

ACTS

NO. OF THE ACTS 32993

OF

RECEIVED

CATALOGUED

THE SIXTY-THIRD

GENERAL ASSEMBLY

OF

THE STATE OF NEW JERSEY.

**AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-THIRD DAY OF OCTOBER,
EIGHTEEN HUNDRED AND THIRTY-EIGHT.**

BEING THE FIRST SITTING.



CAMDEN:

PRINTED BY P. J. GRAY.

.....
1839.



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

AN ACT to authorize the board of chosen freeholders of the county of Mercer, to borrow money.

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

Board of chosen freeholders of Mercer authorized to borrow \$20,000.

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

Passed, November 9, 1838.

OFFICE OF THE CLERK

A SUPPLEMENT to an act entitled "An act to establish two new townships in the county of Hunterdon, to be called the townships of Delaware and Raritan."

WHEREAS, by an act of the legislature, passed February twenty-third, in the year of our Lord, one thousand eight hundred and thirty-eight, the townships of Delaware and Raritan were set off and established from the township of Amwell, in the county of Hunterdon; AND WHEREAS, by the said act, the town committees of the said three townships of Amwell, Delaware and Raritan were directed, at a certain time and place, and in the manner in said act mentioned, to allot and divide between the said three townships, all the property and moneys on hand or due, AND WHEREAS, it is represented to the legislature, by the memorial of the town committees of the said three townships, that the township of Amwell owned at the time the said act passed, a lot of land and poor house and farm, at which the paupers were kept, and which now belong in common to the said three townships; and the said memorial representing further, that the said memorialists wish to make sale of the said lot of land and poor house establishment, and personal property connected therewith, and that it is for the interest of the said three townships that the same should be sold, and the proceeds divided, as by the said act is directed; but that the said memorialists have doubts of their authority to make said sale and assurance of title, and therefore requesting the aid of the legislature in the premises, and praying that certain commissioners, in the

Preamble.

said memorial named, may by law be appointed, and authorized to make said sale and assurance, and to make division of the proceeds of the said sale, and also of the paupers belonging to the said three townships, in the manner by the said act directed---and it appearing to be for the interests of the said three townships that the prayer of the said memorial be granted---THEREFORE.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Jacob B. Smith, of the township of Amwell and county of Hunterdon, James J. Fisher, of the township of Delaware and county aforesaid, and John Kuhl, of the township of Raritan and county aforesaid, be, and they are hereby appointed commissioners, with full power and authority to sell at public sale, all that farm or plantation and premises, with all and singular the appurtenances, known as the "poor house establishment" of the township of Amwell, and now held and used in common by the said townships of Amwell, Delaware and Raritan, and situated in the said township of Raritan: and all other real estate belonging to said three townships in the said county of Hunterdon; and also all personal property belonging to said three townships, and attached to, or connected with said poor house establishment, or otherwise, the said commissioners making said sale in such manner, and upon giving such public notice of the time and place thereof, as is required by law in case of sales of real estate made by commissioners by virtue of an order of the orphans' court; and the said commissioners are hereby authorized and empowered to make and deliver to the purchaser or purchasers of the said poor house, farm and premises, and other real estate that may be by them sold, good, legal and sufficient deed or deeds for the same; which said deed or deeds shall convey to, and vest in, the said purchaser or purchasers, all the right, title and interest whatever, which the inhabitants of the said three townships of Amwell, Delaware and Raritan had at the time of the passage of this act, of, in, and to the said poor house, farm and premises; and other real estate sold, with the appurtenances, and any part and parcel thereof.

Commissioners authorized to sell the poor house of Amwell, Raritan and Delaware townships.

Public notice of sale to be given.

Commissioners empowered to make deeds.

Sec. 2. *And be it enacted,* That the said commissioners shall keep a full and fair account of the said sale, and of the costs and expenses thereof, including compensation for their own time and trouble, at the rate of two dollars a day each, and no more, for each and every day's attention to the duties hereby imposed on them; and shall exhibit the said account to the town committees of the said three townships of Amwell, Delaware and Raritan, at a general and joint meeting of the said three committees, to be had upon notice from the said commissioners of the time and place, within three months

Accounts to be exhibited to the committees of the three townships.

Division of proceeds of sale.

Commissioners to make division of paupers chargeable to the several townships.

Mode of supplying vacancies in board of commissioners.

Special town meetings may be called.

after such sale shall be made; and the said commissioners are hereby authorized, empowered and directed to attend and divide the proceeds of the said sale, after deducting therefrom all necessary costs and expenses, including such per diem allowance to themselves as is herein before mentioned, and no more, between or amongst the said three townships, in proportion to the taxable property and rateables as taxed by the assessor, within their respective limits, at their last assessments; which allotment or division shall be made by writing, signed by the said commissioners, a copy whereof, signed by the said commissioners, shall be left with the town committee of each of the said three townships, and the proportion or share of each township paid over to its respective town committee; and if such allotment, or division and payment are not made within six months after such sale takes place, then each of the said townships may recover their proportion of the said proceeds by suit against the said commissioners; and the said commissioners are hereby further authorized and empowered, by writing signed by them, and delivered to each town committee as aforesaid, to make such division of the paupers chargeable to the said three townships, as is directed by the sixth section of the act entitled "An act to establish two new townships in the county of Hunterdon, to be called the townships of Delaware and Raritan," passed February twenty-third, eighteen hundred and thirty-eight.

Sec. 3. *And be it enacted*, That if any of the commissioners hereby appointed, shall die, or remove out of the said county, before the duties hereby imposed upon them are performed, or shall refuse to act, that then, and in such case, it shall be lawful for the town committee of the township to which such commissioner so dying, removing, or refusing to act belonged, to appoint some other fit and competent person to act as commissioner in his place, who shall be clothed with as full and ample authority to act as commissioner in the premises, as the person so dying, removing, or refusing, was by this act; which said appointment shall be in writing, signed by a majority of the town committee making such appointment, and entered of record in the town book of the township of said committee, and a copy thereof left with each of the town committees of the other two townships, and also with the clerk of the said county, to be filed in his office.

Sec. 4. *And be it enacted*, That it shall be lawful for the respective town committees of the said townships of Amwell, Delaware and Raritan, to call special town meetings in their several townships, if they consider it necessary and proper so to do, at any time or times, previous to the time of holding the next annual town meetings in said townships, for the purpose of taking the sense of the inhabitants of the said town-

ships, respectively, as to the way or mode of disposing of the paupers that may fall to the said townships, respectively, in the division by this act authorized, or for any other business connected with, or growing out of, the joint interests of the said three townships.

Sec. 5. *And be it enacted*, That such parts of the fifth and sixth sections of the act entitled "An act to establish two new townships in the county of Hunterdon, to be called the townships of Delaware and Raritan," passed February twenty-third, eighteen hundred and thirty-eight, as come within the purview and meaning of this act, or are contrary thereto, be, and the same are hereby repealed, and that this act shall be in force immediately after the passage thereof.

Parts of former acts repealed.

Passed, November 9, 1838.

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

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

Payment of officers provided for.

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

The governor.

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

Justices of the supreme court.

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

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

Law and chancery reporters. 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.

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

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

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

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

Members of council and assembly. *Sec. 2. And be it enacted,* That there shall be paid to the vice president of council and to the speaker of the house of assembly, the sum of three dollars and fifty cents each, and to every member of council and assembly the sum of three dollars, for each and every day they have attended, or shall attend this or any future sitting of the legislature, and to every member of council and assembly, the additional sum of three dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the treasurer, expressing the sum due, and the number of days and miles, signed by the president or vice president of council for the members of council, and by the speaker of the house of assembly, or by George P. Mollison, William Stites, Jesse Richards, John Cassidy, or any two of them, for the members of assembly.

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

How to be paid.

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

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

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

Passed, November 12, 1838.

AN ACT to authorize the board of chosen freeholders of the county of Mercer to use the old state prison for their county jail.

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 old state prison as is not at this time occupied as a state arsenal, situate in the township of Nottingham, in the county of Mercer, be, and the same is hereby constituted a jail for the confinement of all prisoners of the county of Mercer, until a jail shall be prepared in the said county of Mercer, or until otherwise ordered by the legislature of this state; and the sheriff or other officers hav-

ing the lawful custody of any prisoner within the said county of Mercer, is hereby authorized to confine such prisoner in said jail; and the keeper of said jail, to be appointed according to law, is hereby authorized and required to receive and safely keep every such prisoner delivered to him, until discharged by due course of law, in the same manner, and under the same penalties as the keepers of the jails of the other counties of this state are required and subject to.

Sec. 2. *And be it enacted,* That the said old state prison, or such part thereof as may be necessary, and not otherwise occupied, shall be prepared for the safe reception of prisoners at the sole expense of the board of chosen freeholders of the county of Mercer; and it shall be lawful for any three or more judges of the court of common pleas of the county of Mercer, at the request of the director of the said board of chosen freeholders, when in their opinion the said jail is prepared so as to be safe for the confinement of prisoners, so to certify in writing, under their hands, to the clerk of the said court of common pleas; and the said clerk shall enter said certificate on the minutes of the said court of common pleas, and deliver a copy thereof to the sheriff of said county; and thereupon it shall be the duty of the said sheriff to remove all prisoners of said county that may then be confined in the jails of the counties of Hunterdon, Burlington, Middlesex and Somerset, to the jail constituted by this act, there to be confined according to law; and such removal shall not be deemed an escape, or in any wise make the sheriff of either of the said counties of Hunterdon, Burlington, Middlesex and Somerset, liable to any action or damages by reason thereof.

Sec. 3. *And be it enacted,* That when the board of chosen freeholders of the county of Mercer shall have finished or prepared the jail of the county of Mercer, now in progress of completion, so as to be safe for the confinement of prisoners, it shall be lawful for any three or more of the judges of the court of common pleas of the said county, at the request of the director of said board of chosen freeholders, so to certify, under their hands, to the clerk of the said county; and the said clerk shall thereupon enter the said certificate on the minutes of the said court, and deliver a copy of such certificate to the sheriff of the said county; and the said sheriff shall thereupon remove all the prisoners of said county that may then be confined in the jail constituted by this act, to the said jail of the said county of Mercer, there to be confined according to law; and such removal shall not be deemed an escape, or in any wise make the said sheriff liable to any action or damage therefor.

To be fitted as a prison at the expense of Mercer county

Sheriff to remove prisoners to county jail when finished.

Sec. 4. *And be it enacted,* That that part of the old state prison appropriated for a jail, shall be so fitted up by the county of Mercer, that it can be entered from the yard of said prison, so that there shall be no communication with that part of the building which is occupied by the state as an arsenal. No communication between the arsenal and prison parts of the building.

Sec. 5. *And be it enacted,* That this act take effect immediately after the passage thereof, and that all acts and parts of acts coming within the purview of this act, and contradictory thereto, be, and the same are hereby repealed. Act to take effect immediately.

Passed, November 16, 1838.

AN ACT to defray incidental charges.

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

To Samuel D. Dewick, for repairing window blinds of council chamber, twenty-six dollars.

To George M. Furman, for cleaning state house, &c., twelve dollars and fifty cents.

To John Davisson, for stationery, one hundred and fifty-eight dollars.

To R. H. Shreve, for stationery, one hundred and eight dollars and twenty cents.

To H. Canfield, for cleaning state house, &c., twenty-two dollars.

To Joseph Justice, for articles furnished for the secretary of state's office and court of chancery, one hundred and ten dollars and seventy-nine cents.

Certain incidental charges directed to be paid.

To Daniel Phillips, for sundries for the house of assembly, one dollar and sixty-two cents.

To Hutchinson and Robertson, for sundries furnished the house, one dollar and seventy-five cents.

To Phillips and Boswell, for printing laws and proclamations, &c., one hundred and three dollars and seventy-two cents.

To Stewart and Combs, for sundries for supreme court room, three dollars and twenty-one cents.

To Isaac Southard, for extra services rendered the state, one hundred and fifty dollars and seventy-three cents.

To Daniel Childs, for work done at the state house and the fence of the yard, forty-seven dollars and two cents.

To F. R. Lafacherie, for paint, &c., furnished court room and arsenal, fifty-one dollars and eighteen cents.

To J. S. Fish, for coal, one hundred dollars.

To P. V. Coppuck, for stationery furnished for house, ninety-seven dollars and seventy-eight cents.

To D. Fenton, for stationery, twenty-five dollars and eighty cents.

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

To A. J. M'Kelway, for sundries furnished court room, two dollars and seventy-five cents.

To Wm. W. Norcross, for articles furnished the two houses, thirty-two dollars and forty-three cents.

To Benjamin Fish, for lime for court room and cellar, ten dollars and twelve cents.

To Liscomb R. Titus, for sundries furnished supreme court room, forty-four dollars and forty cents.

To George W. Howell, for work done in the cellar under the court room, fourteen dollars.

To J. R. S. and W. S. Barnes, for articles furnished for court room, as per bill, eighty-seven dollars and seven cents.

To James T. Sherman, for printing for the house and state, one hundred and seventy-nine dollars and thirty-three cents.

To Josiah Harrison, for superintending the revision and re-printing of the third volume of Green's reports, sixty dollars.

To Blackfan and Wilkinson, for lumber for fitting up room for state cabinet, twenty-two dollars and forty-two cents.

To S. & J. G. Brearley, for hardware for state cabinet, eight dollars and ninety-one cents.

To W. K. Yard, for painting, &c., for state cabinet, four dollars and seventy-seven cents.

To John Wilson, for glazing for state cabinet, sixteen dollars. Certain incidental charges directed to be paid.

To D. A. Biles, for work done state cabinet, forty-six dollars and seventy-five cents.

To Ephraim E. Sheppard, for his attendance as a witness in the contested election from Cumberland county, and for service of subpoenas in do, thirty dollars.

To Samuel Fithian, witness in do, twelve dollars.

To James Dunlap, witness in do, thirteen dollars.

To Frederick Witte, witness in do, twelve dollars.

To William Bohman, witness in do, twelve dollars.

To Michael Schaum, witness in do, twelve dollars.

To Nicholas Buckage, witness in do, twelve dollars.

To William Kaltenback, jr. witness in do, twelve dollars.

To Aloys Abendschoen, witness in do, twelve dollars.

To Lewis Schaum, witness in do, twelve dollars.

To Frederick Eberhardt, witness in do, twelve dollars.

To Louis Reitz, witness in do, twelve dollars.

To Daniel Garrett, witness in do, twelve dollars.

To Nicholas Hoffman, witness in do, twelve dollars.

To Harman Vogading, witness in do, fourteen dollars.

To James Murdock, witness in do, fourteen dollars.

To Lewis Becker, witness in do, fourteen dollars.

To Peter Snyder, witness in do, fourteen dollars.

To Peter Barrault, witness, in do, fourteen dollars.

To Constantine Voirsard, witness in do, fourteen dollars.

To Philip Schetter, witness in do, and for services as interpreter, nineteen dollars.

To Hugh Richards, witness in do, fifteen dollars.

To Thomas Hutton, witness in do, fifteen dollars.

To James Hutton, witness in do, fifteen dollars.

To John Frank, witness in do, fifteen dollars.

To Josiah Shaw witness in do, sixteen dollars.

To Andrew Cassedy, witness in do, sixteen dollars.

To Isaac Newcomb, witness in do, sixteen dollars.

To Stacy Wilson, witness in do, sixteen dollars.

To Edward Townsend, witness in do, eleven dollars.

To William C. Lambert, witness in do, eleven dollars.

To Preston Stratton, witness in do, eighteen dollars.

To William Charlesworth, witness in do, eighteen dollars.

To Philip Fithian, witness in do, twelve dollars.

To Isaac Buzby, witness in do, eighteen dollars.

To Daniel McAnall, witness in do, eighteen dollars.

To Benjamin Jory, witness in do, twelve dollars.

To John Elkinton, witness in do, thirteen dollars.

To Thomas Lee, witness in do, thirteen dollars.

To Francis Lee, witness in do, thirteen dollars.

To Thomas J. Ayres, witness in do, eleven dollars.

To Jacob Leigh, witness in do, twelve dollars.

Certain incidental charges directed to be paid.

- To John Donly, witness in do, twelve dollars.
- To William M'Curdy, witness in do, twelve dollars.
- To John M'Curdy, witness in do, twelve dollars.
- To Samuel Tweed, witness in do, twelve dollars.
- To Adna Bradway, jr. witness in do, fourteen dollars.
- To James P. Powers, witness in do, twenty dollars.
- To James Dare, witness in do, twelve dollars.
- To Lewis Mulford, jr. witness in do, twenty-one dollars.
- To Robert Jordon, witness in do, twenty-three dollars.
- To Josiah Fithian, witness in do, twenty dollars.
- To John Otterson, witness in do, twenty-one dollars.
- To Cooper Madden, witness in do, thirteen dollars.
- To James Ward, witness in do, fourteen dollars.
- To George Day, witness in do, thirteen dollars.
- To William Stratton, witness in do, and for service of subpoenas, forty-one dollars and fifty cents.
- To Samuel Bowen, for service of subpoenas, fourteen dollars.
- To Noah Sheldon, witness in do, and for serving subpoenas, forty-two dollars.
- To Halsey Canfield, sergeant at arms, for expenses in serving process in do, twenty-one dollars and ten cents.
- To Orrin Bailey, for serving subpoenas, and services as clerk of the committee of the house of assembly in do, eighty-seven dollars and thirty-four cents.
- To James M. Newell, witness in do, five dollars.

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

Passed, November 16, 1838.

AN ACT appointing Charles M. Campbell, as trustee, in the place of Abraham Pittenger, trustee, deceased.

WHEREAS, Cornelius Pittenger and Albert Terhune, executors of Abraham Pittenger, late of the township of Hopewell, in the county of Hunterdon, and state of New Jersey, de-

ceased, did on the first day of May, eighteen hundred and twenty-four, by deed duly executed according to law, convey and assure to Abraham Pittenger, as trustee, for Sarah Sansbury, wife of Ralph Sansbury; and her children by a second marriage, all those two certain lots of wood and cleared land, situate in the township of Hopewell; the lot of cleared land containing eight acres, two roods, and thirty-one perches; the wood land containing four acres, two roods, and thirty-three perches, to have and to hold the said premises to the said Abraham Pittenger, his heirs and assigns, in trust, and to take and receive the rents, issues, and profits thereof, and to apply the same to the uses and support of the said Sarah Sansbury and her children aforesaid; and after the decease of the said Sarah Sansbury, that the said lots of land should become the property of the above described children, share and share alike, as they should severally arrive at lawful age, to them, their heirs and assigns forever; and that the same should not be liable for her husband's debts: but that, notwithstanding the said two lots of land might be sold, at any time, by the said Abraham Pittenger, trustee as aforesaid, by and with the approbation of the said Sarah Sansbury, for the uses and benefit of her and her said children: AND WHEREAS, the said Abraham Pittenger, trustee as aforesaid, has departed this life, and the said Sarah Sansbury, by her petition, has prayed the legislature to appoint Charles M. Campbell, as trustee, in the place of the said Abraham Pittenger, trustee as aforesaid, deceased—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 estate, right, title and interest, in and to the aforesaid lands, tenements and real estate, which the said Abraham Pittenger, deceased, was seized of, or entitled to at the time of his death, under and by virtue of the aforesaid deed, shall be, and the same hereby are, vested in Charles M. Campbell, of the borough of Princeton, in the county of Mercer, who is hereby authorized and empowered to execute and fulfil all the directions, trusts and conditions, in the said deed mentioned, as fully to all intents and purposes, as the said Abraham Pittenger, deceased, in his life was authorized or empowered to do.

C. M. Campbell appointed trustee in place of A. Pittenger.

Passed, November 16, 1838.



JOINT RESOLUTIONS.

RESOLVED, *By the Council and General Assembly,* That Philemon Dickerson, Thomas G. Haight and Jacob Kline, esquires, late governor, speaker and treasurer, to whom were confided the reception and distribution of the surplus revenue of the general government apportioned to this state, be authorized and requested to pay over to the treasurer of this state, the sum of six hundred thirty-seven dollars and forty-two cents, being the balance remaining in their hands of the said surplus fund.

Balance of surplus revenue to be paid to treasurer.

Passed, November 13, 1838.

RESOLVED, *By the Council and General Assembly,* That the secretary of state be authorized and directed to furnish to the governor of this state, the secretary of state and treasurer, the justices of the supreme court, the clerk of the supreme court, the clerk of the court of chancery, the attorney general, the members of the present legislature, who were not members of the last legislature, the secretary of council and the clerk of the house of assembly, the prosecutors of the pleas, the judges of the circuit court of the United States for the district of New Jersey, the courts of the cities and boroughs of this state, and the committees of the several townships of this state, each one copy, and to the librarian of congress two copies of Elmer's Digest, and to deposite the remaining copies in the state library.

Distribution of Elmer's Digest.

Passed, November 15, 1838.

Pay and mileage allowed to certain persons.

RESOLVED, *By the Council and General Assembly*, That Israel Stratton, David Whitekar, David Jones and Samuel Bowen, persons claiming to be entitled to seats in council and assembly, as representatives from the county of Cumberland, shall severally receive from the treasurer of this state, the per diem allowance of three dollars for the time they have attended here during the investigation of their claims to such seats, together with the usual mileage, upon the like certificates as are by law required in the case of members of council and assembly.

Passed, November 16, 1838.

ACTS

OF

THE SIXTY-THIRD

GENERAL ASSEMBLY

OF

THE STATE OF NEW JERSEY.

AT A SESSION BEGUN AT TRENTON, ON THE TWENTY-THIRD DAY OF OCTOBER, *Jan.*
EIGHTEEN HUNDRED AND THIRTY-EIGHT. ?

BEING THE SECOND SITTING.



CAMDEN:

PRINTED BY P. J. GRAY.

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

AN ACT to amend an act entitled "An act to incorporate The Patent Arms Manufacturing Company," passed the fifth day of March, eighteen hundred and thirty-six.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the board of directors of said company to divide the capital stock thereof into shares of fifty dollars each: *provided, however,* that each of the present stockholders who shall not elect to surrender to said company the additional shares into which his stock shall be divided under this act, shall be entitled to receive in the shares when divided, the full amount of the stock now held by him, upon paying up said shares in full, within ninety days after he shall have received notice from said company of the division of said shares under this act.

Capital stock may be divided into shares of fifty dollars each.

Proviso.

Passed, January 22, 1839.

AN ACT to amend the act entitled "An act to incorporate the Morris and Essex Rail Road Company," passed January twenty-ninth, 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 par value of each share of stock owned by the several stockholders in the Morris and Essex Rail Road Company may, at the discretion of the directors thereof, be increased from fifty dollars to seventy-five dollars; *provided, however,* that the whole sum to be raised shall not exceed the limit heretofore prescribed by law.

Par value of shares of stock increased to seventy-five dollars.

Increase may be paid for by dividends.

Sec. 2. *And be it enacted,* That it shall be lawful for any stockholder to make prompt payment for the whole amount arising from such increase; and, in consideration thereof, such stockholder so paying shall be entitled to receive his dividend in proportion to the sum paid, whenever a dividend shall be declared; and such stockholders as may prefer paying such increase by means of their dividends, shall be entitled to a credit on the books of the treasurer of said company to the amount of each dividend, until the whole amount shall be paid; *provided,* that such stockholders shall in no case forfeit their original shares for non-payment of such increase of stock.

Proviso.

Passed, January 24, 1839.

AN ACT to authorize the sale of the old methodist meeting-house and lot in Woodbury, in the county of Gloucester.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the trustees of "The Woodbury Methodist

Episcopal Church, in the township of Depford, in the county of Gloucester and state of New Jersey," be, and they are hereby authorized and empowered to make sale and conveyance of the old methodist meeting-house and lot in Woodbury, for the best price that can be obtained for the same, they the said trustees advertising the same at least one month in one of the newspapers printed and published in Woodbury, which conveyance, so made by the said trustees, shall vest in the purchaser or purchasers, all the estate, right and title which the said trustees, or any other person or persons have, in and to the same, by virtue of a deed from John Whily, dated the first day of June, in the year of our Lord, eighteen hundred and three, and recorded in the clerk's office of Gloucester county, in book G. of deeds, page 364.

Trustees authorized to sell old meeting house and lot.

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

Proceedings of trustees to be entered on minutes.

Passed, February 1, 1839.

AN ACT for the relief of Archibald Alger, of the county of Middlesex.

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

Pension to A. Alger, of sixty dollars per annum.

Passed, February 5, 1839.

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

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 Robert Carson, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said Robert Carson yearly, in half yearly payments, from the passing of this act, during the lifetime of the said Robert Carson; and the receipt of the said Robert Carson, or his order, shall be a sufficient voucher to the treasurer for such sums as he may pay by virtue of this act, in the settlement of his accounts.

Pension to Robert Carson of sixty dollars per annum.

Passed, February 7, 1839.

AN ACT to regulate the fishing in the rivers Passaic, Pompton, Rockaway and Whippany, in the counties of Morris, Essex and Passaic.

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 first day of November next, it shall not be lawful for any person or persons to fish with any net, seine, fyke, or other device with a less mesh than two and a half inches, in any of the waters of the Passaic, in the counties of Morris, Essex, or Passaic, above the falls at Paterson, in said river, or the waters of the Pompton, Rockaway, or Whippany rivers, and any person or persons so offending, shall forfeit and pay the sum of ten dollars, for each and every such offence, to be prosecuted for and recovered in an action of debt, with costs of suit, by any person,

Meshes of nets, &c., to be not less than two and a half inches.

AN ACT to confirm the acknowledgments and proofs of deeds and other instruments, taken by John Littell, of the county of Essex.

Preamble.

WHEREAS, it appears to the legislature, that John Littell, was duly appointed a commissioner for taking the acknowledgments or proofs of deeds for the township of New Providence, in the county of Essex, on the twenty-fourth day of January, in the year of our Lord one thousand eight hundred and thirty-four, for the term of five years, and was duly sworn into that office and acted therein. And whereas, the said John Littell was elected a member of the general assembly of the state of New Jersey, and took his seat as a member of the said general assembly, on the twenty-fourth day of October, one thousand eight hundred and thirty-seven, and some doubts exist whether the office of the said John Littell, as commissioner aforesaid, did not become vacant at the time he took his seat as aforesaid, in the general assembly. AND WHEREAS, the said John Littell, since the said twenty-fourth day of October, one thousand eight hundred and thirty-seven, has taken the acknowledgments and proofs of several deeds and other instruments:—THEREFORE,

Certain acknowledgments of deeds etc. before John Littell 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 all the acknowledgments and proofs of deeds and other instruments, taken and certified by the said John Littell, as one of the commissioners of the county of Essex aforesaid, since the twenty-fourth day of October, one thousand eight hundred and thirty-seven, 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 said John Littell had not taken his seat as a member of the general assembly aforesaid.

Passed, February 8, 1839.

AN ACT to confirm the partition of certain real estate, whereof John S. Maxwell died seized.

WHEREAS, it is represented to the legislature, that John S. Maxwell, late of the county of Warren, in this state, departed this life intestate, leaving four daughters, viz. Eliza, Mary Jane, Sarah Ann and Louisa, his only children and heirs-at-law; and that the said John S. Maxwell died seized in fee simple, of a large and valuable real estate in the said county of Warren, which upon his death descended to, and vested in his said children and heirs at-law, as tenants in common thereof.—AND WHEREAS, it is also represented to the legislature that the orphans' court of the said county of Warren, upon application duly made for that purpose, under and by virtue of an 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 in this state," passed the eighteenth day of June, eighteen hundred and twenty, did order and direct a division of the said real estate between the said heirs, and did appoint Leffard H. Pursell, Robert D. Stewart and Joseph Miller commissioners, to ascertain the metes and bounds of each heir's share, and to make report thereof according to law: that the said commissioners by their report in writing, under their hands and seals, bearing date on the twenty-fourth of August, in the year of our Lord one thousand eight hundred and thirty-three, made to the said orphans' court, at the then next term thereof, did report that they had ascertained the metes and bounds of each heir's share and had set off the said shares in severalty to the said heirs, respectively, particularly designating the metes and bounds of each share; which said report, after the said division had been made and approved by the said orphans' court, was recorded in the records of the said court; that upon such partition being made the said heirs entered upon their respective shares so as aforesaid assigned to them, and have since held and enjoyed the same in severalty; and that expensive improvements have been made upon one of the said shares:—AND WHEREAS, it is also represented to the legislature, that doubts are entertained whether the said partition is effectual and valid in law, inasmuch as it no where appears upon the said report or proceedings that the said commissioners, before entering upon the duties of their appointment, took the oath or affirmation required by the statute, although in fact the said commission-

Preamble

ers did take the said oath, and that the said orphans' court cannot grant effectual relief in the premises: and whereas, it is also represented to the legislature, that the said Eliza Maxwell, having intermarried with Charles Green, departed this life leaving three children, who are still minors, her heirs-at-law; that the said Mary Jane Maxwell intermarried with Hugh H. Abernethy; that the said Sarah Ann Maxwell intermarried with Charles G. Green, and that the said Louisa Maxwell is a minor of the age of seventeen years and unmarried:—AND WHEREAS, the said Charles Green, Hugh H. Abernethy, and Mary Jane his wife, Charles G. Green and Sarah Ann his wife, and Louisa Maxwell have, by their petition, prayed legislative aid in the premises; and that the said partition may be ratified and confirmed as valid and effectual in law; and the prayer of the said petition appearing to be just and proper—THEREFORE,

Partition of
lands of J. S.
Maxwell, de-
ceased, by com-
missioners,
confirmed.

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 partition of the real estate whereof John S. Maxwell, late of the county of Warren, died seized, made by Leffard H. Pursell, Robert D. Stewart and Joseph Miller, commissioners appointed for that purpose by the orphans' court of the county of Warren, be, and the same is hereby ratified and confirmed, and made as valid and effectual in law as if the same had been duly made in pursuance of, and in conformity with, the existing laws of this state.

Passed, February 8, 1839.

A FURTHER SUPPLEMENT to an act entitled
 "An act to establish and regulate pilots for
 the ports of Jersey City, Newark, and Perth
 Amboy, by way of Sandy Hook," passed
 the eighth day of February, eighteen hun-
 dred and thirty-seven.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That as soon as any branch pilot, or deputy pilot, shall have taken and subscribed the oath or affirmation prescribed in the third section of the act to which this is a supplement, the governor shall direct the commissioners of pilotage, for the time being, to take bond from such branch pilot, or deputy pilot, in the sum of five hundred dollars, with two sufficient sureties, to be approved of by the said commissioners, for the faithful discharge of his duties, prescribed in said act; and thereupon the said commissioners shall deliver to such pilot a license, referring to his respective branch; and every such license shall be signed by the governor, and be of force during the term therein specified, or during such pilot's good behaviour: and every person who shall be appointed a pilot, and who shall have taken and subscribed an oath or affirmation, as directed in said act, and shall have given bond, as aforesaid, shall be, to all intents and purposes, a pilot, agreeably to the certificate of the said commissioners.

Commissioners of pilotage to grant licenses to pilots, to be of force during good behaviour.

Sec. 2. *And be it enacted,* That it shall be the duty of the said commissioners to lay before the legislature, as early as the second week of their session, yearly and every year, all bonds taken by them as aforesaid, an abstract of their proceedings within the year then last past, together with a statement of the number of pilots in commission, the number of vessels taken in and out, and such observations in relation to the system of pilotage, as in their opinion may tend to the benefit of the cause of commerce, and may be of advantage to the general interests of this state.

Commissioners to make annual report to legislature.

Sec. 3. *And be it enacted,* That the fourth section of the act to which this is a supplement, and so much of the sixth section thereof as requires the treasurer of this state to lay before the legislature, annually, all the bonds given by pilots, and so much thereof as relates to the action of the legislature on said bonds, and also the proviso in the eighteenth

Part of former acts repealed.

section of said act, relating to vessels in charge of a New Jersey pilot, being permitted to enter and traverse the waters of New York, without being compelled to pay half-pilotage, be, and the same are hereby repealed.

Passed, February 8, 1839.

AN ACT to incorporate the Mount Holly Beneficial Society.

Preamble.

WHEREAS, a number of the inhabitants of the town of Mount Holly and its vicinity, have formed themselves into an association, or society, to which they have given the name of "The Mount Holly Beneficial Society," 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, or the deceased wives of 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,

Names of corporators.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Zachariah Read, Samuel Burtiss, jun., Joseph Cross, Aaron Cowgill, Joseph Carr, Samuel Risdon, jr., James D. Shreve, John Folwell, Albert G. W. Barton, Daniel Ewan, Thomas C. Alcott, Andrew Davis, and all such other persons, not exceeding at any one time five hundred, as now are or hereafter shall become, members of the said society, be, and they are hereby ordained, constituted, and declared a body corporate and politic, in fact and in law, by the name

and title of "The Mount Holly Beneficial Society;" and by such name they shall have succession and continuance, and be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatsoever, 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 the power to alter and change the same at pleasure; and by their name as aforesaid, and under their common seal, may make and enter into, form and execute, any contracts or agreements relating to, touching or concerning the objects of the said incorporation.

Style of incorporation.

Powers.

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, treasurer, three trustees, two stewards and a messenger, and such other officers and assistants as shall be deemed necessary; who shall be elected by ballot by a majority of the members present at such election, at such times and places as the said corporation shall, from time to time, appoint and direct.

Officers of the society and mode of their election.

Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body corporate and politic hereby created, which said body corporate and politic shall, by the 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 the said corporation shall not exceed the sum of one thousand dollars.

What personal and real estate may be held.

Powers.

Sec. 4. *And be it enacted*, That the said corporation be, and they are hereby authorized and empowered to make, adopt, and use, and from time to time alter, amend, or change, as by them may be deemed expedient, such general form of 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 the state of New Jersey.

Corporation may form a constitution and adopt by-laws.

Exclusive ob-
jects of the
society.

Restrictions.

Act may be
altered or re-
pealed.

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 for 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.

Passed, February 7, 1839.

A SUPPLEMENT to an act entitled, "An act concerning executors and the administration and distribution of intestates' estates," passed the second day of March, seventeen hundred and ninety-five.

Preamble.

WHEREAS, doubts have arisen upon the construction of the nineteenth section of the act entitled "An act concerning executors, and the administration and distribution of intestates' estates," passed the second day of March, seventeen hundred and ninety-five, with regard to the power of an administrator or administrator with the will annexed, to sell real estate directed to be sold in the will

power of an administrator or administrators with the will annexed, to sell real estate directed to be sold in the will, whereby the titles of honest purchasers under deeds from such administrator or administrators are rendered uncertain and insecure, although they have honestly and faithfully paid for the same:—AND WHEREAS, it is manifestly equitable and just, that those who have honestly purchased and paid for property should be secured in their titles thereto—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 any deed or conveyance heretofore made and delivered, or which may hereafter be made and delivered, by any administrator or administrators with the will annexed, or the survivors or survivor of them, for any lands, tenements, hereditaments, or real estate, sold pursuant to any power or direction in the said will annexed, given to, or vested in, the executor or executors named therein, shall be as good, valid, and effectual as if the same had been or were made and delivered by the executor or executors named in said will, and received in evidence as such; and that the aforesaid nineteenth section of the act entitled "An act concerning executors, and the administration and distribution of intestates' estates," shall be construed to extend to, and vest in, such administrator or administrators with the will annexed, and the survivors or survivor of them, the same power and authority, and no other, as was given to, or vested in, or may hereafter be given to, or vested in, the executor or executors named in said will, unless where otherwise expressly provided in the same, any law, usage, or custom to the contrary thereof, notwithstanding.

Deeds made by administrators with the will annexed, for lands directed by the will to be sold, to be valid.

Sec. 2. *And be it enacted,* That wherever any will hath heretofore been duly made and executed, or shall hereafter be duly made and executed, authorizing or directing any lands, tenements, hereditaments, or real estate, mentioned therein, to be sold, and no executor or executors hath or have been or shall be named in said will, and letters of administration with the will annexed have been or shall be granted thereon, any deed or conveyance hereafter made and delivered, or which may heretofore be made and delivered, by such administrator or administrators with the will annexed, or the survivors or survivor of them, for said lands, tenements, hereditaments, or real estate, pursuant to any power or direction in the said will, shall be as good, valid, and effectual as if the same were made and delivered by any executor or executors who might have been, or might be, named in said will.

Administrators with the will annexed, when no executor is named in the will and lands directed to be sold, may convey.

Sec. 3. *And be it enacted,* That in the taking of the

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Administrators' bonds to have reference to value of real estate directed to be sold.

bond of any administrator or administrators with the will annexed, to the ordinary or surrogate general of this state, as directed in the eleventh section of said act, the ordinary and surrogates of the respective counties shall have regard to the value of the real estate ordered or directed to be sold in said will, as well as of the personal estate of the deceased, and may, in their discretion, examine the applicant or applicants for such letters of administration with the will annexed, under oath or affirmation, touching the value of said real and personal estate.

Act to take effect immediately.

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

Passed, February 7, 1839.



AN ACT for the relief of Abraham Jones, of the county of Gloucester.

Pension to A. Jones of \$60 per annum.

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

Passed, February 11, 1839.

AN ACT to authorize Janet Bain to sell and convey certain real estate.

WHEREAS, John Burr ridge, late of the township of Acquackanonck, in the county of Passaic, in the year of our Lord eighteen hundred and twenty-eight, died intestate, seized of a tract of land in the said township of Acquackanonck, containing about ten acres, and leaving a widow, Janet Burr ridge, (who has since intermarried with one John Bain, now deceased) and three children, John Burr ridge, Elizabeth Burr ridge and William Burr ridge, to whom the said tract of land descended, and all of whom are now minors, under the age of twenty-one years:-- AND WHEREAS, the said tract of land has been greatly improved and increased in value since the decease of the said John Burr ridge, and it appears that a sale thereof may now be made, greatly to the advantage of all the parties interested therein; 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 said Janet Bain be, and she hereby is, authorized and empowered to sell the said tract of land, either at public or private sale, for a price or sum not less than twenty-five hundred dollars, and to make, execute, and deliver to the purchaser or purchasers, a deed or deeds of conveyance for the same, which shall vest in such purchaser or purchasers all the estate, right, title and interest, in and to the said tract of land, which the said Janet Bain and the said John Burr ridge, Elizabeth Burr ridge and William Burr ridge are now possessed of or entitled to.

Janet Bain authorized to sell certain lands.

Sec. 2. *And be it enacted,* That the said Janet Bain shall be entitled, during her natural life, to receive the interest and income arising from the one equal third part of the proceeds of such sale (after deducting the costs and expenses of the same); and that in case any or either of the children of the said John Burr ridge shall die under the age of twenty-one years, the right and interest of the child or children so dying, in and to the said proceeds, shall descend and be inherited in the same manner as his, her, or their right and interest in and to the said real estate would have descended and been inherited, if this act had not been passed.

Disposition of proceeds of sale.

Sec. 3. *And be it enacted,* That before the said Janet Bain shall make, execute and deliver any deed of conveyance in virtue of this act, she shall enter into bonds to the ordinary or surrogate general of this state, in such sums,

Janet Bain to give bond to the surrogate of Passaic.

Amount of
sales to be au-
dited, &c. as
guardians.

and with such securities as shall be directed and approved by three judges of the orphans' court of the county of Passaic, conditioned for the faithful execution of her office as guardian of the said several minors, and shall file the said bonds in the office of the surrogate of the said county of Passaic; and shall also, within six months after the completion of the said sale, exhibit and render, under oath, to the orphans' court of the said county of Passaic, a correct account and statement of the said sale, and of the proceeds thereof, and of the costs and expenses of the same; which account and statement shall be audited, examined, and disposed of in the same manner as is by law directed in relation to the accounts of guardians.

Passed, February 12, 1839.

AN ACT to authorize certain persons therein named, to construct, keep up, and maintain a dam and floodgates across Cohansey creek, at Bridgeton.

Preamble.

WHEREAS, it is represented to the legislature, that Benjamin Reeves, David Reeves, Joseph Whitaker and Robert S. Buck, are the proprietors of an extensive nail factory, rolling mill and foundry for casting, at Bridgeton, in the county of Cumberland, in this state; that they wish to increase their water power, and extend their business by erecting other manufactories in said town; and that an increase of water power would be obtained to a large extent by constructing a dam and floodgates across Cohansey creek, at some point above the present constructed nail factory. And inasmuch as it is further represented, that the above named persons have acquired title to all the land on both sides of said creek, above the place where the dam

and floodgates are to be erected, which would be in any way affected thereby—THEREFORE,

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for Benjamin Reeves, David Reeves, Joseph Whitaker and Robert S. Buck, or the survivors or survivor of them, their heirs or assigns, to construct, keep up, and maintain a dam and floodgates across Cohansey creek, above the present located nail factory and near the free landing in Bridgeton, not more than one foot above the highest tide of said creek, the floodgates to be placed in said dam shall be made at least ten feet wide.

Certain persons authorized to erect a dam and floodgates across Cohansey creek.

Sec. 2. *And be it enacted,* That after the said dam and floodgates shall be erected, the said Benjamin Reeves, David Reeves, Joseph Whitaker and Robert S. Buck, their heirs and assigns, shall have the exclusive right and privilege of using the reservoir and water confined therein for manufacturing and other purposes, so long as they shall continue to keep up and maintain said dam and floodgates at their own expense.

Exclusive rights vests in certain persons.

Passed, February 13, 1839.

AN ACT to incorporate the Minerva Fire Company of Bridgeton.

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 Riley, Joseph Buck, Adrian Ogden, Samuel L. Fithian, James B. Barker, Richard Hann, William T. Fisher, David Royal, Robert Barber, George Ayars, John Brown, Elias P. Seeley, jun., Henry B. Lupton and Jeremiah H. Lupton, and all such other persons as are, or hereafter shall become, associates of the Minerva Fire Company of Bridgeton, be, and they are hereby constituted and declared

Names of incorporators.

Style of incorporation. to be a body politic and corporate, in fact and in law, by the name of "the Minerva Fire Company of Bridgeton."

Powers of corporation.

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, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors, respectively, may have and use a common seal, and have power to make, change and alter the same at pleasure; and by their common seal may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation; and shall have full power and authority to make, form and adopt such by-laws and regulations for their government, not inconsistent with the constitution and laws of this state, or of the United States, or the provisions of this act, as they shall think proper.

Amount of capital stock and its exclusive application.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of fifteen hundred dollars, which shall be solely and exclusively applied to the procuring, repairing and maintaining the engine, hose, reservoirs of water, ladders, buckets, fire-hooks and other implements and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of the citizens of Bridgeton from injury or destruction by fire.

Officers of the company.

Sec. 4. *And be it enacted*, That the said company shall have power to elect, annually, a president, vice president, a secretary and a treasurer, from their own body, and such other officers and assistants as they shall find necessary for conducting their affairs, according to their constitution and by-laws; and that the said president shall keep in his custody the common seal of the said company, and at the expiration of his term of office, shall deliver it over to his successor.

Act may be altered or repealed.

Sec. 5. *And be it enacted*, That it shall be lawful for the legislature, at any time hereafter, to amend, modify, or repeal this act, as they shall think proper.

Passed, February 13, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act to erect parts of the counties of Hunterdon, Burlington and Middlesex into a new county, to be called 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 all that part of the county of Hunterdon, embraced within the limits of the township of Hopewell, shall be, and the same is hereby attached to, and made a part of, the county of Mercer, and shall be subject to all the laws which the county of Mercer now is or may be subject to; and the boundary line between the said township of Hopewell and the township of Amwell, in the county of Hunterdon, shall be hereafter the boundary line between the county of Mercer and the county of Hunterdon.

The township of Hopewell in Hunterdon, annexed to the county of Mercer.

Sec. 2. *And be it enacted,* That the territory included within the bounds of the township of Hopewell, in the county of Hunterdon, together with the territory included within the bounds of the township of Marion, in the county of Mercer, shall be, and the same is hereby erected into one township, to be called "the township of Hopewell, in the county of Mercer," and that the inhabitants thereof shall be, and they are hereby constituted, a body politic and corporate in law, by the name of "the inhabitants of the township of Hopewell, in the county of Mercer," and shall be, and they are hereby vested with, entitled to, and authorized to exercise and enjoy, all the franchises, powers, privileges, immunities, and authorities, and shall be, and are hereby made subject to all the provisions of the laws for the time being, for the regulation and government of the inhabitants of the other townships of this state.

Hopewell and Marion to form one township to be called Hopewell.

Sec. 3. *And be it enacted,* That all the real and personal estate belonging to the inhabitants of the township of Hopewell, in the county of Hunterdon, and to the inhabitants of the township of Marion, in the county of Mercer, shall hereafter belong to the inhabitants of the township of Hopewell, in the county of Mercer; and the debts due to, or from, the said inhabitants of the township of Hopewell, in the county of Hunterdon, and to, or from, the inhabitants of the township of Marion, in the county of Mercer, shall be received and paid by the inhabitants of the township of Hopewell, in the county of Mercer.

Estate and debts of both former townships to belong to Hopewell.

Sec. 4. *And be it enacted,* That the judges, justices of the peace, and other officers within the limits of the territory

hereby attached to the county of Mercer, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the limits of said county of Hunterdon, until the second Monday of April next; and all courts at the time of the passing of this act existing and being within the aforesaid limits of said county of Hunterdon, shall continue to have and exercise jurisdiction within the same, until the second Monday of April next, in the same manner as if this act had not been passed; and that on and after the second Monday of April next, and until their respective terms of office in the county of Hunterdon shall expire, all persons in office at the time of the passing of this act, resident within that part of the township of Hopewell hereby attached to the said county of Mercer, and all and every of them, shall hold, exercise, and enjoy their respective offices, with all the powers, privileges and emoluments thereto belonging, within the limits of the county of Mercer, as officers of said county, as fully and effectually, to all intents and purposes, as if they had been elected and appointed to their said offices, respectively, within the said county of Mercer; *provided*, that all judges of the court of common pleas and all justices of the peace shall take and subscribe the official oaths or affirmations required by law, within the said county of Mercer, on or before the first day of May next, and before they act in their respective offices, as officers of the county of Mercer.

When officers residing in townships annexed to Mercer, shall have jurisdiction.

Suits depending not to be affected.

Sec. 5. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings, commenced or depending in the supreme court of this state, or in any court, or before any justice of the peace within the county of Hunterdon, as the same stood before the passing of this act, before the second Monday of April next, shall be in no wise affected by this act, but the same shall and may be prosecuted in said county and before said courts, in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding; *provided*, that in all such causes pending in the supreme court, where the defendant in any transitory action shall at the time when this act takes effect, reside within the limits of that part of the said territory hereby attached to the county of Mercer, or where in any local action the cause of action arose within that part of the said territory, either party may, at his election, on application to said court for that purpose, have the venue in said action, changed to the said county of Mercer, and the cause tried therein as if the said action had originally been commenced in said county.

Venue may be changed to Mercer.

Sec. 6. *And be it enacted*, That the first town meeting hereafter to be held in the said township of Hopewell, as hereby constituted, shall be held on the second Monday in

April next, at the house now occupied by Benjamin Muirhead, in the village of Pennington; and that thereafter the town meetings in said township shall be held annually, on the second Monday in April, at such place as the electors of said township shall from time to time appoint, under the laws of this state.

Time and place of first town meeting

Sec. 7. *And be it enacted*, That all judgments obtained, or that may hereafter be obtained, in any of the courts of the county of Hunterdon, upon any action, suit, or proceeding actually commenced or depending before the second Monday of April next, shall be of the same force and effect within the former limits of said county, as if this act had not been passed, and writs of execution or other legal process may be issued thereon, and directed to the sheriff or other lawful officer of said county, who is hereby authorized and directed to execute the same within the limits of said county of Mercer, in the same manner as he should by law have done in case this act had not been passed: and upon such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Execution on suits now depending, issued by Hunterdon, may run into annexed part of Mercer.

Sec. 8. *And be it enacted*, That all persons at present residing within the limits of the township of Hopewell, in the county of Hunterdon, who would have been entitled to vote at the next annual election in the county of Hunterdon, if this act had not been passed, shall be, and the same are hereby declared to be entitled to vote at the next annual election in the county of Mercer, and that all persons who would have been entitled to vote at the next annual town meeting of the said township of Marion, if this act had not been passed, shall be entitled to vote at the next annual town meeting of the township of Hopewell.

Voters at the next annual election in Mercer, and at town meeting of Hopewell.

Sec. 9. *And be it enacted*, That this act shall take effect on and after the second Monday in April next.

When act to go into effect.

Passed, February 14, 1839.

F

AN ACT to confirm the codicil to the last will and testament of Caleb Brokaw, deceased, late of the county of Somerse .

Preamble.

WHEREAS, Caleb Brokaw, deceased, duly made his last will and testament, bearing date the second of April, in the year of our Lord one thousand eight hundred and fourteen, in which, among other things, he devised to five of the children of his son Isaac, about one half of a certain farm, situate in the county of Somerset, containing two hundred and twenty-five acres, subject to the use and possession of their father during his life, omitting to name two of the children of his said son Isaac:—AND WHEREAS, on the twenty-ninth of the same month of April, in the year aforesaid, he made his codicil, in which he gave the said one-half of the said farm to all the children of his said son Isaac, subject to the life estate as before, but executed the same in the presence of only two witnesses,—THEREFORE,

Codicil to will of C. Brokaw, deceased, confirmed.

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 codicil to the last will and testament of Caleb Brokaw, deceased, late of the county of Somerset, be in all things confirmed, and be, as valid and effectual in the law, as if the same had been duly executed in the presence of three subscribing witnesses.

Passed, February 14, 1839.

AN ACT relative to oaths and affidavits.

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 oaths, affirmations and affidavits required to be made or taken by any statute of this state, or necessary or proper to be made, taken, or used in any court of this state, or for any lawful purpose whatever, shall and may be made and taken by and before the chancellor, or any

judge of a court of record of this state, or any master in chancery, or any justice of the peace of this state, or any mayor, recorder, or alderman of any city or borough of this state, or any commissioner for taking bail and affidavits in the supreme court of this state: *provided*, that nothing herein contained shall apply to the official oath or affirmation, required to be made or taken by any of the officers of this state, nor to any oath, affirmation, or affidavit required to be made and taken in open court, nor to cases where it shall be necessary for the party making or procuring such oath, affirmation, or affidavit, to give notice to any person interested, of the taking of such oath, affidavit, or affirmation.

Persons before whom affidavits may be made.

Proviso.

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

False oaths to be perjury.

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

Act to go into effect immediately.

Passed, February 14, 1839.

AN ACT to amend the supplement to the act entitled "An act to incorporate the Elizabethtown Mutual Assurance Fire Company," passed the twentieth day of February, eighteen hundred and twenty-nine, and to authorize said company to effect marine insurance.

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 sixth section of the supplement to an act incorporating the Elizabethtown Mutual Assurance Fire Company, passed February twentieth, eigh-

Part of former act repealed.

teen hundred and twenty-nine, as limits the admission of members to the term of ten years, be, and the same is hereby repealed.

Company
may insure
vessels and
cargoes.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said company to insure ships, steamboats, or other vessels, or the property contained therein, either in port or otherwise, against loss or damage by fire or any other casualty; and the said company shall be liable for all loss sustained, agreeably to the terms and conditions contained in the policy of the insured.

Passed, February 15, 1839.

AN ACT to incorporate the Burlington Silk Growing and Manufacturing Company.

Names of corporators. Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Samuel R. Gummere, William R. Allen, Thomas Milnor, Thomas Booth and Noah E. Lippincott and their associates, be, and they are hereby incorporated and made a body politic, for the purpose of growing and manufacturing silk, by the name and style of "the Burlington Silk Growing and Manufacturing Company," and shall have power to raise by subscription, in shares of twenty dollars each, a capital of one hundred thousand dollars; and the said persons above named, or any three of them are hereby appointed commissioners to receive subscriptions for the said sum, by opening books for that purpose, in the city of Burlington, having first given public notice of the time and place of opening said books, at least two weeks previous, by advertisement in a newspaper printed in said city; which books shall be kept open three days, and the said commissioners shall require at least one dollar to be paid at the time of subscription, upon each share of stock subscribed, and if a greater amount be subscribed than the amount of the capital stock, then it shall

Style of incorporation.

Commissioners to receive subscriptions for stock.

Amount to be paid at time of subscribing.

Stock to be apportioned.

be the duty of said commissioners to apportion the same among the subscribers ratably, and in proportion to their several subscriptions, *provided* that no apportionment be made upon any subscription which does not exceed ten shares. Proviso.

Sec. 2. *And be it enacted*, That as soon as one thousand shares of said stock shall have been subscribed, the said commissioners, or any three of them, shall by public notice as aforesaid, call a meeting of the stockholders of the said company for the purpose of electing five directors, each of whom shall be a stockholder, to be voted for by the said stockholders according to the number of shares they respectively hold, either in person or by proxy; and the said commissioners or any three of them, shall be inspectors and judges of said election; and the said directors, when elected, shall choose one of their number to be their president; and the said commissioners shall then pay over to the said directors all the money which they may have received for said subscription. On subscription of 1000 shares, directors to be elected.
Commissioners to pay over money to directors.

Sec. 3. *And be it enacted*, That the affairs and business of the said company shall be managed by five directors, who shall have power to appoint a secretary, treasurer and such other officers and assistants, as to them shall seem necessary for carrying on the business of the company; and to pay to persons so employed, such wages or salaries, as they may think proper; and they shall annually, by public notice as aforesaid, call meetings of the stockholders for the purpose of electing directors of the said company, and shall appoint three of the stockholders, who are not directors, as inspectors and judges of such election; which said directors shall continue in office for one year; and if such election shall not be held at the time so appointed, it may take place at any future time upon like notice, the old directors in the mean time to continue in office; and they shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution or laws of this state, or of the United States; and shall also have power to call in said stock as it may be required, in instalments not exceeding five dollars on each share of stock, by giving public notice at least thirty days before such instalments are required to be paid; and that no two instalments shall be required in less than thirty days from each other; *provided always*, that no part of the capital stock of said company shall be used or employed in banking operations, or for any other purposes inconsistent with the provisions of this act. Officers of the company.
Duties of directors.
Stock to be paid in by instalments.
Proviso.

Sec. 4. *And be it enacted*, That the said company, for the purpose of raising mulberry trees and erecting buildings for feeding silk worms and manufacturing silk, may buy, rent, and hold, such lands, tenements, water or steam power, with Real estate may be held for specified purposes

and Oxford, in the county of Warren, lying within the boundaries and descriptions following, to wit: beginning at a point in the centre of the road running past the county poor-house, where the Mansfield township line crosses the same; thence to a point in the stage road leading from Belvidere to Hope; a quarter of a mile northeastwardly from Taylor's tavern; thence to a hickory tree standing on the hill north of the Wolftown school house; thence to the north-west corner of William Tinsman's house; thence to a point in the Hardwick township line, where the road running from the village of Hope to Marksborough, crosses the same; thence along the western line of the townships of Hardwick and Independence, to the corner of the townships of Oxford and Mansfield; thence along the line of the last mentioned townships, to the place of beginning, shall be, and hereby is set off from the townships of Knowlton and Oxford, in the county of Warren, and made a separate township, to be called and known by the name of "the township of Hope."

Boundaries
of the town-
ship of Hope.

—And that all that part of the townships of Greenwich, Oxford and Mansfield, lying within the boundaries and descriptions following, to wit: beginning at a point in the centre of the Musconetcong creek, half a mile above the Bloomsbury bridge; thence to a white-oak tree on the north bank of Merrel's brook, one mile and a quarter above its junction with the Morris turnpike; thence to a point where the Brasscastle stream crosses the Oxford and Mansfield township line; thence to the point where the bridge crosses the Musconetcong creek near the house of William Runkle; thence down the middle of said stream to the place of beginning, shall be, and hereby is set off from the townships of Greenwich, Oxford and Mansfield, in the county of Warren, and made a separate township, to be called and known by the name of "the township of Franklin."—And that all that part of the townships of Greenwich and Oxford, in the county of Warren, lying within the boundaries and descriptions following, to wit: beginning at a point in Merrel's brook, a corner to the townships of Greenwich and Franklin; thence to the centre of Dewitt's school house; thence a straight line to the Delaware river, one quarter of a mile north of John Stryker's house; thence up the Delaware river, to a point where the public road from Roxbury to the said river strikes the same; thence to a point where the Brasscastle stream crosses the Mansfield and Oxford line; thence to the place of beginning, shall be, and is hereby set off from the townships of Greenwich and Oxford, in the county of Warren, and made a separate township, to be called and known by the name of "the township of Harmony."

Boundaries
of the town-
ship of Frank-
lin.

Boundaries
of the town-
ship of Har-
mony.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Hope, shall be, and they are hereby constituted a body politic and corporate, and shall be styled and

Each of the new townships made a body corporate, and entitled to the same rights as other townships.

known by the name of "the inhabitants of the township of Hope, in the county of Warren;" and that the inhabitants of the said township of Franklin 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 Franklin, in the county of Warren;" and that the inhabitants of the said township of Harmony 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 Harmony, in the county of Warren;" 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 Warren, are or may be entitled or subject to, by the existing laws of this state.

Place of first town meeting of Hope.

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Hope shall hold their first annual town meeting at the inn now occupied by John Boyd, in the village of Hope, in said township of Hope, on the day appointed by law for holding the annual town meetings in the other townships in the county of Warren.

Place of first town meeting of Franklin.

Sec. 4. *And be it enacted*, That the inhabitants of the township of Franklin shall hold their first annual town meeting at the inn now occupied by Benjamin C. McCullough, in the village of Broadway, in the said township of Franklin, on the day appointed by law for holding the annual town meetings in the other townships in the county of Warren.

Place of first town meeting of Harmony.

Sec. 5. *And be it enacted*, That the inhabitants of the said township of Harmony shall hold their first annual town meeting at the inn now occupied by John L. Dernberger, in the village of Harmony, in the said township of Harmony, on the day appointed by law for holding the annual town meetings in the other townships in the county of Warren.

Part of Knowlton set off to Oxford.

Sec. 6. *And be it enacted*, That all that part of the township of Knowlton lying within the following boundaries, to wit: beginning at the said hickory tree, the west corner of the said township of Hope, and running thence in a straight line to the Delaware river, fifty yards east of Doctor Jabez Gwinnup's house; thence down the said Delaware river; to the Knowlton and Oxford township line; thence along the last mentioned line, until it intersects the Hope township line; and thence along the said line last mentioned, to the place of beginning, be, and the same is hereby set off and annexed to the township of Oxford.

Sec. 7. *And be it enacted*, That Caleb H. Valentine, Edward H. Swayze and John I. Vankirk, or any two of them,

be, and they are hereby appointed commissioners to run, survey, mark and ascertain the several lines herein before mentioned; which said commissioners shall, before the second Monday in April next, execute and discharge the duties of their said appointment, in the same manner in all respects, as if they had been appointed commissioners for the purpose aforesaid, by the inferior court of common pleas of the county of Warren, upon the application of the board of chosen freeholders of the said county, except only, that it shall not be necessary for the said commissioners to give notice of the time and place of meeting to perform the duties of their said appointment, and that the charges and expenses of said commissioners shall be taxed and paid as is by law directed in case of commissioners appointed by the court of common pleas, upon the application of the board of chosen freeholders.

Commissioners to run the lines of the new townships.

Sec. 8. *And be it enacted*, That the seventh section of this act shall go into effect immediately after the passage thereof, and that the remaining sections shall go into effect on the second Monday in April next.

When act to go into effect.

Passed, February 15, 1839.

AN ACT to carry into effect the last will and testament of Jacob J. Johnson, late of the county of Hunterdon, deceased.

WHEREAS, Jacob J. Johnson, late of the county of Hunterdon, deceased, in and by his last will and testament, dated the eighteenth of December, eighteen hundred and thirty-five, after devising a certain portion of his real estate to his son Daniel, devised unto his three daughters, Elizabeth Chamberlain, Mary Johnson, and Keturah Johnson, all the residue and remainder of his lands and real estate which he had not before disposed of in his said last will and testament, share and share alike, to Mary and Keturah,

Preamble.

and their heirs and assigns forever, and to Elizabeth during her natural life, and after her decease her share to be equally divided between her children, or their heirs, in case of the death of any of them before their mother: and did further will and order, that it be at all times optional with his daughters, Mary and Keturah, whether the land so devised to them be sold or not, thereby giving to them the whole management and control thereof, *provided* they paid Elizabeth yearly, one equal third part of the nett proceeds of said land, while it remained unsold, and in case they two thought fit, at any time, to sell the same, he gave and bequeathed to his executor, therein after named, one-third part of the nett proceeds of the sale thereof, upon this especial trust and confidence, that he put the same out on interest, with such security as the orphans' court might approve, and collect the interest yearly, and pay the same to his daughter Elizabeth yearly, and every year, during her natural life, and that her receipt for the money alone, should be to him a sufficient discharge for the same; and in case he might think that she needed some part of the principal sum for her necessary support, he might pay such parts thereof as he might from time to time be assured was necessary, it being his (testator's) design that no part of the proceeds of said land, previous to its being sold, or after the sale, or the interest arising therefrom, should be seized, or go in any way to satisfy the creditors of Jacob Chamberlain, by virtue of any proceeding against him, or otherwise; and at the decease of his daughter Elizabeth, he thereby ordered and directed his executors to collect the money so put out, and the interest, if any be then due thereon; and pay it to the children of his daughter Elizabeth, as above directed. And in case that either his daughter Mary or Keturah should die without issue, he willed and ordered, that such one's share of said land be equally divided between the survivor and Elizabeth; or in case of the death of both without issue, that both their shares go to Elizabeth her life-time, and her children after her, under the same restrictions which he had directed for Elizabeth's own share; and lastly appointed his son Daniel Johnson, executor of his said last will and testament, (and added,) "It is my wish that when the land devised to my daughters is sold, that my son Daniel should buy it."—And it satisfactorily appearing to the legislature, as well upon consideration of the whole will, as from the uniform declaration of the testator, both before and after the execution thereof, that the general intent, apparent on the face of the will, and the true intent and meaning of the testator was, that his two daughters, Mary and Keturah, should have full power to sell and dispose of the lands so devised to them, if they should at

Preamble.

any time think fit or proper so to do, and that the limitation over in case of their dying without issue, contained in the latter part of said devise, was not intended to defeat the general power of sale before given; but that, to reconcile the whole will, and carry into effect the intention of the testator, this limitation should be regarded as an executory devise over in case of the said devisees, Mary and Keturah, dying without issue, and also without having sold the said lands.—AND WHEREAS, it is represented to the legislature by the said devisees and executor, and appears to be true, that it is necessary for the more comfortable support and maintenance of the said devisees and their sister Elizabeth, that the said real estate so devised should be sold to the best advantage, and that the said devisees desire to make sale thereof; but that, in consequence of the apparent inconsistency in the terms of the said devise, doubts have arisen as to the power of the said devisees to make sale of said premises, and give a good title therefor, which render it impracticable for the said devisees to make sale of the said premises for a fair and reasonable value.—AND WHEREAS, these doubts cannot be resolved by any judicial action thereon, until after the death of said devisees. For remedy whereof, and for the purpose of enabling the said devisees to execute the said power of sale, according to the true intent and meaning of the said testator,

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 Mary Johnson and Keturah Johnson, the daughters and devisees named in the last will and testament of Jacob J. Johnson, late of the township of Amwell, in the county of Hunterdon, deceased, be, and they are hereby declared to be fully authorized to sell and dispose of all the residue of the real estate of the said testator in the said will mentioned and devised to the said Mary and Keturah Johnson and Elizabeth Chamberlain, and to make, execute and deliver, good and sufficient deeds of conveyance therefor to the purchaser or purchasers thereof, his, her, or their heirs and assigns; which deeds shall be valid and effectual in law, to convey to such purchaser or purchasers, his, her, or their heirs and assigns, all the estate, right, title, and interest in said premises, whereof the said Jacob J. Johnson, deceased, stood seized at the time of his death; and that upon receipt of the purchase money for the said premises, they, the said Keturah and Mary Johnson, shall pay over the one-third part of the nett proceeds thereof to the said Daniel Johnson, the executor in the last will and testament of the said Jacob J. Johnson, deceased, named in trust for the benefit of the said Elizabeth Chamberlain and her children, as in the said will is particularly expressed and directed.

M. Johnson and K. Johnson empowered to sell and convey certain lands of J. J. Johnson deceased.

One-third of proceeds of sale to be paid to trustee of E. Chamberlain.

Passed, February 15, 1839.

A SUPPLEMENT to the act entitled "An act for the more easy and expeditious recovery of penalties on forfeited recognizances, and for appropriating the moneys arising from the same, and from fines and amercements," passed, eighteenth of March, seventeen hundred and ninety-five.

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 hath been, or shall be bound by recognizance to the state of New Jersey, or to the governor for the time being, for the use of the state, with condition for his or her appearance at the sessions of oyer and terminer and general jail delivery, or either of them, to be held in any county of this state, and if such person hath not appeared, or shall not appear, agreeably to the condition of such recognizance, and his or her default hath been, or shall be, recorded in the minutes of said court or courts, then it shall and may be lawful for the circuit court of the county in which such forfeiture hath been, or may hereafter be had, the same being certified to such circuit court, on motion of the attorney general, or of the attorney appointed to prosecute the pleas in his absence, to award a writ of scire facias against such recognizor to show cause why the recognizance should not be forfeited, judgment be entered against the recognizor, and execution issue thereon, and to cause such further proceedings to be had thereupon, with costs, as are mentioned and directed in the act to which this act is a supplement.

Scire facias to issue against defaulting recognizor.

Passed, February 19, 1839.

A SUPPLEMENT to the act entitled "An act for the better regulation of actions of replevin."

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 writs of replevin may be directed to, and executed by, the coroners of any county, borough, or town corporate, in all cases in which by the laws of this state writs in other actions may be directed to, and executed by, such coroners; and all such writs of replevin may be executed and returned by any one of such coroners, in the same manner, in all respects, as sheriffs are by law authorized or directed to execute and return the same; and all bonds required by law to be taken in such cases, shall be made to the coroner executing such writs by his name of office.

Writs of replevin may be executed by coroners in certain cases.

Sec. 2. *And be it enacted,* That the sheriff or coroner to whom any writ of replevin shall be delivered shall take the goods and chattels whereof deliverance is sought, into his own custody and possession, notwithstanding any claim of property therein by the defendant or defendants, and shall proceed to make deliverance thereof to the plaintiff in the said writ named, unless the said defendant or defendants shall within twenty-four hours after service of a copy of the said writ of replevin upon him, her or them, deliver to such sheriff or coroner a written claim of property, specifying the goods and chattels so claimed, and shall also, within the time aforesaid, deliver to such sheriff or coroner a bond, with one or more sufficient sureties, being freeholders and residents in the county, and in double the amount of the value of the goods and chattels so claimed, with condition to deliver the said goods and chattels in as good condition as the same were at the time of making such claim, to the plaintiff or his lawful representatives, if the same shall be adjudged to the plaintiff; which bond the said sheriff or coroner is hereby authorized and required, at the request and costs of the said plaintiff or his lawful representatives, to assign to such plaintiff or his lawful representatives, who are hereby authorized, if the said bond shall be forfeited, to bring an action, and recover thereupon, in his, her, or their own name.

Proceedings of sheriff or coroner on executing writs of replevin.

Sec. 3. *And be it enacted,* That the sheriff or coroner to whom any such claim of property and bond shall be delivered, shall make return of the facts to the court out of which the writ of replevin issued, and shall annex the said claim of property to the said writ, and return the same therewith; and thereupon the said suit shall be proceeded in and determined

Claim of property to be returned with writ.

in the same manner, in all respects, as if such claim of property had not been made.

Penalty for
sheriff or cor-
oner omitting
certain duties

Sec. 4. *And be it enacted*, That if any sheriff or coroner to whom any writ of replevin shall be delivered, either by himself or his deputy or bailiff, shall make deliverance to the plaintiff of the goods and chattels mentioned in such writ, or of any part thereof, before he shall have served a copy of the said writ upon the defendant or defendants, or within twenty-four hours after such service, or shall omit or refuse, upon receipt or tender of such claim of property and bond, as are herein before mentioned, to restore the goods and chattels so claimed to the defendant or defendants, such sheriff or coroner shall, for every such offence, besides being answerable to such defendant or defendants, for all damages, forfeit two hundred dollars, to be recovered with costs of suit, by action of debt, in any court of competent jurisdiction, by any person who will sue for the same, the one half of said sum to be appropriated to the use of the person who shall sue for the same, and the other half to the use of the state.

Part of form-
er act repeal-
ed

Sec. 5. *And be it enacted*, That the sixth section of the act to which this is a supplement, be, and the same hereby is repealed.

Passed, February 19, 1839.

REPEALED

AN ACT to annul the marriage contract heretofore entered into by and between James Armstrong, junior, and Lucy Ann Effingham.

Preamble.

WHEREAS, the marriage contract between James Armstrong, junior, of the township of Greenwich, in the county of Gloucester, and Lucy Ann Effingham, appears to have been entered into while the said James was under arrest

upon a charge of bastardy preferred against him by the said Lucy Ann, which charge is now manifestly shown to be wholly false,—THEREFORE,

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between James Armstrong, junior, of the township of Greenwich, in the county of Gloucester, and Lucy Ann, his wife, late Lucy Ann Effingham, be, and the same is hereby declared absolutely void from the beginning, and of none effect, to all intents and purposes whatsoever, as though the same had never been made or entered into.

James Arm-
strong jr. and
Lucy Ann
Effingham di-
vorced.

Passed, February 19, 1839.

A SUPPLEMENT to an act entitled “An act to incorporate the Monmouth and Middlesex Agricultural Rail Road and Transportation Company,” passed the twenty-fifth day of February, 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 it shall and may be lawful for “the Monmouth and Middlesex Agricultural Rail Road and Transportation Company” to survey, lay out, and construct, a lateral or branch rail road as follows; to begin at such point on Manasquan river, in the county of Monmouth, as shall be fixed upon by the said company as the termination of the branch from Freehold to some point on Manasquan river, under the original charter, and from thence to run until it intersects the south branch of Toms’ river, at or near the Dover furnace, in the county of Monmouth.

Company au-
thorized to
construct a
lateral road.

Sec. 2. *And be it enacted,* That to enable the said company to effect the object before expressed, they are hereby

Additional powers given to the company.

invested with all the rights, powers, and privileges given and granted by the aforesaid act, entitled "An act to incorporate the Monmouth and Middlesex Agricultural Rail Road and Transportation Company;" and in the survey, location and construction of the said lateral or branch rail road, the said company shall be subject to all the restrictions, limitations, conditions and provisions in the said act contained, in the same manner and to the same effect as if the said company had been originally authorized by the said act to construct the said lateral or branch rail road.—*Provided*, that the monies paid or subscribed under the provisions of the act to which this is a supplement, shall not, without the written consent of the persons paying or subscribing the same, be laid out or expended in the survey, location or construction of said lateral or branch rail road.

Proviso.

Capital stock may be enlarged.

Sec. 3. *And be it enacted*, That to enable the said company to survey, lay out, and construct the said lateral or branch rail road, it shall be lawful for said company to enlarge their capital stock, by adding to the sum first authorized two hundred and fifty thousand dollars, to be subscribed in such manner and at such time or times, and at such place or places, as they may deem expedient or proper.

Restrictions.

Act may be altered or amended.

Sec. 4. *And be it enacted*, That no part of the funds authorized to be raised by this supplement shall be used for banking or other purposes not plainly indicated by this supplement, or the act to which this is a supplement, and that the legislature reserve to themselves the right to alter or amend this supplement, whenever in their opinion the public good may require it.

Passed, February 19, 1839.

AN ACT to incorporate the Plainfield Steam Power 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 James Leonard, Ephraim Drake, David A. F. Randolph, Abraham D. Titsworth, Alfred Stillman, Randolph Dunham, Thomas B. Stillman, and such other persons as now are or may hereafter be associated with them, be, and they are hereby constituted a body corporate and politic in law, by the name of "The Plainfield Steam Power Association," and by that name they and their successors shall have continued succession, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Names of incorporators.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted,* That the said association shall be, and they are hereby authorized and empowered to engage in and carry forward, at or near the village of Plainfield, in the county of Essex, the business of an iron foundry and of casting and working in iron and other metals, and for these purposes to purchase, erect or procure one or more steam engines and all such buildings, machinery, fixtures, and other articles as may be necessary or expedient for the objects aforesaid; and also to employ all or any part of the same in the manufacture of flour and carrying on a flouring mill, if the said association shall see fit so to do.

Objects of the incorporation.

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

What real estate may be held by the association.

Sec. 4. *And be it enacted,* That the capital stock of said corporation shall be twenty-five thousand dollars with liberty to increase the same to seventy-five thousand dollars, and shall be divided into shares of twenty-five dollars each; *pro-*

Amount of capital stock and how to be employed.

Proviso.

vided, that no part of such capital stock shall be used for banking purposes: or for any other purposes not plainly indicated by this act.

Commissioners to receive subscriptions for stock.

Sec. 5. *And be it enacted*, That David A. F. Randolph, Ephraim Drake, Alfred Stillman, and James Leonard, or any three of them, be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of said association, and they shall open books for that purpose at such time or times, and at such place or places as they may for that purpose appoint, and of which they shall give at least twenty days' notice, by advertising the same in a newspaper printed in the village of Plainfield, or in case none should be printed there, then in a newspaper printed in the county of Essex, and circulating generally in that village; and if more subscriptions be taken than the amount of the capital stock, the said commissioners shall apportion the same in a fair and just manner among the subscribers, so as best to advance the objects of the incorporation: and if the said capital stock should not all be taken, the said commissioners may, in their discretion, close the books or keep them open till the whole shall be taken: and if the books shall be closed and again be opened for subscriptions, the like notice of the time and place of doing the same as is herein before mentioned shall be given: and in case any of the said commissioners shall die, or neglect or refuse to act, the board of directors shall have full power to elect another person in his stead.

Stock to be apportioned.

Books for subscription may be re-opened.

When business may be commenced.

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

Stock forfeited on failure to pay instalments.

the power given to the said association to forfeit the shares of delinquent share holders shall in no case be exercised to the prejudice of minors. Proviso.

Sec. 7. *And be it enacted,* That the capital stock of the said company shall be deemed personal property, and shall be assignable and transferable on the books of said corporation, according to such rules, and subject to such regulations, as the board of directors may from time to time establish; and in case the said corporation shall have any just claim or demand against any stockholder, whether the same shall be then due or to become due, such stockholder shall not be entitled to make any transfer, sale, or conveyance of his stock, or receive a dividend thereon, until such claim or demand shall be paid or secured to the satisfaction of the board of directors; for the time being. Stock personal property, and transferable.

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

Sec. 9. *And be it enacted,* That the first directors of said corporation shall be James Leonard, Ephraim Drake, David A. F. Randolph, Abraham D. Titsworth, Alfred Stillman, Randolph Dunham and Thomas B. Stillman, who shall hold their offices until the first Monday in January next, and until others shall be legally chosen and qualified to act in their stead; and on that day, and on the first Monday in January of every year thereafter, at such hour and place as the directors for the time being shall appoint, such of the stockholders as shall then and there attend, either in person or by lawful proxy, shall proceed to elect by ballot a board of directors for the then ensuing year, under such regulations as may have been estab- Powers of directors.

Proviso.

First directors.

Time and mode of electing future directors.

lished by the by-laws of said corporation; and each stockholder shall be entitled to one vote for every share he may hold not exceeding four, and one vote for every two additional shares not exceeding twenty, and one vote for every four additional shares over twenty: and the directors for the time being shall give public notice of the time and place of holding such election, at least twenty days before the time appointed, at least twenty days before the time appointed, by advertising the same in a newspaper printed at Plainfield, or if no paper shall at the time be printed there, then in some newspaper printed in the county of Essex and circulating most generally in the said village.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Books to be kept and to be open to inspection of stockholders.

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

Company may sell or rent steam power.

Sec. 13. *And be it enacted*, That this act shall be in force for the term of thirty years from the passage thereof, and no longer, and that the legislature may, at any time during said

Limitation of act.

term, alter, amend, modify or repeal this act, whenever in their opinion the public good may require it.

Act may be altered or repealed.

Passed, February 19, 1839.

AN ACT to authorize the sale of the real estate of James Rightmire, deceased, late of the county of Middlesex.

WHEREAS, James Rightmire, late of the county of Middlesex, departed this life in the year of our Lord one thousand eight hundred and thirty, leaving a last will and testament, which was duly proved by Jacob V. Rightmire, executor thereof, and therein, among other things, devised his homestead farm, situate in the township of South Brunswick, in said county, to his wife, Sarah Rightmire, during her natural life or widowhood, and directed after her death or marriage the same to be sold, and the proceeds to be equally divided among his children, or the survivors of them:—
AND WHEREAS, the said premises are going to decay, and all the parties in interest who are of full age being desirous that the same may be sold,—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 T. M'Dowell and Jacob V. Rightmire, of the county of Middlesex, be, and they are hereby authorized, with the consent, in writing, of the said Sarah Rightmire, to sell the said farm or tract of land at public or private sale, for a price or sum not less than three thousand dollars, and for the same or any part thereof when so sold, to execute and deliver to the purchaser or purchasers, a deed or deeds of conveyance, which shall vest in the said purchaser or purchasers all the estate, right, title and interest, which the executors named in the said will could in virtue thereof have conveyed after the death or marriage of the said Sarah Rightmire.

Trustees authorized to sell lands of J. Rightmire, deceased.

Accounts of
sales to be
rendered to
orphans' court
of Middlesex.

Sec. 2. *And be it enacted*, That, the said John T. M'Dowell and Jacob V. Rightmire, shall, within three months after the completion of such sale and conveyance, make out and render to the orphans' court of the county of Middlesex, a just and true account and statement of such sale and of the costs and expenses thereof, and the said court shall thereupon examine and approve the said account and statement if they shall find the same to be correct, and shall also allow to the said John T. M'Dowell and Jacob V. Rightmire such compensation for their services as the said court shall deem equitable and just.

Distribution
of proceeds of
sale.

Sec. 3. *And be it enacted*, That the said John T. M'Dowell and Jacob V. Rightmire shall safely invest, on bond and mortgage, the proceeds of such sale, (having first deducted therefrom the costs, expenses, and compensation aforesaid,) and if the said Sarah Rightmire shall unite with them in executing and delivering the said deed or deeds of conveyance shall pay the interest arising therefrom to the said Sarah Rightmire during her natural life or widowhood; and shall also, upon the marriage or death of the said Sarah Rightmire, pay over and divide the same according to the directions of the said last will and testament of the said James Rightmire.

Passed, February 19, 1839.

REPRODUCED FROM THE ORIGINAL

A SUPPLEMENT to an act entitled "An act to provide for the establishment of public schools in the township of Paterson, in the county of Essex," passed January twenty-sixth, 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 inhabitants of the township of Paterson, formerly in the county of Essex, now in the county of

Passaic, be, and they are hereby relieved and exempted from the operation of so much of the fourth section of the act entitled "An act to establish public schools," passed March first, eighteen hundred and thirty-eight, as prohibits the inhabitants of the several townships in this state at their annual town meetings, from raising more than double the amount of their respective apportionments of the school fund, and that the inhabitants of the said township of Paterson, be, and they are hereby authorized and empowered, at their annual town meetings, to raise for the support of public schools within said township, such sum or sums of money as by them may be deemed necessary or expedient for that purpose, any thing in the act last above recited to the contrary notwithstanding.

Township of Paterson authorized to raise any amount deemed necessary for public schools.

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

Passed, February 20, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act for the relief of creditors against absconding and absent debtors."

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 clerk of any court in this state, who shall issue or seal any writ of attachment under or by virtue of the act to which this is a supplement, forthwith to enter in a book, to be by him provided and kept for that purpose, the names of the plaintiff or plaintiffs, and of the defendant or defendants, in the said writ of attachment, the sum or amount therein specified, and the time of issuing or sealing the said writ, to which book, every person desiring to inspect the same, shall have access at all proper seasons.

Book to be kept by clerk of court to enter certain proceedings on attachment.

Sec 2. *And be it enacted*, That writs of attachment may be issued against any absconding or absent female, or against any corporation or body politic not created or recognized by the laws of this state, in all cases in which such writ may lawfully issue against an absconding or absent male, any law, usage, or custom to the contrary notwithstanding.

Writ may be issued against females.

Defendant
may enter ap-
pearance and
on giving
bond, proper-
ty attached to
be restored.

Sec. 3. *And be it enacted,* That it shall and may be lawful for any defendant or defendants, against whom an attachment shall be issued by any justice of the peace of this state, on or before the day appointed for the hearing of the said cause, to cause his, her, or their appearance to be entered, by filing with the said justice a bond to the plaintiff or plaintiffs, executed by one or more sufficient sureties, being freeholders, and resident in the county in which such attachment shall issue, in double the value of the property attached, conditioned for the due and safe return of the goods and chattels, rights and credits, moneys and effects, seized and taken by virtue of such writ of attachment, in case judgment shall be rendered for the plaintiff or plaintiffs; which said bond shall be approved by the said justice, and filed by him for the use and benefit of the said plaintiff or plaintiffs; and thereupon the property so attached, shall be restored to the said defendant or defendants, and released from the lien of the said attachment; and the like proceedings may be had before the said justice, and either party may appeal from the judgment of the said justice, as if the said defendant or defendants had given a bond conformably to the first section of an act entitled "A supplement to an act entitled, an act for the relief of creditors against absconding and absent debtors," which supplement was passed the fifteenth day of March, in the year of our Lord eighteen hundred and thirty-two.

Parts of former acts repealed.

Sec. 4. *And be it enacted,* That so much and such parts of the act to which this is a supplement, and of the several supplements thereto, as require that the defendant or defendants in any attachment shall enter into special bail before such attachment shall be set aside, or that the defendant in any attachment issued by a justice of the peace shall give bond conditioned, that if the said defendant shall be condemned in the said action, he shall pay the cost and condemnation money, or surrender himself to a constable on execution to be issued thereon on the day judgment shall be obtained, be, and the same are hereby repealed.

Passed, February 22, 1839.

AN ACT directing payment of a certificate given to Brown Brookfield, for militia services in the revolutionary war.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state be, and he is hereby directed to pay out of any monies in the treasury not otherwise appropriated, to Brown Brookfield, or his order, or to his legal representative, the sum of twenty-one dollars and seventy-two cents, the amount of principal and interest due upon an original certificate given to said Brown Brookfield by Thomas Clark, commissioner, for the sum of one pound eighteen shillings and four pence, payable as by the terms thereof, "in specie, with interest, at the rate of six per centum per annum until paid," and bearing date the seventh day of October, seventeen hundred and eighty-four, and given for militia services rendered to the state by said Brookfield.

Treasurer to pay principal and interest on a certificate issued to Brown Brookfield.

Passed, February 22, 1839.

AN ACT to divorce William Rossell from his wife, Jane Rossell.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William Rossell, of the county of Burlington, be, and he is hereby divorced from his wife, Jane Rossell, 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.

William Rossell and Jane Rossell divorced.

Passed, February 22, 1839.

A FURTHER SUPPLEMENT to an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by way of Sandy Hook, passed the eighth day of January, eighteen hundred and thirty-seven.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for every branch pilot, or deputy pilot, duly appointed and licensed, to ask and receive pilotage from any person or persons who shall employ him to pilot any vessel from the eastward or southward of the white buoy, situate on the eastern edge of the outer middle ground, near the bar, to the port of Jersey City, Newark, or Perth Amboy, and shall there safely moor such vessel, or take her to a proper wharf, as the master, owner, or consignee of such vessel may desire; and, likewise, from any person or persons who shall employ him to pilot any ship or other vessel from port, to the eastward or southward of said white buoy, so far that such vessel may safely proceed to sea, at and after the following rates, that is to say; for vessels of the United States, and for vessels of other nations that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, the sums following, viz: for every vessel drawing less than fourteen feet, any sum not exceeding two dollars for every foot such vessel shall draw; for every vessel drawing fourteen feet and less than eighteen feet, any sum not exceeding two dollars and fifty cents for every foot such vessel shall draw; and for every vessel drawing eighteen feet and upwards, any sum not exceeding three dollars for every foot such vessel shall draw; and for all vessels of war, any sum not exceeding five dollars for every foot such vessel shall draw; and for all other vessels, an addition of one-fourth to the above rates; and further, if the master or owner of any vessel having a pilot on board, shall choose to have his said vessel, not destined to Jersey City, Newark or Perth Amboy, as aforesaid, moored at any place within Sandy Hook, such pilot shall be allowed the same rate of pilotage as if the said ship or vessel was moored or conducted to a proper wharf, as aforesaid, and shall be entitled to his discharge from such ship or vessel within twenty-four hours thereafter; *provided,* that no more than half-pilotage, at the rates aforesaid, shall be demanded or received by any such pilot who shall, to the westward of the said white buoy, take charge of any vessel coming into port; *and provided also,*

Rates of pilotage.

Regulations concerning pilots and pilotage.

that no pilotage whatever shall be demanded or received by any such pilot for any such vessel coming into port, unless such pilot shall take charge of such vessel to the southward of the upper middle ground, and such vessel be at least of the burthen of one hundred tons, unless such vessel shall make the usual signal for a pilot, in which case it shall be the duty of such pilot to take charge of such vessel, and such pilot shall then be entitled to half-pilotage therefor, as aforesaid; and further, that between the first day of November, and the first day of April, inclusive, in every year, such pilot may ask and receive the additional sum of four dollars for every vessel drawing ten feet and upwards, and for every vessel drawing less than ten feet, the additional sum of two dollars, and one-half of such additional sums for half-pilotage; and it shall be lawful for every pilot and deputy pilot, to ask and receive, from any person or persons who shall employ him to pilot any vessel, and which shall be taken in charge by such pilot at such distance from land as that Sandy Hook light-house cannot be seen from the deck of such vessel in the day time in fair weather, the addition of one-fourth to the rates of pilotage allowed by this act.

Regulations
concerning
pilots and pi-
lotage.

Sec. 2. *And be it enacted*, That the foregoing section be, and the same is hereby substituted for, and in the place of, the fifteenth section of the act to which this is a supplement; which fifteenth section is hereby repealed; and that all parts of the original act having reference heretofore to the said fifteenth section, shall hereafter be taken and considered as having reference to the first section of this act.

Part of form-
er act repeal-
ed.

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

Act to take
effect immedi-
ately.

Passed, February 23, 1839.

AN ACT to set off the township of Belleville, in the county of Essex.

SEC. 1. BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all that part or district of the township of

Bloomfield, in the county of Essex, included within the following limits, viz: beginning at Green island, in Passaic river, near that part of the road leading from Newark to Belleville, called the gully, being the north east corner of the city of Newark; and from thence westerly, along the line of the said city of Newark, to the north-east corner of the township of Orange, at the great boiling spring, being also the north-west corner of the said city of Newark; thence northerly, on a straight line, to a point on the northerly side of the old road leading from the village of Bloomfield to Newark, midway between the dwelling houses of Charles R. Akers and Nicholas Coughlin; thence, on a straight line, to the north-west corner of the roads nearest to, and north of, the bridge across Randolph's pond; thence, on a straight line, to the north-west corner of the roads leading to Franklinville and Morris's mills, near Peter Groshong's dwelling house; thence, along the west side of the road leading to Franklinville, to the division line between said Groshong and lands late of Abraham Pake, deceased; thence westwardly, along said division line and the northern line of lands of Stephen Morris, to the centre of the Morris canal; thence, along the middle of said canal, northwardly, to the southern line of land of Christopher Mandeville; thence, along said Mandeville's line to the western line of the road; thence, along the western line of said road, to the corner of the road leading from Franklinville to Stone-house Plains; thence, northwardly, on a straight course, to a point in the eastern line of the road near the late dwelling house of Garret P. Jacobus, deceased, where the line of Acquackanonck township, in the county of Passaic, crosses said road; thence, easterly, along the line of said township of Acquackanonck, to the said Passaic river; thence, southerly, along said Passaic river, to the beginning, be, and the same is hereby set off from the said township of Bloomfield, and erected into a separate township, to be known by the name of "the township of Belleville."

Boundaries of
the township
of Belleville.

Sec. 2. *And be it enacted*, That the inhabitants of the said township of Belleville shall be, and they are hereby incorporated by the name of "the inhabitants of the township of Belleville, in the county of Essex;" and vested with, and entitled to, all the powers, privileges, authorities and advantages, and subject to the like regulations and government, as other townships in this state.

Inhabitants of
Belleville in-
corporated.

Sec. 3. *And be it enacted*, That the inhabitants of the said township of Belleville shall hold their first annual town meeting at the public house now known as the Pavilion, in the village of Belleville, on the day appointed by law for holding the annual town meetings in the other townships in the county of Essex.

Place of first
town meet-
ing.

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

Disposal of the paupers of Bloomfield and Belleville.

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

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

Sec. 6. *And be it enacted,* That the township committees of the said townships of Bloomfield and Belleville shall have power, and are hereby authorized, empowered, and directed, to sell, at public or private sale, all that farm and premises, with all and singular the appurtenances, known as the poor-house farm of the township of Bloomfield, and also all the personal property belonging to the said township, at any time after this act shall take effect, and to make and deliver to the purchaser or purchasers of the said poor-house farm and premises, a good and sufficient deed or deeds for the same; which said deed or deeds shall convey to, and vest in, the said purchaser or purchasers, all the right, title and interests whatever, which the inhabitants of the said townships of Bloomfield and Belleville shall then have of, in, and to, the same with the appurtenances, and any part or parcel thereof; and the proceeds arising from such sale shall be divided agreeably to the provisions of the preceding section.

The committees may sell the poor house farm.

Voting at
town meet-
ing.

Sec. 7. *And be it enacted*, That all persons residing within the limits of the said township of Belleville, who would have been entitled to a vote at the next annual town meeting of the township of Bloomfield if this act had not been passed, shall be entitled to vote at the next annual town meeting of the said township of Belleville.

When act to
take effect.

Sec. 8. *And be it enacted*, That this act shall take effect on the second Monday in April next, and not before.

Passed, February 23, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic; and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic," passed February seventh, eighteen hundred and thirty-seven.

Executors, administrators, guardians, and trustees residing in Passaic and Atlantic, to account in these counties, notwithstanding processes issued in Bergen, Essex or Gloucester.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in all cases in which letters testamentary, or of administration, or guardianship, or other power or authority hath or have been issued or granted to any executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, by the surrogate or orphans' court of either of the counties of Bergen, Essex, or Gloucester, and in which such letters testamentary, or of administration, or guardianship, or other power or authority should or might by law have been issued or granted by the surrogate or orphans' court of the county of Passaic or of the county of Atlantic, if the act to which this is a supplement had gone

into effect before the issuing or granting thereof, it shall and may be lawful for the said executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them, to procure from the surrogate of either of the counties of Bergen, Essex or Gloucester, true copies, duly certified under his hand and seal, of all orders, decrees, inventories, accounts or other proceedings, or papers, recorded or filed in the office of such surrogate, and relating to, or made by such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and to file the same with the surrogate of the said county of Passaic, or of the said county of Atlantic, as the case may be; and thereupon the surrogate and orphans' court of the said county of Passaic, or of the said county of Atlantic, shall have the same jurisdiction, power and authority over or concerning such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them and be authorised and empowered to state, audit, settle and allow his, her or their account or accounts, and to enforce and compel the due and faithful fulfilment and performance of his, her or their duties and trusts, in the same manner in all respects as the surrogate or orphans' court of either of the said counties of Bergen, Essex, or Gloucester, might, or could, have had or done if this act had not been passed; and the making and rendering, and the neglect or failure to make and render, any inventory, statement or account to the surrogate or orphans' court of the said county of Passaic, or of the said county of Atlantic, as the case may be, or to observe and perform any order or decree of the said orphans' court, shall have the same force and effect against such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and the survivors or survivor of them, and his, her or their respective security or securities, and all other persons whomsoever, as the like making and rendering, or neglect, or omission in reference to the surrogate or orphans' court of either of the said counties of Bergen, Essex, or Gloucester, would, by law, have had; *provided always*, that nothing in this act contained shall be so construed as to authorize or empower the orphans' court of either of the said counties of Passaic or Atlantic, to make any order or decree for the sale of any lands or real estate not situated within their respective counties.

Surrogates of Bergen, Essex and Gloucester, to furnish copies of all papers in such cases, to be filed with surrogates of Passaic and Atlantic.

Proviso.

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

Act to take effect immediately.

Passed, February 25, 1839.

A SUPPLEMENT to the act entitled "An act to erect parts of the counties of Hunterdon, Burlington and Middlesex, into a new county, to be called the county of Mercer," and to the acts supplementary thereto.

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 in which letters testamentary, or of administration, or guardianship, or other power or authority, hath or have been issued or granted to any executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, by the surrogate or orphans' court of either of the counties of Hunterdon, Burlington, Middlesex or Somerset, and in which such letters testamentary, or of administration, or guardianship, or other power or authority, should or might by law have been issued or granted by the surrogate or orphans' court of the county of Mercer, if the acts to which this is a supplement had gone into effect before the issuing or granting thereof, it shall and may be lawful for the said executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them, to procure, from the surrogate of either of the counties of Hunterdon, Burlington, Middlesex or Somerset, true copies, duly certified under his hand and seal, of all orders, decrees, inventories, accounts, or other proceedings or papers, recorded or filed in the office of such surrogate, and relating to or made by, such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and to file the same with the surrogate of the said county of Mercer; and thereupon the surrogate and orphans' court of the said county of Mercer shall have the same jurisdiction, power and authority over or concerning such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, or the survivors or survivor of them, and be authorized and empowered to state, audit, settle and allow his, her, or their account or accounts, and to enforce and compel the due and faithful fulfilment and performance of his, her, or their duties and trusts, in the same manner in all respects, as the surrogate or orphans' court of either of the counties of Hunterdon, Burlington, Middlesex or Somerset, might or could have had or done if this act had not been passed; and the making and rendering, and the neglect or failure to make and render any inventory, statement, or account to the surrogate or orphans' court of the said county of Mercer, or to observe and per-

Executors, administrators, guardians and trustees residing in Mercer county may account therein notwithstanding letters issued by Hunterdon, Burlington, Middlesex or Somerset, on filing copies of proceedings in those counties with surrogate of Mercer.

form any order or decree of the said orphans' court, shall have the same force and effect against such executor or executors, administrator or administrators, guardian or guardians, trustee or trustees, and the survivors or survivor of them, and his, her, or their respective surety or sureties, and all other persons whomsoever, as the like making and rendering, or neglect or omission, in reference to the surrogate or orphans' court of either of the said counties of Hunterdon, Burlington, Middlesex or Somerset, would by law have had; *provided always*, that nothing in this act contained, shall be so construed as to authorize or empower the orphans' court of the said county of Mercer to make any order or decree for the sale of any lands or real estate not situate within the said county. Proviso.

Sec. 2. *And be it enacted*, That when any executor, administrator, or guardian, who was or shall be appointed in either of the counties of Hunterdon, Burlington, Middlesex or Somerset, before the acts to which this is a supplement went, or shall go into operation, shall die, cease to act, or for any other cause be disqualified; or whenever any letters of administration, guardianship, or letters testamentary, shall be vacated, then, and in such cases, the surrogate or orphans' court of the county of Mercer, is hereby authorized to issue new letters of administration, or letters of guardianship, or letters of administration cum testamento annexo, according to law, as the case may require; *provided*, the testator or intestate at the time of his or her death, resided within the territory now composing, or which shall then compose the said county, or the estate of the ward or wards lies within the same; and that the surrogate and orphans' court of the said county of Mercer may proceed thereupon as if the said letters of administration, letters of guardianship, or letters testamentary, had been originally issued by the surrogate of the said county of Mercer. New letters of administration, &c. may be issued by surrogate of Mercer in certain cases.

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

Passed, February 25, 1839.

K

AN ACT to alter the times of holding certain courts in the counties of Bergen, Middlesex, Mercer, and Passaic.

Times of holding courts changed in Bergen county.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the several courts now directed by law to be holden in and for the county of Bergen, on the second Tuesday in June, annually, shall hereafter be held in and for the said county, on the third Tuesday in June, annually.

In Middlesex county.

Sec. 2. *And be it enacted*, That the several courts now directed by law to be holden in and for the county of Middlesex, on the second Tuesday in June and the second Tuesday in September, annually, shall hereafter be held in and for the said county, on the first Tuesday in June and the fourth Tuesday in September, annually.

In Mercer county.

Sec. 3. *And be it enacted*, That the several courts now directed by law to be holden in and for the county of Mercer, on the fourth Tuesday in June and the fourth Tuesday in September, annually, shall hereafter be held in and for said county, on the second Tuesday in June and the third Tuesday in September, annually.

In Passaic county.

Sec. 4. *And be it enacted*, That the several courts now directed by law to be holden in and for the county of Passaic on the first Tuesday in February, annually, shall hereafter be holden in and for the said county, on the second Tuesday in February, annually.

Act to go into effect immediately.

Sec. 5. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed, February 26, 1839.

AN ACT to incorporate the owners of certain fisheries in the Upper, Dennis, Middle and Lower townships, in the county of Cape May.

WHEREAS, it has been represented to the legislature that Jacob Spicer, formerly of the county of Cape May, did grant and convey unto divers persons, inhabitants of the Upper precinct, (now the Upper township, and the township of Dennis,) in the said county, certain fisheries and rights of fishing and fowling, and privileges in the said townships on the sea-board; and did also grant and convey unto divers persons, inhabitants of the Middle precinct, (now the Middle township) in the said county, certain fisheries and rights of fishing and fowling and privileges in the said Middle township on the sea-board; and did also grant and convey unto divers persons, inhabitants of the Lower precinct, (now the Lower township) in the said county, certain fisheries and rights of fishing and fowling and privileges in the said Lower township, on the sea-board, as by the deeds of conveyance thereof, duly recorded in the clerk's office of the said county, more fully appears; and that the said owners, by reason of their great numbers, have experienced great injury and inconvenience in the enjoyment of their common property for the want of proper by-laws and regulations, and the means of enforcing them, and also of more conveniently redressing trespasses committed on their said common property by strangers, and have prayed for an act of incorporation, which appearing to the legislature to be just and reasonable,—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 several inhabitants of the Upper township, in the county of Cape May, who now are, or may hereafter become owners of the said fisheries and rights of fishing and fowling and privileges, so granted and conveyed as aforesaid, by the said Jacob Spicer, and their heirs and assigns, be, and they hereby are incorporated, by the name of "the General Association of the Upper township, in the county of Cape May;" and by the same name are hereby declared and constituted a body politic and corporate in law, for and during the term of twenty years, and from thence to the end of the next session of the legislature, and no longer; and, as such, shall and may have succession, and be able and capable in law, to sue and be sued, implead and be impleaded, in all courts and places whatever, and may have and use a common seal, and the same alter, change, and renew at their

Certain owners of fisheries, &c. in Upper township incorporated.

Style of incorporation.

Powers.

Powers.

pleasure; and shall and may hereafter, during the term aforesaid, have and enjoy all the rights, powers and privileges incident to a body politic and corporate, for the use, enjoyment, management, and preservation of their said common property and for no other intent or purpose whatever.

Certain owners of fisheries, &c. in Dennis township incorporated.

Style of incorporation.

Sec. 2. *And be it enacted*, That the several persons, inhabitants of the township of Dennis, in the said county of Cape May, who now are, or may hereafter become owners of the said fisheries and rights of fishing and fowling and privileges, so granted and conveyed as aforesaid by the said Jacob Spicer, and their heirs and assigns, be, and they are hereby incorporated by the name of "the General Association of the township of Dennis, in the county of Cape May;" and by that name are hereby declared and constituted a body politic and corporate in law, for and during the term of twenty years, and from thence to the end of the next session of the legislature, and no longer; and as such, shall and may have succession, and be able and capable in law, to sue and be sued, implead and be impleaded, in all courts and places whatever; and may have and use a common seal, and the same alter, change and renew at their pleasure; and shall and may hereafter, during the term aforesaid, have and enjoy all the rights, powers and privileges incident to a body politic and corporate, for the use, management, and preservation of their said common property, and for no other use or purpose whatever.

Powers.

Certain owners of fisheries &c. in Middle township incorporated.

Style of incorporation.

Sec. 3. *And be it enacted*, That the several persons, inhabitants of the Middle township, in the said county of Cape May, who now are, or may hereafter become owners of the said fisheries and rights of fishing and fowling and privileges, so granted and conveyed as aforesaid by the said Jacob Spicer, and their heirs and assigns, be, and they are hereby incorporated by the name of "the General Association of the Middle township, in the county of Cape May;" and by the same name are hereby declared and constituted a body politic and corporate in law, for and during the term of twenty years, and from thence to the end of the next session of the legislature, and no longer; and as such, shall and may have succession, and be able and capable in law, to sue and be sued, implead and be impleaded, in all courts and places whatever; and may have and use a common seal, and the same alter, change and renew at their pleasure; and shall and may hereafter, during the term aforesaid, have and enjoy all the rights, powers and privileges incident to a body politic and corporate, for the use, management, and preservation of their said common property, and for no other intent or purpose whatever.

Powers.

Sec. 4. *And be it enacted*, That the several persons, inhabitants of the Lower township, in the said county of Cape

May, who now are, or may hereafter become owners of the said fisheries, and rights of fishing and fowling and privileges, so granted and conveyed as aforesaid by the said Jacob Spicer, and their heirs and assigns, be, and they hereby are incorporated, by the name of "the General Association of the Lower township, in the county of Cape May;" and by the same name are hereby declared and constituted a body politic and corporate in law, for and during the term of twenty years, and from thence to the end of the next session of the legislature, and no longer; and as such, shall and may have succession, and be able and capable in law, to sue and be sued, implead and be impleaded, in all courts and places whatever; and may have and use a common seal, and the same alter, change and renew at their pleasure; and shall and may hereafter, during the term aforesaid, have and enjoy all the rights, powers and privileges incident to a body politic and corporate, for the use, management, and preservation of their said common property, and for no other use, intent, or purpose whatever.

Certain owners of fisheries, &c., in Lower township incorporated.
Style of incorporation.

Powers.

Sec. 5. *And be it enacted*, That the members of the said corporations, respectively, of full age, are hereby authorized to meet at the places of holding the annual town meetings in the said townships, respectively, on the first Tuesday of April next, and annually thereafter, at such places as the members thereof shall appoint, and then and there elect any number of trustees, not exceeding seven, who shall remain in office for one year, and until others are chosen in their stead.

Time and place of electing trustees.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the trustees so elected to call special meetings of the said corporations, respectively, whenever a majority of the trustees of the said corporations, respectively, shall deem the same expedient, of which special meetings the clerks of the said corporations shall give eight days' notice, by advertisements set up in three of the most public places in the said townships, respectively.

Duties of trustees.

Sec. 7. *And be it enacted*, That the members of the said corporations, respectively, shall, at their annual or special meetings, make and ordain such by-laws and regulations as a majority of them, so met, shall from time to time judge necessary or proper for improving their common property, and directing the use and management thereof, and the times and manner of using the same, and for the preservation thereof, and for such other purposes respecting the same as they may deem necessary or proper; *provided*, the same be not inconsistent with the laws or constitution of this state, or of the United States; and to impose such penalties on the offenders against such by-laws and regulations as they shall deem ex-

Powers and duties of the corporation.

Proviso.

Proviso.

pedient, not exceeding twelve dollars for each offence, to be recovered, with costs of suit, by and in the name of the said corporations, respectively, by action of debt, in any court having cognizance of the same; and that no member of either of the said corporations shall, by reason of his membership, be deemed an incompetent witness in any action, suit, or proceeding in which such corporation shall be a party; *provided*, that nothing in this act contained, shall be so construed as to affect the rights and privileges of any other person or persons of, in, or to the fisheries, rights of fishing, fowling, and privileges herein mentioned, or any part of the same.

Passed, February 26, 1839.

AN ACT to divorce Alfred D. Green from his wife Elizabeth.

Alfred D.
Green and E-
lizabeth
Green divor-
ced.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Alfred D. Green, of the county of Mercer, be, and he is hereby divorced from his wife Elizabeth, and that the marriage contract heretofore existing between them, be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

Passed, February 26, 1839.

AN ACT to dissolve the marriage contract between Gertrude Finch, late Gertrude Cole, of the township of Hackensack, in the county of Bergen, and John M. Finch, her husband, late of said county.

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 between Gertrude Finch, late Gertrude Cole, of the township of Hackensack, in the county of Bergen, and John M. Finch, her husband, late of the place aforesaid, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony.

John M. Finch
and Gertrude
Finch divor-
ced.

Passed, February 26, 1839.

A SUPPLEMENT to the act entitled "An act concerning inns and taverns," passed February twenty-fourth, seventeen hundred and ninety-seven.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That nothing in the eleventh section of the act to which this is a supplement shall be so construed as to prevent the keeping of an inn and tavern, and shop for selling goods, wares and merchandise under the same roof, in any city, borough, or town corporate in this state, where the house is so constructed that the shop and tavern (though under the same roof) shall be entirely distinct, without any communication existing between them, and where the tavern and shop shall be kept by different persons, neither of whom have an interest in, or connexion with, the business of the other.

Tavern and
store may be
kept under
same roof, if
entirely sep-
arate.

Passed, February 26, 1839.

AN ACT to incorporate the Nottingham Manufacturing Company.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That George W. Halsted, John Whittaker, James Perkins, William Stevens, Zachariah Rossell, William Halsted, James S. Green, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate in fact and in law, for the purpose of manufacturing silk, cotton, wool, hemp and twine, by the name of "the Nottingham Manufacturing Company;" and by that name, they, and their successors shall be, and they are hereby made capable in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever, and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable in law, to purchase, receive, have, hold and enjoy such lands, tenements, water power, and water privileges, in the townships of Nottingham and Trenton, and also such goods, chattels, and personal estate, as may be necessary and useful for carrying on the manufacturing business and purposes aforesaid; and the same to use and employ, grant, demise, pledge, convey and dispose of as they shall deem proper; and to have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies, and necessary or proper for the purposes of their incorporation: *provided always,* that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations, or for any purpose or purposes inconsistent with the provisions of this act: and the said George W. Halsted, John Whittaker, James Perkins, William Stevens, James S. Green, William Halsted and Zachariah Rossell, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Names of corporators.

Style of corporation.

Powers.

Proviso.

Commissioners to receive subscriptions for stock.

Amount of capital stock.

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

Sec. 3. *And be it enacted,* That the stock, property, and

concerns of the said company shall be managed and conducted by seven directors, being stockholders, one of whom shall be president; and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and in every election of directors the stockholders having the greatest number of votes shall be directors; and the persons above named, or any three of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said president and directors shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of the election; and the said president and directors may make, ordain and execute such by-laws and regulations for the government of the said corporation in their proceedings, and for the management of the stock, property, effects and concerns of said company, as may by them be deemed necessary and convenient; *provided* the same be not repugnant to the constitution and laws of this state or of the United States; and the said president and directors, or a majority of them, shall and may appoint such officers, superintendents, agents, and workmen, with such compensation as they may think proper, and may remove the same at their pleasure.

Time and manner of electing directors.

Directors to choose a president.

Powers of directors.

Proviso.

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

When company may commence business.

Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That the stock of the said company shall be deemed personal property, and shall be trans-

Stock personal property, and transferable.

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

Dividends to be made.

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

Books of company open to inspection of stockholders.

On failure of directors stockholders may give notice and conduct elections.

Sec. 7. *And be it enacted*, That all elections of directors of the said company shall be by ballot: and if the president and directors of said company, for the time being, shall, at any time, neglect or refuse to call annual meetings for the election of directors as herein before prescribed, the stockholders, or a majority of them, may, within the time in such case prescribed, give notice and call meetings, and elect directors in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors two or more stockholders shall receive an equal number of votes, then the directors for the time being shall determine by ballot which of such stockholders shall be directors: and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

Corporation not dissolved for failure to elect on day prescribed.

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

Limitation of act.

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

Act may be altered or repealed.

Passed, February 26, 1839.

AN ACT to repeal certain parts of an act entitled
 “ An act to enable the owners and possessors of
 two several tracts of meadow, lying on the
 north side of Cohansey creek, in the county of
 Cumberland, to repair, keep up and maintain
 the bank, dams and water works enclosing the
 same :” passed the fourteenth day of Novem-
 ber, in the year of our Lord one thousand sev-
 en hundred and eighty-six.

BE IT ENACTED, *by the Council and General As-
 sembly of this state, and it is hereby enacted by the au-
 thority of the same,* That the first twelve sections of an act
 entitled “ An act to enable the owners and possessors of two
 several tracts of meadow, lying on the north side of Cohan-
 sey creek, in the county of Cumberland, to repair, keep up
 and maintain the bank, dams, and water works enclosing the
 same,” passed the fourteenth day of November, in the year
 of our Lord one thousand seven hundred and eighty-six, be,
 and the same are hereby repealed.

Parts of for-
 mer act re-
 pealed.

Passed, February 27, 1839.

AN ACT to incorporate the Provident Institution
 for Savings, in Jersey city.

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 F. Ellis, Thaddeus B. Wakeman, John K.
 Goodman, Samuel Cassedy, Cornelius Van Vorst, David
 Henderson, Henry Traphagen, John Frazer, John Gilbert,
 George Dummer, Jabez Wakeman, William Barrow, Edgar
 Olcott, Cornelius Kanouse, J. Dickinson Miller, Phineas Dum-
 mer, Thomas A. Alexander, Job Male, John Bruce, Darwin
 F. Rockwell, James W. Higgins, William Woolsey, William

Names of cor-
 porators.

- A. Paradise, John P. Hill, Johnson Durant, James Wilson, George Frazer, Stephen Garretson, Isaac Seaman, David Jones, Peter Sip, Harman Van Wagener, Jacob D. Van Winkle, Jacob Vreeland and the mayor and aldermen of Jersey City, for the time being, be, and they are hereby incorporated by the name, style and title of "the Provident Institution for Savings in Jersey City;" and that they, and such others as shall be duly elected members of the said corporation, as is in this act provided, shall be and remain a body politic and corporate, by the same name, style and title, during the pleasure of the legislature.
- Style of incorporation.**
- Objects of incorporation.** Sec. 2. *And be it enacted*, That the said corporation shall be capable of receiving from any person or persons disposed to obtain and enjoy the advantages, any deposit or deposits of money, and of using and improving the same for the purposes, and according to the directions herein mentioned; *provided*, that no part of the funds of said corporation shall be used at any time by it, for banking purposes.
- Proviso.**
- Deposits to be employed by corporation and products paid to depositors.** Sec. 3. *And be it enacted*, That all deposits of money received by the said corporation, shall be by them used and improved to the best advantage; and the income or profit thereof, shall be by them applied and divided among the persons making the said deposits, their executors and administrators, in just proportion, after such reasonable deductions for necessary expenses; and the principal of such deposits may be withdrawn at such times, in each year, and in such manner as the said corporation shall direct and appoint.
- Deposits may be withdrawn**
- Members to be elected by ballot.** Sec. 4. *And be it enacted*, That the said corporation shall at their annual meetings in December, have power to elect, by ballot, any other person or persons as members thereof.
- Powers of the corporation** Sec. 5. *And be it enacted*, That the said corporation may have a common seal, which they may change and renew at pleasure; and may hold any estate or property necessary for their business or security, and dispose of the same; and that all deeds, conveyances, and grants, covenants and agreements, made by their treasurer, or any other person by their authority and direction, according to their constitution, shall be good and valid; and the same corporation shall at all times have power to sue, and may be sued, and may defend, and shall be held to answer, by the name and style and title aforesaid.
- Time and mode of electing officers.** Sec. 6. *And be it enacted*, That the said corporation shall hereafter meet at Jersey City, on the first Monday of December, annually, and as much oftener as they may judge expedient; and any five members of the said corporation, the president, a vice president, treasurer, or secretary, being one,

shall be a quorum; and the said corporation shall give at least ten days public notice of the time and place of holding elections by advertisement inserted in a newspaper published in the county of Bergen, and shall have power to choose a president, vice presidents, and such other officers as to them shall appear necessary; which officers, so chosen, shall continue in office for one year, and until others are chosen in their room; and all officers, so chosen, shall take an oath or affirmation for the faithful performance of the duties of their offices, respectively, before entering upon the execution thereof.

Sec. 7. *And be it enacted*, That the said corporation hereby are, and shall be vested with the power of making by-laws for the more orderly managing of their business, *provided*, the same are not repugnant to the constitution or laws of this state or of the United States.

By-laws may be made.

Proviso.

Sec. 8. *And be it enacted*, That the mayor of Jersey City be; and he is hereby authorized, by public notice, to call the first meeting of the said corporation, at such time and place as he shall judge proper.

Mayor of Jersey City to call first meeting.

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

Act may be altered or repealed.

Passed, February 27, 1839.

AN ACT for the relief of Thomas F. Randolph, of the county of Essex.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be, and he is

Pension to T. F. Randolph, of sixty dollars, per annum.

hereby authorized and directed to pay unto Thomas F. Randolph, of the county of Essex, a soldier of the revolutionary war, or his order, the sum of sixty dollars per annum, during his natural life, in semi-annual payments, of thirty dollars each, the first payment to be made on the fourth day of March next.

Passed, February 28, 1839.

AN ACT for the relief of Archibald Campbell, of the county of Atlantic.

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

Pension to A Campbell, of sixty dollars, per annum.

Passed, February 28, 1839.

AN ACT for the relief of John Walling, of the county of Bergen.

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

Pension to J. Walling, of sixty dollars, per annum.

Passed, February 28, 1839.

AN ACT to incorporate the Whippany Manufacturing Company.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Noadiah P. Thomas, Charles Ford, James W. Higgins, David Smith and Edward F. Condit and their survivors, and all such persons as may hereafter be associated with them, or the said survivors and their successors, shall be, and they are hereby constituted a body corporate and politic, in fact and in law, by the name and style of "the Whippany Manufacturing Company," for the purpose of manufacturing machinery, and cotton and woollen goods, in the village of Whippany, in the county of Morris, in this state, and of carrying on the business incident thereto; and by that name they and their successors shall have succession, and continue a body corporate and politic, and shall in law, be capable of contracting, and being contracted with, suing, pleading, defending and answering, and being sued, impleaded, defended and answered unto all courts, and all manner of actions, suits and complaints, matters and causes whatsoever; and of

Names of corporators.

Style of incorporation.

Objects of incorporation.

Powers.

Corporation may acquire and sell real estate not exceeding forty acres.

Proviso.

doing and causing to be done, all acts needful for the proper management of the funds and property of said corporation, and carrying on the business for which the said corporation is hereby created; and they and their successors, by the same name, may acquire, purchase, receive, have, hold, and enjoy, and again sell or otherwise dispose of such personal and real estate, situate in the village of Whippany aforesaid, and not exceeding forty acres, as may be necessary or useful for the said corporation to carry on the manufacturing operations before mentioned; and such other real estate as shall have been bona fide mortgaged, or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities: *provided always*, that the funds of the said corporation or any part thereof shall not be used in banking operations, or for any other purposes not plainly indicated by this act.

Time and mode of electing directors.

Stockholders may vote by proxy.

Duties of directors.

Names of present directors

Sec. 2. *And be it enacted*, That the stock, property and concerns of said corporation, shall be managed and conducted by five directors, being stockholders, (one of whom shall be president) who shall hold their offices for one year, and until others are chosen; and the said directors shall be chosen on the first Monday in April of every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice thereof shall be given not less than twenty days previous, in one or more newspapers printed in the county of Morris; and each stockholder, shall at such election, be entitled in person or by proxy, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the five persons having or receiving in such elections, the greatest number of votes, and being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and fix such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and all vacancies occurring by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be chosen, shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint for that purpose; and that the said Noadiah P. Thomas, Charles Ford, James W. Higgins, David Smith, Edward F. Condit, and the survivors of them, shall be the first directors of the said corporation, and shall hold their offices until the first Monday in April next, and until others are legally chosen.

Sec. 3. *And be it enacted,* That the capital stock of said corporation shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of twenty-five dollars each; but so soon as thirty thousand dollars of the said capital stock shall have been subscribed and paid, it shall be lawful for said corporation to commence their said business, or any part of it; *provided,* that sum be paid within two years from the passage of this act; and with that capital to conduct and carry it on until they shall deem it expedient to extend the same; and it shall be lawful for the directors of the said corporation or a majority of them, from time to time, to call for and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after the day fixed for that purpose, by public notice previously published for the space of thirty days, in one or more newspapers printed in said county, designating the proportion of such payment, per share, and the time and place when, and the officer to whom the same shall be required to be made; *provided,* that not more than five dollars on each share be called for at any one time.

Amount of capital stock.

Corporation may commence business when 30,000 dollars is paid in.

Proviso.

Stock forfeited on failure to pay instalments.

Proviso

Sec. 4. *And be it enacted,* That the subscription for said stock shall be opened until the sum required shall be subscribed, and for any number of days not exceeding sixty, nor less than three, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose, and that they give at least twenty days notice of the same in a newspaper published in the county of Morris, designating the place and time where, and when, the books of subscription are to be opened.

Directors to open books of subscription for stock.

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

Stock, personal estate and transferable.

No dividends to be made except on actual profits.

Sec. 6. *And be it enacted,* That in case it should at any time happen that an election should not be made upon the day designated by this act for that purpose, the said corporation shall not, for that cause, be deemed to be dissolved, but it shall be lawful to hold such election on such other days as shall be prescribed by the by-laws of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted,* That a majority of the directors, for the time being, shall form a board for transacting the business of said corporation, and shall have power to make

M

Powers and duties of directors.

Proviso.

Books containing the transactions of the company to be kept.

Limitation of act.

Act may be altered or repealed.

and enforce such by-laws and regulations as they shall deem expedient for the government, management and disposition of the stock, effects, profits and concerns of the said corporation; *provided*, that the same are not contrary to the constitution or laws of the United States or of this state.

Sec. 8. *And be it enacted*, That the directors shall, at all times, keep, or cause to be kept, proper books, in which shall be regularly entered all the transactions and business of said corporation, and further that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Sec. 9. *And be it enacted*, That this act shall continue in force for the term of thirty years, from the time of its passage; *provided*, nevertheless, that the legislature reserve the right to alter, amend or repeal this act, whenever in their opinion, the public good may require it.

Passed, February 28, 1839.

AN ACT to authorize Edmund Throckmorton to build a dock upon and in front of his land, on Shrewsbury 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 it shall and may be lawful for Edmund Throckmorton, his heirs or assigns, to erect and build a dock upon and in front of his land, in the township of Shrewsbury, in the county of Monmouth, on the south side of Navisink or

E. Throckmorton, authorized to build a dock at Navisink.

Shrewsbury river, to extend out in said river a sufficient distance to accommodate such sloops and vessels as usually navigate the same; *provided*, the said dock shall not obstruct, or in any way interfere with, the navigation of the said river. Proviso.

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

Sec. 3. *And be it enacted*, That it shall be lawful for all vessels to touch, make fast, load and unload, at said dock, and it shall be lawful for the said Edmund Throckmorton, his heirs or assigns, to demand, receive and collect compensation therefor. Vessels chargeable with wharfage.

Passed, February 28, 1839.

AN ACT for defraying the expenses incurred in completing improvements on and about the new state penitentiary.

WHEREAS, it appears that the two appropriations, the one of November thirteen, eighteen hundred and thirty-seven, of four thousand and twenty dollars, and the one of February twenty-seventh, eighteen hundred and thirty-eight, of three thousand dollars, for the completion of the unfinished cells and other purposes, on and about said penitentiary, are found to be insufficient for the purposes therein specified, and that many bills still remain unsatisfied, amounting to the sum of two thousand six hundred and fifty-seven dollars and eleven cents—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 treasurer of this state be authorized and empowered to pay out of any moneys in the treasury, not other-

wise appropriated—to Joseph A. Yard, the sum of one thousand four hundred and fifty-three dollars and ninety-four cents; to S. and J. G. Brearley, one hundred and seventy-nine dollars and nineteen cents; to Benjamin Fish, two hundred and twenty-two dollars and sixty eight cents; to Charles Sutterly, eighty-nine dollars and seventy-one cents; to Morris, Tasker and Morris, seventy-nine dollars and sixteen cents; to J. R. S. and W. S. Barnes, fifteen dollars and four cents; to William Hancock, sixty-six dollars and thirty cents; to Fish, Cook and company, forty-dollars and seventy-nine cents; to John Wilson, two hundred and ninety-five dollars and sixty-eight-cents; to Andrew Allison, seventy-two dollars and four cents; to D. H. Jenkins, thirty-eight dollars; to F. R. La-faucherie, thirty eight dollars and thirty-five cents; to Timothy Abbott, junior, nineteen dollars and three cents; to George Andrews, twenty-one dollars; to Peter Grimm, sixteen dollars and seventy cents; and to Morgan Beaks, nine dollars and fifty cents—amounting in the whole to the aforesaid sum of two thousand six hundred and fifty-seven dollars and eleven cents, and including all the bills that remain unpaid and presented for settlement by the present commissioner for improvements and repairs on and about said penitentiary, in pursuance of the before recited acts.

Treasurer to
pay certain
persons.

Office of com-
missioner, &c.
abolished.

Act to take
effect imme-
diately.

Sec. 2. *And be it enacted*, That from and after the passage of this act, the office of commissioner of the New Jersey state penitentiary shall be at an end; and all the powers heretofore held or enjoyed by virtue thereof shall now cease.

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

Passed, February 28, 1839.

AN ACT to incorporate the New Jersey Steam Navigation 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 Dudley S. Gregory, George Dummer, John F. Ellis, John S. Darcey, Caleb H. Shipman, William

Garthwaite, Ralph Doremus, Peter Bentley, and their associates, and all persons who may hereafter be holders of the stock herein after named, and their successors, are hereby declared and constituted a body politic and corporate, in fact and in law, by the name of "the New Jersey Steam Navigation Company;" and by that name the said corporation shall have succession, with power to sue and be sued, complain and defend, in any court of law or equity, and to make and use a common seal, and alter the same at pleasure, may acquire by purchase or otherwise, and hold, lease and convey, such real and personal estate, and in general have such rights, privileges and powers, appertaining to corporate bodies, as may be necessary and useful for the purposes and objects of this incorporation.

Names of corporations.

Style of incorporation.

May acquire and sell real estate.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be five hundred thousand dollars, and may be increased to one million dollars, if the same shall become necessary; and the stock shall be divided into shares of one hundred dollars each.

Amount of capital stock.

May be increased to one million.

Sec. 3. *And be it enacted*, That the said Dudley S. Gregory, George Dummer, John F. Ellis, John S. Darcey, Caleb H. Shipman, William Garthwaite, Ralph Doremus and Peter Bentley, or a majority of them, are hereby appointed commissioners to receive subscriptions for said stock, at such times and places in Bergen county as they, or a majority of them, may direct, giving at least twenty days notice thereof, by publishing the same in at least two newspapers published in this state, and the said commissioners shall open a book of subscription for said stock at such times and places, and shall cause the same to be kept open at the places so appointed, at least three successive days, from ten o'clock in the forenoon to four o'clock in the afternoon of each day; and if at any time there shall be a subscription for more shares of stock than are authorized to be subscribed at one time, the same shall be apportioned among the subscribers, in proportion to the amount by them severally subscribed.

Commissioners to open books of subscriptions for stock.

Stock to be apportioned.

Sec. 4. *And be it enacted*, That at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed, after deducting therefrom the expenses incurred by the commissioners in receiving subscriptions as aforesaid, and the residue of the subscriptions shall be paid in such instalments and at such times and places, and to such persons, as the president and directors of the company shall from time to time direct, they giving at least thirty days public notice thereof, by publishing the same in the manner aforesaid; and upon failure of

Monies to be paid over by commissioners to treasurer of company.

Stock forfeited on failure to pay instalments.

payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any one of them, to and for the use of the company.

Time and mode of electing directors.

Sec. 5. *And be it enacted,* That when five thousand shares of the said stock are subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as is herein before directed with regard to the opening of the books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect by ballot five directors to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be the judges; and at the expiration of that term, and annually thereafter, upon like notice to be given by the directors, for the time being, the said stockholders shall elect the same number of directors; and at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder thereof, in person or by proxy.

President to be chosen.

Sec. 6. *And be it enacted,* That as soon as may be after their election, the said directors shall elect one of their number to be president of the said company, and all the affairs, concerns, and business of the said corporation shall be managed by the said directors, who, or a majority of whom, may supply any vacancy occurring in the interval between the annual elections, by the death, resignation, or refusal to act, of any president or director, and shall have power to make all such by-laws, rules and regulations, not inconsistent with the constitution or laws of this state or of the United States, for the management of the property, the regulation of the affairs, and the transfer of the stock of this corporation, and to appoint all such officers, clerks, agents and servants, as may be necessary and useful for ordering, regulating and conducting the affairs of said corporation, and for the safe keeping and protection of its funds and property, and allow them a suitable compensation.

Powers and duties of directors.

Sec. 7. *And be it enacted,* That the capital stock of this company shall be considered as personal property, transferable upon the books of the company, and shall be employed as the said board, or a majority thereof may deem expedient, in the purchasing, building, repairing and altering, any vessel or vessels propelled by steam, and in the navigation of the same; and in the purchase, repair, and building of suitable landing places, wharves and store-houses at Jersey City, or its vicinity, which may be necessary for successfully conducting the affairs of the said company; and it shall be the duty of the

Stock personal property, and transferable.

In what manner the funds of the company to be employed.

said board, or a majority thereof, to make from time to time, such dividends of the net profits of the said company as they may deem advisable. Dividends.

Sec. 8. *And be it enacted*, That the company hereby incorporated shall not employ its capital, or any part thereof, in banking operations, or for any other purposes inconsistent with the provisions of this act. Restrictions.

Sec. 9. *And, be it enacted*, That this act shall continue in force for thirty years, unless sooner modified or repealed, and that the legislature may at any time hereafter alter, modify, or repeal the same. Limitation of act.
Act may be altered or repealed.

Passed, February 28, 1839.

AN ACT to dissolve the marriage contract between Thomas B. Stout, of the county of Morris, and Sarah Stout his wife.

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 between Thomas B. Stout, of the county of Morris, and Sarah Stout his wife, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony. Thomas B. Stout and Sarah Stout divorced.

Passed, March 1, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act appointing trustees to sell and convey the real estate of William C. Elmendorf, deceased.

Preamble.

WHEREAS, in and by the act to which this is a supplement, James B. Elmendorf and Peter D. Vroom were appointed trustees to lease, sell and convey, at their discretion, the real estate of the said deceased, and to invest the proceeds thereof on safe security, and pay annually the interest of one-third part of the proceeds to the widow, during her natural life, and the residue to the guardians of said children, until they should become of lawful age, and then to pay the principal to said children, according to their respective rights and interests therein; AND WHEREAS, it appears that the personal estate is insufficient to pay and satisfy the just debts of said deceased, and that the annual interest and proceeds of the real estate are not sufficient for the education, maintenance, and support of the said children; AND WHEREAS, it is expedient that the debts should be paid, and that the estate should be finally settled by said trustees, who are also the administrators of the same; and the said widow and children, as well as the said trustees, having requested legislative aid in this behalf,—Now, THEREFORE,

Proceeds of sales of lands to be first applied to payment of debts

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, out of the proceeds of the sale of the said real estate, to pay the balance of the debts of said deceased, which the personal property was unable to satisfy; and also to apply so much of the residue to the support, maintenance and education of the family and children of the said deceased as may be necessary; and that the remainder be distributed and paid to the children on their arriving at age, according to their respective legal rights.

How residue to be applied,

Trustees to account to orphans' court of Somerset.

Sec. 2. *And be it enacted,* That the said trustees shall account in the orphans' court of the county of Somerset, in the same way that executors and administrators are liable and required to account in said court.

Bond to be given to the governor.

Sec. 3. *And be it enacted,* That the said trustees shall give bond to the governor of this state in such sum, and with such security as shall be directed and approved by the surrogate of the county of Somerset, conditioned for the faithful performance of the trust confided to them by this act, which bond shall be filed of record in the office of said surrogate, for the benefit of all parties concerned, within sixty days from and after the passage of this act.

Passed, March 1, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate societies for the promotion of learning," passed November twenty-fifth, seventeen hundred and ninety-four.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for any association heretofore incorporated under and by virtue of the act to which this is a supplement, with the consent in writing, of all the members thereof, and for any association hereafter to be formed and incorporated under and by virtue of said act, by their articles of association, to create a capital stock of not more than thirty thousand dollars, divided into shares of not more than fifty dollars each, and to provide that such shares shall be personal estate, and assignable and transferable in such manner, and according to such rules, as the said association shall adopt; and that the owner or holder of each share shall be a member of such association, and entitled, at all meetings thereof, to give one vote, either in person or by proxy, for every such share by him or her owned or held; and that no person, other than the owners or holders of such shares, shall be admitted as members of such association, or entitled to vote at the meetings thereof.

Associations incorporated, may create a capital stock of 30,000 dollars.

Sec. 2. *And be it enacted,* That this act shall take effect immediately after the passage thereof, and that if the legislature should at any time hereafter, alter or repeal this act, any association which shall have been incorporated, or shall have acted under or by virtue of the same, shall be subject to, and bound by, such alteration or repeal.

Privileges granted by this act may be annulled.

Passed, March 1, 1839.

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AN ACT to incorporate the Jersey City and Harsimus Aqueduct Company.

Preamble,

WHEREAS, a petition by David Henderson, Dudley S. Gregory, John M. Cornelison, John Griffith, Aaron Ogden and Lucius F. Douglass, praying that they and others with whom they may associate may be made a corporation, for the purpose of carrying into effect the objects in said petition set forth; AND WHEREAS the prayer of said petition is just and reasonable THEREFORE,

Commissioners to receive subscriptions for stock:

Apportionment of stock to be made.

Amount of capital stock.

Style of incorporation.

Powers.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That David Henderson, John M. Cornelison, Jonathan D. Miller, John Griffith, Aaron Ogden, Lucius F. Douglass and Dudley S. Gregory be, and they are hereby appointed commissioners to receive subscriptions to the capital stock of "the Jersey City and Harsimus Aqueduct Company," and are hereby authorized to open books for that purpose at such times and places as they, or a majority of them may direct, giving at least twenty days notice thereof in a newspaper printed in the county of Bergen, which books shall be kept open for three days at least, during the usual business hours, and in case a greater amount than the capital stock shall be subscribed, the said commissioners shall make a just and equitable apportionment thereof among the several subscribers, in proportion to their several subscriptions, but no apportionment shall be made of any subscription for not more than five shares.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be forty thousand dollars, to be divided into shares of fifty dollars each; and that as soon as the whole number of shares shall be subscribed, and five dollars a share paid in, the persons holding the same shall be, and they hereby are created a body politic and corporate, in fact and in law, by the name of "the Jersey City and Harsimus Aqueduct Company," with the right of supplying water, as herein contemplated; and by that name they and their successors shall and may have perpetual succession, be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and may have a common seal, and may break, change, and alter the same at their pleasure; and may purchase and hold, for the use of said corporation, any estate, real or personal, which may be necessary and proper to carry into execution the objects of this incorporation.

Sec. 3. *And be it enacted*, That so soon as the capital

stock of the said company shall have been subscribed, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of meeting, as herein before directed, at which meeting the stockholders shall proceed to elect seven directors to manage the affairs of the said company for one year, of which election any three persons appointed by said commissioners shall be judges; and that at the expiration of said term, and annually thereafter, upon like notice, to be given by the directors for the time being, the said stockholders shall elect the same number of directors, each share of stock to entitle the holder thereof to one vote, either in person or by proxy; and such directors, when chosen, may make and enforce such by-laws as they may think expedient for regulating the transfers of stock, and for the general management and regulation of the officers of the company; *provided*, the same be not contrary to the constitution or laws of this state or of the United States.

Time and mode of electing directors.

Proviso.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said company to use the waters of any springs near their said contemplated works, by conducting the same, as herein after provided, into their reservoir or reservoirs, and for this purpose to enter upon any lands in the townships of Jersey City and Bergen, in Bergen county, and search or bore for water, or examine the quality thereof, if thought necessary; and that any damages sustained by the owner or owners of the lands so entered upon shall be paid by said company as herein after provided; and that it may be also lawful for said company, by their workmen and agents, to enter upon and take lands whereon to erect one or more reservoirs, and with their carts and wagons, beasts of burthen and all necessary tools and implements for taking and conveying away earth, stone and gravel for the erection and preservation of such reservoir or reservoirs; and also, that the said incorporated company may enter upon any premises, and dig thereon such drains or ditches as may from time to time become necessary, and for making such excavation or excavations as are necessary for laying or repairing aqueduct pipes laid therein, and after such excavations to cover the same with the earth which they have so thrown out with all reasonable despatch; and also, that it be lawful for said company, by their agents or workmen, to lay and extend such aqueduct or aqueducts to such places in the island of Harsimus and Jersey City as they shall deem proper, and through any lands that may be by them thought necessary, first giving notice of their intentions to the owner or owners, or the party in possession, of such their intentions in writing, and making satisfaction for any damages that may be sustained thereby, according to any reasonable agreement between the

Privileges of company in using springs of water and in erecting their water works.

Proceedings when owners of lands and company cannot agree upon amount of damages.

parties; and in case the said parties cannot agree, it shall be the duty of either of the justices of the supreme court, or one of the judges of the court of common pleas, in said county, upon a notice to be given him by the said corporation, or by the owner or owners of such land or real estate, to appoint three disinterested commissioners from the county of Bergen, to determine the compensation and damages which the owner or owners of the said real estate or land have sustained, by reason of the occupancy thereof by the said company; and it shall be the duty of the said commissioners (after having taken an oath or affirmation faithfully and impartially to discharge the trust herein reposed in them) to deliver to the said company a written statement, signed by them, or a majority of them, of the awards they shall make, containing a description of the lands or real estate appraised, to be recorded by said company in the office of the clerk of the county of Bergen, and upon payment or tender of such compensation as aforesaid to the said owner or owners, then the said company shall be deemed seized and possessed, in fee simple, of all such land or real estate; and in case any owner or owners of such land or real estate, so appraised, shall be feme covert, under age, non compos mentis, or out of the state, then and in such case, the said corporation shall pay the amount which has been awarded as due to the last mentioned owners, respectively, into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of the said owner or owners; all which proceedings shall be had at the proper costs and charges of said corporation, to be determined by the said justice of the supreme court, or judge of the court of common pleas; *provided always*, that nothing herein contained shall be so construed as to prevent or in any wise to interfere with the said company, by their servants and agents, from entering upon any lands within the aforesaid limits for the purpose of searching for or conducting water, and making all necessary examinations, by digging, boring, or otherwise, in relation thereto; and that the injury or damage sustained by the said owner or owners, by means of such examination, shall be paid for by said company, in manner heretofore provided; *provided also*, that nothing in this act contained shall be so construed as to authorize said company to appropriate to its use any spring or run of water without the consent of the owner or owners of the land where such spring rises or through which the said stream of water may run, or to compel such owner or owners to submit to any arbitration respecting the same.

Proviso.

Proviso.

Company may lay their water pipes under public streets.

Sec. 5. *And be it enacted*, That the said company shall be and they hereby are fully empowered to lay their water-pipes beneath such public streets, avenues, or alleys as may be necessary for carrying out the purposes of this act, free

of all charge to be made by any person or persons whatever for said privilege, doing no damage to public or private property thereby; *provided*, that said pipes shall be laid at least three feet below the surface of the said streets, avenues, or alleys, and shall not in any wise obstruct or interfere with the public travel along the same. Proviso.

Sec. 6. *And be it enacted*, That if any person or persons shall wilfully do, or cause to be done, any act whatsoever, whereby the said works, or any pipes, conduit, canal, water-course, plug, cock, reservoir, or any matter or thing appertaining to the same shall be stopped, obstructed, or impaired, weakened or injured, the person or persons so offending shall forfeit and pay to the said company triple the amount of the damages sustained by means of such offence or injury, to be recovered by such company, with costs of suit, in any court having cognizance of the same. Penalty for injuring the works of company.

Sec. 7. *And be it enacted*, That it shall be also lawful for the said company, in their corporate name and capacity, to sue for and recover the amount of all contracts made with the said company for the use of the hydrant waters aforesaid. Company to recover on contracts for the use of water.

Sec. 8. *And be it enacted*, That unless the works necessary for carrying into effect the objects of this incorporation shall be commenced in good faith within the term of two years from the date of this law, the same shall be null and void. Limitation of act.

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

Passed March 1, 1839.

A FURTHER SUPPLEMENT to an act entitled "An act to incorporate the Camden and Woodbury Rail Road and Transportation Company," passed, March first, eighteen hundred and thirty-six.

Company may continue their road to Delaware bay between Stoe creek and Cape May light house.

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 Camden and Woodbury Rail Road and Transportation Company, to continue and extend their said rail road, from some suitable point near the southerly end thereof, by the most convenient and eligible route, to some point on the Delaware bay, between the mouth of Stoe creek, in the county of Salem, and the light-house on Cape May, and, if necessary, to construct a lateral road from near the termination of said main road to some suitable point on Cape Island; and for that purpose the said company are hereby invested with all the rights, powers and authority, and entitled to the same privileges and emoluments to which they are now entitled, under and by virtue of the act entitled "An act to incorporate the Camden and Woodbury Rail Road and Transportation Company," and made subject to all the conditions, limitations and restrictions, to which they are now subject under said act, in the same manner and to the same effect as if the said company had been originally authorized by said act to construct the said road, except as herein after provided.

Capital stock may be increased.

Sec. 2. *And be it enacted,* That for the purpose of enabling the said company to construct the said road, it shall and may be lawful for the said president and directors thereof, either before or after the survey and location of the route of the said extended road, to increase their capital stock by adding thereto the sum of eight hundred thousand dollars, to be divided into shares of fifty dollars, and to be subscribed for in like manner, and upon the same terms as are prescribed in the original act.

Places where subscriptions shall be received.

Sec. 3. *And be it enacted,* That the said president and directors shall open books to receive subscriptions to the capital stock hereby authorized to be created, at Cape Island, Dennis Creek, Port Elizabeth, Millville, Allowaystown, Malaga, Glassborough, Woodbury, and at the Merchants' Exchange, in the city of Philadelphia; which books of subscription shall remain open at least one day at each of the places above mentioned, the said president and directors having first caused notice thereof to be bulished in a newspaper publish-

ed at Bridgeton, one of the newspapers published at Woodbury, a newspaper published at Salem, and in at least one of the newspapers published in the city of Philadelphia, and continued therein for three weeks previous to the time appointed for opening said books. Notice thereof to be given.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the said company to commence the construction of the said road when three hundred thousand dollars of such additional stock shall have been subscribed, and sixty thousand dollars thereof paid in; and if the said road shall not be completed within ten years after the passage of this act, all the powers and privileges hereby granted, shall cease and become void. When construction of road may be commenced.

Sec. 5. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of any lands required for the use of the said road, as hereby extended and continued, it shall and may be lawful for the said president and directors, after having given notice to the opposite party, if resident in this state, to apply to one of the justices of the supreme court of this state, who, on such application, is hereby authorized and enjoined to appoint three discreet, disinterested freeholders, residents of this state, commissioners, whose duty it shall be, having been first duly sworn or affirmed, and having given at least fifteen days notice to the owner or owners, if to be found in this state, or to his, her, or their legal representatives, to meet, view the premises, hear the parties and evidence, if desired, and make such decision and award as to them, or any two of them, shall seem just and proper, and transmit the same, together with a description of the land, the quantity taken, and by whom owned, under their or any two of their hands and seals, to the justice who appointed them, to be by him returned and filed, together with all the papers before him relating thereto, in the clerk's office of the county in which the said land doth lie, there to be kept as a public record; and that either party may appeal from such decision and award to the inferior court of common pleas of the county in which the said lands lie, in the manner, within the time, and upon the terms, prescribed in the original act; and that such proceedings shall be had upon every such appeal as are provided for in said act. Proceedings when the company and the owners cannot agree on the value of lands required.

Sec. 6. *And be it enacted*, That whenever an appeal shall be taken from the decision and award of any commissioners as aforesaid, it shall and may be lawful for the said company to pay the amount awarded and assessed by the said commissioners into the court of common pleas to which such appeal shall be brought, to abide the event of such appeal, and When appeal is taken, the sum awarded may be paid into court and the lands used.

thereupon to take possession of, use and occupy, the lands and premises appraised by the said commissioners.

Road may be extended, notwithstanding survey filed.

Sec. 7. *And be it enacted*, That it shall and may be lawful for the said company, notwithstanding any survey or location of the route of their road which may have been agreed upon, made and filed in the office of the secretary of this state, at any time within the period of five years from the passage of the act to which this is a supplement, to extend and continue their said road to such point on the Delaware river, in the city of Camden, as they shall see fit, subject to all the limitations, restrictions and conditions, contained in the act to which this is a supplement.

Act may be altered or repealed.

Sec. 8. *And be it enacted*, That the legislature may at any time hereafter amend, alter, or modify this act, whenever in their opinion the public good requires it.

Passed, March 1, 1839.

AN ACT to dissolve the marriage contract between Charles W. Rankin and Margaretta M. Rankin.

C. W. Rankin and M. M. Rankin, divorced.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Charles W. Rankin and Margaretta M. Rankin, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony.

Passed, March 1, 1839.

AN ACT to divorce Sarah H. Paterson, of the city of Trenton, from her husband, Isaac Paterson.

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 Sarah H. Paterson, of the city of Trenton, and Isaac Paterson, be, and the same is hereby dissolved, as fully, to all intents and purposes, as if they had never been joined in matrimony.

S. H. Paterson and I. Paterson divorced.

Passed, March 1, 1839.

AN ACT to incorporate the Morris Silk 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 Abraham Brittin, John A. Bleecker, James J. Scofield, Thomas C. Willis, and Calvin Canfield, and such other persons as may be associated with them, in the manner herein after prescribed, their successors and assigns be, and they are hereby constituted a body politic and corporate in law, by the name and style of "the Morris Silk Company," to be located in the county of Morris for the sole purpose of planting mulberry trees, raising and feeding silkworms, erecting and establishing manufactories of silk, in all its various branches, and manufacturing all articles of which silk is a principal part, and dyeing, printing and bleaching the same; and that by that name they and their successors shall be capable in law, of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law or equity and in all manner of actions, suits, and matters whatsoever; and they and their successors may have a common seal, and alter the same

Names of incorporators.

Style of incorporation.

Objects of company.

Powers.

at pleasure; and shall in law, be capable of buying, leasing, holding and conveying any lands, tenements and hereditaments whatever, situate in the said county of Morris, not exceeding at any one time, one hundred and twenty-five acres; and any goods, wares and merchandise whatsoever, necessary or useful for said corporation to carry on the operations above mentioned and the objects of this charter; and also all such real estate as shall be bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed in banking operations, or for any other purpose inconsistent with the objects and provisions of this act.

Restrictions.

Amount of capital stock.

Commissioners to receive subscriptions.

Stock to be apportioned.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be twenty thousand dollars, and be divided into shares of fifty dollars each; and that the said Abraham Brittin, John A. Bleecker, James J. Scofield, Thomas C. Willis and Calvin Canfield, or any three of them, be, and they hereby are appointed commissioners to receive subscription for the said capital stock, at such time and at such place in the said county of Morris as they shall see fit, of which they shall cause previous notice to be published, for at least four weeks, in one of the newspapers in said county, at which time and place they shall cause the said books of subscription to be opened and kept open for at least three days, during business hours; and shall require the sum of five dollars on each share to be paid at the time of subscribing; and in case a greater number of shares than the whole amount of the capital stock of said company shall be subscribed for, the said commissioners shall make a just and fair apportionment thereof among the several subscribers, in proportion to the number of shares subscribed for by each, but that no apportionment shall be made of any subscription for not more than five shares, and if the full amount of the said capital stock shall not be subscribed for, the directors, for the time being, may open books of subscription for the residue thereof, at such time and place as they shall deem best, giving the like notice aforesaid.

Time and place of first election of officers.

Sec. 3. *And be it enacted*, That when two hundred shares of the said capital stock shall have been subscribed and paid for, as provided in the preceding section, the said commissioners shall call a meeting of the stockholders, at such time and place as the said commissioners shall appoint, for the election of five directors to serve until the first Monday in April then next ensuing, and until others shall be chosen in their stead,

of which time and place they shall cause at least ten days previous notice to be given in one newspaper printed in the said county of Morris; and the said commissioners, or any three of them, shall be judges and inspectors of the said election, which shall in all other respects be conducted in the same manner as the annual election herein after provided for.

Sec. 4. *And be it enacted,* That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders and residents in this state, (one of whom shall be president) who shall hold their offices for one year, from the first Monday in April of every year, to be elected on the second Monday in March in every year, at such hour and place as shall be directed by the by-laws of the said company, of the time and place of which election public notice shall be given, not less than ten days previous, in a newspaper printed in the said county of Morris, where such election shall be made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy, by ballot, each stockholder having a vote for each share by him held in the capital stock of said company, and of which the directors, for the time being, shall appoint three stockholders, not being directors, to be judges and inspectors; and the five stockholders having the greatest number of votes shall be directors; and if it shall happen, at any such election, that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall by a plurality of votes appear to be chosen directors, the directors, for the time being, shall by ballot determine which of the said persons shall be a director or directors for the ensuing year; and the said directors, as soon as may be after their election, shall proceed to elect by ballot one of their number to be their president; and in case any vacancy shall occur among the directors or in the office of president, by death, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen, by such person or persons as the remainder of the directors, for the time being, or a major part of them, shall appoint.

Time and place of annual election of directors.

Directors to elect a president.

Vacancies supplied

Sec. 5. *And be it enacted,* That it shall be lawful for the said company, when, and as soon as five thousand dollars of the said capital stock shall have been paid in, provided the same be paid within two years after the passage of this act, to purchase or lease land and mulberry trees, and erect the necessary buildings and machinery sufficient in their opinion to commence the 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 herein before mentioned;

When company may commence operations.

Stock forfeited on failure to pay instalments.

and it shall be lawful for the directors of the said company to call for and demand from the stockholders respectively, all sums of money by them subscribed, at such time and in such instalments as they shall deem proper, and to forfeit the share or shares of any stockholders and all previous payments thereon, if payment shall not be made of any such instalment by him or her within thirty days after a notice requiring such payment shall have been published for that space of time in one or more newspapers printed in the said county of Morris; *provided nevertheless*, that the instalments shall not be more than five dollars each, and shall be at intervals of thirty days at least.

Proviso.

Stock, personal estate and transferable.

Sec. 6. *And be it enacted*, That the stock of said corporation shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; and that dividends shall annually be made by the directors to and amongst the stockholders from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day prescribed, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation; and the officers of the preceding year shall hold their offices, respectively, until said election, or others are appointed in their stead.

Duties of directors.

Sec. 8. *And be it enacted*, That the majority of directors, for the time being, shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the laws or constitution of the United States or of this state, as shall appear needful and proper touching the management and disposition of the stock, effects, affairs, business and profits of the said corporation, and to appoint such officers, appointments, clerks, managers and agents, with such salaries and allowances as to them shall seem necessary or proper, and at their discretion to remove or discharge the same from their employ, and supply their places by the appointment of others in their stead.

Books of account open to inspection of stockholders.

Sec. 9. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory or manufactories, proper books of account, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times, during business hours, be open to the inspection of the stockholders of said company.

Sec. 10. *And be it enacted*, That no transfer of the stock of said company shall be valid until such transfer shall be entered or registered in the book or books to be kept by the directors for that purpose; and that this act shall be in force for the term of thirty years from the time of its passage, unless sooner repealed; and that the legislature may at any time hereafter alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Limitation of act.

Act may be altered or repealed.

Passed March 1, 1839.

SECTION 11

A FURTHER SUPPLEMENT to the act entitled "An act concerning taxes."

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That any constable who shall or may hereafter have occasion to collect any tax, by distress and sale of any timber, wood, herbage, or other vendible property, according to the thirty-third section of the act to which this is a further supplement, shall, and is hereby required to annex to the names of the several delinquents in the advertisements, the amount of tax and cost due from each of them, respectively.

Names and amount of the tax and cost of delinquents to be advertised by constable.

Passed, March 2, 1839.

A SUPPLEMENT to an act entitled "An act to incorporate the Mine Brook Rail Road Company," passed the fourth day of March, one thousand eight hundred and thirty-seven.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the said "the Mine Brook Rail Road Company" to extend and continue the road authorized to be constructed by the act to which this is a supplement, from some suitable point in the county of Hunterdon, westwardly through the counties of Hunterdon and Warren, to the Delaware river, in the vicinity of Phillipsburgh, in the county of Warren; and for that purpose the said company is hereby invested with all the rights, powers and authority, and entitled to the same privileges and emoluments that they have, or are entitled to, under and by virtue of the act to which this is a supplement, and subject to all the conditions, limitations and restrictions to which they are subject under the said act, in the same manner and to the same effect as if the said company had originally been authorized to construct their road from the eastern termination thereof to the Delaware river, near Phillipsburgh aforesaid; *provided however*, that the extended rail road hereby authorized to be constructed, shall not be located or made more than one mile southerly from any point of the line lately surveyed by L. F. Douglass, esquire.

Passed, March 2, 1839.

Company authorized to extend their rail road to the Delaware.

Proviso.

AN ACT relating to the lands belonging to the state, situate in the township of Paterson, in the county of Passaic.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That William Brittin, of Morris county, Andrew

Parsons, of Passaic county, William Stites, of Essex county, Lucius Q. C. Elmer, of Cumberland county, and Joseph Saunders, of Gloucester county, be, and they are hereby appointed commissioners to take charge of the lands belonging to this state, situate in the township of Paterson, in the county of Passaic, for the ensuing year, and until others shall be appointed in their place; and that the said commissioners be authorized and empowered to lease the whole or any part of said lands, in one or more lots or parcels, to such person or persons, at such rent, and for such times, not exceeding five years, as they shall deem most for the interest of the state.

Commissioners to take charge of the state lands at Paterson.

Authorized to lease the whole or parts of the lands.

Sec. 2. *And be it enacted*, That the said commissioners be, and they hereby are authorized, if they shall deem it for the interest of the state, to divide the said lands into convenient lots, and to lay out and open one or more street or streets through the same; which street or streets the said commissioners shall cause to be marked at proper distances in the line of the same, and make return thereof, with a map or draft of the same, with the courses and distances, and references to the most remarkable places, and the improvements through which they pass; which return the said commissioners shall date and sign and deliver the same, together with the map or draft aforesaid, to the clerk of the county of Passaic, who shall file and record the same in the book by him kept for recording the returns of roads in said county; and that immediately upon the filing of the said return, and map or draft, the street or streets so laid out shall become public highways, in the same manner as if the same had been laid out by surveyors of the highways, under an appointment of the inferior court of common pleas of the county of Passaic, except only, that no caveat shall be filed against the recording of the same, nor shall the proceedings of the said commissioners be reviewed by the chosen freeholders of the said county.

May lay out the lands in lots and open streets.

Map to be filed with county clerk.

Proceedings of commissioners not to be reviewed by chosen freeholders.

Sec. 3. *And be it enacted*, That the said commissioners be, and they hereby are authorized and empowered to sell the said lands, or any part thereof, when the same shall have been divided as aforesaid, at public vendue, of which thirty days previous notice shall be published, at least once in each week, in a newspaper printed in the town of Paterson, and also in a newspaper printed at Newark, and that the said commissioners be empowered to arrange and settle the terms of payment for the lot or lots so sold, and the securities, if any, to be taken therefor.

Lots to be sold at public auction.

Sec. 4. *And be it enacted*, That the attorney general of this state, for the time being, be, and he hereby is empowered and directed, upon the application of the said commission-

Attorney general to make deeds.

ers, to make good and sufficient deeds of conveyance to the purchasers for the lands so sold, and deliver the same to the said commissioners, to be by them delivered to the purchasers, upon the receipt of the purchase money agreed to be paid therefor, or the securities for the same; and that the said commissioners, shall, without delay, deliver to the treasurer of this state the said purchase money and securities, and also a written report of all their proceedings in the premises; and the treasurer of this state be directed to add said purchase money and securities, to the school fund belonging to this state.

Effect of deed

Sec. 5. *And be it enacted*, That the deed or deeds of conveyance, so to be made and executed by the attorney general, shall, when duly delivered to the purchaser or purchasers, convey to and vest in the said purchaser or purchasers, respectively, all the right, title and interest of this state in and to the lands and premises intended to be thereby conveyed.

Act to go into effect immediately.

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

Passed, March 2, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act to incorporate the city of Newark."

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all taxes which shall hereafter be assessed upon any lands, tenements, or real estate, situate in the city of Newark, shall be and remain a lien thereon for the space of

two years from and after the time when the same shall be assessed, notwithstanding any devise, descent, alienation, mortgage, or other incumbrance thereof; and that if the full amount of of any such tax shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the common council, having first given public notice, in the manner and for the time mentioned in the thirty-fifth section of the act to which this is a supplement, to cause such lands, tenements, or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax, or the balance thereof remaining unpaid, with the interest thereof, and all costs, charges and expenses, and to execute, under the common seal of the said city, a declaration of such sale, and deliver the same to the said purchaser; and such purchaser, his executors, administrators, or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended.

Lands to remain for two years a lien for taxes.

Time and mode of selling lands for payment of taxes.

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

Act to take immediate effect.

Passed, March 2, 1839.

AN ACT to provide for repairs and alterations at the state arsenal.

WHEREAS, by an act passed February twenty-eight, eighteen hundred and thirty-eight, certain alterations and repairs to the state arsenal, for the preservation of the arms, &c., were directed to be made, under an appropriation of three

Preamble.

hundred dollars, which sum proved insufficient to effect the object contemplated by that act,—**THEREFORE,**

Appropriation for repairs of state arsenal.

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 be, and he is hereby authorized and directed to pay out of any monies in his hands not otherwise appropriated, the sum of two hundred and ninety-one dollars and ninety-eight cents to the quarter master general, which sum shall be in full for said repairs and alterations.

Passed, March 2, 1839.

AN ACT for the relief of Edward Allen, of the county of Burlington.

Pension of \$60 per annum to Edward Allen.

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

Passed March 4, 1839.

**AN ACT to incorporate the Board of Trustees of
the Education Fund of the New Jersey Annual
Conference of the Methodist Episcopal Church.**

WHEREAS, the New Jersey annual conference of the methodist episcopal church, being influenced by a desire to promote moral and literary education, and to improve the youth of the country, by furnishing them with the means of acquiring knowledge, have collected a fund, which they are endeavoring to increase, to be applied to the support of teachers, the establishment of libraries, and the maintenance of seminaries of learning; **AND WHEREAS**, in order that these exertions may be successful and their resources safely and advantageously used, it is deemed expedient to place the property acquired and to be acquired, for those objects, in the custody and under the direction of a board of trustees, to be legally incorporated with adequate powers for its protection and application to the purposes aforesaid, subject, however, to the superintendence and control of the said conference—**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 Richard W. Petherbridge, John S. Porter, Anthony Atwood, Manning Force, Charles C. Yard, Henry Holden and James Rogers, and the survivors of them and their successors, shall be, and they are hereby made and constituted a body politic and corporate, in fact and in law, by the name of "the Board of Trustees of the Education Fund of the New Jersey Annual Conference of the Methodist Episcopal Church;" and by that name, they, and their successors shall have continued succession, and shall be in law capable of suing and being sued, defending and being defended, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and shall have power to make and use a common seal, and to alter the same at pleasure; and they and their successors, by the same style and name, shall be capable of purchasing, holding, conveying, and transferring all lands, tenements, moneys and effects, goods and chattels, whatsoever, expedient for, or essential to, the objects of this incorporation; *provided nevertheless*, that the annual income arising therefrom shall not exceed the sum of two thousand dollars.

Names of corporators.

Style of incorporation.

Powers.

Proviso.

Sec. 2. *And be it enacted,* That the said Richard W. Petherbridge, John S. Porter, Anthony Atwood, Manning Force, Charles C. Yard, Henry Holden and James Rogers, shall from, and immediately after the passage of this act, con-

First trustees appointed.

Trustees to be annually elected by conference.

stitute the said board of trustees, and they and their survivors shall continue as such trustees until the next annual session or meeting of the said conference, at which time the said conference shall proceed to elect seven trustees, for the purposes of this incorporation, from among the members of the said methodist episcopal church within the limits of the said conference, one whereof shall be chosen for the term of seven years, one for the term of six years, one for the term of five years, one for the term of four years, one for the term of three years, one for the term of two years, and one for the term of one year, from the time of the said election, so that one of the said trustees shall go out of office at the expiration of each successive year.

Mode of electing trustees and their time of service designated

Sec. 3. *And be it enacted*, That the said trustees, four of whom shall constitute a quorum for the transaction of business, shall be elected by the members of the said conference by ballot; and that at the first election for trustees which shall take place under, and by virtue of this act, each member of the said conference, who shall vote at such election, shall insert in the ballot voted by him the names of the candidates for whom he may vote, and the term for which each of such candidates, if elected, shall serve as a trustee; *provided*, that no person shall be appointed a trustee who is not a citizen of this state and of the United States.

Proviso.

Board of trustees always to consist of seven.

Sec. 4. *And be it enacted*, That, at every successive annual session of the said conference, after the next annual meeting thereof as aforesaid, the members of the said conference, at such place as the same may be held, shall proceed to elect, in the manner herein before prescribed, one or more trustees under this act, as circumstances may require; *provided, however*, and it is the true intent and meaning of this act, that the said board of trustees shall always consist of at least seven members,

When a trustee vacates his office.

Sec. 5. *And be it enacted*, That whenever any trustee, chosen as aforesaid, shall cease to be a member of the methodist episcopal church, or shall remove without the limits of the said conference, he shall immediately thereupon, cease to be such trustee.

Vacancies to be supplied by the board till conference.

Sec. 6. *And be it enacted*, That if any vacancy shall occur in the said board of trustees, by death, removal, resignation, or otherwise, at a time when the said conference is not in session, the remaining members of the said board, or a majority of them, shall appoint some fit person to fill such vacancy until the annual meeting of the said conference then next ensuing, at which time the said conference shall proceed, in the manner prescribed in this act, to elect some one as trustee.

tee for the residue of the term for which the person who shall have so ceased to be a trustee shall have been chosen.

Sec. 7. *And be it enacted*, That the trustees, for the time being, shall have power to make and establish such by-laws as they shall think necessary for the regulation and government of the said board, and may alter, amend and modify the same at pleasure; and shall possess and exercise all the rights, privileges, powers and franchises that other corporations of the like kind enjoy; *provided*, that said by-laws shall not be contrary to the constitution or laws of this state or of the United States, or repugnant to the provisions of this charter.

Powers and duties of trustees.

Proviso.

Sec. 8. *And be it enacted*, That the said trustees shall meet for the transaction of business, at such times and places, as they, or a majority of them, may deem proper, and shall have power and authority to appoint, from among their own number, a president, secretary, treasurer, and such other officers as they may think necessary for the purposes of this incorporation; which officers shall be removable at the pleasure of the said trustees, and their duties prescribed in the said by-laws.

Powers and duties of trustees.

Sec. 9. *And be it enacted*, That the lands, tenements, money and all other property held by the said trustees, pursuant to this act, shall constitute a permanent fund, the interest and proceeds of which shall be applied by the said board of trustees to the purposes of this incorporation, as set forth in the preamble of this act, under the immediate direction and control of the said conference, and in such manner as the said conference shall, from time to time, order and direct.

Creation of a permanent fund and application of its proceeds.

Sec. 10. *And be it enacted*, That the said trustees, in order to carry into effect the provisions of this act, shall cause to be entered in books to be provided and kept for that purpose, regular and full accounts of the funds of the said corporation, and at each annual session of the said conference shall lay before that body a full and true statement thereof, and of all the receipts and disbursements.

Accounts to be laid before the conference.

Sec. 11. *And be it enacted*, That this act shall take effect from the passage thereof, and that the legislature shall have the power to alter, amend, modify or repeal the same, whenever, in their opinion, the public good may require it.

Act may be altered or repealed.

Passed March 4, 1839.

AN ACT to incorporate the Belleville 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 John Williams, William H. Brant, William Dow, John Kennedy, John C. Lloyd, William Stephens, Ralph Pomeroy, Nicholas N. Joralemon, John Lee, Abraham V. Spear, Peter H. Kip, George Kingsland, Cornelius G. Van Riper, and all other persons who may hereafter associate with them, in the manner herein prescribed, shall be a corporation, by the name of "the Belleville Mutual Insurance Company," for the purpose of insuring their respective dwelling houses, stores, shops and other buildings, household furniture, merchandize and other property, against loss or damage by fire; and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity, and by that name may also have, purchase, possess and enjoy, to them and to their successors, lands, tenements and hereditaments, goods, chattels and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same may grant, demise, alien and dispose of at pleasure, for the benefit of said company; and may also have a common seal, and alter and renew the same at pleasure; and also may make and establish such by-laws and regulations as to them shall seem necessary and expedient for the well ordering and government of said institution, and put the same into execution; *provided,* that they be not contrary to the constitution or laws of this state, or of the United States.

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

Sec. 3. *And be it enacted,* That all the affairs, property and concerns of the said corporation shall be managed and conducted by thirteen directors, who shall continue in office for one year and until others shall be chosen in their place, all of whom shall be members of the said corporation, shall take an oath of office, and choose out of their body, a president; all vacancies may be filled for the remainder of the year, by such person or persons as a majority of the board of directors, for the time being, may appoint; and a majority

Names of corporators.

Style of incorporation.

Powers and privileges.

Persons insuring to be members of corporation.

Affairs of corporation to be managed by thirteen directors.

of the whole shall constitute a quorum for the transaction of business; and that the said John Williams, William H. Brant, William Dow, John Kennedy, John C. Lloyd, William Stephens, Ralph Pomeroy, Nicholas N. Joralemon, John Lee, Abraham V. Spear, Peter H. Kip, George Kingsland and Cornelius G. Van Riper, shall be the first directors of said corporation; which board of directors shall hereafter be elected in each year, at such time and place in Belleville, in the county of Essex, as the said corporation in their by-laws shall appoint, of which election public notice shall be given in at least one of the public newspapers printed in said county, at least two weeks immediately preceding such election; which election shall be holden under the inspection of three members, not being directors, to be appointed previous to every election by the board of directors; and shall be made by ballot and by a plurality of the votes of the members, or their proxies, then present, allowing to each member one vote for every hundred dollars insured in said company.

First directors.

Time and mode of annual election of directors.

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

Officers to be appointed by directors.

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

Policies or contracts without seal.

Sec. 6. *And be it enacted,* That every person who shall become a member of said corporation, by effecting insurance therein, shall, before he receives his policy, deposit his promissory note for such a sum of money as shall be determined by the directors, and that a part, not exceeding five per cent. of said note, shall be immediately paid, and the remainder of said deposit note shall be payable, in part or the whole, at any time when the directors shall deem the same requisite for the payment of losses by fire, and such incidental expenses as shall be necessary for transacting the business of said company; and at the expiration of the term of insurance the said note, or such part of the same as shall remain unpaid after deducting all losses and expenses occurring during said term, shall be relinquished and given up to the maker there-

Terms of effecting insurance.

Money not wanted may be loaned

of; and it shall be lawful for said corporation to loan such portion of their money on hand as may not be immediately wanted for the purposes of said corporation, to be secured by a mortgage or mortgages on unincumbered real estate of double the value of the sum loaned.

Policy may be surrendered when property vested is alienated.

Sec. 7. *And be it enacted,* That when any property insured by the said corporation shall be alienated, by sale or otherwise, the policy of such insurance may be surrendered to the directors of said company to be cancelled; and upon such surrender the assured shall be entitled to receive his deposit note or notes, upon the payment of his proportion of all losses and expenses that have accrued prior to such surrender; but the grantee or alienee having the policy assigned to him, may have the same ratified and confirmed to him, for his own proper use and benefit, upon application to the directors, and with their consent, within thirty days next after such alienation, on giving proper security, to the satisfaction of said directors, for such portion of the deposit or premium note or notes as shall remain unpaid; and by such ratification and confirmation such grantees or alienees shall be entitled to all the rights and privileges, and be subject to all the liabilities, to which the original party to whom the policy issued was entitled and subjected.

Duty of assignee of a policy.

Members bound to pay for losses in proportion to the amount of their deposit notes.

Sec. 8. *And be it enacted,* That every member of said company shall be bound to pay for losses and such necessary expenses as aforesaid accruing in and to said company, in proportion to the amount of his deposit note or notes; and all buildings insured by said company, together with the right, title and interest of the assured to the lands on which they stand, shall be, and they are hereby pledged to said company; and said company shall have a lien thereon, in the nature of a mortgage, to the amount of his deposit note, which shall continue during his policy, and commence whenever the said company shall file with, and have entered in the book of mortgages, kept by the clerk of the county where the property is situate, a memorandum of the name of the individual insured, a description of the property, the amount of the deposit note or notes, and the term for which said policy shall continue.

Lands of members insured, to be a lien for payment of losses

Suits may be maintained against members by company for deposit notes, &c.

Sec. 9. *And be it enacted,* That suits at law or in equity may be maintained by said corporation against any of its members for the collection of said deposit notes, or any assessment thereon, or for any other cause relating to the business of said corporation; also, suits at law or in equity, may be prosecuted and maintained by any member against said corporation for losses or damage by fire, if payment is withheld more than three months after the company are duly notified

of such loss or damage; and no member of the corporation, not being in his individual capacity a party to such suit, shall be incompetent as a witness in any cause, on account of his being a member of said corporation.

Corporation may be sued for losses by fire.

Sec. 10. *And be it enacted,* That the directors shall, after receiving notice of any loss or damage by fire, sustained by any member, and ascertaining the same, or after the rendition of any judgment against said company for loss or damage, settle and determine the sums to be paid by the several members thereof, as their respective proportion of such loss, and publish the same in such manner as they shall see fit, or as the by-laws shall have prescribed; and the sum to be paid by each member shall always be in proportion to the original amount of his deposit note or notes, and shall be paid to the treasurer within thirty days next after the publication of said notice; and if any member shall, for the space of thirty days after the publication of said notice, neglect or refuse to pay the sum assessed upon him as his proportion of any loss as aforesaid, in such case the directors may sue for and recover the whole amount of his deposit note or notes, with costs of suit; and the amount thus collected shall remain in the treasury of said company, subject to the payment of such losses and expenses as have accrued, or may thereafter accrue, and the balance, if any remain, shall be returned to the party from whom it was collected, on demand, after thirty days from the expiration or cancellation of his or her policy.

Duty of directors on ascertaining loss by fire.

Sec. 11. *And be it enacted,* That whenever, and as often as it shall happen, that the whole amount of the funds of the said company, and of the sums due on the deposit notes held by it shall be insufficient to pay the whole loss occasioned by any fire, the directors shall assess upon and demand from each member a further sum, in proportion to the original amount of his or her deposit note, and shall divide the whole amount of the said funds, deposit note and assessment, among the sufferers by such fire who have been insured by said company, in proportion to their losses, and the amounts by them respectively insured, but no such assessment of a greater amount than one dollar on every hundred dollars by the members respectively insured, shall at any time be made for the loss or damage occasioned by any one fire, and any member who shall pay the whole amount of his or her deposit note, and of any assessment then made, and surrender his or her policy of insurance, shall be discharged from all liability for any loss or damage that may occur after such payment and surrender.

When funds of company are insufficient to pay losses, an assessment made on the members.

Mode of payment to sufferers by fire.

On surrender of policy and payment of dues, a member may draw from corporation.

Application for insurance to amount of \$50,000, before policies can issue. **Sec. 12. *And be it enacted,*** That no policy shall be issued by said company until application shall be made for insurance to the amount of fifty thousand dollars at least.

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

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

Limitation of act. Act may be altered or repealed. **Sec. 15. *And be it enacted,*** That this act shall continue in force thirty years, subject to be altered, amended, modified or repealed by the legislature, at any time hereafter, when, in their opinion, the public good may require it.

Passed, March 4, 1839.

AN ACT for the relief of Jonathan Hand, of the county of Cumberland.

Pension to J. Hand of \$ 60 per annum. **BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,** That the treasurer of this state for the time being, shall be, and he is hereby authorized and required to pay to Jonathan Hand, of the aforesaid county, a soldier in the service of the United States, in the revolutionary war, or his order, the sum of sixty dollars, to be paid to the said Jonathan Hand, annually, in half yearly payments of thirty dollars each, during his natural life, the first payment to be made on the fourth day of March instant, and the receipt of the said Jonathan Hand, or of the person to whom the said Jonathan Hand shall order the same to be paid, shall be a sufficient voucher to the treasurer, for such sums as may be paid by virtue of this act in the settlement of his accounts.

Passed March 4, 1839.

AN ACT to incorporate the Somerville Pin and Type Manufacturing Company.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Theodore Frelinghuysen, junior, John I. Gaston, George H. Brown, Joseph A. Gaston and James Taylor, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in law, by the name of "the Somerville Pin and Type Manufacturing Company," for the purpose of manufacturing pins and type, at or near the village of Somerville, in the county of Somerset, in this state; and by that name they and their successors shall be, and they are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable in law to purchase, receive, have, hold and enjoy such lands, tenements, water power and water privileges in the townships of Hillsborough and Bridgewater, goods, chattels, and other personal estate, as may be necessary and proper for carrying on the manufacturing purposes aforesaid, and the same to use and employ, grant, demise, mortgage, pledge, convey and dispose of as they shall deem proper; and to have, enjoy, and exercise all the rights, powers and privileges pertaining to corporate bodies and necessary for the purposes of their incorporation; *provided always,* that the funds of the said corporation, or any part thereof, shall not be applied, used or employed, at any time in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said Theodore Frelinghuysen, junior, John I. Gaston, George H. Brown, Joseph A. Gaston and James Taylor, or a majority of them, are hereby authorized to open books of subscription to the capital stock of said company; which said books shall be kept open for the space of three days, giving at least twenty days previous notice in the newspapers published at Somerville; and if a greater amount be subscribed than the amount of the capital stock, then it shall be the duty of the said commissioners to apportion the same among the subscribers, ratably and in proportion to their several subscriptions; *provided,* that no apportionment be made upon any subscription which does not exceed ten shares.

Names of incorporators.

Style of incorporation.

General powers.

Restrictions.

Commissioners to receive subscriptions for stock.

Stock to be apportioned.

Proviso.

Sec. 2. *And be it enacted,* That the capital stock of said company shall consist of two hundred and fifty thousand dol-

Amount of capital stock.

lars, to be subscribed in shares of one hundred dollars each; and that five dollars on each share shall be paid at the time of subscribing, and as soon as five hundred shares of the said stock shall be subscribed, as aforesaid, the individuals abovenamed, or any three of them, may, by public notice published in the newspapers aforesaid, for a period not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Sec. 3. *And be it enacted,* That the stock, property, concerns and business of the said company, shall be managed and conducted by five directors, being stockholders, one of whom shall be president; and they shall hold their offices for one year and until others are elected in their places; and the stockholders may vote either in person or by proxy, and shall be entitled to one vote for each share of the capital stock they may severally hold in said company; and the five stockholders having the greatest number of votes at any election, shall be the directors for the ensuing year; and the individuals above named or any two of them, shall be inspectors and judges of the first election; and the said directors, when elected, shall choose out of their own number a president; and the said directors shall annually thereafter, by the like public notice as aforesaid, call meetings of the stockholders for electing directors of the said company, and shall appoint three of the stockholders, not being directors, as inspectors and judges of election; and the said directors may make, ordain, and execute such by-laws and regulations for the government of the said corporation in their proceedings, and for the management of the stock, property, effects and concerns of said company, as may by them be deemed necessary and convenient; *provided* the same be not repugnant to the constitution or laws of this state or of the United States; and the said directors, or a majority of them, shall, and may appoint such officers, superintendents, agents and workmen, with such compensation as they may think proper, and may remove the same at their pleasure.

Sec. 4. *And be it enacted,* That as soon as fifty thousand dollars of the capital stock of the said company shall have been paid, or satisfactorily secured, it shall and may be lawful for the said company to commence their business; and the said directors, or a majority of them, shall have power to call in said stock from time to time, in such instalments as they shall see fit to prescribe, giving thirty days notice as aforesaid, not exceeding ten dollars on each share for any one instalment; and if any stockholder or stockholders shall neglect or refuse to pay his or their respective instalment or instalments on his or their respective share or shares so called for as aforesaid, the stock of such stockholder so neglecting or refusing, and

Time and mode of annually appointing directors.

Powers and duties of directors.

Proviso.

When company may commence operations.

Stock forfeited on failure to pay instalments.

all previous payments thereon, may be forfeited by a vote of the directors for the use and benefit of the said company.

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

Stock personal property and transferable.

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

Semi-annual dividends to be made.

Books open to inspection of stockholders.

Sec. 7. *And be it enacted,* That all elections of directors of the said company, shall be by ballot; and if the directors of said company, for the time being, shall at any time neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, any five of the stockholders, may within the time in such case prescribed, give notice and call meetings and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors, two or more stockholders shall receive an equal number of votes, then the directors for the time being, shall by ballot determine which of said stockholders shall be director or directors; and on the death or resignation of any of the directors the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

On neglect of directors, five stockholders may appoint an election.

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

Corporation not dissolved for failure to elect on day prescribed.

Sec 9. *And be it enacted,* That it shall and may be lawful for the said corporation, whenever they have not occasion to use all or any part of their machinery, fixtures and buildings for the purposes mentioned in the first section of this act, to rent the same or any part thereof, for the making and manufacture of any articles or commodities not forbidden by the laws of this state, or of the United States.

How funds may be employed.

Limitation of
act.

Sec. 10. *And be it enacted*, That this act shall continue in full force and effect for and during the term of thirty years from and after the passing thereof, unless sooner modified or repealed; and that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be
altered or re-
pealed.

Passed March 5, 1839.

REPEALED

A SUPPLEMENT to the act entitled "An act to incorporate the New Jersey Agricultural Company."

Part of former
act re-
pealed.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That so much of the act entitled "An act to incorporate the New Jersey Agricultural Company," passed the twenty-eighth of February, eighteen hundred and thirty-eight, as authorizes said company to embank any meadow or marsh land between Sawmill creek and Berry's creek, or north and west of high water mark, on the south and east side of the said Sawmill creek, be, and the same is hereby repealed.

Passed March 5, 1839.

AN ACT to incorporate the Mountain Mining Company, in the county of Somerset.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Thomas A. Alexander, James Renwick, Cornelius S. Dickerson, and such other persons as now are, or may be hereafter associated with them, and their successors, be, and are hereby constituted a body politic and corporate, by the name and style of "the Mountain Mining Company, in the county of Somerset," for the purpose of mining, for smelting, manufacturing and rendering ore, minerals, earths, and metallic substances of every description, in the most advantageous manner; and by that name they and their successors shall have power, and continue to be a body politic in law, and shall be 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, and in all manner of actions, suits, complaints, causes and matters whatsoever; and they and their successors may have a common seal, and the same may alter and change at pleasure; and by their corporate name shall in law be capable of buying, holding, and conveying any lands, tenements, hereditaments, goods, wares and merchandize whatsoever, necessary for the purpose aforesaid; *provided*, the lands held in this state do not exceed one thousand acres, and shall be situate in the county of Somerset aforesaid.

Names of corporators.

Style of incorporation.

General powers.

Restrictions.

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

Amount of capital stock.

Stock personal property and transferable.

Sec. 3. *And be it enacted*, That the above named persons or any three of them, shall open books to receive subscriptions to the capital stock of the said corporation at such time or times, and place or places, in the county of Somerset, as they may think proper, giving notice thereof at least two weeks previous to the opening of said books, by publishing the same in one of the newspapers printed in the county of Somerset; and the said books shall be kept open for three days at least; and five dollars shall be paid upon each share of stock subscribed for at the time of subscription; and if more than one hundred thousand dollars shall be so subscribed, the said commissioners shall make an equitable distribution of the said stock among the subscribers; and it shall and may be lawful

Books for subscription to stock to be opened.

Stock to be apportioned.

Stock forfeited on failure to pay instalments

for said company to commence their business, and carry it on, after the sum of twenty thousand dollars shall be subscribed and paid; and, when they find it necessary, may call and demand from the stockholders, all sums of money by them subscribed, in instalments of not more than five dollars on each share, and at intervals of not less than thirty days between each payment, under penalty of forfeiture of all previous payments, if any such instalments be not paid within thirty days after notice has been given in writing, through the post office, addressed to the usual place of residence of each stockholder.

Restrictions on the employment of capital.

Sec. 4. *And be it enacted*, That no part of the capital stock or moneys of the company shall be used for banking, or for any other purposes not indicated in the first section of this act.

Time and mode of electing directors.

Sec. 5. *And be it enacted*, That the concerns of said company shall be managed by five directors, being stockholders, one of whom shall be president; and a majority of whom shall be residents in this state; and said directors shall be elected on the first Saturday in July of every year, in the county of Somerset; and notice of such election shall be given ten days previously, in a newspaper published at Somerville, in said county; which elections shall be by ballot, in person, or by proxy, and each share shall entitle the holder thereof to one vote; and the persons having a plurality of votes shall be directors; and in case of a tie, a new ballot shall be had to determine by a plurality of votes, who are to be directors; and the said directors shall proceed, by ballot, to elect a president; and said directors may fill any vacancy or vacancies which may occur from any cause.

Corporation not dissolved on failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That in case it should happen that an election should not take place on the day mentioned, the corporation shall not for that cause be deemed to be dissolved, but such election shall be held at any time thereafter, on notice as aforesaid, or upon like notice given by any five stockholders; and the directors for the time being, shall continue to hold their offices until new ones shall have been chosen in their places.

Powers and duties of directors.

Sec. 7. *And be it enacted*, That a majority of the directors shall form a board for the transaction of any business, and shall have power to make and adopt such by-laws, regulations and proceedings, as they shall deem most expedient and necessary to advance the interests, and carry into effect the objects of the company; *provided* the same be not contrary to the constitution or laws of the United States or of this state.

Proviso.

Sec. 8. *And be it enacted*, That this act shall be and continue in force for the term of thirty years, and the legislature reserves the right, at any time hereafter, to alter, amend, or repeal the same, whenever in their opinion the public good requires it.

Limitation of act.

Act may be altered or repealed.

Passed, March 5, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act to enable the owners of tide swamps and marshes, to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in repair," passed the twenty-ninth of November, seventeen hundred and eighty-eight.

WHEREAS, by the fourteenth section of the act to which this is a further supplement, it is enacted, that it shall and may be lawful for the manager or managers, or a majority of them, to dig, or cause to be dug, mud, sand, or other earth, for erecting and repairing the banks and other works, from time to time, in such places as shall be most convenient to the banks and works under his or their direction, and least detrimental to the owners of the soil; AND WHEREAS, it frequently happens that individuals owning lots of meadow and marsh near to and adjacent to such banks and works so wanting repair as aforesaid, are greatly damaged by reason of the digging up and conveying away their soil without just compensation,—THEREFORE,

Preamble.

Sec. 1. BE IT ENACTED, *by the Council and General As-*

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Owners of soil used for securing banks to be paid.

Proceedings when owners of soil and managers of banks cannot agree on amount.

Action may be maintained for ascertained damages.

sembly of this state, and it is hereby enacted by the authority of the same, That when the manager or managers of any meadow company, organized agreeably to the provisions of the act to which this is a further supplement, shall dig, or cause to be dug, any mud, sand, or other earth, within the bounds of such meadow company, and within the bank securing, or intended to secure, the meadows and marsh of such company from the overflow of the tide, then, and in that case, such manager or managers, or his or their successor or successors, shall pay, or cause to be paid, to the person or persons so damaged as aforesaid, a reasonable compensation for the same; and in case the said manager or managers, cannot agree with the owner or owners of the soil as to the amount of damages sustained, the said manager or managers shall choose one disinterested freeholder, resident in the township in which the damage was sustained, and the owner or owners of the soil shall choose another disinterested freeholder resident as aforesaid, which two parties shall choose a third disinterested freeholder, resident as aforesaid; and the three persons so chosen, shall view the premises and assess the damages sustained as aforesaid; and their decision, or the decision of a majority of them, put in writing, under their hands, shall be binding and conclusive on the parties.

Sec. 2. *And be it enacted,* That it shall be the duty of the said manager or managers, within ten days after a copy of the said decision shall have been served upon him, or them, to pay to the owner or owners of the said soil the damages so ascertained, and also to pay the expenses and compensation of the said freeholders; and in case he or they shall neglect or refuse so to do, the said owner or owners may maintain an action and recover judgment against him or them for the amount thereof with costs, in any court of competent jurisdiction; and that the amount of the damages, expenses and compensation, which shall be paid by any such manager or managers in pursuance of this act, shall be allowed and credited to him, or them in the settlement of his or their accounts.

Passed, March 5, 1839.

AN ACT to incorporate the "Mechanics' Bank of Burlington."

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That William R. Allen, Samuel R. Gummere, Samuel Rogers, George Gaskill, Jesse Cox, John Roberts and Thomas Booth and their associates, shall be, and they are hereby created a body corporate and politic, by the name and style of "the Mechanics' Bank of Burlington," and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and may have a common seal and may change, alter and renew the same at pleasure, and by that name shall be, and are hereby made capable in law, of purchasing, holding and conveying any estate, real or personal, for the use of said corporation: *provided,* that the said corporation shall, in no case, be owners of any ships or vessels, or directly trade or deal in anything except bills of exchange, promissory notes, gold or silver bullion, and such ships and vessels, goods, wares and merchandize, as shall be truly pledged to them by way of security for debts owing or becoming due to said corporation, or purchased to secure such debts, or in the sale of goods which shall be the produce of its land; *provided also,* that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation, for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it, by way of security for loans, or for contracts made, or conveyed to it, in full or part satisfaction for debts previously contracted in the course of its dealings, or purchased upon judgment for the purpose of bona fide securing any debt or debts due to the said corporation.

Names of coporators.

Style of incorporation.

General powers.

Restrictions.

Restrictions.

SEC. 2. *And be it enacted,* That the capital stock of said corporation shall be one hundred thousand dollars, with the privilege of increasing the same to two hundred and fifty thousand dollars, to be divided into shares of fifty dollars each, and that the subscription to the said capital stock be received by *William R. Allen, Isaac Murter, Thomas Milnor, John Roberts and George Gaskill,* which said commissioners, or a majority of them, shall open books at Burlington, and the said books shall be kept open for the space of five days, giving twenty days previous notice, in at least one of the newspapers published in the county of Burlington, of the time and place of opening said books, and five dollars shall be paid upon each share of stock subscribed for, at the time of sub-

Amount of capital stock.

Commissioners to receive subscriptions for stock.

Stock to be apportioned, preferring citizens of the state.

scription; and if more than one hundred thousand dollars shall be so subscribed, the said commissioners shall make an equitable distribution of the said stock among the subscribers, giving the preference to citizens of this state; and they shall pay over to the directors hereinafter provided for, within five days after their election, the amount of money which they, or any of them shall have received upon the said subscription, reserving to each of themselves the sum of two dollars, for each day he shall have been employed as aforesaid.

Time and manner of electing first directors.

Sec. 3. *And be it enacted*, That when the said books of subscription shall have been kept open five days as aforesaid, if fifteen hundred shares shall have been subscribed and seven thousand five hundred dollars paid in, the said commissioners or a majority of them, shall give public notice, in at least one of the newspapers published in the county of Burlington, for twenty days, for a meeting of the stockholders to be held in the city of Burlington, for the purpose of choosing directors, and of which said election the said commissioners shall be the judges; and the stockholders when so assembled, shall proceed to elect, by ballot from among the said subscribers or stockholders, thirteen directors, at least ten of whom shall be citizens of this state, and reside in the county of Burlington, and who shall hold their offices until the first Monday in April, eighteen hundred and forty, and until others are chosen, and each stockholder at said election, and at all subsequent elections of said corporation, shall be entitled to one vote, either in person or by proxy, for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, she or they shall have held in his, her or their name, for at least three months prior to the time of said election, and the persons who shall receive the greatest number of votes shall be directors; and the said directors when so elected shall choose by ballot one of their number, who shall be a resident of the county of Burlington, to be their president; and whenever any vacancy shall occur in the board of directors, by death, resignation, or otherwise, such vacancy shall be filled for the remainder of the year by such stockholder as the remainder of the said directors, or a majority of them, shall appoint.

President to be chosen.

Mode of supplying vacancies.

Time and mode of annual election of directors.

Sec. 4. *And be it enacted*, That an election for directors shall be held annually, after the first election at the banking house of the said corporation, in the city of Burlington, on the first Monday in April, at such time of day as the board of directors, for the time being, shall appoint, and notice shall be given by the said directors, not less than fourteen days previous to such election, by advertisement inserted in at least one of the newspapers published in the said county of Bur-

lington; and the said directors shall appoint previously, three stockholders, not being directors, to be judges of said election, and the votes shall be given in the same way, and under the same regulations as those prescribed in the preceding section.

Sec. 5. *And be it enacted*, That the said directors, chosen as above directed, shall have power to manage all the affairs, property and concerns of the said corporation, and that seven directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation: *provided*, that no discount shall be made on any note or bill without at least one good endorser, and by consent of at least three of the directors.

Powers and duties of directors.

Proviso.

Sec. 6. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules and regulations as to them shall appear needful and proper, relating to the government of the said corporation, the management and disposition of the stock, business and effects thereof; the time, manner and terms, at, and upon which discounts and deposits shall be made and received by the said corporation; the duties and conduct of the officers, clerks and servants employed by them; the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall have power to appoint as many officers, clerks and servants, for carrying on said business, and with such salaries or allowances as to them shall seem meet: *provided always*, that such by-laws, rules and regulations shall not be repugnant to the constitution or laws of the United States or of this state.

Powers and duties of directors.

Proviso.

Sec. 7. *And be it enacted*, That the cashier of said bank shall be annually appointed, and that upon the appointment, or re-appointment of said cashier, he shall give bond or bonds, with good and sufficient security, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank.

Cashier to be appointed annually and to give bond.

Sec. 8. *And be it enacted*, That the stock of said corporation shall be considered as personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are liable to; and their real estate shall be subject to be taxed as other real estate in this state is, or shall be taxed.

Stock personal property and subject to tax.

Sec. 9. *And be it enacted*, That the directors of the said company may require payment of the remaining instalments upon the shares which shall have been subscribed, at such times as they, or a majority of them may deem proper, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid, and of the time when the same are to be paid, shall be pub-

Stock forfeited on failure to pay instalments.

lished at least thirty days, in one of the newspapers printed in the county of Burlington: *provided*, that no such instalment shall exceed five dollars upon each share, and that no two instalments shall be required within less than thirty days of each other.

Stock a lien
for debts due
the company.

Sec. 10. *And be it enacted*, That no transfer of the stock of said corporation shall be valid and effectual, until any debt or debts which may be due to the said company, from the person transferring, shall have been fully discharged, and such transfer shall have been registered in a book or books, to be kept for that purpose, by the directors; and that the total amount of the debts which the said corporation shall, at any time owe, over and above the actual deposits in the said bank, whether by bond, bill, note, or other contract, shall not exceed double the amount of capital actually paid in.

Bills under
seal assigna-
ble by en-
dorsement.

Sec. 11. *And be it enacted*, That the bills obligatory, and of credit, under the seal of said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees successively, and so as to enable such assignee or assignees to bring and maintain action thereupon, in his, her, or their names; and the bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier thereof, promising payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of said corporation, shall be binding and obligatory upon the same, and with like power and effect as upon any private person or persons, and shall be received in payment for all debts due to the said corporation; *provided*, that every note or bill issued by said corporation, payable to bearer, or to any person or persons, his, her, or their order, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Notes paya-
ble to bearer
demandable
at the bank-
ing house.

Sec. 12. *And be it enacted*, That it shall be the duty of the directors of the said corporation, to make semi-annual dividends of so much of the profits of said banking company, as to them, or a majority of them, shall seem advisable; but they shall make no dividends of any part of the capital stock.

Semi-annual
dividends to
be made.

Rate of dis-
count.

Sec. 13. *And be it enacted*, That the rate of discount at which loans may be made by the said corporation, shall not exceed the legal rate of interest in this state, for the time being; *provided*, that nothing herein contained shall be construed so as to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

Proviso.

Sec. 14. *And be it enacted*, That it shall be the duty of the president and cashier of the corporation, for the time be-

ing, annually, to lay before the legislature of this state, a true statement, under oath or affirmation, of the amount of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same, for the space of two years together, that then, and from thenceforth, this charter, and all the privileges hereby conferred, shall cease and be forever at an end.

Annual statement to be laid before the legislature.

Sec. 15. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors and company, shall neglect or refuse, on demand made at their banking house, during the regular hours of doing business, to redeem, in specie, any of the bills, notes, or other evidences of debt, issued by the said company, and which shall be due and payable, the said president, directors and company, shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount, or otherwise; and the said company shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed, upon demand, as aforesaid, damages for the non-payment thereof, at the rate of ten per centum per annum, from the time of such demand, and until the same be paid, or otherwise satisfied; and the president and directors of said corporation shall, individually and jointly and severally, be liable to every creditor for the payment of any bills obligatory, or of credit, note or notes, which they, or any of them, may issue and circulate; and upon demand of payment being made at the bank, during the hours of business, and refusal thereof, an action may be brought against the said president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs in such suit, to declare therein generally, for money had and received, with a specification of the dates, sums, payees, and numbers of said bills or notes so demanded, and the payment whereof has been neglected or refused; and upon judgment being rendered, execution shall issue thereon.

Charter to be forfeited on failure to pay specie.

President and directors responsible.

Sec. 16. *And be it enacted*, That it shall not be lawful for the said corporation to issue any notes or bills until an affidavit or affidavits, made by the president and cashier, shall have been filed in the office of the secretary of state, stating that thirty thousand dollars of the capital stock of the said corporation has been paid in, conformably to this act.

When notes may be issued.

Sec. 17. *And be it enacted*, That this act shall be, and continue in force until the first day of January, one thousand eight hundred and fifty-nine, and no longer: *provided*, that the legislature reserve the power to amend, modify, or repeal this act, whenever, in their opinion, the public good may re-

Limitation of act.

Act may be altered or amended.

Proviso.

quire it: *and provided also*, that should there be a general banking law enacted the present session of the legislature, then, and in that case, this charter shall be null and void, and of no effect.

Passed, March 5, 1839.

AN ACT to authorize the appointment of an armorer and an assistant, to take charge of the state arsenal.

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, by and with the advice and consent of the commander-in-chief, from time to time, to nominate and appoint a suitable person as armorer, or keeper of the state arsenal, and one assistant to take charge of the said arsenal, to repair and keep in good and proper order, the arms and equipments belonging to this state, that now are, or may hereafter be placed under his charge; and that the said armorer be responsible to the quartermaster-general for the safe keeping of the said arms and equipments; that the said quartermaster-general report annually to the commander-in-chief the number and condition of the arms and equipments, including in said report all the camp equipage belonging to the state, and that the said report be laid before the legislature by the commander-in-chief.

SEC. 2. *And be it enacted*, That the treasurer of the state be authorized and directed to pay a salary after the rate of four hundred dollars a year to such armorer, in quarterly payments, and one dollar per day to one assistant, in like manner, so long as he shall be actually employed in repairing and keeping in order the arms and equipments of the state, upon warrants, drawn by the quartermaster-general, and approved by the commander-in-chief.

Passed, March 6, 1839.

Quartermaster-general to appoint keeper of state arsenal.

Annual report to the commander-in-chief.

Salary of the keeper and pay of assistant.

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

Sec. 1. BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same, That all that part of the township of Harrington, in the county of Bergen, that lies west of the Hackensack river, shall be, and the same hereby is established a separate township, to be called the township of Washington.

Washington township established.

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

Boundaries of Washington township and Harrington township.

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

Division of paupers between Harrington and Washington townships.

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

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

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

Division of property and debts between the townships.

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

Proviso.

Time of act taking effect.

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

Time and place of holding an election by inhabitants of new township, to determine whether act shall take place.

Sec. 7. *And be it enacted*, That this act shall not take effect until a majority of the legal voters who reside in the district of the contemplated township of Washington agree thereto; and that an election by ballot containing the word "division" or "no division," either written or printed, to ascertain the same, shall be held at the house of the said Peter A. Jersey, on the first Thursday in April next; and the voters present at the opening of the poll, shall choose three discreet freeholders to be inspectors of such election, who shall be severally sworn or affirmed by a justice of the peace of the county of Bergen, to justly, faithfully and impartially execute the duties of said office; the poll to be open at ten o'clock in the forenoon and close at three o'clock in the afternoon of said day, and upon closing the poll, the inspector shall proceed publicly to count the ballots and ascertain thereby whether a majority of the legal votes are in favor of a division of said township as provided for in this act; and shall make out a certificate of the result, which said certificates shall be signed by the said inspectors, and filed by them in the clerk's office of the county of Bergen, and if it appears that a majority of the legal votes of the said proposed township of Washing-

ten are in favor of a division as provided for in this act, then the law authorizing such division shall go into effect, and not otherwise; and that the provisions of this section shall take effect from the passage thereof.

When act shall take effect.

Passed March 6, 1839.

AN ACT to incorporate the Elizabethport and New York Ferry Company.

WHEREAS, Elijah Kellogg, John J. Chetwood, Elihu Harrison, John J. Bryant, Thomas R. Wood and others, their associates, are the owners of certain land and premises at Elizabethport, in the township of Elizabeth, in the county of Essex, in the state of New Jersey, together with steamboats and docks, and wharves and other property convenient and useful for the purposes of a ferry, valued at three hundred and twenty thousand dollars; and for the more convenient and safe management of their said property, have petitioned for an act of incorporation to enable them to conduct a ferry from the said Elizabethport to the city of New York—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 Elijah Kellogg, John J. Chetwood, Elihu Harrison, John J. Bryant, Thomas R. Wood and such persons as may become associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of "the Elizabethport and New York Ferry Company," for the purpose of conducting and managing a ferry between the said Elizabethport and the city of New York; and by that name they and their associates, successors and assigns, shall be, and hereby are made capable in law of suing and being sued, pleading and being

Names of incorporators.

Style of incorporation.

General powers.

impleaded, answering and being answered unto, in all courts and places whatsoever; to make, have, and use a common seal, and the same to break, alter, and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and hereby are made capable in law to have, purchase, receive, hold and enjoy the lands and premises and other property above mentioned, and all kinds of estate, real and personal, which may be necessary or proper for the purposes of the said ferry, and the same to grant, demise, alien, pledge, convey or dispose of, and to have, enjoy, and exercise, all the rights, powers and privileges pertaining to corporate bodies, for the purposes mentioned in this act; *provided always*, that no part of the funds of the said corporation shall be applied, used or employed, at any time in bank operations or for any other purposes inconsistent with the provisions of this act.

Restrictions.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted*, That the said Elijah Kellogg, John J. Chetwood, Elihu Harrison, John J. Bryant and Thomas R. Wood, or a majority of them, shall be commissioners to receive subscriptions and distribute the capital stock in the said company, who shall open a book or books for such subscription at such times and places as they, or a majority of them, shall think proper; *provided however*, that the distribution of the capital stock aforesaid shall be made to the several subscribers in the same proportions and to the extent of their respective interest in the property of the said commissioners and their associates (now held under their agreement of association) at the time of their respective subscriptions.

Mode of distributing the stock.

Time and mode of electing directors.

Sec. 3. *And be it enacted*, That the stock, property and affairs of the said company shall be managed by seven directors, being stockholders, a majority of whom shall be citizens of this state, and resident in the said township of Elizabeth, one of whom shall be president, who shall hold their offices for one year and until others are elected in their places; the first directors shall be elected at a meeting of the stockholders, to be called by the said commissioners, at such place and time after three-fourths of the capital stock shall be subscribed and distributed, as the said commissioners shall think proper, and thereafter the directors shall be chosen by the stockholders, at such time and place as may be provided by the by-laws of the said corporation; public notice of the time and place of holding every such election, and of all other meetings of the stockholders, shall be given, not less than twenty days previous, in one or more newspapers printed nearest the place where such election or other meeting shall be held; every stockholder shall be entitled to a vote, either in person or by his authorized agent or proxy, at all meetings

of the stockholders upon each share of the stock held by him; *provided always*, that no person shall vote either in person or by proxy on his own behalf, as the agent or proxy for any other or others, upon more than one-fourth part of all the stock of the company. Proviso.

Sec. 4. *And be it enacted*, That the holders of a majority of the whole stock subscribed and paid, so far as called in, at any meeting duly convened, shall have power (all the holders of such majority concurring) to establish any by-laws, rules and regulations, and give any instructions in relation to the management, control and disposition of the affairs and property of the company, which are not inconsistent with other of the provisions of this act, the constitution or laws of this state, or of the United States, and the same to alter, modify and repeal; and the seven stockholders who shall, at any regular election, have the greatest number of votes given by the stockholders attending in person or by proxy, shall be directors; such directors, or a majority of them, so chosen shall at all times conform to the said instructions, by-laws, rules and regulations of the stockholders, and may, for the well-ordering of the affairs of the said corporation, appoint their president and such officers, superintendents and servants, with such compensation as they may think proper, and may remove the same at their pleasure; and shall also have power to fill any vacancy that may occur among the directors, by death, resignation, or otherwise; to manage and control the property of the company; and may ordain and establish such further by-laws and regulations, as they may deem necessary or convenient, for the management and disposition of the stock, effects and concerns of the said corporation; and may do and perform all other acts pertaining to the estate, property, and effects of the company, and the disposition thereof; *provided*, the same are not inconsistent with, or repugnant to the by-laws, regulations and instructions of the stockholders, the laws or constitution of this state, or of the United States. Majority of stockholders may pass by-laws and instruct directors.

Duties and powers of directors.

Proviso.

Sec. 5. *And be it enacted*, That the capital stock of said company shall not exceed three hundred and twenty thousand dollars, to be divided into shares of five hundred dollars each; nevertheless, it shall be lawful for the said company to commence their said business so soon as three-fourths of the said capital stock shall be subscribed and paid or satisfactorily secured; and thereafter the directors, or a majority of them, may receive subscriptions for such part of the balance of the said capital from time to time, as they may deem necessary, and distribute the same, subject to the restriction provided in the second section of this act; and the directors, or a majority of them, may call in from the stock-

Amount of capital stock.

When business may be commenced.

Stock forfeited on failure to pay instalments.

holders, respectively, all such sums by them subscribed, at such times, and in such instalments as they may deem proper, under penalty of forfeiture of the shares, and all previous payments thereon, if such payments be not made within thirty days after notice requiring such payment shall have been published four weeks, in a newspaper published in the township of Elizabeth, or in case no paper be published in such township, then in a newspaper printed at the city of Newark.

Stock personal property and transferable.

Sec. 6. *And be it enacted*, That the capital stock of the said company shall be deemed personal property, and transferable in such manner as the by-laws of the company shall direct; but no transfer of stock shall be valid or effectual until such transfer shall be made, entered, or registered in the books to be kept by the directors for that purpose; and no transfer shall be made of any stock whereon any sum is due, or any instalment called in, or which is held by any person otherwise indebted to the said company, until such sum, instalment or debt be paid, without the consent of a majority of the directors; and until such payment, no dividend shall be paid upon such shares, but may be applied to such payment.

Stock a lien for debts due company.

Sec. 7. *And be it enacted*, That in case it should at any time happen that an election should not be made at the time when pursuant to the provisions of this act it ought to be made, the corporation shall not for that cause, be deemed to be dissolved, but it shall be lawful to make such election at such other time as may be prescribed by the by-laws of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Books of account open to inspection of stockholders.

Sec. 8. *And be it enacted*, That the directors shall, at all times keep, or cause to be kept, proper books of account, and shall give to the stockholders, whenever by them required at a regular meeting, a full statement of all the affairs of the company.

Stockholders owning one-fourth may call a meeting of company.

Sec. 9. *And be it enacted*, That any stockholder or stockholders owning one-fourth of the stock holden, may, by giving notice in one or more newspapers published in the place nearest the place of meeting, for four weeks, successively, call a public meeting of the stockholders, for any of the purposes authorized by this act.

Act may be altered or repealed.

Sec. 10. *And be it enacted*, That the legislature may at any time alter, amend, or repeal this act.

Passed, March 6, 1839.

AN ACT to change the time of holding certain courts in the counties of Hunterdon and 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 several courts now directed by law to be holden in and for the county of Hunterdon, on the first Tuesday in May, on the first Tuesday in August, and on the fourth Tuesday in October, annually, shall hereafter be held in and for the said county, on the last Tuesday in April, on the last Tuesday in July, and on the third Tuesday in October, annually.

Times of holding courts in Hunterdon, changed.

Sec. 2. *And be it enacted,* That the several courts now directed by law to be holden in and for the county of Atlantic, on the fourth Tuesday in March, annually, shall hereafter be held in and for the said county, on the third Tuesday in April, annually.

Times of holding courts in Atlantic, changed.

Sec. 3. *And be it enacted,* That this act shall take effect in the said counties, respectively, from and after the terms of the said courts to be held therein, next after the passage thereof.

Time of act taking effect.

Passed, March 6, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act respecting conveyances," passed, June seventh, one thousand seven hundred and ninety-nine, and to the act entitled "An act to register mortgages," passed, June seventh, one thousand seven hundred and ninety-nine.

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

Acknowledgments taken by commissioners sworn before other persons than the county clerk, confirmed.

deeds, mortgages, and other instruments of writing, heretofore taken before any commissioner duly appointed, who has taken and subscribed an oath or affirmation well and faithfully to perform the duties required of him by law, as such commissioner, before any person duly authorized to administer an oath, other than the clerk of the county, shall be taken and deemed to be as valid and effectual in law, as if said commissioner had taken and subscribed the same before the clerk of the county for which he was appointed.

Time limited for such commissioner to be sworn by county clerk.

Sec. 2. *And be it enacted*, That it shall and may be lawful for any person heretofore appointed such commissioner as aforesaid, who has not heretofore taken and subscribed the oath or affirmation required by law, before the clerk of the county in which he resides, and who has not resigned his commission, or removed from the township wherein he resided at the time of his appointment, on or before the fourth day of July next, to take and subscribe such oath or affirmation before the clerk of the proper county, and thereafter to perform, exercise, and enjoy all the duties, rights and privileges of such commissioner for the residue of the term for which he was appointed; and that if any person shall, after the said fourth day of July next, and before he shall have taken and subscribed such oath or affirmation before the clerk of the proper county, take, or pretend to take, any acknowledgment or proof of any deed, mortgage, or other instrument of writing, under, or by virtue of such appointment, he shall, for every such offence, forfeit and pay the sum of ten dollars, to be recovered, with costs, in an action of debt, before any court of competent jurisdiction, by any person who will sue for the same.

Penalty for taking acknowledgments when not legally sworn.

Act to take effect immediately.

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

Passed, March 6, 1839.

AN ACT to authorize and empower Charles W. Stout to convey certain real estate, late of Peter Chamberlain, of the county of Hunterdon, deceased.

WHEREAS, Francis Chamberlain, late of the county of Hunterdon, deceased, in and by his last will and testament, bearing date on the twenty-sixth day of June, eighteen hundred and twenty-nine, did give and devise to his daughter-in-law, Sarah, the use of all his real estate during her natural life, and after her decease, to be holden by his grand-son, Peter Chamberlain, and by Catharine Stires, as tenants in common, and to their heirs and assigns for ever; AND WHEREAS, the said Peter Chamberlain, in and by a written article of agreement made and entered into, by and between the said Peter Chamberlain and one George Hagerman, and bearing date on the twenty-seventh day of February, eighteen hundred and thirty-eight, for divers and sundry good and valuable considerations, therein expressed, did agree to sell and convey to the said George, all his right, title, estate and interest, of and in said lands and real estate so devised to him as aforesaid;—AND WHEREAS, the said Peter hath since departed this life, intestate, without having made and executed such conveyance of the said lands and real estate to the said George Hagerman; and the said George having, by his petition to the legislature, prayed, that Charles W. Stout, of said county of Hunterdon, be, by special act, appointed to carry said agreement into effect, on the part of the said Peter, and to make a conveyance of said lands and real estate to the said George Hagerman,—THEREFORE,

Preamble.

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 W. Stout, of the county of Hunterdon, be, and he is hereby authorized and empowered to convey to the said George Hagerman, and to his heirs and assigns, all the right, title, interest and estate, that were of the said Peter Chamberlain, at the time of his death, of, in, and to the said lands and real estate so devised to the said Peter, and which, by the said agreement, were to be conveyed to the said George; and the deed of the said David to the said George therefor, made in pursuance of this act, shall vest in the said George Hagerman, his heirs and assigns, as good and perfect a title for said lands and real estate as the said Peter in his life-time could have made; *provided always,*

C. W. Stout empowered to convey to G. Hagerman certain lands of P. Chamberlain, deceased.

T

Proviso.

that the said lands and real estate so conveyed, shall be subject to all the lawful and equitable claims and demands that existed and were a lien and incumbrance on the said estate at the death of the said Peter; and that the said George shall, before receiving such deed of conveyance, well and sufficiently secure the due and faithful performance of the said agreement on his part; *and provided also*, that the said Charles W. Stout shall, before he enters on the duties of the trust by this act confided to him, give bond to the governor of this state for the faithful execution of the said trust, in such sum, and with such sureties, as three of the judges of the orphans' court of the said county of Hunterdon shall direct and approve.

Bond to be given by trustee.

Passed, March 6, 1839.

AN ACT for the relief of the Paterson Bank.

Preamble.

WHEREAS, by an act of the legislature of the state of New Jersey, entitled "An act to restrict the circulation and discounts of the Paterson bank for the time being," passed the first day of February, eighteen hundred and thirty-eight, the president, directors and company of the said bank, were restrained from discounting any note, bill, draft, or other paper, or from issuing, paying out, or circulating any note or bill, or other evidence of debt of said bank, of any denomination whatever, until the said president, directors and company, should make it appear to the satisfaction of the chancellor of this state, in such manner as he might require, that at least seventy-five thousand dollars had actually, and in good faith, after the passage of the said act, been paid into said bank, to be used in their banking business, either in specie, or current bills of the banks of this state; and the said president, directors and company, having represented to the legislature that the said sum of seven-

ty-five thousand dollars had not yet been paid in, and that they had faithfully observed the requirements of the above mentioned law, and confined themselves exclusively to the redemption of their bills and the payment of their debts;—

AND WHEREAS, by the laws of this state, the said the president, directors and company, are required to pay into the treasury of this state, on or before the first day of January, in every year, the one-half of one per centum upon the amount of their capital stock paid in, and having been restrained, since the passage of the above mentioned law, from banking operations, have prayed the legislature to relieve them from the payment of the tax due to the state,
—THEREFORE,

Preamble.

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, directors and company of the Paterson bank, be, and they hereby are exempted from the payment of the tax upon their capital stock due to the state on the first day of January last, and also from the payment of any other or further tax thereon until they shall again commence banking operations; *provided always,* that the legislature may at any time hereafter amend, alter, or repeal this act.

Paterson
bank released
from tax.

Proviso.

Passed, March 6, 1839.

~~THE STATE OF NEW JERSEY~~

AN ACT supplementary to an act entitled "An act for the punishment of crimes," passed, the seventeenth day of February, 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 murder which shall be perpetrated by

Murder of the first and second degrees defined.

means of poison, or by lying in wait, or by any other kind of wilful, deliberate and premeditated killing, or which shall be committed in perpetrating, or attempting to perpetrate any arson, rape, sodomy, robbery or burglary, shall be deemed murder of the first degree; and all other kinds of murder shall be deemed murder of the second degree; and the jury before whom any person indicted for murder shall be tried, shall, if they find such person guilty thereof, designate, by their verdict, whether it be murder of the first or second degree; but if such person shall be convicted on confession, in open court, the court shall proceed, by examination of witnesses, to determine the degree of the crime, and give sentence accordingly.

Degree of murder to be determined by jury, or on plea of guilty by evidence.

Punishment for murder.

Sec. 2. *And be it enacted*, That every person convicted of murder of the first degree, his or her aiders, abettors, counsellors and procurers, shall suffer death; and every person convicted of murder of the second degree, shall suffer imprisonment, at hard labor, for any term, not less than five, nor more than twenty years.

Punishment for assault with intent to commit murder, &c.

Sec. 3. *And be it enacted*, That every person who shall be convicted of an assault with an intent to commit any murder, manslaughter, burglary, robbery, sodomy, or rape, or of an atrocious assault and battery, by maiming or wounding another, shall be deemed guilty of a misdemeanor, and shall be punished by imprisonment, not exceeding ten years, or by a fine not exceeding one thousand dollars, or both.

Punishment for mayhem, &c.

Sec. 4. *And be it enacted*, That if any person, from premeditated design, evinced by lying in wait for the purpose, or in any other manner, or with intent to kill, maim or disfigure, shall cut out and disable the tongue, put out an eye, cut off or slit a lip, cut off, slit, or destroy the nose, or cut off or disable any limb or member of another, wilfully and on purpose, every person so offending shall, on conviction, be deemed guilty of a misdemeanor, and be punished by imprisonment, not exceeding seven years, or by a fine, not exceeding one thousand dollars, or both.

Punishment for conspiring to commit certain offences.

Sec. 5. *And be it enacted*, That if two or more persons shall combine, unite, confederate, conspire, or bind themselves, by oath, covenant, agreement, or other alliance, to commit any offence, or falsely and maliciously to indict another for any offence, or to procure another to be charged or arrested for any such offence; or falsely to move or maintain any suit; or to cheat and defraud any person of any property by any means which are in themselves criminal; or to cheat and defraud any person of any property by any means which, if executed, would amount to a cheat, or to obtaining money by false pretences; or to commit any act injurious to the pub-

lic health, to public morals, or to trade or commerce; or for the perversion or obstruction of justice or the due administration of the laws, they shall, on conviction, be deemed guilty of a conspiracy, and shall be punished by imprisonment, not exceeding two years, or by a fine, not exceeding five hundred dollars, or both; but no agreement to commit any offence, other than murder, manslaughter, sodomy, rape, arson, burglary, or robbery, shall be deemed a conspiracy, unless some act, in execution of such agreement, be done to effect the object thereof, by one or more of the parties to such agreement.

Sec. 6. *And be it enacted,* That every person who shall be convicted before any court of record having criminal jurisdiction, at the same term, on two or more indictments of having stolen the personal goods and chattels of the same person or persons at different times, or of different persons, of or above the price or value of twenty dollars in the whole; or who, having been once convicted of having stolen the personal goods and chattels of another, under the price or value of twenty dollars, shall be again convicted of the like offence, shall be punished by fine, not exceeding five hundred dollars, or by imprisonment at hard labor, not exceeding seven years, or both.

Punishment
on second
convictions
for theft, &c.

Sec. 7. *And be it enacted,* That every person who shall cut, break, dig, pull up, or gather with intent to steal, any apple tree, peach tree, cherry tree, pear tree, plum tree, quince or other fruit tree, or any mulberry tree or other tree cultivated for the feeding of silkworms, the property of another, standing or growing in any field, orchard, garden, nursery ground, hot house, green house, or conservatory, shall be deemed guilty of larceny, and be tried, and, on conviction, punished in the same manner as if he or she had stolen the personal goods and chattels of another of the like price or value.

Punishment
for stealing
fruit or mul-
berry trees.

Sec. 8. *And be it enacted,* That assaults, batteries, false imprisonment, affrays, riots, routs, unlawful assemblies, nuisances, cheats, deceits, and all other offences of an indictable nature at common law, and not provided for by this, or some other act of the legislature of New Jersey, shall be deemed misdemeanors, and the offender, on conviction, shall be punished by imprisonment, not exceeding two years, or by a fine not exceeding five hundred dollars, or both.

Punishment
for assaults,
batteries,
riots, &c.

Sec. 9. *And be it enacted,* That upon the trial of any indictment for falsely making, altering, forging, or counterfeiting, or for uttering or publishing as true, any record, deed, or other instrument or writing, no person named in such record, deed, or other instrument or writing, or whose name,

Persons
named in
forged writ-
ings not in-
competent
witnesses.

or any part of whose name, is, or purports to be, written or signed therein or thereto, shall on that account be deemed or taken to be an incompetent witness, any law, usage, or custom to the contrary notwithstanding.

Parts of former acts repealed.

Proviso.

Sec. 10. *And be it enacted*, That the fifty-third, fifty-fifth, sixty-ninth, seventy-seventh, and seventy-eighth sections of the act to which this is a supplement, and all other acts or parts of acts coming within the purview of this act, be, and the same are hereby repealed; *provided however*, that the same shall continue in full force and effect as to all crimes and offences committed before this act shall take effect.

Passed, March 7, 1839.

SUPPLEMENT to an act entitled "An act for the relief of Robert Carson, of the county of Mercer," passed, February 7, 1839.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be, and he is hereby authorized and required to pay to the said Robert Carson, a soldier in the service of the United States, in the revolutionary war, or to his order, the sum of thirty dollars, for his first half yearly payment, immediately after the passage of this act, and that the receipt of the said Robert Carson shall be a sufficient voucher to the treasurer, in the settlement of his accounts for the same; and that hereafter the half yearly payment mentioned in the act to which this is a supplement, shall be paid semi-annually, on the fourth day of September, and the fourth day of March.

Pension to R. Carson of \$60 per annum.

Passed, March 7, 1839.

AN ACT to incorporate the Columbia Delaware Bridge Company.

WHEREAS, it is represented to the legislature, by the petition of a number of the inhabitants of the county of Warren, that the erection of a bridge over the Delaware river at the village of Columbia, would be a great convenience and accommodation to the public—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 William Green, John I. Blair, John I. Van Kirk and Andrew Smith, be, and they are hereby appointed commissioners on the part of this state, who, with commissioners to be appointed by the commonwealth of Pennsylvania, shall be authorized to receive subscriptions to the capital stock, hereby created, at such time or times, and place or places, as they or a majority of them may direct, giving notice thereof in a newspaper printed in the county of Northampton, in the state of Pennsylvania, and in a newspaper printed in the county of Warren, in this state, for at least twenty days, of the time or times, and place or places, when and where the said subscriptions shall be received; and at the time of subscribing for the said stock, five dollars shall be paid upon each share subscribed for, to the commissioners, or some one of them, which money shall be paid over to the treasurer of said company as soon as one shall be appointed, and that the residue of said subscriptions shall be paid in such instalments, and at such times and places, and to such persons as the president and directors of the company shall, from time to time, direct, and give public notice of; and upon failure of payment thereof, as so directed, for thirty days thereafter, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of said company; *provided*, that the books of subscription shall be kept open for three days at least, and if the number of shares subscribed for shall exceed the amount or number of shares authorised by this act to be subscribed for, that then the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares by them subscribed as aforesaid.

Commissioners to receive subscriptions for stock.

Stock forfeited on failure to pay instalments.

Proviso.

Stock to be apportioned.

Sec. 2. *And be it enacted*, That when two hundred shares are subscribed for, the persons holding the same shall be, and they hereby are, incorporated into a company by the name of "the Columbia Delaware Bridge Company," and by that name shall have perpetual succession, and all the privileges and franchises incident to a corporation, and shall be capable

Style of incorporation.

of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same from time to time, by new subscriptions in such manner and form as they shall think proper, if such enlargement should be found necessary to fulfil the intent of this act, provided such increase does not, with the original subscription, exceed the amount of thirty thousand dollars; and of purchasing, taking and holding to them and their successors and assigns, in fee simple, or for any less estate, all such lands, tenements, hereditaments and estates, real and personal, as may be necessary and convenient to them in the prosecution of their works, and the same to sell and dispose of at their pleasure, and of suing and being sued, pleading and being impleaded, in all courts of justice whatever.

General powers.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the capital stock of the said Columbia Delaware Bridge Company shall be twenty thousand dollars, and that the same shall be divided into shares of fifty dollars each, and the subscribers to said capital stock shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such instalments as the directors of said company may determine.

Time and mode of electing first directors.

Sec. 4. *And be it enacted*, That as soon as two hundred shares of the said capital stock shall be subscribed as aforesaid, it shall be the duty of the commissioners to give notice in one or more of the newspapers printed in the county of Northampton, in the state of Pennsylvania, and in one or more printed in the county of Warren, in this state, of the time of a meeting of the stockholders at Columbia in the county of Warren aforesaid, not less than thirty days from the time of issuing the said notice, at which time and place the said stockholders shall proceed to organize the said company, and shall choose by ballot, in person or by proxy, one president, six directors, one treasurer, and such other officers as they shall think necessary to conduct the business of said company until other officers shall be appointed, and the said president and directors may make such by-laws and regulations not inconsistent with the laws or constitution of this state or of the United States, as shall be necessary for well ordering the affairs of the said company, and fixing upon the site or location of said bridge, and that each stockholder shall be entitled to one vote for each share of stock by him or her held at the time of such election.

Directors to fix the site of the bridge.

Meeting of stockholders.

Sec. 5. *And be it enacted*, That the stockholders shall meet on the first Monday in November in every year, at such place as shall be fixed by the by-laws of said company, for the purpose of choosing such officers for the ensuing year.

Sec. 6. *And be it enacted,* That the president and directors first to be chosen as aforesaid, shall issue certificates of stock to the several stockholders, respectively, signed by the president, and countersigned by the treasurer of said company, which certificates shall be transferable at the pleasure of the holder, in person or by attorney; subject, however, to the payments due, and that may grow due thereon; and the assignee holding any such certificate, having first caused the assignment or transfer to be entered in a book of the company, to be kept by the treasurer, for that purpose, shall for every share of stock so held by him or her, be entitled to his or her just proportion of the said capital stock, and of all the estates and emoluments of the company, and to vote at the meetings thereof, as aforesaid.

Stock transferable.

Sec. 7. *And be it enacted,* That the said president and directors shall meet at such times and places, and be convened in such manner as shall be agreed on for transacting their business; at such meetings, five members shall be a quorum, who in the absence of the president, may choose a chairman, and shall keep minutes of all their transactions, fairly entered in a book, and shall have full power and authority to agree with and appoint such engineers, superintendents, artists and other agents, as they shall think necessary to construct the said bridge, and to complete the same, and fix their salaries; and to determine the time, manner and instalments in which the stockholders shall pay the money due on their respective shares; to draw orders on the treasurer for all monies that may be required, the same to be signed by the president or chairman, and countersigned by the clerk of the board; and to do and transact all matters and things, which by this act, and the by-laws or regulations of the said company shall be lawful.

Powers and duties of directors.

Sec. 8. *And be it enacted,* That after the place for the erection of the said bridge shall be fixed, as aforesaid, and before the said president and directors shall proceed to erect the same, it shall and may be lawful for the said president and directors, to contract and agree with the owner or owners of any lands and tenements, piers, abutments or other erections, for the purchase of so much thereof as shall be necessary or useful for the purpose of erecting and perfecting the said bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the owner or owners of the same; but in case they cannot agree, then it shall and may be lawful for the said president and directors to apply to one of the justices of the supreme court of this state, not being a stockholder, or otherwise interested, who upon such application, is hereby authorized and directed to appoint three discreet and disinterested freehold-

Proceedings when company and owners of lands cannot agree on the value.

ers of this state, who after being duly sworn or affirmed before any justice of the peace, faithfully to perform the duties enjoined on them by this act, shall proceed to view and examine all such lands and tenements, piers, abutments and other erections, as shall be necessary or useful for the purposes aforesaid, and shall, according to the best of their skill and judgment, ascertain and estimate the injury and damage that will be sustained by the owner or owners thereof, and shall report what sum shall be paid by the said company for the same, which report shall be made in writing, under their hands and seals, or under the hands and seals of any two of them; and shall return the same together with a map describing the metes and bounds of such lands and tenements, to the term of the supreme court, next after they shall have agreed upon, and signed the same; and the said report having been confirmed by the said supreme court, shall be filed in the clerk's office of the said court, with the map aforesaid; and the said president and directors having paid the said owners, respectively, or tendered to them the several sums awarded to be paid to them, in and by the said report, and having also paid the fees of the said arbitrators, at the rate of two dollars to each for every day employed in said business, and their necessary expenses, the said company shall be entitled to have and to hold, to them and their successors and assigns forever, the said lands and tenements, piers, abutments and other erections, as fully and effectually as if the same had been granted to them by the respective owners thereof; and it shall and may be lawful thereupon and not before, for the said president and directors, to enter upon, use and occupy the said lands and tenements, piers, abutments and other erections, and to commence and complete the erection of said bridge.

Sec 9. *And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendents, engineers and workmen, to enter into and upon all lands and enclosures near the place where the said bridge is to be built, and to examine the ground for the purpose of obtaining stone, gravel or sand necessary for the building of said bridge; and it shall and may be lawful for the said directors or any person employed in building said bridge, to enter thereon with wagons, carts, sleds or sleighs, or beasts of burden or draught, of any kind whatsoever; first giving notice to the owners, doing as little damage as possible, and repairing any breaches of fences they may have occasion to make, and having first made amends for any damage that may be done, which damage shall be ascertained by the parties, if they can agree, or if they cannot agree, then by the appraisement thereof, to be made upon oath or affirmation of three disinterested freeholders of the neighborhood, or any two of them, to be mutually chosen; or if either party, upon due notice, shall neglect

Company may enter on lands to obtain stone, gravel, or sand.

Proceedings when company and owners of lands cannot agree on amount of damage.

or refuse to join in the choice; then the said freeholders to be appointed by any justice of the peace of the county, not interested on either side; and the said directors or other persons by them employed as aforesaid, after the tender of the appraised value to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth, most conveniently situated for making and repairing said bridge.

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

Annual statement of accounts to be made.

Sec. 11. *And be it enacted*, That when a good and complete bridge is erected, over the said river Delaware, at the place aforesaid, the said company, their successors and assigns, may demand and receive toll from travellers and others crossing the same, not to exceed the following rates:

For every coach, landau, chariot, phaeton or other pleasure carriage, with four wheels, drawn by four horses, the sum of fifty cents.

Rates of toll for passing over the bridge.

For the same carriage, with two horses, the sum of thirty seven and a half cents.

For every wagon with four horses, the sum of fifty cents.

For every carriage of the same description, drawn by two horses, the sum of thirty-one and a quarter cents.

For every chaise, riding chair, sulkey, cart or other two wheel carriage, or a sleigh or sled with two horses, the sum of thirty one and a quarter cents.

For the same, with one horse, the sum of eighteen and three quarter cents.

For a single horse and rider, the sum of twelve and a half cents.

For every led or driven horse or mule, the sum of six and a quarter cents.

For every foot passenger the sum of two cents.

For every head of horned cattle, the sum of three cents.

For every sheep or swine, the sum of one cent.

Provided, That the said company shall have power to estimate every ox, mule or other beast of burthen, when harness-
ed to draught carriages, equal to a horse under similar cir-
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cumstances; and shall cause to be put and kept up in some conspicuous place at the gates of said bridge, a list of the said rates of tolls. And the said company shall so erect the said bridge as not to stop or interrupt the navigation of said river, or prevent boats or rafts from passing the said river.

Penalty for
injuring
bridge or
works

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

Penalty for
charging un-
lawful tolls.

Sec. 13. *And be it enacted*, That if the said company, their successors or assigns, or whoever shall own or possess the said bridge, shall collect or demand any greater rate or prices for passing over the said bridge than are herein before prescribed and specified, or shall neglect to keep the said bridge in good repair, he, she or they so offending, shall for every such offence, forfeit and pay the sum of thirty dollars with costs of suit; one-third thereof for the use of the poor of the township of Upper Mount Bethel, in the county of Northampton and state of Pennsylvania, and one-third thereof for the use of the poor in the township of Knowlton, in the county of Warren and state of New Jersey, and the other third for the use of the person who may sue for the same; *provided always*, that no suit or action shall be brought for such offence, unless within sixty days after the same shall be committed.

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Damages to
be paid to
owners of fer-
ries or shad
fisheries for
injury by
bridge.

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

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Sec. 15. *And be it enacted*, That the said president and directors shall also keep a just and true account of all and every the monies received by their respective collectors of

tolls for crossing the said bridge, and shall make and declare a dividend of the profits and income thereof, among all the stockholders of said company; deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide for rebuilding and repairing the said bridge, and shall, on the first Monday in May and November, in each and every year, publish the dividend to be made, of the said clear profits thereof, amongst the stockholders; and of the time and place, when and where the same shall be paid; and shall cause the same to be paid accordingly.

Dividends of profits to be made.

Fund to be preserved for repairs and rebuilding.

Sec. 16. *And be it enacted*, That this act shall not take effect or go into operation until the legislature of the state of Pennsylvania shall pass a law appointing commissioners on their part, and vesting like power and authority in the subscribers to the said capital stock, of erecting a bridge at the place aforesaid, and of extending the same from shore to shore, with as full and ample powers, privileges, franchises and emoluments, as to the said company are hereby given.

Act not to take effect till a similar law is passed by Pennsylvania

Sec. 17. *And be it enacted*, That nothing in this act contained shall be so construed as to authorize the said bridge company to exercise any banking privileges whatsoever, or to issue any notes of the nature of bank notes; and that the legislature may alter, amend, or repeal this act, whenever, in their opinion, the public good requires it.

Restrictions.

Act may be altered or repealed.

Passed, March 7, 1839.

A SUPPLEMENT to an act entitled "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States, as now is or may hereafter be apportioned to, and received by, this state," passed the tenth day of March, eighteen hundred and thirty-seven.

SEC. 1. *BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the right and interest of those parts of the for-

Interest of those parts of counties of which Mercer is formed, in the surplus revenue not to be impaired.

mer counties of Hunterdon, Burlington, Middlesex and Somerset, now included within the bounds of the county of Mercer, in and to such portions of the surplus revenue of the general government as have been or may be paid to the said counties, respectively, under the provisions of the act to which this is a supplement, and all interest money which has accrued, or may accrue thereon, shall not be deemed to be in any wise lessened or impaired by the act erecting said county of Mercer, and the supplement thereto, but shall be as good and effectual in law, as if said territory had never been separated from the counties of Hunterdon, Burlington, Middlesex and Somerset, respectively.

Boards of freeholders of the counties from which Mercer is formed, to pay to the treasurer the proportion to which the parts taken from their counties are entitled.

Sec. 2. *And be it enacted,* That the boards of chosen freeholders of the several counties of Hunterdon, Burlington, Middlesex and Somerset shall, at or before their next annual meetings, ascertain and state in writing, the shares of such portions of said surplus revenue as have heretofore been paid to those counties, respectively, upon which those parts of the county of Mercer which were formerly included in their respective counties, if then composing separate and distinct townships in those counties, would have been entitled to receive the interest in proportion to the amount of taxable property and ratables therein, according to the assessment made next before the payment of said surplus to the said counties, and shall, within thirty days thereafter, deliver such statement to the treasurer of this state, and shall within the time aforesaid, pay to the said treasurer the interest which shall then have accrued on the said shares, and shall also, within the time aforesaid, pay to said treasurer the principal of said shares, or deliver to said treasurer the bonds and mortgages or other securities by them respectively taken and received to secure the repayment of such shares, or other good and sufficient securities for the same amount, deducting therefrom a just proportion of all costs and expenses incurred in the receiving, loaning and management of said surplus, and having first duly assigned the same to the board of chosen freeholders of the county of Mercer.

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

Sec. 3. *And be it enacted,* That as soon thereafter as the board of chosen freeholders of the said county of Mercer shall pledge the faith of the said county for the repayment of the amount of the said shares, and shall make, execute, and deliver to the treasurer of this state a certificate of deposit for the amount of such shares, according to the provisions of the first section of the act to which this is a supplement, and in the form heretofore prescribed and used (which the said board of chosen freeholders are hereby authorized and empowered to do), it shall be the duty of the said treasurer to pay and deliver to the said board of chosen freeholders of the

county of Mercer, or to such person or persons as they shall appoint to receive the same, all the moneys, bonds and mortgages and other securities, so as aforesaid paid and delivered to him, and also, to endorse upon the certificates of deposit heretofore given and executed by the boards of chosen freeholders of the said counties of Hunterdon, Burlington, Middlesex, and Somerset, respectively, acknowledgments of the receipts of so much of the principal of the said surplus as shall have been paid or delivered to him, in the manner aforesaid, by the boards of chosen freeholders of those counties, respectively, which acknowledgments shall forever thereafter release and discharge the said boards and their respective counties from all liability for or on account of the sums or amounts, the receipts whereof shall be so acknowledged.

Sec. 4. *And be it enacted,* That the board of chosen freeholders of the county of Mercer shall, by virtue of the said assignments, possess and be vested with the same right, title, interest and right of action in and upon the bonds and mortgages and other securities, so assigned to them, as the boards of chosen freeholders of the said counties of Hunterdon, Burlington, Middlesex and Somerset, respectively, possessed or were vested with before the assignment thereof, and shall have and hold the same for the like uses and purposes, and subject to the same liabilities and conditions, in all respects, as are prescribed in the act to which this is a supplement.

Mercer free holders to have the same rights respecting bonds re-assigned them as other counties.

Sec. 5. *And be it enacted,* That the board of chosen freeholders of the said county of Mercer, in the management of the principal of the said surplus, and in the apportionment and payment of the interest that has accrued or may accrue thereon, shall be governed and regulated by the statements mentioned in the first section of this act, which shall be filed by the treasurer of this state; and that if any further installment or portion of the said surplus revenue shall at any time hereafter be received by this state, a ratable and just share or part thereof, in proportion to the sums or amounts mentioned in the said statements, shall be deducted from the shares or portions of the said counties of Hunterdon, Burlington, Middlesex and Somerset, respectively, and shall be paid by the proper officers of this state to the board of chosen freeholders of the said county of Mercer, in the same manner, in all respects, as the like payments shall be made to the boards of chosen freeholders of the other counties in this state.

How free-holders of Mercer are to be governed in their apportionment to townships.

Sec. 6. *And be it enacted,* That it shall be the duty of the board of chosen freeholders of the several counties of this state, at their annual meeting in each and every year, to apportion and pay the interest of so much of the surplus revenue as shall then be and remain on deposit with the said

Ratio of payment of interest to townships.

counties, respectively, to and among the several townships therein, in the ratio of the county taxes paid by them during the preceding year.

Sec. 7. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that in the execution and performance thereof, the township of Hopewell shall be deemed and taken to be a part of the county of Mercer.

Passed, March 7, 1839.

Act to take effect immediately.

AN ACT to provide for voting by ballot, in the township of Bergen, 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 from and after the passage of this act, the several township officers enumerated in the twelfth section of the act entitled "An act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-first day of February, seventeen hundred and ninety-eight, and all appropriations of money which may be authorized by law, shall be made by a plurality of votes, by ballot, in any town-meeting held in the township of Bergen, in the county of Bergen, and not otherwise.

Voting to be by ballot at town-meetings in Bergen township and a plurality to make a choice

Sec. 2. *And be it enacted*, That it shall be the duty of the township committee of the said township to meet on the first Monday in April, in each and every year, and make out and prepare a report as directed in the twelfth section of the act above referred to; and it shall be the duty of the clerk of said township to attend said meeting, and to cause said report to be published in one or more newspapers in or near the said township, or in the form of hand-bills as the said committee shall direct, for which the said clerk shall be allowed all reasonable charges, to be determined by said committee.

Annual report of township committee to be published.

Sec. 3. *And be it enacted*, That the judge of election, the assessor and collector of said township, of the preceding year, shall constitute a board of inspectors, to conduct and regulate such elections, who shall, in case of dispute, determine who are entitled to vote thereat, and be vested with the same powers, and governed by the same rules, as at the annual county or state elections; *provided*, that nothing in this act shall be construed as interfering with the qualifications of voters as established by law.

Board of inspectors of election.

Proviso.

Sec. 4. *And be it enacted*, That the said board of inspectors and town clerk, shall be allowed for their services as aforesaid, the sum of one dollar per day, each, which sum shall be paid by the said collector, upon the order of the said township committee, from the funds of the said township.

Compensation to certain officers.

Sec. 5. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Act to take effect immediately.

Passed, March 8, 1839.

AN ACT to confirm certain acknowledgments of deeds and other instruments, taken by Ralph Sansbury, esquire.

WHEREAS, it appears to the legislature of this state, that Ralph Sansbury, esquire, was duly appointed a commissioner for taking the acknowledgment and proof of deeds for the county of Middlesex, on the thirty-first day of October, eighteen hundred and thirty-three, for the term of five years, which said commission expired on the thirty-first day of October, eighteen hundred and thirty-eight; AND WHEREAS, the said Ralph Sansbury, esquire, did, under a misapprehension of the continuance of the said commission, continue to take and certify acknowledgments, as he had been authorized to do, by virtue of the said commission, until the first day of March, instant—THEREFORE,

Preamble.

Sec. 1. BE IT ENACTED, by the Council and General As-

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Certain acknowledgments of deeds by R. Sansbury confirmed.

sembly of this state, and it is hereby enacted by the authority of the same, That the several acknowledgments of deeds and other instruments, taken and certified by Ralph Sansbury, esquire, as one of the commissioners for taking the acknowledgment and proof of deeds in the county of Middlesex or Mercer, between the thirty-first day of October, eighteen hundred and thirty-eight, and the first day of March, eighteen hundred and thirty-nine, be, and the same are hereby confirmed and declared valid and effectual, in like manner as though the same had been taken and certified by the said Ralph Sansbury, esquire, during the continuance of his said commission for that purpose.

Passed, March 8, 1839.

A FURTHER SUPPLEMENT to the act entitled "An act respecting the court of chancery."

Proceedings in chancery not deemed constructive notice to purchaser or mortgagee till notice of suit and description of lands is filed in county clerk's office.

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 neither the filing of a bill in chancery, nor any proceedings had or to be had thereon, before a final decree, shall be deemed or taken to be constructive notice to any bona fide purchaser or mortgagee of any lands or real estate to be effected thereby, until the complainant in such bill, or his solicitor, shall have first filed in the office of the clerk of the county in which such lands or real estate lie, a written notice of the pendency of such suit, setting forth the title of the cause and the general object thereof, together with a description of the lands or real estate to be affected thereby.

Notices to be recorded by county clerk.

Sec. 2. *And be it enacted,* That it shall be the duty of the clerk of the county with whom any such notice shall be filed, forthwith to record the same, together with the time of the filing thereof, in a proper book, to be by him provided and

kept in his office for that purpose; which book shall be properly indexed by the said clerk, and be a public record, to which all persons desirous of examining the same, shall have access.

Sec. 3. *And be it enacted*, That no decree of the court of chancery hereafter to be made, shall, as against any person not a party thereto, become a lien upon or bind any lands, tenements, hereditaments or real estate, other than those specifically mentioned and described in such decree or in the bill of complaint on which the same is founded, until the parties interested in such decree, or some or one of them, shall have filed in the office of the clerk of the supreme court of this state, a statement or abstract of such decree, containing the names of all the parties thereto, designating particularly, those against whom it is rendered, with the state and county in which they respectively resided, the time at which the said decree was signed, and the amount of the debt, damages, costs or other sum of money, thereby directed to be paid; which statement or abstract the said clerk shall forthwith record in a proper book, to be by him provided and kept in his office for that purpose, which book shall be properly indexed by the said clerk, and be a public record, to which all persons desirous to examine the same shall have access.

Lands not to be bound unless described in decree or bill in chancery, or against persons not parties until statement is filed in clerk's office of supreme court.

Statement to be recorded by clerk of supreme court.

Sec. 4. *And be it enacted*, That the following and no other fees shall be allowed for the services required by this act, viz: to the county clerk for filing and recording each notice, ten cents per folio; to the clerk of the supreme court for filing and recording every statement or abstract, twenty-five cents; which fees shall be included with the other costs in the cause, and taxed therewith by the clerk of the court of chancery.

Fees.

Passed, March 8, 1839.

AN ACT to repeal "An act to encourage the culture of silk."

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 encour-

Repeal of act
to encourage
the culture of
silk.

age the culture of silk," passed February the twenty-first, one thousand eight hundred and thirty-eight, be, and the same is hereby repealed.

Passed, March 8, 1839.

AN ACT to divorce Margaret B. Mulliner from her husband, John R. Mulliner.

M. B. Mulliner and J. R. Mulliner divorced.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Margaret B. Mulliner, of the county of Burlington, be, and she is hereby divorced from her husband John R. Mulliner, and that the marriage contract heretofore existing between them, be, and the same is hereby as fully and absolutely dissolved, as if they had never been joined in matrimony.

Passed, March 8, 1839.

A SUPPLEMENT to the act entitled "An act incorporating Jersey City."

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all that part of the township of Bergen, lying westerly of Jersey City, included within the follow-

ing boundaries, viz: beginning at a point where the westerly boundary line of said city intersects the northerly line of Harsimus street, as said street is laid down on the map of the town of Jersey, made by Joseph F. Mangin for the associates of the Jersey Company; thence running westerly, to and along the northerly line of south Eighth street, as the same is laid down on the map made by Lucius F. Douglass for the commissioners appointed to make partition of the estate late of John Van Vorst, deceased, to the middle of Grove street, in Harsimus, as the same is now laid out and opened; thence southerly, along the middle of the same, and through and along the middle of Kellogg street and Beach street, as the same are laid down on the map made by Joseph F. Bridges for Cornelius Van Vorst, into Communipaw bay, to a point which will be reached by the continuation, in a direct line, of the southerly boundary line of said city; thence easterly, in a straight line, to the intersection of the westerly and southerly boundary lines of said city; thence northerly, along the westerly line of said city, to the place of beginning; and all the inhabitants within the limits aforesaid shall be from time to time and forever hereafter a part of the body politic and corporate of "the Mayor and Common Council of Jersey City," to all intents and purposes whatsoever, in as full and ample a manner as though the same had been included as, and declared to be, a part of the said body politic and corporate by the act entitled "An act incorporating Jersey City," passed February twenty-second, eighteen hundred and thirty-eight.

Part of Bergen township added to Jersey City.

Boundaries.

Sec. 2. *And be it enacted*, That all the ordinances, by-laws, resolutions and regulations which shall be in force at the time of the passage of this act, in said city, shall be deemed and taken to apply and operate as effectually within that part of the township of Bergen which by this act is made a part of said city, as the same shall then apply and operate within the bounds of said city; *provided, however*, that no ordinance, by-law, resolution, or regulation which shall then be in force in said city, or which shall thereafter be ordained, passed, resolved, or made for regulating, laying out, widening, altering, grading, extending, filling up, or excavating the streets, highways and public alleys in said city, or any of them, except for cleaning or keeping in repair such streets, highways, and alleys, shall be deemed or taken to apply or operate within that part of the township of Bergen which by this act is made a part of said city, until after the expiration of two years next after the passing of this act, without the consent of the owner or owners of more than one half of the land within the same, to be given in writing; *and provided also*, that no tax, assessment, or imposition, whatsoever, shall be laid, made, or levied upon the lands included within the limits of that part of the township of Bergen which

Ordinances &c. of corporation, to operate on the addition.

Ordinances on specified subjects, not to operate for two years.

No tax to be levied on lands of heirs of J. Van Vorst, for certain purposes.

by this act is made a part of the said city, belonging to the heirs-at-law of John Van Vorst, deceased, or any part thereof, for regulating, laying-out, widening, altering, grading, extending, filling-up, excavating, or cleaning any street, or part of street, which now or shall hereafter run through the same, or any part thereof, without the consent of the owner or owners of more than one half of the last mentioned lands, to be given in writing.

Additional powers to common council.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the common council of Jersey City, in addition to the powers heretofore granted, to pass ordinances and by-laws, by not less than six concurring votes, and to enforce the observance of the same, for regulating and governing the building of partition walls and fences, the filling-up of sunken lots, the excavating and repairing of docks and slips, and for limiting the height of wooden buildings; *provided*, that the same shall not go into effect until they shall have been published for the space of twenty days, in at least one newspaper published or circulated in said city; *and provided also*, that the same shall have been introduced before the common council at a previous meeting.

Proviso.

Proceedings to enforce payment of city taxes.

Sec. 4. *And be it enacted*, That the collector of the said city, in case of the non-payment of taxes at the time appointed by law for the payment thereof, shall make out a list of the names of the delinquents, with the sums due from them, respectively thereto annexed, and deliver the same to the clerk of the common council of said city on the twentieth day of December in every year, except when the said day shall happen on a Sunday, and then on the next day following; and it shall be the duty of such clerk to lay the same before the said common council, at the meeting thereof held next after the same shall be delivered to him; and thereupon the said common council may deliver the same to such justice or justices of the peace of the county of Bergen as they shall see fit, to proceed thereon according to law; *provided*, that such collector shall, before he delivers such list to the said clerk, take and subscribe an oath or affirmation before some justice of the peace of the county of Bergen, that the moneys in the said list mentioned, had been duly demanded or due notice thereof given at the usual place of residence of each delinquent who could be found, or may then reside in the said city.

Proviso.

Lands may be sold for a term for the payment of taxes.

Sec. 5. *And be it enacted*, That all taxes and assessments which shall hereafter be assessed or made upon any lands, tenements, or real estate situate in Jersey City, shall be and remain a lien thereon for the space of two years from and after the time when the same shall be assessed, notwithstanding any devise, descent, alienation, mortgage, or other

incumbrance thereof; and that if the full amount of any such tax or assessment shall not be paid and satisfied within the time limited and appointed for the payment thereof, it shall and may be lawful for the common council to cause such lands, tenements, or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance thereof, remaining unpaid, with the interest thereof, and all costs, charges and expenses; and to execute, under the common seal of the said city, a declaration of such sale, and deliver the same to the said purchaser; and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements, or real estate, for his and their own proper use, against the owner or owners thereof, and all persons claiming under him or them, until his said term shall be completed and ended; *provided*, that the said common council shall first have caused such sale to be advertised for at least sixty days in at least one public newspaper printed and published in said city, and if no newspaper shall be printed and published in the said city, then in at least one public newspaper generally circulated in the said city, and also, by advertisements put up in at least five public places in the said city, which advertisements shall describe the said lands, tenements, or real estate, and specify the amount of the assessment; *and provided also*, that the lands, tenements or real estate so sold may be redeemed by the owner or owners thereof within two years from the day of the sale, on the payment of the amount of the purchase money with interest at the rate of twenty per centum per annum from the day of sale, and all expenses necessarily incurred for the benefit of the purchaser.

Sales to be advertised.

Owners may redeem their lands within two years.

AND WHEREAS, the said city was surveyed and plotted into blocks and lots by the associates of the Jersey company, who were incorporated on the tenth of November, one thousand eight hundred and four; and the lots were sold agreeably to a map thereof now existing, made by Joseph F. Mangin, bearing date the fifteenth of April, one thousand eight hundred and four, of which no record can be found—THEREFORE,

Preamble.

Sec. 6. *And be it enacted*, That it shall and may be lawful for the said common council to authenticate the said map, by such proof as they shall deem satisfactory, and to cause a certified copy thereof, under the seal of the said city, to be filed with their clerk, and a copy thereof to be duly recorded in the office of such clerk; and also to cause a map of the additional territory of the said city, annexed thereto by this act, and of the blocks, streets, docks and slips which may

Mangin's map to be authenticated and read.

Map of the additional territory to be made.

from time to time be made into the waters surrounding said city, to be filed with the clerk, and a copy thereof to be duly recorded.

Act to take effect immediately.

Sec. 7. *And be it enacted*, That this act shall go into effect immediately after the passage thereof.

Passed, March 8, 1839.

AN ADDITIONAL SUPPLEMENT to the act entitled
 “An act to incorporate a company to create a water power at the city of Trenton and its vicinity, and for other purposes,” passed February sixteenth, one thousand eight hundred and thirty-one.

Sec. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the board of managers of the Trenton Delaware Falls company to increase the capital stock of the said company, from time to time, until the whole of the said capital stock shall amount to the sum of three hundred thousand dollars; *provided*, the said board of managers shall be thereunto authorized by a vote of the stockholders of said company, at a special meeting convened for that purpose by a call of the said managers, of which meeting public notice shall be given by advertisement inserted in the newspapers published in the city of Trenton, for four successive weeks previous to such meeting; and the stock so created may be disposed of by the said board of managers; and the holders thereof shall be entitled to all the rights, privileges and emoluments of stockholders, as fully and effectually as if the same had been subscribed at the first organization of the company.

Capital stock may be increased by a vote of the stockholders.

Sec. 2. *And be it enacted*, That the said corporation be, and they hereby are authorized from time to time, as they shall deem expedient, to borrow money and to secure the re-

payment thereof by pledge or mortgage of their works and property; and also to make loans to the owners or occupants of mill-sites, mills or manufactories upon their main, or branches, or lateral race-ways, and to take, receive and hold mortgages or pledges of such mill-sites, mills or manufactories, or of the fixtures and machinery erected and used therein, for securing the repayment of such loans.

Company
may borrow
money and
make loans.

Sec. 3. *And be it enacted*, That nothing in the act to which this is a supplement shall be so construed as to authorize or empower the said corporation to adopt, establish or carry into execution any laws, ordinances or regulations inconsistent with the laws of the United States, or of this state; or to purchase, receive in donation, acquire, hold, possess or enjoy any lands, mills, manufactories, erections, tenements, hereditaments or water privileges, not situate within the present limits of the townships of Ewing, Trenton and Nottingham, or in the river Delaware, within two miles of the present head of the main race-way of said company, except only such as they have already purchased, received in donation or acquired, and now hold, possess and enjoy.

Restrictions.

Sec. 4. *And be it enacted*, That the managers of the company are authorized and required to give unto all original stockholders, or their legal representatives, full scrip for the amount of monies paid by said stockholders, upon their giving up to the managers the scrip now in their possession.

Original
stockholders
to receive full
scrip.

Sec. 5. *And be it enacted*, That before this act shall take effect, the said corporation shall file in the office of the secretary of state, a list of all the stockholders therein, under their corporate seal and the oath or affirmation of their treasurer, and also the written consent of the owners of three-fourths in value of the capital stock in said company, or their legal representatives, and also of the said corporation, to this act.

List of stock-
holders to be
filed with se-
cretary of
state.

Sec. 6. *And be it enacted*, That the legislature may at any time hereafter repeal this act.

Act may be
repealed.

Passed, March 8, 1839.

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A FURTHER SUPPLEMENT to an act entitled "An act securing to mechanics and others, payment for labor and materials, in erecting any house or other building within the limits therein mentioned," passed the third day of March, one thousand eight hundred and thirty-five.

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 taken and considered as a public act, and that the provisions thereof shall be in full force and effect within the limits of the township of Chesterfield, in the county of Burlington, in this state; and that this supplement shall go into effect on the first day of April next.

Passed, March 8, 1839.

Provisions of act extended to township of Chesterfield.

~~CONFIDENTIAL - SECURITY INFORMATION~~

AN ACT to prevent accidents from the use of locomotive engines on rail roads.

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 every incorporated company that hath been, or hereafter may be, authorized to construct any rail road in this state, shall cause to be placed on some part of every locomotive engine used by any such company, a bell, of a weight not less than thirty pounds, which they shall cause to be rung, at the distance of at least three hundred yards from the place where any such rail road crosses a turnpike road or highway, upon the same level with the said rail road, and be kept ringing until the engine has crossed such turnpike or highway, or has stopped.

Bell on locomotives to be rung where said road crosses a highway.

Sec. 2. *And be it enacted*, That every such company shall cause a board with this inscription, "look out for the locomotive," to be erected and maintained wherever the road of such company may be crossed, as aforesaid, by any turnpike road or public highway, so as to be easily seen by travellers.

Board with inscription, warning travellers, to be placed where roads cross.

Sec. 3. *And be it enacted*, That if any such company shall refuse or neglect to comply with either of the foregoing provisions, they shall forfeit for every such refusal or neglect, the sum of one hundred dollars, to be sued for by the clerk of any township in which such refusal or neglect shall occur, for the use of the said township, and to be recovered with costs in an action of debt in any court having cognizance thereof; *provided*, that nothing herein contained shall be construed to take away from any individual or individuals any right he, she or they may have to recover damages for any injury which may be incurred by any refusal or neglect to comply with the requirements of this act.

Penalty for violation of law.

Proviso.

Sec. 4. *And be it enacted*, That if any person shall willfully obliterate, destroy or injure any such board, so as aforesaid erected, he, she or they so offending, shall forfeit for every such offence the sum of twenty dollars, to be recovered with costs, by any such rail road company, in an action of debt before any court having cognizance thereof, for the use of said company.

Penalty for injuring inscription board.

Sec. 5. *And be it enacted*, That it shall and may be lawful for any such company to cause a fence or other enclosure to be made around their depots, where the public safety requires it, so as to prevent persons other than travellers, from coming near the locomotives and train of cars, and to exclude from such enclosures all persons except travellers and the agents of the said companies.

Fences may be made around depots.

Passed, March 9, 1839.

AN ACT to incorporate the Haddonfield and Camden Turnpike 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 subscription books of the capital stock of the Haddonfield and Camden Turnpike Company, shall be opened by Thomas Redman, John Gill, Samuel Nicholson, Joseph W. Cooper and Abraham Browning, or any three of them, who are hereby appointed commissioners to receive subscriptions to the said stock, at such times and places as they, or a majority of them, may direct; giving notice thereof; at least twenty days prior to the opening of said books, by publishing the same in at least two of the newspapers published in this state, and one in the city of Philadelphia.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall be twenty thousand dollars, with liberty for the said company to increase the same to fifty thousand dollars, and shall be divided into shares of twenty dollars each; and that when five hundred shares shall be subscribed for, the persons holding the same shall be, and they are hereby incorporated into a company, by the name of "the Haddonfield and Camden Turnpike Company;" and by that name shall be capable of purchasing, or otherwise receiving and becoming possessed of, holding and conveying real and personal estate; and shall have perpetual succession, and power to make and use a common seal, and by said corporate name may sue and be sued, and shall have, enjoy and exercise all the rights, powers and privileges appertaining to corporate bodies, and necessary to carry the objects of this act into effect.

Amount of capital stock.

Style of incorporation.

General powers.

Stock forfeited on failure to pay instalments.

Sec. 3. *And be it enacted*, That at the time of subscribing for said stock, two dollars shall be paid upon each share subscribed for, to the commissioners, or any of them; which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and that the residue of the subscriptions shall be paid in such instalments, and at such times and places, and to such person or persons, as the president and directors of the company shall, from time to time, direct and give public notice thereof in manner aforesaid; and upon failure of payment thereof, as so directed, the said president and directors shall have power to forfeit the shares of each and every person so failing to pay the said instalments, or any of them, to and for the use of the said company: *provided*, that if the number of shares subscribed for, shall exceed the number of shares authorized by this act that the said commissioners shall apportion the said stock among such subscribers, in proportion to the amount or number of shares

Stock to be apportioned.

by them subscribed for as aforesaid: *provided also*, that no subscription for less than six shares of said stock shall be reduced by such apportionments. Proviso.

Sec. 4. *And be it enacted*, That if the number of shares herein before made necessary for the incorporation of the said company be not subscribed for within two years from the time of opening the said subscription books, this act, and all the subscriptions under it, shall be null and void; and the said commissioners, after deducting thereout the expenses incurred, shall return the residue of the money paid in, to the respective subscribers, or their representatives, in proportion to the sums paid in by them. Corporation dissolved if the stock is not subscribed for in two years.

Sec. 5. *And be it enacted*, That when five hundred shares of said stock shall be subscribed for, the said commissioners shall call a meeting of the stockholders, giving at least twenty days notice of the time and place of said meeting, as herein before directed, with regard to the opening of said books; at which meeting the subscription books shall be laid before the stockholders, who shall thereupon proceed to elect, by ballot, seven directors, a majority of whom shall be citizens of this state, to manage the affairs of the said company for one year; of which election the said commissioners, or a majority of them, shall be judges; and that at the expiration of that term, and annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect, by ballot, the same number of directors, a majority of whom shall be citizens of this state as aforesaid; and that at every such election, and in all other cases in which the stockholders shall be entitled to vote, a vote may be given for each share, by the holder or holders thereof, either in person or by proxy: *provided nevertheless*, that no stockholder shall have more than ten votes, although he or she may have a greater number of shares. Time and mode of annually electing directors.

Sec. 6. *And be it enacted*, That within twenty days after their annual election as aforesaid, the said directors shall elect a president of their said company, who shall be a citizen of this state, and resident in the county of Gloucester, who shall hold his office for one year, and until another shall be elected, and receive such compensation for his services as a majority of the said directors shall direct; and shall be the presiding officer at all meetings of the said directors, and shall have the casting vote when they shall be equally divided; he shall have charge of the seal of the company, and shall appoint the judge or judges of all elections of the stockholders, or in case of his death, absence or inability so to do, the said directors shall appoint some other suitable person, who, for the time being, shall possess the same power and authority, and perform all the duties herein prescribed. Proviso.

President to be chosen and his duties.

Duties and powers of directors.

Sec. 7. *And be it enacted*, That the said directors, or a majority of them, may supply any vacancy occurring in the interval between the annual elections, by death, resignation, removal or refusal to act, of any president or director; and may appoint a treasurer, who shall be a citizen of this state, and resident in the county of Gloucester; and all other officers, agents, superintendents and servants that may be required to transact the business of the company, with such compensation as they may determine upon; and may exact from them such security for the due performance of their respective trusts, as they may think expedient; they shall regulate the tolls, and have the superintendence and direction of all the receipts and disbursements, and all other affairs of the company; and may make and enforce such ordinances and by-laws, as they think expedient for regulating the transfers of the stock, and for the general government of the company and management of its affairs; *provided*, the same are not repugnant to the constitution or laws of this state, or of the United States.

Proviso.

Annual statement to be exhibited to stockholders.

Sec. 8. *And be it enacted*, That at the annual meeting of the stockholders, it shall be the duty of the president and directors of the preceding year, to exhibit to the stockholders, a full and complete statement of the affairs of the company, during the said term.

Special meetings of the company, how called.

Sec. 9. *And be it enacted*, That special meetings of the stockholders may be called by the order of the said president and directors, or by the stockholders owning one-fourth of the whole stock, of the company, by giving notice of the time and place of holding the same, as herein before directed with regard to the annual meetings, which said notice shall specify the particular object of the meeting; but that no business of the company shall be transacted at such special meetings, unless a majority in value of the stockholders attend and concur therein, who may require the books, accounts and all other papers and proceedings of the company to be exhibited to them by the president and directors.

Company not dissolved for failure to elect on day prescribed.

Sec. 10. *And be it enacted*, That if, from any cause, any election herein before named, shall not be had at the time specified by this act, the same may be made at any other time on notice as aforesaid; and that until such election be had, the officers for the preceding year shall continue to hold their respective offices until others be elected in their stead, and that the charter shall not be defeated or avoided by reason of the irregularity or want of such election.

Location of the turnpike road.

Sec. 11. *And be it enacted*, That it shall and may be lawful for the said company to lay out, construct and make a turnpike road four rods wide, from the village of Haddonfield,

in the county of Gloucester, to some place within the corporate limits of the city of Camden, in said county, in such direction as may appear most suitable to said company; and it shall and may be lawful for the said company, by the president and directors, and by any agent, engineer, superintendent or contractor, or any other person or persons employed in the service of the said company, to enter from time to time, and at all times, upon all lands for the purpose of exploring or surveying the route for said road, and for the purpose of searching for stone, gravel, sand, clay, earth or other material for the use of said road; doing thereunto no unnecessary damage; and when the said route shall have been fixed upon by the president and directors, or a majority of them, and a survey thereof deposited in the office of the secretary of state, then it shall be lawful for them, or for any agent, superintendent, engineer, contractor or any person or persons employed in the service of said company, at any time to enter upon, take possession of, and use all and singular such lands as may be required in making and constructing of said road: *provided*, that the said road shall not pass through any burying ground or place of public worship, nor any dwelling house, without the consent of the owner or owners thereof; nor shall it pass through any out building, of the value of three hundred dollars, without such consent.

A survey of location of road to be filed with secretary of state before entering upon lands.

Proviso.

Sec. 12. *And be it enacted*, That in the middle of the said road there shall be formed a space or artificial road, not less than thirty-two feet in breadth, the centre of which shall be raised fifteen inches at least above the sides, arising towards the middle by a gradual arch, which artificial road shall be drained by ditches and subterraneous passages, of a sufficient depth to carry off the water, and shall be sufficiently bedded with stone, wood or gravel, so as to secure a dry and solid foundation for the same at all seasons of the year; and at least twenty feet thereof shall be faced with gravel or broken stone, so as to form a firm and even surface, and in its progress no part of it shall rise above an angle of four degrees with the plane of the horizon; and the said company shall cause good and sufficient bridges, where necessary on the line of the said road, to be constructed, not less than twenty-two feet in breadth; and wherever the said road, in passing over low ground, be raised so much at the margin, or side of the travelling path, as to render carriages passing thereon liable to overset, the said company shall cause good and sufficient railings to be erected and maintained on the sides, so as to prevent horses and carriages from running off.

Description of the road.

Sec. 13. *And be it enacted*, That when the said company or its agents, cannot agree with the owner or owners of such required lands, for the use or purchase thereof, and the dam-

Proceedings when company and owners of lands cannot agree on the value of lands required.

ages sustained by such owner or owners, or when by reason of the legal incapacity, or absence of such owner or owners, no such agreement can be made; a particular description of the land so required by said company, in the construction of the said road, shall be given in writing, under oath or affirmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice thereof to the persons interested, if known, and in this state, or if unknown, or out of the state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place, for the appointment of the commissioners hereinafter named, at which time, upon satisfactory evidence to him, of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders of this state, commissioners, to examine and appraise the said land, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation, before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and to make a true report, according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and assessment of damages, and for that purpose to examine witnesses under oath or affirmation, if they think proper, to be administered by any one of said commissioners; and shall report what sum shall be paid by the said company for such land and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the said land, and the appointment and oaths or affirmations aforesaid, in the clerk's office of the county of Gloucester, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said county of Gloucester, shall, at all times, be considered as plenary evidence of the right of said company, to have, hold, use, occupy, possess and enjoy, the said land, or of the said owner or owners, to recover the amount of said sum, with interest and costs, in an action of debt in any court of competent jurisdiction, in a suit to be instituted against the said company, if they shall neglect or refuse to pay the same, for twenty days after demand made of

their treasurer, and shall, from time to time, constitute a lien upon the property of the company, in the nature of a mortgage; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerks and other persons performing any of the duties prescribed in this section, as he shall think equitable and right, and to order and direct by whom the same shall be paid, under the circumstances of the case; *provided*, that nothing in this act contained, shall be construed to authorize or empower said company to enter upon and take possession of said lands without the consent of the owner or owners thereof being first obtained, (except for the purpose of exploring or surveying the route for said road, or searching for stone, clay, sand, gravel, earth or other materials, for the use thereof) before paying or tendering in payment, the sum of money, so as aforesaid, reported by the said commissioners, to the owner or owners thereof, if known and resident in this state. Proviso.

Sec 14. *And be it enacted*, That in case the said company, or the owner or owners of said land, shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court; at the next term after the filing of the said reports, the court shall have power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy, to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next circuit court, to be holden in the said county of Gloucester, upon the like notice, and in the same manner, as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said lands and damages sustained; and if they shall find a greater sum than the said commissioners shall have reported in favor of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded for the same; but if the said jury shall find the same or a less sum than the said commissioners shall have reported as aforesaid, then the said costs to be paid by the applicant or applicants for such jury, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the company from taking the said land, upon the filing of the aforesaid report, and paying or tendering in payment the sum reported by the commissioners to the owner or owners thereof, if resident in this state, as aforesaid. Partie dissatisfied with the report of commissioners may have a view of premises and trial by jury. Proviso.

Sec. 15. *And be it enacted*, That it shall be lawful for this

Y

Stone gravel, &c. may be taken from adjacent lands,

Proceedings when company and owners of lands cannot agree on amount of damage.

Valuation of appraisers conclusive.

Rates of tolls for each mile of the road.

said company, their officers, superintendents, engineers, workmen, labourers and other person or persons, by them employed, with carts, wagons and other carriages, and with their beasts of burden and draft, and all necessary materials, tools and implements, to enter upon all lands contiguous or near to the route of said road, doing as little damage thereto as possible, repairing any breach they may make in the enclosures thereof; and to take and carry away any stone, gravel, clay, sand, earth, or other materials there, being most conveniently situated, and being most suitable for making or repairing said road, the said owners or occupants being entitled to a fair compensation or remuneration for their materials taken and damage done, if claimed within twelve months from the time of such damage sustained, or materials taken away; and in case of a disagreement as to the amount of such damage sustained, or the value of such materials taken away, then it shall be lawful for either party to apply to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county of Gloucester, not being a stockholder, or in any way interested; whose duty it shall be, upon such application, to appoint three judicious and disinterested freeholders of the state as appraisers; and, thereupon, the said appraisers, having given at least fifteen days notice, in the manner aforesaid, of the time and place of their meeting, to each party, to meet at such time and place, and having taken an oath or affirmation fairly and impartially to inquire into and report the value of the said materials and the amount of the said damages, which may be submitted to their judgment, shall proceed to view and examine the premises, and make a valuation and appraisalment under their hands and seals, or the hands and seals of any two of them, and deliver the same to the clerk of said county of Gloucester, to be by him filed in his office, and remain of record therein; which said valuation and appraisalment shall be conclusive evidence of the value of the said materials, and the amount of damages sustained, by such owner or owners of such lands, in any suit to be brought therefor; and every such owner or owners of the said land, having first made demand of the said company, for the amount so valued or appraised, may sue for and recover the same, by action of debt, with costs of suit.

Sec. 16. *And be it enacted*, That as soon as the said company shall have constructed the said road, in a workmanlike manner, according to the several directions in the twelfth section, and the true intent and meaning of this act, it shall and may be lawful for said company to erect gates or turnpikes across the said road, not exceeding two in number;

and to demand and receive toll for travelling each mile of the said road not exceeding the following rates, to wit :

For every carriage, sleigh or sled, drawn by one beast,	one cent.
For every additional beast,	one cent.
For every additional beast exceeding four,	two cents.
For every horse and rider, or led horse or mule,	five mills.
For every dozen of calves, sheep or hogs,	five mills.
For every dozen of horses, mules or cattle,	two cents.

And it shall and may be lawful for the toll-gatherers to stop persons riding, leading or driving any horse, cattle, mules, calves, sheep or hogs, or carriages of burden, or pleasure, from passing through the said gates or turnpikes, until they shall have paid the toll as above specified; *provided*, that nothing in this act shall be construed so as to entitle the said company to demand, or receive toll of, or from any person passing to or from public worship, on the sabbath day, or to or from any mill to which he may usually resort, for the grinding of grain for his families' use, or horses, carriages, sleighs or sleds, carrying persons to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from any training on a muster day appointed by law, or any other military officer or soldier passing or repassing, when called to duty by the laws of this state, or of the United States.

Persons, horses, &c, may be stopped till toll is paid.

Persons exempted from payment of toll.

Sec. 17. *And be it enacted*, That before the said company shall receive toll for travelling said road, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Camden and Haddonfield; and shall cause to be fixed and always kept up at the gates or turnpikes aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded, and also a board on which shall be printed in large letters, "keep to the right as the law directs."

Mile-stones to be erected on the road.

Printed lists of the rates of toll to be put up.

Sec. 18. *And be it enacted*, That if any person shall wilfully break, throw down or deface, any of the mile stones or posts, so erected on the said road, for the information of the people travelling the same, or wilfully tear down or deface any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates, turnpikes or bridges that shall be erected pursuant to this act, or shall forcibly pass the same without having paid the legal toll at such gates or turnpikes, such person shall forfeit and pay the sum of twenty dollars, beside being subject to an action of damages for the same, to be recovered by the said company, by

Penalty for injuring road or works.

Penalty for turning out on private ground to avoid toll.

action of debt, or other proper action, in any court of competent jurisdiction, with costs of suit; and if any person with his carriage, team or horse, turn out of the said road to pass a gate or gates, on private ground adjacent thereto, and again enter on the said road, so as to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates, to be recovered by the said company, for the use thereof, in an action of debt with costs of suit.

Penalty for toll-gatherer for delaying passengers.

Sec. 19. *And be it enacted*, That if any toll-gatherer shall unnecessarily delay or hinder, any traveller passing at any of the gates or turnpikes, or shall receive more toll than is by this act established, he shall for every such offence, forfeit and pay the sum of twenty dollars, with costs of suit, to be prosecuted by and recovered for the sole use of the person so unreasonably hindered or defrauded.

Drivers of carriages, &c, to keep to the right.

Sec. 20. *And be it enacted*, That all the drivers of carriages, sleighs or sleds of every kind and description, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs or sleds on the right hand of the said road in the passing directions, leaving the other side of the road free and clear for other carriages or persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of five dollars to any person who shall be obstructed in his or her passage and will sue for the same, and shall also be subject to an action for damages for every such offence, to be recovered with costs of suit.

Proceedings to be had when the company neglect to keep the road in repair.

Sec. 21. *And be it enacted*, That if the said company shall not keep the said road and bridges in repair, and complaint thereof shall be made to any justice of the peace of the county of Gloucester, who may be disinterested, the said justice shall immediately appoint by writing, under his hand and seal, three of the township committee of the township wherein the cause of complaint arose, or if it be on the line of any two townships, of either of said townships, which three persons being disinterested in the said road, or a majority of them, on notice being given to the keeper of the nearest gate or turnpike, shall meet at such time and place as the said justice may appoint; and having taken an oath or affirmation to act impartially, shall proceed to view and examine said road so complained of, and to report to the said justice, in writing, under their hands and seals, or under the hands and seals of any two of them, whether it be in such state as the law requires it to be kept; and if the report be unfavorable to the said road, the said justice shall immediately in writing, under his hand and seal, order the keeper of the said gate or turn-

pike to keep open the same until otherwise ordered; and if the said keeper shall notwithstanding the order of the said justice to open the said gate or turnpike, exact toll of travellers, he shall for each offence forfeit and pay twenty dollars, to be sued for by any person who will prosecute for the same, in an action of debt, with costs of suit, and the justice shall be allowed for his services fifty cents, and the persons appointed one dollar each, to be paid by the company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view the said road, and report as aforesaid, their opinion to the said justice, who shall, if authorized by the report of the said persons, or any two of them, by license under his hand and seal, directed to the toll-gatherer, permit the gates or turnpikes to be shut, and the toll to be collected as before; and the said fees shall be allowed and paid as before directed; but if, on the first view as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the person making the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the same manner above prescribed, one or more respectable freeholders in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Penalty for the road not being kept in repair.

Sec. 22. *And be it enacted*, That the legislature may at any time hereafter alter, amend or repeal this act, whenever in their opinion, the public good requires it.

Act may be altered or repealed.

Passed, March 9, 1839.

A SUPPLEMENT to an act entitled "An act to incorporate the Trenton Gas and Insurance Company," passed February twenty-sixth, 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 it may be lawful for said company to lay iron or

Privileges of company extended to Mill Hill and Bloomsbury.

wooden pipes for the purpose of conducting their gas beyond the limits of the city of Trenton, to wit, into the villages of Bloomsbury and Mill Hill, in the township of Nottingham, in the county of Mercer.

Company may supply with water.

Sec. 2. *And be it enacted*, That the said company are hereby authorized to erect a reservoir, in or near the city of Trenton, for the purpose of supplying the inhabitants of Trenton, Bloomsbury, and Mill Hill with good and wholesome water, and to lay iron or wooden pipes for conducting the same to and through the aforesaid places; *provided*, that the said company do not directly or indirectly take the water from the spring or fountain of the President and Directors of the Trenton Water Works.

Proviso.

Water may be used for extinguishment of fires without payment.

Sec. 3. *And be it enacted*, That, when the said company shall have laid pipes for conducting water into or through the city of Trenton, it shall be lawful for the common council of the said city to cause such and so many fire-plugs, and at such places as they shall from time to time see fit, to be inserted and placed therein; and that water may be drawn and taken therefrom for the extinguishment of fires in the said city, without any hindrance from or payment to the said company.

Works for the supply of water to be completed in two years.
Company not to purchase capital stock of Trenton water works.

Sec. 4. *And be it enacted*, That the said company shall so far complete their water works as to be able to supply the inhabitants of the city of Trenton with good and wholesome water within two years from the passage of this act; and that the said company shall not, under pain of forfeiting their charter, either directly or indirectly, purchase or hold any portion of the capital stock of "the President and Directors of the Trenton Water Works."

Limitation of original act.

Sec. 5. *And be it enacted*, That the act to which this is a supplement shall continue in force until the twenty-sixth day of February, eighteen hundred and sixty-eight, and no longer, unless sooner modified or repealed; and the commissioners named in said act to receive subscriptions to the capital stock of said company may open books at any future time, and re-open the same from time to time, within one year from the passage of this act, until the said capital stock is subscribed for, under the same regulations as are provided for in the original act; and that the legislature may amend or repeal this act at any time when in their opinion the public good may require it.

Limitation of time for subscribing to capital stock.

Act may be altered or repealed.

Passed, March 9, 1839.

AN ACT for the relief of Stephen Shouds, of the
county of Burlington.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state, be, and he is hereby authorized and directed to pay unto Stephen Shouds, of the county of Burlington, a soldier of the revolutionary war, or his order, sixty dollars per annum, during his natural life, in semi-annual payments of thirty dollars each; the first payment to be made on the fifteenth day of March instant, and semi-annually thereafter, on the fourth day of September and the fourth day of March in every year.

Pension to S.
Shouds of
\$60 per an-
num.

Passed, March 11, 1839.

AN ACT to prevent the taking of unlawful toll or
fare on canals and rail roads.

WHEREAS, complaints have arisen, that some of the incorporated companies of this state have taken a greater amount of fare or toll than is allowed by law, and also of the unequal, fluctuating, and unlawful rates of toll or passage money upon the several canals or rail roads of this state—
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 any incorporated company or companies in this state, which is, are or shall be authorized by law to take toll, or to charge for the transportation of passengers, goods, wares or merchandize, which shall directly or indirectly, through or by any agent, director or other officer, whatsoever, take or demand of any passenger or person under any pretence whatever, more than the charge, toll, rates or fare allowed by law, shall forfeit and pay the sum of one hundred dollars for each and every such offence, to be prosecuted for

Penalty for
taking unlaw-
ful toll or
fare by incor-
porated com-
panies.

and recovered, with costs before any justice of the peace in any county of this state through which the said road or canal may pass, in the name and for the use of the person or persons prosecuting for the same.

Act to take effect.

Sec. 2. *And be it enacted*, That this act shall go into full force from and after the first day of April next.

Passed, March 12, 1839.

A SUPPLEMENT to the act entitled "An act to erect the village of New Mills, in the county of Burlington, into a borough, to be called the Borough of Pemberton," passed, December fifteen, eighteen hundred and twenty-six.

Officers of borough to take oath of office.

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 every officer of the said borough of Pemberton, within twenty days after his election as such officer, and before he proceeds to execute the duties of his office, shall take and subscribe the oath or affirmation of allegiance to this state, and likewise an oath or affirmation that he will faithfully discharge and execute such office, according to the best of his knowledge and understanding; which oath or affirmation may be taken before any person in the said county of Burlington authorized by law to administer oaths or affirmations.

Chief burgess to keep the seal.

Sec. 2. *And be it enacted*, That the chief burgess of the said borough shall keep the common seal thereof, and shall preside at the meetings of the council of said borough; and the assistant burgess thereof shall, in the absence of the said chief burgess, possess all his powers and authority, and execute the several duties annexed to the office of the said chief burgess.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the chief burgess, assistant burgess, and council of the

said borough, or a major part of them, when convened, to pass all such ordinances and by-laws as they shall deem proper, and the same to alter and amend at pleasure, for regulating, cleansing and keeping in repair the streets, highways, lanes, alleys and bridges in the said borough; for removing all obstructions in and upon the same; for preventing persons from riding, driving or passing over or upon the side-walks thereof with horses, mules, or oxen, or with wagons, carts, or carriages of any description; for ascertaining and establishing the boundaries of all streets and alleys in said borough; for preventing and removing all encroachments, whatsoever, in and upon the same; for preventing or regulating the running at large of cattle, horses, dogs, or swine; for preventing immoderate riding or driving through or in any street, lane, or alley of said borough; for abating or removing any nuisance in any street or upon any lot or enclosure therein; for the paving, mending and improving the streets thereof; for preventing and restraining riots, routs, disturbances, disorderly assemblages, and dangerous practices in any street, house, or other place within said borough; for the prevention and suppression of fires and for the regulating of the markets and the vending of vegetables therein; for restraining vagrants, mendicants and street beggars; for regulating the police of said borough; for the more effectual suppression of vice and immorality within the same; and generally to pass all such other ordinances and by-laws as shall and may be necessary for preserving peace and good order in the said borough; *provided*, that such ordinances and by-laws be not contrary to the constitution or laws of this state or of the United States.

Powers of
the burgesses
and council
of the bo-
rough.

Proviso.

Sec. 4. *And be it enacted*, That the said chief burgess, assistant burgess and council shall have power to annex to any and every ordinance and by-law passed by them, under this act, the penalty or imprisonment to be incurred in consequence of a violation of such ordinance or by-law; *provided*, that the penalty shall in no case exceed the sum of twenty dollars, and that the only imprisonment shall be in the common jail of the said county of Burlington, and not exceeding four days at any one time; *and provided also*, that printed or written copies of each and every ordinance or by-law, so passed as aforesaid, certified by the clerk of the said borough, shall be put up in three of the most public places of the said borough, at least twenty days before such ordinance or by-law shall go into operation.

Penalties for
violation of
ordinances.

Proviso.

Proviso.

Sec. 5. *And be it enacted*, That the penalties mentioned in the preceding section of this act shall and may be recovered for the use of the borough, by action of debt, in the name of "the clerk of the borough of Pemberton," without

Penalties
may be sued
for and recover-
ed.

specifying the individual name of such clerk, before any justice of the peace in the county of Burlington, and that in such action the first process may be either a summons or warrant; and it shall and may be lawful to declare therein generally for the penalty sued for, and, upon the trial of the cause, to give the special matter in evidence; and where judgment of imprisonment shall by virtue of this act be given in any case, it shall and may be lawful, in order to carry such judgment into effect, for the justice of the peace by whom the same shall be given to issue a warrant of commitment, under his hand and seal, directed to the keeper of the common jail of said county of Burlington, who is hereby required to receive and keep the person so committed in the same manner as by law he is bound to receive and keep other prisoners.

Printed laws of borough to be received as evidence.

Sec. 6. *And be it enacted*, That in all actions to be brought under and by virtue of this act for the recovery of any penalty or penalties created or imposed by any ordinance or by-law passed as aforesaid, the book or books of record of the ordinances and by-laws of the said borough shall be taken and received as evidence of the due passage of all ordinances and by-laws therein recorded; and also, that the publication of such ordinances and by-laws, by the authority and under the direction of the said chief burgess, assistant burgess and council, in a volume or pamphlet, shall in like manner be taken and received as evidence of the due passage thereof; and after such publication, it shall in all cases be presumed that copies of the said ordinances and by-laws, certified as aforesaid, have been put up, as is herein before required, until the contrary thereof be proved.

Provisions by which actions are regulated.

Sec. 7. *And be it enacted*, That any action or actions instituted under this act shall be regulated by the provisions of, and conducted in the manner prescribed in and by the act entitled "An act constituting courts for the trial of small causes," and the several acts that have been and shall hereafter be passed supplementary thereto, as nearly as may be.

Inhabitants of the borough to be competent witnesses and jurors.

Persons sued may plead the general issue.

Sec. 8. *And be it enacted*, That upon the trial of any action to be brought or complaint made under and by virtue of this act, no person shall be deemed an incompetent witness or disqualified from serving as a juror therein, by reason of his being an inhabitant or freeholder of the said borough; and if any person shall be sued or impleaded by reason of any thing done under this act, or the act to which this is a supplement, it shall be lawful for such person to plead the general issue, and at the trial of the cause to give this act, and the act to which this is a supplement, and the special matter, in evidence.

Sec. 9. *And be it enacted*, That all actions, suits, and prosecutions to be brought or instituted under this act shall be commenced within six months after the penalty sued for has been incurred or the offence committed, and not afterwards.

Suits to be commenced within six months.

Sec. 10. *And be it enacted*, That the act to which this is a supplement and this act shall be deemed and taken to be a public law, and as such shall be received and recognized by all persons and courts of justice within this state; and that this supplement shall go into operation on the first day of April next.

Act a public law.

Sec. 11. *And be it enacted*, That the fourth and fifth sections, and so much of the eighth section of the act to which this is a supplement, as gives to the clerk of the said borough the custody of the common seal thereof, and so much of the said act as comes within the purview of this act, and is inconsistent with and repugnant thereto, be, and the same are hereby repealed.

Part of former act repealed.

Passed, March, 12 1839.

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

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 Woodbridge, in the county of Middlesex, shall, at their next annual town meeting, elect the following officers by ballot, to wit: chosen freeholders, assessors, collectors, constables, commissioners of appeal, surveyors of highways, judges of election and members of the school and township committees; and that at the

Certain officers to be elected by ballot.

Officers of election.

said next, and every subsequent election for township officers, when they, or any of them, are to be chosen by ballot, as is herein provided; the judge, inspectors and clerk of the next preceding annual election shall be the officers of such election, and, if absent, others shall be chosen in their stead, in the same manner as vacancies are supplied and filled at the annual election.

Change in mode of voting to be agreed on at previous town-meeting.

Sec. 2. *And be it enacted*, That the inhabitants of the said township shall be authorized to determine whether they will elect the officers above specified, and any other township officers by ballot, or viva voce; *provided*, that no change in the mode of voting shall be made, unless such change shall have been determined and agreed upon by the previous annual town meeting.

Time of opening and closing the polls.

Sec. 3. *And be it enacted*, That whenever the election of the township officers, or any of them, in said township shall be by ballot, the poll shall open at ten o'clock in the forenoon, and close at four o'clock in the afternoon, at the place appointed for holding the annual town meeting; and the votes and ballots shall be forthwith canvassed, and a return thereof made by the officers conducting such election, to the clerk of the township of the current year, to be by him recorded.

Moderator and clerk to be chosen viva voce.

Sec. 4. *And be it enacted*. That whenever the election of any of the township officers in said township is by ballot, the inhabitants shall, at the hour and place appointed according to law for holding the annual town meeting, proceed to choose; viva voce, a moderator and clerk.

Township business to be determined viva voce.

Sec. 5. *And be it enacted*, That all the officers of the said township not to be elected by ballot as is provided in this act, shall be chosen viva voce; and that all the township business other than the election of those officers who are to be chosen by ballot, shall be voted on and determined in the same viva voce manner, before the moderator and clerk of the then current year.

Clerk of election to take an oath.

Sec. 6. *And be it enacted*, That in cases where the town clerk of the previous year, is also chosen town clerk of the current year, the judges and inspectors shall choose a clerk pro tempore for transacting the business of the town meeting of said township so far as the same is done by ballot; and such clerk shall take an oath, to be administered by the judge of election, well and faithfully to transact the business devolving upon him as clerk of the election.

Voting and transaction of business at the same time.

Sec. 7. *And be it enacted*, That nothing in this, or any other act contained, shall be construed to prevent the judge, inspectors and clerk from receiving the votes for such officers as are chosen by ballot, while the moderator and clerk, with

such legal voters as are present, are transacting such other township business as may legally come before them.

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

Act to go into effect immediately.

Passed, March 12, 1839.

AN ACT appointing Daniel Price a trustee, in the stead of Ashbel W. Corey.

WHEREAS, Ashbel W. Corey was appointed a trustee to manage the property of Abbey Freeman, devised to her in and by the last will and testament and codicil of Daniel Tichenor, deceased, and is now desirous of relinquishing said trust—THEREFORE,

Preamble.

BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Ashbel W. Corey be released and discharged from the further execution of said trust, and that Daniel Price be, and he is hereby substituted in the place and stead of the said Ashbel W. Corey, and that the said property be, and is hereby vested in the said Daniel Price, in as full and ample a manner as the same was held by the former trustee, and be held to the uses and trusts in said last will and codicil set forth and stated.

D. Price substituted as trustee for A. W. Corey.

Passed, March 12, 1839.

**AN ACT to incorporate the German Society of the
city of Newark, New Jersey.**

Preamble.

WHEREAS, a number of the inhabitants of the city of Newark and its vicinity have associated themselves under the name of "the German Society of Newark, New Jersey," the object of which is the creation of a fund to be appropriated and applied towards the aid, relief or support of such of the members thereof as shall by sickness, casualty, infirmity or other cause, be rendered incapable of attending to or pursuing their usual trade, occupation or calling; towards the decent interment of deceased members, or the deceased wives or children of members, and towards the aid, relief, or support of the wives and children of deceased members; AND WHEREAS, it is represented that the object of the said society can be better attained, and their property better secured, by means of an act of incorporation; and the said society have prayed that an act may be passed by the legislature, creating them a body corporate and politic; THEREFORE,

Names of corporators.

Style of incorporation.

General powers.

SEC. 1. BE IT ENACTED, *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That George Rhode, Daniel Guitiz, Abraham Boentger, Peter Pfeiffer, Nicholas Ganjeloff, Conrad Shweinsburg, Xavier Griesopole, Frederick Kockler, Jacob Kopf, Charles Kellinger, Philip Dietz, Martin Sturtz, Frederick Doremill, and all such other persons, not exceeding five hundred, as now are or hereafter shall become members of the said society, be, and they are hereby ordained, constituted and declared a body politic and corporate, in fact and in law, by the name and title of "the German Society of Newark, New Jersey," and by that name they and their successors shall and may have succession and continuance, and shall be in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in all courts of law and equity and places 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 the power to alter and change the same at pleasure; and by the name and title 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 corporation.

Officers to be 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, treasurer, one

or more stewards, and such other officers and assistants as shall be deemed necessary, who shall be elected by a majority of the members present at such times and places as the said corporation shall, by their constitution and by-laws, from time to time, appoint and direct, for the election of such officers and assistants.

Sec. 3. *And be it enacted*, That the estate and property, of what kind soever the same may be, now held by the said society, shall be vested in the body politic and corporate hereby created, which said body politic and corporate shall, by the 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, body or 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 the said corporation shall not exceed the sum of one thousand five hundred dollars,

Powers and privileges of the corporation.

Proviso.

Sec. 4. *And be it enacted*, That the said corporation and their successors, be, and they are hereby authorized and empowered to make, adopt and use, and from time to time, alter, amend or change, as by them may be deemed expedient, such general form of a constitution, and such by-laws, for the transaction of business and for effecting the purposes of the society aforesaid, as by 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 shall be repugnant to the constitution or laws of the United States or of this state.

Corporation may make constitution and by-laws.

Proviso.

Sec. 5. *And be it enacted*, That the sole and exclusive object of the society hereby incorporated, shall be the aid, relief or support of its respective members, when sick or disabled by casualty, infirmity or any other cause, from pursuing their ordinary trade, occupation or calling; the payment of the expenses incident to the decent interment of deceased members or the deceased wives of members, and the aid, relief or support of the widows and children of deceased members as now is or hereafter may be provided for 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.

Exclusive objects of the corporation.

Act may be altered or repealed.

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

Act to take immediate effect.

Sec. 7. *And be it enacted*, That this act shall take effect from and after the passing of the same.

Passed, March 12, 1839.



AN ACT to raise by tax the sum of twenty thousand dollars, for the year one thousand eight hundred and thirty-nine.

\$20,000 to be raised by tax.

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

Proportions to be raised by the several counties.

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

Bergen.

The county of Bergen shall pay the sum of one thousand and seventy-seven dollars.

Essex.

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

Passaic.

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

Morris.

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

Sussex.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enumeration
of articles
valued and
taxed at dis-
cretion of as-
sessor.

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 one dollar and fifty cents over and above their certainties and other estate made ratable by this act.

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

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

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

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

All cotton manufactories, any sum not exceeding fifteen dollars.

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

All woollen manufactories, any sum not exceeding five dollars.

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

All cupola furnaces, any sum not exceeding eight dollars.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Enumeration of articles valued and taxed at discretion of assessor.

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

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

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

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

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

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

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

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

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

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

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

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

Tax of single men.

Proviso.

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

Duties of assessor.

Sec. 6. *And be it enacted*, That the said sum of twenty thousand dollars shall be assessed, levied and collected in the manner prescribed in the act entitled "An act concerning taxes," passed the tenth day of June, in the year one thou-

Manner of assessing levying and collecting.

sand 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 act; and the assessors, collectors and other officers concerned in the assessment and collection of said tax shall be entitled to the fees and compensation allowed by the before mentioned acts.

Fees of officers.

Act to take effect immediately.

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

Passed, March 12, 1839.

AN ACT SUPPLEMENTARY to an act entitled "An act relative to the secretary's office," passed November nineteenth, seventeen hundred and ninety-nine.

Sec. 1. *BE IT ENACTED, by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the secretary of this state shall be entitled to demand and receive from persons making searches and obtaining extracts from any of the public books and papers in the auditor's office, the same fees as by law he is entitled to receive for like services in the secretary's office; and for all other services required of him by law not otherwise compensated, he shall receive from the treasurer of this state the sum of two hundred dollars yearly.

Annual compensation to secretary of state for certain services.

Part of former act repealed.

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

Passed, March 12, 1839.

AN ACT to defray incidental expenses.

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

Certain incidental charges directed to be paid.

To Charles C. Yard, one dollar and eighty-four cents, for scantling for state cabinet.

To George W. Fox, one dollar and eighty-seven cents, for articles furnished assembly room.

To Charles C. Yard, for postage paid by him on books to the library, three dollars and fifteen cents.

To Blackfan and Wilkinson, for lumber used in making alterations in state house, sixty-nine dollars and sixty-six cents.

To S. and J. G. Brearly, for articles furnished the library, one dollar and fifty-eight cents.

To David D. Clark, for binding books for library and stationery for council, forty-six dollars and thirty-six cents.

To John Davison, for stationery, sixty-one dollars.

To Jonathan S. Fish, for coal, fourteen dollars.

To William W. Norcross, for candles, &c., twenty-eight dollars and seventeen cents.

To Daniel Fenton, for stationery, used in the court of chancery and council, forty-four dollars and forty-eight cents.

To J. R. S. and W. S. Barnes, for stationery, &c., furnished council chamber, twelve dollars and six cents.

To Andrew Allison, for bricks furnished state house, three dollars and sixty-one cents.

To Joseph Pugh for publishing two proclamations, four dollars.

To John Gilbert and Co., for articles furnished the state arsenal, one dollar and sixty cents.

To S. and J. G. Brearly, for articles furnished the state arsenal, one dollar and seventy-seven cents.

To Jonathan S. Fish, for coal for the state arsenal, twenty dollars.

To George Coleman, for work at the state arsenal, one dollar and fifty cents.

To John Sunderland, for articles furnished the state arsenal, one dollar and fifty cents.

To Martin Clawson, for carting arms from Warren county to the state arsenal, ten dollars and fifty cents.

To William D. Rice, for labor at the state arsenal, two hundred and ninety-one dollars and thirty-three cents.

To William A. Green, for carting guns to the state arsenal, three dollars and sixty-two cents.

To Charles B. Smith, for articles furnished the state arsenal sixty-nine cents.

Certain incidental charges directed to be paid.

To Henry C. Boswell, for articles furnished the state arsenal, sixty-nine cents.

To John Gilbert and Co., for articles furnished the state arsenal, seven dollars and thirty-nine cents.

To D. and J. Witherup, for work done at the state arsenal, fifteen dollars and twenty-eight cents.

To William Closson, for work done at the state arsenal, five dollars and fifty cents.

To Benjamin Fish, for carting guns to state arsenal, six dollars and twenty-five cents.

To John Whittaker, for articles furnished the state arsenal, ninety-four cents.

To John Wilson, for setting glass about the state house, six dollars and fifty cents.

To Peter V. Coppuck, for stationery for the house, ninety-six dollars and sixty cents.

To McCready and Stelle and Lewis R. Stelle, for printing, three dollars.

To George M. Furman, for work done at state house, sixty-two cents.

To Daniel Childs, for repairs about the state house, two dollars.

To Enoch W. Green, for lumber and work done at state house, thirteen dollars and four cents.

To Daniel Fenton, for stationery, five dollars and six cents.

To James T. Sherman, for printing, eight hundred and one dollars and fifty cents.

To David D. Clark, for stationery, one dollar and seventy-five cents.

To Charles Burroughs, balance due the Pennsylvania Institute for the Blind, twenty dollars.

To James D. Westcott, secretary of state, for extra services, &c., one hundred and fifty dollars.

To Joseph Justice and Son, for stationery furnished for court of chancery, secretary of state's office, and supreme court, seventy-six dollars and twelve cents.

To William W. Norcross, for candles for the use of the two houses, four dollars and eighty cents.

To Phillips and Boswell, for printing and stationery, two hundred and seventy-four dollars and forty-five cents.

To John Milledge, for services in attendance on the committee of elections, seven dollars.

To James T. Sherman, for stationery furnished the court of errors, thirty-seven dollars and eighteen cents.

To Zachariah Rossell, forty-two dollars and thirty cents for expenses in repairing supreme court room.

To Francis Price, for expenses attending the state penitentiary, three dollars and fifty cents.

To Ralph Voorhees, for carting arms from Somerset to the state arsenal, six dollars.

To Phillips and Boswell, for printing, seventy-eight dollars and twenty-five cents.

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

Act to take effect immediately.

Passed, March 12, 1839.

AN ACT to regulate Elections.

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 every free white male citizen of the United States, of the age of twenty-one years, or upwards, (other than such as are herein after excepted) who shall be worth fifty pounds proclamation money clear estate in this state, and shall have resided in the county in which he shall claim a right to vote for one whole year next preceding any election which shall be held under this act, shall have a right to vote therein, in the township in which he shall actually reside, and not elsewhere; and no other person shall have a right to vote in such election.

Qualifications of voters.

Sec. 2. *And be it enacted*, That no person who shall at any such election be under adjudicated guardianship shall have a right to vote therein.

Persons under guardianship not entitled to vote.

Sec. 3. *And be it enacted*, That every person who shall within two years next preceding any such election have had assessed against him any state or county tax in this state, and shall, prior to the first day of such election, have paid any such tax so assessed, shall, at such election be deemed and taken to be worth fifty pounds, proclamation money, as above mentioned; and every person (other than such as are herein after excepted) who shall not within two years next preceding any such election have had assessed against him any state or county tax in this state, and shall not, prior to the first day of such election, have paid some such tax so assessed, shall be deemed and taken to be worth less than fifty pounds proclamation money; *provided*, that this section shall not be con-

Who are to be deemed worth 50 pounds proclamation money.

Proviso.

strued to prevent any person from voting who shall have attained the age of twenty-one years after the twentieth day of August next preceding such election.

Voters privileged from arrest on days of election.

Sec. 4. *And be it enacted,* That no person who shall have a right to vote at any such election shall be arrested by virtue of any civil process on either of the days on which such election shall be held.

Military duty not to be performed on days of election.

Sec. 5. *And be it enacted,* That no such election shall be appointed to be held on any day on which the militia of this state shall be required to do military duty, nor shall the militia of this state be required to do military duty on any day on which any such election shall be appointed to be held.

Voting to be by ballot.

Sec. 6. *And be it enacted,* That in all such elections the persons entitled to vote therein shall vote by ballot, and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed, or partly written and partly printed, the name or names of the person or persons for whom the person voting intends to vote, and shall designate the office to which each person so named is intended by him to be elected; and no ballot shall contain a greater number of names of persons, as designated to any office, than there are persons to be chosen to fill such office.

Description of the ballot.

Duties of judges of election.

Sec. 7. *And be it enacted,* That each ballot shall, in an open and public manner, on one of the days of election, between the hours mentioned in the ninth section of this act, be delivered in person by the voter to one of the judges of election, and be by such judge deposited in the ballot-box; and in no case shall the ballot be taken by any such judge until the board of election shall have decided to receive the same; nor shall the ballot, in any case, be by any such judge opened, marked, or examined, or permitted to be opened, marked or examined, before the same shall be deposited in the ballot-box; and each ballot received shall be separately deposited in the ballot-box.

Clerk of the township to provide ballot boxes.

Sec. 8. *And be it enacted,* That the clerk of each township shall from time to time, as occasion shall require, provide and keep in good repair, at the expense of the county in which such township shall be situated, a ballot-box for the use of such township; which box shall be made one foot in depth, width and length, as near as may be, measuring the same on the exterior thereof, and strapped and secured, on each corner thereof, with iron or brass, so as to prevent it from being easily broken, and shall have a lid thereto, which shall be fastened with brass or iron hinges; and there shall be on the lid thereof three locks of different construction, so that neither of them can be opened with the key belonging to another of them; and there shall be in the lid thereof an aperture not

Description of the ballot boxes.

larger than shall be sufficient to admit a single closed ballot therein at one time; and the interior of the lid thereof shall be so provided with a bar or bolt that the aperture in the same can be covered thereby, in such manner that, when the ballot-box shall be locked, no ballot or other thing can be inserted in the same.

Sec. 9. *And be it enacted*, That all such elections shall be opened at the hour of ten o'clock in the morning, and close at the hour of seven o'clock in the evening, of each day thereof.

Times of opening and closing the polls.

Sec. 10. *And be it enacted*, That the clerk of each township shall, at least eight days prior to, and within thirty days next preceding the first day of election, put up, or cause to be put, an advertisement in at least five of the most public places within such township, which advertisement shall make known the time, place or places, and purpose of holding such election, and be signed by such clerk.

Clerks of townships to advertise elections.

Sec. 11. *And be it enacted*, That at the next and every subsequent annual meeting in each township, the persons who shall be qualified to vote therein shall appoint the place or places within such township, not exceeding two, at which all such elections shall be held during the year next following such annual meeting; and if they shall appoint more than one place, then such elections shall be held on the first day thereof in one place, and on the second day thereof in the other place; and they shall designate the place at which such election shall be held on each day; and if they shall omit to appoint a place or places, then such elections shall be deemed and taken to be appointed to be held at the place at which such annual meeting was held.

Annual town meetings to appoint the places for holding elections.

Provision in cases of failure of town meeting to appoint.

Sec. 12. *And be it enacted*, That at the next, and every subsequent annual meeting in each township, the persons who shall be qualified to vote therein shall choose one of their number, who shall be a respectable freeholder, to be a judge of election; and the person so chosen shall be the chairman of the board of election in such township, and shall, together with the persons who shall be chosen assessor and collector, constitute such board; and such board shall preside at and conduct all such elections to be held during the year next following such annual meeting in such township; and the persons who shall be chosen as such assessor and collector shall, for the purposes of this act, be styled judges of election, and have equal powers in presiding at and conducting such elections with the person chosen as such judge; and the decision of a majority of such board on any question shall be deemed and taken to be the decision of such board, and final.

Town meeting to appoint judges of election.

Decision of the majority of the judges final.

Sec. 13. *And be it enacted*, That if any member of such

A judge may enter his dissent on the poll book from the decision of the majority.

board shall dissent from any decision of the same, and shall desire to protect himself from the consequences which may result from such decision, it shall be lawful for such member to record his dissent in the poll-book of such election, signing his name to such record with his own hand, and unless he shall so do he shall be deemed and taken to have assented to the decision so made.

Time of election of members of council and assembly, sheriff and coroners.

Sec. 14. *And be it enacted*, That on the second Tuesday of October next after the passage of this act, and the Wednesday following, and on the second Tuesday of October in each year thereafter, and the Wednesday following, an election shall be held in each county, to elect for such county one person to be a member of the legislative council, who shall be a free white male citizen of the United States of the age of twenty-one years, or upwards, and who at the time of his election, shall be, and have been for one year next preceding such election, a freeholder in such county, and worth at least one thousand pounds, proclamation money, of real and personal estate in such county; and also, such a number of persons to be members of the general assembly, as such county shall be entitled to elect and send as members thereof, each of whom shall be a free white male citizen of the United States of the age of twenty-one years, or upwards, and have been for one year next preceding such election a freeholder in such county, and worth five hundred pounds, proclamation money, in real and personal estate in such county; and also, one person to be sheriff, and three persons to be coroners, for such county, each of whom shall have the qualifications prescribed by law.

Qualification of candidates.

Time of holding election for members of the house of representatives of the U. S.

Sec. 15. *And be it enacted*, That on the first Tuesday of November, in the year of our Lord one thousand eight hundred and forty, and the Wednesday following, and on the first Tuesday of November, in each second year thereafter, and the Wednesday following, an election shall be held in this state to elect, for this state, such a number of persons to be members of the house of representatives of the United States as this state shall be entitled to elect and send as members thereof, each of whom shall be a citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States for seven years next preceding such election.

Qualification of candidates.

Time of holding election for electors of president and vice president of the U. States.

Sec. 16. *And be it enacted*, That on the first Tuesday of November, in the year of our Lord one thousand eight hundred and forty, and the Wednesday following, and on the first Tuesday of November, and the Wednesday following in each fourth year thereafter, an election shall be held in this state to elect, for this state, such a number of persons to be electors of president and vice president of the United States as this

state shall be entitled to elect or appoint as such electors, each of whom shall be a free white male citizen of the United States, of the age of twenty-five years or upwards, and an inhabitant of this state, and have been a citizen of the United States seven years next preceding such election.

Qualification of candidates.

Sec. 17. *And be it enacted*, That in each year hereafter in which a stated election of members of the house of representatives of the United States, and an election of electors of president and vice president of the United States shall be held under this act, such elections shall be held together as one election, and each voter therein shall vote by one ballot only.

When the election for representatives and for electors are to be held together.

Sec. 18. *And be it enacted*, That no person shall be elected to the office of member of the house of representatives, or elector of president and vice president, who shall hold any office of trust or profit under the United States; and no person shall be elected to the office of such elector who shall hold the office of senator or member of the house of representatives of the United States.

Persons holding certain offices ineligible for members of the house of representatives or for electors.

Sec. 19. *And be it enacted*, That whenever any vacancy or vacancies shall happen in the representation of any county in the legislative council or general assembly, it shall be the duty of the vice president of the council, if the vacancy shall happen therein; and of the speaker of the assembly, if the vacancy or vacancies shall happen therein, and in case of a vacancy in the office of such vice president or speaker, then of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless he shall be of opinion that the services of a person or persons in the office or offices then vacant will not be called for during the period of the legislative year which shall remain unexpired; *provided*, that in case the board of chosen freeholders of such county shall signify in writing, to the officer who has the power to issue such writ, the desire of such board that the vacancy or vacancies shall be filled, then such officer shall forthwith, after such signification, issue such writ.

By whom writs of election to be issued to supply vacancies in the council and assembly.

Proviso.

Sec. 20. *And be it enacted*, That whenever any vacancy or vacancies shall happen in the representation of this state in the house of representatives, it shall be the duty of the governor forthwith to issue a writ of election to fill such vacancy or vacancies, unless the term of service for which the person or persons whose office or offices shall have become vacant will expire within two months next after the happening of such vacancy or vacancies.

Governor to issue writ of election to supply vacancies in the representation of this state in the house of representatives.

Sec. 21. *And be it enacted*, That if any person who shall at any such election have been elected to the office of sheriff, shall neglect, refuse or be unable to give bond with sufficient

The office of sheriff to be deemed va-

cant in certain specified cases.

Vacancies to be certified to the governor who shall issue writ of election.

Vacancies in the college of electors to be supplied by the governor.

Description of the writ of election.

Duties of the secretary of state on receiving the writ of election.

sureties, as is required by the second section of an act entitled "An act concerning sheriffs," passed March eighteenth, one thousand seven hundred and ninety-six, or shall neglect or refuse to take the oath or affirmation of office, as is required by the third section of the said act, at the time appointed by the said act for giving such bond and taking such oath or affirmation, then such office shall be deemed and taken to be vacant; and it shall be the duty of the judges of the court of common pleas of the county, or any three of them, in which such vacancy shall have happened, forthwith after such vacancy, to direct the clerk of such court to certify the fact of such vacancy to the governor; and the clerk of such court shall forthwith certify the same, under his hand and the seal of such county, to the governor, who shall forthwith on the receipt of such certificate, issue a writ of election to fill such vacancy.

Sec. 22. *And be it enacted,* That whenever any vacancy or vacancies shall happen in the college of electors of this state, it shall be the duty of the governor to appoint and commission one person, if there shall be one such vacancy, and as many persons as there shall be such vacancies, if there shall be more than one, to fill such vacancy or vacancies; and if any person who shall be elected to the office of such elector shall fail to attend by the hour of three o'clock on the afternoon of the day which shall be appointed by the congress of the United States for the meeting of the college of electors at the place of holding such meeting, the office of such elector shall be deemed and taken to be vacant, and it shall be the duty of the governor forthwith to appoint and commission a person to fill such vacancy.

Sec. 23. *And be it enacted,* That every writ of election which shall be issued under this act shall be of the nature of a proclamation, and be signed by the officer who shall issue the same, and shall specify the cause and purpose of such election, the name of the officer or officers in whose office or offices the vacancy or vacancies shall have happened, 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. 24. *And be it enacted,* That every such writ shall, by the officer issuing the same, be delivered forthwith after the date thereof to the secretary of state, who shall forthwith, after receiving the same, affix thereto the seal of this state, and file the same in his office as an official paper; and in case such vacancy or vacancies shall have happened in the representation of any county in the council or assembly, he shall make, or cause to be made, a copy of such writ, cer-

tify the same to be true and correct, under his hand, and cause such copy, thus certified, to be delivered to the clerk of such county; and in case such vacancy or vacancies shall have happened in the representation of this state in the house of representatives, he shall cause as many copies of such writ to be made as there shall be counties, certify each of the same to be true and correct, under his hand, and cause one of such copies to be delivered to the clerk of each county.

Sec. 25. *And be it enacted*, That the clerk of each county shall forthwith, after the receipt of any such copy, cause the same to be published, at least once a week, until the time of such election, in each of the newspapers which shall be printed or published in such county, or if no newspaper shall be printed and published in such county, then in at least in two newspapers circulating most generally therein; and if such election shall be held to fill a vacancy or vacancies in the representation of such county in the council or assembly, such publication shall be made at the expense of such county; and if such election shall be held to fill a vacancy or vacancies in the house of representatives, such publication shall be made at the expense of this state.

Duties of the clerks of counties on receiving copies of the writ of election.

Sec. 26. *And be it enacted*, That every special election shall be held during two successive days, which shall be Tuesday and Wednesday.

Special elections.

Sec. 27. *And be it enacted*, That if any person who shall be elected to represent any county in the council or assembly shall neglect or refuse, within twenty days next after the first day of the first meeting of the house to which he shall be elected, to take his seat therein, or to send to such house such an excuse as shall be satisfactory to such house, or shall during any session of such house be absent unremittingly for the space of twenty days (unless he shall have been expressly excused by such house from attendance thereon,) or shall remove from, and become a resident out of this state, his office shall be deemed and taken to be vacant.

Offices of persons elected to the council or assembly to be deemed vacant in certain specified cases.

Sec. 28. *And be it enacted*, That at every such election the person or persons to, the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, and for whom the greatest number of votes shall have been given therein for such office or offices, shall be deemed and taken to be elected to such office or offices; and whenever in any such election an equal number of votes shall have been given to two or more persons to fill any office for which they shall by law be qualified, by reason whereof it shall happen that such office shall not be filled, then the same shall be deemed and taken to be vacant.

Plurality of votes to elect to office.

Persons incapable of holding more than one of certain offices at the same time.

Sec. 29. *And be it enacted,* That no person shall hold at the same time more than one of the offices mentioned in the fourteenth, fifteenth and sixteenth sections of this act; and if any person who shall have been elected to any such office shall during the term for which he shall have been elected, be elected to another of such offices, and shall accept the same, such acceptance shall be deemed and taken to make vacant the office to which he shall have been previously elected; and if any person shall at any such election be elected to two or more of such offices, he shall accept but one of the same, and that one or more of the same which he shall not accept shall be deemed and taken to be made vacant by such acceptance.

Organization of board of election.

Sec. 30. *And be it enacted,* That the judges of election of each township shall meet at the time and place when and where any such election shall be appointed to be held therein, and shall, at the hour of ten o'clock in the morning of the first day thereof, organize themselves as a board of election, for the purpose of presiding at, and conducting such election; and the clerk of such township shall meet with such board, and be the clerk thereof.

Clerk of township to be clerk of the board.

Judges and clerk of election incapable of being chosen to office.

Sec. 31. *And be it enacted,* That no such judge or clerk shall be elected to any office to be filled at the election in which he shall serve: and if any such judge or clerk shall be voted for in any such election, the person or persons, to the number to be elected therein, who shall by law be qualified for the office or offices to be filled at such election, for whom the greatest number of votes shall have been given therein, other than such judge or clerk, shall be deemed and taken to be elected, and the votes which shall be given to such judge or clerk shall be deemed and taken to be null and void.

Time and manner of supplying vacancies in cases of disqualification of any of the judges of election.

Sec. 32. *And be it enacted,* That if, at the hour of ten o'clock on the morning of the first day of any such election, any one or more of the judges of election of any township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or being present shall neglect or refuse to serve as one of the board of election, it shall be lawful for the persons then and there present who shall be entitled to vote in such election in such township; by a majority of voices, or on a division, by a majority of polls, forthwith to choose one or more of the persons then and there present, who shall be entitled to vote in such election in such township, and shall be a respectable freeholder, to fill the place or places in such board of the person or persons so absent, disqualified, neglecting or refusing; and, for the purpose of making such choice, it shall be the duty of the person who shall have been elected as judge of election at the annual meeting in such township next preceding such

election, or in case of his absence or disqualification, neglect or refusal to serve in such board, then of the person who shall at such annual meeting have been chosen as assessor; or in case of the absence or disqualification, neglect or refusal, of such judge and assessor to serve in such board, then of the person who shall at such annual meeting have been chosen as collector; or in case of the absence or disqualification, neglect or refusal, of such judge, assessor and collector to serve in such board, then of the person who shall at such annual meeting have been chosen as clerk, forthwith to organize a meeting of the persons then and there present who shall be entitled to vote in such election in such township, for the purpose of choosing one or more of such persons who shall be qualified as above mentioned to fill the place or places of the person or persons so absent, disqualified, neglecting or refusing; and the person who shall organize such meeting shall preside thereat, and announce the choice which shall be made as aforesaid; and if all the persons who shall have been chosen at such annual meeting, as such judge, assessor, collector and clerk shall be absent or disqualified, or shall neglect or refuse as aforesaid, then it shall be lawful for the persons then and there present who shall be entitled to vote in such election in such township, to organize themselves into such meeting, by the appointment of one of their number to preside therein, who shall preside therein and announce the choice which shall be made as aforesaid; and every person so chosen shall be deemed and taken to be, in all respects a judge of election; and a certificate of such choice shall be made in writing, and signed by the person who shall preside at such choice, and two other respectable freeholders present thereat; and transmitted to the clerk of the court of common pleas of the county, within four days thereafter, and be by him filed in his office as a public record.

Sec. 33. *And be it enacted*, That if, at the hour of ten o'clock on the morning of the first day of such election, or at any other time during such election, the clerk of such township shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or, being present, shall neglect or refuse to serve as clerk of the board of election, it shall be the duty of such board to appoint some other person qualified to vote in such election in such township, who shall be then and there present, to be such clerk; and the person so appointed shall be deemed and taken to be, in all respects, the clerk of such board.

Time and mode of supplying vacancies on disqualification of clerk.

Sec. 34. *And be it enacted*, That when such board shall have been organized, and before they shall receive any vote, it shall be the duty of the clerk thereof to administer to each

Oath to be administered by clerk to

Judges of election.

of the judges of election, and of each of such judges to take, an oath or affirmation, in the following form :

Oath of the judges of election.

“ You do swear (or affirm, as the case may be), that you will faithfully and impartially execute 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 a citizen of the United States of the age of twenty-one years or upwards, and has not resided in this county during the whole of the last year, and now actually resides in this township; that you will not knowingly receive, or assent to receive, the vote of any person who has not paid a tax, if any has been assessed against him, within the last two years; that you will not knowingly receive or assent to receive, the vote of any alien who may claim to vote on the ground of being naturalized, unless such person shall produce a copy of the record of his naturalization, nor the vote of any person who may claim to vote on the ground of his parents' naturalization, unless such person shall produce a copy of the record of his parents' naturalization ; that you will not knowingly receive, or assent to receive, the vote of any person who is not in all respects qualified and entitled to vote according to law ; 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 his vote, and will refuse to receive the same, unless you shall be made fully satisfied that he is qualified and entitled to vote therein.”

Judge to administer oath to clerk of election.

Sec. 35. *And be it enacted*, That when the judges of election shall have been sworn or affirmed, as provided in the preceding section of this act, it shall be the duty of the chairman of the board of election, in an open and public manner, to administer to the clerk of such board, and of such clerk to take, an oath or affirmation, in the following form :

Oath of clerk of election.

“ You do swear (or affirm, as the case may be), that you will faithfully and impartially execute the duties required of you by law as clerk of this board ;” and the like oath or affirmation shall be administered to and taken by any person who may be appointed clerk of such board at any time during such election.

Time of keeping open the polls.

Sec. 36. *And be it enacted*, That when such board shall have become organized, and the members and clerk thereof sworn or affirmed, the election shall be opened, and the same shall be kept open during the whole of each day thereof, between the hours of ten o'clock in the morning and seven o'clock in the evening ; *provided*, that said board may adjourn the proceeding in such election from twelve o'clock, noon, until two o'clock in the afternoon, of each day, or for any shorter time between those hours, as they shall see fit.

Proviso.

Sec. 37. *And be it enacted,* That such board shall, on each day of election, as soon as they shall have opened the same, and before they shall proceed to receive any vote, make public proclamation of the opening of the election, and of their readiness to receive the votes of voters.

Proclamation made of the opening of election.

Sec. 38. *And be it enacted,* That the clerk of such board shall provide, and have at such election, a book, to be denominated the poll-book, in which he shall record the names of the persons whose votes shall be received therein, in the order in which they shall be received, and shall, as he records such names, number the same from one onward, until the election shall be finally closed; and such clerk shall write a heading to the list of the names so recorded, in the following, or like form:

Clerk to keep a poll book.

“ Names of voters at an election held in the township of _____ in the county of _____, on the _____ and _____ days of _____, in the year of our Lord one thousand eight hundred and _____, for members of _____ ”

Heading to the list of names in the poll book.

filling up the blanks, in the form above given, to conform to the facts of the case.

Sec. 39. *And be it enacted,* That every person who shall be qualified to vote in such election in such township, shall at any time during the same, after proclamation shall have been made of the opening of the same, except during any period for which the board of election shall have adjourned, be at liberty to claim his right to vote therein, in such township, and such person shall claim such right in person before such board; and on such claim being made, one of such board shall audibly and publicly announce the name of the claimant; and the ballot of such claimant shall remain in his own hands until such board shall have decided to receive the same.

Right of voting to be claimed in person, and ballot to remain in his hands till determined.

Sec. 40. *And be it enacted,* That any person who shall be qualified to vote in such election shall be at liberty to challenge the right to vote therein of any person claiming such right.

Voters may be challenged.

Sec. 41. *And be it enacted,* That the judges of election, respectively, shall, at such election, challenge every person who shall claim to have a right to vote therein, whom they shall know, suspect, or believe not to be qualified or entitled to vote therein.

Judges of election to challenge persons suspected of being not qualified.

Sec. 42. *And be it enacted,* That if any person shall claim to have attained the age of twenty-one years after the twentieth day of August next preceding such election, the chairman of such board may forthwith tender to him an oath or affirmation, in the following, or like form:

Oath to be administered to persons claiming to have come of

age since
20th of Au-
gust previous.

"You do swear (or affirm, as the case may be), that to the best of your knowledge, information, and belief, you attained the age of twenty-one years after the twentieth day of August last,"

and if such person shall refuse to take the oath or affirmation, so tendered to him, he shall be deemed and taken not to be entitled to vote in such election.

Oath may be
tendered to
persons chal-
lenged as not
being quali-
fied under 3d
section.

Sec. 43. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, under the third section of this act, the chairman of such board may forthwith tender to the person so challenged an oath or affirmation, in the following, or like form:

Oath of per-
son chal-
lenged.

"You do swear (or affirm, as the case may be), that you have, prior to the first day of this election, paid a state or county tax, which has been assessed against you in this town-ship, within two years next preceding this election,"

Effect of re-
fusal to take
the oath.

and if the person so challenged shall refuse to take the oath or affirmation, so tendered to him, he shall be deemed and taken not to be qualified or entitled to vote in such election, unless he shall claim to be entitled to vote under the proviso in the third section of this act, or shall prove that he has, prior the first day of such election, paid some state or county tax which shall have been assessed against him in this state within two years next preceding such election; and no evidence thereof shall be received other than a receipt for the same, given by an officer lawfully authorized to give such receipt.

Oath to be ad-
ministered to
a person chal-
lenged as not
qualified to
vote.

Sec. 44. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, the chairman of such board may forthwith tender to the person so challenged, either singly or in addition to either of the oaths or affirmations prescribed in the two preceding sections, an oath or affirmation, in the following form:

Form of oath.

"You do swear (or affirm, as the case may be), that you are a citizen of the United States; that you have resided in this county one year next preceding this election, and not elsewhere; that you are now a resident in this township; that, as far as you know and verily believe, you are twenty-one years of age, and in all respects qualified to vote in this election in this township; and that you have not voted elsewhere in this election,"

Refusal to
disqualify
from voting.

and if the person so challenged shall refuse to take the oath or affirmation, so tendered to him, he shall be deemed and taken not to be qualified or entitled to vote.

Person chal-
lenged as an
alien may be
sworn.

Sec. 45. *And be it enacted*, That if any person shall be challenged, as not qualified or entitled to vote, and the person challenging him shall specify a ground of such challenge to be, that the person so challenged is an alien, the chairman

of such board may forthwith tender to him an oath or affirmation, in the following form:

"You do swear (or affirm, as the case may be), that, to the best of your knowledge, information, and belief, you was born a citizen of the United States, and that you do not owe allegiance to any foreign prince, potentate, state, or sovereignty,"

Form of oath.

and if the person so challenged shall refuse to take the oath or affirmation, so tendered to him, he shall be deemed and taken to be an alien, unless he shall produce, at the time of claiming his vote, to such board a lawful certificate, issued out and under the seal of some court of record having authority to admit aliens to the rights of a citizen of the United States, showing, in case the person producing the same shall claim to be the person named therein, that he has been admitted to the rights of a citizen of the United States; or, in case the person producing the same shall claim to have derived the rights of such citizen through the naturalization of his parent, then that the person alleged to be such parent has been admitted to the rights of such citizen; and in the former case the chairman of such board shall tender to the person so challenged an oath or affirmation, in the following form:

Effect of refusal to take the oath.

"You do swear (or affirm, as the case may be), that you are the person named in the certificate of naturalization which you have produced to this board,"

Oath of persons claiming to vote on certificate of naturalization.

and in the latter case an oath or affirmation, in the following form:

"You do swear (or affirm, as the case may be), to the best of your knowledge, information, and belief, that the person named in the certificate of naturalization which you have produced to this board was your parent, and that you were at the time of the naturalization of your parent under the age of twenty-one years, and resident in the United States,"

Oath of claimant to vote on parent's certificate.

and if the person so challenged shall in either case refuse to take the oath or affirmation, so tendered to him, he shall be deemed and taken to be an alien.

Sec. 46. *And be it enacted*, That if any person shall be challenged, as being under adjudicated guardianship, the person so challenged shall not be compelled to answer any question in relation to the alleged guardianship, nor shall any evidence thereof be received, other than a copy of the order appointing a guardian for such person, duly authenticated.

Evidence on a challenge of being under legal guardianship.

Sec. 47. *And be it enacted*, That the judges of election shall in no case receive the vote of any person, unless they shall be satisfied that such person is in all respects qualified and entitled to vote; and, for the purpose of satisfying themselves as to the right of any person who shall claim a right to vote, they shall have power to examine such person, and any other person or persons under oath or affirmation,

Judges of election may examine on oath to satisfy themselves of claimant's right to vote.

Penalty for receiving votes without the oath when challenged and disqualified.

touching such right, except as herein before restricted; and if either of such judges shall receive, or assent to receive, the vote of any person challenged without requiring such person to take the oath or affirmation herein before prescribed, and such person shall not be qualified and entitled to vote, such judge so receiving, or assenting to receive such vote, shall be deemed and taken to have received the same knowing it to be illegal.

At the opening of election ballot-box to be exhibited.

Sec. 48. *And be it enacted*, That on the first day of such election, after proclamation shall have been made of the opening thereof, and immediately before proceeding to receive the votes, such board shall, in an open and public manner, exhibit the ballot box, so that the by-standers may see that there is nothing contained therein, and thereupon shut and lock the same, leaving open the aperture in the lid thereof.

Account of votes to be taken on closing the poll the first day.

Sec. 49. *And be it enacted*, That immediately after the hour of seven o'clock in the afternoon of the first day of election, the said board shall count the names of voters in the poll book, and write down the number thereof in words at length in said poll-book, and each of the judges and the clerk shall sign his name thereto; and the poll-book shall then be placed in the ballot-box, and the same shall be shut and locked, and the bar or bolt in the lid thereof placed and secured so as to cover the aperture therein and to prevent the insertion in the ballot-box of any ballot or other thing, and then delivered to one of the judges of election, to be appointed by such board for the purpose, who shall take and keep the same in his possession and under his care until the opening of the election on the following day, without suffering any person, under any pretence, to have the same, and shall deliver the same in the same state as when received by him, to such board, at the opening of the election on the following day.

Proceedings after closing the polls on the first day.

Mode of conducting election on second day.

Sec. 50. *And be it enacted*, That on the second day, as soon as proclamation shall have been made of the opening of the election, such board shall unlock and open the ballot-box, and after taking therefrom the poll-book, shall shut and lock the same, leaving open the aperture in the lid thereof; and, as soon as the hour of seven o'clock in the evening shall arrive, the board shall proceed, in an open and public manner, to estimate and canvass the votes received, and shall complete the same without any unnecessary delay, and, on completing the same, shall audibly and publicly announce the result thereof, particularly specifying the whole number of the names of the voters in the poll-book, the name of each person for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the number of votes given for each person for the office or offices designated for him by such votes.

The votes to be canvassed and result proclaimed.

Sec. 51. *And be it enacted*, That before proceeding to the estimate and canvass of the votes which shall have been received, the clerk of such board shall state in the poll-book, immediately after the last name thereof, in words written at full length, the whole number of the names of the voters, on both days of election, in the poll-book, in the following, or like form :

Form of entry
of the whole
number of
the names of
voters.

“ The whole number of the names of the persons whose votes have been received during this election is _____ ”
filling up the blank in the form above given to conform to the fact ; and the judges of election, together with such clerk, shall sign their names thereto, with their own hands.

Sec. 52. *And be it enacted*, That such board shall proceed in canvassing and estimating the votes which shall have been received, in the following manner : they shall first ascertain the number of the names of the voters in the poll-book, and state the same in writing, for the purpose of a memorandum for their own use, and thereupon unlock and open the ballot-box ; the ballots contained therein shall then be taken singly and separately therefrom by one of the judges of election, to be appointed by the board for that purpose ; and such judge shall, while each ballot shall remain in his hands, audibly and publicly read the same, and then, before taking another ballot from the box, shall deliver the same to another of such judges, to be appointed by such board for the purpose, to be examined and numbered, and such judge shall take and examine the same, and thereupon, if he shall be satisfied that the same has been correctly read, write on the back thereof the number of such ballot, in the order in which the same shall have been taken from the box, and then deliver the same to the other and remaining one of such judges, to be examined and strung ; and such judge shall take and examine the same, and if he shall be satisfied that the same has been correctly read, shall string the same in the order in which the same shall be taken from the box and numbered, by means of a needle and twine, to be provided for that purpose ; and the ballots shall be numbered from one onward ; the clerk of such board, under the inspection and direction of such board, shall make a list of the names of all persons for whom one or more votes shall have been given, designating the office or offices for which such person shall be voted for, and as each ballot shall be read he shall write the figure 1 opposite the name of each person whose name shall be contained therein, as designated for any office ;—when all the votes which shall have been received shall have been read, examined, numbered and strung, as above directed, such board shall carefully and truly cast up the votes given for each person for any office to be filled at such election.

Mode of canvassing and estimating the votes received.

In what cases ballots shall not be counted.

Sec. 53. *And be it enacted,* That if, in canvassing and estimating the votes, the number of ballots shall be found to exceed the number of the names of the voters in the poll-book, then the ballots which shall remain in the box, after canvassing and estimating as many ballots as there are of such names, shall be deemed and taken to be null and of no effect; if two or more ballots shall be found rolled or folded together, or any ballot shall be wholly blank, and contain more names for any office than there are persons to be elected to fill such office, or have the name of any person thereon for whom no office is designated, or shall appear to the board to be fraudulent, then and in every such case the ballot shall be deemed and taken to be null and of no effect; and in every case in which a ballot shall be declared null and of no effect, the same shall not, in any respect, be canvassed, estimated or numbered, but one of the judges shall write thereon the word "rejected," and the same shall then be strung in the same manner in which the other ballots are directed to be strung, but on a different twine.

Rejected ballots to be preserved.

Board to make statement of election to be certified by all the judges of election.

Sec. 54. *And be it enacted,* That as soon as the votes shall be canvassed and estimated, the result thereof announced, and the whole number of the names of the voters during such election stated in the poll-book, as herein before directed, such board shall proceed to make a statement of the result of such election, which shall contain, in words written at full length, the whole number of the names of the voters in the poll-book, the name of each person for whom any vote or votes were given for any office or offices to be filled at such election, and the number of votes given for each person for the office or offices designated for him in such vote or votes, and the number of ballots (if any) declared null and of no effect; which statement such board shall certify to be true, full and correct, by a certificate appended to the same, which shall be signed by each of the judges of election, with his own hand, in the presence of the clerk of such board, and attested by the clerk of such board, by signing his name thereto, with his own hand.

Proceedings on an adjournment of the board during the election.

Sec. 55. *And be it enacted,* That whenever, on either day of such election, before the close of the election on such day, an adjournment shall be ordered by the board of election, they shall state in the poll-book, immediately after the last name therein, in words written at full length, the whole number of the names of the voters in the poll-book, to which the judges and clerk shall sign their names, and shall unlock and open the ballot-box, place and secure the bar and bolt in the lid thereof in such a manner as to prevent the insertion in the ballot-box of any ballot or other thing, place therein the poll-book, and shut and lock the same; and when the period of adjournment shall

have expired, such board shall unlock and open the ballot box, take therefrom the poll-book, remove such bar or bolt, so as to open the aperture in the lid thereof, and shut and lock the same; and during every such adjournment the ballot-box shall remain in the possession and under the care of one or more of the judges of election, or the clerk of such board, to be appointed by such board for that purpose, who shall keep the same during such adjournment in public view.

Sec. 56. *And be it enacted* That it shall be the duty of the board of election, at every such election, immediately after the close of the same on the second day, without any adjournment or unnecessary delay, and in an open and public manner, to canvass and estimate the votes received, and to do all other acts and things directed to be done by them at the close of the election; *provided*, that such board may suspend their proceedings therein from time to time, not longer than thirty minutes at any one time, as occasion shall require; and in case the board shall suspend their proceedings, as above mentioned, the ballot-box shall be shut and locked during the period of such suspension, the bar or bolt in the lid thereof being so placed and secured as to cover the aperture therein, in the manner before directed, and shall remain in public view in the presence and under the care of two, at least, of the judges of election, or of one of such judges and the clerk of such board, to be appointed for that purpose by such board.

Votes to be counted immediately on the close of the election.

Counting may be suspended for 30 minutes.

Sec. 57. *And be it enacted*, That each of the judges of election shall, at the opening of such election, on the first day thereof, take one of the keys of the locks of the ballot-box, and shall keep the same until a statement of the result thereof shall be made and certified, as herein before directed on the second day thereof, and shall not during that time suffer either of the other judges, or any other person, on any pretence to take or have the same; and in all cases in which such board are directed to lock the ballot-box, each of the locks thereof shall be locked by the judge who shall have the key belonging thereto, as above directed.

Each of the judges to keep a key to the ballot box.

Sec. 58. *And be it enacted*, That such board shall make, or cause to be made, a copy of the statement of the result of such election, and the certificate thereto, which shall be made under the fifty-fourth section of this act, and each of the judges shall sign his name thereto, with his own hand; and the clerk of such board shall attest the signing of the same by such judges, by signing his own name thereto, with his own hand.

Copy of statement and certificate of election to be made.

Sec. 59. *And be it enacted*, That, as soon as the said statement, and the copy thereof, shall be made, certified, and subscribed, as is herein before directed, such board shall deliver to the clerk thereof, such copy, the poll-book of the election, and

Poll-books, ballots and copy of statement to be

kept by clerk and may be inspected.

the ballots which shall have been received therein, as well as those which shall have been deemed and taken to be null, and of no effect as those which shall have been estimated and canvassed; and if such clerk shall be the clerk of the township in which the election shall have been held, he shall, as the clerk of such township, preserve such copy, the poll-book, and the ballots so delivered to him, among the papers of such township in his possession, and deliver over the same to his successor, to be by him preserved in the same manner; and if the clerk of such board shall not be the clerk of such township, he shall, within two days next after the second day of such election, deliver the same to the clerk of such township, to be by him preserved and delivered over to his successor, as above directed; and every such copy and poll-book in the possession of the clerk of any township shall be open and subject to the inspection of every person who shall apply to such clerk for that purpose. -

Additional copy of statement and certificate to be sent to secretary of state when electoral or congressional election occurs.

Sec. 60. *And be it enacted*, That whenever an election shall be held for the choice of a member or members of the house of representatives, or electors of president and vice president, such board shall make, or cause to be made, an additional copy of the statement of the result of such election, and of the certificate thereto, which copy they shall certify and subscribe as is herein before directed, and shall enclose, seal up, and transmit by the same mail, to the secretary of this state, within five days next after such election, directing the same in the following manner:

"To the Secretary of State of New Jersey,
Trenton, New Jersey,"

and the secretary of state, on receiving such copy, shall forthwith file the same in his office as an official paper.

Form of statement and certificate of township board of election.

Sec. 61. *And be it enacted*, That in all elections which shall be held under the fourteenth section of this act, the board of election shall make a statement of the result thereof, and a certificate to the same, in the following, or like form:

"A statement of the result of an election held in the township of _____ in the county of _____, on the _____ days of October, in the year of our Lord one thousand eight hundred and _____, for a member of the legislative council, members of the general assembly, a sheriff, and three coroners, for said county;—the whole number of the names on the poll-list is _____

The whole number of ballots rejected is _____

For member of the legislative council,

received _____

votes;

received _____

votes;

For members of the general assembly,	received	votes ;
	received	votes ;
For sheriff,	received	votes ;
	received	votes ;
For coroners,	received	votes ;
	received	votes.

" We do certify, that the foregoing is a true, full and correct statement of the result of the election above mentioned, and that the same exhibits the whole number of the names on the poll-book, and of the ballots rejected, the name of each person for whom any vote or votes were given for any office designated for him in such vote or votes, and the number of votes given for each person for the office or offices so designated for him.

In witness whereof, we have hereunto set our hands respectively, this day of October, in the year of our Lord one thousand eight hundred and

} Judges
of
Election.

ATTEST,

Clerk."

Making under each head a list of the names of all the persons for whom any vote or votes were given for the office or offices designated therein, and stating opposite to the same, in words written at full length, as before directed, the number of votes given for each person for such office or offices, and filling up all other blanks in the form above given to conform to the facts of the case; and in every other election which shall be held under this act, the board of election shall make a statement of the result thereof, and a certificate to the same, in a form similar to that above given, as far as the nature of such election will admit.

Sec. 62. *And be it enacted,* That the board of election in each township, in any such election, shall appoint one of the judges of election in such township to attend the meeting of the board of county canvassers for such election in the county in which such township shall be situated, as a member thereof, and shall deliver to the judge who shall have been so appointed, the original statement of the result of such election in such township, which shall have been made, certified, and subscribed as herein before directed; and it shall be the duty of the judges of election, who shall have been so appointed, to attend the meeting of the board of county canvassers

Original
statement to
be taken by a
judge of the
board of
county can-
vassers

for such election in the county in which they shall have been appointed as members thereof.

Board of county canvassers, how constituted.

Sec. 63. *And be it enacted,* That the judges of election to whom the original statements of the result of such election in the townships to which they respectively belong shall have been delivered, as directed in the preceding section of this act, shall constitute the board of county canvassers for such election in the county in which such township shall be situated; and the clerk of such county shall be the clerk of such board.

Majority to form a board, and clerk of the county, if present to be clerk.

Sec. 64. *And be it enacted,* That the major part of the judges who shall have been appointed to attend the meeting of such board, as members thereof, shall be sufficient to constitute such board; and if the clerk of the county shall be absent from such meeting, at the time appointed therefor; such board shall appoint some other fit person to be the clerk of such board, and the person who shall be so appointed shall be deemed and taken, in all respects, to be the clerk of such board.

Time and place of meeting of county canvassers.

Sec. 65. *And be it enacted,* That such board shall meet on the Friday next after such election, at twelve o'clock, noon, of that day, at the court house of such county, and at that hour, without any delay, the members of such board who shall be then present shall proceed to choose one of their number, who shall be the chairman thereof; and as soon as such chairman shall be appointed, it shall be the duty of such chairman to administer to each of the other members and of each of the other members to take an oath or affirmation, in the following form:

Oath of county canvassers.

"You do swear (or affirm, as the case may be), that you will faithfully and impartially execute the duties of a member of this board of canvassers according to law;" and thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to such chairman and such chairman shall take an oath or affirmation, in the same form as that taken by the other members of such board.

Oath of the clerk of the board of county canvassers.

Sec. 66. *And be it enacted,* That if the clerk of such county shall be absent at such meeting, at the time appointed therefor, the board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board; and before proceeding to canvass and estimate the votes in such county, the chairman of the board shall administer to the clerk thereof, and the clerk thereof shall take an oath or affirmation, in the following form:

"You do swear (or affirm, as the case may be), that you

will faithfully execute the duties of clerk of this board according to law."

Sec. 67. *And be it enacted,* That as soon as the clerk of such board shall have been sworn or affirmed, as directed in the preceding section of this act, the judges of election who shall be present and constitute such board, shall produce the original statements which shall have been delivered to them, respectively, as herein before directed, and lay the same before such board; and such board shall then forthwith proceed to make two statements of the result of such election in such county, each of which statements shall contain the whole number of the names of the voters in the poll-books of the townships, respectively, and of the ballots rejected, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled by such election, and the whole number of votes which shall have been given for each person for any such office or offices, mentioning the office or offices for which each person shall have been designated; and shall particularly contain the name of each township, the number of the names of the voters on the poll-books of the townships, respectively, and of the ballots rejected, the number of votes given in each township for each person for whom any vote or votes shall have been given for any such office, mentioning the office or offices for which each person shall have been designated; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes which shall have been given for each person, and the name of each township, shall be in words written at full length; and the number of the names on the poll-book of each township, the number of votes which shall have been given for each person in each township for each office, and the whole number of votes on the poll-books of the several townships, and of the ballots rejected, may be in figures; and each of such statements shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto, with his own hand, in the presence of the clerk of such board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand.

Proceedings and duties of the board of county canvassers.

Two statements of the result of the county election to be made and certified.

Sec. 68. *And be it enacted,* That such board shall deliver one of the statements which shall have been made, certified and subscribed, as directed in the preceding section of this act, to the clerk of the county, who shall forthwith file the same in his office as an official paper; and the chairman of such board shall enclose and seal up the other thereof, and deliver or safely transmit the same, so enclosed and sealed up, to the secretary of this state, so that such secretary shall receive the same at Trenton within seven days next after the

One to be delivered to clerk of the county, the other sent to the secretary of state.

meeting of such board; and the secretary of state, on receiving such statement, shall forthwith file the same in his office as an official paper.

Judge to send his township statement if he cannot attend the board of canvassers.

Sec. 69. *And be it enacted,* That if any one of the judges who shall have been appointed to attend the meeting of such board for any county, as a member thereof, shall be unable to attend such meeting on the day appointed therefor, he shall at or before the hour of twelve o'clock, noon of that day, deliver or safely transmit to the clerk of such county the original statement of the result of the election, which shall have been delivered to him as herein before directed.

Board of canvassers may adjourn.

Sec. 70. *And be it enacted,* That if, on the day appointed for the meeting of such board, a major part of such board shall not attend at the court house of such county at the hour of twelve o'clock, noon, of that day, or if at that time the statements of the result of such election from every township in such county shall not be produced, the canvassers then present shall adjourn to some convenient hour on the next day; and at the hour to which such adjournment shall have been ordered, the canvassers then present, whether or not they shall be a major part of the whole, shall organize themselves as a board, and proceed as herein before directed.

Clerk to produce the township statements received, to the board.

Sec. 71. *And be it enacted,* That the clerk of such county shall produce and lay before such board all such statements as shall have been delivered to him at or before the hour of twelve o'clock, noon, of the Friday next after such election, as herein before directed; and if on that day such board shall not have been organized, because the statements from every township have not been produced, then such clerk shall forthwith, by a special messenger, or otherwise, at the expense of such county, obtain such statement or statements as shall be deficient, in time to be produced to such board at their next meeting, and for this purpose either the original statement or the copy thereof, directed to be delivered to the clerk of the township in which such original statement shall have been made, shall be sufficient; and the clerk of such board shall produce and lay before such board, at their meeting on the next day, all such statements and certified copies as he shall have obtained, as above directed.

Expresses to be sent to townships for statements when not received.

Proceedings of the board to be public.

Sec. 72. *And be it enacted,* That all the proceedings of such board shall be open and public, and the decision of a major part of the members thereof, who shall be present at the meeting thereof, shall be deemed and taken to be the decision of such board; and if any member of such board shall dissent from a decision of the board, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the clerk of such county, who shall file the same in his office.

Members may file their dissent to proceedings.

Sec. 73. *And be it enacted*, That all the statements and copies of statements, which shall be produced and laid before such board, shall by such board be delivered to the clerk of such county, and shall be by him filed in his office as official papers. Papers of the board to be filed by clerk of the county.

Sec. 74. *And be it enacted*, That the statement and certificate which shall be made, as is herein before directed, shall in case of an election for a member of the legislative council, members of the general assembly, a sheriff and coroners, or any of them, be in the following, or like form:

“ A statement of the result of an election held in the county of _____ on the _____ days of October, in the year of our Lord one thousand eight hundred and _____, to elect a member of the legislative council, members of the general assembly, a sheriff and coroners of said county, made by the board of county canvassers for the said county. Form of statement and certificate of county board of canvassers.

Names of persons voted for, and the offices designated for each.	Names of townships, and the number of votes given for each person in each township.						Whole no of votes in the county.	Whole no. of votes rec'd by each person.
For member of council.								
For members of assembly.								
For sheriff.								
For coroners.								
Number of names on the poll-book of each township.								
Number of ballots rejected.								

“ I do hereby certify, that the foregoing is a true, full, and

correct statement of the result of the election above mentioned, as the same is exhibited by the statements produced and laid before the board of county canvassers according to law, and that the same exhibits the number of the names of the voters in the poll-books of the townships respectively, and of the ballots rejected; the whole number of the names of the voters in the poll-books of the several townships, the name of each person for whom any vote or votes were given, the number of votes given for each person in each township, and the whole number of votes given for each person for each office designated for him, as they appear by the statements so produced and laid before the said board.

In witness whereof, I have hereunto set my hand this
 day of _____ in the year of our Lord one
 thousand eight hundred and _____

} *Chairman*
 } *of the Board of*
 } *Canvassers.*

ATTEST,

Clerk."

And the blanks in the form above given shall be filled up to conform to the facts of the case; and the statement and certificate which shall be made in the case of an election of member or members of the house of representatives of the United States, or of electors of president and vice president of the United States, shall be in a form similar to that above given, as far as the nature of the election will admit.

Sec. 75. *And be it enacted*, That the board of county canvassers, in case the election shall have been held for a member of the legislative council, and members of the general assembly, a sheriff and coroners, or for any such officer, shall proceed to determine the person or persons who shall by the greatest number of votes have been duly elected to the office or offices for which he or they shall have been designated, as is herein before directed; and thereupon such board shall make a statement of their determination, which shall be certified to be true and correct, by a certificate which shall be appended to the same, and signed by the chairman of such board, with his own hand, in the presence of the clerk of such board; and the clerk of such board shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement of such determination and the certificate thereto, so made and subscribed, shall be annexed to the statement which shall have been made, certified and subscribed, as herein before directed, and shall be delivered therewith to the clerk of the county, and shall by him be filed in his office as an official paper.

Statement of
 determination of board
 of county
 canvassers of
 the result of
 election and
 a certificate
 thereof to be
 made.

And filed in
 the clerk's
 office.

Sec. 76. *And be it enacted*, That the statement of the determination of such board, in case of a stated election for a

member of the legislative council, members of the general assembly, a sheriff and coroners, shall be in the following, or like form :

Form of the statement and certificate.

“ A statement of the determination of the board of county canvassers relative to an election held in the county of _____ on the _____ days of October, in the year of our Lord one thousand eight hundred and _____, for the election of a member of the legislative council, members of the general assembly of this state, and a sheriff and coroners for said county for the ensuing year.

The said board do determine that at the said election _____ was duly elected a member of the legislative council of this state; _____ duly elected members of the general assembly; _____ was duly elected sheriff; and _____ were duly elected coroners, for said county.

I do certify that the foregoing is a true, full and correct statement of the determination of the board of canvassers, therein mentioned.

In witness whereof, I have hereunto set my hand this _____ day of October, in the year of our Lord one thousand eight hundred and _____

} *Chairman*
} *of the Board of*
} *Canvassers.*

ATTEST,

Clerk.”

And in the case of a special election to fill a vacancy or vacancies in the legislative council or general assembly, or in the office of sheriff, the statement of the determination of such board, and the certificate thereof, shall be in a form similar to that above given, as far as the nature of the case will admit.

Sec. 77. *And be it enacted,* That the board of county canvassers, in the case of an election for a member of the legislative council, members of the general assembly, a sheriff and coroners, or any of them, for any county, shall make the statement of the result thereof, and their determination as to the person or persons who shall be elected therein; and in all other cases shall make the statement of the result of the election in such county upon, and only upon, the statements which shall be produced and laid before the board, as directed in this act, by the members thereof, respectively, to whom such statements shall have been delivered, and the statements and copies of statements which shall be produced and laid before them by the clerk of such county, as is herein before directed.

Grounds upon which statements are to be founded.

Sec. 78. *And be it enacted,* That the clerk of such county shall make as many copies of the statement of the deter-

Certified copies of statement and certificate of the board to be delivered to persons elected.

mination of such board, and the certificate appended thereto, in the case of an election for a member of the legislative council, members of the general assembly, a sheriff and coroners, or any of them, as there shall be persons declared to be elected, and shall certify such copies to be true, full and correct, by a certificate appended to each of them, and shall sign his name thereto, with his own hand, and affix thereto the seal of the county, and shall without delay deliver one of the same to each person who shall be so elected.

Copy of such statement and certificate of the board to be sent to secretary of state.

Sec. 79. *And be it enacted*, That the clerk of such county shall make out a copy of such statement of the determination of such board, and the certificate appended thereto, and certify the same in the manner directed in the preceding section of this act, enclose and seal up the same, and transmit the same, so enclosed and sealed up, to the secretary of this state at Trenton, within five days next after the meeting of such board; and the said secretary shall file the same in his office as an official paper.

Certificate of election of sheriff.

Sec. 80. *And be it enacted*, That when any person who shall at any such election have been elected to the office of sheriff or coroner, shall produce before the governor such a certified copy as is above mentioned, to which there shall be added the certificate of six freeholders of the county in which such election shall have been held, certifying that such person has been so elected, the governor shall forthwith commission such person as such sheriff or coroner; and the certificate of such freeholders shall be in the following, or like form:

“ We, _____ six freeholders of the county of _____ do hereby certify, that _____ is duly elected of the said county for the ensuing year.

Proviso.

In witness whereof, we have hereunto set our hands, respectively, this _____ day of _____, in the year of our Lord one thousand eight hundred and _____; *provided always*, that nothing in this section contained shall be construed to render unnecessary the certificate of the judges of the court of common pleas required by the fifth section of “An act concerning sheriffs,” passed the eighteenth day of March, seventeen hundred and ninety-six.

In case of a congressional or electoral election, the secretary of state to send expresses to procure any county or township statements not received.

Sec. 81. *And be it enacted*, That in case of any election for one or more members of the house of representatives, or for members of the house of representatives and electors of president and vice president, if it shall so happen that the secretary of state shall not, on or before the seventh day after the time appointed for the meeting of the board of canvassers in the several counties, have received the statements of the result of such election in every county, which are herein before directed to be delivered or transmitted to him by the chairman of such board, such secretary shall forthwith, by a

special messenger or otherwise, obtain such statement or statements as are deficient, and for this purpose the original statement, directed to be filed by the clerk of the county in which such statement shall have been made, shall be sufficient; and whenever and so soon as such secretary shall receive or obtain any statement of the result of such election in any county, in the manner herein before provided for, he shall ascertain whether or not such statement includes the statement of the result of such election in every township of such county; and if it shall appear to him that the statement of the result of such election in any such township is not exhibited by, or included in, the statement of the result of such election in such county, he shall forthwith ascertain whether or not a copy of the statement of the result of such election in such township has been received in his office, as provided for by this act, and if it shall appear to him that such copy has not been so received, he shall forthwith, by a special messenger or otherwise, obtain such copy, and for this purpose the original statement directed to be filed by the clerk of such county, or the copy thereof, directed to be filed by the clerk of such township, shall be sufficient; and such secretary shall, on the twentieth day next after the second day of such election, produce and lay before the board of state canvassers all such statements and copies as shall relate to such election which shall have been received or obtained by him, as herein before provided for.

Papers received by him to be laid before the board of state canvassers.

Sec. 82. *And be it enacted,* That it shall be the duty of the governor to attend at Trenton, on the twentieth day next after the second day of such election, and to summon to attend him, on that day, four or more of the members of the legislative council, for the purpose of canvassing and estimating the votes given for each person for whom any vote or votes shall have been given for any office or offices to be filled at such election, and of determining and declaring the person or persons who shall, by the greatest number of votes, have been duly elected to such office or offices; and it shall be the duty of such members of the legislative council as shall be summoned, to attend at Trenton on that day, for that purpose.

Board of state canvassers constituted.

Sec. 83. *And be it enacted,* That for the purpose of canvassing and estimating the votes, as above mentioned, and of determining and declaring the person or persons who shall have been elected at such election, the governor and the members of the legislative council, who shall have been summoned as aforesaid, shall meet in the chamber of the legislative council, or some other convenient place at Trenton, at the hour of two o'clock in the afternoon of the day appointed for that purpose, and shall constitute a board of state

Time and place of meeting of state canvassers.

canvassers, and the governor shall be the chairman thereof, and the secretary of this state shall be the clerk thereof.

Oath of members.

Sec. 84. *And be it enacted*, That the chairman of such board, as soon as the same shall have met, shall administer to each member thereof, and each member thereof shall take an oath or affirmation, in the following form :

“ You do swear (or affirm, as the case may be), that you will faithfully and impartially execute the duties of a member of this board, according to law.”

And thereupon one of the members of such board, to be appointed by such board for that purpose, shall administer to the chairman thereof an oath or affirmation, in the same form as that which shall have been taken by the other members of such board.

If secretary of state be absent, clerk to be appointed.

Sec. 85. *And be it enacted*, That if the secretary of state shall be absent at such meeting, at the time appointed therefor, such board shall forthwith, after the oaths or affirmations shall have been administered and taken, as directed in the preceding section of this act, proceed to appoint a fit person to be the clerk of such board ; and before proceeding to canvass and estimate the votes, the chairman of such board shall administer to the clerk thereof, and such clerk shall take an oath or affirmation, in the following form :

“ You do swear (or affirm, as the case may be), that you will faithfully execute the duties of clerk of this board.”

Oath of the clerk.

Vacancies from non-attendance of members of the board, supplied by governor.

Sec. 86. *And be it enacted*, That such board shall consist of at least five persons, including the chairman thereof, and if a number of the members of the legislative council, who shall have been summoned as members of such board, sufficient to constitute such board, shall not attend the meeting thereof, it shall be the duty of the governor to summon, as members of such board, as many fit persons who shall possess the qualifications required for members of the legislative council, as shall be necessary to complete the number required to constitute such board.

Proceedings and duties of the board of state canvassers.

Sec. 87. *And be it enacted*, That, as soon as such board shall have been organized, and the members and clerk thereof sworn or affirmed, the secretary of state shall produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained, and such board shall then forthwith proceed to make a statement of the result of such election in the state, which statement shall contain the whole number of the names of the voters in all the poll-books in the state, the names of all the persons for whom any vote or votes shall have been given for any office or offices to be filled at such election, and the whole number of the votes which shall have been given to

each person for any such office or offices, mentioning the office or offices for which each person shall have been designated; and shall contain the name of each county, the number of names in the poll-books in the counties, respectively, the number of votes given for each person in each county for any such office or offices; and in such statement the name of each person for whom any vote or votes shall have been given, the whole number of votes given for each person, and the name of each county, shall be in words written at full length; and the whole number of the names of the voters in all the poll-books in the state, the number of the names in the poll-books in the counties, respectively, and the number of votes given for each person in each county, may be in figures; and such statement shall be certified to be true and correct by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto, with his own hand, in the presence of the clerk of the board, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement and certificate appended thereto, which shall be made as above directed, shall be made in a form similar to that given in the seventy-fourth section of this act, as far as the nature of such election will admit; and when the statement and certificate above mentioned shall have been made and subscribed, such board shall proceed to determine the person or persons who shall, by the greatest number of votes, have been duly elected to the office or offices for which he or they shall have been designated; and thereupon such board shall make a statement of their determination, and such statement shall be certified to be true and correct, by a certificate which shall be appended to the same; and the chairman of such board shall sign his name thereto, with his own hand, in the presence of the clerk thereof, and such clerk shall attest the signing of the same by such chairman, by signing his name thereto, with his own hand; and the statement of such determination, and the certificate appended thereto, so made and subscribed, shall be made in a form similar to that given in the seventy-sixth section of this act, as far as the nature of such election will admit, and shall be annexed to the statement of the result of such election and the certificate appended thereto, so made and subscribed as above mentioned; and both of such statements and certificates shall forthwith, after the completion of the same, be delivered to the secretary of state, who shall, as soon as the same shall be delivered to him, file the same in his office as official papers.

Statement and certificate of result of election to be made.

Determination by the board of the persons elected, and certificate thereof to be made.

Both statements and certificates to be filed by secretary of state.

Sec. 88. *And be it enacted*, That if the secretary of state shall neglect to produce and lay before such board all such statements and copies as shall have been received or obtained

Secretary may be summoned to appear and produce papers withheld.

by him, or shall withhold any such statement or copy, the chairman of such board shall forthwith summon such secretary to appear before such board to produce and lay before the board such statement or copy, as he shall have neglected to produce and lay before such board or shall have withheld; and thereupon such secretary shall forthwith produce and lay the same before such board.

Grounds upon which the statements and the determination of the board are to be made.

Sec. 89. *And be it enacted*, That such board shall make the statement of the result of such election in the state, and their determination as to the person or persons who shall have been elected therein, upon, and only upon, the statements of the result of such election, or the copies of such statements, which shall have been made by the board of county canvassers in the several counties; and produced and laid before such board; *provided*, that if it shall appear, by any such statement from any county, that the statement of the result of such election in any township of such county is not exhibited by or included in such statement, such board shall give full force and effect to the statement of the result of such election in such township, or the copy of such statement which shall be produced and laid before such board by the secretary of state, as is herein before directed.

Proviso.

Proceedings of the board to be public.

Sec. 90. *And be it enacted*, That the proceedings of such board shall be open and public, and the decision of a majority of the members thereof shall be deemed and taken to be the decision thereof; and if any member of such board shall dissent from such decision, and shall desire to protect himself against any consequences which may result from such decision, he shall state his dissent in writing, and deliver the same to the secretary of state, who shall file the same in his office.

Member may have his dissent filed.

Papers of the board to be filed by secretary of state.

Sec. 91. *And be it enacted*, That all the statements and copies of statements, which shall have been produced and laid before such board, shall be delivered to the secretary of state, and be by him filed in his office as official papers.

Copies of the statement and determination of the board to be given to persons elected.

Sec. 92. *And be it enacted*, That the secretary of state shall make as many copies of the statement of the determination of such board, and the certificate thereto, as there shall be persons thereby declared to be elected, and shall certify such copies to be true, full and correct, by a certificate appended to each of them, and shall sign his name thereto, with his own hand, and affix thereto the seal of the state, and shall, without delay, deliver one of the same to each of the persons who shall be so elected.

Sec. 93. *And be it enacted*, That in case of an election for one or more members of the house of representatives, the

secretary of state shall prepare a general certificate of the election of such member or members, and lay the same before the governor, who shall sign his name thereto, with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto, with his own hand; and shall thereupon affix the seal of the state thereto, and transmit the same forthwith to the clerk of the said house of representatives, if they shall then be in session, and if not in session, then at their first meeting; and in case of an election for electors of president and vice president of the United States, such secretary shall prepare a general certificate of the election of such electors, and lay the same before the governor, who shall sign his name thereto, with his own hand, in the presence of such secretary; and such secretary shall attest the signing of the same by the governor, by signing his name thereto, with his own hand, and shall thereupon affix the seal of the state thereto, and deliver the same to the president of the college of electors of this state, on the day, and at the time and place appointed for the meeting of such college.

Certificates of election of members to be transmitted to clerk of house of representatives of the U. S.

Certificate of election of electors to be sent to the president of college of electors.

Sec 94. *And be it enacted,* That the legislative council and general assembly shall convene and hold their sessions in the state house, at Trenton, and shall commence their session on the fourth Tuesday of October next after they shall have been elected; and in the organization of each house the certified copies of the statements of determination made under the direction of the seventy-eighth section of this act shall be deemed and taken to be prima facie evidence of the right of the persons therein mentioned to seats in the houses, respectively, to which they will have been so determined to be elected.

What to be prima facie evidence of right to seats in council and assembly.

Sec. 95. *And be it enacted,* That the electors of president and vice president shall convene in the state house, at Trenton, on the first Wednesday of December next after the election at which they shall have been elected, and constitute an electoral college, at the hour of three o'clock in the afternoon of that day, and, after choosing a president and secretary from their own body, shall proceed to perform the duties required of them by the constitution and laws of the United States.

Time and place of the meeting of electors.

Sec. 96. *And be it enacted,* That the clerk or judge of election of any township, the clerk or chairman of the board of canvassers of any county, or any other person who shall be in possession of any statement, or copy of any statement which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the secretary of state, deliver to such messenger such statement or copy; and the clerk or judge of election of any township, or any other person who shall be in possession of any state-

Statements or copies sent for by county clerk or secretary of state to be forthwith delivered to messenger.

ment or copy of any statement, which shall have been made and subscribed under the provisions of this act, shall forthwith, on application by any messenger who shall have been despatched for the same by the clerk of such county, deliver to such messenger such statement or copy; and such messenger, in either case, shall be commissioned as such in writing, under the hand and official seal of the officers by whom he shall have been despatched, and shall exhibit his commission to the person to whom he shall apply for such statement or copy, and when he shall have obtained such statement or copy, shall forthwith deliver the same to the officer who shall have despatched him.

Board of election and boards of canvassers may commit disorderly persons.

Sec. 97. *And be it enacted,* That the board of election, in each township, the board of county canvassers, in each county, and the board of state canvassers, shall, respectively, possess full power and authority to maintain regularity and order, and to enforce obedience to their lawful commands during their sessions, respectively; and if any person shall refuse to obey the lawful command of any such board, or, by disorderly conduct in their hearing or presence, shall interrupt or disturb their proceedings, they may, by an order in writing, signed by the chairman and attested by the clerk of such board, commit the person so offending to the common jail of the county in which they shall have met, for a period not exceeding thirty days; and such order shall be executed by any sheriff or constable to whom the same shall be delivered, or, if a sheriff or constable shall not be present, or refuse to act, by any other person who shall be deputed by such board, in writing; and the keeper of such jail shall receive the person so committed, and safely keep him for such time as shall be mentioned in the commitment.

Persons intending to contest election to give notice to opposite party.

Sec. 98. *And be it enacted,* That if any person shall intend to contest the right of any person who shall have been declared at any such election to be duly elected a member of the legislative council, a member of the general assembly, or a member of the house of representatives of the United States, to a seat in the house of which he shall have been declared to be elected a member, the person so intending shall, within thirty days next after the second day of such election, give notice in writing of such intention to the person whose seat he shall intend to contest, which notice shall be delivered to such person, or shall be left open at his usual place of residence, with one of the family above the age of fourteen years; and such notice shall particularly set forth the ground or grounds on which such seat will be contested.

Sec. 99. *And be it enacted,* That the judges of the court of common pleas, the commissioners to take bail and affidavit in the supreme court, and the masters in chancery, respec-

tively, shall have power, and are hereby required, at any time, on application to them by any person who shall intend to contest the right of any person to a seat as above mentioned, or whose right to a seat shall be contested, to issue a subpoena or subpoenas to any person or persons whose testimony the person so applying shall be desirous to take, and to appoint some time, not less than ten, nor more than twenty days after such application shall be made to him, and some place for the examination of such person or persons; *provided*, that no such officer shall issue any such subpoena, or appoint such time, unless he shall be satisfied that such notice has been given as is directed in the preceding section of this act.

Who may issue subpoenas in case of contested election.

Proviso.

Sec. 100. *And be it enacted*, That when such time and place shall have been appointed, the person who shall have made such application shall forthwith give at least eight days' notice of such time and place, and of the name of the officer who is to take the testimony, to the opposite party; which notice shall be in writing, and shall contain the name or names of the witness or witnesses intended to be examined, and shall be given in the same manner as the notice mentioned in the ninety-eighth section of this act is directed to be given.

Notice of taking depositions to be given, to opposite party.

Sec. 101. *And be it enacted*, That, at the time and place which shall have been so appointed, the officer appointing them shall attend and take the deposition or depositions of such person or persons as shall appear before him; which deposition or depositions shall be taken in writing, and shall be in the hand-writing of such officer, or of the person or persons, respectively, who shall be examined, and shall be signed by the person or persons, respectively, who shall be examined; *provided*, that such officer shall not proceed to take the testimony of any person, unless he shall be satisfied that such notice has been given as is herein before directed, and that he shall take the testimony of no other person than such as shall be mentioned in such notice; and that no testimony shall be taken which shall not relate to some ground of contest specified in the notice which shall have been given, as is herein before directed.

Manner of taking depositions, and by whom taken.

Proviso.

Sec. 102. *And be it enacted*, That the officer who shall take any such deposition or depositions, shall certify the same under his hand, and shall enclose, seal up, and transmit or deliver the same, in case the intended contest shall relate to a seat in the legislative council, to the vice president of that body; in case it shall relate to a seat in the general assembly, then to the speaker of that body; and in case it shall relate to a seat in the house of representatives of the United States, then to the speaker of that body.

To whom and by whom depositions are to be transmitted.

Penalty for non-attendance of witnesses.

Sec. 103. *And be it enacted*, That it shall be the duty of every person upon whom a subpoena, issued under and by virtue of this act, shall have been served, and to whom the lawful fees shall have been paid or tendered, to obey the command of such subpoena, under the penalty of fifty dollars, to be sued for and recovered, with costs, in an action of debt, before any court of competent jurisdiction, by the person on whose application such subpoena shall have been issued; *provided always*, that no person shall, in any case, be required to attend any such examination as a witness, out of the county in which he resides.

Proviso.

Betting on elections prohibited.

Sec. 104. *And be it enacted*, That no person shall make, lay, or deposit any bet, wager, or stake, to be decided by the result of any such election by the election or defeat of one or more persons at such election, or by any contingency connected with or growing out of any such election; and all contracts for or on account of any money, property, or thing in action, so bet, wagered, or staked, shall be void; and any person who shall pay, deliver, or deposit any money, property, or thing in action upon the event of any bet, wager, or stake prohibited by this section, may sue for and recover the same of the winner or winners, or person or persons, to whom the same, or any part thereof, shall have been paid or delivered, or with whom the same, or any part thereof, shall have been deposited, whether he or they shall have been a stakeholder or stakeholders, or other person or persons, whether or not the same shall have been paid over by such stakeholder, or whether or not such bet, wager, or stake shall have been lost.

Money staked or lost may be recovered by the loser from stakeholder.

False swearing under this act a high misdemeanor.

Sec. 105. *And be it enacted*, That if any person shall be guilty of wilful and corrupt false swearing or affirming, or by any means shall wilfully and corruptly suborn or procure any person to swear or affirm falsely, as aforesaid, in taking any oath, affirmation, or deposition prescribed or authorized by this act, he shall be deemed and taken to be guilty of a high misdemeanor, and, on conviction thereof, shall be punished by fine or imprisonment, at hard labour, or both, at the discretion of the court before which such conviction shall be had, and be deemed and taken to be an incompetent witness thereafter for any purpose within this state, until such time as the judgment of such court, given against him therefor, shall be reversed; *provided*, that in no case shall such fine exceed the sum of eight hundred dollars, or such imprisonment the term of seven years.

Punishment therefor.

Proviso.

Bribery prohibited.

Sec. 106. *And be it enacted*, That no person shall in any way, directly or indirectly, offer, promise, procure, confer, accept, receive, or take any money, property, thing in action, victuals, drink, preferment, or other consideration, by way of

fee, reward, gift, or gratuity for giving, or refusing to give, any vote in any such election; nor shall any person, at any such election, by menace or other corrupt means or device, directly or indirectly attempt to influence any person in giving, or refusing to give, his vote therein, or to deter or dissuade any person from giving his vote therein, or to disturb, hinder, persuade, threaten, or intimidate any person in giving his vote therein; nor shall any person, at any such election, knowingly and wilfully make any false assertion, or propagate any false report, concerning any person who shall be a candidate thereat, which shall have a tendency to prevent his election, or with a view thereto; nor shall any officer or other person summon, call out, or request any company or body of militia to appear, parade, or exercise on the day of any such election, except in case of invasion or insurrection.

Certain modes of influencing elections prohibited.

Militia not to muster on election day.

Sec. 107. *And be it enacted*, That if any person shall be guilty of any act forbidden or declared to be unlawful by the preceding section of this act, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of two hundred and fifty dollars, or such imprisonment the term of six months.

Acts prohibited by preceding election, how punished.

Proviso.

Sec. 108. *And be it enacted*, That if any person, who shall have voted in any such election in any township, shall offer himself, a second time as a voter in the same, or any other township, in such election, he shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof, shall be punished by fine or imprisonment at hard labor, or both, at the discretion of the court before which such conviction shall be had; *provided*, that in no case shall such fine exceed the sum of five hundred dollars, or such imprisonment the term of one year.

Punishment for offering to vote a second time.

Proviso.

Sec. 109. *And be it enacted*, That between the twentieth day of May, and the twentieth day of August next, and in each and every year thereafter, it shall be lawful for every inhabitant of this state, who shall be liable to have assessed against him any state or county tax, to make known to the assessor of the township in which he shall reside the fact of such liability; and if any assessor shall omit to assess any state or county tax against any person who shall be liable to be assessed, and shall have made known the fact of such liability, as above directed, such assessor shall be deemed and taken to have knowingly and wilfully omitted to assess such person; *provided*, that nothing in this section shall be construed to relieve any assessor from the duty of assessing every person liable to be assessed, as heretofore directed by law.

Persons giving notice of their liability to be taxed, are to be assessed.

Proviso.

Punishment of assessor for omitting a person after notice of his liability.

Sec. 110. *And be it enacted,* That if any assessor shall knowingly and wilfully omit to assess any state or county tax against any person liable to be assessed therefor, he shall be deemed and taken to be guilty of a misdemeanor, and for every such omission he shall be liable to a fine, not exceeding one hundred dollars, or to imprisonment, not exceeding six months, or both.

Receipts to be given for payment of taxes.

Sec. 111. *And be it enacted,* That the collectors, justices of the peace and constables in each township, shall, upon the receipt of any state or county tax from any person, and upon the request of such person, deliver to him a receipt for the same, specifying his name, the time of such payment, and the year in which such tax shall be assessed.

Punishment of judges of election or clerk for certain declared misdemeanors in office.

Sec. 112. *And be it enacted,* That if any judge of election shall, at any election held in pursuance of this act, knowingly and wilfully receive, or assent to receive, the vote of any person who is not by law entitled and qualified to vote at such election, or shall wilfully and designedly make or sign any false or untrue statement or certificate of the result of any such election, or suppress, destroy, withhold, mutilate, change, or alter any such statement or certificate, or any copy thereof, made in pursuance of this act; or if any clerk of any such election shall knowingly and wilfully make any false or untrue entry in any poll-book, or sign or attest any false or untrue statement or certificate of the result of any such election, or copy thereof, or shall, in canvassing and estimating the votes received at any such election, wilfully and corruptly write any figure or mark opposite the name of any person voted for at such election, or refuse or omit to write any such figure or mark, when he is by this act required so to do; or if any judge of election, who shall be appointed to attend any meeting of the board of county canvassers, shall corruptly and without sufficient excuse refuse or omit to attend such meeting, at the time and place appointed therefor, or shall corruptly and without sufficient excuse omit or refuse to produce and lay before the said board, or to deliver or transmit to the clerk of such county, within the time by this act prescribed, the statement of the result of any such election, which shall have been delivered to him to be produced and laid before such board, every person so offending, his aiders, procurers and abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine, not exceeding five hundred dollars, or imprisonment at hard labor for any term, not exceeding two years, or both.

Sec. 113. *And be it enacted,* That if any person shall rob or plunder any election box, or unlawfully and by stealth or violence take therefrom any ballot, ticket, or other paper,

or change, alter, or destroy any ballot or ticket contained therein, or if any person, other than the clerk of any county or the secretary of state, shall wilfully and corruptly suppress, withhold, mutilate, destroy, alter, or change any return, statement, or certificate, or any copy thereof, which shall have been made in pursuance of this act, and delivered to him to be filed, or which shall have been intrusted or delivered to him to be delivered or transmitted to any other person or persons in pursuance of this act, every such person, his aiders, procurers, and abettors, shall be deemed and taken to be guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine, not exceeding five hundred dollars, or by imprisonment at hard labor, for any term not exceeding two years, or both.

Punishment for robbing ballot box, mutilating or suppressing returns, &c.

Sec. 114. *And be it enacted*, That if the clerk of any county shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to, or received by him, or omit or refuse to produce and lay the same before the board of county canvassers; or if the chairman or clerk of any such board shall wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly refuse or omit to certify, sign, or attest any such certificate which he is by this act required to certify, sign, or attest; or if any secretary of state, or clerk of the board of state canvassers, shall wilfully and knowingly certify, sign, or attest any false or untrue statement of the result of any election, or any false or untrue statement of the determination of any such board, or of the certificate thereto, or shall wilfully and corruptly suppress, destroy, mutilate, change, or alter any statement or certificate of the result of any election, or any copy thereof, made in pursuance of this act, which shall have been delivered to, or received by him, or omit or refuse to produce and lay the same before the board of state canvassers, every such person so offending, his aiders, procurers, or abettors, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof, shall be punished by a fine, not exceeding one thousand dollars, or by imprisonment at hard labor, for any term not exceeding seven years, or both.

Punishment of county clerks or secretary of state, for certain declared misdemeanors in office.

Sec. 115. *And be it enacted*, That for the purposes of this act, the term "township" shall be construed to include every city, borough, ward, or precinct in which any election held under this act is, or shall hereafter be by law directed or authorised to be held, and the term "governor" shall be

Construction for the purposes of this act, of the terms "township" and "governor."

construed to mean the person who shall, for the time being, have the supreme executive power of this state.

Fees of officers for certain services.

Sec. 116. *And be it enacted*, That the officers named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the collectors of the counties, respectively, in which such services shall be performed:

The clerk of each township, for advertising each election, one dollar and fifty cents;

The clerk of election, for each day's service, two dollars;

Each judge of election, for each day's service, two dollars;

Each member of any board of county canvassers, for each day's service, two dollars;

For mileage, in attending any such board, five cents for every mile out and in, to be computed from the court-house to his residence;

The clerk of each county, for advertising any special election, two dollars;

The clerk of any board of county canvassers, for each day's service, one dollar and fifty cents.

Fees of persons named for certain services.

Sec. 117. *And be it enacted*, That the officers and persons named in this section shall be entitled to demand and receive, for the services herein mentioned, the fees thereto respectively annexed, and no more, to be paid by the person for whom such services shall be performed:

The judge, commissioner, or master, for issuing each subpoena, twenty cents;

For administering each oath or affirmation, ten cents;

For taking depositions, twenty cents for each folio;

The person who shall serve any subpoena, for each subpoena, twenty-five cents;

Each witness, for each day's attendance, fifty cents.

Act to go into effect immediately.

Sec. 118. *And be it enacted*, That this act shall go into effect immediately after the passage thereof, and that the act entitled, "an act to regulate the election of members of the legislative council and general assembly, sheriffs and coroners, in this state," passed February twenty-second, in the year of our Lord one thousand seven hundred and ninety-seven; the act entitled "an act directing the time and mode of electing representatives in the house of representatives of the congress of the United States for this state," passed March third, in the year of our Lord one thousand eight hundred and six; the act entitled "an act directing the time and mode of electing electors of the president and vice president of the United States and representatives in congress, on the part of this state," passed December third, in the year of our Lord one thousand eight hundred and seven; the act entitled

Certain acts and parts of acts repealed.

“an act relative to elections for representatives in congress and electors of president and vice president,” passed November seventeenth, in the year of our Lord one thousand eight hundred and twenty; the act entitled “a supplement to the act entitled, an act to regulate the elections of members of the legislative council and general assembly, sheriffs, and coroners in this state,” passed June first, in the year of our Lord one thousand eight hundred and twenty; the act entitled “an act respecting elections,” passed February fourteenth, in the year of our Lord one thousand eight hundred and thirty-one; the act entitled “a further supplement to an act entitled, an act to regulate the election of members of the legislative council and general assembly, sheriffs and coroners of this state,” passed February twenty-seventh, in the year of our Lord one thousand eight hundred and thirty-three, and the eighth section of the act entitled “an act concerning sheriffs,” passed March eighteenth, in the year of our Lord one thousand seven hundred and ninety-six, be, and the same are hereby repealed.

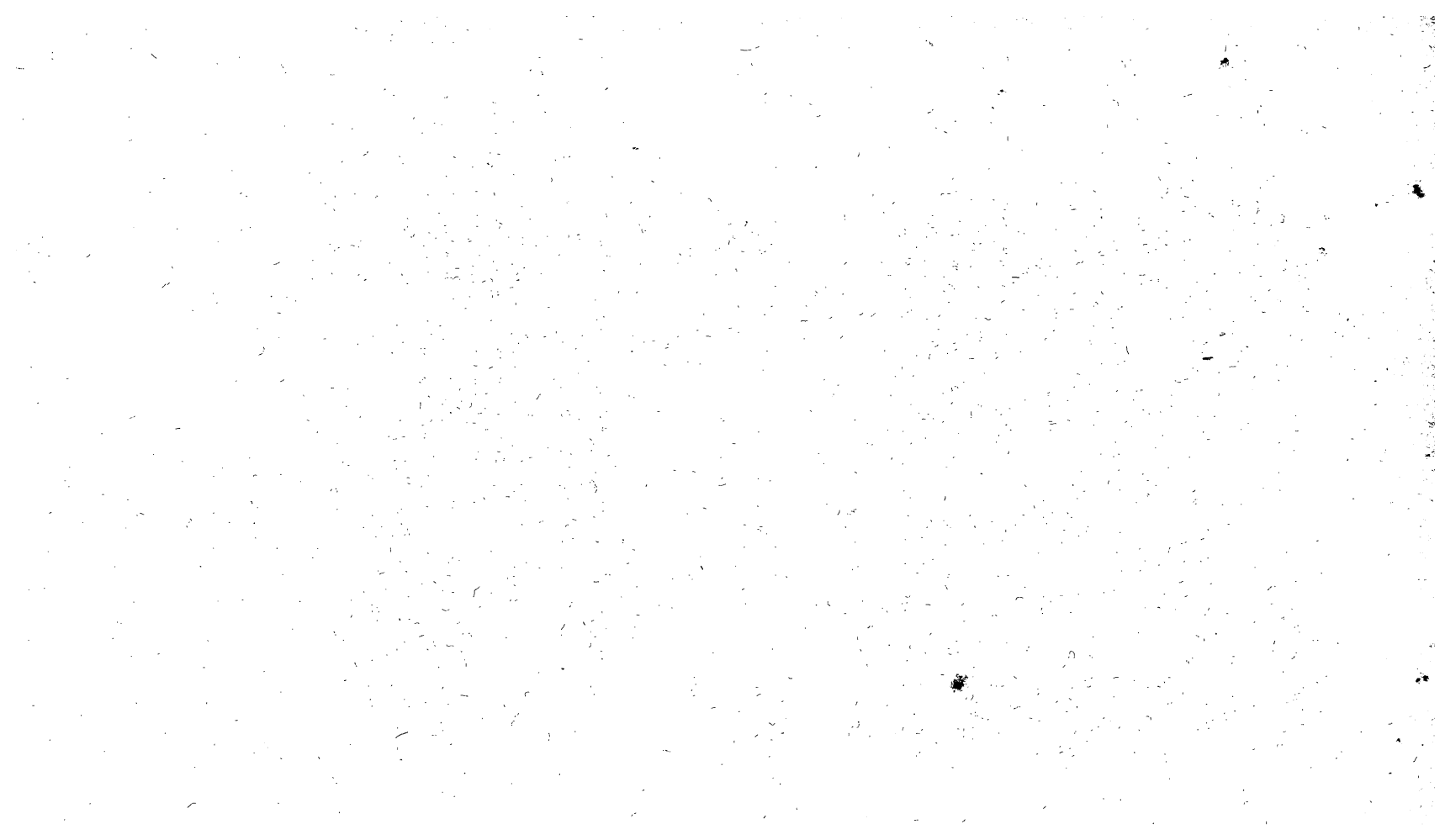
Passed, March 12, 1839.

A SUPPLEMENT to an act entitled “An act to regulate elections.”

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 third section of the act to which this a supplement shall not be construed to prevent any revolutionary soldier who is a pensioner of the United States or of this state, from voting at any election held pursuant to that act.

Revolutionary pensioners not prevented from voting by the third section of the act.

Passed, March 12, 1839.



JOINT RESOLUTIONS.

RESOLVED, *by the Council and General Assembly of this state*, That the governor be authorised to make application to the President of the United States, or other proper authority, for the purpose of having such part of the appropriations made for arming the militia of the United States as may from time to time be applied to, the arming of the militia of this state, expended in the purchase of repeating arms manufactured by "the Patent Arms Manufacturing Company," under Colt's patent, until a number shall be received of such repeating arms, with the equipments sufficient to arm four companies, of sixty men each; the said arms to be carbines or rifles, to carry not more than fifty, nor less than thirty-two balls to the pound.

Application for the use of Colt's patent repeating arms.

Passed, January 24, 1839.

RESOLVED, *by the Council and General Assembly of this state*, That the public lands, having been acquired by the common exertions and treasures of the United States, are, and of right ought to be, the common property of the whole Union.

Declaration that the public lands are the common property of the whole Union, and deprecating the reduction of their prices or their cession to states.

Resolved, That the proceeds arising from the sale of those lands, if not required for the purposes of the general government, ought to be proportionably distributed among the several states.

Resolved, That we regard the reduction of the prices of those lands, and the granting of pre-emption rights, as measures partial and unjust in their operation, and calculated to squander and waste the common property of the people of the United States for the benefit of a few.

Resolved, That in the name and behalf of the people of the state of New Jersey, we do most solemnly and earnestly protest against the cession of those lands, or of any part thereof, to the states in which they lie, as an act of palpable injustice and wrong, neither required nor sanctioned by any public necessity or policy, and opposed to every principle of justice and equity.

Resolved, That the senators and representatives of New Jersey in the congress of the United States will best conform to the wishes, and promote the interests of the people of this state, by acting in accordance with the foregoing resolutions.

Copies of the resolutions to be transmitted.

Resolved, That the governor be requested to forward copies of the foregoing resolutions and of the accompanying report to the senators and representatives in congress from this state, with a request that the same be laid before their respective houses, and also to the governors of the several states of the Union, with a request to lay them before their respective legislatures.

Passed, February 7, 1839.

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

RESOLVED, by the Council and General Assembly of this state, That Josiah Harrison, of Camden, be empowered 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 Philip J. Gray, of Camden, be employed to print sixteen hundred copies of the laws; that they print the same on large octavo pages, and that they correspond with those heretofore printed, and be paid thirty-two dollars per sheet, each;—that Moses S. Harrison and Co., of Newark, be employed to print the votes and proceedings of assembly, and that Stephen L. B. Baldwin, of Somerville, be employed to print the journal of the proceedings of the legislative council and of joint-meeting; that they each print thirteen hundred copies thereof, and be paid therefor twenty-two dollars per sheet, each.

Passed, February 14, 1839.

RESOLVED, *by the Council and General Assembly of this state*, That the treasurer of this state for the time being, be authorized, and he is hereby directed and empowered, to sell any or all of the iron doors, or other old iron, now in disuse in or about the old state prison (now occupied as an arsenal) for the best price he may be able to obtain for the same, and carry the amount of moneys received for the same to the credit of the state.

Old iron of the state prison to be sold.

Passed, March 4, 1839.

RESOLVED, *by the Council and General Assembly of this state*, That the governor, or person administering the government, be authorized to draw on the treasurer of this state for all sums necessary to defray the expenses in the prosecution of the suit of John Denn, a citizen of the state of New York, on the demise of William C. H. Waddell and Merrit Martin, and others, before the supreme court of the United States; *provided*, such sums shall not in the whole exceed the sum of fifteen hundred dollars.

Appropriation for prosecuting a suit in supreme court of U. S.

Proviso.

Passed, March 5, 1839.

RESOLVED, *by the Council and General Assembly of this state*, That the governor of this state be, and he is hereby authorized to appoint one or more competent person or persons to ascertain as accurately as practicable, the number, age, sex and condition of the lunatics of this state: also to ascertain the best and most effectual means for their relief: and

Persons to be appointed to ascertain number and condition of

Inmates and
idiots.

if in their opinion the erection of a state asylum be the best remedy, then to ascertain the necessary cost of the establishment of such an institution: the best location for the same, together with all such facts as may be necessary to lay the foundation for definite action; and to report at the next session of the legislature: and that a sum not exceeding five hundred dollars be appropriated to defray the necessary expenses of such investigation.

Passed, March 6, 1839.

Report of a
joint committee
to be
transmitted
to Georgia
and Maine.

RESOLVED, *by the Council and General Assembly of this state*, That the report of the joint committee to whom were referred the report and resolutions of the legislature of the state of Georgia be accepted, and that the governor be requested to transmit copies thereof to the governors of the states of Georgia and Maine.

Passed, March 7, 1839.

Treasurer
authorized to
borrow money.

RESOLVED, *by the Council and General Assembly of this state*, That the treasurer of this state be, and he hereby is authorized to borrow for the use of the state, from time to time, such sum or sums of money as the governor, or person administering the government of the state, may deem necessary to meet the expenses authorized by law, at a rate of interest not exceeding six per centum per annum; *provided*, that the whole sum borrowed shall not exceed the sum of twenty thousand dollars: and that the money so borrowed shall be repaid from the first receipts into the treasury not otherwise appropriated.

Proviso

Passed, March 9, 1839.

RESOLVED, *by the Council and General Assembly of this state*, That the secretary of state be authorized, upon the reception of the final report of Professor H. D. Rodgers, to transmit one copy of said report to each member of the present legislature, who was not a member last year.

Distribution of copies of final report of professor H. D. Rodgers.

Resolved, That the joint resolution of last year relative to the distribution of the aforesaid report, shall not be construed to allow any individual more than one copy.

One copy only to any individual.

Passed, March 11, 1839.

RESOLVED, *by the Council and General Assembly of this state*, That the secretary of state be authorized and directed to furnish the several new townships, created at this session of the legislature, with the same number of copies of Elmer's Digest, as heretofore authorized and directed to be furnished to the other townships in this state.

New townships to be furnished with Elmer's Digest.

Passed, March 11, 1839.

RESOLVED, *by the Council and General Assembly of this state*, That the treasurer of this state be directed to have such repairs done to the government house and premises as he may think necessary; *provided* that the expense of such repairs shall not exceed one hundred and fifty dollars.

Appropriation for repairs to the government house. Proviso.

Passed, March 12, 1839.

Compensation for receiving and distributing surplus revenue.

RESOLVED, *by the Council and General Assembly of this state*, That the treasurer be, and he is hereby authorised and directed to pay to Philemon Dickerson late governor, the sum of fifty dollars; to Thomas G. Haight late speaker of the house of assembly, the sum of sixty dollars; and to Jacob Kline late treasurer, the sum of one hundred and twenty-three dollars, for their services and expenses in receiving and distributing the surplus revenue of the United States deposited with this state.

Passed, March 12, 1839.

~~RESOLVED, by the Council and General Assembly of this state~~

5,000 copies of act to regulate elections. Proviso

RESOLVED, *by the Council and General Assembly of this state*, That Robert E. Horner be empowered to print five thousand copies of the act entitled an act to regulate elections; *provided* the expense shall not exceed the sum of one hundred and eighty dollars.

Passed, March 12, 1839.

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