ACTS

32996

OF THE

SIXTY-FIRST

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY,

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

Being the First Sitting.

TRENTON:
PRINTED FOR THE STATE.

1837.

ACTS

OF THE

SIXTY-FIRST

GENERAL ASSEMBLY

OF THE

State of New Jersey.

AN ACT to provide for the appointment of electors of the next president and vice president of the United States, and for the election of representatives in the next congress.

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 next ensuing election for the appointment of electors of president and vice president of the United States, and for the election of representatives in congress for this state, shall be held on Tuesday the fifteenth, and Wednesday the sixteenth days of November next, instead of the time now fixed by law for the said elections; and that the said elections shall be held at the places appointed for holding such elections in this state, and be conducted in all respects in the manner prescribed by law; *provided however*, that the nominations already made under the laws of this state, for the said electors and representatives, shall be deemed sufficient; and that notice of such postponed elections shall be put up in three of the most public places in each township, at least five days before such elections, by the clerk of said township.

Time of electing next representatives to congress and electors.

Passed October 26, 1836.

New Jersey State Library

AN ACT to provide for the summoning and empannelling jurors for the courts of the borough of Elizabeth.

Jurors in the boro' of Elizabeth, how summoned.

Sec. 1. 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 relative to juries," passed the ninth day of March, eighteen hundred and thirty-six, shall not extend to the selection, summoning, and empannelling of jurors, to serve as such, in the courts of the borough of Elizabeth, in this state; but that the sheriff or other officer shall summon and empannel jurors to serve in the said courts, in the same manner as if the said act relative to jurors had not been passed.

Sec. 2. *And be it enacted*, That the repealing section of the said act relative to juries, shall be deemed not to affect the laws in operation at the time of the passage of the said act, so far as they relate to the summoning and empannelling jurors in the courts of the said borough of Elizabeth.

Passed November 3, 1836.

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

Chosen freeholders of Essex authorized to borrow money.

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

Passed November 3, 1836.

AN ADDITIONAL SUPPPLEMENT to the act entitled, "An act respecting conveyances," and to an act entitled, "An act to register mortgages."

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the governor of the state be, and he is hereby authorized to name, appoint, and commission, one additional commissioner in each of the states of New York and Pennsylvania; which commissioners shall have the same power and authority as is now granted to commissioners appointed under and by virtue of the first section of an act entitled, "A further supplement to the act entitled, an act respecting conveyances," and to an act entitled, "An act to register mortgages," passed the twenty-seventh day of December, eighteen hundred and twenty-six; and that so much of the said last mentioned act as limits the number of commissioners to be appointed to one for the said states of New York and Pennsylvania, and as empowers commissioners so appointed to take the proof of deeds, or administer oaths or affirmations to any person who shall be willing or desirous to make oath or affirmation before him, to hold to bail of, in, or concerning any cause depending, or to be brought in any of the courts of this state, be, and the same is hereby repealed, so far as the same relates to the commissioners so as aforesaid to be appointed.

Governor authorized to appoint additional commissioner for acknowledgment of deeds in N. York and Pennsylvania.

Passed November 3, 1836.

AN ACT to authorize Joseph Tatum, guardian of Samuel H. Ladd, to make sale of wood and timber on the premises of said ward, in the township of Deptford, in the county of Gloucester.

WHERAS Samuel H. Ladd is the owner in fee simple of a tract of woodland in the township of Deptford aforesaid: AND WHEREAS it is represented by Joseph Tatum, the guardian above mentioned, that much of the said timber

Preamble.

is ripe and going to decay, and that it would be much for the interest of the said ward, if the said guardian were authorized to make sale of a part of the wood and timber aforesaid, for his benefit; but that the same cannot be done without the aid of a special law for that purpose—Therefore,

Guardian authorized to sell timber, and invest the proceeds.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said Joseph Tatum, guardian of the said Samuel H. Ladd, be, and he hereby is authorized and empowered to make sale of such and so much of the wood and timber on the premises of his said ward as is now ripe and fit for market, and as in the judgment of the said guardian, it will best subserve his interest to sell and to convert into money, and invest the net proceeds of such sales in some safe securities drawing interest, under the direction of the orphans' court of the county of Gloucester; *provided*, the guardian give bond to the governor of this state, in such sum, and with such security as the orphans' court of said county may direct and approve, if any additional security shall be deemed necessary by said court; *provided always*, that the proceeds of such sales shall descend and be divided as real estate, and not distributed as personal property.

Statement to be exhibited to orphans' court.

Sec. 2. *And be it enacted*, That the said guardian shall within three months after the sale aforesaid, make and exhibit, under oath or affirmation, to the orphans' court of the said county of Gloucester, a statement of the amount of such sale; which statement shall be recorded and filed in the clerk's office aforesaid.

Passed November 3, 1836.

AN ACT to confirm the sale of certain real estate of the late Robert Morris, deceased, by the surviving trustee, and to appoint trustees to sell such parts of the real estate of said deceased as remains unsold.

Preamble.

WHEREAS Robert Morris, late of the city of New Brunswick, in the county of Somerset, in this state, deceased,

in and by his last will and testament, made and published in due form of law, after devising certain specific portions of his real estate, devised to certain trustees therein named the residuum of his real estate, situated in the counties of Morris, Sussex, Somerset, Middlesex, and Monmouth, in this state, to certain trustees therein named, in trust, to sell and convey the same, and divide the proceeds thereof among his nephews and nieces in said will mentioned.—AND WHEREAS Robert Boggs and James Boggs, two of the trustees by said will appointed, and survivors of said trustees, and who, with William Paterson, were, by a codicil to said will, appointed executors thereof, with power to lease, sell, and convey the said residuary real estate, or any part thereof, duly proved the said last will and testament of the said Robert Morris, deceased, before the surrogate of the county of Somerset aforesaid, and took upon themselves the execution of said will and the trusts thereof.—AND WHEREAS the said Robert Boggs and William Paterson departed this life in the lifetime of the said James Boggs, by means whereof the said James Boggs became surviving executor of said will and surviving trustee of said estate.—AND WHEREAS the said James Boggs departed this life in February, A. D. one thousand eight hundred and thirty-four, having first made and published his last will and testament in due form of law and competent to pass real estate, wherein he appointed his wife, Sarah Lloyd Boggs, and Richard Ray, and William Van Hook executors thereof; and by his said last will and testament, among other things, authorized his said executors to sell and convey the said estate of the said Robert Morris, deceased, and to do any act, matter, or thing which the said James might have done were he living.—AND WHEREAS the said Richard Ray, who hath since departed this life, and the said William Van Hook, two of said executors, have duly proved the said last will of the said James Boggs, deceased, before the surrogate of the county of Middlesex.—AND WHEREAS the said William Van Hook, since the death of the said Richard Ray, as surviving acting executor, &c., of the said James Boggs, deceased, who was surviving executor, &c., as aforesaid, of the said Robert Morris, deceased, under the powers and authorities given and contained in the said last wills of Robert Morris, deceased, and of the said James Boggs, deceased, hath conveyed to John W. Stout, of the city of New Brunswick, a certain lot of land situate on the west side of Georges-road, in the township of North Brunswick, in said county

of Middlesex, and adjoining other lands of said John W. Stout, being a part of the real estate devised in trust as aforesaid, for the consideration of nine hundred and ninety-one dollars and fifty cents, and hath also conveyed to Abraham Suydam, of the city aforesaid, for the consideration of seven thousand five hundred dollars, a certain farm, situate on the east side of Georges-road, and on both sides of Town-lane, adjoining lands of James Neilson, Joseph W. Scott, Aaron Hassert, David Abeel, and others, and a small lot lying immediately on the northerly side of the lot of said David Abeel, all in the township of North Brunswick, in said county of Middlesex; and doubts have arisen as to the power of the said surviving acting executor as aforesaid, to make such conveyances. —AND WHEREAS the said William Van Hook hath petitioned the legislature of this state to pass an act to confirm said conveyances, and to appoint trustees in whom shall be vested the title to all the said real estate of said Robert Morris, deceased, devised in trust as aforesaid, and which remains unsold; and, also, the title to all the real estate which was held by the said Robert and James Boggs, executors, &c., as aforesaid, or the survivor of them, as part of the estate of said Robert Morris, deceased, with full power and authority to sell the same, or any part thereof, to answer the purposes of said will of said Robert Morris, deceased, and the same appearing to be reasonable—Therefore,

Sales of lands of R. Morris, dec., confirmed.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said sales of the said lands to the said John W. Stout and Abraham Suydam be, and the same are hereby confirmed, and that the trustees hereinafter named, or the survivor of them, be, and they are hereby authorized and empowered, if it shall be thought advisable, to make, execute, and deliver to said John W. Stout and Abraham Suydam, respectively, deeds for the several portions of land sold to them in manner aforesaid, on payment or security of payment, by them respectively, of the purchase money thereof, or such part of said purchase money as may remain unpaid.

Trustees appointed to dispose of residue of lands of said deceased.

Sec. 2. *And be it enacted,* That the title to all the remaining part of the said residuary real estate of the said Robert Morris, deceased, devised in trust in manner aforesaid, and the title to all the real estate which was held by the said Robert Boggs and James Boggs, or the survivor of them, as part of the estate of said Robert Morris, deceased, be,

and the same is hereby passed over, conveyed to, and vested in, the said William Van Hook and John S. Blauvelt, and the survivor of them; and the said trustees, or the survivor of them, be, and are hereby authorized to grant, bargain, sell, and convey the same, or any part thereof, from time to time, at public or private sale, and in such manner, and to such purchaser or purchasers, as they, or the survivor of them, shall think discreet and proper, and for the best interest of the several persons entitled to the proceeds thereof under the will of the said Robert Morris, deceased.

Trustees appointed to dispose of residue of lands.

Sec. 3. *And be it enacted*, That the proceeds of the sales of the said real estate shall, by the trustees aforesaid, or the survivor of them, from time to time, after deducting therefrom all costs, charges, fees, and expenses incident to the creation or execution of said trust, be paid over to said executors, &c., of the said James Boggs, deceased, or either of them, to be by them administered and distributed according to the directions of the said last will of the said Robert Morris, deceased, among the several persons entitled; and that the said trustees, or the survivor of them, shall from time to time make and state an account of the execution of the said trust, and report the same to the chancellor of this state for the time being, to be by him from time to time allowed, corrected, and finally confirmed.

How proceeds of sale to be disposed of.

Sec. 4. AND WHEREAS it is represented that the said William Van Hook, as such surviving acting executor, &c., as aforesaid, by verbal contract, agreed to convey to Peter P. Runyan and David W. Vail, of the city of New Brunswick, a certain lot of land, situate and lying on the west side of Georges-street, in said city, and adjoining lands of Richard Manly, Edward Carrol, and lands late of Dr. Robert Adrain and others, for the consideration of eight hundred dollars—therefore, *Be it further enacted*, that the said sale be, and hereby is confirmed, and that said trustees, or the survivor of them, be, and they are hereby empowered and authorized to convey the said lot of land to said Peter P. Runyan and David W. Vail, on payment of said purchase money, and according to the terms of said verbal contract.

Validity of deeds made by virtue of this act.

Sec. 5. *And be it enacted*, That all deeds and conveyances made and executed under and by virtue of this act, shall be as good and valid, and shall be sufficient to pass the estates and interest that thereby may be granted as fully and effectually as if the same were made and executed either by the said Robert Morris, or by the said Robert and James Boggs, trustees and executors as aforesaid, or the survivor of them.

Passed November 3, 1836.

AN ACT to authorize the reception of the surplus revenue of the United States.

Governor, treasurer, and speaker, to receive the state's share of the surplus revenue.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the governor, treasurer, and speaker of the house of assembly of this state, and the survivors and survivor of them, are hereby authorized to receive in deposite the proportion of the surplus revenue of the general government, which may fall to the share of this state, and on the receipt thereof to give certificates of deposite therefor, in such form as may be prescribed by the secretary of the treasury of the United States, which certificates shall express the usual and legal obligations and pledged faith of this state for the safe keeping and repayment thereof, from time to time, whenever the same shall be required by the said secretary, for the purposes of defraying any wants of the public treasury beyond the amount of five millions of dollars, according to the provisions of the thirteenth section of the act of congress of the United States entitled, "An act to regulate the deposites of the public money," approved twenty-third of June, eighteen hundred and thirty-six; which money, when received, shall remain in the custody of the said persons authorized to receive the same as aforesaid, subject to be paid out and appropriated as may hereafter be directed by the legislature of this state.

Duties on receipt thereof.

Passed November 4, 1836.

AN ACT to provide for the election of a representative in the twenty-fourth congress of the United States, to supply the vacancy occasioned by the resignation of Philemon Dickerson, esquire.

Time and mode of electing member of congress.

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 elected one suitable person to supply the vacancy occasioned by the resignation of Phil-

emon Dickerson, esquire, in the present congress; which election shall be held on Tuesday the fifteenth, and Wednesday the sixteenth, days of November, instant; and that the said election shall be held at the places appointed for holding such elections in this state, and be conducted in all respects in the manner prescribed by law; *provided however*, that the person voted for shall be taken from the nominations already made under the laws of this state for representatives in congress, which nominations shall be deemed sufficient; and that notice of such election shall be put up in three of the most public places in each township, at least three days before such election, by the clerk of said township; and that the governor or vice president of council be authorized and required to employ special messengers to transmit copies of this act to the clerks of the several counties of this state, and to draw on the treasurer for the expense of the same; *and further*, that the clerks of the several counties shall forthwith send to the clerks of the townships or wards, in their respective counties, copies of this act.

Passed November 4, 1836.

AN ACT to authorize trustees therein named to sell real estate, late the property of Thomas Grant, of the township of Nottingham, county of Burlington, deceased.

WHEREAS Thomas Grant, late of the township of Nottingham, county of Burlington, deceased, by his last will and testament, among other things, did give, devise, and bequeath unto his daughter, Hannah Schenck, widow of David Schenck, deceased, certain real estate, situate in said township, for and during her natural life, and at her decease to her three children then living, namely, Martha, Elizabeth, and Garret Schenck, and the survivors and survivor of them, share and share alike, in fee simple, and in case of their decease without issue, and without other brother or sister of the whole or half blood, being a child or children of said Hannah Schenck, then to his son William Grant, and his right heirs in fee simple; subject, nevertheless, to a right of landing to the said William Preamble.

Grant upon the shores of the Delaware river, in front thereof; AND WHEREAS the said Elizabeth Schenck hath since departed this life, a minor, leaving no issue; and the said Martha Schenck and Garret Schenck, are minors, and are under the guardianship of the said William Grant, who has been duly appointed to the same; and who is also by the will aforesaid, appointed executor of the same, and trustee of the estate therein devised; and who hath duly proved the said will and taken upon himself the burthen of the execution thereof; AND WHEREAS it is represented to this legislature, that that portion of the real estate devised as aforesaid, which is bounded on the north by lands of the Trenton Delaware Falls Company, on the east by Front-street, on the south by the river Delaware and lands of Gershom Mott, and on the west by the river Delaware, is now almost entirely unproductive to the aforesaid devisees, but has lately been much increased in value by the race-way of the Trenton Delaware Falls Company passing through it, thereby making it desirable for mill sites, but owing to the minority of the said Martha and Garret, the same cannot be sold before the year eighteen hundred and fifty-one; AND WHEREAS it is further represented, that the said company are rapidly disposing of their water privileges, so that they probably will have none to sell by the time the said minor children arrive at age, by reason of which the said real estate would greatly depreciate in value; and the said William Grant and Hannah Schenck on their own behalf, and the said William, as guardian of the said minors, and as executor and trustee of the last will and testament of the said Thomas Grant, deceased, have applied to the legislature for a law authorizing them to convey the same in fee to George M. Coates and Benjamin Coates, of the city of Philadelphia, for the sum of thirteen thousand dollars; one thousand five hundred dollars to be paid to the said William Grant, and eleven thousand five hundred dollars to be safely secured in such manner as to yield an annual interest to the said Hannah during her life, and at her decease to go to the said minors, or their heirs under the said will—Therefore,

Authority to sell 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 William Grant and Hannah Schenck be, and they are hereby empowered to execute, make, and deliver a good conveyance or conveyances in law to the said George M. Coates and Benjamin Coates, for the considera-

tion aforesaid, which shall vest in them, their heirs and assigns for ever all the estate, right, title, and interest which the said Thomas Grant, deceased, had, of, in, and to the said premises, with the appurtenances, at the time of his death.

Disposition of proceeds of sale.

Sec. 2. *And be it enacted*, That the consideration to be paid for the said lands as aforesaid, shall be disposed of in the manner stated in preamble of this bill; the safety of the security to be approved of by the orphans' court of the county of Burlington, within six months after the making of said conveyance.

Trustees to give bond.

Sec. 3. *And be it enacted*, That before the said trustees shall enter upon the trust reposed in them by this act, they shall enter into bond to the governor of this state, with such surety and such sum as shall be approved by the orphans' court of the county of Burlington, conditioned for the faithful performance of the trust reposed in them by this act, which bond shall be deposited in the office of the secretary of this state.

Descent of proceeds.

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

Passed November 7, 1836.

AN ACT vesting in Nathaniel Budd all the right and title of the state of New Jersey to a certain tract of land under water in the Hudson river, in the county of Bergen, and state of New Jersey.

Preamble.

WHEREAS it has been represented to the legislature that Nathaniel Budd became seized and possessed of a certain tract of land, containing fifty-three and a half acres, at Horsimus, in the county of Bergen, and state of New Jersey, by virtue of a deed from Elisha Boudinot, bearing date January second, eighteen hundred and four; which said tract of land was surveyed to the said Elisha Boudi-

not, and located by special order of the proprietors of New Jersey, in front and on each side of the ferry wharf of said Nathaniel Budd, at Horsimus aforesaid, and recorded in the surveyor's office at Perth Amboy.—AND WHEREAS it hath been suggested that the state of New Jersey hath some title thereto, and by reason thereof doubts have arisen concerning the title of said Nathaniel Budd—Therefore,

Right of the state relinquished to N. Budd of lands on N. river.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That for divers good and valuable considerations thereunto moving, and also for and in consideration of the sum of one dollar to the treasurer of the state of New Jersey, well and truly paid by the said Nathaniel Budd, the receipt whereof is hereby acknowledged, all the right and title of the state of New Jersey to a certain tract of land situate along the beach on the west side of the North river, or Hudsons river, and running into the same, between Powles Hook and Hoboken, in the county of Bergen, in the state of New Jersey, containing fifty-three acres and fifty-hundredths of an acre, which was conveyed to the said Nathaniel Budd by Elisha Boudinot, by deed dated January second, eighteen hundred and four, as aforesaid, be, and the same hereby are granted and conveyed to the said Nathaniel Budd, his heirs and assigns for ever; and that the same shall for ever hereafter be vested in the said Nathaniel Budd, his heirs and assigns, in as full and ample a manner as the state of New Jersey hath right and title to convey and grant the same; reserving, however, to the state of New Jersey the full right of jurisdiction and sovereignty in and over the same, as fully and ample, to all intents and purposes, as if this act had not been passed.

Passed November 8, 1836.

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

Payment of officers provided for.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That there shall be paid to the officers appointed

for the administration of the government of this state the several sums following, to wit:

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

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

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

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

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

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

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

To the adjutant general of this state for the time being, at the rate of one hundred dollars by the year. All of which salaries shall be paid to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or vice president of council; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officer shall cease and determine on such removal; and the salary of his successor shall commence from the time he shall be sworn or affirmed into office. Adjutant general, how to be paid.

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

Molleson, William C. Alexander, Thomas E. Hunt, or any two of them, for the members of assembly.

Secretary of council and clerk of assembly,

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

how to be paid.

Sergeant-at-arms and door-keepers.

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

Engrossing clerk.

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

Limitation of act.

Sec. 6. *And be it enacted*, That this act be, and shall continue in force for one year from the twenty-fifth day of October, in the year of our Lord one thousand eight hundred and thirty-six, and no longer.

Passed November 8, 1836.

A SUPPLEMENT to the act entitled, "An act relative to juries and verdicts," passed the tenth of November, A. D. seventeen hundred and ninety-seven.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be the duty of every sheriff in this state, or, in case of his death or disability, of the coroners of the respective counties, at least twenty days before the commencement of every circuit court, court of oyer and terminer and general jail delivery, common pleas, and quarter-sessions of the peace, to be holden in such county, to repair to the office of the clerk of the said county, and there in the presence of the said clerk, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, select from among the freeholders of the county qualified to serve as jurors the names of at least twice as many such freeholders as he or the said coroners shall deem necessary to be summoned as jurors at the then next ensuing term of any of the aforesaid courts; and the names so selected shall be written on separate pieces of paper, which pieces of paper shall then be separately rolled up, concealing the name of each juror, and put into a box, and which, when so rolled up, shall be of the same size, colour, and shape, as nearly as may be; after which the said box shall be closed up, and shaken in such a manner as to intermingle the pieces of paper so as aforesaid rolled up and put therein; the box shall then be opened, and the said sheriff, coroners, or clerk, or some person appointed by them for that purpose, shall in an open and public manner, in the presence of the said officers and of such other persons as may happen or choose to be present on the occasion, between the hours aforesaid, draw out of the said box as many pieces of paper as the number of jurors the said sheriff or coroners shall deem necessary to summon as aforesaid; and the several persons whose names shall be found written on the papers so drawn out shall constitute the general panel of jurors, to be summoned and returned by the said sheriff or coroners to the next ensuing term of the said courts; and the said sheriff, coroners, or clerk shall make, or cause to be made, two complete lists of the names so drawn, and certify the same, under their hands, to be the panel of jurors selected to serve at such ensuing court or courts, one whereof shall be retained and filed by the said clerk, and the other shall be delivered to the said sheriff or coroners; *provided however*, that if any such court

Time and mode of selecting general panel of jurors.

List of panel delivered to sheriff, and copy filed in clerk's office.

Proviso.

or courts shall occur within forty days after the passage of this act, the jurors for such court or courts shall be selected and summoned in the same manner as by law was required to be done before the passage of the act entitled, "An act relative to juries," passed the ninth day of March, A. D. eighteen hundred and thirty-six, or in the manner required by that act.

Time and mode of selecting, out of general panel, jurors for causes tried.

Sec. 2. *And be it enacted*, That the name of each and every person who shall be summoned and returned by any of the sheriffs or coroners of the several counties of this state to serve as petit jurors, in any of the aforesaid courts, shall be written or printed on separate pieces of paper, of the same size, colour, and shape, as nearly as may be: which pieces of paper shall be severally rolled up by the sheriff, coroners, or clerk, or by some person employed by them for that purpose, and put into a box; and whenever the trial of a cause, civil or criminal, shall be ordered on, and a jury for the trial thereof shall be required, the said box shall be shaken so as to intermix the said papers; and thereupon the sheriff, or clerk, or some other person, by the direction of the court, publicly and in open court, shall proceed to draw such papers from the said box, one at a time, and continue so to do until twelve persons, whose names are found written thereon, shall appear; and if thereafter any of the twelve persons so appearing shall be successfully challenged, or be excused from serving on that jury, the said drawing shall be continued until twelve persons not thus challenged or excused shall appear; and such twelve, being severally sworn or affirmed, shall constitute a jury for the trial of the said cause; and in case it shall so happen that all the names in the said box shall be drawn out before twelve persons appear and are sworn or affirmed on the jury, then either party may pray for, and it shall be the duty of the court to award, a tales de circumstantibus; whereupon the sheriff or other proper officer shall summon from among the bystanders, or others, such number of talesmen as may be necessary to complete the said jury, and make return thereof immediately.

Tales de circumstantibus may be awarded.

Return of venire.

Sec. 3. *And be it enacted*, That after the jury shall be selected and sworn or affirmed as aforesaid, the sheriff or other proper officer shall annex their names to the venire in the cause, and certify and return the same as the panel of jurors summoned therein; but the trial of the cause may forthwith proceed in the same manner as if such return had already been made.

Sec. 4. *And be it enacted*, That after a jury shall have been

empannelled and sworn or affirmed for the trial of any cause, the clerk, sheriff, or other proper officer shall forthwith, and before another jury shall be drawn, replace in the said box all the papers which may have been drawn therefrom, except those containing the names of the jurors so empannelled and sworn or affirmed; but as soon as they shall have rendered a verdict, or be discharged therefrom by the court, their names shall also be replaced in the said box. Names of jurors not sworn to be returned to box.

Sec. 5. *And be it enacted*, That in case any writ or writs of venire facias shall be directed to the elisors appointed by any court in this state, such writ or writs shall be executed, and the juries thereby required shall be summoned, by such elisors, in the same manner as by law was required to be done in such cases before the passage of the act entitled, "An act relative to jurors," passed the ninth day of March, A. D. eighteen hundred and thirty-six. Venire to elisors to be executed as formerly.

Sec. 6. *And be it enacted*, That if at any time the number of jurors that shall be in attendance at any court shall in the opinion of the court be greater than is necessary for the business of the term, it shall and may be lawful for the court to discharge a specific number of such jurors from further attendance at that term; in which case the clerk or sheriff, or some person under the direction of the court, shall publicly and in open court draw from the said box such number of the papers therein contained as the court shall direct; and the jurors whose names shall be found written thereon shall be discharged from further attendance at that term; *provided however*, that nothing herein contained shall be construed to prevent any courts from excusing individual jurors from attending, if upon application to the court to be so excused they assign sufficient reason therefor. Court may discharge jurors. Proviso.

Sec. 7. *And be it enacted*, That nothing in this act contained shall operate on, or in any manner interfere with the present mode of empannelling, summoning, or returning special or struck juries, foreign juries, juries of view, or grand juries. Act not to interfere with present mode of empannelling jurors in certain cases.

Sec. 8. *And be it enacted*, That the act entitled, "An act relative to juries," passed the ninth day of March, A. D. eighteen hundred and thirty-six, except so far as the same is authorized to be acted under by the first section of this act, and so much of all other acts, or parts of acts, as is inconsistent with, or repugnant to the provisions of this act, be, and the same is hereby repealed; *provided* that the provisions of this act shall not extend to the summoning and empannelling jurors to serve as such in the courts of the borough of Elizabeth. Act repealed. Proviso.

Passed November 9, 1836.

AN ACT to authorize Peter Spader and James S. Nevius, administrators with the will annexed of Jonn Dennis, junior, deceased, to convey certain real estate.

Preamble.

WHEREAS by an act of the legislature, passed on the twenty-seventh day of February, in the year eighteen hundred and thirty-four, Peter Spader and James S. Nevius, administrators with the will annexed of John Dennis, junior, deceased, were authorized and empowered to make, execute, and deliver to John P. Van Arsdalen a good and sufficient deed of conveyance in fee simple of a certain house and lot, situate on the corner of George and Paterson streets, in the city of New Brunswick and county of Middlesex, upon his paying to Charles Smith and James S. Nevius, trustees of Maria Dennis, the consideration money, according to the terms of a certain contract therein referred to: AND WHEREAS the said John P. Van Arsdalen departed this life without fulfilling said contract, and before any such deed of conveyance was made, and leaving no property or estate out of which said consideration money can be raised and paid, and no heirs or representatives who claim the benefit of such contract: AND WHEREAS, since the death of the said John P. Van Arsdalen, the said trustees have entered into a contract for the sale of said house and lot with one Abraham Suydam; in order, therefore, to enable said trustees to fulfil said contract, by vesting or causing to be vested in the said Abraham Suydam, the title to said house and lot—

Administrators authorized to convey lands.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Peter Spader and James S. Nevius, administrators as aforesaid, be, and they hereby are authorized and empowered to make, execute, and deliver to the said Abraham Suydam a good and sufficient deed of conveyance in fee simple, for the said house and lot, upon his paying or securing to said trustees the consideration money according to the terms of his said contract; and that such deed, duly executed, delivered, and recorded, shall be valid and effectual to convey to the said Abraham Suydam, his heirs and assigns, all the estate in said premises to which the said John Dennis, junior, or his heirs or devisees, or the said administrators or trustees, were or are seized of or entitled to in the same.

Passed November 9, 1836.

AN ACT making a further appropriation for the completion of the state penitentiary.

WHEREAS it appears, from the report of the commissioner appointed to erect a new penitentiary, that a further appropriation is necessary for the completion of the same—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, in addition to the amount heretofore appropriated, the governor, or person administering the government of this state, be, and he is hereby authorized and directed to draw in favour of the commissioner appointed to erect a new penitentiary, from any unappropriated money in the treasury of this state, the further sum of nine thousand dollars, to be appropriated in conformity with the act of the thirteenth of February, eighteen hundred and thirty-three, entitled, "An act to provide for the erection of a new state penitentiary." Nine thousand dollars appropriated for completing state penitentiary.

Sec. 2. *And be it enacted*, That in case there should not be an amount of unappropriated money in the treasury of this state sufficient to meet the draft authorized by this act, it shall and may be lawful for the governor, or person administering the government of this state, to borrow an amount of money to meet the said appropriation, at a rate of interest not exceeding five per centum per annum, and to reimburse the same at any time not less than one year from the contracting the said loan, and to pledge the faith of this state for the repayment of the principal and interest of the said loan. Governor authorized to borrow the amount.

Passed November 9, 1836.

AN ACT fixing the time in which public laws shall go into operation.

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 all public acts Public laws not to operate till July 4th after passage.

which shall be hereafter passed shall not go into operation or be in force until the fourth day of July next after the passage of any such act, unless otherwise specially provided for in such act.

Passed November 9, 1836.

AN ACT to authorize the administrators of the estate of Edward Z. Collings, deceased, to convey certain real estate in the county of Gloucester.

Preamble.

WHEREAS it is represented to this legislature, that Richard T. Collings and Edward Z. Collings, late of the township of Newton, in the county of Gloucester, deceased, were in their lifetime and at the time of their decease the owners in fee simple, as tenants in common, of a certain tract of cedar swamp and woodland, containing about seventy acres, situate in said county of Gloucester: and on the sixth day of January last the said Richard T. Collings departed this life, having first made and executed a will, in which he directed his executors, therein named, Joseph C. Collings and Isaac Z. Collings, to sell and convey all his right and interest in the said cedar swamp and woodland: and the said executors, in conjunction with the said Edward Z. Collings, did advertise and sell, at public sale, the said cedar swamp and pine land, in lots, to several purchasers; and, by the conditions of sale, were to execute and deliver to said purchasers good and sufficient deeds therefor on the third day of November, instant, but before which time, on the eighth day of August last past, the said Edward Z. Collings also departed this life, not having made and executed the deeds as aforesaid and without leaving any last will; and that administration of the goods and chattels, &c., of the said Edward Z. Collings was granted to Amos Cox and Elizabeth H. Collings, who now ask of this legislature that a law may be passed authorizing them to complete the contracts made as aforesaid, by joining with the said executors of Richard T.

Collings in making deeds therefor to the several purchasers at the sale aforesaid; all of which appearing reasonable and proper—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Amos Cox, administrator, and Elizabeth H. Collings, administratrix, of the estate of Edward Z. Collings, deceased, late of the county of Gloucester, be, and they hereby are authorized to join with Joseph C. Collings and Isaac Z. Collings, executor of the last will and testament of Richard T. Collings, deceased, and to make and execute good and lawful deeds for all such lots of land to such persons, their heirs and assigns, as were the purchasers thereof, at a public sale made by the said executors and the said Edward Z. Collings, on the second day of May, eighteen hundred and thirty-six; which deeds, when duly executed and delivered, shall be as good and effectual for the conveyance of the right of the said Edward Z. Collings as if the same had been made and executed by him in his lifetime.

Administrators of E. Z. Collings and executor of R. T. Collings authorized to execute joint deeds for certain lands sold.

Passed November 9, 1836.

A SUPPLEMENT to the act entitled, "An act to incorporate the Phenix Manufacturing Company of Trenton," passed the ninth day of March, A. D. eighteen hundred and thirty-six.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That William A. Hopkins, Charles M. Lupp, Henry Boreau, Bishop Davenport, and John B. Abbott be, and they are hereby invested with all the powers and privileges with which William A. Hopkins, Charles M. Lupp, and Henry Boreau were invested by the act to which this is a supplement; and that they, or a majority of them, may proceed forthwith to receive subscriptions to the capital stock of the company created by said act, in conformity with the provisions therein contained; and that so soon as five hun-

Additional commissioners appointed to receive subscriptions for stock.

dred shares of said stock shall be subscribed, and the sum of twenty thousand dollars paid in, they may call a meeting of the stockholders for an election of directors, any thing in said act to the contrary notwithstanding.

Company may manufacture paper.

Sec. 2. *And be it enacted*, That the said company, when organized, may manufacture paper, and shall have all the powers and privileges, subject to the same conditions and limitations, as are given them by the act to which this is a supplement.

Part of former act repealed.

Sec. 3. *And be it enacted*, That any thing contained in the act to which this is a supplement which comes within the purview of this act be, and the same is hereby repealed.

Passed November 11, 1836.

AN ACT to authorize Hugh B. Ely to sell and convey certain real estate of Doctor John Wilson, deceased.

Preamble.

WHEREAS it is represented to the legislature, by the widow and legatees of Doctor John Wilson, late of the county of Bucks, and state of Pennsylvania, that by the will of the said deceased, he ordered and directed all his real estate to be sold by his executors, therein named, to wit: Elias Ely, his son-in-law, and Richard Wilson, his son, part of which said real estate lies in the county of Hunterdon in this state; that the said Elias Ely, one of the said executors, proved the said will in the county of Bucks, and took upon himself the burthen of the execution thereof, but died without selling or conveying the said real estate in the county of Hunterdon in this state; and that Richard Wilson, the other and only surviving executor mentioned in the will, hath formally renounced the executorship thereof; and that Hugh B. Ely hath been appointed administrator with the will annexed; and it appearing that the said real estate lying in this state of the said testator cannot be sold, and good and legal titles given for the same, or the will of the testator complied with without a special law of this state for that purpose—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Hugh B. Ely, administrator with the will annexed of Doctor John Wilson, late of the county of Bucks, Pennsylvania, deceased, be, and he hereby is invested with full power and authority to sell and convey all the real estate whereof the said John Wilson died seized, lying and being in the county of Hunterdon in this state, at public sale, for the highest and best price, first giving twenty days' notice in two or more public newspapers published in the county, and to make, execute, and deliver, to the purchaser or purchasers thereof, good and sufficient deeds of conveyance for the same; which deeds shall convey to, and vest in the said purchaser or purchasers all the estate, right, title, and interest which the said John Wilson, at the time of his decease, had of, in, and to the said real estate so to be sold; *provided*, the said Hugh B. Ely take out letters of administration with the will annexed in the county of Hunterdon in this state.

Lands authorized to be sold.

Sec. 2. *And be it enacted*, That the said Hugh B. Ely, administrator as aforesaid, shall, within six months after making such sale or sales, make, subscribe, and exhibit, under oath or affirmation, to the surrogate of the county of Hunterdon, a fair and correct statement of such sale or sales, which shall be filed by the surrogate in his office, and shall apply the money arising therefrom according to the will and direction of the said John Wilson, deceased, after paying any just and legal claim or claims that the citizens of this state may have against the estate of the said John Wilson, deceased, and render to the surrogate of the county of Hunterdon an account of his acts and doings in the matter as administrator as aforesaid.

Amount of sales to be filed with surrogate.

Sec. 3. *And be it enacted*, That the said Hugh B. Ely, before he enters on the duties prescribed by this act, shall enter bond to the governor of this state, with one or more sufficient surety, to be approved of by the surrogate and filed by him in his office, conditioned for the faithful performance of the trusts herein expressed.

Bond to be given to governor.

Passed November 11, 1836.

An act to defray incidental charges.

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

Certain incidental charges directed to be paid

To John R. Smith, for stationary, thirteen dollars and fifty cents.

To John Cook, for beetle-rings and sundries, one dollar and forty-four cents.

To William A. West, for painting and glazing, five dollars and twenty-five cents.

To William S. Hutchinson, for brushes, one dollar and forty-four cents.

To James Hillman, for beetle and wood-horse, one dollar.

To William Curry, for saw, one dollar and seventy-seven and one half cents.

To Thomas Combs, for superintending the state house for one year and purchasing coal and wood, thirty dollars.

To Ralph Green, for work and repairs to state house and premises, thirty-two dollars.

To Isaac Stephens, for sundry repairs and materials for government house and premises, twenty-eight dollars and ninety-five cents.

To Samuel R. Woolley, for services done the state, two dollars.

To Joseph Justice, for printing for the last legislature, which was left unpaid, and furnishing courts with stationary, &c., one hundred fifty-one dollars and one cent.

To Joseph Justice, for stationary furnished by him for this present legislature, one hundred and forty-one dollars and fifteen cents.

To Joseph Justice, for printing for the present sitting of the legislature, one hundred and forty-seven dollars.

To Samuel Newbold, for coal for the state house, ninety-three dollars.

To the president and directors of the State Bank at Trenton, for one year's rent of their banking house, used as an arsenal, one hundred dollars.

To Cyrus Smith, for services rendered under the direction of the sergeant-at-arms, three dollars.

Passed November 11, 1836.

AN ACT supplementary to an act entitled, "An act to incorporate the Paterson Fire Insurance Company, in the counties of Essex and Bergen," passed February twenty-seventh, A. D. eighteen hundred and twenty-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That at the next annual election for directors of said corporation, nine persons, being stockholders in their own right, a majority of whom shall be residents of this state, shall be appointed directors of said corporation, by whom the stock, property, affairs, and concerns of said corporation shall be managed and conducted according to the provisions of the act to which this is a supplement. Number of directors changed to nine.

Sec. 2. *And be it enacted*, That so much of the fifth section of the act to which this is a supplement, as comes within the purview of this act, be, and the same is hereby repealed. Part of former act repealed.

Passed November 11, 1836.

ACTS

OF THE

SIXTY-FIRST

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY,

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

Being the Second Sitting.

TRENTON:
PRINTED FOR THE STATE.

1837.

ACTS

OF THE

SIXTY-FIRST

GENERAL ASSEMBLY

OF THE

State of New Jersey.

AN ACT to authorize the sale of certain real estate of Amos Forsyth, a minor, in the township of Nottingham, and county of Burlington.

WHEREAS Edward Thorn, guardian of Amos Forsyth, a minor and orphan, has petitioned this legislature for a law to sell certain real estate belonging to his said ward in the townhsip of Nottingham, county of Burlington; and represented that the real estate is depreciating in value, and a portion of it fast going to decay; and that it would be greatly for the interest of his said ward to have the same sold, and the proceeds safely invested in such manner as to yield an interest annually: which petition seeming 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 Edward Thorn, guardian as aforesaid, be, and he hereby is fully authorized and empowered to sell and convey that part of the real estate of Amos Forsyth, his said ward, consisting of a tannery, four dwelling houses and lots, and about two acres of land, situate in the village of Woodwardsville, in the township and county aforesaid, Lands authorized to be sold.

for the highest sum or sums of money the same will bring at public sale, at least thirty days' notice being given of the day of sale, by advertising in one or more newspapers published in said county, and by handbills set up at five or more public places in the vicinity of the said property; and to execute, make, and deliver a good conveyance or conveyances in law to the purchaser or purchasers of the same; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns for ever, all the estate, right, title, and interest which the said Amos Forsyth now has of, in, and to the same, with the appurtenances.

Bond to be given to governor.

Sec. 2. *And be it enacted*, That before the said Edward Thorn shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, with such surety and in such sum as shall be approved by three of the judges of the orphans' court of the county of Burlington, conditioned for the faithful performance of said trust, which bond shall be deposited in the office of the secretary of this state.

Accounts filed with surrogate.

Sec. 3. *And be it enacted*, That the said Edward Thorn, within six months after the sale of said real estate, or any part thereof, shall be completed, shall exhibit, under oath or affirmation, to the surrogate of the said county of Burlington an exact statement of the amount of sales, and the amount he has received for the same, to be by said surrogate recorded and filed in his office.

Proceeds of sale how to be invested.

Sec. 4. *And be it enacted*, That the said Edward Thorn shall invest all money so received by him upon good landed security, to be approved of by three of the judges of the said orphans' court, at lawful interest, and shall in all things account for the same, as guardians by law are now required to do of the moneys and estates of their respective wards.

To descend as real estate.

Sec. 5. *And be it enacted*, That in case of the death of the said Amos Forsyth before he arrives at the age of twenty-one years, nothing in this act contained shall be construed to affect the descent of the proceeds of the said real estate, but the same shall descend as the said real estate would have done had this act not been passed.

Passed January 12, 1837.

AN ACT to authorize the board of chosen freeholders of the county of Cumberland to erect a bridge over Dividing creek.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the board of chosen freeholders of the county of Cumberland be, and they are hereby authorized to erect and maintain a good and sufficient bridge, without a draw, over Dividing creek, where the bridge now is, at the village of Dividing creek, in the township of Downe.

A bridge authorized to be built.

Sec. 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 thereto, on any part of said bridge, posts, or piles, or shall remove any iron work or stone work belonging to said bridge, 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 twenty dollars over and above the damage done to 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 paid into the hands of the county collector, to and for the use of the county of Cumberland.

Penalty for injuring bridge.

How recovered and applied.

Sec. 3. *And be it enacted*, That in case it should become necessary for the protection of said bridge, and the accommodation of persons passing over the same, to have said bridge put in the special care of some person suitable for that purpose, then and in that case it shall and may be lawful for the board of chosen freeholders of said county, for the time being, to make such regulations as they shall deem necessary for the better protection and accommodation of the same.

Bridge may be put under special care of proper person.

Passed January 18, 1837.

New Jersey State Library

An act to authorize Christiana Angle to convey certain real estate.

Preamble.

Whereas Philip Angle and Christiana his wife, by a certain article of agreement, duly executed under their hands and seals, bearing date the seventeenth day of April, one thousand eight hundred and twenty-four, did agree to live separate and apart from each other from that time forward for ever, and that the said Christiana should have, hold, and enjoy, to her sole and separate use, all such moneys, goods, and effects as she was then possessed of, or which should be given or bequeathed to her by any person or persons whatsoever.—And whereas the said Philip Angle and Christiana his wife have, in pursuance of said article of agreement, and now do live separate and apart from each other—And whereas a certain lot of land, containing about eight acres, situate in the township of Knowlton, in the county of Warren, has descended to said Christiana from her father, Alexander Adams, late of said township, deceased—And whereas said Christiana has contracted to sell said lot of land to one William Leyda, of the township of Knowlton aforesaid, but cannot make a title for the same in her own name without the aid of the legislature—Therefore,

C. Angle authorized to make a deed to W. Leyda.

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 Christiana Angle be, and she is hereby authorized to execute a deed of conveyance for said lot of land to the said William Leyda, in her own name; and said deed of conveyance, so executed, shall be as full and effectual as if the said Philip Angle had joined therein.

Passed January 18, 1837.

AN ACT to authorize James Craig, junior, and Ebenezer Conover, administrators of Wikoff Conover, deceased, to execute a certain contract made with Aaron Brewer, of the county of Monmouth, for the sale of certain real estate.

WHEREAS it is represented that Wikoff Conover, deceased, late of the township of Freehold, in the county of Monmouth, in this state, did in his lifetime make an agreement with Aaron Brewer, of the township of Howell, county and state aforesaid, to sell and convey to the said Aaron Brewer a lot of woodland, situate in the township of Howell, county and state aforesaid, on the south side of Manasquan river, containing forty-six acres and twenty-six hundredths, strict measure, and gave possession of the said tract of woodland to the said Aaron Brewer, who still retains it, but no conveyance has even been delivered to him for the same; and the said Wikoff Conover having since departed this life, leaving lawful issue under the age of twenty-one years, no deed can now be executed without legislative aid—AND WHEREAS the administrators of said Wikoff Conover, deceased, have, by their petition, requested that they be empowered to make and deliver a deed to the said Aaron Brewer for the tract of land aforesaid—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 James Craig, junior, and Ebenezer Conover, administrators of Wikoff Conover, deceased, be, and they hereby are authorized and empowered to execute and deliver to the said Aaron Brewer a deed for said tract of woodland and premises, situate as aforesaid, pursuant to said agreement, which deed shall have the same force and effect as a deed from the said Wikoff Conover, in his lifetime, would have had; *provided nevertheless*, that before said James Craig, junior, and Ebenezer Conover execute and deliver said deed to said Aaron Brewer they shall enter into bond to the governor of this state, with two sufficient securities, to be approved of by the orphans' court of the county of Monmouth, in such sum as the said court shall direct, conditioned for the faithful performance of the trust created by this act. Administrator authorized to make a deed. To give bond to governor.

Sec. 2. *And be it enacted*, That the said James Craig, junior, and Ebenezer Conover shall, within three months

Account to be filed with surrogate.

after executing and delivering said deed, file in the surrogate's office of the said county of Monmouth a just and true inventory and account of all moneys received, or securities by them taken, for, or on account of the purchase money for said premises; and within one year thereafter shall account to the orphans' court of said county for the same, agreeably to law, and pay and apply the net proceeds received therefor in a due course of administration.

Passed January 18, 1836.

AN ACT to incorporate the Globe Mill Manufacturing Company, 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 Daniel Ridgway, Robert Morrell, Andrew P. Hopper, Richard Morrell, and William Dickey, and such other persons as may be hereafter associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of "The Globe Mill Manufacturing Company," for the sole purpose of manufacturing cotton and wool, and generally all articles manufactured from both or either of these articles, in their several branches, in the town of Paterson, in the county of Essex; and by the same name they and their successors and assigns shall have power and continue a body politic and corporate, and be capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, goods, and chattels, of whatever kind and quality soever, necessary or useful for the said corporation to carry on their manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by

Style of incorporation.

Powers.

way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments which shall have been obtained for such debts; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations or for any other purposes not clearly indicated in this act; and the said Daniel Ridgway, Robert Morrell, Andrew P. Hopper, Richard Morrell, and William Dickey, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company. Proviso.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the said directors, at such place and time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than twenty days previous, in one or more newspapers printed nearest the place where said election shall be held, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall have shares of the capital stock of said company; and the candidates having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall be had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they may think fit, not less than a majority of the whole number of directors being present when the same shall be done, and may remove the same and appoint others at their pleasure; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors, officers, or superintendents, such vacancy shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint. Time and mode of electing directors. Power of directors. Vacancies supplied.

Sec. 3. *And be it enacted*, That the capital stock of the said company shall not exceed one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but as soon as the sum of twenty-five thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to com- Amount of capital.

mence their said business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations and the capital necessary for that purpose, which they are hereby authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions, not exceeding ten dollars on each share at any one time, as they shall deem proper, giving at least thirty days' previous notice, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in one or more public newspapers published in or near the place where such payment shall be required to be made, and also in one or more newspapers published in the city of New York.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the stock and property of said corporation, of whatever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividends shall be made to and among the stockholders, except from and out of the profits of the said corporation.

Stock personal property.

Proviso.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said company.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided* the same are not contrary to the laws and constitution of this state or of the United States.

Powers and duties of directors.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times during business hours be open to the inspection of the stockholders of the said company or their legal attorney or attorneys;

Books open to inspection of stockholders.

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

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivor and survivors of them, shall be ipso facto trustees for the settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case the persons so appointed, or the survivor or survivors of them, shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one-fourth of the stock holden may, by giving notice in a newspaper published in Paterson for a fortnight, and one newspaper published in the city of New York for a fortnight, call a public meeting of the stockholders, for the purpose of passing by-laws and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

How company may be dissolved.

Proviso.

Sec. 9. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the legislature, and no longer; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act whenever the public good requires it.

Limitation.

Act may be repealed.

Passed January 19, 1837.

AN ACT concerning the marsh and meadow lying between the Amicable and Union companies, on Oldmans creek, in the township of Upper Penns Neck, in the county of Salem.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the aforesaid marsh and meadow shall be known by the name of the "Association Meadow Company," to begin at the fast land of Isaac C. Jones, at the end of said Jones' cross bank; thence along the same to low water mark in Oldmans creek; thence down said creek at low water mark, the several courses thereof, to opposite Joseph White's cross bank; thence to said cross bank and along the same to the fast land of Joseph White; thence along the fast land and crossing the branch where the commissioners hereinafter ordered to be appointed may order and direct, to the place of beginning; *provided always*, that the boundaries to be fixed by the said commissioners shall not include any part of the meadow ground or premises now included within the bounds of the Amicable and Union companies, as fixed and regulated by an act of the legislature, passed November twenty-fourth, one thousand eight hundred and nine.

Name of company.

Boundaries.

Proviso.

Sec. 2. *And be it enacted*, That a meeting of the owners and possessors of the said company shall be held on the first seventh-day in April, at the Pennsgrove school house, and afterwards at such place as may be agreed upon by a majority of votes at an annual meeting, each and every year between the hours of two and five o'clock in the afternoon, and then and there, by a plurality of votes of the owners or possessors present, shall choose two persons for managers of the said company for the ensuing year, each to be an owner or possessor of at least five acres of meadow in said company; and that Arthur H. Green and Richard Somers shall be, and they are hereby appointed managers of the said company until the first annual meeting of the said company after the passing of this act, or until others are chosen in their stead; and also, at the same time and in like manner, shall choose one clerk and three disinterested men for commissioners, to continue in office until others are chosen; but in case the said company shall neglect or omit at any time to hold an annual meeting, or, in case at an annual meeting, they shall neglect to choose any of the said

Time and mode of electing managers.

Clerk and commissioners to be eleeted.

officers, or in case of death, refusal to serve, or inability of any person or persons chosen, it shall then be lawful for either of the managers for the time being, or any three of the said company, to call a special meeting of the said company, by giving at least ten days' notice thereof by advertisements set up in three of the most public places in the neighbourhood of the said company, setting forth the time and place of meeting; and when met to choose, by plurality of votes of those present, a manager or managers, clerk, a commissioner or commissioners, as the case may require, who shall have the same powers, and receive the same fees, and be subject to the same penalties, as if chosen at an annual meeting of the said company; and the said company at any of their meetings, may order and direct from time to time, what sums of money shall be raised by said company for defraying the expenses thereof; which shall be assessed upon the owners or possessors of the meadow, according to the quantity of the meadow by them respectively owned or possessed.

Vacancies filled by special meeting of company.

Company to direct what money to be raised.

Sec. 3. *And be it enacted*, That it shall be the duty of the commissioners chosen agreeable to this act to hear and determine all disputes that shall arise between the managers, or between the managers and any of the owners or possessors, or between any other persons interested therein, concerning the laying, repairing, or maintaining of any sluice or sluices, opening of watercourses, making, maintaining, or removal of any bank, concerning assessments, or any other matters touching the interest of any of the owners or possessors, who, after hearing the parties and viewing the premises, shall give judgment in writing; and the managers or owners and possessors, as the case may require, are directed to act according thereto; but no judgment of the commissioners to be binding unless the party calling the commissioners notify the other party of the time and place of meeting of the commissioners, at least five days previous to the meeting thereof, in writing, or left at his, her, or their usual place or places of abode; but if either party shall think him or herself aggrieved by the said judgment, they, within ten days thereafter, may choose three other commissioners, that is, the disputing parties each may choose one, and the commissioners one; or in case of neglect or refusal to choose after one day's notice of the intention, the party craving the additional commissioners may choose them all, who, together with the original commissioners, shall give them a rehearing; and the judgment of any four of them, in writing, shall be conclusive to the parties, as well with respect to costs as the matter in dispute; and the present and future

Powers and duties of commissioners.

May determine disputes among parties respecting assessments &c.

Appeal from judgment of commissioners.

managers or owners and possessors, as the case may require, shall be bound to act accordingly.

Duties of owners in maintenance of meadows.

Sec. 4. *And be it enacted*, That each and every owner or possessor of meadow lying within the bounds of the Association Company shall make, repair, and keep in good order all the tide bank which may belong to him, her, or them, except where there are lots lying between the owner or possessor of the bank and the fast land; then in that case it shall be lawful for the owner or possessor of the bank to call the commissioners to lay off and allot to the owners or possessors of such back lots the parts or share of said bank they shall keep up and maintain; and that in making or repairing said bank, the managers or any owner or possessor having bank laid off to him, her, or them for to keep up and maintain, are authorized to take mud or earth for the making or repairing the same where it shall be most convenient and least injurious to the owner of the soil; and that all sluices already laid, or which may hereafter be laid by virtue of this act, with two rods of bank or dam over each sluice, are to be kept up and maintained by the owners or possessors of the meadow which may be drained by said sluice, in proportion to the meadow owned or possessed.

Duties of clerk of company.

Sec. 5. *And be it enacted*, That it shall be the duty of the clerk of the said company for the time being to provide a book, at the expense of the company, and to enter therein the minutes of the proceedings of their meetings, and record therein all such judgments or decisions as may be rendered by the commissioners, and shall assess upon all the owners and possessors of the said meadow all moneys that the said company may from time to time order and direct to be raised in the manner as herein before directed.

Managers to collect assessments.

Sec. 6. *And be it enacted*, That it shall be the duty of either of the managers chosen agreeable to this act to collect all assessments made on the meadow; and when any of the said owners or possessors shall neglect or refuse to pay his, her, or their ratable proportion of said assessments for the space of ten days after notice given thereof in writing by one of the managers, it shall then be the duty of either of the managers for the time being to sell a lease on the meadow of such delinquent owner or possessor at public vendue, first giving at least thirty days' notice of the time and place of sale, by advertisements set up in five of the most public places in the neighbourhood of said meadow, and to execute a lease or leases for the said meadow for as long a time, and no longer, as will be sufficient to discharge his, her, or their ratable proportion of the said assessment,

Lease of delinquent's meadow may be sold.

and also the cost and expenses of advertising and making sale or sales and executing the said lease or leases for the same; which sale or sales, lease or leases, so made and executed, shall be as good and effectual in law as if made and executed by the owners or possessors themselves; but in all cases when the said managers shall find upon the meadow of such delinquent owner or possessor any hay, grass, or grain, to him, her, or them belonging, sufficient to make the amount of such demands as aforesaid, it shall be the duty of the managers, instead of selling a lease on the meadow, to make sale of as much thereof at public vendue, giving at least five days' notice thereof, by advertisements set up in five of the most public places in the neighbourhood of said meadow of the time and place of sale, as will satisfy and discharge his, her, or their ratable proportion of the said assessments, and also the expenses of advertising and making sale or sales thereof, and return the surplus, if any, to the said delinquent owner or possessor; and it shall also be the duty of the managers for the time being to view the banks and waterworks at least once every three months; and in case any owner or possessor of meadow shall neglect or refuse to keep up and maintain the part or parts of the tide bank which may belong to him, her, or them, or is assigned him, her, or them, as aforesaid for maintenance, sluice, or watercourse, it shall be the duty of the managers to give the said owner or owners, possessor or possessors, notice in writing, or leave the same at his, her, or their usual place or places of abode, if within said township, to repair the same; and if the said owner or owners, possessor or possessors, shall still neglect or refuse to mend or repair the said bank or sluice, or open said watercourse for the space of ten days (but in case of a breach or breaches, immediately) after such notice from the managers as aforesaid, it shall be the duty of the said managers, or either of them, to mend, repair, or open the same, and charge the costs thereof to the owner or owners, possessor or possessors, of the meadow to which the maintenance of the said bank, sluice, or watercourse belongs, and shall collect the same in the manner as is above prescribed for the collection of taxes; and if the owners or possessors of more than one half of the meadow in the said company shall agree at an annual bank meeting to admit the tide upon the meadow, for the purpose of improving the same, it shall be the duty of the managers to cut as many breaches in the tide bank, and where the commissioners shall order and direct, and to stop the said breaches when the owners or possessors of more than one half of the meadow in said company shall agree to re-embank the same, the costs thereof to be de-

Grass, grain, &c., on delinquent's meadow may be sold.

Duties of managers in repairing banks, &c., and in improving meadows.

frayed by a general tax upon the whole company, and assessed and collected as is herein above prescribed; and it shall be the further duty of the managers, and they are hereby required, at each and every annual meeting of the said company, to produce the duplicate of assessments for the preceding year, and then and there render a just and true account of all moneys by them received and expended for the use of the said company, and of the services they shall have rendered the company during the preceding year, and pay over the balance in their hands, if any there be, to their successors in office; but if they, or either of them, shall neglect or refuse so to account or pay, then it shall be the duty of their successors in office, and they are hereby authorized to sue for and recover of such delinquent manager or managers all moneys due from them, or either of them, to the said company, together with costs of suit, in an action of debt, in any court of record having cognizance of the same.

Watercourses to be kept open by owners.

Sec. 7. *And be it enacted*, That all ditches and watercourses in the said meadow shall be opened and kept open by the owners or possessors, respectively, through whose meadows they may run; and where there are line ditches or watercourses running between any two or more owners or possessors of meadow, it shall be the duty of such owner or owners, possessor or possessors, to open and keep open the same, by throwing the mud and earth out of the said ditches and watercourses as equally as may be on each side thereof, each owner or possessor to keep open one half of each line ditch or watercourse bounding on his or her meadow; and it shall be the duty of each owner or possessor through whose meadow any private road or roads are laid, or may hereafter be laid, to throw the mud or earth out of the ditches by the side or sides of the said road or roads into the said road or roads; and further, it shall be the duty of each and every owner and possessor of meadow in the said company adjoining the tide or cross banks to mow or trim all the bank standing on his, her, or their meadow or marsh, and clear the same of all kinds of rubbish, once between the first day of June and the tenth day of July, and once between the first day of September and the first day of October, in each and every year; and in case any of the said owners or possessors shall neglect or refuse to perform any of the duties herein before specified after ten days' notice, given by one of the managers in writing, setting forth the duties required of him, her, or them, it shall then be the duty of the managers, or either of them, to have the said work done, and to present his or their account for the same to such delinquent owner or owners, possessor or pos-

Further duties of owners.

sessors; and upon he, she, or they neglecting or refusing to pay the same, then either of the managers are required to collect the same, in the same manner as they are in the sixth section of this act authorized to collect taxes.

Penalty on officer refusing to serve.

Sec. 8. *And be it enacted*, That if any person duly appointed a manager, clerk, or commissioner of or in the said company shall neglect or refuse to perform any of the duties required of him by this act, he shall for every such refusal or neglect forfeit and pay the sum of ten dollars, to be recovered in an action of debt by any owner or possessor in said company who shall sue for the same, with costs of suit; *provided always*, that no manager shall be liable to be prosecuted until he shall have had five days' notice given him in writing, by one of the owners or possessors, of the case requiring his attention, and if it be for work ordered to be done by the company, not without he shall have funds of the said company in his hands sufficient to defray the expenses of his required duty; *and provided also*, that no commissioner shall be liable to any forfeiture for neglect or refusal of hearing and determining any disputes, as mentioned in the third section of this act, until he shall have had five days' notice given him, in writing or left at his usual place of abode, by one of the parties in dispute, of the case requiring his attention.

Proviso.

Dimensions of line ditches.

Sec. 9. *And be it enacted*, That all line or division ditches in the said meadow between any of the owners or possessors shall be considered to be watercourses; and all that are nine feet wide at the top of the meadow, five feet wide at the bottom, and three feet deep from the surface of the meadow, and lying on a mud or miry bottom, shall be taken and considered to be lawful ditches; and for all trespasses done over or through them, damages shall be recoverable, as if done over or through any lawful fence.

Managers to put sluices in banks.

Sec. 10. *And be it enacted*, That it shall be the further duty of the managers to lay, or cause to be laid, as many sluices in the tide bank, and drains opened thereto, as shall be sufficient to drain every part of said meadow, and to see that the said drains are kept clear, so as to effect the draining of every part of the said meadow, charging the expense of the sluices, with two rods of bank or dam over the same, to the owners or possessors of the meadow, in proportion to the meadow that may be drained thereby, and the expense of the watercourses to the owners or possessors of the meadow through which the same may pass, and the expense thereof shall be recovered as directed in the sixth section of this act; and if any ditch or watercourse directed by the said

managers to be kept open shall become stopped, or any obstruction placed therein with design to stop the water, then it shall be the duty of the managers, or either of them, to give notice thereof to the owner or possessor; and if such obstruction be suffered to remain for the space of one day after notice, the owner or possessor or person offending shall forfeit and pay the sum of five dollars for each and every day the said obstruction may remain, to be recovered by either of the managers in the manner as directed in the sixth section of this act, and the money applied to the removing of the said obstructions, and the overplus, if any, to the repairing of sluices or any expense of the said company.

Penalty for obstructing sluices.

Sec. 11. *And be it enacted*, That the cross bank, called Jones' cross bank, shall be kept up and maintained by the Amicable Company; and the cross bank, called White's cross bank, shall be kept up and maintained at the joint expense of the Association and Union companies, in proportion to the number of acres in each company, to be levied by a tax on all the meadow in said companies, to be recoverable agreeable to the directions of the sixth section of this act; and the managers are authorized to take mud or earth where it shall be most convenient and least injurious to the owner of the meadow; *provided always*, that if the managers of either of the aforesaid companies shall neglect or refuse to keep up and maintain the cross bank, or the part thereof required to be kept up and maintained by said company, the managers of the adjoining company, or either of them, are hereby empowered to proceed and do all necessary repairs to said bank, charging the expense thereof to the owners or possessors of the company to which the maintenance of the said bank belongs, and collect the same in pursuance of the laws of said company.

By whom certain banks to be maintained.

Proviso.

Sec. 12. *And be it enacted*, That all the meadow belonging to the company shall be held liable for all expenses of any repairs which may be done on the banks or to the sluices or watercourses in said company by the managers, agreeable to the directions of this act, any judgment or execution, or any sale or alienation of the property, in any wise notwithstanding.

Meadow liable for work done thereon.

Sec. 13. *And be it enacted*, That in all cases of an election of officers or for other purposes, (except in case of throwing the meadow out to the tide, to improve or re-embank the same) the mode of voting shall be in person or by proxy, in writing duly executed, each and every owner or possessor to be entitled to one vote; *provided always*, that persons possessing and not owning shall not be entitled to vote in any case if the owner votes.

Mode of voting in different cases

Proviso.

Sec. 14. *And be it enacted*, That the commissioners appointed agreeable to this act shall be allowed one dollar and fifty cents per day, each, for every day they may be employed in discharging the duties required of them by this act; and that the wages of the managers and workmen are to be fixed by the company, at each and every annual meeting, the wages of the managers not to be less than one dollar per day. Fees of officers.

Sec. 15. *And be it enacted*, That so much of the act entitled, "An act concerning the marsh and meadow lying between the fast land of Mahlon Haines, on the river Delaware, and the fast land of John Somers, on Oldmans creek, in the township of Upper Penns Neck, in the county of Salem," passed November twenty-fourth, one thousand eight hundred and nine, and so much of all other acts and parts of acts, so far as they or either of them relate to the Association Meadow Company, be, and the same are hereby repealed; but in all other respects the said several acts to be and remain in full force and virtue and in no wise affected by this act. Parts of former acts repealed.

Passed January 20, 1837.

AN ACT to incorporate the Bergen Freestone Company, in the county of Bergen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That C. B. Zabriskie, William F. Ely, Roseby J. Hann, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Bergen Freestone Company," for the purpose of quarrying freestone in the township of New Barbadoes, in the county of Bergen, in this state; and by that name they and their successors may have succession and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending Style of incorporation.

and being defended, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters and causes whatsoever, and of doing all other acts needful to the proper management of the funds and property of the said corporation, and to the carrying on the business for which said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold, and enjoy such personal estate, and also such real estate as may be necessary or useful for the said corporation to carry on the business above mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of said corporation, or any part thereof, shall not be used or employed at any time in banking operations or for any other purpose not clearly indicated by this act.

Powers.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Tuesday in August in every year, at such place and time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than twenty days previous, in one or more newspapers printed in or nearest the town in said county where said election shall be made, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensations as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and until

Time and mode of electing directors.

Power of directors.

other directors are chosen from the stockholders, the first directors shall be C. B. Zabriskie, William F. Ely, A. V. Hammond, Roseby J. Hann, and Stites Miller, and the survivors or survivor of them, who shall hold their offices until the first Tuesday of August next, or until others are legally chosen. First directors.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as the sum of twenty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to commence their said business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments made thereon, if such payment shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in or near the place where such payment shall be required to be made. Amount of capital. Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the subscription for the said stock shall be open, and kept open, for any number of days not exceeding thirty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose. Books to be opened for subscription for stock.

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

Sec. 6. *And be it enacted*, That in case that it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation. Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That a majority of the direct- Powers and duties of directors.

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

Books open to inspection of stockholders.

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

How company may be dissolved.

Proviso.

Sec. 9. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein and vote for said dissolution; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interest in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three, or more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustee and trustees for the purpose aforesaid.

Act may be repealed

Sec. 10. *And be it enacted*, That the legislature shall have full power, at any time hereafter, to alter, amend, modify, or repeal this act.

Passed January 20, 1837.

An act to incorporate the New Jersey Gum Elastic Manufacturing Company.

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Joseph D. Price, Leonard Proctor, Plinny Freeman, Keen Pruden, John J. Chetwood, and John J. Bryant, and such other persons as may hereafter be associated with them, their successors and assigns, be, and they are hereby constituted a body politic and corporate, by the name of "The New Jersey Gum Elastic Manufacturing Company," for the purpose of manufacturing gum elastic hat bodies, and other articles composed in whole or in part of gum elastic, in the township of Elizabeth, in the county of Essex, and state of New Jersey; and by that name they and their successors shall be and are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be and are hereby made capable in law to have, purchase, receive, hold, and enjoy any lands, tenements, hereditaments, goods, and chattels necessary and proper to carry on the manufacturing operations aforesaid, and the same to grant, demise, pledge, convey, and dispose of; and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations or for any other purposes inconsistent with the provisions of this act; and the said Joseph D. Price, Leonard Proctor, Plinny Freeman, Keen Pruden, John J. Chetwood, and John J. Bryant, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Style of incorporation.

Powers.

Proviso.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year and until others are elected in their place; and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or

Mode of electing directors.

more newspapers printed nearest the place where such election shall be held, by such of the stockholders as shall attend for that purpose, in person or by proxy; and each stockholder shall be entitled to a vote on each share of the capital stock he may hold in said company; and the stockholders having the greatest number of votes shall be directors; and a majority of the said directors so chosen may appoint such officers, superintendents, and servants, with such compensation as they may think proper, and may remove the same at their pleasure; and may also have power to fill any vacancy that may occur among the directors, by death, resignation, or otherwise; and may make, ordain, and execute such by-laws and regulations as may be necessary and convenient for the government and management of the stock, effects, and concerns of the said corporation; *provided* the same are not repugnant to the constitution and laws of the United States and this state.

Power of directors.

Proviso.

Sec. 3. *And be it enacted*, That the capital stock of the said company shall not exceed one hundred thousand dollars, to be divided into shares of fifty dollars each; but so soon as twenty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured, it shall be lawful for said company to commence their said business, and to call in such part of the balance of the said capital, from time to time, as they may deem necessary; and a majority of the said directors may call in from the said stockholders, respectively, all such sums by them subscribed, at such times and in such instalments, not exceeding five dollars on each share at any one time, as they shall deem proper, upon thirty days' notice of the payment of such instalments, published in a newspaper printed in said township of Elizabeth, under pain of forfeiting the shares of such stockholders, and all previous payments thereon, who shall make default in such payments; *provided* that the said company shall be organized and go into operation in the transaction of the business hereby authorized to be carried on within five years from the passage of this act, or the rights and privileges hereby created shall cease and this act be void.

Amount of capital stock.

Stock forfeited on failure to pay instalments

Proviso.

Sec. 4. *And be it enacted*, That the stock and property of said corporation, of whatever nature or kind, shall be deemed personal estate, and transferable in such manner as shall be prescribed by the by-laws of the said corporation; *provided* that no dividend shall be made of any part of the capital stock of the said corporation.

Stock personal estate.

Sec. 5. *And be it enacted*, That in case it should at any

time happen that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall be lawful to hold such election at such other time and in the manner as may be prescribed by the by-laws of said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all transactions of the said corporation; which books shall at all times during business hours be open to the inspection of the stockholders of the said company or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Books open to inspection of stockholders.

Sec. 7. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose, provided at least three-fourths in value of the stockholders shall be present or represented therein, and vote in favour of such a dissolution: and upon such dissolution, the directors for the time being, and the survivors and survivor of them, shall be ipso facto trustees for settling all the affairs of said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock; unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case the persons so appointed, and the survivors and survivor of them, shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one-fourth of the stock holden, may, by giving notice in a newspaper published in the said township of Elizabeth for a fortnight, call a public meeting of the stockholders for the purpose of passing by-laws and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in case a majority of the stock is represented in such meeting, either in person or by proxy.

Mode by which company may be dissolved.

Sec. 8. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the legislature, and no longer; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever the public good requires it.

Limitation.

Act may be repealed.

Passed January 21, 1837.

AN ACT to incorporate the Morristown Fire Company, of Morristown, in the county of Morris, Engine No. 1.

Sec. 1. 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 Drake, Daniel C. Martin, Squier H. Fairchild, and all other persons who now are or hereafter shall become members of the Morristown Fire Company, Engine No. 1, of Morris county, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and law, by the name of the "Morristown Fire Company, Engine No. 1, of Morris;" and by such name they shall have succession and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of judicature whatsoever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation; and shall have full power and authority to make, form, and adopt such a form of constitution, and such by-laws and regulations, for their government, not inconsistent with the constitution and laws of this state or of the United States, as they shall think proper.

Style of incorporation.

Objects and powers.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall not exceed the sum of ten hundred dollars, which shall be solely and exclusively applied to procuring, maintaining, and repairing such engine, hose, reservoirs of water, ladders, buckets, fire-hooks, axes, hatchets, water-pipes, engine houses, and other tools, implements, and machines, and to such other incidental expenses as shall to the said company appear best calculated to secure the property of their fellow citizens from loss, injury, or destruction by fire; *provided* the same does not conflict with private rights.

Amount of capital.

Sec. 3. *And be it enacted*, That the said company shall have power to elect annually a president, out of their own body, and such other officers and assistants as they shall deem necessary for conducting their affairs, according to their constitution and by-laws; that said company shall consist of not more than thirty persons, nor of a less number than sixteen; and that the said president shall keep in his custody the common seal of said company, and at the expiration of his term of office shall deliver it over to his successors.

Mode of its application.

Officers to be elected.

Sec. 4. *And be it enacted*, That it shall and may be lawful for the legislature of this state, at any time hereafter, to amend, repeal, or modify this act, as they shall see fit. Act may be repealed.

Passed January 21, 1837.

AN ACT incorporating the Sparta Manufacturing Company, in the county of Sussex.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Richard R. Morris, Joseph Linn, David M. Sayre, and such others as now are or hereafter may be associated with them, be, and are hereby constituted and declared to be a body politic and corporate, in fact and in name, by the name of "The Sparta Manufacturing Company," in the county of Sussex, for the purpose of manufacturing all kinds of cast and wrought iron and zinc at Sparta, in the said county of Sussex, in this state, and carrying on the business incident to their said manufactory, in the county aforesaid; and by that name they and their successors and assigns shall and may have continual succession, and may be persons in law capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, using, and conveying any estate, real or personal, which may be necessary for the purposes for which this incorporation is established, not exceeding in value the sum of fifty thousand dollars. Style of incorporation. Powers.

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

have been subscribed and paid, to commence their said business, and with that capital conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do from time to time to the amount herein before mentioned; *provided also*, that the funds of the said corporation, or any part thereof, shall not be applied to or used for the purpose of banking or other object inconsistent with the provisions of this charter.

Proviso.

Time and mode of electing directors.

Sec. 3. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, who may, respectively, hold their offices for one year and until others may be chosen, and no longer; which directors shall at all times during their continuance in office be stockholders in the said company in their own right, and a majority of whom shall be citizens of this state; and the said directors shall hereafter be elected on the first Monday in May, in each and every year, and at such hour of the day and at such place as the board of directors for the time being shall appoint, of which election public notice shall be given in a newspaper printed in the county, if there be any one printed therein, or in one or more printed in the state nearest the aforesaid manufactory, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three of the stockholders, to be appointed previously to every election by the board of directors; and such election shall be made by ballot and a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; and no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election.

Commissioners to open subscriptions for stock.

Sec. 4. *And be it enacted*, That Richard R. Morris, Joseph Linn, David M. Sayre, Joseph Northrup, junior, and Lewis Shearman shall be commissioners, whose duty it shall be, at some suitable place in the county of Sussex or elsewhere, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, and also the amount to be paid, in two of the newspapers printed as aforesaid, and, as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders to choose five directors; and the said commissioners shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and

deliver over to them the subscription books and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

Duties of directors.

Sec. 5. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall, as soon as may be after their appointment, proceed to choose out of their body one person to be president, who shall preside until the next annual election; and in case of the death or resignation, or inability to serve, of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation may provide.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That if it should at any time happen that an election of directors should not be made 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 be lawful on any other day to make an election of directors, and in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock assignable and transferable under certain restrictions.

Sec. 7. *And be it enacted*, That the stock of the said corporation shall be assignable and transferable according to such rules, and subject to such restrictions and regulations, as the board of directors shall from time to time make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim and demand is due or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim and demand shall be paid, or secured to be paid, to the satisfaction of the board of directors; and unless such claim or demand shall be paid, or secured to be paid, in manner aforesaid, within three months after the same shall become due, then such stock of any debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied towards the satisfaction of such claim or demand.

Duties and powers of directors.

Sec. 8. *And be it enacted*, That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of said corporation; and all questions before them shall be decided by

a majority of voices; and they shall have power to appoint committees of directors, a secretary, and such other officers, clerks, and workmen as they shall deem expedient and proper for the well-conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such parts of the profits resulting from the business of the said corporation as they shall deem expedient; and shall also have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate, and effects of the said corporation, the compensation of wages, and the duties and powers and conduct of the officers and workmen thereof, the election and meeting of the directors, the transfer of shares, the management and conduct of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*, that such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state nor the United States.

Proviso.

Books open to inspection of stockholders.

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

Limitation.

Act may be repealed.

Sec. 10. *And be it enacted*, That this act shall continue in force for the term of thirty years, and no longer, but the legislature may at any time alter, amend, repeal, or modify the same.

Passed January 24, 1837.

AN ACT to authorize the sale of the real estate of William R. Barricklo, late of the county of Middlesex, deceased.

Preamble.

WHEREAS Rachel W. Barricklo, the widow of William R. Barricklo, late of the township of South Brunswick, in

the county of Middlesex, deceased, and guardian of the infant children of the said deceased, has by her petition represented to the legislature, that the said William R. Barricklo died seized of a farm containing one hundred and thirty-five acres of land, lying in the township of South Brunswick, and one undivided equal one half part of five acres of land, lying in the same township; also one undivided equal one half part of five and a half acres of salt meadow lying in the township of South Amboy, in the said county, leaving a widow and five infant children; and that it would be greatly to the advantage of all concerned to have the land sold, and the moneys placed at interest for the support of the widow and children aforesaid —Therefore,

Trustee authorized to sell lands of W. R. Barricklo, 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 John T. McDowell, of the county of Middlesex, be, and he is hereby authorized and empowered to grant, sell, convey, and dispose of all the real estate of which the said William R. Barricklo died seized, at public or private sale, for the best price he can obtain for the same, and when sold to execute in due form of law, in his own name, a good and sufficient deed to the purchaser or purchasers of the same.

To account to the orphans' court of Middlesex.

Application of proceeds of sale.

Sec. 2. *And be it enacted*, That the said John T. McDowell shall account to the orphans' court of the county of Middlesex for all the moneys arising from said sales; and after deducting all proper costs and charges, the said John T. McDowell shall place the remainder of the money at interest upon good security, to be approved of by the said orphans' court, and the interest to be paid for the support and education of the said children, after deducting the one-third thereof and placing it at interest, and the interest to be paid to the widow during her natural life; *provided*, that in case the said children should die under twenty-one years of age without lawful issue, and not leaving a will or wills lawfully bequeathing the money arising from the sale hereby authorized, that then and in that case the money arising under the sale hereby authorized shall descend in the same manner as if this act had not been passed.

Bond to be given to governor.

Sec. 3. *And be it enacted*, That before the said John T. McDowell shall sell the said real estate, he shall enter into bond to the governor of this state with sufficient security, to be approved of by the orphans' court of the county of Middlesex, in such amount as the said court shall direct,

conditioned for the true and faithful performance of his duties under this act; which bond shall be deposited in the surrogate's office of said county, to be there filed.

Passed January 24, 1837.

AN ACT to incorporate the Paterson Machine 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 Peregrine Sandford, Cornelius J. Westervelt, John B. Roe, Benjamin Brundred, and Hugh Beggs, and the survivors of them, and all such persons as may hereafter be associated with them or the said survivors, their successors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Paterson Machine Company," for the purpose of manufacturing cotton, wool, flax, and silk machinery, and steam and locomotive engines, in the townships of Paterson and Saddle River, in the counties of Bergen and Essex, and carrying on the business incident to such manufactures; and by that name they and their successors may have succession and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters, and causes whatsoever, and of doing all other acts needful to the proper management of the funds and property of the said corporation, and to the carrying on the business for which said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold, and enjoy, and again to sell, or otherwise dispose of, personal estate of every description, and also such real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of

Style of incorporation.

Powers.

debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of said corporation, or any part thereof, shall not be used or employed at any time in banking operations or for any other purpose not plainly indicated by this act. Proviso.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Tuesday in June in every year, at such place and time as shall be directed by the by-laws of said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers printed in or nearest the town where said election shall be made, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving, by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, and until other directors are chosen from the stockholders; the first directors shall be Peregrine Sandford, Cornelius J. Westervelt, John B. Roe, Benjamin Brundred, and Hugh Beggs, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in June next, or until others are legally chosen. Time and mode of electing directors. Vacancies supplied. First directors.

Sec. 3. *And be it enacted* That the capital stock of said company shall not exceed the sum of one hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; but as soon as the sum of twenty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and Amount of capital stock.

may be lawful to and for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, not exceeding ten dollars on each share at any one time, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in or near the place where such payment shall be required to be made.

Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the subscription for the said stock shall be open for any number of days, not exceeding twenty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose.

Subscriptions for stock to be received.

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

Stock personal estate.

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

Corporation not dissolved for failure to elect on day prescribed.

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

Duties of directors.

Proviso.

Sec. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the

Books open to inspection of stockholders.

said corporation, which books shall at all times be open to the inspection of the stockholders of the said corporation or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the books, to be kept by the president and directors for that purpose.

How company may be dissolved.

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

Act may be repealed.

Sec. 10. *And be it enacted*, That this act shall continue and be in force for a period of thirty years, and no longer, and that the legislature shall have full power at any time hereafter to alter, amend, modify, or repeal this act.

Passed January 24, 1837.

AN ACT to dissolve the marriage contract between James M. Rorick and Frances B. Rorick.

J. M. Rorick and F. B. Rorick divorced.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract between James M. Rorick and Frances B. Rorick, of the county of Sussex, be, and the same is dissolved, and made void and of no effect, as fully as if they never had been joined in matrimony.

Passed January 25, 1837.

AN ACT to release to Aaron Ogden the right of the state of New Jersey of, in, and to a certain lot of land covered with water in the bay of New York, herein described and specified.

Preamble.

WHEREAS by deed of indenture, made the sixth day of October, in the year of our Lord one thousand eight hundred and thirty-five, between William C. H. Waddell and William Van Hook of New York, in the state of New York, John S. Blauvelt of New Brunswick, and Archer Gifford and John Rutherford, junior, of Newark, in the state of New Jersey, of the first part, and Aaron Ogden of Jersey city, in the state of New Jersey aforesaid, of the second part, witnesseth, that the said parties of the first part, for and in consideration of the sum of one thousand dollars, lawful money of the United States, to them in hand paid by the said Aaron Ogden, the receipt whereof is hereby acknowledged, have, and by these presents do grant, bargain, and sell, alien, release, convey, and confirm unto the said Aaron Ogden, his heirs and assigns, all that tract of land under water, situate in New York bay, opposite to the meadow of Stephen Vreeland, in the township of Bergen, in the county of Bergen, and state of New Jersey aforesaid, beginning at the distance of twenty chains on a course south forty degrees fifteen minutes east, from the shore, and at the end of the two following courses and distances from the highest rock on Black Toms reef, to wit: one, north forty-five degrees thirty minutes east, one chain; two, north forty degrees fifteen minutes west, fourteen chains seventy links, from which rock Daniel Crane's house at Jersey city bears north, forty-five degrees thirty minutes east; and from said beginning Michael Vreeland's barn bears north, forty degrees fifteen minutes west; thence from said beginning, at the end of the said fourteen chains seventy links, running, one, south thirty-nine degrees and forty-five minutes west, ten chains; thence, two, south forty degrees and fifteen minutes east, ten chains and thirty links; thence, three, north thirty-nine degrees forty-five minutes east, ten chains; thence, four, north forty degrees fifteen minutes west, ten chains thirty links, to the place of beginning, containing ten acres strict measure; which tract of land was surveyed and returned to the said parties of the first part on the thirty-first day of March, one thousand eight hundred and thirty-five,

and recorded in the surveyor general's office of East New Jersey at Perth Amboy, in Book S. nineteen, page five hundred and forty-five, and is hereby conveyed to the said Aaron Ogden in as full and ample a manner as the same was surveyed and returned to them, the said parties of the first part, they, the said parties of the first part, being authorized to sell and convey the said tract or parcel of land to the said Aaron Ogden, by a resolution of the board of proprietors of East New Jersey, at a meeting of the said board on the seventh day of October, A. D. one thousand eight hundred and thirty-four, at Perth Amboy, which resolution is in the words following, to wit: "Resolved, that the committee on lands under water be authorized to sell to Col. Aaron Ogden a tract of land under the waters of Hudsons river and bay," not nearer than one-quarter of a mile from the Bergen shore, containing ten acres in a square, for one thousand dollars, and that the same be surveyed and conveyed to him without guarantee; together with the privileges, hereditaments, and appurtenances to the same belonging or appertaining, and all the estate, right, title, interest, property, claim, and demand whatsoever of them, the said parties of the first part, of, in and to the same, or any part thereof; to have and to hold the above bargained premises, with the appurtenances, to the said Aaron Ogden, his heirs and assigns, to his and their sole and only proper use, benefit, and behoof for ever.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the right of the state of New Jersey of, in, and to the lot of land covered with water in the bay of New York, as above specified and described, be, and the same is hereby released to the said Aaron Ogden, his heirs and assigns, for ever, with all privileges and appurtenances thereunto appertaining and belonging; *provided always*, that nothing in this act shall be so construed as to affect in any way the sovereignty of the state in and over the above described lot of land under water, or of the sovereignty and right of property in any other part of the bay of New York, or the right of any other party whatever.

Right of the state released to A. Ogden of a lot of land.

Passed January 25, 1837.

AN ACT to incorporate the Raritan Manufacturing Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority the same,* That William Ketcham, Hart Ewing, Alexander Wurts, William H. Sloan, and Isaac G. Farlee, and such other persons as now are, or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate in this state, by the name and style of "The Raritan Manufacturing Company," for the sole purpose of manufacturing wool, flax, and paper; and that by that name they and their successors shall have power and continue to be a body corporate for the term of twenty-five years, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, leasing, selling, and conveying any water-power, lands, tenements, and hereditaments within the townships of Readington, Lebanon, Kingwood, and Amwell, in the county of Hunterdon, not exceeding in the whole one hundred acres, lying in the immediate connection with their establishment at Ketchams Mills; and also such raw materials as are necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts due to the said corporation; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations, nor any other purposes not plainly indicated by the provisions of this act.

Style of incorporation.

Powers.

Proviso.

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

Amount of capital stock.

stock shall have been subscribed, and one half thereof paid in, to commence their business, and with that capital conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; *provided*, that the said corporation shall organize and proceed to the business hereby authorized to be carried on within five years from the passage of this act, or that the privileges granted shall cease and this act be void. Proviso.

Sec. 3. *And be it enacted*, That it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, such sums of money as are by them subscribed, at such time and in such proportions as they shall deem fit, not exceeding ten dollars on each share at any one time, under the pain of the forfeiture of his, her, or their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in at least two newspapers, one of which shall be printed in the county of Hunterdon. Stock forfeited on failure to pay instalments

Sec. 4. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, who may, respectively, hold their offices for one year and until others may be chosen, and no longer; which directors shall at all times during their continuance in office be stockholders in the said company, in their own right, to the amount of at least five shares, and shall be citizens of this state; and the said directors shall hereafter be elected on the first Monday in August, in each and every year, at such hour of the day and at such place as the board of directors for the time being shall appoint, of which election public notice shall be given in two of the newspapers printed as aforesaid, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed by the board of directors previously to every election; and such election shall be made by ballot and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election. Time and mode of electing directors.

Sec. 5. *And be it enacted*, That the said William Ketcham, Hart Ewing, Alexander Wurts, William H. Sloan, and Isaac G. Farlee, or any three or more of them, shall be Commissioners to open subscriptions for stock.

commissioners, whose duty it shall be, at some suitable place in the county of Hunterdon, and afterwards at any other place or places they may think proper, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, in two of the newspapers printed as aforesaid; and, as soon as twenty thousand dollars of the said stock shall be subscribed, to give a like notice for a meeting of the stockholders, to choose five directors; and the said commissioners, or any three of them, shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

President to be chosen.

Sec. 6. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall, as soon as may be after their appointment, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to serve of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors for the time being; and in case of the absence of the president the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide.

Vacancies supplied.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That if it should at any time happen that an election of directors should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock personal estate.

Sec. 8. *And be it enacted*, That the stock of the said corporation shall be assignable and transferable on the books of the said company, according to such rules, and subject to such restrictions and regulations, as the board of directors shall from time to time make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder

thereof, whether such claim or demand is due or to become due at any future period, such stockholder shall not be entitled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid to the satisfaction of the board of directors. Transferable under certain restrictions.

Sec. 9. *And be it enacted*, That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of voices; and they shall have power to appoint a secretary and such other officers, clerks, and servants as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate, and effects of of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and workmen thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion to repeal, alter, or modify; *provided* that such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state or of the United States. Duties and powers of directors. Proviso.

Sec. 10. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation; which books shall be subject at all times to the inspection of the stockholders of the company. Books open to inspection of stockholders.

Sec. 11. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it. Act may be repealed.

Passed January 25, 1837.

AN ADDITIONAL SUPPLEMENT to the act entitled, "An act to incorporate the Belvidere Bank," passed the thirteenth day of February, one thousand eight hundred and thirty.

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 said Belvidere Bank are hereby empowered to equalize the value of the new stock to the old authorized to be subscribed by the fourteenth section of the act to which this is an additional supplement, by requiring payment on the new stock of the ratable proportion of the expenses of said bank in its organization and establishment, and an amount equal to surplus profit on hand; *provided however*, that the present stockholders of the original stock shall be entitled to a preference in subscribing to one half of the said increased capital, in proportion to the amount of stock now held by them; *and provided also*, that the whole amount of said new stock shall be actually subscribed and paid in within ten years from the passage of this act.

New stock to be equalized.

Proviso.

Passed January 26, 1837.

A SUPPLEMENT to the act entitled, "An act to incorporate the Camden Oil Manufacturing Company."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the directors of said company to erect suitable buildings and works for carrying on the business of said company, at any place in the county of Burlington, and to increase the capital stock of said company to one hundred thousand dollars, if the business of said company require it; to be divided into such shares, and disposed of in such manner, as the by-laws of the said company shall prescribe, and use the same in the purchase of such seeds as contain oil and in the purchase and purification of oil, in such manner as will best promote the interest of said company, in the purchase of pa-

Capital increased.

tent rights, inventions, or improvements of machinery for hulling cotton or other seeds, and for manufacturing and purifying oils, as they may think necessary or proper; *provided*, that no part of the capital stock hereby created, or other funds of the said company, shall at any time be used or employed in banking operations. Proviso.

Sec. 2. *And be it enacted*, That any thing contained in the act of incorporation of the company which is inconsistent with the provisions of this act be, and the same is hereby repealed. Part of former act repealed.

Passed January 26, 1837.

AN ACT relative to the New Jersey Railroad and Transportation Company.

WHEREAS the privilege of subscribing for one-fourth of the capital stock of the New Jersey Railroad and Transportation Company, amounting to the sum of three hundred and seventy-five thousand dollars, secured to the state by the twenty-first section of the act entitled, "An act to incorporate the New Jersey Railroad and Transportation Company," passed the seventh day of March, one thousand eight hundred and thirty-two, will expire before the next session of the legislature, thereby requiring the action of the present legislature upon the subject—AND WHEREAS the said company are willing, in case the state will relinquish a portion of the stock reserved as aforesaid, equal to the amount of two hundred and seventy-five thousand dollars, and loan the company the sum of one hundred thousand dollars, at a rate of interest of six per cent. per annum, to extend to the state the privilege of investing in their stock an amount equal to the amount of said loan, for a term not exceeding seven years; and it appearing that such loan would be safe and advantageous to the interests of the state—Now, 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 trustees for the support of free schools Trustees of free schools to loan $100,000 to N. J. Railroad Co.

be, and they are hereby authorized and directed to loan, on good and sufficient security, to the New Jersey Railroad and Transportation Company the sum of one hundred thousand dollars, at the rate of interest of six per cent. per annum, payable half yearly, to be returned by the said company at any time, on twelve months' notice being given them for that purpose; *provided* the said company will, at the time the said loan is made, secure to the state the privilege of investing the amount of said loan in their capital stock, at par, at any time during the term of seven years from the passing of this act, at the discretion of the legislature of this state; and in case such investment shall be made, the state shall have the appointment of one of the directors of said company, said appointment to be made by the governor, or person administering the government.

Proviso.

Sec. 2. *And be it enacted*, That the twenty-first section of the aforesaid act incorporating said company, except so far as is herein before provided for, be, and the same is hereby repealed.

Part of former act repealed.

Passed January 26, 1837.

AN ACT for the relief of Baas Staats Bergen.

Preamble.

WHEREAS it hath been represented to the legislature that Baas Staats Bergen, a coloured man, of Somerville, in the county of Somerset, was formerly the slave of Hendrick Bergen, and after his death the slave of his wife; that the said slave bought his freedom of the widow of the said Hendrick Bergen, and took her receipt therefor; but that the said Baas was never manumitted according to law.—AND WHEREAS the said Baas, after he so obtained his freedom, and was considered a freeman, he purchased a lot of land, in Somerville, of John Tumy, and built a dwellinghouse thereon; that lately, and since the decease of the said John Tumy, his children have claimed the said lot of land from the said Baas, on the ground that he was not manumitted according to law—AND WHEREAS the said Baas hath by his petition prayed that he may be declared by law entitled to all the rights and privileges of a

free coloured man of this state, and that the title of the said lot of land may be confirmed in him; and it being reasonable and just that the prayer of his petition should be granted—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the deed of conveyance made and executed by Thomas Logan, of the county of Somerset, and state of New Jersey, attorney in fact, duly authorized by power of attorney executed by John Tumy, for a lot of land, situate in the village of Somerville, county of Somerset, and state of New Jersey, to the said Baas Staats Bergen, and recorded in the clerk's office of the county of Somerset, June thirteen, eighteen hundred and eighteen, in Book J of Deeds, folio one hundred and seventy-eight and one hundred and seventy-nine, by Samuel Swan, clerk, shall be deemed and taken to be valid, effectual, and operative as if the said Baas Staats Bergen had been a freeman at the time of the execution of the said deed of conveyance, had been duly manumitted according to the laws of this state. Title of lands to B. S. Bergen confirmed.

Sec. 2. *And be it enacted*, That the said Baas Staats Bergen be, and he is hereby declared to be entitled to all the rights, privileges, and immunities of a free coloured man of this state. B. S. Bergen declared to be free.

Passed January 26, 1837.

AN ACT for the relief of Stephen H. Lutkins, of the county of Bergen.

WHEREAS it is represented to this legislature, that Stephen H. Lutkins, of the county of Bergen, did in the year eighteen hundred and thirty-two, under and by virtue of the commission of the governor of this state, proceed to Albany, in the state of New York, for the purpose of taking Wilson Bell, a fugitive from justice from the said county of Bergen, and in execution of the said commission did take the said fugitive and deliver him to the keeper of the jail of the said county of Bergen—AND WHEREAS Preamble.

by the existing laws of this state there is no provision for remuneration for the services and the payment of the expenses incurred in the execution of the said commission—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state be, and he is hereby authorized and directed to pay to Stephen H. Lutkins, of the county of Bergen, the sum of sixty-seven dollars and fifty-one cents, to remunerate him for his said services and the expenses incurred in arresting the said Wilson Bell, a fugitive from justice.

S. H. Lutkins remunerated for arresting fugitive.

Passed January 26, 1837.

AN ACT to confirm the last will and testament of Ichabod Chandler, late of the township of Elizabeth, in the county of Essex, deceased.

Preamble.

WHEREAS Ichabod Chandler, late of the township of Elizabeth, in the county of Essex, in this state, in and by his last will and testament, in writing, signed, sealed, and published in the presence of two subscribing witnesses, bearing date the ninth day of February, in the year of our Lord one thousand eight hundred and twenty-seven, did, among other things, give and devise to his son, Henry W. Chandler, his heirs and assigns for ever, all his land and real estate, and also gave to his executors therein named three hundred dollars, in trust, for the use and benefit of his daughter; and in case of her death the said sum to be kept by the said executors for the heirs of the said daughter of the said testator, subject, however, to the use of the wife of the said testator during her widowhood—AND WHEREAS the wife of the said testator hath since departed this life, as also the said daughter of the said testator, leaving a son now aged about nine years, and a daughter now aged about six years—AND WHEREAS the said Henry W. Chandler, on the death of the said testator, took possession of the said land and real estate, and held it under

the said devise during his life, and made considerable repairs and improvements thereon, and died seized thereof; and in and by his last will and testament, duly executed under his hand and seal, in the presence of three subscribing witnesses, bearing date the tenth day of November, in the year of our Lord one thousand eight hundred and thirty-four, gave all his estate, both real and personal, to his wife Prudence.—AND WHEREAS, by reason of there being but two subscribing witnesses to the said will of the said Ichabod Chandler, deceased, the same is insufficient to pass real estate, and the said devise therein to his said son, Henry W. Chandler, his heirs and assigns for ever, of his land and real estate, is void and unavailing, and thereby the clear intention of the said testator, Ichabod Chandler, deceased, has been entirely defeated; and it appearing by the petition of the said Prudence Chandler, verified by affidavit, and the consent and concurrence of the surviving executor of the will of the said Ichabod Chandler, deceased, (who is the trustee of the said minor children of the daughter of the said Ichabod) as also of the executors of the will of the said Henry W. Chandler, deceased, representing all the parties in interest, that the intention of the said testator, Ichabod Chandler, deceased, would be effected by confirming his said will—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said last will and testament of the said Ichabod Chandler, deceased, late of the township of Elizabeth, in the county of Essex, in this state, bearing date the ninth day of February, in the year of our Lord one thousand eight hundred and twenty-seven, (the probate whereof was granted by the surrogate of the said county of Essex, on the sixteenth day of May, in the year of our Lord one thousand eight hundred and twenty-nine, to Obadiah Meeker and Henry W. Chandler, the executors thereof) and the several bequests and devises therein contained, shall be, and the same are hereby declared to be as good, valid, and effectual in law, to all intents and purposes, as if the said will of the said Ichabod had been executed, published, signed, and declared in the presence of three subscribing witnesses, in the manner prescribed by law.

Will of Ichabod Chandler declared to be valid.

Sec. 2. *And be it enacted*, That the devisee, or devisees, in the will of the said Henry W. Chandler, deceased, shall have, take, hold, and enjoy the land and real estate devised in and by the said will of Henry W. Chandler, deceased, which was given and devised to the said Henry W.

Devisees to hold lands as if will had been legally executed.

Chandler, his heirs and assigns for ever, in and by the said will of the said Ichabod Chandler, deceased, as fully and completely in all respects as if the said will of the said Ichabod Chandler, deceased, had been duly executed in the manner prescribed by law to pass real estate, any law, usage, or custom to the contrary in any way notwithstanding.

Passed January 26, 1837.

AN ACT to incorporate the United Mining and Manufacturing Company.

Preamble.

WHEREAS Jeremiah H. Sloan, hath in behalf of himself and his present and future associates, by his petition set forth, that in his own right, and in connection with others, he owns and possesses certain mines of copper and other ores in the island of Cuba; which mines may be advantageously worked by one company, and the mineral extracted therefrom manufactured with facility and economy in this state, thereby increasing the supply of a valuable and necessary metal; and hath requested the legislature to pass an act incorporating himself and his present and future associates for that purpose—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Jeremiah H. Sloan, and such others as now are or may be hereafter associated with him for the purposes aforesaid, shall be, and they hereby are ordained, constituted, and declared a body corporate and politic, in fact and in name, by the name of "The United Mining and Manufacturing Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style,

Style of incorporation.

Powers.

shall be capable of purchasing, holding, and conveying such real and personal estate only as may be necessary in prosecuting the objects of this incorporation.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be divided into six thousand shares of one hundred dollars each, and that it shall and may be lawful for the president and directors of said company to call for and demand of the stockholders such instalments on account of said stock, and at such times as they shall think proper, not exceeding ten dollars on a share at any one time; and in case of the non payment of any such instalments, to declare forfeit to and for the use of the said company, any share or shares on which such instalment shall not be paid, and all previous payments made thereon; *provided*, that no such forfeiture shall be made without giving at least thirty days' notice of such call and demand in at least one newspaper printed and published in said county of Burlington, one in the city of Philadelphia, and one in the city of New York; *and provided also*, that the powers conferred by this act shall not take effect until an instalment of five dollars per share, on at least two thosand shares of said stock, shall have been actually paid by the holders thereof.

Stock forfeited on failure to pay instalments.

Proviso.

Time and mode of electing directors.

Sec. 3. *And be it enacted*, That the stock, property, concerns, and affairs of the said company shall be managed and conducted by seven directors, the first of whom shall be appointed at such time and place as the said associates, or the persons holding a majority of the stock, shall decide upon, and afterwards annually elected on the first Tuesday of June, at such time of the day, at such place, and upon such notice, as the stockholders may decide upon; which elections shall be by ballot, each share having one vote, and made by such of the stockholders as shall attend for that purpose in person or by proxy; and the persons having the greatest number of votes shall be the directors for the ensuing year and until others are chosen; and in case of a vacancy or vacancies occurring, by death, resignation, or otherwise, the same shall be filled by such person or persons as the remaining directors for the time being, or a majority of them, shall appoint.

Vacancies supplied.

Officers of the company.

Sec. 4. *And be it enacted*, That the said directors shall appoint one of their number to be the president of the said company, and shall have power to appoint a secretary, treasurer, and such other officers, agents, and superintendents as they may deem necessary, and to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of this state and of the United States, as to them shall seem meet.

Power of the company.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said company to erect and construct proper and suitable furnaces, buildings, and machinery for smelting and manufacturing ores and metal, and for that purpose to purchase or lease a suitable site or location therefor in the said county of Burlington, and to purchase or lease the said mines, and such others as they may deem advantageous and expedient, and to make any contract or agreement whatsoever to ensure a regular and constant supply of ores and metal for said company; *provided*, that the said company shall not purchase or hold any more land in this state than shall be intended and required for the purpose of this act, and not exceeding ten acres, or which may be purchased by them in satisfaction, or on account of a judgment or mortgage bona fide due to them.

Proviso.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That in case any election for directors shall not be held on the day appointed by this act, the said corporation shall not be deemed to be dissolved for that cause, but such election shall be held at such other time and place as may be prescribed by the said company.

Stockholders responsible for debts in certain cases.

Sec. 7. *And be it enacted*, That the stock of said corporation shall be deemed and considered personal estate, and transferable in such manner as shall be prescribed by the by-laws of the said company; and that in case the said company shall sell or dispose of any part of the property of said company constituting their capital stock, and distribute the proceeds of such sale, or any part thereof, amongst the stockholders, leaving any debt or debts due from said company unpaid, and the remaining property of said company shall be insufficient to satisfy the same, the said stockholders shall be responsible in their individual capacity therefor, to the extent of the said money, respectively, paid to them out of the said capital stock.

Restrictions.

Sec. 8. *And be it enacted*, That nothing in this act contained shall authorize the said company to use any portion of its funds for banking, or any other purposes not plainly indicated by this act.

Act may be repealed.

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

Passed February 2, 1837.

SUPPLEMENT to the act entitled, "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," passed the tenth of November, one thousand eight hundred and twenty-one, and to the act entitled, "An act to provide for the instruction of indigent blind persons, inhabitants of this state," passed March eighth, eighteen hundred and thirty-six.

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 benefits and provisions of the said acts to which this is a supplement, shall be extended to indigent blind children, and deaf and dumb children, who shall have attained the age of six years, any thing in the said acts aforesaid to the contrary notwithstanding. Children six years old entitled to benefits of former acts.

Passed February 2, 1837.

AN ACT for the permanent location of streets, avenues, and public squares, or places, within the limits of the city of New Brunswick.

WHEREAS the mayor, recorder, aldermen, and common council, of the city of New Brunswick, have, by their petition set forth, that it would be desirable, and for the public benefit, to have such parts of lands, within the territorial limits of such city, as have not been laid out in streets, or roads, or public places, permanently laid out, and streets, avenues, and public squares, or places, fixed and located upon and over the same; and that they have adopted and approved of the laying out and location of such avenues, streets, and public squares, or places, as are contained and laid down upon a certain map, made by Daniel Ewen, a surveyor, and dated September, eighteen hundred and thirty-six, and attested by the clerk of such corporation, as having been so adopted and approved—Therefore, Preamble.

Disposition of Ewen's map of N. Brunswick.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That a copy of such map, duly attested by the said clerk of such corporation for the time being, shall be filed in the office of secretary of state, another in each of the offices of the clerks of the counties of Middlesex and Somerset, to remain of record, and a fourth shall belong to the said "the mayor, recorder, aldermen, and common council," and shall be left and filed with their clerk; and the said secretary of state, clerks of Middlesex and Somerset, and clerk of such corporation, shall inscribe upon the same the day of their being so filed.

Map to be received in evidence.

Sec. 2. *And be it enacted*, That such map, upon being so filed as aforesaid, shall be final and conclusive in respect to the said "the mayor, recorder, aldermen, and common council," and in respect to all other persons whomsoever, and shall form the permanent plan for hereafter opening and laying out of streets, avenues, public squares, or places, through such lands, except as the same may be changed or amended according to law.

Passed February 4, 1837.

AN ACT to incorporate the Canton Silk Manufacturing Company, to be located at or near Spotswood, in the county of Middlesex.

Names of corporators.

Style of incorporation.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Aaron Low, Wines Many, Samuel Cox, John M. Tufts, Charles Morgan, Abraham T. Hillyer, Jared J. Dunn, James C. Zabriskie, and such other persons as now are or hereafter may be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Canton Silk Manufacturing Company," to be located at or near Spotswood, in the county of Middlesex, for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing man-

ufactories of silk, in all its various branches, and all articles of which silk is a principal part, and dyeing, printing, and bleaching the same; and that, by that name, they and their successors shall have power and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, and conveying any lands, not exceeding five hundred acres, tenements, hereditaments, goods, wares, and merchandises whatsoever, in said state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations, or for any other purpose or purposes inconsistent within the provisions of this act; *provided*, that the said company shall be organized and proceed to the business hereby authorized to be carried on within ten years from the passage of this act, or that the privileges granted shall cease, and this act be void.

Powers.

Company may hold 500 acres of land.

Restrictions.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May in every year; and that the said directors shall be elected on the last Monday in April, in every year, at such time and place as shall be directed by the by-laws of said company, of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in said county where such election shall be made, by such stockholders as shall attend for that purpose, either in person or by proxy; and their elections shall be by ballot, and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and if it shall happen at

Time and mode of electing directors.

any election for directors that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall by a plurality of votes appear to be chosen as directors, then the said stockholders shall proceed to ballot a second time, and by a plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall at the same or some other time, elect an acting manager, or managers, and such sub-agents of the said company as may be requisite to conduct its business; also a secretary to said company; and if any vacancy or vacancies shall at any time happen, by death, removal, resignation, or otherwise, among the directors elected, the secretary, managers, or sub-agents, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

Vacancies, how supplied.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, and shall be divided into shares of fifty dollars each; but it shall, nevertheless, be lawful for the said company, when and as soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured to be paid, to purchase land and mulberry trees, and erect the necessary buildings and machinery, sufficient to commence the said business, and with that capital conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do from time to time to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice requiring such payment shall have been published for that time in one or more newspapers published in the county of Middlesex; *provided nevertheless*, that the instalments shall not be more than five dollars each, and at least thirty days apart.

Amount of capital stock.

Stock forfeited on failure to pay instalments

Proviso.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of said cor-

Stock personal estate.

poration; *provided*, that dividends shall annually be made to and amongst the stockholders from and out of the profits of the said corporation; but in no case shall any part of the capital stock be so divided. Proviso.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of said corporation; and the officers of the preceding year shall hold their offices, respectively, until said election, or until others are appointed in their stead. Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That a majority of the directors for the time being shall form a board for the transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the laws or constitution of the United States or of this state, as shall appear needful and proper touching the management and disposition of the stock, estate, property, effects, and profits of the said corporation, offices, appointments, clerks, managers, agents, salaries, and allowances, as to them shall seem necessary; and may at their discretion remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in said factories or business, and supply their places by the appointment of others in their stead. Powers and duties of directors.

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

Sec. 8. *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose; and that the legislature may at any time hereafter alter, modify, or repeal this act, whenever the public good requires it; and that this act shall be in force for thirty years. Mode of transferring stock. Act may be repealed.

Passed February 4, 1837.

A SUPPLEMENT to an act entitled, "An act to incorporate the Rahway Steamboat Company," passed December third, one thousand eight hundred and twenty-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 and may be lawful for the said Rahway Steamboat Company to have and enjoy the same powers and privileges, subject to all the conditions and limitations contained in the act incorporating said company, on the Passaic river, as they now have and enjoy on the Rahway river; and for that purpose they shall be entitled to increase their capital stock to the amount of fifty thousand dollars.

Powers extended and capital increased.

Sec. 2. *And be it enacted*, That the term for which the said Rahway Steamboat Company shall continue shall be extended twenty years from the first day of March next, and no longer.

Limitation.

Sec. 3. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to amend, modify, or repeal this supplement, or the act to which it is a supplement, whenever in their opinion the public good may require it.

Act may be repealed.

Passed February 4, 1837.

AN ACT to incorporate the Trenton Flax 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 Charles G. Green, Ralph H. Shreve, and John R. Dill, and their associates and their successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Trenton Flax Company," for the purpose of dressing, bleaching, and manufacturing flax; and shall have power to raise by subscription, in shares of fifty dollars each, a capital of fifty thousand dollars; and as soon as the same shall have been subscribed, and ten

Names of corporators.

Style of incorporation.

Amount of capital.

thousand dollars thereof paid in, the individuals above named, or any two of them, may, by public notice of thirty days, given in one of the public newspapers of the county of Hunterdon, call a meeting of the stockholders of said company for an election of five directors, each of whom shall be a stockholder, to be voted for by the stockholders, according to their respective shares, in person or by proxy; the said individuals, or any two of them, to be inspectors of the first election; and the said directors, when elected, shall choose out of their number a president; and the directors of said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be complete, and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution and laws of this state or of the United States; and shall have power to call in said stock from time to time, in such instalments as they shall think necessary, not exceeding twenty dollars on each share, by giving public notice as aforesaid, and to declare forfeited to said company the stock, with all previous payments thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *provided* previous notice of thirty days shall have been given to each delinquent stockholder.

Time and mode of electing directors.

Stock forfeited on failure to pay instalments.

Proviso.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors for the time being of the said company shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, then upon such neglect or refusal the stockholders, or a majority of them, may, within the time in such case prescribed by law, give notice and call such meeting and elect directors, in like manner as if said directors had given notice as by this act is required; and if at any election of directors two or more persons voted for shall receive an equal number of votes, the directors for the time being shall determine by ballot which of the said persons so having an equal number of votes shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election be complete.

Mode of election when electors neglect to give notice.

Vacancies, how supplied.

Officers of the company.

Sec. 3. *And be it enacted*, That the said directors, at the first meeting after every election, shall appoint a president, and they may appoint a secretary, treasurer, and such other officers and agents, from time to time, as they may think adequate, and require from such officers and agents such security for their good conduct as may to them appear reasonable and proper.

May hold ten acres of land.

Sec. 4. *And be it enacted*, That the said company may, for the purpose of carrying into effect the objects specified in the first section of this act, buy or rent so much water-power, and may buy, rent, take, and hold, or otherwise become seized and possessed of, all such lands, tenements, and other real and personal estate, within five miles of the city of Trenton, not exceeding ten acres, as may be necessary and useful for the purposes aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act; *provided*, that the said company shall organize and proceed to the business hereby authorized to be carried on within five years from the passage of this act, or that the privileges granted shall cease, and this act be void.

Restrictions.

Books open to inspection of stockholders.

Sec. 5. *And be it enacted*, That a dividend of the profits of the company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the directors among the stockholders; and the books of the said company shall at all times be open for the inspection of the stockholders; and no dividends shall be made but from the actual profits of the company.

Stock personal property.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable upon the books of the company, in the mode directed by the by-laws thereof.

Limitation.

Act may be repealed.

Sec. 7. *And be it enacted*, That this charter shall continue in force until the first day of March, in the year one thousand eight hundred and sixty-seven, and that the legislature may at any time alter, amend, modify, or repeal the same; and that no part of the funds of the company shall be employed in banking operations, nor for any other purpose not plainly indicated by the provisions of this act.

Passed February 4, 1837.

AN ACT to authorize Edmond Throckmorton, administrator of William L. Lippincott, deceased, late of the township of Shrewsbury, in the county of Monmouth, to fulfil a contract of the said deceased, by conveying certain real estate to Webley Edwards.

Preamble.

WHEREAS it has been represented that William L. Lippincott, deceased, did, in his lifetime enter into an article of agreement under his hand, dated the tenth day of January, A. D. eighteen hundred and thirty-five, by which he agreed to convey to Webley Edwards, in consideration of the sum of one hundred and fifty dollars, two lots of land near Eatontown dock, on the road leading from said dock to Long Branch, and to make him a deed for the same, whenever the said one hundred and fifty dollars, and the interest thereon, was paid—AND WHEREAS the said William L. Lippincott did in his lifetime receive fifty-seven dollars and fifty cents, part of the said consideration money, from the said Webley Edwards, who is willing to pay the balance of the same, whenever a deed can be made to him for the property—Therefore,

Administrators authorized to convey certain lands.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Edmond Throckmorton, administrator of the goods and chattels, rights and credits, which were of William L. Lippincott, late of the township of Shrewsbury, in the county of Monmouth, deceased, who died intestate, be, and he is hereby authorized to convey to Webley Edwards all the right, title, and interest of the said William L. Lippincott, at the time of his decease, of, in, and to the aforesaid lots of land and premises, with the appurtenances, upon the said Webley Edwards paying, or securing the payment, to the said administrator the balance due on the purchase, according to the above stated article of agreement; and the said conveyance shall vest in the said Webley Edwards, his heirs and assigns, as good and perfect an estate in the said lots of land, and the appurtenances thereto, as the said William L. Lippincott had therein at the time of his decease.

Passed February 4, 1837.

AN ACT to incorporate the Fairfield Beneficial Society of the county of Cumberland, New Jersey.

Preamble.

WHEREAS a number of citizens of the county of Cumberland, in this state, have formed themselves into a society for the purpose of raising a fund sufficient for the relief of each other, in case of disease, age, or accident—AND WHEREAS they have, by a committee, represented to the legislature of this state the expediency of being constituted a body corporate, so as to enable them to hold property, and more safely to vest their funds in stock or other securities, for the purpose of their association—Therefore,

Names of corporators.

Style of incorporation.

Powers.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Jeremiah Thompson, John Elmer, Ephraim Dayton, George Ogden, Horace Elmer, Benjamin Thompson, and Benjamin R. Bateman, and all such other persons, not exceeding two hundred, as now are, or hereafter shall become members of the Fairfield Beneficial Society, be, and they are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name of "The Fairfield Beneficial Society;" and by such name they shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity whatever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their name as aforesaid, and under their common seal, may make, enter into, and execute any contracts or agreements touching and concerning the objects of said corporation.

Mode of electing directors.

Sec. 2. *And be it enacted*, That the members of the said society, or as many of them as can conveniently attend, shall meet on the first Wednesday of September next, and on the first Wednesday of September annually thereafter, at some suitable time and place, of which meetings notice for the space of ten days shall be given by the secretary in one of the newspapers of this state, and then and there, by a plurality of votes of those present, proceed to elect a president, vice president, secretary, assistant secretary, treasurer, and such other officers and assistants as they shall find necessary for conducting their affairs, according to their

constitution and by-laws; and that the said president shall keep in his custody the common seal of said society, and at the expiration of his term of office shall deliver it over to his successor.

Powers and exclusive objects of incorporation

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

Proviso.

Constitution and by-laws to be formed.

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

Proviso.

Restrictions.

Sec. 5. *And be it enacted*, That the said corporation shall not use any of their funds for banking operations, or in any other way except for such benevolent purposes provided for by this act.

Act may be repealed.

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

Passed February 6, 1837.

AN ACT to authorize trustees therein named to sell and convey certain real estate of George Corlies, late of the county of Monmouth, deceased.

Preamble.

WHEREAS George Corlies, late of the township of Shrewsbury, in the county of Monmouth, and state of New Jersey, died intestate, leaving the following named children and heirs at law, to wit: Benjamin Corlies, Jacob Corlies, Joseph Corlies, Mary Baker and Sarah Haydock, formerly Mary Corlies and Sarah Corlies—AND WHEREAS the said Jacob Corlies, Joseph Corlies, and Sarah Haydock have since departed this life, all leaving lawful issue and their heirs at law—AND WHEREAS the said George Corlies was at the time of his death seized in fee of certain lands and tenements in and near the village of Eatontown, in the county and state aforesaid; and the heirs of the said George Corlies have petitioned the legislature, setting forth, that, from the peculiar situation of the said real estate and the great number of heirs of the said intestate, that it is impossible to make a fair division among them; and that the necessary repairs render the said real estate, as at present situated, of little or no profit to any of them, the said heirs; and praying the legislature to appoint trustees to sell the said real estate, with power to make deeds of conveyance to the purchasers thereof; and the petition of the said heirs appearing reasonable and just—Therefore,

Trustees authorized to sell real estate of George Corlies, 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 Benjamin W. Corlies and Henry W. Wolcot be, and they are hereby appointed trustees, with full power and authority to sell and convey all the real estate belonging to the heirs of the said George Corlies, of which he was in possession at the time of his death, for the highest sum or sums of money the same will bring at public sale, at least thirty days' notice being first given of the day of sale, by advertising in one or more newspapers published in the county of Monmouth and by handbills set up at five or more public places in the vicinity of the said property, and to execute, make, and deliver a good conveyance or conveyances in law to the purchaser or purchasers of the same; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns, for ever, all the estate, right, title, and interest which the said George

Corlies, deceased, had of, in, and to the said premises, with the appurtenances, at the time of his death.

To give bond to the governor.

Sec. 2. *And be it enacted*, That before the said trustees shall enter upon the trust reposed in them by this act, they shall enter into bonds to the governor of this state, with such surety and in such sum as shall be approved by the orphans' court of the county of Monmouth, conditioned for the faithful performance of the trust reposed in them by this act; which bond shall be deposited in the office of the secretary of this state.

Accounts to be exhibited to surrogate of Monmouth.

Sec. 3. *And be it enacted*, That the said trustees, within one year after the sale of the said real estate shall be completed, shall exhibit, under oath or affirmation, to the surrogate of the said county of Monmouth an exact statement of the amount of sales, and the amount they have received for the same, to be by him recorded and filed in his office.

Application of proceeds of sale.

Sec. 4. *And be it enacted*, That the said trustees shall be accountable for all money so received by them, and, after paying off all legal claims and leins upon said estate, if any, together with such reasonable charges for their services as shall be allowed by the orphans' court of the county of Monmouth, shall distribute the surplus moneys among the heirs of the said deceased, according to law; and the receipt or discharge of the said heirs, or their proper guardians, shall be their vouchers to settle up the said estate in the orphans' court aforesaid.

To descend as real estate.

Sec. 5. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sales of said real estate, but the same shall descend as the said real estate would have done had this act not been passed.

Passed February 6, 1837.

AN ACT SUPPLEMENTARY to the act entitled, "An act to incorporate the Belvidere Delaware Railroad Company."

Capital stock of company may be increased.

Sec. 1. 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 Belvidere Delaware Railroad Company be,

and they are hereby authorized, if they shall see fit, to increase the capital stock of the said company to an amount, not exceeding five hundred thousand dollars, beyond that now authorized; and from time to time, and in such manner as the president and directors shall order, to sell the unsubscribed stock, to an amount not exceeding the said sum, to be held by the subscribers thereof, their executors, administrators, and assigns, in the manner provided for in the act to which this is supplementary; and that it shall and may be lawful for the directors of the said Belvidere Delaware Railroad Company to appoint three of their own number as commissioners to open books of subscription, at some place within the township of Greenwich, for the said additional capital; and said books shall be open for three entire days, during the regular hours of business, and due notice thereof shall be published in a newspaper printed at Belvidere, for the space of twenty days previous to the opening of said books of subscription as aforesaid, and five dollars on each share shall be paid at the time of subscribing therefor; *provided*, that the original stockholders of said company shall be entitled to a preference in subscribing one half of the said additional capital; *and provided also*, that if more than the required amount shall be subscribed, the said commissioners shall distribute the one-half of the stock to and among the said original stockholders, (if they shall subscribe for the one half thereof) and the other half of the said additional stock shall be distributed among the subscribers not being stockholders, in proportion to their several subscriptions.

Commissioners to open subscriptions for new stock.

Proviso.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the said president and directors to employ any amount of the capital stock, not exceeding five hundred thousand dollars, for banking purposes; the banking institution to be located, and their banking operations carried on within the township of Greenwich, in the county of Warren, at or near the line of said road; *provided*, that the said company shall issue no notes, or discount any paper, until twenty per centum of the amount of the banking capital hereby authorized shall be actually paid in, and until the said railroad shall be actually located, put under contract, and the work thereon commenced, and the sum of one hundred thousand dollars shall be actually expended on the said road; and for every additional amount of twenty per cent. of the capital which shall thereafter be employed for banking purposes, a similar amount of one hundred thousand dollars shall be actually expended in the construction of the said railroad; *provided also*, that unless the whole of the capital stock by this supplement authorized to be created shall not be paid in within

$500,000 of capital may be employed in banking.

Proviso.

Restrictions.

the period of ten years from the passage of this act, that then the banking privileges hereby authorized shall cease and be void.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the said company to appoint any and all officers whom they shall find necessary for the transaction of the business of the said company; and the said banking capital shall be liable to the same tax that is now or hereafter may be by law imposed on the banking capital of the banks in this state; and that the said railroad and appendages, and all the estate, real and personal, of the said corporation shall be pledged for the payment of the notes, bills, or other evidences of debts issued by the said company under its banking powers; and in addition, the president and directors of said corporation shall individually, and jointly and severally, be liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue thereon; *provided nevertheless*, that the president of said company shall be a citizen resident of this state or of the county of Northampton, in Pennsylvania; and that the treasurer or cashier, and a majority of the directors of the said company, shall be actually residents of this state.

Banking capital liable to taxation.

Railroad liable for debts of bank

President and directors jointly and severally liable.

Proviso.

Sec. 4. *And be it enacted*, That before the banking operations of the said company shall be commenced, it shall be duly made appear to the governor of the state, by oath or affirmation of the president or other officer of the said company, that the said railroad has been located, put under contract, and actually commenced, and the sum of one hundred thousand dollars actually expended on the said road, and the sum of twenty per centum on the amount of the capital stock subscribed as aforesaid has actually been paid in; and that unless the said company shall complete the said railroad within the time and in the manner prescribed by the act to which this is supplementary, the said banking privileges shall cease and become void.

When banking operations may commence.

Sec. 5. *And be it enacted*, That it shall be the duty of

New Jersey State Library

Annual statement to be made to the legislature.

the said company, annually, to lay before the legislature a statement, under the respective oaths or affirmations of the president and cashier, or treasurer, of the said corporation for the time being, of the capital stock of the said company used in banking operations, and of its notes, debts, and specie on hand; and if they shall fail so to do for two successive years, from thenceforth the privileges granted by this supplement shall cease.

Fundamental articles of the constitution.

Sec. 6. *And be it enacted*, That, in addition to the provisions of the original act to which this is supplementary, the following shall be the fundamental articles of the constitution of the said company:

ARTICLE I.—A general statement of the affairs of the company shall be exhibited every year, at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder during the usual hours of business.

ARTICLE II.—No transfer of any stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person transferring shall have been fully discharged, and such transfer shall have been registered in a book or books to be kept for that purpose by the directors; and the total amount of the debts which the said corporation shall at any time owe, over and above the actual deposites in the said bank, shall not exceed twice the sum of the capital stock subscribed and actually paid into the said bank for banking purposes.

ARTICLE III.—The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold for banking purposes, shall only be such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith mortgaged to it by way of security, or conveyed to it in satisfaction for debts previously contracted in the course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

ARTICLE IV.—If at any time after the passing of this act the said president, directors, and company shall neglect, on demand being made at their banking house during their regular hours of doing business, to redeem in specie, or other lawful money of the United States, their said bills, notes, or other evidences of debt, issued by the said corporation, which shall be due and payable, the said president, directors, and company shall wholly discontinue and close

their banking operations, either by way of discount or otherwise; unless the said president, directors, and company shall resume the redemption of their said bills, notes, or other evidences of debt, in specie or other lawful money of the United States, within thirty days after such demand shall have been made; and the said company shall be liable to pay to the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand until the same shall be paid as aforesaid, or otherwise satisfied.

ARTICLE V.—The cashier or treasurer of the said bank shall be appointed annually, and the votes of five directors shall be necessary to a choice; and every cashier or treasurer, before he enters on the duties of his office, shall be required to give bond with two or more sureties, to the satisfaction of the said directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office; and shall also, on his appointment or re-appointment, take an oath or affirmation faithfully to discharge the duties of his office.

ARTICLE VI.—The said corporation shall not directly or indirectly deal or trade in any thing excepting bills of exchange, promissory notes, specie, gold or silver bullion; and shall not own any real estate, except such as shall be necessary for the accommodation of its banking business, or shall be bona fide mortgaged to them to secure debts due the said corporation, or purchased upon judgment entered or obtained on such debts; *provided*, that nothing herein contained shall be construed to abridge the rights of the said corporation under the act to which this a supplement.

Limitation.

Act may be repealed.

Sec. 7. *And be it enacted*, That this act shall continue in force for twenty-one years from the time allowed for completing the said road; and that it shall be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Passed February 7, 1837.

AN ACT to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic; and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic.

WHEREAS the inhabitants of the township of Paterson and Aquackanonk, in the county of Essex, and of Pompton, West Milford, and Saddle River, in the county of Bergen, and the inhabitants of the eastern part of the county of Gloucester, have by their respective petitions set forth that they are subjected to great inconvenience, and expense, and delays, in the settlement of their legal rights, by reason of the great distance some of them have to go to the seat of justice, in their respective counties, have prayed that two new counties may be erected—Therefore,

Boundaries of the county of Bergen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all those parts of the counties of Essex and Bergen contained within the following boundaries and lines: beginning at the mouth of Yantekaw, or Third river, at its entrance into the Passaic river, being the present boundary of the township of Aquackanonk; running thence, northwesterly, along the course of the line of said township to the corner of said line at or near the Newark and Pompton turnpike; thence, in a straight line, to the bend of the road below the house now occupied by John Freeman, in the township of Caldwell, being about one and a half miles in length; thence to the middle of the Passaic river; thence, along the middle of said river, to the middle of the mouth of the Pompton river, by the Two bridges; thence up said river, along the line between Bergen and Morris counties, to Sussex county; thence, along the line between Sussex and Bergen counties, to the state of New York; thence easterly, along the line between the two states, to the division line between the townships of Pompton and Franklin; thence, along said line dividing said townships and the townships of Franklin and Saddle River, to where it intersects the road commonly Gœtchius-lane; thence, down the centre of said road, or lane, to the Passaic river; thence, down the middle of the Passaic river, to the place of beginning, be, and the same is hereby erected into a separate county, to be called the county of Passaic: said lines shall hereafter be the division line between the counties of Essex, Morris, Sussex, Bergen, and the state of New York, and the county of Passaic, respectively.

Sec. 2. *And be it enacted*, That all the eastern part of the county of Gloucester contained in the townships of Galloway, Hamilton, Weymouth, and Egg Harbour be, and the same is hereby erected into a separate county, to be named, and hereafter called the county of Atlantic.

Boundaries of the county of Atlantic.

Sec. 3. *And be it enacted*, That the said counties of Passaic and Atlantic, respectively, shall have and enjoy all the jurisdiction, powers, rights, privileges, liberties, and immunities which any other counties in this state do or may enjoy; and that the said county of Passaic shall elect, in the same manner as other counties in this state do, two members to represent it in the general assembly, and one member to represent it in the legislative council of this state; and that the said county of Atlantic shall, in like manner, elect one member to represent it in the general assembly, and one member to represent it in the legislative council of this state, and no more, until otherwise regulated by law.

Jurisdiction, rights, &c., of the new counties.

Representation in council and assembly.

Sec. 4. *And be it enacted*, That the said county of Passaic shall be divided into five townships, namely: the present township of Aquackanonk and such part of the township of Caldwell as is within the limits of the said county of Passaic, to be called the township of Aquackanonk; the townships of Paterson, Pompton, and West Milford, and such part of the township of Saddle River as is comprised within the limits of the said county of Passaic, to be called the the township of Manchester; said townships to be called the townships of Aquackanonk, Paterson, Pompton, West Milford, and Manchester; and that the inhabitants of each and every of the said townships be, and they are hereby constituted a body corporate and politic in law, by the following names, that is to say: that the inhabitants of the township of Aquackanonk, shall be styled and known by the name of "The Inhabitants of the township of Aquackanonk, in the county of Passaic;" that the inhabitants of the township of Paterson, shall be styled and known by the name of "The Inhabitants of the township of Paterson, in the county of Passaic;" that the inhabitants of the township of Pompton, shall be styled and known by the name of "The Inhabitants of the township of Pompton, in the county of Passaic;" that the inhabitants of the township of West Milford, shall be styled and known by the name of "The Inhabitants of the township of West Milford, in the county of Passaic;" that the inhabitants of the township of Manchester, shall be styled and known by the name of "The Inhabitants of the township of Manchester, in the county of Passaic;" and that the inhabitants of each and every of the said townships, respectively, shall be, and

Division of Passaic into townships, and boundaries thereof.

Corporate names of townships.

they are hereby vested with, entitled to, and authorized to exercise and enjoy all the franchises, powers, privileges, immunities, and authorities, and shall be, and hereby are made subject to all the rules, regulations, and government which the inhabitants of the other townships of this state by law are entitled and subject to; and that the inhabitants of that part of the township of Saddle River lying east of the middle of Gœtchius road, or lane, be, and they and their successors are hereby constituted a body politic and corporate, by the name of "The Inhabitants of the township of Saddle River, in the county of Bergen," and shall hold their first town meeting at the tavern now kept by Albert Alyea, at the Small Lots, and afterwards where the said inhabitants shall determine.

Division of Atlantic into townships.

Sec. 5. *And be it enacted*, That the said county of Atlantic shall be divided into four townships, namely: the townships of Weymouth, Hamilton, Egg Harbour, and Galloway; and that the inhabitants of each and every of the said townships, respectively, shall be, and they are hereby vested with, entitled unto, and authorized to exercise and enjoy all the franchises, powers, privileges, immunities, and authorities, and shall be, and hereby are made subject to all the rules, regulations, and government which the inhabitants of the other townships of this state by law are entitled and subject to; and that the inhabitants of each and every of the said townships be, and they are hereby constituted a body corporate and politic in law, by the following names, that is to say: that the inhabitants of the township of Weymouth, shall be styled and known by the name of "The Inhabitants of the township of Weymouth, in the county of Atlantic;" that the inhabitants of the township of Hamilton, shall be styled and known by the name of "The Inhabitants of the township of Hamilton, in the county Atlantic;" that the inhabitants of the township of Egg Harbour, shall be styled and known by the name of "The Inhabitants of the township of Egg Harbour, in the county of Atlantic;" and that the inhabitants of the township of Galloway, shall be styled and known by the name of "The Inhabitants of the township of Galloway, in the county of Atlantic."

Corporate names of townships.

Jurisdiction of judges and justices in the new counties.

Sec. 6. *And be it enacted*, That the judges, justices of the peace, sheriffs, and other officers within the present limits of the respective counties of Essex and Bergen, and the present limits of the county of Gloucester, shall continue to hold, exercise, and enjoy their several and respective offices and appointments, with the powers and privileges thereto belonging, within the present limits of said counties, until the eleventh day of April next; and all courts at the time of

the passing of this act existing and being within the present limits of the said counties shall continue to have and exercise, respectively, jurisdiction within the same until the said eleventh day of April next, in the same manner as if this act had not been passed; and that from and after the said eleventh day of April next, and until their respective terms of office in and for the counties of Essex, Bergen, and Gloucester shall expire, all persons in office at the time of the passing of this act resident within the bounds of the counties of Passaic and Atlantic, and all and every of them, except the clerks, surrogates, and prosecutors of the pleas, shall hold, exercise, and enjoy their respective offices, with all the power, authority, privileges, and emoluments thereunto belonging, within the limits of the counties of Passaic and Atlantic, as officers of said counties, as fully and effectually to all intents and purposes as if they had been elected and appointed to their said offices, respectively, within the said last mentioned counties; *provided however*, that all judges of the court of common pleas and justices of the peace shall qualify, according to law, within the new counties, respectively, on or before the first day of May next, as officers of the new counties. Proviso.

Sec. 7. *And be it enacted*, That all actions, suits, appeals, prosecutions, and other legal proceedings commenced, or that may be commenced or depending in the supreme court, or in any court, or before any justice of the peace, within the former limits of the counties of Essex, Bergen, and Gloucester, before the said eleventh day of April next, shall in no wise be affected by this act; but the same may and shall be continued and prosecuted in the respective counties, in the same manner as if this act had not been passed, any thing herein contained to the contrary notwithstanding. Suits pending not to be affected.

Sec. 8. *And be it enacted*, That from and after the said eleventh day of April next, the then sheriff of the county of Essex, in person or by his under-sheriff, deputy, and in case of the legal disability of the sheriff, the coroners of said county, shall execute all writs to him or them directed in the townships of Aquackanonk and Paterson; and the then sheriff of the county of Bergen, in person or by his under-sheriff or deputy, and in case of the legal disability of the sheriff, the coroners of said county, shall execute all writs to him or them directed in the townships of Pompton, West Milford, and Manchester; and the then sheriff of the county of Gloucester, in person or by his under-sheriff or deputy, and in case of the legal disability of the sheriff, the Sheriffs of Essex and Bergen to execute writs in Passaic till next election.

Sheriff of the co. of Gloucester to execute writs in Atlantic till next election.

coroners of the said county, shall execute all writs to him or them directed in the townships of Weymouth, Hamilton, Egg Harbour, and Galloway; and they, respectively, shall make returns thereof to the courts to which the same are or shall be made returnable; and shall, respectively, continue to act and be responsible in their official capacities, in all respects, as sheriffs or coroners of their respective counties, until the annual election next thereafter.

Jails of Essex and Bergen constituted jails for Passaic, and jail of Gloucester for Atlantic, till jails are built in the new counties.

Sec. 9. *And be it enacted*, That the jails of the counties of Essex and Bergen be, and they are hereby constituted jails for the confinement of all prisoners of the said county of Passaic, until a jail shall he prepared in said new county of Passaic, and the jail of the county of Gloucester be, and is hereby constituted a jail for the confinement of all prisoners of the said county of Atlantic, until a new jail shall be prepared in the said new county of Atlantic; and the sheriff or other officer of the said county of Passaic, having the lawful custody of any prisoner or prisoners, are hereby authorized to confine him, her, or them in the jail of the county of Bergen, if he, she, or they reside within the former limits of the said county of Bergen, and in the jail of the county of Essex, if he, she, or they reside within the former limits of the said county of Essex; and the sheriff or other officer of the said county of Atlantic, having the lawful custody of any prisoner or prisoners, is hereby authorized to confine him, her, or them in the jail of the said county of Gloucester; and the keepers thereof are hereby required to receive and safely keep all such prisoner or prisoners, in the same manner as they are by law required to keep and provide for the prisoners of their respective counties, until he, she, or they shall be demanded by the proper officer or officers of the counties of Passaic and Atlantic, respectively, or be otherwise discharged by due course of law; and the keepers of said jails shall be entitled to demand and receive from the board of chosen freeholders of the counties of Passaic and Atlantic, respectively, such fees and compensation for the support of the prisoners of said counties as is or shall be allowed by law in other cases.

Times of holding first town meetings in Passaic and Atlantic.

Sec. 10. *And be it enacted*, That the first town meetings hereafter to be held in the said several townships of the county of Passaic and the county of Atlantic, shall be held at the times and places that they would have been held had they continued in the counties of Essex and Bergen and the county of Gloucester, respectively; and that they shall hereafter be held annually, at such places in the said townships of the respective counties as the electors thereof from

time to time shall direct and appoint, under and by virtue of the existing laws of this state.

County of Passaic not entitled to any of the effects, nor liable for debts of Essex and Bergen.

Sec. 11. *And be it enacted*, That the said county of Passaic shall not be entitled to any of the moneys, lands, property, rights, credits, or effects of the present counties of Essex and Bergen, respectively; and that the said county of Passaic shall not be liable for any of the debts of the said counties of Essex or Bergen, or either of them, or any part thereof.

Commissioners appointed to make a statement of the tax to be levied on each township, and fix the quota of each county.

Sec. 12. *And be it enacted*, That John Clement, Joseph Saunders, and Elijah Bower, or any two of them, be, and are hereby appointed commissioners on the part of the county of Gloucester, and that Joseph Endicott, Daniel Baker, and Enoch Doughty, or any two of them, be, and they are hereby appointed commissioners on the part of the county of Atlantic, to attend at the court-house of the county of Gloucester on Tuesday the ninth day of May next, at the hour of ten o'clock in the forenoon, and, after taking an oath or affirmation before some justice of the peace of the said county of Gloucester to faithfully, honestly, and impartially perform the trust reposed in them by this act, shall call on the county collector of the county of Gloucester for the time being, whose duty it shall be to furnish them with the abstract of the quotas of the tax as affixed by the assessors of the county of Gloucester at their last stated meeting; and the said commissioners, when met, may, for their better information, subpœna witnesses, and shall make out a true statement of the quotas of the state tax as adjusted the last year, and shall in that proportion or ratio fix the quota of the tax to be levied and collected in each township the then present year, for the state; and the said commissioners shall also settle with the said collector for all county moneys which may remain in his hands, also value the public buildings at Woodbury and other property belonging to the county of Gloucester; and the said commissioners for the county of Atlantic shall receive from the said county collector, whose duty it shall be to pay the same to them, the proportion that would in justice belong to that part of the county according to the ratio of population as fixed by the last census, also their proportion of the value of said public buildings and other public property, after making an equitable deduction of any debt or debts which may be due by the said county, whose receipts shall be a sufficient voucher for the said collector in the settlement of his account with the chosen freeholders of the said county of Gloucester; and it shall be the duty of the said commission-

Proportion of public property to go to the co. of Atlantic to be fixed by commissioners, in the ratio of population by last census.

ers, respectively, to lay before the board of freeholders of each county, at their annual meeting in May next, a statement of the valuation made by them of the public buildings at Woodbury and other public property; also, of the settlement aforesaid, which settlement shall form the quota of state tax for each county for that year; and the said commissioners shall receive two dollars per day for their services while necessarily engaged in making such settlement, to be paid by the county collector of the county of Gloucester.

Board of chosen freeholders of Passaic incorporated.

Sec. 13. *And be it enacted*, That the chosen freeholders of the several townships of the county of Passaic, and their successors, shall be, and they hereby are constituted a body politic and corporate in law, and they shall be styled and known by the name of "The Board of Chosen Freeholders of the county of Passaic;" and that the chosen freeholders of the several townships of the county of Atlantic, and their successors, shall be, and they hereby are constituted a body politic and corporate in law, and they shall be styled and known by the name of "The Board of Chosen Freeholders of the county of Atlantic;" and the said boards, respectively, shall have, hold, use, exercise, and enjoy the like rights, powers, and authority, and be subject to like rules and penalties as the boards of chosen freeholders of the other counties of this state are entitled and subject to, according to the existing laws of this state; the said board of the county of Passaic shall meet at the house now occupied by Barney I. Speer, innkeeper, in the township of Manchester in the county of Passaic; and the said board of the county of Atlantic shall meet at the house of John Pennington, at Mays Landing, in the township of Hamilton, in said county, on the day appointed by law for the next annual meeting of the boards in the other counties of this state, and afterwards at such times and places as they may appoint, until a court-house shall be built in their respeetive counties.

Board of chosen freeholders of Atlantic incorporated.

Times and places of first meetings of boards.

Times and places of holding courts of Passaic and Atlantic.

Sec. 14. *And be it enacted*, That the courts of common pleas, and courts of general quarter-sessions of the peace, and orphans' court, shall be held in and for the county of Passaic on the fourth Tuesday of April, the third Tuesday of July, the fourth Tuesday of October, and the first Tuesday of February, annually; and that circuit courts and courts of oyer and terminer and general jail delivery shall be held in and for the said county on the fourth Tuesday of April and the fourth Tuesday of October, annually; and that until the seat of justice in and for the said county shall be determined, and a court-house be built, in the manner hereinafter directed, or another place in said county shall be

prepared therefor by the board of chosen freeholders thereof, the courts shall be held at the house now occupied by Ira Munn, in the town of Paterson; and all processes and other proceedings shall be made returnable at the place where the court shall be held; and it shall be the duty of the present sheriff of the county of Essex to cause notice of the times and places of holding such courts to be given, by publishing a copy of this section in the newspaper published in the town of Paterson, and in a newspaper published in the town of Newark, for six weeks successively after the passage of this act; that the courts of common pleas, general quarter-sessions of the peace, and orphans' court, for the said county of Atlantic, shall be held in and for the said county of Atlantic on the fourth Tuesdays of March and July, and third Tuesdays of October and December, and that the circuit courts and court of oyer and terminer and general jail delivery for the said county of Atlantic shall be held on the fourth Tuesday of March and the third Tuesday of October, in each year; and that until the seat of justice in and for the said county shall be determined in the manner hereinafter directed, and a court-house built, the courts shall be held at Mays Landing, the first session at the house at present occupied by John Pennington, and afterwards at such place at Mays Landing aforesaid as the said court shall direct; and it shall be the duty of the present sheriff of the county of Gloucester to cause notice of the time and places of holding such courts, by publishing a copy of this section in all the newspapers published in the county of Gloucester for six weeks, successively, after the passage of this act.

Notice of time and place of holding courts in Passaic, to be given by sheriff of Essex.

Notice of time and place of holding courts in Atlantic, to be given by sheriff of Gloucester.

Sec. 15. *And be it enacted*, That all judgments already obtained, or that hereafter may be obtained, in any of the courts of the said counties of Essex, Bergen, and Gloucester, upon any action, suit, or proceeding actually commenced or depending before the eleventh day of April next, shall be deemed, esteemed, and taken to be of the same force and effect within the present bounds of the said former counties as if this act had not been passed; and writs of execution or other legal process may be issued thereon, and directed to the sheriffs or other lawful officers of the counties of Essex, Bergen, and Gloucester, respectively, who are hereby authorized and directed to execute the same within the limits of the counties of Passaic and Atlantic as fully as if this act had not been passed; and that upon any such judgment or judgments a writ or writs of scire facias may issue, as allowed by law in other cases, directed as aforesaid, and thereupon such further proceedings shall be had therein as

Judgments, in certain cases, to be of force in counties of Essex, Bergen, and Passaic, and of Gloucester and Atlantic.

the party prosecuting the same would have been entitled to in other cases, and in the same manner as if this act had not been passed.

Militia of Passaic constituted a brigade.

Sec. 16. *And be it enacted*, That the militia of the said county of Passaic shall form a separate brigade, to be called the Passaic Brigade; and the militia of the then county of Essex shall form a brigade, to be called the Essex Brigade; and the militia of the then county of Bergen shall form a brigade, to be called the Bergen Brigade, and that the same shall be subject to the same government and regulations as other brigades of this state; and the said Passaic, Essex, and Bergen brigades shall be severally attached to the second division of the militia of this state; and that the militia of the said county of Atlantic shall form a separate brigade, to be called the Atlantic Brigade; and the militia of the then county of Gloucester shall form a separate brigade, to be called the Gloucester Brigade; and the said Atlantic and Gloucester brigades shall be severally attached to the first division of the militia of this state.

Militia of Atlantic constituted a brigade.

Times and places of holding elections for locating seats of justice in Passaic and Atlantic.

Sec. 17. *And be it enacted*, That an election for the seat of justice, or place where the court-house, jail, or other public buildings shall be erected in each of the said counties of Passaic and Atlantic, shall be held at the places appointed for holding the next annual town meetings in the several townships in the said counties on the first Tuesday of June next, and Wednesday following; that the clerks of the several townships in the said counties shall, respectively, give notice of the times and places of holding such election, by advertisements set up in three of the most public places in each of said townships, at least four weeks before the said time, and by causing the same to be published in one or more newspapers printed in each of the said counties of Passaic and Gloucester for four weeks successively.

Mode of conducting the election.

Sec. 18. *And be it enacted*, That the said election for the seat of justice shall be held and conducted by the same officers who hold and conduct the annual election for members of council and general assembly, sheriff and coroners, in this state; and shall be conducted, continued, and concluded, in all respects, according to the same rules and regulations, and under the same restrictions and penalties, as are prescribed by the laws of the state regulating the election of members of council and assembly, sheriff and coroners, in this state, except so far as the same is herein altered or supplied.

Officers of election to be sworn.

Sec. 19. *And be it enacted*, That the respective officers holding or conducting the said election shall severally, before

they receive any votes, take the oath or affirmation prescribed by the laws of this state regulating the election of members of council, assembly, sheriff, and coroners, in this state.

Qualifications of voters.

Sec. 20. *And be it enacted*, That no person shall vote at such election for the seat of justice in the county of Passaic, who did not at the time of the passing of this act reside within the bounds of said county; and that no person shall vote at such election for the seat of justice in the county of Atlantic, who did not at the time of the passing of this act reside within the bounds of said county of Atlantic.

Proceedings of officers of election at close of polls.

Sec. 21. *And be it enacted*, That the judges and inspectors of the said elections, in the respective townships in the said counties of Passaic and Atlantic, at the close of the polls, shall carefully count the votes received at said elections, and make a certificate, under their hands and seals, containing the whole number of votes taken in the respective townships, and the number taken for each place voted for as the seat of justice for each of said counties, and shall, on or before the hour of three o'clock in the afternoon of Saturday next after the day of election, transmit and deliver to the respective clerks of the court of common pleas of the said counties of Passaic and Atlantic, the said certificates of the respective judges and inspectors of the elections, together with the list of the voters whose votes were taken at the said election, which certificate and list shall be filed by the said county clerks in their respective offices, who shall, in the manner prescribed by law faithfully count the said votes; and the place, in each county, having the greatest number of votes so taken, shall be the seat of justice for such county; and it shall be the duty of the clerks of each of the said counties to transmit a certificate, under their respective hands and seals, of the place so chosen as the seat of justice of such county, to the boards of chosen freeholders of their respective counties, at their next annual meeting; which certificate shall be entered in words at length on the minutes of the said boards, respectively.

Fees of officers.

Sec. 22. *And be it enacted*, That the clerk of each of the said counties, judges, inspectors, and other officers at the said election, shall be entitled to the same fees that they are entitled to for the like services by the laws of this state regulating elections; and the clerks of said counties, for any extra services required by this act, shall be allowed such further sum as the board of chosen freeholders of the respective counties at their next meeting shall deem just, to be paid by the collectors of the said counties of Passaic and Atlantic, respectively.

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

Sec. 23. *And be it enacted*, That the boards of chosen

freeholders of the said counties of Passaic and Atlantic shall, upon the call of their respective directors, or upon their own adjournments, from time to time, as often as occasion may require, meet together at such places as they may respectively appoint for that purpose; and each of the said boards, or a majority of them, are hereby authorized or required, in the corporate name of such board, to contract for and take a deed or deeds for land on which to erect the public buildings, and to order money to be raised by taxes, to be assessed on the inhabitants of the said county, for the purpose of erecting a court-house, jail, clerk's and surrogate's offices, for each of the said counties, and to cause the same to be built.

County tax to be raised for the purpose.

Sec. 24. *And be it enacted*, That, to raise money for the purchase of a lot or lots of land whereon to erect the public buildings, and defray the expenses of erecting the same, the assessors and collectors of the several townships in each of the said counties may and shall, in their townships, respectively, from time to time as occasion may require, assess and collect such sums of money as the board of chosen freeholders of said counties shall respectively direct, in the manner the state and county taxes are assessed and collected.

Proceedings on completion of public buildings.

Sec. 25. *And be it enacted*, That it shall be lawful for any three or more judges of each of the said counties of Passaic and Atlantic, whenever in their opinion the jail erected in and for their respective counties is finished so as to be safe for the confinement of prisoners, to so certify in writing, under their hands, to the clerk of the court of common pleas of such county; the said clerk shall enter the said certificate on the minutes of the said court, and thereupon it shall be the duty of the sheriff or other proper officer of such county to remove all prisioners of such county that may be then confined in the said jails herein before provided for the safe keeping of said prisoners; and such removal shall not be deemed an escape, or in any wise chargeable to, or affect the said sheriff or sheriffs of the counties of Essex, Bergen, and Gloucester.

Duties of sheriffs of Bergen and Essex, till sheriff is chosen for Passaic.

Sec. 26. *And be it enacted*, That until a sheriff be elected for the county of Passaic, and shall enter upon the duties of his office, it shall be the duty of each of the sheriffs of the present counties of Essex and Bergen, or in case of either their death or disability, the coroners of the county in which such disability exists, to summon, according to law, from that part of the county of Passaic taken from their late respective bailiwicks, before each term of the courts of the county of Passaic, twelve grand jurors to attend thereon; and also, at least twenty days before the commencement of every term of the court to be holden therein, to repair to the

office of the clerk of the said county of Passaic, and there in the presence of the said clerk, between the hours of ten o'clock in the forenoon and four o'clock in the afternoon, to select from among the freeholders of the county of Passaic, qualified to serve as jurors, taken from their late respective bailiwicks, the names of as many such freeholders as the clerk shall deem necessary to be summoned as jurors at their next ensuing term of any of the aforesaid courts; and the names so selected by each sheriff shall be written on separate pieces of paper, and prepared and put into separate boxes, according to the provisions of an act entitled, "A supplement to the act entitled, an act relative to juries and verdicts;" passed the ninth day of November, one thousand eight hundred and thiry-six; and one half of the number of jurors as aforesaid deemed necessary to be summoned shall be drawn from the freeholders selected by each sheriff as aforesaid, according to the provisions of the said act; and the several persons whose names shall be so drawn shall constitute a general panel of jurors, to be summoned and returned by the said sheriffs or coroners, respectively, to the next ensuing terms of said courts; and the said sheriffs, coroners, or clerks, shall make, or cause to be made, three complete lists of the names so drawn, and certify the same, under their hands, to be the panel of jurors selected to serve at such ensuing court or courts, one whereof shall be returned and filed by the said clerk, and the others shall be delivered to said sheriffs or coroners; and it shall be the duty of the present sheriff of the county of Essex to attend as sheriff at the first term of the courts of the said county of Passaic, and the sheriff of the county of Bergen to attend as sheriff at the second term of said courts; and so alternately, until a sheriff to be elected for the county of Passaic, shall enter upon the duties of his office.

Duties of sheriff of Gloucester till sheriff is elected for Atlantic.

Sec. 27. *And be it enacted*, That until a sheriff be elected for the said county of Atlantic, and shall enter upon the duties of his office, it shall be the duty of the sheriff of the said county of Gloucester, or, in case of his disability, of the coroners of said county, to summon, according to law the grand jurors in and for the said county of Atlantic; and also to select the necessary number of jurors, to serve as such, in the said county of Atlantic, to be empanneled in the manner prescribed by law.

Time of act taking effect.

Sec. 28. *And be it enacted*, That this act shall take effect in the respective counties of Passaic and Atlantic, on and after the time designated by law for holding the next annual town meetings in said counties, except where it is otherwise provided for in this act.

Passed February 7, 1827.

AN ACT for the more easy recovery of debts against non-residents.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That if any furnace or factory, of any description whatever, which now is, or hereafter shall be located in the state of New Jersey, and the owner or owners thereof, or any one of them, shall reside out of the said state, it shall be lawful in case of suit brought by reason of any debt or damage due, or claimed to be due from the said owner or owners, or any one of them, to serve the process in such suit upon the agent or manager of the said owner or owners residing at, or conducting said furnace or factory; and if no agent or manager is appointed, then the said process shall be served by fastening the same upon the door of the furnace or factory of such owner or owners; and the said service shall be as good and effectual as if served personally on the debtor, and the plaintiff may proceed to judgment and execution as in other cases.

Mode of service of process on non-resident debtors.

Passed February 7, 1837.

AN ACT to authorize a trustee therein named to sell certain real estate whereof Nathaniel Britton, late of the county of Monmouth, died seized.

Preamble.

WHEREAS Nathaniel Britton, late of Allentown, in the county of Monmouth, and state of New Jersey, departed this life in the year of our Lord one thousand eight hundred and thirty-two, intestate, leaving a widow and three children, all of whom are still living, the youngest being a minor of the age of sixteen years—AND WHEREAS the said intestate died seized of a certain house and lot of land, contain- one-quarter of an acre, situate in the village of Allentown, county and state aforesaid, which remains in the possession of the said widow and heirs, they being the present occupants; and as the said occupants intend leaving the

said premises, the value thereof will be greatly depreciated, and suffer for want of proper attention—AND WHEREAS it is represented to this legislature that the said widow and heirs are desirous that the said real estate should be sold, and that their interest would be advanced thereby—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John H. Rulon, of Burlington county, be, and he is hereby fully authorized and appointed a trustee to sell and convey the said real estate of which the said Nathaniel Britton died seized, at public sale, (by first advertising the same in five or more public places in said county of Monmouth, at least thirty days before the day of sale) for the best price that can be obtained for the same, and to execute to the purchaser a deed for the same; which deed shall vest in the purchaser, his or her heirs and assigns, all the estate, title, and interest which the said Nathaniel Britton had in said premises at the time of his death.

Trustee authorized to convey lands of Nathaniel Britton, dec.

Sec. 2. *And be it enacted*, That the said trustee shall account to the orphans' court of the county of Monmouth for all the moneys arising from said sale, and, after deducting all proper costs and expenses and such reasonable commissions as shall be allowed by said court, he shall put out and invest in landed security, on interest, the one equal third part of the remainder, and shall pay over to the widow of the said Nathaniel Britton, during her natural life, the interest that may accrue thereon annually, and shall pay over the remaining two-thirds to the lawful heirs of said intestate, as follows, viz: to the said children who are of lawful age, or their legal representatives, their individual equal share, and the minor's equal share of said balance to the present or future lawful guardian of said minor; and at the decease of the said widow, the said first third part or parcel thereof, so invested as above directed, to divide and pay over to the said heirs of said intestate, or to his, her, or their legal representative or guardian, in equal parts, according to law; *provided*, that nothing in this act contained shall alter the descent, but that it shall descend in the same manner as though this act had not passed.

Trustee to account to orphans' court of Monmouth.

Application of proceeds of sales.

Proceeds of sales to descend as real estate.

Sec. 3. *And be it enacted*, That before the said John H. Rulon shall sell and convey the said real estate, he shall enter into bond to the governor of this state, in such sum, with such security, as shall be approved of by the judges of the orphans' court of the county of Monmouth, conditioned for

Trustee to give bond to the governor.

the faithful performance of said trust reposed in him; which bond shall be deposited in the surrogate's office of said county of Monmouth.

Passed February 7, 1837.

AN ACT to establish and regulate pilots, for the ports of Jersey City, Newark, and Perth Amboy, by the way of Sandy Hook.

Preamble.

WHEREAS the commerce of New Jersey requires every facility and aid usually extended to maritime states—AND WHEREAS at this time there are no licensed pilots for the safe conduct of our increasing commerce, rendering us wholly dependant on a neighbouring state—Therefore,

Seven commissioners of pilotage to be annually appointed by governor and council.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the governor and council shall annually appoint, from the counties of Bergen, Essex, Middlesex, and Monmouth, seven commissioners of pilotage, one at least from each of said counties; and that the said commissioners of pilotage, or a majority of them, be authorized, and full power and authority are severally given to them, to permit, at their discretion, any person to act as a branch pilot off the bar at Sandy Hook, or of the river Raritan, or of the harbours of Jersey City, Newark, or Perth Amboy, they having examined the said person in the manner hereinafter mentioned, and made such inquiries respecting him and his qualifications, as to them, the said commissioners, or a majority of them, shall appear necessary and expedient.

To permit persons to act as pilots.

To give certificate to persons qualified.

Sec. 2. *And be it enacted,* That the commissioners of pilotage shall give to every person appointed by them as a branch pilot, or deputy pilot, a certificate of his appointment, signed by a majority of them, or by their chairman, or by their direction; which certificate shall be presented to the governor.

Sec. 3. *And be it enacted,* That whenever any person

produceth to the governor a certificate of the aforesaid tenor from the commissioners of pilotage, or a majority of them, he shall administer to such person the following oath or affirmation, to wit: "I, A. B., do solemnly swear, (or affirm) that I will well and faithfully, according to the best of my skill and knowledge, execute and discharge the business and duty of a branch pilot, or deputy pilot, for the bar, Jersey City, Newark, and Perth Amboy, and harbour of Sandy Hook, and that I will at all times use my best endeavours to repair on board all ships and vessels, that I shall see, and conceive to be bound for, or coming into, or going out of, the harbour aforesaid, unless I am well assured that some other licensed pilot is then on board the same; and I do further swear, (or affirm) that I will from time to time, and at all times, make the best despatch in my power to bring safely over the bar of Sandy Hook every vessel committed to my care, in coming in or going out; and that I will from time to time, and at all times, truly observe, follow, and fulfil, to the best of my skill, ability, and knowledge, all such orders and directions as I shall or may receive from the commissioners of pilotage relative to all matters or things that may appertain to the duty of a pilot; and further, that I will not be copartner with any more than nine pilots at the same time, in any affair relative or incident to the business, duty, or office of a pilot."

Oath to be administered by governor to pilots.

Sec. 4. *And be it enacted*, That, after any such person hath taken and subscribed the oath or affirmation aforesaid, the governor shall direct the state treasurer to take bond from such person, in the sum of five hundred dollars; which bond he, together with two sureties to be approved of by the treasurer, shall give for the faithful discharge of his duties, agreeably to this act; whereupon the treasurer shall deliver to such person a license, referring to his respective branch; and every such license shall be signed by the governor, and be of force during the term therein specified, or during such pilot's good behaviour; and the person appointed a pilot as aforesaid, having taken the oath, given bond, and performed all that is required by the act aforementioned, shall be to all intents and purposes a pilot of the bar and harbour aforesaid, agreeably to the certificate given by the said commissioners.

Pilots to give bond to the treasurer.

To be licensed by the governor.

Sec. 5. *And be it enacted*, That it shall be the duty of the said commissioners, before they grant a branch or license to any person applying therefor, to call such applicant before them, and in the presence of one or more of the branch pilots of this state, who shall be personally notified

Commissioners to examine persons applying for license.

to attend for the purpose, or in case of the non-attendance of the pilot or pilots who shall be so notified to attend for that purpose, then, without the assistance or presence of any branch pilot, to examine such person so applying for a branch or license to act as a pilot or deputy pilot, or to cause him to be examined touching his qualifications for such an employment, and, in particular, touching his knowledge of the tides, soundings, bearings, and distances of the several shoals, rocks, bars, and points of land, in the navigation for which he applies for a branch or license to act as a pilot or deputy pilot.

May direct pilots to surrender old licenses.

Sec. 6. *And be it enacted*, That the commissioners of pilotage shall have power and authority to order and direct all pilots for the bar and harbour aforesaid to deliver up their former, and to take out fresh licenses, whenever so required; but no pilot shall be charged with any fee, or upon receiving a new license as aforesaid; and it shall be the duty of the treasurer to lay before the legislature, in the first week in every year, all the bonds given by pilots; and if the legislature shall not be satisfied with the security of any such bond, every pilot, whose surety or sureties shall then be deemed insufficient, shall give fresh bond, with such sureties and in such sum, not exceeding the amount above stated, and within such time as shall or may be respectively approved of, demanded, and prescribed, in which case such pilot shall receive a fresh license on surrendering his former license; and every pilot not complying with these conditions, or any of them, shall forthwith forfeit his license, and shall be disqualified to act as a pilot for twelve months, and shall afterwards obtain no pilot's branch, unless he be readmitted under the same formalities as one applying in the first instance.

Treasurer to exhibit annually to legislature bonds of pilots.

Legislature may direct further security.

Commissioners may declare license void,

Sec. 7. *And be it enacted*, That the commissioners of pilotage, and a majority of them, shall have power and authority to take away the branch of any pilot or deputy pilot, and to declare his license null and void, whenever it shall appear to them that such pilot has wilfully infringed or violated this act, or the orders of the commissioners, or that he hath negligently and carelessly lost any vessel under his care, or that he is labouring under a mental derangement, so as to be incapable of attending to business, or that he is so addicted to the habits of intoxication as to be unfit to be intrusted with the charge of a vessel; and if any pilot hath forfeited his branch, or is no longer entitled to the use of his license, by virtue of this or the foregoing clause, the commissioners of pilotage shall have power to call on him for

the surrender of his license; and if he shall refuse to give up the same upon demand, the latter shall notify for one week in the public papers of Jersey City, Newark, or in such paper as they shall deem necessary, that such person has no longer a right to act as a pilot, until he is reinstated according to law; *provided*, that before any pilot shall be deprived of his branch or license, or suspended from acting thereunder, such pilot shall be summoned by a notice in writing, to be delivered to him personally, or to be left at his usual place of abode, at least fifteen days before the time specified therein for his appearance, to appear before the said commissioners, at such time as shall be specified in the said notice, to show cause, if any he may have, against his suspension or the revocation of his branch or license, and if such pilot shall neglect or refuse to appear at the time specified in such notice, before the said commissioners, or if the cause shown by such pilot against his suspension or the revocation of his branch or license shall not appear sufficient and satisfactory to the said commissioners, it shall and may be lawful for them either to revoke the branch or license of such pilot, or to suspend him from acting as a pilot, as they may judge proper.

and publish the same.

Proviso.

Sec. 8. *And be it enacted*, That the said commissioners shall have full power and authority to make and establish such rules, orders, and regulations, not inconsistent with the constitution or laws of this state or of the United States, for the better government of the said pilots, and with such fines and penalties for the breach thereof as they shall deem proper, and the same from time to time to revoke or amend; and the commissioners, or a majority of them, are hereby authorized, upon the due proof of misbehaviour of a pilot when in the execution of his duty, after due notice and hearing of such pilot, to fine such pilot, not exceeding twenty-five dollars, or to suspend him.

Commissioners to make rules for government of pilots.

Penalty for infringing rules.

Sec. 9. *And be it enacted*, That when any pilot or deputy pilot shall see a vessel on the coast having a signal for a pilot, or shall hear a gun or guns fired off the coast, and shall refuse or neglect to go to the assistance of such vessel, when it is practicable for him so to do, such pilot shall, on conviction, forfeit and pay one hundred dollars, to be recoverd by action of debt in any court of record, one half to the informer, the other half to the master of such vessel; and may, upon proof thereof, be rendered by the commissioners incapable of acting again as a pilot or deputy pilot.

Penalty for neglect to assist vessel with signal for pilot.

Sec. 10. *And be it enacted*, That every pilot cruizing or standing out to sea shall offer his services first to the vessel

Duties of pilots, and penalty for neglect thereof.

nearest the land, or in most distress, under the penalty of fifty dollars; and if any pilot, not being hindered by sickness or other lawful cause, shall refuse to go on board any vessel, when required by the master to execute his office, such pilot shall forfeit and pay the sum of one hundred dollars; and in either case, upon complaint and conviction before the commissioners, such pilot shall be liable to be suspended by them for such time as they shall think fit; and every pilot, on offering his services to the master of any vessel, shall produce and show to such master his warrant of appointment and license granted him in virtue of this act, under the penalty of ten dollars for every neglect.

Penalty for losing vessel, or running her ashore.

Sec. 11. *And be it enacted*, That if any pilot or deputy pilot shall negligently or carelessly lose any vessel under his care, and be thereof convicted by due course of law, he shall for ever after such conviction be incapable of acting as pilot or deputy pilot in this state, and shall also be liable, by action at common law, to pay all such damages as any person shall sustain by such negligence or carelessness; and if any pilot or deputy pilot shall run any vessel on shore, he shall not be entitled to any pilotage; and if by negligence, he shall also be liable, by action at common law, to pay all damages occasioned thereby.

Not more than nine pilots to be in partnership.

Sec. 12. *And be it enacted*, That no more than nine pilots shall be in partnership, or in any manner share the profits derived from the pilot business, under the penalty of two hundred dollars for each and every offence, to be paid, one half for the use of the informer, and the residue to the state treasurer, by each pilot thus in partnership.

No commissioner to have interest in pilotage.

Sec. 13. *And be it enacted*, That no commissioner shall be concerned or have any interest in the pilotage business.

Allowance to pilots when carried to sea.

Sec. 14. *And be it enacted*, That if any vessel going out shall carry off to sea, through the default of the master or owner of such vessel, any pilot or deputy pilot, when a boat is attending to receive such pilot from on board such vessel, the master, owner, or consignee of such vessel shall pay the board of commissioners aforesaid, for the use of such pilot, besides the pilotage of such vessel, at and after the rate of seventy-five dollars per month, until such pilot shall return to the port of Jersey City, Newark, or Perth Amboy, as the case may be.

Rates of pilotage.

Sec. 15. *And be it enacted*, That it shall be lawful for every pilot or deputy pilot aforesaid to ask and receive pilotage from any person or persons who shall employ him to pilot any vessel from the eastward or southward of the white

buoy, situate on the eastern edge of the outer middle ground, near the bar, to the port of Jersey City, Newark, or Perth Amboy, and shall there safely moor such vessel or take her to a proper wharf, as the master, owner, or consignee of such vessel may desire; and likewise, from any person or persons who shall employ him to pilot any ship or other vessel from port to the eastward or southward of the said white buoy, so far that such vessel may safely proceed to sea, at and after the rates following, to wit: for vessels of the United States, and for vessels of other nations that are permitted by the laws of the United States to enter on the same terms as vessels of the United States, the sums following, viz: for every vessel drawing less than fourteen feet, one dollar and fifty cents for every foot such vessel shall draw; for every vessel drawing fourteen feet and less than eighteen feet, one dollar and seventy-five cents for every foot such vessel shall draw; and for every vessel drawing eighteen feet and upwards, two dollars and twenty-five cents for every foot such vessel may draw; and for all other vessels, an addition of one-fourth to the above rates; and further, if the master or owner of any vessel, having a pilot on board, shall choose to have his said vessel moored at any place within Sandy Hook, and not destined to Jersey City, Newark, or Perth Amboy as aforesaid, such pilot shall be allowed the same rate of pilotage as if the said ship or vessel was moored or conducted to a proper wharf as aforesaid, and shall be entitled to his discharge from such vessel within twenty-four hours thereafter; *provided,* that no more than half pilotage, at the rate aforesaid, shall be demanded or received by any such pilot who shall, to the westward of the said white buoy, take charge of any vessel coming into port; *and provided also,* that no pilotage whatever shall be demanded or received by any such pilot for any such vessel coming into port, unless such pilot shall take charge of such vessel to the southward of the upper middle ground, and such vessel be at least of the burthen of one hundred tons, unless such vessel shall make the usual signal for a pilot; in which case it shall be the duty of such pilot to take charge of such vessel, and such pilot shall then be entitled to half pilotage therefor, as aforesaid; and further, that between the first day of November and the first day of April, inclusive, in every year, such pilot may ask and receive the additional sum of four dollars for every vessel drawing ten feet and upwards; and for every vessel drawing less than ten feet water, the additional sum of two dollars; and one half of such sums to half pilotage; it shall be lawful for every pilot or deputy pilot aforesaid to ask and receive from any person or persons who shall employ him

Proviso.

Proviso.

Additional pilotage between first of November and first of April.

to pilot any vessel, and which said vessel shall be taken in charge by such pilot at such distance from land as that Sandy Hook lighthouse could not be seen from the deck of the said vessel in the daytime, in fair weather, the addition of one-fourth to the rate of pilotage allowed by virtue of the provisions of this act.

Allowance to pilots for detention.

Sec. 16. *And be it enacted*, That for every day which any pilot or deputy pilot shall be requested to remain, or be detained, on board any ship or vessel, by the master, owner, or consignee, over and above the usual detentions of getting ships and vessels from the wharf to the sea, and from sea to the wharf, he may demand and receive the sum of three dollars per day for each and every day he shall be so detained.

Extra allowances for exertions to save vessel.

Sec. 17. *And be it enacted*, That every pilot or deputy pilot who shall have exerted himself for the preservation of any vessel appearing to be in distress, and in want of a pilot, shall be entitled for any extraordinary services to such sum as such pilot and master, owner or consignee, can agree on; or in case of not agreeing, as the commissioners shall determine to be a reasonable reward.

When and by whom half pilotage to be paid.

Sec. 18. *And be it enacted*, That if the master of any vessel (except schooners and sloops employed in the coasting trade, licensed for that purpose, and not making the usual signal for a pilot) coming into the ports of Jersey City, Newark, or Perth Amboy, or into any of the waters of New Jersey, shall refuse to receive on board and employ a pilot who shall have offered to go on board and to take charge of the pilotage of such vessel, the master, owner, or consignee of such vessel shall pay to the pilot half pilotage from the place at which such pilot shall have offered himself to the port of destination; but no half pilotage shall be collected from any vessel in charge of a New York pilot: *provided* vessels in charge of a New Jersey pilot be permitted to enter and traverse the waters of New York, without being compelled to pay half pilotage.

Duty of pilots respecting apprentices.

Sec. 19. *And be it enacted*, That to each and every boat in the pilot service, to and from Sandy Hook, there shall be not less than two apprentices, who shall be indented to the master of the said boat or boats, or some other branch pilot attached to the said boat or boats, for a term not less than four years; and it shall be the duty of the master pilot to whom such apprentices shall be indented to attend diligently to the instruction of said apprentices in the art and mystery of a pilot, and from time to time, and not less than once in every month of the two last years of the said apprenticeship, to take such apprentices on board of ships or other

square-rigged vessels, for the purpose of teaching said apprentices to work and manœuvre such ships or vessels; every person who shall have served four years as an apprentice to a licensed pilot and two years as a deputy pilot shall be entitled to be examined and licensed as a branch pilot, if found qualified, in preference to any other applicants; and every person having served four years as an apprentice to a licensed pilot shall be entitled to be examined and licensed as a deputy pilot, if found qualified, in preference to any other applicants; and further, that the said commissioners shall annually, in the month of May, cause all the said apprentices to be examined in their office, in the presence of two or more of the branch pilots, who are hereby required to attend for that purpose, touching and concerning their knowledge of the tides, bearing, and distances of the several shoals, reefs, bars, and points of land, currents, and every other matter the said commissioners may think proper, tending to promote the safe navigation of vessels between Jersey City, Newark, Perth Amboy, and Sandy Hook.

Apprentices to be annually examined by commissioners.

Sec. 20. *And be it enacted*, That the branch pilots, deputy pilots, and apprentices indented as above mentioned, and boat keepers, (to be selected from the apprentices) shall be the only persons employed in the pilot service to and from Sandy Hook.

Who to be exclusively employed in the pilot service.

Sec. 21. *And be it enacted*, That it shall be the duty of every pilot, or deputy pilot, upon taking charge of any vessel, either outward or inward bound, to cause the lead to be regularly hove, and to see that the leadline is properly marked, and in default thereof that he forfeit his pilotage.

Further duties of pilots.

Sec. 22. *And be it enacted*, That in case the owner or consignee of any vessel shall not be satisfied with the amount of pilotage charged against such vessel, for the pilotage of such vessel, to or from port, it shall be the duty of such pilot to have the amount of pilotage claimed by him as aforesaid taxed or certified by the said commissioners, who are hereby required to examine and certify the same without fee or reward; and that no suit or action shall be brought or maintained for such pilotage until the same shall be taxed or certified as aforesaid.

Pilotage, to be taxed by commissioners.

Sec. 23. *And be it enacted*, That in order to prevent intoxication in persons having the charge of vessels as pilots, that if any pilot or deputy pilot shall become intoxicated in charge of any vessel, as pilot, he shall, for the first offence, forfeit his pilotage, be suspended from duty for six months, and in addition thereto forfeit and pay fifty dollars to the commissioners aforesaid, and to be by them paid over to the

Penalty for intoxication of pilots.

trustees of the pilots' charitable society, if such society is formed; and for the second offence, be deprived of his branch or license, as the case may be, and be for ever thereafter incapable of acting as a pilot.

Application of fines and penalties.

Sec. 24. *And be it enacted*, That all forfeitures, fines, and penalties, which shall or may be recovered and received under and by virtue of this act, and not otherwise appropriated, shall be applied, in the first instance, for, in, or towards the payment of such costs of suit and disbursements of the said commissioners, in their prosecutions and proceedings under this act against offenders, as shall not be received by them from the party or parties prosecuted or proceeded against; and the overplus and residue thereof, if any overplus there should be, shall be accounted for and paid over, on the first Monday in June, in each and every year, to the pilots' charitable fund, for the use and benefit of that association.

Pilots to account to commissioners.

Sec. 25. *And be it enacted*, That the pilots shall, once in each month, account to the said commissioners for the fees received by them for pilotage, and the said commissioners shall be entitled to receive five per cent. from the said fees, as compensation for their services under this act, to be divided among the commissioners, according to the days they may have respectively attended.

When act to go into effect.

Sec. 26. *And be it enacted*, That this act shall take effect from and after the passage thereof, except when it is otherwise therein provided for.

Passed February 8, 1837.

AN ACT to authorize the sale of John Gardner's real estate.

Preamble.

WHEREAS John Gardner, of Newark, in the county of Essex, died leaving a last will and testament, and therein devised his real estate, consisting of a house and lot of land in Newark, aforesaid, to Ambrose Williams and Ashbel W. Cory, upon certain trusts therein named—AND WHEREAS the urgent demands of the creditors of the said John Gardner, the rise in value of said property,

and the situation of the family of the testator, all render it expedient and necessary that a sale should be made of said estate; and the said Ashbel W. Cory having declined proving the said will, or acting as trustee under the same—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Ambrose Williams, the trustee named in the said will, be, and he is hereby authorized and fully empowered to sell all or any part of the real estate whereof the said John Gardner died seized, and referred to in his last will and testament, at public auction, giving at least thirty days' public notice in one or more newspapers printed in the city of Newark and by advertisements put up in three or more public places in said city, for the best price that can be obtained for the same, upon such terms as he may think most for the interest of said estate, and to make, execute, and deliver, to the purchaser or purchasers thereof, a valid deed or deeds for the same.

Trustee authorised to sell real estate of John Gardiner, dec.

Sec. 2. *And be it enacted*, That the said Ambrose Williams shall apply the proceeds arising from said sale, after deducting the reasonable charges and expenses of executing the trust, in the first place, to the payment of the remaining debts of the testator, and the legacies bequeathed in said will, and codicil thereto, and the remainder of the said proceeds to be invested in bond and mortgage, or other good security, and the interest and principal to be appropriated in the same manner as the real estate of the testator, and the rents, issues, and profits thereof are directed to be disposed of in and by the said will.

Application of proceeds of sale.

Sec. 3. *And be it enacted*, That, before the said Ambrose Williams shall sell the said real estate, he shall enter into bond to the governor of this state, with such security and in such sum as shall be approved of by the orphans' court of the county of Essex, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the secretary of this state.

Trustee to give bond to governor.

Passed February 8, 1837.

A SUPPLEMENT to the act entitled, "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic; and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic."

Location of the court-house and public buildings of the county of Atlantic.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the court-house, jail, and other public buildings, of the county of Atlantic, shall be built and erected within a distance of three-quarters of a mile from the old tavern-house now occupied by Philip Hogate, at Mays Landing, the site to be more particularly designated by the chosen freeholders of the four townships of the said county of Atlantic.

Time changed for selecting jurors for the first term of courts of Passaic.

Sec. 2. *And be it enacted*, That the time for selecting and drawing the jurors, before the commencement of the first term of the courts to be holden in the county of Passaic, shall be altered from twenty days to ten days, any thing in the twenty-sixth section of the act to which this is a supplement, or in the supplement to the act relative to juries and verdicts, passed the ninth day of November, one thousand eight hundred and thirty-six, to the contrary notwithstanding.

Part of former act repealed.

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

Part of former act repealed.

Sec. 4. *And be it enacted*, That so much of the twenty-first section of the act to which this is a supplement, as requires the clerk of the county of Passaic to transmit to the board of chosen freeholders a certificate of the place chosen as the seat of justice, be, and the same is hereby repealed.

Passed February 9, 1837.

AN ACT to authorize limited partnerships.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That limited partnerships, for the transaction of any mercantile, mechanical, or manufacturing business, within this state, may be formed by two or more persons, upon the terms, with the rights and powers, and subject to the conditions and liabilities, herein prescribed; but the provisions of this act shall not be construed to authorize any such partnership for the purpose of banking or making insurance.

Limited partnerships may be formed under certain restrictions.

Sec. 2. *And be it enacted*, That such partnerships may consist of one or more persons, who shall be called general partners, and who shall be jointly and severally responsible, as general partners now are by law, and of one or more persons, who shall contribute, in actual cash payments, a specific sum, as capital, to the common stock, who shall be called special partners, and who shall not be liable for the debts of the partnership, beyond the fund so contributed by him or them to the capital.

Liabilities of general and special partners.

Sec. 3. *And be it enacted*, That the general partners only, shall be authorized to transact business, and sign for the partnership, and to bind the same.

General partners only, to transact business.

Sec. 4. *And be it enacted*, That the persons desirous of forming such partnership shall make and severally sign a certificate, which shall contain:

Contents of certificate to be signed by partners.

1st. The name or firm under which such partnership is to be conducted.

2d. The general nature of the business intended to be transacted.

3d. The names of all the general and special partners interested therein, distinguishing which are general, and which are special partners, and their respective places of residence.

4th. The amount of capital which each special partner shall have contributed to the common stock.

5th. The period at which the partnership is to commence, and the period at which it will terminate.

Sec. 5. *And be it enacted*, That the certificate shall be acknowledged by the several persons signing the same, before an officer authorized by law to take the acknowledgment and proof of deeds, &c., in this state, and certified in

Certificate to be acknowledged.

the same manner as the acknowledgment of conveyances of land.

Certificate to be filed and recorded in clerk's office.

Sec. 6. *And be it enacted*, That the certificate so acknowledged and certified shall be filed in the office of the clerk of the county in which the principal place of the business of the partnersbip shall be situated, and shall also be recorded by him at large, in a book to be kept for that purpose, open to public inspection; if the partnership shall have places of business situated in different counties, a transcript of the certificate, and of the acknowledgment thereof, duly certified by the clerk in whose office it shall be filed, under his official seal, shall be filed and recorded in like manner in the office of the clerk of every such county.

Affidavit of general partner to be filed with certificate.

Sec. 7. *And be it enacted*, That at the time of filing the original certificate, with the evidence of the acknowledgment thereof, as before directed, an affidavit of one or more of the general partners shall also be filed in the same office, stating, that the sums specified in the certificate to have been contributed by each of the special partners to the common stock, have been actually and in good faith paid in cash.

Partnership not formed if certificate and affidavit not filed.

Sec. 8. *And be it enacted*, That no such partnership shall be deemed to have been formed until a certificate shall have been made, acknowledged, filed, and recorded, nor until an affidavit shall have been filed, as above directed; and if any false statements be made in such certificate or affidavit, all the persons interested in such partnership shall be liable for all the engagements thereof, as general partners.

Terms of partnership to be published.

Sec. 9. *And be it enacted*, That the partners shall publish the terms of the partnership, when registered, for at least six weeks immediately after such registry, in a newspaper or newspapers published in the county or counties in which their business shall be carried on; and if no newspaper be published in the same, then in a newspaper of the county nearest to their place of business; and if such publication be not made, the partnership shall be deemed general.

Affidavits of publication may be filed.

Sec. 10. *And be it enacted*, That affidavits of the publication of such notice, by the printers of the newspapers in which the same shall be published, may be filed with the clerk directing the same, and shall be evidence of the facts therein contained.

Renewal of partnership to be certified, &c.

Sec. 11. *And be it enacted*, That every renewal or continuance of such partnership beyond the time originally fixed for its duration, shall be certified, acknowledged, and recorded, and an affidavit of a general partner be made and

filed, and notice be given in the manner herein required for its original formation; and every such partnership, which shall be otherwise renewed or continued, shall be deemed a general partnership.

What shall be deemed a dissolution of partnership.

Sec. 12. *And be it enacted*, That every alteration which shall be made in the names of the partners, in the nature of the business, or in the capital or shares thereof, or in any other matter specified in the original certificate, shall be deemed a dissolution of the partnership; and every such partnership, which shall in any manner be carried on after such alteration shall have been made, shall be deemed a general partnership, unless renewed as a special partnership, according to the provisions of the preceding section.

Names of general partners to be firm of company.

Sec. 13. *And be it enacted*, That the business of the partnership shall be conducted under a firm, in which the names of the general partners only, shall be inserted, without the addition of the word "company" or any other general term; and if the name of any special partner shall be used in such firm, with his privity, he shall be deemed a general partner.

Suits may be brought against general partners.

Sec. 14. *And be it enacted*, That suits in relation to the business of the partnership may be brought and conducted by and against the general partners, in the same manner as if there was no special partners.

Special partners may receive interest and profits.

Sec. 15. *And be it enacted*, That no part of the sum which any special partner shall have contributed to the capital stock, shall be withdrawn by him, or paid or transferred to him in the shape of the dividends, profits, or otherwise, at any time during the continuance of the partnership; but any partner may annually receive lawful interest on the sum so contributed by him, if the payment of such interest shall not reduce the original amount of such capital; and if, after the payment of such interest, any profits shall remain to be divided, he may also receive his portion of such profits.

Reduction of capital to be made good.

Sec. 16. *And be it enacted*, That if it shall appear that, by the payment of interest or profits to any special partner, the original capital has been reduced, the partner receiving the same shall be bound to restore the amount necessary to make good his share of capital, with interest.

Special partner may examine state of partnership concerns.

Sec. 17. *And be it enacted*, That a special partner may from time to time examine into the state and progress of the partnership concerns, and may advise as to their management; but he shall not transact any business on account of the partnership, nor be employed for that purpose as agent, attorney, or otherwise; if he shall interfere contrary to these provisions he shall be deemed a general partner.

Accountability of general partners.

Sec. 18. *And be it enacted*, That the general partners shall be liable to account to each other, and to their special partners, for their management of the concerns, both in law and equity, as other partners now are by law.

Liability and penalty for fraud of partner.

Sec. 19. *And be it enacted*, That every partner who shall be guilty of any fraud in the affairs of the partnership shall be liable, civilly, to the party injured to the extent of his damage; and shall also be liable to an indictment for a misdemeanor, punishable by fine or imprisonment, or both, in the discretion of the court by which he shall be tried.

Assignment of partnership property, prospective of insolvency, void.

Sec. 20. *And be it enacted*, That every sale, assignment, or transfer of any property or effects of such partnership, when insolvent, or in contemplation of insolvency, made by such partnership, or after or in contemplation of the insolvency of any partner with the intent of giving a preference to any creditor of such partnership or insolvent partner over other creditors of such partnerships; and every judgment confessed, lien created, or security given by such partnership, under the like circumstances and with the like intent, shall be void, as against the creditors of such partnership.

Assignment of property of partner, prospective of insolvency, void.

Sec. 21. *And be it enacted*, That every such sale, assignment, or transfer of any of the property or effects of a general or special partner, made by such general or special partner when insolvent, or in contemplation of insolvency, or after, or in contemplation of the insolvency of the partnership, with the intent of giving to any creditor of his own, or of the partnership, a preference over creditors of the partnership and every judgment confessed, lien created, or security given, by any such partner, under the like circumstances, and with the like intent, shall be void, as against the creditors of the partnership.

When special, liable as a general partner.

Sec. 22. *And be it enacted*, That every special partner who shall violate any provision of the two last preceding sections, or who shall concur in, or assent to any such violation, by the partnership, or by any individual partner, shall be liable as a general partner.

Special partner not to claim as creditor till others are satisfied.

Sec. 23. *And be it enacted*, That, in the case of the insolvency or bankruptcy of the partnership, no special partner shall, under any circumstances, be allowed to claim as a creditor, until the claims of all the other creditors of the partnership shall be satisfied.

Partnership may be dissolved before time limited.

Sec. 24. *And be it enacted*, That no dissolution of such partnership, by the acts of the parties, shall take place previous to the time specified in the certificates of its formation, or in the certificate of its renewal, until a notice of such dissolution shall have been filed and recorded in the clerk's office in which the original certificate was recorded, and pub-

lished once in each week, for four weeks, in a newspaper circulating in each of the counties where the partnership may have places of business.

Sec. 25. *And be it enacted*, That this act shall go into operation and be in force on and after the first day of April next. Act to go into immediate effect.

Passed February 9, 1837.

AN ACT to compel the appearance of corporations to indictments and informations.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That when an indictment shall have been found, or shall hereafter be found, or on information filed by the attorney general against any corporation or township in any of the courts of law of this state, it shall and may be lawful for the attorney general or prosecuting attorney for the state to cause a summons or notice to be directed to the said corporation or township, in its corporate name, commanding or notifying the said corporation or township to appear at the next term of the said court, to answer to such indictment or information, a copy of which summons or notice shall be served on the president or other head officer of the said corporation, or clerk of said township, or left at his dwelling-house or usual place of abode, at least six entire days before the commencement of the term to which the said corporation are by said summons or notice required to appear; and in case the president or other head officer of the corporation cannot be found in the county in which such indictment shall have been presented, or information filed, to be served with a copy of said summons or notice as aforesaid, and has no dwellinghouse or usual place of abode within the said county, then a copy of said summons or notice may be served on the clerk or secretary of the said corporation or township, if any there be in the said county in which the said indictment shall have been found, or information filed, and if there be no clerk, cashier, or secretary of said corporation or township found in said county, then on one of the directors of the said corporation, or left at his usual place Mode of summoning corporations to appear to indictments and informations.

of abode, six entire days before the commencement of the said term to which the said summons or notice shall be returnable.

When corporation to be considered as in court, and proceedings had thereon as if they had appeared and pleaded.

Sec. 2. *And be it enacted*, That when the sheriff or other officer shall return such summons or notice, "summoned" or "served," the said corporation or township shall be considered as in court, and as appearing to said indictment or information, and the court shall order the clerk to enter an appearance for said corporation or township and endorse a plea of not guilty on said indictment or information, and further proceedings may then be had thereon in the same manner as if the said corporation or township had appeared and plead not guilty thereto; and if the said corporation or township shall be convicted on said indictment or information, the said court may proceed to pass judgment thereon, and cause process of execution to be issued to the sheriff of the county against the goods and chattels, or lands and tenements, of the said corporation or township, for the amount of the fine and costs which may be awarded against them, in the same manner as on a judgment in a civil action; and the said sheriff shall proceed to sell the goods and chattels, or lands and tenements, of the said corporation or township on the said execution, in the same manner as on an execution issuing against a corporation in a civil suit.

When order to be made and published, and on non-appearance of corporation proceedings to be had as if present.

Sec. 3. *And be it enacted*, That in case the sheriff or other officer shall return such summons or notice, "not summoned" or "not served," and an affidavit shall be made to the satisfaction of the court, that the same could not be served as mentioned in the first section of this act, or in case the sheriff or other officer shall make affidavit that he hath made diligent inquiry, and cannot ascertain the name of any president, secretary, or director of said corporation, resident in the county in which the said indictment shall have been found, or information filed, then the court shall make an order directing the said corporation to cause their appearance to be entered, and to plead to said indictment or information, on or before the first day of the next term of the said court, a copy of which order shall within twenty days be inserted in such one of the public newspapers printed in this state as the court may direct, for at least six weeks; and if the said corporation shall not appear within the time limited by such order, or within such further time as the court shall appoint, then on proof made of the publication of such order, in manner aforesaid, the court being satisfied of the truth thereof, shall order the clerk to enter an ap-

pearance for said corporation, and endorse a plea of not guilty on said indictment or information; and thereupon further proceedings may be had on the said indictment or information in the same manner as if the said corporation had appeared and pleaded not guilty thereto; and in case of conviction, execution may be issued against the said corporation, and proceedings had thereon as in the preceding section mentioned.

Passed February 10, 1837.

AN ACT to dissolve the marriage contract between William Nelson and Christiana his wife.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between William Nelson, of the county of Salem, and Christiana his wife, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony. W. Nelson and C. Nelson divorced.

Passed February 14, 1837.

AN ACT to continue the succession of the trustees of the Bridgeton Academy.

WHEREAS the trustees of the Bridgeton Academy are now deceased, the two last of the survivors having died within the last year—AND WHEREAS they received a considerable donation from the will of Jonathan Elmer, deceased, to be appropriated to the education of poor children—AND WHEREAS, by the law, as it now stands, notice of the time and place of electing trustees can only be given by the board; for remedy whereof, and for fulfilling the intention of the donor, and preventing a dissolution of the corporation— 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 on six days' notice of the time, place, and purpose of the meeting, signed by Isaac W. Crane, Cornelius Lupton, and David Reeves, or any three members of the association, by an advertisement set up on the door of the academy, and inserted in one of the newspapers published at Bridgeton, it shall be lawful for the members of the said association to elect trustees of the said academy; which said election shall be valid, and the trustees so appointed shall continue in office until others are appointed in the mode prescribed by law.

On previous notice, association may elect trustees.

Sec. 2. *And be it enacted,* That in voting for the said trustees, every person resident in Bridgeton, or its vicinity, who shall have paid the sum required by law for the use of the said association, shall be admitted to vote, notwithstanding the trustees may have neglected to make an entry of their admission as members.

Qualification of voters.

Sec. 3. *And be it enacted,* That in case of the death of any of the original associates and contributors, his male heir at common law shall be entitled to vote, except when a different disposition of the right may be made by the will of the deceased, or by his male children, where there are several, after his death, by and with the consent of the trustees.

Right of voting to descend to heirs.

Passed February 14, 1837.

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

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the several provisions of the act entitled, "A further supplement to the act entitled, an act concerning landlords and tenants," passed March fourth, eighteen hundred and thirty-five, be, and the same are hereby extended to cases where the goods are removed by writ of attachment or other process, as well as by process of execution.

Provisions of former act extended.

Passed February 14, 1837.

AN ACT to authorize Isaac G. Farlee and Samuel D. Stryker, executors of the last will and testament of John Prall, deceased, to pay over a certain legacy therein mentioned.

Preamble.

WHEREAS John Prall, late of the township of Amwell, in the county of Hunterdon, in and by his last will and testament, did bequeath to Isaac G. Farlee and Samuel D. Stryker, executors therein named, and to the survivors of them, one certain third part of his estate in trust, nevertheless, to place the same at interest, and to receive and pay the said interest to his daughter, Sarah C. P. Bishop, to be by her used for her own support and for the support, education, and maintenance of her children, and, after the death of the said Sarah, to pay over the principal sum equally among all of her children: and afterwards the said John Prall died, and the said Isaac G. Farlee and Samuel D. Stryker took upon themselves the execution of the said last will and testament—AND WHEREAS the said Sarah C. P. Bishop, and all of the children of said Sarah, to wit, Calvin Stanhope Bishop and Amelia Ann Bishop, by their petition to this legislature, have represented that the said Calvin Stanhope Bishop and Amelia Ann Bishop are desirous to enter into some reputable business for their support and maintenance, and that the said Sarah C. P. Bishop is willing and desirous to surrender and yield up said principal sum to the said Calvin Stanhope and Amelia Ann Bishop, but that the same cannot be done without a special act of the legislature—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Isaac G. Farlee and Samuel D. Stryker, executors of the last will and testament of John Prall, late of the township of Amwell, in the county of Hunterdon, deceased, and they are hereby authorized and empowered to pay over to the said Calvin Stanhope Bishop and Amelia Ann Bishop the principal sum aforesaid.

Executors of J. Prall authorized to pay a legacy devised in trust.

Passed February 15, 1837.

AN ACT to incorporate the Rockaway Manufacturing Company.

Names of corporators.

Style of incorporation.

Powers.

Amount of capital stock.

Time and mode of electing directors.

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

Sec. 2. *And be it enacted*, That the capital stock of said corporation shall be two hundred and fifty thousand dollars, which shall be divided into shares of one hundred dollars each; but it shall nevertheless be lawful for the said corporation, when and so soon as twenty thousand dollars of the said capital stock shall have been subscribed for and paid, or secured to be paid to said company, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are hereby authorized to do from time to time, to the amount herein before mentioned.

Sec. 3. *And be it enacted*, That the stock, property, and affairs of the said corporation shall be managed by five directors, one of whom they shall appoint their president, who shall hold their offices until the annual meeting of the stockholders to be held next after their election, and until others shall be chosen, and no longer; which directors shall at all times during their continuance in office be stockholders in

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

Commissioners to receive subscriptions for stock.

To pay subscriptions to directors.

Proviso.

Sec. 4. *And be it enacted*, That the said president and directors for the time being, or a major part of them, shall have power to fill any vacancy which may happen in their board, by death, resignation, or otherwise, for the then current year, and to appoint and employ, from time to time, a secretary, treasurer, and such other officers, mechanics, and labourers as they may think proper for the transaction of the business and concerns of the said company; and also to make and establish such by-laws, rules, and regulations as they shall think expedient for the better management of the concerns of the said company, and the same to alter and repeal; *provided always*, that such by-laws, rules, and regulations be not inconsistent with the laws of this state or the

Duties and powers of directors.

United States; and the said directors shall and may, whenever they shall deem it expedient, and at such time and place, and with such notice as they shall think proper, and as often as the interests of the stockholders shall require, and the affairs of the said company will permit, declare a dividend or dividends of profit on each share, which shall be paid by the treasurer of said company; *provided* the said company shall make no dividend of any part of the capital stock of said company.

Proviso.

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

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That the capital stock of said company shall be deemed personal property; and that all shares shall be transferable on the books of said company in such form as the by-laws shall ordain, and such transfer shall be valid only after it shall have been registered on the books of said company; and that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Stock personal property.

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

Books open to inspection of stockholders.

Sec. 8. *And be it enacted*, That the directors may call in the subscriptions to the capital stock by instalments, in such proportions and at such times and places as they may think proper; giving such notice thereof as the by-laws and regulations of said company shall prescribe; and in case any stockholder shall neglect or refuse payment of such instalment or instalments for the term of sixty days after the same shall have become due and payable, and after he, she,

Stock forfeited on failure to pay instalments.

or they shall have been notified thereof, such stockholder or stockholders so neglecting or refusing to pay shall, as the directors may elect, either forfeit to said company all his, her, or their previous instalments, together with all his, her, or their rights and interest whatsoever in said stock, or be compelled to pay up such further instalment, by suit at law or otherwise.

Company may compound for use of water from Morris canal.

Sec. 9. *And be it enacted*, That the said company shall and may be allowed to use the waters of the Morris Canal and Banking Company, on any of the lands now owned by the said Joseph Jackson and Samuel B. Halsey, at Rockaway, in the said county of Morris, for manufacturing purposes as aforesaid; *provided*, that the said company shall first compound and agree with the said Morris Canal and Banking Company, which they are hereby authorized to do, for the use of said waters, and with the said Joseph Jackson and Samuel B. Halsey, for such of their lands as may be wanted for such manufacturing purposes; *provided*, that nothing in this act contained shall be construed to authorize the said Morris Canal and Banking Company to interfere with the rights or privileges of other persons in the use of the waters of this state for the said purposes without their consent; *and provided further*, that nothing in this act contained shall be construed to authorize the said Morris Canal and Banking Company to use as much of the waters of the Musconetcong creek for the said purposes as to deprive the owners of mills or manufactories on said creek, below the dam at Saxon's falls, of sufficient water to turn one wheel as at present used to drive two run of mill-stones, with the necessary fixtures for the same during eight weeks in the year, and at least two wheels each of the same power during the residue of the year, without the consent of the owners; *and provided further*, that the said Rockaway Manufacturing Company shall not use any other than the waters of the Rockaway river, which may be brought in the said Morris canal from Dover.

Proviso.

Proviso.

Proviso.

Restrictions.

Sec. 10. *And be it enacted*, That the corporation hereby created shall not use any part of their capital or property in carrying on any banking operations, or for any other purpose than of carrying on the manufacturing operations authorized by this act.

Limitation. Act may be repealed.

Sec. 11. *And be it enacted*, That this act shall continue in force for the space of thirty years, and no longer; and that the legislature may alter, modify, or repeal this act whenever in their opinion the public good requires it.

Passed February 15, 1837.

AN ACT to dissolve the marriage contract between Abigail Ely and William her husband.

W. Ely and A. Ely divorced.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Abigail Ely, of the county of Monmouth, and William her husband be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

Passed February 15, 1837.

A FURTHER SUPPLEMENT to an act entitled, "An act concerning slaves."

Proceedings when a person claimed as a fugitive slave is brought before a judge.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That when any person claimed as a fugitive slave shall be brought before any judge of the inferior court of common pleas, agreeably to the provisions of an act entitled, "A supplement to an act entitled, an act concerning slaves," unless the said fugitive shall admit, before him, the claim of the claimant or claimants, it shall be the duty of the said judge to appoint a certain time and place for the hearing of the said claimant's title to the services of such fugitive; and shall thereupon call to his assistance two other judges of the said court of common pleas, which said judges, at the time and place appointed, shall proceed to hear and determine upon said claim, and pronounce judgment thereon; and if the said judgment shall be in favour of said claim, to give a certificate thereof, which certificate, signed by any two of said judges, shall be a sufficient warrant for removing the said fugitive, as fully as is provided for by the said supplement, on the certificate therein mentioned.

Venire to be issued for jury to try the claim.

Sec. 2. *And be it enacted*, That if either party shall demand a trial by jury, then it shall be the duty of the said judge, before whom such fugitive shall be brought, instead

of calling to his assistance the said judges, as provided in the preceding section, to issue a venire directed to the sheriff of such county, commanding him to summon a jury of said county, to be and appear before the said judge, at the time and place appointed to inquire into and determine upon said claim; and upon the trial of the said claim, the same proceedings shall be had as in all other cases of trial by jury; and if the said jury shall find a verdict in favour of said claimant or claimants, the same shall be recorded; and it shall be the duty of the said judge to give a certificate thereof, which certificate shall be a sufficient warrant for removing the said fugitive as aforesaid.

Trial may be postponed.

Sec. 3. *And be it enacted*, That in case of the non-attendance of any of the said judges, on the day appointed for the trial of the said claim as aforesaid, it shall and may be lawful for the judge or judges in attendance to postpone the said trial, and in his or their discretion to call to his or their assistance another judge or judges, so as to ensure a speedy trial of said claim; and in case a jury shall be demanded, and from any cause the sheriff shall be unable to obtain a jury on the day appointed, or the jury shall be unable to agree upon a verdict, then it shall be the duty of the said judges to issue a venire for another jury, at such time as he may appoint, so as to ensure a trial and verdict on said claim.

On disagreement of jury, another may be summoned.

Record to be made of decision against claimant

Sec. 4. *And be it enacted*, That if the said judges shall decide, or the said jury find a verdict against such claim, a record shall be made thereof, and the said fugitive shall be discharged from such claim and imprisonment under the same.

Privilege of adjournment.

Sec. 5. *And be it enacted*, That the parties shall be entitled to the same privileges for an adjournment as provided for in the said supplement.

Record of proceedings to be kept.

Sec. 6. *And be it enacted*, That a record shall be kept of all the proceedings had upon the said claim, until final judgment thereon.

Fees.

Sec. 7. *And be it enacted*, That the said judge for keeping the said record shall be entitled to receive one dollar; for issuing the venire sixty cents; the sheriff for serving the same one dollar and fifty cents; the jurors the same fees as by law are allowed to jurors in courts of common law; and the said judge or judges, as the case may be, two dollars and fifty cents per day, each, for each and every day necessarily spent in said hearing; which fees shall be paid as required by said supplement.

Penalty on giving certificate illegally.

Sec. 8. *And be it enacted*, That any judge or justice who shall give any certificate authorizing the removal of any fugitive slave out of this state, without the title of the claimant or claimants to the services of such fugitive having been first decided upon in his, her, or their favour, under the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be liable to a fine not exceeding five hundred dollars, or imprisonment not exceeding two years, or both; and any judge refusing to perform any of the duties required by this act, shall, on conviction thereof, be liable to pay any sum not exceeding five hundred dollars, one half to the use of the person who shall prosecute for the same, and one half to the use of the county in which the same shall be prosecuted.

Penalty for refusing to act.

Part of former act repealed.

Sec. 9. *And be it enacted*, That so much of the said original act, or supplement thereto, as shall come within the purview of this act, be, and the same is hereby repealed.

Passed February 15, 1837.

AN ACT for the relief of Jonathan Morgan, of the county of Morris.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to Jonathan Morgan, of the aforesaid county, a soldier in the service of the United States in the revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said Jonathan Morgan annually, in half yearly payments, from the passing of this act, during the lifetime of the said Jonathan Morgan, and the receipt of the said Jonathan Morgan, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

$60 per annum to be paid to J. Morgan for revolutionary services.

Passed February 15, 1837.

AN ACT to enable the owners and possessors of the meadows, lowlands, and swamps adjoining Rocky brook, in the county of Middlesex, to clear the same, within the limits 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 Dr. Ezekiel R. Wilson, Richard M. Job, and Thomas Mount shall be, and they are hereby appointed managers for straightening, widening, deepening, and removing obstructions in Rocky brook, commencing at the railroad bridge, in the village of Hightstown, and ending at the junction of the said Rocky brook with Millstone river, and to clear the channel thereof, and shall continue managers until the first Monday in November, in the year of our Lord one thousand eight hundred and thirty-seven; and it shall and may be lawful for said managers, or either of them, to enter into and upon the meadows, swamps, and lowlands of all persons whatsoever, lying upon said Rocky brook, within the limits aforesaid, to clear the same at least sixteen feet wide, and five feet deep, or as deep as the natural bed of the said brook, and also to straighten the same, by cutting off such point or points of land as the said managers may think necessary for the general good of the owners of the said land adjoining, and remove every obstruction to the free passage of the water within the limits aforesaid, and the mud or other obstructions taken out of the said brook, equally to cast out upon the meadows, swamps, and lowlands next adjacent; and when the owner or owners of the said point or points of land thus cut off cannot agree upon the value of the same, then the said managers shall award such value as they may adjudge equitable and right, and the said valuation shall be decisive and binding upon the parties.

Managers for removing obstructions in Rocky brook.

Compensation to owners of meadows injured.

Sec. 2. *And be it enacted,* That the said managers shall and may apportion the amount each respective owner or possessor of the said meadows, swamps, and lowlands shall pay for all and every of the expenses which may accrue in carrying this law into effect, and shall and may demand and receive, of all and every of the owners and possessors, such sum or sums of money so by them assessed, and, on neglect or refusal of the payment thereof for the space of sixty days after such demand, it shall and may be lawful for the said managers, or either of them, and they are hereby enjoined, by action of debt, to sue for and recover the same with costs of suit, in any court having cognizance thereof; all which

Managers to apportion expenses amongst the owners.

May recover the same at law.

sum or sums of money, so assessed and received, shall be applied by the managers to the purposes in this act before mentioned.

Time and mode of electing managers.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the owners and possessors of the meadows, swamps, and lowlands lying within the limits expressed in the first section of this act, to meet at the house where Gabriel Allen, innkeeper, in the village of Hightstown, now lives, on the first Monday in May next, and appoint three managers, who shall be owners and possessors of the meadows, swamps, and lowlands aforesaid, yearly and every year after the first Monday in November, in the year of our Lord one thousand eight hundred and thirty-seven; which said managers shall continue in office one year next ensuing such choice and until others shall be chosen, and shall, during the continuance of the year, be vested with all the powers herein before given to the managers named in the first section of this act, or either of them.

Vacancies supplied.

Sec. 4. *And be it enacted*, That if any person or persons who are now named, or hereafter may be chosen manager or managers as aforesaid, shall die or remove out of the place before the expiration of the time for which he or they are so chosen, or who shall refuse to take upon himself or themselves the management as aforesaid, then and in such case it shall and may be lawful for any five owners or possessors of the said meadows, swamps, and lowlands to call a meeting of the owners and possessors of the said property, by fixing up advertisements in at least three of the most public places in the neighbourhood of such owners and possessors, expressing the time and place and intention of such meeting, who shall, when met, elect a person or persons to supply the place or places of such manager or managers so refusing, removing, or dying, and the person or persons so chosen shall have all the power and authority herein before given to the managers named in this act.

Penalty for obstructing Rocky brook.

Sec. 5. *And be it enacted*, That if any person or persons whatever, after the passing of this act, shall wilfully fall any tree, or cast any thing whatsoever into the said brook, that will obstruct or be an impediment to the free course of the water in said brook within the limits aforesaid, he, she, or they so offending shall pay the sum of ten dollars for each and every offence, to be recovered by any one of the proprietors or possessors of the said meadows, swamps, and lowlands, in an action of debt with cost of suit, in any court having cognizance of the same; which money when collected as above, shall be paid over to the manager or managers

above mentioned, or either of them, to be appropriated towards clearing of the brook aforesaid.

Sec. 6. *And be it enacted*, That the said managers shall severally be entitled to receive, for each day he or they may be employed in discharging the duties required by this act, the sum of seventy-five cents. Fees of managers.

Passed February 16, 1837.

A SUPPLEMENT to an act entitled, "An act to authorize trustees therein named to sell and convey certain real estate of George Corlies, late of the county of Monmouth, deceased," passed February 7, 1837.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That before the trustees mentioned in the act to which this a supplement, shall make sale of the real estate therein described and authorized to be sold, or any part thereof, they shall enter into bond to the governor of this state, with such surety and in such sum as shall be approved by the surrogate of the county of Monmouth, conditioned for the faithful performance of the trust reposed in them by the said act; which bond shall be deposited and filed in the office of the said surrogate. Trustee to give bond to the governor.

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

Passed February 16, 1837.

AN ACT to incorporate the Rahway and Elizabeth Port Railroad and Transportation 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 David S. Craig, Thomas Hall, Amos Morss, John T. Marsh, John High, Henry Ludlow, Elias Stanberry, Jonathan B. Marsh, Stephen D. Barnett, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Rahway and Elizabeth Port Railroad and Transportation Company;" and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Names of corporators.

Style of incorporation.

Powers.

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

Amount of capital stock.

Sec. 3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation at such time or times, and place or places, as they or a majority of them may think proper; and as soon as the same shall be subscribed, to give notice for a meeting of the stockholders to choose nine directors; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall, in the same manner, elect the same number

Subscriptions for stock to be received.

Time and mode of electing directors.

of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That five directors of said corporation shall constitute a quorum for the transaction of business of the said corporation; and they shall have power to call in the capital stock of said company by instalments of five dollars on each share, at least thirty days' notice of which shall be previously given, by advertisement inserted in the newspaper or newspapers printed at Rahway and Elizabethtown; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper touching the management and regulation of the stock, property, estate, and effects of the said corporation; and also shall have power to appoint a secretary and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States or of this state.

Stock forfeited on failure to pay instalments.

Proviso.

Sec. 6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from a

Location of railroad.

point in Mechanic-street, in Rahway, in the county of Essex, to some place at Elizabeth Port, in said county, by the most practicable route; and should any portion of the public road be used on such route, the consent of the inhabitants of the township or townships through which that portion of said road so used as aforesaid, shall pass, shall be first had and obtained at a regular town meeting, said road not to exceed sixty feet in width, with as many sets of tracks as may be deemed necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling, or laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided*, that in case any bridge or bridges, by this act authorized, shall be constructed over any navigable river or stream on the route of said railroad, the same shall always be provided with good and sufficient draw or draws, so as not to interrupt the navigation of said river or stream; *and provided also*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

Consent of townships thro' which railroad passes to be obtained, if any portion of public road be used.

Survey of route to be filed in office of secretary of state.

Navigation of streams not to be interrupted.

Proviso.

Sec. 7. *And be it enacted*, That the said company shall be invested with all the powers and privileges hereinbefore granted, to construct such lateral road or lateral roads as may be deemed expedient; *provided* the same do not extend beyond the borders of the townships of Rahway and Elizabeth.

Lateral roads may be made.

Proviso.

Sec. 8. *And be it enacted*, That when the said company or

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

Proceedings when company and owners of lands cannot agree.

of competent jurisdiction, in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company, in the nature of a mortgage; and the said judge of the inferior court of common pleas in said county shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the judge of the inferior court of common pleas in said county, commissioners, clerks, and other persons performing any of the duties prescribed in this section of this act, as they or he shall think equitable and right, and order and direct by whom the same shall be paid, under the circumstances of the case; *provided always*, that should the owner or owners of any lands or materials feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next court of common pleas in said county of Essex, reserving to either party the right of trial by jury in such court, and the decision of such court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs, unless a larger sum shall be recovered than that awarded by the commissioners.

Appeal to the court of common pleas and trial by jury may be had.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad or roads, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farms or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may pass the same.

Passage of other roads not to be obstructed.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided* they shall not charge more than at the rate of eight cents per mile per ton for the transportation of all heavy goods on the said road or roads usually sold by weight, such as iron, coal, sugar, lead, &c., or one half cent per mile per solid foot for all lighter and bulky articles, such as dry goods, carriages in boxes, cabinet ware in boxes, and articles usually charged by the foot; or six cents per mile for carrying each passenger on

Charges allowed for passengers and transportation of merchandise.

said railways in the carriages of the company, or four cents per mile for each ton of property, such as above described as sold by weight, the like rate per mile per foot of property, such as above described as usually charged by the foot, or three cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the railroad or roads, and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act and their successors and assigns, during the continuance of this act; *provided*, that nothing in this act contained shall be construed to authorize the said company to run a steam engine on any part of any public highway now laid out and used, except to cross the same. Proviso.

Sec. 11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem expedient and proper of the net profits thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper. Semi-annual dividends to be declared.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any railroad constructed under the provisions of this act by the said company, or any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of one hundred dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages. Penalty for injuring works.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road as aforesaid, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, and other buildings and improvements as they may deem expedient, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain on the sound at Elizabeth Port, such wharves, piers, bridges, and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act. Four acres of real estate may be held by company.

Railroad declared to be a public highway.

Sec. 14. *And be it enacted*, That the road, or roads authorized by this act be, and the same are hereby declared a public highway or highways, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description in the formation of the wheels and length of axle as those used by the company, and shall be so regulated as to the time of starting and rates of travelling as not to interfere with the carriages of the company.

Proviso.

Statement of cost of road to be filed with secretary of state, and of proceeds to be annually made to legislature.

Sec. 15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, until the net income of said road shall amount to seven per cent. upon the amount of its costs; and as soon as the net proceeds of the said railroad shall amount to seven per centum upon its costs, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January of each year; *provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

When road may be taxed.

Proviso.

Limitation.

Sec. 16. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of seven years from the fourth day of July next ensuing, that then and in that case this act shall be void.

Public act.

Sec. 17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

When state may take the road.

Sec. 18. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor its value, not exceeding the original costs of the same; and that the legislature may at any time hereafter alter, amend, or modify this charter, whenever in their opinion the public good shall require it; and that no part of the capital hereby authorized shall be used for banking purposes.

Act may be altered.

Passed February 16, 1837.

AN ACT to incorporate the Monmouth Purchase Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Travers, William Burnett, Philip Van Rensalaer Stanton, George C. Dixon, George J. Vining, Alexander Stewart, John Thursby, John G. Pray, John E. Van Antwerp, Eli Merrill, John C. Riker, and William D. McCarty, and all who may be, or may hereafter become associated with them, according to the mode hereinafter prescribed, their successors and assigns, shall be, and are hereby incorporated by the name of "The Monmouth Purchase Company," for the purpose and with the privileges and immunities hereinafter described, defined, and granted; and by that name shall be a body corporate and politic in law, and shall and may sue and be sued, implead and be impleaded, in all courts of justice, or in any place whatsoever; and the said company shall have power and authority, at any time after the passage of this act, to hold, receive in donation, possess, enjoy, and retain, demise, grant, alien, improve, and sell all such lands, tenements, hereditaments, mines, water streams, and water privileges, rights, goods, chattels, and effects, and property, real and personal, of every description whatever, in the township of Dover, in the county of Monmouth, as may be necessary for the culture of the mulberry tree, the raising of silk worms, the manufacture of wool, cotton, flax, and silk, in their various branches; and, also, the manufacture of sugar from the beet, the smelting of iron ore and the manufacture of iron castings, and to work such mines and ore as may be found in their lands; and that the said company shall have succession, and power to make and use a common seal, and the same to renew and change at pleasure.

Names of corporators.

Style of incorporation.

Powers.

Objects of incorporation.

Sec 2. *And be it enacted*, That the said company shall be authorized, in addition to the powers hereby granted, to make and construct a railroad, to be located, beginning at Dover furnace, and to end at or within one mile of Toms river bridge, within the county of Monmouth; *provided* the said company shall construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall or may cross the same, so that the passage of carriages, horses, and cattle on said road shall not be impeded thereby; and, also, where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said road, so that he may easily pass the same.

Company may construct a railroad.

Proviso.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the capital stock of said company shall be two hundred and sixty thousand dollars, as now distributed and regulated under certain articles of association entered into on the sixteenth day of September, one thousand eight hundred and thirty-six, into two thousand and six hundred shares, of one hundred dollars each, and each share of the capital stock shall be entitled to one vote, in all the meetings and proceedings of the company; and that the said company shall have power to increase said capital stock, for the purpose contemplated by this act, to any sum not exceeding five hundred thousand dollars, including their said real estate, in shares of one hundred dollars each, and to call in the same in such instalments as the board of directors shall direct, and to issue scrip therefor; which stock shall be entitled to the same advantages as the original stock, when the same has been paid in.

Nine directors to be chosen.

Sec. 4. *And be it enacted*, That the management of the concerns of said company shall be, and the same is vested in a board of directors, consisting of nine persons, who, from their own body, shall elect a president, vice president, secretary, corresponding secretary, and treasurer; that the said directors shall be chosen from the stockholders, by a majority of votes present, at a regular meeting of the company, and the evidence of their appointment shall be a written certificate, signed by the secretary of the company; the board of directors shall have power to appoint all other officers of the company, and the votes of a majority of the whole number of directors shall be sufficient for that purpose.

Time and mode of electing directors.

Sec. 5. *And be it enacted*, That the first election for directors shall take place on the first Monday in April, one thousand eight hundred and thirty-seven, at such place as the persons named in this act shall designate in the county of Monmouth; and the election thereafter shall be holden at the same place, unless changed by the votes of a majority of the stockholders, and at the same time each and every year, in the county of Monmouth; and in case such election should not be so held, the old class of officers shall continue their respective offices, and perform their respective duties, until their successors shall be regularly appointed; and in case of the death, resignation, incapacity, or removal of the president, or one or more of the officers and directors, the vacancy thereby occasioned may be supplied by appointments to be made by the board of directors.

Vacancies, how supplied.

Sec. 6. *And be it enacted*, That at all regular meetings of this company, that is to say, on the first Monday of

April, July, October, and January, a general statement of the affairs of the company shall be made out and exhibited by the president and directors; and the president and directors, or a majority of them, shall at those meetings, or as often as to them may seem expedient, declare such dividends of the net profits of the company as they may think proper; and in case the said company shall sell or dispose of any part of the property of said company constituting their capital stock, and distribute the proceeds of such sale, or any part thereof, amongst the stockholders, leaving any debt or debts due from said company unpaid, and the remaining property of said company shall be insufficient to satisfy the same, the said stockholders shall be responsible in their individual capacity, therefor, to the extent of the said money respectively paid to them, out of the said capital stock.

Quarterly statement of affairs to be exhibited.

Extent of liability of stockholders.

Sec. 7. *And be it enacted*, That the said corporation is authorized to purchase, receive, and hold such real estate only, in addition to the estate they now hold, as may be necessary for the construction of their railroad; and all lands and real estate which are not donations, or which do not belong to said company, shall be previously purchased by said corporation of the owner or owners of the same, at a price to be mutually agreed upon.

Restrictions.

Sec. 8. *And be it enacted*, That the said company shall have full power to make all needful and proper rules, regulations, and by-laws for the management and disposition of the stock, property, and effects of the said company, and change, alter, repeal, annul, and re-enact the same, and to have full power to direct the mode of transfer of shares and the regulations and conduct of officers and workmen, and agents, the election of directors, and to fix the number that shall constitute a quorum to do business, to fix the rate of toll on their railroad, and appoint so many officers and workmen, and agents, as they may deem requisite, and determine the amount of their compensation, and generally to do all other acts and things they may deem expedient for the purpose of carrying into effect the objects contemplated by this act; *provided* such rules, regulations, and by-laws be not contrary to the constitution or laws of the United States or the state of New Jersey, or of this charter.

Power of the company.

Proviso.

Sec. 9. *And be it enacted*, That the stock of this company shall be deemed personal property, and transferable only on the books of the company.

Stock personal estate.

Sec. 10. *And be it enacted*, That this act shall be deemed a public act, and as such taken notice of by all courts of justice in this state, without being specially pleaded.

Public act.

Limitation.

Sec. 11. *And be it enacted*, That this act shall continue and be in force for thirty years after its passage; and further, that the legislature may at any time hereafter alter, modify, or repeal the same, whenever the public good requires it.

Act may be repealed.

Act to go into immediate effect.

Sec. 12. *And be it enacted*, That this act shall take effect immediately from the passage thereof.

Restrictions.

Sec. 13. *And be it enacted*, That no part of the capital stock or funds of the company shall at any time be employed or used, in any place, for banking or other purposes not plainly indicated by this act, on pain of forfeiting this charter.

Passed February 16, 1837.

AN ACT to confirm the title to certain real estate late of Noah Forman, deceased.

Preamble.

WHEREAS, by an order of the orphans' court of the county of Middlesex, made in the term of June, eighteen hundred and thirty-four, Abraham W. Brown and Martha Forman, administrators of Noah Forman, late of said county, deceased, were authorized and empowered to make sale of the real estate of said deceased, for the payment of debts—AND WHEREAS the said administrators, pursuant to said order, advertised for sale at public vendue the said real estate, and, on the day and at the place mentioned in said advertisements, caused the same to be set up and exposed for sale at public vendue and outcry; but no person bidding therefor a sum equal to the value of said premises, the said sale was suspended—AND WHEREAS the said administrators, afterwards, to wit, on the eighth day of December, eighteen hundred and thirty-four, sold at private sale, to Hugh Campbell, a part of said real estate, for the sum of four hundred dollars, being a full and fair consideration therefor, and conveyed the same to him by deed, dated the eighth day of December, eighteen hundred and thirty-four; and the said Hugh Campbell has since sold and conveyed the said lands to Charles Grime, by deed dated the twelfth of August, eighteen hundred and thirty-

six—AND WHEREAS doubts have arisen in regard to the validity of the title so as aforesaid made to the said Hugh Campbell, and also in regard to the validity of the conveyance to the said Charles Grime—Now, therefore, in order to quiet the same,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the several conveyances mentioned in the foregoing preamble be, and the same are hereby confirmed and declared to be as good and effectual in law, as if the said sale so as aforesaid made by said administrators had been made at public vendue.

Sales of estate of N. Forman, dec., confirmed.

Passed February 17, 1837.

AN ACT to authorize the Bergen Free Stone Company, in the county of Bergen, to construct a railroad from their quarry, in the township of New Barbadoes, to the Hackensack river.

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 Bergen Free Stone Company, in the county of Bergen, be, and they hereby are authorized and empowered to construct a railroad from their quarry, in the township of New Barbadoes, in the county of Bergen, by the best and most eligible route, and which will be most conducive to the interests of the company, to some point on the Hackensack river, at or within a half a mile of the dock at the upper end of the village of Hackensack; *provided always*, that the consent of the owners of the land over which the said railroad shall pass shall be first obtained, before the said company shall be authorized to break ground in the construction of their road.

Company authorized to construct a railroad.

Proviso.

Passed February 17, 1837.

New Jersey State Library

An act to incorporate the Middletown Point Navigation Company.

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That William Little, Garret P. Conover, and Simon Arrowsmith, of the county of Monmouth, be, and are hereby appointed commissioners to receive subscriptions to the capital stock of the Middletown Point Navigation Company, at such times (within six months from the passage of this act) and at such places as they, or a majority of them, may direct, giving notice thereof at least twenty days prior to the opening of the books, by publishing the same in a newspaper printed in this state, and circulated in the said county of Monmouth.

Commissioners to receive subscriptions for stock.

Sec. 2. *And be it enacted*, That the capital stock of said company shall consist of two hundred shares, of twenty-five dollars each, and that five dollars shall be paid on each share at the time of subscribing, and that the residue of such subscription shall be paid in such instalments, and at such times and places, and to such persons, as the president and directors of said company shall from time to time direct and give public notice of; and if said stockholder shall neglect or refuse to pay to such person or persons, at such time and place as may be appointed as aforesaid, then the said stock shall be forfeited by the said stockholder to the use and benefit of said company; *provided* no instalment to be called for exceeding two dollars and fifty cents on each share; *and provided also*, that if the number of shares subscribed for shall exceed the number authorized by this act, the said commissioners shall apportion the said stock among the subscribers, in the proportion of the number of shares by them respectively subscribed.

Amount of capital stock.

Stock forfeited on failure to pay instalments.

Proviso.

Sec. 3. *And be it enacted*, That as soon as the sum of two thousand five hundred dollars shall be subscribed, the persons subscribing the same shall be, and are hereby incorporated in a company by the name of the "Middletown Point Navigation Company," and by that name shall become capable of purchasing and holding, or otherwise becoming possessed of, and conveying sufficient real and personal estate, and shall have all other powers and privileges incident to a body corporate and politic necessary to carry into effect the purposes of this act; and as soon as the said sum of two thousand five hundred dollars shall be subscribed as aforesaid, it shall be the duty of the said commis-

Style of incorporation.

sioners, or the majority of them, or the survivor or survivors of them, to call a meeting of the subscribers at such convenient place in the said township of Middletown as they shall direct, giving at least twenty days' notice of the time and place of such meeting, in the manner herein directed with regard to opening the books; at which meeting the subscription books shall be laid before the stockholders who may be present, and who shall proceed to elect by ballot, from among the subscribers, seven directors to manage the affairs of said company, who shall hold their office for one year and until others are elected in their place, of which election the said commissioners shall be judges; and at the expiration of one year, annually thereafter, upon like notice to be given by the directors for the time being, the said stockholders shall elect the same number of directors, who shall hold their office in manner aforesaid; and at every such election each stockholder may vote in person or by proxy, and shall have as many votes as he, she, or they have shares of stock.

Time and mode of electing directors.

Sec. 4. *And be it enacted*, That within twenty days after the first and every annual election of said company, the said directors shall choose one of their number as president of said company, who shall hold his office for one year, who shall preside at the meetings of the board of directors, a majority of whom shall always constitute a quorum for the transaction of business; and the said directors shall also, within the time aforesaid, elect and choose a treasurer of said company, who shall hold his office during the pleasure of the board of directors, and who shall, before he enters upon the duties of his office, enter into bond to the said president and directors, in the corporate name of said company, with sufficient sureties for the faithful performance of his office; and the said directors shall have power to supply all vacancies occasioned in the board by death or otherwise; and at every annual election, after the first, to choose two discreet and impartial men as the judges of said election.

Officers to be elected.

Vacancies, how supplied.

Sec. 5. *And be it enacted*, That it shall and may be lawful for the said company, as soon as they are organized in manner aforesaid, to construct a canal or artificial navigation from or near the graving place at Chumar's wharf, on the Middletown Point creek, to some point at or near William Little's wharf, on said creek, in said township of Middletown, upon such line or route as the said company may deem most advantageous, which canal shall not exceed one hundred feet in width at the water line, and ten feet in depth, and which canal may or may not intersect the said creek at Little's wharf, as the said company may consider most ad-

Company may construct a canal.

Location and description of canal.

visable; and for such purpose it shall be lawful for the said company, by their president and directors, or any agent, engineer, or superintendent, to enter upon and explore any land lying between the points above mentioned or adjacent thereto, doing no unnecessary damage; and where the route of said canal shall be fixed, it shall be lawful for said company, by their agents, engineers, contractors, or other persons, to enter upon and take possession of such lands as may be necessary for the construction of said canal, by first paying such compensation to the owner or owners thereof as is hereinafter directed.

Obstructions in Middletown Point creek may be removed.

Sec. 6. *And be it enacted*, That it shall be lawful for the said company, as it shall be organized in manner aforesaid, to remove all banks, bars, and other obstructions in the navigation of Middletown Point creek between Keyport wharf, at the mouth of said creek, and Holmes Vanmater's wharf, on the banks of said creek; and that for said purposes it shall be lawful for said company, by their president and directors, or any agent, engineer, labourer, or superintendent, to enter upon any lands lying adjacent to said creek, between the said points, with horses, carts, or other necessary machinery, and there deposit the sand, gravel, or other earth which may be removed from shoals, bars, or banks, and use the same for making tow-roads on the banks of said creek, if required, doing no unnecessary damage thereto.

Proceedings when company and owners of lands cannot agree.

Sec. 7. *And be it enacted*, That when the said company or their agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof and the damage sustained by such owner or owners, or when such agreement cannot be made by reason of the absence or legal disability of such owner or owners, it shall be lawful for the president and directors of said company, or the owner or owners, to apply to any three judges of the court of common pleas of the county of Monmouth aforesaid, who shall, on said application, appoint three of the board of chosen freeholders of said connty, who are in no wise interested in said lands or in the said company, who shall, after giving notice to the parties concerned of the time and place of meeting, proceed to examine the said lands, and appraise the value thereof, and the damages sustained by such owner or owners, and make report thereon in writing at the next subsequent term of the court of common pleas in and for said county; and the said company shall pay all the costs by the report of said freeholders; and if either party shall be dissatisfied with said report, and signifies the same to the said court, the

said court shall, at the term subsequent to the term to which the report shall be made, order and direct a proper issue for the trial of the controversy between the parties, and empannel a jury for that purpose, who are to determine the same upon evidence to be adduced by the said parties, which determination shall be final and conclusive between the parties; and if the said jury shall find any greater sum than is reported by the said freeholders, then the said company shall pay the cost of such trial, and if they award a sum not exceeding the sum so reported, then the owner or owners shall pay the costs of such trial; *provided*, that the said trial is had at the instance of such owner or owners; and if the said trial is had at the instance of said company, and the verdict of the jury shall not be less than the sum reported by the said freeholders, then the said company shall be at the cost of said trial, and if it be less than the sum reported, the said owner or owners shall pay the cost of such trial; and the said owner or owners shall be entitled to recover the amount so found by the jury against the said company, upon the payment of which the title to said lands shall forthwith vest in said company.

Appeal to court of common pleas and trial by jury may be had.

Proviso.

Sec. 8. *And be it enacted*, That the said company may in their discretion erect, or cause to be erected, on said canal, one or more good and substantial locks or tide gates, which when erected they shall maintain and keep in good repair, to stop the water from flowing through said canal whenever they may think necessary so to do.

Company may erect locks on canal.

Sec. 9. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure said canal, its locks, gates, or any other thing thereto appertaining, or shall obstruct the navigation thereof, he, she, or they shall be liable to indictment, and be fined and imprisoned, or both, at the discretion of the court, the fine not to exceed twenty dollars, or the imprisonment three months, and shall also make good the damages the company may sustain thereby.

Penalty for injuring works.

Sec. 10. *And be it enacted*, That as soon as the said canal shall be completed, the said company are hereby authorized and empowered to demand and take toll for passing through the same, at the following rates, that is to say: three cents per ton for every vessel that shall pass through the same; *provided*, that if said canal shall interfere with the depth of water in the natural course of said creek, then no toll shall be demanded.

Rates of toll allowed.

Proviso.

Sec. 11. *And be it enacted*, That if any person or persons shall pass into or through said canal, as aforesaid, without first paying the toll according to the rates aforesaid,

Penalty for evading payment of toll.

he shall forfeit and pay to the said company a fine not exceeding forty dollars, to be sued for and recovered by action of debt, with costs, before any court having cognizance of the same.

Penalty on tollgatherer for delaying vessels.

Sec. 12. *And be it enacted*, That if any tollgatherer or agent, or any person acting under the authority of said company, shall unnecessarily stop or hinder, or delay any boat, vessel, or other craft that may navigate the same, or shall take more toll than by this act is authorized, he shall for every such offence forfeit and pay to the party injured the sum of twenty dollars, to be recovered by action of debt with costs of suit, in any court having cognizance thereof, in the name of the party injured.

Semi-annual dividends to be made.

Sec. 13. *And be it enacted*, That the president and directors of said company shall, as soon as the affairs of the company will admit, declare and make such dividend as they may deem prudent and proper of the net proceeds thereof, and shall semi-annually thereafter, if the affairs of said company will admit thereof, declare such further dividend or dividends, and pay the same to the stockholders of said company in proportion to the amount of shares held by them respectively, or in case they fail to do so, assign their reason to the stockholders in writing for not doing so.

Limitation.

Sec. 4. *And be it enacted*, That in case said company should neglect to have said canal completed at the expiration of ten years after the passage of this act, or should neglect for the space of two years after the same be completed to keep it in sufficient repair, that in either case this charter shall be annulled, and the title to the lands through which the said canal shall pass be vested in the person or persons from whom the lands were taken by concession or by inquisition as aforesaid, their heirs or assigns.

Act may be repealed.

Sec. 15. *And be it enacted*, That the legislature may at any time hereafter alter, modify, or amend this act.

Passed February 17, 1837.

AN ACT to incorporate the Washington Mining Company.

WHEREAS Albert Cammann has, in behalf of himself and his future associates, by his petition set forth, that he is in possession of considerable mining districts, near Somerville, in the county of Somerset, containing mines of copper and other minerals and metals, and has full right, by virtue thereof, to work the said mines, and has requested the legislature to pass an act incorporating the said petitioner and his future associates, for the purpose of enabling them to work the said mines, and also to manufacture the ores thereof in such manner as they may think proper—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 Albert Cammann, and such others as may hereafter be associated with him for the purposes aforesaid, 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 President and Directors of the Washington Mining Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and make, change, and alter the same at their pleasure; and that they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, and hereditaments, in the county of Somerset, and such goods, chattels, wares, and merchandise, as will be necessary to the objects of the incorporation. A. Cammann and associates incorporated. Style of incorporation. Powers.

Sec. 2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by five directors, who shall be annually elected on the first Monday of January, at such time of the day and at such place in the state of New Jersey as the by-laws of the said corporation shall direct; and public notice shall be given of the time and place of holding such election, not less than thirty days previous thereto, in one of the newspapers printed at Somerville, and the election shall then and there be made by such of the stockholders as shall attend for that purpose, in person or by proxy; and all elec- Time and mode of electing directors.

tions shall be by ballot, each share having one vote; and the persons who shall have the greatest number of votes shall be the directors; and the said directors, so soon as may be after their election, shall proceed, in like manner, to elect by ballot, one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors elected by the stockholders, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Vacancies to be supplied.

Sec. 3. *And be it enacted*, That in case it should at any time happen that an election of directors should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other day, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of two hundred thousand dollars, and that a share in the said stock shall be one hundred dollars; and it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such time and in such proportion as they shall deem fit, not exeeeding ten dollars on each share at any one time, under the pain of the forfeiture of their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in the newspaper before mentioned.

Amount of capital.

Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That a majority of the directors for the time being, provided the said majority are owners of a majority of the number of shares owned by the whole of the said board of directors, shall form a board or quorum for the transaction of the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States and of this state, as to them shall appear needful and proper touching the concerns of the said corporation; and shall also have power to appoint and employ so many officers, clerks, and workmen, for carrying on said business, and with such salaries and allowances, as to them shall seem meet.

Powers and duties of directors.

Sec. 6. *And be it enacted*, That nothing in this act contained shall authorize said corporation to use its funds for banking operations, or the loan of moneys, or for any other purposes than are herein before expressed. Restrictions.

Sec. 7. *And be it enacted*, That the stock of the said company shall be deemed and considered personal estate, and be transferred in such manner as shall be prescribed by the by-laws of the said company; and that for all debts which shall be due and owing by the said company, the persons then composing such company shall be individually responsible to the extent of their respective shares of stock in said company, and no further; but this shall not be construed to exempt the said corporation, or any estate, real or personal, which they may hold as a body corporate, from being liable. Stock personal property. Extent of liability of stockholders.

Sec. 8. *And be it enacted*, That no transfer of stock of said company shall be valid or effectual until such transfer shall be endorsed or registered in the book or books to be kept by the president and directors for that purpose, which book shall at all times be open to the inspection of the stockholders. Mode of transferring stock.

Sec. 9. *And be it enacted*, That the contracts entered into by the said Albert Cammann, touching and concerning leases of any part of the said tracts of land, shall be, and the same are hereby made obligatory on the president and directors hereafter elected, and their successors, to fulfil the same, as if made by themselves. Certain previous contracts of A. Cammann obligatory on company.

Sec. 10. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty years from the passage thereof, and no longer; and that the legislature may alter, modify, or repeal this act, whenever in their opinion the public good may require it. Limitation. Act may be repealed.

Passed February 17, 1837.

AN ACT to convert the old state prison into an arsenal for the safe keeping of the public arms, munitions, and camp equipage of this state.

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 old state prison be, and it is hereby declared the Old state prison to be converted into state arsenal.

public arsenal of this state, any law to the contrary notwithstanding; and that the treasurer of this state be, and he is hereby authorized to have the same altered and fitted up, if any alterations are necessary, and to pay for the same out of any moneys in the treasury of this state, not exceeding five hundred dollars, not otherwise appropriated; and that this act shall go into effect immediately after its passage.

Passed February 21, 1837.

AN ACT to incorporate the Orange and Hanover Railroad Company.

Names of corporators.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Stephen D. Day, John Harrison, Jonathan S. Williams, John Ely, Enoch Edwards, Caleb H. Ely, Calvin Howell, John O. Condit, Joseph Jackson, and such other persons as may hereafter be associated with them, shall be, and are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Orange and Hanover Railroad Company;" and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and shall have power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Powers.

Amount of capital.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with liberty to said company to increase the same to four hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

Sec. 3. *And be it enacted*, That the above named persons may open books to receive subscriptions to the capital stock of said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to said commissioners, in gold or silver coin, or legal and current bank notes; that whenever there shall be one hundred thousand dollars of said stock subscribed, the said commissioners may give notice for a meeting of the stockholders to choose nine directors; and such election shall be made at such time and place as the stockholders who may attend for that purpose shall appoint, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of said corporation, shall, as soon as may be after every election, choose out of their number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

Books to be opened for subscription for stock.

Time and mode of electing directors.

Officers of the company.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That in case it should happen that an election of directors shall not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That five directors of said company shall be competent to transact all the business of said corporation, and they shall have power to call in the capital stock of said company by such instalments, not to exceed five dollars on each share at one time, and at such times as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days

Stock forfeited on failure to pay instalments.

from each other; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default may arise, and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper touching the management of the stock, property, estate, and effects of the said corporation; *provided*, that such by-laws, rules, and regulations shall not be repugnant to the constitution and laws of the United States or of this state; and also shall have power to appoint a secretary, engineer, and so many clerks and servants as to them shall seem fit, and to establish and fix such salaries to them, and also to the president, as to the board may appear proper.

Duties and powers of directors.

Company authorized to construct railroad.

Sec. 6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the powers and rights necessary and expedient to survey, lay out, and construct a railroad from some suitable point on the Morris canal, at the village of Rockaway, in Morris county, to intersect the Morris and Essex railroad at Orange, Essex county, passing through the village of Whippany, Hanover, and Livingston, not exceeding sixty-six feet wide, with as many sets of tracks as may be deemed necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of the said road, and all necessary works, buildings, and appendages thereof, and to enter into any lands adjacent or near to the route of said road, and search for and take sand, gravel, and stone necessary for the erection or repair thereof, subject to such compensation as is hereinafter provided; *provided always nevertheless*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said

Survey of route to be filed in office of secretary of state.

Proviso.

company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, or searching for sand, gravel, or stone, unless the consent of the owner or owners of such land be first had and obtained.

Proceedings when company and owners of lands cannot agree.

Sec. 7. *And be it enacted*, That if the owners of the said land or materials for the use of said railroad shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county wherein the said disputed lands or materials shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and, after hearing the parties, to appoint three disinterested commissioners, of such county, to assess the price or value of said land, who shall be sworn before said judge faithfully to execute the duties of such appointment, and, after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties in evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land or materials, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all the papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken, if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice, in writing, to the opposite party of such appeal; which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and, if required, they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands or materials and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same

Appeal to the court of common pleas and jury may be had.

or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate for the purposes aforesaid.

Proceedings when owners of lands are minors, feme covert, &c.

Sec. 8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non-compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners; all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper cost and charges of the said corporation, except in cases of appeal above provided for; and the said judge shall and may ordain and direct the amount of costs and charges of such valuation, appraisement, and witnesses' fees.

Passage of other roads not to be obstructed.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under the said road, so that he may pass the same; and if the company neglect to perform the same, after giving twenty days' notice to the company by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation by common process of law; *provided*, that it shall not be lawful for the said company to make use of any public highway for the construction of the railroad, except to cross the same in the shortest and most convenient manner, unless the consent of a majority of the inhabitants of the township where such highway is located shall be first obtained at a regular town meeting.

Proviso.

Charges allowed for the transportation of passengers and property.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation

of persons or any species of property thereon, as they may think reasonable, or expedient, or right; *provided*, that they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the road constructed by them, or six cents per mile for carrying each passenger on said railway in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railway in the carriages of others, and three cents per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all works and improvements, steam engines, carriages, and all other property whatsoever, belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Semi-annual dividends to be declared.

Sec. 11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividends as they may deem prudent and proper of the net proceeds thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them, respectively, as they may deem prudent and proper.

Penalty for injuring works.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act by the said company, or any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Four acres of real estate may be held by company.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, not exceeding two acres at each place, and may erect thereon and build houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of their property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain such a bridge over the Passaic river, on the line of said road, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Railroad declared to be a public highway.

Sec. 14. *And be it enacted*, That the road authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon with passengers and property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated as to the time of starting and rates of travelling as not to interfere with the carriages of the company.

Statement of cost of road to be filed with secretary of state, and of proceeds to be annually made to legislature.

Sec. 15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and as soon as the net proceeds of said railroad shall amount to six per centum upon its cost and expenses, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of the said road, to be paid annually thereafter on the first Monday in January of each year; *provided*, that no other tax or impost for the use of the state shall be levied or assessed upon the said company.

When road may be taxed.

Proviso.

When state may take the road.

Sec. 16. *And be it enacted*, That, at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature within one year from the time of their appraisement; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part for two months after their said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as afore-

said, to make such appraisement as aforesaid; and thereupon the state shall have the privilege, for three years, of taking the said road, upon payment to the company of the amount of said report within one year after electing to take said road; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, and appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said road and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof. Proviso.

Sec. 17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void. Limitation.

Sec. 18. *And be it enacted*, That this act shall at all times be deemed and recognized, in all courts and places whatsoever, as a public act. Public act.

Sec. 19. *And be it enacted*, That the said company be, and they are hereby authorized and empowered, in case they shall deem it expedient and proper, to construct a branch or lateral road from some point at or within two miles of the village of Parsippany to some point at or within two miles of the village of Boonton; and that all the provisions and privileges of this act relative to the said railroad be, and the same are hereby extended to its aforesaid branch. Company may construct lateral railroads.

Sec. 20. *And be it enacted*, That no part of the funds of this company shall be used for banking or other purposes not plainly indicated by the provisions of this act, and that the legislature reserve to themselves the right to alter, amend, or repeal this act, whenever in their opinion the public good may require it. Restrictions. Act may be altered, &c.

Passed February 21, 1837.

AN ACT authorizing John Dill, administrator with the will annexed of Luther Y. Howell, deceased, to fulfil and execute certain trusts given to the executor named in said will.

Preamble.

WHEREAS Luther Y. Howell, late of the township of Newton, in the county of Sussex, deceased, did, by his last will and testament, bearing date the fourth day of October, eighteen hundred and thirty-six, order and direct the executor therein named to sell and dispose of all his estate, both real and personal, and after the payment of his debts, expenses, and the maintenance of his family, to appropriate the balance in the same manner as though the said testator had died intestate; and the said testator having in the said last will and testament appointed Robert H. McCarter the sole executor of the same—AND WHEREAS the said Robert H. McCarter has refused to take upon himself the burthen of the administration of the said will, and administration with the will annexed having been granted by the surrogate of the county of Sussex to John Dill, of said county—Therefore,

Administrator of L. Y. Howell authorized to sell lands.

Sec. 1. 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 Dill, administrator with the will annexed of Luther Y. Howell, deceased, be, and is hereby authorized to sell and dispose of the real estate of the said testator, and perform all the other trusts named in the said will, as fully as the executor therein named was by the said will authorized and directed to do.

Bond to be given to governor.

Sec. 2. *And be it enacted*, That the said John Dill, administrator as aforesaid, before he enters into the trust reposed in him by this act, shall execute a bond to the governor of this state, with such surety and in such sum as shall be approved by the judges of the orphans' court of the county of Sussex, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the surrogate of the said county.

Passed February 21, 1837.

AN ACT to authorize the erection and maintaining of a good and sufficient fence to enclose the Round Mountain, in the township of Readington, in the county of Hunterdon, for the preservation of the timber growing thereon.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be lawful for the owners and possessors of lands lying on the Round Mountain, in the township of Readington, in said county, to erect and maintain a good and sufficient fence, enclosing the said Round Mountain, for the protection of the timber growing thereon; to begin at the north corner of John S. Stiers' farm, next said mountain; thence running southerly, between said farm and said mountain as the fence now stands, to land now in the possession of Peter Thomson; thence the same course, on a line of lands between said Thomson and Elias Abbott, until it reaches the south-east corner of said mountain at the corner of the said Abbott's cleared land; thence a westerly course over lands of said Abbott, Jacob Demott, and others, where the fence now stands which divides the cleared land from the said mountain, until it reaches the land of Oliver H. Ewing; thence crossing the lands of said Ewing, as the fence now stands, to a lot belonging to the heirs of Adrian Kinney, deceased; thence a northerly course, as the fence now stands which divides the cleared land from said mountain, across the lot of the heirs of said Kinney, deceased, and others, until it reaches land now in the possession of Josiah Cole; thence along said land, as the fence now stands, until it reaches the great road leading from Ketcham and Johnson's mill to Mount Pleasant meeting-house; thence, an easterly course along said road, until it reaches the corner of William Waggoner's cleared land; thence a southerly course along said Waggoner's cleared land, to the south corner thereof; thence an easterly course over lands of said Waggoner; then on a line between Richard Demott and said Waggoner; then on said Waggoner, William Baker, and Gabriel Carkhuff's land, as the fence now stands which divides the cleared land from said mountain, to the place of beginning, to be known by the name of "The Round Mountain Fencing Company;" *provided*, that nothing in this act contained shall be so construed as to prevent any person or persons from turning his horses, mules, hogs, cattle, or sheep on such part of said tract as may belong to him, and as may

Owners authorized to erect fence enclosing Round Mountain.

Boundaries of lands to be enclosed.

Proviso.

be kept enclosed by a sufficient and lawful fence separate from the remainder of the tract.

Owners of adjoining cleared lands to maintain one half of division fence.

Sec. 2. *And be it enacted*, That the owners of the cleared lands lying adjoining said mountain shall make and keep in good repair one half of the division fence, and no more, between their respective cleared lands and said mountain, in the same manner as line fences are directed to be made and maintained by the act of the legislature of New Jersey, passed the twenty-third day of January seventeen hundred and ninety-nine, entitled, "An act regulating fences."

Penalty for unlawful turning of cattle into enclosure.

Sec. 3. *And be it enacted*, That it shall not be lawful for any of the owners of lands lying on said mountain, or any person, to turn in any kind of horses, mules, and hogs, cattle or sheep, upon said mountain, after it shall have become enclosed with fence; and that if any person, whatsoever, shall drive or let in any horses, cattle, or sheep into the said tract, after the same shall be enclosed as aforesaid, except as is provided for in the first section of this act, or shall wilfully break down or destroy any part of the fence around the same, or any of the swing-gates thereon, they shall be liable to a penalty of ten dollars for every such offence; and if any person shall leave open any bars or swing-gates thereon, negligently or wilfully, he shall be liable to a penalty of two dollars for each offence, any of which penalties may be sued for and recovered by the manager or managers herein after mentioned, in any court of competent jurisdiction in this state, in an action of debt; and the proceeds thereof, after paying the costs and expenses of suing for and recovering the same, shall be applied to repairing the fences and swing-gates around the said tract; and further, that any of the owners of lands included in said tract shall be competent witnesses by whom to establish the commission of the above offences.

For injuring fence.

For leaving bars or gates open.

Trespassing cattle may be impounded.

Sec. 4. *And be it enacted*, That if any horses, mules, and hogs, cattle or sheep, are found trespassing or running at large in said tract, having been turned in, or having broken over a lawful fence, being that part of the fence that the said company is bound to make, amend, and repair, or having broken over an unlawful fence, being that part of the fence that such owner of such cattle is bound to make, amend, and maintain, then it shall be lawful for any person so finding them to drive them to any public pound in the said township of Readington, leaving with the keeper of such pound an affidavit that such horses, mules, and hogs, cattle or sheep, were found running at large in said tract; and it shall be the duty of such pound-keeper to receive and keep

the horses, cattle, and sheep so delivered to him until the owner thereof shall pay to him the cost and fees of impounding the same, together with the damages, if any incurred; and such pound-keeper shall collect and receive the same in the same manner, and shall be entitled to the same fees, and be subject to the same penalties, and shall in all matters proceed as is directed by the aforesaid act regulating fences; and further, that it shall not be lawful for the hogs of any other person than the owners of land enclosed in said tract to run in said enclosure.

Hogs not to run in enclosure.

Sec. 5. *And be it enacted*, That the owners and possessors of the said lands lying on the said mountain, or a majority of them, shall meet at the house now kept by Robert L. Abbott, in said township, as soon as convenient after the passing of this act, giving at least six days' previous notice of the time and place of said meeting, by advertisement set up in three of the most public places in the said township, signed by one or more of them, and then and there choose, by plurality of votes of those so met, one or more managers to erect said fence, and one collector, being owners and possessors of said lands, to serve until the last Saturday in November next; and when the manager or managers cannot agree with the owner or owners of any of the adjacent lands, as to what part or proportion of fence between said adjacent lands and said mountain is to be made and maintained by each, then it shall be lawful for each party to choose one disinterested freeholder, and if either party refuse, the other party may choose both, who shall proceed to view and apportion said fence; and if they so chosen cannot agree as to what part or proportion each shall make, they two shall choose a third, and the decision of the three, or a majority of them, shall be final, conclusive, and binding between the parties.

Time and mode of electing managers.

Proportion of fence of owners determined.

Sec. 6. *And be it enacted*, That the expense of making said fence shall be assessed by the managers, from time to time, as the money may be required for the purpose of carrying on and completing said fence, and collected by the collector, in proportion to the number of acres of each owner or possessor enclosed by this act.

Expenses to be assessed by managers.

Sec. 7. *And be it enacted*, That as soon as the erection of said fence shall be completed, and the whole expense ascertained, the manager or managers shall give notice, by advertisement set up in three of the most public places in said township, at least six days previous to the time of the meeting of the owners and possessors of said mountain, to meet and choose three disinterested freeholders; which

Proceedings on completion of the fence.

freeholders, when chosen, shall proceed to ascertain the number of acres belonging to each owner and possessor, and shall report the number of acres owned by each individual, in writing, to the manager or managers; which report shall be entered in a book to be kept by the company for that purpose; by which number of acres, so reported, all succeeding assessments and taxes shall be made and levied until a further report, which shall be lawful whenever the owners of one half of the said mountain, according to the last report, shall demand it, which succeeding report shall be made in the manner above prescribed; and if it shall appear that any owner or possessor shall have paid more than his due proportion in the erection of said fence, agreeably to the said report, such owner or possessor shall be paid back the overplus; and in case he or they shall not have paid their proportion as aforesaid, he or they shall be further taxed to make up the deficiency.

Land a lien for expense of fence.

Sec. 8. *And be it enacted*, That, for the security of the moneys to be expended in the erection and maintaining of said fence, the land on said mountain of each owner, respectively, shall be a pledge for the payment of his share thereof, into whosesoever hands the same may come, any judgment, sale, or alienation to the contrary notwithstanding.

Timber, &c., on defaulter's land may be sold for expenses.

Sec. 9. *And be it enacted*, That the collector of said company shall notify, in writing, the owners or possessors of the amount of their taxes or proportions to be paid, and on their refusal or neglect to pay the same, for the space of thirty days after such notice, the collector may enter upon the lands on said mountain belonging to each defaulter, by giving ten days' previous notice by advertisements set up at five of the most public places in the said township, and there cut, sell, and dispose of any wood, timber, or trees standing or lying on said land, until he shall have made sufficient to satisfy the said assessment.

Annual statement of accounts to be made and settled.

Sec. 10. *And be it enacted*, That the annual meeting of the said company, for the appointment of the necessary officers, and for the settlement of their accounts, shall be held, at some convenient place in the neighbourhood of said mountain, on the last Saturday of November in each year, of which said meeting ten days' previous notice shall have been given by the collector, by advertisement set up in three of the most public places in the said township; at which meeting it shall be the duty of the manager or managers, or collector, to exhibit for settlement the accounts and vouchers of all moneys by them collected and expended, and

all moneys still due and owing by any of the company; and in case others are appointed in their stead, it shall be their duty to deliver over to their successors in office such books, papers, and moneys as may be in their possession; and, also, the said owners and possessors, or a majority of them, are hereby authorized and empowered to meet at any time in said township other than the annual meetings, by giving five days' public notice of the time, place, and purpose, to appoint any officer or officers to fill the vacancy or vacancies which may be occasioned by death, inability, or neglect of duty; and further, that the said collector and manager or managers shall hold their offices until their successor or successors shall be appointed.

Fees of managers and collectors.

Sec. 11. *And be it enacted*, That the collector and manager or managers shall each be entitled to receive seventy-five cents per day for every day spent in the above mentioned duties, to be paid by the owners of said tract, in proportion to the number of acres owned by each; *provided* the legislature may alter, amend, or repeal this act at any time.

Act may be repealed.

Passed February 21, 1837.

AN ACT authorizing the sale of the real estate late of Lewis Cox, deceased.

Preamble.

WHEREAS it is represented and made to appear to the legislature of this state, that Lewis Cox, late of Upper Freehold, in the county of Monmouth, died intestate and seized of considerable real estate, in the counties of Monmouth and Burlington in this state, and leaving Elizabeth L. Cox, his widow, and James L. Cox, George W. Cox, Mary L. Cox, (now Mary L. Stewart) Ann P. Cox, Lewis Cox, Benjamin Y. Cox, and Samuel J. Cox his heirs at law, three of the aforesaid children, viz: Lewis Cox, Benjamin Y. Cox, and Samuel J. Cox are minors; that James S. Lawrence is legally appointed guardian of Benjamin Y. Cox, and Elizabeth L. Cox guardian of Samuel J. Cox, and that the said real estate cannot, without great damage to said heirs, be divided between the said widow and heirs, nor jointly held by them, without serious disadvantage to the heirs, and that part thereof is unproductive, and the other part yielding

an inferior interest, and the buildings and improvements becoming continually less valuable—Therefore,

Trustees authorized to convey lands of L. Cox, 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 James S. Lawrence and George W. Cox be, and they are hereby appointed trustees, with full power and authority to sell at public auction, giving thirty days' public notice thereof, and convey the real estate whereof the said Lewis Cox died seized, at such time and in such parcels as to them shall seem expedient, and shall be to the true interest of the parties concerned therein; and to make, execute, and deliver a good and sufficient deed or deeds of conveyance for the same; which said deed or deeds shall invest the purchaser or purchasers, his, her, or their heirs and assigns for ever, all the estate, right, title, and interest which the said Lewis Cox, deceased, had of, in, and to the said premises, with the appurtenances, at the time of his death.

Distribution of proceeds of sales.

Sec. 2. *And be it enacted*, That the said trustees shall, after deducting the expenses of the said sale or sales and conveyances, together with such reasonable charges for their services as shall be allowed by the orphans' court of the county of Monmouth, distribute the proceeds of such sale or sales among the heirs, or their legal representatives, according to law; *provided*, and it is hereby directed, one third of the said proceeds shall be safely put out at interest for the use of the said widow, and the interest thereof paid to her during life, in lieu of her right of dower.

To give bond to the governor.

Sec. 3. *And be it enacted*, That before the said trustees, or either of them, enter upon the trusts herein before created, they, or the survivor of them, shall execute to the governor of this state for the time being a bond in such sum, and with such security, as the surrogate and any three judges of the orphans' court of the said county of Monmouth shall direct and approve, conditioned faithfully and honestly to perform the duties and discharge the trusts hereinbefore created and enjoined; and that the said trustees, or the survivor of them, shall, in one year after any such sale and conveyance under this act, make and exhibit, under oath or affirmation, to the surrogate of the said county of Monmouth, to be duly kept and filed by him in his office, a true statement of such sale or sales, and all the expenses thereof.

Accounts filed with surrogate.

Proceeds of sales to descend as real estate.

Sec. 4. *And be it enacted*, That the proceeds of such sale or sales, or any part thereof, shall be deemed and taken as real estate, and descend as such to the heir or heirs.

Passed February 22, 1837.

AN ACT to authorize the vestry of Trinity Church at Newark to execute deeds of release and of conveyance in fee simple of certain lands.

Sec. 1. 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 incorporation known by the name of "The Rector, Churchwardens, and Vestrymen of Trinity Church at Newark," elected and chosen according to the canons of the Church of England, as by law established, any thing in the grant or charter of incorporation to the contrary notwithstanding, at any time or times hereafter whenever the said corporation shall think proper so to do, under their corporate seal, and in due form of law, to execute and deliver to any person or persons to whom the said corporation have heretofore granted any lease or leases any of lands, tenements, or hereditaments belonging to the said corporation, or to the heirs or assigns of any such grantee or lessee, a full, absolute, and unconditional release of all the reversion and reversions, estate, right, title, and interest of the said corporation of, in, and to such leasehold lands and tenements; which release, when so executed and delivered, shall vest in the said lessees, respectively, their heirs and assigns, absolute estates in fee simple, any thing in the act, grant, or charter of the said corporation to the contrary notwithstanding.

Corporation authorized to grant unconditional releases for certain lands heretofore leased.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the said corporation, any thing in the grant or charter thereof to the contrary notwithstanding, to make, execute, and deliver, under the seal of the said corporation, deeds of bargain and sale, or other conveyances in fee simple, for any lands or tenements now belonging to the said corporation, to any person or persons whatsoever to whom the said corporation may at any time hereafter sell and dispose of the same.

Deeds in fee simple may be made for any lands now owned by corporation.

Passed February 22, 1837.

AN ACT to incorporate the Monmouth Insurance Company, to be located at Freehold, in the county of Monmouth.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors and assigns, shall be, and hereby are constituted and made a body politic and corporate, by the name and style of "The Monmouth Insurance Company;" and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name may also have, purchase, possess, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever, necessary for the purpose of this corporation, and the same to grant, demise, alien, and dispose of at pleasure, for the benefit of said company; and may also have a common seal, and alter and renew the same at their pleasure; and also to make and establish such by-laws and regulations as shall seem necessary and expedient for the well ordering and government of said institution, and to put the same into execution; *provided*, that the same be not contrary to the laws of the United States nor of this state.

Style of incorporation.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; and that fifty thousand dollars of the said stock shall be subscribed, and actually paid, before the said company shall be allowed to commence business.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the sums subscribed shall be paid to the persons hereinafter mentioned, in the following manner: five dollars on each share at the time of subscription, and the remainder to be paid in such instalments and at such times as the president and directors may appoint.

Subscription to be paid.

Sec. 4. *And be it enacted*, That the secretary of said company shall give notice in the newspapers published in the village of Freehold, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment, for the space of thirty days after such time of payment, to the persons appointed to receive the same, shall forfeit to the said company all and every such share or shares whereon there shall be a deficiency, and all moneys previously paid thereon.

Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That the stock, property, affairs, and concerns of the said company shall be managed and conducted by thirteen directors, who may, respectively, hold their offices for one year and until others may be chosen, and no longer; which directors shall, at all times during their continuance in office, be stockholders in the said company in their own right, and shall be citizens of the state of New Jersey; and the said directors shall hereafter be elected on the fourth Tuesday of January, in each and every year, at such hour of the day, and at such place in the village of Freehold, as the board of directors for the time being shall appoint; of which election public notice shall be given in the newspapers printed in the village of Freehold, at least two weeks previous to such election; and every such election shall be made by ballot and by a plurality of the votes of the stockholders then present or represented by their proxies; but no share shall entitle the holder to vote, unless the same has been held by him or her at least twenty days next immediately preceding such election, nor unless such stockholder be a citizen of the United States; and the first directors shall be Isaac K. Lippincott, Daniel B. Ryall, Joseph Murphy, William Little, Asbury Fountain, Jonas Clark, Daniel Holmes, Edmund T. Williams, D. W. McLean, John W. Bartleson, James S. Lawrence, John Hall, and John Bowne, who shall respectively hold their offices until the fourth Tuesday of January, in the year of our Lord one thousand eight hundred and thirty-eight, and until other directors are chosen in their stead.

Time and mode of electing directors.

First directors.

Sec. 6. *And be it enacted*, That the directors herein before mentioned shall, as soon as convenient after the passing of this act, and the directors annually chosen agreeably to the provisions of this act shall, as soon as convenient after their election, proceed to choose out of their body one person to be a president, who shall be an inhabitant of the county of Monmouth, and shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to serve of the president or any director of said company, such vacancy or vacancies may be filled for the remainder of the term by such person as the board of directors may appoint, and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall exercise all such powers and duties as the by-laws of said company may provide; *provided*, that the president of the said company shall hold his office at the pleasure of the board of directors, and be subject to removal by them.

Officers to be elected.

Vacancies to be supplied.

Proviso.

Compensation to officers.

Sec. 7. *And be it enacted*, That the board of directors for the time being shall have full power to appoint a secretary and such other officers as may be requisite for effecting the business of the said company, and also to allow them, respectively, such compensation for their services as may in the judgment of said board be deemed reasonable.

Commissioners to receive subscriptions for stock.

Sec. 8. *And be it enacted*, That Joseph F. Randolph, Daniel H. Ellis, John M. Perrine, William L. Dayton, John I. Conover, Peter Vredenburgh, and John B. Throckmorton be appointed commissioners to take in subscriptions to the capital stock of this company; that the subscription books be opened by the commissioners aforesaid at Freehold, first giving notice thereof for four weeks in the newspapers printed at Freehold, and shall continue open from day to day (Sundays excepted), for eight days, unless the whole capital stock shall be sooner subscribed.

Powers and privileges of the company.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said company to insure houses, buildings of any description, and personal property of whatsoever kind, whether contained in buildings, vessels, or otherwise, against loss or damage by fire; also, to insure against loss or damage by fire, or other casualty, vessels engaged in the coasting trade or inland navigation, and wood, coal, lumber, goods, wares, and merchandise contained in them; to make insurances upon the lives of persons and valuable beasts, and grant annuities; and the said company shall be liable for all loss or damage sustained by fire or other casualty, agreeably to, and on such terms and conditions, as shall be contained in the policy.

Mode of executing policies of insurance.

Sec. 10. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or president pro tempore, or by such officer as may be designated for the purpose by the by-laws of said corporation, and attested by the secretary, and being so subscribed and attested, shall be binding and obligatory upon the said company, according to the tenor, intent, and meaning of this act and of such policies or contracts; and all such policies and contracts may be so made, subscribed, attested, and executed, and the business of the said company may be otherwise conducted and carried on without the presence of the whole board of directors, but by such committee, or otherwise, as the said board may direct, and the same shall be binding and obligatory on the said company.

Sec. 11. *And be it enacted*, That the number of votes of

each stockholder in the company shall be estimated according to the number of shares which such stockholder may have in his or her own right, that is to say: for every share, and not exceeding ten shares, one vote; every five shares above ten, and not exceeding fifty, one vote; and for every ten shares above fifty, one vote. How votes of stockholders to be estimated.

Sec. 12. *And be it enacted*, That, for the well regulating and conducting of the election of directors, the president for the time being shall, previously thereto, appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same; and seven directors shall constitute a quorum for the transaction of business. Manner of conducting elections.

Sec. 13. *And be it enacted*, That the board of directors, or any number of stockholders being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of the said company, previously advertising the time and place of said meeting for at least four weeks in the papers printed in Freehold, and mentioning the object of such meeting. Directors, or stockholders owning one half of stock may call meeting of stockholders.

Sec. 14. *And be it enacted*, That the stock of said company shall be assignable and transferable according to such rules, and subject to such restrictions and conditions, as the board of directors may from time to time establish; and that the said stock shall be considered personal property. Stock assignable, and personal property.

Sec. 15. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodations in the transaction of their business; and also to take and hold any real estate or securities bona fide mortgaged or pledged to the said company, or to secure the payment of any debt which may be contracted with the said company; and also to proceed on the said mortgages or securities for the recovery of the moneys thereby secured, either at law or in equity, or otherwise, in the same manner as any other mortgagee is or shall be authorized to do; and also to purchase, on sales made by virtue of any judgment at law, or any order or decree of a court of equity, or any other legal proceedings, or otherwise to receive and take any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert into money or other personal property; *provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof for or in any banking operations, or in the purchase or sale of any stock or funded debt created under any law of the United States or of any particular state, or to emit any notes or bills, What real estate may be held.

Funds not to be employed in banking purposes.

or securities, for the payment of money; but it shall nevertheless be lawful for the said company to purchase and hold any such stock or funded debt, for the purpose of investing therein any part of the capital stock, funds, or moneys, and also to sell and transfer the same, and again to renew such investments, when and as often as the exigencies of the said company, or a due regard to its interest, shall require; and also to make loans of their capital stock, funds, or moneys on bonds and mortgages, and the same to call in and reloan, as occasion may render expedient.

May purchase and hold stock for certain purposes.

Sec. 16. *And be it enacted*, That it shall be lawful for the directors of said company to make dividends of so much of the profits of the company as shall appear advisable; and the said dividends shall be paid out semi-annually to the stockholders, or their legal representatives, but the dividends shall at no time exceed the amount of clear profits made by the company, but the capital shall be and remain unimpaired; and if the said directors shall at any time knowingly make a dividend of the capital as aforesaid, they shall be individually liable for the proportion of the stock so divided; and an action of debt may be brought against them, or any of them, their heirs, executors, or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared, shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give further notice to the stockholders of the declaring such dividend.

Semi-annual dividends to be made.

Sec. 17. *And be it enacted*, That at the annual meetings for the choice of directors, a statement of the affairs and business of the company for the preceding year shall be made out and shown, for the general satisfaction of the stockholders.

Annual statement to be made to stockholders.

Sec. 18. *And be it enacted*, That each director and secretary shall, before he enters upon the duties of his office, take the following oath or affirmation (as the case may be), I, ——— do swear (or affirm), that I will faithfully execute the duties of ——— agreeably to the provisions of this act and the trust reposed in me, to the best of my skill and understanding.

Oath to be taken by directors and secretary.

Sec. 19. *And be it enacted*, That the said company shall cause to be kept at their office proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Books open to inspection of stockholders.

Sec. 20. *And be it enacted*, That the said company shall pay into the treasury of this state one-quarter of one per centum per annum on the capital stock paid in, to commence three years after the said company shall go into operation. Tax to be paid to state.

Sec. 21. *And be it enacted*, That this act shall continue in force for the space of thirty years, but it shall and may be lawful for the legislature at any time hereafter to alter, amend, or repeal this act. Limitation. Act may be repealed.

Passed February 22, 1837.

AN ACT to authorize the sale of certain real estate of Sarah Olmstead, deceased, late of the county of Salem.

WHEREAS Sarah Olmstead, in her lifetime, was seized in her own right of a tract of land, situate in the township of Pittsgrove, in the county of Salem, adjoining lands of Samuel Dare, Isaac Johnson, Jacob Hitchner, John Watson, and others, computed to contain fifteen acres, more or less—AND WHEREAS, by and with the consent of the said Sarah Olmsted, her husband Nicholas Olmstead, by an article of agreement under his hand and seal, and under the hand and seal of one Aaron D. Harris, bearing date the eighth day of Augnst, eighteen hundred and thirty-six, did bargain and sell the said tract of land to the said Aaron D. Harris, for the sum of five hundred and fifty dollars, and, by reason of the decease of the said Sarah Olmstead, since making the said agreement and sale, the said Nicholas Olmstead is unable to make a good title in fee simple to said Aaron D. Harris for said tract of land, and the said Nicholas having petitioned the legislature to pass a law authorizing him to carry said contract 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 Nicholas Olmstead, of the county of Salem, be, and he is hereby authorized and empowered to make and execute to Aaron D. Harris, of the county of Salem, a good and lawful deed of conveyance of all the right N. Olmstead authorized to convey certain lands to A. D. Harris.

of Sarah Olmstead of and in a tract of land in the township of Pittsgrove, and county of Salem, containing fifteen acres, more or less, and such deed of conveyance shall vest in the said Aaron D. Harris, his heirs and assigns for ever, all the right, title, and interest which the said Sarah Olmstead had in the same in her lifetime or at the time of her decease.

Proceeds of sale how to be invested.

Sec. 2. *And be it enacted*, That the said Nicholas Olmstead shall invest the five hundred and fifty dollars, to be received by him on executing and delivery of said deed, upon good security, at lawful interest, for the equal use and benefit of all the children of said Sarah Olmstead, and shall in all things account for the same in the orphans' court of said county, as guardians by law are now required to do of the moneys and estates of their respective wards.

Bond to be given to governor.

Sec. 3. *And be it enacted*, That before the said Nicholas Olmstead shall make and execute the deed aforesaid, or enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, with such security as shall be approved by the orphans' court of the county of Salem, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the secretary of this state.

Proceeds to descend as real estate.

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

Passed February 22, 1837.

AN ACT to authorize Mindwell Beers, widow and administratrix, and Oliver S. Halsted, administrator of George H. Beers, deceased, to convey certain real estate to Charles Squire and George A. Wasson, and to authorize trustees therein named to convey certain real estate of said deceased.

Preamble.

WHEREAS it appears to the legislature, that George H. Beers, deceased, late of the city of Newark in this state, and Charles Squire and George A. Wasson, of the city

of New York, did, in the lifetime of the said George H. Beers, deceased, purchase jointly, in equal undivided shares or third parts, of one Joseph Baldwin, of the city of Newark, all that tract of land and premises in said city of Newark, which is described in an indenture of bargain and sale between the said Joseph Baldwin and Margaret his wife, of the first part, and the said George H. Beers, of the second part, dated the seventh day of April, one thousand eight hundred and thirty-six, and recorded in book F. 4, of deeds for Essex county, pages 199 and 200, and of Lewis Nichols, of said city of Newark, all those tracts or parcels of land, in said city of Newark, which are described in an indenture of bargain and sale between the said Lewis Nichols and Elizabeth his wife, of the first part, and the said George H. Beers, of the second part, dated the ninth day of April, one thousand eight hundred and thirty-six, and recorded in book F. 4, of deeds for Essex county, pages 338, 339, and 340, and of James Tichenor, of said city of Newark, all those lots or parcels of land and premises, in said city of Newark, which are described in an indenture of bargain and sale between the said James Tichenor and Abigail his wife, of the first part, and the said George H. Beers, of the second part, dated the eighteenth of April, one thousand eight hundred and thirty-six, and recorded in book F. 4, of deeds for Essex county, pages 444 and 445, and of Theodore Frelinghuysen and Robert H. McCurdy, all those lots or parcels of land and premises in said city of Newark, which are described in an indenture of bargain and sale between the said Theodore Frelinghuysen and Charlotte his wife, and Robert H. McCurdy and Gertrude his wife, of the first part, and the said George H. Beers, of the second part, dated the sixteenth day of August, one thousand eight hundred and thirty-six—AND WHEREAS, for the more convenient and easy sale and transfer of the said several tracts of land in lots, the deeds for the same were, by agreement between the said Charles Squire, George A. Wasson, and George H. Beers, made to the said George H. Beers alone, and the purchase money agreed to be paid to the said Joseph Baldwin remains entirely unpaid, and that agreed to be paid to the said Lewis Nichols remains unpaid, except the sum of five hundred dollars thereof, paid by the said Charles Squire and George A. Wasson; and the purchase money to the said James Tichenor, Theodore Frelinghuysen, and Robert H. McCurdy has been paid in equal shares or third parts by the said Charles Squire, George A. Was-

son, and George H. Beers—AND WHEREAS the said George H. Beers hath since departed this life intestate, leaving issue under the age of twenty-one years, and without having executed any deed or deeds to the said Charles Squire and George A. Wasson for their shares or proportions of the said several tracts or parcels of land and premises; and the said Charles Squire and George A. Wasson, and the widow and administrators of the said George H. Beers, deceased, have by their petition requested that the said administrators be empowered to make a deed or deeds to the said Charles Squire and George A. Wasson for their shares or proportions of the said several tracts or parcels of land and premises—Therefore,

Administrators of G. H. Beers authorized to make deed for certain lands to C. Squire and G. A. Wasson.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Mindwell Beers, administratrix, and Oliver S. Halsted, administrator of the said George H. Beers, deceased, be, and they are hereby authorized and empowered to make, execute, and deliver to the said Charles Squire and George A. Wasson, respectively, a deed for the one equal undivided third part of the said several lots or parcels of land, so as aforesaid purchased from the said Theodore Frelinghuysen and Robert H. McCurdy and the said James Tichenor; and that the said administrators be, and they are hereby authorized and empowered to make, execute, and deliver to the said Charles Squire and George A. Wasson, respectively, a deed for the one equal undivided third part of the said tract of land so as aforesaid purchased from the said Joseph Baldwin, on their respectively paying or securing, and relieving the said administrators from their responsibility, to pay to the said Joseph Baldwin one equal third part of the purchase money agreed to be paid therefor; and that the said administrators be, and they are hereby authorized and empowered to make, execute, and deliver to the said Charles Squire and George A. Wasson, respectively, a deed for the one equal undivided third part of the said several tracts or parcels of land, so as aforesaid purchased from the said Lewis Nichols, on their respectively paying, or securing and relieving the said administrators from their responsibility to pay, to the said Lewis Nichols so much money as, together with the sum already paid by them, respectively, will amount to one equal third part of the whole purchase money agreed to be paid to the said Lewis Nichols; and that the deeds which the said administrators are hereby authorized to make, execute, and deliver shall have the

same force and effect as deeds from the said George H. Beers, in his lifetime, for the same interest or estate in the said lands would have had.

Preamble.

AND WHEREAS it appears to the legislature that the said several tracts of land were purchased by the said Charles Squire, George A. Wasson, and George H. Beers, for the purpose of dividing and selling the same in building lots within some short period of time, and that the same are unproductive, and that it would be greatly to the benefit of all the parties interested therein that the said lands should be sold and disposed of in the manner contemplated by the said purchasers thereof; but that, in consequence of the minority of the heirs at law of the said George H. Beers, deceased, no sale of their interest in said lands can be made without legislative aid—Therefore,

F. S. Thomas, A. Whitehead, and D. Price authorized to sell and convey certain lands.

Sec. 2. *And be it enacted*, That after the conveyances, by this act authorized to be made by the said Mindwell Beers and Oliver S. Halsted, to the said Charles Squire and George A. Wasson shall have been made, executed, and delivered, in pursuance of the provisions of this act, Frederick S. Thomas, Asa Whitehead, and Daniel Price, or the survivor or survivors of them, on giving the bond hereinafter mentioned, or any or either of them, on giving such bond, if the other or others shall neglect or refuse to enter such bond, be, are, or is hereby authorized and empowered to sell and dispose of in such way and manner, and at such time or times as to them or him shall seem expedient, all the estate and interest of the heirs at law of the said George H. Beers, deceased, in the said land and real estate, or any part thereof, and to execute, make, and deliver good and sufficient conveyance or conveyances in law to the purchaser or purchasers thereof; which conveyance or conveyances shall vest in said purchaser or purchasers, his, her, or their heirs and assigns, all the estate, right, title, and interest of the heirs at law of the said George H. Beers, deceased, in the land thereby conveyed.

Amount of sales to be filed with surrogate.

Sec. 3. *And be it enacted*, That the said Frederick S. Thomas, Asa Whitehead, and Daniel Price, or such of them as shall enter into said bond, or the survivor or survivors of them, shall exhibit to the orphans' court of the county of Essex, next after such sale, under oath, an exact statement of the amount of such sale, and of the moneys and securities for money received thereon, to be filed in the office of the surrogate of said county, and, after deducting all reasonable costs and charges incurred in, and compensation for the exe-

Disposition of proceeds.

cution of this trust, to be allowed by the orphans' court of the said county, shall pay over the proceeds of such sale to the heirs at law of the said George H. Beers, deceased, or their legal representatives or guardians, in equal parts or portions, according to law.

On certain conditions money authorized to be paid to M. Beers, in satisfaction of dower.

Sec. 4. *And be it enacted*, That in case the said Mindwell Beers shall, at the time of such sale, authorize the same to be made free of the incumbrance of her dower, and shall convey to the purchaser or purchasers all the interest and estate in the land conveyed to him or them, it shall be lawful for the said Frederick S. Thomas, Asa Whitehead, and Daniel Price, or such of them as shall undertake the execution of this trust, or the survivor or survivors of them, to pay over to the said Mindwell Beers, widow of the said deceased, in satisfaction of her dower, if she shall consent so to receive the same, such principal sum or sums of money as the orphans' court of said county of Essex shall adjudge and determine to be a fair equivalent for her right of dower in said land, and to pay over the balance of the proceeds of such sale to the heirs at law of said deceased, or their legal representatives or guardians; but if the said widow shall decline receiving any principal sum in satisfaction of her said right of dower, then the said trustees, or such of them as shall undertake the execution of the said trust, or the survivor or survivors of them, shall put out and invest, in good and sufficient securities, to be approved of by the orphans' court of the county of Essex, upon interest, the one equal third part of the proceeds of such sale, after the deductions aforesaid, and shall pay over to the said widow, during her natural life, the interest that may accrue thereon annually, and pay over to the heirs of said George H. Beers, deceased, or their legal representatives or guardians, the residue of the proceeds of such sale, in equal parts or portions, according to law; and that at the decease of the said widow the third part so invested as above directed shall also be paid over to the said heirs at law, or their legal representatives or guardians, in equal parts, according to law.

Bond to be given to governor.

Sec. 5. *And be it enacted*, That the said Frederick S. Thomas, Asa Whitehead, and Daniel Price, or such of them as shall undertake the execution of the trust reposed in them or him by the three preceding sections of this act, before they or he shall enter upon the said trust, shall enter into bond to the governor of this state, in such sum and with such security as shall be approved of by the orphans' court of the county of Essex, conditioned for the faithful performance of the said trust; which bond shall be deposited in the office of the surrogate of the said county.

Sec. 6. *And be it enacted*, That no deed of conveyance which may be made by virtue of the authority by this act granted shall alter, impair, or in any way affect the right, title, interest, or claim of any person or persons whatsoever, in or to the said real estate, or any part thereof, other than that of the heirs at law of the said George H. Beers, deceased. Rights of third persons not to be affected.

Passed February 22, 1837.

AN ACT to authorize the sale of certain real estate whereof Joseph Condit, late of the township of Orange, in the county of Essex, died seized.

WHEREAS it is represented to this legislature, and sufficiently appears, that Joseph Condit, late of the township of Orange, in the county of Essex, by his last will and testament, bearing date the thirty-first day of May, eighteen hundred and thirty-one, devised a certain part of his lands and real estate to his sons Ichabod Condit, Stephen Condit, Caleb Condit, and Charles Condit, their heirs and assigns, as tenants in common, in equal parts, share and share alike; that the said Stephen Condit and Charles Condit died in the lifetime of the testator, the said Stephen Condit leaving issue five children, to wit: Sarah, Francis, Charles, Albert, and Stephen Condit; and the said Charles Condit leaving no issue, whereby the title to the share of said lands and real estate devised to said Stephen Condit has vested in his said children, all of whom are under the age of twenty-one years, and the share devised to said Charles Condit has descended to said Ichabod Condit, Caleb Condit, and the said children of Stephen Condit, deceased—AND WHEREAS the said last will and testament has been duly proved and recorded in the surrogate's office in the county of Essex—AND WHEREAS the said real estate devised to said Ichabod Condit, Stephen Condit, Caleb Condit, and Charles Condit, as tenants in common as aforesaid, consists of about eighty-four acres of land in the county of Essex, and is so circumstanced Preamble.

as in a great measure to be unproductive, and it is represented to the legislature that the interest of all parties will be greatly promoted by a sale thereof—AND WHEREAS the said Betsey Condit, the widow of said Joseph Condit, deceased, said Ichabod Condit, Caleb Condit, and Phebe S. Condit, widow of said Stephen Condit, deceased, and mother of said minor children, have petitioned the legislature to pass a law to authorize a sale thereof, and the said request appearing to be reasonable—Therefore,

I. Condit authorized 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 the said Ichabod Condit be, and he is hereby authorized and empowered to grant, bargain, sell, and convey in fee simple, for the best price or prices he can obtain for the same, at public sale, giving twenty days' public notice in some newspaper printed in the county of Essex, all the said lands and real estate, by the last will and testament of said Joseph Condit, deceased, given and devised to his four sons, the said Ichabod Condit, Stephen Condit, Caleb Condit, and Charles Condit, as tenants in common, and to make and execute a good and sufficient deed or deeds of conveyance thereof; which deed or deeds of conveyance shall be held valid and effectual in law to convey all the estate, right, title, and interest of the said Ichabod Condit, Caleb Condit, the said children of Stephen Condit, and Betsey Condit, the widow of said Joseph Condit, deceased, and of each and every of them, in and to the said lands and real estate, and every part thereof.

Disposition of proceeds of sale.

Sec. 2. *And be it enacted*, That the said Ichabod Condit shall, as soon as conveniently may be after the sale and conveyance of said property shall be made, place and put out at interest, upon good and sufficient security, one-third part of the net proceeds of such sale and conveyance, and pay the interest received thereon, in semi-annual payments, to the said Betsey Condit, widow of said Joseph Condit, during her natural life, and of the residue of the proceeds of said sale and conveyance, the said Ichabod Condit shall pay over and deliver to the said Caleb Condit, or his legal representatives, the one equal third part, and to the said children of Stepen Condit, deceased, or their legal guardians or representatives, the one equal third part, in equal shares or parts, to be divided between them, and that the proceeds of such sale or sales, and every part thereof, shall be deemed and taken, and descend as real estate.

Proceeds of sales to descend as real estate.

Sec. 3. *And be it enacted*, That, upon the death of the

said Betsey Condit, the said Ichabod Condit shall pay over and deliver to the said Caleb Condit, or his legal representatives, the one equal third part of the amount of the proceeds of the sale and conveyance of said lands by the second section of this act directed to be placed and put at interest, and the one equal third part thereof to the said children of Stephen Condit, deceased, or their guardians or legal representatives, in equal shares or parts, to be divided between them. On death of widow, how her thirds to be disposed of.

Sec. 4. *And be it enacted*, That all necessary expenses incurred, and a reasonable compensation to the said Ichabod Condit for his services to the execution of this act and the trust hereby created, shall be allowed under the direction and with the approval of the orphans' court of the county of Essex, and paid out of the proceeds of the sales of the lands and real estate aforesaid. Expenses to be allowed.

Sec. 5. *And be it enacted*, That before the said Ichabod Condit shall proceed to make sale of the lands and real estate, he shall give bond to the governor of this state, with sufficient security, in such sum as shall be approved of by the orphans' court of the county of Essex, conditioned for the faithful performance of the trusts hereby created. Bond to be given to governor.

Passed February 22, 1837.

AN ACT to incorporate the Washington Chemical Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Shepherd, John Colt, Andrew Parsons, Joseph Smith, and John Clark, and such other persons as may be hereafter associated with them, and their successors and assigns, be, and are hereby constituted a body politic and corporate, by the name of "The Washington Chemical Company," for the sole purpose of manufacturing oil of vitriol, chloride of lime, aquafortis, and all other articles necessary for the purpose of bleaching, dyeing, and calico printing, in the counties of Bergen or Essex; and by the same name they and their successors and assigns shall have power and continue a body politic and corporate, and Names of corporators. Style of incorporation. Powers.

be capable in law of suing and being sued, impleading and being impleaded, answering and being answered unto, in all courts of justice or any other place whatever; to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be able and capable to acquire, purchase, receive, have, hold, and enjoy any lands, tenements, hereditaments, goods, and chattels, of whatever kind and quality soever, necessary or useful for the said corporation to carry on their manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of business, or purchased at sales upon judgments which shall have been obtained for such debts; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations, or for any other purpose not clearly indicated by this act; and the said John Shepherd, John Colt, Andrew Parsons, Joseph Smith, and John Clark, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Funds not to be employed in banking operations.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year, and that the said directors shall be chosen at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than twenty days previous, in one or more newspapers printed nearest the place where said election shall be held, by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall have shares of the capital stock of said company; and the candidates having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election, shall be capable of serving by virtue thereof, until another election shall be had; and the directors so chosen may appoint such other officers and superintendents, and assign such compensation as they may think fit, not less than a majority of the whole number of directors being present when the same shall be done, and may remove the same and appoint others at their pleasure; and if it shall at any time happen that any vacancy or vacancies

Time and mode of electing directors.

Officers may be appointed.

Vacancies, how supplied.

occur, by death, resignation, or otherwise, among the directors, officers, or superintendents, such vacancy shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Amount of capital.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, which shall be divided into shares of fifty dollars each; but as soon as the sum of twenty-five thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to commence their said business, and with that capital conduct and carry it on, until they shall deem it expedient to extend their operations, and the capital necessary for that purpose, which they are hereby authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed at such times and in such proportions, not exceeding ten dollars on each share at any one time, as they shall deem proper, giving at least thirty days' notice, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if the payments shall not be made within thirty days after such notice as aforesaid shall have been published in one or more newspapers published in or near the place where such payment shall be required to be made, and also in one or more newspapers published in the city of New York.

Stock forfeited on failure to pay instalments.

Stock personal property.

Sec. 4. *And be it enacted*, That the stock and property of said corporation, of whatsoever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation; *provided*, that no dividends shall be made to and among the stockholders except from and out of the profits of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to have been made, the corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said company.

Powers.

Sec. 6. *And be it enacted*, That a majority of the directors for the time being shall form a board for transact-

ing the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided* the same are not contrary to the laws and constitution of this state or of the United States.

Books open to inspection of stockholders.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account, in which shall be regularly entered all the transactions of the said corporation; which books shall at all times during business hours be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

How company may be dissolved.

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, especially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and vote in favour of such dissolution; and upon such dissolution, the directors for the time being, and the survivor and survivors of them, shall be ipso facto trustees for the settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock, unless the stockholders, at such general meeting, shall appoint other persons, not less than three, nor more than five in number, for such purpose; in which case the persons so appointed, or the survivor or survivors of them, shall be trustees and trustee for the purpose aforesaid; and that stockholders owning one-fourth of the stock holden may, by giving notice in a newspaper published in Paterson, for a fortnight, and one newspaper published in the city of New York, for a fortnight, call a public meeting of the stockholders, for the purpose of passing by-laws and ordinances for the election of directors; and that such by-laws and ordinances shall be binding until in like manner repealed or altered, in case a majority of the stock is represented at such meeting, either in person or by proxy.

Limitation.

Sec. 9. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years from the passing thereof, and from thence to the end of the next session of the legislature, and no longer; and further,

that it shall and may be lawful for the legislature of this state at any time hereafter to alter, modify, or repeal this act, whenever the public good requires it. Act may be repealed.

Passed February 22, 1837.

AN ACT to dissolve the marriage contract between Sarah Ann Wright and Lyman Wright.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Sarah Ann Wright and her husband Lyman Wright, of the county of Gloucester, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony. Sarah Ann Wright divorced.

Passed February 22, 1837.

AN ACT to divorce Ebenezer C. Lindsley from his wife Hester Lindsley.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Ebenezer C. Lindsley, of the county of Morris, be, and he is hereby divorced from his wife Hester Lindsley, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony; *provided nevertheless,* that the issue of their marriage shall not in consequence thereof be illegitimate. Ebenezer C. Lindsley divorced.

Passed February 22, 1837.

AN ACT to authorize Elisha Lippincott, Edmund Throckmorton, and Edmund T. Williams trustees to sell the real estate of Henry Wolcott, senior, deceased.

Preamble.

WHEREAS it has been represented to this legislature that Henry Wolcott, senior, late of the township of Shrewsbury, in the county of Monmouth and state of New Jersey, was in his lifetime owner of considerable real estate in the said county of Monmouth, and that the said Henry Wolcott departed this life intestate, leaving a widow and several children, and that Abigail Wolcott, the widow of said deceased, has been for many years, and still is, in a deplorable state of insanity, rendering her altogether incapable of acting and transacting business to her advantage and profit; and that the said real estate was so peculiarly circumstanced and located as not to admit of division without material prejudice and injury to the same; and that the children of the said deceased are desirous to sell the same; and application being now made to this legislature, by the petition of John Wolcott, Thomas Howland, and Elizabeth his wife, Job Wolcott, Henry Wolcott, Jacob R. Wolcott, which said John, Elizabeth, Job, Henry, and Jacob are children of said Henry Wolcott, deceased, for a law authorizing the sale of the aforesaid real estate, and the same appearing to this legislature to be just and reasonable—Therefore,

Trustees appointed to sell and convey 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 Elisha Lippincott, Edmund Throckmorton, and Edmund T. Williams, of the township of Shrewsbury aforesaid, and their survivors and survivor, be, and they are hereby appointed trustees, with full power and authority to sell, convey, and dispose of all or any part of the real estate of the said Henry Wolcott, deceased, situate in the county of Monmouth aforesaid, as soon as conveniently may be, for the highest sum the same will bring at public sale, upon the same notice as is required by law in the case of executor's and administrator's sales, and when sold, to make, execute, and deliver, in due form of law, in their own name or names as trustees as aforesaid, a good and sufficient deed of conveyance, according to the estate, right, title, and interest which the said Henry Wolcott, deceased, had in the same at the time of his death; which sale being made and confirmed by deed shall entitle the purchaser or purchasers to

all the estate, right, title, interest, claim, and demand which the heirs and widow of the said Henry Wolcott, deceased, now have in and to the same.

Account of sales to be exkept.

Sec. 2. *And be it enacted*, That the said trustees shall keep a fair account of the sale or sales by him or them made, and, after deducting reasonable costs and charges for executing the trust created by this act, to be allowed by the orphans' court of the county of Monmouth, and shall put out and invest in good and sufficient securities, upon interest, the proceeds or purchase money for any such sale or sales under the direction of the said orphans' court, except such parts thereof as the said court shall order to be paid to the heirs of the said Henry Wolcott, deceased; and the said trustees, or the survivors or survivor, shall retain in their hands one-third of the principal of the purchase money during the lifetime of the said Abigail, and apply the interest thereof annually to and for her support and maintenance, and after her death pay the principal to the heirs of the said Henry Wolcott, in the proportions they may be legally entitled.

Dispose of proceeds.

To give bond to the governor.

Sec. 3. *And be it enacted*, That before the said trustees shall undertake the execution of the trust hereby assigned to them, they shall enter into bond, with security, to the governor of the state, for the use of the heirs of the said Henry Wolcott, deceased, in such amount as shall be approved by the judges of the orphans' court of the said county of Monmouth, conditioned for the faithful performance of the trust by this act assigned to them; which bond shall be deposited in the surrogate's office of the said county.

Statement of sales to be exhibited to, and filed with surrogate.

Sec. 4. *And be it enacted*, That the said trustees, within six months after making any sale or sales by virtue of this act, shall make, subscribe, and exhibit, under oath or affirmation, a fair and exact statement of such sale or sales to the surrogate of the said county of Monmouth, to be filed in the surrogate's office of the said county; *provided*, that no sale or deed which shall be made by virtue of this act shall impair or in any way affect the right, title, interest, or claim of any person or persons whatever other than the heirs and widow of the said Henry Wolcott, deceased.

Rights of others not to be affected.

Proceeds of sales to descend as real estate.

Sec. 5. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sales of the said real estate, but the same shall descend as the said real estate would have done had this act not been passed.

Passed February 23, 1837.

AN ACT authorizing the guardian of Sarah E. Howell and Phillippina F. Howell to make sale of certain real estate.

Preamble.

WHEREAS Mary Ann Howell, guardian of Sarah E. Howell and Phillippina F. Howell, minor children and heirs at law of Philip F. Howell, deceased, hath by her petition represented to the legislature that the said minors are seized, as tenants in common with others, of certain real estate, situate in the counties of Burlington and Hunterdon, which descended to them from their father, the said Philip F. Howell, deceased; that a partition thereof cannot be made without great prejudice to the owners thereof; and that the interest of the said minors would be promoted by authorizing a sale of their interest in the said real estate, either at public or private sale, and hath prayed that authority might be granted for that purpose; and the prayer of the said petition appearing to be reasonable and proper—Therefore,

Mary Ann Howell authorized to sell and convey certain lands.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Mary Ann Howell, guardian of Sarah E. Howell and Phillippina F. Howell, minor children and heirs at law of Philip F. Howell, deceased, be, and she is hereby authorized and empowered to sell, either at public or private sale, at her discretion, for the best price that can be obtained for the same, the undivided shares and interest of the said Sarah E. Howell and Phillippina F. Howell of and in all the real estate whereof the said minors are seized in the counties of Burlington and Hunterdon, in this state; and when sold, to make, execute, and deliver, in the name of the said Mary Ann Howell, guardian as aforesaid, good, legal, and sufficient deed or deeds therefor to any purchaser or purchasers of the same; which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate all the right, title, and interest of the said minors, or either of them, in the real estate so sold, at the time of the said sale; *provided*, that no deed or conveyance of the said lands or real estate, or any part thereof, made by the said Mary Ann Howell shall be valid or effectual, unless it be certified in or upon such deed or conveyance by John McKelway and Stacy A. Paxson, under their hands and seals, or by the survivor of them, under his hand and seal, that such sale is made bona fide and for the highest

Conveyance to be certified.

price that could be obtained for such property at the time of the said sale.

Account of sales to be exhibited to surrogate general.

Sec. 2. *And be it enacted*, That the said Mary Ann Howell shall keep a fair, full, and just account of the proceeds of the sale or sales made by virtue of this act, and of the costs and expenses thereof, and shall exhibit said account, under oath or affirmation, within six months after the completion of the sale or sales of the said real estate, to the surrogate general of this state, for settlement and allowance; which account shall be filed in the prerogative office of this state; and the said Mary Ann Howell shall account, as guardian of the said minors, for all moneys by her received by virtue of this act, after deducting therefrom all legal costs and expenses and such reasonable commissions as shall be allowed by the court; and the said guardian shall, as soon thereafter as practicable, place out and put all the net proceeds of such sale or sales at interest, with sufficient security for the payment of the same, for the benefit of the said minors, until they respectively arrive at lawful age.

Proceeds to be invested.

Bond to be given to governor.

Sec. 3. *And be it enacted*, That the said Mary Ann Howell, before entering upon the execution of the trust reposed in her by this act, shall enter into bond to the governor of this state, in such sum, and with such security, being at least two sufficient freeholders, as the surrogate general shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the prerogative office of this state, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state for the time being to cause the same to be prosecuted, at the request and for the benefit, and at the proper costs and charges, of any person or persons aggrieved by such forfeiture.

Bond may be prosecuted in case forfeited.

Rights of third persons not to be affected.

Sec. 4. *And be it enacted*, That no sale or conveyance, made under and by virtue of this act, shall impair or in any wise affect the rights or interests of any person or persons whatever other than the said Sarah E. Howell and Phillippina F. Howell, and those claiming under them or either of them; and that nothing in this act contained shall affect the descent of the proceeds of the sales of said real estate; but the same shall descend as the said real estate would have done had this act not been passed.

Proceeds to descend as real estate.

Passed February 23, 1837.

AN ACT for the relief of the owners of meadow in the Fishing Island Bank Company, in the county of Salem.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Henry Frees, Samuel L. James, and Benjamin Griscom, of the county of Salem, are hereby appointed commissioners, who, after having been first sworn and affirmed before some justice of the peace of the county of Salem, faithfully and impartially to execute the duties assigned them by this act, shall have full power and authority to survey, mark, lay out, and locate a strip of land on which to dig a watercourse and erect banks in the township of Lower Penns Neck, in the county of Salem, to begin at a certain watercourse in the marsh of Elizabeth Sinnickson, within the Fishing Island Bank Company, and to run thence by the most eligible route, through lands of Elizabeth Sinnickson, John Simpson, Thomas F. Lambson, Mark Stretch, and Rachel Tindall, to Salem creek, below Denn's canal; which land so to be surveyed for said watercourse and banks shall not be less than sixteen and a half feet, nor more than thirty-three feet in width; which said watercourse is intended, and shall be used to drain the back waters from off the meadows of the said Fishing Island Bank Company into Salem creek, below John Denn's canal.

Commissioners to drain meadowso f Fishing Island Bank Company.

Sec. 2. *And be it enacted*, That the said commissioners shall give ten days' notice in writing, to each owner of land through which the said watercourse is to be laid, of the time when, and place where they, the said commissioners, will meet for the survey and location of said watercourse; and the said commissioners shall immediately after the location thereof, proceed to appraise the value of the land of each owner which shall be necessary for the said watercourse, and damages done by the said watercourse, if any; and shall within twenty days after making such survey and location, file a map thereof, and also a certificate, signed by all or any two of them, of the appraisement and valuation by them made of the said land of each owner and damages as aforesaid, in the clerk's office of the county of Salem, there to remain as a public record; and if the same is not appealed from, as hereinafter provided, shall be final and conclusive, and the company shall be thereof possessed, as is provided in the fourth section of this act.

Notice to owners of lands through which drain is laid.

Damages of lands to be appraised, and map thereof filed.

Sec. 3. *And be it enacted*, That if any owner of meadow,

through whose land the said watercourse is located, shall consider himself or herself aggrieved by the valuation and appraisement of the said commissioners, he or she, first giving five days' notice thereof to one of the managers of the Fishing Island Bank Company, may apply by petition to the inferior court of common pleas of the said county of Salem, within four months after the filing of such appraisement, for the appointment of a double set of commissioners; which said court shall during the term at which application shall be made, without nomination from either party, proceed to appoint six judicious, impartial, and disinterested freeholders of said county, who shall view the premises, hear the parties, and make such order therein, and fix such valuation upon the said property so taken for the said watercourse, and such damages aforesaid as shall to them, or a majority of them, seem just and proper; and a certificate of their proceedings and valuation shall be filed, within ten days after making the same, in the clerk's office of said county, and shall be final and conclusive upon all parties concerned; and if the said last mentioned commissioners shall increase the valuation, the costs of the proceedings shall be paid by the said Fishing Island Bank Company, but if a less, or the same valuation as that made by the original commissioners, be found by the second set, then the person or persons who petitioned shall pay the said costs.

Proceedings when owner is not satisfied with appraisement of commissioners.

Sec. 4. *And be it enacted*, That the said Fishing Island Bank Company, after the said valuation is settled and fixed in either of the modes above prescribed, shall pay, or cause to be paid, to each of the owners of the meadow or land through which the said watercourse is located, the respective sums so awarded and found to be due to them by the valuation so to be made as aforesaid, and after such payment, or a legal tender thereof, it shall and may be lawful for the said company, by their manager or managers, agents, artificers, labourers, and workmen, and with horses, wagons, carts, oxen, and other teams necessary therefor, to enter upon, dig, excavate, and complete the said watercourse, according to the survey so made, and within the dimensions therein prescribed; and they are hereby required to erect, keep up, and maintain upon and along each side of the said watercourse a good and substantial bank of mud and earth, sufficient to prevent the overflow of the waters of said watercourse upon the contiguous land; and which said watercourse and the land so embraced within the survey of the said commissioners is hereby for ever vested in the said Fishing

After valuation is paid, company may enter upon lands.

Island Bank Company, as full and entirely as if conveyed to the said company by deed of bargain and sale by the owners thereof, respectively; *provided*, that if at any time hereafter the meadows of the said Fishing Island Bank Company shall be drained without the aid of the said drain hereby authorized, by the cutting out of Denn's canal or other means, then the said watercourse and canal so to be taken shall revert to the said owners, and they be reseized thereof as fully as they were entitled thereto before this act.

Proviso.

Sluices to be made and kept in order.

Sec. 5. *And be it enacted*, That the said Fishing Island Bank Company shall, and they are hereby required to erect and place a sluice or sluices at the end of said drain into Salem creek, and also in each of the present ditches through which the said watercourse may pass, a trunk or sluice through which to pass the water from the west side of the said drain into or under the same, at the option of the owner or possessor, and to keep the said trunks in repair from time to time free of expense to the owners of said meadow; and the owners of the said meadow shall at all times have full liberty to drain the water off the west side of their meadow into the said watercourse by the ditches may hereafter be cut; *provided*, they shall make and at all times keep up the trunks or sluices in the banks of said company necessary for such additional ditches, in such manner that no injury shall arise to the banks of said company, or to their meadows, on either side, from the leakage or bad condition of said trunks or sluices; and if the sluice or sluices at the creek shall be out of order, and the managers of the Fishing Island Bank Company, after three days' notice, shall neglect to repair it, the said owners, or any of them, may do it themselves, and collect the expense of repairing the same of the managers of the Fishing Island Bank Company, in an action of debt with costs of suit, in any court of record having cognizance of the same.

Proviso.

Owners may repair sluices in certain cases.

Bridges over said watercourse to be maintained.

Sec. 6. *And be it enacted*, That the said Fishing Island Bank Company shall make, construct, keep up, and maintain good and sufficient bridges over said watercourse, for the accommodation of all the owners of lands adjoining the same, of sufficient width and size for them safely to pass and repass with wagons over and upon the same to and from the meadows lying along said watercourse; and the said owners or possessors shall have free right of egress and regress at all times over and upon the same, without interruption or disturbance from the said company.

Sec. 7. *And be it enacted*, That the said watercourse shall be and continue the property of the said Fishing Island

Bank Company, as a drain for the meadows of said company; and if any person shall cut the banks thereof, injure the sluices or any of the works of said company, or in any manner obstruct the same, to the injury of the said company or any of the owners of meadow along the said drain, he or they so offending shall be liable to a fine of fifty dollars, to be sued for and recovered before any justice of the peace, by action of debt with costs, in the name and for the use of any owner of meadow who will sue therefor, and be also liable to damages to the party aggrieved.

Penalty for injuring watercourse.

Sec. 8. *And be it enacted*, That all the expenses incurred in draining the meadows of the Fishing Island Bank Company, either by the completion of the said watercourse, the erection of sluices, flood-gates, and water-works, or by other means, shall be, and the same are hereby declared chargeable and assessable upon all the meadow land of the Fishing Island Bank Company, and shall be paid by the owners or possessors thereof; and if default be made in the payment thereof, the same shall be collected in the same manner that other taxes and charges are now collected of the said company under the provisions of the act entitled, "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons, to keep the same in good repair," passed November twenty-nine, seventeen hundred and eighty-eight, and the supplements passed thereunto.

Payment of expenses incurred in draining meadows.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the aforesaid Thomas F. Lambson, or any other person or persons interested in the meadows bounding on Salem creek, to enter upon the lands of the heirs of John Denn, deceased, and dig out, excavate, deepen, and widen John Denn's canal, on the southeasterly side thereof, to any depth and width not exceeding the width of Salem creek, at the upper end of said canal.

Denn's canal may be enlarged.

Sec. 10. *And be it enacted*, That if the aforesaid Thomas F. Lambson or any other person or persons doth commence deepening and widening John Denn's canal within three months from the passing of this act, and doth complete the same so as to vent the waters of Salem creek, as freely and uninterruptedly as was vented up and down the same before the cutting of said Denn's canal, by the first day of April, eighteen hundred and thirty-eight, this act shall be void and of no effect.

If Denn's canal be enlarged so as to vent the water, this act void.

Sec. 11. *And be it enacted*, That the chosen freeholders of the township of Lower Penns Neck and Mannington, for the time being, shall be the judges as to the venting of the waters as mentioned in the preceding section; and if a majority of said freeholders cannot agree upon the same, they shall choose an umpire, and the report of those, or any three of them, in writing, shall be final and conclusive.

Chosen freeholders to judge of the execution of the powers vested by this act.

Passed February 23, 1837.

AN ACT to empower John J. Henderson, of the city of Newark, in the county of Essex, guardian of Elizabeth B. Henderson, to sell certain real estate of said Elizabeth.

Preamble.

WHEREAS Elizabeth B. Henderson, daughter of James Henderson, deceased, a minor under the age of twenty-one years, of the said county, is seized in fee simple of about forty-nine acres and sixty-one hundredths of an acre of land, situate near the village of Springfield, in the county of Essex, in this state—AND WHEREAS it is represented that it would be greatly to the interest of the said Elizabeth B. Henderson, the aforesaid minor, to sell and convey the said land in fee simple, but that the same cannot be done without the aid of a special law for that purpose; and the said John J. Henderson, her brother and guardian hath by his petition asked for a law to empower him to sell the same, and that an advantageous sale thereof can be made, if power therefor be given—Therefore,

J. J. Henderson authorized to sell and convey certain lands.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said John J. Henderson be, and he is hereby authorized and empowered to make sale at public vendue, to the highest bidder, of the lands, tenements, and real estate aforesaid of the said Elizabeth, in fee simple, giving at least one month's previous notice by advertisements in five of the most public places in the township of Springfield, in said county, and execute a deed or deeds thereof and therefor, which shall be as good and effectual to grant, sell, convey, and assure the said lands, tenements, and real estate, and the hereditaments and appurtenances to the same belonging, to the purchaser or purchasers thereof, as if the said deed or deeds were made by the said Elizabeth herself, after she had attained her full age of twenty-one years; *provided always*, that such deed or deeds shall have no force or effect until the said John J. Henderson shall give bond to the governor of this state, in such sum and with such security as the orphans' court of the said county of Essex shall direct, conditioned for the faithful performance of his guardianship.

Deed of no effect until bond be given to governor.

Proceeds to descend as real estate.

Sec. 2. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sale of said real estate, but that the same shall descend as the said real estate would have done had this act not been passed.

Passed February 23, 1837.

AN ACT to divorce Rachel Morris from her husband Josiah Morris.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Rachel Morris, of the county of Gloucester, be, and she is hereby divorced from her husband Josiah Morris, and that the marriage contract heretofore existing between them be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony. Rachel Morris divorced.

Passed February 23, 1837.

AN ACT to incorporate the Bank 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 John S. Darcy, William Rankin, Isaac Baldwin, Asa Whitehead, Alvin Hedden, Caleb H. Shipman, Moses Bigelow, Zenas S. Crane, Pruden Alling, Jeremiah C. Garthwaite, James H. Robinson, Israel D. Condit, James Miller, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Bank of New Jersey;" and by that name they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and may change, alter, and renew the same at pleasure; and by the same name shall be, and are hereby made capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation; *provided*, that the said corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, specie, and gold or silver bullion; *provided also*, that the real estate which it shall be lawful for the said corporation to hold shall be only such as may be necessary for its immedi- Names of corporators. Style of incorporation. Powers.

New Jersey State Library

What real estate may be held.

ate accommodation for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it to secure debts due the said corporation, contracted in the ordinary course of its dealings, or purchased upon judgments entered or obtained by the said corporation for debts due it as aforesaid.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be one million of dollars, to be divided into shares of one hundred dollars each, with the privilege of increasing the same to fifteen hundred thousand dollars at any time, and in such amounts and under such regulations as the board of directors for the time being may deem expedient, during the continuance of the charter; and that the subscriptions to the said capital stock be received by Charles T. Shipman, Isaac Meeker, John N. Utter, Aaron Peck, John P. Jackson, James Cook, and Henry Coster; which said commissioners, or a majority of them, shall open books of subscription at Newark; and the said books shall be kept open for the space of five days, giving twenty days' previous notice in two newspapers published in Newark; and upon the closing of the said books of subscription, or within five days thereafter, the said commissioners shall pay over to the directors hereinafter appointed the whole amount of money which they or any of them may have received upon the said subscription.

Commissioners to receive subscriptions for stock.

Fifteen directors to be appointed annually.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by fifteen directors, all of whom, together with the president, shall be stockholders and citizens of the United States and of this state, and of whom at least nine, together with the president, shall have been resident within the city of Newark for at least one year immediately preceding their election; which directors shall hold their offices for one year, and shall be elected on the last Tuesday in April in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding the said election, by an advertisement to be inserted in one of the newspapers printed in the city of Newark; for the well ordering of which election, the directors shall previously thereto appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for are qualified to be elected directors, and after the conclusion of the ballot shall decide and declare who are elected direc-

Time and mode of electing directors.

tors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their names at least three months before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, who shall take an oath of office; and if it should so happen at any election that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes to determine which of the persons so having an equal number shall be director or directors, so as to complete the whole number, and the directors so elected, as soon as may be thereafter, shall proceed in like manner to elect one of their number by ballot, who shall be their president; and in case of the death of the president, refusal to serve, resignation, or disqualification of any of the directors, such vacancy or vacancies may be filled for the remainder of the year by such person or persons as a majority of the board of directors for the time being may appoint; and that John S. Darcy, William Rankin, Isaac Baldwin, Asa Whitehead, Alvin Hedden, Caleb H. Shipman, Moses Bigelow, Zenas S. Crane, Pruden Alling, Jeremiah C. Garthwaite, James H. Robinson, Israel D. Condit, John N. Utter, Samuel Condit, and James Miller shall be directors, and shall hold their offices, respectively, until the last Tuesday of April, in the year of our Lord one thousand eight hundred and thirty-eight, and until others shall be chosen by the stockholders.

President to be chosen.

Vacancies how supplied.

First directors.

Sec. 4. *And be it enacted*, That eight directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation; *provided*, that no discounts shall be made on any note or notes, bill or bills, without at least one good endorser.

Quorum.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the government of the said corporation; the management and disposition of the stock, business, and effects thereof; the time, manner, and terms at and upon which discounts and deposits shall be made and received by the said corporation; the duties and

Duties and powers of directors.

conduct of the officers, clerks, and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall have power to appoint as many officers, clerks, and servants, for carrying on said business, and with salaries or allowances as to them shall seem meet; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States or of this state; *and provided further*, that the cashier of said bank shall be annually appointed, and that upon the appointment or re-appointment of the said cashier, he shall take an oath or affirmation faithfully to perform the duties of his office, and shall give bond with good and sufficient security, in the penal sum of forty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank.

Proviso.

Cashier to be annually appointed.

Sec. 6. *And be it enacted*, That the stock of the said corporation shall be considered a personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are or shall be liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of the said bank shall pay, at the time of subscribing, to the commissioners receiving subscriptions, the sum of five dollars in specie or notes of banks in this state, or the city of New York, which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of said company may require payment for the remaining instalments which shall have been subscribed at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days in two of the newspapers printed in the city of Newark.

Stock personal property.

Stock and real estate subject to be taxed.

Stock forfeited on failure to pay instalments.

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

Stock a lien.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees successively, and so as to enable such assignee to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or persons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable and negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation; *provided*, that every bill or note issued by said corporation, payable to bearer or to any person or persons, his, her, or their order, or bearer, shall be deemed and taken to be payable and demandable at the office of the said banking company.

Bills under seal assignable by endorsement.

Proviso.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable; but that they shall make no dividend of any part of the capital stock.

Dividends to be made.

Sec. 10. *And be it enacted*, That the rate of discount at which loans may be made by the said corporation shall not exceed the legal rate of interest in this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in bills of exchange, and the purchase and sale thereof.

Rate of discount.

Proviso.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation for the time being, under their respective oaths or affirmations and under the seal of the corporation, annually to lay before the legislature of this state a statement of its capital stock paid in, and of its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of two years together, that then and from thenceforth this charter and all the privileges hereby conferred shall cease and be for ever at an end.

Annual statement to be made to legislature.

Sec. 12. *And be it enacted*, That if at any time after the passing of this act the said president, directors, and com-

Charter forfeited on failure to pay specie for notes.

pany shall neglect for the space of fifteen days, on demand being made at their banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States their said bills, notes, or other evidences of debt issued by the said corporation, the said president, directors, and company shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum from the time of such demand until the same shall be paid as aforesaid, or otherwise satisfied.

President and directors responsible.

Sec. 13. *And be it enacted*, That the president and directors of said corporation shall individually, and jointly and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue thereon.

When notes may be issued.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that two hundred thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to the provisions of this act; *provided*, that the whole amount of capital authorized by this act shall be subscribed and paid within ten years from the passage of this act.

Limtation.

Act may be repealed.

Sec. 15. *And be it enacted*, That this act shall be and continue in force until the first day of January, one thousand eight hundred and fifty-eight, and no longer; and further, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever the public good requires it.

Passed February 24, 1837.

AN ACT to incorporate the Sidney Manufacturing Company, of the county of Hunterdon.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That James Waterhouse, John Waterhouse, senior, Charles Bartles, Richard Coxe, and Charles George, and such other persons as now are or hereafter may be associated with them, and their successors, be, and they are hereby constituted a body politic and corporate in this state, by the name and style of "The Sidney Manufacturing Company," for the purpose of manufacturing wool, cotton, flax, hemp, and paper, to be located on the Capoolong creek, in the township of Kingwood, in the county of Hunterdon; and that by that name they and their successors shall have power and continue to be a body corporate for the term of twenty-five years, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and they and their successors, by their corporate name, shall in law be capable of buying, holding, leasing, selling, and conveying any water-power, lands, tenements, and hereditaments within the township of Kingwood, in the county of Hunterdon, not to exceed three hundred acres of land; and also raw materials, goods, wares, merchandises, necessary for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts due to said corporation; *provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations, or any other purpose not clearly indicated by the provisions of this act; *provided also*, that the said company shall commence operations within five years from and after the passage of this act.

Names of corporators.

Powers.

Funds not to be employed in banking purposes.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one hundred and fifty thousand dollars, which shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for

Amount of capital.

the said corporation, when and so soon as twenty thousand dollars of the said capital stock shall have been subscribed, and one half thereof paid in, to commence their business, and with that capital conduct and carry it on until they shall find it expedient to call in their capital, which they are authorized to do from time to time, to the amount herein before mentioned.

Stock forfeited on failure to pay instalments

Sec. 3. *And be it enacted*, That it shall be lawful for the president and directors of the said corporation to call for and demand of the stockholders, respectively, all such sums of money as are by them subscribed, at such times and in such proportions as they shall deem fit, not exceeding ten dollars on each share at any one time, under the pain of the forfeiture of his, her, or their shares, and all previous payments made thereon, to the said corporation, always giving at least thirty days' previous notice of such call and demand in at least two newspapers, one of which shall be printed in the county of Hunterdon.

Corporation to be managed by five directors.

Sec. 4. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by five directors, who may respectively hold their offices for one year, or until re-elected or others may be chosen, and no longer; which directors shall at all times during their continuance in office be stockholders in the said company, in their own right, to the amount of at least five shares, and shall be citizens of this state; and the said directors shall hereafter be elected on the first Tuesday of April in each and every year, at such hour of the day and and at such place as the board of directors for the time being shall appoint, of which election public notice shall be given in two of the newspapers printed as aforesaid, at least twenty days immediately preceding such election; and such election shall be holden under the inspection of three stockholders, not being directors, to be appointed by the board of directors previously to every election; and such election shall be made by ballot and by a plurality of the votes of the stockholders then present, or their proxies, allowing one vote for every share of the said stock; but no share shall entitle the holder to vote, unless the same shall have been held by him at least sixty days next immediately preceding such election.

Time and mode of electing directors.

Commissioners to receive subscriptions to stock.

Sec. 5. *And be it enacted*, That the said James Waterhouse, John Waterhouse, senior, Charles Bartles, Richard Coxe, and Charles George, or any three or more of them, shall be commissioners, whose duty it shall be, at some suitable place in the county of Hunterdon, and afterwards at any

other place or places they may think proper, to open books to receive subscriptions to the capital stock of the said corporation; and twenty days' public notice shall be given by the said commissioners of the time and place of the opening of such books, and also of the amount of the first instalment to be then paid, in two of the newspapers printed as aforesaid; and as soon as twenty thousand dollars of the said stock shall be subscribed, to give a like notice for a meeting of the stockholders to choose five directors; and the said commissioners, or any three of them, shall be inspectors of the first election of directors of the said company, and shall certify, under their hands, the names of those duly elected, and deliver over to them the subscription books and the moneys and securities received for subscriptions; and the time and place of holding the first meeting of directors shall be fixed by the said commissioners.

President to be chosen.

Sec. 6. *And be it enacted*, That the directors first chosen, or that may hereafter be chosen, shall, as soon as may be after their appointment, proceed to choose out of their body one person to be president, who shall preside until the next annual election thereafter; and in case of the death, resignation, or inability to serve of the president or any director of the said corporation, such vacancy or vacancies may be filled for the remainder of the year by the board of directors for the time being; and in case of the absence of the president, the board of directors shall have power to appoint a president pro tempore, who shall have and exercise such powers and functions as the by-laws of the said corporation shall provide.

Vacancies, how supplied.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 7. *And be it enacted*, That if it should at any time happen that an election of directors should not be made on the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but it shall be lawful on any other day to hold and make an election of directors, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Mode of transferring stock.

Sec. 8. *And be it enacted*, That the stock of the said corporation shall be assignable and transferable on the books of the said company, according to such rules, and subject to such restrictions and regulations, as the board of directors shall from time to time make and establish, and shall be considered personal property; but in case the said corporation shall have any claim or demand against any stockholder thereof, whether such claim or demand is due or to become due at any future period, such stockholder shall not be enti-

tled to make any transfer, sale, or conveyance of his stock in the said corporation, or to receive a dividend thereon, until such claim or demand shall be paid to the satisfaction of the board of directors.

Powers and duties of directors.

Sec. 9. *And be it enacted*, That a majority of the directors of the said corporation shall constitute a board, and be competent to the transaction of all the business of the said corporation; and all questions before them shall be decided by a majority of voices; and they shall have power to appoint a secretary and such other officers, clerks, and servants as they shall deem expedient and proper for the well conducting and transacting their business; and they shall also have power, at such times as to them shall seem meet, to make and declare dividends of such part of the clear profits resulting from the business of the said corporation as they shall deem expedient; and shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper respecting the management and disposition of the stock, property, estate, and effects, of the said corporation, the compensation of wages, and the duties, powers, and conduct of the officers and servants thereof, the election and meeting of directors, the transfer of shares, the management and conducting of the business of the said corporation, and all matters appertaining thereto, and such by-laws, rules, and regulations, at their discretion, to repeal, alter, or modify; *provided*, that such by-laws, rules, or regulations shall not be repugnant to the constitution or laws of this state or of the United States.

Proviso.

Books open to inspection of stockholders.

Sec. 10. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their manufactory, proper books of account, in which shall be regularly entered all the dealings and transactions of said corporation; which books shall be subject at all times to the inspection of the stockholders of the company.

Act may be repealed.

Sec. 11. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Passed February 24, 1837.

AN ACT for the relief of John Nevius, of the county of Middlesex.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to John Nevius, a soldier of the Revolution, or to his order, the sum of eighty dollars, to be paid to the said John Nevius annually, in quarterly payments, from the passing of this act, during his lifetime; and the receipt of the said John Nevius, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

$80 per annum granted to John Nevius for Revolutionary services.

Passed February 24, 1837.

AN ACT to incorporate the Allowaystown Beneficial Society, of the county of Salem.

WHEREAS a number of citizens of the county of Salem, in this state, have formed themselves into a society for the purpose of raising a fund sufficient for the relief of each other in case of disease or accident—AND WHEREAS they have by their petition represented to the legislature of this state the expediency of being constituted a body corporate, so as the better to enable them to carry their benevolent intentions 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 John Nelson, Daniel Vanneman, Philip Souder, Chambless Applegate, William T. Dubois, Richard Conklyn, Minor Applegate, and Aaron Lawrence, and all such other persons as now are or hereafter shall become members of the Allowaystown Beneficial Society, by such name shall have succession, and be persons in law capable of suing and being sued, pleading and being impleaded, an-

Names of corporators.

swering and being answered unto, defending and being defended, in all courts of law and equity whatever; and that they and their successors may have a common seal, and shall have power to make, change, and alter the same at their pleasure; and by their corporate name as aforesaid, and under their common seal, may make, enter into, and execute contracts or agreements touching and concerning the objects of said corporation.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one thousand dollars; which shall be applied to the nursing and attendance of members while sick, the purchase of necessaries for sick members, the payment of physicians' and surgeons' bills, the funeral expenses of deceased members, and such other incidental expenses as may be needful to further the objects of the said society.

Amount of capital stock.

Mode of application.

Sec. 3. *And be it enacted*, That the said corporation shall have power to elect annually, out of their own body, a president, vice president, secretary, treasurer, and such other officers and assistants as shall be necessary for the proper management of the affairs of said corporation; and the president shall keep in his custody the common seal of the corporation, and deliver it over at the end of his term of office to his successor.

Officers to be elected.

Sec. 4. *And be it enacted*, That the constitution and by-laws of the said corporation shall be binding and imperative on the different members, and may be enforced by suit against defaulting members in the corporate name of said company, before any court having competent jurisdiction; *provided*, that in all suits between the said corporation, and a member or members thereof, any of the said members may be witnesses for either party.

Constitution and by-laws may be enforced against defaulting members.

Sec. 5. *And be it enacted*, That the legislature may at any time hereafter alter, amend, modify, or repeal this act, whenever the public requires it.

Act may be repealed.

Passed February 24, 1837.

AN ACT to incorporate the Citizens and Mechanics Bank of Elizabeth.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Elias Winans, William Chetwood, John J. Chetwood, Stephen P. Brittin, John J. Bryant, James F. Meeker, Robert Griffith, David Sanderson, William A. Burtis, Joseph D. Price, Moses Hetfield, and Benjamin Williamson, and their associates, shall be and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Citizens and Mechanics Bank of Elizabeth;" and by that name they and their successors may have succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and may change, alter, and renew the same at pleasure; and by the same name shall be, and are hereby made capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation; *provided*, that the said corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, specie, gold or silver bullion; *provided also*, that the real estate which it shall be lawful for the said corporation to hold shall be only such as may be necessary for its immediate accommodation for the convenient transaction of its business, or such as shall be bona fide mortgaged to it by way of security for debts due the said corporation, or purchased upon judgments entered or obtained for debts due it.

Names of corporators.

Style of incorporation.

Powers.

What real estate may be held.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be three hundred thousand dollars, to be divided into shares of fifty dollars each, with the privilege of increasing the same to five hundred thousand dollars at any time during the continuance of this charter; and that the subscription to the capital stock be received by the following commissioners, viz: Elias Winans, William Chetwood, John J. Chetwood, Stephen P. Brittin, John J. Bryant, James F. Meeker, Robert Griffith, David Sanderson, William A. Burtis, Joseph D. Price, Moses Hetfield, and Benjamin Williamson; which said commissioners, or a majority of them, shall open booksof subscription at Elizabethtown; and said books shall be kept open for the space of

Amount of capital stock.

Commissioners to receive subscriptions for stock.

three days, giving twenty days' previous notice in a newspaper published at Elizabethtown; and if the whole amount shall not be subscribed within the said time, the said commissioners, or a majority of them, may continue to keep the books open until the whole capital stock shall be subscribed; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened, or a majority of them, to make a fair and just apportionment of the stock among the subscribers, giving preference to the citizens of New Jersey; and after the closing of the said books of subscription, and within five days after the directors are chosen, the said commissioners shall pay over to the said directors the whole amount of money which they or any of them may have received upon the said subscriptions.

Mode of electing directors.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by thirteen directors, all of whom, together with the president, shall be bona fide stockholders and citizens of the United States and of this state, and of whom at least six, together with the president, shall be resident within the said township of Elizabeth; which directors shall hold their offices for one year, and shall be elected on the first Tuesday in April in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days previous to the time of holding said election, by an advertisement to be inserted in a newspaper printed in Elizabethtown; for the well ordering of which election, the directors shall previously thereto appoint three stockholders, not being directors, to be judges of elections, who shall conduct and regulate the same; they shall determine whether the persons voted for are qualified to be elected directors, and after the conclusion of the ballot shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock not exceeding ten, and one vote for every five shares over and above that number, which he, she, or they shall have held in his, her, or their names, and in his, her, or their own right, at least one month before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, each of whom shall take an oath or affirmation that he will faithfully execute the duties of his office; and if it should so happen at any election that

two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes to determine which of the persons so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner to elect one of their number by ballot, who shall be their president; and whenever a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies may be filled for the remainder of the year by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; *provided nevertheless*, that as soon as two thousand shares shall be subscribed, the said commissioners, or a majority of them, shall call a meeting of the stockholders at Elizabethtown aforesaid, by giving at least two weeks' notice in a newspaper published in said town; and the stockholders assembled in pursuance of such notice shall choose by ballot, from among the stockholders, by a majority of such as are present in person or by proxy, thirteen directors, with the same qualifications as herein before provided, to be the first directors of the said corporation, and who shall hold their offices until the first Tuesday in April, then next ensuing, and until others are chosen by the stockholders; and the stockholders shall have free access to the books of the said bank, for the purpose of examining the accounts of the directors, for twenty days previous to every annual election.

President to be chosen.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That seven directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation; *provided*, that no discounts shall be made on any note or notes, bill or bills, without at least one good endorser.

Quorum.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the government of the said corporation; the management and disposition of the stock, business, and effects thereof; the time, manner, and terms at and upon which discounts and deposits shall be made and received by the said corporation; the duties and conduct of the officers, clerks, and servants employed therein; the election of directors, and all such other matters as may appertain to the concerns of the said corporation; and shall

Duties and powers of directors.

have power to appoint as many officers, clerks, and servants, for carrying on said business, and with salaries and allowances, as to them shall seem meet; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this act or to the constitution and laws of the United States or of this state; *and provided further*, that the cashier of the said bank shall be annually appointed, and that upon the appointment or re-appointment of said cashier, he shall take an oath or affirmation faithfully to perform the duties of his office, and that he will not knowingly or wilfully suffer any director of the said bank wrongfully to convert the funds of the said bank to his own use, by overdrawing his account or otherwise; and that in case it shall come to his knowledge that any director has wrongfully converted any part of the funds of the said bank to his own use, that he will give notice thereof to the board of directors, at their next meeting; and shall give bond with two or more sureties, in a sum not less than thirty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank.

Cashier to be annually appointed.

Sec. 6. *And be it enacted*, That the stock of the said corporation shall be considered as personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are or shall hereafter be liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall be taxed; and each and every person subscribing to the capital stock of the said bank shall pay, at the time of subscribing, to the commissioners receiving such subscriptions, the sum of five dollars in specie or notes of the banks in this state, or the city of New York, which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of said company may require payment for the remaining instalments which shall have been subscribed at such times and in such proportions as they, or a majority of them, shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days in a newspaper printed in Elizabethtown; *provided*, that no instalment to be paid shall exceed five dollars on a share.

Stock personal property.

Stock forfeited on failure to pay instalments.

Sec. 7. *And be it enacted*, That no transfer of stock of said corporation shall be valid and effectual until any debt or debts which may be due to said company from the person transferring shall have been fully discharged, and such

Stock a lien.

transfer shall have been registered in a book or books to be kept for that purpose by the directors; and that the total amount of the debts which the said corporation shall at any time owe over and above the actual deposits in said bank shall not exceed twice the sum of the capital stock subscribed and actually paid into the said bank.

Bills under seal assignable by endorsement.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees successively, and so as to enable such assignee or assignees to bring and maintain an action thereupon, in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with like power and effect as upon any private person or persons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation; *provided*, that every bill or note issued by said corporation, payable to bearer or to any person or persons, his, her, or their order, or bearer, shall be deemed and taken to be payable and demandable at the office of the said bank.

Proviso.

Dividends to be made.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of the said corporation to make semi-annual dividends of so much of the profits of said bank as to them, or a majority of them, shall seem advisable; but that they shall make no dividend of any part of the capital stock.

Rate of discount.

Sec. 10. *And be it enacted*, That the rateof discounts at which loans may be made by the said corporation shall not exceed the legal rate of interest of this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the said company from dealing in drafts or bills of exchange, and the purchase and sale thereof.

Annual statement to be made to legislature.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation for the time being, under their respective oaths or affirmations and under the seal of the corporation, annually to lay before the legislature of this state a statement of its capital stock paid in, and of its notes, debts, and specie on hand.

When notes may be issued.

Sec. 12. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that sixty thousand dollars of the capital stock of the said corporation shall have been subscribed and paid in, conformably to the provisions of this act; *provided nevertheless*, that the whole amount of the capital stock authorized by this act shall be subscribed and paid in within ten years from the passage of this act.

Proviso.

Charter forfeited on failure to pay specie for notes.

Sec. 13. *And be it enacted*, That if at any time after the passing of this act the said president, directors, and company shall neglect, on demand being made at their banking-house during the regular hours of doing business, to redeem in specie or other lawful money of the United States their said bills, notes, or other evidences of debt issued by the said corporation, the said president, directors, and company shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise, unless they shall resume specie payments within fifteen days thereafter; and the said bank shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per centum per annum, from the time of such demand until the same shall be paid as aforesaid, or otherwise satisfied.

President and directors responsible.

Sec. 14. *And be it enacted*, That the president and directors of said corporation shall individually, and jointly and severally, be and continue liable to every creditor for the payment of any and all bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue thereon.

Limitation.

Sec. 15. *And be it enacted*, That this act shall be and continue in force until the first day of January, one thousand eight hundred and fifty-eight; *provided*, that it shall and may be lawful for the legislature of this state, at

any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it. Act may be repealed.

Passed February 24, 1837.

AN ACT to incorporate the Millstone and New Brunswick Railroad.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Daniel H. Desborough, esq., Wm. T. Rodgers, esq., Edward Van Harlingen, Wm. Blackwell, Peter Mortman, jun., Samuel Holcombe, James S. Nevius, Henry V. Dumott, Theophilus M. Holcombe, Josiah Stout, esq., James Parker, esq., and such other persons as may hereafter be associated for the purpose, shall be, and hereby are made, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Millstone and New Brunswick Railroad Company;" and by that name they, their successors, and assigns, shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels whatsoever, necessary or expedient to the object of this incorporation.

Names of corporators.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty for the company to increase the same to two hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct; *provided always*, that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Amount of capital.

Not to be employed for banking purposes.

Subscriptions to stock to be received.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company at such time or times, and place or places, as they, or a majority of them, may think proper; and after two-thirds or more of the stock shall be subscribed, shall give notice for a meeting of the stockholders to choose nine directors, which election shall be made at the time and place appointed by such stockholders as shall attend for that purpose, in person or by lawful proxy, each share entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the said election, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription books to the said directors; and the directors chosen at such meeting, or the annual elections, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them; and in case of the absence of the president, they, or a majority of them, may appoint a president pro tempore.

Time and mode of electing directors.

Vacancies, how supplied.

Time and place of election to be advertised.

Sec. 4. *And be it enacted*, That an annual election for directors shall be held at such time and place in the county of Somerset, as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in some newspaper published in said county, at which the stockholders shall vote in the same manner as at the first election; *provided always*, that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved, but such election may be held at any other time, upon giving the proper notice, and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Corporation not dissolved for failure to elect on day prescribed.

Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of the same, at such times and by such instalments, first giving thirty days' notice thereof in one newspaper printed in Somerville, and one in New Brunswick, as they may think proper; and in case of the non-payment of any such instalments, to forfeit the share or shares upon which such default shall arise; and to make such by-laws, rules, and regulations, not inconsistent with the laws and constitution of this state or the United States, as to them shall appear needful and proper touching the management and regulation of

the stock, property, and estate of the said corporation; and also to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts; *provided* no one instalment shall exceed five dollars on each share, or be required at shorter periods than sixty days from each other. Proviso.

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad from some point or place in the village of Millstone, to some point or place in the city of New Brunswick, not exceeding sixty-six feet in width, with as many tracks or rails as they may deem proper; and for the said president and directors, their agents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purpose of exploring, surveying, levelling, or laying out said road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof (doing no unnecessary injury to private or other property); and when the route shall have been determined on, and a survey thereof filed in the clerk's office of the county of Somerset, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use, occupy, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that payment, or tender of the payment, of all damages for the occupancy of lands through which the said road may be laid out, be made before the company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained. Location of railroad. Survey of route to be filed in clerk's office of Somerset. Proviso.

Sec. 7. *And be it enacted*, That when the said company cannot agree with the owners of the lands required, for the use or purchase thereof, or when, by reason of the legal incompetency or absence of the owner or owners, no such agreement can be made, a particular description of the land required for the use of the said company, in the construction of said road, shall be given in writing, under the oath or af- Proceedings when company and owners of land cannot agree.

firmation of some engineer or proper agent of said company, and also the name or names of the occupant or occupants, and of the owner or owners, and their residence, if the same can be ascertained, to one of the justices of the supreme court of this state, who shall cause the said company to give notice to the persons interested, if known and in this state, or, if unknown or out of this state, to make publication thereof as he shall direct, for any term not less than twenty days, and assign a particular time and place for the appointment of the said commissioners hereinafter mentioned, at which time, upon satisfactory evidence to him of the service or publication of the aforesaid notice, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders to examine and appraise the land and assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making the appointment, not less than twenty days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some justice of the supreme court, judge of the court of common pleas, or justice of the peace, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding) to meet at the time and place specified in the notice, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same, and of the damages to be paid by the company for taking the same; which report in writing, under the hands and seals of the said commissioners, or two of them, shall be filed in the clerk's office of the county of Somerset, together with the aforesaid description of the lands and the appointment and oaths or affirmations of the commissioners, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land, and the owner or owners to recover the amount of the said valuation, with interest and costs, in an action of debt in any court of competent jurisdiction, if the company shall neglect or refuse to pay the same within twenty days after demand made of the board of directors, or their treasurer, and shall constitute a lien for the amount of said valuation upon the property of said company; and the said justice shall tax and allow all proper fees, costs, and expenses to himself, the commissioners, and other persons performing any of the duties prescribed in this section, which shall be paid by the said company.

Sec. 8. *And be it enacted*, That in case the said company, or the owner or owners of the said lands, shall be dissatisfied with the report of the commissioners mentioned in the preceding section, and shall apply to the justices of the supreme court at the next term of the supreme court after the filing of said report, or if the said report shall not be filed thirty days before such term, then at the term following the court shall have power, upon good cause shown, to set the said report aside as between the parties, and thereupon direct a proper issue for the trial of the controversy; and, if necessary, a jury to be struck and a view of the premises had, and the said issue to be tried at the circuit court of said county, upon like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the land and the damages sustained by its occupation; and if they shall find a greater sum than the commissioners have awarded, or the same, if the application be made by the company, then judgment thereon shall be entered against the company, with costs, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the company have offered or the commissioners awarded, then the costs shall be paid by the applicant or applicants, and deducted out of the sum found by the jury, or execution awarded therefor, except where the application is made on behalf of minors or persons under legal disabilities, against whom no costs shall be recovered; *provided always*, that such application shall not prevent the company from taking the land upon filing the aforesaid report, or invalidate the rights given by this act upon so doing.

Proceedings when company or owners are dissatisfied with report of commissioners.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to construct or purchase, and place upon their said road, all machines, engines, wagons, carriages, or vehicles for the transportation of passengers, or any species of property thereon, as they may think proper; *provided* they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger on said road in the carriages of said company, or three cents per mile for each ton of property, or three cents per mile for each passenger carried on said railroad in the carriages of others, and three cents per mile for each empty carriage; and the said railroad and appendages, and the land over which the same shall pass, and all the works, improvements, engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are

Charges allowed for passengers and transportation of merchandise.

hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Passage of other roads not to be obstructed

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over, across, or under the said road, where any public or other road shall cross the same; and also, where the said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon-ways over, under, or across said railroad, so that he may pass the same; *provided* it shall not be lawful to use any public road (except to cross the same in the most direct manner) for the purpose of a railroad, without the consent of a majority of the inhabitants, to be obtained at a regular town meeting where such public road exists.

Proviso.

Railroad a public highway.

Sec. 11. *And be it enacted*, That the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated as to the time of starting and rates of travelling by the company, in the same manner as the carriages of the company are.

Proviso.

Two acres of real estate may be held by company.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, and other buildings and improvements as they deem expedient for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, issues, and profits thereof.

Penalty for injuring works.

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, or destroy, or obstruct the use of any railroad constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Semi-annual dividends to be declared.

Sec. 14. *And be it enacted*, That the president and directors shall within one year after the said road shall be completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof, if any, and

shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders, in proportion to the amount of stock held by them respectively.

Statement of cost of road to be filed with secretary of state, and proceeds to be annually made to legislature.

Sec. 15. *And be it enacted*, That when the said railroad with its appendages shall be finished, so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state, and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the expense of all additions and alterations in the structure of their road, and of the proceeds of the same, until the net income of said road shall amount to seven per centum upon its costs, and as soon as it shall do so, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company for the use of the state.

When road may be taxed.

Proviso.

When state may take the road.

Sec. 16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor the value thereof, not exceeding the original costs of the same; and if the said road shall not be completed within ten years from the passage of this act, then and in that case this act shall be void.

Act may be altered or repealed.

Sec. 17. *And be it enacted*, That the legislature of this state shall have the right, at any time hereafter, to alter, amend, or modify this act.

Passed February 27, 1837.

AN ACT to divorce William Jenkins, of the county of Essex, from his wife Sarah Jenkins.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract between William

William Jenkins divorced.

Jenkins and Sarah Jenkins, of the county of Essex, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in the bands of matrimony; and that the said William Jenkins shall in no wise be liable for the support and maintenance of the child born of the said Sarah Jenkins since said marriage.

Passed February 27, 1837.

AN ACT to incorporate the Morristown Fire Association.

Boundaries.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all the proprietors of dwellinghouses, or other buildings liable to injury by fire, in Morristown, in the county of Morris, within the following boundaries and limits, to wit: beginning at the dwellinghouse of Joseph Cutler, and including the same, and thence running in a straight line to Dayton I. Canfield's paper mill; thence in a straight line to R. and G. S. Wood's manufactory and saw mill; thence in a straight line to the house by the brook in Morris-street, now occupied by William Russell; thence in a straight line to Colin Robertson's house, in South-street, formerly Samuel Sayre's; thence in a straight line to George P. Macculloch's dwellinghouse; thence in a straight line to the dwellinghouse of Joseph Lovel; thence in a straight line to the dwellinghouse of Ezra Mills; thence in a straight line to the place of beginning, including all the aforesaid houses, be, and are hereby constituted, ordained, and declared to be a body politic and corporate, in fact and in name, by the name of "The Morristown Fire Association;" and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they and their successors may have a common seal, and shall make, change, and alter the same at pleasure; and by their name aforesaid, and under their seal, may make, enter into, and execute any contracts, agreements, and other writings touching and concerning the ob-

Style of incorporation.

Powers.

jects of said corporation; and shall have full power and authority to make, form, and adopt such constitution and such by-laws and regulations for their government, not inconsistent with the laws or constitution of this state or of the United States, as they shall think proper.

Sec. 2. *And be it enacted*, That the capital stock of said association shall not exceed the sum of two thousand dollars, and shall be solely and exclusively applied to the procuring, maintaining, and repairing such engines, reservoirs of water, hose, ladders, buckets, fire-hooks, and other implements and machines as are necessary and convenient for the extinguishment of fires, and to purchase and hold so much real estate as shall be necessary to carry into effect the herein expressed objects of this association, and preserve the above specified engines, ladders, &c., and for such other incidental expenses as shall, in the opinion of the officers hereinafter named, be best calculated to effect the objects of this corporation.

Amount of capital stock.

Mode of application.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the members of this corporation to assemble at N. B. Luse's hotel, in Morristown, on the first Monday in April next, at one o'clock in the afternoon, and on the first Monday in April of every succeeding year, at the same hour, and at such place within the limits aforesaid as shall have been determined on at the last meeting, public notice of the place of such meeting being previously published in all of the newspapers printed in Morristown for at least one week next before the time of such meeting, and there and then, by a plurality of the votes of such persons so assembled, to elect from the members of said corporation a president, a treasurer, a secretary, and five managers, which officers, thus elected, shall constitute the board of managers of the Morristown Fire Association, and in whose hands the active powers of this corporation are hereby vested, and who shall take charge and care of all the property belonging to said corporation, and the members thereof, at the time and place aforesaid, shall determine the sum of money to be raised in the next ensuing year; and a majority of the board of managers aforesaid shall have power to fill all vacancies of officers at any time arising, until the next annual election thereafter.

Time and mode of electing directors.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That the members of the said corporation shall, at their first meeting, and at each annual meeting, elect one or two persons as assessor or assessors, whose duty it shall be to make a fair and correct list of all buildings within the aforesaid line, its liability to destruction by fire, with the names of the owners and occu-

Assessors to be appointed.

Duty of assessors.

pants of such buildings, and the value thereof, and shall assess such sum thereon as may be deemed just and equitable in proportion to the whole sum ordered to be raised by the members of said corporation at their annual meeting; such assessor or assessors making such allowances as may be just, on account of the various dangers and hazards to which such buildings may be subject by reason of their local situation, the materials of which they are composed, or any other circumstances; which list, assessment, and estimate, shall be returned by the assessor or assessors, within sixty days after such assessment shall have been ordered, to the treasurer of said corporation.

Committee of appeals to be elected. Duty.

Sec. 5. *And be it enacted*, That the members of the said corporation shall, at their annual meeting as aforesaid, elect three members of the said corporation a committee of appeals, whose duty it shall be to hear and determine all complaints of any person or persons who shall think himself or themselves aggrieved by any assessment made by virtue of the preceding section, who shall meet within thirty days after such assessment shall be returned as aforesaid, of which meeting public notice shall be given by the treasurer, at least one week, in all of the newspapers printed in Morristown.

Duty of treasurer.

Sec. 6. *And be it enacted*, That within twenty days after the assessment shall have been returned by the assessor or assessors, as aforesaid, it shall be the duty of the treasurer of the said corporation to notify each individual assessed, living within the bounds of said corporation, of the time and place of the meeting of the committee of appeals, and to demand payment of the tax assessed on each individual as aforesaid, in person or by written notice left at his or her place of residence, and informing him or her of the amount of said tax; and in case of non-payment for the space of thirty days after the committee of appeals shall have made their determination, he shall make out a list of the names of the delinquents, with the sums due from them, respectively, thereto annexed, and deliver the same to some justice of the peace of the county on the day following the expiration of the said thirty days, (except it shall happen to be Sunday) and then on the next following day; and it shall be the duty of the said justice, within three days after receiving such list, to make out and deliver to the constable within or near said corporation, a warrant requiring him to levy the tax so in arrear, with the costs allowed the justice and constable in other cases of taxation, by distress and sale of the goods and chattels of the delinquents, giving at least six days' notice of the time and place of such sale by advertisements set up

in three of the most public places within said corporation; and it shall be the duty of the constable to pay the tax for which such warrant is issued to the treasurer of said corporation, within thirty days after the date thereof, and to return said warrant to the said justice, with an account of the manner in which he shall have executed the same; and if the said constable shall neglect or refuse to perform any service or duty hereby required of him, he shall be liable for the amount of taxes which by the said warrant he was required to make, or for such part thereof as he shall not have paid to the treasurer, to be recovered with costs, by action of debt, in the name of the corporation, before any court of competent jurisdiction.

Assessments a lien upon property assessed.

Sec. 7. *And be it enacted*, That all assessments which shall be made by virtue of this act shall be and remain a lien and incumbrance upon the property for which the assessment shall be made, in whose hands soever it may be, until the same be fully paid and discharged, and shall hold priority over all subsequent incumbrances and conveyances.

Tenant in possession liable for the sum assessed upon property.

Sec. 8. *And be it enacted*, That in case any of the buildings or property assessed under this act shall belong to non-residents, the tenants in possession shall be liable for the sum so assessed in the same manner as the owner would be if residing in or occupying said property; and such tenants are hereby required to pay such sum so assessed, and upon payment thereof are authorized to deduct it from the rents, and in case of non-payment of any sum or sums so assessed, by reason of the non-occupancy of any building or buildings, or the neglect of the then owner to pay the same, any future occupier or proprietor shall be liable for all such arrearages of assessment, to be collected from him or them by the treasurer, in the same manner as by this law he is entitled to collect assessments from the person or persons owning the property at the time of the making thereof; *provided* said tenant shall not be liable for any sums so assessed until a like sum shall be due from him to the owner or landlord of said premises.

Proviso.

Companies of firemen may be raised.

Sec. 9. *And be it enacted*, That the said corporation shall have power to raise and organize, from among the members thereof, and from other persons residing within the limits of the same, one company of firemen to each and every engine that is or may be within said limits aforesaid, consisting of twenty-five men each, and that the said corporation have power to make all necessary by-laws for the organization and regulation of the said companies; *provided* they shall not be inconsistent with the laws or constitution of this state or of the United States.

Firemen exempt as jurymen.

Sec. 10. *And be it enacted*, That in addition to the privileges already granted, every fireman, during his faithful service in any of the said companies, shall be exempt from service as a juryman.

Act may be repealed.

Sec. 11. *And be it enacted*, That it shall and may be lawful for the council and general assembly of this state, at any time hereafter, to amend, alter, or modify this act, as they shall think fit.

Passed February 27, 1837.

AN ACT to authorize the board of chosen freeholders of the county of Cumberland to erect a bridge over Prince Maurice river at Millville.

Chosen freeholders authorized to build a bridge.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the board of chosen freeholders of the county of Cumberland be, and they are hereby authorized to erect a bridge over Prince Maurice river, at Millville, a small distance above the old bridge now standing, corresponding with the main street through said village of Millville, on the east side of the river, and the new road lately laid out on the west side of the river, leading to Bridgeton, with a suitable draw therein, of a sufficient width for the convenient passage of vessels navigating the same.

Penalty for leaving draw open or injuring bridge.

Sec. 2. *And be it enacted*, That if any captain of a vessel, or other person or persons, shall open the draw of said bridge, and leave the same open for more than fifteen minutes when the same is not absolutely necessary for the passage of some boat or vessel through the same, or if any person or persons shall cut or destroy any piece or pieces of timber, or shall remove any iron or stone work belonging to said bridge, or otherwise wilfully damage said bridge or 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 to the prosecutor, and the other for the use of the county, to be paid to the county collector.

Passed February 27, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act for the relief of creditors against absconding and absent debtors," passed the eighth of March, seventeen hundred and ninety-eight.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in all cases of proceeding by a justice of the peace against a defendant in attachment, when the defendant shall have appeared and complied in all things with the requisites of the act entitled, "A supplement to an act entitled, an act for the relief of creditors against absconding and absent debtors," passed the fifteenth day of March, eighteen hundred and thirty-two, either party may appeal from any judgment that may be rendered by the said justice acting under and by virtue of such statute, in like manner, in any respect, as if the suit had been commenced by summons or warrant under the act entitled, "An act constituting courts for the trial of small causes," and the supplements thereto, and in the way and manner in the same specified.

Appeal granted from proceedings of a justice, in case of attachment.

Sec. 2. *And be it enacted*, That whenever any judgment shall be rendered by any justice of the peace in this state, acting under and by virtue of the thirty-fourth section of the act entitled, "An act for the relief of creditors against absconding and absent debtors," passed the eighth March, seventeen hundred and ninety-eight, for or against any garnishee in attachment, either party may appeal from such judgment to the next court of common pleas in the county wherein such judgment shall be rendered, in the same manner, in all things, as is prescribed and directed in the act entitled, "An act constituting courts for the trial of small causes," and the several supplements passed thereto, regulating the mode and manner of bringing and considering such appeals.

Appeal from judgment of justice against garnishee in attachment.

Passed February 28, 1837.

AN ACT to dissolve the marriage contract between Samuel Anderson and Mary his wife.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between Samuel Anderson and Mary Anderson his wife, of the county of Salem, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony; *provided always*, that nothing herein contained shall render illegitimate the issue of said marriage.

Samuel Anderson and Mary Anderson divorced.

Passed February 28, 1837.

AN ACT for the relief of Reuben Clark, late of the county of Gloucester, and now set off for the county of Atlantic.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to Reuben Clark, a soldier of the Revolution, or to his order, the sum of sixty dollars, to be paid to the said Reuben Clark annually, in quarterly payments, from the passage of this act, during his lifetime; and the receipt of the said Reuben Clark, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

$60 to be paid Reuben Clark for Revolutionary services.

Passed February 28, 1837.

AN ACT to authorize Albert Terhune to fulfil a contract, made by the heirs of Jerusha Updyke, for the sale of a lot of land in the county of Hunterdon, and state of New Jersey.

Preamble.

WHEREAS Abraham Pittenger, late of the county of Hunterdon, was at the time of his death seized of a considerable real estate in said county, and by his last will and testament, bearing date the sixth day of June, eighteen hundred and twenty-one, after sundry devises and bequests in said will mentioned, did will, devise, and direct that all the rest and residue of his real estate, lying in the township of Hopewell and county aforesaid, should be sold by his executors therein named, and the money arising therefrom to be paid equally among five of his children, share and share alike, viz. Elizabeth Williamson, Sarah, wife of Ralph Sansbury, Samuel Pittenger, Rachel, wife of Albert Terhune, and Jerusha, wife of Garret Upkyke—AND WHEREAS a certain lot of land, containing about seventeen acres of the said real estate, being the portion of the said real estate which fell to the share of the said Jerusha Updyke, was sold and conveyed by Abraham Pittenger and Cornelius Pittenger, the executors in the said will named, to Albert Terhune, in trust for the benefit of the said Jerusha Updyke, with a power contained in said deed to sell the said lot of land, if at any time it should be the wish of the said Jerusha Updyke; and the said Jerusha Updyke having departed this life, leaving six children, to wit: Theodore Updyke, Abraham Updyke, Mary Ann Sutphen, wife of Isaiah Sutphen, Peter L. Updyke, Emily S. Updyke, and Elizabeth Updyke, the last two being minors—AND WHEREAS the said heirs have made a contract for the sale of the said lot of land to John Savidge, upon terms which will be advantageous to them—Therefore,

A. Terhune authorized to convey certain land to J. Savidge.

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 Albert Terhune, trustee as aforesaid, be, and he hereby is authorized and empowered to make a deed of conveyance to the said John Savidge, and to his heirs and assigns, for the said lot of land in the township of Hopewell, in the county of Hunterdon, lately held by him in trust for Jerusha Updyke, and which said lot of land the heirs of the said Jerusha Updyke have by a contract agreed to convey to

the said John Savidge; which deed, when duly executed and delivered, shall be good and effectual for the conveyance of the said lot of land.

Passed February 28, 1837.

AN ACT for the relief of John Bartley, of the county of Somerset.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to John Bartley, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said John Bartley annually, in half yearly payments, from the passing of this act, during the lifetime of the said John Bartley, and on receipt of the said Bartley, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

$60 per annum to be paid to J. Bartley, for Revolutionary services.

Passed February 28, 1837.

AN ACT to incorporate the Port Colden and Morris Railroad and Transportation 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 William P. Robeson, Caleb H. Valentine, William Henry, William C. Dusenberry, John Strader, David P. Shrope, Ephraim Marsh, Hugh Barkley, William Logan, Jacob Wilson, William Wright, John S. Darcy, and

Names of corporators.

such other persons as may hereafter be associated for the purpose, shall be, and hereby are made, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Port Colden and Morris Railroad and Transportation Company;" and by that name they, their successors, and assigns, shall and may have continual succession; and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same at pleasure to alter; and shall be capable of purchasing, holding, and conveying any lands, tenements, goods, and chattels, whatsoever, necessary or expedient to the objects of this incorporation.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be three hundred thousand dollars, with the liberty for the company to increase the same to six hundred thousand dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct; *provided always*, that no part of the said capital stock of the said company shall be employed for banking or other purposes incompatible with the objects for which this act is passed.

Amount of capital.

Funds not to be employed for banking purposes.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, may open books to receive subscriptions to the capital stock of said company, at such time or times and place or places as they, or a majority of them, may think proper; and after two-thirds or more of the stock shall be subscribed, shall give notice for a meeting of the stockolders to choose nine directors, which election shall be made at the time and place appointed, by such stockholders as shall attend for that purpose in person or by lawful proxy, each share entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the said election, and shall certify under their hands the names of the persons duly elected, and deliver over the subscription book to the said directors; and the directors chosen at such meeting, or at the annual elections, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, the vacancy or vacancies may be supplied by the board of directors, or a majority of them; and in case of the absence of the president, they, or a majority of them, may appoint a president pro tempore.

Books to be opened for subscriptions to stock.

Time and mode of electing directors.

President to be chosen.

Time and place of election to be advertised.

Sec. 4. *And be it enacted*, That an annual election for directors shall be held at such time and place in either the county of Warren or the county of Morris, as may be fixed by the by-laws of the company or the board of directors for the time being, who shall advertise the same for twenty days in one newspaper published in each of said counties, at which the stockholders shall vote in the same manner as at the first election; *provided always*, that in case no election shall be made at the time fixed, the said corporation shall not for that cause be dissolved; but such election may be held at any other time, upon giving the proper notice; and the directors for the time being shall continue in office until new ones shall be chosen in their place.

Corporation not dissolved for failure to elect on day prescribed.

Quorum.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be a quorum competent to transact all business of the same, with power to call in the capital stock of the same, at such times and by such instalments as they may think proper, first giving notice of the time and place when and where such instalment is required to be paid, by publishing the same in one or more of the public newspapers printed in each of the said counties of Warren and Morris, at least thirty days previous, which instalment required to be paid shall not exceed the sum of five dollars at any one time; and in case of the non-payment of any of such instalments, to forfeit the share or shares upon which such default shall arise, if not paid within twenty days thereafter; and to make such by-laws, rules, and regulations, not inconsistent with the constitution or laws of the United States or of this state, as to them shall appear needful and proper touching the management and regulation of the stock, property, and estate of the said corporation; and also to have power to appoint a secretary and such other officers and agents as to them may seem meet; to fix the salaries and compensation of their president and other officers and agents, and to require from them proper securities for the performance of their several duties and trusts.

Stock forfeited on failure to pay instalments.

Location of railroad.

Sec. 6. *And be it enacted*, That the president and directors of the company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad on the most feasible and direct route, from some point or place on the Morris canal, at or within two miles of Port Colden, in Warren county, to some point or place on the Morris and Essex railroad, at or within four miles of Morristown, in Morris county, not exceeding sixty-six feet in width, with as many tracks or rails as they may deem proper; and for the said

president and directors, their agents, engineers, and others in their employ, to enter at all times upon all lands or waters for the purposes of exploring, surveying, levelling, or laying out said road, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, (doing no unnecessary injury to private or other property); and when the route shall have been determined on, and a survey thereof filed in the clerk's offices of the counties of Warren and Morris, then it shall be lawful for the said company, by its officers, agents, engineers, contractors, workmen, and others in their employ, to enter upon and take possession, hold, have, use, occupy, and excavate such lands, and to erect and lay rails, embankments, bridges, and all other works and things which shall be necessary or proper for the completion or repair of said road, subject to such compensation as is hereinafter provided; *provided always*, that payment, or tender of the payment, of all damages for the occupancy of lands through which the said road may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of the land be first obtained.

Survey of route to be filed in clerk's office of Warren and Morris.

Proviso.

Sec. 7. *And be it enacted*, That if the owners of the land on which said railroad or railroads shall be made shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the said counties of Warren or Morris, (in which said land may be situated) who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners, residents or freeholders of said county, to assess the price or value of said land, who shall be sworn or affirmed before said judge faithfully to execute the duties of such appointment, and, after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of said county,

Proceedings when company and owners of land cannot agree.

there to be kept as a public record, and copies taken by either party, if required; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the first or second term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said court full right and power to hear and adjudge the same, and, if required, they shall award a venire in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands, and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the costs shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment, or tender, of the sum so found by the commissioners, or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid.

Appeal to the court of common pleas and trial by jury may be had.

Sec. 8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of said corporation to pay the amount of any award or report so made in behalf of any such person into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners; all of which said proceedings, as well under this, as the preceding section of this act, shall be at the proper costs and charges of the said corporation.

In certain cases, amount of award to be paid into court of chancery.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to construct or purchase, and place upon their said road, all machines, engines, wagons, carriages, or vehicles for the transportation of passengers or any species of property thereon, as they may think proper; *provided* they shall not charge more than at the rate of six cents per mile per ton for the transportation of property, or six cents per mile for carrying each passenger, on said road in the carriages of said company; or

Charges allowed for passengers and transportation of merchandise.

three cents per mile per each ton of property, or three cents per mile for each passenger, carried on the said railroad in the carriages of others, and three cents per mile for each empty carriage; and that the said railroad and appendages, and the land over which the same shall pass, and all the works, improvements, engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Passage of other roads not to be obstructed.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over, across, or under the said road, where any public or other road shall cross the same, and also where said road shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagonway over, under, or across said railroad, so that he may pass the same; *provided* it shall not be lawful for the said company to use any public highway or road for the purpose of a railway (except to cross the same in the most direct and convenient manner), unless the consent of a majority of the inhabitants be first obtained, at a regular town meeting, where such public road is located.

Proviso.

Railroad to be a public highway

Sec. 11. *And be it enacted*, That the road authorized by this act shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated as to the time of starting and rates of travelling by the company, in the same manner as the carriages of the company are.

Proviso.

Four acres of real estate may be held by company.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said roads, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, and other buildings and improvements, as they deem expedient for the safety of property and construction of carriages, and other necessary uses, and take and receive the rents, issues, and profits thereof.

Penalty for injuring works.

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of any railroad constructed under the provisions of this act, or of any of their necessary works, bridges, carriages, or machines, such person or persons shall forfeit and pay to the said com-

pany the sum of fifty dollars, to be by them recovered in any court of competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Semi-annual dividends to be declared.

Sec. 14. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall be completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof, if any, and shall in like manner, semi-annually thereafter, declare such dividends, and pay the same to the stockholders in proportion to the amount of stock held by them respectively.

Statement of cost of road to be filed with secretary of state, and proceeds to be annually made to legislature.

Sec. 15. *And be it enacted*, That when the said railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the expenses of all additions and alterations in the structure of their road, and of the proceeds of the same; and after the net income of said road shall amount to six per centum upon its costs, and as soon as it shall do so, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January in each year; *provided*, that no other tax or impost for the support of the government of this state shall be levied or assessed upon the said company.

When road may be taxed.

Proviso.

When state may take the road.

Sec. 16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor the value thereof, not exceeding the original costs of the same; and if the said road shall not be completed within five years from the passage of this act, then and in that case this act shall be void.

Act may be altered, &c.

Sec. 17. *And be it enacted*, That the legislature may at any time hereafter alter, modify, or amend this act.

Passed February 28, 1837.

AN ACT to incorporate the Burlington County Bank, at Medford, to be located in the town of Medford, in the county of Burlington.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the capital stock of the said bank shall be one hundred thousand dollars, to be divided into shares of fifty dollars each, and Caleb Shreeve, James Rogers, Benjamin Davis, Isaac Stokes, William Braddock, or any three of them, be appointed commissioners to open a subscription at the town of Medford, to raise the sum of one hundred thousand dollars, in two thousand shares, of fifty dollars each; the said commissioners to give notice of the time and place of opening the books of subscription in all the newspapers printed in Mount Holly, at least three weeks, and the books to continue open for two days; and if that amount shall not within that time be subscribed, the said commissioners may continue to keep the books open until that amount of the capital stock be subscribed; and should more than one hundred thousand dollars be subscribed, the commissioners shall make such a deduction and apportionment as they, or a majority of them, shall deem just and proper, giving the preference to citizens resident in this state.

Amount of capital.

Commissioners to receive subscriptions.

Books to be opened for subscription for stock.

Sec. 2. *And be it enacted*, That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns, shall be, and are hereby created and made a corporation and body politic, by the name and style of "The President, Directors, and Company of the Burlington County Bank, at Medford," and by that name shall be, and are hereby made capable in law to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever; and also to make, have, and use a common seal, and the same to alter and renew at their pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation; *provided*, that they be not inconsistent with the constitution and laws of this state or of the United States, or with this charter; and also to appoint all such officers, agents, and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow to them such compensation for their services as shall be deemed rea-

Style of corporation.

Powers.

Proviso.

Proviso.

sonable; *provided also*, that the whole capital stock shall be paid in within ten years from the passage of this act.

How subscription to be paid.

Sec. 3. *And be it enacted*, That the sum subscribed shall be paid in manner following, that is to say: five dollars on each share at the time of subscribing, to the persons receiving subscription, and the remainder in such instalments as shall be called for, and at such times as shall be fixed;

Proviso.

provided, that no instalment shall exceed five dollars on each share called for by the president and directors of the said company, appointed and chosen in the manner hereinafter prescribed, upon thirty days' previous notice being given by the president of the said company, in all of the newspapers printed in Mount Holly; and any person or persons failing to pay any instalments, or any part thereof, at the time prescribed and required, shall forfeit to the said company every share upon which there shall be a deficiency, and all the money thereon previously paid.

Stock forfeited on failure to pay instalments.

Time and mode of electing directors.

Sec. 4. *And be it enacted*, That as soon as one thousand shares shall be subscribed, and five dollars on each share paid in, in gold or silver or notes of specie paying banks, the persons herein empowered to receive subscriptions, or any three of them, may call a meeting of the persons so subscribing and paying, to be held at the town of Medford, by giving at least three weeks' previous notice in all of the newspapers printed in Mount Holly; and the subscribers assembled in consequence of such notice shall choose by ballot from among the subscribers, by a majority of the votes of such as are present, or their proxies duly authorized, which said proxies shall designate the person or persons so to be voted for, and voting agreeably to the ratio hereinafter established for the number of shares held by them respectively, eleven directors, who shall be citizens of Burlington or Gloucester counties, to serve for the term of one year thereafter, who shall manage the affairs, property, and concerns of the said corporation; of which said first election of directors the said commissioners, or any three of them whom they may appoint, shall be judges; and all moneys received by the commissioners on the subscriptions to the said capital stock, excepting only so much as shall be allowed for their expenses, shall be forthwith delivered over to the said directors so to be chosen, when duly organized, together with the original books of subscription; and on the same day, annually thereafter, a like election shall be made; and in case of the death, refusal, resignation, disqualification, or removal of any director out of the counties of Burlington and Gloucester, the remaining directors, at their next meeting

Vacancies, how supplied.

thereafter, shall choose by ballot another person in his place for the residue of the year; and the directors so chosen as aforesaid, or any six of them, at their first meeting after every general election, shall elect from among themselves, by a majority of directors present, by ballot, a president, who shall be an actual resident in the county of Burlington; and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet as soon as convenient thereafter, and elect, in like manner as before mentioned, another person qualified as president, for the residue of the year; *provided*, that in case it should happen that an election of directors shall not be made upon the day herein prescribed, in any year during the continuance of this charter, the said company shall not thereby be considered to be dissolved, but it shall be lawful on any other day thereafter to hold an election for directors for the year, in such manner as the by-laws of the corporation shall direct.

President to be elected.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That there shall be a meeting of the board of directors at least quarter yearly, who shall have power to adjourn from time to time; and the president and any three of the directors may call a special meeting at any other time they may think necessary.

Meetings of directors.

Sec. 6. *And be it enacted*, That the said directors, at every quarterly meeting, shall choose three of their body to inspect the business of the company for the ensuing three months; and the inspectors so chosen shall twice in every month examine into the state of the cash account and other business of the said company, and see that the accounts are regularly balanced and transferred, and make report thereof at the next meeting of the board.

Inspectors to be chosen.

Duties of inspectors.

Sec. 7. *And be it enacted*, That the capital stock and funds of the said corporation shall be deemed personal estate.

Stock personal estate.

Sec. 8. *And be it enacted*, That the following shall be the fundamental articles of the constitution of the said company:

Fundamental articles of the constitution.

ARTICLE I.—In all elections for choosing directors, every stockholder shall be entitled to one vote for each share not exceeding five, and one vote for every five shares above five, which he, she, or they shall have held in his, her, or their name or names, and have been the owner of for at least one month before the time of voting.

ARTICLE II.—For the well ordering and conducting the election of directors, the stockholders, at their annual meeting, shall appoint three of the stockholders, not being directors or candidates for any office, to be judges of the election, who shall be authorized to conduct and regulate the same,

and shall be sworn or affirmed faithfully and impartially to execute the duties of their appointment.

ARTICLE III.—A general statement of the affairs of the company shall be exhibited every year, at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder, during the usual hours of business.

ARTICLE IV.—That all the books of said company shall at any time during the usual hours of transacting business be opened to the examination of every stockholder of such company, if requested, for fifteen days previous to any election of directors; and if any officer having charge of such books shall, upon demand by any stockholder as aforesaid, refuse or neglect to exhibit such books, or submit them to examination as aforesaid, he shall for every such offence forfeit the sum of two hundred dollars, the one half thereof to the use of the state of New Jersey, and the other moiety thereof to the use of the person who will sue for the same, to be recovered by action of debt, in any court of record, together with the costs of such suit; and further, that the book or books aforesaid shall be evidence who are the stockholders of such company entitled to examine such book or books, and to vote in person or by proxy, such proxy to designate as aforesaid, the persons so to be voted for at any election for directors of said company.

ARTICLE V.—Not less than six directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director chosen by the directors so met for business; *provided however*, that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE VI.—The directors shall make such compensation to the president for his services in the business of the said company as shall appear to them reasonable; but in fixing such compensation the president shall not be entitled to vote; but no other director shall be entitled to any emolument unless the same shall have been allowed by the stockholders at the time of their annual meeting for election of officers.

ARTICLE VII.—The shares of the capital stock at any time owned by any stockholder shall be transferable on the books of the said company only, according to such rules as shall be instituted in that behalf by the laws and ordinances

of the said corporation; and no transfer of such stock of the said corporation shall be valid and effectual until all debts which may be due to said company from the persons transferring shall have been fully discharged, and such transfer registered in a book or books to be kept for that purpose; the bills obligatory and of credit under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her, and their assignee or assignees successively, and shall enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their name and names; and bills or notes which may be issued by order of said corporation, signed by the president and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like effect as upon any private person or persons, if issued by them in their private or natural capacity or capacities, and shall be received in the payment of all debts due to the said corporation.

ARTICLE VIII.—The total amount of the debts which the said corporation shall at any time owe, exclusive of deposits, whether by bond, bill, note, or other contract, shall not exceed double the amount of the capital paid in; that the president and directors of the corporation shall, in their individual capacities and jointly and severally, be and continue liable to every creditor for the payment of all bills obligatory or of credit, note or notes, that they or any of them may issue and circulate, and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the then acting president and directors of the said company, in their individual capacities and jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare thereon generally for money had and received, with a specification of the date, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue.

ARTICLE IX.—After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable, but the said directors shall not at any time make any dividend of any part of the capital stock of the said com-

pany, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, being present and consenting thereto, shall be liable for that part of the capital stock so divided in their natural and private capacity.

ARTICLE X.—The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation in relation to the convenient transaction of business, and such as shall have been in good faith mortgaged to it for debts due the corporation, or purchased at sales on judgments which shall be obtained for debts due it.

ARTICLE XI.—The corporation shall not directly or indirectly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion.

ARTICLE XII.—The cashier of the said bank shall be appointed annually, and the votes of six directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office.

ARTICLE XIII.—Each director and cashier of the said corporation, before he enters on the duties of his office, shall take an oath or affirmation that he will faithfully execute the duties of his office according to the best of his skill and understanding.

ARTICLE XIV.—That if at any time after the passing of this act the said president, directors, and company shall neglect, on demand being made at their banking house during their regular hours of doing business, to redeem in specie or other lawful money of the United States their said bills, notes, or other evidences of debt issued by the said corporation, which shall be due and payable, the said president, directors, and company shall wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors, and company shall resume the redemption of their said bills, notes, and other evidences of debts in specie, or other lawful money of the United States, within thirty days after such demand shall have been made; and the said company shall be liable to pay to the holder or holders of such notes or bills the payment whereof has been refused or delayed, upon demand as aforesaid, damages for the non-payment thereof, at and after

the rate of ten per centum per annum, from the time of such demand until the same shall be paid as aforesaid, or otherwise satisfied.

Not to issue notes of a less denomination than five dollars.

Sec. 9. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than five dollars, nor shall any bill or note issued by the said corporation, and made payable to bearer, or to any person or persons, his, her, or their order, or bearer, express any other place of payment than the office of the said banking company.

Rate of discount.

Sec. 10. *And be it enacted*, That this corporation shall not take more for or upon its loans and discounts than the legal rate of interest for the time being; and the capital stock of the company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected, and paid in the same manner as the taxes on the other banks in this state now are, or hereafter may be recovered.

Stock subject to be taxed.

Annual statement to be made to legislature.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier, under the seal of the corporation, and under oath or affirmation, annually to lay before the legislature of this state a statement of the stock of said company paid in, and the manner in which the same is employed, and of their debts and credits, and the amount of specie on hand; and if they fail to render such statements for three years successively this charter shall be void.

When notes may be issued.

Sec. 12. *And be it enacted*, That it shall not be lawful for said corporation to issue any notes or bills, until an affidavit by the president and cashier shall have been made and filed in the office of the secretary of this state, stating that at least forty thousand dollars of the capital stock of said corporation has been subscribed and paid in, conformably to the provisions of this act.

Limitation.

Act may be repealed, &c.

Sec. 13. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty years from the passing thereof, and no longer; *provided always nevertheless*, that it shall and may be lawful for the legislature to alter, repeal, or amend this charter, at any time hereafter when in their opinion the public good may require it.

Passed March 1, 1837.

AN ACT to divorce Sarah Page from her husband Asahel C. Page.

Sarah Page divorced.

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

Passed March 1, 1837.

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

New election to be had in case of officer refusing to act, or of vacancies.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That in case any officer elected at the annual elections, to be held in the city of Newark under and by virtue of the fifth and sixth sections of the act to which this is a supplement, shall neglect to take upon himself the execution of his office in the manner prescribed in said act, or in case any vacancy shall happen by the death, removal, resignation, or other disqualification to act of any of the officers mentioned and provided for in the said fifth and sixth sections of the act to which this is a supplement, it shall be lawful for the common council of the said city, if they think proper, to order a new election to be held in the several wards of said city, or in the ward in which such vacancy has taken place, to supply such vacancy; of which new election the same notice shall be given as is required by said act to be given of the holding of the annual elections in the said city; and the said new election shall be conducted, and the result ascertained, in the manner prescribed by said act for the conducting and ascertaining the result of the annual election in the said city for the like officer.

Sec. 2. *And be it enacted,* That in case any person who shall at any annual election to be held in said city, be elected

clerk of said city shall neglect for the space of three days to take upon himself the execution of the said office, in the manner prescribed in said act, or it shall so happen that the office of clerk of said city is vacant, by the death, removal, resignation, or other disqualification of that officer, it shall be lawful for any judge of the court of common pleas of the county of Essex to administer to the officers appointed under the authority of the said act, the oaths or affirmation required by said act to be taken and subscribed by such officers, and to file the same with the clerk of said city, when the vacancy of such clerk's office shall be supplied.

Judge may administer oath of office on neglect of clerk.

Sec. 3. *And be it enacted*, That the aldermen of said city shall constitute and be called "The Common Council of the city of Newark;" that they shall appoint one from their number to be their president, who shall preside at their meetings, but in case of his absence another alderman may be appointed president pro tempore; that meetings of the said common council shall be held within the said city at such time and place as is now or may hereafter be appointed by the ordinances of the common council, and by their own adjournment, and a majority of the whole number of aldermen shall be a quorum to do business; *provided*, that the mayor and the president of the common council shall, respectively, be authorized to call special meetings of the common council whenever the public good, in their opinion, shall make it necessary.

Aldermen constituted "The Common Council of the City of Newark."

Sec. 4. *And be it enacted*, That no ordinance, by-law, or resolution shall be at any time enacted, altered, or repealed, except by the concurrence of a majority of all the members of the common council; *provided*, that every ordinance or by-law passed by the common council shall, before it take effect, be presented to the mayor and recorder for their approbation; if they approve thereof they shall sign it, if not, they shall at the next regular or special meeting of the common council state to the said board their objections thereto in writing; whereupon the council shall again vote; and if such ordinances or by-law shall again pass, the same shall take effect, notwithstanding the objections of the said mayor and recorder; but such objections shall be entered upon the minutes of the common council, and published in the newspaper or newspapers employed by the common council; and if the said mayor and recorder shall not both state their objections at the time above specified, such ordinance, by-law, or resolution shall take effect in the same manner as if they had signed it.

Majority of all the members of council necessary to create laws, &c.

Veto power regulated.

Sec. 5. *And be it enacted*, That, for the better security of

New Jersey State Library

Erection of wooden buildings prohibited.

said city against fire, the said common council shall have power and authority, by ordinance or by-law, to prohibit the building or erection of any dwellinghouse, store, stable, or other building of wood, or other combustible materials, within such parts of the said city as the said common council shall by such ordinance or by-law designate.

City officers not justices of the peace.

Sec. 6. *And be it enacted*, That the mayor, or recorder and aldermen, of said city shall not, by virtue of their offices, have or exercise any of the powers, duties, or functions of justices of the peace in this state, any thing in the act constituting courts for the trial of small causes in any wise to the contrary notwithstanding.

Regulations respecting appropriating lands for streets.

Sec. 7. *And be it enacted*, That in case the owner or owners of any lands or real estate necessary to be taken for the laying out, opening, altering, or widening any street, road, highway, or alley in the said city shall be non compos mentis, or out of the state, or cannot be ascertained on reasonable inquiry, and no agent or legal representative of such owner can on like inquiry be found in this state, then it shall be lawful for the common council of the said city to proceed to the appointment of the commissioners mentioned and provided for in the thirteenth section of the act to which this is a supplement, after publishing in two of the newspapers published in said city, for the space of three weeks, at least once in each week, a notice of the intention of the common council to take such land or real estate, and appropriate it for such street, road, highway, or alley.

Proceedings when council and owners of lands agree upon lands assessed.

Sec. 8. *And be it enacted*, That in case the common council and the owner of any such land or real estate shall agree upon the sum to be paid therefor, such sum shall constitute a part of the whole amount of damages and expenses, to be assessed under and in pursuance of the provisions contained in the thirty-fourth section of the act to which this is a supplement.

Proceedings in case of lands of minors, &c.

Sec. 9. *And be it enacted*, That in case the owner or owners of any lot or lots, or house and lot, mentioned in the thirty-fourth section of the act to which this is a supplement, be under age, non compos mentis, out of the state, or cannot be ascertained on reasonable inquiry made under the direction of the common council, and the assessment made on such lot or lots, or house and lot, in pursuance of the provisions of said thirty-fourth section, remain unpaid for the space of thirty days after the same shall be made, it shall be lawful for the common council, without demand of such owner or owners, to proceed to the advertisement mentioned in the thirty-fifth section of the act to which this is a sup-

plement, and to the sale provided for in said section, in the manner in said section pointed out.

Style in which corporation may bring suit.

Sec. 10. *And be it enacted*, That all actions to be brought under and by virtue of the fourteenth section of the act to which this is a supplement, for the recovery of any penalty or penalties created or imposed by any by-law or ordinance made and passed, or that may be made and passed, by the common council of the said city of Newark, may be brought and prosecuted in the name of "the treasurer of the city of Newark," without specifying the individual name of the treasurer of said city for the time being; and that the book of records of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; and further, that the publication, by the authority of the common council, of their ordinances and by-laws, in a volume or pamphlet form, shall in like manner be taken and received as evidence of the due passage thereof; and that the publication of the said ordinances and by-laws in the public newspapers, according to law, shall in all cases be presumed to have been made, until the contrary be proved.

Record of ordinances of common council to be received in evidence.

Proceedings before city justices to be conducted as prescribed by act constituting courts for the trial of small causes.

Sec. 11. *And be it enacted*, That unless, where otherwise directed, the proceedings before the said justices in every such action shall, as nearly as may be, be regulated by the provisions of, and conducted in the manner prescribed in and by an act entitled, "An act constituting courts for the trial of small causes," and the several supplements thereto; and that the court held by every special police justice in and for the said city of Newark shall be a court of record, and vested, for the purposes mentioned in the act to which this is a supplement, with all such power as is usual in courts of record in this state.

Authority in criminal matters vested in police justice.

Sec. 12. *And be it enacted*, That every such special justice shall be entitled to use and exercise the like power, authority, and jurisdiction, in all criminal matters, as the justices appointed in and for the several counties of this state are or may be by law entitled to use and exercise; and that any two of said special police justices shall be authorized and empowered to hear, try, and determine all such matters and complaints of a criminal nature as any two justices of the peace are or may be by law authorized and empowered to hear, try, and determine; *provided*, that nothing herein contained shall be so construed as to constitute the said special police justices, or any of them, members of the general court

Proviso.

of quarter-sessions of the peace in and for the county of Essex.

Subpœnas may issue into any county of the state.

Sec. 13. *And be it enacted*, That every such special police justice may, in all matters or causes pending before him, award and issue writs of subpœna ad testificandum into any county of this state.

Public act.

Sec. 14. *And be it enacted*, That the act to which this is a supplement and this supplement shall be deemed and taken to be public acts, and as such shall be recognized and taken notice of by all persons and courts of justice whatsoever within this state; and that this supplement shall go into operation on the second Monday of April next.

When to go into operation.

Part of former act repealed.

Sec. 15. *And be it enacted*, That the fourth section of the act to which this a supplement be, and the same is hereby repealed.

Passed March 1, 1837.

AN ACT to incorporate the Bank of Plainfield, in the county of Essex.

Names of corporators.

Style of incorporation.

Powers.

Restrictions.

Sec. 1. 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 Runyon, Jarvis B. Ayres, Elisha Runyon, William Dunn, James Leonard, Eli Pound, Zachariah Webster, and their associates, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of "The Plainfield Bank;" and by that name they and their successors may have succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and may have a common seal, and may change, alter, and renew the same at pleasure; and by the same name shall be, and are hereby made capable in law of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation; *provided* the said corporation shall not directly or indirectly deal or trade in any thing excepting

bills of exchange, promissory notes, specie, gold or silver bullion, and shall not own any real estate, except such as shall be necessary for its banking operations, or bona fide mortgaged to them to secure debts due the said corporation, or purchased upon judgments entered or obtained on said debts.

Amount of capital.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be one hundred thousand dollars, to be divided into shares of fifty dollars each; and that the subscription to the capital stock be received by the following named commissioners, viz. James Leonard, Jacob Manning, Cornelius Boice, Nathan Vail, Zachariah Webster, John Wilson, and John W. Craig; which said commissioners, or a majority of them, shall open books of subscription at Plainfield, in the said county of Essex, and said books shall be kept open for the space of three days, giving twenty days' previous notice in a newspaper published at Plainfield; and if the whole amount shall not be subscribed within the said time, the said commissioners, or a majority of them, may continue to keep the books open until the whole capital stock shall be subscribed; and if more subscriptions be taken than the amount of the capital stock, it shall be the duty of the commissioners by whom the said books are opened, or a majority of them, to make a fair and just apportionment of the stock among the subscribers, giving a preference to the citizens of New Jersey; *provided*, that there shall be no apportionment made upon the subscription of any citizen of New Jersey which does not exceed ten shares; and after the closing of the said books of subscriptions, and within five days after, the said commissioners shall pay over to the directors hereinafter appointed the whole amount of money which they, or any of them, may have received upon the said subscriptions.

Commissioners to receive subscriptions to stock.

Books to be opened for subscriptions to stock.

Proviso.

Affairs of corporation to be managed by fifteen directors.

Sec. 3. *And be it enacted*, That all the affairs, property, and concerns of the said corporation shall be managed and conducted by fifteen directors, all of whom, together with the president, shall be bona fide stockholders, owning in their own right, respectively, at least five shares of the capital stock of said bank, and citizens of the United States and of this state, and of whom at least a majority, together with the president, shall be resident in the township of Westfield; which directors shall hold their offices for one year, and shall be elected on the last Tuesday in April in every year, in the banking house, at such time of the day as the board of directors for the time being shall appoint; and notice shall be given by the said directors, not less than fourteen days

Time and mode of electing directors.

previous to the time for holding said election, by an advertisement, to be inserted in a newspaper printed in Plainfield; for the well ordering of which election, the directors shall previously thereto, appoint three stockholders, not being directors, to be judges of election, who shall conduct and regulate the same; they shall determine whether the persons voted for are qualified to be elected directors, and, after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, and if by proxy, the owners of such stock shall designate their choice of directors, or shall not be counted and received as evidence in such election; and each stockholder shall be entitled to one vote for each share of stock not exceeding ten; one vote for every two shares above ten, and not exceeding twenty shares; one vote for every five shares above twenty, and not exceeding forty shares; and one vote for every ten shares above forty, which he, she, or they shall have held in his, her or their names, and in his, her, or their own right, at least one month before the time of voting; and all such elections shall be by ballot; and the persons who shall have the greatest number of votes shall be directors, each of whom shall take an oath or affirmation that he will faithfully execute the duties of his office; and if it should so happen at any election that two or more persons shall have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed by ballot and plurality of votes to determine which of the persons so having an equal number shall be director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed in like manner to elect one of their number by ballot, who shall be their president; and when a vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies may be filled for the remainder of the year by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Isaac Titsworth, James Leonard, John Wilson, William Vail, junior, Zachariah Webster, Job Squier, William Stewart, Jacob Manning, William P. Shotwell, John Layton, Daniel C. Shotwell, Matthew Hopper, Laing Webster, Samuel L. Pound, and Matthew Vail shall be directors, and shall hold their offices, respectively, until the last Tuesday in April, in the year of our Lord one thousand eight hundred and thirty-seven, and until others shall be chosen by the stockholders; and the stockholders shall have free

President to be chosen.

Vacancies, how supplied.

First directors.

access to the books of the said bank, for the purpose of examining the accounts of the directors, for twenty days previous to every annual election. Books open to inspection of stockholders.

Sec. 4. *And be it enacted*, That eight directors shall constitute a quorum for the transaction of business, except in cases of discount, which shall be regulated by the by-laws of the corporation; *provided*, that no discount shall be made on any note or notes, bill or bills, without at least one good endorser. Quorum. Proviso.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to make and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the government of the said corporation, the management and disposition of stock, business, and effects thereof, the time, manner, and terms at and upon which discounts and deposits shall be made and received by the said corporation, the duties and conduct of the officers, clerks, and servants employed therein, the election of directors, and all such other matters as may appertain to the concerns of the said corporation, and shall have power to appoint as many officers, clerks, and servants for carrying on said business, and with salaries and allowances, as to them shall seem meet; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter, or to the constitution and laws of the United States or of this state; *and provided further*, that the cashier of said bank shall be annually appointed; and that upon the appointment or reappointment of said cashier, he shall take an oath or affirmation faithfully to perform the duties of his office, and that he will not knowingly or wilfully suffer any director of the said bank wrongfully to convert the funds of the said bank to his own use, by overdrawing his account or otherwise; and that in case it shall come to his knowledge that any director has wrongfully converted any part of the funds of the said bank to his own use, that he will give notice thereof to the board of directors at their then next meeting; and shall give bond with two or more sureties, in a sum not less than thirty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank. Duties and powers of directors. Proviso. Cashier to be annually appointed.

Sec. 6. *And be it enacted*, That the stock of the said corporation shall be considered as personal property; and that the said stock, or the dividends arising therefrom, shall be subject to such taxes as all other banking institutions in this state are or shall be liable to; and their real estate shall be subject to be taxed as other lands in this state are or shall Stock personal estate. Liable to taxes.

be taxed; and each and every person subscribing to the capital stock of the said bank shall pay at the time of subscribing, to the commissioners receiving such subscriptions, the sum of five dollars, in specie or notes of the banks in this state or the city of New York which pay their notes in specie on demand, upon every share so by him subscribed; and the directors of said companies may require payment for the remaining instalments which shall have been subscribed, at such times and in such proportions as they or a majority of them shall deem fit, under the penalty of the forfeiture of all previous payments thereon; and that previous notice of the instalments required to be paid after the first, and of the time when the same are to be paid, shall be published at least thirty days in a newspaper printed at Plainfield; *provided*, that no instalments to be paid shall exceed five dollars on a share, and that the payment of the instalments shall be at least thirty days apart.

Stock forfeited on failure to pay instalments.

Proviso.

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

Stock a lien.

Sec. 8. *And be it enacted*, That the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereon, under the hand of such person or persons, his, her, or their assignee or assignees successively, and so as to enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their name or names; and the bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier thereof, promising the payment of money to any person or persons, his, her, or their order, or bearer, though not under the seal of said corporation, shall be binding and obligatory on the same, and with the like power and effect as upon any person or persons, if sued by him or them in their private and natural capacity or capacities, and shall be assignable or negotiable in like manner as if they were issued by such private person or persons, and shall be received in payment for all debts due to said corporation; *provided*, that every bill or note issued by said corporation, payable to bearer, or to any person or persons,

Bills under seal assignable by endorsement.

Proviso.

his, her, or their order, or bearer, shall be deemed and taken to be payable and demandable at the office of the said bank.

Dividends to be made.

Sec. 9. *And be it enacted*, That it shall be the duty of the directors of said corporation to make semi-annual dividends of so much of the profits of said bank, as to them, or a majority of them, shall seem advisable; but that they shall make no dividend of any part of the capital stock.

Rates of discount.

Sec. 10. *And be it enacted*, That the rate of discounts at which loans may be made by the said corporation shall not exceed the legal rate of interest of this state for the time being; *provided*, that nothing herein contained shall be construed to prohibit the same company from dealing in drafts or bills of exchange, and the purchase and sale thereof.

Proviso.

Statement to be annually made to legislature.

Sec. 11. *And be it enacted*, That it shall be the duty of the president and cashier of the said corporation for the time being, under their respective oaths or affirmations, and under the seal of the corporation, annually to lay before the legislature of this state a statement of its capital stock paid in, and its notes, debts, and specie on hand; and if the said president and cashier shall fail to do the same for the space of three years together, that then and from thenceforth their charter and all the privileges hereby conferred shall cease and be for ever at an end.

When notes may be issued.

Sec. 12. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills, until an affidavit by the president and cashier shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of the said corporation shall have been subscribed and paid, in conformity to the provisions of this act; *provided*, that the whole amount of the capital stock of the said corporation shall be paid in within ten years from the passage of this act.

Proviso.

Charter forfeited on failure to pay specie for notes.

Sec. 13. *And be it enacted*, That if at any time after the passing of this act, the said president, directors, and company shall neglect, on demand being made at their banking house during the regular hours of doing business, to redeem in specie or other lawful money of the United States their said bills, notes, or other evidences of debts issued by the said corporation, the said president, directors, and company shall forfeit their charter for ever, and wholly discontinue and close their banking operations, either by way of discount or otherwise, unless they shall resume specie payments within seven days thereafter, and the said bank shall be liable to pay the holder or holders of such notes or bills the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at

and after the rate of ten per centum per annum from the time of such demand until the same shall be paid as aforesaid or otherwise satisfied.

President and directors jointly and severally liable.

Sec. 14. *And be it enacted*, That the president and directors of said corporation shall, individually, and jointly, and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, notes or notes, that any of them may issue and circulate, and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered, execution shall issue thereon.

Limitation.

Sec. 15. *And be it enacted*, That this act shall be and continue in force until the first day of February, eighteen hundred and fifty-seven; *provided*, that it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever in their opinion the public good requires it.

Act may be repealed.

Passed March 1, 1837.

AN ACT to authorize the sale of certain real estate of John Matthews, deceased, late of the county of Cumberland.

Preamble.

WHEREAS John Matthews lately died intestate, seized of a tract of cedar swamp and upland, situate in the county of Gloucester, and state of New Jersey, lying on Long-a-coming Branch, containing fifty-nine acres and thirty-three hundredths, leaving five children, to wit: Margaret, Caroline, Keziah, George, and John Matthews, all minors; and it appearing that the said tract of land is wasting and decreasing in value, and Ann Matthews, the widow and administratrix of said John Matthews, deceased, and together with Thomas Ferguson, the other administrator of

said deceased, having petitioned the legislature for a law to authorize a sale of said premises for the benefit of said minor children—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 Thomas Ferguson be, and he is hereby authorized to dispose of at public sale, giving the same notice as is required by law in the sale of real estate of intestates sold under the decision of the orphans' court, all that tract of cedar swamp and upland which John Matthews, late of the county of Cumberland, died seized, situate in the county of Gloucester, lying on Long-a-coming Branch, containing fifty-nine acres and thirty-three hundredths, be the same more or less, and to make and execute to the purchaser thereof a good and lawful deed of conveyance for the same; and such deed of conveyance shall vest in the purchaser, his, her, or their heirs and assigns for ever, all the right, title, and interest which the said John Matthews had in the same at the time of his death.

T. Ferguson authorized to sell and convey certain land of J. Matthews, dec.

Sec. 2. *And be it enacted*, That the said Thomas Ferguson shall invest the money to be received by him on sale of said premises upon good security at lawful interest, and shall pay to Ann Matthews, during her life, the equal one-third part of the interest money thereon arising annually, and the residue to be for the equal use and benefit of all the children of said John Matthews, deceased; and the said Thomas Ferguson shall in all things account for the same in the orphans' court of said county of Cumberland, as guardians by law are now required to do of the moneys and estates of their respective wards.

Proceeds to be invested.

Disposition of interest.

Sec. 3. *And be it enacted*, That before the said Thomas Ferguson shall make and execute the deed aforesaid, or enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, with such security as shall be approved of by the orphans' court of the county of Cumberland, conditioned for the faithful performance of the trust reposed in him by this act; which bond shall be deposited in the office of the secretary of this state.

Bond to be given to governor.

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

Proceeds to descend as real estate.

Passed March 1, 1837.

AN ACT to incorporate the Port Elizabeth Manufacturing Company, 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 Isaac Townsend, Thomas Lee, Joshua Brick, Benjamin F. Reeves, John Getsinger, and Owen Jones, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "The Port Elizabeth Manufacturing Company," for the purpose of manufacturing cotton, wool, silk, and iron, and also for the purpose of dyeing, printing, and bleaching cotton fabrics, at or near the village of Port Elizabeth, in the county of Cumberland, in this state; and by that name they and their successors shall be, and they are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable in law to purchase, receive, have, hold, and enjoy any lands, tenements, water-power and water privileges, goods, and chattels, and other real and personal estate, in the township of Maurice River, necessary, useful, and proper for carrying on the manufacturing purposes aforesaid, and the same to use and employ, grant, demise, pledge, convey, and dispose of, as they shall deem proper; and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided always,* that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said Isaac Townsend, Thomas Lee, Joshua Brick, Benjamin F. Reeves, John Getsinger, and Owen Jones, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company.

Names of corporators.

Style of corporation.

Powers.

Funds not to be employed in banking operations.

Sec. 2. *And be it enacted,* That the capital stock of said company shall not exceed two hundred and fifty thousand dollars, to be subscribed in shares of one hundred dollars each; and as soon as five hundred shares of the said stock shall be subscribed the individuals above named, or any three of them, may, by public notice published in one or

Amount of capital.

more newspapers printed nearest the village of Port Elizabeth for a period of not less than thirty days, call a meeting of the stockholders of the said company for an election of five directors.

Concerns of company to be managed by five directors.

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

Mode of electing directors.

Power of directors.

Proviso.

When business may be commenced.

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

Stock forfeited on failure to pay instalments.

holder so neglecting or refusing, and all previous payments thereon, shall be absolutely forfeited to the said company, for the use and benefit of the said company.

Stock personal estate.

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

Semi-annual dividends to be made.

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

Books open to inspection of stockholders.

How company may be dissolved.

Sec. 7. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said company, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid.

Manner of conducting elections.

Sec. 8. *And be it enacted*, That all elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall at any time neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, the stockholders, or a majority of them, may within the time in such case prescribed give notice and call meetings and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors two or more stockholders shall receive an equal

number of votes, then the directors for the time being shall by ballot determine which of such stockholders shall be director or directors; and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his or their office or offices until the next annual election.

Sec. 9. *And be it enacted*, That in case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 10. *And be it enacted*, That this act shall continue in full force and effect for and during the term of thirty years from and after the passing thereof, and from thence to the end of the next session of the legislature, and no longer; *provided nevertheless*, it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal the same.

Limitation.

Act may be repealed.

Passed March 1, 1837.

AN ACT to incorporate the Somerville Manufacturing Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Garret D. Wall, Matthew Freeman, James S. Nevius, John J. Gaston, Theodore Frelinghuysen, jun., Joseph A. Gaston, and their associates and successors, shall be, and they are hereby incorporated and made a body politic and corporate, in fact and in name, by the name of "The Somerville Manufacturing Company," for the purpose of manufacturing grain, cotton, wool, flax, hemp, silk, iron, copper, and machinery; and also for the purpose of dyeing, printing, and bleaching cotton fabrics, at or near the village of Somerville, in the county of Somerset, in this

Names of corporators.

Style of incorporation.

New Jersey State Library

Powers.

state; and by that name they and their successors shall be, and they are hereby made capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, in all courts and places whatsoever; and to make and use a common seal, and the same to alter and renew at pleasure; and they and their successors and assigns, in their corporate name, shall be, and they are hereby made capable in law to purchase, receive, have, hold, and enjoy any lands, tenements, water-power and water privileges, in the townships of Hillsborough and Bridgewater, goods and chattels, and other real and personal estate, necessary, useful, and proper for carrying on the manufacturing purposes aforesaid, and the same to use and employ, grant, demise, pledge, convey, and dispose of, as they shall deem proper; and to have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies, and necessary for the purposes of their incorporation; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed at any time in banking operations, or for any purpose or purposes inconsistent with the provisions of this act; and the said Garret D. Wall, Matthew Freeman, James S. Nevius, John G. Gaston, Theodore Frelinghuysen, jun., and Joseph A. Gaston, or a majority of them, are hereby authorized to receive subscriptions to the capital stock of said company; *and provided further*, that if any species of manufacture enumerated in this section shall not be commenced within five years from the passage of this act, then this charter to be void so far as relates to the particular branch or branches of manufacture not so commenced; *and provided further*, that nothing in this act shall be so construed as to authorize the said company to manufacture spirituous liquors from grain.

Funds not to be employed in banking operations.

Proviso.

Not to manufacture spirituous liquors.

Amount of capital.

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

Concerns of company to be managed by five directors.

Sec. 3. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom

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

Mode of electing directors.

Power of directors.

Proviso.

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

When business may be commenced.

Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That the stock and property of the said company, of whatever nature or kind the same may be, shall be deemed personal property, and shall be transferable on the books of the said company, in such

Stock personal estate.

manner as shall be prescribed by the by-laws of the said corporation.

Semi-annual dividends to be made.

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

Books open to inspection of stockholders.

How company may be dissolved.

Sec. 7. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein, and shall vote in favour of such dissolution; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of said company, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interests in the stock, unless the stockholders at such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, the survivors or survivor of them, shall be trustee and trustees for the purpose aforesaid.

Manner of conducting elections.

Sec. 8. *And be it enacted*, That all elections of directors of the said company shall be by ballot; and if the president and directors of said company for the time being shall at any time neglect or refuse to call annual meetings for the election of directors, as herein before prescribed, the stockholders, or a majority of them, may within the time in such case prescribed give notice and call meetings and elect directors, in like manner as if said directors had given notice as prescribed by this act; and if at any election of directors two or more stockholders shall receive an equal number of votes, then the directors for the time being shall by ballot determine which of such stockholders shall be director or directors; and on the death or resignation of any of the directors, the remaining directors shall choose from among the stockholders some fit person or persons to fill the vacancy, who shall hold his office or offices until the next annual election.

Vacancies, how supplied.

Sec. 9. *And be it enacted*, That in case it should happen that an election for directors should not be held or made on the day that pursuant to this act it ought to have been held and made, the corporation shall not for that cause be deemed dissolved, but it shall be lawful to hold such election at such other time as may be prescribed by the by-laws of said corporation, after thirty days' notice.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 10. *And be it enacted*, That this act shall continue in full force and effect for and during the term of thirty years from and after the passing thereof, and from thence to the end of the next session of the legislature, and no longer; *provided nevertheless*, it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal this act, whenever the public good requires it.

Limitation.

Act may be repealed.

Passed March 1, 1837.

AN ACT to incorporate the Passaic Steamboat Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Abraham W. Kinney, Pruden Allen, William Dow, Daniel Holsman, Peter Jackson, Thomas Lloyd, Abraham Godwin, Henry Doremus, and Ralph Doremus, and such other persons as shall hereafter be associated with them, and their successors and assigns, be, and they hereby are ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Passaic Steamboat Company," for the term of thirty years from and after the first day of March next; and by that name they and their successors shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that

Names of corporators.

Style of incorporation.

Powers.

they and their successors, by the name of "The Passaic Steamboat Company," shall in law be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, and real or personal estate whatsoever necessary for the objects of this corporation.

Amount of capital.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall not exceed one hundred and fifty thousand dollars; that the stock of said company shall be deemed and considered personal property; and that nothing herein contained shall authorize and empower the said company to carry on banking business, or to use or employ their funds, or any part thereof, or permit the same to be used or employed, in the purchase of the stock of any bank in the United States or any other public stock, or for any other purpose, or in any manner whatsoever, not herein expressly authorized.

Stock personal property.

Restrictions.

Books to be opened for subscriptions for stock.

Sec. 3. *And be it enacted*, That the capital stock of the said company shall be divided into six thousand shares, of twenty-five dollars each, and that a book to receive subscriptions for the same shall be opened at the house of David Chandler, in Newark, and, on three successive days, at the houses now kept by Thomas Hollingsworth, in Belleville, William L. Andrews, in Aquackanonk, and Ira Munn, in Paterson, by Abraham W. Kinney, Pruden Allen, William Dow, Daniel Holsman, Thomas Lloyd, Abraham Godwin, Peter Jackson, Henry Doremus, and Ralph Doremus, or any three of them, who are hereby appointed commissioners for that purpose, they first giving three weeks' notice of the time, place, and purpose of opening such book in the Newark Eagle and Daily Advertiser, and the papers published at Paterson; if more than six thousand shares should be subscribed on the said days, the same shall be deducted ratably and proportionably from the persons who have subscribed, according to the number of shares they have subscribed, as near as may be; and if a less number than six thousand shares should be subscribed on the said days, the commissioners above named may open the book at such other time and place as they may deem proper.

Commissioners to receive subscriptions.

Sec. 4. *And be it enacted*, That the first payment to be made on each share of stock in the said company shall be three dollars, to be paid to the commissioners at the time of subscribing; and that the remaining twenty-two dollars on each share shall be called for in such instalments and at such times as the directors of said company may determine, they giving three weeks' notice in the newspapers aforesaid; and a failure by any stockholder to pay any instalment so

called for by the directors, shall forfeit the share or shares on which such failure has taken place, and all previous payments made thereon, to the said company, and for their use. Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That the capital stock of this company, or so much thereof as shall be deemed necessary, and as shall be called in, shall be employed and vested in the purchase or building of steamboats, barges, docks, and warehouses, and lands necessary to erect docks and warehouses upon; *provided*, that the width of all such vessels shall not exceed the dimensions of the draw in the bridge recently constructed over the Passaic by the New Jersey Railroad and Transportation Company. Employment of stock. Proviso.

Sec. 6. *And be it enacted*, That annual dividends of the profits arising from the investment and employment of the capital stock of this company shall be made; but no dividend shall be made to impair or lessen the capital. Annual dividends to be made.

Sec. 7. *And be it enacted*, That this company shall be under the government of nine directors, to be chosen annually by the stockholders at a general meeting; the first choice of directors to be made at a general meeting of the stockholders, to be called by the commissioners within four weeks after the stock is subscribed, upon twenty days' public notice being given in one or more newspapers published in the county of Essex; and the directors to appoint the time and place of the next annual meeting; and also to appoint their own president, secretary, and treasurer, and such other officers, superintendents, and servants as the business of the company may require; and the directors so chosen, or a majority of them and their successors in office, shall have power from time to time to make, constitute, ordain, and establish all by-laws, rules, and regulations for the transacting of the business of the said company, and the better regulation and government thereof, not repugnant to the constitution and laws of the United States or of this state, or the provisions of this act; all contracts and responsibilities entered into on the part of the said company by the directors, or a majority of them, and signed by the president, shall be binding on the said company, in like manner as any contract would be if made and entered into by any individual. Nine directors to be chosen. Officers to be elected. Powers of directors.

Sec. 8. *And be it enacted*, That immediately upon the appointment of a treasurer by the board of directors, as is provided in the preceding section, the commissioners above named shall pay over to the said treasurer the amount of the subscription money received by them, and hand over to the president the subscription book and any other books, pa- Commissioners to pay over subscriptions.

pers, and memorandums relative to the business of the said company; and forthwith their duties as commissioners shall cease.

Books open to inspection of stockholders.

Sec. 9. *And be it enacted*, That the said company shall cause to be kept at their office proper books of account of all the transactions of the company; which books, together with the stock and transfer books, shall at all times be open to the inspection of the stockholders.

Act may be altered, &c.

Sec. 10. *And be it enacted*, That this act shall be and continue in force for the period of thirty years from the passage thereof, and no longer; and that the legislature may at any time hereafter alter, modify, or repeal this act.

Passed March 2, 1837.

AN ACT to incorporate the Burlington Silk Manufacturing Company.

Names of corporators.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Garret D. Wall, John C. Ten Eyck, Joseph L. Powell, and such other persons as now are or may hereafter be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and

Style of incorporation.

corporate in law, by the name and style of "The Burlington Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk-worms, erecting and establishing manufactories of silk, in all its various branches, and all articles of which silk is a principal part,

Powers.

and dyeing, printing, and bleaching the same; and that by that name they and their successors shall have power and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, and matters whatsoever; and they and their successors may have a common seal, and alter the same at pleasure, and shall in law be capable of buying, holding, and conveying any lands, tenements, or hereditaments what-

ever, not exceeding at any one time three hundred acres, and any goods, wares, and merchandise whatsoever, necessary or useful for said corporation in carrying on the operations above mentioned and the objects of this charter; and also, all such real estate situate in the county of Burlington, as shall be bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of the said corporation, nor any part thereof, shall not be applied, used, or employed in banking operations, or for any other purpose inconsistent with the objects and provisions of this act.

Funds not to be employed for banking purposes.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of April in every year, to be elected on the second Monday in March in every year, at such hour and place as shall be directed by the by-laws of the said company, of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the said county of Burlington, where such election shall be made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy, by ballot, each stockholder to have a vote for each share by him held in the capital stock of said company; and the persons, being stockholders, having the greatest number of votes shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number than five, shall by a plurality of votes, appear to be chosen by a plurality of votes as directors, then the said stockholders shall proceed to ballot again, and by plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president; and shall at the same time or some other time, elect an acting manager or managers, and such other agents or officers as they may deem necessary to conduct their business; and in case of vacancy, by death, resignation, or otherwise, among the directors elected, the president, managers, or other agents or officers, such vacancy or vacancies shall be filled for the remainder of the year in which

Time and mode of electing directors.

President to be elected.

Vacancies, how supplied.

they shall happen by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

Amount of capital stock.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when and as soon as a sufficient portion of the said capital stock shall have been called for and paid, or secured to be paid, to purchase land and mulberry trees, and erect the necessary buildings and machinery sufficient, in their opinion, to commence the said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are hereby authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice requiring such payment shall have been published for that time in one or more newspapers printed in the said county of Burlington; *provided nevertheless*, that the instalments shall not be more than five dollars each, and at intervals of thirty days at least.

Stock forfeited on failure to pay instalments

Proviso.

Stock personal estate.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; *provided*, that dividends shall annually be made to and amongst the stockholders, from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day prescribed, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation; and the officers of the preceding year, shall hold their offices, respectively, until said election, or until others are appointed in their stead.

Sec. 6. *And be it enacted*, That the majority of the directors for the time shall form a board for transacting the

business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the laws or constitution of the United States or of this state, as shall appear needful and proper touching the management and disposition of the stock, estate, property, effects, and profits of the said corporation, officers, appointments, clerks, managers, agents, salaries, and allowances, as to them shall seem necessary; and may at their discretion remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in the said factories or business, and supply their places by the appointment of others in their stead.

Duties and powers of directors.

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

Books open to inspection of stockholders.

Sec. 8. *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose, and that this act shall be in force for thirty years after its passage; and further, that the legislature may at any time hereafter alter, modify, or repeal this act, whenever the public good requires it.

Limitation.

Act may be repealed.

Passed March 2, 1837.

AN ACT to incorporate the Weehawken Turnpike Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That George C. De Kay, Francis Price, John Ehlers, Michel Saunier, J. Dickinson Miller, William Cooper, William J. Cantelo, George Suckley, Cornelius Brinkerhoff, John Vanhorne and their associates, their successors and assigns, be, and are hereby created a body corporate and politic, for the objects hereinafter mentioned, by the name of "The Weehawken Turnpike Company;" and are hereby

Names of corporators.

Style of incorporation.

ordained, constituted, and declared to be for ever hereafter a body politic and corporate, in fact and in name; and by that name they and their successors shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and that they may have a common seal, and make, change, and alter the same at their pleasure; and, also, that they and their successors, by the same name and style, shall be in law capable of purchasing, holding, and conveying any estate, real and personal, for the use of the said corporation; *provided*, that the real estate so to be holden shall be such only as may be requisite to promote and attain the objects of this incorporation, and may be relative thereto, which objects are hereby declared to be the erecting and maintaining a good and sufficient turnpike road, four rods in width, commencing on the east side of a turnpike road called the "Bergen Turnpike," leading from Hoboken to Hackensack, at a point nearly opposite the residence of John Ehlers, at Weehawken, and in the centre of a certain road intersecting the same, recently laid out over the lands of the late Philip Earle, said to be two rods in width; thence extending northerly along the centre of said road to the termination thereof; and from thence, northerly to some point on the road leading from the English Neighbourhood to Bulls ferry, in the vicinity of the residence of Abraham Hyler, having due regard to the situation and nature of the ground, and of the buildings and improvements thereon, the public convenience and interest of the stockholders, so as to do the least damage to private property; the said road shall not pass through any burying ground, house of public worship, or any dwelling-house, without the consent of the owner or owners thereof, nor shall it pass through any out-buildings (of the value of one hundred dollars), without such consent.

Powers.

Proviso.

Objects of incorporation.

Sec. 2. *And be it enacted*, That the before mentioned company and their associates, or a majority of them, may receive subscriptions from time to time, or otherwise dispose of the capital stock of said company, in shares of one hundred dollars each, to any amount not exceeding five hundred shares; and every person or corporation who shall become a holder, or entitled to one or more shares of the said stock, shall thereupon become a member of said company hereby incorporated, on being divested of all shares of said stock, by transfer or otherwise, shall thereupon cease to be a member of said company; until an election of directors shall be made, the aforesaid George C. De Kay, Francis Price,

To what amount subscriptions may be received.

John Ehlers, Michel Saunier, J. Dickinson Miller, William Cooper, William J. Cantelo, George Suckley, Cornelius Brinkerhoff, John Van Horne and their associates, or a majority of them, shall exercise all the corporate powers of the "Weehawken Turnpike Company" aforesaid, in the same manner as the said directors, when elected, are authorized to do by this charter. First directors.

Sec. 3. *And be it enacted*, That the members of said company shall annually after the first day of June, eighteen hundred and thirty-eight, or at such other time or place, before such judges, and the election to be conducted in such manner as the by-laws or regulations hereinafter to be made by the directors who may be appointed, elect from the stockholders of said company such number of directors as shall be provided for by the by-laws of said company, as hereafter stated, to serve for the term of twelve months and until others shall be chosen; which said directors, during their term of service, shall have the sole management of the stock, property, affairs, and concerns of said company, public notice whereof shall be given by the directors twenty days previous to holding such election, by advertisement inserted in a newspaper printed in the county of Bergen; and the said election shall be made by such of the stockholders of said company as shall attend for that purpose, either in person or by proxy; and all elections shall be by ballot; each share of stock, on which all instalments due have been paid, shall entitle the holder thereof to one vote; and the persons who shall have the greatest number of votes shall be the directors; and if it shall happen at any election that two or more persons shall have an equal number of votes, so that no choice shall have been made as to such persons, then the stockholders herein authorized to vote at such election shall proceed by ballot a second time, and by a plurality of votes determine which of the persons so having an equal number of votes shall be the director or directors, so as to complete the number required; and the said directors so chosen may elect one of their number to be the president of said company, who may preside at the meeting of directors; and if any vacancy shall be occasioned in the board of directors, by death, resignation, or otherwise, the same shall be filled for the remainder of the term in which it may happen by such person or persons among the stockholders as the remainder of directors may appoint; and in case it shall at any time happen that an election of directors shall not be made on the day when pursuant to this act it ought to have been made, the said company shall not for that reason be deemed dissolved, but it shall and may be lawful, on any

Time and mode of electing directors.

President to be chosen.

Vacancies, how supplied.

Corporation not dissolved for failure to elect on day prescribed.

other day, to hold an election for directors, as the by-laws shall provide.

Duties and powers of directors.

Sec. 4. *And be it enacted*, That the directors, or a majority of them, shall have the power to appoint the time and place of all meetings for the despatch of business, and to appoint all such officers, agents, and servants as they shall deem necessary for carrying into effect the powers vested by this act in the said company; and to establish rules and regulations for and concerning the government of such officers, agents, and servants; to fix their compensation, and, when deemed necessary, to require security for the faithful discharge of their duties, and in their discretion to remove them from office; that it shall and may be lawful for the directors to call and demand from the stockholders monthly or other instalments, from time to time, of the capital stock subscribed, by giving twenty days' previous notice of such call and demand in one or more newspapers printed in the county of Bergen; to apply the said instalments, when received, and all other funds of the company, to effect the objects aforesaid and in payment of the necessary expenses of the company; to provide for declaring and paying to the stockholders dividends of the profits which shall be made by the said company; to prescribe and provide for the evidence of transfer of the capital stock of said company; to provide for enforcing payments of the same, and for the forfeiture and sale of any share or shares thereof in default of payments of any instalments called for; *provided however*, that the said rules, regulations, or by-laws shall not be contrary to the constitution or laws of the United States or of this state.

Proviso.

Survey of route to be filed in clerk's office of Bergen.

Sec. 5. *And be it enacted*, That the said directors shall, within six months after determining on the route of said intended turnpike road, cause an accurate survey of the lines of said road to be made, a map or plot of which survey shall be correctly laid down, on a scale of four inches to a mile, and filed in the clerk's office of the county of Bergen; which certificate or plot, or a certified copy thereof by the clerk of said county, shall be sufficient evidence of the course of said road which shall be opened; and all expenses incurred thereby shall be defrayed by the said company.

Dimensions &c. of road.

Sec. 6. *And be it enacted*, That in the middle of said turnpike road there shall be formed a space, or artificial road, not less than thirty feet in breadth, the centre of which shall be raised twelve inches at least above the sides, rising towards the middle by a gradual arch; which artificial road shall be drained by ditches and subterraneous passages of a sufficient depth to carry off the water, and shall be suffi-

ciently bedded with stone, gravel, or other hard substance, so as to secure a dry and solid foundation for the same; and twenty feet thereof shall be faced with earth, gravel, or broken stone, so as to form a firm and even surface; and in its progress no part of said road shall rise above an angle of five degrees with the plane of the horizon; and the said directors shall cause good and sufficient bridges, where necessary on the line of said road, to be constructed not less than twenty-two feet in breadth; and whenever the said road in passing over low grounds is raised so much at the margin or side of the travelling path as to render carriages passing thereon liable to overset, the said company shall cause a good and sufficient railing to be erected on the sides, so as to prevent horses and carriages from running off.

Bridges to be constructed where necessary.

Sec. 7. *And be it enacted*, That full power and authority be given to the said company, their agents, and servants, and to all persons employed by or under them for the purposes contemplated under this act, from time to time to enter upon and make use of any land which shall be deemed necessary for laying out or making the said road, and for carrying into effect the objects of this law; and also to carry away stone, sand, or gravel, for the use of the said road; subject to make compensation for all damages that may thereby be occasioned, either by the agreement of parties or by the judgment of indifferent persons chosen by the said company and the persons, who have sustained such damages, or in the manner hereinafter mentioned.

Company may enter upon lands necessary for road, making compensation therefor, &c.

Sec. 8. *And be it enacted*, That if the said turnpike road shall be laid on any land not at present being a public highway, and any of the owners of said land shall conceive themselves injured thereby, and not having settled agreeably to the seventh section of this act, then it shall be lawful for such owners of land to meet at any public house in the township of Bergen, twenty days' notice being given in one or more newspapers printed in the county of Bergen, signed by the president of said company, and to choose one respectable freeholder in the state not interested; and the said corporation shall also choose one respectable freeholder in the state not interested, who, in case of their disagreement, shall have power to choose an umpire, and who, together with said umpire, if chosen, or a majority of them, after having taken an oath or affirmation to act impartially and to the best of their knowledge, shall determine, at the expense of said company, the amount of compensation which shall be paid by the company, after taking into consideration the disadvantages arising to the owners of the lands by the con-

Proceedings when company and owners of land cannot agree.

struction of said road, to such of the applicants, respectively, as they shall conceive to be injured; on which payment the said company shall become seized in the same estate in the lands, tenements, and hereditaments which the owner or owners held in the same; but if the owner or owners of any land through which the said road shall pass will not agree to any of the provisions heretofore mentioned, or shall refuse or neglect to join in any such choice, or shall be feme covert, under age, or non compos mentis, or out of the state, or in case the men chosen as aforesaid do not decide thereon, then it shall be lawful for one of the justices of the supreme court, on the application of either party, at the charge and costs of the said corporation, to direct a special jury of the freeholders, in any of the townships in the said county through which the said road shall not run, to be struck before such justice, in the manner in which special juries are usually struck, who shall view, examine, and survey the lands, tenements, and hereditaments; and, after taking into consideration the disadvantages arising to the owner of said land by the construction of said road as aforesaid, to estimate the injury or disadvantage sustained as aforesaid; and shall make an inquisition thereof, under their hands and seals, to be returned to the said justice of the supreme court by the sheriff of the said county in which the said inquisition shall be taken; and it shall be the duty of such sheriff to attend before the said justice with the book of freeholders, at such place as the said justice shall appoint, upon reasonable notice given to him for the purpose of striking such jury; and also, upon like notice, to have the said jury upon the premises in question at the time mentioned in such notice, and to administer the oath or affirmation to the said jurors; and the said sheriff and jurors shall be entitled to the like fees for their services as are allowed by law in other cases of special juries; and upon the coming in of such report or inquisition, and the confirmation thereof by the court, and the said directors paying to the owners, respectively, the sum mentioned in such report or inquisition in full compensation for the lands, tenements, and hereditaments, privileges, and appurtenances, or for the injury sustained as aforesaid, as the case may be, upon such payment the said company shall become seized in the same estate in the lands, tenements, and hereditaments which the said owners held in the same, and which they shall have taken possession of and paid for as aforesaid; and they and all who have acted under them shall be acquitted and freed from all responsibility for and on account of such injury; *provided*, that the payment, or security for payment of da-

mages aforesaid, for lands through which the said road may be laid, to the satisfaction of the person or persons, to be made before the company, or any person under their direction or in their employ, enter upon or break ground in the premises, except by surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained.

When half of road is completed, governor to appoint commissioners to examine it.

Sec. 9. *And be it enacted*, That as soon as the said company shall have completed half of the said road, then it shall be lawful for the said directors to give notice to the governor, or person administering the government of this state, who shall thereupon forthwith nominate and appoint three commissioners, who shall, at the expense of the corporation, view the same, and report to him in writing whether the said road is so far executed in a workmanlike manner, according to the true intent and meaning of this act; and if the said commissioners, or any two of them, report in the affirmative, then it shall be the duty of the governor, or person administering the government of this state, by license under his hand, to permit the said directors to erect gates and turnpikes across the said road, and to demand and receive toll at the same, at the rates hereinafter specified; and in like manner, when the said road is completed, approved of, and licensed as aforesaid, to erect other gates and turnpikes, and for passing through the same, to demand and receive toll for travelling each mile of the said road after the following rates:

When governor may issue license to company to erect gates and receive toll.

Rates of toll.

For every carriage, sled, or sleigh, drawn by one beast, one cent and a half;
For every additional beast, one cent and a half;
For every horse and rider, or led horse or mule, one cent;
For every dozen of calves, sheep, or hogs, one cent;
For every dozen of horses, mules, or cattle, four cents;

and it shall be lawful for the tollgatherers to stop any person or persons riding, leading, or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of pleasure or burthen, from passing through the said gates or turnpikes until they shall have respectively paid the toll as above specified; *provided*, that nothing in this act shall be so construed as to entitle the said company to demand or receive toll of or from any person passing to or from public worship, or to or from any mill to which he may resort for the grinding of grain for his family use, or horses, carriages, sleighs, or sleds conveying persons to or from a funeral, or any militiaman passing to or from any training on a muster day appointed by law, or any militia officer or soldier passing or

Proviso.

repassing, when called to do duty by the laws of this state or of the United States.

List of rates of toll to kept up at gates.

Sec. 10. *And be it enacted*, That before the said company shall receive toll, as aforesaid, they shall cause to be affixed, and always kept up at the gates aforesaid, in some conspicuous place, a printed list of the rates of toll which may be lawfully demanded; and also a board on which shall be painted in large letters "Keep to the right, as the law directs;" and if any person shall wilfully tear down any of the printed rates of toll or directions, or shall cut, break down, or destroy, or otherwise injure any gates, turnpikes, or bridges that shall be erected pursuant to this act, or shall forcibly pass the said gates or turnpikes without having paid the legal toll at the same, such person or persons shall forfeit and pay a fine not exceeding twenty dollars, besides being subject to an action of damages for the same, to be recovered by the corporation, to their use, with costs of suit; and if any person with his horse, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure, shall turn out of said road, on private ground adjacent thereto, to avoid passing through such gates or turnpikes, and again enter on said road, with intent to avoid payment of the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gates or turnpikes, to be recovered by the said corporation, for the use thereof, in an action of debt, with costs of suit; and if any tollgatherer shall unnecessarily delay or hinder any traveller passing at any of the gates, or shall receive more toll than is by this act established, he shall for every such offence forfeit and pay the sum of ten dollars, with costs of suit, to be prosecuted by, and recovered for the sole use of the person so unreasonably hindered and defrauded.

Penalty for injuring works.

Penalty for turning out and entering on road again to avoid toll.

Stock personal estate.

Proviso.

Sec. 11. *And be it enacted*, That the shares in said turnpike company shall be taken, deemed, and considered as personal property, and be transferred in such manner as the directors may appoint; *provided*, that if the said company shall not commence their operations within two years after the passing of this act, or shall not within seven years afterwards complete the said road according to the intent and meaning of this act, then, and in either of the said cases, this act shall cease, be void, and of no effect.

Persons using road to keep to right hand side.

Sec. 12. *And be it enacted*, That all drivers of carriages, sleighs, or sleds of any kind, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right

hand of said road in the passing direction, leaving the other side of said road free and clear for other carriages, sleighs, sleds, and persons on horseback to pass; and if any person shall offend against this provision, such person shall forfeit and pay the sum of two dollars to any person who shall be obstructed in his or her passage, and will sue for the same, and shall also be subject to an action of damages for every such offence, to be recovered with costs of suit.

Penalty for not doing so.

Sec. 13. *And be it enacted*, That in case the said company shall neglect to keep said road in good repair, and complaint thereof shall be made to any justice of the peace of the county, who may be disinterested, by three or more freeholders of the said county, in writing, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arises, who shall not be interested in the said road; which three persons, or a majority of them, on notice being given to the keeper of the gate nearest to the place where the cause of complaint arises, shall meet at the time and place which the said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to view and examine the said road so complained of, and report in writing under their hands and seals to the said justice, as soon as it may be practicable, their opinion, or the opinion of two of them, as to the state of the said road; and if the said report be unfavourable 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 said gate until otherwise ordered; and if the said keeper shall, notwithstanding the order of the said justice to open the said gate, exact toll from travellers, he shall for each offence forfeit and pay ten dollars, to be sued for by any person who will prosecute for the same, in action of debt, with costs of suit; and the said justice shall be allowed for his services fifty cents, and the persons so appointed one dollar each, to be paid by the said turnpike company in case the said report shall be unfavourable as aforesaid, otherwise to be paid by the person or persons as aforesaid so unjustly complaining; and it shall be the duty of the persons so appointed, or a majority of them, on application from said turnpike company, again to view said road, and report as aforesaid their opinion to the said justice, who shall, if authorized by the report, by license under his hand and seal, directed to the tollgatherer, 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; and in case three of the township committee are not disinterested, then the said

Proceedings on complaint of company neglecting to keep road in good repair.

justice shall appoint, in the manner above prescribed, one or more respectable freeholder of the township, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Funds not to be employed for banking purposes.

Sec. 14. *And be it enacted*, That the funds of this company, or any part thereof, shall not be used for banking or other purposes not clearly indicated by this act, and that the legislature may at any time hereafter alter, modify, or amend this act.

Commissioners or jury, in assessing value of lands, to consider the advantages arising to owners from road.

Sec. 15. *And be it enacted*, That in case the owners of the lands over which the said road shall pass cannot agree on the compensation to be awarded for the same, from any cause whatever, then it shall be lawful for the said company to take the said lands necessary for said road, agreeably to the provisions of the eighth section of this act; and in doing so, the said commissioners, or the said jury, as the case may be, shall be bound to consider the advantages arising to the owner or owners of said lands, as well as the disadvantages.

Limitation.

Proviso.

Sec. 16. *And be it enacted*, That said company shall be and remain in full force and power for the term of ninety-nine years from the passage of this act, after which time it shall cease and become null and void, unless extended by the legislature; *provided always*, that the legislature may alter or modify the same, whenever the public good requires it.

Passed March 2, 1837.

AN ACT authorizing the minister, elders, and deacons of the Protestant Reformed Dutch Church of the township of Bergen, in the county of Bergen, to sell real estate.

Preamble.

WHEREAS it appears by the petition of the minister, elders, and deacons of the Protestant Reformed Dutch Church of the township of Bergen, in the county of Bergen, that it is their wish, as well as that of the supporters of the gospel in their congregation, to sell and dispose of certain real estate owned by said church, by reason of the same being unproductive, and occasioning much cost and trouble.—AND WHEREAS the original charter, granted by

Governor Carteret in the year of our Lord one thousand six hundred and sixty-eight, declares that the aforesaid lands are not to be alienated, but to remain for the maintenance of the minister, and to continue for ever, from one incumbent to another, free from paying any hire, rent, or any rate or taxes whatsoever; but it appearing, by the aforesaid petition, that the beneficent objects of the grant can be better obtained by selling said lands, and investing the moneys arising therefrom in the consistory of said church, and their successors in office, for the use and benefit of the incumbent, in gradual and perpetual succession, from one incumbent to another, to be exclusively under the control of the consistory of said church for the purpose aforesaid—Now therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the minister, elders, and deacons of the Protestant Reformed Dutch Church of the township of Bergen, in the county of Bergen, be, and they hereby are authorized to make sale of the aforesaid lands or real estate, and to execute, under the seal of the said incorporation, proper and lawful deeds of conveyance for the same, which deeds shall be held, taken, and deemed to convey a good, valid, and sufficient title in fee simple for said lands or real estate, any law, grant, charter, or custom to the contrary notwithstanding.

Ministers, elders, &c., authorized to sell and convey real estate.

Sec. 2. *And be it enacted*, That the moneys which shall arise from the sales aforesaid be vested in the consistory of said church, and their successors in office for ever, for the use and benefit of the incumbent, or minister, in gradual and perpetual succession, from one incumbent to another, to be exclusively under the control of the consistory of said church, for the purposes aforesaid; *provided* nothing herein contained shall be construed to extend to any person or persons not parties hereto.

How proceeds to be invested.

Proviso.

Passed March 2, 1837.

AN ACT to confirm the last will and testament of Robert Kid, late of the city of Burlington, in the state of New Jersey, esquire, deceased.

Preamble.

WHEREAS the said Robert Kid, being seized and possessed of considerable real and personal estate, situate and being in the states of New Jersey and Pennsylvania, by his last will and testament, bearing date the thirtieth day of March, in the year of our Lord one thousand eight hundred and thirty-three, did among other things devise to his wife all his real estate in the city of Burlington, during her life, and directed that none of his real estate should be sold during her life, but that the rents and income thereof should be paid to her, and be then divided into ten shares, three of which should belong to her, and the other shares to his seven children, equally, and after the death of his wife, he devises the whole of his real estate to his seven children, in the manner therein particularly set forth, and vests the shares of his daughters in trustees, for their use—AND WHEREAS the said last will and testament was executed in the city of Philadelphia in the presence of two subscribing witnesses only, whereby, though it passes the real estate of the testator in Pennsylvania, it is void as to his real estate in New Jersey, and thereby the intention of the testator, in the disposition of his estates, may be defeated, unless effectuated by the aid of the legislature—AND WHEREAS the said last will and testament, since the decease of the testator, has been duly proved and recorded in the surrogate's office of the county of Burlington, and the widow and children of the testator, the only persons interested in his estate, have united in praying the legislature to confirm the said last will and testament, and to make the same as valid and effectual as if the same had been signed, sealed, and published by the testator in the presence of three subscribing witnesses; which, appearing to be just and equitable—Therefore,

The last will and testament of R. Kid, dec., confirmed and declared valid.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the last will and testament of the said Robert Kid, esquire, deceased, late of the city of Burlington, in this state, bearing date the thirtieth day of March, in the year of our Lord one thousand eight hundred and thirty-three, and proved before the surrogate of the county

of Burlington on the seventh day of September, in the year of our Lord one thousand eight hundred and thirty-six, and the several bequests and devises therein contained, shall be, and the same are hereby declared to be, as good, valid, and effectual, to all intents and purposes, and shall be taken, deemed, esteemed, and accepted as sufficient and valid to devise, bequeath, and convey the lands therein devised, situate in this state, as effectually, to all intents, constructions, and purposes whatsoever, as if signed, sealed, and published by the testator in the presence of three subscribing witnesses, and shall for ever bar any person or persons claiming, or to claim any estate therein under the said testator, contrary to the true intent and meaning of the said testator, in his said last will and testament, any law to the contrary notwithstanding.

Passed March 2, 1837.

A SUPPLEMENT to the act entitled, "An act authorizing Joseph Ogden, Nicholas Justice, esquire, and others, to embank a tract of meadow, in the county of Gloucester," passed November eleventh, eighteen hundred and twenty-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 when the owners or possessors of more than one half of the meadow, marsh, and swamp within the bounds of the aforesaid company shall agree, at an annual meeting, to throw the said meadow out to the tide, for the purpose of improving the same, it shall be the duty of the manager or managers of said company to cut the tide bank in as many places as the commissioners of said company may order and direct; and it shall be the duty of the manager or managers for the time being to stop the breaches so cut in the bank whenever the owners or possessors of more than one half of said marsh or meadow shall agree to re-embank the same, and the costs thereof to be defrayed by a general tax upon the whole company, to be

Duty of managers of company

assessed and collected in the manner directed in the fourth section of the act to which this is a supplement.

Commissioners to allot to owners or possessors their portion to maintain.

Sec. 2. *And be it enacted*, That it shall be lawful for the said company to choose, as other officers are chosen, three disinterested men for commissioners, whose duty it shall be to lay off and allot to each owner or possessor, not owning any bank, the part or share which he, she, or they shall keep up and maintain.

Managers may repair bank on neglect of possessors, at their expense.

Sec. 3. *And be it enacted*, That if any person or persons who may have bank so laid off to him, her, or them, by the commissioners, to keep up and maintain, shall neglect or refuse to keep up or repair the same, it shall be lawful for the manager or managers of said company to mend or repair the same, and collect the expense thereof of the person or persons to whom the maintenance is assigned, as though he, she, or they were the actual owner of the said bank.

Part of former act repealed.

Sec. 4. *And be it enacted*, That the sixth section of the act to which this is a supplement, and all other parts of said act as are contrary to the provisions of this supplement, be, and the same are hereby repealed.

Passed March 2, 1837.

AN ACT to authorize the sale of the real estate of Moses Moore, deceased, late of the county of Somerset.

Preamble.

WHEREAS it is represented to the legislature of the state of New Jersey, by the petition of Lydia and Harriet, children and heirs, and Restores Cox, guardian of the person and property of Isaac, the children and heirs of Moses Moore, deceased, and David French, brother-in-law of said deceased, that the said Moses Moore died, in the year eighteen hundred and thirty-one, intestate, seized of certain lands and premises situate in the township of Warren, county of Somerset; and that the same is fast going to decay, the products being insufficient to to defray the expenses of necessary repairs, (there being no personal property of said deceased) it would be for the interest of the heirs that the same be sold—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 Restores Cox be, and he is hereby appointed trustee, with full power and authority to sell and convey all the real estate of the said Moses Moore, deceased, in the township of Warren aforesaid, for the highest sum or sums of money it will bring at public sale, at least thirty days' notice being given of the time and place of such sale or sales, by advertising in one or more newspapers published in said county and by advertisements set up at five or more public places in the vicinity of said property; and to make, execute, and deliver a good conveyance or conveyances in law to the purchaser or purchasers of the same; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns, for ever, all the estate, right, title, and interest which the said Moses Moore, deceased, had at the time of his death in and to the same, with the appurtenances.

R. Cox authorized to sell and convey real estate of Moses Moore, dec.

Sec. 2. *And be it enacted*, That before the said Restores Cox shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, with such surety and in such sum as shall be approved of by the surrogate of the county of Somerset, conditioned for the faithful performance of said trust; which bond shall be deposited in the office of the secretary of this state; and shall also take and subscribe an oath or affirmation to act faithfully in said trust.

Bond to be given to governor.

Sec. 3. *And be it enacted*, That the said trustee shall, within six months after he shall have made sale of the same, exhibit to the judges of the orphans' court of the county of Somerset a just and true account of the proceeds of such sale or sales, together with an account of all just and lawful costs and expenses, and a reasonable allowance for his commissions; and shall pay the residue thereof to the said heirs, as they shall severally arrive to lawful age, or to the guardians of those not of lawful age; and in case there shall be no guardian or guardians to receive the share or shares of any of the said heirs, being minors, the said trustee to place such share or shares at interest, with sufficient security for the payment of the same, until a guardian or guardians shall be appointed to receive the same, or until the said minor or minors shall arrive at lawful age.

Account of proceeds to be exhibited to orphans' court.

Sec. 4. *And be it enacted*, That nothing in this act shall be construed to affect the descent of the proceeds of the said real estate, but the same shall descend as the said real estate would have descended had not this act been passed.

Proceeds of sales to descend as real estate.

Passed March 3, 1837.

AN ACT to improve the navigation of Great Mantua creek, in the county of Gloucester.

Preamble.

WHEREAS, by the memorial and petition of a number of owners and masters of vessels and others interested in the navigation of Great Mantua creek, in the county of Gloucester, it appears that legislative aid is necessary for the preservation and improvement of the navigation of the said creek—Therefore,

Commissioners, and their 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 Thomas Bee, William C. Tonkin, Abraham Park, Richard Clark, and Joseph Lodge, jun., be, and they are hereby appointed commissioners, any three of whom shall have power and authority to open and clear out the navigation of said creek, from the Upper Landing, in the village of Carpenters Landing, to the river Delaware, and remove sand-bars, timber, logs, or any other thing whatsoever, public or other authorized bridges excepted, having a tendency to obstruct the navigation, or that in the opinion of the commissioners may endanger the same; and also to take any suitable and proper measures to prevent the formation of bars and other obstructions for the future, and the mud, sand, and other obstructions, taken out of the said creek for the purposes aforesaid, to cast equally upon the marshes and land adjacent, doing as little damage as possible to the owners of said land adjacent; and for the purposes aforesaid, and other purposes mentioned in this act, the said commissioners, their agents, artificers, labourers, wagons, carts, horses, and machinery shall have free ingress, egress, regress into and upon any lands, meadow, or marsh adjoining or contiguous to said creek; *provided always*, that in executing the authority extended to them by this act, the aforesaid commissioners, or their successors, shall do no unnecessary injury to the adjacent proprietors, or their lands.

Proviso.

Who shall be considered contributors.

Sec. 2. *And be it enacted*, That any owner or master of a vessel or vessels trading out of or belonging to the said creek, or any owner of property situated on the same, who shall contribute to the purposes aforesaid any sum not less than five dollars per annum, shall be considered and taken to be a contributor for the purposes of this act.

Sec. 3. *And be it enacted*, That the commissioners appointed in and by this act shall continue for one year and until others be chosen; and that it shall and may be lawful

for the contributors under this act to meet at some suitable place in the village of Carpenters Landing on the first Tuesday in May in each year, for the purpose of inspecting the accounts of the said commissioners, and of electing commissioners for the succeeding year, which said commissioners so chosen shall continue for one year next ensuing such choice, and until others shall be chosen, and shall be vested with all the power herein before vested in the commissioners under this act.

Time of electing commissioners.

Sec. 4. *And be it enacted*, That if any person or persons who are now named, or hereafter shall be chosen commissioner or commissioners as aforesaid, shall die or remove from the county of Gloucester before the expiration of the time for which he or they are so chosen, or who shall refuse to take upon himself or themselves the duty of commissioner or commissioners as aforesaid, then and in such case it shall and may be lawful for any one or more of the commissioners named in this act, or chosen under the same, or of any five or more of the contributors under the same, by fixing advertisements in two or more of the most public places situated on the said creek, expressing the time, place, and intention of the said meeting, to call a meeting of the said contributors, which shall be held in the village of Carpenters Landing, who shall, when met, elect a person or persons to supply the place or places of such commissioner or commissioners so refusing, removing, or dying; and the person or persons so chosen shall have all the power and authority herein before given to the commissioners named in this act.

Vacancies, how supplied.

Sec. 5. *And be it enacted*, That if any person or persons whatsoever, after the passing of this act, shall wilfully fell any tree, or cast any thing whatsoever into said creek, that will obstruct or be an impediment to the free and clear navigation thereof, within the limits aforesaid, without the written consent of the said commissioners, or a majority of them, first obtained therefor, or shall wilfully injure, destroy, mutilate, or impede any of the banks, mounds, or other works of the said commissioners under this act, for the preservation and improvement of the navigation, he, she, or they so offending shall pay a sum not less than ten dollars, and not exceeding one hundred dollars, at the discretion of the court before whom they shall be tried, to be recovered by the said commissioners, or any three of them, in an action of debt, or of trespass on the case, in any court having cognizance of the same, to be appropriated by the said commissioners towards the purposes of this act.

Penalty for obstructing navigation of creek or injuring works.

Passed March 3, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act to incorporate the Paterson and Hudson River Railroad 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 it shall be lawful for the president and directors of the Paterson and Hudson River Railroad Company, their successors and assigns, to increase their capital stock the further sum of two hundred thousand dollars, by loan or otherwise, which shall be divided into shares of fifty dollars each, and to be raised in such manner as they may deem expedient and most conducive to the objects of the incorporation.

Capital stock increased.

Sec. 2. *And be it enacted*, That so much of the eighteenth section of the act to which this is a supplement, as requires the said company to pay to the treasurer of this state an annual tax of one-quarter of one per centum upon their capital stock paid in, be, and the same is hereby repealed.

Part of former act repealed.

Passed March 3, 1837.

AN ACT to incorporate the Delaware Manufacturing Company of Trenton.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Dr. John McKelway, Benjamin Coates, Charles Wurts, and their associates and successors, shall be, and they are hereby incorporated and made a body politic, by the name and style of "The Delaware Manufacturing Company," for the purpose of manufacturing, bleaching, or printing articles of which cotton, flax, or wool are the principal parts, and other fibrous materials, iron and hardware, and all machinery incident thereto, or which may be found necessary for effectually carrying on said manufactures; and shall have power to raise by subscription, in shares of one hundred dollars each, a capital of three hun-

Names of corporators.

Style of incorporation.

dred thousand dollars, and for that purpose shall open books of subscription to the capital stock on the first Tuesday in May next, giving at least twenty days' notice of the time and place in one or more of the newspapers of this city; and that each person subscribing to said stock shall pay, at the time of subscribing, the sum of ten dollars on each share; and as soon as three hundred shares shall be subscribed, and ten thousand dollars paid in, the individuals above named, or any two of them, may by public notice of thirty days, given in one or more of the newspapers of the city of Trenton, call a meeting of the stockholders of said company for an election of five directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy; the said individuals above named, or any two of them, to be inspectors and judges of such first election; and the said directors, when elected, shall choose out of their number a president; and the directors of said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three of the stockholders, not being directors, as inspectors of such election; said directors shall continue in office until such election be complete, and shall at all times have power to make by-laws for the government of said company, not repugnant to the constitution or laws of this state or the United States; and shall have power to reopen books and take additional subscriptions, not exceeding the amount limited as above; and shall also have power to call in said stock from time to time, in such instalments as they shall think necessary, not exceeding twenty dollars on each share, by giving public notice as aforesaid, and to declare forfeited to said company the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *provided* previous notice of thirty days shall have been given to such delinquent stockholder.

Amount of capital stock.

Time and mode of electing directors.

President to be elected.

Power of directors.

Stock forfeited on failure to pay instalments.

Proviso.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors for the time being of the said company shall at any time neglect or refuse to give notice, as in the first section of this act is directed, for the election of directors, then upon such neglect or refusal the stockholders, or a majority of them, may within the time in such case prescribed by law, give notice and call such meeting, and elect directors in like manner as if said directors had given notice as by this act is required; and if at any election of directors two or more persons voted

Election of directors to be by ballot.

for shall receive an equal number of votes, the directors for the time being shall determine by ballot which of the said persons so having an equal number of votes shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose, from among the stockholders, some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be complete.

Vacancies, how supplied.

Officers to be appointed.

Sec. 3. *And be it enacted*, That the said directors, at the first meeting after every election, shall appoint a president; and they may appoint a secretary, treasurer, and such other officers and agents as they may think adequate, and require from such officers and agents such bonds and security for their good conduct as may to them appear reasonable and proper.

Powers of company.

Sec. 4. *And be it enacted*, That the said company, for the purpose of carrying into effect the objects specified in the first section of this act, may buy or rent of the Trenton Delaware Falls Company so much water-power, and may buy, rent, take, and hold, or otherwise become seized and possessed of, all such lands, tenements, and other real and personal estate in the city of Trenton, or within two miles of said city, not exceeding thirty-five acres, as may be necessary and useful for the purpose aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and alter, and renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act.

Semi-annual dividends to be declared.

Proviso.

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, shall be semi-annually made by the directors among the stockholders, and the books of the said company shall at all times be open for the inspection of said stockholders; *provided*, that no dividends be made, except from the actual profits of the company.

Stock personal property.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable upon the books of the company, in the mode directed by the by-laws thereof.

Act may be repealed.

Sec. 7. *And be it enacted*, That the legislature may at any time alter, modify, or repeal this act, whenever they

deem proper; and that no part of the funds of the company shall be employed in banking operations; and that the privileges conferred by this charter shall continue for twenty-five years, and no longer. Funds not to be employed for banking purposes.

Passed March 3, 1837.

A SUPPLEMENT to the act entitled, "An act for the relief of the owners of meadow in the Fishing Island Bank Company, in the county of Salem," passed February twenty-third, eighteen hundred and thirty-seven.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the eighth and ninth sections of the act to which this is a supplement shall in no wise be affected by the tenth section of the said act. Explanation of part of former act.

Passed March 3, 1837.

AN ACT to authorize a trustee therein named to make sale of certain real estate, late of Benjamin Van Schoick, deceased.

WHEREAS Benjamin Van Schoick, late of the county of Monmouth, died intestate seized in his own right in fee simple of and in a plantation, with a saw-mill and several tracts of wood land and premises, situate in the county of Monmouth, in this state, leaving Benjamin H. Van Schoick, William Van Schoick, Ann Norton, wife of John Norton, Elijah Van Schoick, Ruth R. Laning, wife of Isaac W. Laning, John W. Van Schoick, and Lucius H. S. Van Schoick, his children and heirs at law, who thereupon inherited the said premises.—AND WHEREAS the guardian of the said Lucius H. S. Van Schoick, one Preamble.

of the said heirs, being an infant under the age of twenty-one years, hath by petition represented to the legislature, that a sale of the share of the said minor in the said real estate would greatly advance the interests of the said minor therein, and hath prayed that a sale of the part or share of the said minor in the said real estate may be authorized in such manner as shall best promote the interest of the said minor.—AND WHEREAS the other heirs of the said Benjamin Van Schoick, being all of full age and joint owners of the said real estate, have concurred in the petition of the said guardian, and have represented that a sale of the whole of the said real estate would be for the interest of all parties concerned therein, and the prayer of the said petition appearing to be reasonable and proper —Therefore,

I. W. Laning authorized 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 Isaac W. Laning, of the county of Burlington, be, and he is hereby appointed trustee, with full power and authority to sell at public vendue, giving twenty days' notice in one of the newspapers published in the county of Monmouth, all the right, title, and interest of Lucius H. S. Van Schoick of and in all the real estate whereof Benjamin Van Schoick, late of the county of Monmouth, died seized, situate in the county of Monmouth, in this state; and when sold, to make, execute, and deliver, in the name of the said Isaac W. Laning, trustee as aforesaid, good, legal, and sufficient deed or deeds therefor, to any purchaser or purchasers thereof, which said deed or deeds shall convey to and vest in the purchaser or purchasers of the said real estate all the right, title, and interest of the said minor in the real estate so sold, at the time of the said sale.

Account of sales to be kept, and exhibited to orphans' court.

Sec. 2. *And be it enacted*, That the said Isaac W. Laning shall keep a full, fair, and just account of the sale or sales by him made by virtue of this act, and of the costs and expenses thereof, and shall exhibit the said account, under oath or affirmation, to the orphans' court of the county of Monmouth within six months after such sale or sales shall be made, to be approved by the said court and filed in the surrogate's office of the said county; and the said Isaac W. Laning, after deducting from the proceeds of the said sale or sales all necessary costs and expenses, and such reasonable commissions as shall be allowed by the said court, shall invest the residue thereof, under the direction of the orphans' court of the said county of Monmouth, until the said Lucius H. S. Van Schoick shall attain the age of

twenty-one years, then to be paid to the said Lucius H. S. Van Schoick; and in case he shall die before attaining the age of twenty-one years, then the proceeds to be paid to his heirs, designated by the act directing the descent of real estate, in the same manner as if this act had not been passed. Proceeds of sale how to be invested. To descend as real estate.

Sec. 3. *And be it enacted*, That the said Isaac W. Laning, before entering upon the trust reposed in him by this act, shall enter into bond to the governor of this state, in such sum and with such security as the surrogate general shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the prerogative office of this state, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state for the time being to cause the same to be prosecuted, at the request and for the benefit, and at the proper costs and charges, of any person or persons aggrieved by such forfeiture. Bond to be given to governor.

Sec. 4. *And be it enacted*, That no sale or conveyance made under and by virtue of this act shall impair, or in any wise affect the right or interests of any person or persons whatever other than the said Lucius H. S. Van Schoick and those claiming under him. Rights of others not to be affected.

Passed March 3, 1837.

A SUPPLEMENT to an act entitled, "An act to authorize the sale of the real estate of Anna Hornblower, deceased, late the wife of Josiah Hornblower."

Sec. 1. 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 Van Horn and Josiah Hornblower be, and they are hereby appointed trustees, in the place and stead of Samuel Cassedy and Abel I. Smith, with full power and authority to exercise the like trusts, and perform the like duties, and subject to the like liabilities, that the said Samuel Cassedy and Abel I. Smith are authorized, vested New trustees appointed to exercise trusts reposed in trustees appointed by former act.

with, and empowered to perform, and subject to, by and under the act of the legislature of this state, passed February twenty-fourth, eighteen hundred and thirty-five, entitled, "An act to authorize the sale of the real estate of Anna Hornblower, deceased, late the wife of Josiah Hornblower."

Former trustees liable for all moneys received by them.

Sec. 2. *And be it enacted*, That the said Samuel Cassedy and Abel I. Smith shall account and be liable for all moneys received by them, or either of them, from the sale of any of the said estate, in manner prescribed in the seventh section of said act referred to in the preceding section.

Bonds to be given as directed in former act.

Sec. 3. *And be it enacted*, That before the said trustees hereby appointed enter upon the trusts reposed in them, they shall give bonds in like manner as the said Samuel Cassedy and Abel I. Smith were required to do.

Passed March 3, 1837.

A SUPPLEMENT to "An act authorizing trustees to sell and convey certain real estate late of William Biles, deceased," passed February twenty-eight, eighteen hundred and thirty-five.

Preamble.

WHEREAS, it being represented to the legislature that Elias Ely, one of the trustees mentioned in the act to which this is a supplement, has died without executing the trust therein mentioned, or any part of it; and it further appearing, by the wording of the said act, that Lewis S. Coryell, the other and remaining trustee, cannot execute the said trust alone, without the further aid of the legislature—Therefore,

L. S. Coryell authorized to execute trust created in former act.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Lewis S. Coryell be, and he is hereby invested with full power and authority to execute the trust mentioned in the act to which this is a supplement, according to the directions, provisions, and conditions of the said act.

Passed March 3, 1837.

AN ACT to authorize trustees to sell certain real estate late of David Thorp, deceased.

WHEREAS David Thorp, late of Hanover, in the county of Morris, deceased, by his last will and testament, among other things, directed that a portion of his estate should be divided among his children, upon certain conditions mentioned in said will—AND WHEREAS a certain lot of land and premises, situated in Washington-street, in the city of Newark, has been, under and by virtue of an order of the prerogative court, assigned and set off to Jane Woodruff, late Jane Thorp, one of the devisees; and it appears from the said will that she is entitled to the use of her share during her lifetime—AND WHEREAS the said premises, for want of sufficient and necessary improvements, are diminishing in value, and do not at present yield any considerable income, but that the same can be sold so as to yield a large interest to the said devisee—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 Orange W. King, of Newark, in the county of Essex, and Silas Tuttle, of Hanover, in the county of Morris, be, and they are hereby appointed trustees, with full power and authority to sell at public vendue the said lot of land and premises situated in Newark aforesaid, and to make out and execute a good and sufficient deed or deeds to the purchaser or purchasers; and the said trustees are hereby directed to account for and pay over the interest of the moneys arising from such sale or sales to the said Jane Woodruff, according to her legal right therein. O. W. King and S. Tuttle authorized to sell and convey certain real estate. Trustees to pay interest of proceeds to Jane Woodruff.

Sec. 2. *And be it enacted,* That the said trustees shall keep a fair, full, and just account of the proceeds of the sale or sales made by virtue of this act, and of the costs and expenses thereof; and shall exhibit said account, under oath or affirmation, within six months after the completion of the sale or sales of the said real estate, to the orphans' court of the county of Essex for settlement and allowance, which account shall be filed in the surrogate's office of said county; and the said trustees shall account for all moneys by them received by virtue of this act, after deducting therefrom all legal costs and expenses and such reasonable commissions as shall be allowed by the said court. Account of sales to be exhibited to orphans' court of Essex.

Sec. 3. *And be it enacted,* That the said trustees, before

Bond to be given to governor.

entering upon the execution of the trust reposed in them by this act, shall enter into bond to the governor of this state, in such sum and with such security as the said orphans' court shall approve, conditioned for the faithful performance of the said trust; which bond shall be deposited in the said surrogate's office of this state, and shall be good to all intents and purposes, and pleadable in any court of justice; and in case the said bond shall become forfeited, it shall and may be lawful for the governor of this state for the time being to cause the same to be prosecuted, at the request and for the benefit, and at the proper costs and charges, of any person or persons aggrieved by such forfeiture.

In case of forfeiture, bond may be prosecuted.

Sec. 4. *And be it enacted*, That the sale or sales and deed or deeds of conveyance which may be made by virtue of the authority granted in this act, shall not impair or in any way affect any right, title, interest, or claim, other than that of the heirs at law of the aforesaid David Thorp, deceased; and that the proceeds of such sale or sales, and every part thereof, shall be deemed and taken as real estate, and descend as such to the heir or heirs.

Rights of others not to be affected.

Proceeds to descend as real estate.

Passed March 4, 1837.

AN ACT to incorporate the Newark Fire Department.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all such persons as now are or hereafter shall be engineers of the fire department and fire wardens, together with all firemen belonging to any of the fire engines, hook and ladder, or hose companies, and the officers hereinafter named, shall be, and hereby are created, constituted, and declared to be, and continued until the first day of Febuary, one thousand eight hundred and fifty-seven, a body politic, in fact and in name, by the name of "The Newark Fire Department," and by that name they and their successors, for the term aforesaid, shall and may have succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts

Style of incorporation.

Powers.

and places whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and also, that they and their successors, by the name of the Newark Fire Department, shall be in law capable of purchasing, holding, and conveying any estate, real or personal, for the use of said corporation; *provided*, that the amount of real and personal estate of said corporation shall not at any time exceed the sum of thirty thousand dollars. Proviso.

Sec. 2. *And be it enacted*, That the engineers belonging to said fire department shall, on or before the second Monday in December in every year, choose one representative, the fire wardens one representative, each engine, hook, and ladder, or hose company, composed of eighteen men and upwards, two representatives, and under eighteen men, one representative, who shall have and exercise all such powers as are hereinafter committed to them. Mode of choosing representatives.

Sec. 3. *And be it enacted*, That the said representatives shall choose, on the third Monday of December in every year, by ballot, out of the whole body of firemen and the officers hereinafter named, a president and vice president, three trustees, a treasurer, secretary, and collector: the first representatives shall be John R. Crockett, Edwin Ross, David B. Crockett, Horace J. Poinier, Edward R. Whitlock, Joseph Ward, William F. Newman, Ira Merchant, Peter Dusenbury, George A. Van Wagenen, J. S. Thacker, T. C. Mandeville, George R. Welch, James Keene, and Silas Merchant; the first trustees shall be L. A. Sykes, L. A. Clearman, Isaiah McGrath, Jabez Cook, George W. Andruss, Joel Tay, John R. Garthwaite, John N. Baldwin, and Gifford Runyon; Moses Ward shall be the first president, David B. Crockett first vice president, Edward R. Whitlock first treasurer, James S. Gamble first secretary, and Archibald Woodruff first collector, to hold their respective offices and places until others are appointed agreeable to the provisions of this act; that said trustees shall be classed into three classes: the first class shall go out of office the first year, the second class the second year, and the third class the third year; that the trustees shall manage the affairs and dispose of the funds of the corporation, according to the by-laws, rules, and regulations of said corporation, from time to time made and established by the representatives; that the trustees shall choose a president, who shall convene them when he may think proper, at least twice in each year; that the treasurer and collector shall give security to the trustees for the faithful performance of their trust; Officers, how and by whom to be chosen. First representatives. First trustees. First officers. Powers of trustees.

that the treasurer shall, at every annual meeting of the representatives, render to them an account of the funds; that the representatives shall, at any meeting, have a right to inquire into and control the application of the funds, and to displace any of the trustees and officers, if judged by them guilty of misconduct, and elect others in their place; that a majority of said representatives, and also of said trustees, shall respectively be a quorum to do business; that in case a vacancy shall occur in the office of representatives, such vacancy shall be filled by the company to which he belongs, for the remainder of the year, by a special election to be held for that purpose; and that in case of a vacancy in the office of president, vice president, treasurer, secretary, collector, or any of the trustees, shall be filled up by the representatives, for the remainder of the year, by a special election to be held for that purpose.

Quorum.

Vacancies, how supplied.

Powers of representatives.

Sec. 4. *And be it enacted*, That the said representatives shall have full power to make and prescribe such by-laws, rules, ordinances, and regulations as to them from time to time shall appear needful and proper in respect to the management and disposition of the funds for the purposes aforesaid, and touching the meeting of said corporation, both special and ordinary, except the third Monday in December in every year, which is hereby declared to be the annual meeting, and touching the duty and conduct of their officers and trustees, and touching all such other matters as appertain to the business and purpose for which the said corporation is by this act instituted, and for no other purpose whatever; *provided*, that such by-laws, rules, ordinances, or regulations be not repugnant to the constitution laws of the United States or of this state.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That in case any election shall not be made on any day when pursuant to this act it should have been made, the said corporation shall not on that account be considered to be dissolved, but that it shall and may be lawful on any other day to hold and make such election, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

How funds of corporation to be appropriated.

Sec. 6. *And be it enacted*, That the funds of said corporation, which shall arise from fines belonging to the fire department, under the ordinances that are or may hereafter be passed by the common council of the said city, and donations, and such other moneys as may have been heretofore or may hereafter be agreed upon by the representatives, shall be appropriated to the relief of such indigent or

disabled firemen, or their families, as may be interested in the same, and who may in the opinion of a majority of the trustees be worthy of assistance; but if they shall amount to a greater sum than the trustees may think necessary to apply to said purposes, then the said representatives shall have power to apply such surplus to the purpose of extinguishing fires, under such limitation and restrictions as they may, with the sanction of the corporation of the city of Newark, deem proper.

Sec. 7. *And be it enacted*, That no part of the funds of the said company shall be appropropriated or used for banking or other purposes not plainly indicated by this act, and that the legislature may at any time hereafter modify, amend, or repeal this act.

Funds not to be employed in banking operations.

Act may be repealed.

Passed March 4, 1837.

An act to incorporate the Columbia Delaware Railroad Company.

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That George Flummerfelt, Jabez Gwinnup, Jacob Beck, Anthony Belles, William Green, and such other persons as may hereafter be associated with them, and their successors, be, and they are hereby ordained, constituted, and declared to be a body politic and corporate, in fact, name, and law, by the name of "The Columbia Delaware Railroad Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter or renew at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, taking, holding, and conveying any lands, tenements, hereditaments, goods and chattels whatsoever necessary or expedient to carry into effect the objects of this incorporation.

Names of corporators.

Style of incorporation.

Powers.

Amount of capital.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be one hundred thousand dollars, with liberty to increase the same to double of that amount, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable on the books of said company, in such manner as the said corporation shall by their by-laws direct.

Books to be opened for subscriptions for stock.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and places as they, or a majority of them, may deem proper, giving notice thereof, at least twenty days prior to the opening of said books, in one of the newspapers printed at Belvidere; and that the said books shall be kept open three days, and as much longer as a majority of the said persons shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation.

Time and mode of electing directors.

Sec. 4. *And be it enacted*, That, at the time of subscription for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when the said capital stock shall be subscribed for, and the books closed, and the apportionment made, if the same become necessary, it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose nine directors; and such election shall be by ballot, at the said time and place, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock, not exceeding fifty, entitling the holder to one vote for each and every share, and one vote for every two shares above fifty and under one hundred and fifty shares, and one vote for every five shares above one hundred and fifty, until the votes amount to two hundred; and no stockholder shall be entitled to more than two hundred votes at any election as aforesaid; and the said persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in

the same manner elect the same number of directors; and the directors chosen at any of the elections of said corporation shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any of the directors, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President to be elected.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made on the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed dissolved, but such election may be held at any subsequent time, upon notice given for that purpose; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That five directors of the said corporation shall be a quorum of the board of directors competent to transact all business of the said corporation, and they shall have power, giving notice thereof as aforesaid, to call in the capital stock of said company, by such instalments and at such times as they may direct; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares on which such default shall arise; and to make and prescribe such by-laws, rules, and regulations touching the management and regulation of the stock, property, estate, and effects of the said corporation, and transaction of their business, as to them shall appear needful and proper, not repugnant to the constitution or laws of this state or the United States; and also to appoint a secretary, treasurer, and such and so many clerks, agents, and servants as to them shall seem meet and proper, and to establish and fix such salaries or compensation for services to them, and also to the president, as to the board of directors shall appear proper; *provided*, that not more than five dollars be required to be paid on each share at any instalment, and such instalments be not required at shorter periods than thirty days from each other.

Quorum.

Power of directors.

Proviso.

Sec. 7. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, commenc-

Location of railroad.

New Jersey State Library

ing at the termination of the Belvidere Delaware Railroad; running from thence, along or near the river Delaware, to the town of Columbia, or until it intersects the New Jersey Hudson and Delaware Railroad, and shall be so constructed as not to exceed sixty-six feet wide, with as many sets of tracks or rails as they may deem necessary; and it shall be lawful for the said president and directors of said company, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route or routes of such railroad, and of locating the same; and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route or routes of such road shall have been determined upon, and a survey of such route or routes deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary; to lay rails and to do all other things which shall be suitable or necessary for the completion or repair of the said road; and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering, or extending the said railroad, or any of its works or appendages, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands be first had and obtained.

Survey of route to be filed in secretary's office.

Powers.

Sec. 8. *And be it enacted*, That if the owner or owners of the land on which said railroad shall be made, shall not be willing to give the same for such purpose, and the said company and owner or owners cannot agree as to the price of the same, a particular description of the land or materials so required for the use of the said company, in the construction of the said railroad, and the name or names of landholders, and the place of residence, if known, shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, to one of the judges of the inferior court of common pleas of the county in which such

Proceedings when company and owners cannot agree.

road may run, who is disinterested in the premises, and after giving ten days' notice in writing, to the opposite party, of such application, and after hearing the parties, to appoint three disinterested commissioners, freeholders and residents of the county, to assess the price or value of said land and damages and materials taken, who shall be sworn or affirmed before said judge faithfully to execute the duties of said appointment, and after like notice, to both parties, of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired, and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of said land, and the quantity taken, by whom owned, and how situated, bounded, and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of said county, there to be kept as a public record, and copies taken by either party, if required; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of said county, at the first or second term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal, which proceedings shall vest in said court full right and power to hear and adjudge the same; and, if required, they shall award a venire, in proper form, for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury, if required, to view the premises and assess the value of said lands and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with cost, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners of said land, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum so awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed of all such lands and real estate appraised as aforesaid.

Trial by jury may be had.

Sec. 9. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert,

When the amount of award to be paid into the court of chancery.

under age, or non compos, out of the state, or under any other legal disability, which would prevent their agreement with the said company, then it shall be the duty of said corporation to pay the amount of any award or report so made in behalf of any such person into the court of chancery, to the clerk thereof, subject to the order of said court, for the use of said owner or owners; all of which said proceeding, as well under this as the preceding section of this act, shall be at the proper cost and charges of the said corporation.

Other roads not to be obstructed.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby, and also, where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said railroad, so that he may pass the same; *provided*, that it shall not be lawful for said company to use any public road or highway, except to cross the same in the most direct and convenient manner, without the consent of a majority of the inhabitants, to be obtained at a regular town meeting where such road or highway is located.

Rates of passage and transportation of property.

Sec. 11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on any railroad constructed by them, all machines, engines, wagons, carriages, or vehicles, for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided*, they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on said road, or six cents per mile for carrying each passenger on said railway in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railways in the carriages of others, and three cents per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Sec. 12. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall

have been completed, declare and make such dividend as they may deem prudent and proper of the net profits thereof; and shall, in like manner, semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Semi-annual dividends to be made.

Sec. 13. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act by the said company, or any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

Penalty for injuring or obstructing road.

Sec. 14. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said road, or as near thereto as they can conveniently procure the same, and at such intermediate points as the directors shall think proper, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages and other necessary uses, and to take and receive the rents, profits, and emoluments thereof.

What real estate may be held.

Sec. 15. *And be it enacted*, That the railroad authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated, as to the time of starting and rates of travelling, as not to interfere with the carriages of the company.

Railroad a public highway.

Proviso.

Sec. 16. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the pro-

Statement of cost of road to be filed with secretary of state, and annual statement to be made to legislature.

ceeds of said road, until the net income of said railroad shall amount to six per centum upon its cost; and as soon as the net proceeds of said railroad shall amount to six per centum upon its cost, the said corporation shall pay to the treasurer of the state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of January of each year; *provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

When tax to be paid.

Proviso.

Sec. 17. *And be it enacted*, That at any time after the expiration of twenty-five years from the completion of the said railroad, the legislature of this state may cause an appraisement of the said railroad, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of the state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year of the time of their appointment; or if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment by the chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege for two years of taking the said railroad upon payment to the company, not exceeding the original cost thereof, of the amount of said report, within one year after electing to take said railroad; which report shall be filed in the office of the secretary of state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to said company; and that it shall be the duty of the president of said company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of said railroad, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company or advance of the stock; and the valuation of said railroad shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

When state may take road.

Proviso.

Sec. 18. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void. Act void if railroad not completed in ten years.

Sec. 19. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever; and no part of the funds of this company shall be used for banking or other purposes not plainly indicated by the provisions of this act; and that the legislature reserve to themselves the right to alter, amend, or modify this act, whenever they think proper. Public act. Funds not to be employed for banking purposes. Act may be repealed.

Passed March 4, 1837.

AN ACT directing the mode of determining the seat of justice in the county of Cumberland.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That it shall be lawful for the inhabitants of the county of Cumberland, qualified to vote for members of the state legislature, sheriff, and coroners, to choose and determine, at an election to be holden for that purpose as hereinafter directed, at what place in the said county of Cumberland shall be located the seat of justice, court-house, jail, and public offices of the said county; and the said election shall be by ballot, and shall be opened on the fourth Tuesday of July next, at the places in the several townships in said county where the elections for members of the legislature, sheriff, and coroners are usually holden; and shall be continued, conducted, and concluded in the times, at the places, and in the manner prescribed by the acts of the legislature of this state "regulating the election of members of the legislative council and general assembly, sheriff, and coroners, in this state," so far forth as the provisions of the said acts are not herein altered or supplied; and each person entitled to vote at the said election shall vote one ticket, on which shall be written or printed, or partly written and partly printed, the name of the place which he may choose Election may be held for locating seat of justice, &c. Time and manner of conducting the election.

as the location of the said seat of justice, court-house, jail, and public offices.

Notice of election to be given by clerk of county.

Sec. 2. *And be it enacted*, That the clerk of the county of Cumberland shall cause the first section of this act to be published in one or more newspapers of the said county, for four weeks next preceding the time herein fixed for such election, once a week; and shall also cause notices to be set up for the like space of time in three or more of the most public places in each of the townships of the said county of Cumberland, of the time when, the place where, and the object for which the said election shall be holden; and shall also cause a copy of this act to be delivered to each of the clerks of the several townships of the said county of Cumberland, at least four weeks before the said election.

Copy of act to be delivered to clerks of townships.

Township officers to conduct election as required by general act.

Sec. 3. *And be it enacted*, That on the day herein for that purpose fixed, and between the hours of ten and twelve o'clock in the forenoon, the officers of the several townships of the said county, who are by law required to hold elections for members of the legislature, sheriff, and coroners of this state, are hereby required to convene and open the election for the purposes specified in this act, and to conduct the same in all respects as required by the act above referred to, unless herein otherwise provided; and in case of the death, absence, or inability of any judge or other officer of such election, in any of the townships, their vacancy shall be supplied in the manner prescribed by the aforesaid acts; and each of the officers of the said election shall, before the opening of the poll, respectively take, in the manner directed by the aforesaid act, an oath or affirmation in the form following, to wit: "I do solemnly swear, (or affirm as the case may be) that I will not receive, or assent to the receipt of, the vote of any person who is not by law entitled to vote at the present election, and that I will, to the utmost of my knowledge and ability, justly, faithfully, and impartially perform all the duties required of me by law at this election, as one of the officers thereof.

Oath of officers of election.

Certified lists of township votes to be sent to clerk of county.

Sec. 4. *And be it enacted*, That the judges and inspectors of the said election, in the several townships of the said county, shall, immediately after closing the said election, carefully count all the votes received at the said election, in the said townships respectively, and certify the number of votes received for each place voted for as the seat of justice as aforesaid to the clerk of the court of common pleas of the said county of Cumberland, in the manner prescribed by the aforesaid act, and shall transmit the said certificate to the clerk's office within the time by the aforesaid act in

other cases specified; and the clerks of the election in the several townships in the said county are also required to make out a true list of all the persons who voted at the said election, and transmit the same to the clerk of the said county; and the said clerk of the court of common pleas, or person acting for him, is required to attend and receive the said certificates of election and names of voters, and to count up the whole number of votes so taken in the said county, for each of the places so voted for as the seat of justice in said county, according to the said certificates; and he shall on the Saturday next succeeding such election, between the hours of three and five o'clock in the afternoon, attend at the court-house of said county, and there announce publicly to such person or persons as may be present, the number of votes so given for each place; and the place selected, and that place which shall have received the largest number of votes so taken in the said county at the said election, shall thereafter be the seat of justice in and for said county of Cumberland.

Clerk to make general list of votes, and announce the place selected.

Sec. 5. *And be it enacted*, That the judges, inspectors, and clerk of the said election, clerk of the county, and all other officers acting in or about the election to be holden under this law, shall be subject to the same penalties, fines, and forfeitures for misconduct, breach or neglect of duty, and be entitled, respectively, to the same fees and compensation as they or either of them would be liable for or entitled to for conducting an election for members of council and general assembly, sheriff, and coroners, in this state; and their fees shall be paid by the county collector, as in other cases.

Penalty for officers' neglect of duties.

Sec. 6. *And be it enacted*, That the clerk of the county of Cumberland, after counting up the said votes, and ascertaining the place so chosen as aforesaid, shall within five days thereafter deliver, or cause to be delivered, a certificate under his hand and seal of office to the director of the board of chosen freeholders of the said county, therein stating the whole number of votes received for each of the different places voted for as the seat of justice and the place selected; and the same shall be entered at length upon the minutes of the said board, and laid before them at their next meeting.

Clerk to certify to the board of freeholders the place selected.

Sec. 7. *And be it enacted*, That if at such election the inhabitants of the said county of Cumberland shall select and choose some place as the seat of justice in and for the said county, then the board of chosen freeholders of the said county shall, at the next meeting

Powers and duties of the board of freeholders in erecting public buildings.

after the said election, proceed to the performance of the duties required of them by this act, and shall from time to time, as occasion may require, raise such sum or sums of money as may be necessary for purchasing a lot of land on which to erect the public buildings, and for the erection of a court-house, jail, and other necessary public buildings, and direct the time or times when the same shall be collected; and they are hereby authorized and required, in their corporate name and capacity, for the use of said county, if necessary, to purchase a lot of land on which to erect the said court-house, jail, and other necessary public buildings, at the place so chosen for the seat of justice in said county, and to appoint one or more managers; whose duty it shall be, on behalf of the said board, to purchase and provide all necessary materials, and to superintend, direct, and conduct the building and erection of the said court-house, jail, and other necessary public buildings on the lot so purchased, and to take all such measures for completing the same in the best, most convenient, and suitable manner for the benefit of said county, as to them shall appear eligible; and all persons who shall be intrusted by the board of chosen freeholders of said county of Cumberland with any of the public moneys of the said county for the purpose aforesaid, shall account to them for the expenditure thereof, as by law they are now or might be obliged to account for any moneys belonging to the said county which might come into their hands.

Apportionment of money raised by the townships for purposes required by this act.

Sec. 8. *And be it enacted*, That the said sum or sums of money, which may from time to time be ordered by the said board of chosen freeholders of the county of Cumberland to be raised for the purposes aforesaid, shall be apportioned among the several townships in the said county, in the manner in which the state and county taxes are apportioned in said county; and it shall be the duty of the assessors and collectors of the several townships of the said county, and they are hereby required from time to time, as occasion may require, in their several townships, to assess and collect their portions of the sum or sums of money so to be raised by the board of chosen freeholders of the said county, in the manner in which other state and county taxes are by law directed to be assessed and collected; and in case of non-payment of the said taxes, the same measure shall be taken to enforce payment thereof as is directed by the act entitled, "An act to incorporate the chosen freeholders in the respective counties in this state," passed the thirteenth of February, seventeen hundred and ninety-eight, and the act entitled, "An act concerning taxes," passed the tenth day of June, seven-

teen hundred and ninety-nine; which said sum or sums of money, when collected, shall be paid into the hands of the county collector, who is hereby required to pay out the same for the purpose aforesaid, in such manner as the board of chosen freeholders of the said county shall direct; and the several officers in the said acts mentioned are hereby required to perform the several duties enjoined on them by this act; and if any assessor, collector, justice, constable, or other officer in the said acts mentioned shall neglect or refuse to do and perform any duty enjoined on him by this act, he shall be liable to the same penalties, fines, and forfeitures therefor as is directed in and by the above recited acts; and the said officers shall severally be allowed such fees and compensation for their services under this act, as they are respectively entitled to for similar services in the assessing and collecting state and county taxes.

Penalties on officers for neglect of duties.

Sec. 9. *And be it enacted*, That as soon as the court-house so to be erected shall be so far completed as to be fit to accommodate the court, it shall be the duty of the president of the board of chosen freeholders of the said county to give public notice thereof in one or more of the public newspapers printed and circulating in the said county; and that the circuit courts, courts of oyer and terminer and general jail delivery, courts of common pleas, orphans' court, and courts of general quarter-sessions of the peace, for the said county of Cumberland, shall be held in the said court-house, at the place so chosen for the seat of justice of the said county, at the next term thereafter; and that all writs, process, and other proceedings depending or made returnable there shall be valid in all respects, any law, usage, or custom to the contrary notwithstanding; and all the public offices and papers of the said county shall be removed to the said seat of justice, as soon as the buildings necessary for their accommodation can be completed.

Public notice of the completion of public buildings to be given by president of board of freeholders.

Passed March 4, 1837.

AN ACT to divorce Mercy Dunham from her husband Silas Dunham.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Mercy Dunham be, and she is hereby divorced from her husband Silas Dunham, of the county of Warren; and that the marriage contract heretofore existing between the said Silas Dunham and Mercy Dunham be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony; *provided nevertheless*, that the issue of the said marriage shall not be deemed illegitimate.

M. Dunham and S. Dunham divorced.

Sec. 2. *And be it enacted*, That John Dunham, Elizabeth Dunham, Catharine Dunham, Sarah Ann Dunham, Theodore Dunham, and Emma Dunham, the issue of the said marriage, be, and they are hereby committed to the care, protection, and guardianship of Mercy Dunham, their said mother, until they respectively attain the age of twenty-one years, or until other guardian or guardians be lawfully appointed in her place.

Issue of marriage committed to care of M. Dunham.

Passed March 4, 1837.

AN ACT to authorize George Heberton to sell and convey certain real estate in the county of Warren.

Preamble.

WHEREAS it is represented to this legislature, that Joseph Sutton, late of the county of Sussex (now Warren), deceased, in his lifetime, to wit: in the year one thousand eight hundred and twenty-three, granted and conveyed to George Heberton and Amos Sutton, both of the county aforesaid, a certain farm, containing about two hundred and thirteen acres of land, situate in said county, who held the same in fee simple as tenants in common, subject to a certain judgment; upon which judgment execution was issued, and afterwards, to wit: on the first day of May, one thousand eight hundred and twenty-four, the said farm was sold by virtue of said execution at sheriff's

sale, and the said George Heberton became the purchaser thereof; and afterwards the said Amos Sutton died intestate, leaving his widow Phebe, now intermarried with Jacob Cross, and his children, to wit: Joseph Sutton, Elizabeth Sutton, now intermarried with James Kishpaugh, Mary Sutton, and Phebe Sutton, his heirs at law; that the said George Heberton claims title to the whole of said premises, under the sale aforesaid, by deed from the sheriff of the county of Sussex; that a suit has been depending for several years, in the court of chancery of this state, between the said George Heberton, as complainant, and the said Jacob Cross and Phebe his wife, and said heirs at law of said Amos Sutton, deceased, as defendants, at a great expense and damage to the parties, the further prosecution of which would be attended with greater expense and damage.—AND WHEREAS it is further represented, that the said parties have entered into an amicable agreement to authorize the said George Heberton to sell said land, upon condition that the said George Heberton shall pay over to said defendants, or their lawful guardians or representatives, the one fifth part of the whole proceeds of the sale of said farm, after deducting from said proceeds the costs and counsel fees which have accrued to each party in said suit in chancery and the amount paid by said George Heberton for the said farm at the sheriff's sale aforesaid, with interest thereon, from the second day of April, one thousand eight hundred and twenty-seven, together with expenses of sale; but that in consequence of the minority of the said Elizabeth, Mary, and Phebe, children and heirs of said Amos Sutton, deceased, the said agreement cannot be carried into effect without a special act of this 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 the said George Heberton be, and he is hereby authorized and required, as soon as conveniently may be, to sell and convey the farm aforesaid for the highest sum or sums the same will bring at public sale, by giving the same notice as is required by law in the sale of real estate of intestates sold under a decree of the orphans' court, and to execute and deliver for the same, to the purchaser or purchasers thereof, a good and sufficient deed or deeds of conveyance, according to the estate, right, title, and interest which the said parties now have in the same, and which sale or sales, so made and confirmed by deed, shall entitle the purchaser or purchasers to all the estate, right, title,

G. Heberton authorized to sell and convey certain real estate.

claim, interest, and demand which the said parties now have in the same.

Account of sales to be exhibited to orphans' court.

Sec. 2. *And be it enacted*, That the said George Heberton shall keep a fair account of the sales so made by him under this act, and make report of the same to the orphans' court of the county of Warren, within six months after said sale, and, after making the deductions from the whole proceeds thereof as aforesaid, shall pay, or secure to be paid, one-fifth part of the residue as aforesaid to the defendants aforesaid, in such manner as the said orphans' court shall order and direct.

Bond to be given to governor.

Sec. 3. *And be it enacted*, That before the said George Herberton shall engage in the trust assigned him by this act, he shall enter into bond to the governor of this state, in such sum and in such security as the judges of the orphans' court of the county of Warren shall approve, conditioned for the faithful performance of said trusts, which bond shall be filed in the office of the surrogate of said county.

Rights of others not to be affected.

Sec. 4. *And be it enacted*, That no sale or conveyance made under this act shall affect the rights of any person or persons other than the parties aforesaid; and in case of the death of any of said heirs, in his or her minority, his or her proportion of the proceeds of said sale, then unexpended, shall descend in the same manner as if this act had not been passed.

Passed March 4, 1837.

AN ACT to incorporate the Mine Brook Railroad Company.

Names of corporators.

Style of incorporation.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Aaron Longstreet, Jonathan M. Meeker, John Littell, John Brees, Walter Kirkpatrick, Nicholas C. Jobs, John Hall, Samuel S. Doty, Apollos M. Elmer, James P. Goltra, Peter R. Fisher, and those who may be associated with them, shall be, and are hereby constituted a body politic and corporate, by the name of "The Mine Brook Railroad and Transportation Company;" and by that name they and

their successors shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name shall be capable of purchasing, or of otherwise receiving and becoming possessed of, and holding or conveying any real or personal estate necessary for the construction of the railroad authorized by this act; shall have perpetual succession; and may also have a common seal, and alter or renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act. Powers.

Sec. 2. *And be it enacted*, That the capital stock of said corporation shall be five hundred thousand dollars, with privilege for the company to increase the same to one million of dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and transferable in such manner as the said corporation shall by their by-laws direct. Amount of capital.

Sec. 3. *And be it enacted*, That the above named persons, or a majority of them, shall open books to receive subscriptions to the capital stock of the said corporation, at such time or times, and place or places, as they, or a majority of them, may think proper, giving notice thereof, at least twenty days prior to the opening of said books, by publishing the same in the newspapers printed in the several counties of this state through which said railroad shall pass; and that the said books shall be kept open two days, and as much longer as the said persons, or a majority of them, shall think proper; and if more subscriptions be taken than the amount of the capital stock, it shall be in the power of the said persons, or a majority of them, to apportion the stock to the subscribers as they may deem expedient and conducive to the object of the incorporation, giving a preference to citizens of New Jersey. Books to be opened for subscriptions for stock.

Sec. 4. *And be it enacted*, That, at the time of subscribing for said stock, five dollars shall be paid to the above named persons, or some one of them, upon each share subscribed for, which money shall be paid over to the treasurer of the company, as soon as one shall be appointed; and when one hundred thousand dollars of the stock be subscribed, then it shall be the duty of the persons named in the first section of this act, or a majority of them, to call a meeting of the stockholders, upon like notice as above, to choose nine directors; and such election shall be made by ballot, at the said time and place, by such stockholders as shall attend for that purpose, either in person or by lawful proxy, Time and mode of electing directors.

each share of the capital stock, not exceeding five, entitling the holder thereof to one vote for each share, and one vote for every two shares above five and under ten shares, and one vote for every five shares above ten; and the said named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at any of the elections of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President to be chosen.

Vacancies, how supplied.

Sec. 5. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for that cause be deemed to be dissolved; but such election may be held at any other time, on notice as aforesaid; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of said corporation; and they shall have power to call in the remainder of the capital stock of said company, by such instalments, not exceeding five dollars on each share at any one time, and at such times as they may direct, giving at least thirty days' notice in one at least of the newspapers printed in each county through which the said railroad shall pass; *provided*, that such instalments shall not be required at shorter periods than thirty days from each other; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise, and all previous payments thereon; and to make

Duties and powers of directors.

and prescribe such by-laws, rules, and regulations as to them shall appear needful and proper touching the management and regulation of the stock, property, estate, and effects of the said corporation; and shall also have power to appoint a secretary, treasurer, engineer, agents, superintendents, and such servants as may be required to transact the business of the corporation, with such compensation to them and the president as to the board shall seem proper; and that they shall require from the treasurer sufficient security for the due performance of his trust; *provided also*, that said by-laws be in no respect repugnant to the constitution or laws of this state or of the United States. Proviso.

Sec. 7. *And be it enacted*, That the president and directors be, and they are hereby authorized and empowered to survey lay out, and construct a railroad, with one or more suitable tracks, from some suitable place south of the line of the Morris and Essex Railroad, in the townships of Springfield or New Providence, in the county of Essex, to some point in the Elizabethtown and Somerville Railroad within two miles of Sidney, on Capoolen creek, not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, and others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling, and laying out the route or routes of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the location of any one-fourth part of such road shall have been determined upon, and a survey shall be deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to ent er upon, take possession of, hold, have, use, occupy, and excavate so much of the said railroad aforesaid, and to erect embankments, bridges, and all other works necessary to lay rails, and to do all other things which shall be suitable and necessary for the completion or repair of the said railroad, or any part thereof, and to carry into full effect the object of this incorporation; and may also take and use any stone, gravel, sand, clay, or other earth, on or near the said route, which may be required for the construction of, repairing, altering, or extending the said railroad, or any of the works or appendages, subject to such compensation to be made therefor as is hereinafter provided, and repairing any breaches they may make in enclosures; *provided* Proviso.

Location of railroad.

Survey of route to be filed in secretary's office.

always, that the payment, or the tender of payment, of all damages for the occupancy of lands through which said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands be first had and obtained.

Proceedings when company and owners cannot agree.

Sec. 8. *And be it enacted*, That when the said company, or its agents, cannot agree with the owner or owners of any such required lands or materials, for the use or purchase thereof, it shall and may be lawful for the said directors to apply to any justice of the supreme court of this state, who, on such application, is hereby authorized and enjoined to appoint three discreet disinterested freeholders, residents of this state, commissioners, whose duty it shall be, being first duly sworn or affirmed, giving at least fifteen days' notice to the owner or owners, if to be found, or to their legal representatives, diligently to inquire, examine, and ascertain, and under their hands and seals certify and report, what payment, compensation, or allowance shall be made to such owner or owners therefor; which certificate or report shall be filed by the said commissioners in the office of the clerk of the court of common pleas of the county where such lands or materials aforesaid are situated and lay, there to remain of record; and the said company shall thereupon forthwith pay, or tender, to such owner or owners, or their legal representatives, the amount so certified by the said commissioners, or a majority of them; and the premises so valued and appraised shall thereupon be vested in said company, to be held by them so long as used for the purposes of said railroad; but no grounds shall be entered upon and broken or used, (except as herein before excepted) nor any materials removed, until actual payment therefor be made or tendered; and such certificate, or a copy thereof certified by the clerk of such county, shall at all times be considered plenary evidence of the right of said company to have and hold such lands and materials, and of the owners to recover such valuation and assessment of damages, interests, and costs, in an action of debt, in any court of competent jurisdiction, and shall constitute a lien on the property of said company in the nature of a mortgage; and in case either party shall be dissatisfied with the report of said commissioners, and shall apply to the supreme court of this state at the first or second term after the filing of said report as aforesaid, the supreme court shall have power, on good cause shown, to set aside said report, and direct a proper issue for the trial of the controversy to be formed

between the parties, and to order a jury to be struck, and a view of the premises and materials to be had, and the said issue to be tried at the next circuit court to be holden in such county, on like notice and in the manner other issues in said court are tried, and to assess the value of said land, materials, and damages, and enter judgment thereon, and award execution therefor; but such application shall not prevent the company from taking said land or materials upon tender of payment as aforesaid, after filing the aforesaid report. Trial by jury may be had.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over and under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be prevented thereby; and also, where the said railroad shall intersect any farms or lands of any individual, to provide and keep in repair suitable wagon ways over or under said railroad, so that they may conveniently pass the same; *provided*, that it shall not be lawful for said company to use any public highway or road for said railroad (except to cross the same in the most direct and convenient manner) without the consent of a majority of the inhabtants, to be obtained at a regular town meeting where such public road or highway is located. Other roads not to be obstructed.

Sec. 10. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages, and vehicles, for the transportation of persons or any species of property thereon, that they may think reasonable, expedient, or right; *provided* they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said railroad, or six cents per mile for carrying each passenger on said railroad, in carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railroad in carriages of others, and three cents per mile for each empty carriage; and that the said company are hereby authorized to demand and receive money for toll and the transportation of persons and every species of property at the aforesaid, or such less rates as they from time to time shall think reasonable and proper; and that the said railroad and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, Rates of passage and transportation of property.

and all other property whatsoever belonging to the said company, at any time or times, are hereby vested in said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Semi-annual dividends to be declared.

Sec. 11. *And be it enacted*, That the president and directors of the said company, as soon as the affairs of the company will allow, shall declare and make such dividend as they may deem prudent and proper of the net profits thereof; and shall, in like manner, semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper; and in case they fail so to do, they shall assign their reasons in writing to the stockholders for such failure.

Penalty for injuring or obstructing road.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act by the said company, or any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company any sum not exceeding one hundred dollars, at the discretion of the court or jury, to be by them recovered in an action of debt, in any court having competent jurisdiction; and also, shall be liable to pay to said company double the amount of damages sustained thereby, to be sued for in an action of trespass.

What real estate may be held.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate, at any place or places on the line of said railroad, not exceeding two acres at each place, and not exceeding six acres in any one county, subject to be taxed as other real estate in the several townships in which it may lie; and may erect and build thereon houses, warehouses, stables, machine shops, and other buildings, as they may deem expedient, for the safety of property and construction of carriages and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain such bridges and other facilities as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act, subject to the aforesaid restrictions.

Railroad a public highway.

Sec. 14. *And be it enacted*, That the railroad authorized by this act be, and the same is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same descrip-

Proviso.

tion, as to the formation of wheels and length of axle, as those used by the company, and shall be so regulated, as to the rates of travelling and rates of tonnage, as not to interfere with the carriages of the company or injure the said railroad.

Statement of cost of road to be filed with secretary of state, and annual statement to be made to legislature.

Sec. 15. *And be it enacted*, That at as soon as the said railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the cost of said road, including all expenses, in the office of the secretary of state; and annually thereafter the president and secretary of the said company shall, under oath or affirmtion, make a statement to the legislature of this state of the proceeds of said railroad; and as soon as the net proceeds of the said railroad shall amount to more than six per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one-half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday of each year; *provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company, except that allowed in the thirteenth section of this act.

When road may be taxed.

Proviso.

Act void if railroad not commenced in five, and completed in ten years.

Sec. 16. *And be it enacted*, That if the said railroad shall not be commenced in five years from the fourth day of July next, and completed at the expiration of ten years from the same time, that then and in that case this act shall be void and of no effect.

When state may take road.

Sec. 17. *And be it enacted*, That at any time after the expiration of thirty years from the completion of the said railroad the legislature of this state shall have the privilege of taking said railroad, with the appendages, upon the payment to the said company the value thereof, not exceeding the cost of the same.

Funds not to be employed for banking purposes.

Proviso.

Sec. 18. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by the said company for banking or any other purposes not clearly indicated in this act; *provided also*, that the legislature reserve the right to alter and modify the same.

Passed March 4, 1837.

AN ACT to authorize the sale of certain real estate of Thomas Logan, deceased, late of the county of Morris.

Preamble.

WHEREAS it is represented to the legislature of the state of New Jersey, that Thomas Logan, deceased, made his last will and testament, bearing date the sixteenth day of March, in the year of our Lord one thousand eight hundred and twenty-nine, whereby, among other things, he devised to his son James Logan two shares of his homestead farm, lying in the county of Morris aforesaid; that the said James Logan is since deceased, leaving minor children, to wit: Mary, Joseph, Elizabeth, Rebecca, Martha Ann, Harriet, and Caroline Logan; that the said homestead farm is rapidly going to decay, and that it would be very beneficial to the heirs of the said James Logan if their interest in the said homestead farm could be sold, and the proceeds thereof be securely invested for their interest—Therefore,

W. Logan authorized 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 William Logan be, and he is hereby appointed trustee, with full power and authority to sell and convey the said homestead farm, as mentioned in said will of the said Thomas Logan, deceased, in the county of Morris aforesaid, for the highest sum or sums of money it will bring at public sale, at least thirty days' notice being previously given of the time and place of such sale or sales, by advertising in one or more newspapers published in said county, and by advertisements set up at five or more public places in the vicinity of said property; and to make, execute, and deliver a good conveyance or conveyances in law to the purchaser or purchasers of the same; and such deed or deeds of conveyance shall vest in the purchaser or purchasers, his or their heirs and assigns for ever, all the estate, right, title, and interest which the said Thomas Logan, deceased, had at the time of his death in and to the same, with the appurtenances.

Bond to be given to governor.

SEC. 2. *And be it enacted,* That before the said William Logan shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state, with such surety and in such sum as shall be approved of by the surrogate of the county of Morris, conditioned for the faithful performance of said trust, which bond shall be deposited in the office of the secretary of this state, and shall also take

and subscribe an oath or affirmation to act faithfully in said trust.

Sec. 3. *And be it enacted*, That the said trustee shall, within six months after he shall have made sale of the same, exhibit to the judges of the orphans' court of the county of Morris a just and true account of the proceeds of such sale or sales, together with an account of all just and lawful costs and expenses, and a reasonable allowance for his commissions; and shall pay over the net proceeds of the sale of the said real estate of the said James Logan, deceased, to his several heirs, in equal proportions; to the minor heirs as they shall severally arrive at lawful age, or to their guardian or guardians, their proportion of said estate; and in case there shall be no guardian or guardians to receive the share or shares of said minor heirs, the said trustee to place such share or shares at interest, with good and sufficient security for the payment of the same, until a guardian or guardians shall be appointed to receive the same, or until the said minor or minors shall arrive at lawful age.

Account of sales to be kept, and exhibited to orphans' court.

Disposition of proceeds.

Sec. 4. *And be it enacted*, That nothing in this act shall be construed to affect the descent of the proceeds of the said real estate, but the same shall descend as the said real estate would have descended had not this act passed.

Proceeds of sales to descend as real estate.

Passed March 6, 1837.

AN ACT to authorize Stephen Warne, William M. Warne, and Chapman Warner, to sell certain real estate of Benjamin Warne, deceased.

WHEREAS it is represented to this legislature, that Benjamin Warne, late of the township of Greenwich, in the county of Sussex, (now Warren) in the month of March, one thousand eight hundred and ten, died intestate, seized of considerable real estate in said county of Warren, leaving his widow Hannah Warne, and children, viz: Thomas Warne, Stephen Warne, William M. Warne, Richard Warne, Nicodemus Warne, John M. Warne,

Preamble.

and Elizabeth Warne; and further, that, since the death of the said intestate, the said Thomas Warne, Nicodemus Warne, and John M. Warne have died intestate and without children; the said Richard has died intestate, leaving his widow Keziah and one child, Hannah Warne, now in her minority; and the said Elizabeth, since intermarried with Chapman Warner, has died, leaving one child, Benjamin Warner, now in his minority—AND WHEREAS it is further represented, that said real estate is so situated that the same cannot be divided between the said widow and heirs, but that the same might be sold to great advantage, if authority was given to those most interested to sell the same—Therefore,

S. Warne, W. M. Warne, and C. Warner authorized 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 Stephen Warne, William M. Warne, and Chapman Warner, all of the county of Warren, and the survivors and survivor of them, be, and they are hereby appointed trustees, with full power and authority to sell, convey, and dispose of all or any part of the real estate whereof the said Benjamin Warne died seized, situate in the county of Warren, as soon as conveniently may be, for the highest sum the same will bring at public sale, upon the same notice as is required by law in the case of sales of the real estate of intestates, under the authority of the orphans' court; and, when sold, to make, execute, and deliver in due form of law, in their own name or names, as trustees aforesaid, a good and sufficient deed or deeds of conveyance; which said deed or deeds shall vest in the purchaser or purchasers, his, her, or their heirs and assigns for ever, all the estate, right, title, and interest which the said widow and heirs have of, in, and to the said premises.

Distribution of proceeds.

Sec. 2. *And be it enacted*, That the said trustees shall, after deducting the expenses of the said sale or sales and conveyances, together with such reasonable charges for their services as shall be allowed by the orphans' court of the county of Warren, distribute the proceeds of such sale among the heirs aforesaid, according to the laws of this state regulating the descent of real estate; *provided*, that the share of said proceeds which may be due said minors shall be paid, or secured to be paid, according to the order of the orphans' court of the county of Warren; *and provided always*, that the rights of dower of said Hannah Warne and said Keziah Warne shall in no wise be affected by this act, but that the same shall be secured in such manner as the said orphans' court shall order and direct.

Proviso.

Rights of dower not to be affected.

Sec. 3. *And be it enacted*, That before the said trustees shall undertake the execution of the trust hereby assigned to them, they shall enter into bond, with security to the governor of the state for the use of the heirs of the said Benjamin Warne, deceased, in such amount as shall be approved of by the orphans' court of the said county of Warren, conditioned for the faithful performance of the trust by this act assigned to them, which bond shall be deposited in the surrogate's office of the said county. Bond to be given to governor.

Sec. 4. *And be it enacted*, That the said trustees, within six months after making any sale or sales by virtue of this act, shall make, subscribe, and exhibit, under oath or affirmation, a fair and exact statement of such sale or sales to the surrogate of the said county of Warren, to be filed in the surrogate's office of the said county; *provided*, that no sale or deed which shall be made by virtue of this act shall impair or in any way affect the right, title, interest, or claim of any person or persons whatever, other than the heirs and widow of the said Benjamin Warne, deceased. Statement of sales to be exhibited to, and filed with surrogate. Rights of others not to be affected.

Sec. 5. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sales of the said real estate, but the same shall descend as the said real estate would have done had this act not been passed. Proceeds to descend as real estate.

Sec. 6. *And be it enacted*, That if either of the said trustees shall neglect or refuse, for the term of thirty days from the passage of this act, to enter into bond with security, as required by the third section of this act, that then and in that case the other two, or one, as the case may be, may proceed and perform all the duties required by this act. On neglect of either of trustees, the remaining trustees may perform trusts.

Passed March 6, 1837.

AN ACT to authorize the sale of part of the real estate of Nathan Stiger, late of the county of Warren, deceased, and to execute a contract made by said deceased, in his lifetime.

WHEREAS William W. Stiger, son of Nathan Stiger, deceased, Lydia Stiger, widow of said deceased, for herself Preamble.

and as guardian of John S. Stiger, Catharine M. Stiger, Silas C. Stiger, and Isaac A. Stiger, children of said deceased, and minors under the age of fourteen years, and David M. Stiger, for himself and as guardian of Aaron L. Stiger and Jacob M. Stiger, children and heirs at law of said deceased, and over the age of fourteen years, have, by their petition, requested the legislature to pass an act authorizing them to sell and convey all their half part or share of a lot of land containing five acres, situate in the vicinity of Hackettstown, adjoining the Morris Canal and land of Elizabeth Miller, William Groff, and others, belonging jointly to the heirs of said deceased and William Little, jun.; also requesting authority to fulfil a contract entered into by said deceased in his lifetime with John Fanton, for the sale of a lot of land near Stanhope, in the county of Morris, and now in the occupancy of H. J. Belknap—Therefore,

L. Stiger, W. W. Stiger, and D. M. Stiger authorized 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 Lydia Stiger, widow of Nathan Stiger, late of the county of Warren, deceased, William W. Stiger and David M. Stiger, sons of said deceased, be, and they are hereby authorized and empowered to grant, bargain, sell, convey, and dispose of the equal undivided half part or moiety of a lot of land, situate in the township of Independence, in the county of Warren, adjoining the Morris Canal and land of Elizabeth Miller, William Groff, and others, containing five acres, be the same more or less, of which the said Nathan Stiger died seized, at public or private sale, for the best price they can obtain for the same, and, when sold, to execute in due form of law, in their own name, a good and sufficient deed to the purchaser or purchasers of the same.

Trustees authorized to convey certain land to legal representatives of J. Fanton.

Sec. 2. *And be it enacted*, That the aforesaid Lydia Stiger, William W. Stiger, and David M. Stiger are hereby appointed trustees, with full power and authority to convey to the legal representative or representatives of John Fanton, late of the county of Morris, deceased, all the right, title, and interest the said Nathan Stiger had at the time of his decease of, in, and to a lot of land situate at Stanhope, in the county of Morris, (agreeably to an article of agreement entered into between the said Nathan Stiger and John Fanton, in their lifetime) upon the said representative or representatives of said Fanton paying, or securing the payment, of all moneys due to the said trustees, according to the said article of agreement; and the said conveyance shall vest in the

said legal representative or representatives of the said John Fanton, his or their heirs and assigns, as good and perfect an estate of inheritance in the said lot of land as the said Nathan Stiger had therein at the time of his death.

Trustees to account to orphans' court.

Sec. 3. *And be it enacted*, That the said Lydia Stiger, William W. Stiger, and David M. Stiger shall account to the orphans' court of the county of Warren for all moneys arising from said sale and conveyance of said lot at Stanhope, within six months after the said sale or conveyance aforesaid, and, after deducting all proper costs and charges, the said Lydia Stiger, William W. Stiger, and David M. Stiger shall dispose of the said moneys, according to the directions of the said orphans' court of the county of Warren.

Disposition of proceeds.

Bond to be given to governor.

Sec. 4. *And be it enacted*, That before the said Lydia Stiger, William W. Stiger, and David M. Stiger shall sell the said real estate, they shall enter into bond to the governor of this state, with sufficient security, to be approved of by the surrogate and any three of the judges of the orphans' court of the county of Warren, in such amount as they shall direct, conditioned for the true and faithful performance of their duties under this act, which bond shall be deposited in the surrogate's office of said county, to be there filed.

Rights of others not to be affected.

Sec. 5. *And be it enacted*, That any sale or conveyance made under and by virtue of this act shall not impair or in any wise affect the right or interest of any person or persons whatsoever, other than the heirs of the said Nathan Stiger, and those claiming under them; and in case any of the heirs of the said Nathan Stiger shall die before attaining the age of twenty-one years, then the proceeds to be paid to the heirs of such deceased heir, in the manner designated by the act directing the descent of real estate, in the same manner as if this act had not been passed.

Proceeds to descend as real estate.

Passed March 6, 1837.

AN ACT for the relief of the heirs of Col. Robert Conover, late of the county of Monmouth, deceased.

Preamble.

WHEREAS Col. Robert Conover, late of the township of Freehold, in the county of Monmouth, in the state of New Jersey, died seized of certain real estate, situate in the township, county, and state aforesaid; and by his last will and testament, bearing date the first day of April, in the year of our Lord eighteen hundred and twenty-six, devised part of said real estate as follows, to wit: to his wife, Gertrude S. Conover, the farm on which he then lived and a lot of woodland adjoining lands of Jacob Baker and others, during her natural life or widowhood, which land was to be in lieu of her dower; and "at or after" her death, he willed that the said devised land should be sold by his executors, and the proceeds of the sale should be equally divided among his children, or the survivors of them, if any died without "lawful issue."—AND WHEREAS William I. Conover, John I. Conover, surviving executors, Gertrude S. Betts, executrix of the last will and testament of said Col. Robert Conover, deceased, who was the widow relict of said Col. R. Conover, deceased, William R. S. Betts, husband of said Gertrude, the said William I. Conover, guardian of Joshua S. Conover, one of the minor children of said deceased, the said Gertrude, guardian of Lydia S. Conover and Robert Conover, the remaining surviving minor children, John R. Conover and David S. Conover, the only two of the children of said deceased that have arrived at the age of twenty-one years, have petitioned this legislature, setting forth, that the said Gertrude has since intermarried with the said William R. S. Betts; that it would be for the best interest of the parties interested that the said real estate should be sold; that the said Gertrude and her husband have given up, by deed under their hands and seals, all their right and title to the said property; that the executors are unable to sell under the will until the death of the said Gertrude; and that the legislature would authorize the executors to sell and convey said real estate—Therefore,

W. I. Conover and J. I. Conover authorized 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 the said William I. Conover and John I. Conover, two of the executors of the will and testament aforesaid, be, and they are hereby authorized and empow-

ered to grant, sell, convey, and dispose of the said real estate, in such manner as is directed by the will of said deceased, and as to them may seem most expedient and advantageous, for the best price or prices they can obtain for the same; and when sold, to execute in due form of law, in their own names, good and sufficient deed or deeds of conveyance for the same.

Sec. 2. *And be it enacted*, That before the said William I. Conover and John I. Conover shall sell the said real estate, they shall enter into bond to the governor of this state, with such security and in such amount as shall be approved of by the surrogate and any three judges of the orphans' court of the county of Monmouth; which bond shall be deposited in the office of said surrogate, and conditioned for the security, distribution, and payment of said purchase money, as follows, to wit: the said purchase money shall be distributed among the said children, according to the direction of the said last will and testament; and that the shares which may be due to said minors shall be secured upon real estate by bond and mortgage, which shall be approved of by the judges of the orphans' court of the said county of Monmouth; the interest thereof shall be paid to the guardians of said minors annually, according to their respective shares, and the principal shall be paid to the said minor children, as they respectively arrive at the age of twenty-one years; *provided*, nothing herein contained shall in any wise alter or affect the descent of the real estate.

Bond to be given to governor.

Distribution of proceeds.

Proviso.

Sec. 3. *And be it enacted*, That the said executors, or the survivor of them, within six months after making any sale or sales by virtue of this act, shall make, subscribe, and exhibit, under oath or affirmation, a fair and correct statement of such sale or sales to the surrogate of the said county of Monmouth, to be by him recorded and filed; and the said William I. Conover and John I. Conover, their executors or administrators, shall be accountable for all moneys received by them by virtue of this act.

Statement of sales to be exhibited to surrogate, and filed in his office.

Trustees accountable.

Passed March 6, 1837.

AN ACT to authorize Sarah G. Van Zandt and Peter S. Van Zandt, administrators of Garrit Van Zandt, deceased, late of the township of Montgomery, in the county of Somerset, to fulfil a contract of the said deceased, by conveying certain real estate to Christopher Cray.

Preamble.

WHEREAS it has been represented that Garrit Van Zandt, deceased, did, in his lifetime, enter into a contract, about the twentieth day of October, A. D. eighteen hundred and thirty-one, by which he agreed to convey to Christopher Cray, in consideration of the sum of thirty-five dollars, a lot of land, lying in the township of Hillsborough, in said county, containing about one acre, and to make him a deed for the same whenever the said thirty-five dollars was paid—AND WHEREAS the said Garrit Van Zandt did, in his lifetime, receive sixteen dollars, part of the said consideration money, from the said Christopher Cray, who is willing to pay the balance of the same, whenever a deed can be made to him for the property—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Sarah G. Van Zandt and Peter S. Van Zandt, administrators of the goods and chattels, rights and credits, which were of Garrit Van Zandt, late of the township of Montgomery, in the county of Somerset, deceased, who died intestate, be, and they are hereby authorized to convey to Christopher Cray all the right, title, and interest of the said Garrit Van Zandt, at the time of his decease, of, in, and to the aforesaid lot of land and premises, with the appurtenances, upon the said Christopher Cray paying, or securing the payment, to the said administrators the balance due on the purchase, according to the above stated contract; and the said conveyance shall vest in the said Christopher Cray, his heirs and assigns, as good and perfect an estate in the said lot of land, and the appurtenances thereto, as the said Garrit Van Zandt had therein at the time of his decease.

Administrators of G. Van Zandt authorized to convey certain real estate to C. Cray.

Passed March 6, 1837.

AN ACT to enable the owners and possessors of lands adjoining Devil's brook, in the township of South Brunswick, in the county of Middlesex, to drain the same, and to straighten the channel of the said brook, within the limits 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 it shall and may be lawful for the owners and possessors of meadows and lowlands lying between the south-east corner of Johnson Stout's land, in the township of South Brunswick, in the county of Middlesex; thence down the line between him and Sarah Schenck's land; thence down a brook running on Thomas Griggs' land, to its junction with Devil's brook; thence down Devil's brook to the road leading from Cranberry to Princeton, or a majority of them, to meet together on the first Monday in April annually; the first meeting to be held at the house of William Schenck, at the Cross-roads in the township aforesaid, and afterwards at such places as they may appoint; and when met, by a plurality of votes, to choose three managers, all of whom shall serve for one year or until others are elected.

Owners and possessors of meadows, &c., within certain bounds, may meet annually, and choose three managers.

Sec. 2. *And be it enacted*, That the said managers shall procure a book, to be kept by them, in which shall be recorded the proceedings of the owners and possessors aforesaid, as well as the proceedings of the managers.

Managers to keep record of proceedings.

Sec. 3. *And be it enacted*, That the managers shall cause the meadows or lowlands to be benefited by the ditch, and the clearing and straightening of the brooks aforesaid, to be surveyed, and a draught or plot of the same to be made; and it shall be the duty of the owners and possessors of the lowlands and meadows within the bounds mentioned in the first section of this act, to sink so much of said ditch, and to clear out and straighten so much of the said brooks, as may lie on their own lands, respectively, at their own proper cost and charges; and in case of the neglect or refusal so to do for the space of sixty days after notice in writing shall have been served upon them by the said managers, then it shall and may be lawful for the managers aforesaid to sink the said ditch, and clean out and straighten the said brooks; and the cost and expense of the same shall be assessed upon the owners and possessors aforesaid, in proportion to the amount of land benefited by such improvements, the as-

Duties and powers of managers.

sessment to be made by the managers aforesaid, according to the draught or plot above mentioned.

Amount of assessments recoverable in law.

Sec. 4. *And be it enacted*, That upon neglect or refusal of such owner or possessor to pay the amount of such assessment for the space of sixty days after demand in writing by the managers, it shall and may be lawful for such managers, or either of them, to sue for and recover the amount of such assessment, with costs of suit, before any court having cognizance of the same; *provided*, that no other property of the defendant, except the said lands so to be drained, or the produce thereof, shall be in any way liable for the amount of said assessment, and that no execution shall issue against the body of said delinquent owner for any such assessment, or any costs arising thereon; and the said managers may, for the recovery of the sum or sums of money so assessed, and for the said debts, interest, and costs, after judgment is obtained as aforesaid, enter upon and take the rents, issues, and profits thereof, or sell or dispose of the said wood, timber, grass, hay, or grain thereon, or may sell, by public vendue, for a year, or term of years, the said land of such delinquent owner or possessor, and make a good and valid lease for the same during such term, taking care to sell the same for the shortest time that will raise the so unpaid sum or sums, with interest and costs as aforesaid; and it shall be the duty of the said managers, or a majority of them, to give at least three weeks' previous notice in three of the most public places in the neighbourhood of said lands, by advertisement, before they proceed to sell or lease the property of any delinquent owner or possessor.

Proviso.

Dimensions and size of ditch.

Sec. 5. *And be it enacted*, That the ditch to be made under this act, from the south-east corner of Johnson Stout's land, thence, down the line between him and Sarah Schenck, to the brook running across Thomas Griggs' land, shall be eight feet wide at the top, five feet wide at the bottom, and three feet deep; and that the brooks to be cleared and straightened shall be made of the same width, twelve feet wide at top, and nine at bottom.

Managers may make improvements on neglect of owners.

Sec. 6. *And be it enacted*, That if upon the neglect or refusal of the owners or possessors aforesaid to make such improvement, it becomes necessary for the managers to do it, it shall be lawful for the said managers to enter upon the lands of such owners or possessors for that purpose.

Penalty for obstructing brook.

Sec. 7. *And be it enacted*, That if any persons shall stop, fill up, or obstruct the free course of the water in the said ditch or brooks, within the limits aforesaid, he or they so offending shall forfeit the sum of twenty dollars, to be reco-

vered by action of debt with costs of suit, by the managers, before any court having cognizance of the same.

Powers of managers.

Sec. 8. *And be it enacted*, That the said managers shall have authority to make such by-laws and regulations as they may see fit; *provided* they are not repugnant to the constitution and laws of this state or of the United States.

Passed March 6, 1837.

AN ACT for the relief of Severn Martin, a coloured man, of the county of Burlington.

Preamble.

WHEREAS Severn Martin, a coloured man, of the township of Mansfield, in the county of Burlington, was formerly claimed by William Christian, of Northampton county, in the state of Virginia, as his slave Sam, and that the said William Christian, by his attorney in fact, Michael Donahower, of the county of Philadelphia, on the eighteenth day of August, eighteen hundred and thirty-six, manumitted the said slave—AND WHEREAS the said Severn Martin purchased from Israel Biddle and Sarah his wife, by deed duly executed, bearing date the twenty-sixth day of March, eighteen hundred and thirty-five, and in said deed, by mistake of the scrivener, he is called Seborn Martin, and recorded in book O 3 of deeds, page 76, &c., in the clerk's office in the county of Burlington, at Mount Holly, a certain lot of land in the said township of Mansfield, on which he has built a comfortable dwellinghouse, where he now resides—AND WHEREAS the said Severn Martin having by petition prayed that the said conveyance may be confirmed, and that he may be declared by law entitled to all the rights and privileges of a free coloured man of this state, and it being reasonable that the prayer of the said petition should be granted—Therefore,

Deed to S. Martin for certain land confirmed and made valid.

Sec. 1. 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 deed of conveyance from Israel Biddle and Sarah his wife to Severn Martin, a coloured man,

in the township of Mansfield, in the county of Burlington, for a lot of land in said township of Mansfield, containing one acre and six-hundredths of an acre, dated the eighteenth day of March, eighteen hundred and thirty-five, and recorded in book O 3 of deeds, page 76, &c., in the clerk's office of the county of Burlington, at Mount Holly, be deemed, taken, and considered as valid, effectual, and operative as if the said Severn Martin had been born free, or had been previous to the time of the execution and delivery of said deed duly and regularly manumitted according to law.

S. Martin declared a free coloured man.

Sec. 2. *And be it enacted*, That the said Severn Martin be, and he is hereby declared to be entitled to all the rights, privileges, and immunities of a free coloured man of this state, may hold estates, real and personal, in his own right, and convey and dispose of the same by deed, will, or otherwise.

Passed March 6, 1837.

AN ACT to incorporate the Woodbridge Manufacturing Company of the county of Middlesex.

Names of corporators.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Gage Inslee, Ichabod Potter, Isaac S. Jaques, Francis W. Brinley, John E. Barron, Rene Pardussus, Lewis Leslie, and George Clinch, and such other persons as now are or may hereafter be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by

Style of incorporation.

the name and style of "The Woodbridge Manufacturing Company of the county of Middlesex," for the purpose of erecting and establishing manufactories of china, earthen, and stone ware, in all its various branches, and all other wares and merchandise of which clay shall be a component part; and that by that name they and their successors shall

Powers.

have power and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in

all manner of actions, suits, and matters whatsoever; and they and their successors may have a common seal, and alter the same at pleasure; and shall in law be capable of buying, holding, and conveying any lands, tenements, or hereditaments whatever, not exceeding at any one time two hundred acres, and any goods, wares, and merchandise whatsoever, necessary or useful for said corporation in carrying on the operations above mentioned and the objects of this charter; and also, all such real estate as shall be bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of the said corporation, or any part thereof, shall not be applied, used, or employed in banking operations, or for any other purpose inconsistent with the objects and provisions of this act.

Funds not to be employed in banking operations.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by twelve directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May in every year, to be elected on the second Monday in March in every year, at such hour and place as shall be directed by the by-laws of said company; of which election public notice shall be given of the time and place, not less than ten days previous, in one or more of the newspapers printed in the county of Middlesex, where such election shall be made, by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy, by ballot, each stockholder to have a vote for each share by him held in the capital stock of said company; and the persons, being stockholders, having the greatest number of votes, shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number than twelve shall appear to be chosen by a plurality of votes as directors, then the said stockholders shall proceed to ballot again, and by plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of twelve; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall at the same time, or some other time, elect an acting manager or managers and such other agents or officers as they may deem necessary to conduct their business; and in case of vacancy, by death, resignation, or

Time and mode of electing directors.

President to be chosen.

Vacancies, how supplied.

otherwise, among the directors elected, the president, managers, or other agents or officers, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

Amount of capital.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed one hundred thousand dollars, to be divided into shares of twenty-five dollars each; but it shall nevertheless be lawful for the said company, when and as soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or secured to be paid, to purchase land and erect the necessary buildings and machinery sufficient in their opinion to commence the said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are hereby authorized to do from time to time to the amount hereinbefore mentioned; and it shall be lawful for the directors of the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a notice requiring such payment shall have been published for that time in one or more newspapers printed in the said county of Middlesex; *provided nevertheless*, that the instalments shall not be more than five dollars each, and at intervals of thirty days at least.

Stock forfeited on failure to pay instalments

Proviso.

Stock personal property.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; *provided*, that dividends shall annually be made to and amongst the stockholders from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided.

Dividends to be made.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day prescribed, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation; and the officers of the preceding year shall hold their offices, respectively, until said election, or until others are appointed in their stead.

Sec. 6. *And be it enacted*, That the majority of the directors for the time shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the laws or constitution of the United States or of this state, as shall appear needful and proper touching the management and disposition of the stock, estate, property, effects, and profits of the said corporation, officers, appointments, clerks, managers, agents, salaries, and allowances, as to them shall seem necessary, and may at their discretion remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in the said factories or business, and supply their places by the appointment of others in their stead. Quorum. Powers of directors.

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

Sec. 8. *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books, to be kept by the president and directors for that purpose; and that this act shall be in force for thirty years after its passage; and further, that the legislature may at any time hereafter alter, modify, or repeal the same. Transfer of stock not valid until registered. Limitation. Act may be repealed.

Passed March 6, 1837.

AN ACT to incorporate the Springfield and Elizabeth Railroad Company, 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 Aaron Denman, David Martin, Elijah Stites, William Stites, Calvin D. Bonnel, Richard Townley, John J. Chetwood, Jonathan Crane, and Elijah Kellogg, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted, and de- Names of corporators.

Style of incorporation.

clared to be a body corporate and politic, in fact and in name, by the name of "The Springfield and Elizabeth Railroad Company;" and by that name they and their successors shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any real or personal estate necessary or expedient to the objects of this incorporation.

Powers.

Amount of capital.

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

Books to be opened for subscriptions for stock.

Sec. 3. *And be it enacted*, That the above named persons shall be commissioners to open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places as they, or a majority of them, may think proper, giving twenty days' notice of the same in at least two of the newspapers published in the county of Essex; and that at the time of subscribing ten per centum shall be paid upon each share subscribed for to the commissioners, or some one of them; and as soon as two-thirds of the capital stock shall be subscribed, such commissioners shall make like publication for a meeting of the stockholders to choose seven directors; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by proxy, each share of the capital stock entitling the holder thereof to one vote; and the said commissioners, or any three of them, shall be inspectors of the first election of directors of the said incorporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books and money paid in, deducting all necessary expenses and a reasonable compensation for their own services, to the said directors; and the time and place of holding the first meeting of said directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at an annual election of said corporation, shall, as soon as may be after every elec-

Time and mode of electing directors.

tion, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President to be elected.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to have been made, the said corporation shall not for this cause be dissolved, but such election may be held at any other time on notice as aforesaid; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That four directors shall be competent to transact all business of the said corporation, to call in the remaining capital stock of said company by such instalments and at such time as they may direct, by giving thirty days' notice in one or more newspapers published in Elizabethtown or Newark; *provided*, that no such instalment shall exceed five dollars on each share, and that no two instalments shall be required within less than thirty days of each other; and in case of the non-payment of said instalments, or any one of them, they shall have power to forfeit such share or shares upon which such default shall arise to and for the use of the said company, and to make and prescribe such by-laws, rules, and regulations, not inconsistent with the constitution or laws of the United States or of this state, as to them shall appear needful and proper for the management and regulation of the stock, property, estate, and effects of the said corporation; and to appoint a secretary, a treasurer, and so many clerks and workmen as to them shall seem meet, and the same to remove at pleasure, and to establish and fix such salaries to them, and also to the president, as to the said directors shall seem proper.

Duties and powers of directors.

Stock forfeited on failure to pay instalments.

Sec. 6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, from some suitable point in the township of Springfield, not farther north than the Morris turnpike road, thence to pass, on a line as direct as economy in construction will admit, through the township of Union to some point in Eli-

Location of railroad.

zabethtown or at Elizabeth Port, not exceeding sixty-six feet wide, with as many sets of tracks or rails as they may deem necessary, to make lateral roads within two miles of said Elizabeth Port; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and other works necessary, to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided always*, that the payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying or laying out said road, unless the consent of the owner or owners of such lands be first had and obtained; *provided further*, that any railroad now authorized by law be not injured or obstructed as a public highway.

Survey of route to be filed in secretary's office.

Proviso.

Proviso.

Sec. 7. *And be it enacted*, That it shall be lawful for the said company to locate and construct their said road, either wholly or in part, upon the Morris turnpike road, at Springfield, Union, and Elizabethtown, and between those places; *provided* the consent of the Morris Turnpike Company be first had and obtained for that purpose; *and provided also*, the said turnpike be not obstructed as a public highway by reason thereof.

Road may be constructed on Morris turnpike at certain places.

Proviso.

Sec. 8. *And be it enacted*, That if the said company or its agents cannot agree with the owner or owners of such required lands, for the use or purchase thereof, or if, by reason of legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the lands so required for the use of said company in the construction of the said road shall be given in

Proceedings when company and owners cannot agree.

writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence if known, to one of the judges of the inferior court of common pleas of the county of Essex, who shall require the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of commissioners; at which time and place, upon satisfactory evidence to him of the service or publication of such notice, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders, resident in the said county of Essex, commissioners to examine and appraise the said land and to assess the damages, upon such notice (not less than twenty days) to be given to the persons interested as shall be directed by the judge making such appointment; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their ability and understanding,) to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisement of the value of the same and assessment of damages, which shall be paid by the company for such land and damages aforesaid; and the said commissioners are also directed and required to assess the damages which any individual or individuals may sustain by the said road, arising from the removing, making, and maintaining the fence or fences on the line of the said road through any improved lands over which the same may run; which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land, and the appointment or oaths and affirmations aforesaid, in the clerk's office of the county of Essex, to remain of record therein; which report, or a copy thereof, certified by the clerk of the said county, shall at all times be considered as plenary evidence of the right of said company to have, hold, use, occupy, possess, and enjoy the said land, or of the said owner or owners to receive the amount of said valuation or damages, with interest and costs, in action of debt, in any court of competent jurisdiction, in a suit to be instituted against the said company, if they shall

neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall, until paid, constitute a lien upon the property of the company in the nature of a mortgage; and either of the judges of the said court of common pleas shall, on application of either party, on reasonable notice to the others, tax and allow such costs, fees, and expenses to the judges of the said court, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as he shall think equitable and just, and to order and direct by whom the same shall be paid.

Appeal to the court of common pleas and trial by jury may be had.

Sec. 9. *And be it enacted*, That if either party shall be dissatisfied with the report of the commissioners, made as aforesaid, the party aggrieved may appeal to the judges of the said inferior court of common pleas in and for the said county of Essex, at the first or second term after such report shall have been filed, by proceeding in the form of a petition to the said court; which proceeding shall vest in the said court full right and power to hear and adjudge the same, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order a jury to be struck, and a view of the premises to be had, and the said issue to be tried at the next regular term of the said court, upon like notice and in the same manner as other issues in said court are tried; and it shall be the duty of the said jury to assess the value of said land, and damages sustained, and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the said company, and execution awarded therefor; but if the jury shall be applied for by the owner or owners, and shall find the same or a less sum than the company shall have offered or the said commissioners awarded, then the said costs shall be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the said court shall direct; but such application shall not prevent the company from taking the said land upon the filing the aforesaid report.

Other roads not to be obstructed.

Sec. 10. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over and under the said railroad, where any public or other road shall cross the same, or be crossed by it, so that the passage of carriages, horses, and cattle on such road shall not be impeded thereby; and also, where the said railroad shall intersect any farm or lands of

any individual, to provide and keep in repair suitable and convenient wagon ways over or under said road, so that the way be passable and convenient; *provided*, that it shall not be lawful for said company to use any public highway or road except the said Morris turnpike road, as herein provided, for the said railway, unless it be to cross the same in the most direct and convenient manner, without the consent of a majority of the inhabitants, to be obtained at a regular town meeting where such public road or highway is located. Proviso.

Sec. 11. *And be it enacted*, That the president and directors of said company shall have power to have constructed, or to purchase with the funds of said company, and to place and use on the said railroad, all such machines, engines, wagons, carriages, or vehicles, for the transportation of persons or property, as they may think reasonable, expedient, or right; and they are hereby authorized to demand and receive such sum or sums of money for the transportations of persons and property thereon, as they from time to time shall think reasonable and proper; *provided*, that they shall not charge more than at the rate of six cents per mile for carrying each passenger, nor more than six cents per ton per mile for the transportation of property on said road, in the carriages of the said company, or three cents per mile per ton for property, or three cents per mile for each passenger carried on said railroad in the carriages of others, and three cents per mile for each empty carriage; and that the said road shall be, and is hereby declared a public highway, and free for the passage of any railroad carriage thereon, with passengers or property, upon payment of the tolls prescribed in accordance with this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be regulated, as to the times of starting, rates of travelling, and capacity for burden, by the company, in the same manner as the carriages of the company are; and the said railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, and all other property whatsoever belonging to the company, are hereby vested in the said company and their successors for and during the continuance of this charter; *provided always*, that in case the said company, after the same is completed, shall abandon the said railroad, or cease to use and keep the same in repair at any time for three successive years, or if the said railroad shall not be made within ten years from the passage of this act, then and in that case

Rates of passage and transportation of property.

Railroad a public highway.

Proviso.

Lands to revert to owners in certain cases.

this charter shall be null and void, and the title to the lands over which the said railroad shall pass shall be revested in the person or persons from whom the lands were taken by cession or by inquisition as aforesaid.

Dividends to be made.

Sec. 12. *And be it enacted*, That the president and directors shall, from time to time, after the said railroad shall have been completed, declare and make such dividend of the net profits thereof as they may think proper, and pay the same to the stockholders of the said company, or to their legal representatives, in proportion to the number of shares held by them respectively.

What real estate may be held.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate, at the commencement and termination of said railroad, and at two places on the line of said railroad, not exceeding two acres in any one place, and build thereon houses, warehouses, and such other buildings and improvements as they may deem necessary and expedient for the safety of their property and all necessary uses appertaining to their business.

Penalty for injuring or obstructing road.

Sec. 14. *And be it enacted*, That if any person or persons shall wilfully or maliciously injure the said railroad, or any buildings, machinery, or works of the said corporation, such person or persons shall forfeit and pay therefor, to the said corporation, three times the amount of damages sustained by means of such injury, to be recovered in the name of said corporation, with triple costs, in any court having cognizance of the same.

Statement of cost of road to be filed with secretary of state, and annual statement to be made to legislature.

Sec. 15. *And be it enacted*, That as soon as the said railroad, with its appendages, shall be finished so as to be used, the president of said company shall file, under oath or affirmation, a statement of the amount of cost of said railroad, including all expenses, in the office of the secretary of state, and annually thereafter he shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said railroad; and whenever the net proceeds of

When road may be taxed.

said railroad shall amount to six per cent. per annum upon its costs and expenses, the said corporation shall pay into the treasury of this state a tax of one half of one per centum on the cost of said railroad, to be paid annually on the first Monday in January in each year; *provided*, that no other tax or impost shall be levied or assessed upon the said company for the use of this state.

Proviso.

Funds not to be employed for banking purposes.

Sec. 16. *And be it enacted*, That no part of the capital stock or moneys of the company incorporated by this act shall be used or employed by said company for banking purposes, or for any other purposes not clearly indicated by

the provisions of this act, under penalty of forfeiting their charter; and that it may be lawful for the legislature, at any time hereafter, to alter, modify, or amend this charter, whenever in their opinion the public good shall require it. Act may be repealed.

Sec. 17. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever. Public act.

Passed March 6, 1837.

A SUPPLEMENT to an act entitled, "An act to incorporate the Mechanics and Tradesmens Institute of the town of Newark."

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 said incorporated company may be increased to the sum of eighty thousand dollars; and also, that no individual or corporate body shall in any wise hold or possess over and above one hundred shares of the capital stock of said company, any thing in the second section of the act to which this is a supplement to the contrary notwithstanding. Capital stock increased. No incorporation or individual to hold more than 100 shares.

Passed March 6, 1837.

AN ACT to regulate and protect the fisheries in the north and south branches of Shrewsbury river, in the county of Monmouth.

WHEREAS it has been represented to this legislature, that it has been the practice for persons not citizens or residents of this state to fish in the north and south branches Preamble.

of Shrewsbury river, in the county of Monmouth, by placing fires or lights in boats at night and using gigs and spears, which has greatly injured the fisheries in said rivers, and will, if continued, entirely destroy said fisheries, and a proper remedy has been prayed for in that behalf—Therefore,

Fishing in north and south branches of Shrewsbury river regulated.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That from and after the passage of this act it shall not be lawful for any person or persons whatsoever not citizens or residents of this state to fish by night in either of the said branches of Shrewsbury river, in the county of Monnmouth, with fires or lights placed in or about any boat, batteau, canoe, or other vessel, or to make use of any gigs or spears in catching fish by the aid of fires or lights placed in or about any boat, batteau, canoe, or other vessel.

Penalty for offending against provisions of this act.

Sec. 2. *And be it enacted*, That all and every person or persons who may or shall offend against the provisions of this act shall forfeit and pay the sum of twenty dollars for each and every offence, to be recovered by action of debt, to be commenced either by summons or warrant before any justice of the peace of said county of Monmouth, with costs, by any person who shall sue therefor in his own name; to be paid the one half to the person prosecuting the same, and the remainder to be paid to the collector of the township wherein the offence shall have been committed, for the use of the township; *provided*, that nothing in this act contained shall be construed or taken to prevent any person or persons from fishing with a hook and line or with a seine at any time of the year.

Proviso.

Passed March 6, 1837.

AN ACT for the relief of Parker Clark, a soldier of the Revolution.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be, and he hereby is authorized and directed to pay unto Parker Clark, of the county of Gloucester, a soldier of the Revolution, the sum of sixty dollars per annum, during his natural lifetime, in quarterly payments, of fifteen dollars each, to commence from and after the first day of November last.

$60 per annum granted to P. Clark, for Revolutionary services.

Passed March 6, 1837.

AN ACT to enable the president and directors of the Bank of New Brunswick to settle the affairs of said bank.

WHEREAS the receivers for the creditors and stockholders of the Bank of New Brunswick, in the performance of their duties as receivers, have collected a large portion of the available assets which have come to their hands, and, in behalf of the creditors whose claims were proved and allowed, have applied, through the solicitor of said creditors, to the chancellor for an order to make a dividend among them, reserving a sufficiency of the assets to pay a like dividend to such creditors whose claims might afterwards be allowed by the chancellor, on appeal by claimants from the decision of the receivers, but owing to the objections made by an appellant, whose claim the receivers had examined and rejected, and in consequence of the delays occasioned by two certain appeals of claimants from the decision of the receivers, over which the said receivers have no control, and which now are, and for a long time past have been pending undetermined before the chancellor, such an order could not be obtained —AND WHEREAS the said president and directors are willing, without compensation, to take upon themselves the burthen of adjusting these and all other matters in controversy, and to take and accept all the moneys col-

Preamble.

lected by the receivers, with the other assets, after the said receivers shall have settled their accounts in the court of chancery, been duly paid and indemnified for their services, and for their costs, charges, and expenses which they have incurred in the performance of their duties as such receivers, and been, by the order of the chancellor, released from all further responsibility as receivers, according to the provisions and true meaning and intent of the statute under which they were appointed, and upon the faith of which they accepted the said trust—AND WHEREAS, from the petitions and statements of more than two-thirds in value of the creditors and stockholders of said bank, it appears that they are desirous that the said controversies should be immediately adjusted by the said president and directors, to the end that there may be a dividend made by them of the said assets, among the several creditors entitled thereto—Therefore,

Receivers to make a final settlement in court of chancery.

Sec. 1. 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 said receivers, as soon as practicable after the passage of this act, to make a final settlement of their accounts, in the court of chancery of this state, and to hold the moneys and other assets of the said bank, together with all the books and papers belonging or relating thereto, subject to the future order and direction of said court.

Court of chancery may make compensation to the receivers for their services, &c.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the court of chancery, in taking and settling the accounts of said receivers, to make to such receivers such reasonable compensation for their services, and such allowance for their costs, charges, expenses, and other necessary outgoings and disbursements, as the chancellor may deem just and proper.

Court to discharge receivers from trust.

Sec. 3. *And be it enacted*, That it shall be lawful for the said court, after the said receivers shall have duly settled their accounts, and been allowed for their services, expenses, and disbursements as aforesaid, to exonerate and discharge them from their trust as such receivers, and to direct them to pay over to the said president and directors the residue of the moneys of said bank in their hands, together with all the goods and chattels, rights, credits, books, papers, bills, notes, and property of every description, in their possession or under their control, and held by them in trust for the creditors and stockholders aforesaid.

Residue of moneys, &c., to be paid over to president and directors.

Sec. 4. *And be it enacted*, That the said president and directors of the Bank of New Brunswick, and their succes-

sors, be, and they are hereby authorized and required to settle, immediately, all contested claims now pending before the receivers, and which were presented to the said receivers within the time limited by the chancellor, or which are now pending before the chancellor, on appeal from the receivers, and as soon as the same are settled and ascertained, or sooner if practicable, to make a dividend of the assets to all claimants and creditors who presented their claims within the time limited by the chancellor, and to none others, and that due notice be given of the making of such dividends.

Duties of president and directors relative to claims.

Sec. 5. *And be it enacted*, That no compensation out of the assets of the said bank be allowed to the said president and directors for the settlement of the affairs of the said bank, other than the necessary expenses.

Not allowed for services out of assets.

Sec. 6. *And be it enacted*, That in all suits in any court of law or equity which are now pending in the name of the said receivers, it shall and may be lawful for said courts, on application of the president and directors of the said Bank of New Brunswick, to cause the said president and directors to be substituted as plaintiffs in the place and stead of the said receivers, or to carry on such suit in the name of the said receivers, for the use of the said president and directors.

In suits pending may be substituted as plaintiffs in place of receivers.

AND WHEREAS some doubts may arise whether the president and directors last elected be legally authorized to hold their office—Therefore,

Preamble.

Sec. 7. *And be it enacted*, That the president and directors last elected be, and they are hereby declared to be capable in law of holding their said office, and of performing all the duties to the same annexed, as fully and effectually as if they had been elected from year to year.

Directors last elected capable of performing duties required of them by this act.

Passed March 7, 1837.

AN ACT to regulate the navigation of the river Raritan and Staten Island sound.

Sec. 1. 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 captains, owners, or other persons, in charge of vessels in the river Raritan and sound between this state and Staten Island, sailing with a fair or free wind, when met by another vessel, shall keep to the right, and when overtaken by another vessel they shall likewise keep to the right.

Vessels sailing in the Raritan and Staten Island sound to keep to the right.

Sec. 2. *And be it enacted*, That all captains, owners, or other persons, in charge of vessels navigating the river Raritan and sound between this state and Staten Island, when they shall come to anchor at night, they shall keep, or cause to be kept, a lantern lighted, or other light that may be seen, hoisted at least twenty feet above the deck of such vessel.

Vessels at anchor, at night, in said river and sound to keep light hoisted.

Sec. 3. *And be it enacted*, That if any person shall offend against the provisions of this act, or either of them, such person shall forfeit and pay for every such offence the sum of twenty dollars, to any person who may sue for the same; and shall be further subject to an action for all damages occasioned by such offence, to be recovered, with costs of suit, in any court having jurisdiction thereof.

Penalty for offending against provisions of this act.

Passed March 7, 1837.

A SUPPLEMENT to an act entitled, "An act to enable the owners of the swamps and bog meadows lying on the east and west branches of Paulingskill, in the township of Newton, and county of Sussex, to drain the same," passed March first, eighteen hundred and thirty-six.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the time for the annual meeting for the choice of managers of the company named "The Paulingskill Meadow Company," as authorized by the act to which

Time for annual meeting for election of managers changed.

this is a supplement, shall be, and is hereby changed from the first day, to the first Monday in April annually.

Number of votes to which each owner is entitled.

Sec. 2. *And be it enacted*, That each owner or possessor of said swamps or bog meadows mentioned in said act, shall have one vote for any quantity between one and ten acres, and one vote for every additional ten acres he may own or possess, instead of the number of votes as provided for by the act to which this is a supplement.

Mode of ascertaining the proportion to be paid by each owner or possessor of any money to be paid.

Sec. 3. *And be it enacted*, That, to ascertain and determine the proportion that each owner or possessor shall pay, per acre, of any sum of money that shall be raised, as provided for by the act aforesaid, three commissioners or assessors shall be appointed by the court of common pleas in and for said county, on the application of said managers, on ten days' notice, by advertisements set up in three public places in the township of Newton, or published in one of the public newspapers there printed; which commissioners shall be impartial disinterested freeholders of said county, and who, before they enter upon the duties of the appointment, shall take and subscribe an oath or affirmation, before one of the justices of the peace of the county, faithfully and impartially to perform the same, and who shall thereafter ascertain and determine the proportion aforesaid, as directed in the second section of the act aforesaid, instead of the said managers; and as often as any of the said commissioners shall decline, or cease to act as such, for any cause whatever, before the final completion of the services required of them by this act, their places may be supplied by other persons of like qualifications, and to be appointed as aforesaid.

Preamble.

Sec. 4. AND WHEREAS doubts have arisen whether, agreeably to the directions of the fourth section of the act aforesaid, to which this is a supplement, the damages therein mentioned can be ascertained before the actual removal of the mill-dam, or any part thereof, or other erection or improvement, in the said fourth section mentioned, therefore, for the prevention of such doubts—*Be it enacted*, that it shall be lawful for the said managers, or either of them, or of the person or persons claiming compensation, upon a disagreement between the parties, to make application to a judge, as in and by the said fourth section is directed, for the appointment of freeholders to ascertain and determine the sum or sums to be paid to the person or persons claiming compensation for such damages, at any time before the said removal, specifying in such application the mill-dam or other erection to be removed or lowered, and the depth to which it shall be lowered, however the said freeholders may alter

Proceedings respecting damages.

or vary, fixing and ascertaining such depth so altered or varied in and by their instrument of writing, to be by them made, determining the amount of damages, to be filed and disposed of as in and by the said fourth section is directed, and according to the provisions of which fourth section the said freeholders shall be appointed, and shall in all things proceed as not herein otherwise directed; *provided however*, that the parties shall have the right of appeal to a jury of disinterested men selected in the neighbourhood where such damage shall occur from the award of said freeholders, before the judges of the court of common pleas in and for the county of Sussex; *and provided also*, that the amount of damages to be sustained by any individual or individuals, whether fixed by agreement or otherwise, shall be actually paid, or satisfactorily secured to be paid, to the party or parties claiming the same, before said managers or any person or persons under their authority shall proceed to the removal of any mill-dam or other improvement, or any part thereof, any law to the contrary notwithstanding.

Either party may appeal to court of common pleas, and trial by jury may be had.

Proviso.

Passed March 7, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act relative to juries and verdicts."

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That in all cases where any prisoner or defendant in or upon any indictment is or may be by law entitled to peremptory challenges, and to have a copy of the panel or a list of the jury delivered to him previous to his trial, it shall be the duty of the sheriff or other proper officer to select such panel or list of forty-eight jurors from the general panel or list of jurors that may have been drawn and summoned to attend as jurors at the term at which such prisoner or defendant is to be tried; *provided* a sufficient number of jurors shall have been so drawn and summoned to attend such court; but if forty-eight jurors have not been so drawn and summoned, then the said sheriff or officer shall add to the number so drawn and sum-

Mode of summoning jurors when panel is given to prisoner.

Proviso.

moned as many more freeholders of the body of his county qualified to serve as jurors as shall make up the number of forty-eight, which panel or list of jurors, if delivered by the sheriff or other proper officer to the prisoner or defendant entitled to the same prior to the first day of the court at which such trial is to be had, and shall be as good and effectual as if the same had been delivered to the prisoner or defendant after the opening of the court; *provided however*, that such prisoner or defendant shall not be put upon his trial without his consent deliberately expressed in open court, unless he has had such panel or list of jurors delivered to him as many days prior to his trial as by law he is or may be entitled to have the same.

Proviso.

Sec. 2. *And be it enacted*, That in case a tales de circumstantibus shall be awarded in any case in which the defendant shall be entitled to peremptory challenges, the talesmen shall be taken from the general panel of jurors returned for the term at which such defendant is to be tried; and if more talesmen should be required than the number of jurors remaining on the general panel, the sheriff or other proper officer shall forthwith summon from among the by-standers, or others, such additional number of freeholders qualified to serve as jurors as may be necessary to complete the jury, and make return thereof immediately, and serve a copy thereof on the defendant, who shall thereupon proceed to make his challenges to such talesmen, if he has any to make.

Proceedings on peremptory challenges when tales de circumstantibus awarded.

Sec. 3. *And be it enacted*, That whenever any writ or writs of venire facias shall be directed to the coroners of any county, or to elisors appointed by any court in this state, such writ or writs shall be executed, and the juries thereby required shall be summoned by such coroners or elisors in the same manner as by law was required to be done in such cases before the passage of the act entitled, "An act relative to jurors," passed the ninth day of March, A. D. one thousand eight hundred and thirty-six.

Jurors summoned by coroners, agreeably to former act.

Sec. 4. *And be it enacted*, That the fifth section of the act entitled, "A supplement to the act entitled, an act relative to jurors and verdicts," passed the ninth day of November, A. D. eighteen hundred and thirty-six, be, and the same is hereby repealed.

Part of former act repealed.

Sec. 5. *And be it enacted*, That if at any time during the session of any circuit court, or court of oyer and terminer, or of general jail delivery, the justice of the supreme court holding and presiding at such court or courts shall, by sickness or death, or other sufficient cause, be prevented

In certain contingencies, clerk may adjourn court.

from continuing to hold such court or courts, and no other justice of the supreme court shall be at hand to proceed with the business pending in such court or courts, it shall be the duty of the clerk of such court or courts to enter an adjournment for the term, and all suits, indictments, and proceedings remaining undisposed of in such court or courts shall be continued and stand over to be tried and disposed of at the next succeeding term of such court or courts, without prejudice, except such indictments as may be triable in the court of quarter-sessions of the peace, and which that court may thereupon proceed to try, if they think proper so to do, in the same manner as they might have done if the rule had been ordered by the court of oyer and terminer or of general jail delivery that the same should be handed down to the court of quarter-sessions.

Judge to perform certain duties in absence of clerk.

Sec. 6. *And be it enacted*, That in case of the death, disability, or absence of the clerk of any county, it shall and may be lawful for any judge of the inferior court of common pleas of such county to perform the duties directed to be performed by the clerk in the first section of the act entitled, "A supplement to the act entitled, an act relative to juries and verdicts," passed the tenth of November, A. D. seventeen hundred and ninety-seven, which supplement was passed the ninth of November, eighteen hundred and thirty-six, and one copy of the list of jurors drawn and certified by such judge and sheriff or coroners, as provided in the said first section, shall be filed in the clerk's office of the county.

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

Passed March 7, 1837.

AN ACT to incorporate the Perth Amboy, Woodbridge, and Rahway Railroad and Transportation Company.

Names of corporators.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Herman Bruen, James Parker, Gage Inslee, Renes Pardessus, Adam Lee, Edward Y. Rogers, Joseph O.

Lufbery, and such other persons as may hereafter be associated with them, shall be, and they are hereby ordained, constituted, and declared to be a body corporate and politic, in fact and in name, by the name of "The Perth Amboy, Woodbridge, and Rahway Railroad and Transportation Company;" and by that name they and their successors and assigns shall and may have continued succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and shall have power to make and use a common seal, and the same to alter at pleasure; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels whatsoever, necessary or expedient to the objects of this incorporation.

Style of incorporation.

Powers.

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

Amount of capital.

Sec. 3. *And be it enacted*, That the above named persons shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places in the county of Middlesex, as they, or a majority of them, may think proper, giving twenty days' notice of the same in one of the newspapers published in said county; and so soon as one thousand shares shall be subscribed, to give like notice for a meeting of the stockholders to choose nine directors; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and that annually thereafter, upon like notice being given by the directors for the time being, the stockholders shall in the same manner elect the same number of directors; and the time and place of holding the first meeting of directors shall be fixed by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such

Books to be opened for subscriptions for stock.

Time and mode of electing directors.

meeting, or at the annual election of said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them; and in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President to be elected.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That in case it should happen that an election of directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time; and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their places.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That five directors of said corporation shall constitute a quorum for the transaction of all business of the said corporation; and they shall have power to call in the capital stock of said company by instalments of five dollars on each share, at least thirty days' notice of which shall be previously given, by advertisements inserted in the newspapers printed at Rahway; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules, and regulations, as to them shall appear needful and proper touching the management and regulation of the stock, property, estate, and effects of the said corporation; and also shall have power to appoint a treasurer, secretary, and so many clerks and servants as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper; *provided always*, that such by-laws, rules, and regulations shall not be repugnant to the provisions or requirements of this charter or to the constitution and laws of the United States or of this state.

Quorum.

Duties and powers of directors.

Proviso.

Sec. 6. *And be it enacted*, That the president and directors of the said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, from some point in the city of Perth Amboy, in the county of Middlesex, passing, by the most practicable route,

Location of railroad.

through or near the village of Woodbridge, east of the Pike House, and terminating at some point on the New Jersey Railroad within one half mile of the depot of the said New Jersey Railroad, in the township of Woodbridge; said road not to exceed sixty-six feet in width, with as many sets of tracks as may be deemed necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands and waters for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, and to do and erect all necessary works, buildings, and appendages thereof, doing no unnecessary injury to private or other property; and when the route of such road shall have been determined upon, and a survey of such route, deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, engineers, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails, and do all other things which shall be suitable or necessary for the completion or repair of the said road, subject to such compensation as is hereinafter provided; *provided*, that in case any bridge or bridges by this act authorized shall be constructed over any navigable river or stream on the route of said railroad, the same shall always be provided with good and sufficient draw or draws, so as not to interrupt the navigation of said river or stream; *and provided also*, that the payment, or tender of payment, of all damages for the occupancy of lands through which the said railroad may be laid out be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said road, unless the consent of the owner or owners of such land be first had and obtained.

Survey of route to be filed in secretary's office.

Navigable streams not to be interrupted.

Proviso.

Sec. 7. *And be it enacted*, That when the said company or its agents cannot agree with the owner or owners of such required lands or materials, for the use or purchase thereof, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, a particular description of the land or materials so required for the use of the said company in the construction of said road shall be given in writing, under the oath or affirmation of some engineer or proper agent of the company, and also the name or names of the occupant or occupants, if

Proceedings when company and owners cannot agree.

any there be, and of the owner or owners, if known, and their residence, if the same can be ascertained, to one of the judges of the inferior court of common pleas of the county in which such lands or materials may be, who shall cause the said company to give notice thereof to the persons interested, if known and in this state, or if unknown or out of this state, to make publication thereof, as he shall direct, for any term not less than twenty days, and to assign a particular time and place for the appointment of the commissioners hereinafter named; at which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial, and judicious freeholders commissioners to examine and appraise the said land or materials and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the judge making such appointment, to be expressed therein, not less than twenty days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath, faithfully and impartially to examine the matter in question, and make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands or materials, and make a just and equitable estimate or appraisement of the value of the same and assessment of damages, to be paid by the company for such land or materials and damages aforesaid; which report shall be made in writing, under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the aforesaid description of the land or materials and the appointment and oath or affirmations aforesaid, in the clerk's office of the county wherein said lands or materials may be, to remain of record therein; which report, or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said company to have, hold, use, occupy, possess, and enjoy the said land or materials, or of the said owner or owners to recover the amount of said valuation, with interest and costs, in an action in any court of competent jurisdiction in a suit to be instituted against the company, if they shall neglect or refuse to pay the same for twenty days after demand made of their treasurer, and shall from time to time constitute a lien upon the property of the company in the nature of a mortgage; and the said judge shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees, and expenses to the

judge, commissioners, clerks, and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, and order and direct by whom the same shall be paid under the circumstances of the case; *provided always*, that should the said company or the owner or owners of any land or materials feel himself, herself, or themselves aggrieved by the decision of the commissioners aforesaid, he, she, or they may appeal to the next court of common pleas in the county wherein said lands or materials shall be, reserving to either party the right of trial by jury in such court, and the decision of such court in the premises shall be final and conclusive; but the party so appealing shall in no case be entitled to any costs, unless a larger sum shall be recovered than that awarded by the commissioners.

Appeal to the court of common pleas and trial by jury may be had.

Sec. 8. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby; and also, where the said railroad shall intersect any farm or lands of any individual, to provide and keep in good repair suitable wagon ways over or under said railroad, so that he may pass the same; *provided*, that it shall not be lawful for said company to use any public highway or road for said railway (except to cross the same in the most direct and convenient manner) without the consent of a majority of the inhabitants, to be obtained at a regular town meeting where such public road or highway is located.

Other roads not to be obstructed.

Sec. 9. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the railroad constructed by them, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided* they shall not charge more than at the rate of six cents per mile per ton for the transportation of all heavy goods on the said railroad, usually sold by weight, or one-half cent per mile per solid foot for all lighter and bulky articles, such as dry goods, carriages in boxes, cabinet ware in boxes, and articles usually charged by the foot, or six cents per mile for carrying each passenger on said railroad in the carriages of the company, or three cents per mile for each ton of property, such as above described as sold by weight, the like rate per mile per foot of property such as above described, as usually

Rates of passage and transportation of property.

charged by the foot, or three cents per mile for each passenger carried on said railroad in the carriages of others, and three cents per mile for each empty carriage; and that the railroad and its appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Semi-annual dividends to be declared.

Sec. 10. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as they may deem expedient and proper of the net profits thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injuring or obstructing road.

Sec. 11. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the said railroad constructed under the provisions of this act by the said company, or any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of one hundred dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

What real estate may be held.

Sec. 12. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination of said road, and also at the village of Woodbridge as aforesaid, not exceeding two acres at each place; and may erect and build thereon houses, warehouses, machine shops, and other buildings and improvements as they may deem expedient, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain, on the bay or river at Perth Amboy, such wharves, piers, bridges, and other facilities as they may deem expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Railroad a public highway.

Sec. 13. *And be it enacted*, That the railroad authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and be free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same descrip-

Proviso.

tion, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated, as to the time of starting and rates of travelling, as not to interfere with the carriages of the company.

Statement of cost of road to be filed with secretary of state, and annual statement to be made to legislature.

Sec. 14. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of cost of said railroad, including all expenses, in the office of the secretary of state; and annually thereafter the president and treasurer of said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said railroad, until the net income shall amount to six per cent. upon the amount of its costs; and as soon as the net proceeds of said railroad shall amount to seven per centum upon its cost the said corporation shall pay to the treasury of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January of each year; *provided*, that no other tax or impost for the use of this state shall be levied or assessed upon the said company.

When road may be taxed.

Proviso.

Act void if railroad not completed in three years.

Sec. 15. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of three years from the fourth day of July next ensuing, that then and in that case this act shall be void.

Public act.

Sec. 16. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever.

When state may take road.

Act may be altered, &c.

Funds not to be employed for banking purposes.

Sec. 17. *And be it enacted*, That at any time after the expiration of fifty years from the completion of the said road, the legislature of this state may take the same for the state, paying therefor its value, not exceeding the original costs of the same; and that the legislature may at any time hereafter alter, amend, or modify this charter, whenever in their opinion the public good shall require it; and that no part of the capital hereby authorized shall be used for banking purposes.

Passed March 7, 1837.

An act to incorporate the City of Trenton.

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the inhabitants of the city of Trenton, as the same now extends and is laid out, be, and they and their successors for ever are hereby constituted and declared to be a body corporate and politic, in fact and in law, by the name, style, and title of "The Inhabitants of the City of Trenton," and by the same name shall have perpetual succession; and they and their successors shall at all times for ever hereafter be persons able and capable in law to have, purchase, take, receive, possess, and enjoy lands, tenements, liberties, franchises, and jurisdictions, goods, chattels, and effects, to them and their successors for ever, or for any other or less estate, and the same lands, tenements, and hereditaments, goods, chattels, and effects to grant, bargain, and sell, alien, convey, demise, and dispose of at their will and pleasure; and, by the name and style aforesaid, shall be for ever able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of record and elsewhere, in all manner of actions, suits, complaints, pleas, causes, and matters whatsoever, and to do and execute all and singular other matters and things that to them, as a body corporate and politic in law and in fact shall and may appertain, and for that purpose to make and use one common seal, and the same to alter and renew at pleasure.

City of Trenton incorporated.

Style of incorporation.

Powers of corporation.

Sec. 2. *And be it enacted*, That the said "The Inhabitants of the City of Trenton," and their successors, shall by virtue of this act become, and they are hereby declared to be absolutely and completely vested with and possess and enjoy all the lands, tenements, hereditaments, liberties, franchises, and jurisdictions, property, rights, causes of action, and estate whatsoever, both in law and equity, in possession, reversion, or remainder, which at the time of the passing of this act are vested in or belong to the inhabitants of the city of Trenton as now incorporated, by the name of "The Mayor, Aldermen, and Assistants of the City of Trenton," according to such estate and interest as the said "The Mayor, Aldermen, and Assistants of the City of Trenton," at the time of the passage of this act, have, or of right ought to have, in the same; and shall also be absolutely and completely vested with, possess, and enjoy all the lands, tenements, hereditaments, property, rights, causes of action, and estate whatsoever, both in law and equity, in possession, reversion,

Rights and estate of former corporation vested in present.

Rights and estate of the township of Trenton vested in city corporation.

or remainder, which at the time of the passing of this act are vested in or belong to "The Inhabitants of the Township of Trenton, in the County of Hunterdon," in their corporate capacity, as now incorporated, according to such estate and interest as the said "The Inhabitants of the Township of Trenton, in the county of Hunterdon," at the time of the passage of this act have, or of right ought to have, in the same; *provided*, that nothing in this act contained shall affect any suit or suits now pending in the name of "The Mayor, Aldermen, and Assistants of the City of Trenton, or in the name of "The Inhabitants of the Township of Trenton, in the County of Hunterdon." Proviso.

Officers of the city.

Sec. 3. *And be it enacted*, That, for the better ordering, ruling, and governing the said city of Trenton, and the inhabitants thereof, there shall henceforth be in the said city a mayor, who shall be keeper of the city seal, a recorder, who, besides the office of the recorder, shall, in case of the absence, death, or other disability of the mayor, have, hold, use, and execute the several duties annexed to the mayoralty, and every of them, during such absence or disability, three aldermen, twelve members of common council, one clerk, one assessor, one collector, and one treasurer.

Oaths of city officers.

Sec. 4. *And be it enacted*, That the mayor of the said city shall, before he enters upon the execution of his office, take and subscribe before the clerk of the said city, who is hereby authorized to administer the same, the oath or affirmation of allegiance to this state, and likewise an oath or affirmation that he will faithfully, impartially, and justly perform all the duties of such office according to the best of his abilities and understanding; and that the recorder, aldermen, members of common council, clerk, treasurer, assessor, collector, overseers of the poor, judges of election, commissioners of appeal, chosen freeholders, and surveyors of the highways, appointed by virtue of this act, shall, before they enter upon the duties of their respective offices, take and subscribe, before the mayor or clerk of the said city, who is hereby authorized to administer the same, the like oaths or affirmations; and it shall be the duty of the said clerk to file and preserve the said oaths or affirmations in his office.

Mayor, recorder, and aldermen justices in the city, and appointed by joint-meeting.

Sec. 5. *And be it enacted*, That the mayor, recorder, and aldermen of the said city shall be justices of the peace ex-officio within the said city, and shall be appointed by the council and general assembly of this state in joint-meeting, and commissioned by the governor, in the same manner as the judges and justices of the peace throughout the state are appointed and commissioned, and shall continue in office

for the same time, and be amenable in like manner to the council and general assembly.

Vacancies, how supplied.

Sec. 6. *And be it enacted*, That in case a vacancy shall happen in the office of mayor or recorder of the said city, by death, resignation, removal, or otherwise, in such case the aldermen shall meet together, and, by plurality of voices, choose one of their number who shall perform and execute the duties of such office until a mayor or recorder shall be appointed and commissioned according to law, (and that as soon as may be convenient after such vacancy shall happen); and when, by death, removal, or otherwise, any vacancy or vacancies shall happen in any of the offices herein rendered elective by the electors of the said city, the mayor for the time being is hereby required and directed, by advertisements or otherwise, giving at least five days' notice, to call a meeting of the electors of the said city, who, when assembled, are hereby authorized, by plurality of votes, to elect such and so many fit persons as are necessary to fill up the offices and supply such vacancy or vacancies; which officers so elected shall be sworn in the manner prescribed by this act, and shall continue in office until the next annual election.

Mayor, recorder, and aldermen justices of the state, and to hold court of quarter-sessions.

Sec. 7. *And be it enacted*, That the mayor, recorder, and aldermen of the city of Trenton for the time being shall severally and respectively have all the powers and authorities of justices of the peace of the state of New Jersey; and that the said mayor, recorder, and aldermen, or any three of them, of whom the mayor or recorder to be one, shall constitute a court of general quarter-sessions of the peace in and for the said city of Trenton, with all the powers, authority, and jurisdiction within the said city of Trenton, excepting the hearing and determining of appeals in pauper causes, with which the several courts of general quarter-sessions of the peace of the several counties of this state are or may be vested.

Times of holding courts of quarter-sessions.

Sec. 8. *And be it enacted*, That the said court shall be distinguished and known by and under the style and title of "The Court of General Quarter-Sessions of the Peace of the City of Trenton," and shall be a court of record, and hold four stated sessions within the said city in each year, to begin on the first Tuesday of January, on the third Tuesday of April, on the first Tuesday of July, and on the third Tuesday of September, with power to adjourn from day to day, and to hold special sessions when to the said mayor, recorder, and aldermen it shall appear necessary.

Sec. 9. *And be it enacted*, That the clerk of the said city

of Trenton for the time being shall be the clerk of the said court of general quarter-sessions of the said city, and shall perform the like duties, be entitled to the same fees and emoluments, and be subject to the same penalties and forfeitures as the clerks of the courts of general quarter-sessions of the peace of the several counties of this state; that the said court shall have a seal, with such device as to the said court shall seem proper; and all writs and precepts issuing thereout shall be under the said seal, and tested in the name of the mayor or recorder, and be directed to the marshal or one of the constables of the said city, who are hereby authorized and required to serve and execute the same; and who shall perform the same duties, be entitled to the same fees and emoluments, and be subject to the same penalties and forfeitures, as the sheriff and constables of the several counties of this state.

Clerk of the city to be clerk of the court.

Duties of clerk.

Sec. 10. *And be it enacted*, That the said court of general quarter-sessions of the peace of the said city shall have power to compel, in causes pending before the said court, the attendance of witnesses from any part of the state, by process of subpœna ad testificandum.

Powers of court of quarter-sessions.

Sec. 11. *And be it enacted*, That the said court of general quarter-sessions of the peace shall have the sole and exclusive right and power of licensing all and every innkeeper, tavernkeeper, and retailer of spirituous liquors within the said city; and the amount assessed and paid upon granting such licenses shall be paid to the city treasurer, for the use of the said city.

Court may grant tavern licenses.

Sec. 12. *And be it enacted*, That nothing in this act contained shall be construed to vacate the offices of the present mayor, recorder, and aldermen of the city of Trenton, or either of them, or to affect any act by them, or either of them, done in their official capacity, or to obstruct, defeat, avoid, or discontinue any writ, precept, process, indictment, order, judgment, record, recognizance, or other proceeding of the present court of general quarter-sessions of the peace of the city of Trenton; but the same shall continue and be in force, and shall be acted upon and enforced by the court of general quarter-sessions of the peace of the city of Trenton sitting by virtue of this act, as it would or might have been by the said court as heretofore constituted.

Offices of present mayor, recorder, and aldermen not vacated.

Sec. 13. *And be it enacted*, That the annual election in and for said city shall be held at the same time that the annual town meetings in the several townships in the county of Hunterdon are or hereafter shall be directed by law to be held, and at such place as the common council of said city shall from time to time direct and appoint, of which time

Time, place, and mode of annual elections.

New Jersey State Library

and place the clerk of the said city shall cause public notice to be set up in five public places in said city, and to be published in one or more of the newspapers printed therein, at least one week previous to the day of such election.

Qualifications of voters.

Sec. 14. *And be it enacted*, That all such persons, inhabitants of said city, as now are or hereafter may be by law qualified to vote at town meetings in the several townships in this state, shall be entitled to vote at such election.

Twelve members of common council to be elected, and to be divided into classes.

Sec. 15. *And be it enacted*, That at the first annual election, to be held in said city on the second Monday of April next, there shall be chosen, by the electors of said city, from among the freeholders and inhabitants thereof, twelve persons for members of common council, who shall forthwith at their first meeting after their election divide themselves, by lot, into three equal classes; the seats of the first class shall be vacated at the expiration of the first year, of the second class at the expiration of the second year, and of the third class at the expiration of the third year, so that one-third of the said council may be chosen every year thereafter, to serve for three years; and that at each annual election thereafter there shall be chosen by the electors of said city, from among the freeholders and inhabitants thereof, four persons for members of common council, to supply the places of those whose term of service shall then expire.

Other officers to be chosen at annual election.

Sec. 16. *And be it enacted*, That at each annual election there shall be chosen by the electors of said city, from among the citizens residing therein and entitled to vote at such election, one clerk, one assessor, one collector, one or more overseer or overseers of the poor, three or more school committeemen, and two or more constables, and that there shall be chosen by the said electors, from among the freeholders and inhabitants of said city, one judge of election, three or more commissioners of appeals relative to unjust assessments in cases of taxation, two chosen freeholders, and two surveyors of the highways.

Regulations of elections.

Sec. 17. *And be it enacted*, That the poll of such election shall be opened at ten o'clock in the forenoon, and closed at four o'clock in the afternoon; that the judge of elections, assessor, and collector, shall be the judges of the said election; and in case of the absence, death, disability, or refusal to serve of either of the said judges, such vacancy or vacancies shall be supplied in the manner prescribed by law for supplying such vacancies in the several townships of this state; that the name of each elector voting at such election shall be written in a poll list, to be kept at such election by the city clerk; that in all other respects the said election,

and the officers thereof, shall be subject to such regulations as the common council shall or may by ordinance prescribe; and that after the poll shall be closed the said judges shall count the votes given for the several candidates, and certify the result under their hands, and deliver such certificate to the city clerk, to be by him filed and preserved in his office; and the persons having the greatest number of votes shall be deemed to be elected to the offices for which they have been voted for respectively.

Certain officers to perform like duties as same officers of townships.

Sec. 18. *And be it enacted*, That the clerk of the said city, the assessor, the collector, the judge of election, the commissioners of appeal in cases of taxation, the chosen freeholders, the surveyors of highways, constables, and school committeemen, appointed under this act, shall respectively possess the power and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the members of the common council of the said city, collectively and individually, shall possess the powers and perform the duties which by law belong to or are imposed upon members of the township committee of any township in this state, collectively and individually, so far as such powers and duties are consistent with the provisions of this act.

Regulations concerning the assessment, collection, and application of taxes.

Sec. 19. *And be it enacted*, That the city assessor shall assess upon persons and property within the said city, and the city collector shall collect the state and county taxes by law required to be assessed and collected for the use of the said city, in the same manner as the assessors and collectors of townships are or may be by law required to assess and collect the state and county taxes within their respective townships, but at such times as the common council shall from time to time direct and appoint; and in case of the non-payment of taxes, the said collector shall return the names of all delinquents, with the sums due from them respectively, at such time or times and to such magistrate as the common council shall by ordinance direct, and the said magistrate shall thereupon issue his warrant or warrants to the city marshal, constable, or such other person as the said council shall for that purpose nominate and appoint; *provided*, that in making the said assessment regard should be had as well to the value as to the rents of all real estate in said city; *and provided also*, that the collector of said city shall pay over to the collector of the county of Hunterdon the proportion of state and county taxes directed to be assessed and levied in said city, at the time and under the penalty or penalties that are or may be specified and prescribed

by law in regard to the collectors of the several townships in this state; and the commissioners of appeal in cases of taxation shall meet at such time and place and upon such notice as the said common council shall direct and appoint, and when so met shall have full power and authority to hear and determine all complaints of unjust taxation, whether the same be assessed for the use of the state and county or of the said city, in the same manner as the like officers of the townships of this state are authorized and required to do.

Duties of commissioners of appeals.

Sec. 20. *And be it enacted*, That all elections hereafter to be held within the said city for members of the legislative council and general assembly of this state, for sheriffs and coroners of the county of Hunterdon, and for members of congress and electors of president and vice president of the United States, or for any other officers of the general or state governments that may be eligible by the people, shall be held in said city, at the place appointed for holding the city election, on the day or days which now are or hereafter may be by law designated for holding such elections; and the said elections shall be subjected to the same regulations, and shall in all respects be conducted in the same manner, as the like elections in the several townships of this state are conducted and subject to; and that the judges of the said elections shall possess the same powers, perform the same duties, receive the same emoluments, and be subject to the same penalties, as the judges of the like elections in the several townships of this state.

Regulations respecting election of electors, members of congress, of assembly, &c.

Sec. 21. *And be it enacted*, That the clerk of the county of Hunterdon shall transmit to the clerk of the said city printed copies of the seventh and eleventh sections of the act entitled, "A supplement to the act entitled, an act to regulate the elections of members of the legislative council and general assembly, sheriffs and coroners, in this state," together with a list of nominations, within the same time and in the same manner as he now is or hereafter may be required to transmit the same to township clerks; and the clerk of the said city shall advertise the said elections, and put up such copies and lists of nominations, in the same manner in which the clerks of townships are or may be required by law to advertise and put up the same.

Duties of clerk of Hunterdon and clerk of the city respecting nominations.

Sec. 22. *And be it enacted*, That the persons selected as members of common council, or a majority of them, shall have the power from time to time, and at all times hereafter, to hold a common council within the said city, at such time and place as is now appointed or may hereafter be appointed by the ordinances of the said common council,

Legislative power of the city vested in common council.

and to meet upon their own adjournments; and that the whole legislative power of the corporation of the said city shall be exclusively vested in the said common council; *provided*, that no ordinance or by-law shall be at any time enacted, altered, or repealed, except by the concurrence of a majority of all the members of council. Proviso.

Sec. 23. *And be it enacted*, That the place of meeting of the said common council shall be open for the admission of all peaceable and orderly persons who shall be desirous of being present at the discussion of any by-laws, ordinances, rules, or regulations for the welfare and good government of the city. Meeting of common council to be open.

Sec. 24. *And be it enacted*, That it shall and may be lawful for the common council of the said city, in common council convened, to pass such ordinances as to them shall seem meet for regulating, cleansing, and keeping in repair the streets, alleys, sidewalks, highways, and bridges in said city; for preventing the encumbering or obstructing the streets, sidewalks, or alleys, and the riding, driving, or passing over or upon the sidewalks with horses or other beasts, or with wagons, carts, or carriages of any description; for ascertaining and establishing the boundaries of all public streets and alleys in said city, and for preventing and removing all encroachments in or upon the same; for paving, flagging, or gravelling the streets, alleys, and sidewalks of said city, and for lighting the same; for preventing or regulating the running at large of horses, cattle, dogs, swine, and other domestic animals; for preventing the immoderate riding or driving through or in any street of said city; for abating or removing any nuisance in any street or alley, or upon any lot or enclosure in said city, and for causing common sewers, drains, or vaults to be made in any part thereof; for preventing or restraining riots, routs, disturbances, or disorderly assemblages in any street, house, or place in said city; for locating and preserving aqueducts in said city, and sinking and regulating wells, pumps, and cisterns in the streets thereof; for regulating the use of lights in stables; for the prevention or suppression of fires, and the purloining of goods at fires; for the regulating or preventing the carrying on manufactures dangerous in causing or promoting fires; for regulating the keeping and transporting of gunpowder or other combustible or dangerous materials; for regulating the construction and dimensions, and compelling the cleaning of chimneys; for appointing watchmen, and prescribing their powers and duties; for regulating weights and measures and the gauging of all casks of liquor and li- Powers of the common council, and on what subjects it is lawful for them to legislate.

quids; for regulating petty grocers, keepers of ordinaries or victualling houses, and the vending of meats and vegetables; for establishing and regulating public pounds; for restraining vagrants, mendicants, and street beggars; for regulating the police of said city; for regulating cartmen and cartage; for erecting, maintaining, and regulating one or more public markets in said city, and a city hall or townhouse, and workhouse and city jail; for preserving peace and good order; for the prevention of forestalling and regrating; for suppressing and restraining disorderly and gaming houses, and such other by-laws, ordinances, and regulations in writing, not inconsistent with the laws and constitution of this state or of the United States, as to them shall appear necessary for the good government of the said city and the inhabitants thereof, and the same to put in execution, revoke, alter, and make anew as to them shall appear necessary and convenient; and to make, limit, impose, and tax reasonable fines, penalties, and amercements against all and upon all persons who shall offend against the laws, ordinances, and regulations of the corporation made as aforesaid, and all and every such fines and amercements to take, demand, require, and levy of the goods and chattels of such offender, by warrant issued under the hand and seal of the mayor, recorder, or either of the aldermen, directed to the marshal or either of the constables of the said city, who is hereby authorized and required to execute the same; which fines and amercements shall be paid to the city treasurer, to be appropriated to the use and benefit of the inhabitants of said city; *provided always*, that any person who may think himself aggrieved by the judgment, order, or decision of the said mayor, recorder, or either of the aldermen, may appeal to the common council, who are hereby required to hear his or her cause of complaint, and to do therein what unto them shall appear just and reasonable.

Mode of collecting fines and penalties.

Sec. 25. *And be it enacted*, That it shall and may be lawful for the common council of said city to order and cause to be assessed and raised, by tax, from year to year, such sum or sums of money as they shall deem expedient for defraying the expenses of lighting the streets of said city, regulating, paving, flagging, and gravelling the streets, maintaining and supporting the poor, schooling poor children, for defraying the contingent expenses of said city, and for all other objects and purposes authorized by this act, to be assessed and collected in such manner as the said common council shall by ordinance direct; which taxes, when collected, shall be paid into the hands of the treasurer of the said city, to be subject to the

Common council to raise money by tax.

order of the said common council; and it shall also be lawful for the said common council, in the name and on the behalf of the said "The Inhabitants of the City of Trenton," to borrow money from time to time for all purposes for which they are authorized by this act to raise money by tax, and to secure the payment thereof by bond or other instrument under the common seal and the signature of the said mayor, and to provide by tax for the payment thereof; *provided*, that no such assessment or loan exceeding the sum of four thousand dollars, in any one year, shall be made without the concurrence and approbation of the mayor of the said city.

Authorized to borrow money.

Proviso.

Sec. 26. *And be it enacted*, That the said common council, in common council assembled, shall have power from time to time, and at all times hereafter, to appoint a president of council, city treasurer, marshal, clerk of the market, and such other subordinate officers as they may think necessary for the good government of the said city, and by ordinance to require such security from the said several officers, and to annex such duties and fees to the several offices of the said corporation, and to impose such fines for the refusal of office, or neglect of duty, or misconduct in the same, as to them shall appear necessary.

Officers to be appointed by common council.

Sec. 27. *And be it enacted*, That the by-laws, ordinances, and regulations of the common council shall begin in the following manner, to wit: "Be it ordained and enacted by the Inhabitants of the City of Trenton, in Common Council assembled, and it is hereby enacted by the authority of the same;" and that all ordinances, by-laws, and regulations of the common council of the city of Trenton now in force shall continue in force until repealed, revoked, altered, or supplied by the common council sitting under and by virtue of this act.

Enacting clause of ordinances, &c.

Sec. 28. *And be it enacted*, That it shall and may be lawful for the mayor, recorder, and aldermen of the said city, or either of them, to commit every person or persons, offender or offenders, whom by law they or either of them are authorized to commit to jail or imprison, to and in the workhouse or common jail of the said city; and the keeper of the said jail, to be appointed by the common council of the said city, is hereby required to receive such person or persons so committed, and him, her, or them to keep in close and safe custody until thence discharged by due course of law.

Offenders to be imprisoned in jail, as a workhouse.

Sec. 29. *And be it enacted*, That the said workhouse or common jail shall be deemed, esteemed, and taken to be a workhouse, within the intent and meaning of the fifth, sixth,

Jail to be deemed and taken a workhouse, for certain purposes.

and seventh sections of the act entitled, "An act for the establishment of workhouses in the several counties of this state," passed the twentieth of February, one thousand seven hundred and ninety-nine, and also of the act entitled, "An act to describe, apprehend, and punish disorderly persons," passed the tenth of June, one thousand seven hundred and ninety-nine; *provided*, that no magistrate but the mayor, recorder, and aldermen of said city, or either of them, shall have authority to commit any person to the said workhouse.

Proviso.

Keeper of workhouse to perform the duties of sheriff to persons in custody.

Sec. 30. *And be it enacted*, That of the keeper of the said workhouse or jail shall be required the same duties in respect to the safe keeping of the persons committed to his custody by virtue of this act, as are required of the sheriff or keeper of the common jail of the several counties of this state; and the said keeper of the said workhouse or jail shall be subject to the same pains, penalties, and forfeitures for failure of duty, misconduct in office, and voluntary or negligent escapes, to which the sheriff or keeper of the common jail of the several counties of this state is by law subject and liable.

Marshal and constables to perform the duties of constables of townships in certain cases.

Sec. 31. *And be it enacted*, That it shall be the duty of the marshal and of the constables of the said city to execute and return all precepts, summons, warrants, writs, and other process to be issued by the said mayor, recorder, or aldermen, or either of them, and to the said marshal and constables, or any of them, directed or delivered, and also to do, execute, and perform all duties, matters, acts, and things which by the act entitled, "An act constituting courts for the trial of small causes," and the acts supplementary thereto, the constables of the several townships are required to do, execute, and perform; and the said marshal and constables shall be liable to the same actions, recoveries, pains, penalties, and forfeitures for neglect of duty and misconduct in office to which the constables of the several townships of this state are subject and liable.

Inhabitant of the city not disqualified as a witness in corporation suits.

Sec. 32. *And be it enacted*, That upon the trial of any issue, or upon the judicial investigation of any fact to which issue or investigation "The Inhabitants of the City of Trenton" are a party, or in which they are interested, no person shall be deemed an incompetent witness or juror by reason of his being an inhabitant or freeholder of the said city; and that if any person shall be sued or impleaded by reason of any thing done by virtue of this act, it shall be lawful for such person to plead the general issue, and to give this act and the special matter in evidence at the trial.

Sec. 33. *And be it enacted*, That the said city shall be

entitled to its just quota of the annual appropriation of the school fund of the state, to be ascertained in the manner in which the quotas of the several townships of this state now or hereafter may be ascertained, which shall be from time to time paid over to the treasurer of the said city, and be applied, under the direction of the school committee, either to the support of common schools in said city or to the schooling of poor children of said city, as the common council shall by resolution order and direct.

City to receive its quota of school fund appropriation.

Sec. 34. *And be it enacted*, That it shall be the duty of the treasurer of the said city to publish in each year a full and true account of all the moneys raised or received by tax, loan, or otherwise, for the use of the said city, since the last annual election, and of the application and expenditure of the same, at least ten days before the next annual election, in such manner as the common council shall by ordinance or otherwise direct.

Treasurer to publish annual statement of accounts.

Sec. 35. *And be it enacted*, That every constable of the said city shall take and subscribe, before the clerk of the said city, who is hereby authorized to administer the same, an oath or affirmation in the form prescribed by law for constables of townships, using the word "city" instead of the word "township;" and the said clerk shall endorse on the said oath or affirmation the day and year on which the same was subscribed and taken or made, and file the said oath or affirmation, and endorsement thereon, in his office; and further, that every constable of the said city, before he enters upon the execution of his office, shall repair to the common council and enter into bond to "The Inhabitants of the City of Trenton," with one or more sureties, to be approved of by the said common council, in such sum as the said common council shall direct, conditioned for the true and faithful performance of all the duties of his said office of constable, in the form, as near as may be, prescribed in the fifty-eighth section of the act of the legislature of this state entitled, "An act for the trial of small causes," which bond shall be delivered to the clerk of the city, who is hereby required to record and file the same in his office; and the said common council are hereby directed and required to prosecute the said bond for and in behalf and to the use of all and every person or persons whatsoever who may have sustained loss by the neglect or misconduct of the said constable; and all suits on such bonds shall be conducted and prosecuted in the manner and within the time prescribed by law for prosecuting and conducting suits on constables' bonds.

Constable to take an oath before executing duties of his office.

Sec. 36. *And be it enacted*, That it shall be lawful for the

Common council may cause sidewalks to be paved by owners of lots.

common council of the said city, or the major part of them, in council convened, to make and establish ordinances and regulations for the levelling, grading, and paving, flagging or gravelling sidewalks in any street or streets in said city, by the owners or occupants of lots fronting on or adjoining such street or streets, and to appoint one or more discreet and skilful person or persons to superintend the said work, and prescribe the manner in which the same shall be performed, and to enforce such ordinances and regulations, by enacting penalties for non-compliance therewith, to be sued for and recovered, with costs of suit, in an action of debt, by and in the name of the treasurer of the said city, for the use of the city, before any justice of the peace thereof, or any other court having cognizance of the same.

Proceedings when owners neglect or refuse to pave sidewalks.

Sec. 37. *And be it enacted*, That if any lot in front whereof the sidewalks shall by such ordinance or regulation be directed to be levelled, graded, and paved, flagged or gravelled, shall have no dwellinghouse erected thereon, and the owner thereof shall neglect to comply with such ordinance or regulation within three months from its passage or adoption, it shall be lawful for the said common council to cause an estimate of the expense of conforming to such ordinance or regulation with respect to such lot to be made, assessed, and certified by three assessors, to be appointed by the said common council, which assessment shall be filed by the clerk; and if such assessment be approved by the common council, they shall cause an advertisement to be inserted in two or more of the public newspapers published in said city for two months, stating the amount of such assessment, and requiring the owner of such lot to pay the same to the treasurer of said city, appointing a day and place when and where such lot will be sold at public auction, if default shall be made in such payment, for the lowest term of years at which any person shall offer to take the same, in consideration of advancing the sum assessed as aforesaid; and if, notwithstanding such notice and demand, the owner or owners of such lot shall neglect to pay such assessment, with the costs and charges thereof, and of the said advertisement, it shall be lawful for the said common council to cause such lot to be sold at public auction for a term of years, at the time, and for the purposes, and in the manner, expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of the said city; and such purchaser, his executors, administrators, or assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against he owner or owners, and all claiming under him or them,

until his term therein shall be fully complete and ended, and be at liberty to remove all the buildings and materials which he or they shall erect or place thereon; but he or they shall leave such lot, at the expiration of the term, in sufficient fence, and the sidewalk in front thereof in the order required by such ordinance or regulation; *provided always*, that if, after defraying the actual expense of levelling, grading, and paving, flagging or gravelling, the sidewalk in front of any lot so sold as aforesaid in the manner directed by such ordinance or regulation, and deducting all reasonable charges attending the sale, a surplus of the purchase money shall remain in the hands of the treasurer of the said city, the same shall forthwith be paid, on demand, to the owner or owners of such lot, or his or their legal representatives.

Sec. 38. *And be it enacted*, That the amount of the estimate or assessment to be made as aforesaid on any lot in the said city, shall be and remain a lien thereon, from the time of the completion and return of such estimate or assessment, in manner aforesaid, until paid or otherwise satisfied; and that it shall be lawful for "The Inhabitants of the City of Trenton," instead of the remedy herein above provided, if they shall see fit, in case the owner or occupant of any lot, or any house and lot, within the said city shall neglect to comply with such ordinance or regulation in respect to the sidewalk in front thereof, to cause the same to be done and paid for out of any moneys in the hands of the treasurer of said city, and to sue for and recover the amount so paid from the owner or owners of such lot, or his or their legal representatives, with interest and costs, in any court in this state having cognizance thereof, in an action on the case for so much money by them paid, laid out, and expended, to and for the use of such owner or owners, or his or their legal representatives; and in every such action the said estimate or assessment, with the proof of the amount paid, shall be conclusive evidence for the plaintiff.

Corporation may pave sidewalks, and recover amount from owner of lot.

Sec. 39. *And be it enacted*, That if the tenant of any lot, or house and lot, within the said city shall cause the sidewalks in front thereof to be levelled, graded, and paved, flagged or gravelled, in obedience to such ordinance or regulation, at his own expense, it shall be lawful for him to deduct the same out of the rent, or to recover the same from the landlord or owner, or his legal representatives, with interest and costs, in an action on the case, in any court in this state having cognizance thereof, for so much money by him paid, laid out, and expended, to and for his

Tenants may deduct expense of paving, &c., out of rent.

or their use; *provided*, that nothing in this act shall affect any contract or agreement made, or to be made, between landlord and tenant respecting such charges or expenses.

Powers of common council in opening new streets, &c.

Sec. 40. *And be it enacted*, That it shall be lawful for the said common council to lay out or open any street, road, highway, or alley in any part of the said city, and to cause any street, road, highway, or alley, already laid out in any part of the said city, to be located, opened, altered, or widened, whenever and so often as they shall judge the public good requires the same to be done, making such compensation, as is hereinafter directed, for any lands or other real estate, with the appurtenances necessary to be taken for either of the said purposes, to the owner or owners thereof; and when the said common council cannot agree with the owner or owners of such required lands or other real estate for the same, or when, by reason of the legal incapacity or absence of such owner or owners, no such agreement can be made, it shall be lawful for the mayor of the said city, and he is hereby required, upon the application in writing of the said common council, which application shall specify the street, road, highway, or alley proposed to be laid out, altered, or widened, with alterations proposed to be made, and the land or other real estate, with the appurtenances, intended to be taken for such purpose, to appoint, under his hand and seal, three disinterested freeholders of the said city commissioners to make an estimate and assessment of the damages that any such owner or owners sustain by laying out, altering, or widening any such street, road, highway, or alley; and, in estimating and assessing such damages, the said commissioners shall have due regard, as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley; *provided*, that no street, road, highway, or alley shall be altered or widened as aforesaid, except on the application in writing to the said common council of three-fourths of all the owners of lands lying on said street, road, highway, or alley.

Proviso.

Proceedings to ascertain the value of lands taken for streets &c.

Sec. 41. *And be it enacted*, That the said mayor, on making such appointment, shall designate therein a time and place for the meeting of the said commissioners, not less than twenty days from the date of the said appointment, of which time and place such notice shall be given to the persons interested as the said mayor shall direct; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before the

mayor, recorder, or one of the aldermen of the said city, fairly and impartially to examine the matter submitted to them, and to make a just and true report according to the best of their skill and judgment, to meet at the time and place appointed, and proceed to view the said lands or other real estate, with the appurtenances, and to make a just and equitable estimate or appraisement of the value of the same, and assessment of damages, and for this purpose the said commissioners shall have power to swear and examine witnesses; and, after taking into view the value of the said land or other real estate, with the appurtenances, and the injury or benefit to the owner or owners thereof, shall report what sum, if any, shall be paid by the said common council for such land or other real estate, with the appurtenances and damages aforesaid; which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter, together with the said application and appointment, and oaths or affirmations of the said commissioners, with the clerk of the said city, there to remain of record; which report, or a copy thereof, certified by the said clerk, shall at all times be considered as plenary evidence of the right of said common council to enter upon, take, and use the said land or other real estate, with the appurtenances, first tendering to the owner or owners thereof the amount of said valuation, and of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action of debt, in any court having competent jurisdiction, in a suit to be instituted against "The Inhabitants of the City of Trenton," if the said common council shall neglect or refuse to pay the same for twenty days after demand thereof made of the treasurer of the said city; and the court of general quarter-sessions of the peace of the city of Trenton shall tax and allow such fees to the mayor, commissioners, and other persons performing any of the duties prescribed in this section of this act as they may think reasonable and just, to be paid by the common council of the said city.

Proceedings when owners of lands or common council are dissatisfied with report of commissioners.

Sec. 42. *And be it enacted*, That in case the said common council or the owner or owners of the said land or other real estate shall be dissatisfied with the report of the commissioners named in the preceding section, and shall apply to the justices of the supreme court, at the next term after filing the said report, the court shall have the power, upon good cause shown, to set the same aside, and thereupon to direct a proper issue for the trial of the said controversy to be formed between the said parties, and to order, at the instance of either party, a jury to be struck and a

view of the premises to be had, and the said issue to be tried at the next circuit court to be holden in the county of Hunterdon, upon the like notice and in the same manner as other issues in the said court are tried; and it shall be the duty of the said jury to assess the value of the said land or other real estate, with the appurtenances, and damages sustained, having regard to the benefits aforesaid; and if they shall find a greater sum than the said commissioners shall have awarded in favour of the said owner or owners, then judgment thereon, with costs, shall be entered against the inhabitants of the said city, and execution awarded therefor; but if the said jury shall be applied for by the said owner or owners, and shall find the same or a less sum than the said common council shall have offered, or the said commissioners awarded, then the said costs to be paid by the said applicant or applicants, and either deducted out of the said sum found by the said jury, or execution awarded therefor, as the court shall direct; *provided*, that such application shall not prevent the said common council from entering upon and using the said land or other real estate, with the appurtenances, upon filing the aforesaid report, and tendering the amount of the valuation therein specified.

Proviso.

Sec. 43. *And be it enacted*, That no street, road, highway, or alley, hereafter to be laid out or opened in the said city, shall be recognized, considered, or treated as a public street, road, highway, or alley, unless the same be laid out and opened under the direction of the said common council, in manner aforesaid.

No street recognized unless opened by corporation.

Sec. 44. *And be it enacted*, That all the duties and liabilities heretofore imposed by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, shall appertain to, and be sustained and performed by the inhabitants of the city of Trenton, and that all the rights, privileges, emoluments, and advantages heretofore conferred by the laws of this state upon the inhabitants of the several townships thereof, so far as the same are consistent with the provisions of this act, shall appertain to and be held and enjoyed by the inhabitants of the city of Trenton in like manner as they were or might have been sustained and performed, and held and enjoyed, by the inhabitants of the township of Trenton had this act never been passed.

Duties and liabilities of townships, binding on corporation.

Sec. 45. *And be it enacted*, That this shall be deemed and taken as a public act.

Public act.

Sec. 46. *And be it enacted*, That this act shall not go into effect unless the assent of a majority of the electors of the said city of Trenton shall be first ascertained, and for

When act goes into effect.

that purpose a poll shall be opened at such time prior to the first day of April next, and at such place in said city as the present mayor shall designate, of the time and place of which election the like notice shall be given by the said mayor as is required to be given by him in calling a town meeting to supply a vacancy in any office rendered elective by the freeholders and inhabitants of said city; and the electors entitled to vote at such elections shall express their acceptance or refusal of this act by depositing their ballots in the box provided for that purpose; and those electors who are in favour of this act shall each deposit a ballot containing the word "for" written or printed thereon, and those who are opposed shall each deposit a ballot with the word "against" written or printed thereon; and the said election shall be conducted and regulated in all other respects as the city elections in said city now are; and if a majority of those who vote at such election are found to be in favour of this act, it shall then, but not otherwise, go into effect, if this charter be accepted; *provided*, that the mayor of the said city shall within ten days after such election make and file in the office of the secretary of this state a certificate, under his hand and the seal of the said city, of the adoption of the said charter; and nothing in this section contained shall be construed to render proof of such acceptance necessary in any suit or proceeding to be had or instituted, or purporting to be had or instituted, under or by virtue of this act. Proviso.

Sec. 47. *And be it enacted*, That the act entitled, "An act to incorporate a part of the township of Trenton, in the county of Hunterdon," passed the thirteenth day of November, one thousand seven hundred and ninety-two, and the several supplements thereto, the act entitled, "An act to alter the western limits of the city of Trenton," passed the fourteenth day of February, one thousand eight hundred and thirty-one, and all other acts and parts of acts repugnant to the provisions of this act, be, and the same are hereby repealed from and after the second Monday of April next. Former acts repealed.

Passed March 7, 1837.

AN ACT to authorize the sale of the real estate of Harmonus Speer, late of the township of Bloomfield, in the county of Essex, deceased.

Preamble.

WHEREAS Samuel Davis and Magdalen his wife, and Mary Speer, have by their petition set forth, that Harmonus Speer, late of the township of Bloomfield, in the county of Essex, died seized of considerable real estate in said county, and in and by his last will and testament, bearing date the ninth day of February, in the year of our Lord one thousand eight hundred and thirty, executed in due form of law to pass real estate and personal, did, among other things, give and devise as follows:—Item. "I give and devise unto my daughter Magdalen all the remaining part of my real estate, wheresoever the same may be, subject to the right of dower in the same of her mother, my said wife, to be hers, my said daughter's, her heirs and assigns for ever, subject to the charges hereinafter created and put upon the same, that is to say: no part of my real estate thus devised to my daughter Magdalen is to be disposed of during the lives of my said wife and daughter, unless by consent of them both, together with the approbation of my friends William Dow and Abraham V. Speer; and in case my wife and daughter shall agree to sell any part of my real estate, as before mentioned, I hereby authorize and empower my executors, hereinafter named, to convey in fee simple such premises agreed upon to be sold; and after the decease of my said wife, the part which may then remain unsold may be disposed of only by her last will and testament;" and the said testator, in and by his said will, did appoint the said William Dow and Abraham V. Speer executors thereof. And the said petitioners did further set forth, that the said Magdalen Davis, the daughter and only child of the said testator, and the said Mary Speer, widow of the said testator, being desirous of selling the said real estate devised as aforesaid, to wit: a lot of about thirty acres, lying on the Passaic river; also, a lot of woodland near to the above, containing about sixteen acres; also, a lot of turf meadow, containing about an acre and a half; and also, a lot of salt meadow, in the county of Bergen, containing about ten acres, they, the said Mary Speer and Magdalen Davis consented and agreed to sell the same; and in pursuance thereof the said Mary Speer, in and by a certain deed of conveyance, duly executed under her hand and seal, bear-

ing date the twenty-fifth day of August last, did convey all her right of dower and interest in the said lots to the said Samuel Davis, the said executors having refused to consent to the sale of the said lots, without any sufficient reason therefor; and that the said Samuel Davis and Magdalen his wife are desirous of selling the said lots of land and premises, and can sell the same for a large and valuable consideration, provided they can give a good title for the same, unrestricted by the provisions of the will of the said Harmonus Speer; and the said petitioners have prayed that an act might be passed to confirm the said deed of conveyance, and to enable them to effect a sale and conveyance of the said lots of land and premises; which appearing to be reasonable and just—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Prudden Alling and Jacob Alyea, of the city of Newark, in the county of Essex, and state of New Jersey, be, and they are hereby authorized and empowered to grant, sell, convey, and dispose of the real estate before mentioned, of which the said Harmonus Speer died seized, at public sale, by advertising the same in five or more public places in said county, at least thirty days before the day of sale, for the best price they can obtain for the same; or, if they shall deem it more advantageous so to do, to sell the same at private sale; and when sold, to execute in due form of law, in their own names, a good and sufficient deed or deeds to the purchaser and purchasers for the same.

P. Alling and J. Alyea authorized to sell and convey certain real estate.

Sec. 2. *And be it enacted*, That the said Prudden Alling and Jacob Alyea, before making such sale, shall enter into bond to the governor of this state with sufficient surety, to be approved by the orphans' court of the county of Essex, for the faithful performance of the trust reposed in them by this act; and, after making such sale in manner aforesaid, shall account to the orphans' court for the proceeds of said sale or sales; and after a fair and just allowance of all the costs, charges, and expenses of procuring this act, and of making such sales, to be made and allowed by the said court, shall dispose of the balance of the proceeds of the said sale or sales according to the provisions of the will of the said Harmonus Speer, under the direction of the orphans' court aforesaid.

Bond to be given to governor.

Trustees to account to orphans' court.

Distribution of proceeds.

Passed March 7, 1837.

AN ACT to dissolve the marriage contract, between Lydia I. Vanhouton and Peter I. Vanhouten.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Lydia I. Vanhouten and Peter I. Vanhouten her husband, of the county of Morris, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony; *provided nevertheless*, that the issue of such marriage shall not be deemed illegitimate in consequence of the passage of this act.

L. I. and P. I. Vanhouten divorced.

Proviso.

Passed March 7, 1837.

AN ACT to divorce Nancy Adams from her husband George Adams.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract between Nancy Adams and George Adams her husband, of the county of Sussex, be, and the same is hereby declared to be dissolved to all intents and purposes whatever, and the said Nancy Adams and George Adams are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony; *provided nevertheless*, that the issue of their marriage shall not in consequence thereof be illegitimate.

N. and G. Adams divorced.

Proviso.

Passed March 7, 1837.

AN ACT to incorporate the Bergen Port Company.

Preamble.

WHEREAS John Travers and others have represented by their petition to this legislature, that they are the proprietors of a tract of land at Constables Point, in the county of Bergen, on which they are desirous of locating a town, to be called "Bergen Port," and improving the same by erecting buildings for manufacturing purposes; manufacturing therein and constructing slips, docks, and wharves, so as to make it a safe and convenient port, and which will be of great benefit and advantage to this state, in the expenditure of large sums of money which will be required in making such improvements—AND WHEREAS the said place is believed by the owners thereof to possess great natural advantages, which they are desirous of improving, and which will require the aid of capital to develope the same—AND WHEREAS the petitioners have prayed that they and their associates may be incorporated into a company, for the purpose of more effectually carrying into operation the above mentioned objects—Therefore,

Names of corporators.

Style of incorporation.

Powers.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the said John Travers, James B. Murray, Thomas E. Davis, and such other persons as now are or may be hereafter associated with them, and their successors, be, and are constituted a body politic and corporate, by the name and style of the "Bergen Port Company," for the purpose of establishing said town, making said improvements; and that by that name they and their successors and assigns shall have power and continue to be a body politic in law, and shall be able and capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts of law and equity, and in all manner of actions, suits, complaints, causes, and matters whatsoever; and they and their successors may have a common seal, and the same may make, alter, and change at their pleasure; and by their corporate name, shall in law be capable of buying, holding, and conveying any lands in the township of Bergen, not exceeding five hundred acres, tenements, hereditaments, goods, wares, and merchandise whatsoever; and also, that the said company shall have power to adopt, establish, and carry into execution such by-laws, ordinances, and regulations as shall be adjudged by the directors or managers thereof ne-

cessary or convenient for the management of said company, and the same to change, alter, and repeal; *provided* they be not contrary to the constitution or laws of the United States or of this state.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of said company shall not exceed five hundred thousand dollars, exclusive of the value of the real estate, and the whole shall be divided into shares of one hundred dollars each; nevertheless it may be lawful for the said company, so soon as one hundred thousand dollars be subscribed and paid in, to commence their said business, and with that capital to conduct and carry it on until they shall find it expedient to extend the same, which they are authorized to do to the amount before named; and they may call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they may deem proper, under penalty of forfeiture of the shares, and all previous payments thereon, if such payments be not made within thirty days after notice requiring such payment shall have been published two weeks in a newspaper published in the county of Bergen.

Amount of capital.

When business may be commenced.

Stock forfeited on failure to pay instalments.

Sec. 3. *And be it enacted*, That the stock, property, and concerns of said company shall be managed by seven directors, being stockholders, one of whom to be the president, who shall hold their offices for one year from the first Tuesday in October of every year; and said directors shall be elected on the last Tuesday of September in every year, at such time and place, provided it be in the county of Bergen, as shall be directed by the by-laws; and that public notice shall be given of the time and place of holding every such election, not less than ten days previously, in one or more of the newspapers printed nearest the place where such election shall be made, and by such of the stockholders as shall attend for that purpose, either in person or by proxy, and these elections shall be by ballot; and each stockholder shall be entitled to as many votes as he shall hold shares of the capital stock of said company, and the persons having the greatest number of votes shall be directors; and if it shall happen that one or more persons have an equal number of votes, then the said stockholders shall again proceed to ballot, and by a plurality of votes determine which of the persons shall be the director or directors; and the said directors, as soon as may be after said election, shall proceed by ballot to elect one of their number for president; and if any vacancy or vacancies occur, by death, resignation, or otherwise, the directors for the time being

Time and mode of electing directors.

President to be chosen.

may fill said vacancy or vacancies, by a plurality of votes; and the first election shall take place under the direction of the majority of the present associates. Vacancies, how supplied.

Sec. 4. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and transferable only on the books of the company, in such manner as the by-laws shall direct; but all debts due or payable to the company shall be satisfied previously out of said stock, before such transfer shall be made, and before any dividend shall be paid upon such shares, unless by the consent of a majority of the directors. Stock personal property.

Sec. 5. *And be it enacted*, That in case at any time it should happen an election should not take place on the day before mentioned, the corporation shall not for that cause be deemed to be dissolved. Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That a majority of the directors shall form a board for the transaction of business, and shall have power to make by-laws, ordinances, and regulations, and do all that is necessary to carry into effect the objects contemplated by this act. Quorum.

Sec. 7. *And be it enacted*, That the said corporation shall have power, by and with the consent of the Morris Canal and Banking Company, to make a canal to intersect the said Morris Canal, at any convenient point thereof, for the purpose of making a communication to the Kills through Bergen Port; and that the said company shall and may exact the same rate of tolls, and be under the same regulations as the Morris Canal, is by law entitled to receive on the line of their canal; and further, that the said company are hereby authorized, by and with the consent of the New Jersey Railroad and Transportation Company, to intersect their railroad at any convenient point, to make a communication by railroad through Bergen Port to the Kills, taking no more nor greater tolls than are allowed by law to the said New Jersey Railroad and Transportation Company; and that the said Bergen Port Company are to be subject to the same rules and regulations as are contained in the charter of the said New Jersey Railroad and Transportation Company. May make canal to intersect Morris Canal. May make railroad to intersect N. Jersey Railroad.

Sec. 8. *And be it enacted*, That to enable said company to make such connection by canal and railroad, or both or either of them, that full power be given to the said company, their servants or agents, and all persons employed by them or under them for the purposes contemplated in this act, from time to time to enter upon and make use of any land or lands covered with water which may be necessary for lay- For what purposes company may enter on lands.

ing out such railroad or canal, and also to carry away stone, sand, and gravel, and other materials, for the use of the said canal or railroad or improvements, subject always to make full compensation for all damages thereby occasioned, either by the agreement of the parties; or in case they cannot agree, then it shall be lawful for one of the justices of the supreme court, upon the application of either party, at the proper costs and charges of the said company, to direct a special jury of twenty-four freeholders, of any townships of any county through which the said canal or railroad shall not pass, to be struck before said justice, in the manner in which such juries are usually struck, who shall view, examine, and survey said lands, tenements, and hereditaments, and estimate the value of the same, and shall make an inquisition thereof, under their hands and seals, to be delivered to the said justice of the supreme court by the sheriff of the county of which said inquisition was taken; and it shall be the duty of said sheriff to attend, with his book of freeholders, at such place as the said justice shall appoint, upon fifteen days' notice being given to him, for the purpose of striking said jury; and also, upon like notice, to have said jury, upon the morning mentioned in the notice, upon the premises, and to administer the oath or affirmation to said jurors; and the said jurors and sheriff shall be entitled to such fees for themselves as are allowed by law in case of special juries; and upon the coming in of said report or inquisition, and in confirmation thereof, by the judgment of the court, and the said directors paying the owner or owners thereof, respectively, the sum mentioned in said report, a full compensation for such land, tenements, land under water, hereditaments, privileges, or for the injury sustained, if any as aforesaid, as the case may be; and upon such payment the said company shall be seized in the same estate in the lands, tenements, hereditaments aforesaid, which the owners held in the same, and which they shall have taken possession of or paid as aforesaid; and they, and all who have acted under them, shall be acquitted and freed from all responsibility for or on account of said injuries; *provided further*, that the owner or owners of land shall be required, upon the payment of the said sum of money, to give a deed of conveyance of the said land and premises; *and provided*, that the femes covert, persons under age, and non-compos mentis shall not bear any part of the expenses; *and provided also*, that the payment, or security for the payment and damages aforesaid, for lands, to the satisfaction of the person or persons, shall be first made before the company, or any person under their direction or in their

Proceedings when company and owners cannot agree.

Proviso.

employ, enter upon or break ground in the premises, except surveying and laying out said road, canal, or improvements, unless the consent, in writing, of the owner or owners of such lands be first had and obtained; *and provided further*, if said railroad or canal shall not be made, or at any time hereafter shall be abandoned, then the said land so taken by inquisition shall revert to said owner or owners.

In certain cases land to revert to original owners.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said company to increase their capital stock, after they have expended five hundred thousand dollars in the improvements aforesaid, to a further sum of five hundred thousand dollars, for continuing such improvements, and shall and may, with this additional capital only, receive moneys on deposit, and issue notes payable on demand, without the seal of the corporation, and lend at any rate not exceeding the legal interest of this state for the time being; *provided*, that for all such issues the directors for the time being shall be personally and jointly responsible, in their individual capacities; and if said company refuse at any time, on demand being made at their office during their usual hours of business, to redeem in specie any such note or notes which they may have issued, it shall be lawful for the holder or holders of such note or notes to bring thereupon an action on the case, and to declare therein generally for money had and received, with a specification of the sums, dates, numbers, and payees, and upon judgment being rendered, execution may issue thereon; and if at any time, during the usual hours of business, on demand being made at their office, they refuse to redeem in specie said issues, they shall cease and discontinue the operations authorized by this section, and shall not resume the same, unless within twenty days thereafter they shall redeem such note or notes so refused in specie, with interest at and after the rate of ten per centum per annum; *and provided further*, that the issues or notes shall not exceed the sum of three hundred thousand dollars, and that no dividend shall be at any time made except from the actual profits of the company; and in case any portion of the capital stock be divided among the stockholders, and there be any subsequent defalcation in the redemption of the issues of said company, the stockholders so receiving any portion of the capital stock as aforesaid shall be ratably liable for the redemption of all bills issued prior to such dividend to the extent of the dividend of the capital stock by them received, subject however to the same tax as banks now are or may hereafter be; *and provided further*, that an annual statement of the affairs, authorized under this section, be made to the legislature of this state,

Capital stock may be increased when $500,000 are expended.

May carry on banking with increased capital.

Proviso.

Charter forfeited on refusal to redeem notes with specie.

Issues not to exceed $300,000.

No dividend to be made except from actual profits.

Subject to tax.

Annual statement to be made to legislature.

under the oaths or affirmations of the president and accountant of said company, under forfeiture of the privileges conferred in this section if neglected for two years together.

Capital not to be increased until statement be exhibited to chief justice or one of the justices of the supreme court, showing that $500,000 have actually been expended.

Sec. 10. *And be it enacted*, That no such increase of capital shall as aforesaid be made until the president of said company shall have first caused to be exhibited to the chief justice of this state, or one of the justices thereof, a just and full statement and account, showing that such expenditure of five hundred thousand dollars had actually been made in and about the said improvements at Bergen Port; and the president, or person keeping the accounts of said company, shall certify the amount of said expenditures and disbursements to be just and true, and subscribe his name thereto, and, moreover, shall make oath or affirmation, before one of the justices of the supreme court of this state, that the said account is just and true, to the best of his knowledge and belief: it shall then be the duty of the chief justice, or one of the justices of the supreme court, to subscribe his name to such oath or affirmation; and he shall further certify, that it appears to him that the said expenditures have been made by the said company, and shall cause the said accounts and statements to be filed in the office of the secretary of state, a certified copy of which certificate and account, by the secretary of state, under the great seal of the state, shall be received in all courts of the state as evidence that such expenditures have been made in the said improvements at the place above mentioned, and at the exhibition of the account as aforesaid; and if the said president, or person keeping the accounts of said company, who shall have made or exhibited any such account as aforesaid, shall wilfully and knowingly make a false oath or affirmation to the same, such person shall be deemed guilty of perjury, and, on conviction thereof, shall be subject to the pains and penalties of wilful and corrupt perjury.

Statement to be filed in office of secretary of state.

Penalty for making false statement.

Company may borrow money, &c.

Sec. 11. *And be it enacted*, That the said company, in order more effectually to carry into operation the contemplated objects, are hereby authorized and empowered to borrow money, and make advances on goods, wares, and merchandise, personal and real estate, for the purpose of aiding and promoting any mechanics, manufacturers, artizans, or operatives, and others who may be engaged in manufacturing or trafficking at Bergen Port aforesaid.

Limitation.

Act may be repealed.

Sec. 12. *And be it enacted*, That this act shall extend and continue in force for the term of twenty years, and the legislature shall have power to alter, amend, or repeal the same.

Passed March 7, 1837.

An act to incorporate the Bergen Silk Manufacturing Company.

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Abraham Reynolds, John F. Gray, Andrew P. Hopper, and such other persons as now are or may hereafter be associated with them, and their successors and assigns, be, and they are hereby constituted a body politic and corporate in law, by the name and style of "The Bergen Silk Manufacturing Company," for the sole purpose of planting mulberry trees, raising and feeding silk worms, erecting and establishing manufactories of silk, in all its various branches, and all articles of which silk is a principal part, and dyeing, printing, and bleaching the same; and that by that name they and their successors shall have power and continue to be a body corporate, and be capable in law of suing and being sued, pleading and being impleaded, answering and being answered unto, and defending and being defended, in all courts and places, and in all manner of actions, suits, and matters whatsoever; and they and their successors may have a common seal, and alter the same at pleasure; and shall in law be capable of buying, holding, and conveying any lands, tenements, or hereditaments whatever, not exceeding at any one time three hundred acres, and any goods, wares, and merchandise whatsoever, necessary or useful for said corporation in carrying on the operations above mentioned and the objects of this charter; and also, all such real estate, situate in the county of Bergen, as shall be bona fide mortgaged to the said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments or decrees which shall have been obtained for such debts; *provided always*, that the funds of the said corporation, nor any part thereof, shall not be applied, used, or employed in banking operations, or for any other purpose inconsistent with the objects and provisions of this act.

Names of corporators.

Style of incorporation.

Powers.

Funds not to be employed for banking purposes.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom shall be president, who shall hold their offices for one year from the first Monday of May in every year, to be elected on the second Monday in March in every year, at such hour and place as shall be directed by the by-laws of said com-

Time and mode of electing directors.

pany, of which election public notice shall be given of the time and place, not less than ten days previous, in one of the newspapers printed in the said county of Bergen, where such election shall be made by such of the stockholders of the said corporation as shall attend for that purpose, either in person or by proxy, by ballot, each stockholder to have a vote for each share by him held in the capital stock of said company; and the persons, being stockholders, having the greatest number of votes shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, in such manner that a greater number than five shall, by a plurality of votes, appear to be chosen by a plurality of votes as directors, then the said stockholders shall proceed to ballot again, and by plurality of votes determine which of the persons having an equal number of votes shall be director or directors, so as to complete the whole number of five; and the said directors, as soon as may be after their election, shall proceed in like manner to elect by ballot one out of their number to be their president, and shall at the same time, or some other time, elect an acting manager or managers and such other agents or officers as they may deem necessary to conduct their business; and in case of vacancy, by death, resignation, or otherwise, among the directors elected, the president, managers, or other agents or officers, such vacancy or vacancies shall be filled for the remainder of the year in which they shall happen by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint.

President to be elected.

Vacancies, how supplied.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed two hundred thousand dollars, to be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when and as soon as a sufficient portion of the said capital stock shall have been called for and paid, or secured to be paid, to purchase land and mulberry trees, and erect the necessary buildings and machinery sufficient, in their opinion, to commence the said business, and with that capital to conduct and carry it on until they shall find it expedient to extend their capital, which they are hereby authorized to do from time to time to the amount herein before mentioned; and it shall be lawful for the directors of the said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such time and in such proportions as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within thirty days after a

Amount of capital.

When to go into operation.

Stock forfeited on failure to pay instalments

notice requiring such payment shall have been published for that time in one or more newspapers printed in the said county of Bergen; *provided nevertheless*, that the instalments shall not be more than five dollars each, and at intervals of thirty days at least. Proviso.

Sec. 4. *And be it enacted*, That the stock and property of the said corporation, of whatever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; *provided*, that dividends shall annually be made to and amongst the stockholders from and out of the profits of the said corporation, but in no case shall any part of the capital stock be so divided. Stock personal estate. Dividends to be annually made.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day prescribed, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation; and the officers of the preceding year shall hold their offices, respectively, until said election, or until others are apppointed in their stead. Corporation not dissolved for failure to elect on day prescribed.

Sec. 6. *And be it enacted*, That the majority of the directors for the time shall form a board for transacting the business of the said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the laws or constitution of the United States or of this state, as shall appear needful and proper touching the management and disposition of the stock, estate, property, effects, and profits of the said corporation, officers, appointments, clerks, managers, agents, salaries, and allowances, as to them shall seem necessary, and may at their discretion remove or discharge from their employ any manager, agent, secretary, clerk, or other person engaged in the said factories or business, and supply their places by the appointment of others in their stead. Powers and duties of directors.

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

Sec. 8. *And be it enacted*, That no transfer of stock shall be valid until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose; and that this act shall be in Transfer of stock not valid until registered.

Limitation. Act may be repealed.

force for thirty years after its passage; and further, that the legislature may at any time hereafter alter, modify, or repeal this act.

Passed March 7, 1837.

AN ACT to authorize the county of Middlesex to borrow money.

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

Board of chosen freeholders of Middlesex authorized to borrow money.

Passed March 7, 1837.

A FURTHER SUPPLEMENT to an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company," passed the ninth of February, eighteen hundred and thirty-one.

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 Elizabethtown and Somerville Railroad Company, incorporated by an act entitled, "An act to incorporate the Elizabethtown and Somerville Railroad Company," passed the ninth day of February, in the year of our Lord one thousand eight hundred

Elizabethtown and Somerville Railroad Company empowered to continue their road to Delaware river.

and thirty-one, to continue the railroad from Somerville, in the county of Somerset, on the most feasible and direct route, to or within two miles of Sidney; thence, passing as near Pittstown as the nature of the ground will admit, to the Delaware river, anywhere between Alexandria (otherwise called Frenchtown) and the mouth of Musconetcong creek, and, if need be, to form a junction with the Belvidere Delaware Railroad at such point, and in such manner as shall be mutually agreed upon by the said two companies; *provided however*, that it shall not be lawful for the said Elizabethtown and Somerville Railroad Company, in the construction of their railroad, or any part thereof, to use any public road or highway (except to cross the same in the most direct and convenient manner) without the consent of a majority of the inhabitants of the township in which such public road or highway so to be used as aforesaid may be, to be expressed at a regular town meeting; *provided further*, that the said company shall not form a junction with any railroad to Philadelphia, for the purpose of engaging in the transportation of passengers to and from Philadelphia and New York, under penalty of forfeiting the privileges hereby granted.

Not to use public road without consent of inhabitants of township in which road may be.

Company not to form junction with any railroad to Philadelphia for certain purposes.

Passed March 7, 1837.

AN ACT to authorize John Bain and Jennet Bain, formerly widow of John Burridge, late of the township of Acquackanonk, in the county of Essex, deceased, to sell and convey certain real estate.

WHEREAS it is represented to this legislature, that John Burridge, late of the township of Acquackanonk, in the county of Essex, lately set off into the county of Passaic, died intestate on the second day of September, A. D. 1829, leaving a widow, Jennet Burridge, and three minor children, viz: John, Elizabeth, and William H., and it appearing that the said widow has since been married to John Bain—AND WHEREAS it is represented, that at the time of the death of the said John Burridge, he was seized of a certain tract or lot of land, containing about ten

Preamble.

acres, situate in the township aforesaid, on the Passaic river, about one mile above the mill-dam on said river, belonging to the Dundee Manufacturing Company—AND WHEREAS it appears that the said company, about three years ago, raised their said dam, by which it has caused to be overflowed about three-quarters of an acre of the said tract or lot of land, and that the aforesaid company are willing to pay a fair compensation for the said land so overflowed, provided a good title can be made for the same; and it appearing that the prayers of the petitioners are reasonable—Therefore,

John Bain and wife authorized to convey certain land to Dundee Manufacturing Company.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Bain and his wife, Jennet Bain, formerly the widow of John Burridge, late of the township of Acquackanonk, in the county of Essex, lately set off into the county of Passaic, who died intestate, be, and they are hereby authorized and empowered to make and execute a deed of conveyance in fee simple to the Dundee Manufacturing Company of the part of the said tract or lot of land on the Passaic river which was overflowed by the raising of the mill-dam of the said company, and which contains about three-quarters of an acre, be the same more or less; which deed shall be as good and effectual in law for the conveyance thereof, as if the same had been executed by the said John Burridge in his lifetime.

Bond to be given to governor.

Sec. 2. *And be it enacted*, That before the said John Bain and Jennet his wife shall enter into the trust reposed in them, he, the said John Bain, shall execute a bond, with good and sufficient security, to the governor of this state, in such sum as shall be approved of by the orphans' court of the county of Passaic, conditioned, that the moneys arising upon the sale of the before mentioned part of the said lot of land shall be safely invested upon bond and mortgage, and the interest applied for the benefit of the education and support of the said minor children above mentioned; and which bond shall be filed in the office of the surrogate of said county, and may, by order of the governor of this state, or person administering the government, upon the happening of any breach or violation of the conditions thereof, be prosecuted to and for the use of all and every person or persons who may have sustained damage by reason of such breach or violation thereof; *provided nevertheless*, that the one-third part of the said purchase moneys shall not be paid or applied as before directed until the death of the said Jennet Bain, and until that time shall be kept at interest, and the interest

On violation, bond may be prosecuted.

Disposition of proceeds.

thereof paid annually to the said widow, in lieu of her right of dower in said lot of land.

Sec. 3. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sale of said real estate, but the same shall descend as the said real estate would have done had this act not been passed. Proceeds to descend as real estate.

Passed March 7, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act constituting courts for the trial of small causes," passed the twelfth of February, eighteen hundred and eighteen.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That every justice of the peace in this state, who by the twenty-fourth section of the said act is authorized to issue an execution, shall have the power and authority to issue an alias execution upon the return of the original execution by the constables or other officers, and which said alias execution may be levied upon goods, chattels, and other property acquired by the defendant or defendants subsequently to the return of the original execution, and which said alias execution shall be made returnable like the original execution. Alias executions may be issued by justices.

Sec. 2. *And be it enacted*, That upon the return of the alias execution to the justices, by the constable or other officers, the said justice is further empowered to issue a pluries execution, which may be levied upon the goods, chattels, and other property of the defendant or defendants, acquired subsequently to the return of the alias execution, and be made returnable as the orignal execution. Pluries executions may be issued by justices.

Sec. 3. *And be it enacted*, That it shall be the duty of the justice to make a due record in his docket of the style of action endorsed on said execution, and of the return and inventory made by the said constable or other officer, and shall furnish a copy of the same to the defendant or defendants, or other persons, when required, and for which copy so furnished he shall be entitled to the sum of fifteen cents. Style of action endorsed, and return and inventory recorded.

Passed, March 7, 1837.

AN ACT to authorize a trustee to sell real estate of Aaron O. Shuff, deceased.

Preamble.

WHEREAS it is represented to this legislature, that Aaron O. Shuff departed this life intestate, in the year eighteen hundred and thirty-two, leaving a widow, Eliza Shuff, and four minor children, viz: Nathaniel C., Rebecca Ann, Joseph B., and Aaron O., the eldest of whom is about ten years old—AND WHEREAS it is represented, that the said Aaron O. Shuff, at the time of his death, was seized of the undisputed possession of two lots of land, in the township of Nottingham, and county of Burlington, in this state; and it is further represented, that the said land, by reason of its peculiar situation, is altogether unproductive to said widow and heirs, and that it would be greatly to their advantage if the same be sold—Therefore,

Trustee authorized to sell and convey certain real estate of A. O. Shuff, 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 Eliza Shuff, widow of Aaron O. Shuff, administratrix and guardian of her children, be, and she is hereby appointed a trustee, with full power and authority to sell, for the best price she can obtain, the right, title, and interest of the said widow and heirs to the aforesaid undisputed lots or parcels of land at public vendue, first giving notice of the time and place of sale in five public places in the counties of Hunterdon and Burlington, at least thirty days before the sale, and to execute to the purchaser a good conveyance for the same; which conveyance shall vest in the purchaser or purchasers, his, her, or their heirs and assigns, all the estate, title, and interest which the said Aaron O. Shuff had therein at the time of his death.

Disposition of proceeds.

Sec. 2. *And be it enacted*, That the said trustee shall keep a fair account of the said land and real estate sold by her as aforesaid; and, after deducting all reasonable charges for expenses and fees for her services, shall put the balance at interest, on good and sufficient security, to be approved of by the governor of this state; and shall pay yearly to Eliza, widow of the said Aaron O. Shuff, the interest of the one-third part for her own benefit, and shall also pay to the said Eliza, widow as aforesaid, or to such other person as may be legally authorized to have the care of the said minor children, the interest of the two-thirds of the net amount of sales during their minority.

Sec. 3. *And be it enacted*, That before the said Eliza

Shuff shall sell and convey the said land and real estate, she shall enter into bond to the governor of this state, with security, to be by him approved, for the true and faithful discharge of the trust created by this act, and for the effectual security of the interests of all persons interested in the premises.

Bond to be given to governor.

Sec. 4. *And be it enacted*, That the said trustee, within one year after the sale of the said real estate shall be completed, shall exhibit, under oath or affirmation, to the orphans' court of the said county of Burlington an exact statement of the amount of sales, and the amount she has received for the same, to be by the surrogate recorded and filed in his office.

Statement of sales to be exhibited to orphans' court of Burlington.

Sec. 5. *And be it enacted*, That nothing in this act contained shall affect the descent of the proceeds of the sale of said real estate, but the same shall descend as the said real estate would have done had this act not been passed.

Proceeds to descend as real estate.

Passed March 7, 1837.

AN ACT for the relief of Henry Feaster, of the county of Cumberland.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to Henry Feaster, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said Henry Feaster annually, in semi-annual payments, from the passing of this act, during the lifetime of the said Henry Feaster; and the receipt of the said Henry Feaster, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Pension of $60 per annum granted to H. Feaster, for Revolutionary services.

Passed March 7, 1837.

AN ACT to divorce Mary Hillyer, of the county of Middlesex, from her husband William Hillyer.

M. and W. Hillyer divorced.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Mary Hillyer, of the county of Middlesex, be, and she is hereby divorced from her husband William Hillyer, and that the marriage contract heretofore existing between them be, and the same is hereby dissolved, as fully and absolutely as if they had never been joined in matrimony; *provided always*, that nothing herein contained shall render illegitimate the issue of said marriage.

Passed March 7, 1837.

AN ACT to dissolve the marriage contract between Catherine Shackelton and Benjamin Shackelton.

Catherine and Benj. Shackelton divorced.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the marriage contract heretofore existing between Catherine Shackelton and Benjamin Shackelton her husband, of the county of Warren, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony; *provided nevertheless*, that the issue of such marriage shall not be deemed illegitimate in consequence of the passage of this act.

Passed March 7, 1837.

AN ACT to divorce Ann Maria Walker from her husband Edward L. Walker.

Sec. 1. 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 Maria Walker, of the city of Newark, in the county of Essex, be, and she is hereby divorced from her husband Edward L. Walker, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony.

A. M. and E. Walker divorced.

Sec. 2. *And be it enacted*, That the said Ann Maria Walker be, and she is hereby constituted guardian of the persons and estates of the children of the said marriage, during their minority, and that they shall not be rendered illegitimate in consequence of the passage of this act.

A. M. Walker constituted guardian of minor children.

Passed March 8, 1837.

AN ACT for the relief of Samuel Reynolds, of the county of Somerset.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to Samuel Reynolds, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said Samuel Reynolds annually, in quarterly payments, from the passing of this act, during the lifetime of the said Samuel Reynolds; and the receipt of the said Reynolds, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Pension of $60 per annum granted to S. Reynolds, for Revolutionary services.

Passed March 8, 1837.

AN ACT to dissolve the marriage contract between Ann Larrisson and David W. Larrisson.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Ann Larrisson and David W. Larrisson, of the county of Morris, be, and the same is hereby dissolved and made void and of no effect, as fully as if they had never been joined in matrimony.

A. and D. W. Larrisson divorced.

Passed March 8, 1837.

AN ACT to authorize the holding an additional term of the circuit court and court of oyer and terminer and general jail delivery in the county of Cape May.

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 chief justice, or one of the justices of the supreme court, shall hold an additional term of the circuit court and court of oyer and terminer and general jail delivery in each and every year in the county of Cape May, on the fourth Tuesday of October, at the same place of holding the court of common pleas in the said county.

Additional terms of certain courts authorized to be held in Cape May.

Passed March 8, 1837.

AN ACT to divorce Deborah Payne from her husband Lucius A. Payne.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Deborah Payne, of the county of Somerset, be, and she is hereby divorced from her husband Lucius A. Payne, and that the marriage contract heretofore existing between them be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony; *provided nevertheless,* that nothing herein contained shall render illegitimate the offspring of said marriage. D. and L. A. Payne divorced.

Passed March 8, 1837.

AN ADDITIONAL SUPPLEMENT to the act entitled, "An act to amend the charter of the City of New Brunswick," passed February twenty-third, eighteen hundred and one.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That it shall be lawful for the common council of the city of New Brunswick to lay out and open any street, road, or highway in any part of the said city, and to cause any street, road, highway, or alley, already laid out in any part of the said city, to be vacated, opened, altered, or widened, whenever and so often as they shall judge the public good requires the same to be done; and the said common council shall give notice to the owner or owners of any lands or other real estate, with the appurtenances, necessary to be taken for either of said purposes, or to his, her, or their agent or legal representatives, of their intention to take such land or other real estate, and appurtenances, and appropriate it for such street, road, highway, or alley, and shall treat with such person or persons for the same; and if any such person or persons shall refuse to treat for any such land or other real estate, with the appurtenances, or the common council cannot agree with such person or persons Powers of common council relating to streets, &c.

for the same, then it shall be lawful for the common council to appoint at least one disinterested freeholder from each ward of said city commissioners to make an estimate and assessment of the damages that any such owner or owners shall sustain by laying out, altering, or widening any such street, road, highway, or alley; and in estimating and assessing such damages, the said commissioners shall have due regard as well to the value of the said land or other real estate, with the appurtenances, as to the benefit or injury of the owner or owners thereof, by laying out, altering, or widening any such street, road, highway, or alley; *provided*, that no street, road, highway, or alley in said city shall be altered or widened as aforesaid, except on the application in writing to the said common council by three-fourths of all the owners of lands lying on said road, highway, or alley.

Commissioners to ascertain damages to private property.

Proviso.

Sec. 2. *And be it enacted*, That the said commissioners, before they enter on the execution of the duty required of them, shall be sworn, before the mayor, recorder, or any alderman of said city, to make the estimate and assessment submitted to them fairly and impartially, according to the best of their skill and judgment.

Commissioners to be sworn.

Sec. 3. *And be it enacted*, That the said common council shall appoint a time and place within the said city for the said commissioners to meet, notice whereof shall be given by putting up an advertisement in five public places in said city, one whereof shall be in each of the wards of the said city, at least ten days before the time of meeting, which advertisement shall specify the street, road, highway, or alley proposed to be laid out, altered, or widened, the alterations proposed to be made, and the lands or other real estate, with the appurtenances, intended to be taken for such purposes; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises, if necessary, and make just and true estimates and assessments as aforesaid, and make and sign a certificate of such estimates and assessments, and file the same with the clerk of the said city, and the same, being ratified by the common council, shall be binding and conclusive upon the owner or owners of any such lands or other real estate, with the appurtenances, subject only to the appeal hereafter given; and upon payment of damages so awarded, or a tender and refusal thereof, it shall be lawful for the commissioners to cause the same land or other real estate, with the appurtenances, to be converted and used for the purpose aforesaid; *provided however*, that any person or persons conceiving himself, herself, or them-

Notice to be given of meeting of commissioners.

Commissioners may swear and examine witnesses.

selves aggrieved by the proceedings of the said common council, or of the said commissioners, may appeal therefrom to the supreme court of this state, within thirty days from the time of making the final order of the common council, and the supreme court shall order a trial by jury, to assess the damages sustained by the party aggrieved, the trial whereof to be conducted as in other cases of trial by jury.

Appeal from commissioners to supreme court and trial by jury may be had.

Sec. 4. *And be it enacted*, That in case of non-payment on demand of any damages assessed as aforesaid, with interest from the date of the assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the mayor and common council of the said city, in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said commissioners and common council, or award of said jury, as the case may be, shall be conclusive evidence against the defendants.

Mode of recovering damages.

Sec. 5. *And be it enacted*, That, in order to provide for the payment of the damages assessed as aforesaid for the laying out and opening of any street, road, or highway in the said city, or for the altering or widening of any street, road, highway, or alley already laid out in said city, and of all other necessary expenses incident to such laying out, altering, or widening, the said common council shall ascertain the whole amount of such damages and expenses, and cause to be made a just and equitable assessment thereof among the owners and occupants of all the houses and lots intended to be benefited thereby, in proportion, as nearly as may be, to the advantages each shall be deemed to acquire; and the common council shall appoint five disinterested freeholders of said city, one from each ward in said city, to make every such assessment, who, before they enter upon the execution of their trusts, shall be sworn before any justice of the peace, or special justice of said city, to make the said assessment fairly, according to the best of their skill and judgment; and a certificate in writing of such assessment, signed by a majority of such persons, being returned to the common council, and ratified by them, shall be binding and conclusive upon the owners and occupants of such houses and lots, to be assessed respectively; and such owners and occupants shall also, respectively, on demand, pay to such persons as shall be authorized by the said common council to receive the same, the sums at which such houses and lots shall be assessed, to be applied to the payment of the damages and expenses of laying out, altering, or widening the said street, road, highway, or alley as aforesaid; under default

Damages to be assessed on owners of houses and lots.

of such payment, or any part thereof, it shall be lawful for the said mayor and common council of the said city, by warrant under their common seal, to levy the same by distress and sale of the goods and chattels of each owner or occupant refusing or neglecting to pay the same, rendering the overplus (if any), after deducting the charges of such distress and sale, to the owner or occupant, or his or her legal representatives; *provided always*, that nothing in this act contained shall affect any agreement between landlord and tenant respecting the payment of any such charges, but they shall be answerable to each other in the same manner as if this act had never passed; and further, if any such assessment, or any part thereof, shall be paid by any person, when by agreement or by law the same ought to have been borne or paid by some other person, then it shall be lawful for the person paying the same to sue for and recover the same, with interest and costs of suit, in any court having cognizance thereof, as so much money paid for the use of the person who ought to have paid the same; and the assessment aforesaid, and proof of payment, shall be conclusive evidence of, in said suit; and in all cases where there is no agreement to the contrary, the owner or landlord, and not the occupant or tenant, shall be deemed the person who, in law, ought to bear and pay every such assessment.

Proviso.

Sec. 6. *And be it enacted*, That in case any assessment, made as aforesaid, shall not have been complied with, by payment of the sums thereby assessed, it shall be lawful for the common council to cause the same to be advertised in two or more public newspapers in said city for two months, thereby requiring the owners or occupants of such houses and lots, respectively, to pay the sums at which such houses and lots shall have been assessed to the treasurer of the said city; and that if default shall be made in such payment, such houses and lots will be sold at public auction, at a day and place to be specified therein, for the lowest term of years at which any person will offer to take the same, in consideration of paying the sum assessed on the same, with the interest thereof and the expenses of such advertisement and sale; and if, notwithstanding such notice, the owners or occupants shall refuse or neglect to pay such assessment, and the interest thereon, and the expenses of such advertisement, then it shall be lawful for the said mayor and common council to cause such real estate to be sold at public auction for a term of years, for the purposes and in the manner expressed in the said advertisement, and to give a declaration of such sale to the purchaser thereof, under the common seal of said city; and such purchaser, his executors, administra-

Houses and lots may be sold to pay assessments.

tors, or assigns shall, by virtue thereof and of this act, lawfully hold and enjoy the same, for his and their own proper use, against the owner or owners thereof, claiming under him or them, until his term shall be complete and ended, and that such purchaser shall be at liberty, at or before the end of his term, to remove the buildings and materials erected and placed by him thereon, taking care to leave the same in as good order and condition as the same was when it came into his possession.

Assessment a lien on lots.

Sec. 7. *And be it enacted*, That the amount of any assessment shall be and remain a lien on the lot or lots assessed, from the time of the completion and return of such assessment, in manner aforesaid, until the same shall be paid and ratified; and that it shall be lawful for the said mayor and common council, instead of the remedies herein before provided, if they shall see fit, in case of any refusal or neglect to pay any assessment made as aforesaid, to sue for and recover the amount of any such assessment from the person or persons who, under the provisions of this act, ought to pay the same, or his, or her, or their legal representatives, with interest and cost of suit, in any court in this state having cognizance thereof, in an action on the case for so much money by them paid, laid out, and expended for such person or persons, or his, her, or their legal representatives; and the said assessments shall be conclusive evidence for the plaintiff in every such action.

Streets, &c., not laid out by corporation not considered public highways.

Sec. 8. *And be it enacted*, That no street, road, highway, or alley, hereafter to be laid out or opened in the said city, shall be recognized, considered, or treated as a public street, road, highway, or alley, unless the same be laid out and opened under the direction of the said common council, in manner aforesaid.

License not to be granted by justices for any public exhibition.

Sec. 9. *And be it enacted*, That no license granted by any three justices of the peace of any county, for the purpose of granting permission to any person or persons in uniting to perform any interlude, farce, or play, or any public exhibition of any kind, shall be of any avail or authority within the corporation of the city of New Brunswick; but that the twelfth section of the act entitled, "An act for the suppression of vice and immorality," passed sixteenth of March, one thousand seven hundred and ninety-one, so far forth as the same respects the said city of New Brunswick, be, and the same is hereby repealed.

Act not to go into effect unless sanctioned by a majority of votes.

Sec. 10. *And be it enacted*, That this act shall not go into effect, unless the assent of a majority of the legal voters residing within the line of buildings in the said city be first as-

certained; and for that purpose the common council of said city are hereby directed and requested to pass an ordinance directing an election to be held by ballot, specifying the object of the said election, the time and place at which the same shall be held, and the manner in which it shall be conducted, of which election full and public notice shall be given, by advertising the same two successive weeks, next preceding the election, in both the newspapers published in the said city.

Passed March 8, 1837.

A SUPPLEMENT to the act entitled, "An act to incorporate the New Brunswick Manufacturing Company."

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 New Brunswick Manufacturing Company to use, by and with the consent of the Delaware and Raritan Canal Company, the surplus water of the said canal company within the corporate limits of the city of New Brunswick; *provided* this act shall in no case be considered as giving to, or in any wise recognizing the right, directly or indirectly, in the Delaware and Raritan Canal Company to use or let out any water for milling or manufacturing purposes at any other place or places on the canal or feeder, except only within the corporate limits of the city of New Brunswick aforesaid.

Company may use water out of canal.

Proviso.

Passed March 9, 1837.

AN ACT to incorporate the Taunton Manufacturing Company, in the county of Burlington.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Jesse Varney, John H. Long, Theodore Varney, Jesse Varney, jun., and such other persons as now are or may hereafter be associated with them, and their successors, be, and they are hereby incorporated and made a body politic and corporate, by the name of "The Taunton Manufacturing Company;" and by that name may sue and be sued, plead and be impleaded, in all courts whatsoever; may have a common seal, and change, alter, and renew it at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purposes of this act.

Names of corporators.

Style of incorporation.

Powers.

Sec. 2. *And be it enacted*, That the said company be, and they are hereby empowered to carry on the manufacture of iron, steel, cotton, wool, and silk, or either of them, at Taunton Works, in the county of Burlington, and may buy or rent, or otherwise become seized and possessed of, all such lands, tenements, and other real and personal estate, in the county of Burlington, not exceeding one thousand acres, as may be necessary and useful for the purposes aforesaid, and the same may improve and use, or sell, let, or otherwise dispose of, as they shall deem proper.

Objects of incorporation.

Sec. 3. *And be it enacted*, That the capital stock of the company hereby created shall not exceed two hundred thousand dollars, inclusive of their real estate, to be determined by the stockholders, and divided by them into as many shares as they shall think fit; which shares shall be considered personal estate, and be transferable on the books of the company in the manner which the by-laws shall provide.

Amount of capital.

Stock personal property.

Sec. 4. *And be it enacted*, That when a sufficient number of subscribers to the stock of said company shall have been procured, a meeting of said subscribers may be convened, at such time and place as shall be most convenient, by the persons named in the first section of this act, of which they shall give notice to each subscriber in writing; and at the said meeting, the subscribers may fix the amount of stock with which the company shall commence operations, and divide the same into shares, as provided in the second section of this act; and the stockholders may also, at that or a subsequent meeting, elect directors, who shall hold their offices for one year or until others shall be chosen in their

When and for what purpose meeting of stockholders may be called.

Powers of directors.

places; may order instalments, and fix the time of their payment; may increase the stock to the amount limited by this act; may pass by-laws, not inconsistent with the constitution or laws of the United States or of this state, for the government of the company; and may transact any other business in relation to the concerns, and for the benefit of said company; and all elections and other questions shall be determined by a majority of votes present or represented at such meeting, accounting and allowing one vote to each share in all cases; and all representations shall be in writing, signed by the person represented, and shall be filed by the clerk; and the said stockholders may also fix a time at which the company shall hold its annual meetings thereafter, or until the same shall be changed.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That the directors shall be chosen at the annual meetings; but if at any time it shall happen that an election of directors shall not be held on the day fixed for the annual meeting, the said company shall not for that cause be deemed to be dissolved, but it shall be lawful to hold such election at any other time, to be fixed by a majority of the stockholders of said company.

President and other officers to be chosen.

Sec. 6. *And be it enacted*, That the directors of said company, at their first meeting after every election, shall elect from among their number a president; and they may appoint a secretary, treasurer, and such other officers and agents from time to time as they may think adequate, and require from such officers or agents such bonds and security for their good conduct as may to them appear reasonable and proper.

Stock forfeited on failure to pay instalments.

Sec. 7. *And be it enacted*, That the shares in said stock shall be liable and holden for all instalments called for thereon, and upon the non-payment of any instalment for the space of thirty days after the same shall have become due and payable, the directors may declare the share or shares upon which said instalment may be due to be forfeited to the company, with all previous payments thereon; *provided* thirty days' notice in writing shall have been previously given to each delinquent stockholder.

Proviso.

Limitation.

Act may be repealed.

Funds not to be employed in banking operations.

Sec. 8. *And be it enacted*, That this act shall be in force until the first day of January, in the year one thousand eight hundred and sixty-seven, and no longer; and that the legislature may at any time alter, modify, or repeal the same; and further, that no part of the funds of the company shall be employed in banking operations or any other business not plainly indicated in this act.

Passed March 9, 1837.

An act to incorporate the Hamburg Bank.

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Robert A. Linn, Joseph E. Edsell, Daniel Haines, David Hynard, Joseph Linn, Samuel Fowler, and Bodawine Decker, or a majority of them, be appointed commissioners to open a subscription at Hamburg, in the county of Sussex, to raise the sum of one hundred thousand dollars, in shares of one hundred dollars each; the said commissioners to give notice of the time and place or places of meeting to open the books of subscription, by advertising the same in the newspapers published in the said county of Sussex, at least three weeks, and to keep open the said books, from day to day, for three days; and if the whole amount shall not then have been subscribed, the said commissioners may keep open the said books until the whole amount shall have been subscribed; and should more than one hundred thousand dollars be subscribed, the said commissioners shall make an equitable deduction and apportionment.

Names of commissioners.

Books for subscription to stock to be opened.

Sec. 2. *And be it enacted*, That all such persons as shall become subscribers to the capital stock in the preceding section mentioned, their successors and assigns, shall be and hereby are created and made a body corporate and politic, by the name and style of "The President, Directors, and Company of the Hamburg Bank," and by that name shall be and hereby are made capable in law to sue and be sued, to plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and also to make, have, and use a common seal, and the same to alter and renew at their pleasure; and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall seem necessary and convenient for the government of said corporation; *provided*, that they be not inconsistent with the constitution and laws of this state or of the United States; and also to appoint all such officers, agents, and servants as shall be necessary to carry into effect the powers by this act vested in the said corporation, and allow to them such compensation for their services as shall be deemed reasonable.

Style of incorporation.

Powers.

Proviso.

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

Mode of paying instalments.

five dollars on each share, when called for by the president and directors of said company, appointed and chosen as hereinafter mentioned, by thirty days' previous notice being given, by the cashier of said company, in the newspapers printed in said county; and any person, copartnership, or body politic failing to pay any instalments, or any part thereof, at the time so prescribed and required, shall forfeit to the said company every share upon which there shall be any deficiency, and all money thereon previously paid.

Stock forfeited on failure to pay instalments

Sec. 4. *And be it enacted*, That as soon as fifty thousand dollars shall have been subscribed, the commissioners hereinafter mentioned, or a majority of them, shall call a meeting of the persons so subscribing, to be held at Hamburg aforesaid, by giving at least three weeks' previous notice thereof in the said newspapers; and the said subscribers assembled upon such notice, at the time and place mentioned therein, shall choose by ballot, from among the subscribers, by a majority of the votes of the said subscribers, either in person or by their proxies, eleven directors, being residents of this state, for the term of one year thereafter, and on the same day annually thereafter a like election, upon like notice, shall be made; and in case of the death, refusal, resignation, disqualification, or removal of any director, the remaining directors, at their next or any subsequent meeting thereafter, shall choose by ballot another person, being a stockholder, in his place, for the residue of the said year; and the directors so chosen as aforesaid, or any seven of them, at their first meeting after every general election, shall elect from among themselves, by a majority of the directors present, a president, who shall be an actual resident in the said county of Sussex; and in case of the death, refusal, resignation, disqualification, or removal of the president, the directors shall meet, as soon as convenient thereafter, and elect, in like manner as before mentioned, another person qualified to act as president for the residue of the year; *provided*, that in case it shall happen that an election of directors shall not be made on the day herein prescribed the company shall not thereby be considered to be dissolved, but it shall be lawful on any other day thereafter to hold an election of directors for the year, in such manner as is herein before prescribed.

Time and mode of electing directors.

President to be elected.

Vacancies, how supplied.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That there shall be a meeting of the board of directors at least quarter-yearly, who shall have power to adjourn from time to time; and the president and any three of the directors may call a special meeting at any other time they may think necessary.

Meeting of directors.

Sec. 6. *And be it enacted*, That the said directors, at

every quarterly meeting, shall choose three of their body to inspect the business of the company for the ensuing three months; and the inspectors so chosen shall twice in every month examine into the state of the cash account and other business of the said company, and see that the accounts are regularly balanced and transferred, and make report thereof at the next meeting of the board.

Three inspectors to be chosen.

Their duties.

Sec. 7. *And be it enacted*, That the capital stock and funds of the said corporation shall be deemed personal estate.

Stock personal estate.

Sec. 8. *And be it enacted*, That the following, shall be the fundamental articles of the constitution of said company:

Fundamental articles of constitution.

ARTICLE I.—The number of votes to which each stockholder shall be entitled shall be according to the number of shares he, she, or they shall hold, in the proportion following, that is to say: for one share, and not exceeding ten shares, one vote for every share; for every two shares above ten, and not exceeding twenty shares, one vote; for every five shares above twenty shares, and not exceeding forty shares, one vote; and for every ten shares above forty shares, one vote, which he, she, or they have held in his, her, or their name or names, and have been the owner of for at least three months before the time of voting.

ARTICLE II.—For the well ordering and conducting the election of directors, the stockholders, at their annual meeting, shall appoint three of the stockholders, not being directors or candidates for any office, to be judges of the election, who shall be authorized to conduct and regulate the same, and shall be sworn or affirmed faithfully and impartially to execute the duties of their appointment.

ARTICLE III.—A general statement of the affairs of the said company shall be exhibited every year at the banking house of the company, at least thirty days before the annual election of directors, and remain open to the inspection and examination of any stockholder during the usual hours of business.

ARTICLE IV.—That all the books of said company shall, at any time during the usual hours of transacting business, be opened to the examination of every stockholder of such company for fifteen days previous to any election of directors; and if any officer having charge of such books shall, upon demand by any stockholder as aforesaid, refuse or neglect to exhibit such books, or submit them to examination aforesaid, he shall for every such offence forfeit the sum of

two hundred dollars, the one half thereof to the use of the state of New Jersey, and the other moiety to the person who will sue for the same, to be recovered by action of debt, in any court of record, together with the costs of such suit; and further, that the book or books aforesaid shall be evidence who are the stockholders of such company entitled to examine such book or books, and to vote in person or by proxy at any election for directors of said company.

ARTICLE V.—Not less than seven directors shall constitute a quorum to do business, of whom the president shall always be one, except in case of sickness or necessary absence, in which case his place may be supplied by any other director, chosen by the directors so met for business; *provided however*, that three directors, when met for the purpose, may be allowed to make discounts.

ARTICLE VI.—The directors shall make such compensation to the president for his services in the business of the said company as shall appear to them reasonable, but in fixing such compensation the president shall not be entitled to a vote; but no other director shall be entitled to any emolument, unless the same shall have been allowed by the stockholders at the time of their annual meeting for election of officers.

ARTICLE VII.—The shares of the capital stock at any time owned by any stockholder shall be transferable on the books of the said company only, according to such rules as shall be instituted in that behalf by the laws and ordinances of the said corporation, and no transfer of such stock of the said corporation shall be valid and effectual until all debts which may be due to said company from the person transferring shall have been fully discharged, and such transfer registered in a book or books kept for that purpose; the bills obligatory and of credit, under the seal of the said corporation, which shall be made to any person or persons, shall be assignable by endorsement thereupon, under the hand or hands of such person or persons, and his, her, or their assignee or assignees, successively, and shall enable such assignee or assignees to bring and maintain an action thereupon in his, her, or their name or names; and bills or notes which may be issued by order of said corporation, signed by the president, and countersigned by the cashier, promising the payment of money to any person or persons, his, her, or their order, or to bearer, though not under the seal of the said corporation, shall be binding and obligatory upon the same, in like manner and with the like effects as upon any private person or persons, if issued by them in

their private or natural capacity or capacities, and shall be received in payment of all debts due to the said corporation.

ARTICLE VIII.—The total amount of the debts which the said corporation shall at any time owe, whether by bond, or bill, or note, or other contract, shall not exceed double the amount of the capital paid in; and in case the said debts shall exceed double the amount of the capital paid in, then and in such case the directors (except as hereinafter excepted) under whose administration such malpractice shall occur shall be liable to pay to every creditor of the said bank the amount of such claim such creditor may have against said bank, to be recovered by action of debt, with costs of suit; *provided always*, the money deposited in the bank of the said company shall not be considered as the debts of the said bank, within the provisions of this clause; *and provided also*, that no director shall be liable as aforesaid, who shall have been absent from the meeting of the board, or shall have dissented from the act or resolution by which such malpractice shall have been authorized; *and provided also*, that such director shall forthwith give notice of the fact of his absence or dissent to the governor of this state for the time being, and to the stockholders, at a general meeting, which the said directors shall have power to call for that purpose.

ARTICLE IX.—After the first year, half yearly dividends shall be made to the stockholders of so much of the profits of the banking business as shall appear to the directors advisable; but the said directors shall not at any time make any dividend of any part of the capital stock of the said company, but only the net profits thereof; and in case they shall divide any part of the capital stock as aforesaid, the directors under whose administration it shall happen, being present and consenting thereto, shall be liable for that part of the capital stock so divided, in their natural and private capacity.

ARTICLE X.—The lands, tenements, and hereditaments which it shall be lawful for the said corporation to hold, shall only be such as shall be required for its immediate accommodation, in relation to the convenient transaction of business, and such as shall have been in good faith mortgaged to it by way of security for debts previously contracted in the ordinary course of its dealings, or purchased at sales on judgments which shall be obtained for such debts.

ARTICLE XI.—The corporation shall not directly or indirectly deal or trade in any thing, except bills of exchange, promissory notes, specie, gold or silver bullion.

ARTICLE XII.—That no loans or discounts shall ever be made by the said bank on the stock, note, or notes of any stockholder or director, nor on any note or notes that may be drawn by one director and endorsed by any other director, nor shall any note be discounted if any one director present shall object to such discount, and in case of any objection being made, the directors objecting shall not be required to give any reason therefor, nor shall the bank discount any note or bill of exchange without at least one good endorser thereon.

ARTICLE XIII.—The cashier of the said bank shall be appointed annually, and the votes of seven of the directors shall be necessary to a choice; and every cashier, before he enters on the duties of his office, shall be required to give bond, with two or more sureties, to the satisfaction of the directors, in a sum not less than twenty thousand dollars, with condition for his good and faithful discharge of the duties of his office.

ARTICLE XIV.—Each director and cashier of said corporation, before he enters on the duties of his office, shall take an oath or affirmation, that he will faithfully execute the duties of his office, according to the best of his skill and understanding.

Notes of a less denomination than authorized by law not to be issued.

Sec. 9. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than is now or may be authorized by law, nor shall any bill or note issued by the said corporation and made payable to bearer, or to any person or persons, his, her, or their order, or bearer, express any other place of payment than the office of the said banking company.

Rates of discount. Capital subject to tax.

Sec. 10. *And be it enacted*, That this corporation shall not take more for or upon its loans and discounts than the legal rate of interest for the time being; and the capital stock of the said company shall be subject to the same tax as other banks in this state are or shall be subject to, and the same shall be levied, collected, and paid in the same manner as the taxes on other banks in this state now are or hereafter may be recovered.

Charter forfeited on failure to pay specie for notes.

Sec. 11. *And be it enacted*, That if, at any time after the passing of this act, the said president, directors, and company shall neglect or refuse, on demand being made at their banking house during the regular hours of doing business, to redeem in specie any of the bills, notes, or other evidences of debts issued by the said corporation, and which shall be due and payable, the said president, directors, and

company shall, on pain of forfeiture of their charter, wholly discontinue and close their banking operations, either by way of discount or otherwise, unless the said president, directors, and company shall resume the redemption of their said bills, notes, and evidences of debt in specie, within fifteen days after such demand shall have been made; and the said company shall be liable to pay the holder or holders of such notes or bills, the payment whereof has been refused or delayed upon demand as aforesaid, damages for the non-payment thereof, at and after the rate of ten per cent. per annum from the time of such demand, and until the same shall be paid or otherwise satisfied; and the president and directors of said corporation shall individually, and jointly and severally, be and continue liable to every creditor for the payment of any bills obligatory or of credit, note or notes, that they or any of them may issue and circulate; and upon demand of payment being made at the bank during the usual hours of business, and refusal thereof, an action may be brought against the said persons then acting as president and directors of the said company, jointly or severally; and it shall be lawful for the plaintiff or plaintiffs to declare therein generally for money had and received, with a specification of the dates, sums, payees, and numbers of the said bills or notes so demanded, and payment whereof hath been neglected or refused, and upon judgment being rendered execution shall issue thereon.

President and directors jointly and severally liable.

Sec. 12. *And be it enacted*, That in each and every year, the president and cashier, under the seal of the corporation, and under oath or affirmation, shall furnish to the treasurer of the state, to be laid before the legislature, a correct statement of the stock of said company, and the manner in which the same is employed, and of their debts and credits; and if they shall fail to render such statements, this charter shall be void.

Annual statement to be made to legislature.

Sec. 13. *And be it enacted*, That if the said company shall, at any time hereafter, deem it expedient, it shall be lawful for them to increase the amount of their said capital stock to two hundred thousand dollars, by opening subscription for the additional sum of one hundred thousand dollars in the same manner and under the same provisions as is directed and contained in the first section of this act, and subject to all the conditions and regulations herein before imposed, except that the commissioners for receiving said subscriptions may be appointed by the said company; *provided*, that the whole amount of the capital stock of the said

Capital may be increased.

Proviso.

corporation shall be paid in within ten years from the passage of this act.

When notes may be issued.

Sec. 14. *And be it enacted*, That it shall not be lawful for the said bank to issue any notes or bills until an affidavit, by the president and cashier, shall have been made and filed in the office of the secretary of state, stating that fifty thousand dollars of the capital stock of said corporation shall have been subscribed and paid in conformity to this act.

Limitation.

Act may be repealed.

Sec. 15. *And be it enacted*, That this act shall be and continue in force for and during the term of twenty years from the passing thereof, and no longer; but it shall and may be lawful for the legislature of this state, at any time hereafter, to alter, modify, or repeal the same.

Passed March 9, 1837.

AN ACT relative to the distribution of the public arms.

Preamble.

WHEREAS it is represented, that in the apportionment of the public field-pieces among the respective brigades of this state, each brigade has received two pieces, excepting the brigades of Sussex and Warren, which have been furnished with but one to each brigade—

The brigades of Warren and Sussex to be furnished with two field-pieces.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the quartermaster general be, and he is hereby directed to furnish the brigades of Sussex and Warren, under such restrictions as he may impose, two iron field pieces of six pound calibre, one for the use of each brigade, with the necessary gears and mountings, lint and port-fire stocks, powder horn and hammers, pincers, priming wires and gimlets, tube boxes and thumb cases, worms, ladles, sponges, rammers, drag-ropes, linibers, trail spikes, and haversacks.

Passed March 9, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic, and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic."

Sec. 1. BE IT ENACTED *by the Council and General Assbly of this state, and it is hereby enacted by the authority of the same*, That the present members of the legislative council and general assembly of the counties of Essex, Bergen, and Gloucester shall severally be and remain the representatives of the said respective counties, in council and assembly, until the session of the next legislature of this state, and be entitled to and exercise all the privileges, powers, and immunities, as members of the legislature of this state, as fully in all respects as if the act to which this is a supplement had not been passed.

Members of the legislature from certain counties to remain so, until next legislature.

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

Act to go into operation imme diately.

Passed March 9, 1837.

AN ACT to incorporate the Morris and Easton Railroad 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, Samuel Searing, Joel W. Condit, Stephen D. Day, Abraham Britten, William N. Wood, John Marsh, Nathan A. Cooper, Lawrence Hager, David W. Dellicker, Ephraim Marsh, Robert C. Stephens, David W. Neighbour, Gershom Rusling, Robert S. Kennedy, Enoch Green, Thomas G. Stewart, William B. McCullough, George Crevleng, and Jacob W. Neighbour, and such other persons as may hereafter be associated with them, shall be and are hereby ordained, constituted, and declared to be

Names of corporators.

Style of incorporation.

a body corporate and politic, in fact and in name, by the name of "The Morris and Easton Railroad Company;" and by that name they and their successors and assigns shall and may have continual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places; and shall have

Powers.

power to make and use a common seal, and the same at pleasure to alter; and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, goods and chattels, whatsoever, necessary or expedient to the objects of this incorporation.

Amount of capital stock.

Sec. 2. *And be it enacted*, That the capital stock of said company shall be five hundred thousand dallars, with liberty to the said company to increase the same to one million dollars, and shall be divided into shares of fifty dollars each, which shall be deemed personal property, and shall be transferable in such manner as the by-laws of the said corporation shall direct.

Stock personal estate.

Books to be opened for subscriptions to stock.

Sec. 3. *And be it enacted*, That the above named persons, or any five of them, shall open books to receive subscriptions to the capital stock of said corporation, at such time or times and place or places, in the county of Morris, as they, or a majority of them, may think proper, giving twenty days' notice thereof in one of the newspapers published in the county of Morris; and at the time of subscribing for said stock, five dollars on each share subscribed shall be paid to said commissioners, in gold or silver coin or current bank notes; that whenever there shall be two thou-

Time and mode of electing directors.

sand shares of the said stock subscribed, the said commissioners may give notice for a meeting, in some place in the county of Morris, of the stockholders to choose nine directors; and such election shall be made at the time and place appointed, by such of the stockholders as shall attend for that purpose, either in person or by lawful proxy, each share of the capital stock entitling the holder thereof to one vote; and the said above named persons, or a majority of them, shall be inspectors of the first election of directors of the said corporation, and shall certify, under their hands, the names of those persons duly elected, and deliver over the subscription books to the said directors; and the time and place of holding the first meeting of directors shall be fixed in the county of Morris, by the said persons named in the first section of this act, or a majority of them; and the directors chosen at such meeting, or at the annual elections of

said corporation, shall, as soon as may be after every election, choose out of their own number a president; and in case of the death, resignation, or removal of the president, or any director, such vacancy or vacancies may be filled for the remainder of the year wherein they may happen by the said board of directors, or a majority of them, or in case of the absence of the president, the said board of directors, or a majority of them, may appoint a president pro tempore, who shall have such power and functions as the by-laws of the said corporation shall provide.

President to be chosen.

Vacancies, how supplied.

Sec. 4. *And be it enacted*, That in case it should happen that an election for directors should not be made during the day when pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but such election may be held at any other time, and the directors for the time being shall continue to hold their office until new ones shall have been chosen in their place.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That five directors of said corporation shall be competent to transact all business of the said corporation, and they shall have power to call in the capital stock of said company, by such instalments, not to exceed five dollars on each share at any one time, and at such times as they may direct; *provided*, that such instalments shall not be called for at a shorter period than thirty days from each other; and in case of the non-payment of said instalments, or any one of them, to forfeit the share or shares upon which such default shall arise; and to make and prescribe such by-laws, rules and regulations, not inconsistent with the constitution or laws of the United States or of this state, as to them shall appear needful and proper touching the management and regulation of the stock, property, estate, and effects of the said corporation; and also shall have power to appoint a secretary and so many clerks and labourers as to them shall seem meet, and to establish and fix such salaries to them, and also to the president, as to the said board shall appear proper.

Powers and duties of directors.

Proviso.

Stock forfeited on failure to pay instalments.

Sec. 6. *And be it enacted*, That the president and directors of said company be, and they are hereby authorized and invested with all the rights and powers necessary and expedient to survey, lay out, and construct a railroad, commencing at any point in the Morris and Essex Railroad at Morristown, and from thence, by the villages of Mendham and Chester, or as near thereto as the situation of the ground will admit of, to the valley of the South Branch of the Raritan, and across Schooleys mountain or the Musconetcong mountain, either by the gap of the Stony brook or by the

Location of railroad.

gap of the Spruce run, or up the outlet of Budds lake and down Mine brook, to the valley of the Musconetcong river; thence, either by the valley of said Musconetcong river, through or near the village of Asbury, or by the valley of the Pohatcong, through or near the villages of Washington and Stewartsville, to the Delaware river opposite Easton, not exceeding sixty-six feet wide, with as many sets of tracks and rails as they may deem necessary; and it shall be lawful for the said president and directors, their agents, engineers, superintendents, or others in their employ, to enter at all times upon all lands or water, for the purpose of exploring, surveying, levelling, or laying out the route of such railroad, and of locating the same, doing no unnecessary damage to private or other property; and when the route or routes of such railroad shall have been determined upon, and a survey of such route deposited in the office of the secretary of state, then it shall be lawful for the said company, by its officers, agents, and engineer, superintendents, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have, use, occupy, and excavate any such lands, and to erect embankments, bridges, and all other works necessary, to lay rails, and to do all other things which shall be suitable or necessary for the completion or repair of said railroad, subject to such compensation as is hereinafter provided; *provided always*, that the said payment, or tender of the payment, of all damages for the occupancy of lands through which the said railroad may be laid out, be made before the said company, or any person under their direction or employ, shall enter upon or break ground in the premises, except for the purpose of surveying and laying out said railroad, unless the consent of the owner or owners of such lands be first had and obtained.

Survey of route to be filed in secretary's office.

Proviso.

Sec. 7. *And be it enacted*, That if the owners of the land on which such railroad shall be made shall not be willing to give the same for such purpose, and the said company and owner cannot agree as to the price of the same, it shall be the duty of any judge of the inferior court of common pleas of the county in which the said disputed lands shall lie, who is disinterested in the premises, upon the application of either party, and after giving ten days' notice in writing to the opposite party of such application, and after hearing the parties, to appoint three disinterested commissioners of such county to assess the price or value of said land, who shall be sworn before said judge faithfully to execute the duties of such appointment, and, after like notice to both parties of the time and place, shall meet, view the premises, and hear the parties and evidence, if desired,

Proceedings when company and owners cannot agree.

and thereupon make such decision and award as to them shall appear just and proper, and transmit such award and decision, together with a description of the said land, and the quantity taken, by whom owned, and how situate, bounded, and described, in writing, under their hands and seals, or the hands and seals of a majority of them, to the judge who appointed them, to be by him returned and filed, together with all papers before him relating thereto, in the clerk's office of the county, there to be kept as a public record, and copies taken if required by either party; and if either party shall feel aggrieved by the decision of such commissioners, the party so aggrieved may appeal to the inferior court of common pleas of the county, at the next term after such decision of the commissioners, by proceeding in the form of petition to the said court, with five days' notice in writing to the opposite party of such appeal; which proceeding shall vest in the said court of common pleas full right and power to hear and adjudge the same, and, if required, they shall award a venire in proper form for a jury before them, who shall hear and finally determine the same; and it shall be the duty of the said jury to assess the value of the said lands and all damages sustained; and if the said jury be demanded by the company, and they shall find a greater sum than the said commissioners, then judgment shall be given, with costs, against the said company, and execution issue, if need be; but if the said jury shall be demanded by the owner or owners, and shall find the same or a less sum than the commissioners awarded, then the cost shall be paid by the owner or owners, and shall be deducted out of the said sum awarded, or execution issue therefor, as the court shall direct; and upon payment or tender of the sum so found by the commissioners or by the jury, with costs, if any, the said corporation shall be deemed to be seized and possessed in fee simple of all such lands and real estate appraised as aforesaid.

Appeal to the court of common pleas and trial by jury may be had.

Sec. 8. *And be it enacted*, That in case any owner or owners of such land or real estate shall be feme covert, under age, non-compos, out of the state, or under any other legal disability which would prevent their agreement with the said company, then it shall be the duty of the said corporation to pay the amount of any award or report so made in behalf of any such person into the court of chancery, to the clerk thereof, subject to the order of the said court, for the use of said owner or owners; all of which said proceedings, as well under this as the preceding section of this act, shall be at the proper costs and charges of the said corporation, except in cases of appeal above provided for; and the

When amount of award to be paid into the court of chancery.

said judge shall and may order and direct the amount of costs and charges of such valuation, appraisement, and witnesses' fees.

Other roads not to be obstructed.

Sec. 9. *And be it enacted*, That it shall be the duty of the said company to construct and keep in repair good and sufficient bridges or passages over or under the said railroad, where any public or other road shall cross the same, so that the passage of carriages, horses, and cattle on the said road shall not be impeded thereby, and also where the said railroad shall intersect any farm or lands of any individual, to provide and keep in repair suitable wagon ways over or under said railroad, so that he may pass the same; and if the company neglect to perform the same, after giving twenty days' notice to the company, by the owners or possessors so to do, the owner or possessor may do it himself, and recover the value of the work from the corporation, by common process of law; *provided* it shall not be lawful to use any public highway or road for the use of said railway (except it be to cross the same in the most direct and convenient manner) without the consent of a majority of the inhabitants, to be obtained at a regular town meeting where such road or highway is located.

Not to use public highway, unless by consent of inhabitants of township.

Sec. 10. *And be it enacted*, That the president and directors of the said company shall have power to have constructed, or to purchase with the funds of the company, and to place on the railroad constructed by virtue of this act, all machines, engines, wagons, carriages, or vehicles for the transportation of persons or any species of property thereon, as they may think reasonable, expedient, or right; *provided* they shall not charge more than at the rate of six cents per mile per ton for the transportation of property on the said railroad, or six cents per mile for carrying each passenger on said railway in the carriages of the company, or three cents per mile for each ton of property transported, or three cents per mile for each passenger carried on said railway in the carriages of others, and three cents per mile for each empty carriage; and that the railroad and their appendages, and the land over which the same shall pass, and all the works and improvements, steam engines, carriages, and all other property whatsoever belonging to the said company at any time or times, are hereby vested in the said company incorporated by this act, and their successors and assigns, during the continuance of this act.

Rates of passage and transportation of property.

Sec. 11. *And be it enacted*, That the president and directors shall, within one year after the said railroad shall have been completed, declare and make such dividend as

Semi-annual dividends to be declared.

they may deem prudent and proper of the net proceeds thereof, and shall in like manner semi-annually thereafter declare such dividends, and pay the same to the stockholders of the said company, in proportion to the amount of shares held by them respectively, as they may deem prudent and proper.

Penalty for injuring or obstructing road.

Sec. 12. *And be it enacted*, That if any person shall wilfully impair, injure, destroy, or obstruct the use of the railroad constructed under the provisions of this act by the said company, or of any of their necessary works, wharves, bridges, carriages, or machines, such person or persons so offending shall forfeit and pay to the said company the sum of fifty dollars, to be by them recovered in any court having competent jurisdiction, in an action of debt; and further, shall be liable for all damages.

What real estate may be held.

Sec. 13. *And be it enacted*, That the said company may have and hold real estate at the commencement and termination, and at such other places along said road as may be necessary for the purposes of said road, not exceeding two acres at each place, and may erect and build thereon houses, warehouses, machine shops, and such other buildings and improvements as they may deem expedient for the safety of property and construction of carriages, and other necessary uses, and take and receive the rents, profits, and emoluments thereof, and shall have the privilege and authority to erect, build, and maintain such bridges over the South Branch of the Raritan and the Musconetcong river, on the line of said railroad, as they may think expedient and necessary for the full enjoyment of all the benefits conferred by this act.

Railroad a public highway.

Sec. 14. *And be it enacted*, That the railroad authorized by this act be, and the same is hereby declared a public highway, and shall be constructed with a track for one or more horses, and free for the passage of any railroad carriage thereon with passengers or property, upon payment of the tolls prescribed by this act; *provided always*, that the said carriages so used thereon shall be of the same description, in the formation of the wheels and length of axle, as those used by the company, and shall be so regulated as to the time of starting and rates of travelling as not to interfere with the carriages of the company.

Proviso.

Statement of cost of road to be filed with secretary of state, and annual statement to be made to legislature.

Sec. 15. *And be it enacted*, That as soon as the railroad, with its appendages, shall be finished so as to be used, the president and treasurer of said company shall file, under oath or affirmation, a statement of the amount of the costs of said road, including all expenses, in the office of the

New Jersey State Library

secretary of state; and annually thereafter the president and treasurer of the said company shall, under oath or affirmation, make a statement to the legislature of this state of the proceeds of said road, and as soon as the net proceeds of said road shall amount to seven per centum upon its cost, the said corporation shall pay to the treasurer of this state a tax of one half of one per centum on the cost of said road, to be paid annually thereafter on the first Monday in January of each year; *provided*, that no other state tax or impost shall be levied or assessed upon said company.

When state may take road.

Sec. 16. *And be it enacted*, That at any time after the expiration of fifty years from the completion of said road, the legislature of this state may cause an appraisement of the said road, and the appendages thereof, to be made by six persons, three of whom shall be appointed by the chief justice of this state for the time being, the remaining three by the company, who, or a majority of them, shall report the value thereof to the legislature, within one year from the time of their appraisement, or, if they cannot agree, they shall choose a seventh, who, with the aforesaid six, shall report as aforesaid; or in case the said company shall neglect or refuse to appoint the said three persons on their part, for two months after the said appointment by the said chief justice, then the three persons so appointed by him shall proceed to make such appraisement, which shall be binding on the said company; or in case the said six commissioners shall be appointed as aforesaid, and they cannot agree upon the seventh man, then, upon two weeks' notice to the said company, the said chief justice shall appoint such seventh man as aforesaid, to make such appraisement as aforesaid, and thereupon the state shall have the privilege, for three years, of taking the said road, upon the payment to the company of the amount of the said report within one year after electing to take said road; which report shall be filed in the office of the secretary of this state, and the whole property and interest of said road, and the appendages thereof, shall be vested in the state of New Jersey, upon payment of the amount so reported to the said company; and that it shall be the duty of the president of the company to lay before the legislature, under oath or affirmation, when they shall so request, a full and fair statement of the costs of the said road, and of all the receipts and disbursements of the company; *provided always*, that the aforesaid valuation shall be made without reference to the receipts or disbursements of the company, or advance of the stock; and the said valuation shall in no case exceed the first cost or valuation of said road, with the appendages thereof.

Proviso.

Sec. 17. *And be it enacted*, That if the said railroad shall not be completed and in use at the expiration of ten years from the fourth day of July next ensuing, that then and in that case this act shall be void. Time limited for completion of road.

Sec. 18. *And be it enacted*, That this act shall be deemed and taken as a public act, and shall at all times be recognized as such in all courts and places whatsoever. Public act.

Sec. 19. *And be it enacted*, That no part of the funds of this company shall be used for banking or other purposes not plainly indicated by the provisions of this act, and that the legislature reserve the right to themselves to alter, amend, or modify this act, and also to impose a transit duty on passengers and property transported on said railroad. Funds not to be employed for banking purposes. Act may be altered, &c. Transit duty may be imposed.

Passed March 9, 1837.

AN ACT to vest in James J. Van Winkle, of Slatterdam, in the township of Saddle River, in the county of Bergen, the right, title, and interest of his deceased father, Jacob Van Winkle, in and to a house and lot, with the appurtenances, situate at Slatterdam aforesaid.

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 J. Van Winkle, of Slatterdam, in the township of Saddle River, in the county of Bergen, be, and he is hereby vested with, and entitled to all the right, title, interest, and estate in and to the house and lot of land hereafter described, whereof his father Jacob Van Winkle died possessed, in as full and ample a manner as the said Jacob Van Winkle, in his lifetime and at the time of his death, had, held, or was entitled to the same; together with the buildings, improvements, and appurtenances thereunto belonging, saving and excepting the right of dower therein of Hannah Van Winkle, the widow of the said Jacob Van Winkle, if any such right she has therein: the said premises consist of all that certain house and lot of land of said deceased, containing about one acre and a half, more Right of Jacob J. Van Winkle, dec., to certain real estate vested in James J. Van Winkle. Right of dower not to be affected.

or less, with the improvements and appurtenances, situate, lying, and being at Slatterdam, in the township of Saddle River, in the county of Bergen, and state of New Jersey, between the Passaic river and the public road running parallel thereto.

Passed March 8, 1837.

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

Provisions of former act to be in force within certain limits.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the act to which this is a supplement shall be taken and considered as a public act, and that the provisions thereof shall be in full force and effect within the limits of the county of Somerset and the township of West Windsor, in the county of Middlesex, and in the townships of Paterson and Manchester, in the county of Passaic, in this state; *provided always*, that this supplement shall not go into effect until the first day of April next.

Proviso.

Passed March 10, 1837.

AN ACT to change the trust of the real estate of Charlotte Losey, and to authorize a sale of the same.

Preamble.

WHEREAS, by a certain indenture of trust, bearing date the twenty-first day of October, one thousand eight hundred

and twenty-one, between Jacob Losey, of the first part, Charlotte Shotwell, of the second part, and Henry Moore, jun., William Laing, and Richard H. Arnold, of the third part, which said deed was duly executed, acknowledged, and recorded in the clerk's office of Morris county, the two several lots of land therein mentioned and particularly described, the one lot containing nineteen acres, and the other six acres, more or less, and both situate in the township of Randolph, in said county, were duly conveyed by the said Charlotte Shotwell, now Charlotte Losey, wife of the said Jacob Losey, in trust, nevertheless for her sole use and benefit, as in the said deed is set forth and described; and the said Henry Moore, jun., and Richard Arnold, two of the trustees therein named, desire to relinquish their trust, and all the parties request that it may be sold—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Henry Moore, jun., and Richard H. Arnold be, and they are hereby released and discharged from the further execution of the said trusts, and that the said premises be, and they are hereby vested in the said William Laing, in as full and ample a manner as the same was held by the said former trustees, and to and upon the same uses and trusts as are set forth and stated in the said indenture; *provided nevertheless,* that the said trustee shall have power and authority, with the consent in writing of the said Charlotte Losey, to sell and convey the said premises, and to execute good and sufficient deeds of conveyance therefor; and, upon such sale, he shall securely invest the moneys arising therefrom, and from time to time pay over the interest accruing thereon and such portions of the principal as she may require, and as may be requisite for her use, to the said Charlotte Losey, on her separate order.

Trust of certain real estate changed.

Trustee authorized to sell and convey said real estate.

Passed March 10, 1837.

AN ACT making provisions for the deposit and distribution of so much of the surplus revenue of the United States as now is, or may hereafter be apportioned to and received by this state.

Surplus revenue apportioned among the several counties, according to the ratio of state state tax paid by them.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That as soon as the governor, treasurer, and speaker of the house of assembly of this state, and the survivors or survivor of them, and their successors in office, and the survivors or survivor of them, shall receive, or may have received in deposit, any portion of the surplus revenue of the general government, which fell to the share of this state on the first day of January last, and which may fall to the share of this state at any time or times hereafter, they shall apportion the same among the several counties of this state, in the ratio of the state tax paid by the several counties into the treasury of the state during the past year;

Proviso.

provided, that the counties of Passaic and Atlantic, erected by an act entitled, "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic, and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic," passed February seventh, one thousand eight hundred and thirty-seven, shall be, and they are hereby entitled to receive in like manner, and upon the like conditions, their share or proportion, respectively, of the surplus revenue aforesaid, according to the said ratio of apportionments; and that the counties of Essex, Bergen, and Gloucester shall abate from their respective apportionments, in proportion to the sums apportioned to the said new counties which have been set off from their respective districts, a true list of which apportionment shall be made out, and filed by the governor, treasurer, and speaker of the house of assembly in the office of the treasurer of this state, whose duty it shall be forthwith to notify in writing the collectors of the several counties of this state of the sum apportioned to each county respectively; and the respective boards of chosen freeholders of the several counties are hereby authorized and empowered to pledge the faith of their respective counties for the safe keeping and repayment thereof; and the governor, treasurer, and speaker of the house of assembly of this state shall deliver the same to the collectors of the several counties, or other competent authority authorized by the board of chosen freeholders of such county, on receiving

List of apportionment to be filed in treasurer's office.

Chosen freeholders authorized to pledge faith of counties for safe keeping, &c., of money.

Money to be paid to collectors of the several counties, on certificates of deposit being given therefor.

certificates of deposit therefor, signed by the director of the respective boards of chosen freeholders, in such form as may be prescribed by the governor, treasurer, and speaker of the house of assembly of this state, or the survivors or survivor of them, which certificate shall express the usual and legal obligations and pledged faith of the county for the safe keeping and repayment thereof; and shall pledge the faith of the county receiving the same, to pay the said money, and every part thereof, from time to time, whenever the same shall be required for the purpose of being refunded into the treasury of the United States, according to the provisions of an act of congress to regulate the public deposits, passed the the twenty-third day of June, A. D. eighteen hundred and thirty-six, or whenever in the opinion of the legislature the interest of the state may require its return; *provided however*, that in case any board of chosen freeholders of any county in this state shall neglect or refuse for the space of three months after such board shall be notified to repay the same according to the provisions contained in this section, that then it shall and may be lawful for the legislature of this state to cause the sum received by such county, or any part thereof, that may remain unpaid, to be assessed, levied, and collected as other taxes for county and township purposes are or may be by law assessed, levied, and collected in such county; and it shall be the duty of the assessors, collectors, and other officers of such county to perform all the duties required by law in assessing, levying, and collecting such taxes, and when received to pay the same forthwith to the treasurer of this state. Proviso.

Sec. 2. *And be it enacted*, That the boards of chosen freeholders of the several counties in this state, or any person or persons duly authorized by them, be, and they are hereby authorized to loan, and reloan, within this state, giving a preference to the citizens of their respective counties, all such sums of money that may be received by virtue of this act upon bond and mortgage, or other good and sufficient security, as to them shall seem safe and proper, and to sue for and recover the same, with the interest due thereon, in their corporate name, and apportion and pay the interest to the several townships, in the ratio contained in the first section of this act, and for the benefit of said township, or the inhabitants thereof. Chosen freeholders authorized to loan surplus.

Sec. 3. *And be it enacted*, That the members of the several boards of chosen freeholders, the collectors of the several counties, and such other person or persons as may be aiding in the service of receiving or loaning out said sur- Allowance to chosen freeholders and others for their services.

plus, or any part thereof, shall not be paid any other than a per diem allowance, which in no case shall exceed what is usually allowed to the members of the board of chosen freeholders for other services per day; and that if any county collector, chosen freeholder of any of the counties, or other officer who may have in charge any of the said surplus money under the provisions of this act, and shall embezzle or pervert the same, or any part thereof, to any purpose not plainly indicated by this act, such county collector, chosen freeholder, or other officer shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by fine not exceeding one thousand dollars, or imprisonment not exceeding five years, or both, at the discretion of the court in which such conviction may be had; *provided*, that the several boards of chosen freeholders shall publish annually, in one or more newspapers printed in their respective counties, and if no newspaper be printed in such county, then in a newspaper or newspapers printed in the next adjacent county, a detailed statement of the manner in which such loans have been made, the nature of the securities received, and the rates of interest, together with the amount of all the costs and charges for receiving, loaning, reloaning, and management of the same.

Penalty for embezzling or perverting surplus money.

Annual statement of loans to be published.

Sec. 4. *And be it enacted*, That if the board of chosen freeholders of any county or counties of this state shall neglect or refuse for the space of sixty days after notice is given to the county collector, as provided for in the first section of this act, or the board of chosen freeholders of such county or counties neglect or refuse to pledge the faith of such county or counties for the safe keeping and repayment thereof, or to give such certificate or certificates of deposit therefor as is required in the first section, it shall be the duty of the governor, speaker of the house of assembly, and treasurer of this state, or their successors in office, or the survivor or survivors of them, to cause the share or shares apportioned to such county or counties as neglect or refuse to accept the same upon the terms and conditions mentioned in this act, the same shall be loaned out within this state on bond and mortgage or other good and sufficient security, the interest received thereon to be for the benefit of such county or counties, and the principal at the risk of such counties.

On neglect or refusal of chosen freeholders to pledge faith of counties for safe keeping, &c., of money, it may be invested for their benefit, at their risk.

Sec. 5. *And be it enacted*, That this act shall take effect and go into operation from and immediately after its passage.

Act to go into operation immediately.

Passed March 10, 1837.

AN ACT to incorporate the Friendly Institution of the city of Burlington.

WHEREAS a society has existed for upwards of forty years in the city of Burlington, by the name of the Friendly Institution of the city of Burlington, the object of which has been and is, as expressed in their constitution, "to seek out and relieve the necessities of such poor and needy persons (whether residents or sojourners) within said city and neighbourhood, who may not come under the particular care of the overseers of the poor, or be fully attended to by them"—AND WHEREAS a memorial has been received from the members of said institution requesting an act of incorporation—Therefore, for the promotion and furtherance of the benevolent objects of said institution, 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 persons now constituting the Friendly Institution of the city of Burlington, and their successors, shall be a body politic and corporate, in deed, law, fact, and name, by the name, style, and title of "The Friendly Institution of the city of Burlington;" and by the said name shall have perpetual succession, and enjoy all the privileges and franchises incident to a corporation, and shall be capable of holding their present, or such capital stock as they shall obtain for the like charitable object, by donation, bequest, or otherwise, and the increase and profits thereof, from time to time and in such manner and form as they shall think proper, and of disposing and applying the same in furtherance of the object of their association. Style of incorporation.

Sec. 2. *And be it enacted*, That the persons constituting the said Friendly Institution, and their successors, be, and shall be able in law, and capable to sue and be sued, implead and be impleaded, answer and be answered, defend and be defended, in all courts of judicature whatsoever; and shall have power to make and use a common seal, for sealing their contracts and other writings touching and concerning the said corporation, and to change and alter it as often as they shall think fit; and also shall have full power to make their own by-laws and regulations; *provided* they are not inconsistent with the constitution or laws of the United States or of this state; *and provided also*, that none of the funds of Powers. Proviso.

Funds not to be employed for banking purposes.

this corporation shall be used for banking or other purposes not clearly indicated by the provisions of this act.

Limitation.

Act may be repealed.

Sec. 3. *And be it enacted*, That this act shall continue in force for thirty years, and that the legislature may at any time amend, alter, or repeal the same, whenever the public good may require it.

Passed March 10, 1837.

AN ACT to authorize the administrators of John H. Disborough, late of the county of Middlesex, deceased, to make sale of certain real estate.

Preamble.

WHEREAS it has been represented to the legislature, by the petition of Sarah Disborough, the widow, and Gilbert Disborough, and Catharine Disborough, two of the heirs at law of John H. Disborough, deceased, that the said John H. Disborough died intestate, leaving the said Sarah, his widow, and the said Gilbert, and Catharine, and Henry Disborough, Elizabeth Disborough, and Benjamin Disborough his children and heirs at law, the last three of whom are minors under the age of twenty-one years, that part of the real estate of which the said John H. Disborough died seized consists of extensive grist, paper, and saw mills, with the appurtenances, situate in the village of Spotswood, in the county of Middlesex, and is in such condition as will soon require great and expensive repairs, and is likely to depreciate in value in the hands of lessees; and further representing, that it would be greatly for the interest of the owners thereof that the same should be sold, and praying that an act may be passed for that purpose—AND WHEREAS the administrators of said John H. Disborough have concurred in the representations contained in said petition, and also in the prayer thereof—Therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Gilbert Disborough, Jacob Rappleye, and

John Perrine, jun., administrators of John H. Disborough, deceased, be, and they hereby are authorized and empowered to sell, at public vendue, the said mills, with the appurtenances, situate at Spotswood, in the township of South Amboy, in said county of Middlesex, and containing one hundred and twenty-one acres, more or less, being the same premises of which the said John H. Disborough died seized; and upon such sale thereof, to make, execute, and deliver to the purchaser or purchasers thereof a deed of conveyance, which deed of conveyance, so made, executed, and delivered as aforesaid, shall be as good and effectual in law as if made and executed by the said John H. Disborough in his lifetime.

Administrators of J. H. Disborough, dec., authorized to sell and convey certain property.

Sec. 2. *And be it enacted*, That before the said administrators shall enter upon the execution of the trust reposed in them by this act, they shall enter into bond, with such sureties and in such amount, to the governor of this state, as shall be approved of by the orphans' court of the county of Middlesex, conditioned for the faithful performance of the trust reposed in them by this act; which bond shall be deposited in the office of the secretary of this state by the surrogate of the said county of Middlesex.

Bond to be given to governor.

Sec. 3. *And be it enacted*, That the said administrators shall, within six months after the sale of the said real estate, make, subscribe, and exhibit, under oath unto the surrogate of the said county of Middlesex, an exact statement of the amount of said sale, to be by him recorded and filed in his office agreeably to law; and that the said administrators shall be accountable for all moneys by them received by virtue of this act.

Statement of sale to be exhibited to surrogate of Middlesex.

Sec. 4. *And be it enacted*, That the said administrators shall, out of the proceeds of such sale, pay off and satisfy any incumbrances thereon by mortgage, in which the said Sarah Disborough has joined and is a party; and, after the payment of the same, shall vest out at interest upon good security the one-third of the balance of said proceeds, and pay the interest arising on the same yearly and every year to the said Sarah, during her natural life, as for her dower in said premises; and, after deducting the expenses incident to said trust out of the balance of said proceeds, shall dispose of the remainder according to law, and shall, in one year from said sale, exhibit their final account of such proceeds to the orphans' court of said county, for settlement and allowance.

Disposition of proceeds.

Sec. 5. *And be it enacted*, That the proceeds of the said real estate, so as aforesaid to be made by virtue of this act,

Proceeds to descend as real estate.

after the payment of the debts as aforesaid, shall descend and be divided in the same way as the said lands would have descended in case the same were not sold.

Passed March 11, 1837.

AN ACT to incorporate the Salem Fire Insurance Company, in the county of Salem.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That all such persons as shall become stockholders in the capital stock hereinafter mentioned, their successors and assigns, are and shall be hereby constituted and made a body corporate and politic, by the name and style of "The Salem Fire Insurance Company;" and by that name shall be known in law, and have power to sue and be sued, and to defend and be defended, in all courts, whether in law or equity; and by that name may also have, purchase, possess, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods, chattels, and effects, of what nature and kind soever necessary for the purposes of this corporation, and the same to grant, demise, alien, and dispose of at pleasure for the benefit of the said company; and may also have a common seal, and alter and renew the same at pleasure; and also to make and establish such by-laws and regulations as shall seem necessary and expedient for the well government of the said institution, and put the same in execution; *provided*, that the same be not contrary to the constitution of the United States nor of this state.

Style of incorporation.

Powers.

Proviso.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall be fifty thousand dollars, which shall be divided into shares of twenty-five dollars each; and that the sum of twenty thousand dollars shall be subscribed and actually paid before the said company shall be allowed to commence business.

Amount of capital.

Sec. 3. *And be it enacted*, That the sums subscribed shall be paid to the persons hereinafter named in the following manner, to wit: five dollars on each share at the time of subscribing, and the remainder in such instalments and at

Manner of paying subscriptions.

such times as the president and directors may appoint; *provided*, that no instalment to be paid at any one time shall exceed five dollars on a share. Proviso.

Sec. 4. *And be it enacted*, That the actuary of said company shall give notice in the newspaper published in Salem, at least twenty days preceding the day when each instalment is to be paid; and the person or persons failing to pay any such instalment ten days after, shall forfeit to the said company all and every such share or shares upon which the instalment shall remain due, and all moneys previously paid thereon. Notice to be given when instalments are to be paid. Stock forfeited on failure to pay instalments.

Sec. 5. *And be it enacted*, That the stock, property, affairs, and concerns of the said company shall be managed and conducted by thirteen directors, who shall hold their offices for one year and until others shall be chosen, and no longer; which directors shall at all times during their continuance in office be stockholders in the said company in their own right and shall be citizens of New Jersey; and the said directors shall be hereafter elected on the first Tuesday of June in each and every year, at such hour of the day and at such place as the board of directors for the time being shall direct, of which election public notice shall be given in the newspaper printed in Salem aforesaid, at least two weeks previous to such election; and every such election shall be made by ballot and by plurality of the stockholders present or represented by proxies; and every stockholder shall be entitled to one vote for each share holden by him or her; *provided*, that he or she shall have held such share for at least twenty days next preceding the election, and shall be citizens of the United States; and the first directors shall be Thomas Sinnickson, Alphonso L. Eakin, William J. Shinn, Joseph Kille, Joseph Bassett, jun., William F. Reeve, Stacy Lloyd, Jonathan Cawley, Thomas Yarrow, George W. Garrison, John S. Wood, David C. Ogden, and Elijah Bower, who shall hold their offices until the first Tuesday of June, in the year of our Lord one thousand eight hundred and thirty-seven, and until other directors shall be chosen in their stead. Affairs of company to be managed by thirteen directors. Time and mode of electing directors. First directors.

Sec. 6. *And be it enacted*, That the directors herein before mentioned shall, as soon as convenient after the passing of this act, and the directors who are annually chosen agreeably to the provisions of this act, shall, as soon as convenient after their election, proceed to choose out of their body one person to be president, who shall preside until the annual election thereafter; and in case of the death, resignation, or inability to serve of the president or any director of such President to be elected.

Vacancies, how supplied.

company, such vacancy or vacancies shall be filled for the remainder of the term by such person as the board of directors may appoint; and in case of the absence of the president, the board of directors shall have power to appoint a president protempore, who shall exercise all such powers as the president may exercise.

Actuary and other officers may be appointed.

Sec. 7. *And be it enacted*, That the board of directors for the time being shall have power to appoint, during their pleasure, an actuary and such other officers as may be required for effecting the business of the company, and to allow them, respectively, such compensation for their services as may in their judgments be deemed reasonable.

Books to be opened for subscriptions for stock.

Sec. 8. *And be it enacted*, That the aforesaid directors, or such committee as they may appoint, shall take in subscriptions to the capital stock of this company, and open subscription books for the purpose at Salem aforesaid and at such other places in said county of Salem as said directors may think proper, upon two weeks' notice published in the newspaper of that town, and shall continue open from day to day for five days, unless the whole stock shall be sooner subscribed; and their actuary shall be the receiver of all moneys, and shall deposit or dispose of the same forthwith, as the directors by resolution shall direct.

Objects of incorporation.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the company to ensure houses and other buildings, and other property contained therein, against loss or damage by fire, and shall be liable to make good all losses sustained by fire, agreeably to such terms and conditions as shall be contained in the policy of insurance.

Manner in which policies are to be executed.

Sec. 10. *And be it enacted*, That all policies, or contracts founded thereon, which shall be made or entered into by the said company, may be made either under or without the seal thereof, and shall be subscribed by the president or president protempore, or by such other officer as may be designated for that purpose by the said company, and attested by the actuary, and, being so subscribed and attested, shall be obligatory upon the said company, according to the tenor, intent, and meaning of this act and of such policies or contracts; and all such policies and contracts so made, subscribed, attested, and executed, and the loans and other business of the company, may be made, conducted, and carried on without the presence of the whole board of directors, but by such committee, or otherwise, as the board may authorize, and the same shall be binding on the company.

Sec. 11. *And be it enacted*, That for the well regulating and conducting of the election of directors, the president

and directors for the time being shall previously thereto appoint three stockholders, not being directors, to be judges of the election, who shall conduct and regulate the same; and five stockholders shall constitute a quorum for the transaction of business, notice of the meeting being given to all.

Judges of election to be appointed.

Sec. 12. *And be it enacted*, That the board of directors, or fifteen stockholders being proprietors of at least one half of the stock, may at any time call a meeting of the stockholders for the transaction of the business of the said company, previously advertising the time and place of such meeting at least two weeks in a newspaper printed in Salem, and mentioning the object of such meeting.

How meeting of stockholders may be called.

Sec. 13. *And be it enacted*, That it shall and may be lawful for the said company to purchase and hold such and so much real estate as shall be necessary for their convenient accommodation in the transaction of their business; and also, to take and hold any real estate or securities bona fide mortgaged or pledged to the said company to secure the payment of any debt which may be contracted with said company; and also, to proceed on the said mortgages or other securities for the recovery of the moneys thereby secured either at law or in equity, or otherwise in the same manner as any other mortgagee is or shall be authorized to do; and also, to purchase on sales made by virtue of any judgment at law or any order or decree of a court of equity, or any other legal proceedings, or otherwise to take and receive any real estate in payment or towards satisfaction of any debt previously contracted and due to the said company, and to hold the same until they can conveniently sell or convert the same into money or other personal property; *provided*, that it shall not be lawful for the said company to use or employ any part of the stock, funds, or moneys thereof for or in any banking operations, or to emit any notes, or bills, or securities, for the payment of money, except under the seal of the said company; but it shall, nevertheless, be lawful for the said company to purchase and hold any such, or other stock, or funded debt, for the purpose of investing therein any part of their capital stock, funds, or moneys, and also to sell and transfer the same, and again to renew such investments, when and as often as the exigencies of the said company, or a due regard to its interests shall require; and also, to make loans of its capital stock, funds, and moneys on bonds and mortgages, and the same to call in and reloan, as occasion may render expedient.

What real estate company may hold.

Funds not to be employed in banking operations.

Sec. 14. *And be it enacted*, That the stock of the said

Stock assignable and transferable.

company shall be assignable and transferable according to such rules, and subject to such regulations and conditions, as the board of directors may from time to time establish, and that the said stock shall be considered personal property.

Semi-annual dividends to be declared.

Sec. 15. *And be it enacted*, That it shall be lawful for the directors of the said company to make dividends of so much of the profits of the company as shall appear advisable, and the said dividends shall be paid out semi-annually to the stockholders or to their legal representatives; but the dividends shall at no time exceed the amount of clear profits made by the said company, and the capital stock shall be and remain unimpaired; and if the said directors shall at any time knowingly make dividend of the capital stock as aforesaid, they shall be liable for the proportion of stock so divided, and an action of debt may be brought against them, or any of them, their executors or administrators, in any court of record of this state, by any creditor of said company, and may be prosecuted thereon to judgment and execution; and each director present when such dividend shall be declared shall be adjudged to be consenting thereto, unless he forthwith enter his protest on the minutes of the board, and give notice to the stockholders of the declaring of such dividend.

Penalty for making dividends out of capital stock.

Annual statement of affairs to be exhibited.

Sec. 16. *And be it enacted*, That at the annual meeting for the choice of directors, a statement of the affairs and business of the company for the preceding year shall be made out, and shown for the general satisfaction of the stockholders.

Oaths to be taken by officers.

Sec. 17. *And be it enacted*, That each director, the actuary, and every other officer of said company shall, before he enters on the duties of his office, take and subscribe an oath or affirmation, as the case may be, faithfully to exercise the duties of his office according to the best of his skill and understanding, which oath or affirmation may be administered by any judge of the inferior court of common pleas or justice of the peace of this state.

Books open to inspection of stockholders.

Sec. 18. *And be it enacted*, That the said company shall cause to be kept at their office proper books of account, in which shall be fairly and truly entered all the transactions of the company, which books shall be at all times open for the inspection of the stockholders.

Sec. 19. *And be it enacted*, That this act shall continue in force for the space of twenty-five years, but it

shall and may be lawful for the legislature at any time to alter, amend, modify, or repeal the same, whenever the public good requires it. Limitation. Act may be repealed.

Passed March 13, 1837.

AN ACT to incorporate a company to construct a harbour on the New Jersey shore of the Hudson river.

WHEREAS the construction of a capacious, safe, and convenient harbour on the New Jersey shore, opposite the city of New York, will be of great public benefit and advantage to the people of New Jersey; now, therefore, in order to secure to the state the results of this public work, and also as an inducement to a company to engage in this important undertaking, and in consideration of the risks and expenditures which they may encounter in its execution and operations— Preamble.

SEC. 1. BE IT ENACTED *by the Council and General Assbly of this state, and it is hereby enacted by the authority of the same*, That Joseph E. Edsall, of Sussex county, Christian B. Zabriskie, of Bergen county, Littleton Kirkpatrick, of Middlesex county, and their associates and their successors and assigns, be, and they are hereby incorporated and made a body politic, by the name and style of "The New Jersey Harbour Company," for the purpose of constructing and making a safe, convenient, and capacious harbour for vessels of all sizes on the New Jersey shore, on or in front of the lands which are now owned by the members of this incorporation, or which they may hereafter acquire by purchase; *provided* the said filling up shall not be made before the said purchase be made, at Pavonia or Harsimus, between Hoboken and Jersey City, and for that purpose the said company shall have power to purchase in and extinguish any title or claim to the land, not exceeding one thousand acres in the whole, under and above water, reclaim the land, fill up marshes, bays, shallows, build up bulkheads, locks, piers, wharves, and docks on the Jersey shore, in front of Pavonia or Harsimus, between Hoboken and Jersey City, subject to Names of corporators. Style of incorporation. Objects of incorporation. Proviso.

the provisions as aforesaid; and the said company may purchase, have, hold, use, occupy, possess, and enjoy all such land covered with water within the limits aforesaid, as they may require for the objects of said corporation, subject as aforesaid; *provided* it does not impede the free use and navigation of the Hudson river; and the said company shall also have full power and authority to purchase, hold, use, occupy, possess, and enjoy such lands and properties, and soil not under water, as may be convenient or necessary for making and enjoying said harbour, and the lands so filled in or purchased again to sell, lease, mortgaged or dispose of as they may deem proper; and the said company shall have perpetual succession, and power to make and use a common seal, and the same to renew and change at pleasure; and also to adopt, establish, and carry into execution such by-laws, ordinances, and regulations as shall by the board of directors thereof be judged necessary or convenient for the said corporation in respect to the conduct of its affairs, and the same to change, alter, repeal, annul, and re-enact; *provided* the same be not contrary to the constitution or laws of the United States or of this state; and, also, said company shall have power to raise by subscription, in shares of one hundred dollars each, a capital, not exceeding two millions of dollars, to be employed in the objects of said company as aforesaid, with liberty to increase the subscription to four millions of dollars, in case the operations of the company should hereafter require it; *provided* it shall not be lawful for said company to construct any dock, wharf, or pier between high water mark and low water immediately in front of the water lot of any individual owner, without the consent in writing of such owner.

Powers of company.

Proviso.

Amount of capital.

Proviso.

Sec. 2. *And be it enacted*, That the corporate powers of the said New Jersey Harbour Company shall be exercised by a board of twenty-three directors, ten of whom shall at all times be citizens of this state, who shall elect a president annually from their body; and the said directors shall have power to fill all vacancies which may occur from death, resignation, removal, or any other cause; and at all elections of directors each share shall be entitled to one vote; and the said board of directors shall have power to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under the penalty of forfeiting the shares by them respectively held, and all previous payments made thereon; *provided* such instalments are not paid within sixty days after notice thereof is published in the county of Bergen, two in the city of Newark, and in two

Power of directors.

Proviso.

of the papers published in the city of New York; and the said directors shall also have power to make and execute, or direct the officers of the company to make and execute, in such manner as they may deem proper, all such deeds, bonds, obligations, contracts, and instruments in writing under seal as the objects of the company may require to be made and executed; the directors shall also have power to make the by-laws of the company and appoint such officers and agents of the company as the conduct of its affairs may require; and the said directors shall not have power to call in a larger sum than ten per centum on the capital stock at any one instalment, and there shall be at least sixty days between each instalment.

First directors.

Sec. 3. *And be it enacted*, That the following persons shall constitute the first board of directors, viz: Garret D. Wall, Samuel L. Southard, Jonathan Goodhue, Elihu Townsend, Samuel R. Brooks, John A. Berry, Joseph E. Edsall, Peter M. Ryerson, John Hagerty, J. N. Gosler, John Rutherfurd, jun., Andrew B. Cobb, Archer Gifford, Samuel Fowler, John S. Darcy, John M. Cornelison, John A. Bleeker, Russell Stebbins, Daniel Holsman, John Bloodgood, Willis Hall, Andrew C. Zabriskie, and Littleton Kirkpatrick, and that their authority and power as directors under this act shall commence from the time it shall take effect as a law; that the said directors shall meet on the first Monday in April next, and be divided by lot into five classes, one consisting of three, and the remaining four of five persons each, and so arranged that the time of service of one of the said classes shall expire at the end of one year, one at the end of two years, one at the end of three years, one at the end of four years, and one at the end of five years; that three directors shall be elected at the end of the first year, and five directors at the end of the second, third, fourth, and fifth years, by the stockholders; and that for the purpose of electing directors as aforesaid, there shall be an annual meeting of the stockholders on the first Monday of April in each year, in the county of Bergen; the first annual meeting of stockholders to be on the first Monday in April, in the year eighteen hundred thirty-eight; of the time and place of holding such annual meetings, the directors shall give thirty days' notice in two of the newspapers printed in Bergen county, two printed in the city of Newark, and two daily papers printed in the city of New York; and if for any cause whatsoever an election of directors should not be made on the day whereon in pursuance of this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it

Meeting of directors, and division of their term of service.

Time of annual meeting of stockholders.

Corporation not dissolved for failure to elect on day prescribed.

may be lawful at any other time to hold such election, public notice of the time and place being previously given as aforesaid, and until such election be made the directors for the previous year shall continue in office; and if for any cause the persons above named as the first directors, or a majority of them, should not meet on the first Monday in April next, the corporation shall not for that cause be deemed to be dissolved, but a minority shall have power to fill vacancies and to adjourn from time to time (giving notice to the other members of the board of the time and place to which the meeting is adjourned) until a quorum is obtained for the transaction of business; and the supreme court of this state shall have power to remove a director for misconduct, to be heard on such notice as they shall deem reasonable, on the application of a stockholder or some person interested.

Corporation not dissolved for failure of directors to meet on day prescribed.

Supreme court may remove directors for misconduct.

Stock personal property.

Sec. 4. *And be it enacted*, That the stock and properties of said company, of whatsoever nature or kind, shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of the said corporation; but no transfer of stock shall be valid unless it be entered or registered in the book or books to be kept by the president and directors for that purpose.

Books open to inspection of stockholders.

Sec. 5. *And be it enacted*, That the directors shall at all times keep, or cause to be kept at their office, proper books of account, in which shall be regularly entered all the transactions of the said company; which books shall always and at all times be open to the inspection of the stockholders of said company; and no dividend shall be made among the stockholders except out of the profits of the business of the said company; and the capital of the said company shall be applied strictly to the objects of said company, as expressed in this act, and not to banking, loan, trust, commission, or agency, or any other purpose whatsoever.

Restrictions.

In what cases act to be null and void.

Sec. 6. *And be it enacted*, That unless one million of dollars be subscribed, and one hundred thousand dollars paid in within one year from the passage of this act; and also, unless the operations of the company be commenced within five years from the passage of this act, and unless the sum of five hundred thousand dollars be expended within the term of ten years in the construction of said harbour and other necessary improvements, then this act shall be, and is hereby declared to be null and void; and it shall not be lawful for the president, or directors, or company to call in any more of the capital stock than may be necessary for the purchase of the quantity of land they are authorized to purchase and hold by the first section of this act; and for the

purpose of draining and filling up the marsh, bay, and shallows, building the bulkheads, locks, piers, wharves, and docks as authorized by this act; and it shall be the duty of the president and directors of the said company, once in three years, to make out and lay before the legislature of this state a statement of the affairs of the said company, under the oath or affirmation of the president and secretary, and seal of their office, showing the amount of land purchased and held by the said company, the amount of capital paid in, and the manner in which it is expended or employed, and the improvements made or in progress; and if they fail to make such statements to the legislature, or if it shall appear to the legislature that any part of the capital has been used or employed for any other purposes than for making the improvements plainly contemplated by this act, this act shall be null and void.

Statement of the affairs of the company to be laid before the legislature every three years.

Sec. 7. *And be it enacted*, That the said company shall have power to construct branch railroads connecting the harbour of said company with any railroad or railroads which now are or may hereafter be chartered to terminate in the vicinity of said harbour, by obtaining the consent of such company or companies; *provided*, that no such branch railroad shall exceed three miles in length; *and provided also*, that every such branch railroad shall be subject to the same obligations, liabilities, and conditions, and have the same privileges, as the principal railroad with which such branch is connected; *and provided further*, that no such branch railroad shall in any case pass over Hoboken, or the waters easterly in front thereof.

Branch railroads may be constructed.

Proviso.

Sec. 8. *And be it enacted*, That this act shall not have the effect, or be in any case construed to authorize the corporation to take the property or interfere with the rights of individuals without their consent first had in writing, except for the construction of branch railroads; and the property taken for the construction thereof shall be valued and paid for, to the owners thereof, by the said company, in the manner laid down and prescribed in the act or acts of incorporation of such railroads wherewith the said branch railroads shall be severally connected; and also, that all the corporate powers, rights, and privileges hereby granted shall cease and determine at the expiration of ninety-nine years from the date of this act; and that the legislature of this state may at any time hereafter alter, amend, or modify this act; *provided*, that such alterations or amendment does not affect any act of the company theretofore legally had and done; and also reserve the right to impose a transit duty

Rights of others not to be interfered with without their consent.

Limitation.

Act may be repealed, &c.

Proviso.

on the company for persons and property transported or carried on the railroad or railroads that may be construed by virtue of this act; and their real estate shall be liable to be taxed as other real estate is or shall be liable to be taxed.

Passed March 13, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act for the instruction of indigent deaf and dumb persons, inhabitants of this state," passed the tenth of November, one thousand eight hundred and twenty-one.

Additional sum of $1000 appropriated annually for indigent deaf and dumb persons.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the sum of one thousand dollars, in addition to the sum provided in the act to which this is a supplement, be appropriated annually, out of any moneys in the treasury not otherwise appropriated, to be applied for the instruction of indigent deaf and dumb persons, inhabitants of this state, pursuant to the provisions of the said act and the supplement thereto.

Passed March 13, 1837.

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

Chosen freeholders of Passaic authorized to borrow money.

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

Passed March 13, 1837.

AN ACT for the relief of Jacob Sisco, of the county of Morris.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to Jacob Sisco, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said Jacob Sisco yearly, in half yearly payments, from the passing of this act, during the lifetime of the said Jacob Sisco; and the receipt of the said Jacob Sisco, or his order, shall be a sufficient voucher to the treasurer for such sums as he may pay by virtue of this act, in the settlement of his accounts.

Pension of $60 per annum granted to J. Sisco, for Revolutionary services.

Passed March 13, 1837.

AN ACT regulating the applications of guardians and others for power to sell lands and other property.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That when any guardian or guardians, or any other person or persons, shall be disposed to make application to the legislature of this state, for authority to sell, or otherwise dispose of the lands or other property of any minor, idiot, or lunatic, or of any minors, idiots, or lunatics, it shall be the duty of such person or persons so about to apply to signify his or their intention, with a specification of the objects of such application, briefly describing the lands or other property of such minor, idiot, or lunatic, together with the name or names of such minor, idiot, or lunatic, by advertisement, to be inserted for at least six weeks, successively, immediately preceding such application, in one or more of the newspapers published in the county where the lands or other property so to be sold or disposed of are situated, and if no newspaper be published in such county, then in the newspaper or newspapers published nearest to the same.

Notice of intended application to legislature for authority to sell real estate, to be published.

Satisfactory proof to be made that notice was given.

Sec. 2. *And be it enacted*, That satisfactory proof shall be made of a full compliance with the requisitions of the foregoing section, before leave shall be given to bring in any bill to comply with such application.

Passed March 13, 1837.

AN ACT for the relief of Bartholomew Lott, of the county of Sussex.

Pension of $60 per annum granted to B. Lott, for Revolutionary services.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state be, and he is hereby authorized and required to pay to Bartholomew Lott, of the county of Sussex, or to his order, the sum of sixty dollars per year during his natural life, out of any moneys in the treasury otherwise not appropriated; and his receipt or order shall be a sufficient voucher for the same.

Passed March 13, 1837.

AN ACT appointing trustees to sell and convey the real estate of Guysbert B. Vroom, deceased.

Preamble.

WHEREAS Guysbert B. Vroom, late of the city of New York, died seized of certain real estate in the county of Somerset, leaving a widow, who has since died, and five children, three of whom are under the age of twenty-one years—AND WHEREAS the said property is so situated as to be incapable of division, and cannot be sold in the ordinary way, by commissioners appointed by the orphans' court, without great detriment to those interested; and as it is expedient that the whole, or certain parts of the property,

should be sold at this time, and two of the children and heirs at law of said deceased having requested aid in the premises, and that trustees should be appointed for the purpose aforesaid—Now therefore,

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Peter D. Vroom and William J. Hedges be, and they are hereby appointed trustees, with full power and authority to sell, at public vendue, giving such notice as executors and administrators are by law required to give, for the best prices they can obtain for the same, all or any part of the said premises whereof the said Guysbert B. Vroom died seized, in the county of Somerset, at such time or times and in such mode as they may deem most advantageous for those interested; and, upon making such sale, the said trustees, or the survivor of them, shall make report of the same to the orphans' court of the said county, at its next stated term, for confirmation; and upon said sale being confirmed, shall make all necessary and proper conveyances to the purchaser or purchasers, under the direction of the said court, which said conveyance shall transfer to, and vest in, the purchaser or purchasers of said premises all the right and interest of the parties now having title thereto; and the said trustees, after deducting the expenses attendant on the execution of this trust, shall, under the direction of said orphans' court, make distribution of the proceeds among the heirs at law of the said Guysbert B. Vroom, according to their respective rights.

P. D. Vroom and W. J. Hedges authorized to sell and convey certain real estate of G. B. Vroom, dec.

Distribution of proceeds.

Sec. 2. *And be it enacted*, That the said trustees, before entering upon the execution of the trust hereby confided to them, shall give bond to the governor of this state, in such sum and with such security as shall be directed and approved of by the orphans' court of the county of Somerset, conditioned for the faithful performance of the said trust; which bond shall be filed of record in the office of the surrogate, for the benefit of all parties interested.

Bond to be given to governor.

Sec. 3. *And be it enacted*, That nothing in this act contained shall be construed to affect the descent of the proceeds of said real estate; but the same shall descend as the said real estate would have descended if this act had not been passed.

Proceeds to descend as real estate.

Passed March 14, 1837.

An act for the relief of John Mapes.

Preamble.

Whereas it is represented to the legislature, that John Mapes, of the county of Gloucester, performed a tour of duty in the six months' service of this state during the Revolutionary war, in a company commanded by Captain Vincent, of the county of Salem; that immediately after his tour of service had expired, and before he returned to Salem aforesaid, he enlisted in Lee's legion of cavalry, and was ordered to the southern states, where he remained till the close of the war; that, not having returned to Salem with Captain Vincent's company, he never received any pay for his services in that company; and hath prayed that he may receive remuneration for the same—Therefore,

$100 to be paid to J. Mapes, for services in Revolutionary war

Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state be, and he hereby is authorized and directed to pay to the said John Mapes, or to his order, the sum of one hundred dollars, whose receipt shall be a sufficient voucher to the said treasurer, in the settlement of his accounts for the same.

Passed March 14, 1837.

An act for the relief of the state of New Jersey, in relation to the estate of John G. Leake, deceased.

Preamble.

Whereas the state of New Jersey hath been subjected to considerable expense in relation to escheat of the lands of John G. Leake, deceased, and much of the time of the legislature, for several years past, hath been occupied in legislating thereon—Therefore, for the purpose of indemnifying the state of New Jersey, and preventing the necessity of further legislation in relation thereto,

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That George K. Drake, Elias P. Seely, and

William C. Alexander be, and they are hereby appointed special commissioners, for the purpose of investigating, adjudicating, hearing, and determining upon the rights, titles, and claims of all and every person or persons claiming to be the lawful heir or heirs, or next kin, of John G. Leake, late of the city of New York, deceased, who shall present his, her, or their claim or petition to the said commissioners, or either of them, on or before the first day of August next after the passage of this act; *provided however*, that if the said commissioners, or either of them, shall be prevented by any disability, or shall neglect or refuse to perform the duties, or any of them, directed in this act, for the space of thirty days after being notified of their appointment by the governor or person administering the government of this state, that then it shall be lawful for the governor, or person administering the government, to appoint one or more commissioners, as may be necessary, to supply their place or places; *provided also*, that the clrek of this house cause a copy of this act to be published, within twenty days after its passage, in two of the newspapers printed in the city of New York, and in the Emporium and Newark Daily Advertiser in this state, to be continued therein for two months successively.

Commissioners for determining rights of claimants for lands of J. G. Leake, dec.

Proviso.

Sec. 2. *And be it enacted*, That the said commissioners shall proceed to investigate, hear, determine, adjudge, and decree, as well upon the right, title, and claim or claims of the several claimants who shall come in and present their claim or petition to the said commissioners, or either of them, within the time aforesaid, as also in respect of such reasonable costs, charges, and expenses as, according to the principles of equity, ought to be awarded or taxed in and about the premises; and for the purposes aforesaid, the said commissioners shall have full power to administer oaths, swear witnesses, issue commissions for the examination of the same, awarding process of subpœna, and taking and making all such orders, judgments, and decrees, as the chancellor or the supreme court of this state might or could lawfully do, if the matters or cases were pending before them, or either of them, and that the decision and decree of the said commissioners shall be final and conclusive on the state of New Jersey; and such of the said claimants who shall present their claim or petition to the said commissioners, or either of them, or make themselves parties to the procedings before them, within the time specified by the first section of this act, and shall within the same time file their assent in writing to the provisions of this act, in the office of the clerk of the supreme court of this state.

Mode of proceeding by commissioners.

Proceedings when title of claimant is admitted.

Sec. 3. *And be it enacted*, That if the said commissioners shall find, declare, and determine that any of the said claimants is or are the heir or heirs of the said John G. Leake, deceased, the attorney general of the state of New Jersey shall release all the right, title, and interest of this state of, in, and to the lands, tenements, and hereditaments of which the said John G. Leake died seized in the county of Bergen, and which, by reason of there being no heirs in this state at the time, escheated to the state, to such heir or heirs at law, or next of kin, on condition that such heir or heirs, who the said commissioners shall determine to be the lawful heir or heirs of the said John G. Leake, deceased, shall pay into the treasury of the state of New Jersey such sum of money as the attorney general shall declare to be sufficient to pay and indemnify the state of New Jersey against all costs and expenditures heretofore made and sustained, or that may hereafter be sustained by the state of New Jersey, in regard to the escheated lands of the said John G. Leake, deceased.

Decree to be filed with clerk of supreme court.

Sec. 4. *And be it enacted*, That the decision and decree of the said commissioners shall be filed in the office of the clerk of the supreme court, within twenty days after the same shall have been made, and that a writ of habere facias possessionem issue out of the said court, to deliver the possession of the lands mentioned in the inquisition taken by Garret Van Dien, esquire, the sheriff of the county of Bergen, on the twenty-fourth day of August, one thousand eight hundred and thirty-two.

Rights of others not affected.

Sec. 5. *And be it enacted*, That nothing in this act contained, nor any proceedings under it, shall in any way preclude or affect the claim or right of any other person or persons who may claim to be heirs of the said John G. Leake, deceased, and who may prosecute their claim against the person to whom the state may so release their right and claim, under the said escheat.

Passed March 15, 1837.

AN ACT to incorporate the Silesian Beet Sugar Company, in the county of Passaic.

WHEREAS it is represented to the legislature, that the manufacture of sugar, from the Silesian beet, can be successfully carried on in this state—AND WHEREAS it would greatly redound to the common benefit of the community if this necessary article can, by legislative aid, be produced from a vegetable, for the production of which the soil of the middle states is particularly adapted—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 Henry Doremus, Silas D. Canfield, Josiah M. Crismond, David Berdan, Peregrine Sandford, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors, their successors, and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name of "The Silesian Beet Sugar Company," for the purpose of manufacturing beet sugar, in the county of Passaic, and carrying on the business incident to such manufacture; and by that name they and their successors may have succession and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters, and causes whatsoever, and of doing all other acts needful to the proper management of the funds and property of the said corporation and to the carrying on the business for which said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold, and enjoy such real estate as may be necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts and liabilities; *provided always*, that the funds of the said corporation, or any part thereof, shall not be used or employed at any time in banking operations, or for any other purpose not plainly indicated by this act.

Names of corporators.

Style of incorporation.

Powers.

Funds not to be employed for banking purposes.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said company shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and the said directors shall be chosen on the first Tuesday in June in every year, at such place and time as shall be directed by the by-laws of the said corporation; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers printed in or nearest the town where said election shall be made, by such of stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said company; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof until another election shall have been had; and the directors so chosen may appoint such officers and superintendents, and assign such compensation as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be elected, such vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint, until other directors are chosen from the stockholders; the first directors shall be Henry Doremus, Silas D. Canfield, Josiah M. Crismond, David Berdan, Peregrine Sandford, and the survivors or survivor of them, who shall hold their offices until the first Tuesday in June next, or until others are legally chosen.

Time and mode of electing directors.

Vacancies, how supplied.

First directors.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed the sum of two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each; but as soon as the sum of ten thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said company to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain

Amount of capital.

When business may be commenced.

of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice shall have been published for the space of thirty days in one or more newspapers published in or near the place where such payment shall be required to be made. Stock forfeited on failure to pay instalments.

Sec. 4. *And be it enacted*, That the subscription for the said stock shall be open for any number of days not exceeding twenty, under the direction of the board of directors, or such of them as shall be designated by the board for that purpose. How long subscription to be kept open.

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

Sec. 6. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation. Corporation not dissolved for failure of directors to meet on day prescribed.

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

Sec. 8. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of accounts, in which shall be regularly entered all the transactions of the said corporation, which books shall at all times be open to the inspection of the stockholders of the said corporation or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the books to be kept by the president and directors for the purpose. Books open to inspection of stockholders.

Sec. 9. *And be it enacted*, That the said company may be dissolved at any general meeting of the stockholders How company may be dissolved.

specially convened for that purpose; *provided* at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders, in proportion to their respective interests in the stock, unless the stockholders at such such general meeting shall appoint other persons, not less than three, nor more than five in number, for such purpose, in which case the persons so appointed, and the survivor or survivors of them, shall be trustee and trustees for the purpose aforesaid.

Limitation.

Act may be repealed, &c.

Sec. 10. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years, and no longer; and further, that the legislature shall have full power at any time hereafter to alter, amend, modify, or repeal this act, whenever they deem proper.

Passed March 15, 1837.

AN ACT to authorize Ann Collard, guardian of Abraham Collard, a minor, to convey certain real estate in the township of Bergen.

A. Collard authorized to convey to J. M. Cornelison 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 Ann Collard, of the township of Bergen, be, and she is hereby vested with full power and authority, as guardian, to convey, by a proper deed of conveyance, to John M. Cornelison, his heirs and assigns, for ever, all the right, title, and interest that Abraham Collard, infant heir of Abraham Collard, deceased, late of the township of Bergen has of, in, and to all that certain piece of land and premises situate, lying, in the township of Bergen, near the Bergen church, containing one-quarter of an acre, more or less.

Account of proceeds to be exhibited to orphans' court.

Sec. 2. *And be it enacted*, That the said Ann Collard shall account to the orphans' court of the county of Bergen

for the amount of the said sale made by her and one Jacob Collard to John M. Cornelison, of the said land, in the capacity of guardian for the share or interest that the said Abraham Collard had in the same.

Passed March 15, 1837.

AN ACT to authorize Jeremiah King to make sale of certain real estate, late of Jeremiah King, deceased, in the county of Hunterdon and elsewhere.

Preamble.

WHEREAS Jeremiah King, late of the township of Amwell, in the county of Hunterdon, and state of New Jersey, died seized of considerable real estate, situate in the township of Kingwood, in said county of Hunterdon, having first made a last will and testament, bearing date the seventh day of August, A. D. eighteen hundred and twenty-one, and therein did constitute and appoint his two sons, Joseph King and Jeremiah King, executors thereof, authorizing and empowering them, his said executors, to make sale of all his real estate (except such parts thereof as were devised in and by said will to sundry persons therein named,) in such manner as they should think fit, and to execute to the purchaser or purchasers thereof good and sufficient deed or deeds of conveyance in fee simple—AND WHEREAS, since the decease of the said Jeremiah King, the said executors in the said will named have duly proven the same, and took upon themselves the burthen of the execution thereof—AND WHEREAS, since the proving of the said will, the said Joseph King, one of the executors as aforesaid, hath absconded from this state, without having first made sale of the said real estate—Therefore,

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the said Jeremiah King, the remaining executor, be, and he is hereby authorized and empowered to dispose of the said real estate by the said will ordered to be sold and to make good and sufficient deeds of conveyance therefor,

J. King authorized to sell and convey certain real estate.

in the manner directed by the said last will; which said deeds shall be as valid and effectual in law and equity as the same would have been had thes aid Joseph King, executor as aforesaid, joined with the said Jeremiah King in the execution thereof.

Passed March 15, 1837.

A FURTHER SUPPLEMENT to an act entitled, "An act for the preservation of deer and other game, and to prevent trespassing with guns," passed December twenty-first, one thousand seven hundred and seventy-one.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That if any person or persons, not resident in this state, shall offend against any of the provisions of the first section of the act to which this is a further supplement, it shall and may be lawful for the owner or owners of the said lands, or the possessor or possessors thereof, to apprehend any and every such person or persons so offending, and take him or them before a magistrate, as soon as conveniently may be, in order that he or they may be dealt with according to law; and every such person who may perform this service shall be entitled to the same assistance and protection, and subject to the same restrictions and liabilities, as a constable would be on the same occasion.

Non-residents may be apprehended by owners or possessors of land, &c.

Passed March 5, 1837.

A FURTHER SUPPLEMENT to the "Act for the punishment of crimes," passed seventeenth February, eighteen hundred and twenty-nine.

Sec. 1. BE IT ENACTED *by the Council and General Asbly of this state, and it is hereby enacted by the authority of the same*, That if any person or persons shall, within this state, counterfeit any gold, silver, copper, or other metallic coin, of any foreign government or country, although the same be not current in this state, every such person or persons so offending shall be guilty of a high misdemeanor, and, on conviction thereof by due course of law, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before whom such conviction shall be had; *provided* the imprisonment at hard labour shall not exceed the term of ten years, nor the fine the sum of two thousand dollars.

Counterfeiting coin of foreign governments, how punished.

Proviso.

Sec. 2. *And be it enacted*, That if any person or persons shall have or keep in his, her, or their possession or custody any such counterfeit gold, silver, copper, or other metallic coin, with the intent of exporting the same to injure or defraud any foreign government, or the subjects thereof, every such person or persons so offending shall be deemed guilty of a high misdemeanor, and, on conviction thereof by due course of law, shall be punished by fine or imprisonment at hard labour, or both, at the discretion of the court before whom such conviction shall be had; *provided* the imprisonment at hard labour shall not exceed the term of five years, nor the fine the sum of one thousand dollars.

Punishment for retaining for exportation base foreign coin.

Proviso.

Sec. 3. *And be it enacted*, That the courts of oyer and terminer and general jail delivery, and general quarter-sessions of the peace, in this state, shall have authority to direct their writs and process into any or all the counties of this state, if necessary, to arrest and bring before them any person or persons who have been or shall be indicted in such court, or in which an indictment is or may be pending against such person or persons.

Writs for arrest of offenders to run through the state.

Sec. 4. *And be it enacted*, That the process of the said courts, to compel the attendance of witnesses to testify in behalf of this state, on any indictment pending and at issue for trial in said court, may be served on such witness in any county in this state, and such service shall be as good and effectual as if served in the county where the court is held.

Compulsory process for witnesses may be served in any county.

Sec. 5. *And be it enacted*, That the sheriff to whom any

Sheriff may take recognizance for appearance of defendant.

process is directed to arrest or take any defendant against whom an indictment is presented, shall be and he is hereby authorized to take the recognizance of the said defendant (and his sureties if required) for the appearance of said defendant at the court in which the said process is returnable; which recognizance the said sheriff shall return with the said process, and it shall be filed by the clerk and be of the same force and effect, and in case of forfeiture shall be prosecuted in the same manner, as if the same had been taken by a justice of the peace of this state.

Convicts under general act may be sentenced to six months in penitentiary.

Sec. 6. *And be it enacted*, That from and after the fourth day of July next, every person convicted of crimes under the act for the punishment of crimes, and sentenced to hard labour and imprisonment, agreeable to the directions of the said act, the court before which the conviction may be had may, at their discretion, sentence the person convicted to hard labour and imprisonment in the state penitentiary, for a term not less than six months and until the fine or fines and costs of prosecution shall be paid, or until he or she shall be discharged by due course of law.

Sheriff to transport prisoner in twenty days after conviction.

Sec. 7. *And be it enacted*, That the sheriff of the said county, or his lawful deputy, shall within twenty days after the conviction and sentence of such defendant, transport him or her to said penitentiary, in like manner and upon the same terms as if said prisoner had been sentenced for one year or more.

Persons sentenced for less than six months to be confined in county jail.

Sec. 8. *And be it enacted*, That every person sentenced to imprisonment, agreeable to the act aforesaid, for any time not exceeding six months, shall be confined in the common jail of the county where the conviction was had, there to be and remain safely kept until the term of his or her confinement shall have expired, and until the fine or fines and costs of prosecution shall be paid, or until he or she shall be discharged by due course of law.

Passed March 15, 1837.

A SUPPLEMENT to the act entitled, "An act for the support of the government of this state," passed the eighth day of November, eighteen hundred and thirty-six.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That there shall be paid to the vice president of council and speaker of the house of assembly, the sum of four dollars and fifty cents, and to every member of council and assembly, the sum of four dollars, for each and every day they have respectively attended this, or shall attend any future sitting of the legislature; and to every member of council and assembly, the additional sum of four dollars for every twenty miles of the estimated distance, by the most usual route, between his place of residence and the seat of government, in going and returning, on a certificate, to be produced to the treasurer, expressing the sum due, and the number of days and miles, signed by the president or vice president of council, for the members of council, or by the speaker of the house of assembly, for the members of assembly, or by Moses Wills, Thomas E. Hunt, and William C. Alexander, or any two of them, for the members of assembly. Pay of members of the legislature.

Sec. 2. *And be it enacted*, That so much of the act to which this is a supplement as provides for the pay of the vice president of council and speaker of the house of assembly, and the members of council and assembly, be, and the same ishereby repealed. Part of former act repealed.

Passed March 15, 1837.

AN ACT to divorce Sarah McCowen, of the county of Essex, from her husband Nathaniel McCowen.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That Sarah McCowen, of the county of Essex, be, and she is hereby divorced from her husband Nathaniel McCowen, S. and N. M. Cowen divorced

and that the marriage contract heretofore existing between them be, and the same is hereby dissolved, as fully and absolutely as if they had never been joined in matrimony; *provided always*, that nothing herein contained shall render illegitimate the issue of said marriage.

Passed March 15, 1837.

AN ACT to change the time of holding the September term of the court of common pleas and general sessions of the peace in and for the borough of Elizabeth.

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 court of common pleas in and for the borough of Elizabeth, and the court of general sessions of the peace in and for the said borough, shall hereafter be held on the last Tuesday in August annually, instead of the first Tuesday in September, as heretofore provided by law.

Time of holding certain courts changed.

Passed March 15, 1837.

AN ACT respecting taxes for county and township 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 the assessors of the several townships, cities, or boroughs of this state, in assessing the taxes authorized by law for township and county purposes, shall assess and rate the several articles and things hereinafter enumerated at the following specific sums:

Enumeration of articles taxed at specific sums.

Every covering horse above three years old, any sum not exceeding ten dollars, to be paid by the person upon whose

premises the horse is kept; all other horses or mules three years old and upwards, any sum not exceeding fifty cents; all neat-cattle three years old and upwards, any sum not exceeding twenty-five cents.

Sec. 2. *And be it enacted*, That in assessing the said taxes for township, city, or borough, and county purposes, the following articles, persons, and things shall be valued and rated at the discretion of the assessor, to wit:

Enumeration of articles taxed at discretion of assessor.

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

All householders (under which description shall be included all married men), any sum 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 twenty dollars.

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

All clover mills, any sum not exceeding thirty dollars.

All cotton manufactories, any sum not exceeding thirty dollars.

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

All woollen manufactories, any sum not exceeding ten dollars.

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

All cupola furnaces, any sum not exceeding fifteen dollars.

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

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

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

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

All paper mills, any sum not exceeding ten dollars.

All snuff mills, any sum not exceeding nine dollars.

All powder mills, any sum not exceeding fifteen dollars.

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

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

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

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

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

Every single man, whether he lives with his parents or not, any sum not exceeding two dollars; *provided*, that any one taxed as a single man shall not be taxed as a householder.

Every male slave under the age of sixty years, any sum not exceeding one dollar; *provided* no slave shall be taxed who is unable to labour.

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

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

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

Every phæton, coachee, or four wheel chaise, with steel or iron springs, any sum not exceeding four dollars.

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

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

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

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

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

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

Every printing, bleaching, and dyeing company, any sum not exceeding ten dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding ten dollars.

Every tobacco manufactory, other than snuff mills, conducted by steam, horse, or water power, having due regard

to the extent and capacity of the same, any sum not exceeding ten dollars.

Duty of assessor.

Sec. 3. *And be it enacted*, That it shall be the duty of every assessor to make and carry out, in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law; and that the amount of tax assessed in each township, city, or borough, above what is raised from the certainties, shall be levied by a per centage upon such valuation.

Fees of assessors and collectors.

Sec. 4. *And be it enacted*, That the assessors and collectors of the several townships, cities, and boroughs of this state shall each be entitled to receive eight cents for each name on their respective duplicates, in assessing, levying, and collecting the township, city, or borough, and county taxes, instead of the fees now allowed by law.

Act to go into immediate effect.

Sec. 5. *And be it enacted*, That this act shall go into operation and be in force on and after the passage thereof.

Passed March 15, 1837.

AN ACT for the relief of Benjamin Cozier, of the county of Cumberland.

Pension of $60 per annum granted to B. Cozier, for Revolutionary services.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to Benjamin Cozier, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said Benjamin Cozier, annually, in semi-annual payments, from the passing of this act, during the lifetime of the said Benjamin Cozier; and the receipt of the said Benjamin, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed March 15, 1837.

AN ACT for the relief of George Taylor, of the county of Cumberland.

Pension of $60 per annum granted to G. Taylor, for Revolutionary services.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the treasurer of this state for the time being shall, and he is hereby authorized and required to pay to George Taylor, of the aforesaid county, a soldier in the service of the United States in the Revolutionary war, or to his order, the sum of sixty dollars, to be paid to the said George Taylor annually, in semi-annual payments, from the passing of this act, during the lifetime of the said George Taylor; and the receipt of the said George, or his order, shall be a sufficient voucher to the treasurer for such sums as may be paid by virtue of this act, in the settlement of his accounts.

Passed March 15, 1837.

A FURTHER SUPPLEMENT to an act entitled, "An act to erect parts of the counties of Essex and Bergen into a new county, to be called the county of Passaic; and the eastern part of the county of Gloucester into a separate county, to be called the county of Atlantic."

Part of former act explained.

SEC. 1. 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 election authorized by the seventeenth section of the act to which this is a supplement, to be held in the county of Passaic, shall determine only into which township of said county the seat of justice shall be established.

Site for public buildings to be selected by chosen freeholders.

SEC. 2. *And be it enacted,* That when it shall have been determined, by said election, into which township the seat of justice shall be, the selection of the particular site in such township, whereon the court-house, jail, and other public buildings shall be erected, shall be made by the board of chosen freeholders of said county.

Passed March 15, 1837.

AN ACT to defray incidental charges.

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

Certain incidental charges directed to be paid.

To Daniel Fenton, for stationary, four dollars and sixty-five cents.

Samuel Paxson and sons, for nails, glass, &c., four dollars and forty-nine cents.

Edward Sanderson, extra allowance for printing chancery reports, one hundred dollars.

Rebecca Sterling, for candles, &c., ninety-four dollars and thirteen cents.

Catharine Faussett, for cleaning stove-pipe, two dollars.

Thomas L. Allison, for printing, one dollar.

Enoch G. Welling, for wood, one hundred and nine dollars and fifty cents.

Thomas Gordon, for copy of a map, five dollars.

Fish, Cook, and Co., for lumber, two dollars and eighty-eight cents.

Bernard Connelly, for extra binding minutes of the legislature, twenty-five dollars.

Boswell and Clarke, for paints, &c., eleven dollars and seventy-eight cents.

Rebecca Sterling, for candles, eighteen dollars and seventy cents.

George C. Westcott, for arranging marriage bonds, in the office of secretary of state, twenty-five dollars.

Thomas McPherson, for stationary, four dollars and twenty-five cents.

John R. Smith, for one coat hook, twenty-eight cents.

Ralph H. Shreeve, for stationary, &c., fifteen dollars and eighty-seven and one-half cents.

Emily Combs, for making cushions, five dollars.

Samuel Newbold and Co., for coal, thirty-two dollars.

James Currey, for floor sand, one dollar and two cents.

Jacob Kline, treasurer of New Jersey, for sundry bills paid by him for labour and materials in the erection of furnaces in the cellar of the state house for heating the assem-

bly room, white washing and painting the room, &c., nine hundred and fourteen dollars; letter postage at the office in Trenton, to thirteenth of January last, ninety-two dollars and fifty-nine cents; paid William D'Hart, for Potts' register, ninety-three dollars and seventy-five cents; paid Samuel S. Stryker and Co., for twine and tow cloth, had by C. Parker, for bailing laws and proceedings of the last legislature, fourteen dollars and forty-four cents; expenses to Bordentown, on business with the Railroad Company, one dollar and sixty-nine cents; expenses to Philadelphia, five dollars; expenses of receivers of the surplus revenue, going to, while at, and returning from New York, thirty-six dollars and forty-two cents; committee of the legislature, on a visit to the eastern penitentiary of Pennsylvania, one hundred and twelve dollars and seventy-five cents; paid Thomas Combs, for breaking coal, and putting it in cellar, four dollars; paid Seth Wright, for sawing, splitting, and piling away sixteen cords of wood for state house, twenty dollars; paid joint-committee on the affairs of the New Jersey Railroad and Transportation Company, during the recess of the legislature, for services and mileage, one hundred and sixty-eight dollars—making an aggregate fourteen hundred sixty-two dollars and sixty-four cents.

Charles Parker, late treasurer, for amount of sundry bills and expenses paid by him for the state, as per accounts and vouchers rendered, from No. 1 to 14 inclusive, seventy-four dollars and ninety-six cents.

Daniel Baker, for work done in the state arsenal, one hundred and sixty-two dollars and eighty cents.

Samuel Woolley, for work done in the council chamber and government room, seven dollars.

D. Childs, for repairing locks, tables, &c., fourteen dollars.

Jasper Scott, for work at the secretary of state's office, two dollars and fifty cents.

James D. Westcott, for sundry services and bills paid, thirty-eight dollars and seventy-four cents.

James T. Sherman, for advertising, forty-eight dollars and thirty-seven cents.

Alexander McKelway, for sundries, three dollars and twenty-five cents.

Benjamin F. Vancleve, for advertising, thirty-four dollars and sixty-two cents.

Peter D. Vroom, late governor, for sundry bills of post-

age, repairs of government property, and expense of express, one hundred and six dollars and ninety-seven cents.

Joseph Justice, for current printing, six hundred and eighty-three dollars and thirty-two cents.

Joseph Justice, for stationary, two hundred and eighty-six dollars and ninety-eight cents.

Phillips and Boswell, for printing, fourteen dollars.

William Boswell, for current printing, one hundred and sixty-one dollars.

Thomas J. Combs, for work done at state house, three dollars.

William A. Benjamin, for nails, forty-nine cents.

Hammitt and Hutchinson, for coach hire for state prison committee, eleven dollars and fifty cents.

Hammitt Hutchinson, and Weart, on account of a deduction made from their bill of last year, seven dollars and forty-two cents.

Passed March 15, 1837.

AN ACT making a further appropriation for the prosecution of the geological and mineralogical survey of this state.

Further sum of $2000 appropriated for geological and mineralogical survey.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the governor, or person administering the government of this state, be, and he is hereby authorized to draw from any unappropriated money in the treasury of this state the further sum of two thousand dollars, to be appropriated under his direction, to the continuation of the geological and mineralogical survey of this state.

Passed March 15, 1837.

A SUPPLEMENT to an act entitled, "An act abolishing imprisonment for debt in certain cases," passed February nineteenth, one thousand eight hundred and thirty.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That any person or persons who may hereafter be committed to the jail of any county in this state, by any sheriff, constable, or other officer, in a civil action upon mesne process or process of execution, or where the defendant shall have been surrendered in discharge of his bail, shall be discharged from custody; *provided* such person or persons shall make out and deliver to the sheriff of such county a true and perfect inventory, under oath or affirmation, of all his or their goods and chattels, rights, credits, lands, tenements, hereditaments, and real estate, and a bond agreeably to the provisions of the first section of the act to which this is a supplement, which inventory and bond shall be preserved by said sheriff for the benefit of the parties interested; *provided also*, that no person or persons shall be entitled to the provisions of this act, or of the act to which this is a supplement, unless he or they shall have resided within this state at least three months before the time of arrest.

Provisions of general act extended.

Benefits confined to persons who have resided in the state three months.

Sec. 2. *And be it enacted*, That this act shall take effect immediately after the passage thereof, and that the supplement to the act entitled, "An act abolishing imprisonment for debt in certain cases, passed February nineteenth, one thousand eight hundred and thirty," which supplement was passed March fourth, eighteen hundred and thirty-five, be and the same is hereby repealed.

Act to go into effect immediately.

Passed March 15, 1837.

A FURTHER SUPPLEMENT to the act entitled, "An act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies."

Sec. 1. 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 united Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized, out of the joint funds of the said corporations, to survey or lay out and construct a railroad, with all the necessary appendages, to commence at some suitable point in the city of New Brunswick, where the same shall connect with the south westerly end or termination of the road of the New Jersey Railroad and Transportation Company, and thence to run on the most eligible route to the city of Trenton; and thence to some point on the line of the Camden and Amboy Railroad, at or south of the borough of Bordentown, and there to connect with the said Camden and Amboy Railroad, with as many sets of tracks as they may think necessary; which road and tracks shall be of the same width, dimensions, and construction as the Camden and Amboy Railroad and track, with a spur, or lateral railroad, to connect with the said railroad above authorized to be constructed at some point in the city of Trenton, to be fixed on by the said company, with the assent of the corporation of the said city of Trenton, and extend from thence to the Delaware river, at the Trenton Delaware bridge.

United companies authorized to construct a railroad.

Location.

Sec. 2. *And be it enacted*, That, for the purpose of enabling them to construct said roads, the said united "Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies" be, and they are hereby invested with all the powers and authority which they now possess, and entitled to all the privileges and emoluments to which they are now entitled under the act entitled, "An act to incorporate the Delaware and Raritan Canal Company," passed February fourth, eighteen hundred and thirty, the act entitled, "An act to incorporate the Camden and Amboy Railroad and Transportation Company, passed February fourth, eighteen hundred and thirty, and the several acts supplementary to the said acts, or either of them, as far as the provisions thereof are now in force and not repealed, altered, or modified by subsequent acts; and shall be subject to all the provisions, conditions, liabilities, limit-

Companies invested with same powers as conferred by original charters, &c., for purpose of constructing road.

ations, and restrictions, to which they are now subject under said acts; *provided*, that in the assessment of the damages done to the owner or owners of the land through which the said railroad may pass, the benefit which shall or may result to the said owner or owners from the construction of the said railroad shall not be taken into consideration.

Proviso.

Transit duties to be paid to state for passengers and property carried on railroad.

Sec. 3. *And be it enacted*, That the said united Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies shall be liable to pay to this state, at the same stated periods, the same transit duties for goods, wares, and merchandises, and for passengers transported on or over said road from Bordentown, from the Trenton Delaware bridge, or from the city of Trenton to the city of New Brunswick, or from the city of New Brunswick to Trenton, the Trenton Delaware bridge, or Bordentown, that they would be liable to pay to the state for the same goods and passengers, if they had been transported on the Camden and Amboy Railroad from Camden to South Amboy; *provided however*, that it shall not be lawful to charge more than five cents per mile for the transportation of each and every passenger on the road hereby authorized, and not to exceed the same rate for the transportation of each and every way passenger on the road of the Camden and Amboy Railroad and Transportation Company.

Rates for transportation of passengers.

United companies may locate railroad on Trenton and New Brunswick Turnpike Company's road by their assent.

Sec. 4. *And be it enacted*, That it shall be lawful for the said united Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, by and with the assent of the president and directors of "the Trenton and New Brunswick Turnpike Company," and on such terms with respect to themselves as may be agreed on between them, to locate the said railroad hereby authorized to be constructed from New Brunswick to Trenton on the line of said turnpike road, with such variations therefrom as the nature of the ground shall in their opinion require; and that the said railroad hereby authorized to be constructed, whether laid on the said turnpike road or not, shall be redeemable by this state at the same time that the said Camden and Amboy railroad is redeemable, or at any time afterwards, but not before, without the consent of the said united companies, and on the same terms that the said Camden and Amboy railroad is redeemable by the laws now existing and in force on that subject.

Railroad redeemable by state at same time as Camden and Amboy Railroad.

Right of state to stock, &c., held in Dela-

Sec. 5. *And be it enacted*, That nothing in this act contained shall be construed, held, deemed, or taken in any way to affect, impair, or defeat the right of the state of New

Jersey of, in, or to the shares they now hold of the capital stock of the said Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company, or the interest or dividends accruing thereon, and to the transit duties for the transportation of goods, wares, and merchandises, and of passengers, on said canal and railroad; or the right of redeeming said works, according to the provisions now in force in the charters of the said companies, and acts supplementary thereto; but the state shall be and remain entitled to their said rights, privileges, and emoluments, as fully as if this act had not been passed.

ware and Raritan Canal and Camden and Amboy Railroad Companies not to be affected.

Sec. 6. *And be it enacted*, That this act shall not go into effect, and the said united Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, or either of them, shall not be authorized to proceed in the construction of the said railroad hereby authorized to be erected, or any part thereof, until the boards of directors of each of the said companies, respectively, or the joint-board of directors of the said two companies, shall certify their acceptance of this act, as a supplement to, and part of the charter of said companies, under the hands of the president and secretary and the corporate seal of the said joint-companies, and of each of the said companies, respectively, and file the same in the office of the secretary of this state, who, in such case, shall cause a certified copy of said certificate of acceptance to be published, in connection with this act, among the laws of this state, which said publication shall be deemed competent and plenary evidence of such acceptance.

Act not to go into effect until a certificate of acceptance thereof be filed with secretary of state.

Certificate of acceptance to be published with laws.

Sec. 7. *And be it enacted*, That if the said joint-companies shall certify their acceptance of this supplemental act in manner aforesaid, and in all things comply with the provisions thereof, and complete the railroad hereby authorized within the time fixed for the construction of the lateral railroad required by the sixth section of the act entitled, "A supplement to an act entitled an act relative to the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies," passed the second day of March, in the year of our Lord one thousand eight hundred and thirty-two, that then and in that case so much of the said sixth section of the last mentioned act, as makes it "the duty of the said companies to construct a lateral railroad from some suitable point on said road, at or west of the village of Spotswood, to a suitable point or points in the city of New Brunswick," be, and the same is hereby repealed.

When railroad to be completed.

Part of former act repealed.

Passed March 15, 1837.

In compliance with the requisitions of the sixth section of the foregoing law, entitled, "A further supplement to the act entitled an act relative to the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies," the following certified copy of the acceptance of the provisions of said law, by the said companies, is here published :—

WHEREAS the legislature of the state of New Jersey did, on the fifteenth day of March, in the year of our Lord one thousand eight hundred and thirty-seven, pass an act entitled, "*A further supplement to the act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies*"—AND WHEREAS the sixth section of the said act enacts "that this act shall not go into effect, and the said Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, or either of them, shall not be authorized to proceed in the construction of the said railroad hereby authorized to be erected, or any part thereof, until the boards of directors of each of the said companies, respectively, or the joint-board of directors of the said two companies, shall certify their acceptance of this act, as a supplement to, and part of, the charter of the said companies, under the hands of the president and secretary and the corporate seal of the said joint-companies, and of each of the said companies, respectively, and file the same in the office of the secretary of the state, who in such cases shall cause a certified copy of said certificate of acceptance to be published, in connection with this act, among the laws of this state; which said publication shall be deemed competent and plenary evidence of such acceptances"—

Be it therefore hereby certified, that the Delaware and Raritan Canal Company and the Camden and Amboy Railroad and Transportation Company do accept this said act, as a supplemeut to, and part of, the charter of said companies.

WITNESS the hands of the president and secretary and the seal of the said joint-companies, and the hands of the president and secretary and the seal of the Delaware and Raritan Canal Company, and the hands of the president and secretary and the seal of the Camden and Amboy Railroad

and Transportation Company, this twenty-third day of March, one thousand eight hundred and thirty-seven.

JOHN POTTER, [L. S.]
President of the Joint-Board.

JNO. R. THOMPSON,
Secretary of Joint-Board.

R. F. STOCKTON, [L. S.]
Pres. D. & R. C. C.

JNO. R. THOMPSON,
Sec. D. & R. C. C.

ROB'T. L. STEVENS, [L. S.]
President of the Camden and Amboy R. R. & T. Comp'y.

BENJ. FISH,
Sec. of C. & A. R. & T. Co.

Endorsed.—"Filed April 13, 1837."
"J. D. WESTCOTT."

STATE OF NEW JERSEY, *ss.*—I, James D. Westcott, Secretary of State of New Jersey, do hereby certify, that the foregoing is a true copy of the certificate of acceptance by the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Company, of the law of said state, passed the fifteenth day of March, A. D. one thousand eight hundred and thirty-seven, entitled, "A further supplement to the act entitled, an act relative the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies," as taken from, and compared with, the original, now on file in my office.

Seal of the Secretary of State of New Jersey.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my seal of office, at the city of Trenton, in said state, this tenth day of June, A. D. one thousand eight hundred and thirty-seven, (1837.)

JAMES D. WESTCOTT.

AN ACT for the regulation of the State Penitentiary.

Rules for government of state penitentiary.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the following rules and regulations, for the better ordering and government of the state penitentiary, shall be and continue in force until altered by law:

ARTICLE I.—*Of the Duties of the Inspectors.*

Duties and powers of inspectors.

To meet monthly.

The inspectors shall hold stated meetings once a month, at the penitentiary, and adjourned or special meetings whenever necessary; they shall keep regular minutes of their proceedings; they shall see that the duties of the several officers and attendants are performed, so as to prevent all oppression, peculation, or other abuse or mismanagement; they shall have power, if they on conference find it necessary, to make such rules for the internal government of said penitentiary as may not be inconsistent with the principles of solitary confinement.

To make annual report to legislature.

Further duties.

They shall, on or before the first Tuesday in November, in every year, make a report to the legislature of the state of the penitentiary; which report shall contain the number of prisoners in confinement, their age, sex, place of nativity, time of commitment, term of imprisonment; noticing also those who have escaped or died, and who have been pardoned or discharged, designating the offence for which each has been committed, and whether for the first or repeated offence, and by what court, or by whose order; and, in said report, the inspectors shall make such observations as to the efficiency of the system of solitary confinement, as may be the result of their observation and experience, and give such information as they may deem expedient to render the institution effectual in the punishment and reformation of offenders; they shall also report the rules adopted by them for the government of the prison, and to what extent the provisions of the several articles of this act shall have been observed and complied with.

They shall have power to examine any person, upon oath or affirmation, relative to any abuse in said penitentiary or matter within the purview of their duties.

Acting inspectors to visit each cell once a week.

The acting inspectors shall, at least once in every week, visit the cell or place of confinement of each prisoner, and speak to each prisoner out of the presence and hearing of the keeper, or any other person employed in the prison; they shall examine into the truth of all complaints of op-

pression or ill-treatment of the prisoners; and on such visits they shall be furnished by the keeper with the list of all the prisoners, and ascertain, by actual inspection, whether all the prisoners named in the said list are in the situation stated in said list.

A majority of the inspectors shall constitute a quorum for the transaction of business. Quorum.

ARTICLE II.—*Of the Duties of the Principal Keeper.*

The principal keeper shall visit every cell and apartment, and see every prisoner, at least once in every day; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of every prisoner; and also the complaints that are made, and the punishments that are inflicted for the breach of prison discipline, as they occur, the visits of the inspectors and physician, and such other occurrences as concern the state of the prisoner. Duties of principal keeper.

He shall report all infractions of the rules to the inspectors, and all punishments inflicted, and, with the approbation of one of them, may punish the offender in such manner as the rules of the prison provide; he shall not absent himself from the penitentiary for a night, without permission in writing from two of the inspectors; he shall, at least once in each week, make a close and critical examination of each cell, to ascertain whether any attempt is making by any prisoner to escape.

ARTICLE III.—*Of the Duty of the Deputy Keepers.*

It shall be the duty of the deputy keepers to inspect the condition of each prisoner under his care at least three times in every day, to see that the meals are regularly furnished, according to the prison allowance, and to superintend the work of the prisoners, and shall, at least once in each day, make a close and critical examination of each cell, to ascertain whether any attempt is making by any prisoner to escape; and it shall be the duty of the deputy keepers on guard to inspect the exterior cell walls at least once every night, between the hours of twelve and five o'clock. Duties of deputy keepers.

They shall give immediate notice to the principal keeper or physician whenever any convict shall complain of sickness.

Each deputy keeper shall have a certain number of prisoners assigned to his care; he shall make a daily report to the principal keeper of the health and conduct of the prison- Further duties.

ers, and a like report to the inspectors, when required. The deputy keepers shall obey all legal orders given by the principal keeper, and all rules established by the board of inspectors for the government of the prison; all orders to the deputy keepers must be given by or through the principal keeper; the deputy keepers shall not absent themselves from the penitentiary without permission from the principal keeper.

Further duties.

The deputy keepers shall not converse with any of the convicts, further than may be absolutely necessary in the performance of their duties, and shall in no case give information to a convict of anything that may occur out of his cell; they shall not furnish any convict, nor permit a convict to have in his cell any other article than such as is allowed by the rules of the inspectors; they shall not deliver to, or receive from, any prisoner any letter, communication in writing, or message, except to or from the principal keeper.

ARTICLE IV.—*Of the Duties of the Physician.*

Duties of physician.

The physician shall visit each prisoner once in every week, and as often as the state of the health of any prisoner shall require it, and shall report once in every month to the inspectors; he shall attend immediately on being notified that any convict is sick; he shall give such directions for the health and cleanliness of the prisoners, and when necessary for such alteration of their diet, as he may deem expedient, of which the principal keeper shall have executed, unless the same shall be contrary to the provisions of the law or inconsistent with the safe custody of the prisoners.

ARTICLE V.—*Of the Reception and Treatment of Prisoners.*

Of the reception and treatment of prisoners.

Each convict, upon being received at the penitentiary, shall be examined by the principal keeper, clerk, and as many of the deputy keepers as can conveniently attend, in order to their becoming acquainted with the person and countenance of such convict, as also his or her name, height, apparent and alleged age, place of nativity, trade, complexion, colour of hair and eyes, length of feet, together with such natural and accidental marks and peculiarity of features or appearance as may serve to identify such convict, all of which shall be entered in a book provided for that purpose, and each convict who can write shall sign his or her name under the said description of his or her person; and no convict shall be employed or act as underkeeper, cook, clerk, or servant in the said penitentiary.

No tobacco, in any form, shall be used by any convict;

and no convict shall receive or have any other clothing or food than such as are prescribed by law and the rules of the inspectors.

ARTICLE VI.—*Of Visitors.*

Of official and other visitors.

The official visitors of the penitentiary shall be the governor, members of the legislature, secretary of state, treasurer of the state, the justices of the supreme court, and attorney general.

No person who is not an official visitor, or who has not a written permission according to the rules adopted by the inspectors, shall in any case be permitted to visit the said penitentiary, nor shall any cell be at any time opened to any visitor other than an official visitor, except on the written order of two inspectors, and none but the official visitors can have any communication with the convicts; nor shall any visitor whatever be permitted to deliver to, or receive from, a convict any message or letter, or to supply a convict with any article of any kind, under the penalty of one hundred dollars fine, to be recovered before any court of competent jurisdiction, in the name of, and for the use of the state.

ARTICLE VII.—*Of the Clerk.*

Duties of the clerk.

It shall be the duty of the clerk of the said penitentiary to keep the books and accounts of the same, and of each prisoner, as prescribed by law, and to attend to the necessary and proper writing of the establishment, under the direction of the inspectors and principal keeper.

Officers of prison to take no emolument in behalf of prisoners, and penalty therefor.

Sec. 2. *And be it enacted*, That it shall not be lawful for any of the inspectors, the principal keeper, deputy keepers, or any other officer of the said penitentiary, to receive or take from, or in behalf of any convict, either directly or indirectly, any emolument or reward whatever, or the promise of any, either for services or supplies, or a gratuity, under the penalty of one hundred dollars for each offence, to be recovered in the name and for the use of the state, in any court having competent jurisdiction; and every keeper or other officer so offending shall be immediately discharged, and be for ever after incapable of holding any office in said penitentiary.

Money to be given prisoner when discharged.

Sec. 3. *And be it enacted*, That it shall be the duty of the principal keeper, upon the discharge of each prisoner, who has not the sum sufficient for that purpose, to pay him or her not exceeding five dollars, at the expense of the state, for his or her support.

Regulations respecting contractors for labour of prisoners.

Sec. 4. *And be it enacted*, That if any person or persons shall contract for the labour of any of the prisoners, it shall and may be lawful for the principal keeper and acting inspectors to permit such contractor or contractors to name and employ such instructor or instructors as shall be approved of by the said principal keeper and acting inspectors, who shall enter into bond to the principal keeper, in such sum and with such security as he shall deem reasonable, for the due observance of all the laws and rules of the penitentiary.

Former acts repealed.

Sec. 5. *And be it enacted*, That all acts and parts of acts conflicting with the provisions of this act, or coming within the purview thereof, be, and the same are hereby repealed, and that this act shall go into operation and be in force immediately after the passage thereof.

Passed March 15, 1837.

AN ADDITIONAL SUPPLEMENT to the act entitled, "An act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies.

Fare increased on certain conditions.

Sec. 1. BE IT ENACTED *by the Council and General Assbly of this state, and it is hereby enacted by the authority of the same*, That the united Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies be, and they are hereby authorized, so soon as they shall signify their acceptance of this supplement, (as directed in the sixth section of the act entitled, "A further supplement to the act entitled, an act relative to the Delaware and Raritan Canal and the Camden and Amboy Railroad and Transportation Companies," passed the fifteenth day of March, Anno Domini one thousand eight hundred and thirty-seven) to charge the sum of four dollars for each passenger carried on any of the railroads of the said companies, to and from the cities of New York and Philadelphia, by day, and five dollars by night; *provided*, that they shall

pay into the treasury of this state one half of any sum over three dollars they may charge each passenger so carried; *and provided also*, that the way fare on said roads shall not exceed three cents per mile for each passenger being a resident of this state; *and provided* the transit duty shall in no case be less than ten cents for each passenger carried on said road.

Amount to be paid to the state.

Way fare.

Transit duty.

Sec. 2. *And be it enacted*, That the revenue which may from time to time be received from the said companies, after paying the state tax out of the same, shall be invested by the treasurer of this state, under the direction of the governor, vice president of council, and speaker of the house of assembly, for the time being, as a specific fund for the redemption of the railroads and railroad appendages of the said companies, as soon as the same shall become redeemable; and said revenue, with the interest which may from time to time accrue from investments thereof, shall be, and hereby is appropriated and set apart to be invested for said purposes, unless the legislature hereafter shall otherwise by law direct.

Application of the revenue derived from the railroad.

Sec. 3. *And be it enacted*, That so much of the act relative to the Delaware and Raritan Canal and Camden and Amboy Railroad and Transportation Companies, passed fifteenth February, eighteen hundred and thirty-one, as restricts the said companies to the sum of three dollars for the carriage of passengers between the cities of New York and Philadelphia, be, and the same is hereby repealed.

Repeal of former acts.

Sec. 4. *And be it enacted*, That it shall be the duty of the treasurer or treasurers of the united Delaware and Raritan Canal and the Camden and Abmoy Railroad and Transportation Companies, in addition to making their quarterly return or returns, required of them by law, to the treasurer of the state, to report the amount charged for each passenger transported upon the road or roads of said companies.

Quarterly returns to be made by the treasurer of Canal and Railroad Companies.

Passed March 15, 1837.

An act to incorporate the Delaware Manufacturing Company.

Sec. 1. Be it enacted *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That James A. Simpson, Jacob B. Smith, and Lewis S. Coryell, and their associates and successors, shall be and they are hereby incorporated and made a body politic, by the name and style of "The Delaware Manufacturing Company," for the purpose of manufacturing cotton, wool, flax, iron, and wood; and shall open books of subscription, and shall have power to raise, in shares of fifty dollars each, a capital of one hundred and fifty thousand dollars, with privilege to increase the same to three hundred thousand dollars; and as soon as three hundred shares shall be subscribed, and five dollars on each share paid in, the individuals above named, or a majority of them, may, by public notice of thirty days given in one or more of the public newspapers printed in the county of Hunterdon, call a meeting of the stockholders for an election of seven directors, each of whom shall be a stockholder, to be voted for by the said stockholders, according to their respective shares, in person or by proxy, the said individuals above named, or any four of them, to be inspectors or judges of the said election; and the said directors, when elected, shall choose out of their number a president; and the directors of said company shall annually thereafter, by public notice as aforesaid, call meetings of the stockholders for electing directors of said company, and shall appoint three inspectors of said election, who are not directors; and the directors so elected shall continue in office until their successors are elected, and shall have power at all times to make by-laws for the government of the said company, not repugnant to the constitution and laws of this state or of the United States; and shall also have power to call in said stock from time to time by instalments, not exceeding five dollars at any one instalment, by giving public notice as aforesaid, and to declare forfeited to the said company the stock, with all previous payments made thereon, of all such stockholders as shall neglect or refuse to pay the instalments upon their respective shares, as shall be required to be paid as above; *provided* previous notice of thirty days shall have been given to each delinquent stockholder.

Names of corporators.

Style of incorporation.

Amount of capital.

Time and mode of electing directors.

President to be elected.

Powers of directors.

Stock forfeited on failure to pay instalments

Proviso.

Sec. 2. *And be it enacted*, That all elections for directors of said company shall be by ballot; and if the directors

Elections to be by ballot.

for the time being of the said company shall at any time neglect or refuse to give notice, as in the first section of this act is directed for the election of directors, then upon such neglect or refusal the stockholders, or a majority of them, may within the time in such case prescribed by law give notice and call such meeting, and elect directors in like manner as if said directors had given notice as by this act is required; and if at any election for directors two or more persons voted for shall receive an equal number of votes, the directors for the time being shall determine by ballot which of the said persons so having an equal number of votes shall be director or directors, as shall be required to complete such election; and upon the death or resignation of any of the said directors, the remaining directors shall choose from among the stockholders some person or persons to fill such vacancy or vacancies, who shall hold his or their office until the next annual election shall be complete.

Vacancies, how supplied.

Sec. 3. *And be it enacted*, That the said directors, before they enter upon the duties of their office, shall severally take and subscribe an oath or affirmation faithfully and honestly to promote the interests of said company; and they may appoint a secretary, treasurer, and such other officers and agents as they may from time to time deem necessary and useful, with such compensation as they may think adequate, and require from such officers and agents, as well an oath or affirmation of fidelity as such bond and security for their good conduct, as may to them appear reasonable and proper.

Directors to take oath of office.

Officers may be appointed.

Sec. 4. *And be it enacted*, That the said company, for the purpose of promoting the manufacture of cotton, wool, flax, iron, and wood, or any of the said articles, and of erecting such machinery as may promote the manufacture of said articles, may buy, rent, and hold all such lands, tenements, and water-power, and other real and personal estate, in the village of Lambertville, as may be necessary and useful for the purpose aforesaid, and the same improve and use, or sell, let, or otherwise dispose of, as they shall deem proper; and the said company, by their corporate name, may sue and be sued, plead and be impleaded, in all courts whatever; may have a common seal, and alter and renew the same at pleasure; and shall have, enjoy, and exercise all the rights, powers, and privileges pertaining to corporate bodies and necessary for the purpose of this act; *provided always*, that the privileges hereby granted shall not be so construed as to interfere with the vested rights of any other person or persons, body corporate or politic, or to use the water in the feeder of the Delaware and Raritan Canal Company.

What real estate may be held.

Power of the company.

Proviso.

Semi-annual dividends to be made.

Sec. 5. *And be it enacted*, That a dividend of the profits of the said company, except so much thereof as may be set apart for a surplus fund, (which surplus fund shall not exceed at any one time seven thousand dollars) shall be semi-annually made by the directors among the stockholders; and the books of the said company shall at all times be open for the inspection of said stockholders; *provided*, that no dividends be made except from the actual profits of said company.

Proviso.

Stock personal property.

Sec. 6. *And be it enacted*, That the stock of the said company shall be personal property, and transferable upon the books of the company; and that no part of the fund of the company shall be used for banking purposes or any other purposes not clearly indicated by this act.

Funds not to be employed for banking purposes.

Limitation.

Sec. 7. *And be it enacted*, That this act shall continue in force until the first day of May, in the year of our Lord one thousand eight hundred and sixty-seven, and no longer; and that at any time hereafter the legislature may repeal, alter, or modify the same, as in their opinion the public good may require.

Act may be repealed.

Passed March 15, 1837.

AN ACT to incorporate the Paterson Iron and Steel Company.

Names of corporators.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That John Colt, E. B. D. Ogden, Aaron S. Pennington, Robert Oliver Colt, Abraham Reynolds, and Joseph Smith, and the survivors of them, and all such persons as may hereafter be associated with them, or the said survivors and assigns, shall be, and they are hereby constituted a body corporate and politic, in fact and in name, by the name

Style of incorporation.

of "The Paterson Iron and Steel Company," for the purpose of manufacturing iron, steel, and metals, in all or any of their various branches, in the town of Paterson, and carrying on business incident to such manufactories; and by that name they and their successors may have succession,

and continue a body corporate and politic, and shall in law be capable of contracting and being contracted with, suing and being sued, pleading and being impleaded, defending and being defended, answering and being answered unto, in all courts and places whatsoever, in all manner of actions, suits, and complaints, matters and causes whatsoever, and of doing all other acts needful to the proper management of the funds and property of the said corporation, and to the carrying on the business for which said corporation is hereby created; and they and their successors, by the same name, may be capable to acquire, purchase, receive, have, hold, and enjoy such real estate as may be necessary or useful for the said corporation for the purposes above mentioned, and such other real estate as shall have been bona fide mortgaged or pledged to them by way of security, or conveyed to them in satisfaction of debts or liabilities previously created in their business, or purchased at sales upon judgments which shall have been obtained for such debts or liabilities; *provided always*, that the funds of said corporation, or any part thereof, shall not be used or employed at any time in banking operations, nor for any other purpose not plainly indicated by this act.

Powers.

Funds not to be employed in banking operations.

Sec. 2. *And be it enacted*, That the stock, property, and concerns of the said corporation shall be managed and conducted by five directors, being stockholders, one of whom to be president, who shall hold their offices for one year; and that the said directors shall be chosen on the first Tuesday in October in every year, at such place and time as shall be directed by the stockholders; and public notice shall be given of the time and place of holding every such election, not less than twenty days previous, in one or more newspapers printed in the town of Paterson aforesaid, where said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled, in person or by power of attorney, to as many votes as he or she shall hold shares of the capital stock of said corporation; and the persons having the greatest number of votes, being stockholders, shall be directors; and the directors chosen at one election shall be capable of serving by virtue thereof, until another election shall have been had; and the directors so chosen may appoint such officers, and assign such compensations as they shall think fit, not less than a majority of the whole number of directors being present when the same shall be done; and if it shall at any time happen that any vacancy or vacancies occur, by death, resignation, or otherwise, among the directors named in this act, or those hereafter to be elected, such

Time and mode of electing directors.

Vacancies, how supplied.

vacancy or vacancies shall be filled by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; until other directors are chosen from the stockholders, the first directors shall be

First directors.

John Colt, E. B. D. Ogden, Aaron S. Pennington, Robert Oliver Colt, and Joseph Smith, and the survivors or survivor of them, who shall hold their offices until the first Tuesday of October next, or until others are legally chosen.

Amount of capital.

Sec. 3. *And be it enacted*, That the capital stock of said corporation shall not exceed the sum of two hundred thousand dollars, which shall be divided into shares of one hundred dollars each; but so soon as the sum of fifty thousand dollars of the said capital stock shall have been subscribed and paid, or satisfactorily secured to be paid, it shall and may be lawful to and for the said corporators to commence their said business, and with that capital conduct and carry it on until they shall deem it expedient to extend their operations; and it shall be lawful for the directors of the said company to call and demand from the said stockholders, respectively, all such sums of money by them subscribed, at such times and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders and all previous payments thereon, if such payment shall not be made within sixty days after a notice shall have been published, for the space of thirty days, in one or more newspapers published in or near the place where such payment shall be required to be made.

When business may be commenced.

Stock forfeited on failure to pay instalments.

Stock personal estate.

Sec. 4. *And be it enacted*, That the stock or property of the said corporation, of whatsoever nature or kind, shall be deemed personal estate, and be transferable in such manner as shall be prescribed by the by-laws of said corporation;

Proviso.

provided, that no dividends shall be made to and among the stockholders except from and out of the profits of the said corporation.

Corporation not dissolved for failure to elect on day prescribed.

Sec. 5. *And be it enacted*, That in case it should at any time happen that an election should not be made on the day that pursuant to this act it ought to be made, the said corporation shall not for that cause be deemed to be dissolved; but it shall and may be lawful to hold such election on such other days, in the manner aforesaid, as shall be prescribed by the by-laws and ordinances of the said corporation.

Power of directors.

Sec. 6. *And be it enacted*, That a majority of the directors for the time being shall form a board for transacting the business of said corporation, and shall have power to ordain, establish, and put in execution such by-laws, ordi-

nances, and regulations as shall seem necessary and convenient for the government, management, and disposition of the stock, effects, profits, and concerns of the said corporation; *provided*, that the same are not contrary to the constitution and laws of the United States or of this state.

Books open to inspection of stockholders.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, proper books of account in which shall be regularly entered all the transactions of said corporation, which books shall at all times be open to the inspection of the stockholders of the said company, or their legal attorney or attorneys; and further, that no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

How company may be dissolved.

Sec. 8. *And be it enacted*, That the said company may be dissolved at a general meeting of the stockholders, specially summoned for that purpose; *provided*, at least three-fourths in value of the stockholders shall be present or represented therein; and upon such dissolution the directors for the time being, and the survivors and survivor of them, shall be trustees for settling all the affairs of the said corporation, disposing of its effects, recovering and paying its debts, and dividing the surplus among the stockholders in proportion to their respective interest in the stock; unless the stockholders, at such general meeting, shall appoint other persons, not less than three nor more than five in number, for such purpose, in which case the persons so appointed, and the survivors and survivor of them, shall be trustee and trustees for the purpose aforesaid.

Limitation.

Act may be repealed.

Sec. 9. *And be it enacted*, That this act shall be and continue in full force for and during the term of thirty years, and no longer; and further, that the legislature may have full power at any time hereafter to alter, amend, modify, or repeal this act, whenever they deem proper.

Passed March 15, 1837.

AN ACT making the necessary appropriations for the settlement of the accounts of the late commissioner for building the new State Penitentiary, and to complete the same.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same*, That the governor, or person administering the government of this state, be, and he is hereby authorized to draw in favour of William R. Allen, esquire, the late commissioner to superintend the finishing of the state penitentiary, from any unappropriated money in the treasury of this state, the sum of eleven hundred and thirty-eight twenty-eighth hundredth dollars, to be appropriated to the payment of the amount advanced by the said commissioner in erecting and completing the said penitentiary; and also to draw in favour of John Wilson, the sum of four hundred and sixty-nine dollars, upon the production of the certificate of the said late commissioner of that amount being due to him, the said John Wilson, on his contract for painting the said state penitentiary.

Governor authorized to draw for $1138.28 in favour of W. R. Allen.

Governor authorized to draw for $469 in favour of J. Wilson.

Sec. 2. *And be it enacted*, That the keeper of the state prison of this state for the time being be, and he is hereby authorized to have the walls around the said new penitentiary pointed and filled in, and the yards within the walls cleared up and put in good order, and the grounds in front suitably fenced and regulated; and also to complete the necessary and proper painting of the buildings and premises; and that the governor, or the person administering the government of this state, be, and he is hereby authorized to draw in favour of the said keeper, from any unappropriated money in the treasury of this state, the further sum of two thousand dollars, to be appropriated for the payment of the cost and expenses that may be incurred under the provisions of this section.

Keeper authorized to have walls painted, grounds fenced, &c.

Governor authorized to draw for $2000 in favour of keeper.

Sec. 3. *And be it enacted*, That it shall be lawful for the governor, or person administering the government of this state, to borrow, if necessary, any amount of money to meet the appropriations authorized by this act, at a rate of interest not exceeding five per centum per annum, and to pledge the faith of the state for the repayment of the same.

Governor authorized to borrow money to meet the appropriations.

Sec. 4. *And be it enacted*, That, the said keeper be, and he is hereby authorized to sell and dispose of all such tools, materials, and other articles, procured for the erection of the said new state penitentiary, as will not ultimately be re-

Keepers authorized to sell tools, &c.

quired for the use of the establishment, and to account for the proceeds of such sales, together with the other disbursements under this act, to the governor, or person administering the government of this state. To account to governor.

Passed March 15, 1837.

AN ACT to divorce Hope Ann Stilwell from her husband Elias Stilwell.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That Hope Ann Stilwell, of the county of Burlington, be, and she is hereby divorced from her husband Elias Stilwell, and the marriage contract heretofore existing between the said Hope Ann Stilwell and her husband Elias Stilwell be, and the same is hereby as fully and absolutely dissolved as if they had never been joined in matrimony. H. Ann Stilwell divorced.

Passed March 16, 1837.

AN ACT to dissolve the marriage contract between Maria Martin and Leonard Martin.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract heretofore existing between Maria Martin and Leonard Martin her husband, of the county of Essex, be, and the same is hereby dissolved, as fully to all intents and purposes as if they had never been joined in matrimony. Maria Martin divorced.

Passed March 16, 1837.

AN ACT to dissolve the marriage contract between Job Pedrick and Hannah Pedrick.

Hannah Pedrick divorced.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That the marriage contract between Job Pedrick and Hannah, of the county of Burlington, be, and the same is hereby dissolved and made void and of no effect, as fully as if they never had been joined in matrimony; *provided nevertheless,* that the issue of the said marriage shall not in consequence thereof be illegitimate.

Passed March 16, 1837.

A SUPPLEMENT to the act entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is, or may hereafter be apportioned to, and received by this state.

Cities of Trenton and Newark considered as townships.

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 cities of Trenton and Newark shall be considered and recognized as townships within the meaning of the act entitled, "An act making provision for the deposit and distribution of so much of the surplus revenue of the United States as now is, or may hereafter be apportioned to, and received by this state.

Passed March 16, 1837.

JOINT-RESOLUTIONS.

Preamble.

WHEREAS the clear and unobstructed navigation of the sound between Staten Island and the Jersey shore is of the greatest importance, as well to the citizens of this state as to the general commercial interests of the whole community—AND WHEREAS this passage, protected at all times from the uncertainties and dangers of a coast navigation, has become the channel of communication for the innumerable travellers between the north and south, and also for the transportation of the produce and merchandise passing from one extreme of our extended country to the other, and is likewise used for the purpose of conveying the mails of the United States—AND WHEREAS, by reason of the confluence of the tides of the sound, Newark bay, and the Kilns, or passage from New York bay, a sand-bar has formed, and is constantly increasing, near the southeast point of Elizabeth Port, which bar now presents a great impediment to the navigation, and unless speedily removed will entirely obstruct one of the most important channels—AND WHEREAS the bar at the junction of the rivers Passaic and Hackensack, in Newark bay aforesaid, has obstructed and seriously diminished the navigation and commerce upon said river—AND WHEREAS it is represented, that in the opinion of the engineers and surveyors of the general government, who have lately examined and surveyed the said sound and bay, the said bars can be removed with great facility, and by a reasonable expenditure their formation hereafter be prevented—Therefore,

Appropriation requested.

BE IT RESOLVED, *by the Council and General Assembly of this state*, That, in the opinion of this legislature, the removal of the sand-bars and the protection of the navigation, by the erection of a suitable pier or other proper means, are objects peculiarly deserving and claiming the early attention of congress, and that it be recommended to congress to make the necessary appropriation for the purposes aforesaid.

Resolutions to be sent to senators and representatives.

Resolved, That the governor of this state be requested to transmit a copy of the foregoing preamble and resolution to each of the senators and representatives from New Jersey.

Passed January 18, 1837.

ACTS

OF THE

SIXTY-FIRST

GENERAL ASSEMBLY

OF THE

STATE OF NEW JERSEY,

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

Being the Third Sitting.



TRENTON:

PRINTED FOR THE STATE.

1837.

ACTS

OF THE

SIXTY-FIRST

GENERAL ASSEMBLY

OF THE

State of New Jersey.

AN ACT to legalize certain appointments made by the governor.

WHEREAS the governor of this state, since the last sitting of the legislature, hath appointed the clerks and surrogates of the counties of Passaic and Atlantic, and as doubts have been entertained of his authority to make those appointments—Therefore, to avoid any difficulty which may arise from any want of authority to make those appointments, Preamble.

BE IT ENACTED *by the Council and General Assembly of this state, and it is hereby enacted by the authority of the same,* That all acts of the said officers, and of each and every of them, heretofore done, or hereafter to be done, in the execution of the duties of their office or offices, shall have the same force and effect, in all respects, as if the said officers had been regularly appointed by the legislature in joint-meeting. Appointment of certain officers legalized.

Passed June 1, 1837.

JOINT-RESOLUTION.

BE IT RESOLVED, *by the Council and General Assembly of this state*, That the treasurer of this state be, and he is hereby empowered to borrow from time to time, until the meeting of the next legislature, any sum or sums that may be necessary for the expenses authorized by law, not exceeding in the whole the sum of fifteen thousand dollars, at a rate of interest not greater than six per cent. per annum, and to repay such loans from the first receipts into the treasury.

Treasurer authorized to borrow money.

Passed May 30, 1837.

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