PUBLIC ACTS.

# ACTS

OF THE

THIRTY-SIXTH

# GENERAL ASSEMBLY

OF THE

# STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE EIGHTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND CONTINUED BY ADJOURNMENTS.

*BEING THE SECOND SITTING.*




TRENTON:

*PRINTED BY JAMES J. WILSON.*

1812.

# ACTS

OF THE

*THIRTY-SIXTH*

## GENERAL ASSEMBLY,

OF THE

*STATE OF NEW-JERSEY.*

## AN ACT to establish State-Banks in New-Jersey.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That there shall be established in the state of New-Jersey state-banks at the following places, namely, Camden, Trenton, New-Brunswick, Elizabeth, Newark and Morris. State-Banks.

2. *And be it enacted*, That the subscribers to the stock of the bank at Camden, their successors and assigns, shall be and hereby are created a corporation, by the name of "the president, directors and company of the state-bank at Camden;" that the subscribers to the stock of the bank at Trenton, their successors and assigns, shall be and hereby are created a corporation, by the name of "the president, directors and company of the state-bank at Trenton;" that the subscribers to the stock of the bank at New-Brunswick, their successors and assigns, shall be and hereby are created a corporation, by the name of "the president, directors and company of the state-bank at New-Brunswick;" that the subscribers to the stock of the bank at Names.

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Elizabeth, their successors and assigns, shall be and hereby are created a corporation, by the name of "the president, directors and company of the state-bank at Elizabeth;" that the subscribers to the stock of the bank at Newark, their successors and assigns, shall be and hereby are created a corporation, by the name of "the president, directors and company, of the state-bank at Newark;" that the subscribers to the stock of the bank at Morris, their successors and assigns, shall be and hereby are created a corporation, by the name of "the president, directors and company, of the state-bank at Morris;—Each of these several state-banks to be known as so many distinct corporations, and continue from the first Monday in February next, until the expiration of twenty years next following; and by their respective names, they shall be and hereby are made capable in law to sue and be sued, plead and be impleaded, defend and be defended, in any court of record, and in any other place whatsoever; and also to make, have and use common seals, and the same at pleasure to break, alter and renew, and also to ordain, establish and put in execution such bye-laws, ordinances and regulations, as to them shall appear necessary and convenient for the government of the said corporations, and the prudent management of their affairs: *Provided*, such bye-laws, ordinances and regulations, shall in no wise be contrary to the constitution and laws of this state or the United States; and the said corporations shall be always subject to the rules, restrictions, limitations and provisions hereinafter prescribed.

Capital.

3. *And be it enacted*, That the capital stock of the state-bank at Camden, shall be eight hundred thousand dollars; the capital stock of the state-bank at Trenton, shall be three hundred thousand dollars; the capital stock of the state-bank at New-Brunswick, shall be four hundred thousand dollars; the capital stock of the state-bank at Eliza-

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beth, shall be two hundred thousand dollars; the capital stock of the state-bank at Newark, shall be four hundred thousand dollars; and the capital stock of the state-bank at Morris, shall be two hundred thousand dollars, money of the United States, divided into shares of fifty dollars each, of which capital stocks one half is reserved to the state of New-Jersey, and the remainder to be opened to the subscription of such individuals, or bodies corporate, as choose to become proprietors of the said capital stocks, in the manner hereinafter prescribed.

4. *And be it enacted*, That so much of the stock of said banks as is not reserved to the state, shall be opened to the subscription of individuals and bodies corporate, to be paid in at such times, and in such instalments as the directors of the said banks respectively shall require, four weeks previous notice being given, in one of the papers of this state, of the time at which each instalment, after the first is to be paid in; failure in the payment of any instalment due on any share, shall incur a forfeiture of such share, and all previous payments made thereon, to the use of said banks respectively: *Provided*, That no subscription shall be received, but from citizens of this state, for the first five days that the books are opened. Instalments. Proviso.

5. *And be it enacted*, That Joseph Cooper, Joseph Rogers, Azel Pierson, John Coulter and Joseph Sloan, be and they hereby are named and appointed commissioners to receive subscriptions to the stock of the bank at Camden; that Stacy Potts, Peter Gordon, Charles Rice, William Scott, and John R. Smith, be, and they hereby are named and appointed commissioners to receive subscriptions to the stock of the bank at Trenton; that Squire Martin, Robert Lee, Asa Runyan, Bernard Smith, and Henry V. Low, be and they hereby are named and appointed commissioners to receive subscriptions to the stock of the bank at New-Brunswick; that Andrew Wilson, James Ross, Aaron Ogden, Thaddeus Mills, and Robinson Thomas, be, and Commissioners.

they hereby are named and appointed commissioners to receive subscriptions to the stock of the bank at Elizabeth; that Samuel Hayes, Silas Condit, Seth Woodruff, Isaac Nicols, and Nehemiah S. Baldwin, be, and they hereby are named and appointed commissioners to receive subscriptions to the stock of the bank at Newark; that Aaron Kitchell, Edward Condict, Jonathan Ogden, Ebenezer H. Pierson, and Charles Carmichael, be, and they hereby are named and appointed commissioners to receive subscriptions to the stock of the bank at Morris. The said commissioners, or any three of them, shall open books at such times and places as the directors of each bank respectively shall determine, in all not less than fifteen days, and in no case until two weeks previous notice has been given in one of the public papers of this state: should more stock be subscribed within the fifteen days at either bank, than the capital of said bank consists of, the said commissioners shall make an equitable deduction from those having the greatest number of shares.

Opening of books.

6. *And be it enacted*, That William Rossell, Henry Chew, Richard M. Cooper, Thomas Jones, junior, James Matlack, Joseph M'Ilvaine, Jacob Glover, Robert Newell, Samuel C. Champion, Maurice Wurts, John Coulter, John Warner, James Sloan, John Rogers, and Thomas Wright, be, and they hereby are appointed directors of the bank at Camden; that Peter Gordon, Charles Rice, Ellett Tucker, Reuben D. Tucker, Lucius Horatio Stockton, William Scott, Evan Evans, Edward Yard, William Wood, John R. Smith, Philip F. Howell, James J. Wilson, and Abner Reeder, be and they are hereby appointed directors of the bank at Trenton; that Robert Lee, Bernard Smith, Phineas Carman, Henry V. Low, John Outcalt, John Bray, Jonathan Hutchings, Jonathan Squire, John Brewster, Daniel Perrine, Robert M'Chesney, Jacob Snyder, and Jacob Van Winckle, be and they hereby are appointed directors of the bank at New-

Directors.

Brunswick; that Robert Halstead, Hugh Webster, Joseph Quinby, Elias Williams, Oliver Nuttman, Ichabod Williams, Thaddeus Mills, James Wilson, Aaron Ogden, Jonas Wade, Andrew Elston, Jeremiah Ballard, and Caleb Halstead, junior, be and they are hereby appointed directors of the bank at Elizabeth; that William S. Pennington, James Vanderpool, Aaron Munn, Isaac Andruss, Oliver Wade, Moses N. Combs, Smith Burnet, John Alling, Martin I. Ryerson, Job S. Dodd, Isaac Pierson, Stephen D. Day, and Abraham Ackerman, be and they are hereby appointed directors of the bank at Newark; that John Ralston, John Doughty, Daniel Phœnix, junior, Samuel Halliday, Solomon Doughty, Lewis Condict, Isaac Southard, Sylvester D. Russell, Israel Canfield, William Brittin, Jacob Gray, Richard Hunt, and Daniel Stuart, be and they are hereby appointed directors of the bank at Morris; to act as such, (unless disqualified,) until the second Tuesday in November next, and the legislative council and general assembly of this state, in joint-meeting assembled, shall at their next session in the present year, and their first session in every succeeding year, choose from among the stockholders of each bank respectively, a president, who shall be ex-officio a director, and for the Camden bank seven and for each of the other banks six directors, to take their seats the second Tuesday in November, and act as president and directors for one year thence next following, (unless disqualified,) and until others are chosen to supply their places.

7. *And be it enacted*, That the commissioners above named, for each bank respectively, shall pay over unto the directors above named for each bank respectively, the amount of each instalment so soon as the same is received, and so soon as ten dollars on each share is paid unto the said directors, they shall proceed to organize the institutions for discounting. Organization.

Elections.

8. *And be it enacted*, That on the third Tuesday of October next, and on the third Tuesday of October in every succeeding year, an election shall be held by the stockholders of each bank respectively, to choose for the Camden bank seven, and for each of the other banks six directors, who shall take their seats at the board on the second Tuesday of November following, and serve as such for the year ensuing, and until others are elected to supply their places, unless disqualified.

President.

9. *And be it enacted*, That the directors named in the sixth section, for each bank respectively, shall, at their first meeting, to be called by the director first named, choose from among their own body, one person to act as president until the second Tuesday in November next.

Qualifications, vacancies, &c.

10. *And be it enacted*, That no person shall serve as president or director of either of these institutions, who is not a citizen of the United States; that after the second Tuesday of November next, no person who is president or director of any other bank, or who is not a stockholder in these, shall act as president or director. Vacancies happening in the board of directors, shall be supplied for the remainder of the year by the residue of the board; a majority of the directors with the president shall form a board for transacting all the business of these institutions, but a less number may grant discounts.

Votes.

11. *And be it enacted*, That the stockholders of these institutions, whether individuals or bodies corporate, shall be entitled to vote according to the number of shares they hold, in the following proportion, that is to say, each share from one to five, held by any individual or body corporate, shall entitle the holder to one vote; each five shares above the first five and not exceeding fifty shares, shall entitle the holder to two votes; and each five shares above fifty shall entitle the holder to one vote; but no individual, company of individuals, or body corporate, shall have more than fifty votes, nor

shall any stockholder be permitted to vote who has not held his stock for three calendar months previous to the day of election. No person who is not a citizen of the United States, shall be permitted to vote at any election of these institutions. Stockholders entitled to vote, may vote in person or by proxy.

12. *And be it enacted*, That the election of directors for each bank respectively shall be held at the banking houses of the institutions; the polls shall be opened at ten o'clock in the morning and close at three o'clock in the afternoon. Four stockholders, not being directors, shall be named by the directors to conduct the election; they shall notify the persons elected to meet at the banking houses of the institutions on the second Tuesday in November, and shall give to each person elected a certificate thereof. Should two or more persons have an equal number of votes, the other individuals elected directors, shall determine by ballot who shall be the director or directors: *Provided always*, That the state shall not at any time have any voice in the choice of directors on account of any stock it may hold, further than the appointment of the presidents and directors already reserved to the state. Elections. Proviso.

13. *And be it enacted*, That the presidents and directors of these banks respectively, shall have full power to make, revise, alter and annul all such rules, orders, bye-laws and regulations for the government of these corporations, and that of their officers, servants, and affairs, (conforming to the laws of this state, and the fundamental articles of this charter) as they shall from time to time think expedient, and to use and employ the capital stocks of the said banks, for the interest and benefit of the stockholders, but the said banks shall not take for discounting any bill or note more than at the rate of seven per cent. per annum. Bye-laws, &c.

14. *And be it enacted*, That all promissory notes, bills of exchange, drafts, checks and receipts for the

Notes, &c. obligatory. payment of money made on behalf of the said banks, signed by the presidents, and countersigned or attested by the cashiers, shall be obligatory upon the said bodies corporate, and shall possess the like qualities as to negociability, and the holders thereof shall have the like actions thereupon, as if such promissory notes, bills of exchange, drafts, checks, or receipts, had been made by or on behalf of an individual person.

Officers, &c. 15. *And be it enacted*, That the said presidents and directors, shall have power to appoint cashiers, and all other officers and servants, for executing the business of the said banks; and to establish the compensation to be made to the presidents, and all other officers and servants of the said banks respectively, but no compensation shall be given to a director for his services, except by a vote of the stockholders in general meeting.

General meetings. 16. *And be it enacted*, That the presidents and directors shall have power to call a general meeting of the stockholders, for purposes concerning the interest of the banks, giving at least four weeks notice in one of the newspapers printed in the state of New-Jersey.

Transfers. 17. *And be it enacted*, That the shares of capital stock, at any time owned by any individual stockholder, shall be transferable only on the books of the banks, according to such rules as may, conformably to law, be established in that behalf, by the presidents and directors: but all debts actually due, and payable to the banks, (days of grace for payment being past,) by a stockholder, requesting a transfer, must be satisfied before such transfers shall be made, unless the presidents and directors shall direct to the contrary.

Dividends 18. *And be it enacted*, That the dividends of the profits of the said banks, or so much of said profits as shall be deemed expedient and proper, shall be declared half yearly, in the first week in April and October, in each year; the amount of the said dividends shall from time to time be deter-

mined by the presidents and directors, and shall in no case exceed the amount of the nett profits actually acquired by the companies, so that the capital stock of the companies shall in no case be impaired by dividends.

Amount to be loaned.

19. *And be it enacted*, That the said banks shall not at any time loan or discount a greater sum than double the amount of the capital stock which shall be actually paid in.

Penalty for impairing capital.

20. *And be it enacted*, That if the said directors shall at any time wilfully and knowingly make or declare any dividend which shall impair the said capital stocks, all the directors present at the making of such dividend and consenting thereto shall be liable in their individual capacities to the companies for the amount or proportion of the capital stock so divided by the said directors, and each director who shall be present at the making or declaring such dividend, shall be deemed to have consented thereto, unless he shall immediately enter in writing his dissent on the minutes of the proceedings of the board, and give notice thereof to the treasurer of this state.

Restrictions.

21. *And be it enacted*, That the banks shall in no case be owners of any ships or vessels, or directly or indirectly be concerned in trade, or the importation or exportation, purchase or sale of any goods, wares or merchandize whatsoever, except bills of exchange, bullion, stock of the United States, or of incorporated institutions, and such ships and vessels, goods, wares and merchandize, as shall be truly pledged to them by way of security for debts due, owing, or growing due to the said banks, or purchased by them to secure such debts.

Continued

22. *And be it enacted*, That the said banks shall not purchase or hold any lands, tenements, or other real estates, other than what may be necessary for the convenient transaction of their business, unless such lands, tenements, and other real estates, shall have been bona fide mortgaged to the banks by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of deal-

ings, or purchased to secure debts previously contracted with the said banks, or due to them; and in every instance in which the banks may become the owners or claimants of lands, tenements, or real estates, the presidents and directors are empowered to sell or dispose of the same in such manner as they shall deem for the interest of the banks.

Extra meetings.

23. *And be it enacted*, That any number of stockholders, proprietors of not less than one fourth of the stock of either bank, may, for any purposes relative to the institution, at any time apply to the president and directors to call a general meeting of the stockholders, and if by them refused, the said stockholders, proprietors of not less than the proportion of stock before mentioned, shall have power to call a general meeting of the stockholders, giving at least thirty days notice in one or more of the newspapers printed in New-Jersey, specifying the object of such call.

Debts not to exceed double the capital.

24. *And be it enacted*, That the total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or other contract, shall not exceed twice the amount of their capital stock actually paid in, over and above the deposits then made with the bank for safe keeping. In case of excess the directors under whose administration it shall happen, shall be liable for the same

Penalty.

in their individual and private capacities; and an action of debt may in such cases be brought against them, or any of them, their or any of their heirs, executors or administrators, in any court proper to try the same, by any creditor or creditors of said corporations, and may be prosecuted to judgment and execution, any condition, covenant or agreement to the contrary notwithstanding. But this shall not be construed to exempt the said corporations, or the lands, tenements, goods and chattels of the same, from being also liable for and chargeable with such excess. Such of said directors who may have been absent when said excess was contracted or created, or who may have dissented from

the resolution or act whereby the same was contracted or created, may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact and of their absence or dissent, to the treasurer of this state, and to the stockholders at a general meeting, which they are authorized to call for that purpose.

Stock personal estate.

25. *And be it enacted*, That the share or shares held by any member of these corporations, and the dividends due thereon (save and except the shares reserved to or held by the state) shall be deemed personal and not real estate.

Statement to the treasurer.

26. *And be it enacted*, That on the first Monday in November in every year, the presidents and directors of these institutions, shall furnish to the treasurer of this state to be laid before the legislature, a true and correct statement of the amount of capital stock actually subscribed and paid in, and the amount of tax and dividends arising and due to the state the preceding year.

Frauds and forgeries.

27. *And be it enacted*, That all and singular the acts and parts of acts now in force in this state against frauds and forgeries committed on other banks, and for the punishment of frauds and forgeries, shall be extended and continued in favor of these banks, the same as if these acts and parts of acts had been especially passed for their safe-guard and protection.

Taxes.

28. *And be it enacted*, That the said several corporations shall be subject to the same taxes, to be collected under the same rules and regulations, as are or hereafter shall be imposed upon the different banks already established in this state.

Extra elections.

29. *And be it enacted*, That in case it should at any time happen that an appointment or election of directors should not be made on any day when, pursuant to this act, it ought to have been made, the said corporations shall not for that be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election or appointment of directors, at a meeting to be called, in such manner as

shall be prescribed in the laws and ordinances of the said corporations.

Form of the notes.

30. *And be it enacted*, That the bank notes or bank paper of the before mentioned banks, shall be of one device or impression, save and except that the bank notes or bank paper of each bank respectively, shall be made payable at the bank issuing the same, and signed by the president and cashier thereof. And to carry this provision into effect, a committee composed of two persons from each board of directors shall meet at New-Brunswick, on the first Tuesday of March next, which committee, or a majority of them, shall have full power to contract for paper, for the engraving of plates, and for the printing and distributing of the blank bills for the use of the said banks.

Bonds.

31. *And be it enacted*, That each of the commissioners before named for each bank respectively, shall, before entering upon the duties of their trust, give security to the board of directors of their respective banks, in a sum not less than three thousand dollars, for the faithful performance of the duties assigned them; and that the presidents, directors, cashiers, and other officers and servants of the said banks, shall each of them before entering upon the duties of their several offices, take the following

Oaths.

oath or affirmation, viz. I, A. B. do solemnly swear (or affirm) that I will do and perform all the duties assigned to me as of the state-bank at ; that I will as far as upon me depends, conduct the affairs of said bank with justice and impartiality; and that I will not do or suffer any fraud or embezzlement of the property of said

Proviso.

bank, or any person dealing therewith.—*Provided*, That this shall not be construed to prevent the taking from any of the officers of said banks, such further security as the directors of said banks respectively shall require.

Banks independent of each other.

32. *And be it enacted*, That these banks named to be established at the before mentioned places, shall be deemed and considered as so many dis-

tinct, separate, and unconnected corporations and bodies politic, in no ways connected as respects stock, profits or losses; and in no case shall either be answerable for the debts, contracts or engagements of the others.

No notes under $3.

33. *And be it enacted*, That the before mentioned banks shall not issue any bill or note of a less amount than three dollars, and that the first payment shall be five dollars, to be paid at the time of subscribing; and that all payments to the commissioners or directors for shares subscribed, shall be in specie, or approved bank notes of some of the chartered banks of this state, or of Pennsylvania or New-York, and not otherwise; and that none of the banks before mentioned shall be organized for discounting, until the whole number of shares of the said banks respectively (not reserved to the state) shall be subscribed, and ten dollars on each share paid in as aforesaid.

First payment.

In what payments shall be made.

When banks may be organized.

A. Passed at Trenton, Jan. 28, 1812.

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## AN ACT supplemental to the act entitled An act respecting slaves.

Slaves, &c. not to be removed out of the state but by consent

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That no negro or other slave or servant of color for life or years, shall hereafter be removed out of this state, with the design or intention that the place of residence of such slave or servant shall be thereby altered or changed without his or her consent, if of full age, testified upon private examination before two judges of the inferior court of common pleas of the county in which he or she shall reside, or being under the age of twenty-one years, without his or her consent testified in manner aforesaid, as also without the consent of his or her parent or parents if

any there be residing in this state, to be testified in like manner; whereof the said judges shall make a certificate containing the name, age, condition, and in the case of a servant for years, time of servitude, and the place of abode of such slave or servant, the reason of such removal, and the place to which he or she is about to go, and deliver to the said slave or servant a copy thereof; and the original shall within three months thereafter, by the said judges (or one of them) be presented to the clerk of the county, and by him filed and placed on record in the book containing the deeds of manumissions, a copy of which record shall be received in evidence in any court in this state; for which service the said judges shall be entitled to receive the sum of two dollars and fifty cents, of which fifty cents is to be paid by them to the said clerk—and if any person or persons whosoever shall send or carry, or cause to be sent or carried any slave or servant, or shall dispose of any such slave or servant to any person not an inhabitant of this state, without having previously obtained all such consent as by this act is required, testified in manner aforementioned, every such person or persons, his, her or their aiders or abettors, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not less than five hundred dollars, nor more than one thousand dollars, or imprisoned at hard labor for any term not less than two years nor more than four years, or both at the discretion of the court.

Penalty.

2. *And be it enacted*, That if any inhabitant of this state shall hereafter go to any place out of the same, and take with him or her any negro or other slave or servant of color for life or years, and shall return without such negro or other slave or servant, he or she shall within ten days after such return, if required by any person or persons, make proof to the satisfaction of two judges of the court of common pleas in the said county, wherein he or she shall reside, that such slave or servant could not be

Penalty for leaving slave, &c. out of the state.

brought back, by reason of some unavoidable circumstance, a certificate of which proof, stating the particular circumstances, signed by the said judges, shall be forthwith filed in the office of the clerk of the said county, and in default thereof, such person shall forfeit and pay five hundred dollars for each and every such slave, and one thousand dollars for each and every such servant so left behind, to be recovered by action of debt with costs of suit in any court having cognizance thereof, by any person who shall sue for the same, one third to the plaintiff and the remaining two thirds to the use of the county where the prosecution is had.

Security may be required.

3. *And be it enacted*, That whenever there shall be reason to believe that any person or persons is or are about to send or carry away any slave or servant out of this state, contrary to the true intent and meaning of the first section of this act, and without having obtained such consent as is required therein and testified in the manner therein mentioned, and any person so believing shall make oath or affirmation thereof before any judge of the inferior court of common pleas of any county of this state, or any justice of the supreme court of this state, or before the chancellor of this state, it shall and may be lawful for the said judge, justice, or chancellor, to issue his warrant, directed to any constable of any of the counties of this state, commanding him forthwith to bring before the said judge, justice or chancellor the person or persons so charged, and the slave or slaves, servant or servants whose removal from the state is so believed, and the said judge, justice or chancellor shall thereupon enquire into the circumstances of the case, and if it shall appear on such enquiry to the satisfaction of the said judge, justice or chancellor, that there is reason to believe that such person or persons so charged, is or are about to send or carry away such slave or servant contrary to the true intent and meaning of the said first section of this act, and without the consent therein required and testified as therein mentioned, the said

judge, justice or chancellor shall thereupon require the said person or persons so charged to enter into recognizance to the state of New-Jersey, with one sufficient surety being a freeholder and resident in this state, in any sum not less than five hundred dollars nor exceeding two thousand dollars, with condition not to send or carry away or cause or suffer to be sent or carried away out of this state, such servant or slave, contrary to the true intent and meaning of the said first section of this act, and without the consent therein required and testified as therein mentioned, which recognizance shall be by the said judge, justice or chancellor certified to the next court of general quarter sessions of the peace of the said county, in which the same may be taken, and there filed, and on breach of the condition, be prosecuted in the same manner as forfeited recognizances are directed by the law of this state to be prosecuted.

Proclamation to be issued.

4. *And be it enacted*, That it shall be lawful for the governor or person administering the government, to issue his proclamation for apprehending and securing any person or persons charged on the oath or affirmation of one or more credible witnesses with having committed the misdemeanor mentioned in the first section of this act, and in such proclamation to offer such reward as the said governor or person administering the government may think proper, not exceeding one hundred dollars for any one offender, which reward shall be paid on conviction of the party charged, to the person or persons entitled thereto, by the treasurer of the state out of any public money in his hands, on a warrant or certificate signed by the governor or person administering the government.

Repeal.

5. *And be it enacted*, That the twentieth section of the act entitled An act respecting slaves, passed the 14th of March 1798, be and the same is hereby repealed, except so far as relates to offences already committed.

A. Passed at Trenton, Feb. 1, 1812.

AN ACT to prevent the introduction of Malignant and Infectious diseases, into the city of Perth-Amboy.

Sec. 1. 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 vessels arriving at the port of Perth-Amboy, between the thirty-first day of May, and the first day of October, from any port, island or other place in America, lying south of Georgia, or from any West-India, Bahama or Bermuda island, or from any port or place, where yellow or pestilential fever prevails, or on board of which vessel any person shall have died while at a foreign port, or on the homeward passage, shall come to anchor at some place being to the southward of a straight line drawn from the south ferry wharf in Perth-Amboy aforesaid, to the house of Caleb Ward, on Staten-Island, and shall be subject to the examination of the health-officer hereafter mentioned, and to such regulations as may be deemed expedient by him, and that any master or commander of a vessel offending in the premises, shall be considered as guilty of a misdemeanor, and on conviction thereof, shall be fined by any court, having cognizance of the same, in a sum not exceeding one hundred dollars, or be imprisoned for a term not exceeding two months.

Vessels to come to an anchor.

Penalty.

2. *And be it enacted*, That whenever a vessel shall arrive at the anchoring place above mentioned, from a place where yellow or other pestilential fever prevails, or if during her voyage, any person has died or been sick on board with such fever, or if the health-officer, shall in any other case judge it necessary, the master, owner or consignee, shall forthwith cause such vessel to be unloaded, cleansed and purified, and that until then, no permit shall be granted for her to proceed nearer to the city of Perth-Amboy, and that every vessel under the above circumstances arriving between the thirty-first day of May, and first day of October, may be

Vessels to be unladen & cleansed

detained at quarantine for any time not exceeding twenty days after her cargo shall be discharged, and the said vessel thoroughly cleansed and purified to the satisfaction of the health committee hereafter named, and that every master, owner or consignee, neglecting or refusing to comply with the provisions herein contained, shall be considered as guilty of a misdemeanor, and upon conviction thereof, shall be fined in a sum not exceeding one hundred dollars, or imprisoned for a time not exceeding two months.

Penalty.

3. *And be it enacted*, That the mayor, recorder, aldermen and commonalty, of the city of Perth-Amboy, shall have the power to appoint some fit person, as health-officer or visiting physician, whose duty it shall be to visit all vessels arriving from the places or under the circumstances herein mentioned, and to report the same and the situation thereof to the health committee, and to direct at the expense of the master, owner or consignee of all such vessels arriving as aforesaid, the manner in which the same shall be cleansed, ventilated and purified, and when done, to certify the same to the health committee, and the said health-officer shall be entitled to ask, demand and receive of and from the master, owner or consignee of all vessels arriving as aforesaid, the sum of five dollars, on visiting the same on arrival, and the further sum of two dollars for every visit thereafter made at the request of such master, owner or consignee or of the health committee, to inspect such vessel after she shall have been cleansed, ventilated and purified as aforesaid.

Health-Officer.

Duties.

Compensation.

4. *And be it enacted*, That the mayor, recorder and aldermen of the city of Perth-Amboy, for the time being, shall constitute a health committee, and as such shall be and are hereby authorized to do and perform all such duties as may be necessary to carry this act into effect, and upon the report of the health-officer, to grant a permit to any vessel arriving or circumstanced as aforesaid, to proceed to the city of Perth-Amboy, after she shall have been

Health-committee

Duties.

cleansed, ventilated and purified, and the said health committee shall have power to forbid the intercourse with any vessel arriving as aforesaid, having on board, persons sick of a pestilential or yellow fever, and to prevent any of the crew or passengers of such vessel (except the captain or master thereof, for the purpose of entry) from landing at the city of Perth-Amboy aforesaid, and every person offending in the premises, shall be adjudged guilty of a misdemeanor, and shall on conviction in any court of competent jurisdiction, be fined any sum not exceeding one hundred dollars, or be imprisoned for a term not exceeding two months.

Powers.

Penalty.

A. Passed at Trenton, Feb. 3, 1812.

## A Supplement to the act constituting courts for the trial of small causes.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be lawful for any constable now or who may hereafter be appointed within this state, to collect and settle up all executions that shall have come into his hands by virtue of his office, notwithstanding his term of service may have expired, and that his executors or administrators, and in case of their neglect or refusal to act, his sureties shall and may have the same power that the said constable might or could have had during the term of his office and before his death, to collect and settle up any execution in his hands and receive the sums due thereon for the benefit of any person or persons who may be liable for the same by reason of the neglect of said constable so deceased.

2. *And be it enacted*, That in case of the death or removal of any justice of the peace before whom any judgment shall have been given, it shall be the duty of any justice of the peace on a copy of such

judgment to issue a scire facias to the party against whom such judgment was rendered, his, her or their executors or administrators, to shew cause, if any, why execution should not be thereupon issued, and although the debt and cost awarded by the deceased or removed justice, when added together, shall amount to more than one hundred dollars, it shall be no bar upon such scire facias, but execution shall issue thereon for the whole debt and cost together with the cost arising upon the scire facias: *Provided nevertheless*, That no execution shall be issued thereon before the time given on said judgment for issuing execution should have expired.

A. Passed at Trenton, Feb. 4, 1812.

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## AN ACT respecting joint-tenants and tenants in common.

WHEREAS estates granted or devised to a plurality of persons, without any restrictive, exclusive, or explanatory words, have heretofore been held in this state to be estates in joint-tenancy—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 no estate after the passing of this act, shall in this state be considered and adjudged to be an estate in joint-tenancy, except it be expressly set forth in the grant or devise creating such estate, that it is the intention of the parties to create an estate in joint-tenancy and not an estate of tenancy in common, any law, usages or decision heretofore made to the contrary notwithstanding.

A. Passed at Trenton, Feb. 4, 1812.

Fra. Ogden

## AN ACT respecting deputies to the Attorney-General.

WHEREAS doubts have arisen whether the attorney-general of this state is authorized to appoint deputies to prosecute the pleas of the state in such counties as he may not be able to attend in person:

Sec. 1. 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 attorney-general of this state for the time being, be and he is hereby authorized to appoint from time to time, as occasion may require, deputies for those counties of this state which he may be unable in person to attend, which deputies shall during their continuance in office, be vested with the same powers in the counties for which they shall respectively be appointed, entitled to the same fees and subject to the same penalties as the attorney-general is or may by law be vested with and entitled and subject to, any law or usage to the contrary notwithstanding: *Provided*, that nothing herein contained shall prevent the attorney-general from acting as such in any of the said counties, at any court which he may attend in person, nor affect the right of any court to appoint a substitute for the term, in case neither the attorney-general nor his deputy shall attend such court.

2. *And be it enacted*, That the said deputies, before entering on the duties of their office, shall respectively take the following oath or affirmation, viz. "I do solemnly promise and swear (or affirm) that I will faithfully, justly and impartially execute the duties of deputy attorney-general in the county of to the best of my abilities and understanding. So help me God." Which oath or affirmation shall be administered by the clerks of the counties respectively for which such deputies shall have been appointed.

A. Passed at Trenton, Feb. 5, 1812.

## A Supplement to the act entitled "An act for the preservation of Sheep," passed the twenty-third day of February one thousand eight hundred and eleven.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the provisions of the act entitled "An act for the preservation of sheep," passed the twenty-third day of February in the year one thousand eight hundred and eleven, shall be and hereby are extended to the county of Morris, and the townships of Trenton and Maidenhead in the county of Hunterdon, in as full and ample a manner as if the said counties had not been excepted in said act, any thing in the said act to the contrary notwithstanding.

2. *And be it enacted*, That it shall be the duty of the assessors of the respective townships in this state included within the provisions of this act, or of the act to which this is a supplement, to set up in at least five of the most public places in each township, within ten days after having taken the annual lists of ratables, lists of the names of each person who shall have given in a dog or bitch, and the number of dogs or bitches given in by each person, and the assessor shall be entitled to receive on settlement of their accounts, one dollar and fifty cents for the list so set up, to be paid from the monies collected from the tax on dogs.

3. *And be it enacted*, That the justices of the peace shall be entitled to receive fifty cents for the services required to be performed by them by the act to which this is a supplement.

4. *And be it enacted*, That the word slut, as used in the act to which this is a supplement, shall be construed as meaning a bitch.

5. *And be it enacted*, That the county of Cape-May be exempted from the provisions of the act to which this is a supplement, and of this act.

A. Passed at Trenton, Feb. 5, 1812.

## AN ACT concerning judgments of justices removed by certiorari into the supreme court.

WHEREAS great evil hath arisen by reason of the reversal of judgments of justices of the peace removed by certiorari before the supreme court, on account of errors and mistakes in awarding of costs—For remedy thereof,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, no judgment of any justice of the peace, removed by certiorari before the supreme court of judicature, shall be reversed in the whole on account of any error or mistake made by the justice by whom such judgment may have been rendered, in the entering, calculating or awarding of the costs of suit, but such judgment shall only be reversed so far as respects the said error or mistake; which error or mistake the court are hereby empowered to correct.

2. *And be it enacted*, That in case any judgment be so affirmed in part and reversed in part, neither party shall pay cost in certiorari to the other.

3. *And be it enacted*, That it shall not be lawful for the said supreme court to reverse any judgment of any court for the trial of small causes, for any irregularity in the proceedings of such court, unless such irregularity tends to defeat or impair the substantial right or interest of the party in certiorari praying such reversal.

A. Passed at Trenton, Feb. 5, 1812.



New Jersey State Library

## A Supplement to the "Act concerning executors and the administration and distribution of intestates' estates," passed the second day of March one thousand seven hundred and ninety-five.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be lawful for every executor or executrix, administrator or administratrix who hath settled his or her accounts before the orphans court, and hath paid or that shall hereafter pay any legacy or legacies, distributive share or shares of any legatee or legatees, heir or heirs of any testator or intestate, or to the guardian or guardians of any person entitled by law to receive any legacy or legacies, distributive share or shares of any testator or intestate's estate, to produce their receipts and discharges of such payments to the surrogate of the county where letters of probate or of administration have or shall hereafter be granted, and the said surrogate shall immediately record the same in a book to be kept for that purpose—*Provided* the same be first proved or acknowledged in the manner that deeds are by law required to be proved and acknowledged, which proof or acknowledgment shall be recorded with such receipts or discharge, and endorse on all such receipts and discharges the book and page in which the same are recorded, with the time of his recording the same, and sign his name thereto, a copy of such record under the hand and seal of the surrogate shall be given in evidence in any court of record in this state, it appearing to the satisfaction of the court that the original receipt or discharge hath been lost.

2. *And be it enacted*, That the surrogates of the several counties in this state shall procure at the expense of the county, a good bound book, in which they shall record all receipts and discharges taken

and presented to them by executors and administrators for the payment of any legacy or distributive share of any decedent's estate, and the said surrogate recording such receipts and discharges shall be entitled to receive from the person presenting the same the sum of ten cents for each receipt or discharge.

A. Passed at Trenton, Feb. 5, 1812.

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## A Supplement to the act entitled An act establishing a Militia System, passed February sixteenth, one thousand eight hundred and eleven.

Sec. 1. 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 captains or commanding officers, of the companies of infantry of the militia of this state, shall on or before the first Monday of April yearly, and every year, make out a list on oath or affirmation, of all such free white males, residing within the bounds of his company, (except those who are excepted by the first section of the act to which this is a supplement) who are between the ages of eighteen and forty-five, who he shall conceive are conscientiously scrupulous of bearing arms, and who shall previous to the first Monday in April, signify to the said captain or commanding officer their wish to become exempt, and return the same to the major or commanding officer of the proper battalion, to which he may belong, who shall on the day appointed for the battalion court of appeal, fine each person so returned the sum of three dollars, unless he or they shall make it appear to the satisfaction of the said battalion court of appeal, that he is not between the ages of eighteen and forty-five, or that he is unable to perform military duty; and

Exempts.

the said major or commanding officer, shall make out two lists of said fines, one of which he shall transmit to the collector of said county, and the other to the paymaster of said battalion, to be by him collected in the same manner and at the same time, as the fines for non-attendance on days of exercise are collected, and pay the same forward to the county collector, on or before the twentieth day of December, in each and every year, to be by the said county collector, paid to the treasurer of the state; but the exempts created by virtue of this section, shall be liable to be drafted in the same manner as the enrolled militia when called into actual service, and be subject to the same fines and penalties.

Notice to delinquents.

2. *And be it enacted*, That instead of the personal notice to delinquents required to be given by the clerks of the companies, in the act to which this is a supplement, notice shall be given ten days or more prior to the day appointed for the meeting of the company court, set up in three of the most public places within the bounds of said company, by the clerk thereof, a written or printed advertisement publishing the names of all delinquents and exempts, and the fines and forfeitures that each delinquent in said troop or company is liable to, and shall deliver an accurate return of all such delinquents and deficiencies, on oath or affirmation, to the president of said company court, who shall within ten days after the meeting of said court, make an accurate return to the major or commanding officer of the battalion, of the names of all delinquents, and the sum imposed on each by the said company court.

Battalion court.

3. *And be it enacted*, That the major or commanding officer, of each and every battalion, shall call to his assistance, the surgeon or surgeon's-mate, and the senior captain, or in case of his absence, sickness or inability, the next captain in rank of his battalion, who shall compose the battalion court of appeal, and shall meet on the second Monday of

September in each and every year, at some convenient place, to be appointed by the said major or commanding officer, public notice whereof shall be given by advertisements set up in four of the most public places in the bounds of their respective battalions, at least fifteen days previous to the day of meeting, and all persons conceiving themselves aggrieved by fines and forfeitures imposed on them by the company court, may by himself or friend, apply to said battalion court of appeal, who are hereby vested with full power and authority, to hear and decide upon the excuses offered, and to remit any fines and forfeitures for reasons which shall appear to them just and reasonable, and in case of permanent inability, the said court shall give said applicant a certificate of discharge from military duty.

4. *And be it enacted*, That the major or president of the battalion court of appeal, shall within ten days after holding said court make accurate returns of the names of all delinquents, and the sum imposed on each, one to the battalion paymaster, and one to the brigade paymaster. Returns.

5. *And be it enacted*, That the surplus money, after paying the expenses authorized by law, that may remain in the hands of the brigade paymaster, on the settlement of his accounts, shall be appropriated to the purchase of arms, accoutrements, colors, instruments of music, and to teach music and the preservation of arms, at the discretion of the brigade board, the said arms and other military implements always subject to the order of the commander in chief, in case of invasion, insurrection, or actual war, and the judge-advocate shall immediately after the annual meeting of the said board, make out and transmit to the adjutant-general a statement of the disbursements, the number of arms and other military implements, and the said adjutant-general shall lay the same before the legislature as soon thereafter as may be. Surplus monies.

6. *And be it enacted*, That the militia in the coun-

ty of Cape-May, shall be detached from the Cumberland brigade, and form an independent regiment under the command of a lieutenant colonel commandant, who shall from time to time, as occasion may require, issue warrants to the commandants of battalions for the election of company officers, receive and transmit their returns to the adjutant-general, and perform all the duties of commandants of brigades as far as may be necessary for the due organization and order of said regiment.

Cape-May militia.

7. *And be it enacted*, That the field officers of said regiment shall form a regimental board, of which the adjutant shall be ex-officio judge-advocate, which board shall meet at the same time that the several brigade boards are required by law to meet, and shall exercise all the powers of a brigade board so far as respects the organization of new companies or battalions, the alteration of the boundaries of old ones, the settlement of accounts, and the general superintendance of the military concerns of said county, and that the adjutant of said regiment shall perform the duties required of brigade majors and inspectors, for which service he shall receive ten dollars per annum.

Regimental board.

8. *And be it enacted*, That in addition to the military corps now authorized to be formed in the several counties of this state, companies of riflemen may be formed. Each company of riflemen shall consist of one captain, three lieutenants, one clerk, four sergeants, four corporals, one drummer and fifer (or bugler) and not more than one hundred nor less than fifty privates; that such rifle companies as are already formed or may be hereafter formed, shall be attached to the regiment in whose bounds a majority of said company shall reside, and be subject to the marching orders of their superior commanders, rendezvous at the regimental and battalion trainings, and be inspected by the proper officers of said brigade, and be stationed as flanking companies, subject to be trained by their commanding officer or officers agreeably to the manual and

Rifle corps

field evolutions peculiar to riflemen; that his excellency the governor be requested to furnish suitable instructions in military tactics for the government of riflemen, and that he be authorized to draw on the treasurer for the expenses of printing and distributing the same.

9. *And be it enacted*, That the following fees shall be allowed for services required by this act, viz. to the clerk for advertising the names of exempts and delinquents, two cents for each name, and fifty cents for a copy thereof to the company court; to each member of said court for holding the same, one dollar; to the president thereof for returning a list of exempts and delinquents who have been fined, two cents for each name; to the major or commanding officer for advertising the battalion court of appeal, fifty cents, and to each of the members for holding the court, one dollar; to the president of the battalion court for the names required to be furnished to the county collector, battalion paymaster, and brigade paymaster, two cents on each name; all which fees shall be paid by the battalion paymaster, on a certificate signed by the president of the company court for the members of said court and company clerk, and by the president of the battalion court for the members thereof. Fees.

10. *And be it enacted*, That the eighteenth, twenty-ninth, thirtieth and thirty-first sections, so much of the second section as requires the militia of Cape-May to be attached to the Cumberland brigade, so much of the sixth section as authorizes brigade trainings, so much of the seventh section as relates to bayonets and belts, so much of the eighth section as requires the clerks to serve personal notice on delinquents, and all other sections and parts of sections as come in the purview of this act, be and the same are hereby repealed. Repeal.

A. Passed at Trenton, Feb. 5, 1812.

# LEGISLATURE OF NEW-JERSEY.

*House of Assembly, January* 13, 1812.

WHEREAS, in cases of great national concern, involving in their consequences the interest, the rights and the welfare as well of the future as of the present generation ; it cannot fail to be useful and acceptable to those entrusted with the national government to be made acquainted with the deliberate opinion of every portion of the Union : The members of the Legislature of New-Jersey, at this momentous crisis in our national concerns, think it a duty incumbent on them, publicly to express, as well the sense of the Legislature, as the known feelings and sentiments of the citizens of the state they represent.

In contemplating the convulsive struggles that have within the last twenty years broken up the governments, overturned the ancient land marks, and carried disorder and distress into almost every quarter of the European world ; the citizens of New-Jersey have surveyed the destructive progress of this war of ambition on the one side and of mercantile monopoly on the other, not only as men commiserating the suffering of others, but with a view to the consequences on the safety and happiness of America. The anxious solicitude manifested by the general government to observe an impartial neutrality in relation to the belligerent nations, has at all times met the decided approbation of the government and citizens of New-Jersey.

It was confidently hoped that this line of conduct would have secured to our country the complete observance of the acknowledged laws of civilized nations, or at least have protected the persons and property of our citizens from outrageous violence. It was therefore not without emotions of astonishment and indignation that they saw the two great belligerent European powers set at defiance the public law of nations by commencing a wanton

provoked attack upon the property and persons of our citizens on the high seas. This indignation was increased by the insults offered to an enlightened nation in the pretexts assigned as the cause of this violence. The danger and impolicy of waging war against all Europe at once, justified the course pursued by the general government, of remonstrance, negociation and commercial restrictions. It has now become a subject of some consolation, that one of the great belligerent nations has receded from her hostility, ceased to violate our neutral rights, made assurance of future amity and the observance of the laws of nations, and thereby left America a single antagonist to contend with—one against whom she has already measured her strength.

In contemplating the evils inflicted on our country by Great-Britain, the legislature of New-Jersey disclaim bringing into the calculation the injuries suffered in the revolutionary war, these having been magnanimously buried in the treaty of 1783. Nor do they take into account the alledged instigation of the savages to hostilities on our frontier settlements, the facts not being officially ascertained and declared; they leave out also the insult to the American flag in the attack on the Chesapeake frigate, that having been amicably adjusted; nor would they at this time, think proper to complain of the refusal of Great-Britain to accede to the desires of the civilized world, of ameliorating the evils of war, by adopting as a rule, that free ships make free goods. Even if the controversy between the two countries arose solely out of the interruption to our carrying trade, although they consider that trade founded on a perfect indisputable right which ought never to be yielded by treaty, yet policy might suggest the propriety of sleeping over the injuries arising from the deprivation of the exercise of this right for a time.

But the two following causes of complaint, on which America and Great-Britain are at issue, are

of so unquestionable a nature, as to leave no doubt or hesitation on the mind. First, the abominable practice of impressing native American seamen, while in the pursuit of a lawful commerce, forcing them on board their ships of war, and compelling them, under the lash, to fight against nations with whom we are at peace, and even against their own country.

Second, the depredations committed on the legitimate commerce of America, it being now openly avowed by the British government, that an American built ship, owned by citizens of the United States, navigated by native American seamen, laden with goods the growth and manufacture of the United States, not contraband of war, bound to a belligerent port, which is neither invested nor blockaded, is subject by the orders of the British government to seizure and condemnation, both ship and cargo; the ruin of individuals, and the destruction of commerce, evidence the rigid execution of these orders.

This flagitious conduct of the rulers of Great-Britain, needs no comment; it is too notorious to be denied, too palpable to be susceptible of explanation, and too atrocious for palliation or excuse. The answers to the reasonable remonstrances of our government have only added insults to injuries, by assuming positions at variance with reason, justice, and the public law; in consequence of which further negociation becomes idle and vain. It only remains for the constituted authorities of the Union to guide the destinies of a numerous, brave and powerful nation, by marking out its future course. That in doing this, they may rely with confidence on the support of New-Jersey,

*BE IT RESOLVED by the Legislative Council and General Assembly of the state of New-Jersey*, That at this important crisis in our national concerns, the government of New-Jersey entertain a full and perfect confidence in the wisdom and in-

tegrity of the President, the Senate and House of Representatives of the United States of America; And hereby most solemnly assure the national government, that New-Jersey will readily accord in any measures, which it may in its wisdom think proper to adopt for the redress of national wrongs. That they cordially approve the recommendation of the President of the United States, to both houses of Congress, admonishing them to put the nation in armor. That in case the government of the United States shall eventually determine to resist by force the lawless aggressions committed by the British nation on the persons and property of our citizens, this Legislature, in behalf of themselves and the citizens of New-Jersey whose representatives they are, pledge themselves to the nation to render to the general government all the aid, assistance and support in their power, and will with readiness perform all the duties required of them in the prosecution of a war undertaken for the common defence and general welfare.

*Resolved*, That his excellency the Governor be requested to transmit a copy of the foregoing to the President of the United States, with a request that he would be pleased to communicate a copy to each branch of the national legislature.

*Resolved*, That his excellency the Governor, be also requested to transmit a copy to each of our Senators and Representatives in Congress.

Signed by order of the House,

WILLIAM KENNEDY, *Speaker.*

Council Chamber, Jan. 17, 1812.

Concurred in by Council.

By order,

CHARLES CLARK, *Vice-President.*

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# ACTS

OF THE

THIRTY-SIXTH

# GENERAL ASSEMBLY

OF THE

# STATE OF NEW-JERSEY.

AT A SESSION BEGUN AT TRENTON, ON THE EIGHTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND CONTINUED BY ADJOURNMENTS.

*BEING THE FIRST SITTING.*




TRENTON:

*PRINTED BY JAMES J. WILSON.*

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# ACTS

OF THE

*THIRTY-SIXTH*

## GENERAL ASSEMBLY,

OF THE

*STATE OF NEW-JERSEY.*

AN ACT authorizing the sale of certain real estate now held by the children of Harman Hummer, deceased.

WHEREAS Harman Hummer, late of the township of Kingwood in the county of Hunterdon, deceased, died intestate, leaving six children, namely, Tunis Hummer, Johnson Hummer, Jacob Hummer, Christian Hummer, John Hummer and William Hummer, several of whom are yet minors under the age of twenty-one years—And the said children have inherited from their father a small lot of land, and from their grandfather Tunis Hummer, who departed this life since the decease of their father the said Harman Hummer, another lot of land adjoining, making altogether about sixty acres of land, with a dwelling-house, grist-mill and saw-mill thereon, situate in the said township of Kingwood, which property is so situated that it is not practicable to make a division thereof, agreeably to law, between the said heirs; that the said property requires to be repaired, and there is not money belonging to the said minors to answer Preamble.

that purpose, and it has been represented by the petition of all concerned, that it will be most advantageous to all the said heirs to have the property sold altogether at this time, without expending money on it, and therefore they have by their petition prayed that the legislature would be pleased to enact a law authorizing and appointing trustees to sell the said property for the benefit of the said heirs, and the representation and prayer of the said petition being reasonable —Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That Clement Bonnell, John Hummer and Jacob Johnson, be and they are hereby appointed trustees with full power in their discretion to sell, dispose of and convey all and singular the said two lots of land, with the dwelling-house, grist and saw-mills thereon, with all the appurtenances, situate in the township of Kingwood aforesaid, which descended to the said Tunis Hummer, Johnson Hummer, Jacob Hummer, Christian Hummer, John Hummer and William Hummer, the one from their father the said Harman Hummer, deceased, and the other from their grand-father the said Tunis Hummer, deceased, as above mentioned, as soon as conveniently may be, at private or public sale, for the highest sum or sums of money which the same will bring, and for the same or any part thereof, when thus sold, to make and execute in due form of law in their own names or in the name or names of any two of them as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate, right, title and interest which the said Tunis Hummer, and the said Harman Hummer, at the time of their decease, respectively had or ought to have had or claimed of in and to the same, which sale or sales being made and confirmed by deed, and certified as hereinafter directed, shall entitle the

Trustees.

Powers.

Title.

purchaser or purchasers to all the estate, right, title, claim and demand, which the said Tunis Hummer and the said Harman Hummer, or either of them, respectively, had to the said premises at the times of their decease respectively.

2. *And be it enacted*, That the said Clement Bonnell, John Hummer and Jacob Johnson, shall keep a fair account of the sale or sales of land and real estate so by them sold as aforesaid, and of the expenditures and appropriations of the money arising therefrom, and that they or any two of them shall within six months after the sale of the said real estate make, subscribe and exhibit under oath or affirmation, to the surrogate of the county of Hunterdon, an exact statement of the amount of the said sale or sales of the said real estate, and of the monies arising therefrom, who shall report the same to the next orphans court to be held in and for the said county. Account.

3. *And be it enacted*, That the monies arising from the said sale or sales, after deducting a reasonable sum for the services of the said trustees, to be allowed by the orphans court, and after payment of all the debts of the said Harman Hummer, deceased, if his personal estate should prove insufficient, shall be distributed among the children of the said Harman Hummer, deceased, in the same proportion, and divided as directed by the law regulating the descent of real estates of persons dying intestate, and that the share of each child who at the receipt of the purchase money or monies as the same may be paid in may be under the age of twenty-one years, shall be put out to interest on good security to be approved of by the said court, until they respectively attain to the age of twenty-one years, the interest of which to be annually received by the guardian or guardians of the said infants, and if necessary to be appropriated to the education and maintenance of them respectively. Distribution.

4. *And be it enacted*, That before the said Clement Bonnell, John Hummer and Jacob Johnson, or Bond.

any or either of them, do undertake to discharge the duties enjoined by this act, they shall enter into bonds with such securities and in such amount to the governor of this state, as shall be approved of by the orphans court of the county of Hunterdon, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be filed in the surrogate's office of the county of Hunterdon, and may on a breach of the condition, by order of the governor of the state for the time being be prosecuted for the benefit of those who may be aggrieved thereby.

Vacancies in trustees.

5. *And be it enacted*, That if any of the said persons herein before appointed to execute the trust created by this act should refuse to act as such trustee, or depart this life before the execution of the trust herein before created, such one or more of the said trustees who may be willing to take on him or themselves the said trust, or such one or more who may be survivors of the whole, shall, and he or they are hereby fully authorized and empowered to execute the said trust herein created to all intents and purposes which are herein before set forth.

Discretion

6. *And be it enacted*, That the said trustees or trustee who may execute the said trust herein created, shall have full power and authority in their or his discretion to sell a part or the whole of the real estate herein before described, either for cash, or on credit with a security by way of mortgage on the said real estate so to be sold, and with such other security as the trustees or trustee may think necessary for the payment of the purchase money with lawful interest, at any future period not exceeding six years.

Dower.

7. *And be it enacted*, That in six months from the sale of said real estate, the said trustees, or any two of them, or the survivors or survivor of them, shall put out to use the one equal third part of the purchase money arising on the said sale, or such part or parts thereof wherein a right of dower may be claimed, on such security to be approved of as

aforesaid, and pay the interest arising therefrom, yearly and every year, to the legal claimant of such dower, during the natural life of the person so entitled, which shall be in lieu and full satisfaction of any right of dower in the said premises; and after the decease of any such claimant shall divide the said one third among the heirs at law of the same according to their respective rights.

8. *And be it enacted*, That no deed or conveyance of such real estate made by the said trustee or trustees shall be valid, unless it be certified in or upon such deed or conveyance, by Joseph Hankinson, esquire, John Dawes, and Ralph Hunt, esquire, or any two of them, or the survivor or survivors of them, that such sale was made bona fide and for the highest price that could be obtained for such real estate at the time of the sale. Certificate

9. *And be it enacted*, That no sale made by virtue of this act shall affect any lien or claim upon the said real estate other than that of the children of the said Harman Hummer, deceased. Sale, what claims not to affect.

A. Passed at Trenton, Nov. 1, 1811.

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## AN ACT to appoint Trustees to sell and convey the real estate of George Job, late of the county of Middlesex, deceased.

WHEREAS George Job, late of South-Amboy, in the county of Middlesex, in and by his last will and testament duly proved, bearing date the twenty-ninth day of March, seventeen hundred and seventy-seven, did, among other things, direct that his homestead plantation should be sold, and that the money thence arising should be equally divided among his six daughters, as in and by the said will is expressed—and whereas the executors of the said George Job are deceased, and no title can be made for the said plantation, Preamble.

and the devisees under the said will have prayed that a law may be passed to authorize trustees to sell the same and to dispose of the monies thence arising agreeably to the said last will and testament of the said George Job; and the prayer of the said petition appearing to be reasonable and proper—Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Redford Job and Thomas Parker, be and they are hereby appointed trustees with full power, to sell, dispose of and convey the said homestead plantation of the said George Job, with all and singular the tenements, hereditaments and appurtenances to the same belonging or in any wise appertaining, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and for the same or any part thereof when thus sold, to make, sign, seal, execute, deliver and acknowledge, in due form of law, in their own names or in the name of the survivor of them, as trustees aforesaid, a good and sufficient deed or deeds of conveyance, according to the estate, title and interest, which the said George Job had in the same at the time of his decease; which sale or sales being made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand which the said George Job had in the premises at the time of his death, and which the heirs of the said George Job may now have of in and to the same: *Provided, however*, that no deed or conveyance of such land shall be valid, unless it be certified in or upon such deed or conveyance by John James and John L. Anderson, esquires, or the survivor of them, that such sale is made bona fide and for the highest price that could be obtained for such property at the time of such sale.

Trustees.

Powers.

Title.

2. *And be it enacted*, That the said trustees shall keep a fair account of all their sales of the said

Account.

land, and after deducting reasonable expenses and fees for their services, to be allowed by the orphans court of the county of Middlesex, and after paying such lawful and just debts of the said George Job, as his personal estate may not be sufficient to answer, if any such there be, shall distribute and pay the residue of the monies arising from a sale of the said lands agreeably to the directions of the said last will and testament of the said George Job, deceased. Distribution.

3. *And be it enacted*, That before the said Redford Job and Thomas Parker shall enter upon the execution of the trust assigned them by this act, they shall enter into bond with surety to the governor of the state, in such amount as shall be approved of by the orphans court of the county of Middlesex, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the office of the surrogate of said county. Bond.

4. *And be it enacted*, That the said Redford Job and Thomas Parker, and the survivor of them, shall within six months after a sale of the said homestead plantation of the said George Job, make, subscribe, and exhibit under oath to the surrogate of the said county of Middlesex, to be filed and recorded by him, an exact account and statement of the amount of the said sale or sales and of the expenses and fees attending the same, to be allowed by the said orphans court. Statement.

A. Passed at Trenton, Nov. 1, 1811.

## AN ACT authorizing a Canal in the county of Cumberland.

WHEREAS large bodies of salt meadows are so situate between Cohansey and Cedar creek, in the county of Cumberland, as to be of little value, on account of the difficulty and expenses of con-

veying the produce thereof to market—And whereas opening a communication by means of a canal between the waters of Cohansey and Back creek would by opening a direct intercourse with the interior and upper part of the county, prove a material advantage to a great number of the citizens thereof—Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Ichabod Bishop, Isaac Bishop, John Westcott, junior, Henry Westcott, and their associates, are hereby authorised and empowered to open a communication by means of a canal of sufficient width and depth to admit of the free passage and re-passage of scows boats and rafts drawing four feet water, from some point on Cohansey creek between the Frenchman's landing and what is called the Old Farm landing, to the head waters of Back creek, or some of its branches, and that they have liberty, together with their agents, artizans and laborers, or any person or persons employed by them, to enter upon the lands of any person for the purpose of digging said canal and other works necessary for effecting their object, subject always to make compensation for any land they may occupy in completing the same.

A. Passed at Trenton, Nov. 1, 1811.

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## AN ACT to repeal in part certain acts relative to the estate of Joseph Brearley, dec.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the act entitled An act to authorize the sale of the real estate of Joseph Brearley, late of the county of Hunterdon, deceased, passed the twenty-eighth day of November, one thousand eight hundred and six,

and a supplement thereto, passed the twenty-ninth day of January, one thousand eight hundred and eleven, be and the same are hereby repealed, so far as relates to lands or real estate of the said Joseph Brearley, deceased, remaining unsold at this time.

A. Passed at Trenton, Nov. 2, 1811.

## AN ACT concerning the real estate of James Cox, esquire, deceased.

WHEREAS it is represented to the legislature by the petition of the widow and heirs of the said James Cox, late of the county of Monmouth, deceased, that he died intestate; that he was seized and possessed of certain real estate in said county; that the said real estate cannot be divided among the numerous heirs, without great and unavoidable loss and injury, and cannot be rented for near the interest of the sum the same will sell for; and that it is for the manifest and material interest of all the heirs that the same should be sold, and the proceeds be distributed agreeably to law:—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 Ann Cox, widow and administratrix, and Lewis Cox, son and administrator of the said James Cox, deceased, together with Thomas Cox, esquire, and the survivors and survivor of them, be and they are appointed trustees with full power to sell, dispose of and convey the said lands and real estate as soon as conveniently may be for the highest sum or sums of money the same will bring, and for the same or any part thereof when thus sold, to make, execute and deliver, in due form of law, in their own names or in the name of the survivors or survivor of them, as trustees aforesaid, good and suf- Trustees. Powers. Title.

ficient deed or deeds of conveyance, according to the estate, title and interest which the said James Cox, esquire, had in the same; which sale or sales being made and confirmed by deed, and certified as herein after directed, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim, and demand, which the said James Cox, esquire, had in the premises at the time of his death, and which the heirs and widow of the said James Cox, deceased, now have in and to the same.

Account.

2. *And be it enacted*, That the said trustees shall keep a fair account of all their sales of the said lands and real estate so by them to be sold as aforesaid, and after deducting reasonable fees for their services, to be allowed by the orphans court of the county of Monmouth, and the costs and charges attending the said sales and discharge of their trust,

Distribution.

distribute all the monies so arising from the sale of the said lands and real estate, to and among the heirs of the said James Cox, according to and in the manner and proportion prescribed by the law directing the descent of real estate in the state of New-Jersey, when such heirs shall be of full age, and during the minority of any such heirs, or inability to receive their proportion of the amount of the sales which by this act they would be entitled to, then to his or their guardian or guardians:—

Proviso.

*Provided nevertheless*, That the said Ann Cox, Lewis Cox and Thomas Cox, or the survivors or survivor of them, shall or may retain and put out to use one equal third part of the net proceeds of the sales so by this act directed to be made, during the life of the said Ann Cox, and pay to her yearly and every year during her said life the interest arising from the said one equal third part of the said net proceeds, in lieu and full satisfaction of her dower, and that after her decease the said one equal third part shall be distributed by the said Lewis Cox and Thomas Cox, or the survivor of them, or the executors or administrators of such survivor, to and among the heirs of the said James Cox, in the manner above directed.

3. *And be it enacted*, That before the said Ann Cox, Lewis Cox, and Thomas Cox, esquire, do enter into the execution of the trust assigned them by this act, they do enter into a bond with surety and to such an amount to the governor of the state as shall be approved by the orphans court of the county of Monmouth, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the office of the surrogate of said county: *Provided always*, that no deed or conveyance of such lands or real estate made by the trustees aforesaid, shall be valid, unless it be certified in or upon such deed or conveyance by major William Potts and Samuel Imlay, or the survivor of them, under their hands and seals, that such sale is made bona fide and for the highest price which could be obtained for such property at the time of such sale. Bond. Certificate

4. *And be it enacted*, That the said Ann Cox, Lewis Cox, and Thomas Cox, esquire, or the survivors or survivor of them, shall within six months after the sale of the lands and real estate aforesaid, make, subscribe and exhibit under oath, unto the surrogate of the county of Monmouth, an exact statement of the amount of the sale or sales, to be by him recorded and filed agreeably to law, and that the said Ann Cox, Lewis Cox, and Thomas Cox, esquire, shall be accountable for all monies by them or either of them received by virtue of this act. Statement.

A. Passed at Trenton, Nov. 2, 1811.

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## AN ACT relative to the last will and testament of the Reverend Thomas Grant, deceased.

WHEREAS John Grant, brother and executor of the Reverend Thomas Grant, late of the township of Nottingham in the county of Burlington, deceased, and Mary E. Grant, widow, and Ca-

tharine S. Grant and Theodosia S. Grant, children of the said Thomas Grant, have by their petition represented to the legislature, that in the last will and testament of the said Thomas Grant a mistake had occurred in the christian name of the person meant and intended by the said Thomas Grant to be appointed one of the executors thereof, and that in their opinion it would be conducive to the interest and convenience of the persons concerned therein that the said mistake should be corrected and that Charles Ewing of the city of Trenton, the person intended by the said Thomas Grant to be one of the executors thereof, should be authorized and empowered to execute the said will together with John Grant, the other executor, and have prayed legislative aid in the premises: And whereas the facts set forth in the said petition have been fully ascertained to the satisfaction of the legislature:—

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 Charles Ewing, of the city of Trenton, be and he is hereby authorized and empowered to act in and exeeute the said last will and testament of the said Thomas Grant, deceased, in as full and ample a manner to all intents and purposes and in all respects, and that he be and is invested with all the powers, duties and authorities, as if the name of him the said Charles Ewing instead of the name of James Ewing, junior, had been inserted in the said last will and testament at the time of the execution thereof, and as if no mistake had occurred, and he had been correctly described in the same.

2. *And be it enacted*, That before the said Charles Ewing shall proceed to act in the execution of the said will, he shall take the oath of office as executor thereof in the manner prescribed by law before the surrogate of the said county of Burlington, and

that the said surrogate shall thereupon issue probate of the said last will and testament to the said Charles Ewing, together with John Grant, the other executor named therein, in the form and manner for that purpose prescribed by law.

A. Passed at Trenton, Nov. 2, 1811.

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## AN ACT to provide for the payment of the several officers of the government of the state of New-Jersey.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That there shall be paid to the several officers appointed for the administration of the government of this state, the several sums following, to wit: Treasurer to pay

To the governor of this state for the time being at the rate of eighteen hundred dollars by the year. to the governor,

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

To the other justices of the supreme court of the state for the time being at the rate of nine hundred dollars by the year. other justices,

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

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

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

All 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 in privy council, and in case any of the officers before mentioned shall by death or otherwise be removed from office, the salary of such officer shall on warrants.

cease and determine on such removal from office, and the salary of his successor shall commence from the time he shall be sworn or affirmed into office.

vice-president and speaker,

2. *And be it enacted*, That there shall be paid to the vice-president of council and the speaker of the house of assembly the sum of two dollars and sixty-seven cents, and to every other member of council and house of assembly the sum of two dollars and twenty-seven cents for each day they shall have attended at this or any future sitting of the legislature, and the further sum of two dollars and twenty-seven cents for every twenty miles of the estimated distance by the most usual road to and from his place of residence to and from the seat of government, on a certificate to be produced to the treasurer, expressing the sum and 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 assembly, or by James J. Wilson, Aaron Vansyckel, Ephraim Bateman and Charles Ellis, or any two of them, for the members of the house of assembly.

other members of council and assembly.

Clerk of council & of the assembly.

3. *And be it enacted*, That there shall be paid to the clerk of the council and assembly the sum of two dollars and sixty-seven cents each for every day they shall have respectively attended this or any future sitting of the legislature, and the further sum of five cents by the sheet, computing one hundred words to a sheet, for entering the minutes of council, assembly and joint-meeting fairly in the journals, and at the like rate for a copy thereof, and to the clerk of assembly for a copy of the laws for the printer, on a certificate produced to the treasurer signed by the president or vice-president of council for the clerk of council, and by the speaker of the house of assembly for the clerk of assembly.

Printers.

4. *And be it enacted*, That the treasurer pay to William Tuttle for printing the reports, and to James J. Wilson for printing the laws, votes and proceedings of the assembly, and to such printer as

shall be directed by council for printing the journals of council and minutes of joint-meeting, twenty-five dollars for each sheet, to be printed in octavo size, and that thirteen hundred copies of the said laws, reports, votes and proceedings, be printed for the use of the state, and that the printer of the laws be required to print the public and the private acts in such manner that they may be separated.

5. *And be it enacted*, That there shall be paid to the serjeant at arms for the time being who shall have attended the council and house of assembly, and to the door keepers of council and house of assembly for the time being the sum of one dollar and twenty-five cents by the day, on a certificate to be produced to the treasurer expressing the sum and number of days they have attended, signed by the president or vice-president of council or by the speaker of the house of assembly. Door-keepers, &c.

6. *And be it enacted*, That this act shall continue and be in force one year from the twenty-second day of October in the year one thousand eight hundred and eleven. Limitation

A. Passed at Trenton, Nov. 4, 1811.

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## AN ACT to raise the sum of twenty thousand dollars for the year of our Lord one thousand eight hundred and twelve.

Sec. 1. 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 in the year of our Lord one thousand eight hundred and thirteen. $20,000.

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 proportions following, that is to say,

Proportions.

The county of Bergen shall pay the sum of one thousand two hundred and ninety dollars and ninety three cents.

The county of Essex shall pay the sum of one thousand eight hundred twenty dollars thirty two cents.

The county of Middlesex shall pay the sum of one thousand six hundred and eighty six dollars eighty five cents.

The county of Monmouth shall pay the sum of one thousand eight hundred and seventy four dollars fifty two cents.

The county of Somerset shall pay the sum of one thousand three hundred twenty eight dollars seventy seven cents.

The county of Burlington shall pay the sum of two thousand one hundred ninety one dollars forty five cents.

The county of Gloucester shall pay the sum of one thousand six hundred twenty dollars ninety two cents.

The county of Cumberland shall pay the sum of eight hundred dollars forty two cents.

The county of Salem shall pay the sum of one thousand one hundred ninety nine dollars twenty four cents.

The county of Cape-May shall pay the sum of two hundred ninety one dollars six cents.

The county of Hunterdon shall pay the sum of two thousand two hundred and fifty dollars sixty eight cents.

The county of Morris shall pay the sum of one thousand six hundred nineteen dollars ninety four cents.

The county of Sussex shall pay the sum of two thousand and twenty four dollars ninety cents.

3. *And be it enacted*, That the said sum of twenty thousand dollars shall be assessed, levied and raised in the manner prescribed by the act entitled An act concerning taxes, passed the tenth day of June, in the year of our Lord seventeen hundred and ninety nine, and the several officers therein mentioned are hereby required to perform the several duties on them enjoined, under the same pains and penalties for neglect of duty as in the same act are imposed. How assessed.

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

Every covering horse above three years old, at one half the price at which such horse shall cover for the season, to be paid by the person where such horse is kept.

All other horses three years old and upwards, six cents.

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

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

All tracts of land held or owned by deed, patent, occupancy, survey or otherwise, any sum not exceeding one hundred dollars by the hundred acres: *Provided always*, That houses and lots of land of ten acres and under shall not be included in the above valuation, but shall be valued by the respective assessors at their discretion, having regard to the yearly rent and value thereof, proportioning the same as nearly as may be to the valuation of the land aforesaid.

All householders (under which description shall be included all married men living with their parents) the estimated value of whose ratable estate does not amount to thirty dollars, any sum in pro-

portion to their abilities not exceeding three dollars over and above their certainties and other estate made ratable by this act.

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

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

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

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

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

All furnaces, any sum not exceeding eight dollars.

All forges that work pig-iron, and all forges and bloomaries that work bar-iron immediately from the ore, for each fire, any sum not exceeding two dollars.

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

All paper-mills, any sum not exceeding three dollars and fifty cents.

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

All tan-yards, that tan leather for sale or hire, for each vat, any sum not exceeding ten cents.

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

Every male slave between the ages of sixteen and fifty years, any sum not exceeding fifty cents; *Provided* that no slave shall be taxed who is usually unable to labor.

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

All other distilleries used for distilling spirits, any sum not exceeding ten dollars ; having in all cases a due regard to the size or capacity and use of said stills.

Every coach and chariot, any sum not exceeding three dollars.

Every phaeton, coachee or four wheeled chaise, and every light waggon with steel or iron springs, or jacks, other than stage waggons, any sum not exceeding two dollars.

Every four horse stage waggon, any sum not exceeding two dollars and fifty cents.

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

Every two horse chair or curricle, and every two horse riding chair with steel or iron springs, or with a top or cover, any sum not exceeding one dollar.

Every riding chair, gig or sulkey, stuffed and lined, any sum not exceeding fifty cents.

Every windsor riding chair or sulkey, any sum not exceeding fifteen cents.

Every covered waggon with a fixed or frame top, any sum not exceeding forty cents.

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

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

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

6. *And be it enacted*, That it shall hereafter be the duty of the several county collectors for the time being to furnish blank abstracts to the board of assessors at the day and time required by law for the meeting of the assessors of the several counties of this state in the following form.

*An Abstract for the county of* *for the year*

| Names of townships | Total. |
|---|---|
| Number of acres of improved land. | |
| Value per 100 acres of improved land. | |
| Number of acres of unimproved land. | |
| Value per 100 acres of unimproved land. | |
| Houses and lots of ten acres and under. | |
| Value of houses and lots. | |
| Total am't of value of land houses & lots. | |
| Horses three years old and upwards. | |
| Cattle three years old and upwards. | |
| Covering horses. | |
| Householders. | |
| Single men. | |
| Merchants, shopkeepers and traders. | |
| Fisheries. | |
| Saw-Mills. | |
| Grist-Mills, each run of stones. | |
| Fulling-Mills. | |
| Furnaces. | |
| Forges, each fire. | |
| Rolling and slitting mills. | |
| Paper-Mills. | |
| Toll-bridges and ferries. | |
| Tan-yards, number of vats. | |
| Slaves between 16 and 50 years of age. | |
| Distilleries from rye or other grain, or molasses or other foreign materials. | |
| Distilleries from cider. | |
| Coaches and chariots. | |
| Phæton, coachee, 4 wheel chaise, light waggon with iron springs & jacks. | |
| Four horse stage waggons. | |
| Two horse stage waggons. | |
| Two horse chair or curricle, and every two horse riding chair with steel or iron springs, or with a top or cover. | |
| One horse riding chair, gig and sulkey, stuffed and lined. | |
| Windsor riding chairs or sulkies. | |
| Covered waggons with fixed or framed tops. | |
| Powder-Mills. | |
| Oil-Mills. | |
| Plaister-Mills | |
| Total amount of certainties. | |

| Amount of tax. | |
|---|---|
| $ | |
| cts. | |

7. *And be it enacted*, That the assessors, collectors, and other officers concerned in the collection of this tax, shall be entitled to the same compensations as are provided in the before recited act entitled "An act concerning taxes." Compensation.

A. Passed at Trenton, Nov. 4, 1811.

## AN ACT to incorporate the Newark Mutual Fire Assurance Company.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That James Vanderpool, Smith Burnet, Luther Goble, Robert B. Camfield, Benjamin Cleveland, Joseph T. Baldwin, Isaac Andruss, Oliver Wade, Samuel Hays, junior, Samuel Pennington, Lewis Thibou, Moses N. Combs, and Seth Woodruff, and all such persons as now are or hereafter may be members of the said company, shall be and hereby are ordained, constituted and declared to be a body corporate and politic, in fact and in name, by the name of the Newark Mutual Fire Assurance Company, and that by that name they and their successors shall and may have succession during the continuance of this act, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and that they and their successors may have a common seal, and may make, change and alter the same at pleasure, and also that they and their successors by the name of the Newark Mutual Fire Assurance company, shall be in law capable of purchasing, holding and conveying any estate, real or personal, for the use of the said corporation: *Provided*, that the lands, tenements and hereditaments which it shall be law- Corporation, name and privileges. Proviso.

ful for the said corporation to hold, shall be only such as shall be requisite for the purpose of erecting buildings thereon in which to meet and transact the business of the said corporation, or such as shall have been bona fide mortgaged to it by way of security, or conveyed to it in satisfaction of debts contracted in the course of its business, or purchased at sales on judgments which shall have been obtained for such debts.

Restrictions.

2. *And be it enacted*, That the said corporation shall not directly or indirectly deal or trade in buying or selling any goods or commodities whatsoever, or in buying or selling any stock created by any act of the congress of the United States, or any particular state, unless by purchasing for the purpose of investing its capital stock or any part thereof in the same, for the greater security, or by selling for the payment of its debts, or when such stock shall have been truly pledged to it by way of security of debts to the corporation or for the repayment of their deposits; and in no case whatever shall the said company engage in any banking or turnpiking institutions, under the penalty of forfeiting this charter.

3. *And be it enacted*, That it shall not be lawful for the president or a director of any other fire insurance company to be president or director of the company incorporated by this act.

4. *And be it enacted*, That all persons who now are members of the said corporation, or shall at any time hereafter insure in or with the said company, or be allowed so to do, shall be deemed and taken for members of the said corporation, and that the property and concerns of the said corporation shall be managed and conducted by twelve directors to be chosen by ballot by and from among the members; that the several persons who now are directors for the said company shall be directors of the said corporation, and shall continue in office for the periods for which they were respectively elected, and that the election for directors shall be held on

the first Wednesday in November in every year, in the town of Newark, between the hours of four and eight in the afternoon, at such place as a majority of the directors for the time being shall appoint, and public notice shall be given by the said directors in one or more of the newspapers printed in the said town, of such time and place, not less than seven days previous to the time of holding said election, that after the next election one sixth part of the directors so elected, shall by an annual rotation go out of office, and if any of the said directors shall remove from the town of Newark, die, or refuse or neglect to act in their said office for and during the space of six calendar months successively, then and in every such case another director shall and may be chosen by ballot in the place of each director so removing, dying, refusing or neglecting to act as aforesaid, by a majority of the directors, or such of them as shall be present at the next monthly meeting of the corporation after such vacancy shall so happen, which person so appointed shall be a director until the next general election, and in case it should happen that an election of directors should not be held on any day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day to hold an election of directors in such manner as the bye-laws of the said corporation shall have prescribed.

5. *And be it enacted*, That the directors shall not take or receive any compensation for their services as directors, and no person serving the corporation in the way of his trade or occupation, or being a debtor to the same, excepting on a policy of insurance, shall be chosen or qualified to serve as a director of the said company.

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 bye-laws, rules and regulations, as to them shall appear needful and Bye-laws.



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proper, touching the management and disposition of the stock, property, estate and effects of the said corporation, and touching the duties and conduct of the officers of the said corporation, and touching all such other matter as appertains to the business, ends and purposes which the said corporation is by this act entitled to, and also shall have power to appoint so many officers, clerks and servants, for carrying on the business of the said corporation, and with such allowances as to them shall seem meet: *Provided*, that such bye-laws, rules and regulations, be not repugnant to the constitution or laws of the United States, or of this state.

Meetings.

7. *And be it enacted*, That the directors shall meet once in every month and oftener if need be, and all meetings of the directors shall be held in such place and conducted in such manner as shall be from time to time prescribed by the bye-laws of the said corporation.

President.

8. *And be it enacted*, That at the first meeting of the directors in every year next after the annual election on the first Wednesday in November, they shall choose from among themselves one person to be president, who shall continue in that office for one year and until another shall be appointed in his stead, and it shall be the duty of the president to preside at all meetings of the directors, and all policies of assurance of the said corporation shall be signed by the president and countersigned by a secretary or clerk, and sealed with the seal of the said corporation, and the said corporation may insure

Property insured.

from loss by fire any goods, houses, stores and other buildings, and all policies of assurance which shall be made by the said corporation in pursuance of this act, shall be made upon such terms and conditions, and for such periods of time, and confined to such places, as shall be from time to time ordained and prescribed by the bye-laws and regulations of the said corporation, and that until it shall be otherwise ordained and prescribed they shall be made upon the same terms and conditions and for the

same periods of time as shall be from time to time ordained by the board of directors so far as the same are consistent with the regulations of this act.

9. *And be it enacted*, That no transfer of any policy of assurance of the said corporation shall be valid until entered in the books of the company and certified therein by the secretary. Transfers.

10. *And be it enacted*, That it shall not be lawful for the said corporation to issue or emit any notes or bills, or make any contract for the payment of money only, except the same be under the seal of the said corporation, and all such notes, bills and contracts shall be construed and taken to be specialties, and shall not possess any other or greater power of being assigned or transferred than specialties at common law. Notes declared specialties

11. *And be it enacted*, That in case of the absence of the president, the directors may from themselves appoint another to perform the duties of president pro tem, and in case of the death, removal, resignation, or other disability of the president, the directors may appoint another person from themselves to be president till the next annual election. President pro tem.

12. *And be it enacted*, That this act shall continue and be in force for and during the term of twenty years from the passing thereof. Duration.

A. Passed at Trenton, Nov. 4, 1811.

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## AN ACT to authorize a wing-dam at Ramsay and Barton's Island.

Sec. 1. 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 James Ramsay and Thomas Barton, or the survivors of them, their heirs or assigns, to erect and maintain a wingdam in the river Delaware, extending from Ramsay and Barton's

island, for the purpose of bringing in the waters of the Delaware for the improvement of their mill or mills situate on the said Ramsay and Barton's island, at a place called Menunkachunck, in the township of Oxford and county of Sussex: *Provided*, the said James Ramsay and Thomas Barton, or their heirs or assigns, shall not extend their wing-dam over any part of the said river which is navigated by boats or rafts, at any season of the year.

2. *And be it enacted*, That nothing in this act contained shall enable the said James Ramsay and Thomas Barton, or either of them, or their heirs or assigns, to enter upon, cut through, or in any way infringe on the lands or real estate of any person or persons without leave of the owner or owners of the said land or real estate being first had and obtained in writing.

A. Passed at Trenton, Nov. 4, 1811.

## AN ACT to authorize Nicholas Albertson to erect a wing-dam.

Sec. 1. 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 Nicholas Albertson, or his heirs or assigns, to erect and maintain a wing-dam in the river Delaware, extending from Albertson's island, for the purpose of bringing in the waters of the Delaware for the improvement of his mill, or mills situate on the said island, at or near a place called Menunkachunck in the county of Sussex: *Provided* the said Nicholas Albertson, his heirs or assigns, shall not extend the said wingdam over any part of the said river which is navigated by boats or rafts at any season of the year.

2. *And be it enacted*, That nothing in this act contained shall enable the said Nicholas Albertson, his heirs or assigns, to enter upon, cut through,

or in any way infringe on the lands or real estate of any person or persons without leave of the owner or owners of the same first had and obtained in writing.

A. Passed at Trenton, Nov. 4, 1811.

## AN ACT to revive and extend certain acts for the relief of persons imprisoned for debt.

Sec. 1. 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 for the relief of persons imprisoned for debt, passed the eighteenth day of March, one thousand seven hundred and ninety-five, as is not repealed by the supplement passed November the seventeenth, one thousand eight hundred and nine, together with the said supplement, entitled, A supplement to the act entitled An act to revive and extend the act entitled An act for the relief of persons imprisoned for debt,—be, and the same are hereby revived and continued in force for the benefit of all and every person or persons, who now are in actual confinement for debt or damages in the common prison of any county within this state, excepting such damages as have arisen or may arise from torts or injuries on which an indictment will also lie, as well as a civil suit for the wrong or injury so done.

C. Passed at Trenton, Nov. 4, 1811.

## 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 to the several persons hereinafter named, to wit—

1. To James J. Wilson, for stationary furnished the council and assembly, thirty-one dollars and fifteen cents.

2. To Joshua Norton, for twelve cords of hickory wood at seven dollars per cord, eighty-four dollars.

3. To Robinson Howell, for taking down the stoves in the assembly-room and putting them up, one dollar and twenty-five cents.

4. To Samuel and Joseph Laning, for mending the key of the front door of the state-house, twenty-five cents.

5. To William Gould, for cleaning state-house, and sundries, one dollar and seventy-five cents.

6. To Joseph M'Cully, for making earthen ink-pots for council, twenty-one cents.

7. To John R. Smith and Company, for glass, and sundries, for the state-house, six dollars and six cents.

8. To William Gould, for cording and sawing twelve cords of hickory wood at ninety-four cents per cord, for the use of the state-house, eleven dollars and twenty-eight cents.

9. To James J. Wilson, for printing and for newspapers furnished the legislature, twenty-four dollars.

10. To the secretary of council and clerk of assembly, who severally engrossed the bills of council and assembly this sitting, after the rate of eight cents by the sheet, on a certificate of the amount, signed by the president or vice president of council or by the speaker of the house of assembly.

11. To the adjutant-general, at the rate of fifty dollars a year from his last settlement with the treasurer to the twelfth of October one thousand eight hundred and eleven.

12. To Daniel Phillips, for lath, shingles, nails, and putting roof on government-house office, eighty-one dollars and sixty-four cents.

13. To governor Bloomfield, seven dollars and seventy-five cents for repairs to government-house, and thirteen dollars and nine cents for freight of laws and postage of public letters, making in the whole twenty-one dollars and eighty-four cents.

14. To George Sherman, for newspapers furnished the legislature, six dollars.

A. Passed at Trenton, Nov. 4, 1811.

PRIVATE AND TEMPORARY ACTS.

# ACTS

OF THE

THIRTY-SIXTH

# GENERAL ASSEMBLY

OF THE

# STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON, ON THE EIGHTH DAY OF JANUARY, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND CONTINUED BY ADJOURNMENTS.

*BEING THE SECOND SITTING.*




TRENTON:

*PRINTED BY JAMES J. WILSON.*

1812.

# ACTS

OF THE

*THIRTY-SIXTH*

## GENERAL ASSEMBLY,

OF THE

*STATE OF NEW-JERSEY.*

AN ACT to authorize and empower the trustees of Queen's College, in New-Brunswick, to erect a lottery for the purposes therein mentioned.

Sec. 1. 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 Queen's College in New-Jersey, be and they are hereby authorized and empowered to raise by way of lottery, a sum not exceeding twenty-five thousand dollars, of which sum the managers shall pay into the treasury of this state, immediately after the drawing is completed, the sum of five thousand dollars, to be applied as the legislature may direct, and the remainder shall be paid to the treasurer of the said college, to be appropriated by them towards the finishing of their new college edifice, and the purchase of a library and philosophical apparatus: *Provided*, the drawing of this lottery shall terminate within three years from the passing of this act.

2. *And be it enacted*, That the trustees of the said college, shall choose three managers of the said

lottery, who shall be on oath for the faithful discharge of their duty, which oath any of the magistrates of the county of Middlesex are hereby authorized to administer, and in case of the death, removal, or other disability of any or either of the managers so to be appointed, others shall and may in like manner be chosen to supply the place or places of him or them so disabled; and the said trustees shall have power to take such security from their managers as they may deem sufficient, and to require of them an account, from time to time, of their progress in the business of the said lottery.

A. Passed at Trenton, Jan. 15, 1812.

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## AN ACT relating to the last will and testament of Nathan Sheppard, deceased.

WHEREAS Nathan Sheppard, late of Hopewell in the county of Cumberland and state of New-Jersey, deceased, did by his last will and testament bearing date the third day of September, one thousand eight hundred and eight, among other things direct his executors therein named to sell his house and lot at Hancock's bridge :—And whereas they are unable to make a legal title for the same because there are but two subscribing witnesses to the said will :—For remedy whereof—

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Nathan Sheppard and Isaac Mulford, the executors named in the above recited will of Nathan Sheppard, deceased, be and they are hereby authorized to sell and convey the said house and lot pursuant to the directions of the said last will and testament, which sale and conveyance of the said executors shall be as

valid and effectual as if the said will had been subscribed by three witnesses, any law to the contrary notwithstanding.

A. Passed at Trenton, Jan. 16, 1812.

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## AN ACT authorizing a turnpike road from Dover to Suckasunny Plain in the county of Morris.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the directors of the Union turnpike company be, and they are hereby authorized and empowered, to make a spur or branch to the Union turnpike road, commencing at Dover, at the end of the twenty second course of said road, and running thence so as to intersect the Morris turnpike on Suckasunny Plain, passing as near the Suckasunny mine as the ground will conveniently admit. And the directors of said company are hereby also empowered to open subscription books to raise a capital stock to make said road, agreeably to the regulations and provisions in the second and fifteenth sections of the act above referred to. And said company are also hereby vested with all the powers, liberties and privileges in and over the said road, herein proposed to be laid out and turnpiked, which by the above mentioned act are given to said company, in and over the road laid out from Morristown to Sparta.

Extension of the road

Raising of stock.

2. *And be it enacted,* That Jephthah B. Munn, Daniel Dod and Edward Condict be commissioners to lay out said road, who shall within two years from the passing of this act, survey, mark out, and cause a return of the same to be recorded in the office of the secretary of state, of this state; which return or a certified copy thereof, shall at

Commissioners.

all times be considered as evidence of the line of said road.

Provisions of former act extended to this

3. *And be it enacted*, That all persons using, travelling, or trespassing on the road, laid out and turnpiked by virtue of this act, shall be subject to all the restrictions, regulations, provisions and penalties contained in the above mentioned act. And the said road shall be constructed and completed in the same manner, and said company shall be entitled to all the privileges, restricted to the same rates of toll and regulations as to making compensation for damages, and subject to all the provisions and exceptions specified in the said act incorporating the Union turnpike company, and which are not otherwise ordered in this act.

Repairs of road &c.

4. *And be it enacted*, That if the said company shall not keep the said road in good repair, and complaint thereof shall be made to any justice of the peace of the county, 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 where the cause of complaint arose, or if it be on the line of any two townships, of either of the 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, 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 to keep open the same, until otherwise ordered, and if the said keeper shall notwithstanding the order of the justice to open said gate, exact toll from 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 said justice shall be allowed for his services fifty cents, and the persons so appointed, the sum of one dollar each, to be paid by the said turnpike company; and it shall be the duty of the persons so appointed, or a majority of them, on application from the said turnpike 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 said persons, or any two of them, by licence under his hand and seal, directed to the toll gatherer permit the gates to be shut and toll to be collected as before, and the same 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 said turnpike company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint, and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint in the manner above prescribed, one or more respectable freeholders of 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.

5. *And be it enacted*, That no gate or other obstruction chall be placed on any part of said road which is at present a public highway. Old road free.

6. *And be it enacted*, That this act shall be and continue in force for the term of fifty years, and no longer. *Provided nevertheless*, that unless the said company shall yearly and every year after the laying out of the said road, complete at least one mile thereof until the whole is finished, then this act, and every part thereof, except so far as it compels said company to make reparation for damages, and compensation for lands, shall cease and be void. Limitation

A. Passed at Trenton, January 16, 1812.

## AN ACT for the relief of Insolvent 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 the provisions of the several acts of this state for the relief of persons imprisoned for debt or damages, so far as they were revived and extended by the act of last sitting entitled An act to revive and extend certain acts for the relief of persons imprisoned for debt, to persons then in confinement for debt or damages in the several jails of this state, be further revived and extended to all such persons as are now in actual confinement for debt or damages in any of the jails of this state.

A. Passed at Trenton, Jan. 20, 1812.

## AN ACT for the relief of Hugh Lesley and Abraham Moseley.

Sec. 1. 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 bona fide purchases of land and real estate within this state made by the said Hugh Lesley of Great-Egg-Harbor township in the county of Gloucester, laborer, and all bona fide purchases of land and real estate within this state made by the said Abraham Moseley of the township of Nottingham in the county of Burlington, before the passing of this act, and all deeds and conveyances of land and real estate within this state made before the passing of this act to the said Hugh Lesley, or to the said Abraham Moseley, shall be as good and valid and have the same operation and effect as if the said Hugh Lesley and Abraham Moseley had been naturalized citizens of the United States at the time of making such purchases or such deeds or conveyances.

2. *And be it enacted*, That all deeds and conveyances of land and real estate within this state which shall hereafter be made by the said Hugh Lesley or the said Abraham Moseley of or for any lands and real estate by them or either of them purchased as aforesaid previous to the time of passing this act, shall be as good and have the same operation and effect as if they the said Hugh Lesley and Abraham Moseley had been naturalized citizens of the United States at the time of purchasing the same.

A. Passed at Trenton, Jan. 22, 1812.

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## AN ACT appointing trustees to sell and convey a house and lot the real estate of Paul Duryea, late of the county of Somerset, deceased.

WHEREAS Paul Duryea, late of the county of Somerset, in the township of Hillsborough, died intestate, seized and possessed of a certain house and lot of land in the said township and county, containing about one acre; and it being represented by the petition of Arrietta Duryea widow of said Paul Duryea, deceased, and of a number of the relatives and neighbors to the heirs of the said Paul Duryea, of the propriety of the said law, the estate not being susceptible of a division, and if not sold will greatly decrease in value before the two small children arrive at lawful age; all which appearing 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 Martin Schenck and Edward Van Harlingen, and the survivor of them, be and they are hereby appointed trustees with full power to sell, dispose of and convey the said house and lot of land above described, as soon Trustees.

as conveniently may be, for the highest sum or sums of money the same will bring, and for the same or any part thereof when thus sold, to make, execute and deliver in due form of law, in their own names, or in the name of the survivor of them, as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate, title and interest which the said Paul Duryea had in the same, which sale or sales being made and confirmed by deed, and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand, which the said Paul Duryea had in the premises at the time of his death, and which the heirs and widow of the said Paul Duryea, deceased, now have in the same.

Title.

2. *And be it enacted*, That the said trustees shall keep a fair account of their sale of the said house and lot so by them sold as aforesaid, and after deducting reasonable fees for their services, to be allowed by the orphans court of the county of Somerset, and the costs and charges attending the said sales and discharge of their trust, and after paying such just and lawful debts of the said Paul Duryea as his personal estate may not be sufficient to answer, if any such there be, distribute all the residue of the monies so arising from the sale of the house and lot, to and among the heirs of the said Paul Duryea, according to and in the manner and proportion prescribed by the law directing the descent of real estates in the state of New-Jersey, when such heirs shall be of full age or married, and during the minority of any such heirs, or inability to receive their proportion of the real estate of the said deceased, or of their portion of the amount of the sales which by this act they would be entitled to, they the said Martin Schenck and Edward Van Harlingen, or the survivor of them, shall put out to use, on good landed security, for the use of the said minors, their portion as aforesaid, and also the one equal third part of the net proceeds of the sales so by this act directed to be made, during the life

Distribution.

time of the said Arrietta Duryea, and pay to her yearly and every year, during her said life, the interest arising from the said one third part of the said net proceeds, in lieu and full satisfaction of her dower, and that after her decease the said one equal third part, together with the portion aforesaid of said minors, shall be distributed by the said Martin Schenck and Edward Van Harlingen, or the survivor of them, or the executors or administrators of such survivor, to and among the heirs of the said Paul Duryea, when they shall be of lawful age, or married, in the manner above directed in and by this section.

3. *And be it enacted*, That before the said Martin Schenck and Edward Van Harlingen do enter into the trust assigned them by this act, they do enter into a bond with surety and to such an amount to the governor of this state as shall be approved of by the orphans court of the county of Somerset, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the office of the secretary of this state—*Provided always*, that no deed or conveyance of such lot or real estate, made by the trustees aforesaid, shall be valid, unless it be certified in or upon such deed or conveyance by Frederick Frelinghuysen and Jacob Van Nest, or the survivor of them, under their hands and seals, that such sale is made bona fide for the highest price that could be obtained for such property at the time of such sale.

Bond.

Certificate

4. *And be it enacted*, That the said Martin Schenck and Edward Van Harlingen, or the survivor of them, shall within six months after the sale of the said house and lot of land aforesaid, make, subscribe and exhibit under oath unto the surrogate of the county of Somerset, an exact statement of the amount of sale, to be by him recorded and filed agreeably to law, and that the said Martin Schenck and Edward Van Harlingen shall be ac-

Statement.

countable for all monies by them or either of them received by virtue of this act.

What claims not affected.

5. *And be it enacted*, That no sale made by virtue of this act shall affect any lien or claim upon the said real estate, other than that of the heirs at law of Paul Duryea, deceased.

A. Passed at Trenton, Jan. 22, 1812.

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## AN ACT to appoint trustees to sell and convey the real estate of John Van Allen, late of the county of Bergen, deceased.

Trustees.

Sec. 1. 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 W. Hopper and Martin Van Houten, or the survivor of them, be and they are hereby appointed trustees, with full power to sell, dispose of and convey that part of the real estate of John Van Allen, late of the township of Franklin in the county of Bergen, deceased, which was devised to the heirs of his son Henry, situate in the township aforesaid, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and for the same to make, execute and deliver in due form of law, in their own names or in the name of the survivor of them as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate, title and interest which the said John Van Allen had in the same, which sale or sales being made and confirmed by deed or deeds and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand, which the said John Van Allen had to the said bargained premises at the time of his death.

Title.

2. *And be it enacted*, That the said trustees shall keep a fair account of all their sales of the said lands

and real estate so by them to be sold as aforesaid, and after deducting reasonable fees for their services, to be allowed by the orphans court of the county of Bergen, and the costs and charges attending the said sales and discharge of their trust, and after paying such just and lawful debts of the said John Van Allen as his personal estate may not be sufficient to discharge, if any such there be, and after payment of legacies, to distribute all the residue of the monies so arising from the sale of the said lands and real estate to and among the heirs of the said John Van Allen, deceased, according to and in the manner and proportion prescribed by the last will and testament of the said John Van Allen, deceased, when such heirs shall be of full age or married, and during the minority of any such heirs or inability to receive their portion of the amount of the sales which by this act they would be entitled to, then to his, her or their guardian or guardians. Distribution.

3. *And be it enacted*, That before the said John W. Hopper and Martin Van Houten do enter into the execution of the trust assigned them by this act, they do enter into a bond with surety and to such amount to the governor of the state as shall be approved by the orphans court of the county of Bergen, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the office of the surrogate of the county of Bergen: *Provided always*, that no deed or conveyance of such lands or real estate made by the trustees aforesaid shall be valid, unless it be certified in or upon such deed or conveyance by William Colfax and John Van Voorhies, or the survivor of them, under their hands and seals, that such sale is made bona fide and for the highest price that could be obtained for such property at the time of such sale. Bond. Certificate

4. *And be it enacted*, That the said John W. Hopper and Martin Van Houten, or the survivor of them, shall within six months after the sale of Statement.

the lands and real estate aforesaid, make, subscribe and exhibit under oath unto the surrogate of the county of Bergen, an exact statement of the amount of the sale or sales, to be by him recorded and filed agreeably to law, and that the said John W. Hopper and Martin Van Houten shall be accountable for all monies by them or either of them received by virtue of this act.

A. Passed at Trenton, Jan. 23, 1812.

## AN ACT to authorize a draw-bridge over Tuckahoe 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 the board of chosen freeholders of the county of Gloucester and the board of chosen freeholders of the county of Cape-May, to build and maintain a good and sufficient bridge over Tuckahoe river between said counties, with a draw therein of sufficient width for the convenient passage of vessels navigating the same, and in a direction with the road now laid out on the lands of John Champion in the county of Gloucester and on the lands of Robert M. Holmes in the county of Cape-May.

2. *And be it enacted*, That if any shallopman or other person or persons shall hoist the draw in said bridge and leave the same hoisted so as to prevent travellers and others from passing over the same for more than fifteen minutes when the same is not absolutely necessary for the passage of some vessel through the same, or if any person or persons shall cut, remove or destroy any piece or pieces of timber, or any plank or planks belonging to or a part of said bridge, draw, posts or piles, or shall remove any piece or pieces of timber, or any plank or planks off said draw-bridge, or any iron-work belonging to

said draw, posts or piles, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge and draw unnecessarily, he she or they so offending shall for each and every offence forfeit and pay the sum of twenty dollars over and above the damage done to said bridge or draw, to be recovered in an action of debt before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor and the other half to be paid into the hands of the county collector of the county where such suit shall be brought to and for the use of said county.

A. Passed at Trenton, Jan. 23, 1812.

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## AN ACT to incorporate the subscribers to the New-Hope Delaware bridge company.

WHEREAS it has been satisfactorily represented to the legislature, that a number of the inhabitants of this state and of the state of Pennsylvania, have associated together under the name and style of the "New-Hope Delaware bridge company," for the purpose of erecting a bridge over the river Delaware at New-Hope, (formerly called Coryells ferry,) and it is desirable that the legislature would pass a law to incorporate said association, to enable them to carry their laudable undertaking into effect—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 capital stock of the New-Hope Delaware bridge company, shall amount to fifty thousand dollars, that the same shall be divided into one thousand shares of fifty dollars each, and the persons, copartnerships or bodies politic, who have thereto subscribed or may hereafter subscribe, their heirs, Capital stock.

executors or administrators, shall pay the sum or sums of money for the share or shares by them respectively subscribed, agreeably to the "conditions of association" of the said New-Hope Delaware bridge company, that is to say, at such periods and in such proportion as the managers of said company (herein after directed to be chosen,) may determine.

Incorporation.

2. *And be it enacted*, That the subscribers to the said association, and all those who may hereafter subscribe to the same, and their successors and assigns, shall be, and they are hereby made and created a corporation and body politic, in law and in fact, under the name, stile and title of "the president and managers of the New-Hope Delaware bridge company," and by the said name, shall have perpetual succession and all the power, privilege and franchise incident to a corporation, and shall be capable of taking and holding their capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions in such manner as they shall deem most expedient, and of purchasing, taking and holding to their successors and assigns in fee simple or for any less estate, all such land, tenements and hereditaments, estate real and personal, or choses in action as shall be necessary or convenient for the operation of the said corporation, and the same to sell and dispose of at their pleasure, together with any surplus monies that may belong to said corporation after the said bridge shall have been completed, to sue and be sued, plead and be impleaded; also to make, have and use a common seal, and the same to break, alter and renew, and generally to do and execute all acts, matters and things, which a corporation or body politic in law may or can lawfully do and execute.

Name.

Powers.

Officers.

3. *And be it enacted*, That for the well ordering of the affairs of the said corporation, there shall be one president, six managers and one treasurer, elected yearly and every year by a majority of

votes of the stock holders of the said corporation, to be delivered in person, by ballot or by proxy duly authorized, which officers so elected shall respectively serve for one year and until other officers shall be chosen, and shall have power to make such bye-laws, rules, orders and regulations not inconsistent with the constitution and laws of this state, as shall be necessary for the well-ordering the affairs of the said company: *Provided always*, That no person shall have more than twenty votes at any election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to and that each person shall be entitled to a vote for every share by him held under the said number. Bye-laws.

4. *And be it enacted*, That the said stockholders shall meet as soon as convenient after the passing of this act, public notice whereof shall have been given for at least fifteen days previous, for the purpose of electing the said president, six managers, and treasurer, as aforesaid, and annually hereafter on the third Monday in November in such place as shall be fixed by the rules and orders of the said company, to be made as aforesaid for the purpose of choosing officers as aforesaid for the ensuing year. Notice. Election.

5. *And be it enacted*, That the president and managers first to be chosen, shall procure to be written or printed certificates of all the shares of stock of the said company, and shall deliver one such certificate, signed by the president and countersigned by the treasurer and sealed with the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereon, such sum as the president and managers for the time being shall by an uniform regulation, agreeably to their power in that case herein given and granted, as well as by the original article of association of the said company, which is hereby made valid and effectual in law and in fact, have determined to require—which certifi- Certificates of stock.

Transfers. cate shall be transferable at his pleasure in person or by attorney, in presence of the president or treasurer, subject however to the payments that may grow due thereon, in manner hereinafter mentioned, and the assignee holding any certificate having first caused the assignment to be entered in a book of of the company to be kept for the purpose, shall be a member of the corporation, and for any certificate by him so held shall be entitled to one share of the capital stock, and of all the estates and emoluments to the company, and to vote as aforesaid at the meetings thereof.

Powers of president & managers. 6. *And be it enacted*, That the said president and managers shall meet at such times and place, 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 a quorum being met, they shall have full power and authority to agree with and appoint, such engineers, superintendants, artists and other officers as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all monies to pay salaries of persons by them employed, and for the materials and labor done and provided, which shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all matters and things as by the bye-laws orders or regulations of the company shall be committed to them.

May enter on lands, &c. 7. *And be it enacted*, That it shall and may be lawful for the president and managers aforesaid, their superintendants engineers and artists of every kind, to enter into and upon all the lands, tenements and inclosures most convenient to the place where

the said bridge is to be built, and to examine the ground for the purpose of opening quarries of stone and obtaining gravel, sand and other materials necessary for building the said bridge, and that it shall and may be lawful for the said managers, overseers, superintendants, or any other persons employed in building the said bridge, to enter with waggons, carts, sleds or sleighs, or beasts of burthen or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breach of fence they may have occasion to make, first making amends for any damages that may be done, which damage shall be ascertained by the parties if they can agree, or if they cannot agree, then by appraisement to be made as hereinafter directed, upon oath or affirmation, by three indifferent freeholders, or any two of them, to be mutually chosen, or if the owners, or the said managers, superintendants, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders shall be appointed by any justice of the peace of the county, not interested in either side, and the said managers or other persons employed by them as aforesaid, after 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.

Damages, how ascertained.

8. *And be it enacted*, That the president and managers of the said company shall keep fair and just accounts of all monies received by them from the subscribers to the said undertaking, and of all penalties and forfeitures accruing to the said company, and of the amount of the profit on shares, that may be forfeited pursuant to any rule or ordinance of the said president and managers, 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 every year submit such accounts to a general meeting of the stockholders until the said bridge be completed, and until all the

Accounts to be kept, and submitted to stockholders.

costs, charges and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expense shall be liquidated and ascertained; and if upon such liquidation or whenever the whole capital stock of the company, shall be nearly expended, it shall be found, that the said capital is not sufficient to complete the said bridge, it shall and may be lawful, for the said president, managers and company, at a stated or special meeting to be convened according to the provision of this act, or their own bye-laws to increase the number of shares, to such extent as they shall deem advisable, and to demand and receive the monies subscribed for such shares in like manner, and under such regulations as are herein before provided for the original subscriptions.

Capital may be increased

9. *And be it enacted*, That when a good and complete bridge is erected, over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns may demand and receive toll from travellers and others, agreeably to the following rates, viz.

Rates of toll,

For every coach, landau, chariot, phæton or other pleasurable carriage with four wheels drawn by four horses, the sum of seventy five cents.

And for the same carriages with two horses, the sum of fifty cents.

For every waggon with four horses, the sum of sixty three cents.

And for every carriage of the same description drawn by two horses, the sum of fifty 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-eight cents—

And for the same with one horse, the sum of twenty-five cents.

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

For every led horse or mule, the sum of six cents.

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

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

And for every foot passenger the sum of three cents.

*Provided always*, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats from crossing or persons from fording the said river: *Provided also*, That no person shall receive any compensation for ferrying at any ferry which shall have been paid for by the said company, after the said bridge shall have been completed. Proviso.

10. *And be it enacted*, That if any person or persons shall cut or destroy any piece or pieces of timber, or any plank or planks belonging to the said bridge or breakers, or shall remove any piece or pieces of timber from off the said bridge, or any stone or stones or other materials belonging to the said bridge or breakers, or otherwise voluntarily 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 or breakers, the sum of thirty dollars, to be recovered in the same manner as debts not exceeding one hundred dollars, and received with costs of suit, to be paid to the treasurer aforesaid and applied to the use of said company. Penalty for injuring bridge, &c.

11. *And be it enacted*, hat Tbefore the said president and managers shall begin or proceed to build or erect the said bridge, it shall be lawful for them to contract and agree with the owners of any ferry whereat the said bridge may be intended to be erected, for the payment of damages accruing to the same, and also with the owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and also a house for the accommodation of a toll-keeper near the same, if they can agree with the said owner or owners; but if they cannot agree, then it shall be lawful for the said president and managers to apply to the supreme Ferries, &c. contracted for

court of this state, who upon such application are hereby authorized and required to appoint three discreet and disinterested freeholders residing out of the county of Hunterdon, who after being duly sworn or affirmed before any justice of the peace faithfully to perform the duty enjoined on them by this act, shall carefully proceed to view and examine the said ferry and all such lands and tenements as shall be necessary for the purpose aforesaid, and shall according to the best of their skill and judgments ascertain and estimate the damage sustained by the owner or owners of such ferry, land and tenements, respectively taken as aforesaid, and having due regard to the advantage as well as disadvantage which arise to the owner or owners of such ferry, lands or tenements, by the erection of said bridge, shall make an appraisement in writing under their hands and seals of the said damage ascertained as aforesaid, and shall return the same together with a map describing the metes and bounds of such lands and tenements, to the supreme court of this state, next after they shall have agreed upon and signed the same, and the said appraisment having been confirmed by the said court, shall be filed in the clerks office of the said court, with the map aforesaid, and the president and managers shall previous to their taking possession of the said lands or tenements, or superceding the said ferry by the crossing on the said bridge, pay to the said owner or owners respectively, the several sums awarded to be paid unto them in and by the said appraisement, and also forthwith the costs of the said appraisers at the rate of two dollars each per day, and their expenses, and upon payment as aforesaid, the said corporation shall be entitled to have and to hold the said lands and tenements as fully and effectually, as if the same had been granted to them by the respective owners thereof, and may thereupon lawfully enter and take possession of the same, for the purpose of building and perfecting the said bridge.

12. *And be it enacted*, That if the said company their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand greater tolls or rates for the passing over the said bridge, than what is 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 twenty five dollars, one moiety for the use of the person who may sue for the same, and the other moiety for the use of the poor of the township of Amwell: *Provided always*, That no suit or action shall be brought, unless within thirty days after such offence shall have been committed. Penalty for taking illegal toll.

13. *And be it enacted*, That the said president, managers and company, shall also keep a just and true account of all the monies received by the collectors of tolls for crossing said bridge and generally of all the interest, proceeds or profits of the said company's capital stock, and shall make and declare a dividend of the profits or income thereof, among all the subscribers to the said company's stock, deducting first therefrom all contingent costs and charges, and such proportion of the said income as may be deemed necessary for a growing fund to provide against the decay and for rebuilding and repairing of the said bridge, which fund, together with the surplus monies in the treasury (after the completion of the said bridge and payment of said company's debts) if any there be, the said president, managers and company shall have power to vest in any public stock, or otherwise loan or dispose of in such manner as they shall deem most advisable for the interest and advantage of the stockholders in said company, and they shall on every third Monday in March and September of every year, publish the dividend to be made of the said clear profits thereof, amongst the stockholders, and of the time and places when and where the same shall be paid, and shall cause the same to be paid accordingly. Account of toll to be kept. Half-yearly dividends made.

Account to be laid before general assembly.

14. *And be it enacted*, That the said president and managers shall within three years after the said bridge shall have been completed, lay before the general assembly of this state an abstract of their accounts, showing the whole of the capital expended in the prosecution of the said work, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of the costs and charges of keeping the bridge in repair, and all other contingent costs and charges, to the end the clear annual profits and income thereof may be ascertained, and if at the end of two years after the said bridge shall be completed, it shall appear from the average profits of the two years, that the said clear income and profits thereof will not bear a dividend of six per centum on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, managers and company to increase the toll herein allowed so much upon each and every allowance thereof as will raise the dividends to six per centum per annum; and at the end of every ten years thereafter they shall render to the general assembly a like abstract of their accounts for three preceding years, and if at the end of any such decennial period it shall appear from such abstract that the clear income of the said bridge will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to fifteen per centum per annum.

Alteration of toll.

This act not in force till ratified by Penn.

15. *And be it enacted*, That this act shall not take effect, until such time as the legislature of the commonwealth of Pennsylvania shall by law vest like power and authority in the said subscribers to erect the said bridge and extend the same from the shore on the east side of said river at Lambert's (formerly Coryell's) ferry, to its opposite shore, with as full and ample powers and privileges, franchises and emoluments, as to the said subscribers are hereby given, and the said subscribers, having

such authority, shall proceed in their work with all convenient speed; and if the said company shall not proceed to carry on the said work within three years thereafter, or shall not within the space of ten years after having obtained the authority aforesaid complete the said bridge, it shall and may be lawful for the legislature of this state to resume all and singular the rights and privileges hereby granted to the said company.

Bridge to be begun in 3, & finished in 10 years.

A. Passed at Trenton, Jan. 23, 1812.

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AN ACT to appoint trustees to sell and convey the real estate of Elias Phillips, late of the county of Hunterdon, deceased.

WHEREAS it hath been represented to the legislature by the petition of the widow and heirs of Elias Phillips, deceased, and of sundry citizens of the county of Hunterdon acquainted with the premises, that Elias Phillips, late of the township of Maidenhead in the said county, died seized of real estate in the said county, leaving a widow and four children, two of whom are at present infants under the age of twenty-one years —that the said real estate is at present very unproductive, and cannot be divided without great and manifest injury to the value thereof, and it appearing to the legislature to be just and reasonable to appoint trustees to make sale and conveyance thereof agreeably to the prayer of the said petitioners—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 Doctor Joseph Phillips and Samuel Phillips (son of the said Elias Phillips, deceased) be and they hereby are appointed trustees with full power in their dis-

Trustees.

Sale. cretion to sell, dispose of and convey all and singular the lands, tenements, hereditaments and real estate, whereof the said Elias Phillips died seized in the said county of Hunterdon, as soon as conveniently may be, at private or public sale, for the highest sum or sums of money which the same will bring, and for the same or any part thereof when thus sold, to make and execute in due form of law, in their own names as trustees aforesaid, good and

Title. sufficient deed or deeds of conveyance, according to the estate, title and interest which the said Elias Phillips at the time of his death, had, or ought to have claimed, or might legally claim, of, in and to the same, which sale or sales, being made and confirmed by deed or deeds, and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand, which the said Elias Phillips had in and to the said premises at the time of his decease, and which the widow and heirs of the said Elias Phillips now have in and to the same.

Account. 2. *And be it enacted*, That the said Joseph Phillips and Samuel Phillips shall keep a fair account of the sale or sales so to be by them made as aforesaid, and of the expenditure and appropriation of the monies arising therefrom, and shall within six months after the sale of the said real estate, make, subscribe and exhibit under oath or affirmation, to the surrogate of the said county of Hunterdon, an exact statement of the amount of the said sale or sales of the said real estate and of the monies arising therefrom, who shall report the same to the next orphans court to be held in and for the said county.

Distribution. 3. *And be it enacted*, That the monies arising from the said sale or sales, after deducting a reasonable sum for the services of the said trustees to be allowed by the said orphans court, and after paying all debts of the deceased, if his personal estate be insufficient, shall be distributed among the children of the said Elias Phillips, deceased, in the same proportion and divided in the same manner

as directed by the laws of this state regulating the descent of the real estates of persons dying intestate, and that the share of each child who at the receipt of the purchase money or monies as the same may be paid in, may be under the age of twenty-one years, shall be put out to interest on good security to be approved of by the said court, until they respectively attain to the age of twenty-one years, the interest of which to be annually received by the guardian or guardians of the said infants, and if necessary to be appropriated to the education and maintenance of them respectively.

4. *And be it enacted*, That before the said Joseph Phillips and Samuel Phillips, or either of them, do undertake to discharge the duties enjoined by this act, they shall enter into bonds with such security and in such amount to the governor of this state as shall be by him approved, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be filed in the surrogate's office of the said county of Hunterdon, and may on breach of the condition, by order of the governor of the state for the time being, be prosecuted for the benefit of the person or persons who may be aggrieved by such breach. Bond.

5. *And be it enacted*, That the said trustees shall have full power and authority in their discretion to sell a part or the whole of the said real estate, either for cash or on credit with security by way of mortgage on the said real estate so to be sold, and with such other security as the trustees may think necessary, for the payment of the purchase money, with lawful interest for the same. Discretion

6. *And be it enacted*, That within six months from and after the said sale of the said real estate, the said trustees shall put out to use the one equal third part of the net proceeds of the monies arising from such sale, on security to be approved of by Elizabeth Phillips, the widow of the said Elias Phillips, deceased, and pay the interest arising therefrom yearly and every year unto her during Dower.

the term of her natural life, which shall be in lieu and in full satisfaction of her right of dower of and in the said premises; and after her decease, the said trustees or the survivor of them shall divide the said one third part among the said children of the said Elias Phillips, deceased, or if any of them be then dead, among the survivors or survivor and the heirs at law of him, her or them dead, in the manner and proportion directed by the third section of this act.

Certificate

7. *And be it enacted*, That no deed or conveyance of such real estate made by the said trustees shall be valid, unless it be certified in or upon such deed or conveyance by Joshua Wright and Charles Ewing, or the survivor of them, that such sale was made bona fide and for the highest price which could be obtained for such real estate at the time of the sale.

What claims not affected.

8. *And be it enacted*, That no sale to be made by virtue of this act shall affect any lien or claim upon the said real estate, other than that of the heirs of the said Elias Phillips, deceased.

A. Passed at Trenton, Jan. 23, 1812.

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## AN ACT to confirm a family settlement among the children of Robert Pearson of the county of Burlington.

WHEREAS John W. Pearson of the township of Nottingham in the county of Burlington, is the heir apparent in fee tail of certain real estate situate in said township and county, devised by his grandfather Robert Pearson, deceased; to Robert Pearson his father in fee tail, which said real estate the said John W. Pearson is desirous should after the death of his father, be divided among his brothers and sisters and their heirs respectively, in an equitable proportion, and has

executed a certain deed of release in conformity with this desire ; but doubts having arisen as to the validity of said deed, on account of its being executed before the said John W. Pearson has come into actual possession of the said real estate, and has with his wife and his brothers and sisters all of full age, by petition prayed the aid of the legislature to confirm said deed, and the prayer of the petitioners appearing to be just and reasonable—Therefore,

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the aforesaid deed of release made and executed on the twenty eighth day of April, Anno Domini one thousand eight hundred and six, and which is recorded in the clerk's office of the county of Burlington in book O of deeds, and in page five hundred sixty five, be and the same is hereby in all things confirmed, so that the parties to whom it is given his said brothers and sisters, to wit, George D. Pearson, Robert H. Pearson, Mary Pearson, Elizabeth Pearson, Theodosia Pearson, Grace Gill late Grace Pearson, and Rachel Pearson shall after the death of their father the said Robert Pearson, be seized of the same estate in the lands conveyed to them by certain metes and bounds, particularly specified in the said deed of quit claim and release, as would have been conveyed to them in and by the said quit claim and release, if the estate of said John W. Pearson had been therein vested, and so as that the said John W. Pearson may and shall after the death of his father the said Robert Pearson, be seized and possessed of an absolute estate of inheritance in fee simple, of in and to all the residue of the landed estate of his grandfather Robert Pearson, deceased, which was devised in fee tail by the aforesaid last will and testament of the said Robert Pearson, deceased, unto the said Robert Pearson the father.

2. *And be it enacted*, That nothing in this act contained shall in any way affect the right or estate of the said Robert Pearson the father, of in and to any part of the said lands, tenements and hereditaments devised to him by the said last will and testament of his father the said Robert Pearson, deceased, and that he hold the same in the same estate as by law he is rightfully entitled to do at the time of the passing of this act.

3. *And be it enacted*, That nothing in this act contained, shall in any way affect any right, interest, claim, estate or demand whatsoever, which any other person or persons, corporation or body politic whatsoever, not particularly herein named may by law have to the said lands, tenements or hereditaments, or any part or parcel thereof, so as aforesaid devised in and by the last will and testament of Robert Pearson the grand father, to Robert Pearson the father of the said petitioners.

A. Passed at Trenton, January 24, 1812.

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## AN ACT to set off and erect a new township from the township of Newark, 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 the district of the township of Newark in the county of Essex, included within the following limits, viz. Beginning at the Green island in Passaic river near that part of the road leading from Newark to Bellville called the gully, and from thence running westerly to the north-east corner of the township of Orange at the great boiling-spring, thence along the line of the township of Orange to Turkey-Eagle rock on the top of the first mountain, thence northerly along the said Orange line on the top of said

Bounds of new township.

mountain to the corner of the township of Caldwell, thence along the Caldwell line on the top of said mountain to the line of the township of Acquacknonk, thence south-easterly along the said Acquacknonk line to Passaic river, thence southerly along said Passaic river to the beginning, be, and the same is hereby set off from the said township of Newark, and erected into a separate township, to be known by the name of the township of Bloomfield.

Powers, &c.

2. *And be it enacted*, That the inhabitants of said township of Bloomfield shall be and they are hereby vested with and entitled to all the powers, privileges and authorities, and shall be and are hereby made subject to the like regulations and government which the inhabitants of other townships in this state are subject and entitled to, and that the inhabitants of the township of Bloomfield shall be and they are hereby incorporated, styled and known by the name of "The inhabitants of the township of Bloomfield in the county of Essex," and entitled to all the privileges, authorities and advantages that the other townships in the said county are entitled to by virtue of an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," passed the twenty-first day of February in the year of our Lord one thousand seven hundred and ninety-eight, *Provided*, that this act shall not be in force until the fourth Monday of March next.

Name.

First town meeting.

3. *And be it enacted*, That the inhabitants of the said township of Bloomfield shall hold their first town-meeting at the house where Isaac Ward now dwells, on the day appointed by law for holding the annual town-meetings in the other townships in the county of Essex.

Distribution of poor

4. *And be it enacted*, That every person becoming chargeable as a pauper after the first day of November eighteen hundred and eleven, shall be supported after the fourth Monday of March next by the township within the limits of which he or

she may have gained his or her last residence, and that the township committees of Newark and Bloomfield shall meet on the Monday next after the town-meetings in said townships, at the house of Moses Roff in the town of Newark, at ten o'clock in the forenoon, and then and there proceed to make an allotment between the said townships of such poor persons as shall have been chargeable on the first day of November aforesaid, in proportion to the taxable property and ratables as taxed by the assessor within their respective limits, to be ascertained by the duplicate of the present year, and that said township of Bloomfield shall be entitled to receive from the township of Newark their proportion of all monies on hand or due, arising from taxes, and also one hundred forty-two dollars and eighty-five cents, the proportion of money expended in defending the town lands, and shall be liable to pay their proportion of the debts if any there should be at the time, and if either of the above mentioned committees or parts of said committees shall neglect or refuse to meet as aforesaid, it shall and may be lawful for such members of the said committees as do meet to proceed to such allotment of poor, the distribution of property and debts, which shall be conclusive and final.

Settlement of accounts &c.

A. Passed at Trenton, Jan. 24, 1812.

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## AN ACT to alter the line of division between the townships of Hopewell and Stow-Creek in the county of Cumberland.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same,* That the public road leading from Greenwich to the line of the county of Salem near the house of Adam Shute, shall hereafter be the line of division between the said townships of Hopewell and Stow-Creek.

A. Passed at Trenton, Jan. 24, 1812.

A Supplement to an act entitled An act authorizing the sale of the real estate of Judith Harris of the county of Cumberland, deceased, and so much of the estate of James Harris, deceased, as belongs to the heirs of Pierson Harris deceased, passed at Trenton the twenty third of November, one thousand eight hundred and eight.

WHEREAS it hath been represented to the legislature, that the commissioners appointed by the orphans court of the county of Cumberland to divide the real estate of James Harris late of said county among his heirs, in performing that duty left out of said division several pieces of land belonging to said estate, which pieces of land remain still undivided, that they are so situated as that a division thereof cannot be made without manifest injury to, and greatly diminishing the value of said lands—Therefore,

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That James Clark, Thomas Harris and Jedediah Ogden, trustees appointed by an act of the legislature of this state, entitled an act authorizing the sale of the real estate of Judith Harris, of the county of Cumberland, deceased, and so much of the estate of James Harris, deceased, as belongs to the heirs of Pierson Harris, deceased, passed at Trenton November twenty third, one thousand eight hundred and eight, be and they are hereby authorized and empowered to sell and convey the said undivided pieces of land for the benefit of the heirs of said James Harris, deceased.

2. *And be it enacted*, That the said James Clark, Thomas Harris and Jedediah Ogden trustees as aforesaid, shall in selling and conveying said lands, in distributing the monies arising therefrom, and

in all their proceedings therein, or relating thereto, be governed and directed by the before recited act.

3. *And be it enacted*, That no sale made by virtue of this act shall affect any lien or claim upon said lands, other than that of the heirs at law of the said James Harris, deceased.

A. Passed at Trenton, Jan. 24, 1812.

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## AN ACT to enable the board of chosen freeholders of the county of Monmouth to repair, rebuild and keep in good order the bridge over Toms 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 the board of chosen freeholders of the county of Monmouth, to repair, rebuild and keep in good order a good and sufficient bridge over Toms river, in the township of Dover, in the said county, where the bridge is now built, from the land of Reuben Haines, to the land of Thomas Morford, so as to meet the road now laid out to and from the said bridge, the expence whereof to be defrayed by the said county of Monmouth, in the manner prescribed by an act entitled an act respecting bridges, passed the fifth of November one thousand seven hundred and ninety eight.

2. *And be it enacted*, That if any person or persons shall cut, remove or destroy any piece or pieces of timber, or any plank or planks belonging to or a part of the said bridge, posts or piles, or shall remove any piece or pieces of timber, or any plank or planks off said bridge, or any iron work belonging to the said posts or piles, or otherwise wilfully damage or do any act which may have a tendency to injure said bridge unnecessarily, he, she or they so offending, shall for each and every

offence, forfeit and pay the sum of ten dollars over and above the damage done to the said bridge, to be recovered in an action of debt before any court having competent jurisdiction, with costs of suit, by any person who shall sue for the same, one half of said sum to be for the use of the prosecutor, and the other half to be for the use of the county of Monmouth.

A. Passed at Trenton, Jan. 24, 1812.

## AN ACT for the sale of the real estate of Rachel Newton, late of the county of Burlington, deceased.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Abner Reeder, Andrew Reeder, and Garret D. Wall, or any two of them, be, and they are hereby appointed trustees with full power in their discretion to sell, dispose of and convey all that farm, situate, lying and being in the township of Nottingham, county of Burlington and state of New-Jersey, containing ninety-nine acres, more or less, which is now in the possession of John Newton, or his assigns, as soon as conveniently may be, at public or private sale, for the highest sum or sums of money which the same will bring, and for the same when thus sold to make and execute in due form of law, in their own names or in the names of a majority of them as trustees aforesaid, good and sufficient deed or deeds of conveyance, according to the estate, title and interest which the said Rachel Newton had or ought to have claimed, or might legally claim of in or to the same, which sale or sales being made and confirmed by deed, and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand which

Trustees.

Title.

the said Rachel Newton had to the said premises at the time of her death.

Debts. 2. *And be it enacted*, That the said Abner Reeder, Andrew Reeder and Garret D. Wall, or a majority of them, shall be authorized and empowered to pay off and discharge all the debts and lawful demands against the estate of the said Rachel Newton, with as full and ample powers in that respect as if they had lawfully administered upon the said estate.

Account. 3. *And be it enacted*, That the said Abner Reeder, Andrew Reeder and Garret D. Wall shall keep a true and fair account of the sales so by them to be made as aforesaid, and of the expenditures and appropriations of the monies thereon arising, and they or any two of them shall within six months after the sale of the said real estate, make, subscribe and exhibit under oath or affirmation, an Statement. exact statement of the amount of the said sale of the said real estate and of the monies arising therefrom, the payments and expenditures thereof, to the surrogate of the county of Burlington, who shall report the same to the next orphans court to be held in and for the said county.

Distribution. 4. *And be it enacted*, That the said Abner Reeder, Andrew Reeder and Garret D. Wall, or a majority of them, shall after paying the debts of the said Rachel Newton in manner aforesaid, and deducting reasonable fees for their services, and the costs and charges attending the sale and the discharge of their said trust, distribute all the residue of the monies so arising from the sale of the said lands and premises, among the heirs at law of the said Rachel Newton according to and in the manner and proportion prescribed by the law directing the descent of real estates in the state of New-Jersey, if such heirs be of full age, or if infants, to his, her or their guardian or guardians.

Bond. 5. *And be it enacted*, That before the said Abner Reeder, Andrew Reeder and Garret D. Wall, do enter upon the execution of the trust assigned

to them by this act, they shall give bond with sufficient sureties to the governor of the state of New-Jersey, or person administering the government, in such amount as shall be approved of by the governor for the time being, conditioned for the true and faithful performance of all the trusts and duties created by this act, which bond shall be deposited in the surrogate's office of the county of Burlington, and on forfeiture thereof it shall and may be lawful for the governor of the state for the time being to order the same to be prosecuted in any court of record having cognizance thereof, at the request and for the use of those who may be aggrieved thereby.

Discretion

6. *And be it enacted*, That the said trustees, or a majority of them, shall have full power and authority in their discretion to sell the said real estate in part or in whole, for cash, or on credit with such security as they may deem necessary for the payment of the purchase money with interest annually, at any further period not exceeding five years—*Provided always*, that no deed or conveyance of the said real estate made by the said trustees or a majority of them shall be valid, unless it be certified in and upon such deed or conveyance by George Anderson, William W. Cubberley and Evan Evans, esquires, or any two of them, or the survivor or survivors of them, that such sale was made bona fide, and for the highest price that could be obtained for such real estate at the time of the sale.

Certificate

A. Passed at Trenton, Jan. 25, 1812.

New Jersey State Library

# AN ACT to authorize Ann Sweyze administratrix, and Aaron Davis administrator, to sell and convey a certain moiety of an undivided part of the real estate of Jacob Sweyze, deceased.

Preamble. WHEREAS Jacob Sweyze late of the township of Oxford, in the county of Sussex, died intestate, seized of a certain moiety or undivided half part, as tenant in common with Henry Dusenbury, esquire, to a certain house and lot of land, in the village of New Hampton in the county of Hunterdon, containing about three fourths of an acre of land, on which is also situated a tan-yard with other buildings; and it being represented to the legislature, that said property so possessed in common, and depreciating in value by its decay, will be of much greater value to the heirs of said estate, by a sale thereof, which appearing reasonable--Therefore,

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Ann Sweyze administratrix, and Aaron Davis administrator, of the estate of the said Jacob Sweyze, deceased, be, and they are hereby fully empowered and authorized, to sell, dispose of and convey the said moiety, or undivided half part of said house and lot of land, and premises, situate in the village of New Hampton in the county of Hunterdon, containing about three fourths of an acre of land; and of which the said Jacob Sweyze, deceased, was seized as tenant in common with Henry Dusenbury, esquire, at the time of his death, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and for the same or any part when thus sold, to make execute and deliver in due form of law, in their own names or in the name of the survivor of them, a good and suf-

Trustees.

Title.

ficient deed or deeds of conveyance, according to the estate, title and interest which the said Jacob Sweyze had, or might or ought to have had in the same; which sale or sales being made and confirmed by deed and certified as herein after directed, shall entitle the purchaser or purchasers to all the estate, right, title, interest, claim and demand, which the said Jacob Sweyze had in the premises at the time of his death, and which the heirs of the said Jacob Sweyze now have of in and to the same.

2. *And be it enacted*, That the said Ann Sweyze administratrix, and Aaron Davis administrator, shall keep a fair account of their sales of said house and lot, and premises, so by them to be sold as aforesaid; and after deducting reasonable fees for their services, to be allowed by the orphans court of the county of Hunterdon, and the costs and charges attending the said sale, and discharge of their said trust, and after paying such just and lawful debts of the said Jacob Sweyze, as his personal estate may not be sufficient to answer, if any such there be, distribute all the residue of the monies so arising from the sale of the said house and lot, to and among the heirs of the said Jacob Sweyze, according to, and in the manner and proportion prescribed by the law directing the descent of real estates in the state of New-Jersey, if such heirs be of full age or married, or if any of them be under the age of twenty one years and unmarried, then to his, her, or their guardian or guardians; *Provided nevertheless*, That the said Ann Sweyze administratrix, and Aaron Davis administrator as aforesaid, or the survivor of them, shall and may retain, and put out to use, the one equal third part of the residue of the said monies, during the life of the said Ann Sweyze, and to retain or pay to the said Ann Sweyze, yearly and every year during her said life, the interest arising from the said one third part of such monies, in lieu and in full satisfaction of her dower, and that after her decease, the said equal one third part, shall be distributed

Account.

Distribution.

Dower.

by them or the survivor of them, or the executors or administrators of such survivor to and among the heirs of the said Jacob Sweyze, in the manner above directed in and by this section.

Bond. 3. *And be it enacted*, That before the said Ann Sweyze, and Aaron Davis administrators as aforesaid, do enter upon the execution of the trust assigned them by this act, they do enter into a bond with security, and to such an amount to the governor of the state, as shall be approved by the orphans court of the county of Hunterdon, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be deposited in the office of the secretary of state, of this state; *Provided always*, That no deed or Certificate conveyance of such house and lot, and premises, made by the said Ann Sweyze, and Aaron Davis administrators as aforesaid, shall be valid, unless it be certified in, or upon such deed or conveyance, by Levi Howell and Daniel Sweyze, under their hands and seals, that such sale is made bona fide, and for the highest price that could be obtained for such property, at the time of such sale.

4. *And be it enacted*, That the said Ann Sweyze and Aaron Davis, or the survivor of them, shall within six months after the sale of the lot aforeStatement. said, make, subscribe and exhibit under oath unto the surrogate of the county of Hunterdon, an exact statement of the amount of the said sale, to be by him recorded and filed agreeably to law, and that they shall be accountable for all monies by them or either of them received by virtue of this act.

A. Passed at Trenton, Jan. 27, 1812.

## AN ACT to explain and confirm the last will and testament of the Reverend Doctor Ira Condict, deceased.

WHEREAS doubts have arisen on the construction of the last will and testament of the Reverend Doctor Ira Condict, deceased, in regard to the power therein given to the executrix to sell and convey the real estate, whereof the said Ira Condit died seized, To remedy which—

Sec. 1. 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 last will and testament, shall be construed so as to give to the executrix therein named, full power and authority to sell and dispose of in fee simple, the real estate whereof the said Ira Condict died seized, any thing in the said will and codicil to the contrary notwithstanding: *Provided always*, That the said executrix shall enter into bond to the governor of this state, with sufficient security to be approved by the orphans court of the county of Somerset, for the faithful distribution of the net proceeds arising from the sale of the said real estate, according to the said last will and testament of the said Ira Condict, deceased, which bond shall be filed in the secretary's office of this state; and *Provided also*, That no distribution thereof be made, until the youngest child of the said testator arrives to the age of twenty one years.

A. Passed at Trenton, Jan. 30, 1812.

AN ACT to enable the owners and possessors of the flowed lands and swamps on the river Passaic and its branches, between the Little Falls on said river and the mill-dam at Chatham, to break up the reefs in said river near said falls, and to remove all obstructions to the free course of the waters out of said 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 be the duty of the managers hereinafter to be appointed, to assess all the flowed lands on the said river and its branches, for such sums of money as shall in their judgment be sufficient to break up and remove said reefs, and the expense of assessing and collecting the same.

Assessment.

2. *And be it enacted*, That the said managers or a majority of them shall make a fair and reasonable assessment of all the above flowed lands, whether in the hands of the owners or of the possessors, in proportion as well to the quantity each person is possessed of as the benefits each person may receive therefrom, and they or one of them shall give notice to the owner or possessor, and if such owner or possessor shall think him, her or themselves aggrieved by any assessment made by virtue of this act, it shall and may be lawful for such person or persons to apply to Lemuel Cobb, Abraham Reynolds, esquire, and Samuel Roame, who are hereby appointed commissioners of appeal to meet on all lands supposed to be overtaxed, giving notice to the managers appointed under this act at least three days previous to the meeting of said commissioners of appeal, and if it appears to them that such person or persons are overtaxed, to strike off such sum or sums as appear too much, together with such part of the expenses of said attendance as they shall think just and right, and the judgment of the

Commissioners of appeal.

said commissioners or any two of them, shall be conclusive to the parties, but the expense of ascertaining the quantity of flowed lands each person is possssed of in cases where the quantity is disputed, shall be borne by such owner or possessor him, her or themselves.

3. *And be it enacted*, That if any person or persons who shall be assessed by the managers aforesaid shall neglect or refuse for the space of forty days after notice given them by one of the managers to pay the money, or if they think themselves aggrieved to procure the said commissioners of appeal to meet and determine the same, that then it shall be lawful for the managers or any one of them to make return of the name or names of the person or persons, with the sum he, she or they were taxed, or which shall be judged to be due by said commissioners of appeal, to any justice of the peace in the county where such person or persons reside, which justice, upon the oath of one of the managers that the tax has been demanded forty days previous thereto, shall immediately issue his warrant of distress directed to some one of the constables of said county, commanding him within thirty days to seize upon the goods and chattels of such delinquent or delinquents, and to make sale of the same or so much thereof as may be sufficient to pay the sum assessed, together with costs, and to pay forward the same to the managers or one of them, and the justice and constable shall receive the same fees and be liable to the same penalties as in actions of debt. Payment how to be enforced.

4. *And be it enacted*, That the said managers shall keep a regular account of the money they may have received, the payments they have made, and the expenses they have been at, which account they shall lay before a committee to be chosen by the owners or possessors of said land yearly and every year on the fourth Tuesday in May, until said reefs shall be removed, and said managers shall be liable for all monies by them received, but not ap- Account to be kept.

plied, for breaking up said reefs, and shall pay the balance in their hands over to their successors in office, and on their neglect or refusal to do the same shall be liable to an action of debt to be sued for and recovered by said committee in their own names in any court where the same may be cognizable, to and for the use of the several persons who have paid the same.

Powers &c. 5. *And be it enacted*, That the said managers shall have power to enter upon and break up said reefs so as to be of sufficient width and depth to drain the waters off said land.

Lands pledged for payment. 6. *And be it enacted*, That where no goods can be found, all and singular the low-lands, swamps, woods and meadows of every such owner or possessor shall be esteemed a pledge for the payment of the tax into whose hands they may come, and the managers or one of them may enter into, after giving forty days notice to the owner or possessor, and sell the same or wood timber growing on it for such a term of time as will discharge the tax and costs.

Meeting. 7. *And be it enacted*, That the owners and possessors of said meadows and swamps shall and may yearly and every year on the fourth Tuesday in May at one o'clock in the afternoon, meet and assemble at the house where Hannah Crane, innkeeper, now lives, or at such other place as a majority of those met at their first or any subsequent meeting shall determine, and then and there by plurality of voices of those met, to choose three persons owners of said low-lands for managers for the ensuing year, and also three persons as a committee to examine and settle the accounts of said managers.

Choice of officers.

Penalty on managers. 8. *And be it enacted*, That if any person who shall be appointed or chosen as a manager in pursuance of this act, and accepting said appointment shall neglect or refuse to do any duty hereby enjoined, he shall forfeit and pay the sum of fifty dollars, to be sued for and recovered by any succeeding manager, and to be applied to breaking up said reefs. And in case any vacancy shall happen by

Vacancies.

death or otherwise of one or more of the managers or commissioners of appeal, it shall be the duty of the managers their survivor or survivors to advertise in six of the most public places nearest said rivers, for four weeks, appointing a time and place for the owners and possessors to meet and choose some person or persons to supply the vacancies in the board of managers, or to choose some disinterested person or persons to supply the vacancies in the board of commissioners aforesaid, as the case may be, which owners and possessors when so met shall have power to choose such manager or managers, commissioner or commissioners, and the said persons when so chosen shall have all the privileges and be subject to all the penalties as those whose places they are chosen to supply.

Managers to continue till others are chosen.

9. *And be it enacted*, That if the owners and possessors of said land shall neglect to meet and elect managers, that in such case the managers for the preceding year shall continue in office and have the same powers as before until new ones are chosen.

Removal of obstructions.

10. *And be it enacted*, That it shall be the duty of every owner or possessor of the lands adjoining the rivers Passaic, Rockaway and Whippaning, within the limits aforesaid, on or before the twenty-fifth day of June in each and every year hereafter, to remove every obstruction to the free course of the waters which may be occasioned by the falling in of trees or drifting in of logs or brush opposite to and adjoining their lands to the middle of the river, and in case any owner or possessor shall neglect or refuse to remove the said obstructions within the time aforesaid, that in that case it shall and may be lawful for the managers for the time being, or either of them, to remove such obstructions or to hire the same to be removed by employing persons for that purpose, and to demand of and receive from such neglecting or refusing owner or possessor such sum or sums of money by them expended in doing the same and on neglect or refusal to pay such sum of money when demanded to sue for and recover

the same by action of debt in any court where the same may be cognizable with costs of suit.

11. *And be it enacted*, That it shall and may be lawful for the owners and possessors of lands adjoining the rivers aforesaid to meet together on the fourth Tuesday in May at twelve o'clock yearly and every year, and that their first meeting shall be at the house where Hannah Crane now lives in Caldwell, and afterwards at such place as they shall agree upon at their first or any subsequent meeting and by plurality of voices of those met to choose not less than three nor more than seven persons owners or possessors of lands adjoining said rivers for managers for the ensuing year, who are hereby authorized and required to view and inspect said rivers and they or a majority of them shall judge and determine what obstructions shall be removed, and if they judge it necessary to remove any mud or gravel which may be washed into said rivers, they shall give notice in writing signed by said managers to the owners or possessors interested in the low-lands adjoining to remove the same, in such proportions as they judge just and proper, and in case any of the persons so notified shall neglect or refuse to remove such mud or gravel for the space of sixty days after notice, it shall be lawful for the said managers or either of them or either of their successors, to remove such mud and gravel so judged necessary to be removed, or to hire it done by employing persons for that purpose, and to demand of and receive from such refusing or neglecting owner or possessor, such sum or sums of money by them expended in doing the same, and on their neglect or refusal to pay such sums of money by them expended in doing the same, and on their neglect or refusal to pay such sums of money when demanded to sue for and recover the same by action of debt in any court where the same may be cogniza le with costs of suit.

Choice of managers.

Their duties.

12. *And be it enacted*, That if any person or persons shall fall any tree or bushes or cut any logs

and leave the same in any of the rivers within the description of this act, or by any other means whatever dam or obstruct the free course of the waters thereof and shall not remove the same within six days thereafter, shall forfeit and pay twenty dollars, to be recovered by any one of the persons interested as above, in any court where the same may be cognizable, with costs of suit, to be applied one half towards clearing said river, the other half to the use of the person suing for the same. Penalty for obstructions.

13. *And be it enacted*, That so much of the act entitled An act to enable the owners and possessors of the meadows, swamps and low-lands on the river Passaic and its several branches between the Little Falls and the mill-dam at Chatham, to break up the reefs near said falls and to dig canals for the more effectual draining said lands, and to raise money for that purpose, passed June the ninth seventeen hundred and ninety, as comes within the purview of this act, and the act entitled An act to enable the owners and possessors of the meadows and swamps lying on the rivers Passaic, Rockaway and Whippaning, between the Little Falls and Chatham, to remove the obstructions therein, passed the eighth day of September seventeen hundred and eighty-eight, shall be and they are hereby repealed. Repeal.

A. Passed at Trenton, Jan. 31, 1812.

## AN ACT authorizing the sale of part of the real estate of Edward Wyckoff, deceased.

WHEREAS Edward Wyckoff, late of the township of Readington, died seized of two certain tracts of land, viz. one situate in the township of Readington, county of Hunterdon, containing two hundred and fifty acres, the other situate in the township of Amwell and county aforesaid, containing ninety acres, leaving a widow and eight Preamble.

minor children, and whereas it appears that it was the desire of the deceased before his death, that the last described tract of land should be sold after his death for the purpose of assisting in bringing up his children—Therefore,

Trustees.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Cornelius Wyckoff and Elisha Sharp, be and they hereby are appointed Trustees, with full power and authority in their discretion, to sell dispose of and convey the said last described tract of land, with its appurtenances, situate in the township of Amwell

Sale.

aforesaid, as soon as conveniently may be, at private or public sale, for the highest sum the same will bring, and for the same and any part thereof, when thus sold, to make and execute in due form of law in their own names, or in the name of the survivor of them, good and sufficient deed or deeds of con-

Title.

veyance, according to the estate, right, title and interest, which the said Edward Wyckoff at the time of his decease, had or ought to have had, or claimed of in and to the same, which sale or sales being made, and confirmed by deed, and certified as hereinafter directed, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand which the said Edward Wyckoff had to the said premises at the time of his decease.

Account.

2. *And be it enacted*, That the said Cornelius Wyckoff and Eisha Sharp, shall keep a fair account of the sale or sales of land and real estate so by them sold as aforesaid, and of the expenditures and appropriations of the money arising therefrom, and that they or the survivor of them, shall within six months after the sale of the said tract of land make, subscribe and exhibit under oath or affirmation to the surrogate of the county of Hunterdon, an exact statement of the amount of the sale or sales of the said tract of land and of the monies arising therefrom, who shall report the same to the next orphans court to be held in and for the said county.

3. *And be it enacted*, That the monies arising from the said sale or sales (after deducting a reasonable sum for the services of the said trustees, to be allowed by the orphans court) shall be distributed among the children of the said Edward Wyckoff, deceased, in the same proportion and divided as directed by the law regulating the descent of real estates of persons dying intestate, and that the share of each child at the receipt of the money be put out to interest, on good security to be approved of by the said court, until they respectively attain the age of twenty-one years, the interest of which to be annually received by the guardian or guardians of the said minors, and if necessary be appropriated to the education and maintenance of them respectively. Distribution.

4. *And be it enacted*, That before the said Cornelius Wyckoff and Elisha Sharp, or either of them do undertake to discharge the duties enjoined by this act, they shall enter into bonds with such securities and in such amount to the governor of this state, as shall be approved of by the orphans court of the county of Hunterdon, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be filed in the surrogate's office of the county of Hunterdon, and may on a breach of the condition by order of the governor of the state, for the time being, be prosecuted for the benefit of those who may be aggrieved thereby. Bond.

5. *And be it enacted*, That if either of the said persons herein before appointed to execute the trust created by this act, shall refuse to act as such trustee, or depart this life before the execution of the trust herein before created, such one of the said trustees who may be willing to take on himself the said trust, is hereby fully authorized and empowered to execute the said trust herein created, to all intents and purposes herein before set forth. Vacancies

6. *And be it enacted*, That the said trustees or trustee who may execute the said trust herein created, shall have full power and authority in their or his discretion, to sell the said tract of land here- Discretion

in before described, either for cash or on credit, with a security by way of mortgage on the said tract of land so to be sold, and with such other security as the trustees or trustee, may think necessary for the payment of the purchase money, with lawful interest.

Dower.

7. *And be it enacted*, That in six months from the sale of the said tract of land, the trustees or the survivor of them, shall put to use the one equal third part of the purchase money arising on the said sale on such security, to be approved of as aforesaid, and pay the interest arising therefrom yearly and every year to the widow of the said Edward Wyckoff, or to her legal order during her natural life, which shall be in lieu of and in full satisfaction of her right of dower in the said premises, and after the decease of the said widow, shall divide the said one third among the heirs at law of the same according to their respective rights.

Certificate

8. *And be it enacted*, That no deed or conveyance of such real estate, made by the said trustees or trustee, shall be valid, unless it be certified in or upon such deed or conveyanc by Joseph Hankinson and Thomas Prall, esquires, and Samuel Taylor, or any two of them, or the survivors or survivor of them, that such sale was made bona fide, and for the highest price that could be obtained for such real estate at the time of such sale.

What claims not affected.

9. *And be it enacted*, That no sale made by virtue of this act, shall affect any lien or claim upon the said real estate, other than that of the heirs of the said Edward Wyckoff, deceased.

A. Passed at Trenton, Jan. 31, 1812.

# AN ACT authorizing the sale of certain real estate now held by the children of John Cox, deceased.

WHEREAS John Cox late of the county of Somerset, deceased, died intestate leaving six sons, one daughter and four grand children, namely, Albert S. Cox, Robert Cox, Gideon Cox, Job Cox, Zachariah Cox, William E. Cox, Hetty Rosegrant (late Hetty Cox) and Samuel Clark, representative of the aforesaid grand children. Several of the said heirs are minors under the age of twenty one years, which said heirs have inherited from their father a tract of land containing three hundred and fifty six acres, situate in the township of Bridgewater in the county of Somerset aforesaid, which land is so situated that it is impracticable to make division thereof agreeably to law between the said heirs; and it has been represented by the petition of all concerned, that it would be most advantageous to the said heirs to have the property sold altogether, and therefore they have by their petition prayed that the legislature will be pleased to grant a law, authorizing and appointing trustees to sell the property for the benefit of said heirs, and the representation and prayer of said petition being 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 John Brokaw, Dickinson Miller and Samuel Voorhees, be and they are hereby appointed trustees with full power in their discretion, to sell dispose of and convey the said tract of land, with all the appurtenances thereunto belonging, situate in the township of Bridgewater and county aforesaid, which descended to the said Albert S. Cox, Robert Cox, Gideon Cox, Job Cox, Zachariah Cox, William Cox, Hetty Rosegrant (late Hetty Cox,) and Trustees.

the four grand children of the said John Cox, deceased, as soon as conveniently may be at public or private sale, for the highest sum or sums of money which the same will bring, and for the same or any part thereof when thus sold, to make and execute in due form of law in their own names as trustees aforesaid, good and sufficient deed or deeds of conveyance according to the estate, right, title, interest, which the said John Cox at the time of his decease had or ought to have claimed of in and to the same, which sale or sales being made and confirmed by said deed or deeds, and certified as hereinafter described, shall entitle the purchaser or purchasers to all the estate, right, title, claim and demand, which the said John Cox had to the said premises at the time of his decease.

Title.

2. *And be it enacted*, That the said John Brokaw, Dickinson Miller and Samuel Voorhees, shall keep a fair account of the sale or sales of land and real estate so by them sold as aforesaid, and of expenditures and appropriations of the money arising therefrom, and that either of them shall within six months after the sale of said real estate, make, subscribe and exhibit under oath or affirmation to the surrogate of the county of Somerset, an exact statement of the amount of said sale or sales of the said real estate, and of the monies arising therefrom, who shall report the same to the next orphans court to be held in and for said county.

Account.

Statement.

3. *And be it enacted*, That the monies arising from the said sale or sales, after deducting a reasonable sum for the services of said trustees to be allowed by the orphans court, and after payment of all the debts of the said John Cox, deceased, if his personal estate should prove insufficient, shall be distributed among the children and grand children of the said John Cox, deceased, in the same proportion as directed by the law, regulating the descent of real estates of persons dying intestate, and that the share of each child who at the receipt of the purchase monies as the same may be paid in,

Distribution.

may be under the age of twenty one years, shall be put out to interest on good security, to be approved of by the said court, until they respectivety attain to the age of twenty one years.

4. *And be it enacted*, That beford the said John Brokaw, Dickinson Miller and Samuel Voorhees, do undertake to discharge the duties enjoined by this act, they shall enter into bond with such securities and in such amount to the governor of this state, as shall be approved of by the orphans court of the county of Somerset, conditioned for the true and faithful performance of the trust assigned them by this act, which bond shall be filed in the surrogate's office of the county of Somerset, and may on a breach of the conditions by order of the governor of the state for the time being, be prosecuted for the benefit of those who may be aggrieved thereby. Bond.

5. *And be it enacted*, That if either of the persons herein before appointed to execute the trust created by this act, should refuse to act as such trustee, or depart this life before the execution of the trust herein before created, then the survivor or other trustee or trustees, is hereby fully authorized and empowered to execute the said trust herein created to all intents and purposes, which are herein before set forth. Survivor.

6. *And be it enacted*, That no deed or conveyance of such real estate shall be valid, unless it be certified in or upon such deed or conveyance by Peter Studdiford, Peter Elmondorf and Samuel Swan, or any two of them, or the survivor or survivors of them, that such sale was made bonafide, and for the highest price that could be obtained for such real estate at the time of such sale. Statement.

7. *And be it enacted*, That no sale made by virtue of this act, shall affect any lien or claim upon the said real estate, other than that of the heirs of the said John Cox, deceased. What claims not affected.

A. Passed at Trenton, Feb. 1, 1812.

## AN ACT to confirm the last will and testament of Jonathan Pidcock, senior, deceased.

WHEREAS Jonathan Pidcock, late of the township of Amwell in the county of Hunterdon, in his life-time made his last will and testament disposing of his real and personal estate, and executed the same in the presence of two witnesses only, by reason whereof according to the laws of this state the said will would be valid and operative so far as respects the disposition of the personal estate only, and void so far as respects the real estate, which would defeat the intentions of the testator; and whereas all the children, heirs and legatees of the said deceased, being of full age, have united in requesting that the legislature would pass a law to make the said will as valid and effectual as if it had been executed in the presence of three witnesses: Therefore,

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the last will and testament of Jonathan Pidcock, senior, late of the township of Amwell in the county of Hunterdon, bearing date the tenth day of November in the year of our Lord one thousand eight hundred and eight, and probate whereof has been granted by the surrogate of said county, shall be, and the same is hereby declared to be as good and valid in every respect as if the same had been executed in the presence of three subscribing witnesses agreeably to the laws of this state, any act or acts to the contrary notwithstanding.

A. Passed at Trenton, Feb. 1, 1812.

# AN ACT to incorporate the Alexandria Bridge Company.

WHEREAS it is represented to this legislature, by the petition of a number of the inhabitants of the counties of Sussex and Hunterdon, that a bridge across the Delaware river at or near Pursell's ferry, would be of great public utility— 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 capital stock of the Alexandria bridge company shall amount to forty thousand dollars, that the same shall be divided into one thousand shares of forty dollars each, and the persons, co-partnerships or bodies politic, who may thereto subscribe, their heirs, executors or administrators, shall pay the sum or sums of money for the share or shares by them respectively subscribed, at such periods and in such proportion as the managers of said company (hereinafter directed to be chosen) may determine. Capital stock.

2. *And be it enacted,* That Philip Fine, George Bidleman, Peter Sharp, William Godley, Jacob Young and William Hunt, of New-Jersey, be, and they are hereby appointed commissioners on the part of this state to do and perform the several duties hereinafter mentioned, that is to say, they shall and may on or before the first day of April next, procure books and enter therein as follows: We whose names are hereunto subscribed do promise to pay to the president, managers and company, for erecting a bridge over the river Delaware in the township of Alexandria at or near Pursell's ferry, the sum of forty dollars for each and every share of stock in the said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the president and managers in pursuance of an act of the legislature entitled An act to authorize the gov- Commissioners. Their duties.

ernor of this state to incorporate a company for erecting a bridge over the river Delaware at or near Pursell's ferry : Witness our hands the day of in the year of our Lord one thousand eight hundred and And shall thereupon give notice in two of the public newspapers printed in this state and two of the public newspapers printed in the state of Pennsylvania, for one calendar month at least, of the times and places in the city of Philadelphia, county of Bucks, and state of New-Jersey, when and where the said books shall be opened to receive subscriptions for the stock of said company, at which respective time and place, some one of the commissioners shall attend and permit all persons who shall offer to subscribe in said books, which shall for that purpose be kept open at least six hours in every juridical day, for at least three juridical days, if three shall be necessary, and any person of the age of twenty-one years shall have liberty to subscribe in his own name, or in the name of any person by whom he shall be authorized, for any number of shares in the said stock, and if at the expiration of the three first days, the said books opened shall not have a sufficient number of shares therein subscribed, the said commissioners respectively may adjourn from time to time until the said number of shares be subscribed, of which adjournment public notice shall be given at each place aforesaid, and when the said subscriptions in the said books shall amount to the said sum, the same shall be respectively closed ; and if before the said subscriptions shall be declared to be full, application shall be made to subscribe more shares than will fill the said books, then the said commissioners respectively shall apportion the whole number of shares at such respective place among all those who shall have subscribed or offered to subscribe as aforesaid on that day at such place, by deducting from the subscribers of more shares than one, such proportion of the shares by them respectively subscribed as will leave every person one or

more shares: *Provided always*, that every person subscribing in the said books, in his own name, or any other name, shall previously pay to the attending commissioner or commissioners five dollars on every share to be subscribed, out of which shall be defrayed the expense of attending taking of such subscriptions, and other incidental charges, and the remainder shall be paid over to the treasurer of the corporation as soon as the same shall be organized and the officers chosen as is hereinafter mentioned.

To be incorporated

3. *And be it enacted*, That when thirty persons or more shall have subscribed three hundred shares in the said stock, the said commissioners respectively may, and when the whole number of shares shall be subscribed, shall certify under their hands and seals, the names of the subscribers and the number of shares subscribed by or apportioned to each subscriber, to the governor of this state, who thereupon shall by letters patent under his hand and the seal of the state, create and erect the subscribers (and if the said subscriptions be not full at the time, then also those who shall afterwards subscribe to the numbers aforesaid) into one body politic and corporate, in deed and in law, by the name, style and title of "The Alexandria Bridge company," and by the said name the said subscribers shall have perpetual succession, and all privileges and franchises incident to a corporation, and shall be capable of taking and holding their said 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, 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, estates real and personal, as shall 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, and of doing all and every

Name.

Powers.

other matter and thing which a corporation or body politic may lawfully do.

Notice.

4. *And be it enacted*, That the persons first named in the said letters patent, shall as soon as conveniently may be, after sealing the same, give notice in two of the public newspapers printed in Philadelphia, one of the public newspapers in Bucks county, and in the public newspapers in Trenton in the state of New-Jersey, of a time and place by them to be appointed, not less than thirty days from the time of issuing the said notice, at which time and place the said subscribers shall proceed to organize the said corporation, and shall choose by a majority of votes of the said subscribers, by ballot, to be delivered in person, or by proxy duly authorized, one president, six managers, one treasurer, and such other officers as they shall think necessary to conduct the business of said company for one year and until other officers shall be chosen, and may make such bye-laws, rules, orders and regulations not inconsistent with the constitution or laws of this state, or of the United States, as shall be necessary for well-ordering the affairs of said company: *Provided always*, That no person shall have more than ten votes at an election, or in determining any question arising at such meetings, whatever number of shares he may be entitled to, and that each person shall be entitled to one vote for every share by him held under the said number.

Election.

Bye-laws.

Proviso.

Annual meeting.

5. *And be it enacted*, That the said stockholders shall meet on the last Monday in April in every succeeding year, at such place as shall be fixed by the rules and orders of said company, to be made as aforesaid, for the purpose of choosing such officers as aforesaid for the ensuing year.

Certificates of stock.

6. *And be it enacted*, That the president and managers first to be chosen as aforesaid, shall procure certificates to be written or printed for all the shares of the stock of the said company, and shall deliver one such certificate signed by the president and countersigned by the treasurer and sealed with

the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereon the sum of ten dollars for each share, which certificate shall be transferable at his pleasure in person or by his attorney in presence of the president or treasurer, subject however to the payments due and that may grow due thereon, and the assignee holding any certificate, having first caused the assignment to be entered in a book of the company to be kept for the purpose, shall be a member of the corporation, and for every certificate by him held shall be entitled to such share or shares of the capital stock, and of all the estates and emoluments of the company, and to vote as aforesaid at the meetings thereof. Transfers.

7. *And be it enacted*, That the said president and managers at such times and places, and being 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 a quorum being met, they shall have full power and authority to agree with and appoint such engineers, superintendants, artists, and other officers, as they shall think necessary to carry on the said bridge, and to fix their salaries and other wages, to ascertain the times, manner and proportion, in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all monies to pay the salaries of persons by them employed, and for the materials and labor done and provided, which orders shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all other such acts, matters and things as by the bye-laws, orders and regulations of the company, shall be committed to them. Powers of president & managers.

8. *And be it enacted*, That if any stockholder after thirty days notice in the public newspapers

Forfeiture for neglect of payment

printed at Philadelphia in Bucks county, and in Trenton in New-Jersey as aforesaid, of the time and place appointed for the payment of any proportion or dividend of the said capital stock, shall neglect to pay such proportion for the space of forty days after the time so appointed, every such stockholder or his assignee, shall in addition to the dividend so called for, pay after the rate of five per centum per month for every delay of such payment, and if the same and the additional penalties shall remain unpaid for such space of time, that the accumulated penalties shall become equal to the sums before paid on account of such shares, the same shall be forfeited to the said company, and may and shall be sold by them to any other person or persons willing to purchase for such price as can be obtained therefor.

Lands, &c. contracted for

9. *And be it enacted*, That after the place for the erection of the said bridge shall be fixed, and before the said president and managers shall begin or proceed to build or erect the same, it shall and may be lawful to and for the said president and managers to contract and agree with the owner or owners of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the bridge, and making and establishing all the necessary works and roads to and from the same, if they can agree with the same owner and owners; but in case they cannot agree, then it shall and may be lawful for the said president and managers to apply to the supreme court of judicature in this state, who upon such application are hereby authorized and directed to appoint three discreet, intelligent and disinterested freeholders of this state, who after being duly sworn or affirmed before any justice of the peace faithfully to perform the duties enjoined on them by this act, shall carefully proceed to view and examine the said banks and all such lands and tenements as shall be necessary for the purpose of erecting and perfecting the said bridge, and making and estab-

lishing all necessary works and roads to and from the same, and shall according to the best of their skill and judgment ascertain and estimate the injury and damage that will be sustained by the owner or owners of such lands and tenements so necessary to be taken as aforesaid, and shall make an appraisement thereof in writing under their hands and seals, and the same shall return together with a map describing the metes and bounds of such lands and tenements, to the supreme court next after they shall have agreed upon and signed the same, and the said appraisment having been confirmed by the said supreme court, shall be filed in the clerks office of the said court, with the map aforesaid, and the said president and managers having paid to the said owners respectively, the several sums awarded to be paid unto them in and by the said appraisement, together with the fees of the said arbitrators, at the rate of two dollars to each for every day employed in the said business, and their necessary expenses, the said corporation shall be entitled to have and to hold to them and to their successors and assigns forever, the said lands and tenements 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 managers to enter upon the said lands and tenements, and to begin the building and erection of the said bridge.

10. *And be it enacted*, That it shall and may be lawful for the president and managers aforesaid, their superintendants, engineers, and artists, of every kind, to enter into and upon all the lands, tenements and inclosures near to 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 the said bridge, and it shall and may be lawful for the said managers, overseers, superintendants, or any other person employed in building the said bridge, to enter with waggons, carts, sleds or sleighs, or beasts of bur-

May enter on lands, &c

then 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 first making amends for any damages that may be done, which damages shall be ascertained by the parties if they can agree, or if they cannot agree, then by appraisement thereof, to be made upon oath or affirmation, of three indifferent freeholders of the neighborhood, or any two of them, to be mutually chosen, or if the owners, or managers, superintendants, engineers or artists, upon due notice, shall neglect 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 managers or other persons by them employed as aforesaid, after 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 the said bridge.

Damages, how ascertained.

Accounts to be kept, and submitted to stockholders.

11. *And be it enacted*, That the president and managers of the said company shall keep fair and just accounts of all monies received by them from the said commissioners, and from the subscribers, and of all penalties for delay in the payment therefor, 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 every year submit such accounts to a general meeting of the stockholders until the said bridge be completed, and until all the costs, charges and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expenses shall be liquidated and ascertained; and if upon such liquidation or whenever the whole capital stock of the company, shall be nearly expended, it shall be found, that the capital stock is not sufficient to complete the said bridge, according to the true intent and meaning of this act, it shall and may be lawful, for the pres-

ident, managers and company, at a stated or special meeting to be convened according to the provisions of this act, or their own bye-laws to increase the number of shares, to such extent as shall be deemed sufficient to accomplish the work, and to demand and receive the monies subscibed for such shares in like manner, and under like penalties as are herein before provided for the original subscription. Capital may be increased

12. *And be it enacted*, That when a good and complete bridge is erected, over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company, aforesaid, their successors and assigns forever, and the said company, their successors and assigns may demand and receive toll from travellers and others, agreeably to the following rates, to wit: Rates of toll.

For every coach, landau, chariot, phæton or other pleasurable carriage with four wheels drawn by four horses, the sum of seventy five cents.

And for the same carriages with two horses, the sum of fifty cents.

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

And for every carriage of the same description drawn by two horses, the sum of thirty-seven and a half 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-seven and a half cents.

And for the same with one horse, the sum of twenty-five cents.

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

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

For every foot passenger the sum of three cents.

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

And for every sheep and swine, the sum of an half cent.

New Jersey State Library

List to be kept up.

And said company shall cause to be fixed and always kept up at the gates of the said bridge in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded: *Provided always*, That there shall be no more than three piers placed in the river, beside the abutments on the shores for the erection of the said bridge; that the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing or persons from fording the said river.

Restrictions.

Oxen.

13. *And be it enacted*, That in fixing the toll of all carriages to be drawn wholly by oxen, or partly by oxen and partly by horses, two oxen shall be estimated equal to one horse.

Penalty for injuring bridge, &c.

14. *And be it enacted*, That if any person or persons shall wilfully cut, destroy, break or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, stone or stones, chain or chains, bolt or bolts, or any other materials whatsoever belonging to said bridge, or otherwise voluntarily 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 in any court having cognizance thereof.

Penalty for taking illegal toll.

15. *And be it enacted*, That if said company their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand any greater rates or prices for the passing over the said bridge, than what 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, one third thereof for the use of the poor of the township of Alexandria in the county of Hunterdon, in New-Jersey, and one third thereof for the use of the poor of the township of Durham in the county of Bucks, in Pennsylvania, and the other third for the use of the person who may sue for the same: *Provided al-*

*ways*, That no suit or action shall be brought, unless within thirty days after such offence shall be committed.

16. *And be it enacted*, That the said president, managers and company, 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 subscribers to the said company's stock, deducting first therefrom all contingent costs and charges, and such proportion of said income as may be deemed necessary for a growing fund, to provide against the decay, and for the rebuilding and repairing of the said bridge, and shall on every first Monday in April and October of every year, publish the dividend to be made of the said clear profits thereof amongst the stockholders, and of the time and place where and when the same shall be paid, and shall cause the same to be paid accordingly. Account of toll to be kept. Half-yearly dividends made.

17. *And be it enacted*, That nothing in this act shall be deemed, taken or construed to authorize or empower the governor to incorporate or empower any person subscribing as aforesaid, or shall give any power or authority to such subscribers to any act, matter or thing herein mentioned, until such time as the legislature of the commonwealth of Pennsylvania, shall by law appoint commissioners on their part and vest like power and authority in such subscribers to erect said bridge, and extend the same from the shore on the west side of the river at or near the ferry formerly Purcell's, across the same to its opposite shore, with as full and ample powers, privileges, franchises and emoluments as to the subscribers are hereby given, and the said subscribers having such authority shall be incorporated as aforesaid, and shall proceed in the said work with all convenient speed, and if the said company shall not proceed to carry on the said work within the space of three years after they This act not in force till ratified by Penn. Bridge to be begun in 3, & finished in 10 years.

shall have been incorporated, or shall not within the space of seven years from the passing of this act complete the said bridge, it shall and may be lawful for the legislature of this state to resume all and singular the rights, liberties and privileges hereby granted to the said company.

A. Passed at Trenton, Feb. 3, 1812.

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## AN ACT to enable the owners and proprietors of certain meadows in the township of Maidenhead to improve the same.

Preamble.

WHEREAS there is a considerable quantity of meadow lying and being in the township of Maidenhead, in the county of Hunterdon in this state, situate upon or near to two runs, the one called Shippataukin or the eight mile run, the other Sandy run, which would be greatly improved by clearing, widening and enlarging certain runs, and cutting such ditches as may be necessary for draining and carrying the water off the same—Therefore,

Managers.

Sec. 1. 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 Stevens and Henry Dye shall be, and they hereby are appointed managers for the purpose of draining the said meadows, to continue in office until the first Monday in November next, and until others shall be chosen in their stead, and it shall and may be lawful for the said John Stevens and Henry Dye or either of them, and they or either of them are hereby authorized, at any time during the time which they shall continue managers, with their servants, hands and necessary laborers, to enter into and upon the meadows and swamps of any and every person lying upon or near the said run, called Shippataukin, or eight mile run, at any

Powers.

and every place between the mouth thereof, where it empties into the Assanpink creek and Brearley's old causeway, adjoining the lands of George Bullock, or lying upon the said Sandy run at any and every place between the mouth thereof, where it empties into Shippataukin and Stephen Johnes' line, and to clear, widen and enlarge the said runs in such parts as to them or either of them shall appear necessary, and to cut, open and clear, such ditches as to them or either of them shall from time to time appear necessary, for the effectual draining and carrying the waters off the said meadows into the Assanpink creek.

Assessment for expenses.

2. *And be it enacted*, That the said John Stevens and Henry Dye shall and may, and they are hereby authorized and empowered to assess such sums, as shall be necessary to defray the expenses of draining the said meadows, on all the proprietors and owners of meadows lying on or near the said runs, within the boundaries aforesaid, in proportion to their respective quantities, and to the benefits which their respective meadows shall receive from draining the same, and shall and may demand and receive from each and every of the proprietors aforesaid such proportional sums so by them assessed as aforesaid, and on neglect or refusal of the payment thereof, it shall and may be lawful for the said managers or either of them, and they are hereby required and enjoined to sue for and recover the same with costs of suit, in any of the courts of this state where sums of that amount are cognizable; all which sums so assessed, received and recovered, shall be applied by the said managers to the purposes before mentioned: *Provided always*, That if any person or persons shall think themselves aggrieved by any assessments made by virtue of this act, that on payment of such assessment, he she or they may appeal to the next court of common pleas, to be held in and for the county of Hunterdon, which court is hereby authorized to

Appeal.

decide thereon, by making abatement or otherwise as shall appear equitable and just.

Meeting to choose managers.

3. *And be it enacted*, That it shall and may be lawful for the said proprietors or owners, or such of them as choose to attend, to meet yearly and every year forever hereafter, on the first Monday in November in each and every year at the house or inn now kept by Daniel Lott near the premises, or at such other times and places as shall be agreed upon by the proprietors at their annual meetings aforesaid, who, or the major part of them so met, shall have power to choose two managers for the year then next ensuing, which managers so chosen shall continue in office for one whole year next ensuing such choice, and until others are chosen in their stead, and shall during their continuance in office, be vested with all the powers and authorities herein given to the said John Stevens and Henry Dye or either of them.

Accounts.

4. *And be it enacted*, That the managers herein appointed, and those which shall hereafter from time to time be appointed, shall keep just and true accounts of all monies by them received and paid as managers aforesaid during the time of their service, and shall lay the same before the proprietors and owners of the said meadows, yearly and every year at their annual meeting in November for their examination and allowance.

Vacancies.

5. *And be it enacted*, That if either of the persons now appointed or that shall be hereafter chosen managers, shall die before the expiration of the time for which they are appointed or chosen, or shall refuse to take on themselves the management thereof, it shall in such case be lawful for the other manager, if any, or for any three of the proprietors or owners of the said meadows, to call a meeting of the proprietors at the place aforesaid, at such time as they shall think most proper and convenient, by giving notice to all the proprietors or owners who reside within the distance of five miles from the place, and it shall and may be law-

ful for the owners and proprietors who shall attend such meeting, or a majority of them, to choose a person or persons to supply the place or places of the person or persons so refusing or dying, and the person or persons so chosen, shall have all the power and authority herein given to the managers chosen at the annual meeting, until the first Monday in November then next ensuing, or until another shall be chosen in his or their places.

Compensation to managers.

6. *And be it enacted*, That the managers for the time being, shall have and receive the sum of one dollar and fifty cents for each day they shall be necessarily employed in the management and oversight of the business hereby committed to their charge, and the sum of five per cent on all the monies by them expended, for their trouble in assessing and collecting the same.

Partition ditches to be cleaned.

7. *And be it enacted*, That the owners and possessors of the meadows on each side of any partition ditch or drain, shall be obliged forever hereafter to cleanse, scour and keep open all such partition ditches against his or their meadows, and on neglect thereof it shall and may be lawful for the said managers to enter into and upon the lands of the person so neglecting, with their laborers; and to cleanse, open and scour the same, and to recover the expense thereof from such owner or possessor by action of debt, in any court in this state where actions to that amount are cognizable, together with costs of suit.

Penalty for obstructions.

8. *And be it enacted*, That if any person shall wilfully and knowingly obstruct the free course of the water in either of the said runs, or in any of the ditches or drains to be cut for the purpose of carrying the waters off the said meadows, by breaking down the borders of the said ditches or drains, or by throwing earth, brush or other rubbish into the same, or by setting fish baskets or any other obstruction therein, such person shall forfeit and pay the sum of five dollars for each and every such offence, to be recovered by the managers in their

own names, by action of debt in manner herein before directed, and the said managers are hereby required to sue for, recover and receive the said penalties, and to appropriate the same to the opening, scouring and cleansing the said runs, ditches and drains.

A. Passed at Trenton, Feb. 3, 1812.

## AN ACT to incorporate the Saxtonville Bridge Company.

Preamble.

WHEREAS it has been represented to the legislature, that a number of inhabitants of this state, and of the commonwealth of Pennsylvania, have entered into an association for the purpose of erecting a bridge over the river Delaware, by an article or subscription under their hands to the following effect—"We whose names are hereunto subscribed, do severally promise to pay to the president and directors of such company as may be incorporated by law, for the purpose of erecting a bridge over the river Delaware, at Saxton's island, (formerly called Bull's island) by such instalments as the said president and directors may deem necessary, the sums annexed to our names respectively, to be invested in the stock of said bridge"—And it is desired that the legislature would pass a law to incorporate the said association to enable them to carry the said object into effect—

Capital stock.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the said association by further subscriptions in like manner to extend and increase their capital stock to the amount of thirty thousand dollars, which shall be divided into three hundred shares of one hundred dollars each, and

the persons, co-partnerships, or bodies politic or corporate, who have thereto subscribed or may hereafter subscribe, their heirs, executors or administrators, shall pay the sum or sums of money for the share or shares by them respectively subscribed, agreeably to the terms of their subscription above mentioned, that is to say, by such instalments as the president and directors of the said company (to be chosen as hereinafter directed) may deem necessary and shall direct and appoint.

2. *And be it enacted*, That the subscribers to the said association and all those who may hereafter subscribe to the same, and their successors and assigns, shall be and they are hereby created and declared to be a body politic and corporate, in fact and in law, under the name, style and title of "The Saxtonville bridge company," and by the said name shall have perpetual succession, and all the power, privileges and franchises incident to a corporation, and shall be capable of taking and holding their said capital stock and the increase and profits thereof, and of enlarging the same by new subscriptions in such manner as they shall deem expedient, and of purchasing, taking and holding to them their successors and assigns in fee simple or for any less estate, all such lands, tenements and hereditaments, estate real and personal, or choses in action, as shall be necessary or convenient for the operations of the said corporation, and the same to sell and dispose of at their pleasure, to sue and be sued, plead and be impleaded, also to make, have and use a common seal and the same to alter and renew, and generally to do and execute all acts, matters and things, which a corporation or body politic in law may or can lawfully do and execute.

Incorporation.

Name.

Powers.

3. *And be it enacted*, That the said subscribers as soon as conveniently may be after the passing and ratification of this act, at a time and place whereof public notice shall have been given at least fifteen days previous thereto, shall meet to organize the said company, and shall choose by a majority

Notice to be given.

of votes of the said subscribers by ballot delivered in person or by proxy duly authorized, one president, six directors and one treasurer, to serve for one year and until others shall be chosen. And the stockholders in the said company shall meet on the third Monday in November annually thereafter, at such place as shall be appointed by the rules and orders of the said company, and choose in like manner such officers as aforesaid for the ensuing year and until others shall be chosen: *Provided always*, that no person shall have more than twenty votes at any election or in determining any question arising at such meetings, whatever number of shares he may hold, and that each person shall be entitled to a vote for each and every share by him held under the said number.

Annual meeting.

Proviso.

4. *And be it enacted*, That the president and directors first to be chosen, shall procure to be written or printed certificates of all the shares of stock of the said company, and shall deliver one such certificate signed by the president, and countersigned by the treasurer and sealed with the seal of the corporation, to each person for every share by him subscribed and held, he paying to the treasurer in part of the sum due thereon, such sum as the president and directors for the time being, by an uniform regulation on that subject, agreeably to their power in that case given and granted by this act, as well as by the original article or subscription of the said company shall have determined to require, which certificate shall be transferable at his pleasure in person or by attorney in presence of the president or treasurer, subject however to the payments due or that may grow due thereon in the manner hereinafter mentioned, and the assignee holding any certificate having first caused the assignment to be entered in a book of the company to be kept for that purpose, shall be a member of the corporation; and for every certificate by him held, shall be entitled to one share of the capital stock, and of all the estates and emoluments of the com-

Certificates of stock.

Transfers.

pany, and to vote as aforesaid at the meetings thereof.

5. *And be it enacted*, That the said president and directors being convened in such manner, and at such times and places 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 a quorum being met, that they shall have full power and authority to make and establish such bye-laws, rules, orders and regulations not inconsistent with the constitution and laws of this state, or of the United States, as shall be necessary for the well-ordering the affairs of the said company, and to agree with and appoint a clerk and gate keeper, and such other officers, engineers, superintendants, artists and laborers, as they shall think necessary to carry on the said bridge, and conduct the affairs of said company, and to fix their salaries and other wages, to ascertain the time, manner and proportions in which the stockholders shall pay the money due on their respective shares, in order to carry on their work, to draw orders on the treasurer for all monies to pay salaries of persons by them employed, and for the materials and labor done and provided, which shall be signed by the president, or in his absence by a majority of a quorum, and countersigned by their clerk, and to do and transact all such matters and things as by the bye-laws, orders or regulations of the company shall be committed to them.

Powers of president & managers.

6. *And be it enacted*, That before the said president and directors shall begin or proceed to build or erect the said bridge, it shall be lawful for them to contract and agree with the owners of the banks and of any lands and tenements for the purchase of so much thereof as shall be necessary for the purpose of erecting and perfecting the said bridge, and also a house for the accommodation of a gate-keeper near the same, if they can agree with the said

Lands, &c. contracted for

owner or owners, but if they cannot agree then it shall be lawful for the said president and directors to apply to the supreme court of judicature of this state, who upon such application are hereby authorized and required to appoint three discreet and disinterested freeholders residing out of the county of Hunterdon, who after being duly sworn or affirmed before any justice of the peace faithfully to perform the duty enjoined on them by this act, shall carefully proceed to view and examine the said banks and all such lands and tenements as shall be necessary for the purpose aforesaid, and shall according to the best of their skill and judgments ascertain and estimate the damage sustained by the owner or owners of such banks, lands and tenements, respectively, taken as aforesaid, and having due regard to the advantage as well as disadvantage which arise to the owner or owners of such banks, lands or tenements, by the erection of said bridge, shall make an appraisement in writing under their hands and seals of the said damage sustained as aforesaid, and shall return the same together with a map describing the metes and bounds of such banks, lands and tenements to the said court, at the next term after they shall have agreed upon and signed the same, and the said appraisement having been confirmed by the said court shall be filed in the clerk's office of the said court with the map aforesaid, and the president and directors shall previous to their taking possession of the said lands or tenements, pay to the said owner or owners respectively, the several sums awarded to be paid unto them in and by the said appraisement, and also forthwith the costs of the said appraisers, at the rate of two dollars each per day, and their expenses, and upon payment as aforesaid the said corporation shall become seized of and be entitled to have and to hold the said lands and tenements, to them, their successors and assigns, as fully and effectually as if the same had been granted to them by the respective owners thereof, and may thereupon law-

fully enter and take possession of the same for the purpose of building and perfecting the said bridge.

*7. And be it enacted*, That it shall and may be lawful for the president and directors aforesaid, their superintendants, engineers, artists, and laborers of every kind, to enter into and upon all the lands, tenements and inclosures most convenient to the place where the said bridge is to be built, and to examine the ground for the purpose of opening quarries of stone, and obtaining gravel, sand, and other materials necessary for building the said bridge, and that it shall and may be lawful for the said directors, their superintendants, engineers, artists and laborers, or any other person employed in building the said bridge, to enter with waggons, carts, sled or sleighs, or beasts of burthen or draught of any kind whatsoever, first giving notice to the owners, doing as little damage as possible, and repairing any breach of fences they may have occasion to make, first making amends for any damages that may be done, which damage shall be ascertained by the parties if they can agree, or if they cannot agree, then by appraisement to be made upon oath or affirmation, by three indifferent freeholders or any two of them, to be mutually chosen, or if the owners, or the said directors, superintendants, engineers or artists, upon due notice, shall neglect or refuse to join in the choice, then the said freeholders shall be appointed by any justice of the peace of the county, not interested on either side, and the directors or other persons employed by them as aforesaid, after tender of the amount of damages so appraised to the owner, may enter and dig, take and carry away any stone, gravel, sand or earth most conveniently situated for making and repairing the said bridge.

May enter on lands, &c.

Damages, how ascertained.

*7. And be it enacted*, That the president and directors of the said company shall keep fair and just accounts of all monies received by them from the subscribers to the stock of the said company, and of all penalties and forfeitures accruing to the

Accounts to be kept, and submitted to stockholders.

said company, and of the amount of the profit on shares that may be forfeited pursuant to any rule or ordinance of the said president and directors, 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 every year submit such accounts to a general meeting of the stockholders until the said bridge be completed, and until all the costs, charges and expenses for effecting the same shall be fully paid and discharged, and the aggregate amount of all such expense shall be liquidated and ascertained; and if upon such liquidation or whenever the whole capital stock of the company, shall be nearly expended, it shall be found, that the said capital is not sufficient to complete the said bridge, it shall and may be lawful, for the said president, directors and company, at a stated or special meeting to be convened according to the provision of this act, or their own bye-laws to increase the number of shares, to such extent as they shall deem necessary, and to demand and receive the monies subscribed for such shares in like manner, and under such regulations as are herein before provided for original subscriptions.

Capital may be increased

9. *And be it enacted*, That when a good and complete bridge is erected, over the said river Delaware at the place aforesaid, the property of the said bridge shall be vested in the said company, their successors and assigns forever, and the said company, their successors and assigns may demand and receive toll from travellers and others, agreeably to the following rates, to wit:

Rates of toll.

For every coach, landau, chariot, phæton or other pleasurable carriage with four wheels drawn by four horses, the sum of seventy five cents.

And for the same carriages with two horses, the sum of fifty cents.

For every waggon with four horses, the sum of sixty-two and a half cents.

And for every carriage of the same description drawn by two horses, the sum of fifty 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-seven and a half cents.

And for the same with one horse, the sum of twenty-five cents.

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

For every led horse or mule, the sum of six cents.

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

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

And for every foot passenger the sum of three cents.

List to be kept up.

And said company shall cause to be affixed and kept up at the gates of the said bridge in some conspicuous place, a list of the rates of toll which may be lawfully demanded: *Provided always*, That the said bridge shall in no wise injure, stop or interrupt the navigation of the said river, or prevent boats or rafts from passing, boats from crossing or persons from fording the said river.

Proviso.

Account to be laid before general assembly.

10. *And be it enacted*, That the said president and directors shall within three years after the said bridge shall have been completed, lay before the general assembly of this state, an abstract of their accounts, showing the whole of the capital expended in the erection of the said bridge, and of the income and profits arising from the said toll, for and during the said respective periods, together with an exact account of the cost and charges of keeping the said bridge in repair, and all other contingent costs and charges, to the end the clear annual profits and income thereof may be ascertained, and if at the end of two years after the said bridge shall be completed, it shall appear from the average profits of the two years, that the said clear income and profits thereof will not bear a dividend of six per centum per annum, on the whole capital stock of the said company so expended, then it shall and may be lawful for the said president, directors and company to increase the tolls herein allowed, so

Alteration of toll.

much upon each and every allowance thereof, as will raise the dividends to six per centum per annum; and at the end of every ten years thereafter, they shall render to the general assembly a like abstract of their accounts, for three preceding years, and if at the end of any such decimal period, it shall appear from such abstract that the clear income of the said bridge will bear a dividend of more than fifteen per centum per annum, then the said tolls shall be so reduced as will reduce the said dividend to fifteen per centum per annum.

Account of toll to be kept.

11. *And be it enacted*, That the said president and directors, shall also keep a just and true account of all the monies received by the collectors of tolls for crossing the said bridge, and generally of all the interest, proceeds or profits of the said company's capital stock, and shall make and declare a dividend of the profits or income thereof among all the stockholders, deducting first therefrom all contingent costs and charges, and such proportion of the said income as may be deemed necessary for a growing fund, to provide against the decay, and for rebuilding and repairing of the said bridge, which fund, together with the surplus monies in the treasury, after the completion of the said bridge, and payment of the said company's debts, if any there be, the said president, directors and company shall have power to vest in any public stock, or otherwise loan or dispose of in such manner as they shall deem most adviseable for the interest and advantage of the stockholders in said company, and they shall on every third Monday in March and September of 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; *Provided*, That nothing in this section contained shall be so construed, as to authorize the said company hereby incorporated, to establish or carry on any banking or insurance business.

12. *And be it enacted*, That if any person or persons shall cut or destroy, break or remove from off the said bridge, or any part thereof, any piece or pieces of timber, plank or planks, chain or chains, bolt or bolts, stone or stones, or any other materials whatsoever belonging to the said bridge, or breakers, or otherwise voluntarily injure 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 or breakers, the sum of thirty dollars, to be recovered in any court having cognizance thereof, with costs of suit, to be paid to the treasurer aforesaid, and applied to the use of the said company. Penalty for injuring bridge, &c.

13. *And be it enacted*, That if the said company, their successors and assigns, and whoever shall own or possess the said bridge, shall collect or demand greater tolls or rates for the passing over said bridge, than what is 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, one third thereof for the use of the person who may sue for the same, one third thereof for the use of the poor of the township of Solebury, in the county of Bucks, and the other third thereof for the use of the poor of the township of Amwell, in the county of Hunterdon: *Provided always*, That no suit or action shall be brought therefor, unless the same be commenced within thirty days after such offence shall have been committed. Penalty for taking illegal toll.

14. *And be it enacted*, That this act shall not take effect, until such time as the legislature of the commonwealth of Pennsylvania shall by law ratify the same and vest like power and authority in the said subscribers to erect the said bridge at the place aforesaid, with as full and ample powers and privileges, franchises and emoluments as to the said subscribers are hereby given, and the said subscribers having such authority, shall proceed in their This act not in force till ratified by Penn.

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work with all convenient speed, and if the said company shall not proceed to carry on the said work within three years thereafter, or shall not complete the said bridge within the space of ten years thereafter, then it shall and may be lawful for the legislature of this state to resume all and singular, the rights and privileges hereby granted to the said company.

Bridge to be begun in 3, & finished in 10 years.

A. Passed at Trenton, Feb. 4, 1812.

## AN ACT to authorize the sale of the Real Estate of Thomas Johnston, deceased.

Preamble.

WHEREAS Thomas Johnston, late of the township of Northampton, county of Burlington, died intestate, seized of about sixty acres of pine land, situate in said township and county—And whereas it is represented by the widow and all the heirs who are of full age, that the said property is so situated that no profit can be derived therefrom, and praying that a law may be passed to appoint a trustee to sell the same,

Trustee.

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 Joseph Bolton, be, and he is hereby appointed trustee, with full power to sell, dispose of and convey the said lands and real estate before described, as soon as conveniently may be, for the highest sum or sums of money the same will bring, and when thus sold, to make, execute and deliver in due form of law, in his own name as trustee, good and sufficient deed or deeds of conveyance, according to the estate, title and interest which the said Thomas Johnston had, and died seized of, which sale or sales being made and confirmed by deed, and certified as hereafter directed, shall entitle the purchaser or purchasers to all the estate, right, title,

Title.

interest, claim and demand, which the said Thomas Johnston had in the premises at the time of his death, and which the heirs and widow of the said Thomas Johnston, deceased, now have in and to the same.

Account.

2. *And be it enacted*, That the trustee shall keep a fair account of all the sales of the said land and real estate so by him sold as aforesaid, and after deducting reasonable fees for his services, to be allowed by the orphans court of the county of Burlington, and the cost and charges attending the said sales and discharge of his trust, distribute all the residue of the monies so arising from the sale of the said lands and real estate, to and among the heirs of the said Thomas Johnston, according to and in the manner and proportion prescribed by the law directing the descent of real estate in this state, when such heirs shall be of full age, or married; and during the minority of any such heirs, or inability to receive their proportion, to his, her or their guardian or guardians: *Provided nevertheless*, That the said Joseph Bolton, shall retain and put out to use, one equal third part of the net proceeds of the sales so by this act directed to be made, during the life of the said Mary Johnston, widow of the said Thomas Johnston, deceased, and pay to her yearly and every year during her said life, the interest arising from the said one equal third part of the said proceeds, in lieu and full satisfaction of her dower, and after her decease the said one equal third part shall be distributed by the said Joseph Bolton, and in case of his death, by his executors or administrators, to and among the heirs of the said Thomas Johnston, in the manner before directed in and by this section.

Distribution.

Bond.

3. *And be it enacted*, That before the said Joseph Bolton do enter on the execution of this trust, assigned him by this act, he shall enter into bond to the governor of this state, with such surety as shall be approved of by the orphans court of the county of Burlington, conditioned for the true and faithful

performance of the trust assigned him by this act, which bond shall be deposited in the office of the secretary of the state: *Provided always*, That no deed of conveyance of such land or real estate, made by the trustee aforesaid, shall be valid, unless it be certified in or upon the deed or conveyance, by Joseph Budd, esq. Job Jones and William Stockton, or the survivor or survivors of them, under their hands and seals, that such sales were made bonafide, for the highest price that could be obtained for such property at the time of such sale.

Certificate

4. *And be it enacted*, That the said Joseph Bolton shall within six months after the sale of the lands and real estate, aforesaid, subscribe and exhibit under oath or affirmation, to the surrogate of the county of Burlington, an exact statement of the amount of the sale or sales, to be by him recorded and filed agreeably to law, and that the said Joseph Bolton shall be accountable for all monies received by virtue of this act.

Statement

A. Passed at Trenton, Feb. 5, 1812.

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## AN ACT authorizing Commissioners to Repair and Pave Water-street, in the city of New-Brunswick, and for other purposes.

Sec. 1. 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 Bray, Samuel Holcomb, junior, and Jacob R. Hardenburgh, or a majority of them, be commissioners, who shall have power to assess upon the respective lots on each side of Water-street, in the city of New-Brunswick, from the north side of the abutment of the toll-bridge, in French-street, to Somerset street, and to pave such parts of the said street as the said John Bray, Samuel Holcomb, and Jacob R. Hardenburgh, or a majority of them shall deem expedient, and the expence of repairing

and paving, or of repairing or paving, as the case may require, so much of the said street, to the middle of the same, as shall be opposite to each lot respectively; and if the owner or owners of the said lot or lots shall neglect or refuse to pay the sum of money so assessed upon any of the respective lots, after four weeks public notice of the same, given in some public paper printed within the said city of New-Brunswick, and in one of the daily papers of the city of New-York, and notice be served on any person having the right to said property, his, her or their guardian or guardians, or executor or executrix of said estate, the said commissioners or a majority of them, shall without further delay, expose the said lot or lots on which the said assessment or any part of it is remaining unpaid, to public sale, for the most and best price that at the time can be got for the same, and the surplus, if any there be, they shall pay over to the proprietor or proprietors of the lots thus sold.

2. *And be it enacted*, That the said commissioners who shall sell any lot or lots as aforesaid, shall execute to the purchaser or purchasers, a deed or title for the same.

3. *And be it enacted*, That the said deed or deeds, title or titles, so as aforesaid to be given, shall vest in the purchaser or purchasers an absolute estate of inheritance in fee simple.

4. *And be it enacted*, That the said commissioners hereinbefore appointed, or a majority of them, before they proceed to make any assessment, or to do any other act or thing hereinbefore mentioned, shall proceed to make a record and map of the said street, commencing at the toll-bridge aforesaid, and pointing out the lines of the said street, with the courses and distances of the same to Somerset-street, beforementioned, and that the said record and map shall be recorded and filed with the clerk of the city of New-Brunswick, in the town-book.

C. Passed at Trenton, Feb. 5, 1811.

## AN ACT authorizing Repairs to the State-House and fence.

Sec. 1. 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 Hyer and Daniel Coleman, esquires, be and they are hereby authorized to cause the inside plastering of the Assembly-Room and Council Chamber to be white-washed—the inside wooden work and furniture that has once been painted, to be painted anew of the original color—the carpetting to be mended where necessary—and such repairs to the State-House and fences round the yard as they shall deem requisite—*Provided*, their expenditures for these objects shall not exceed three hundred dollars, and that it be done before the first day of September next. And that the said commissioners be authorized to draw on the Treasurer for all expenses incurred under this Act, who is hereby required to pay the same to their order.

A. Passed at Trenton, Feb. 5, 1812.

## 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 to the several persons hereinafter named, to wit:

1. To James Linn, esquire, for postage of public letters, and stationary for the use of council, seven dollars and forty-nine cents.

2. To Edward Condict, clerk of the county of Morris, for making a return of the last congressional election and delivering the same, twelve dollars and fifty cents.

3. To Joshua Norton for seven cords of hickory wood, forty-nine dollars.

4. To William Gould for receiving, cording and sawing seven cords of wood, six dollars and fifty-eight cents.

5. To Charles Rice for paper, two dollars and seventy-eight and half cents.

6. To James Johnson for making a double door, painting, boards, labor and repairs to the state-house, fourteen dollars and fifty-five and half cents.

7. To George Sherman for printing and newspapers furnished to the legislature, nine dollars.

8. To William Gould for candles, earthen ware, materials and repairs to the council chamber, nine dollars and nineteen cents.

9. To James J. Wilson for printing, stationary and newspapers for the use of the legislature, one hundred and fourteen dollars and forty-nine cents.

10. To Daniel Coleman for newspapers for the use of the legislature, three dollars and fifty-six cents.

A. Passed at Trenton, Feb. 5, 1812.

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## AN ACT appointing trustees to execute and fulfil the purposes of the last will and testament of Henry Roe, deceased.

WHEREAS Henry Roe, late of Gloucester township and county, in and by his last will and testament bearing date the twenty-fifth day of February in the year of our Lord one thousand seven hundred and fifty, did constitute and appoint his wife Hannah Roe, and his son Abraham Roe, executors of his last will and testament, and did order that all his estate, lands and tenements, goods and chattels, should be sold, and gave his said executors full and absolute power to sell said lands, goods and chattels, and ordered that the monies arising from such sale should be equally divided among his surviving children: And whereas the said Hannah Roe Preamble.

and Abraham Roe executors aforesaid not having fulfilled the true intent and meaning of the said last will and testament, and no person is now authorized to execute and fulfil the purposes of the said last will and testament: And whereas the surviving children of the said Henry Roe have presented a petition to the legislature praying that Joseph Burden and Jacob Mitchell of the city of Philadelphia may be authorized to execute and fulfil the purposes of the said last will and testament, in the place of the said Hannah Roe and Abraham Roe, deceased—which request appearing to be just and reasonable—Therefore,

Trustees.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Joseph Burden and Jacob Mitchell, of the city of Philadelphia, be and they are hereby constituted and appointed trustees to execute and fulfil the purposes of the last will and testament of the said Henry Roe, deceased, so far as the same respects the sale and conveyance of the real estate of the said Henry Roe, so as aforesaid devised to be sold and remaining unsold, and the payment of the monies arising from the said sale agreeably to the directions and intent of the said testator; and they the said Joseph Burden and Jacob Mitchell, or either of them, are hereby authorized and empowered to make all such deed and deeds of conveyance and assurances in the law as fully, amply and effectually to all intents and purposes, as the said Hannah Roe and Abraham Roe might or could have done were they now living—*Provided*, that before the said Joseph Burden and Jacob Mitchell shall take upon themselves the execution of the powers vested in them by virtue of this act, they shall execute a bond to the governor of this state in such sum and with such securities as shall be approved of by the orphans court of the county of Gloucester, for

Sale.

Distribution.

Title.

Certificate

the faithful performances of the trust reposed in them by this act.

2. *And be it enacted*, That the said Joseph Burden and Jacob Mitchell, their executors or administrators, shall within six months after the sale of said real estate, make, subscribe and exhibit under oath or affirmation unto the surrogate of the county of Gloucester an exact statement of the amount of the said sale or sales, to be by him recorded and filed agreeably to law, and said orphans court shall allow reasonable fees to the said Joseph Burden and Jacob Mitchell for such services, and the said Joseph Burden and Jacob Mitchell shall be accountable for all monies by them received by virtue of this act. Statement. Fees.

3. *Provided nevertheless*, *And be it enacted*, That nothing in this act shall be so construed as to affect the rights and claims of any person or persons in law or equity to any of the property of the said Henry Roe, deceased. Claims not affected.

A. Passed at Trenton, Jan. 24, 1812.

## AN ACT to authorize Anthony Dey to sell and convey certain real estate.

Sec. 1. BE IT ENACTED *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That Anthony Dey is hereby authorized to sell and convey to any person or persons in fee simple, all that certain tract, piece or parcel of land situate and being in the township of Saddle-River, in the county of Bergen, and described in a certain indenture bearing date the nineteenth day of May, one thousand eight hundred and one, and recorded in the office of the clerk of the county of Bergen, in Liber Q of deeds, pages 400, 401, and 402, and made and executed by and between Richard Dey of the county of Bergen, in the state of New-Jersey, farmer, Trustees to sell land

and Hannah his wife, of the first part, and Anthony Dey, of the city of New-York, in the state of New-York, attorney and counsellor at law, of the second part, as follows, to wit—Also one other certain lot, tract, piece or parcel of land and premises, situate, lying and being in the county of Bergen aforesaid, adjoining and on the Passaick-River, generally known by the Little-Falls, the whole containing fifty-two acres of land, including the saw-mill at the falls, bounded northerly by the land of John Benson, and easterly by land belonging to Simeon Van Houten, son of Peter Van Houten, and on the south and west by the courses of the said river, reference being had to the map of the said land, drawn and delineated by Abraham Willis, the fifteenth day of April, seventeen hundred and ninety-nine, and to the deed annexed will more particularly appear: *Provided always*, That the said Anthony Dey shall sell the same for the highest price that can be had or obtained for the same; *And provided also*, That at least three fourth parts of the purchase money shall remain on bond, secured by a mortgage on the aforesaid premises, at legal interest, payable half-yearly until the death of Hannah Dey the mother of the said Anthony Dey, and until the youngest child of the said Hannah Dey shall attain the age of twenty-one years.

Disposition of proceeds.

2. *And be it enacted*, That the said Anthony Dey is hereby authorized and required to put and place out at legal interest such part of the consideration monies as shall not be secured by bond and mortgage as aforesaid, upon bond or bonds secured by mortgage on other real estate, or invest the same in stock in some bank or incorporated company, or in stock of the United States, as in his opinion shall be most beneficial to the persons interested; and to alter and change the same securities as often as shall be necessary, or he may deem advisable; and the said Anthony Dey is hereby required to pay the interest monies arising from the sale of the said estate, and to be placed out at interest as afore-

said, to the said Hannah Dey during her life time, and after her death, and when the youngest child of the said Hannah Dey shall attain the age of twenty-one years, the said proceeds shall be divided agreeably to a declaration of trust made and executed by the said Anthony Dey to the said Hannah Dey, and bearing date the nineteenth day of May, one thousand eight hundred and one, in relation to the aforesaid estate hereby authorized to be sold and conveyed.

Statement

3. *And be it enacted*, That the said Anthony Dey shall within six months after the sale of the said real estate, make, subscribe and exhibit under oath or affirmation to the surrogate of the county of Bergen, an exact statement of the amount of the sale or sales of said real estate and of the monies arising therefrom, and shall report the same to the next orphan's court to be held in and for said county.

Distribution.

4. *And be it enacted*, That the monies arising from the said sale or sales, after a reasonable allowance to be made by the said orphans court for the services of the said Anthony Dey, shall be distributed among the heirs at law of the said Hannah Dey in the same proportion and divided as directed by the law regulating the descent of real estates of persons dying intestate.

Bond.

5. *And be it enacted*, That before the said Anthony Dey do enter upon the trust assigned to him by this act, he shall enter into bond to the governor of this state with such securities and in such amount as shall be approved of by the said orphans court, conditioned for the true and faithful performance of the trust assigned to him by this act, which bond shall be filed in the said surrogate's office.

Certificate

6. *And be it enacted*, That no deed of conveyance of such real estate made by the said Anthony Dey shall be valid, unless it be certified in or upon such deed or conveyance by William Colfax, John N. Cumming and Charles Kinsey, or any two of them, or the survivor or survivors of them, that

such sale was made bona fide and for the highest price that could be obtained for such real estate at the time of the sale.

What Claims not affected.

7. *And be it enacted*, That no sale made by virtue of this act shall affect any lien or claim upon the said real estate other than that of the heirs at law of the said Hannah Dey.

C. Passed at Trenton, Jan. 23, 1812.

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## AN ACT for the relief of Henry C. Van Nortwick, and Christyan H. Van Nortwick, debtors, confined in the jail of Middlesex.

Sec. 1. BE IT ENACTED, *by the council and general assembly of this state, and it is hereby enacted by the authority of the same*, That the act for the relief of persons confined for debt in any of the jails of this state, passed January twentieth, one thousand eight hundred and twelve, be and the same is hereby extended for the relief of Henry C. Van Nortwick, and Christyan H. Van Nortwick, in as full and ample manner as though they had been confined before the passing of the same.

A. Passed at Trenton, Feb. 4, 1812.

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PUBLIC ACT.

# ACT

OF THE

THIRTY-SIXTH

# GENERAL ASSEMBLY

OF THE

## *STATE OF NEW-JERSEY.*

AT A SESSION BEGUN AT TRENTON, ON THE FOURTH DAY OF AUGUST, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND CONTINUED BY ADJOURNMENTS.

*BEING THE THIRD SITTING.*




TRENTON:

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No. 10

# ACT

OF THE

*THIRTY-SIXTH*

# GENERAL ASSEMBLY

OF THE

*STATE OF NEW-JERSEY.*

AN ACT to authorize the Arming and Equipping a part of the Militia 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 the executive of this state be, and he hereby is, authorized to draw upon John Fellows, military Store-kepeer, at New-York, or such other person as may be authorized to deliver, one thousand stand of arms, deposited for the use of this state, and to be delivered to the order of the Governor thereof, under the provisions of an act of Congress, of the twenty-third of April, one thousand eight hundred and eight, for arming the whole body of militia.

2. *And be it enacted,* That the said Executive be, and he hereby is, authorized to purchase, on the best terms on which it can be had, camp equipage, for five hundred men, and one thousand cartridge-boxes and belts, one thousand bayonet straps and scabbards, one thousand canteens, and one thousand knapsacks.

3. *And be it enacted,* That the said arms, accoutrements and equipage be deposited at such place or places, within the state, as the said executive shall direct, to be distributed, upon his

order, as occasion may require, to the militia, when called into actual service. And every non-commissioned officer or private, who shall receive any of said arms, accoutrements, and equipage, shall return the same to such place of deposit, as shall be directed by the commanding officer of his detachment, or the amount of the same shall be deducted from his pay, unless the same shall be taken by an enemy, or unavoidably lost or destroyed.

4. *And be it enacted*, That the said executive be, and he hereby is, authorized to draw upon the Treasurer of this state, for any sum not exceeding six thousand dollars, to carry the aforesaid provisions of this act into effect.

A Passed at Trenton, August 7, 1812.

PRIVATE AND TEMPORARY ACTS.

# ACTS

OF THE

THIRTY-SIXTH

# GENERAL ASSEMBLY

OF THE

## *STATE OF NEW-JERSEY.*

AT A SESSION BEGUN AT TRENTON, ON THE FOURTH DAY OF AUGUST, ONE THOUSAND EIGHT HUNDRED AND TWELVE, AND CONTINUED BY ADJOURNMENTS.

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# ACTS

OF THE

## *THIRTY-SIXTH*

## GENERAL ASSEMBLY

OF THE

## *STATE OF NEW-JERSEY*

AN ACT to enable Samuel Bridge to take and hold real estate.

WHEREAS it is satisfactorily proved to the Legislature, That Samuel Bridge a native of the United Kingdom of Great-Britain and Ireland, did on the second day of February, in the year of our Lord one thousand eight hundred and ten, make report to Silas Condit, clerk of the county of Essex in writing, the place of his nativity, the time of his arrival in the United States of America, the place of his residence and his intention to reside in the United States of America, in conformity to the statutes of the United States of America, in such case made and provided; and in pursuance of such statutes, did also on the twenty-first day of April of the same year, personally appear in the Inferior court of common pleas, in and for the county of Essex, and on oath declare, that it was his bona fide intention, to become a citizen of the United States of America, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state or sovereignty whatsoever, and particularly to George the third, King of the United Kingdoms of Great-Britain and Ireland,

and whereas it is represented to the Legislature that the said Samuel Bridge hath since making the report and declaration aforesaid, purchased real estate in this state, with intent to erect thereon an extensive manufactory, and that he is apprehensive that his case is not embraced in the acts of the Legislature of this state, authorizing aliens to purchase and hold real property:—THEREFORE,

Sec. 1. BE IT ENACTED *by the council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all bona fide purchases of land and real estate within this state made by Samuel Bridge, now or late of Newark, in the county of Essex, since the twenty-first day of April, in the year of our Lord one thousand eight hundred and ten, and all deeds and conveyances made for the same, shall be good and valid and have the same operation and effect, and that he may have and hold the same to him his heirs and assigns forever, as fully to all intents and purposes as though he the said Samuel Bridge, was a natural born citizen of the United States of America.

2. *And be it enacted,* That all bona fide purchases of land and real estate which shall hereafter be made, by the said Samuel Bridge within this state, and all deeds and conveyances which shall be made for the same, shall be good and valid, and shall have the same operation and effect, and that he may have and hold the same, to him his heirs and assigns forever, as fully to all intents and purposes as though he the said Samuel Bridge was a natural born citizen of the United States of America.

A. Passed at Trenton, August 7, 1812.

AN ACT to fulfil part of the last will and testament of Derrick Van Veghten, deceased, and to make sale and distribution of a certain real estate, descending by said will to the heirs of the body of Margaret Crane, deceased.

WHEREAS Derrick Van Veghten, deceased, in and by his last will and testament, bearing date, the seventeenth day of April, seventeen hundred and seventy-nine, did among other things, devise to his daughter Margaret Crane, now deceased, during her life, and after her death, to the heirs of her body, a certain one hundred acres of land, in the township of Bridgwater, and county of Somerset; and whereas the said Margaret Crane hath departed this life, by reason whereof her six children as heirs of her body are entitled to said land, and it being impracticable to divide without manifest injury to the same, three of said heirs being minors :—THEREFORE,

SEC. 1. BE IT ENACTED *by the council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That John Frelinghuysen and Andrew Howell be, and they are hereby appointed Trustees, to execute and fulfil the last will and testament of the said Derrick Van Veghten, deceased, so far as respects the real estate devised to Margaret Crane his daughter, and to the heirs of her body, and the payment and distribution of the monies, arising from the sale thereof agreeably to the intent of said testator. And they the said John Frelinghuysen and Andrew Howell, are hereby authorized and empowered, to make sale of said one hundred acres of land, so devised and entailed, and to make all such deed or deeds of conveyance and assurance in the law, as may be ne-

cessary, as fully amply and effectually to all intents and purposes, as the said Derrick Van Veghten, could have done during his life : *Provided*, That before the said John Frelinghuysen and Andrew Howell, shall take upon themselves the execution of the powers vested in them by this act, they shall execute a bond to the Governor of this state, in such sum, and in such security, as shall be approved of by the orphans court of the county of Somerset, for the faithful performance of the trust reposed in them by this act.

2. *And be it enacted*, That the said John Frelinghuysen and Andrew Howell, their executors or administrators shall within six months after the sale of said real estate make, subscribe and exhibit under oath or affirmation, unto the Surrogate of the county of Somerset, an exact statement of the amount of said sale or sales, to be by him recorded and filed agreeably to law, and said orphans court, shall allow reasonable fees to said trustees for such services, and they shall be accountable for all monies by them received by virtue of this act.

C. Passed at Trenton, August 7, 1812.