensation aforesaid, and to pay the income or interest thence arising, annually, to the widow of the said Jonathan Beach, during her natural life; and in like manner to invest or keep at interest, on good and sufficient security, the one equal ninth part of said net proceeds, and pay the income or interest thence arising, annually, or oftener, to the said Mary Davenport, during her natural life, and, after her decease, to pay to each of her children his or her equal share of such income or interest, until he or she shall attain to the age of twenty-one years, and to then pay to him or her his or her equal share of the principal, and to divide the residue of the said net proceeds equally among the other five children of the said testator, according to and in pursuance of the provisions of the said last will and testament; and, upon the death of the widow of the said Jonathan Beach, to dispose of and apply the one-third part of said net

proceeds, directed to be invested or kept at interest for her use, in the same manner as the other two-thirds thereof are herein directed to be disposed of and applied; *provided always*, Proviso, that if the homestead farm of the said Jonathan Beach shall be sold with the consent of his widow, the whole of the net proceeds arising from the sale thereof, shall be invested or kept at interest, and the income or interest thence arising shall be paid to the said widow, or to such person as she shall direct, during her widowhood.

Passed February 22, 1843.

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A supplement to the act entitled, "An act directing bills of exceptions to be sealed," passed the seventh day of March, seventeen hundred and ninety-seven.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever any bill or bills of exceptions shall have been duly prayed and sealed, upon the trial of any issue or issues out of the supreme court, at any circuit court hereafter to be held in this state, it shall and may be lawful for the party who has prayed such bill or bills, to move, at the bar of the supreme court, for a new trial upon any matters of law mentioned or contained in, or arising upon the said bill or bills of exception, without being required to waive or relinquish such bill or bills; and if, after argument at the bar of the supreme court, a new trial shall be refused by that court, on the grounds mentioned or contained in such bill or bills of exception, or upon the matters of law arising thereon, the party having such bill or bills of exception shall have the benefit of such exceptions upon a writ of error, in the same manner as he might have had if no application had been made to the supreme court for a new trial upon the matters mentioned or contained in such bill or bills of exception.

Bills of exceptions not to be waived or relinquished on application for new trial.

Sec. 2. *And be it enacted*, That this act shall take effect and be in force immediately after the passage hereof.

Act, when to take effect.

Passed February 23, 1843.

AN ACT to divorce Sarah Tomlinson from her husband David  
B. Tomlinson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Sarah Tomlinson, of the county of Salem, be, and she is hereby divorced from her husband David B. Tomlinson, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved; *provided however,* that nothing herein contained shall be construed or taken to render the issue of said marriage illegitimate.

S. Tomlinson  
and D. B. Tomlinson divorced.

Passed February 23, 1843.

A further supplement to an act entitled, "An act to regulate  
elections."

Preamble.

WHEREAS the act to which this is a supplement is, by the inspectors of elections in various parts of this state, differently construed with respect to the tax necessary to be paid to entitle persons to vote at such elections—therefore,

Amount of tax  
to be paid.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That so much of the law as relates to the tax required to be paid by persons offering to vote, shall be so construed as to mean the whole tax assessed against such person, in the ward, township, or borough where such person resides at the time of the assessment of such tax, except the road tax, in those townships where it is separately assessed.

Passed February 23, 1843.

AN ACT to divorce Eliza Codington from her husband Benjamin Codington.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Eliza Codington, of the county of Somerset, be, and she is hereby divorced from her husband Benjamin Codington, and that the marriage contract now existing between them be, and the same is hereby absolutely dissolved. E. and B. Codington divorced.

Passed February 23, 1843.

AN ACT to authorize the administrators of James Stoy, deceased, to convey real estate.

WHEREAS it is represented to the legislature that Daniel R. Stoy was a joint purchaser with Joshua B. Fennimore and James Stoy, late of the county of Gloucester, deceased, of certain lands, particularly mentioned and described in a deed of conveyance bearing date on the twenty-sixth day of January, in the year of our Lord one thousand eight hundred and thirty-eight, from Solomon S. Chester and Ruth E. Chester, his wife, to the said Joshua B. Fennimore and the said James Stoy, deceased; and was also a joint purchaser with the said Joshua B. Fennimore and the said James Stoy, deceased, in certain other lands, particularly described in a deed of conveyance bearing date on the twenty-fifth day of September, in the year of our Lord one thousand eight hundred and thirty-seven, from Thomas Bee, acting executor of Charles Wilkins, deceased, the said Daniel R. Stoy having paid one-third of the purchase money; and the said conveyances having been made to the said Joshua B. Fennimore and James Stoy, for the use of themselves and the said Daniel R. Stoy; and the said Joshua B. Fennimore and James Stoy having neglected, during the lifetime of the said James Stoy, to convey to the said Daniel R. Stoy;—and whereas the said James Stoy, deceased, did, on the twenty-fifth day of January, in the year of our Preamble.

Lord one thousand eight hundred and forty-one, contract with James Dobbs for the sale and conveyance of a certain house and lot, situate in the township of Newton, in the county of Gloucester, containing two acres, more or less, and described in a deed of conveyance from Joseph Farrow and Hester his wife to the said James Stoy, bearing date on the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and thirty-seven; and the said James Dobbs hath the possession of said house and lot, and hath greatly improved the same;—and whereas the said James Stoy did, on the seventeenth day of October, in the year of our Lord one thousand eight hundred and forty, enter into a contract with William Jackson for the sale of a certain lot of land, situate in the township of Union, in said county of Gloucester, containing five acres and thirty-five hundredths of an acre; and, in pursuance of such contract, the said William Jackson hath paid a part of the purchase money, and hath improved the said lot of land and premises, and erected a comfortable dwelling-house thereon;—and whereas the said James Stoy, on the said seventeenth day of October, in the year of our Lord one thousand eight hundred and forty, entered into a contract with John Fossett for the sale of a certain lot of land, situate in the said township of Union, adjoining the above lot, containing four acres, more or less, on which said contract the said John Fossett hath paid a part of the purchase money, and improved the same; and the said James Stoy having prepared deeds of conveyance from himself and Margaret his wife to the said William Jackson and the said John Fossett, but departed this life before the execution thereof;—and whereas it is further represented to the legislature, that it will be to the interest of all parties concerned that conveyances should be made in pursuance of the agreements and contracts of the said James Stoy, deceased, who has left children under the age of twenty-one years; and the said Daniel R. Stoy, James Dobbs, William Jackson, and John Fossett having, by their memorial, prayed the aid of the legislature in the premises, and the same appearing to be reasonable and just—therefore,

*Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Jacob L. Rowand and Joseph C. Stoy, administrators of the said James Stoy, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said Daniel R. Stoy a good and sufficient title for one-sixth part of the said premises, purchased jointly by*

Administrators  
authorized to  
convey real estate.

the said Joshua B. Fennimore, James Stoy, and Daniel R. Stoy.

Sec. 2. *And be it enacted*, That the said administrators be, and they are hereby authorized and empowered to make, execute, and deliver good and sufficient deeds of conveyance to the said James Dobbs, William Jackson, and John Fossett, for the several tracts of land and premises before mentioned, upon their compliance with the terms and conditions of the original contracts of sale; and the conveyances made by the said administrators shall have the same force and effect as though they were executed and delivered by the said James Stoy in his lifetime.

To make good and sufficient deeds, &c.

Passed February 23, 1843.

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AN ACT to divorce Mary Ackerson from her husband Daniel Ackerson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Mary Ackerson, of Sussex county, be, and she is hereby divorced from her husband Daniel Ackerson, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

M. and D. Ackerson divorced.

Passed February 23, 1843.

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AN ACT to incorporate the Mercer Cemetery at Trenton.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Charles C. Yard, Joseph C. Potts, Samuel

Names of corporators.

Style of incorporation.

Powers and privileges.

Lloyd, Alexander H. Armour, David Witherup, Joseph A. Yard, and their associates, and all and every the persons who now are or may hereafter become members of the association, styled the Mercer Cemetery at Trenton, and their successors, shall be, and they are hereby created and declared a body corporate, by the name and style of "the Mercer Cemetery at Trenton," and by that name shall have perpetual succession, and shall be capable in law to hold and dispose of lands, not exceeding five acres; to sue and be sued, plead and be impleaded, in any court of law or elsewhere; to ordain, pass, and put into execution all such by-laws, rules, and regulations, not contrary to the constitution and laws of the United States or of this state, or to this act, as shall be necessary and convenient for carrying into effect the object of the association; and generally to do all and singular the matters and things which shall lawfully appertain to them to do for the improvement and ornament of the grounds, and the due management and regulation of the affairs thereof.

Affairs to be conducted by five managers.

Sec. 2. *And be it enacted*, That the affairs of the association shall be under the control of five managers, to be elected from among and by the members, in such manner and at such times as the by-laws made in pursuance of this act shall specify, the first election to take place on the first Monday in April next.

Passed February 23, 1843.

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AN ACT to authorize the sale of certain real estate, formerly of Josiah Congar, deceased.

Preamble.

WHEREAS it is represented to the legislature that Josiah Congar and Elizabeth his wife, during their lifetime, did convey to two of their grandchildren, viz: Josiah C. Miller and Elizabeth C. Miller, by deed, a lot of land containing thirty feet six inches front on Court-street, in the city of Newark, and seventy-six feet deep, which, by reference to said deed will more fully appear, bearing date December, one thousand eight hundred and twenty-four; and that the said Josiah C. Miller has intermarried with Emeline Gibbs, of Connecticut, and is of full age, and that the said Elizabeth C. Miller, hav-

ing intermarried with John B. Dean, has recently deceased, leaving an infant child, named Mary Elizabeth Dean, under the care of her surviving father;—and whereas the aforesaid lot of land is entirely unproductive, and the same can now be advantageously sold, if a good title in fee-simple can be made to the purchaser, and that it is for the interest of all parties concerned that the same should be so sold and conveyed at this time—therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Abraham Miller, of the city of Newark, in the county of Essex, be, and he is hereby appointed trustee, with full power and authority to sell, at public or private sale, for the highest price that can be obtained for the same, the afore mentioned lot of land, and to make, execute, and deliver, to the purchaser or purchasers thereof, a good and sufficient deed of conveyance for the same; which deed of conveyance shall vest in the purchaser or purchasers thereof, all the estate, right, and title in and to the same, which Josiah C. Miller now has, and which John B. Dean and Elizabeth his wife had during the lifetime of the said Elizabeth.

Trustee authorized to sell real estate.

Interest vested in purchaser.

Sec. 2. *And be it enacted,* That after the sale of the said lot of land, the said trustee shall, after deducting reasonable expenses, pay one half of the proceeds of said sale to Josiah C. Miller, and the other half thereof to John B. Dean, to be expended in the maintenance and support of Mary Elizabeth Dean, the infant child of Elizabeth C. Miller aforesaid.

Proceeds of sale, how to be disposed of.

Sec. 3. *And be it enacted,* That the said Abraham Miller, before he proceed to exercise the power and authority vested in him by this act, shall enter into bond to the ordinary of this state, in the penal sum of two hundred and fifty dollars, with one or more sureties, to be approved by the surrogate of the county of Essex, conditioned for the faithful performance of the trust reposed in the said Abraham Miller by this act; and that he will well and truly apply the moneys arising from the sale of said lot of land in the manner herein directed; and the said bond shall be filed in the office of the said surrogate, and shall be good to all intents and purposes, and pleadable in any court of justice; and if the same become forfeited, it shall be lawful for the ordinary to cause the same to be prosecuted at the request and for the benefit, and at the cost, of any person or persons aggrieved by such forfeiture.

Trustee to give bond.

Passed February 23, 1843.

AN ACT to authorize Squire Terrell and William D. Stewart, trustees, &c., to deliver up, to be cancelled, a certain note, or bond, therein named.

Preamble.

WHEREAS it has been represented to the legislature, by the petition of Sarah Smith, widow of Cornelius Smith, late of Somerset county, deceased, and guardian of the minor children of said Cornelius Smith, and Nathaniel Pennington and James Pennington, surviving executors of John Pennington, deceased, that the said Cornelius Smith died seized of a farm, of about one hundred and nineteen acres of land, in the township of Warren, in the county of Somerset, leaving a widow and four infant children; and that on the tenth day of November, eighteen hundred and thirty-five, the legislature of this state passed an act authorizing Squire Terrell and William D. Stewart to sell and dispose of said real estate; and, among other things, directed them to pay, under the direction of the orphans court, so much of the interest and principal of two-thirds of the net proceeds thereof, as should be necessary for the support and education of said minor children, and to place one-third thereof at interest, for the benefit of the widow; and that said Squire Terrell and William D. Stewart did sell said real estate, and have, under the direction of the orphans court, paid to Sarah Smith, guardian of said children, all the two-thirds of the net proceeds of sale; and on the twelfth day of May, eighteen hundred and thirty-seven, placed the one-third, amounting to four hundred and twenty-six dollars and eight cents, on interest, to John Pennington, since deceased, for the benefit of the widow; the said Sarah Smith afterwards purchased a house and lot of land, of thirty-nine acres, in Warren township aforesaid, which was on the seventeenth day of June, eighteen hundred and thirty-seven, by deed, conveyed by James Pennington and wife to said Sarah Smith and Jane, Nathaniel A., John, and Norman, children of said Cornelius Smith, which was recorded in Somerset clerk's office, in book U of deeds, June twentieth, eighteen hundred and thirty-eight, page 591 and 592; that said John Pennington, father of the said Sarah Smith, believing it to be an advantageous investment of the money, paid to James Pennington the consideration therefor, being two hundred and fifty dollars; and also, that said John Pennington furnished said Sarah Smith, and paid for the support and education of said minor children, seventy-eight dollars, with eighteen dollars of interest, as per his account, allowed by the orphans court of the county of Somerset, in the term of

June, eighteen hundred and thirty-eight, amounting to three hundred and forty-six dollars and forty-six cents; and, also, that said John Pennington has since furnished and paid the said Sarah, guardian as aforesaid, for the support and education of said minor children, the further sum of eighty dollars, (and more) amounting altogether to four hundred and twenty-six dollars and eight cents, being the full amount of said fund; and now, although the said John Pennington has paid the full amount of said note for the support and education of said minor children, yet the said Squire Terrell and William D. Stewart do not consider themselves justified in delivering up said bond of four hundred and twenty-six dollars and eight cents, to the executors of said John Pennington, have prayed that the legislature pass an act authorizing the said trustees to deliver over the bond aforesaid to the executors, &c., of John Pennington, and that they be hereafter discharged from any future liability—therefore,

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Squire Terrell and William D. Stewart be,

and they hereby are authorized to deliver over to Nathaniel Pennington and James Pennington, surviving executors of John Pennington, deceased, a certain note, or bond, given to said Squire Terrell and William D. Stewart, trustees, &c., of the widow and heirs of Cornelius Smith, deceased, by John Pennington, for four hundred and twenty-six dollars and eight cents, dated May twelfth, eighteen hundred and thirty-seven, being for the amount of money in their care, received by virtue of an act of the legislature of New Jersey, passed November tenth, eighteen hundred and thirty-five, and retained by them for use of the widow and heirs of Cornelius Smith, deceased; *provided,* that before the said certain note, or bond, shall be delivered over, as aforesaid, the said Sarah Smith shall, by proper legal conveyances, secure to her said children the title, in fee-simple, to the said house and lot of land, subject to the life estate of her, the said Sarah, therein.

Trustees authorized to deliver over certain bond.

Proviso.

SEC. 2. *And be it enacted,* That when the said Squire Terrell and William D. Stewart shall have delivered over said note, or bond, to the executors of John Pennington, deceased, agreeable to the directions of the first section of this act, that then the said Squire Terrell and William D. Stewart shall be, and hereby are hereafter for ever fully discharged from any future liability, either to the said Sarah Smith, for the yearly interest thereof, as also to the minor children and heirs of said Cornelius Smith, wherein they were accountable by virtue of the act aforesaid.

Trustees discharged from future liability, on delivery of bond.

Passed February 23, 1843.

## AN ACT to defray incidental expenses.

Certain incidental charges directed to be paid.

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

1. To Jonathan S. Fish, for coal furnished for council chamber, sixty dollars.
2. To W. A. and A. B. Green, for Beaver Meadow coal for assembly room, twenty-four dollars.
3. To John B. Boling, for repairs to government house, state house, supreme court room and office, eight dollars and fifty cents.
4. To Alexander G. Cattell, for stationery, sixty-seven dollars and fifty cents.
5. To James T. Sherman, for twenty copies of Sitgreaves' Manual, at one dollar and fifty cents each, thirty dollars.
6. To Jonathan Cook, for horse and carriage hire to state prison committee, seven dollars.
7. To William Robertson, for thirty pounds of candles, nine dollars.
8. To Jonathan S. Fish, for coal for assembly room, twenty dollars.
9. To Justice and Mills, for publishing laws of the state in the Emporium and True American, twenty-four dollars and thirty-seven and a half cents.
10. To Charles Scott, for stationery, twenty-three dollars and eighty-seven cents.
11. To Joseph Justice, for stationery for court of errors and Council, one hundred and fifty-one dollars and seventy-eight cents.
12. To Charles Scott, for stationery, &c., twenty-seven dollars and ninety cents.
13. To William Briest, for keeping council chamber and committee rooms, thirty dollars; and for removing coal in cellar, one dollar and fifty cents.
14. To Samuel R. Hamilton, esq., for freight and portorage for arsenal, eleven dollars and fifteen cents.
15. To Daniel D. Britton, for care of assembly room, &c., forty-four dollars and seven cents.
16. To Charles Scott, for stationery, eight dollars and fifty-four cents.
17. To Phillips and Boswell, for printing, twenty-six dollars.
18. To Charles Reeves, for carting for arsenal, five dollars.

19. To Hogan and Thompson, for blank books for supreme court, twenty-four dollars and fifty cents.

20. To Charles Scott, for stationery, twenty dollars and seventy-five cents.

21. To William S. Briest, for horse hire to state prison, one dollar.

22. To Biles and Titus, for repairs to state library, one dollar and ninety cents.

23. To Eli Morris, for blank books and stationery for supreme court room, thirty dollars.

24. To Union Transportation Line, three dollars.

25. To Samuel R. Hamilton, esq., for transportation of arms, three dollars.

26. To Jonathan S. Fish, for coal for state arsenal, twelve dollars.

27. To Charles Scott, for binding &c., for state library, one dollar and twelve and a half cents.

28. To J. R. S. and W. S. Barnes, for stationery, locks, screws, &c., (by E. Morris, esq.) five dollars and eighty-two cents.

29. To Charles Scott, for stationery for supreme court, (by Eli Morris, esq., (late clerk) seven dollars and forty-eight cents.

30. To Charles Scott, for blank books, stationery, &c., (secretary of state's office) twelve dollars.

31. To Dilworth and Branson, for stationery, twenty-seven dollars.

32. To Blackfan and Wilkinson, for repairs to government house, twenty-nine dollars and fifty-seven cents.

33. To Smith and Howell, for repairs to fence, offices, &c., twenty-seven dollars and nine cents.

34. To Blackfan and Wilkinson, for lumber, &c., for pumps, fifteen dollars and fifty cents.

35. To Samuel Weston, for painting government house, nineteen dollars and fifty cents.

36. To Daniel Fenton, for paper hangings, &c., for government house, seven dollars and fifty cents.

37. To Fish, Green, and Company, for lumber, forty-eight dollars and twenty-eight cents.

38. To John Wilson, for work done to supreme court room, two dollars.

39. To Joseph G. Brearley, for hardware, paints, oil, &c., twenty-nine dollars and forty-four cents.

40. To Samuel Evans, agent for Trenton water works, twenty-five dollars.

41. To James Parker, Lewis Condict, and John Clement, commissioners appointed to view and select a site for a lunatic asylum, three hundred dollars.

42. To Samuel Prior, junior, for indexing votes and proceedings, stationery, &c., one hundred and sixty-two dollars and fifty-four cents.

43. To Samuel R. Hamilton, esq., for carting for arsenal, (by Wm. Taylor) three dollars.

44. To William Grant, for mason work at arsenal, four dollars and eighty-one cents.

45. To Blackfan and Wilkinson, for lumber for arsenal, seventeen dollars and eighty-seven cents.

46. To Joseph G. Brearley, for hardware, oil, &c., six dollars and thirty cents.

47. To Daniel Baker, for work, &c., at arsenal, five dollars and seventy-two cents.

48. To Grant and Cook, for hardware for arsenal, two dollars and eleven and a half cents.

49. To W. W. Norcross, for candles for the two houses, thirty-nine dollars and eighteen cents.

50. To Samuel R. Gummere, esq., for blank books, stationery, &c., one hundred and sixteen dollars and seventy-five cents.

51. To Elias Phillips, for pitchers, tumblers, &c., for supreme court room, three dollars and eighty-one cents.

52. To Charles Scott, for stationery for supreme court, Council and Assembly, fifty-eight dollars and ninety-one cents.

53. To postmaster of Trenton, for postage, nineteen dollars and eighty-nine cents.

54. To estate of Z. Rossell, esq., deceased, for services as adjutant general, from first of November, eighteen hundred and forty-one, to July twenty-first, eighteen hundred and forty-two, being eight months and twenty-one days, at one hundred dollars per annum, seventy-two dollars and eighty-one cents.

55. To the estate of Z. Rossell, esq., deceased, for books and stationery for supreme court, one hundred and four dollars and thirty cents.

56. To James Wilson, esq., for stove, repairs, &c., to supreme court clerk's office, fifteen dollars.

57. To Isaac Southard, esq., treasurer, for packing laws, supreme court reports, journals of Council, minutes of Assembly, United States laws, and for extra travelling expenses to obtain loans, receive interest, dividends on stock, &c., and for office rent, one hundred and sixty-two dollars and sixty-nine cents.

58. To Charles G. McChesney, esq., to defray expense of transmitting books, laws, &c., to other states, notifying banks, portorage for laws of Congress and the states, repairs to government house and fences, &c., forty-one dollars and fifty cents.

59. To Phillips and Boswell, for blanks, pedlers' licenses, &c., for secretary of state, seven dollars and fifty cents.

60. To Enoch W. Green, for work done to state house and supreme court clerk's office, seven dollars and twenty-five cents.

61. To Obadiah Howell, for one pitcher, fifty cents.

62. To Elias Phillips, for one pitcher, fifty cents.

63. To Samuel Bearley, for hardware for use of state, five dollars and fifty-nine cents.

64. To William Robertson, for one hundred and ten bushels of charcoal, eleven dollars.

65. To Thomas Upton, for stove-pipe, work, &c., fifteen dollars and sixty cents.

66. To George S. Potts, for making general index of judgments for the clerk's office of the supreme court, at one dollar and twenty-five cents per day, thirty-one dollars and eighty-seven and a half cents.

67. To I. C. Withington, for services as witness before post office committee, one dollar.

68. To D. E. Potts, for attendance as witness before post office committee, fifty cents.

69. To S. E. Decou, E. W. Green, and others, for furnishing materials and building west fence of state house yard, thirty-four dollars and twenty-nine cents.

70. To A. G. Cattell, for stationery, &c., for Assembly, forty-one dollars and seventy-five cents.

71. To James Clark, for paper furnished house, ten dollars and twenty-five cents.

72. To Sherman and Harron, for printing yeas and nays for Assembly, bills, diagrams, advertising, &c., &c., one thousand and thirty-seven dollars and twenty-seven cents.

73. To David Eastburn, for repairs to government house, two dollars and thirty-seven cents.

74. To Justice and Mills, for advertising, printing, &c., five dollars and seventy-five cents.

75. To A. G. Cattell, for stationery, twenty-six dollars and ninety-two cents.

76. To Sherman and Harron, for printing bills for the house, five dollars and twenty-five cents.

77. To Samuel R. Hamilton, esq., quartermaster general, for postage and transportation of arms, twelve dollars and thirty cents; *provided*, that no bill whatever be paid, unless the same specify particularly the several items of the account, and also at whose request, when, and for what purpose the same were furnished. Proviso:

Passed February 23, 1843.

AN ACT to authorize the inhabitants of the township of Union, in the county of Essex, and the inhabitants of the township of Tewksbury, in the county of Hunterdon, to vote by ballot at their annual town meetings.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the inhabitants of the township of Union, in the county of Essex, and the inhabitants of the township of Tewksbury, in the county of Hunterdon, who are or shall be entitled to vote at town meetings, shall, at their respective town meetings to be hereafter held, elect all such officers as they are or may be by law authorized to elect at such town meetings, determine the amount of money to be raised for such purposes as are or may be authorized by law, and also determine the place or places for holding their town meetings and elections for state and county officers, by ballot, and not otherwise; and all the succeeding provisions of this act are hereby declared to be applicable to each of said townships, respectively.

Voting in Union and Tewksbury to be by ballot.

Sec. 2. *And be it enacted,* That the judge of election, assessor, and collector, of the year eighteen hundred and forty-two, shall be the board of election at the next annual town meeting after the passage of this act; and that thereafter the judge of election, assessor, and collector, of each year, shall constitute a board of election for the succeeding annual town meeting, and all special town meetings that may be held during the year; and the said board, of which the said judge shall be chairman, shall be empowered to determine who are by law entitled to vote at such town meetings, and shall be invested with the same powers, be liable to the same penalties, and governed by the same rules, in conducting the election at such meetings as at the annual state and county elections, so far as the same are applicable.

Board of election, how constituted.

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

Vacancies in board of election, how supplied.

Sec. 4. *And be it enacted,* That previous to the opening of the poll, the clerk shall administer the following oath or affirmation to each member of the board of election:

“You do swear, (or affirm) that you will faithfully and impartially perform the duties required of you by law, as one of the judges of this election; that you will not knowingly receive, or assent to receive, the vote of any person who is not lawfully entitled to vote at this election; and that if any person shall offer his vote, whom you shall suspect or believe not to be qualified or entitled to vote in this election, you will challenge and refuse to receive the same, unless you shall be fully satisfied that he is legally entitled to vote therein.”

Oath of members of board of election.

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

Mode of conducting election.

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

Election may be adjourned.

Sec. 7. *And be it enacted,* That a plurality of the votes cast shall be sufficient to elect any and all officers voted for, and determine all sums of money and other matters which are herein directed to be decided by ballot.

Plurality of votes to determine.

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

Ties, how determined.

Vacancies, how supplied.

Sec. 9. *And be it enacted,* That any matters which by neglect or failure shall not be determined upon, and which by law said town meeting is empowered to determine, shall be

Resolutions of township committees to be entered in books of minutes.

decided by the township committee, or a majority of them; and they shall declare their determination, by resolution, upon any such matter, and have the same entered on the town book in which the minutes of the town meeting shall have been kept.

Compensation to officers,

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

Township committee to prepare report.

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

School committee to publish report.

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

Act, when to take effect.

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

Passed February 24, 1843.

Supplement to an act entitled, "An act to establish public schools," passed March first, eighteen hundred and thirty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That when any person shall hereafter be elected to the office of collector, in any township in this state, he shall, before he enters upon the duties of said office, enter into bond to the inhabitants of said township, in their corporate name, with one or more sufficient surety or sureties, being a freeholder or freeholders, and resident in said township, to be approved of by the school committee of said township, and in such sum as the said school committee shall direct, conditioned for the faithful performance of all the additional duties of said office, imposed by the act to which this is a supplement.

Collector to  
give bond.

Passed February 24, 1843.

AN ACT regulating the draws of the bridges now erected, or to be erected, over the Passaic river.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That each and every bridge or viaduct, hereafter to be erected over the Passaic river, between the head of navigation and the Newark bay, shall be so constructed as to contain a draw for the free passage of vessels navigating the said river, the opening of which draw shall be at least thirty-five feet wide in the narrowest part, and shall be placed in such position as to do the least possible injury to the navigation thereof.

Width of draws  
in bridges, &c.

Sec. 2. *And be it enacted,* That every bridge now erected over said river, not having a draw at least thirty-five feet wide, shall, by the first day of May next, be so altered as to contain a draw of the dimensions and description specified in the first section of this act.

Bridges not  
having draws of  
certain width,  
to be altered.

Former act repealed.

Sec. 3. *And be it enacted*, That the act entitled, "An act for the better protection of the navigation of the Passaic river," passed March tenth, eighteen hundred and forty-two; be, and the same is hereby repealed.

Act, when to take effect.

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

Passed February 24, 1843.

A further supplement to an act entitled, "An act to incorporate the Belvidere Delaware Bridge Company," passed the fifth day of March, eighteen hundred and thirty-two.

Preamble.

WHEREAS a bridge was erected across the Delaware river, at Belvidere, in the county of Warren, under the act to which this is a further supplement, and immediately swept away by a high freshet; and whereas the company, at great cost and expense, have erected another, thereby incurring debts to a considerable amount, which are still unpaid: and it being doubtful whether, under the act to which this is a further supplement, the said bridge can be mortgaged to secure the payment of the said debts contracted as aforesaid—therefore,

Directors authorized to borrow money.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That the president and directors of the Belvidere Delaware Bridge Company, or the persons acting as their successors in office, may, from time to time, borrow such sum or sums of money as may be necessary to pay off the debts, interest, and costs incurred by said president and directors, in building and rebuilding the same, and to mortgage the said bridge, with its appurtenances, for the repayment of the said sum or sums so borrowed, but for no other purpose.

Restriction as to mortgaging.

Sec. 2. *And be it enacted*, That this act shall not be construed so as to allow the said president and directors, or their successors in office, to mortgage the said bridge for any part of their own indebtedness to the said bridge for stock which

they have not paid up to an equal amount with other stockholders.

Sec. 3. *And be it enacted*, That this act shall not go in force until the legislature of the state of Pennsylvania enact a similar law. Act, when to take effect.

Passed February 24, 1843.

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## JOINT RESOLUTIONS.

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**WHEREAS** an untarnished reputation, based upon strict integrity and a rigid adherence to good faith in all our public transactions, is not only of inestimable importance, but indispensably necessary to the well-being, prosperity, and happiness of our common country;—and whereas we have hitherto preserved inviolate our plighted faith, and cherished with enthusiasm our unblemished honour, regarding it as a precious heritage from noble sires, earned by the toil, purchased by the blood, and endeared to us by the sufferings of the patriots of the Revolution;—and whereas it is not only highly dishonourable, but directly conflicting with every principle of justice and morality, for any state, nation, or people to repudiate or disown obligations contracted in good faith and with mutual concurrence, because such contracting power is not legally responsible, or such obligation may not be legally enforced;—and whereas, in a portion of our Union, doctrines have been promulgated tending to degrade the national honour, destroy the national credit, and debase the national character, unjustly involving in a common odium the other portions of this Union, and causing our name to be a by-word and reproach throughout the civilized world;—and whereas a belief extensively prevails that these odious doctrines meet with a silent assent, if not general approbation, throughout our confederation, thereby tar-

Preamble.

nishing, by implication, our country's fair fame, and rendering it not only expedient, but highly necessary and proper, that the voice of the people, in their primary assemblies and in their legislative halls, should be universally, fully, and unequivocally expressed—therefore,

Resolutions relative to repudiation.

1. *RESOLVED, by the Council and General Assembly of the State of New Jersey,* That we heartily deprecate, indignantly repel, and utterly condemn the novel doctrine of repudiation of state debts, and desire now, and for all time, distinctly and unequivocally, to declare, that New Jersey not only disavows any and all participation in such sentiments, but will not suffer the moral sense of her people to be outraged by their avowal in any part of our Union, by any portion of its citizens, without an expression of her open, thorough, and decided condemnation.

2. *Resolved,* That we should be recreant to every virtuous principle and honest impulse, and faithless to all moral obligation, did we hesitate to take a firm and unwavering stand, and exert the utmost energies of our state and people in vindication of the probity and the untarnished reputation transmitted by our fathers; which form the ground-work of that just pride and veneration with which their honoured names are associated, and a broad basis of national integrity, which all should delight to emulate and defend.

3. *Resolved,* That public credit is one of the vital principles and a main-spring of national prosperity, and indissolubly associated, as it is, with an unimpeachable character for strict honesty, must be greatly impaired, if not utterly destroyed, by any disregard of this indispensable requisite in the formation of national, as well as of individual good character.

4. *Resolved,* That the same laws of retributive justice govern nations as individuals, and that no country or people can swerve with impunity from the straight-forward path of uprightness and integrity; when the quick sense of honour becomes blunted, and the shame of merited reproach is unfelt or unheeded, the public morals will deteriorate, and public virtue decline, and, in their downward course, bear with them national respectability and national worth, and, finally, overwhelm the work and pride of ages in irretrievable ruin.

5. *Resolved,* That it is our earnest hope and belief that the doctrine of repudiation has obtained but a partial foothold on the soil of our Union, and a limited portion of its citizens for advocates and defenders; and we are proud to assert, that the mass of our people are, and ever have been, firm in their adherence to all the maxims of probity, unwavering in their acknowledgment of all the exactions of good faith, honourable

in the discharge of all the obligations which mutual contracts impose, or the conventional usages of society imply, and proudly sensitive to the aspersion of national disgrace.

6. *Resolved*, That considerations, above and distinct from party, reaching far beyond our day and generation, and intimately affecting, as we sacredly believe, the future character, varied interests, and permanent prosperity of our beloved country, solemnly impel us to speak fearlessly and unhesitatingly on this subject; and, in a spirit of patriotism, which should look beyond state limits, we beseech our fellow citizens, throughout the length and breadth of this Union, to join with us in reprobating all violations of good faith, and in vindicating the honour and reputation of our common country.

7. *Resolved*, That the governor of this state be requested to transmit a copy of the foregoing preamble and resolutions, certified under the great seal of the state, to the governor of each of the several states of the Union, with a request that he will cause the same to be laid before the legislature thereof.

Passed February 17, 1843.

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

Treasurer authorized to borrow money.

Passed February 22, 1843.

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*WHEREAS* Joseph Cunningham, late postmaster of the city of Trenton, has presented false accounts to the treasurer of this state, for the postage of the members of the legislature, during the years 1837, 38, 39, 40, 41, and 42, and has, from time to time, received out of the treasury various sums of

Preamble.

money, under colour of such accounts, to which he was not, upon any legal or honest principle, entitled—therefore,

BE IT RESOLVED, *by the Council and General Assembly of this State*, That the attorney general and treasurer be, and they are hereby authorized and empowered to take such measures as may, in their discretion, be deemed necessary and proper, to recover from the said Joseph Cunningham, all such sums of money as he may have received out of the treasury of this state, under colour of said accounts, and to which he is not rightfully entitled.

Passed February 23, 1843.

Attorney general and treasurer authorized to take measures for the recovery of money.

Preamble.

WHEREAS a considerable amount of money is yearly drawn from the state treasury to pay the brigade inspectors of the different counties, where no trainings or other military services are rendered—therefore,

RESOLVED, *by the Council and General Assembly of this State*, That from and after the passage of this joint resolution, that no money shall be paid to the brigade inspector of any county in this state, except in such counties as all trainings are regularly held, agreeably to the requisitions of the laws now in existence.

Passed February 24, 1843.

Brigade inspectors not to receive pay in certain cases.

Treasurer not to pay certain incidental charges.

BE IT RESOLVED, *by the Council and General Assembly of this State*, That the treasurer be, and he is hereby directed not to pay out of the treasury any moneys appropriated by the act entitled, "An act to defray incidental expenses," passed February twenty-third, eighteen hundred and forty-three, where the services or articles in the said act specified, have been paid for under or by virtue of any special act or resolution, or under or by virtue of any other authority whatever.

Passed February 24, 1843.

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