

# ACTS

32975

OF THE

## FIFTY-SECOND

# GENERAL ASSEMBLY

OF THE

## STATE OF NEW-JERSEY,

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-THIRD DAY OF OCTOBER,  
ONE THOUSAND EIGHT HUNDRED AND TWENTY-SEVEN,  
AND CONTINUED BY ADJOURNMENTS.

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BEING THE FIRST SITTING.



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TRENTON:

PRINTED BY WILLIAM L. PRALL.

1827.



**ACTS**  
OF THE  
**FIFTY-SECOND**  
**GENERAL ASSEMBLY**  
OF THE  
**State of New-Jersey.**

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A FURTHER SUPPLEMENT to the act entitled, "An act to empower the Governor of this State to incorporate a Company to improve the North Branch of Rancocus creek," passed March sixteenth, one thousand seven hundred and ninety-five.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That John Black, Anthony S. Earle, Samuel W. Budd, John Dobbins, and Abraham Brown, or any three of them, be, and they are hereby appointed commissioners, to do and perform the several duties hereafter mentioned, that is to say:—They, or any three of them, shall and may, on or before the first day of May next, procure a book or books, and therein enter as follows: "We whose names are hereunto subscribed, do promise to pay unto the President and Managers for the Improvement of the North Branch of Rancocus creek, forty dollars for every share of stock in the said company set opposite our respective names, in such manner and proportions, and at such times, as shall be determined by the said president and managers, in pursuance of an act of the legislature of New-Jersey entitled, 'An act to empower the governor of this state to incorporate a company to improve the navigation of the North Branch of the Rancocus creek,' and the several supplements thereto;" and that for that purpose they are vested with all the powers and authority given to the commissioners named in the act to which this is a supplement, and are directed to proceed in the same manner,

Names of commissioners—  
who are authorized to open books, &c. pursuant to a former act.

perform the same duties, and be subject to the same penalties and liabilities.

Sec. 2. *And be it enacted*, That the first section of the act entitled, "A further supplement to an act entitled an act to empower the governor of this state to incorporate a company to improve the North Branch of Rancocus creek," passed March sixteenth, one thousand seven hundred and ninety-five, passed the third day of December, one thousand eight hundred and twenty-five, be, and the same is hereby repealed.

Section of former act repealed.

A. November 2, 1827.

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AN ACT to repeal an act entitled, "An act to enable the owners and possessors of meadows, therein mentioned, to repair, keep up, and maintain the banks, dams, and waterworks enclosing the same, and for other purposes," passed February nineteenth, one thousand seven hundred and ninety-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 an act entitled, "An act to enable the owners and possessors of meadows, therein mentioned, to repair, keep up, and maintain the banks, dams, and waterworks enclosing the same, and for other purposes," passed February nineteenth, one thousand seven hundred and ninety-six, be, and the same is hereby repealed.

Former act repealed.

A. November 3, 1827.

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AN ADDITIONAL SUPPLEMENT to the act entitled, "An act to incorporate a Company to erect a Turnpike from the town of Paterson to the village of Hackensack," passed the sixth day of February, eighteen hundred and fifteen.

WHEREAS the Hackensack and Paterson Turnpike Company have, by their petition, represented that they will not be able to finish their road within the time prescribed by the supplement to the act aforesaid, passed the twenty-seventh day of December, in the year of our Lord one

Preamble.



thousand eight hundred and twenty-four; and that some difficulty may hereafter arise as to the legality of their charter, in consequence of some irregularity in their elections, as to the time of holding some of them, in the early stage of their proceedings; and it appearing that the said company have used reasonable diligence to effect the completion of the said road—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 time for completing the said road be extended five years from and after the sixth day of February next, and that the said company be, and they are hereby confirmed in all their rights, privileges, and immunities, to all intents and purposes whatsoever, and also restricted and governed in all things directed by the said original act of incorporation, except the time limited for the completing of said road.

The time extended to 1833.

A. November 6, 1827.

# AN ACT to divorce Maria Stafford from her husband Joseph B. Stafford.

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 Maria Stafford be, and she is hereby divorced from her husband Joseph B. Stafford, and that the marriage contract heretofore existing between the said Joseph B. Stafford and Maria his wife be, and the same is hereby dissolved as fully as if they had never been joined in matrimony.

C. November 6, 1827.

# AN ACT for the relief of Rebecca Spencer.

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 ordinary or surrogate general of the state of New-Jersey be, and he hereby is authorized to grant and commit the administration of the goods and chattels, rights and credits, which were of Samuel Leonard, late of the county of Burlington, in the state of New-Jersey, deceased, to Rebecca Spencer, of St. Bartholomews, in the West Indies, upon her

Administration without security.

Proviso.

giving an administration bond, without security, any law to the contrary notwithstanding: *Provided always, nevertheless*, that nothing herein contained shall in any manner affect or impair the claims, demands, or actions which any person or persons shall or may have against her as such administratrix: *And provided also*, that she shall not withdraw from the state of New-Jersey the principal of the money which shall come to her hands to be administered within one year after the granting of such letters.

C. November 6, 1827.

A SUPPLEMENT to an act entitled, "A further supplement to the acts concerning Oysters," passed December the twenty-sixth, one thousand eight hundred and twenty-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 the time, as extended, for prohibiting the taking of oysters, and vending the same, as far as respects Shark river, in the township of Howell, in the county of Monmouth, with the penalties and regulations specified and set forth in the above recited act, be, and the same is hereby extended to, and equally to apply to and affect the said river, in the township of Shrewsbury, in all things.

C. November 6, 1827.

AN ACT to exempt the meadow owned by Ichabod Lore, lying within the bounds of the Friendship Meadow Company, in the county of Cumberland, from certain taxes and assessments therein named.

Preamble.

WHEREAS it appears that Ichabod Lore is the owner of about one hundred acres of meadow on Maurice river, in the county of Cumberland, included in the Friendship Meadow Company, formed in the year one thousand eight hundred and five, under the law of the state, passed the twenty-ninth of November, one thousand seven hundred and eighty-eight.— AND WHEREAS the said Ichabod Lore

has within a few years past been obliged, in order to protect his meadow effectually from the overflow of the tide, by reason of the bank of some of the other owners of meadow within the bounds of said company being out of repair and admitting the tide water, to make banks, running from the bank along the river to the shore, so as entirely to enclose his meadow, and separate it from the other owners—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 tract of meadow now owned by Ichabod Lore, containing about one hundred acres, situated on Maurice river, in the county of Cumberland, and included in the Friendship Meadow Company, be, and the same is hereby exempt and free from the said company, and from all taxes, assessments, and expenses that shall or may hereafter be imposed by said company, and from the care and control of the managers thereof, so long as the said Ichabod Lore, his heirs, or assigns shall continue to keep up and maintain the bank which encloses his meadow.

Certain meadow described, to be exempt from assessment and taxation by the Friendship Meadow Co., &c.

Sec. 2. And be it enacted, That if at any time hereafter the said Ichabod Lore, his heirs, or assigns shall neglect or refuse, after fifteen days' notice from the managers of said company, to repair, keep up, and maintain the said bank which encloses his said meadow, then it shall and may be lawful for the managers thereof to repair, keep up, and maintain the same, in the same manner, and under the same restrictions, and to recover the expense attending such repairs, in the same way and manner as they would be empowered to do if this act had never been passed.

To repair, maintain, and keep up the bank, under certain penalty

C. November 6, 1827.

#### AN ACT relative to Jurors.

Sec. 1. 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 person summoned to serve as a petit juror in the Supreme Court, the Circuit Courts, the Courts of Oyer and Terminer and General Jail Delivery, the Courts of Common Pleas and the Courts of General Quarter Sessions of the Peace, shall receive the sum of seventy-five cents for every day's attendance at such courts, to be paid to him at the expiration of each term of service, by the sheriff of the county from which the juror shall be summoned.

Fees of jurors.

Fees to be paid to the sheriff summoning the jurors.

Sec. 2. *And be it enacted*, That the fees payable by law, at the time of the passing of this act, to jurors, shall hereafter, instead of being paid to the jurors, be paid to the sheriff of the county from which the jurors shall be summoned.

Sheriff to keep an exact account of all moneys by him received or paid out, and submit the same to the clerk of the county, who is required to examine the same, &c.

Sec. 3. *And be it enacted*, That the sheriff of each county shall keep a true and exact account of all the moneys by him paid out and received under this act, and submit the same, for examination, to the clerk of the court, who is hereby required to examine said account, and if found to be correctly stated to certify accordingly; and the said sheriff, upon the production of said account, so certified as aforesaid, to the county collector, shall be paid the balance due him according to such certificate, and the county collector shall be entitled to an allowance for the same in the settlement of his accounts with the board of chosen freeholders of his county.

Sheriff to deliver a list of jurors by him summoned, certified, &c.

Sec. 4. *And be it enacted*, That the sheriff shall, as soon as may be after the commencement of the term or session of each of the said courts, deliver a list of the jurors by him summoned for service at such term or session, certified by him to be a true list, to the clerk of such court, who shall thereupon file the said list, and forthwith lay the same before the said court.

The court authorized to discharge super-numerary jurors.

Sec. 5. *And be it enacted*, That if, in the opinion of the said court, a greater number of jurors shall have been summoned, returned, and attending, than the issue triable at such term or session shall require, the court shall forthwith discharge such of the jurors as they may deem proper.

No jurors summoned to be discharged, but by order of the court.

Sec. 6. *And be it enacted*, That no person summoned to serve as a juror shall be discharged from attendance, except by order of the court in which his attendance may be required.

No objection to be sustained against a juror after he is sworn or affirmed.

Sec. 7. *And be it enacted*, That unless when a tales de circumstantibus is ordered, no person shall serve as a juror whose name is not contained in the general list to be returned by the sheriff, as provided in the fourth section of this act; but no exception shall be taken, or objection made on account of the provision contained in this section, unless the same be taken or made before such person is sworn or affirmed as a juror.

Issuing, &c. writs of venire facias to remain as heretofore.

Sec. 8. *And be it enacted*, That the issuing, serving, and returning of writs of venire facias shall remain, as by law directed, at the time of passing this act.

Coroners to return process, as formerly.

Sec. 9. *And be it enacted*, That all coroners and elisors to whom any writ or writs of venire facias may be directed, shall return the said process with a panel annexed, as heretofore; and the jurors by them summoned and returned shall receive the same compensation as in the first section of this act is prescribed.

Sec. 10. *And be it enacted*, That this law shall not be in force until the first day of January next ensuing.

C. & A. November 6, 1827.

# AN ACT for the support of the Government of this State.

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

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

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

To the Associate Justices of the Supreme Court for the time being, at the rate of eleven hundred dollars by the year.

To the Treasurer of this state for the time being, at the rate of eleven hundred dollars by the year.

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

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

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

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

All of which salaries shall be paid to the several officers before mentioned, their executors, administrators, or assigns, on warrants produced to the treasurer, signed by the governor or vice-president of the Council; and in case any of the said officers shall be removed from office, by death or otherwise, the salary of such officers 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.

Sec. 2. *And be it enacted*, That there shall be paid to the Vice-President of Council, and the Speaker of the House of Assembly, the sum of three dollars and fifty cents, and to every member of the Council and Assembly, the sum of three dollars, for each and every day they have respectively attended this, or may attend this or any future sitting of the legislature; and to every member the additional sum of three

dollars for every twenty miles of the estimated distance, by the most usual road between his place of residence and the seat of government, in going and returning, on a certificate to be produced to the treasurer, expressing the sum due and the number of days and miles, signed by the president or vice-president of Council, for the members of Council, or by the speaker of the House of Assembly, for the members of Assembly, or by John T. Woodhull, Amzi Dodd, Isaiah Toy, and Ephraim Marsh, or any two of them, for the members of Assembly.

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

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 Doorkeepers 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.

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

Sec. 6. *And be it enacted*, That this act be, and continue in force for one year from the twenty-third day of October, one thousand eight hundred and twenty-seven, and no longer.

C. November 7, 1827.

## 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 to the several persons hereafter named, the following sums, viz:—

To Zachariah Rossell, eighteen dollars and thirteen cents, for cash paid postage, and printing military orders, and repairs done to the clerk's office, as per vouchers.

To Joseph Justice, for blank books for the House of Assembly and Council, printing bills, and advertising general order, and printing circulars for court martial, thirty-seven dollars.

To Daniel Fenton, for stationary furnished Council and Assembly, forty-four dollars and ninety-eight cents.

To William L. Prall, for publishing laws and printing, thirty-three dollars and fifty cents, and the further sum of thirty-six dollars, for wood furnished for the use of the state.

To John B. Lane, for coach hire to the state-prison, two dollars.

To John Bellerjeau, two dollars and twenty-five cents, for putting on two locks in the council chamber, and splitting wood.

To Charles Parker, for his expenses going to, while at, and returning from Philadelphia, on business for the state, eighteen dollars and twenty-five cents.—For letter postage for one year, up to the first of August last, ten dollars and thirty-four cents.—For amount paid Martin C. Howe for work done to chancery office, six dollars and sixty-seven cents, also, for twine, one dollar and twelve cents, making together thirty-six dollars and thirty-eight cents.

To Martin C. Howe, for finding and setting twenty-three panes of glass in state-house, nine dollars and twenty cents.

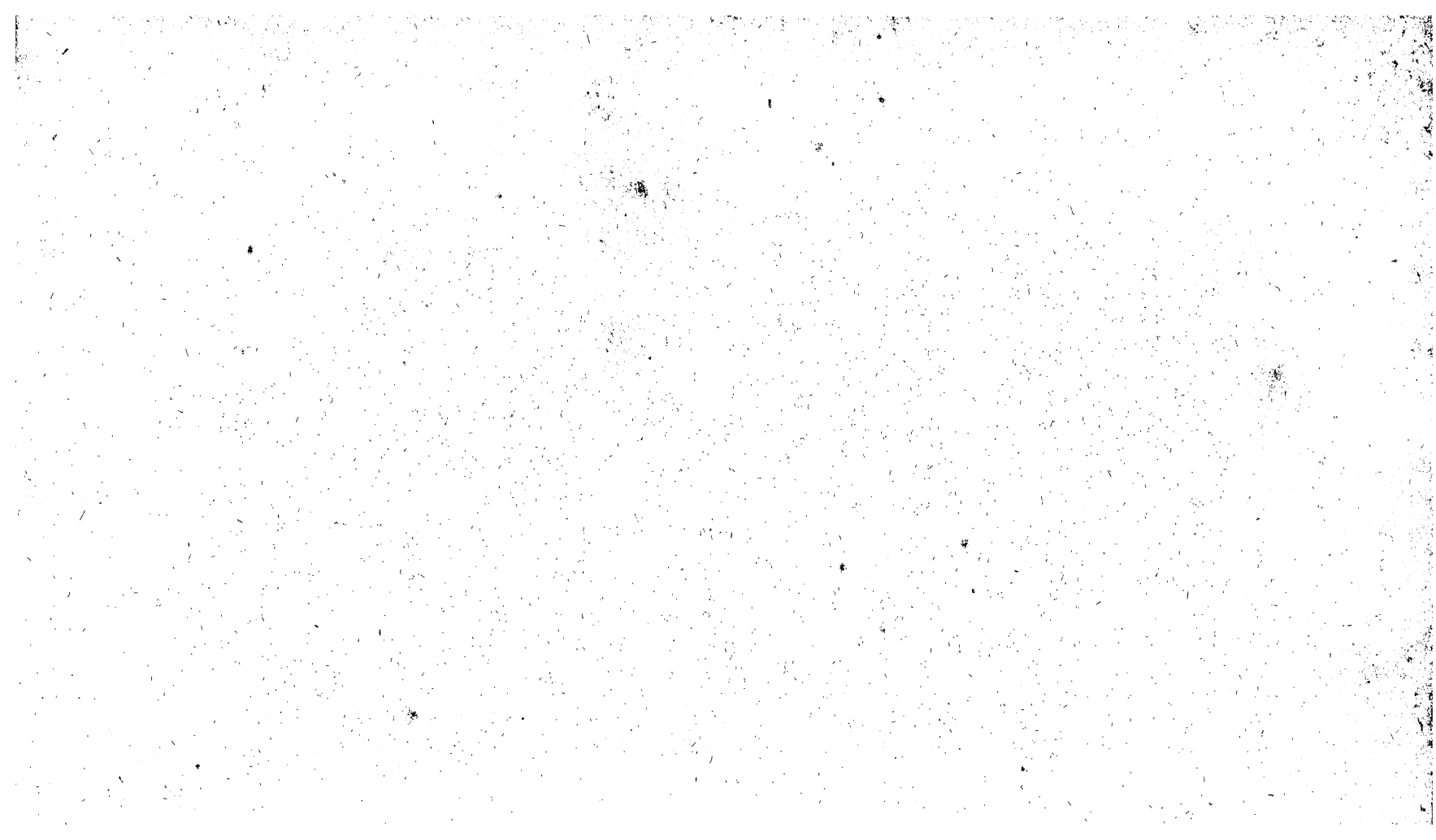
To John Wilson and Charles Parker, commissioners appointed to repair the government house and chancery office, two hundred and seventy dollars and twenty-eight cents.

To the sergeant-at-arms, on business of the legislature, sixteen dollars.

To William Mount, for day's work cleaning council chamber, one day attending the Council, and for one pair of iron andirons, five dollars.

To William L. Prall, for newspapers during this session, nine dollars and thirty-seven and a half cents.

C. & A. November 7, 1827.





**A C T S**  
OF THE  
**FIFTY-SECOND**  
**GENERAL ASSEMBLY**  
OF THE  
**STATE OF NEW-JERSEY,**

AT A SESSION BEGUN AT TRENTON ON THE TWENTY-THIRD DAY OF OCTOBER,  
ONE THOUSAND EIGHT HUNDRED AND TWENTY-SEVEN,  
AND CONTINUED BY ADJOURNMENTS.

—  
BEING THE SECOND SITTING.



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**TRENTON:**  
**PRINTED BY WILLIAM L. PRALL.**  
—  
**1828.**



# ACTS

OF THE

## FIFTY-SECOND

### GENERAL ASSEMBLY

OF THE

#### State of New-Jersey.

#### AN ACT to incorporate the Passaic and Hackensack Ferry and Road 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 all such persons as shall become stockholders to the capital stock hereinafter mentioned, their successors, and assigns, be, and are hereby constituted and made a body politic and corporate, by the name and style of "The Passaic and Hackensack Ferry and Road Company," for the purpose of keeping and conducting ferries over the Passaic and Hackensack rivers, near the mouths of said rivers, at or near the old ferries, and for erecting and maintaining a good and sufficient road between Newark and the city of Jersey; which said road shall be firm and sufficiently dry, and securely passable in all seasons, extraordinary storms and inundations excepted;—that the said road shall commence at the intersection of Mulberry and Market street, in Newark, and thence, passing by the most convenient and direct course along the bank of the Passaic, and across the meadows lying between the aforesaid rivers, and through the county of Bergen, in the most eligible route, to its ultimate point;—and the said company are hereby ordained, constituted, and appointed, and declared to be a body politic and corporate, in fact and in name, and by the name of "the Passaic and Hackensack Ferry and Road Company" aforesaid, they and their successors shall and may have succession, and shall be persons, in law, capable of suing and being

Name of the company.

Commencement and course of the road.

Powers and privileges.

sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever, and in all manner of actions, suits, complaints, matters, and causes whatsoever; and that they and their successors may have a common seal, and may change and alter the same at their pleasure; and that they and their successors, by the name aforesaid, shall, in law, be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, real and personal estate whatsoever, necessary for the object of this incorporation.

Seal.

Commissioners to lay out the road, make a map of the line thereof, and file the same in the secretary's office, &c.

Sec. 2. *And be it enacted*, That Cornelius Van Winkle, Stephen D. Day, and John Alling, be, and they are hereby appointed commissioners to view and lay out said road, having due regard to the situation of the ground, public convenience, and the interest of the stockholders; which said road shall not pass over any burying ground nor place of public worship, nor shall pass through any building, without the consent of the owner; and when the said commissioners are conveyed by the directors for the purpose of laying out said road, they, or a majority of them, shall forthwith proceed to lay a road of four rods wide, and, within six months thereafter, cause an accurate survey of the line of said road and a map or plot of the said survey to be correctly laid down, on a scale of four inches to the mile, and certify the same, under their hands, which they shall file in the secretary's office of this state, to be entered on record in said office, and a certified copy of said record shall be sufficient and conclusive evidence of said road; and all reasonable charges by the said commissioners, for time and expenses, shall be paid by the said company; and the said commissioners shall, before they enter upon the duties of their office, take and subscribe an oath or affirmation faithfully and impartially to execute the same, which oath or affirmation shall be filed with the return aforesaid.

To take an oath, &c.

Width of the road, and how to be formed.

Sec. 3. *And be it enacted*, That in the middle of said road shall be formed a space, or artificial road, not less than thirty feet in breadth on the upland, and twenty-two feet on the meadow, which shall be raised in the middle twelve inches, and decrease towards the sides thereof, so as to form a gradual arch so far as the same shall pass over the upland, and twenty-two feet thereof shall, for the whole distance of said road, be bedded or faced with stone, gravel, or other hard substance, to form a firm and even surface, so as to secure a good and solid road at all seasons of the year;—and said road shall be sufficiently drained by ditches and subterraneous passages, and in its progress no part thereof shall rise above four degrees on a parallel with the horizon;—and the said directors shall cause good and sufficient bridges to be constructed, wherever necessary, on the line of said road,

Bridges to be constructed, &c.

except such as is hereinafter mentioned in the fourteenth section of this act, which said bridges shall be not less than twenty-four feet in breadth, with good and sufficient railings, so as to prevent horses and carriages from running off.

Sec. 4. *And be it enacted*, That full power and authority be given to the said commissioners and the said corporation, their agents and servants employed by order of them, for purposes contemplated by this act, to enter upon any lands which shall be deemed necessary for laying out the said road.

Commissioners  
authorized to  
enter lands, &c.

Sec. 5. *And be it enacted*, That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby, and the parties cannot agree for the compensation and damages to be made for the same, then it shall be lawful for the owners of such land to meet at the house now kept by Robert M'Coolery, at Bergen, on thirty days' notice being given in the newspapers printed in Newark, and by advertisements, signed by the president of the said company, put up in four of the most public places adjacent to the said road, and to choose one respectable freeholder in the state, not interested, and the corporation shall also choose one respectable freeholder, 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 the company, the amount of compensation, which shall be paid by the company to such of the applicants as they shall conceive to be injured, on which payment, or tender thereof to the owner or owners, the company shall be seized in the same estate in the said lands which the owner or owners held in the same; but if the owner or owners of any lands through which the said road shall pass will not agree to any of the provisions heretofore made, or refuse or neglect to join in such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case the men thus chosen do not decide thereon, then it shall be lawful for one of the justices of the Supreme Court, upon application of either party, and at the cost and charges of the corporation, to direct a special jury of freeholders, of any township in the 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 said lands, tenements, and hereditaments, and estimate the injury or damages sustained as aforesaid, and shall make 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 is taken; and it shall be the duty of such sheriff to attend before the said justice

Disputes relative to lands taken by the company, how to be settled, and compensation made to the owners, &c.

The company  
to be put in pos-  
session of the  
same, &c.

with the book of the freeholders, at such time and place as the said justice shall appoint, upon five days' notice being given him for the purpose of striking such jury, and also, upon the like notice, to have the 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 like cases of special juries; and upon the coming in of such report or inquisition, and the confirmation thereof, and the said company paying to the owners, respectively, the sums in such report, in full compensation for said lands, or for the injury sustained as aforesaid, the said company shall be seized in the same estate in the said land which the owner or owners held in the same, during the time the same shall be used as a road or highway.

Amount of capi-  
tal stock.

Sec. 6. *And be it enacted*, That the capital stock of the said company shall not exceed two thousand shares, of twenty-five dollars each, and that subscriptions for the same shall be taken under the directions of Moses Smith, Samuel Hays, and Charles T. Shipman, or any two of them; that two dollars and fifty cents be paid on each share, at the time of subscribing; and the said stock, property, and affairs of the said company shall be managed and conducted by nineteen directors, who shall be stockholders in said company;—and the first directors shall be Stephen Condit, Daniel Smith, Ichabod Condit, Aaron Peck, Charles T. Shipman, Smith Burnet, Ephraim Bolles, Frederic S. Thomas, William Garthe-waite, Jabez Harrison, Abraham W. Kinney, Aaron Pennington, Archer Gifford, Andrew Rankin, Rodney Wilber, Philo Sanford, Samuel Hayes, Lewis M. Force, and D. C. Colden, who shall continue in office until the first Monday in December then next ensuing, and until others shall be appointed in their stead; and on the first Monday in December annually thereafter an election shall be made, of which election public notice shall be given in the newspapers printed in the town of Newark, at least two weeks previous to said election, and every such election shall be made by ballot, and by a plurality of the votes of the stockholders then present, or their proxies; and in case of the death, refusal, resignation, disqualification, or removal of the president, or any directors, or treasurer, the remaining directors shall have power to elect another person or persons in his or their place for the remainder of the year; but if from any cause the said annual election shall not be held on the said first Monday in December, then the said election shall be held on the first Monday in January thereafter, in the same manner, on giving like notice as is herein before specified.

Number of di-  
rectors, &c.

Annual elec-  
tion, when to be  
held, and man-  
ner of voting.

Vacancies, how  
to be filled.

On contingen-  
cy, when elec-  
tion may be  
held.

Sec. 7. *And be it enacted*, That in all elections for a president, directors, and treasurer, the stockholders shall be en-

titled to vote as follows, viz:—for any number of shares, not exceeding ten, one vote for each share, and one vote for every five shares exceeding ten.

How stockholders may vote.

Sec. 8. *And be it enacted*, That the subscribers to the capital stock of the said company shall pay the amount of their several subscriptions at such time, and in such instalments as the said company shall direct: *Provided*, that no instalment shall exceed five dollars on a share, and that notice of such instalment shall be given, by advertisement, in one of the newspapers printed in the town of Newark, and also by advertisements set up in three of the most public places in Jersey city, at least four weeks prior to the time of payment; and any person, copartnership, or body politic failing to pay any instalment shall forfeit to the company each and every share on which there shall be a default of payment, and all previous payments made thereon: *And further*, that at the expiration of every twenty years during the continuance of this charter, it shall and may be lawful for the legislature to reduce and regulate the toll, in such manner as they shall deem proper.

Instalments to be paid.

Proviso.

Time to be advertised.

Penalty of non-payment.

Proviso.

Sec. 9. *And be it enacted*, That the said corporation and their successors shall have power, from time to time, to make, constitute, ordain, and establish all such by-laws, rules, ordinances, and regulations as may be deemed necessary touching the election of president, directors, and treasurer, not herein provided for, and for the transaction of the business, and managing the concerns of the said company, and for the keeping and maintaining the said road and ferries, or either of them, and the government thereof, the same not being repugnant to the constitution or laws of the United States or this state, and all contracts, engagements, and responsibilities entered into by the directors, or a majority of them, and signed by the president, shall be binding on the said company in the like manner as any contract would be, if made and entered into by any individual.

Rules and by-laws may be made.

Sec. 10. *And be it enacted*, That the shares in the said ferries and road shall be taken, deemed, and considered as personal property, and to be transferred in such manner as the directors shall appoint: *Provided*, that if the said company shall not commence their operations within three years from the passing of this act, and complete the said road and ferries within five years, according to the true intent and meaning of this act, then, and in either of these cases, this act shall cease, be void, and of none effect, except so far as compels the said company to make réparation for damages.

Shares to be considered personal estate, and to be transferable accordingly.

Proviso.

Sec. 11. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, of all kinds, whether of burthen or pleasure, or persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right

Regulations to be observed by travellers, and penalty for infringing the same.

hand of the said road in the passing direction, leaving the other side of the road free and clear for other carriages, sleighs, sleds, or 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 damage for every such offence, to be recovered with cost of suit.

Mile stones or  
posts to be set  
up, &c.

Sec. 12. *And be it enacted,* That before the said company shall receive toll or ferriage for travelling said road, or passing said ferries, they shall cause mile stones or posts to be erected and maintained, one for each and every mile on said road, and on each stone or post shall be fairly and legibly marked the distance the said stone or post is from Newark or Jersey city, and shall cause to be fixed, and always kept up at the gates, or in some conspicuous place, a printed list of toll or ferriage which may be lawfully demanded: *Provided always,* that no gate shall be erected on any part of the road now used as a public road.

Road and fer-  
ries, &c. to be  
kept in repair,  
under certain  
penalties.

Sec. 13. *And be it enacted,* That if the said company shall not keep the said road, bridges, and ferries in good repair, and complaint thereof shall be made to any justice of the peace in the county where the cause of complaint may arise, who may be disinterested, the said justice shall immediately appoint, by writing under his hand and seal, three of the township committee of the township wherein the cause of complaint arises, or if it be on the line of any two townships of either of said townships, which three persons, being disinterested in the same road, or a majority of them, on notice being given to the keeper of the nearest gate, shall meet at such time and place as said justice may appoint, and, having taken an oath or affirmation to act impartially, shall proceed to examine the said road and ferry complained of, and report to the said justice, in writing under their hands and seals, or under the hands and seals of any two of them, whether it be in such a state as the law requires it to be kept; and if the report be unfavorable to the said road or ferry, the justice shall immediately, in writing under his hand and seal, order the keeper of said gate to keep open the same, until otherwise ordered; and if the said keeper shall exact toll from travellers, he shall, for each offence, forfeit and pay twenty dollars, to be sued for by any person that will prosecute for the same, in an action of debt, with costs of suit; and the said justice shall be allowed, for his services, fifty cents, and the persons so appointed, one dollar, each, to be paid by the road and ferry company; and it shall be the duty of the persons so appointed, or a majority of them, on application from said company, again to view said road and ferry, and report, as aforesaid, their opinion to said justice, who shall be au-



thorized by the report of said persons, or any two of them, by license under his hand and seal, directed to the toll gatherer, permit the gates to be shut, and the toll or ferriages to be collected as before, and the same fees shall be allowed and paid as before directed; but if on the first view, as before mentioned, the report of the persons appointed shall be in favor of the company, the same fees shall be allowed as before prescribed, and paid by the persons instituting the complaint; and in case three of the township committee aforesaid are not disinterested, then the said justice shall appoint, in the manner above described, one or more respectable persons in the township or townships, who may be disinterested, to serve in the place and stead of any member or members of the township committee so disqualified.

Sec. 14. *And be it enacted*, That the said corporation shall not, during the continuance of "An act for building bridges over the rivers Passaic and Hackensack, and for other purposes therein mentioned," passed November twenty-fourth, one thousand seven hundred and ninety, erect or build any bridge or bridges over the rivers Passaic or Hackensack, or either of them: *Provided*, that nothing herein shall prevent the said company, but it shall nevertheless be lawful for them, at any time, to drive piers or piles, and to erect or build wharves, platforms, ferry stairs, or other works necessary for the said road or ferry, so as not to prevent the free and uninterrupted navigation of vessels in the said rivers, or either of them.

Said company restricted from making certain improvements.

Proviso:

Sec. 15. *And be it enacted*, That the said company shall keep and maintain not less than two good and sufficient boats, propelled or moved by steam, horse power, or otherwise, for the safe transportation of horses, carriages, passengers, goods, and other commodities, one boat on each of the aforesaid rivers, at the respective ferries mentioned, and persons capable of managing the said boats;—and the said directors shall, at their own expense, cause to be put up two lamps at each of the said ferries, on each side of the same respectively, which said lamps shall be lighted every evening before it becomes dark, and continue lighted until daylight of the next morning; and for each and every night's neglect of lighting said lamps, the said directors, their agents, or servants shall pay the sum of two dollars, to be recovered, by action of debt, before a justice of the peace of the county, by any person suing for the same, one half to and for the use of the prosecutor, and the other half for the use of the township wherein the offence shall happen.

Two good boats to be always ready to accommodate the public.

Lamps to be burning during each night, under certain penalty.

Sec. 16. *And be it enacted*, That nothing herein contained shall be taken or deemed to authorize the said company to use or employ their funds, or any part thereof, for any purpose whatever not authorized or intended by this act.

Sec. 17. *And be it enacted*, That the rates of ferriage and

Rates of ferriage, &c.

tolls shall not exceed in the whole the amount of two-thirds of the present rates of the "proprietors of the bridges over the rivers Passaic and Hackensack" and "the Newark turnpike company."

Penalty for injuring the works &c. of the company.

Sec. 18. *And be it enacted*, That if any person or persons shall cut, destroy, or remove any of the timber, plank, or materials which have been placed there for the use of the said ferries, or either of them, or shall otherwise injure, break, cut down, or destroy any of the road, gates, or other property therein belonging to the said corporation, he, she, or they so offending shall forfeit and pay ten dollars for every offence, and, moreover, be subjected to an action of damages, at the suit of the directors, to and for the use of the stockholders of this corporation.

President and directors to keep just accounts of all the business, and render the same to the stockholders.

Sec. 19. *And be it enacted*, That the said president and directors shall cause to be kept just and true accounts of all moneys received by the collectors of tolls or ferriages for travelling on said road, and of all penalties and forfeitures accruing to the said company, and also of all costs, charges, and expenses of repairing and maintaining said road, and transacting the business of said company, and shall once in every year, or oftener, if they deem necessary, make and declare a dividend of the clear income and profits thereof among the stockholders of the said company, which shall be paid by the treasurer of said company to the said stockholders, or their legal representatives, in such manner as the said president and directors shall appoint.

Term of incorporation.

Sec. 20. *And be it enacted*, That this act shall continue in force for the space of ninety-nine years, and no longer.

A. January 21, 1823.

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A SUPPLEMENT to the act entitled, "An act for facilitating the communication from Morristown, in the county of Morris, through Dover, Mount Pleasant, and from thence to Sparta, in the county of Sussex."

Preamble.

WHEREAS it is represented by the president and directors of the Union Turnpike Company, that the construction of the Morris canal through the village of Dover, in the county of Morris, interferes with the Union turnpike road, and also with the spur or branch of said road leading from Dover to Suckasunny Plains, as originally laid out, and renders it convenient and necessary that the course of the said roads through the said village should be altered—  
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 directors of the Union Turnpike Company be, and they are hereby authorized and empowered to alter the course of the Union Turnpike road, and of the spur or branch thereof at and near the village of Dover aforesaid, in such manner as the public convenience and the interest of the company may require: *Provided*, that the said company shall first obtain the consent of the owners of the land over which the alterations in the said road may run: *And provided also*, that the said company shall cause a map and survey of the said alterations to be made and filed in the office of the clerk of the county of Morris:

Directors authorized to alter the course of the road, &c.

Proviso.

Sec. 2. *And be it enacted*, That the said turnpike roads, as at present located between the points where the routes of the same are altered, shall be vacated when and as soon as the alterations aforesaid are made, and the title to the same shall revert to, and be vested in the owners of the land adjacent to the said road so to be vacated.

What part to be vacated.

C. January 22, 1823.

# AN ACT to regulate the pasturing of a tract of salt marsh in the township of Fairfield, 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 and may be lawful for the owners and possessors of all that tract of salt marsh and island of upland situate in the township of Fairfield, in the county of Cumberland, lying below what is called the Big Gate, and bounded north by Black creek and a small branch of Back creek, called Cross creek, west by Delaware bay, south by Cedar creek, and east by the upland, to meet at the house of Daniel L. Burt on the first Saturday in March next, between the hours of twelve and five o'clock in the afternoon, and, by a plurality of voices, choose three managers to transact the business of the company, who shall be owners or possessors of part of the marsh aforesaid, and who shall continue in office for one year; and until others shall be chosen.

Boundaries of meadow to be enclosed.

When to meet to choose managers.

Sec. 2. *And be it enacted*, That the owners and possessors of said tract of salt marsh shall have power, at their annual or other meetings, to make such rules and by-laws to regulate the pasturing of the same as they may think most conducive to the interest of the several owners or possessors thereof.

Powers of the company.

Rules to be entered in a book.

Sec. 3. *And be it enacted*, That the rules and by-laws of said company shall be entered in a book, to be kept by the managers for that purpose, and signed by a majority of the whole number of the owners and possessors thereof, which book shall be open at all times for the inspection of the said owners and possessors.

Penalty for infringing the rules.

Sec. 4. *And be it enacted*, That any person who shall turn on to pasture any cattle or horses contrary to the rules and regulations of said company, shall forfeit the sum of three dollars for every one so turned on, to be recovered by the managers, in their own names, in an action of debt, before any court having cognizance thereof.

Annual meeting, when to be held.

Sec. 5. *And be it enacted*, That the annual meeting of the company shall be held on the first Saturday in March, in every year, to be holden between the hours of twelve and five in the afternoon, and at such place as the company shall agree upon at their annual or other meetings; and the company shall, at their annual meetings, choose three managers, who shall continue in office until others shall be chosen in their place.

Owners, &c. may call meetings, choose managers, fill vacancies, &c.

Sec. 6. *And be it enacted*, That in case of the death or removal of any manager or managers, that any two of the owners or possessors of said tract of salt marsh may call a meeting of the owners and possessors, giving five days' notice of the time and place of meeting; by advertising in three of the most public places in the township of Fairfield; and the owners and possessors, when met, shall choose a manager or managers to fill such vacancy, and all managers chosen by virtue of this act shall present a true statement of their accounts at every annual meeting, and settle the same, and pay over all balances due the company from him or them, within ten days, to his or their successor or successors in office, and also immediately deliver, at the expiration of his or their office, to his or their successor or successors in office, the books directed to be kept for the use of the company, under the penalty of one hundred dollars, in case of default, to be recovered in an action of debt, by their successors, with costs of suit, in manner aforesaid, and to be applied to the use of the company.

Clerk's duty.

Sec. 7. *And be it enacted*, That the said company shall have power to appoint a clerk, whose duty it shall be to record in a book, to be kept for that purpose, the proceedings of the company at their annual or other meetings.

C. January 22, 1828.

AN ACT to repeal an act entitled, "An act to enable the chosen freeholders of the county of Gloucester to build a bridge over Mantua creek, at a place called Crown Point."

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the act entitled, "An act to enable the chosen freeholders of the county of Gloucester to build a bridge over Mantua creek, at a place called Crown Point," passed November twenty-eighth, eighteen hundred and twenty-two, be, and the same is hereby repealed.

C. January 22, 1828.

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AN ACT to incorporate the Hackensack and Fort Lee Turnpike 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 John Anderson, Robert Campbell, Peter C. Westervelt, Albert G. Doremus, and Isaac Vanderbeck, be authorized to receive subscriptions for making a turnpike road, to commence at some point in the main street in the town of Hackensack, in the county of Bergen, between the bridge over the creek in the lower part of said town and the La Fayette Academy, in the upper part of said town, and to run from the place of beginning in such direction as commissioners, herein after to be appointed for that purpose, shall think most for the public interest, until it comes to the dock at Fort Lee, on the Hudson river; and to erect bridges over the Hackensack river and the English creek, on the line of the said road, having a due regard to the situation and nature of the ground, and the interests of the stockholders. Commissioners.

SEC. 2. *And be it enacted,* That the capital stock of said company shall not exceed five thousand dollars for each mile of said road; that the capital stock shall be subscribed in shares of twenty-five dollars each, and that one dollar and fifty cents shall be paid on each share at the time of subscribing; and, as soon as one hundred shares shall be subscribed, the said John Anderson, Robert Campbell, Peter C. Westervelt, Albert G. Doremus, and Isaac Vanderbeck, shall call a meeting of the stockholders, to be held at Hackensack, after four weeks' notice being given in a newspaper printed at Paterson, and putting up five advertisements, giving pub- Stock.

Meeting: lic notice of the time and place of such meeting, to choose five directors, designating one of that number who shall be president, three of whom shall be a board to transact business, and a treasurer, to continue in office until the first Tuesday in May, then next ensuing, on which day, and also on the first Tuesday in May, annually thereafter, there shall be a choice of officers for one year, at such place as the stockholders shall at their last meeting have appointed; that each stockholder may vote in person or by proxy, and shall have one vote on each share, until the number of ten; and one vote for every five shares thereafter; that the said president and directors shall be called and known by the name of "the President and Directors of the Hackensack and Fort Lee Turnpike Company, in the county of Bergen," and shall have all the powers, rights, and privileges incident to a body politic and corporate, for the purposes herein mentioned, for the term of ninety-nine years, and also that they and their successors, by the same name and style, shall be, in law, capable of suing and being sued, and of purchasing, holding, and conveying any estate, real or personal, for the use of said company: *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, erecting and maintaining a good and sufficient turnpike road from Hackensack to the dock at Fort Lee, aforesaid.

Officers.

Votes.

Name and extension of charter.

Powers and privileges.

Proviso.

Sec. 3. *And be it enacted*, That the president and directors aforesaid shall have the power to appoint the time and place of all their meetings, and to appoint all such agents and servants as they shall deem necessary for carrying into effect the powers vested by this act in said company; and if any vacancy or vacancies shall at any time happen in the said office of president, or among the directors, 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 directors for the time being, or a majority of them, may appoint; and that the said president and directors may make such by-laws and regulations relative to their concerns as they may deem expedient: *Provided* the same shall not be repugnant to the constitution and laws of this state, or the United States, or the requirements of this charter; which ordinances, by-laws, and regulations, together with all accounts, shall be submitted to the stockholders, at their annual meetings.

Commissioners to lay out said road.

Sec. 4. *And be it enacted*, That Lemuel Cobb, James Parker, and James Hopping, be commissioners to lay out a turnpike road, to begin at some point in the main street in the town of Hackensack, in the county of Bergen, between the bridge over the Hackensack creek, at the lower part of the

town, and the La Fayette Academy, in the upper part of the town, and running thence, in as straight a course as the nature of the ground will admit of, to the dock at Fort Lee, on the Hudson river aforesaid, having due regard to the situation and nature of the ground, public convenience, and the interest of the stockholders: said road shall not pass through or cross over any burying ground or place of public worship, or dwelling house, without the consent of the owner or owners thereof, nor shall it pass through any out-building of the value of three hundred dollars without such consent; and the said commissioners, or a majority of them, shall, within six months thereafter, cause an accurate survey of the line of said road and a map or plot of said survey to be correctly laid down on a scale of four inches to the mile, and certify the same under their hands, which they shall file in the secretary's office of this state, to be entered of record in the said office; a certified copy of said record shall be sufficient evidence of said road; and all reasonable charges by the said commissioners, for time and expenses, shall be paid by said company; and the said commissioners shall, before they enter upon the duties of their office, take and subscribe an oath or affirmation to perform the same without favor or partiality, which oath or affirmation shall be filed in said office.

Direction of the same.

Exceptions, &c.

Survey and map to be made, and filed and recorded in secretary's office.

Commissioners to take an oath, &c.

Sec. 5. *And be it enacted*, That in the middle of said road shall be formed a space or artificial road, not less than twenty-eight feet in breadth, which shall be raised in the middle at least fifteen inches, and decrease to the sides thereof, so as to form a gradual arch, and shall form a firm and even surface, so as to secure a good and sufficient road at all seasons of the year; and said road shall be sufficiently drained by ditches and subterraneous passages, and in its progress no part shall rise above four degrees on a parallel with the horizon; and that the said directors shall cause good and sufficient bridges to be erected, when necessary, on the line of said road, to be constructed not less than twenty feet in breadth, except the bridges over the Hackensack river and the English creek, which are to be built as herein after provided, which road and bridges shall be kept in good and sufficient repair by said company; and in case they shall not be so kept, said corporation, or any of their officers, shall be liable to be proceeded against as in the case of overseers of the highways for neglect of duty; and when 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 upset, the said company shall cause a good and sufficient railing to be erected and maintained on the said road, so as to prevent horses and carriages from running off.

Manner of forming the road.

Railing to be made, &c.

Bridge, how to  
be constructed  
over English  
creek.

Draw therein,  
and in bridge  
over the Hack-  
ensack river.

Directors, &c.,  
their duty.

Lands may be  
entered, &c.

Compensation,  
how made.

Sec. 6. *And be it enacted*, That the said bridge across the English creek shall be built of good and sufficient materials, twenty feet in breadth, and shall be so constructed as that one part thereof, not less than twenty feet over, shall hoist or draw for the free passage of such vessels, with fixed standing masts, as shall from time to time have occasion to pass up and down said creek, and the bents wherein the said draw is to be constructed, as aforesaid, shall be set and placed in such part of the said bridge as will render the passage of vessels through the same the most easy, safe, and convenient, and the best to conduce to the free navigation of the said creek; and that the said bridge across the Hackensack river shall be so constructed as that a part thereof, not less than twenty-four feet over, shall have a draw, to be opened for the free passage of such vessels, with standing masts, as shall from time to time have occasion to pass up and down said river, and also with piles, piers, and platforms on each side of said draw, as are already built over the Hackensack river, for the free navigation of the said river, and, being so constructed, shall, for the term hereby granted, be supported and maintained by the said directors and their successors; and, for the convenience of the navigation of said river, the said directors and their successors shall at all times keep, or cause to be kept, at the said bridge, a careful person to open the draw of said bridge for the passage of vessels, with standing masts, and for every neglect in opening said draw, the said directors, their agents, and servants shall pay the sum of ten dollars, to be recovered, by action of debt, before any justice of the peace of the county of Bergen, one half thereof to the use of the prosecutor, and the other half for the use of the poor of the township of New Barbadoes, in the county of Bergen.

Sec. 7. *And be it enacted*, That full power and authority be given to the said commissioners and the said corporation, and to their agents and servants, and all persons employed by or under them, for the purposes contemplated in 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 said road, subject always to make compensation for all damages thereby occasioned, either by agreement of the said parties, or by the judgment of independent men, chosen by the said company and the person who shall have sustained such damages, or as is herein after mentioned.

Sec. 8. *And be it enacted*, That if any of the owners of land through which the said road shall pass, shall conceive themselves injured thereby, and not having settled the same agreeably to the provision of the seventh section in this act,



it shall be lawful for such owners to meet at Hackensack, on thirty days' notice being given by advertisements set up in four of the most public places through which the said road may run, and also in a Paterson newspaper, to choose six respectable freeholders in the county of Bergen, not interested, and the said corporation shall also choose six respectable freeholders in said county, not interested, which twelve persons shall, after having taken an oath or affirmation, before some person authorized to administer the same, to act impartially and to the best of their knowledge, three-fourths of them agreeing, determine, at the expense of the turnpike company, the amount of compensation, which shall be paid by the said company 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 road shall pass will not agree to any of the provisions heretofore mentioned, or refuse or neglect to join in any such choice, or shall be feme covert, under age, non compos mentis, or out of the state, or in case twelve freeholders, chosen as above, or three-fourths of them, do not decide thereon, then it shall be lawful for one of the justices of the Supreme Court, upon the application of either party, at the mutual cost and charges of the said corporation and the owner of such land, to direct a special jury of the freeholders of any of the townships of said county through which the said road shall not run, to be struck, before such justice, in the manner such juries are usually struck, who shall view, examine, and survey the said lands, tenements, and hereditaments, and estimate the injury or disadvantages 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 county of which said inquisition was taken; and it shall be the duty of such sheriff to attend with his book of freeholders at such place as the said justice shall appoint, upon reasonable notice being given him, for the purpose of striking said jury, and also, upon like notice, to have said jury upon the premises at the time mentioned in said notice, and to administer the oath or affirmation to the said jurors; and the said sheriff and jurors shall be entitled to such fees for their services as are allowed by law in the case 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 the owners, respectively, the sum mentioned in such report, in full compensation for said lands, tenements, and hereditaments, privileges and appurtenances, or for the injury sustained as aforesaid, as the case may be; and, upon such payment, the said company shall become seized in the same estate in the lands, tenements, here-

Damages, how  
to be ascertain-  
ed, and owners  
of lands com-  
pensated, &c.

Proviso:

ditaments aforesaid which the said owner 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 females covert, persons under age, and non compos mentis, shall not bear any part of the expenses: *Provided also*, that the payment, or security for the payment and damages aforesaid, for lands through which the said road may be laid out, to the satisfaction of the person or persons, be made before the company, or any person under their direction, or in their employ, enter upon or break ground in the premises, except surveying and laying out said road, unless the consent of the owner or owners of such land be first obtained.

Instalments to be paid, &c. on penalty of forfeiture of shares.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said directors to call and demand from the stockholders, respectively, all such sum or sums of money by them subscribed, at such time and in such proportion as they shall see fit, not exceeding five dollars on each share at any one time, under pain of forfeiture of their shares, and all previous payments made thereon, to the said company.

Commissioners to view said road, and report thereon.

Sec. 10. *And be it enacted*, That as soon as the said company shall have completed three miles of said road, then it shall be lawful for the directors to give notice to the governor, or the person administering the government of the state, who shall 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 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, by license under his hand, to permit the said directors to erect turnpike gates across the said road, subject to be removed at their pleasure, and to demand and receive toll at the same, for each mile of said road, after the following rates, viz:—

Gates to be set up, and toll collected.

Rates thereof.

For every score of sheep, hogs, or calves, one cent, and so in proportion for a greater or less number.

For every score of cattle, horses, or mules, two cents, and so in proportion for a greater or less number.

For every sleigh or sled drawn by one beast, one cent.

For every additional beast, one cent.

For every horse and rider, or led horse, or mule, one cent.

For every carriage drawn by one beast, one cent.

For every additional beast, one cent.

And it shall be lawful for every tollgatherer to stop any person or persons leading or driving any horses, cattle, mules, calves, sheep, or hogs, or carriages of burthen or pleasure from passing through the said gates or turnpikes, until they

shall have, respectively, paid their tolls, as above specified: *Provided*, that nothing in this act shall be construed so as to entitle the said company to demand or receive toll of or from any person or persons passing with their horses or carriages to or from public worship, or any person passing to or from any mill to which he may resort for the grinding of grain for his family's use, or persons passing to or from a funeral, or any person passing to or from his common business on his farm, or any militia man passing to or from training on a muster day appointed by law. Exceptions.

Sec. 11. *And be it enacted*, That no tollgate shall be erected, or any obstructions placed on such part of said road that is at present a public highway, nor on the bridge crossing the Hackensack river in the line of said road, nor on any part of said road between the main street in the town of Hackensack and the east side of the road running on the east side of the said river. Old road to remain free.

Sec. 12. *And be it enacted*, That the said company shall cause mile stones or posts to be erected, and continue one for each and every mile, and on each stone or post shall be legibly marked the distance the said stone or post is from Fort Lee, and shall cause to be fixed, and always to be kept up at the gate or gates aforesaid, in some conspicuous place, a printed list of the rates of tolls which may be lawfully demanded, and also a board on which shall be printed, in large letters, "Keep to the right, as the law directs." Mile stones or posts to be set up, &c.

Sec. 13. *And be it enacted*, That if any person shall wilfully break down or deface any of the mile stones, posts, or rates of tolls so erected on said road, or shall wilfully cut, break down, destroy, or otherwise injure any gates, turnpikes, or bridges that shall be erected in pursuance of this act, or shall forcibly pass the same without paying the legal toll at such gate or turnpike, such person or persons shall forfeit and pay a fine, not exceeding twenty dollars, besides being subject to action of damages for the same, to be recovered by the corporation, to their use, with costs of suit; and if any person shall, with his team, carriage, or horses, turn out of said road to pass a gate or gates on private ground adjacent thereto, and shall again enter on said road with intent to avoid the toll due by virtue of this act, such person or persons shall forfeit and pay three times as much as the legal toll would have been for passing through said gate or gates, to be recovered by the said corporation, for the use thereof, before any justice of the peace, in an action of debt, with costs of suit. Penalty for injuring the works &c. and evading the gates.

Sec. 14. *And be it enacted*, That 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, pay twenty dol- Duty of tollgatherer, and penalty for neglect of duty.

lars, to be prosecuted by, and recovered in an action of debt, for the sole use of the person so unreasonably hindered or defrauded.

Shares to be considered personal estate, and to be transferable accordingly.

Proviso.

Sec. 15. *And be it enacted*, That the shares in the said turnpike road shall be taken, deemed, and considered as personal property, and be transferred in such manner as the directors shall appoint: *Provided*, that if the said company shall not commence making the said road within five years after the passing of this act, and shall not within two years thereafter complete one half of said road, or within the term of five years thereafter complete the whole of the said road, according to the true intent and meaning of this act, then, and in either of these cases, this act shall cease and be of no effect: *Provided also*, that the said directors shall be entitled to charge and receive tolls at the rate herein before prescribed, as soon as three miles of said road shall be completed according to the provisions of this act.

Keep to the right.

Penalty for violating this section.

Sec. 16. *And be it enacted*, That all drivers of carriages, sleighs, or sleds, of all kinds, and all persons on horseback, using the said road, shall keep their horses, carriages, sleighs, or sleds on the right hand of the said road while passing each other, leaving the other side of the road free and clear for other carriages and persons on horseback to pass; and if any person shall offend against this provision, such person, besides being liable for all damages, shall forfeit and pay the sum of two dollars to any person or persons who shall be obstructed in their passage, and will sue for the same, to be recovered in an action of debt, with costs of suit, in any court where the same may be cognizable.

Account of the expenditures, &c. to be laid before the legislature every ten years.

Sec. 17. *And be it enacted*, That at the end of every ten years, an account of the expenditure of said road, and the profits arising therefrom, shall be laid before the legislature, and that the state of New-Jersey may, at any time after the expiration of ninety-nine years from the passing of this act, repay the proprietors of said road the amount of the sums expended thereon, with twelve per cent. per annum in addition thereto, deducting the net amount of tolls received, and in that case the said road shall become the property of the state of New-Jersey, and be under the control of the legislature thereof, any thing in this act contained to the contrary notwithstanding.

C. January 23, 1828.

AN ACT authorizing the sale of the real estate of Cornelius Van Liew, deceased.

WHEREAS it appears that Cornelius Van Liew, late of the county of Somerset, and state of New-Jersey, deceased, at the time of his death, left a last will and testament, bearing date the eleventh day of July, in the year of our Lord one thousand seven hundred and ninety-seven, which said will and testament has been duly proved and recorded, wherein he did authorize and empower his executors, therein named, to sell and dispose of all his real and personal estate, at the discretion of his said executors, after the decease or marriage of his wife.—AND WHEREAS it appears that the said Cornelius Van Liew did, by his said will and testament, appoint his wife, Maria Van Liew, executrix, and Dennice Van Liew and John Van Liew executors thereof, all of whom have departed this life, by means whereof there is no person remaining who is authorized to execute the trust in said will expressed and limited, viz:—that of selling said land, and disposing of the moneys arising from the sale thereof, agreeably to the directions of said will and testament—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 Frederick C. Van Liew be, and he hereby is appointed a trustee, with full power to sell and dispose of all the land, with the appurtenances, belonging to the estate of the said Cornelius Van Liew, deceased, for the best price that can be gotten for the same, and report such sale to the next subsequent Orphans' Court of the county of Somerset, for their confirmation and allowance, and, on said court approving the same, to make and execute a good and sufficient deed or deeds of conveyance for the same to the purchaser or purchasers thereof, and to apply the moneys arising from such sale, after deducting his reasonable and necessary expenses, and a reasonable compensation for his services, to be allowed by the said Orphans' Court of the county of Somerset, out of the same, in the manner expressed and limited in said will, and agreeably to the true intent and meaning thereof.

Trustee, his powers and duty.

Sec. 2. And be it enacted, That before the said Frederick C. Van Liew shall enter upon the trust reposed in him by this act, he shall enter into a bond to the governor of this state, with such sureties, and in such amount, as shall be approved of by the surrogate of the said county of Somerset, conditioned for the faithful performance of the trust reposed in him by this act, which bond shall be deposited in the office of said surrogate.

Give bond to the governor.

Trustee to make a statement, and file the same in the surrogate's office.

**Sec. 3.** *And be it enacted,* That the said Frederick C. Van Liew shall, within six months after the sale of said land shall be completed, make out and exhibit, under oath, unto the surrogate of the said county of Somerset a true statement of the amount of said sale or sales, to be by him recorded and filed in his office, agreeably to law; and that the said Frederick C. Van Liew shall be accountable for all moneys received by him by virtue of this act.

C. January 24, 1828.

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**AN ACT** to divorce Hannah Robinson from her husband John Robinson.

**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 Hannah Robinson and her husband John Robinson be, and the same is hereby dissolved.

C. January 24, 1828.

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**AN ACT** to authorize the Morris Canal and Banking Company to extend the Morris Canal to the waters of the Hudson.

**SEC. 1.** *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 Morris Canal and Banking Company, incorporated by an act entitled, "An act to incorporate a company to form an artificial navigation between the Passaic and Delaware rivers," passed December thirty-first, one thousand eight hundred and twenty-four, to continue the Morris Canal to the waters of the Hudson at or near the city of Jersey; and, for that purpose, said company shall have all the rights, powers, and privileges given and granted by the said act, and shall be subject to all the restrictions, limitations, conditions, and provisions in the said act contained, in the same manner, and to the same effect, as if the said company had been originally authorized by said act, to construct a canal or artificial navigation.

Morris Canal extended to the Hudson, &c.

gation to connect the waters of the Delaware river, near Easton, with the waters of the Hudson, at or near the city of Jersey: *Provided*, that the canal shall be connected with the Passaic river at the village of Newark, so that the boats used on the said canal, can at all proper times pass from the same into the river, and from the said river into the canal: *Provided also*, that nothing herein, or in the act of incorporation herein before mentioned, contained, shall be taken or construed to hinder or prevent the legislature from authorizing a deep cut or canal, for sloop navigation, between the Newark and New-York bays: *And provided further*, that the said company, unless it be with the consent of the owner or owners, shall not take any lands for extending the said Morris Canal, pursuant to the provisions of this act, until the said lands shall have been surveyed and appraised, pursuant to the sixth section of the said act of incorporation, and until the said company shall have first paid, or tendered to the person entitled thereto, the amount of such appraisement; or in case such person shall be feme covert, under age, non compos mentis, or out of the state, the said company shall pay the same into the Court of Chancery of this state, and in all other respects the provision of the said act of incorporation shall be taken as applicable to lands to be taken for the purpose of extending the said canal, pursuant to the provisions of this act, in the same manner as they apply to lands which may be taken pursuant to the said original act of incorporation.

Proviso.

On what condition lands may be taken by the company.

Sec. 2. *And be it enacted*, That it shall and may be lawful for the said company to make and construct the said canal through, upon, or along any street, road, or public highway; but if the said canal shall be made or constructed through, upon, or along any street or streets in the town of Newark and Jersey city, or either of them, in such case the land occupied by the said canal and for its towing path shall not exceed a space of thirty-two feet.

Canal may be conducted through the streets of Newark and Jersey city.

Sec. 3. *And be it enacted*, That it shall be the duty of the said company, at their proper expense, to make good and sufficient bridges, and to keep the same in repair, across any part of the said canal which may be extended, pursuant to this act, so that it shall be convenient to the inhabitants at all times to pass to and from their lands and meadows, and to the waters and landing places of the said bays and rivers.

Company to erect, and keep in repair all necessary bridges &c.

C. January 26, 1828.

AN ACT to divorce Rhoda H. Tuttle from her husband Jabez Tuttle.

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 Rhoda H. Tuttle and her husband Jabez Tuttle be, and the same is hereby dissolved.

C. January 28, 1828.

AN ACT to dissolve the marriage contract between Stephen Hays and Phœbe 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 Stephen Hays, of the county of Essex, and Phœbe his wife be, and the same is hereby declared to be dissolved, to all intents and purposes whatsoever; and the said Stephen Hays and Phœbe his wife are hereby declared to be set free from their matrimonial contract, as fully as if they had never been joined in matrimony.

A. January 28, 1828.

A SUPPLEMENT to an act entitled, "An act to incorporate the Paterson Fire Association," passed November third, one thousand eight hundred and twenty-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 from and after the passing of this act, the limits of the Paterson Fire Association shall be extended, and they are hereby extended to include all that part of the county of Bergen lying within the following bounds, viz:—beginning at a small buttonwood tree standing on the north side of the Passaic river, nearly opposite the upper end of the island opposite the town of Paterson; thence running, first, north thirty-two degrees, thirty minutes west, six chains and eighty

Limits extended.



links; thence, second, due north nineteen chains; third, north, fifty-six degrees east, ninety-one chains, seventy-one links, to said Passaic river.

Sec. 2. *And be it enacted*, That the capital stock of said association shall be extended to ten thousand dollars, and that the yearly meeting for the election of officers of said association shall be held on the first Monday of November, in each and every year, instead of the first Monday of December.

Capital increased, and time of annual meeting altered.

C. January 29, 1828.

AN ACT to authorize Phineas S. Bunting, administrator de bonis non of Frederick Brooks, deceased, to execute deeds of conveyance for lands sold by a former administrator.

WHEREAS John M. Milnor, late of the county of Burlington, as administrator of the estate of Frederick Brooks, deceased, did, by virtue of a decree of the Orphans' Court of the said county of Burlington, of the term of August Anno Domini one thousand eight hundred and twenty-five, sell certain lands and real estate of the said Frederick Brooks, who died intestate, unto Nathan Hill and David Kelly, and did put them, severally, in possession thereof, and the said John M. Milnor, having departed this life without executing deeds of conveyance for the said lands, by reason whereof the estate of the said intestate cannot be fully settled—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 Phineas S. Bunting, administrator de bonis non of Frederick Brooks, deceased, be, and he is hereby authorized and empowered to execute deeds of conveyance for the lands and premises sold by the said John M. Milnor, as administrator of the said Frederick Brooks, unto the said Nathan Hill and David Kelly; which deeds shall be as good and effectual for the conveyance and assurance thereof, as if the same had been executed and delivered by the said John M. Milnor, administrator &c., in his lifetime.

Sec. 2. *And be it enacted*, That the said Phineas S. Bunting as administrator de bonis non, shall before executing the said deeds, file in the surrogate's office of the county of Burlington a bond, with security, to be approved of by the

Orphans' Court of the said county, in the sum of two thousand dollars, to account for the moneys arising from the said sales and which may come to his hands, and to distribute the same, after the payment of debts and expenses, according to law.

C. January 30, 1828.

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**AN ACT** to remunerate Robert S. Buck, sheriff of Cumberland county, for certain services and expenses therein named.

*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 to pay to Robert S. Buck the sum of sixty dollars and ninety cents, it being for services rendered and expenses incurred by the said Robert S. Buck, as sheriff of Cumberland county, in conveying prisoners from the state of Pennsylvania to the county of Cumberland, in this state, by the order and authority of the executive of this state.

C. January 31, 1828.

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**AN ACT** to dissolve the marriage contract of Mary Taylor and William Taylor.

*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 had and celebrated between Mary Taylor and William Taylor, on the third day of April, in the year of our Lord one thousand eight hundred and twenty-five, be, and the same hereby is dissolved.

C. February 1, 1828.

AN ACT to authorize George Opdycke, administrator with the will annexed of Moses Warford, deceased, to sell and convey the real estate of the said deceased.

WHEREAS Moses Warford, late of the township of Kingwood, in the county of Hunterdon, did by his last will and testament, executed in due form of law and duly proved and recorded, bearing date the twelfth day of August, in the year of our Lord one thousand eight hundred and nineteen, order and direct the whole of his real estate consisting of a farm situate in the township of Kingwood aforesaid, containing about one hundred and twenty-five acres of land, be the same more or less, to be sold by his executors and dispose of the proceeds of the same agreeably to the directions of the said will, and thereof did appoint Johnson Runyan and John Waterhouse executors—  
 AND WHEREAS the said Johnson Runyan and John Waterhouse renounced the said executorship in due form of law, thereby the authority to sell the said real estate cannot be executed, and the trusts created by the said will cannot be carried into effect—AND WHEREAS afterwards, to wit, on the fifteenth day of March, in the year of our Lord one thousand eight hundred and twenty-six, letters of administration, with the will annexed, of the said Moses Warford, deceased, was granted in due form of law to George Opdycke—Therefore;

Preamble:

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That George Opdycke, administrator, with the will annexed of Moses Warford, deceased, be, and he is hereby authorized and empowered to sell and convey the lands and tenements with the appurtenances, in the last will and testament of the said Moses Warford, deceased, mentioned, and thereby ordered to be sold, and make conveyance or conveyances for the same to any purchaser or purchasers, in as full and ample manner, to all intents and purposes, as if he, the said George Opdycke, had been originally named and appointed the sole executor in the last will and testament of the said Moses Warford; and that he be invested with all the powers and authorities given in and by the said will to the executors therein named, and subject to the same duties and obligations, and liable to the same responsibilities, as if he had been nominated and appointed executor therein, and letters testamentary had been thereupon granted to him, and that he pay and apply the moneys arising from the sale of the said real estate in the manner limited and expressed in the said last will and testament, and agreeably to the true intent and meaning thereof: *Provided*, that before the said

Administrator,  
his powers and  
duty defined.

Proviso.

George Opdycke shall enter upon the trust reposed in him by this act, he shall enter into bond to the governor of this state in such sum, and with such sureties, as shall be approved of by the surrogate of the county of Hunterdon, conditioned for the true and faithful performance of the trust reposed in him by this act, and created by the last will and testament of the said Moses Warford, and deposit the same in the office of the secretary of state.

C. February 1, 1828.

AN ACT to authorize the owners of a tract of salt meadow, in the township of Middletown, in the county of Monmouth, to enclose, drain, and regulate the pasturing of 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 owners and possessors of all that tract of salt meadow and islands of upland, known by the name of the Throckmorton's Island Meadows, in the township of Middletown, in the county of Monmouth, bounded easterly and southerly by Ware creek, westerly by lands of Job Compton, northerly part by a ditch that separates the meadow lands of James W. Layton and John Stout, and part by a branch of Perch Hole creek, are hereby authorized and required, respectively, to erect and maintain his or her several share or shares of a good, substantial, and lawful fence, or dig, cut, and clear out a lawful ditch necessary to enclose the same, and to dig, cut, and clear out such other ditches, from time to time, as also to clear out the ditches through and about the meadows, as heretofore dug, as a majority of the said owners may from time to time direct and determine.

Meadows to be enclosed, &c.

SEC. 2. *And be it enacted,* That it shall and may be lawful for the owners and possessors of said tract of land and meadow, as aforesaid, to meet at the house of Cornelius S. Mount, in said township, on the fourth Monday in March next, between the hours of twelve and five o'clock in the afternoon, and, by plurality of voices, choose three managers to transact the business of the company, who shall be owners or possessors of part of the tract aforesaid, and who shall continue in office one year and until others shall be chosen.

Meeting of the owners, &c. to choose managers.

SEC. 3. *And be it enacted,* That if any owner or owners, possessor or possessors, of the aforesaid tract of land and

meadow shall refuse or neglect to erect and maintain his or her respective share or shares of the said fence, or to dig, cut, and clear out the ditch, as aforesaid, or such other ditches as may be directed and determined, according to the directions and requirements in the preceding section, in proportion to the value of meadow owned or occupied by each individual, to be apportioned by said managers, such person or persons so refusing or neglecting for the space of forty days after the said fourth Monday in March, it shall and may be lawful for said managers to erect, or cause the said fence to be erected, maintained, and repaired from time to time, as necessity may require, and also, to cause the said ditches to be dug, cut, and cleared out, in every respect, as directed by the first section of this act; and the said owner or owners, possessor or possessors, so neglecting or refusing to do any and every thing respecting the said fences or ditches, as before directed and required, shall be liable to pay the expense of erecting, repairing, digging, cutting, and clearing out the same, and on refusal so to do for the space of thirty days after notice thereof, in writing, served upon such owner or owners, possessor or possessors, or left at his or their usual place of residence, the same may be recovered in any court of this state having cognizance thereof, by and in the name of the aforesaid managers, in an action of debt, with costs of suit, for the use of those who may have performed the necessary work, as aforesaid, in and about the premises.

Fences or ditches to be made, maintained, &c.

Penalty for non compliance

Sec. 4. *And be it enacted*, That if any owner or owners, possessor or possessors, of the aforesaid land and meadows shall turn in and upon the same, at any time after the same shall be enclosed by such lawful fence or ditch, as aforesaid, his, her, or their horses, mules, cattle, or sheep, or any one of the same, without the consent of the said managers, previously obtained in writing, signed by them, or for a greater number, or for a longer time than is specified in said writing, shall forfeit and pay, for each horse, mule, or other creature as aforesaid, the sum of five dollars, by action of debt, in any court, by and in the name of said managers, to and for the use of the owners of said meadows, to be appropriated towards the improvement of the same, in such manner as a majority of said owners may determine.

Certain regulations to be complied with, under certain penalties.

Sec. 5. *And be it enacted*, That if any horse, mule, cattle, or sheep shall be found running at large on any part of said salt meadows, after the same shall be enclosed by such lawful fence or ditch, as aforesaid, it shall and may be lawful for any owner or possessor of any part of the same to proceed as in case of distress for damage feasant, or may maintain action of trespass, and recover damages as in other cases recoverable by law, and the proceeds arising from

How damages may be recovered.

such procedure or action shall be applied as mentioned in the preceding section.

Owners, &c.  
authorized to  
make rules, &c.

Sec. 6. *And be it enacted*, That the owners and possessors of said tract of land and meadow shall have power, at their annual or other meetings, to make such rules and regulations respecting the same as they may think most conducive to the interest of the several owners or possessors thereof: *Provided* the same be not inconsistent with the laws of this state.

Annual meeting  
when to be held,  
and managers  
chosen, &c.

Sec. 7. *And be it enacted*, That the annual meeting of the company shall be held on the fourth Monday in March, in every year, to be holden between the hours of twelve and five o'clock in the afternoon, and at such place as the company shall agree upon at their annual or other meetings; and the company shall, at their annual meetings, choose three managers, who shall continue in office for one year, and until others are chosen in their place; and in case of the death or removal of any manager or managers, that any two of the owners of said tract may call a meeting of the owners and possessors, by giving five days' notice of the time and place of meeting by advertising in three of the most public places in the township of Middletown, and the owners and possessors, when met, shall choose a manager or managers to fill such vacancy.

C. February 2, 1828.

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AN ACT to explain an act entitled, "An act for the better regulating of the fishing in Newark bay and in the Passaic and Hackensack rivers."

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That nothing in the act entitled, "An act for the better regulating of the fishing in Newark bay and in the Passaic and Hackensack rivers," passed the seventh day of December, in the year of our Lord one thousand eight hundred and twenty-five, shall be so construed as to apply to such part of the said rivers Passaic and Hackensack as are above the tide waters.

C. & A. February 5, 1828.

**AN ACT to divorce Sarah Goram from her husband Elei-  
zar Goram.**

**Sec. 1.** *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 Goram be, and she is hereby divorced from her husband Eleizar Goram, and the marriage contract heretofore existing between the said Eleizar Goram and Sarah his wife be, and the same is hereby dissolved, as fully as if they never had been joined in matrimony.

**Sec. 2.** *And be it enacted,* That the children, the issue of the said marriage, be, and they are respectively committed to the care, protection, and guardianship of Sarah Gorham, their mother, until they respectively attain the age of twenty-one years, or until other guardians be lawfully appointed in her place.

**A. February 6, 1828.**

**AN ACT** authorizing the commissioners therein named to convey certain real estate to Woollaston Redman, in trust for the heirs of Jacob Raum, esquire, deceased.

**WHEREAS** George Anderson, esquire, Benjamin Fish, and David Schenck, were duly authorized and appointed, in pursuance of the act entitled, "An act for the more easy partition of lands held by coparceners, joint tenants, and tenants in common," commissioners to sell and dispose of the real estate of which John Raum, esquire, died seized—  
**AND WHEREAS**, at the sale thereof, Jacob Raum, esquire, purchased one of the houses and lots of land, and entered into possession thereof, and disposed of the same in his last will and testament, and afterwards died before the said commissioners had made any conveyance to him for 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 George Anderson, esquire, Benjamin Fish, and David Schenck, commissioners appointed as aforesaid, be, and they are hereby authorized and empowered to grant and convey unto the said Woollaston Redman, his heirs and assigns, all that house and lot of land, situate in the township of Nottingham, in the county of Burlington, bounded by Broad

Commissioners  
their powers,  
&c.

street, lands of Kenneth Hankinson, William Grant, and the heirs of Arthur Corry, in trust nevertheless, to be held by him for the uses and purposes expressed in the last will and testament of Jacob Raum, esquire, deceased; and in order to carry the same fully and legally into effect, and to convey such estate or estates therein, to such person or persons, and at such time and times, as are intended by the said Jacob Raum in his last will and testament.

Deed made va-  
lid.

Sec. 2. *And be it enacted*, That the said deed of conveyance, so to be made by the said commissioners, shall be as valid and effective in law as if the same had been made by them to the said Jacob Raum in his lifetime; and that the deed or deeds of conveyance hereafter to be made by the said trustee, or his heirs and assigns, shall be as valid and effective in law as if the said real estate had passed under and by virtue of the said last will and testament.

Executors to  
pay, &c.

Sec. 3. *And be it enacted*, That Woollaston Redman and Sarah Raum, executors of the last will and testament of the said Jacob Raum, be, and are hereby authorized to pay to the said commissioners, the consideration money agreed to be paid by the said Jacob Raum, for the purchase of the said house and lot of land.

Sec. 4. *And be it enacted*, That nothing herein contained shall in any wise affect or impair the rights or claims of any creditor or creditors of the said Jacob Raum.

C. February 8, 1828.

AN ACT to authorize the board of chosen freeholders of the county of Burlington to remove or close the draw in the bridge over Crosswicks creek, in said county.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That from and after the passing of this act, the board of chosen freeholders of the county of Burlington be, and they are hereby authorized and empowered to remove or close the draw in the bridge over the Crosswicks creek, on the road leading from Bordentown to the White Horse tavern, in the said county of Burlington.

Sec. 2. *And be it enacted*, That the act entitled, "An act respecting the draw in the bridge over Crosswicks creek, in the county of Burlington," passed the twenty-eighth of November, one thousand eight hundred and nine, be, and the same is hereby repealed.

C. February 8, 1828.



**AN ACT** relative to the navigation of Great Timber creek,  
in the county of Gloucester.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act, the thoroughfare and watercourse running between Lad's and Sickler's meadows, on Great Timber creek, in the county of Gloucester, be, and the same is hereby declared to be part of the navigable waters of said creek, and to be used as such by all vessels navigating the same.

Sec. 2. *And be it enacted,* That it shall be lawful to fill up so much of the old natural watercourse of said creek, as lies above Abbott's sluices and below the upper end of said thoroughfare, and that it shall and may be lawful for any person or persons owning meadows bounding thereon to build bridges or dams across or over the same.

C. February 8, 1828.

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**A SUPPLEMENT** to "An act authorizing the banking and improving of certain meadows and swamps in the counties of Cumberland and 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 act entitled, "An act authorizing the banking and improving of certain meadows and swamps in the counties of Cumberland and Cape-May," passed the twenty-fourth of January, one thousand eight hundred and sixteen, be, and the same is hereby repealed: *Provided nevertheless,* that all assessments and debts due to the said company, and all assessments necessary to be made for the purpose of refunding to the managers of the said Company, or either of them, moneys by them heretofore actually advanced and expended for said company, may hereafter be made and collected in like manner as before the passing of this act.

C. February 8, 1828.

## AN ACT for the relief of Aaron Hassert.

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 to pay to Aaron Hassert the sum of one hundred dollars, as a reward for causing Joshua Mersereau to be taken and apprehended at Perth-Amboy, in the county of Middlesex, in the year one thousand eight hundred and twenty-six, the said Joshua Mersereau having offended against the provisions of the act entitled, "An act to preserve and support the jurisdiction of this state," passed the third day of December, one thousand eight hundred and seven.

C. February 12, 1828.

## AN ACT to incorporate the Columbian Steam-boat 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 Sheepshanks, Nathaniel Davison, George Peterson, Michael Newbold, Daniel Woods, David C. Wood, William McKnight, and all and every of the persons who shall at the time of the passing of this act be members or partners of the association called and known by the name of "the Columbian Steam-boat Company," and the persons who shall hereafter become members according to the provisions herein after contained, shall be, and they are hereby created and declared to be, a body corporate and politic, by the name of "the Columbian Steam-boat Company," and they and their successors, by the name of "the Columbian Steam-boat Company," shall and may have continual succession, during the term of twenty-one years from and after the passing of this act, and shall be able to sue and be sued, implead and be impleaded, in all courts of record or elsewhere, and to purchase, receive, have, hold, and enjoy, to them and their successors, lands, tenements, and hereditaments, goods and chattels, of what nature or kind soever, real, personal, or mixed, and choses in action, and the same from time to time to sell, grant, alien, demise, mortgage, pledge, or dispose of, and also to make and have a common seal, and the same to alter and renew at pleasure, and also to ordain, establish, and put in execution such by-laws, ordinances, and regulations as shall appear necessary and

Name of the incorporation.

Powers and privileges of the same.

Seal and by-laws.

convenient for the government of the said corporation, not being contrary to the laws and constitution of this state or of the United States; and generally to do all and singular the matters and things, which to them it shall lawfully appertain to do, for the well being of the said corporation, and the due management and ordering of the affairs thereof: *Provided*, that the powers, privileges, rights and franchises herein and hereby granted are upon the express condition, that the legislature of this state shall at all times hereafter have the power to revoke, repeal, alter, amend, and modify the same, as to the said legislature shall seem expedient or proper.

*Proviso.*

Sec. 2. *And be it enacted*, That all the joint stock, and all other the estate, real, personal, or mixed, and all the securities, dues, claims, and demands, and all the records, books, papers, vouchers, and other documents whatsoever, in any wise belonging to, or held, or claimed by the said association or partnership at the time of the passing this act, shall be transferred to, and vested in the said corporation of "the Columbian Steam-boat Company" hereby created, as absolutely and completely, to all intents and purposes, as shall then respectively belong to, or be held and claimed by the said association or partnership, or by their officers and agents for their use; and also, all the contracts and other engagements, debts, obligations, and assumptions whatsoever, of the said association or partnership, entered into, made, subsisting, due, or payable, or to become due or payable, at the time of the passing this act, shall henceforth become and be as obligatory and binding upon the said incorporation of "the Columbian Steam-boat Company," hereby created, to all intents and purposes, as if the same respectively had been entered into, made, and contracted by the said company, subsequent to the incorporation thereof: *Provided*, that nothing in this section contained shall impair the rights of creditors and others having claims against the said association or partnership, but the same may be enforced in the same way as if this act had not passed.

The joint stock, &c. of the former association transferred to this incorporation, which is also responsible for its contracts, &c.

*Proviso.*

Sec. 3. *And be it enacted*, That from and after the passing of this act, the following constitution shall be deemed the constitution of "the Columbian Steam-boat Company," hereby created, that is to say:—

## ARTICLE I.

The capital stock of the said "the Columbian Steam-boat Company" shall not exceed one hundred and fifty thousand dollars, divided into shares of one hundred dollars each; and the present capital stock of the said company, may at any time be increased to that amount, or to such extent as shall be deemed necessary to complete the establish-

Constitution of the incorporation.

Amount of capital stock, how to be appropriated.

Proviso.

ment, at the discretion of the company, by increasing the number of shares to that extent, and opening books to receive subscriptions therefor; the said capital stock to be employed by the said company for the establishment of steam-boat or steam-boats, to ply on the Delaware from Philadelphia to Bordentown, and from New-York to the Raritan river, or the waters thereof: *Provided*, that nothing in this section shall be construed to prevent their taking up, or landing passengers at any intermediate point or points.

## ARTICLE II.

Annual meetings, when to be held, &c.

To be advertised, &c.

Manner of voting, &c.

Proviso.

A general meeting of the stockholders shall be held on the first Monday of January next, and on the first Monday of January in each succeeding year, at such place as the said company, or in default thereof, the president shall from time to time appoint, whereof two weeks' notice shall be given in three daily newspapers published in Philadelphia, two newspapers published in New-Jersey, and two newspapers published in the city of New-York; and the said stockholders, between the hours of ten and three o'clock of that day, shall, in person or by proxy, elect by ballot by a majority of votes of them or their proxies present, each being entitled to one vote for every share of stock held, seven directors, being stockholders, to serve for one year next after their election, and until their successors are chosen: *Provided always nevertheless*, that William Sheepshanks, Nathaniel Davison, George Peterson, Michael Newhold, Daniel Woods, David C. Wood, and William McKnight shall be the present directors, and continue in office until others are chosen.

## ARTICLE III.

In case either of the directors shall transfer the whole of his or their shares of stock in this company, the office of such director or directors shall thereupon be vacated; and in case of a vacancy in the office of a director, by any means, or for any cause whatever, the remaining directors shall supply the same, and the directors so chosen shall have the same powers, and be considered, in all respects, as if elected by the stockholders.

## ARTICLE IV.

Directors may forfeit their office.

The directors, at the first meeting after their election, shall choose, from their body, a president and a treasurer, from among the stockholders, to serve for one year thereafter, and until their successors are duly chosen; they, the president and directors, shall meet at such times and places, and be convened in such manner, as they from time to time may agree on for transacting their business;—four directors

shall constitute a quorum for the transaction of business, and, if the president be absent, they may choose a president pro tempore;—they shall keep correct minutes of all their transactions, in a book to be provided for that purpose; they shall have full power to employ, agree with, and appoint such engineers, artists, superintendents, and others, as they shall think necessary for the making, repairing, constructing, and finishing, on the most liberal and improved plan, such steam-boat or boats as they may deem expedient; procure, by purchase or otherwise, suitable sites, landings, and accommodations, and cause convenient wharves, docks, piers, and slips to be built thereon; purchase materials; fix on, and agree with persons employed and engaged by them, their respective wages and compensations; call on the stockholders for moneys due on their respective shares, in such instalments as may be required, and to do such other duties as may be necessary to ensure the completion; and conduct the business, make by-laws, and do such other acts as may be necessary for the purposes contemplated by this act, and the same shall be binding on the stockholders; and to call a meeting of the stockholders, giving notice as is required in the second article.

Quorum.

Directors, their powers and duty.

By-laws binding on stockholders, &c.

## ARTICLE V.

The treasurer shall receive the cash, securities, leases, deeds, and other papers belonging to the company, sign all contracts necessary to be made in writing for and in behalf of the company, and from time to time pay, dispose of, and deliver the same according to the order of the directors;—he shall keep regular and fair books, and accounts of his receipts and disbursements, which shall at all times be open to inspection of the stockholders, and shall, before entering upon the duties of his office, give such bond and security for the due and faithful discharge thereof, and for accounting for and delivering up to his successor in office all the moneys, securities, deeds, effects, and papers which may remain in his hands, as the board of directors may require, which bond shall be held by the president.

Treasurer, his duty, &c.

To give bond, &c.

## ARTICLE VI.

The shares in the capital stock of the said company shall be deemed personal estate, and be assignable and transferable at pleasure, in person or by attorney, in a book to be kept for that purpose, in the presence of the president or treasurer, subject to the instalments due thereon; and if any stockholder, either of the shares of the present capital stock, or of the shares which may be added thereto, after twenty days' notice given in at least three of the newspapers of Philadelphia, two of the newspapers of New-Jersey, and

Shares personal estate, and transferable &c.

Instalments to be paid in a specified time, under the penalty of forfeiture.

in two of the newspapers published in the city of New-York, of the time and place appointed for the payment of any instalment of stock, shall neglect to pay such instalment for thirty days next after the time so appointed, every such stockholder shall forfeit to the use of the company all his, her, or their shares of stock, and every previous payment made thereon, and cease to be a member; which shares of stock so forfeited shall and may be sold by the president and directors for the time being, for such prices as can be had for the same, and the purchaser or purchasers thereof shall be considered members of the company, as fully as if they had been originally stockholders.

## ARTICLE VII.

Directors to fix salaries, &c.

That the said directors shall have power to fix the salaries, compensation, or wages of all persons employed or appointed by them, regulate the prices of transportation of passengers and goods, declare dividends (retaining such surplus funds as they see proper), and do other acts necessary or expedient to enable them to manage the property of the company to the best advantage.

Incorporation may not engage in banking operations.

Sec. 4. *And be it enacted*, That nothing in this act contained shall authorize the said company to employ any part of their funds for any other purposes than those before specified in this act, or to engage in any banking operations.

A. February 12, 1828.

## AN ACT authorizing the owners and possessors of land lying on Belchors creek to drain the same.

Owners authorized to drain and remove obstructions, &c.

SEC. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of same*, That it shall and may be lawful for the owners and possessors of all that tract of land lying on both sides of Belchors creek, in the township of Pompton, in the county of Bergen, situated between the saw-mills of Jacob M. Ryerson and James Laroe, and which is injured by overflowing or otherwise, by reason of obstructions and improvements in the course or channel of the said creek aforesaid, to open, clear out, and deepen the said creek, for the purpose of draining the land aforesaid: *Provided*, that nothing in this act contained shall be construed to authorize any act, matter, or thing whereby the said saw-mills aforesaid, together with the privileges to them already attached of Jacob M. Ryerson

Proviso.

son and James Laroe, can or may be injured in any way whatever.

Sec. 2. *And be it enacted*, That Marcus B. Douglass, Edward P. Ackerson, and Jacob M. Ryerson be managers, and continue in office until the first annual meeting, whose duty it shall be, they or their successors in office, as soon as practicable, to fix the boundaries by actual survey of the aforesaid tract of land, embracing only such as, in their judgment, is injured as aforesaid, which said boundaries, so made, shall be altered only at an annual meeting, by a majority of the votes of the owners and possessors aforesaid, each owner and possessor having one vote, and no more, in all cases; and, having so fixed the boundaries, it shall be their duty, without unnecessary delay, to ascertain and designate by actual survey, the several lots of land and number of acres within the aforesaid boundary, and to whom belonging, which shall be fairly entered in a book, to be kept for that purpose.

Managers, their duty, powers, &c.

Sec. 3. *And be it enacted*, That the first annual meeting shall be held at the house now occupied by William Fredricks, in the township of Pompton, on the last Monday in April next, and on the last Monday in April annually thereafter, at such place as shall have been agreed upon at a previous annual meeting by a majority of the owners aforesaid; at which time or times the owners and possessors aforesaid shall, between the hours of one and five o'clock in the afternoon, proceed to elect, by a majority of votes, three managers, who shall be owners or possessors in the aforesaid tract, to determine the amount of money to be raised and expended for the year, and to fix the rate of labor per day, and compensation of the managers; all which shall be regularly entered in the book aforesaid, and which entry shall be evidence of the proceedings of the said annual meeting.

Annual meeting.

To choose managers, &c.

Sec. 4. *And be it enacted*, That the managers elected as aforesaid shall assess the sum agreed upon to be raised at the annual meeting, upon the lands embraced within the aforesaid boundaries, in proportion per acre, having regard to the relative condition of the said land; to fix the time for working and opening the creek aforesaid, and superintend and direct the same; to receive and appropriate all money and labor, at their discretion, for the purpose of effectually opening and clearing out the said creek; and may, in the prosecution of their duties, enter upon the said land, cut and remove timber and wood necessary for the purpose of clearing the said creek.

Assessment of the lands benefited, &c.

Sec. 5. *And be it enacted*, That the owners and possessors of the land aforesaid shall be privileged to work out their assessment at the rate agreed upon as a compensation for labor at the previous annual meeting: *Provided* such owner or owners, possessor or possessors, shall at, or within ten

Owner's may work out their assessment, &c.

Proviso.

days after an annual meeting, give notice to any one of the managers of their intention so to do, in which case it shall be the duty of the managers to notify them personally, or to cause a notice to be left at his or her usual place of abode, stating the amount of his or her assessment, and the time and place agreed upon for working at the aforesaid creek, giving at least five days' notice thereof; and if any such owner or owners, possessor or possessors, shall neglect such notice, of which evidence may be given by the person making it, whether a manager or not, then in such case he or they so neglecting shall be liable in the same way and manner as if no such notice to work had been given.

Sec. 6. *And be it enacted*, That it shall be the duty of the managers, where any owner or owners, possessor or possessors, shall not give notice, as aforesaid, of their election to work out their assessment; to notify them, either personally, or by causing a notice to be left at their usual place of abode, of which evidence may be given by the person leaving such notice, whether managers or not, stating the amount of their respective assessments, demanding the same; and in case any such owner or owners, possessor or possessors, shall refuse or neglect to pay the same for the space of thirty days thereafter, it shall and may be lawful for the persons elected, as aforesaid, to sue for and recover the same, in their own names, from each and every individual so neglecting as aforesaid, with costs of suit.

Penalty for neglect of duty.

Sec. 7. *And be it enacted*, That if, in designating the several lots of land within the boundaries aforesaid, there should be any the owner or owners whereof is not known, or cannot be found, then in such case it shall be the duty of the managers, from time to time, to assess the same as other such land is assessed within the boundaries aforesaid, and to enter upon and sell off so much of the wood, timber, and herbage there standing or growing as may be necessary to pay the said assessment, having first given notice of such sale at least three weeks, by advertisements put up in three of the most public places in the neighborhood; and it shall and may be lawful for any person purchasing as aforesaid to enter upon the said land, and cut and remove any such timber, wood, or herbage, as is particularly designated in such sale.

All the lands to be assessed &c.

Sec. 8. *And be it enacted*, That the managers shall annually account to the owners for all moneys or assessments of labor which have come into their hands, or been appropriated by them, and pay over all balances remaining in their hands, if any, and deliver over the books and papers of every description pertaining to the aforesaid trust, immediately upon their going out of office, to their successor, under the penalty of one hundred dollars on the defaulter, to be

Managers to be responsible annually for all moneys received, or assessments of labor, &c.



sued for and recovered by their successors in office, with costs of suit, and to be applied, when recovered, to the purpose of clearing out the aforesaid creek.

C. February 6, 1828.

**AN ACT** to authorize commissioners to sell and convey part of the real estate of William Hall, deceased.

**WHEREAS** William Hall, late of the county of Somerset, and state of New-Jersey, departed this life in the year of our Lord one thousand eight hundred and nineteen, leaving a last will and testament, and appointing his four sons, John W. Hall, Joseph Hall, Samuel Hall, and William Hall, and his two sons-in-law, Matthias Williamson and Cornelius Williamson, and his friend Peter Quick, executors thereof, and in the said will directed his said executors to make sale and conveyance of certain parts of his real estate.—**AND WHEREAS** a part of the lands have been sold, and some of the said executors have departed this life, and others of them, by reason of unhappy dissensions among themselves, have refused to unite in any manner in the sale or conveyance of that part of the real estate of the said testator which still remains unsold, whereby the estate remains unsettled, to the great detriment of the legatees and others interested—For remedy whereof,

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 Andrew Howell and John P. Vroom be, and they are hereby appointed commissioners, with full power to sell and dispose of such of the real estate of the said William Hall, deceased, not specifically devised, as remains unsold, for the best price that can be procured for the same;—and it shall be the duty of said commissioners to make report in writing of such sale or sales to the Orphans' Court of the county of Somerset to be holden next after the same, for confirmation and allowance; and after the said sale or sales shall have been confirmed and allowed by the said Orphans' Court, to make and execute good and sufficient conveyances and assurances, in the law, to purchaser or purchasers, and to pay over the money arising from such sale or sales to the surviving executors who may have proved the said will, to be by them appropriated according to the directions of said will.

Names of commissioners, and their duty.

**SEC. 2.** *And be it enacted,* That before the said Andrew Howell and John P. Vroom shall enter upon the trust re-

To give bond, &c.

posed in them by this act, they shall enter into bond to the governor of this state, with such securities and in such amount as shall be approved of by the surrogate of the county of Somerset, conditioned for the faithful performance of the duties required of them by this act, which bond shall be deposited in the office of said surrogate.

Statement of  
amount of sales  
to be made to  
surrogate.

Sec. 3. *And be it enacted*, That the said commissioners shall, within six months after the sale of said lands is completed, make and exhibit, under oath, to the surrogate of the county of Somerset, a true statement of the amount of said sale or sales, to be by him filed in his office; and that the said commissioners shall be accountable for all moneys received by them by virtue of this act, deducting their reasonable and necessary expenses, and a reasonable compensation for their services, to be allowed by the said Orphans' Court of the county of Somerset.

C. February 7, 1828.

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### AN ACT to incorporate the Farmers and Mechanics Bank of Rahway.

Commissioners  
to open books,  
&c.

SEC. 1. *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, Jacob Parker, and Robert Lee be appointed commissioners to open a subscription at Rahway, to raise the same of one hundred thousand dollars, in shares of fifty dollars each; the said commissioners to give notice of the time and place or places of opening the books of subscription, by advertising the same in the newspaper published at Rahway, at least three weeks, and the books to continue open from day to day for three days; and if the whole amount shall not within that time be subscribed, the said commissioners may continue to keep the books open until the whole capital stock be subscribed; and should more than one hundred thousand dollars be subscribed, the commissioners shall make an equitable deduction and apportionment: *Provided always*, that the stock shall be subscribed by citizens of this state exclusively.

Style of the in-  
corporation.

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 Farmers and Mechanics Bank of Rahway."

way," and by that name shall be, and are hereby made capable in law to have and purchase, receive and possess, enjoy and retain, to them and their successors, lands, tenements, hereditaments, goods, chattels, and effects, of what nature or kind soever, and the same to grant, demise, alien, or dispose of, 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* they be not inconsistent with the constitution and laws of this state and 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 reasonable.

Powers and privileges.

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 subscriptions, and the remainder, in instalments of five dollars on each share, when called for by the president and directors of the said company, appointed and chosen in the manner herein after prescribed, upon thirty days' previous notice being given by the cashier of the said company, in one of the newspapers printed at Rahway, New-Brunswick, and Elizabethtown; and any person, copartnership, or body politic failing to pay any instalments, or any part thereof, at the times prescribed and required, shall forfeit to the said company every share upon which there shall be a deficiency, and all money thereon previously paid.

Instalments to be paid on penalty of forfeiture, &c.

Sec. 4. *And be it enacted*, That all the officers, property, and concerns of the said corporation shall be managed and conducted by eleven directors, all of whom shall be stockholders and citizens of this state; and that William Edgar, David S. Craig, Adam Lee, Jacob Parker, Jonathan B. Marsh, Joseph O. Luffberry, Isaac P. Freeman, Samuel Meeker, Hugh Hartshorne, Samuel Oliver, and John Shotwell shall be the first directors, and shall respectively hold their offices until the first Monday in January, in the year one thousand eight hundred and twenty-nine, and until others shall be chosen by the stockholders; and the said directors shall choose one of their number for president, as herein after directed; and all moneys received by the commissioners on the subscriptions to the said capital stock, excepting so much as shall be allowed for their services,

Number of directors.

President, &c.

shall be delivered over to the said directors, when duly organized, together with the original books of subscription.

**Time of annual election.** Sec. 5. *And be it enacted,* That there shall be an election of directors on the first Monday in January, in the year one thousand eight hundred and twenty-nine, and on the same day annually thereafter, at the banking house of the company, at such hour of the day as the board of directors for the time being may appoint, two weeks' previous notice thereof being given in the newspapers herein before mentioned, which directors shall hold their offices for one year and until others are chosen; and no person shall be eligible as a director, who shall not be at the time a stockholder; and the said elections shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy, voting agreeably to the ratio herein after established, for the number of shares held by them respectively; and all such elections shall be by ballot, and the persons who shall have the majority of the votes given shall be directors: *Provided,* that no president, cashier, director, or other officer of said bank, or candidate for any office in the bank, shall be allowed to vote a proxy: *And provided further,* that in all cases where two or more persons shall have an equal number of votes, the directors of the preceding year, or a majority of them, shall, by ballot and by a majority of votes, determine which of the directors so having an equal number of votes 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 elect one of their number, by ballot and by majority of the votes, for president, who shall be an inhabitant of the place living within three miles of the banking house of said company; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the other directors for the time being, or a majority of them, shall appoint; and if the office of president shall at any time during the year become vacant, the directors shall meet as soon as may be thereafter, and elect, in the manner before mentioned, another person, qualified as aforesaid, for president: *Provided,* that in case it should happen that an election of directors shall not be made upon the day herein prescribed, 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.

**Manner of voting.**

**Proviso.**

**Vacancies, how filled.**

**Proviso.**

Sec. 6. *And be it enacted,* That a majority of the whole number of the aforesaid directors shall have power to fix on a temporary place for transacting the business of said

company, not more than half a mile from the Essex and Middlesex turnpike bridge that crosses Rahway river, and the same to change at their pleasure to any other place within a like distance of the aforesaid bridge; and whenever twenty-five thousand dollars of the capital stock subscribed shall have been actually paid in, they may commence and carry on their banking operations in such place or places so fixed on by the directors, until the day of payment of the last instalment on the first fifty thousand dollars, and from thence until another place shall be fixed on by the stockholders, for which purpose it shall be the duty of the president to call a meeting of the stockholders, at such time, not exceeding one month from the day aforesaid, at such place in Rahway as he may think proper to appoint, giving three weeks' notice of said meeting in the newspapers herein before mentioned, at which meeting the stockholders then present, or by proxy, shall proceed to vote by ballot for a permanent situation for transacting the business of said company, and whatever place, being within the distance of one half mile of the before mentioned bridge over Rahway river, shall be fixed on by the stockholders, or a majority of them, voting as aforesaid, shall be established by the directors, as the permanent place of business of the said company, unless another place shall be fixed upon hereafter by the stockholders, voting at a general meeting as aforesaid.

Directors to advertise meeting of stockholders.

To fix on a permanent place for the transacting of their banking business.

Sec. 7. *And be it enacted,* That there shall be a meeting of the board of directors every quarter year, 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.

Quarterly meetings may be held.

Sec. 8. *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 said company, and see that the accounts are regularly balanced and transferred.

Inspectors to be chosen quarterly, and their duty.

Sec. 9. *And be it enacted,* That the capital stock and funds of the said corporation shall be deemed personal estate.

Stock personal estate.

Sec. 10. *And be it enacted,* That the following shall be the fundamental articles of the constitution of said company:—

## 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

Ratio of votes.

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 shall have held in his, her, or their name or names at least three months before the time of voting.

## ARTICLE II.

Judges of elections.

For the well ordering and conducting the election of directors, the stockholders, at their annual meeting, shall appoint three persons of the corporation, 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.

Annual statement of business to be exhibited to stockholders.

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.

Books of the company to be, during business hours, open to the inspection of stockholders, under certain penalty.

Manner of recovery.

The book or books of said company, in which the transfer of the stock of said company shall have been registered, and the books containing the names of the stockholders in such company, shall at any time during the usual hours of transacting business be open 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 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 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 the 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.

Quorum.

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 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.

Compensation  
to 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 stock of the said corporation shall be valid and effectual until any debt or 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, 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 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 the said corporation.

Shares transferable pursuant to the ordinances of the incorporation, and to be registered.

Bills assignable

#### 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 herein after excepted) under

Amount of debts not to exceed double the amount of capital paid in.

Proviso.

whose administration such malepractice shall occur, shall be liable to pay to every creditor of the said bank, the amount of such claim as 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 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 at the meeting of the board, or shall have dissented from the act or resolution by which such malepractice 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 the 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.

Dividends, how to be made.

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, 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 XI.

What property the company may hold, and what deal in.

The corporation shall not directly nor indirectly deal or trade in any thing, except bills of exchange, promissory notes, gold or silver bullion, or in the sale of goods which shall be the produce of its lands.

#### ARTICLE XII.

Endorser.

The corporation shall not advance money on the stock of the said company, nor 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.

Cashier to be chosen annually, and give bail.

## ARTICLE XIV.

Each director and cashier of said corporation, before he enters upon 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.

Directors and cashier to take an oath, &c.

Sec. 11. *And be it enacted*, That the said corporation shall not issue notes or bills of a less denomination than one dollar, 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.

No notes to be issued under one dollar.

Sec. 12. *And be it enacted*, That this corporation shall not take more for or upon its loans or 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.

To be subject to taxes.

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 or refuse, on demand being made at their banking house during the regular hours of doing business, to redeem, in specie, 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 three months 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,

Bills to be redeemed in specie, under certain penalties.

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.

Annual report  
to the legisla-  
ture.

Sec. 14. *And be it enacted*, That between the first and fifteenth days of November, 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 fail to render such statement, this charter shall be void.

Limitation of  
charter.

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.

C. & A. February 7, 1828.

AN ACT to enable the owners of certain tide meadows in the township of Nottingham, and county of Burlington, to improve the same.

Dams and banks  
authorized.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful, at any time after the passing of this act, for Joshua Wright, junior, Robert H. Wright, Jeremiah Lalor, Anderson Lalor, and John Titus, guardian of Barnt D. Lalor, and their heirs and assigns for ever, and all other persons who may be benefited thereby, and their heirs and assigns for ever, to erect, keep up, support, and maintain a dam or dams, bank or banks, sluices, floodgates, and other works, in the township of Nottingham,

in the county of Burlington, in order to improve their meadows, and prevent them from being overflowed by the tide.

Sec. 2. *And be it enacted*, That the banks contemplated to be built by virtue of this act shall extend from the northwest end of a sand bank, on the property of Barnt D. Lalor, and continue along the said banks, near the river Delaware; thence down the said river, and end at or near an abutment on the bank, on the property of John Norton.

Boundaries of the banks.

Sec. 3. *And be it enacted*, That Philip F. Howell, Joseph Abbott, and William Pearson, of the county of Burlington, be, and they are hereby appointed commissioners to value all the marsh or meadow ground which shall or may be benefited by the said banks and works, and, if necessary, cause all the lots or parcels of marsh or meadow benefited by the said banks and works to be surveyed, and a plot of the same to be made, shewing the quantity held by each owner, and value the same separately, and make an estimate of the sum or sums of money to defray the expenses of the different services done, and required to be done in making the said banks and works, and assess the same on the said marsh or meadow, in proportion to the value of the said meadows, and to the benefit which, in the judgment of the said commissioners, each owner or proprietor will receive thereby; and the said commissioners, or any two of them, shall state the said assessments in a regular duplicate, containing the names of each owner or possessor, the number of acres or parts of acres held by each, of the sum assessed on each of them severally, and the time or times of payment, which duplicate shall be by them delivered to the treasurer.

Commissioners, their duty.

Assessments to be made.

Sec. 4. *And be it enacted*, That the treasurer, on the receipt of the said duplicate from the commissioners, shall, in person or by notice in writing left at the usual place of abode of each owner or possessor, twenty days before the time of the payment, demand of and from each owner or possessor the sum assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum assessed, or any part thereof, for the space of forty days after the time fixed for the payment thereof, it shall and may be lawful for the said treasurer to seize and rent out, by public vendue, to the highest bidder, for so long a time, and no longer, as shall be requisite, so much of the meadow ground within the said banks and works, belonging to or in possession of such delinquent owner or possessor as may be sufficient to discharge such assessment or such part thereof as may remain unpaid, and all expenses that may attend the recovery thereof, having first advertised the same for the space of two weeks in three of the most public places in the neighborhood where the majority of the said owners or possessors reside.

Penalty for non payment of assessment.

Managers.

Clerk.

Treasurer.

Sec. 5. *And be it enacted*, That William Norton, Anderson Lalor, and Joshua Wright, jun. be, and they are hereby appointed managers, to have the direction of procuring materials and building the said banks, sluices, floodgates, and other works; and a majority of the said managers shall appoint one of their number to act as clerk, who shall keep a record of all the proceedings of the said managers and all the papers of the said managers and commissioners; and James Anderson is hereby appointed treasurer, with the powers and duties mentioned in the fourth section of this act.

Sec. 6. *And be it enacted*, That if the assessment made by the said commissioners should not produce a sufficient sum of money to fulfil the purposes intended to be performed by this act, then the commissioners may and shall from time to time make further assessments of such sum or sums of money as may be necessary, in manner aforesaid, and the same shall be collected as before directed.

Managers, their duty.

Sec. 7. *And be it enacted*, That the managers elected by virtue of this act shall, from time to time, and at least once in each month, inspect the said banks and works, and if they should require any repairs procure such materials, and employ such workmen as may be necessary, and repair the same, and render an account of the expenses to the said commissioners, who shall assess, in the manner aforesaid, such sum or sums of money as may be regulated, which shall be collected in the manner aforesaid.

Penalty for injuring the works

Sec. 8. *And be it enacted*, That if any owner or possessor of any meadow lying within such banks or works, or any other person, by his or their order, shall wilfully open any of the floodgates or sluices without the consent or direction of two of the managers, or shall do any other damage to any of the said banks or works, such person or persons so offending shall be liable to a penalty of one hundred dollars, and shall make good all damages, to be adjudged by two or more of the said commissioners; which damages and penalty may be recovered in an action of debt, by the said managers, or by the owner or owners, possessor or possessors, receiving the damage, in any court in which the same may be cognizable, with costs of suit.

Materials for erecting repairing, &amp;c. how obtained, &amp;c.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the said managers, or a majority of them, to dig, or cause to be dug, mud, sand, or other earth, for the erecting and repairing the said banks and works, from time to time, in such places as shall be most convenient to the said banks and works; and least detrimental to the owners of the soil, or from such other places as to them may appear expedient; and the said commissioners shall have the power to fix and determine the damage done to the owners of the soil by taking such mud, sand, or earth; and they shall assess the same

upon the owners and proprietors benefited by the said banks, and in manner aforesaid, and the same shall be collected as before directed; and the said commissioners shall make compensation to the said owner for the injury so done.

Sec. 10. *And be it enacted,* That after the said banks and works have been completed, a survey of the same shall be made and recorded in the road book kept in the office of the clerk of the county of Burlington, the expense of which recording and survey shall be defrayed in the manner aforesaid.

Survey to be made, and recorded in road book.

Sec. 11. *And be it enacted,* That the said commissioners are hereby authorized to determine what salaries or compensation shall be made to the officers mentioned in this act, and the same shall be assessed and collected in manner aforesaid.

Salaries, &c.

Sec. 12. *And be it enacted,* That if a vacancy shall occur in the number of the said commissioners, or managers, or treasurer, by death or a refusal to act, the vacancy shall be supplied by an election made by the said owners, who shall be entitled to the following votes:—the owner of such soil and meadow within the said banks, which shall be valued at one hundred dollars, shall be entitled to one vote; the owner of such soil within the said banks, as shall be valued at two hundred dollars, shall be entitled to two votes, and so in proportion, the number of votes of each owner being governed by the value of his soil and meadow secured and protected by the said banks, which valuation shall be the same which is used in making the said assessment; and in case of such vacancy, it shall and may be lawful for the remaining managers, or any two of the said owners or possessors, to call a meeting, by notice in writing of the time and place, left at the place of abode of each owner or possessor, ten days before such election.

Vacancies, how filled.

C. February 8, 1828.

A SUPPLEMENT to the act entitled, “An act to provide for the publication and distribution of the laws and proceedings of the legislature of this state, and the distribution of the laws of the United States,” passed the seventh day of June, one thousand eight hundred and twenty.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be the duty of the secretary of state to

Duties of the secretary prescribed.

Original acts not to be taken out of his office, &c.

Further duties enjoined.

To superintend the printing, and correct proof-sheets with the original acts.

Journals to be copied, and copies to be delivered to the printer, and the original to be kept undefaced in secretary's office.

Secretary enjoined to superintend the printing of the Journals and Minutes of Joint-Meeting.

Fees for making index and marginal notes.

Secretary to distribute the laws.

cause each and every of the public laws of the legislature to be published, as directed in the first section of the act to which this is a supplement, within two weeks after the passing thereof; and in no case shall he suffer an original law to be taken out of his office, but shall keep and preserve the same safe and undefaced.

Sec. 2. *And be it enacted*, That it shall be the further duty of the said secretary, as soon as practicable after any law shall be passed, to cause the same to be copied for the press, with proper marginal notes to each section; and the said secretary shall, in like manner, cause the joint resolutions of the Council and Assembly to be copied and prepared for the press; and make out an index to the acts and joint resolutions, alphabetically arranged, and deliver the copies of laws and joint resolutions, and index, so prepared and made, to the printers appointed to print the same; and shall direct and superintend the printing thereof, and compare with and correct, by the original acts and resolutions, the proof-sheets and printed copies of the said laws and resolutions.

Sec. 3. *And be it enacted*, That it shall be the duty of the clerk of Council, and of the clerk of the House of Assembly, to cause the journals of their respective houses to be fairly copied and prepared for the press, without delay, at the close of every sitting of the legislature, and to deliver such copies to the person or persons employed to print the same; and immediately after such copy shall be made and prepared for the press as aforesaid, the original journal shall be deposited in the office of the secretary of state, there to remain, and be kept by him unaltered and undefaced.

Sec. 4. *And be it enacted*, That the Minutes of the Joint-Meetings shall be prepared for the press by the clerk of Council, and printed, together with the Journals of Council, under the direction and superintendence of the said clerk.

Sec. 5. *And be it enacted*, That there shall be allowed to the secretary, for making and preparing marginal notes and an index as aforesaid, the sum of fifteen cents for every hundred words.

Sec. 6. *And be it enacted*, That the treasurer of this state shall, on the receipt of the laws and proceedings aforesaid, cause to be delivered to the secretary of state, for the library of Princeton College, and of the two literary societies in said college, each, one set thereof, and for the library of Rutgers College, and of the two literary societies in said college, one set thereof; and it shall be the duty of the said secretary to transmit the same accordingly; and that he also transmit, without any unnecessary delay, to the persons entitled to receive the same, all copies of the said laws which are directed to be delivered to the governor, or person administer-

ing the government of this state, as mentioned in the act to which this is a supplement.

Sec. 7. *And be it enacted*, That the treasurer shall audit and adjust any accounts presented to him for services done or performed by the secretary of state or clerks of Council or House of Assembly, and shall certify the same to be true and due by law, before any warrant shall be drawn for the payment thereof.

No fees to be drawn, except the treasurer certify the same to be justly due.

A. February 8, 1828.

AN ACT to authorize John S. Stiers and John Thompson, administrators with the will annexed of Michael Cole, deceased, to sell and convey the real estate of said deceased.

WHEREAS Michael Cole, late of the township of Readington, in the county of Hunterdon, did, by his last will and testament, executed in due form of law, and duly proved and recorded, bearing date the tenth day of July, in the year of our Lord one thousand eight hundred and eighteen, order and direct the whole of his real estate in the township of Readington to be sold by his executors, and the proceeds of the same to be disposed of agreeably to the directions of said will, and thereof did appoint John Stiers executor.—AND WHEREAS the said John Stiers renounced the said executorship, in due form of law, whereby the authority to sell said real estate cannot be executed, and the trust created by said will cannot be carried into effect —AND WHEREAS afterwards, to wit, on the thirty-first day of October, in the year of our Lord one thousand eight hundred and twenty-seven, letters of administration with the will annexed of the said Michael Cole, deceased, was granted, in due form of law, to John S. Stiers and John Thompson—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 same, That John S. Stiers and John Thompson, administrators with the will annexed of Michael Cole, deceased, be, and they are hereby authorized and empowered to sell and convey the lands and tenements, with the appurtenances, in the last will and testament of the said Michael Cole, deceased, mentioned, and thereby ordered to be sold, and make conveyance or conveyances for the same to any purchaser or purchasers, in as full and ample manner, to all intents and purposes, as if they, the said John S. Stiers and John

Administrators, their duty and responsibility.

Proviso.

Thompson had been originally named and appointed the executors of the last will and testament of the said Michael Cole, and that they be invested with all the powers and authorities given in and by the said will to the said executor therein named, and subject to the same duties and obligations, and liable to the same responsibilities, as if they had been nominated and appointed executors therein, and letters testamentary had been thereupon granted to them; and that they pay and apply the moneys arising from the sale of the said real estate in the manner limited and expressed in the said last will and testament, and agreeably to the true intent and meaning thereof: *Provided*, that before the said John S. Stiers and John Thompson shall enter upon the trusts reposed in them by this act, they shall enter into bond to the governor of this state, in such sum, and with such sureties, as shall be approved by the surrogate of the county of Hunterdon, conditioned for the true and faithful performance of the trusts reposed in them by this act, and created by the last will and testament of the said Michael Cole, and deposit the same in the office of the surrogate of said county.

C. February 9, 1828.

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**AN ACT** to authorize William Buzby to sell and convey real estate of Jacob Hollinshead, late of the county of Burlington, deceased.

Preamble.

**WHEREAS** Jacob Hollinshead, late of the county of Burlington, deceased, did, in and by his last will and testament, among other things, give and devise certain lands and real estate, situate in the township of Evesham, in the said county, to his son William Hollinshead and Rebecca his wife, for and during the term of their natural lives, and did authorize and empower Benjamin Hollinshead and George French, whom he appointed executors of his said will, after the decease of the said William Hollinshead and Rebecca his wife, to sell the said real estate, and to divide the proceeds of such sale between the children of the said William and Rebecca.—**AND WHEREAS** the said William and Rebecca are now both dead, and the executors named in the said will have also departed this life, without having made sale of the said real estate, by reason whereof there is no person authorized to execute the trusts contained in the said will, as to the sale of the said real estate, and the distribution of the proceeds of such sale—**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 William Buzby, of the township of Evesham, in the said county, be, and he is hereby appointed a trustee, with full power to sell and dispose of the said real estate so devised by the said Jacob Hollinshead to the said William Hollinshead and Rebecca his wife, for and during the term of their natural lives, for the best price that can be obtained for the same, and report such sale to the next stated term of the Orphans' Court of the county of Burlington, for their confirmation and allowance, and, on said court approving such sale, to make and execute a good and sufficient deed or deeds of conveyance for the same, in fee simple, to the purchaser or purchasers thereof, and to apply the moneys arising from such sale, after deducting his reasonable and necessary expenses, and a reasonable compensation for his services, to be allowed by the said Orphans' Court out of the same, in the manner expressed and limited, and according to the true intent and meaning of the will of the said Jacob Hollinshead, deceased.

Trustee, his duty, &c.

Compensation.

Sec. 2. *And be it enacted,* That before the said William Buzby shall enter upon the execution of the trust reposed in him by this act, he shall enter into a bond to the governor of this state, with such security, and in such amount as shall be approved of by the surrogate of the said county of Burlington, 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.

Bond to be given.

C. February 11, 1828.

## AN ACT for the improvement of the navigation of Elizabethtown 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 all such persons as shall become subscribers, according to the mode herein after prescribed, their successors and assigns, shall be, and are hereby incorporated by the name of "the President and Directors of the Company for the Improvement of the Navigation of the Elizabethtown creek," for the purposes, and with the privileges and immunities herein after defined, conferred, and granted, and by that name, shall be a body corporate and politic in law, and may sue and be sued, implead and be impleaded; and the

Name, powers, and privileges of the company.

said company shall have succession, and power to make and use a common seal, and the same to change at pleasure, and also to ordain, establish, and carry into execution such by-laws and regulations as shall by its president and directors be judged necessary or convenient for the said company, from time to time: *Provided* the same be not contrary to the constitution or laws of the United States or of this state.

Commissioners  
to open books,  
&c.

Sec. 2. *And be it enacted*, That George C. Thomas, Stephen P. Brittan, Thomas Salter, Peter Kean, and Looe Baker, be, and they are hereby appointed commissioners for receiving subscriptions for the sum of fifty thousand dollars, to constitute the capital stock of said company, in shares of twenty-five dollars each; and that said commissioners, or a majority of them, shall and do open a book or books for that purpose at such time, and in such place or places as they shall designate by public advertisement, to be previously inserted, for at least thirty days, in the Elizabethtown Gazette, and one other public newspaper printed in the county of Essex, and shall keep the same open until the said capital stock shall be subscribed, or at their discretion close the same, after they shall have remained open three days, and again open the same at some other time or times, place or places, giving public notice thereof as aforesaid; five dollars upon each share so subscribed shall be paid at the time of subscription to the said commissioners, or a majority of them, and if on the third day after the said book or books shall be opened, there shall be subscribed a greater number of shares than two thousand, then it shall be the duty of said commissioners, or a majority of them, to apportion the shares so subscribed for, among all the persons who shall have subscribed and paid as aforesaid; ratably, allowing to each subscriber at least one share, and to return to each subscriber all the moneys received from him, except so much as shall be necessary to pay five dollars on each share so apportioned to him; and the said commissioners, or a majority of them, shall deposit the money so received by them at the time of subscription, or retained by them, upon the apportionment to be made as aforesaid, in the State Bank at Elizabeth, there to remain until the same shall be by them paid over to the directors of said company, to be appointed as herein after directed; and that the said directors, when so appointed, shall have power, and they are hereby authorized to call upon the said subscribers for the payment of further instalments, not exceeding five dollars on each share at any one time, at such time or times as they may deem expedient, giving at least thirty days' public notice as aforesaid, until the whole amount of shares so subscribed for, or apportioned as aforesaid, shall have been fully paid.

Money to be  
deposited.

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

concerns of the said company shall be, and the same is hereby vested in seven directors, to be selected from the stockholders; and that the said directors shall choose, by plurality of votes, a president from among themselves, and shall have the power of appointing such other officers of the company as they may deem expedient; and as soon as conveniently may be after twenty-five thousand dollars of the said stock shall have been subscribed, the before named commissioners, or a majority of them, shall convene the said stockholders, by public notice to be given as aforesaid, and at such time and place as they shall designate in said notice, to choose the first board of directors, who shall hold their offices for one year from the day of their election as aforesaid; and an election of directors shall be held annually thereafter, on public notice as aforesaid, to be given by the board of directors; but if for any cause, 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 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 president and directors for the time being shall continue in office: *Provided* such election be held within three months from the stated time of election; and in case of the death, resignation, incapacity, or removal of the president, or any one or more of the directors, the vacancy thereby occasioned may be supplied by appointments to be made by the board of directors; and in case of the absence of the president from any meeting of the board, a president pro tempore may be appointed by the board; and at all elections of directors, each stockholder shall be entitled to one vote for each share of stock which he or she may have held for thirty days previous to such election; and if at any time hereafter the said president and directors shall deem it expedient to increase the capital stock of said company, it shall be lawful for them so to do, and to obtain subscriptions for the same, and to manage and direct the same, agreeably to the provisions, true intent, and meaning of this act; and all subscribers for such additional share shall pay at the time of subscribing, on each share, such sum as may then have been paid in by original subscribers; whereupon they and their assigns shall be thenceforward incorporated into the same company: *Provided always*, that a preference of subscription shall be given to actual stockholders, in proportion to the shares they shall respectively hold, and that such additional stock shall not exceed fifty thousand dollars.

Number of directors, their duty, powers, &c.

On contingency, when elections may be held.

Proviso.

Capital stock may be increased.

Proviso.

Sec. 4. *And be it enacted*, That, for the purpose of shortening and improving the navigation from the stone bridge in Elizabethtown to the Sound, it shall be lawful for the said

Further powers of the company.

company to occupy and use any part or parts of the Elizabethtown creek, or on the lands adjoining the same, and to deepen or widen the said creek, or both, if to them it shall seem expedient, and to construct, make, and execute any cut or cuts, canal or canals, through and across any of the angular points of land on either side of said creek, or any cut or canal from any point on said creek to the Sound, with all such locks, dams, basins, wharves, tow-paths, works, and devices, as the said president and directors, or a majority of them, shall think necessary for the purposes of this act; and it shall and may be lawful for the said company, by its president and directors, and by any agent, engineer, superintendent, or contractor, or other person or persons employed in the service of said company, to enter, from time to time, and at all times, upon all lands, whether covered with water or not, for the purpose of exploring or surveying the said creek, or any part or parts thereof, and the route or routes of any such cut or cuts, canal or canals aforesaid, and locating the several works above specified, doing thereunto no unnecessary damage; and when the part or parts of said creek, and the lands adjoining the same, necessary to be occupied for the purposes of this act, and the route or routes of any such cut or cuts, canal or canals aforesaid, shall be fixed upon, and the several works above mentioned located by the president and directors, or a majority of them, then it shall be lawful for them, and for any agent, superintendent, engineer, contractor, or any other person or persons employed in the service of said company, at any time, to enter upon; take possession of, and use all and singular such part or parts of said creek, and all and singular such lands, subject to a full and fair compensation to be made for the latter, to be agreed upon between the said company and the owner or owners thereof; but if the parties cannot agree upon such compensation, it shall and may be lawful for the owner or owners of any such lands to choose one respectable freeholder in the county of Essex, not interested in any of the lands on which any of the works aforesaid may be located, and the said president and directors shall also choose one such freeholder, or in case of the refusal of either of the parties to choose one such freeholder within twenty days after notice in writing, for that purpose served upon any such owner or owners that may reside within this state personally, or upon the president of the said company, then it shall be lawful for the other party to choose both such freeholders, who shall choose a third freeholder of the county, which three freeholders, or a majority of them, after having taken an oath or affirmation, before some person authorized to administer oaths, faithfully and impartially to perform the duties required of them by this act, shall determine, at the expense of the parties, the amount of such compensation, on

Manner of settling disputes relative to lands occupied by the company.

payment or tender whereof, the fee simple of any such lands shall be vested in the company; and if the owner or owners of any such lands shall be under the age of twenty-one years, feme covert, non compos mentis, or out of the state, then it shall be lawful for the governor, or person administering the government of this state, upon application in behalf of said company, to appoint, by writing, three disinterested freeholders of said county as appraisers, whose duty it shall be, after having taken an oath or affirmation, before some person authorized to administer oaths, to determine, at the expense of said company, the amount of such compensation, on payment whereof into the Court of Chancery, for the use of the owner or owners, the fee simple of any such lands shall be vested in the company: *Provided* that the said president and directors, or any person under their direction, or in their employ, shall not enter upon any such lands except for surveying the same, and locating the several works aforesaid, unless by the consent of the owner or owners thereof, until such compensation be paid or tendered to the owner or owners, or be paid into the Court of Chancery as aforesaid.

Compensation money to be paid into the Court of Chancery.

Sec. 5. *And be it enacted*, That it shall be lawful for the president and directors of said company, and their superintendents, workmen, and laborers, carts, wagons, and other carriages with their beasts of draught and burden, and all necessary materials, tools, and implements, to enter upon all lands contiguous or near to any part or parts of said creek that may be used for the purposes of this act, or to the route or routes of any such cut or cuts, canal or canals aforesaid, doing as little damage to such lands as possible, and repairing any breaches they may make in the enclosures thereof, for the purpose of making, constructing, or repairing any of the works of said company, and to take and carry away any stone, gravel, clay, sand, or earth there, being most conveniently situated and most suitable for the purposes aforesaid, the owner or owners being entitled to a fair compensation for the damages done, or materials taken, if claimed within twelve months from the time of such damage done, or materials taken away; and in case of disagreement, as to the amount of such compensation, it shall then be lawful for the clerk of the Common Pleas of the county of Essex for the time being, to appoint three judicious disinterested freeholders of said county as appraisers, who having given at least fifteen days' notice to the owners, occupants, or persons having charge of such lands, and having been previously sworn before some justice of the peace of the said county, fairly and impartially to perform the duties hereby required of them, shall inquire into and report the amount of the said damages, and shall deliver to each party, or deposit in the clerk's office of said county, for their

On what conditions contiguous lands may be entered, &c. by the agents of the company.

Compensation to owners, how to be made, and damages settled.

use, a copy of the report, under their hands and seals, which report shall be conclusive evidence of their amount of damages, in any suit to be brought therefor.

Tolls charged  
and collected.

Sec. 6. *And be it enacted*, That when the improvement authorized by this act shall be so far completed as to admit of navigation from Elizabethtown to the Sound, at all times of tide, it shall and may be lawful for the said company to charge, and by their agent or agents collect, tolls and rates for the passage of all boats, rafts, goods, wares, passages, produce, and merchandise whatsoever, through or upon any such cut or cuts, or any such part or parts of said creek as may be occupied by the said company for the purposes of this act, and to make, enact, charge, and re-enact such tolls and rates, and also rules and regulations for the collection of the same, as to them may seem proper.

Stock personal  
property.

Sec. 7. *And be it enacted*, That the capital stock of said company shall be deemed personal property, and be transferable on the books of the company, in such manner as the by-laws shall ordain.

Penalty for non-  
compliance, &c.

Sec. 8. *And be it enacted*, That if any stockholder shall neglect or refuse to pay any instalment that may be called for by the board of directors, in conformity to the provisions of this act, for the space of thirty days after the time that shall be designated by the board for the payment thereof, in the manner herein before for that purpose prescribed, then the share or shares of such stockholder so neglecting or refusing, as aforesaid, shall be taken as forfeited for the use of the company: *Provided always*, that stock so forfeited may be redeemed within six months from the date of such forfeiture, on the payment of any such instalment, with interest thereon, at the rate of one per cent. per month.

Proviso.

Penalty for in-  
juring the works  
of the company.

Sec. 9. *And be it enacted*, That if any person or persons shall in any manner wilfully and maliciously destroy, injure, or obstruct the said navigation, or any of the works connected therewith, or unnecessarily and maliciously open any gate or lock thereon, to the detriment of the said company, he, she, or they shall forfeit and pay the sum of one hundred dollars, to be recovered by any person who will sue for the same; but such prosecution shall in no wise impair the right of action for damages by a civil suit, to be brought by the company.

Commissioners  
to regulate the  
tolls, &c.

Sec. 10. *And be it enacted*, That it shall be lawful for the legislature of this state, at any time hereafter, to appoint three commissioners for the purpose of fixing and regulating the tolls to be taken by said company, which shall be done by the said commissioners, in conjunction with two commissioners, to be appointed by the company, unless the company shall refuse or neglect, upon due notice, to appoint commissioners on their part, in which case the said commission-

ers on the part of the state, or a majority of them, shall fix and regulate the tolls, with due regard to the interests of the company, and of the citizens of the state: *Provided* always, that the said tolls shall not be reduced below the rate that shall appear necessary to enable the company to pay a dividend of ten per centum per annum upon their capital expended under this act, without the consent of the company.

Proviso.

Sec. 11. *And be it enacted*, That no steam-boat shall use the said improved navigation, without the consent of the company, for that purpose first had and obtained in writing.

Steam-boat, &c.

Sec. 12. *And be it enacted*, That the said company shall not use its funds for any other purposes than are herein before expressed.

Funds, how used.

C. February 12, 1828.

## AN ACT for the relief of the New-Jersey Delaware Oyster 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 governor, or person administering the government of this state, and he is hereby authorized and directed to receive from the New-Jersey Delaware Oyster Company a surrender to this state of their charter, with all the privileges and immunities thereby granted, for the use of this state, and thereupon to issue a certificate thereof, directed to the treasurer of this state, who, on receiving the same, shall pay to Moses Bateman, Henry Freas, and Israel Townsend, for the use of the stockholders of said company, the sum of one thousand dollars, heretofore paid by said company to him: *Provided*, that the said surrender shall not be received, nor the said certificate issued by the governor, or person administering the government of this state, unless the said surrender shall have been duly authorized and directed by the holders or representatives of a majority of the capital stock of said company, at a meeting of the stockholders convened for that purpose, in like manner, and on like notice as is required by said charter for the election of directors.

The governor to receive the surrender of the charter.

Moneys refunded, &c.

Proviso.

Sec. 2. *And be it enacted*, That it shall be the duty of the said Moses Bateman, Henry Freas, and Israel Townsend, within ten days after they shall have received the said sum, to cause thirty days' public notice to be given in two newspapers, one printed in the county of Salem, and one in the

Moneys to be distributed among stockholders, &c.

county of Cumberland, of the time and place when they will meet for the purpose of distributing the said money among the stockholders, at which time and place the said Moses Bateman, Henry Freas, and Israel Townsend, or some two of them, shall attend for the purpose aforesaid, and make distribution of said money among said stockholders, according to the amount of stock by them respectively held, first deducting the reasonable expenses of the trust hereby reposed in them, and compensation for their services, not exceeding two dollars and fifty cents per day each.

C. February 13, 1828.

## AN ACT to incorporate the Newark Savings Fund Association.

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That Luther Goble, James Van Derpool, Theodore Frelinghuysen, Samuel Pennington, Isaac Andruss, John Taylor, Philo Sandford, Moses Smith, David D. Crane, David Doremus, Silas Condit, Robert B. Campfield, William Pennington, Isaac Nichols, Aaron Beach, William Tuttle, Joseph C. Hornblower, Frederick S. Thomas, Isaac Baldwin, Caleb H. Shipman, James Bruen, Smith Burnet, and Sheldon Smith shall be, and are hereby constituted a body politic and corporate, by the name of "the Newark Savings Fund Association," and, by that name, shall have perpetual succession, and be capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all courts and places whatsoever; and may have a common seal, with power to change and alter the same from time to time; and shall be capable of purchasing, taking, holding, and enjoying, to them and their successors, by the corporate name and description aforesaid, any real estate, in fee simple or otherwise, and also any goods, chattels, and personal estate which shall be necessary for conducting the business of the said corporation, and carrying into effect the object thereof according to the true intent and meaning of this act; and shall also have power to sell, lease, and otherwise dispose of such real and personal estate, or any part thereof, at their will and pleasure: *Provided always,* that the clear annual value of such real and personal estate (exclusive of the profits that may arise from interest or income on moneys that may be deposited in the said fund, or from the sale of any

Names of persons incorporated, &c.

Style of the incorporation.

Powers and privileges.

proviso.



property or stock, in which such deposits may be invested) shall not exceed the sum of five thousand dollars: *Provided also*, that it shall and may be lawful for the said corporation to purchase and hold any estate or property, real or personal, at any sale that may be made under any execution or executions at the suit of the said corporation. where such purchase may become expedient or necessary to secure any debt or debts that may be due to the said institution; and the property and estate so purchased to sell and convey again for the use and benefit of the said fund.

Sec. 2. *And be it enacted*, That the several persons named in the foregoing section shall constitute the first board of trustees or directors of the said fund, and shall continue in office until others are appointed, in the manner herein after directed.

Board of trustees.

Sec. 3. *And be it enacted*, That, the officers of the said institution shall consist of a president, two or more vice-presidents, and a board of trustees or directors, not less than seven, nor more than twenty-five in number, any five of whom, the president or one of the vice presidents being present, shall constitute a quorum for doing business, whenever they shall be assembled at the time and place designated for that purpose, pursuant to any by-laws or regulations of the said corporation.

Officers.

Quorum.

Sec. 4. *And be it enacted*, That the said corporation shall receive, as deposits, such small sums of money, from tradesmen, mechanics, laborers, minors, servants, and other persons, as they shall save from their earnings, or otherwise lawfully acquire, and from time to time wish to deposit in the said fund for safe keeping, and for such emoluments as under the provisions of this act may arise therefrom: *Provided always*, that the said association shall not be obliged to receive as a deposit any sum less than one dollar.

Deposits received.

Sec. 5. *And be it enacted*, That all moneys deposited in the said fund shall, as soon as conveniently may be after such deposits are made, and so from time to time, as often as occasion shall require, be invested, under the direction of the board of trustees, in government securities or stock created and issued under or by virtue of any law of the United States, or of this state, or on good and sufficient bond and mortgage, or on good and approved endorsed promissory notes, made payable at one of the banks in Newark, at sixty or ninety days after the dates thereof: *Provided always*, that the amount loaned on such promissory notes shall not at any one time exceed the sum of three thousand dollars.

How funds to be invested.

Proviso.

Sec. 6. *And be it enacted*, That all deposits made in the said savings fund shall be repaid to each depositor when required, and at such times, and with such interest, and under regulations, as the board of trustees shall from time to time

Funds deposited, when to be repaid.

prescribe and adopt; which regulations shall be put and kept up in some public and conspicuous place in the room where the business of the said savings fund shall be transacted; but such regulations shall not be altered so as to affect any one who may have been a depositor previous to such alteration: *Provided always*, that nothing in this act contained shall render the board of trustees or any of the officers of the said institution liable for any losses not occasioned by their own fault or misconduct.

Proviso.

By-laws, &c.  
may be estab-  
lished, &c.

Sec. 7. *And be it enacted*, That all certificates or evidences made, by the proper officer, of any deposits shall be as binding on the corporation as if made under their common seal; and the said board of trustees shall have power, from time to time, to make, ordain, and establish such resolutions, by-laws, and regulations as they shall think proper for the transaction of their business, the election of their officers, prescribing their respective functions, the mode of discharging the same, for regulating the time and places of meeting of the officers and trustees, and generally all other by-laws, rules, and regulations for the government of the said institution, and the management of its concerns; and the same to alter, amend, or repeal at pleasure: *Provided* such by-laws, rules, and regulations shall not be repugnant to this act, to the constitution and laws of this state, nor of the United States.

Proviso.

Rate of interest,  
&c.

Sec. 8. *And be it enacted*, That it shall be the duty of the trustees of the said savings fund so to regulate the rate of interest to be allowed to depositors, as that they shall receive a ratable proportion of all the profits of the said fund, after deducting therefrom all necessary or reasonable expenses that may be incurred in conducting the business of the said institution.

Officers to re-  
ceive no com-  
pensation.

Sec. 9. *And be it enacted*, That the president, vice-presidents, and trustees or directors of the institution incorporated by this act shall not, nor shall any of them, directly nor indirectly, receive any pay or emolument for their services in conducting the affairs of the said fund; nor shall they issue any notes, make any discounts, nor transact any business which belongs to, or is usually transacted by incorporated banks, other than is herein specified, and according to the intent and spirit of this act.

Power of the  
board of trus-  
tees.

Sec. 10. *And be it enacted*, That the board of trustees of the said fund shall have power to appoint a clerk or clerks and such other officers and servants as they may deem necessary for managing the affairs of the said institution, and to remove them at pleasure, and to appoint others in their places, and also to fix the salaries or compensation of said clerk or clerks, or other officers; and also, if the said board of trustees shall think proper, to require and take from such

clerk or clerks, or other officers, reasonable and sufficient security for the diligent and faithful performance of their respective duties and functions.

Sec. 11. *And be it enacted*, That Luther Goble shall be president, Theodore Frelinghuysen first vice-president, Silas Condit second vice-president, and John Taylor third vice-president, and the several other persons named in the first section of this act shall be the first trustees, who shall constitute the board of trustees of the said institution, and continue in office until others shall be appointed in their places respectively; and in case of any vacancy or vacancies, by death, resignation, removal out of the town of Newark, or refusing or neglecting to act, or otherwise, among the said officers or trustees, such vacancy or vacancies shall be supplied and filled up by the election of other persons in their stead; which election shall be made by ballot by the remaining members of the board of trustees, at their first or second regular meeting after the happening of such vacancy or vacancies; and no person shall be considered as elected unless he shall have a majority of all the votes given at such election.

Names of the first trustees specified.

Vacancies, how supplied.

Sec. 12. *And be it enacted*, That the said savings fund shall be located, and its business transacted in the town of Newark, in the county of Essex, in this state.

Place of location.

Sec. 13. *And be it enacted*, That it shall be the duty of the said corporation to make an annual report to the legislature of the state of their funds.

To make annual report to the legislature.

Sec. 14. *And be it enacted*, That this act shall be deemed and taken to be a public act, and that no misnomer of the said corporation, in any deed, gift, grant, or demise, or other instrument, contract, or conveyance, shall vitiate or defeat the same: *Provided* the corporation shall be sufficiently described to ascertain the intention of the parties: *And provided also*, that the legislature may, at any time hereafter, alter, amend, or repeal this act, and dissolve this corporation, or vary or modify its powers, as to them shall seem fit and proper.

Public act.

Proviso.

Sec. 15. *And be it enacted*, That the president, or first vice-president, for the time being, shall have power to convene the first meeting of the said officers and board of trustees, by giving at least eight days' notice thereof in one of the newspapers printed and published in Newark aforesaid; and that afterwards the said board of trustees may meet on their own adjournments, or at the call of the president, or as they shall otherwise direct.

President, &c. authorized to call a meeting.

A. February 13, 1828.

# AN ACT to incorporate the Hunterdon Mining Company.

Preamble.

WHEREAS Enoch Golden and others have, by their petition, set forth, that there are a number of copper, coal, and other valuable ores and minerals, in the county of Hunterdon, and that much expense and labor have been bestowed in examining their extent and value, and have requested the legislature to pass an act incorporating the said Enoch Golden and his future associates, for the purpose of enabling them to work such ores, coal, and minerals, in such places as they now or may hereafter hold in the state of New-Jersey, and to smelt and manufacture such ores as they may thus obtain.—AND WHEREAS it is for the public interest, that the mines of this state should be worked—Therefore,

Name of the 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 Enoch Golden and such persons as may hereafter be associated with him, for the purposes aforesaid, 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 Hunterdon county 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 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, and conveying any lands, tenements, hereditaments, goods and chattels, wares and merchandise whatsoever, necessary to the object of this incorporation: *Provided*, as a consideration of this grant, and all the right, powers, privileges, and franchises herein and hereby enacted or granted, are upon this express condition, that if at any time hereafter the powers hereby granted shall be misused, or perverted to improper purposes, or in case any of the provisions of this act shall be found to operate injuriously to the interest of the people of this state, it shall be lawful for the legislature of this state to alter, amend, or repeal this act, as to the said legislature shall seem expedient and proper.

Proviso.

Number of directors.

SEC. 2. *And be it enacted*, That the stock, property, concerns, and affairs of the said incorporation shall be managed and conducted by seven directors, who shall be elected annually on the first Monday of April in each year, at such

time of the day, and at such place, in the city of Trenton, as the by-laws and orders of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in one of the newspapers printed in the city of Trenton, and in one printed in the city of New-York; 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 elections shall be by ballot, each stockholder having one share, being entitled to one vote; a stockholder having five shares, shall be entitled to two votes; a stockholder having ten shares, shall be entitled to four votes; a stockholder having fifteen or more shares, shall be entitled to five votes; and the persons having the greatest number of votes shall be directors; and the said directors, as soon as they are elected, shall proceed to elect, by ballot, one of their number to be their president; and if any vacancy or vacancies shall happen at any time among the directors, by death, removal, resignation, or otherwise, such vacancy shall be filled, for the remainder of the year in which the same shall happen, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint: *Provided* the persons so to be elected and appointed directors, shall be stockholders in this company, and shall be citizens of the United States.

Election, and manner of voting.

President.

Vacancies, how supplied.

Sec. 3. *And be it enacted*, That the stockholders, at their annual meeting mentioned in the preceding section, shall elect a treasurer, in the same manner as is directed for the election of directors; and he shall hold his office for one year, or during the pleasure of the stockholders; a majority of whom may, by their votes in the manner herein before mentioned, displace him, and elect another; and it shall be the duty of the treasurer to hold the funds of the incorporation, and to pay them out in such manner as the directors at their meetings may direct.

Treasurer.

Sec. 4. *And be it enacted*, That in case it shall at any time happen that an election of directors shall not be made on the day that, pursuant to this act, it ought to be 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 day, in manner aforesaid, as shall be provided for by the by-laws and ordinances of said incorporation, and the directors, for the time being, shall hold their offices until others are chosen in their stead; and the first meeting for the election of directors shall be held, pursuant to ten days' written notice, to be given by the said Enoch Golden to each of the subscribers to the stock of this incorporation of the time and place of holding such election, at which time and place the subscribers so assembled shall, in manner

Election, when held on certain contingency.

aforesaid, proceed to elect seven directors, who shall hold their offices until the first Monday of April next thereafter, or until others are chosen in their stead, and the directors thus chosen shall proceed immediately to the election of a president, in manner aforesaid.

Amount of capital stock.      Shares, how forfeited,

Sec. 5. *And be it enacted,* That the capital stock of said incorporation shall not exceed one hundred thousand dollars, and that each share in the said stock shall be one hundred dollars; and it shall be lawful for such president and directors to call for, and demand of the stockholders, respectively, all such sums of money as shall by them be subscribed, at such times, and in such proportions, as they shall deem fit, under the pain of the forfeiture of their shares, and all previous payments made thereon, always giving at least sixty days' notice of such call and demand in the newspapers above mentioned: *Provided* the capital shall be employed solely for the purpose of working ores and minerals in the state of New-Jersey, and in smelting the ores, and manufacturing the copper and ores obtained by this corporation.

Who to open books.

Sec. 6. *And be it enacted,* That Enoch Golden and David Johnston, of the city of Trenton, and Nathaniel Saxton, of Flemington, are hereby authorized to receive subscriptions to the capital stock of this incorporation, whose duty it shall be, as soon as convenient after the passing of this act, having given two weeks' previous notice of the time and place, in a paper printed in the city of Trenton, and also in the city of New-York, to open books of subscription in the city of Trenton, and also at Flemington, and continue the same open until the whole amount of the stock of the said incorporation, shall have been subscribed; and that as soon as twenty shares shall have been subscribed, the said company shall be considered as incorporated, and authorized to employ their capital for the purposes for which this corporation is created.

By-laws may be made, &c.

Sec. 7. *And be it enacted,* That a majority of the directors for the time being shall form a board or quorum for the transaction of the business of the corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States, or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said incorporation; the duties and conduct of the officers, clerks, artificers, servants and laborers, employed by them; and all such other matters as appertain to the concerns of said incorporation, and shall have power to employ so many officers, clerks, and servants for carrying on said business, with such salaries and allowances, as to them shall seem meet and proper.

Sec. 8. *And be it enacted*, That nothing in this act contained shall authorize said company to use its funds for banking operations, or the loan of moneys, or for any other purposes than those herein before mentioned.

Banking operations forbidden.

Sec. 9. *And be it enacted*, That the stock of the said company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the books of said president and directors, kept for that purpose, which books shall at all times be open to the inspection of the stockholders of said company.

Stock personal estate.

How transferable.

Sec. 10. *And be it enacted*, That the said corporation shall have power to hold, as mortgagee, any real estate bona fide mortgaged to secure any debt that may become due to the said corporation in the course of their lawful business; and the said corporation shall have, also, power to proceed on the said mortgages for the recovery of the money thereby secured, either at law or equity, as any other mortgagee is or shall be authorized to do; and it shall be lawful for the said corporation to purchase on sales, made at the suit of the said corporation by virtue of a judgment at law or decree of a court of equity, real estate, at the suit of the said company, and to hold the same until they can conveniently sell and dispose thereof.

Privileges of the incorporation.

Sec. 11. *And be it enacted*, That the said corporation shall be subject to the several provisions of an act entitled, "An act to prevent fraudulent elections by incorporated companies, and to facilitate proceedings against them," passed the eighth day of December, in the year of our Lord eighteen hundred and twenty-five.

Act repealable by the legislature.

C. February 14, 1828.

# AN ACT to divorce Mary Hamilton from her husband William Hamilton.

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 Mary Hamilton and her husband William Hamilton be, and the same is hereby dissolved.

C. February 15, 1828.

AN ACT relative to the Jail of the county of Hunterdon.

WHEREAS the court-house and jail of the county of Hunterdon has unfortunately been destroyed by fire—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 jail of the county of Somerset be, and the same is hereby constituted a jail for the confinement of all prisoners of the county of Hunterdon, until the inhabitants of the county of Hunterdon shall build a jail for the same; and that the sheriff and other officers of the said county of Hunterdon, having the lawful custody of any prisoner or prisoners, are hereby authorized to convey them to, and confine them in the jail of the said county of Somerset; and the keeper of the said jail is hereby required to receive and safely keep all such prisoner or prisoners, until he or they shall be demanded by the sheriff or other proper officer of the said county of Hunterdon, or be otherwise discharged by due course of law; and that the conveyance of any such prisoner or prisoners to the said jail, made since the destruction of the jail of the county of Hunterdon, or any other act for the security of any such prisoner or prisoners out of the said jail, shall not be deemed an escape, nor render the sheriff of the county of Hunterdon, or other officer having the charge of such prisoner or prisoners, liable to any action or damages by reason thereof.

Somerset jail to receive prisoners, &c.

Sec. 2. And be it enacted, That the keeper of the jail of the said county of Somerset shall be entitled to demand and receive from the board of chosen freeholders of the said county of Hunterdon such fees and compensation for the support of the said prisoners of the county of Hunterdon as are or shall be allowed by law in similar cases.

The jailer to receive fees, &c.

Sec. 3. And be it enacted, That all such prisoners of the county of Hunterdon, confined in the jail of Somerset on civil process, who shall give bond and security, as required by law, to keep within the bounds and rules of the prison of the said county of Somerset, shall be entitled to walk therein; or, if any such prisoner shall so desire, and it shall be so expressed in the condition of his bond, given as aforesaid, he shall be conducted by the sheriff, or officer of the said county of Hunterdon having him in custody, or who shall be authorized by any judge of the Court of Common Pleas of the county of Hunterdon, by writing under his hand, to receive him for that purpose, within the bounds and rules of the prison of the said county of Hunterdon, and have leave to walk therein, any thing in this act to the contrary notwithstanding.

Prison bounds.

Sec. 4. And be it enacted, That it shall be lawful to hold



the Circuit Courts, Courts of Oyer and Terminer and General Jail Delivery, Courts of Common Pleas, General Quarter Sessions of the Peace, and Orphans' Courts, to be held in and for said county of Hunterdon, in the Methodist Episcopal Church in Flemington, in the said county, until the inhabitants of said county shall erect a court-house for said county.

Hunterdon courts, where to be held.

C. & A. February 15, 1828.

AN ACT to authorize the inhabitants of the township of Newark, in the county of Essex, to raise money for the purchase of one or more public burying places.

Sec. 1. *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 inhabitants of the township of Newark, in the county of Essex, at their next annual town-meeting, or at any subsequent annual town-meeting duly convened for the purpose, to vote, grant, and raise, in the same manner as other moneys for town purposes are authorized to be raised, such sum of money as the majority of such town-meeting shall agree upon, not exceeding one thousand dollars, to be laid out and expended under the directions and superintendence of the town committee, in purchasing, fencing, laying out, and regulating one or more suitable lot or lots of land for a public burying place, or burying places, within the said township.

Money may be raised to purchase a public burying place, &c.

Sec. 2. *And be it enacted,* That the title or titles of such lot or lots of land, as shall be purchased by the said town committee in pursuance of the power and authority granted by this act, shall be taken and made to the inhabitants of the township of Newark, in the county of Essex, and to their successors for ever; and the deed or deeds conveying the same shall set forth and express, that the lands thereby conveyed are to be held, maintained, and used for ever as a public burying ground or public burying grounds, under such regulations and restrictions as the inhabitants of the township of Newark, in the county of Essex, in town-meeting assembled, or the town committee of the said township, shall and may from time to time make, ordain, and establish.

Title vested in the inhabitants of Newark, &c.

Sec. 3. *And be it enacted,* That the said burying ground, or burying places, shall be and remain for ever under the care and superintendence of the township committee of the said township, for the time being; and it shall be the duty

To be under the care, &c. of the township committee, &c.

of the said committee, at the expense of the said township, to keep the same property enclosed, and to prevent all encroachments and trespasses thereon, and to make report to every annual town-meeting of the state and condition thereof, and all expenses incurred in fencing, regulating, and taking care of the same.

Town committee to make report of their proceedings, and raise money for keeping the burying ground fences in good repair.

Sec. 4. *And be it enacted*, That, at the first annual town-meeting in the said township after such burying place or burying places shall have been purchased, the said town committee shall make a report of their proceedings to the said meeting, stating the location and quantity of the land so purchased by them, and the sum of money paid or agreed to be paid therefor; and it shall and may be lawful for the inhabitants of the said township, at their annual town-meeting, to vote, grant, and raise, in manner aforesaid, such sum or sums of money as they may think necessary to keep in repair the fences around such burying place or burying places, and to regulate and protect the same; which moneys shall be appropriated by, and laid out under the direction of the town committee of the said township for the time being.

Trespassers on the premises, how to be prosecuted.

Sec. 5. *And be it enacted*, That in case any trespass or trespasses shall be committed on said lands, so to be purchased as aforesaid, or on any part thereof, or any injury shall be done thereto, for which any action at law may be sustained, the same shall be prosecuted in the name of the inhabitants of the township of Newark, in the county of Essex, as plaintiffs, and it shall be the duty of the town committee for the time being to prosecute such action or actions; and all moneys that may be recovered in any such action shall be paid to the township collector for the said township for the time being, and be applicable to the support and maintenance of the said burying ground or burying grounds.

Who may be witnesses, &c.

Sec. 6. *And be it enacted*, That in any suit or action that may be brought or prosecuted in virtue of this act, or in relation to the lands that may be purchased in pursuance hereof, the inhabitants of the township of Newark shall be deemed and taken to be competent witnesses, notwithstanding they may have paid, or be liable to pay taxes for the purchase, preservation, or protection of said lands.

A. February 15, 1828.

AN ACT to repeal certain provisions in the act entitled,  
 “An act to constitute and make Crosswicks creek a good  
 and lawful fence, from the place known by the name of  
 Watson’s ferry, down to the mouth of the same,” passed  
 June twentieth, one thousand seven hundred and sixty-five.

WHEREAS certain provisions in the act entitled, “An act to  
 constitute and make Crosswicks creek a good and lawful  
 fence, from the place known by the name of Watson’s fer- Preamble.  
 ry down to the mouth of the same,” have been considered  
 injurious to the interests of the persons concerned therein,  
 and the cause of their enactment having wholly ceased—  
 For reason whereof,

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 following clause of the said act, to wit: “ne- Certain specifi-  
 vertheless any owner or owners of the said marsh and ed part of a for-  
 meadow, or person or persons leasing or renting under him mer act repeal-  
 or them, shall have full liberty to turn on their horses and ed.  
 cattle any time between the first day of September and the  
 first day of March, not exceeding two cattle or horses to  
 each acre of cleared or improved marsh or meadow the owner  
 or possessor,” be, and the same is hereby repealed, and the  
 meadows mentioned in said act are hereby declared to be up-  
 on the same footing as all other lands of this state, and that  
 they are subject to the present laws and regulations respect-  
 ing fencing, draining, and all other matters and things, as if Proviso.  
 the said act had never been passed: *Provided always*, that  
 nothing herein shall be considered as intending to repeal  
 the provision in said act constituting and making Cross-  
 wicks creek a good and lawful fence from the place known by  
 the name of Watson’s ferry, down to the mouth of the same.

C. February 16, 1828.

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SUPPLEMENT to the act entitled, “An act to incorporate the  
 Somerville Aqueduct Company,” passed November eigh-  
 teenth, one thousand eight hundred and seven.

WHEREAS a number of the inhabitants of the county of So- Preamble.  
 merset, and of the vicinity of Somerville, in said county,  
 together with the said aqueduct company, have represented  
 to the legislature, that large sums of money have been ex-

pended in completing the works for supplying the village of Somerville with water, and that a full and sufficient supply was effected, and the inhabitants of the county and village much accommodated by the convenience, said place being nearly central of the county, as well as the state of New-Jersey; but said company are not enabled any longer to continue this great privilege, although six or seven thousand dollars have been expended, and must eventually be lost, the logs which had conducted the water, decayed, and the inhabitants of a considerable county town are suffering much every year for the supply of said indispensable necessary of life—Therefore,

**Sec. 1.** *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That all such persons as now are, or hereafter shall become stockholders of the said company, shall be, and they are hereby created a body corporate and politic, in name and in fact, by the name and style of “the Somerville Aqueduct and Insurance Company,” and, by that name, they and their successors may have perpetual succession, and shall have power to sue and be sued, plead and be impleaded, answer and be answered unto, defend and be defended, in all courts and places whatsoever, and may have a common seal, and may change, alter, and renew the same at their pleasure, and by the same name shall be, and hereby are made capable in law of purchasing, holding, and conveying any estate, real or personal, in addition to the privileges already granted by the act to which this is a supplement: *Provided*, 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 transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans or contracts made and conveyed to it in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments for the purpose of bona fide securing any debt or debts to the said corporation, and completing said aqueduct with more permanent conductors of water: *And provided also*, 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 or to be created under any law of the United States, or of any particular state, 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 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

Style of the  
company.

Powers and pri-  
vileges.

Proviso.

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 re-loan, as occasion may render expedient.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall be fifty thousand dollars, divided into shares of twenty-five dollars each, and that subscriptions to the said capital stock be received by John Frelinghuysen, John J. Gaston, and John Torbert, or any two of them, who are hereby appointed commissioners for that purpose, and whose duty it shall be, as soon as convenient after the passing of this act, having given two weeks' previous notice of the time and place, in a paper printed in Somerville, and in one of the papers printed in New-Brunswick, and by advertisements placed up at ten of the public places in the county of Somerset, to open books of subscription at the house of John Torbert, in Somerville aforesaid, and at George Follett's, in New-Brunswick, and continue the same open until the whole amount of the stock of the said company shall have been subscribed. (giving to citizens, actual residents of this state, the privilege of subscribing for at least two-thirds of the said stock, if application be made for the same within one month from the opening of the said books of subscription) whereupon it shall be the duty of the said commissioners to call a meeting of the stockholders, by the same previous notice of the time when, and the place where, such meeting will be held, who shall proceed, in person or by proxy, to elect thirteen directors, two-thirds of whom shall always be citizens and freeholders of the state of New-Jersey, to manage the affairs of the said company; and the said directors shall proceed, in the manner herein after prescribed, to elect one of their number to act as president; and it shall be the duty of the commissioners aforesaid, to pay into the hands of the directors, all money they or any of them have received on account of subscriptions.

Amount of capital stock.

Commissioners, their duty, &c.

Sec. 3. *And be it enacted*, That the said directors shall hold their offices from the day of election until the first Monday of May following, or until others shall have been chosen, which choice of electors shall take place on the said first Monday of May in each year, or as soon thereafter as may be, at the house where such company may do their business, at such time of day as the board of directors for the time being shall appoint, and notice shall be given by the said directors, not less than twenty days previous to the time of holding the said election, by advertisements set up in three of the public places in Somerville, and to be inserted in one of the newspapers published in the city of New-Brunswick,

Annual election, when to be held, and manner of conducting the same.

and in the newspaper published in Somerville; for the well ordering of which election, the directors shall, previously thereto, appoint three stockholders, not being directors or candidates for directors, to be judges of the election, who shall conduct and regulate the same; after having been sworn or affirmed well and faithfully to discharge the duties of their office, the said judges shall determine whether the persons voted for are duly qualified to be elected directors, and, after the conclusion of the ballot, shall decide and declare who are elected directors; and the said election shall be made by such of the stockholders as shall attend for that purpose, either in person or by proxy; and each stockholder shall be entitled to one vote for each share of stock, not exceeding ten, and one vote for every five shares over and above that number, which he, or she, or they, shall have held in his, her, or their name or names, at least sixty days 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: and if it should so happen at any such election that two or more persons should have an equal number of votes, then the said directors in office at the time of such election, or a majority of them, shall proceed, by ballot and by plurality of votes, to determine which of the directors so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as soon as may be thereafter, shall proceed, in like manner, to elect one of their number, by ballot, to be their president; and whenever any vacancy or vacancies shall happen among the directors, by death, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint.

Vacancies, how  
to be filled.

Quorum.

Sec. 4. *And be it enacted*, That seven directors, with the president, shall constitute a quorum for the transaction of business.

Directors, their  
powers.

Sec. 5. *And be it enacted*, That the directors for the time being, or a majority of them, shall have power to appoint a secretary and such other officers, clerks, servants, and agents, as to them shall appear needful and proper; to make and prescribe such by-laws, rules, and regulations, as to them shall seem necessary, touching the government of said corporation, the management and disposition thereof, business and effects thereof, the duties and conduct of the officers, clerks, servants, and agents employed therein, the election of directors, and all such other matters as may appertain to the concerns of the said corporation, and with such salaries and allowances as to them shall seem meet: *Provided always*, that such by-laws, rules, and regulations shall not be repug-

Proviso.

nant to the provisions or requirements of this charter, or to the constitution and laws of the United States, or of this state.

Sec. 6. *And be it enacted*, That five dollars be paid on each share, at the time of subscribing, to the persons heretofore named as commissioners for the purpose, and the remainder to be paid in such instalments, at such times, to such person or persons, and at such place or places as the president and directors may appoint, giving twenty days' previous notice, in manner aforesaid; and if any stockholder shall, for the space of thirty days thereafter, neglect or refuse to pay up such instalment or instalments, all and every such share or shares whereon there shall be such deficiency, and all moneys previously paid thereon, shall be forfeited to the use of the company.

Instalments,  
and when to be  
paid, on forfeit-  
ure of shares.

Sec. 7. *And be it enacted*, That it shall and may be lawful for the said company to insure houses or buildings of any description, and also personal property contained therein, of whatsoever kind, 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.

Insurance pow-  
ers, &c.

Sec. 8. *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 other 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 board of directors, by committees or otherwise, and the same shall be binding and obligatory on the said company.

How policies  
may be made.

Sec. 9. *And be it enacted*, That the stock of the 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 assigna-  
ble.

Sec. 10. *And be it enacted*, That as soon as the first instalment of five dollars on each share shall have been paid in, and the company duly organized, they shall proceed to re-lay the aqueduct with good and sufficient cast iron or leaden pipes, or both, of not less than two inches in diameter in the clear, for the main conveyance from the fountain to Somerville, yet leaden pipes only shall be admitted in the main

Aqueduct, how  
re-laid, &c.

conductor where the water is active and running, and the branch pipes of such size or sizes as may be most convenient for conveying the water to such of the inhabitants of said village as shall from time to time contract for the same, and keep the whole in good repair; and the whole of the main pipes shall be re-laid within two years from the organization thereof; and the company shall be further authorized to commence making insurance against loss or losses by fire, as aforesaid; *Provided*, that thirty thousand dollars shall be actually paid to the treasurer of the company before any policy be issued, or insurance effected.

Proviso.

Rights of John Allen, &c. how to be invested.

Sec. 11. *And be it enacted*, That all the rights and interests of the present aqueduct company, as owned, possessed, and enjoyed by John Allen, sole proprietor thereof, and one of the applicants for this supplement, shall be the right and property of the company hereby created, with all the privileges, and subject to all the restrictions in said original act: *Provided* he, the said John Allen, consent in writing thereto; and that upon the condition of his receiving for his rights and interests such sum in money, or in the stock of the company hereby created, as three such men as may be agreed upon by the commissioners for receiving subscriptions to the stock and the said Allen may appraise his rights to be worth.

Proviso.

Dividends, the manner of making.

Sec. 12. *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 stock shall be, and remain unimpaired;—and if the said directors shall at any time knowingly make a dividend of the capital stock 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 of such dividend.

Annual meeting of directors.

Sec. 13. *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 preceeding year shall be made out, and shewn for the general satisfaction of the stockholders.

Oaths of office.

Sec. 14. *And be it enacted*, That each director and secretary shall, before he enters on 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 the law, and the trust reposed in me, to the best of my skill and understanding."

Sec. 15. *And be it enacted*, That this act shall continue in force for the space of twenty years; but it shall and may be lawful for the legislature, at any time hereafter, to alter, amend, or repeal the same. Limitation.

C. & A. February 16, 1828.

### AN ACT to incorporate the Raritan Coal Mining Company.

WHEREAS John N. Simpson, John T. Duyckinck, Joshua Forman, and others, their associates, have, by their petition, set forth, that they are engaged in searching for mineral coal on the margin of the Raritan river, in the county of Middlesex, with a fair prospect of finding it; that it is their intention, should it be discovered, to open and work the same; and have requested the legislature to pass an act incorporating them for the purpose of enabling them to search for coal-mines any where in this state, and if discovered to work them. they first purchasing or leasing the premises.—AND WHEREAS it is for the public interest that such mines and minerals should be brought to light, and worked—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 N. Simpson, John T. Duyckinck, Joshua Forman, and their present and future associates, 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 Raritan Coal 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 they and their successors may have a common seal, and change and alter the same at pleasure, and they and their successors, by the same name and style, shall be capable of purchasing, holding, and conveying any lands, tenements, hereditaments, goods, and chattels, wares, and Name of the company, their powers and privileges.

merchandise whatsoever, necessary to the object of this incorporation.

Number of directors, when and how to be elected.

The time of meeting to be advertised, and all elections to be made by ballot.

Vacancies, how filled.

Proviso.

Sec. 2. *And be it enacted*, That the stock, property, concerns, and affairs of the said corporation shall be managed and conducted by seven directors, who shall be elected on the first Monday of April next, at the house of George Follett, in the city of New-Brunswick, and annually thereafter on the first Monday of April, at such time and place as the by-laws and ordinances of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than three weeks previous thereto, in at least two public newspapers circulating in the neighborhood; and the election shall then and there be made by such of the stockholders as shall attend for the purpose, in person or by proxy; and all elections shall be by ballot, each share having one vote, and the persons having the greatest number of votes shall be directors; and the said directors, as soon as they are elected, shall proceed, in like manner, to elect one of their number to be their president; and if any vacancy or vacancies shall happen at any time among the directors, by death, removal, resignation, or otherwise, such vacancy shall be filled, for the remainder of the year in which the same shall happen, by such person or persons as the directors for the time being, or a majority of them, shall appoint: *Provided*, that all persons to be appointed directors, shall be citizens of the United States.

On contingency, when election may be held.

Sec. 3. *And be it enacted*, That in case it shall at any time happen that an election for directors shall not be made on the day on which, pursuant to this act, it ought to be 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 day, in manner aforesaid, as shall be provided for by the by-laws and ordinances of said corporation, and the directors for the time being shall hold their offices until others are chosen in their stead.

Amount of capital.

Subscribers to pay, &c. on pain of forfeiture of shares, &c.

Proviso.

Sec. 4. *And be it enacted*, That the capital stock of said corporation shall not exceed five hundred thousand dollars, and that a share in the said stock shall be one hundred dollars; and it shall be lawful for such president and directors to call for and demand of the stockholders, respectively, all such sums of money as shall by them be subscribed, at such times and in such proportions as they shall deem fit, under pain of forfeiture of their shares, and all previous payments made thereon, always giving at least thirty days' notice of such call and demand in the newspapers above mentioned: *Provided* the said capital shall be solely employed for the purpose of searching for, and exploring coal, and working coal mines in the state of New-Jersey, and such other mineral or minerals as said company may discover in searching for coal: *And pro-*

*vided also, that nothing herein contained shall be so construed as to authorize the said company to search or explore for coal, on any land whatsoever, without the consent of the owner or possessor thereof.*

*Sec. 5. Provided always, And be it enacted, That it shall not be lawful for the said president and directors to call for a larger instalment than five dollars on each share, at any one time; nor shall the capital of the said company be increased to a sum greater than ten thousand dollars, until such time as a discovery of coal shall be made sufficient to warrant the working and raising of the same, and an order or resolution of the stockholders be passed at a general meeting approving of such increase.*

Capital not to be increased above a certain sum, but under certain contingency.

*Sec. 6. And be it enacted, That the said Raritan Coal Mining Company shall have the sole and exclusive right of working and raising coal, and any other mineral or minerals they may discover, from under the Raritan river and bay, within the area of low water mark, from below the intersection of the Washington Canal: Provided always, that said company shall within three years discover, open, and commence the working of a coal mine, or some other mine which they may discover in searching for coal: And provided also, that they shall not injure the navigation, nor encroach upon the rights of private property.*

Exclusive right of the company, &c. to explore the Raritan river.

Proviso:

*Sec. 7. And be it enacted, That a majority of the directors for the time being shall form a board or quorum for the transaction of the business of the corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said corporation; the duties and conduct of the officers, clerks, artificers, servants, and laborers employed by them; the election of directors, and all such other matters as pertain to the concerns of said corporation; and shall have power to employ so many officers, clerks, and servants, for carrying on said business, and with such salaries and allowances as to them shall seem meet and proper.*

Directors empowered to make by-laws, &c.

*Sec. 8. And be it enacted, That the stock of said company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the books of said president and directors, kept for that purpose; which books shall at all times be open to the inspection of the stockholders of the company.*

Stock deemed personal estate, and transferable

*Sec. 9. And be it enacted; That nothing in this act contained shall authorize said company to use their funds for*

Prohibited from banking operations.

banking operations, or the loan of moneys, or for any other purposes than the searching and exploring for coal, and working coal mines, and such other minerals as may be discovered in searching for coal.

How far responsible.

Sec. 10. *And be it enacted*, That for all debts due and owing by the said company, the persons composing the company at the time of contracting such debt shall be individually responsible, to an amount over and above their respective shares in the stock of said company equal to the amount of said shares; but nothing herein contained shall be so construed as to exempt the said company, or any estate, real or personal, which they may hold in their corporate capacity from liability for such debts.

Limitation, &c.

May be repealed.

Sec. 11. *And be it enacted*, That this act shall, unless sooner repealed, continue in force for and during the term of fifty years, and from thence to the end of the next session of the legislature, and no longer; and that it shall and may be lawful for the legislature, at their pleasure, at any time hereafter, to alter, amend, modify, or repeal the same, and resume the rights and privileges hereby granted.

C. February 16, 1828.

A FURTHER SUPPLEMENT to an act entitled, "An act to incorporate the Newark and Mount Pleasant 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 it shall and may be lawful for the Newark and Mount Pleasant Turnpike Company to abandon so much of their road as lies between the foot of the first mountain, opposite the house of Joseph Condit, and the line between the townships of Newark and Orange, and that hereafter no tolls shall be charged by the said company for the part of the road so abandoned.

Sec. 2. *And be it enacted*, That the section of the road above mentioned shall devolve on the inhabitants of the township of Orange, to be kept in repair in the several modes of working the highways, by the township of Orange: *Provided*, that the Newark and Mount Pleasant Turnpike Company shall give notice in writing, on or before the first day of April next, to the township committee, that they have abandoned and given up to the township the section of road above mentioned.

C. February 23, 1828.

AN ACT to authorize Robert Thomson to construct a Canal through his land, in the township of Bergen, from Newark bay to New-York bay.

Sec. 1. 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 Thomson be, and he is hereby authorized to construct a canal through his land, in the township of Bergen, from Newark bay to New-York bay, which shall be suitable for the passage of the tide, and of vessels with masts, and shall be at least forty feet wide on the surface of the water at low water, and shall contain at least five feet depth of water at low water, throughout the whole distance.

Dimensions, &c.  
of the canal.

Sec. 2. And be it enacted, That the said Robert Thomson shall, at his expense, erect and keep in good repair a draw or swivel bridge, at least fourteen feet wide, on the public highway leading from the village of Bergen to the Kills and Bergen Point, where the said canal shall cross the said highway, which draw or swivel bridge shall be constructed in a suitable manner for the passage of persons, carriages, horses, and other animals, free from all toll or other expense, and shall only be opened by the said Robert Thomson or his agent during the passage of vessels with masts, or boats with loadings or structures requiring such open passage, which open passage shall be at least thirty-two feet wide.

Bridges to be  
constructed, &c.

Sec. 3. And be it enacted, That the said Robert Thomson shall, at his expense, construct and keep in good repair such wharves, docks, piers, slips, basins, and guard-locks as may be necessary where the said canal shall communicate with Newark and New-York bays, and shall also, at his expense, construct a sufficient towing-path, at least twelve feet wide, along the side of the said canal, and erect substantial abutments for the said bridge.

Works to be  
kept in good re-  
pair.

Sec. 4. And be it enacted, That the said canal, and the works to be erected thereon, by virtue of this act, when completed, shall be a public highway, free for the passage of vessels, boats, canoes, and other water craft, and rafts of timber, plank, and other wood, and for the transportation of all goods, commodities, or produce whatsoever, on the payments of the toll authorized by this act.

Canal to be a  
public highway.

Sec. 5. And be it enacted, That on the completion of the said canal, it shall and may be lawful for the said Robert Thomson or his assigns, his or their agent or agents, to demand and receive from the persons having charge of all the vessels, boats, canoes, or other water craft, and rafts of timber, and other wood, passing through the said canal, such toll as he may think proper, not exceeding the following rates,

Rate of toll spe-  
cified.

to wit:—two cents per mile for every ton weight of the ascertained lading of any vessel, boat, canoe, or other water craft, laden with, or engaged in the transportation of mineral coal; four cents for every ton weight of the ascertained lading of any vessel, boat, canoe, or other water craft, laden with, or engaged in the transportation of any article of merchandise, and the same for every hundred feet, cubic measure, of lumber, or one thousand feet, board measure, of boards, plank, or scantling, or for every five thousand shingles, and so in proportion for any other article; a card of the tolls to be put up in a conspicuous place, at each lock or other point on said canal where toll shall be required to be paid: *Provided*, that the legislature shall have power, at any time hereafter, to establish such rate of tolls on the said canal as they shall think proper.

Toll to be paid,  
under certain  
penalty.

Sec. 6. *And be it enacted*, That in case of the refusal or neglect to pay the toll at the time of offering to pass through the said canal, and previous to the vessel, boat, canoe, or raft passing through the same, the said Robert Thomson, or his agent or agents, may lawfully refuse passage to such vessels, boat, canoe, or raft; and if any vessel, boat, canoe, or raft shall pass without paying the said toll, the person or persons having the direction of such vessel, boat, canoe, or raft shall be still liable to be prosecuted for the payment of such tolls, in an action of debt with costs of suit, in any court having cognizance thereof.

Proprietor to  
keep an accu-  
rate account of  
all sums by him  
received, and  
make report to  
the legislature  
annually.

Sec. 7. *And be it enacted*, That it shall be the duty of the said Robert Thomson to keep an exact account of all sums expended in making and establishing said canal, with the necessary erections and works belonging to the same, and to exhibit the same to the legislature of this state, under oath or affirmation, within one year after the said canal shall be completed; and the said Robert Thomson or his assigns shall, once in every three years after the said canal shall be completed, lay before the legislature of this state, under oath or affirmation, a statement of the annual amount of the tolls received, the expenses of collecting the same, and keeping the said canal and works in repair.

Penalty for in-  
juring any of  
the works.

Sec. 8. *And be it enacted*, That if any person or persons shall wilfully do any act or thing whereby the navigation on the said canal, or the entrance to, or exit therefrom, shall be obstructed, or the said canal, towing-path, bridge, abutments, wharves, docks, piers, slips, guard-locks, or other erections, or any of them, or any part or parts thereof, shall by any manner of ways or means be injured, such person or persons so offending, and being convicted thereof, shall be fined in a sum not exceeding one hundred dollars; and such prosecution and fine shall in no case impair the right of action for damages by a civil suit, to be brought by the

said Robert Thomson, his heirs, executors, administrators, or assigns.

Sec. 9. *And be it enacted*, That if the said Robert Thomson shall not commence the said canal and other works, and expend thereon ten thousand dollars within two years from the passing of this act, or shall not complete the said canal, in the manner before mentioned, within three years, then this act and every clause thereof shall be null and void.

Canal must be completed in three years.

C. February 19, 1828.

AN ACT authorizing John S. Van Winkle and Brant Van Blarcom, their heirs and assigns, to erect a dam across Passaic river.

WHEREAS it has been represented to the legislature of this state, by the petition of John S. Van Winkle and Brant Van Blarcom, and others, that they are the owners and occupants of certain premises, on which grist and saw mills are now erected, on the Passaic river, about one mile above tide waters; that by the erection of a dam of eight feet high, at the site where the old dam is erected, or at some point between that and the island in said river immediately above the same, a water power might be created, which may be made to be a valuable acquisition to that part of the counties of Bergen and Essex which are in its immediate vicinity, by erecting works upon an extensive scale, should the aid of the legislature be obtained in promotion of their views; and as an improvement of this kind is called for by the landholders on both sides of the said river, which does now already belong to the said John S. Van Winkle and Brant Van Blarcom—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 it shall and may be lawful for John S. Van Winkle and Brant Van Blarcom, their heirs and assigns, or either of them, to build or erect and maintain a dam, not exceeding eight feet high, at the old site of their present dam on Passaic river, or between that and the island in the said river immediately above the same, and adjoining lands or privileges obtained by them, and to divert the waters of said river sufficiently to accommodate any mill, mills, or other waterworks which they may see cause to make or erect: *Provided* they shall not enter upon the lands and tenements of any person or persons whatever, without leave in writing

A dam authorized.

proviso.

first had and obtained of the owner or owners thereof; nor shall any thing herein contained be construed as affecting or taking away the rights of any person or persons, body politic or corporate, whatsoever, if any such right or privilege now exists.

On certain contingency, locks must be constructed.

Provide.

Sec. 2. *And be it enacted*, That, for the purpose of improving the navigation of the Passaic river from the tide waters to Paterson, under any law now in force, or hereafter to be enacted, the legislature shall have power to authorize the construction of a lock or locks in the said dam, to be erected at the proper charge and expense of the person or persons erecting and constructing the same, their heirs or assigns: *Provided always*, that in such case the said dam shall be raised and kept in repair by said person or persons, their heirs and assigns, so as not to lessen the supply of water intended to be secured by the first section of this act, or, if the same shall be thereby diminished, that the person or persons so erecting the said lock or locks as aforesaid, their heirs or assigns, shall make full compensation in damages for the same to the said John S. Van Winkle and Brant Van Blarcom, their heirs or assigns.

C. February 20, 1828.

A SUPPLEMENT to the act entitled, "An act to enable the owners of swamp or meadow ground, to drain the same, and to repeal a law heretofore made for that purpose," passed the twenty-fourth day of November, seventeen hundred and ninety-two.

Ten days' notice to be given of meeting of owners, &c.

Sec. 1. *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 notice required to be given in and by the first section of the act to which this is a supplement, ten days' notice shall be given, by advertisement in one of the newspapers printed in this state, and circulating in the township or townships in which the meadow or land proposed to be drained is situated, and also by advertisements, set up in five public places in each of said townships, specifying the time, place, and purpose of the meeting of the surveyors of the highways and chosen freeholders, on the legality of which notices the said surveyors and freeholders, when met, may decide, and their decision shall be final and conclusive.



Sec. 2. *And be it enacted*, That the said surveyors and freeholders who shall concur in laying out any ditches or drains, or clearing any watercourses, as mentioned in the act to which this is a supplement, shall, at the same time, allot to each person interested therein, whether the said ditch, drain, or watercourse shall be laid into or pass through his or her meadows or lands or not, the part or parts thereof which he or she shall clear, make, support, and keep open, which part or parts, so allotted, he or she, or his or her heirs or assigns, shall for ever thereafter be empowered and obliged to make, open, and clear out, from time to time, whenever the same may be necessary; and if any person or persons shall neglect or refuse to make, repair, and keep open his, her, or their proportion or allotment of such ditch, drain, or watercourse, after having been notified in writing, twenty days, to do so, by any person or persons benefited or to be benefited by the said ditch, drain, or watercourse, then and in such case, at any time after the expiration of the said twenty days, such person or persons so giving notice may make, open, and clear out the part or parts of the said ditch, drain, or watercourse allotted to the said person or persons so neglecting or refusing, doing as little damage to the owners or possessors of the said land or meadow as the nature of the case will admit of, and may recover the expenses thereof from the person or persons so neglecting or refusing as aforesaid, in an action of debt, with costs of suit: *Provided always*, that in all cases where ditches, drains, or watercourses, laid out as aforesaid, shall be on lines between different proprietors, the mud, earth, and rubbish shall be cast equally on each side, except the owners or possessors, by agreement, shall otherwise determine.

Apportionment of labor among the owners to be enjoined, and neglect of the same, how to be punished.

Provide.

Sec. 3. *And be it enacted*, That the sixth section of the act to which this is a supplement be, and the same is hereby repealed: *Provided always*, that such repeal shall in no wise affect any act or proceeding heretofore done or had under or by virtue of the same.

Section of a former act repealed.

C. February 25, 1828.

## AN ACT to authorize the erection of a dam and waterworks across Ogdens creek, in the county of Cumberland.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful to erect a dam and other waterworks across Ogdens creek, in the township of

Where a dam may be erected.

Downe, and county of Cumberland, between Scrub Island and Ogdens Point.

When and where to meet to appoint managers, &c.

Sec. 2. *And be it enacted*, That the owners and possessors of marsh, meadow, and swamp lying upon said creek, or above said dam, shall meet at the house of Auley Lore, at Dividing creek, on the first Tuesday in April next, and yearly and every year thereafter at some public inn in said township, at two o'clock P. M., and then and there, by plurality of voices of those met, choose one or more managers, persons interested in said marsh; and at the same time and place, and in the same manner, shall choose three disinterested freeholders, who shall view the marsh, hear the parties, and make such valuation as shall be equitable.

Managers authorized to erect dams, sluices, &c. and to keep the same in repair.

Sec. 3. *And be it enacted*, That the manager or managers so chosen shall erect a dam sufficient to keep out the tide, and lay a sluice or sluices sufficient to drain said marsh, and shall at all times keep and maintain the same, and shall enter upon the contiguous marsh, and take and use the mud and earth sufficient for said works without hindrance.

Expenses, how to be defrayed.

Sec. 4. *And be it enacted*, That the expense of making and repairing said dam and sluices, and all other expenses connected with the damming and draining said meadow, shall be defrayed by a tax to be assessed on said marsh by the managers, whenever they may think it necessary, in a ratable proportion on the marsh of each individual, according to the valuation of the commissioners.

The marsh of each owner pledged, &c.

Sec. 5. *And be it enacted*, That, for the security of moneys expended, or to be expended, the marsh of each owner shall be pledged for the payment thereof, and it shall be such a lien as to bind the meadow into whose hands soever it may come, notwithstanding any judgment, execution, sale, or alienation thereof.

Penalty for non payment of the taxes, &c.

Sec. 6. *And be it enacted*, That the manager or managers shall give notice, in writing, to the respective owners or possessors of said marsh of the amount of their tax, which if they neglect or refuse to pay for ten days thereafter, it shall and may be lawful for said manager or managers to enter upon the marsh of such delinquents, and take the rents, issues, and profits thereof, or sell and dispose of the grass, hay, or grain thereon, by giving eight days' notice in three of the most public places in the neighborhood, from time to time, until the tax shall be fully discharged, together with a reasonable allowance to the managers for their trouble.

Managers to settle up annually.

Sec. 7. *And be it enacted*, That the manager or managers shall yearly and every year, at their annual meeting, produce their accounts and vouchers for inspection and settle-

ment by the company, and shall be allowed, for their trouble for assessing, collecting, and managing said dam and works, five cents on every dollar expended about the same.

C. February 25, 1828.

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AN ACT supplementary to an act entitled, "An act to incorporate the New-Jersey Bleaching, Printing, and Dyeing Company,"

WHEREAS the said company, and sundry stockholders thereof, have, by their memorial, prayed permission to alter the name and style of their company—Therefore, Preamble.

BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That instead of the name and style in the said act mentioned, of which this is a supplement, the said corporation shall hereafter be known and distinguished by the name of "the Bellville Manufacturing Company," saving and reserving to all persons and bodies corporate all rights and claims whatever against "the Bellville Manufacturing Company" which they now have against "the New-Jersey Bleaching, Printing, and Dyeing Company." Name of the company altered.

C. & A. February 25, 1828.

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AN ACT to incorporate the Belvidere Manufacturing Company.

WHEREAS Churchill Houston and Joseph W. Reckless have, by their petition to this legislature, represented, that they are desirous of establishing factories at Belvidere, in the county of Warren, for the manufacturing of cotton, wool, flax, and hemp, in their several and various branches, and praying to be incorporated for that purpose.—AND WHEREAS the prayer of the said petition appears to be reasonable and proper, inasmuch as it will be beneficial to this state, by the introduction and employment of considerable capital therein—Therefore, Preamble.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the said Churchill Houston and Joseph W.

Name of the  
company, their  
powers and pri-  
vileges.

Reckless, 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 Belvidere Manufacturing Company," for the sole purpose of manufacturing wool, cotton, flax, hemp, and other articles of a similar nature, and dying, 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, tenements, hereditaments, goods, wares, and merchandise whatsoever, at Belvidere, in the township of Oxford, in the county of Warren, 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.

Number of di-  
rectors, when  
and how to be  
elected.

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 one year from the first Monday of May in every year; and that the said directors shall be elected on the last Monday of April in every year, at such time and place as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding every such election; not less than ten days previous, in one or more newspapers printed nearest the place where such election shall be made, by such of the 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 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 plurality of votes appear to be

chosen as directors, then the said stockholders herein before authorized to vote at such elections shall proceed to ballot a second time, and, by 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 time, elect an acting manager of the said company, whose duty it shall be to superintend said factories, and have the immediate charge of their operations therein, and 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, 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.

President and active manager chosen.

Vacancies, how filled.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed three 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 so soon as a sufficient portion of the said capital stock shall have been subscribed for and paid, or satisfactorily secured to be paid, to erect the necessary building and machinery for putting in operation four thousand spindles, 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 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 sixty days after a notice requiring such payment shall have been published for that time in one or more newspapers published in the county where such payment shall be required to be made, and also in one or more of the newspapers printed in the city of Philadelphia.

Amount of capital.

Subscribers to pay, &c. on pain of forfeiture of shares, &c.

Time to be advertised.

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 corporation: *Provided*, that no dividends shall be made to, and amongst the stockholders, except from and out of the profits of said corporation: *And provided further*, that for all debts, which in case of the dissolution of the said corporation shall

Stock deemed personal estate, and transferable

Proviso.

then be due and owing by the said corporation, the stockholders for the time being shall be responsible in their individual and private capacities, to the extent of their respective interests in the corporate property of said corporation, and no further, in any suit or action to be brought or prosecuted after such dissolution of the said corporation.

On contingency, when election may be held. 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.

By-laws, &c. 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 make and prescribe such by-laws, rules, and regulations, not repugnant to the laws and 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, servants, salaries, and allowances as to them shall seem necessary, and may, at their discretion, remove or discharge from their employ any manager, secretary, clerk, or other person engaged in said factories, and supply their places by the appointment of others in their stead.

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

How transfers may be made. 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 the purpose.

A. February 26, 1828.

## AN ACT to incorporate the Bloomfield 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 Jacob R. Hardenbergh, and such others as now are or hereafter may be associated with him, be, and they are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Bloomfield Manufacturing Company," for the purpose of manufacturing powder, linseed oil, and other articles, at the Bloomfield Works, in the county of Middlesex, in this state, and carrying on the business incident to their manufactory in the county aforesaid; 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 and pleas whatever; in all manner of actions, suits, complaints, matters, and causes whatever; 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, for the use of the said corporation: *Provided*, that the said real estate, to be purchased and holden shall be such only as is now owned by the said Jacob R. Hardenbergh, in the county aforesaid, or as may be necessary for the purposes for which this corporation is established, and such as shall have been bona fide mortgaged to said corporation by way of security, or conveyed to them in satisfaction of debts previously contracted in the course of its dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Name of the company, their powers and privileges.

Proviso.

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

Amount of capital.

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

Number of directors, when and how to be elected.

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 the United States; 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 in New-Brunswick, 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 previously to every election by the board of directors; 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.

Sec. 4. *And be it enacted*, That James S. Nevius, Andrew Howell, and Jeromus Johnson, shall be commissioners, whose duty it shall be, at some suitable place in the county of Middlesex, 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 in New-Jersey; 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.

Commissioners  
to open books,  
and be inspectors  
of the election of directors  
&c.

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 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; 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 provide.

President, his  
duty, &c.



Sec. 6. *And be it enacted*, That if it should at any time happen that an election of directors should not be made 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 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.

On certain contingency, when to be made.

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 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; and unless such claim or demand shall be paid, or secured to be paid in manner aforesaid, within three months after the same shall have become due, then such stock of any such 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.

Stock, how assignable, &c.

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 the 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, and one or more assistants, and also 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 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,

A majority of directors may transact the business, appoint officers, &c.

Proviso.

rules, or regulations shall not be repugnant to the constitution or laws of this state or of the United States.

Books under inspection, &c.

Sec. 9. *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 transactions of said corporation, which books shall be subject, at all times, to the inspection of the stockholders of the company.

Transfers to be registered.

Sec. 10. *And be it enacted*, That no transfer of stock shall be valid or effectual, until such transfer shall be entered or registered in the book or books to be kept by the president and directors for that purpose.

Banking operations prohibited

Sec. 11. *And be it enacted*, That the corporation hereby created shall not engage in any banking business.

Legislature may repeal, &c.

Sec. 12. *And be it enacted*, That the legislature may alter, modify, or repeal this act, whenever in their opinion the public good requires it.

A. February 22, 1828.

### AN ACT for the Safety of Travellers.

Regulations to be observed by steam-boats navigating the waters of this state.

Penalty for infringing 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 in all cases when any passenger or passengers is or are about to be landed from any steam-boat navigating the waters within the jurisdiction of this state, and such steam-boat is near the shore, so that the passenger or passengers can be landed immediately from the steam-boat upon the shore, or upon another boat or vessel lying between the steam-boat and the shore, and when any passenger or passengers is or are about to be taken on board of any steam-boat, so navigating as aforesaid, immediately from the shore, or from any boat or vessel lying between such steam-boat and the shore, such steam-boat shall be stopped, and shall remain stopped, for the space of at least one minute, and as long as shall be necessary for the safety of the passengers landing from, or going on board of said steam-boats;—and if any captain, master, or commander of any steam-boat, or other person having the charge or command of any steam-boat, shall cause or permit any passenger to be landed from, or taken on board the same, contrary to the provisions of this section, he shall forfeit and pay the sum of two hundred and fifty dollars for every such offence, to be recovered by action of debt, with costs of suit, in any court having cogni-

zance thereof, by any person suing for the same; and the owner or owners of such steam-boat shall be liable to any person who may be injured thereby for all damages thereby sustained, to be recovered in an action of trespass on the case, with costs of suit.

Sec. 2. *And be it enacted*, That no passenger shall be put, or suffered to go from on board any steam-boat navigating the waters within the jurisdiction of this state, into any small boat, for the purpose of being landed, until the engine of such steam-boat shall be stopped; and the said engine shall not be again put in motion until the small boat shall be at least twenty yards from the nearest water-wheel of the steam-boat, or until the small boat shall have reached the place at which the passenger is to be landed, if that be within the said distance of twenty yards; and the captain, master, or commander of any steam-boat, or other person having the charge or command of any steam-boat, for the time being, who shall offend against this provision, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt, by any person suing for the same, and, at his election, either before any justice of the peace having cognizance thereof, with triple costs of suit, or before any Court of Common Pleas having cognizance thereof, with lawful costs, any law to the contrary in any wise notwithstanding.

Engine to be stopped, &c.

Penalty, how to be recovered.

Sec. 3. *And be it enacted*, That when two steam-boats, navigating the waters within the jurisdiction of this state, are going in the same direction, it shall not be lawful for either of them to be wilfully so navigated as to run against, hinder, or delay the other, or to run her aground or ashore, or in any wise to injure or impede her, or unnecessarily to approach her to within the distance of twenty yards; and every captain, master, or commander of any steam-boat, or other person having the charge or command of any steam-boat, for the time being, who shall offend against this provision, shall forfeit and pay the sum of one hundred and fifty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same; and the owner or owners of any steam-boat which shall be made to violate any of the provisions of this section, shall be jointly and severally liable for all damages and losses occasioned by such offence, to be recovered in an action at law, with costs.

Captain to be responsible for certain actions.

Sec. 4. *And be it enacted*, That when two steam-boats, navigating the waters within the jurisdiction of this state, are going in the same direction, and one of them shall attempt to pass the other, the captain, master, or commander of such other, or the person having the charge or command thereof for the time being, shall not cause her to deviate from her proper course for the purpose of hindering or delaying

Further penalty  
to be inflicted  
for the violation  
of this section.

Proviso.

the steam-boat so attempting to pass, or of preventing or attempting to prevent her passing; and every captain, master, or commander of any steam-boat, or other person having the charge or command of any steam-boat, for the time being, who shall violate the provisions of this section, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punishable by fine or imprisonment, or both, in the discretion of the court before which such conviction shall be had, the fine not to exceed two hundred dollars, nor the imprisonment six months; and the said misdemeanor is hereby made indictable and punishable in the county adjoining the waters upon which such offence shall be committed; and the owner or owners of any steam-boat so deviating, as aforesaid, shall be jointly and severally liable for all damages and losses occasioned by such offence, to be recovered in an action of trespass on the case, with costs of suit: *Provided*, that nothing herein contained shall be construed to take away any action or suit to which such owner or owners may or shall become liable at common law: *And provided*, that nothing in this section contained shall be construed to extend to any case where the person having charge of any small boat, not belonging to such steam-boat under the control of the captain or master thereof, shall wilfully or unnecessarily stop such small boat within the said distance of twenty yards.

Steam-boats not  
to approach  
nearer than a  
certain distance  
of each other.

Sec. 5. *And be it enacted*, That when two steam-boats, navigating the waters within the jurisdiction of this state, are going in opposite directions, and meeting each other, it shall not be lawful for either of them to be so navigated as unnecessarily to approach the other to within the distance of ten yards; and every captain, master, or commander of any steam-boat, or other person having the charge or command of any steam-boat, for the time being, who shall offend against this provision shall forfeit and pay the sum of fifty dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same.

Lights to be  
kept on board  
when under way  
at night, under  
penalty for ne-  
glect.

Sec. 6. *And be it enacted*, That whenever any steam-boat shall be navigating any of the waters within the jurisdiction of this state in the night time, she shall shew two good and sufficient lights, one whereof shall be exposed near her bows, the other near her stern, and the last shall be at least twenty feet above her deck; and in case any steam-boat shall navigate any of the waters within the jurisdiction of this state without carrying and having exposed such lights as aforesaid, the captain, master, commander, or person having charge of such steam-boat at the time, shall forfeit and pay two hundred dollars, to be recovered by action of debt, with costs of suit, in any court having cognizance thereof, by any person suing for the same; and the owner or owners of

any steam-boat which shall be made to violate any of the provisions of this section, shall be jointly and severally liable for all damages and losses occasioned by such offence, to be recovered in an action at law, with costs.

Sec. 7. *And be it enacted,* That no person hereafter driving any stage coach, wagon, sleigh, or other carriage upon any turnpike road or public highway within this state shall wilfully so drive the same as to run against, delay, or hinder any other stage coach, wagon, sleigh, or carriage, or shall run his horses, to pass or prevent being passed, by any other stage coach, wagon, sleigh, or other carriage, or on any other occasion, or for any other purpose, and every person offending against the provision of this section, shall, for every such offence, forfeit and pay the sum of thirty dollars; to be recovered, with costs of suit, in an action of debt, before any justice of the peace having cognizance thereof, by any person who shall first sue for the same to effect; and the owner or owners of any such stage coach, wagon, sleigh, or carriage used for carrying passengers for hire, whether with or without passengers, the driver of which shall offend against this section, are hereby made jointly and severally liable for the said penalty.

Drivers of stages to be responsible for their conduct.

Sec. 8. *And be it enacted,* That it shall not be lawful for the driver of any stage coach, wagon, sleigh, or carriage, used for carrying passengers for hire or reward, to leave the horses attached thereto without first making them fast with a sufficient rope, chain, or halter, or placing the lines in the hands of some other person to hold till he, the said driver, shall return and take charge of said horses; and if any such driver shall offend against this section, he shall be liable to a penalty of twenty dollars, to be recovered in an action of debt, with costs of suit, before any justice of the peace having cognizance thereof, by any person who shall first sue for the same to effect; and the owner or owners of any such stage coach, wagon, sleigh, or carriage, the driver of which shall offend against this section, shall be jointly and severally liable for all damages and losses occasioned by such offence.

Drivers to be careful.

Sec. 9. *And be it enacted,* That it shall be, and hereby is declared to be the duty of the owner or owners of every stage coach, wagon, or other carriage, used for conveying passengers for hire or reward, to employ none but prudent, careful, and sober drivers of every such stage coach, wagon, or other carriage; and in case any such stage coach, wagon, or other carriage, in which any passenger or passengers shall be travelling, shall be overset in consequence or by reason of the intoxication or misconduct of the driver thereof, the driver so offending shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by fine or im-

Sober and careful drivers only to be employed.

Penalty for violating the provisions of this section.

prisonment, or both, at the discretion of the court before whom such conviction shall be had, the fine not to exceed one hundred dollars, nor the imprisonment twelve months; and the owner or owners of any stage coach, wagon, or other carriage, which shall be overset, as aforesaid, shall be jointly and severally liable to each and every passenger who shall be personally injured thereby for all damages thereby sustained.

Sec. 10. *And be it enacted*, That in all cases when the owner or owners of any such stage coach, wagon, sleigh, or other carriage, shall pay, or be compelled to pay, any fine or damages recovered against him or them for any thing prohibited by this act, occasioned by the act or neglect of any driver, such owner or owners may set off the amount thereof against any sum which may be due to such driver from said owner or owners.

This act to be posted up in each steam-boat, under certain penalty.

Sec. 11. *And be it enacted*, That it shall be the duty of the owner or owners, captain or commander, of every steam-boat navigating the waters within the jurisdiction of this state, to keep a copy of this act posted up in some conspicuous place in the cabin of such boat, for the inspection of all passengers on board the same, under the penalty of twenty-five dollars for every neglect herein, to be recovered against the owner or owners, captain or commander, of such steamboat, by action of debt, with costs of suit, in any court having cognizance thereof, by any person who shall first sue for the same to effect; and the said owner or owners, captain or commander, are hereby made jointly and severally liable for the said penalty.

Manner of prosecuting the violators of this act.

Sec. 12. *And be it enacted*, That whenever any penalty imposed by this act is incurred, the suit or action for the recovery thereof may be commenced by warrant or summons, in case the same is prosecuted in a court for the trial of small causes, and by *capias ad respondendum* or summons, in case the same is prosecuted in any other court, any law, usage, or custom to the contrary notwithstanding.

C. February 28, 1828.

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### AN ACT to incorporate the New-Jersey Coal Mining Company.

Names of the persons incorporated.

Sec. 1. 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 Higbee, William Halsted, junior, and

William L. Prall, and their associates, 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 New-Jersey Coal 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, hereditaments, goods and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Name of the company, their powers and privileges.

Sec. 2. *And be it enacted*, That the stock, property, concerns, and affairs of the said incorporation shall be managed by seven directors; who shall be elected annually on the first day of April in each year, at such time of day, and at such place in the county of Hunterdon as the by-laws and orders of the said corporation shall direct; and public notice of the time and place of holding such election shall be given, not less than thirty days previous thereto, in one of the newspapers printed in the city of Trenton, 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: *Provided*, that no proxy shall be held or used by any officer of said company; and all elections 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, by death, removal, resignation, or otherwise, such vacancy shall be filled for the remainder of the year in which the same shall happen by such person or persons as the remainder of the directors, or a majority of them for the time being, shall appoint: *Provided always*, that the persons so elected and appointed directors shall be stockholders in this company, and citizens of the state of New-Jersey.

Number of directors, when and how to be elected.

Proviso.

President, how elected, &c.

Vacancies, how filled.

Proviso.

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

On contingency, when election may be held.

provided for by the by-laws and ordinances of said incorporation; and the directors for the time being shall hold their offices until others are chosen in their stead.

Amount of capital.

Subscribers to pay, &c. on pain of forfeiture of shares, &c.

By-laws, &c.

Stock deemed personal estate, and transferable

Sec. 4. *And be it enacted,* That the capital of said incorporation shall be fifty thousand dollars, with the privilege of increasing the same to one hundred thousand dollars, if necessary; and that a share in said stock shall be twenty 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, 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' notice of such call in the newspaper before mentioned: *Provided,* that said capital be employed in working coal mines, and for no other purpose.

Sec. 5. *And be it enacted,* That a majority of the directors for the time being shall form a quorum for the transaction of the business of the corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the constitution and laws of the United States or of this state, as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate, and effects of the said incorporation, the duties and conduct of the officers, clerks, artificers, servants, and laborers employed by them, and all such other matters as appertain to the concerns of said incorporation, and shall have power to employ so many officers, clerks, and servants, for carrying on said business, with such salaries and allowances as to them shall seem meet and proper.

Sec. 6. *And be it enacted,* That the stock of the said company shall be deemed personal estate, and shall be transferable in such manner as shall be prescribed by the by-laws of said corporation; and no transfer of stock shall be valid or effectual until such transfer shall be entered or registered in the books of the said president and directors, kept for that purpose, which books shall at all times be open to the inspection of the stockholders of said company.

Sec. 7. *And be it enacted,* That the legislature shall have power to alter, amend, or repeal this act at their pleasure.

A. February 13, 1828.



AN ACT to authorize Ann Chamberlin, administratrix, and John Chamberlin and Elisha R. Johnston, administrators, of Joseph P. Chamberlin, deceased, to fulfil and execute a contract made by the said Joseph P. Chamberlin, in his life time, with one Cornelius L. Sutphen, for the sale of a certain message or lot of land 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 Ann Chamberlin, administratrix, John Chamberlin and Elisha R. Johnston, administrators, of Joseph P. Chamberlin, deceased, be, and they are hereby authorized and empowered to make and execute a deed of conveyance, in fee simple, to Cornelius L. Sutphen, of a certain message or lot of land, with the appurtenances, situated in Coughstown, in the county of Hunterdon, adjoining lands of Jacob Deats and others, and containing two acres, be the same more or less, and that their deed shall be as good and effectual for the conveyance thereof as if the same had been executed by the said Joseph P. Chamberlin, in his lifetime.

Administrators authorized to sell and convey certain real estate.

Sec. 2. *And be it enacted,* That the said administratrix and administrators shall receive the moneys for which the said intestate agreed to sell and convey said message or lot of land, together with the lawful interest thereon, from the time said Cornelius L. Sutphen took the possession of said lot, and pay the same to the heirs of said intestate, in shares proportioned to their several interests in said lot of land, or to their lawful guardians, unless it shall become necessary to apply the same, or a part thereof, to the payment of the debts of said intestate, under the order of the Orphans' Court of said county: *Provided nevertheless,* that the one-third part of the said purchase moneys shall not be paid or applied as above directed until the death of the widow of the said intestate, and until that time be kept at interest, and the interest thereof be paid annually to the said widow, in lieu of her dower in said lot of land.

Moneys, to whom to be paid.

Proviso.

Sec. 3. *And be it enacted,* That before the execution and delivery of said deed, the said administratrix and administrators shall, with at least two sufficient securities, freeholders and residents in this state, enter into bond to the governor of this state, in a sum of five hundred and fifty dollars, conditioned for the true and faithful performance of the duties and trusts created by this act, which bond, having been first examined and approved of by the clerk of the Orphans' Court of the county of Hunterdon, shall be filed in his office, and may, by order of the governor of this state for the time being, upon the happening of any breach or violation of the

To give bond, and where to file the same.

condition 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.

C. February 23, 1828.

**AN ACT to incorporate the Paterson Fire Insurance Company, in the counties of Essex and Bergen.**

Style of the incorporation, powers, privileges, &c.

Sec. 1. *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 herein after 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 Paterson 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 to put the same into execution: *Provided*, that the same be not contrary to the constitution and laws of the United States nor of this state.

Proviso.

Amount of capital.

Sec. 2. *And be it enacted*, That the capital stock of the said company shall be one hundred thousand dollars, with liberty to increase the same to two hundred thousand dollars, which shall be divided into shares of twenty-five dollars each, and that the sum of thirty thousand dollars shall be subscribed, and actually paid in, before said company shall be allowed to commence business.

Instalments, how paid.

Sec. 3. *And be it enacted*, That the sum subscribed shall be paid to the persons herein after named, in the following manner, to wit:—three dollars on each share at the time of subscribing, and the remainder in such instalments, and at such times, as the president and directors may appoint.

Time to be advertised.

Sec. 4. *And be it enacted*, That the secretary of the said company shall give notice in the newspapers published in

Paterson, at least thirty days preceding the day when such instalment is to be paid; and the person or persons failing to pay such instalment thirty 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.

Sec. 5. *And be it enacted*, That the stock, property, affairs, and concerns of the said company shall be managed and conducted by twenty directors, who shall hold their offices for one year and until others should 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, and shall be inhabitants of New-Jersey; and the said directors shall be hereafter elected on the first Monday in May in each and every year, at such hour of the day, and at such place in the town of Paterson as the board of directors for the time being shall direct, of which election public notice shall be given in the newspapers printed in Paterson aforesaid, at least two weeks previous to such election; and every such election shall be made by ballot, and by a plurality of the stockholders present, or represented by proxies; and every stockholder shall be entitled to one vote for each share holden by him: *Provided* he shall have and hold such share for at least twenty days next preceding the election; and the first directors shall be Abraham Godwin, jun. John Colt, Philemon Dickerson, Caleb M. Godwin, Alexander Carrick, Mark W. Collet, Daniel Holtzman, John Travers, Peter-E. Marselis, Garrebrant Van Houten, Horatio Moses, William Ellison, John Lambert, James Close, Robert O. Robinson, Isaac S. Miller, Peter M. Ryerson, of Pompton, George Cassedy, of Hackensack, Alexander M. Cumming, of Newark, and Peter Jackson, of Aquakanonk, who shall hold their offices until the first Monday of May, in the year of our Lord one thousand eight hundred and twenty-nine, and until other directors shall be chosen in their stead.

Number of directors, and manner of voting.

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 be an inhabitant of Paterson, and shall preside until the annual election thereafter; and in case of death, or resignation, or inability to serve, of the president or any director of such 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 pro tempore,

President, the manner of choosing; &c.

who shall exercise all such powers and duties as the president might exercise.

Secretary, compensation.

Sec. 7. *And be it enacted*, That the board of directors for the time being shall have power to appoint, during their pleasure, a secretary 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 judgment be deemed reasonable.

Book of subscription to be opened at Paterson, &c.

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 Paterson aforesaid, upon two weeks' notice, published in the newspapers of that town, which shall continue open from day to day (Sundays excepted) for ten days, unless the whole stock shall be sooner subscribed; and their secretary shall be the receiver of all moneys, and shall deposit or dispose of the same forthwith, as the company by resolution shall direct: *Provided*, should there be an excess of stock, the whole number of shares shall be apportioned pro rata among the subscribers.

Proviso.

Houses, &c. to be insured.

Sec. 9. *And be it enacted*, That it shall and may be lawful for the company to insure houses and other buildings, and personal 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.

Policies obligatory without a seal, &c.

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 other officer as may be designated for that purpose by the said company, and attested by the secretary, 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 or contracts may be 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 committees, or otherwise, as the board may authorize, and the same shall be binding on the company.

Judges of election.

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 seven directors shall constitute a quorum for the transaction of business, notice of the meeting being given or published to all.

Quorum.

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 business of the said company, previously advertising the time and place of said meeting, for at least two weeks, in the papers printed in Paterson, and mentioning the object of said meeting.

When meetings 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, 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 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 money thereof for or in any banking operations, or in the purchase or sale of any stock or funded debt created or to be created under any law of the United States or of any particular state, 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 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 interest may require, and also to make loans of its capital stock, funds, and moneys on bonds and mortgages, and the same to call in and re-loan, as occasions may render expedient.

Privileges of the company specified.

Proviso.

Sec. 14. *And be it enacted*, That the stock of the said 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.

How transfers may be made.

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 advisa-

Manner of making dividends, &c.

ble; and the said dividend shall be paid out semi-annually to the stockholders or to their legal representatives, but the dividend at no time shall exceed the amount of the clear profits made by the 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 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 executors or administrators, in any court of record in 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, by advertisement in the newspapers printed in Paterson, for at least three insertions.

Books under  
inspection, &c.

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 the preceding year shall be made out and shown, for the general satisfaction of the stockholders.

Oaths of office.

Sec. 17. *And be it enacted*, That each director, the secretary, 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 execute the duties of his office, according to the best of his skill and understanding; which oath may be administered by any judge of the Inferior Court of Common Pleas, or any justice of the peace of this state.

Regular books  
of account to be  
kept, &c.

Sec. 18. *And be it enacted*, That the said company shall cause to be kept at their office proper books of accounts, in which shall be fairly and truly entered all the transactions of the company, which book shall be at all times open for the inspection of the stockholders.

Limitation.

Sec. 19. *And be it enacted*, That this act shall continue in force for the space of twenty-five years.

C. February 27, 1828.

# AN ACT to incorporate the Rahway Cotton 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 Henry Zeigler, Charles Irlet, 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, by the name of "the Rahway Cotton Manufacturing Company," for the sole purpose of manufacturing, printing, and finishing cotton goods; and, 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, tenements, hereditaments, goods, wares, and merchandise, whatsoever, in any part of this state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, or conveyed to them or purchased by them for the satisfaction or security of any debt or demand 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.

Name of the company, their powers and privileges.

Proviso.

Sec. 2. *And be it enacted,* That the stock, property, and concerns of the said company shall be managed and conducted by seven directors, being stockholders, one of whom to be the president, who shall hold their offices one year from the first Tuesday in October in every year; and that the said directors shall be elected on the last Tuesday in September in every year, at such time and place as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers printed nearest the place where such election shall be held, by such of the 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 holds shares of the capital stock of said company, not exceeding ten, and for every five shares above ten, one vote; and the persons having the greatest number of votes, being stockholders, shall be the directors; and if it shall happen at any election for directors, that two or more persons shall

Directors to have the management.

To be elected annually.

Time to be advertised.

Manner of voting, &c.

Vacancies, how filled.

Names of the first directors.

Amount of capital.

Subscribers to pay, &c. on pain of forfeiture of shares, &c.

Stock deemed personal estate, and transferable

have an equal number of votes, in such manner that a greater number than seven shall, by plurality of votes, appear to be chosen as directors, then the said stockholders herein before authorized to vote at such elections shall proceed to ballot a second time, and, by 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 seven; 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 president, and shall also, at the same time, elect a secretary to the company; and if any vacancy or vacancies shall at any time happen, by death or otherwise, among the directors elected, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint; and that the first directors shall be John J. Chetwood, Samuel Meeker, Henry Zeigler, Frederick Ramage, Charles Irlet, George Hasting, and George McGregor, who shall hold their offices until the first Tuesday of October, one thousand eight hundred and twenty-eight.

Sec. 3. *And be it enacted*, That the capital stock of said company shall not exceed one hundred and fifty thousand dollars, and shall be divided into shares of fifty dollars each; but it shall nevertheless be lawful for the said company, when and so soon as seventy-five thousand dollars of the said capital stock shall have been subscribed, paid, or satisfactorily secured to be paid, to commence their said business, and, with that capital, conduct and carry it on until they shall find it expedient to extend their capital, which they are authorized to do, from time to time, to the amount herein before mentioned; and it shall be lawful for the directors of said company to call and demand from the stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payments shall have been published for that time in one or more public newspapers published nearest the place where such payments are to be made.

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 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 amongst the stockholders, except from and out of the profits of the said corporation: *And provided further*, that the stockholders shall be responsible, in their individual and private



capacities, to the extent of their respective interests in the corporate property of the said corporation, and no further, for all debts which, in case of dissolution of the said corporation, shall be due and owing by the said corporation.

Stockholders,  
how responsible.

Sec. 5. *And be it enacted*, That if any election should not take place on the day herein before mentioned, 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.

On contingency,  
when election  
may be held.

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 the said corporation, and shall have power to make and prescribe all necessary and proper by-laws, not repugnant to the constitution and laws of the United States and this state, touching the management of the stock, effects, estate, property, and profits of the said corporation, officers' appointments, clerks' and servants' salaries and allowances, and other concerns of said corporation.

By-laws, &c.

Sec. 7. *And be it enacted*, That the directors shall at all times keep, or cause to be kept, at their factory, proper books of accounts, in which shall regularly be 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: *Provided*, 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.

Proviso.

Sec. 8. *And be it enacted*, That this corporation shall be, and continue fifty years, and no longer.

C. February 29, 1828.

A SUPPLEMENT to the act entitled, "An act to incorporate trustees of religious societies," passed the twelfth day of June, one thousand seven hundred and ninety-nine.

WHEREAS it is represented, that according to the constitution, usages, and customs of the Protestant Episcopal Church, the wardens and vestry of each church, for the time being, have the management of the temporalities of the said church—AND WHEREAS it is further represented, that several Protestant Episcopal Churches have been incorporated under the provisions of the act passed the

Preamble.

twelfth day of June, one thousand seven hundred and ninety-nine, and experience great inconvenience from the temporalities of the said church being thereby vested in trustees, other than those who by the constitution, usages, and customs of said church should be invested with the said temporalities—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 wardens and vestry, for the time being, of every Protestant Episcopal Church, not especially incorporated, shall be trustees of the same, and a body corporate and politic in law, by such name as the said trustees shall assume, in manner mentioned, in the second section of the act to which this is a supplement.

Wardens and  
vestry, trustees,  
&c.

Sec. 2. *And be it enacted,* That it shall and may be lawful for the said Protestant Episcopal Churches incorporated under the act to which this is a supplement, or any of them, to avail themselves of the provisions of the first section of this act, on the certifying their intentions so to do to the clerk of the Court of Common Pleas of the county in which such church or churches may be situate; and it shall be the duty of said clerk instantly to record the same.

Certain proviso  
of a former act  
repealed.

Sec. 3. *And be it enacted,* That the first proviso in the tenth section of the before mentioned act be, and the same is hereby repealed.

Sec. 4. *And be it enacted,* That no corporation heretofore formed, according to the first nine sections of the act before mentioned, shall hereafter be holden or adjudged to be illegal or void by reason of that part of the tenth section which is hereby repealed, or any matter or thing therein contained.

C. & A. February 29, 1828.

AN ACT appointing Commissioners to settle the boundary line between the county of Gloucester and the counties of Salem and 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 William Irick, Joshua Swain, and Joshua S. Earl be, and they hereby are appointed commissioners, to run, survey, mark, and ascertain the line of partition between the county of Gloucester and the counties of Salem and Cumberland, beginning at the southernmost and main

Commissioners.

branch of Great Egg-Harbor river, at the head thereof, and thence, upon a direct line, to the head of Oldmans creek, agreeably to the act or acts of the legislature constituting said counties; and that they meet at the inn of Ferguson McGonigal, in the town of Malaga, on the first Tuesday of April next, and at such other times and places as may be deemed most expedient and necessary, for the performance of the duties of their appointment.

Sec. 2. *And be it enacted*, That the said commissioners, in the performance of the duty hereby enjoined upon them, shall, in all things, conform to the requirements of "An act making provisions for ascertaining the boundaries of counties and townships," passed the fifth of March, one thousand seven hundred and ninety-eight; and said line so run, surveyed, marked, and ascertained, shall be valid and effectual as though the appointment of said commissioners had been made in the manner and form prescribed in the above recited act.

To act conformably to a former law.

C. March 1, 1828.

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A SUPPLEMENT to the act entitled, "An act to incorporate a part of the township of Newton, in the county of Gloucester," passed February thirteenth, one thousand eight 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 no tax under the authority of the said corporation shall be assessed, levied upon, or collected from any timber, wood, or farming land used for the purposes of husbandry only, or the farm house thereon, situate within the bounds of said corporation for the use or support thereof.

Certain property exempt from taxation.

Sec. 2. *And be it enacted*, That there shall be five aldermen appointed, for the said corporation, by the Council and General Assembly of this state, in joint-meeting, and commissioned as is directed by the act to which this is a supplement, one of whom, being a freeholder, shall be annually elected and appointed as mayor by a majority of the common council, within the time directed by the said act, and shall hold his office for one year.

What officers to be chosen by the joint-meeting.

Sec. 3. *And be it enacted*, That so much of the eleventh section of this act to which this is a supplement, as exempts certain lands, within the bounds of said corporation from

Part of a certain section in the original act repealed.

taxes, for the use thereof; and all other parts of the said act coming within the purview of this supplement, and repugnant thereto, be, and the same is hereby repealed.

A. March 1, 1828.

### AN ACT to incorporate the Orange 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 Stephen D. Day, Ichabod Condit, Aaron Peck, Daniel Smith, John M. Lindsley, Aaron L. Burnet, James Camp, William Pierson, jun., Allen Dodd, Zenos S. Crane, Jephtha Baldwin, John Dean, Joel Harrison, 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 Orange Bank in the county of Essex," 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 in no case be owner of any ships or vessels or directly deal or trade in any thing except bills of exchange, promissory notes, gold or silver bullion, stock of the United States, and such ships and vessels, goods, wares, and merchandise, as shall be truly pledged to them by way of security for debts due, owing, or growing due to the said corporation, or purchased to secure such debts, or on the sale of goods, which shall be the produce of its lands: *Provided also*, that the real estate which it shall be lawful for the said corporation to hold, shall be only such as may be necessary for its immediate accommodation, for the convenient transaction of its business, or such as shall have been bona fide mortgaged to it by way of security for loans or contracts made, or conveyed to it in full or in part satisfaction of debts previously contracted in the course of its dealings, or purchased upon judgment, for the purpose of bona fide securing any debt or debts due to the said corporation.

Sec. 2. And be it enacted, That the capital stock of the said corporation shall not exceed one hundred thousand dol-

Style of the incorporation.

Powers and privileges.

Proviso.

Capital stock.

lars, to be divided into shares of fifty dollars each; and that subscriptions be taken in under the direction of John Condit, Aaron Peck, Daniel Babbit, Abraham Winans, and William Williams; which said commissioners, or a majority of them, shall open books of subscription at Orange, and said books shall be kept open for the space of five days' giving twenty days' previous notice in two newspapers published at Newark; and, upon the closing of the said books of subscription, or within twenty days thereafter, the said commissioners shall pay over to the directors herein after appointed, the whole amount of money which they, or any of them, may have received upon the said subscriptions.

Commissioners  
to open books,  
&c.

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 stockholders, and citizens of the United States and of this state, and of whom at least eight, together with the president, shall have been resident within the said township of Orange for at least one year immediately preceding their election; which directors shall hold their offices for one year, and shall be elected on the first Tuesday in January 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 town 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 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 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 directors so having an equal number shall be the director or directors, so as to complete the whole number; and the directors so elected, as

Number of di-  
rectors.

Time of annual  
election.

Judges of elec-  
tions.

Ratio of votes.

Vacancies, how filled.

Names of the first directors.

Quorum.

Proviso.

By-laws, &c.

Cashier to take oath of office, and give bond.

Proviso.

No notes to be issued under one dollar.

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 shall be filled, for the remainder of the year, by such person or persons as the remainder of the directors for the time being, or a majority of them, shall appoint; and that Stephen D. Day, Ichabod Condit, Aaron Peck, Aaron L. Burnet, John M. Lindsley, Zenas S. Crane, James Camp, William Pierson, jun., Allen Dodd, Daniel Smith, Jephtha Baldwin, John Dean, and Joel Harrison shall be directors, and shall hold their offices, respectively, until the first Tuesday in January, in the year of our Lord one thousand eight hundred and twenty-nine, and until others shall be chosen by the stockholders.

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 bill or bills without at least one good endorser.

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: *And provided further*, that the cashier of the said bank shall be annually appointed; and that upon the appointment or re-appointment of such cashier, he shall take an oath or affirmation faithfully to discharge the duties of his office, and shall give bond, with good and sufficient security, in the penal sum of twenty thousand dollars, conditioned for the faithful performance of the duties of cashier of said bank; the duties and conduct of 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.

Sec. 6. *And be it enacted*, That the said corporation shall not issue bills of a less denomination than one dollar; and 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 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 the bank of the United States, or 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 town of Newark: *Provided*, that no instalment to be paid shall exceed five dollars on a share.

To be subject to taxes.

Instalments to be paid on penalty of forfeiture, &c.

Proviso.

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.

Shares transferable, and to be registered.

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 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 no bill or note issued by said corporation, payable to bearer, or to any person or persons, his, her, or their

Manner of conducting the business, &c.

Proviso.

order, or bearer, shall express any place of payment other than the office of the said banking company.

Dividends, how  
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 the said bank, as to them, or a majority of them, shall seem advisable, but that they shall make no dividend of any part of the capital stock; and that the rate of discount at which loans may be made by the said corporation shall not exceed the legal rate of interest of this state for the time being.

Annual report  
to the legisla-  
ture.

Sec. 10. *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 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 three years together, that then and from henceforth this charter, and all the privileges hereby conferred, shall cease and be for ever at an end.

How charter  
may be forfeit-  
ed, &c.

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, 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.

Directors, their  
liability, &c.

Sec. 12. *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.

Sec. 13. *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, conformably to the provisions of this act.

Affidavit to be filed in secretary's office.

Sec. 14. *And be it enacted*, That this act shall be, and continue in force until the first day of January, one thousand eight hundred and forty-nine, 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, in their opinion, the public good requires it.

Limitation, &c. but repealable.

A. February 26, 1828.

# AN ACT to enable Garrebrant Van Riper, his heirs, or assigns, to erect a mill-dam across the river Passaic.

WHEREAS it has been represented to the legislature, by the petition of Garrebrant Van Riper and others, inhabitants of the counties of Bergen and Essex, that, by the erection of a dam across the said river, about two hundred yards distant and above a bridge erected over the said river, in the line of the road leading from Paterson to Hackensack, commonly called and known by the appellation of "the New Bridge," a mill-seat might be advantageously created on the premises of the said Garrebrant Van Riper, without interfering with privileges heretofore granted to others, or overflowing or injuring the property of others lying above him; and that the public convenience would be thereby much increased, and private rights not encroached upon; and to promote and extend sources of honest industry, and aid and further the laudable exertions of the enterprising; and also, as the petitioner owns the lands for some distance above the premises—Therefore,

Preamble.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Garrebrant Van Riper, his heirs, or assigns, to erect a mill-dam across the river Passaic, commencing, on his own premises, at a point about two hundred yards distant from and above the bridge

Dam authorized &c. across the Passaic.

erected over the said river, in the line of the road leading from Paterson to Hackensack, and called and known by the appellation of "the New Bridge," for the purpose of creating a water power for the benefit of such mill or mills, or other waterworks as shall be hereafter erected by the said Garrebrant Van Riper, his heirs, or assigns, and for ever hereafter to use the same for the purposes aforesaid.

Not to damage  
others.

Sec. 2. *And be it enacted*, That nothing in this act contained shall authorize the said Garrebrant Van Riper, or his heirs or assigns, or any of them, to overflow, damage, or enter upon, cut through, or otherwise trespass upon the lands or real estate of any person or persons, without leave in writing first obtained of the owner or owners thereof, nor bar any action or actions by any person or persons whatsoever.

Locks may be  
constructed &c.

Sec. 3. *And be it enacted*, That, for the purpose of improving the navigation of the Passaic river from the tide water to Paterson, under any law now in force or hereafter to be enacted, the legislature shall have power to authorize the construction of a lock or locks in the said dam; but in such case the dam shall be raised so as not to diminish the supply of water for milling purposes, or compensation shall be made for the use of the same.

C. February 13, 1828.

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AN ACT to authorize the enclosing of a tract of woodland situated in the township of Saddle river, in the county of Bergen.

Lands to be en-  
closed, &c.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the owners and possessors of all that tract of woodland situate on the Wagara mountain, in the township of Saddle river, in the county of Bergen, lying between the Goffle road and the road leading from Oldham to the Ponds, now owned by John S. Van Winkle, George T. Snyder, David Myers, Henry S. Terhune, Harman Van Derbeck, Albert Terhune, Susannah Ackerman, John J. Berdan, Andrew H. Hopper, Paul Van Derbeck, Hassel Doremus, John H. Hopper, Henry Doremus, Jacob Hering, Jacob Demarest, Garret P. Hopper, and Henry P. Hopper and others, to fence the same in common, and to erect and keep up such swing-gates, as by the persons herein after mentioned to make the assessments from time to

time may be deemed proper; and that from and after the enclosing the same as aforesaid, no person or persons whatsoever shall be at liberty to drive or let in any horses, cattle, or sheep, with intent to run at large, in the said tract: *Provided always*, that nothing in this act contained shall be so construed as to prevent any person or persons from permitting his, her, or their own cattle, horses, or sheep to run on any part of the said tract already enclosed by him, her, or them, or which may hereafter be enclosed, so long as the same is enclosed by a lawful fence.

Sec. 2. *And be it enacted*, That if any person whatever shall drive or let in any horses, cattle, or sheep within the said tract, after it shall have been enclosed as aforesaid, such person shall be liable to a penalty of twenty dollars, to be sued for and recovered before any justice of the peace of the county of Bergen, in an action of debt, by any one of the owners of said enclosed tract, and to be applied one half to the use of the persons suing for the same, and one half to the use of the owner of said tract, for enclosing the same.

Penalty for violating the regulations of the owners.

Sec. 3. *And be it enacted*, That if any horses, cattle, or sheep shall be found running at large on any part of the tract enclosed as aforesaid, it shall and may be lawful for any owner or possessor of any part of the said tract to take and drive the same to any public pound in the township of Saddle river, who shall make an affidavit that the same were taken running at large in the said tract, and, in such affidavit, shall describe the said horses, cattle, or sheep so taken; which affidavit shall be delivered to the pound-keeper where the horses, cattle, or sheep shall be impounded; and the persons impounding said horses, cattle, or sheep shall be entitled to receive, for every head so taken and impounded, the sum of twenty-five cents to be collected by the pound-keeper, of the owner, or from the sale of the said horses, cattle, or sheep, and shall be the measure of damages on such occasions; and the pound-keeper is directed to receive such beasts, and to proceed in the same manner, after the receipts of the same, as is directed by the act entitled, "An act regulating fences," passed January twenty-third, one thousand seven hundred and ninety-nine; and he shall be entitled to the same fees, and subject to the same penalties for neglect of duty, as are allowed and imposed in and by the said act.

Cattle, horses, &c. running at large, to be impounded.

Sec. 4. *And be it enacted*, That it shall and may be lawful, immediately after the passing of this act, for any one concerned in the aforesaid tract, to call a meeting of the owners and possessors thereof, by putting up advertisements in three of the most public places of the township of Saddle river, at least ten days previous to the time of meeting; on which notice being given, the owners and possessors of the said tract shall convene at the house of John Van Ness, inn-

Meeting to be held for choosing trustees.

keeper, in the township of Saddle river, and, when assembled, shall proceed to elect, by a plurality of votes of the owners or possessors of the said tract attending said meeting, three persons, being owners of some part of said tract, as trustees, to make and repair such fences as may be necessary to enclose said tract, and make assessments, and superintend the expenditures of all moneys to be received and paid as aforesaid.

Trustees authorized to assess, &c.

Sec. 5. *And be it enacted*, That the said trustees so to be elected as aforesaid, shall be, and they are hereby authorized, from time to time, to assess upon the owners of the said tract, such sum as may be necessary to enclose the same and keep it enclosed, to be assessed upon the several owners in proportion to the benefit which they may severally receive by said enclosure, which said assessment shall be entered in a book to be kept by the said trustees for that purpose.

Trustees to exhibit, &c. their book of assessment.

Sec. 6. *And be it enacted*, That the said trustees, as soon as they shall have made such assessments, shall call a meeting of the owners of said tract, giving at least ten days' notice in three of the most public places in the township of Saddle river, of the time, place, and object of said meeting; and at such meeting the said trustees shall make an exhibit of such book of assessments, and any person thinking himself aggrieved by said assessment may appeal from the same to said meeting, who are hereby authorized to alter the same, provided the same shall appear unjust or inequitable.

Trustees to collect the sums assessed, &c.

Sec. 7. *And be it enacted*, That as soon as any assessment shall be finally fixed and made as aforesaid, it shall be the duty of the trustees elected as aforesaid to demand from each individual his proportion of said assessment, either personally, or by leaving a statement of the sum he is to pay with some white person, at his place of abode, and on failure of the payment thereof for the space of twenty days after such demand, it shall and may be lawful for the said trustees so elected as aforesaid to sue for and recover the same in their own names, in an action of debt, with costs of suit, before any justice of the peace of the county of Bergen.

To be elected annually.

Sec. 8. *And be it enacted*, That the said trustees so elected shall continue in office for the term of one year from the time of their election, and from that time until others shall be elected by the said owners; and in case of the death or resignation of any of said trustees, it shall be lawful for the said owners to elect others to supply their places, upon giving ten days' notice, as aforesaid, of the time, place, and object of the meeting of said owners: *And further*, that the said trustees shall account to said owners annually for all moneys which shall have come to their hands as aforesaid, and shall pay over the balance remaining in their hands, if any, to their successors, together with the books directed to

To account for all moneys collected.

be kept by them, immediately on their going out of office, under the penalty of one hundred dollars, to be sued for and recovered by their successors, with costs of suit, to be applied by them, when recovered, to the purposes contemplated by this act.

C. February 16, 1828.

AN ADDITIONAL SUPPLEMENT to the act entitled, "An act to incorporate the Georgetown and Franklin Turnpike Company."

SEC. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the term of seven years shall be allowed, in addition to the limited time prescribed by the supplement aforesaid, dated the twelfth day of December, eighteen hundred and twenty-three, for the said Georgetown and Franklin Turnpike Company to finish and complete their said road, any thing in the before recited act, and the supplement thereto, to the contrary notwithstanding.

Term extended

SEC. 2. *And be it enacted,* That it shall and may be lawful for the president and directors of the Georgetown and Franklin Turnpike Company to call a meeting of such commissioners as are hereafter appointed by this act; which commissioners, when so called, shall have power to review, and if they, or a majority of them, shall deem it expedient, to alter or re-lay that part of the said road which lies between the Rocky Hill school house, near Vanhorn's, in the county of Somerset, and John Hagerman's wheel-wright shop, in the county of Hunterdon.

Commissioners empowered to re-lay road, &c.

SEC. 3. *And be it enacted,* That Andrew Howell, John Frelinghuysen, and Cornelius L. Hardenberg, esquires, be, and they are hereby appointed commissioners to alter or re-lay such part of said road between the points aforesaid, as to them, or a majority of them, shall appear expedient, who may alter the width of the road in the town of Stoutsburg, and report accordingly, whose duty it shall be to certify the same, in the manner prescribed in the act to which this is a supplement; and if the road is laid over stone or arched bridges they shall be deemed sufficient, any thing in the original act to the contrary notwithstanding; whereupon the said road, so altered or re-laid, shall be deemed and taken as a part of the said Georgetown and Franklin Turnpike

Names of the commissioners, and their powers.

road, in the same manner as if it had been originally so laid; and so much of the same, as formerly laid, as shall be so altered and re-laid by the said commissioners, shall thereupon become vacated.

C. February 25, 1828.

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**AN ACT for the relief of Garret Doremus and Rachel Doremus.**

*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 Orphans' Court of the county of Morris, on satisfactory proof being made to them of the idiocy of Garret Doremus and Rachel Doremus, two of the children of Cornelius C. Doremus, late of Hanover, in the county of Morris, deceased, to appoint some person or persons guardian or guardians of the said Garret and Rachel, who shall have the care and safe keeping, as well of their persons as property, and shall, before entering on the duties of such appointment, enter into bond, as required in the fifth section of the act entitled, "An act concerning idiots and lunatics," passed the twenty-eighth day of February, in the year of our Lord one thousand eight hundred and twenty; and who shall thereupon have the same rights, and be subject to the same duties and liabilities, as if such appointment had been made agreeably to the provisions of the first section of the act above mentioned.

C. & A. March 5, 1828.

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**AN ACT to incorporate the Salem and Philadelphia Steam-Boat 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 Thomas Rowen, Samuel Clement, Richard Ross,

John S. Wood, Joseph Clement, James Sherron, Hedge Thompson, Thomas A. Maskell, John Sinnickson, Thomas W. Cattell, John Tuft, John G. Mason, Lewis P. Smith, Calvin Belden, and all their associates, being stockholders in the company now called "the Salem and Philadelphia Steam-Boat Company," and their successors and assigns, be, and they hereby are made and declared to be a corporation and body politic, by the name of "the Salem and Philadelphia Steam-Boat Company," and by that name shall have continual succession, may make and have a common seal, and shall be able to sue and be sued, implead and be impleaded, in all courts of record and elsewhere, and be capable of purchasing, holding, and conveying any vessels, steam-boats, lands, tenements, hereditaments, and real or personal estate, whatsoever, necessary for the objects of this corporation; and to make by-laws not contrary to the laws and constitution of this State or the United States.

Name and style of the incorporation.

Powers and privileges.

Sec. 2. *And be it enacted*, That the capital stock of the said corporation shall consist of fifty-thousand dollars, divided into shares of fifty dollars each, and be employed and vested in one or more steam-boats or other vessels and their repairs, and in the purchase, repairs, and building of suitable landing places, wharves, and store-houses, and for such other purposes as may be necessary and convenient for steam-boat navigation; and that the said capital stock shall be deemed personal estate, and shall be assignable and transferable upon the books of said corporation, agreeably to the by-laws made for that purpose.

Amount of stock, and price of shares.

Sec. 3. *And be it enacted*, That the affairs, property, and concerns of the said corporation shall be conducted by five directors, to be chosen annually by the stockholders; and that in the choice of directors, such share shall be entitled to one vote; should a vacancy at any time happen among the directors, by death or otherwise, the remaining directors shall elect a director to fill such vacancy until the next annual election; and the said directors shall, as soon as convenient after their election, assemble and choose one of their number as president; that the first election for directors under this act shall be on the first Monday of April next, ten days' notice being given for that purpose in a newspaper circulating in the county of Salem; and until such election shall take place, the present directors of said company, viz. Thomas Rowen, Samuel Clement, Richard Ross, John S. Wood, Joseph Clement, James Sherron, Hedge Thompson, Thomas A. Maskell, and William N. Jeffers shall be directors of this corporation; the stockholders shall annually thereafter, on the first Monday in March, meet and elect directors of the said corporation; stockholders may vote in person or by proxy.

Number of directors—to be chosen annually.

A president to be chosen.

Meetings to be advertised.

Board of directors; their powers, &c.

Sec. 4. *And be it enacted,* That the board of directors for the time being shall have power to elect a president, and appoint a treasurer, and all such other officers, agents, and clerks, to employ such workmen, artificers, and laborers as shall be necessary for carrying into effect and executing all the powers by this act granted to the said corporation, and to exact and take from their officers and agents bonds and security, in such sums as they shall deem proper, for the faithful execution of the duties, and for the due and faithful performance of their contracts.

President to preside at all meetings, &c.

Sec. 5. *And be it enacted,* That the president shall preside at all meetings of the directors, and, in case of sickness or absence, his place may be supplied by any other director whom the directors present shall nominate; two directors may form a board for the transaction of the ordinary concerns of the said corporation; the stated meetings shall be held at such time as may be prescribed by the by-laws; and special meetings may be held by particular appointment, or upon call of the president.

Dividends may be made.

Sec. 6. *And be it enacted,* That dividends of so much of the profits of the said corporation, as shall appear advisable to the directors, shall be made and paid to the stockholders, at such stated periods as the directors shall determine; but no part of the capital stock shall be divided during the continuance of this charter.

Legislature may amend, &c.

Sec. 7. *And be it enacted,* That it shall be lawful for the legislature, at any time hereafter, to alter, amend, modify, or repeal this act.

C. February 23, 1828.

AN ACT to enable the owners and possessors of marsh, swamps, and cripple, lying on the West branch of Stoe creek, in the township of Lower Alloways creek, in the county of Salem, to erect a bank, dam, and other waterworks, and more effectually to drain and improve the same.

Owners empowered to build and maintain dams, &c.

Sec. 1. *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 marsh, swamps, and cripple, lying on the West branch of Stoe creek, in the county of Salem, to build and maintain, or cause to be built or maintained, a bank, dam, and other waterworks, sufficient to prevent the tide from



flowing up the said creek, by running a bank from, at, or near a point of upland owned by Grace Dare, near the West end of Cumberland bank, and run from thence, on the marsh of the said Grace Dare, the most eligible route, until it strikes the said West branch of Stoe creek, opposite to marsh owned by William Plummer, and known by the name of Miry Cove; thence, across the said creek, to Plummer's marsh; and from thence, down the creek, to the fast land.

Sec. 2. *And be it enacted*, In order that the said bank and dam may be effectually made and supported, the managers hereafter to be chosen by virtue of this act, and their successors, shall, at all times, have full authority to dig mud, loam, or sand, for that purpose, in any place where it shall be most convenient, and least detrimental to the owners and possessors of said meadows, when summoned by order of the managers for the time being, as herein after directed; to order, and also to direct, so much money to be raised for the purposes aforesaid, as the majority of the owners and possessors so met may think necessary, and make an order in writing, signed by their clerk, setting forth the sum to be raised, and the time when the assessment shall be made and paid.

Managers, their powers and duty.

Sec. 3. *And be it enacted*, That it shall and may be lawful for the owners and possessors of said meadow, to meet on the first Monday in March, yearly, at one o'clock in the afternoon, and every year, the first time at the house of Daniel Tracy, and afterwards at such place as they shall adjourn to, and, by plurality of votes of the persons so met, elect two managers, one clerk, one assessor, and one collector, for the year ensuing such choice, and until others shall be chosen in their place; and until such election John W. Maskell is appointed clerk; which clerk, and the clerk hereafter to be chosen, shall, at the expense of the owners and possessors, keep a book, and shall enter therein the names of all the owners and possessors of the meadow for the time being, and make fair entries of all their proceedings at their meetings, and all such other entries, from time to time, as may be deemed necessary for the well ordering of their affairs; and the said clerk shall give five days' notice, by advertisements set up in three of the most public places in the neighborhood of the said meadows, of the first meeting of the owners and possessors of said meadows, and like notice of the annual meeting, or any other meeting, summoned by order of the managers for the time being, to raise money or other necessary business respecting the said meadow: *Provided*, that nothing herein contained shall prevent one of the managers from being clerk, assessor, or collector, if duly chosen as aforesaid.

Time of annual meeting, and proceedings of the managers in their operations &c.

Sec. 4. *And be it enacted*, That the managers for the time

Managers authorized to call meetings of the owners, &c.

being shall, at any time when they shall judge it necessary, call the owners and possessors together, who, by plurality of votes, shall choose two disinterested men and a surveyor, to measure each owner or possessor's marsh, swamps, and cripple, so far as they shall judge the common high water flows, and no farther; and the expenses thereof to be paid by the owners and possessors, in proportion herein after mentioned.

Lots, &c. of the marsh to be surveyed, and a draft thereof to be made, &c.

Sec. 5. *And be it enacted*, That the managers, when appointed as aforesaid, shall, as soon as may be, cause all the lots and parcels of the marsh, swamps, and cripple belonging to each owner, usually overflowed by the tide, and lying within the bounds of the proposed bank or dam and waterworks, to be carefully and strictly surveyed, and a draft or plot to be made, showing the quantity held by each owner and possessor, and cause a valuation to be made by the men hereafter appointed, as aforesaid, of the meadow ground of each owner, respectively; and a majority of the company so met shall thereupon make an estimate of the sum or sums of money which shall be necessary to defray the expenses of the different services required by this law, and also of erecting the bank, dam, and other waterworks necessary to keep the tide from overflowing the meadows within them, until the said meadows shall be laid dry, and put in a proper state of improvement; and the assessor shall assess the same ratably on the said premises, agreeably to the valuation and quantity each owner may have within the bank or dam, and shall state said assessments in a regular duplicate, containing the names of the owners and possessors, the number of acres held by each of the same, assessed on them severally, and the time or times of payment, which duplicate shall be delivered by him to the collector chosen as aforesaid, which, when collected, shall be paid to the managers, or either of them.

Money to be raised by assessment.

Clerk to advertise meetings.

Sec. 6. *And be it enacted*, That as often as the managers shall find or judge it necessary to raise any sum or sums of money to enable them to perform any of the duties enjoined by this act, it shall and may be lawful for them to order and appoint a meeting of the owners and possessors of the meadows aforesaid, at such time and place as they shall think proper, and direct the clerk to give notice accordingly.

Managers to account annually for their proceedings, under certain penalty.

Sec. 7. *And be it enacted*, That the managers for the time being shall yearly and every year account to the owners and possessors of such meadows, at their annual meeting, by producing fair accounts of all moneys by them received and expended by virtue of this act, and shall deliver the balance in their hands, if any there be, to their successors; and if they or any of them shall refuse to account and pay the balances aforesaid, the succeeding managers shall sue for and

recover what appears to be in their hands, by action of debt, in any court where the same may be cognizable, with costs of suit.

Sec. 8. *And be it enacted*, That the collector, on the receipt of the said duplicate, shall, in person, or by notice in writing left at the usual place of abode of each owner or possessor, demand of each owner and possessor, twenty days before the time of payment, the sum or sums assessed as aforesaid; and if any of the said owners or possessors shall neglect or refuse to pay the sum or sums as aforesaid, for the space of twenty days after the time fixed for the payment thereof, it shall and may be lawful to, and for the said collector to seize, and rent out, by public vendue, to the highest bidder, for so long a time, and no longer, as will be requisite, so much of the meadow ground within said bank belonging to, or in possession of such delinquent, and all expenses attending the recovery thereof, having first advertised the same for the space of three weeks in three of the most public places in the neighborhood where the said meadow lies.

Proceedings to be had on the non payment of the assessments made on the marsh.

Sec. 9. *And be it enacted*, That it shall and may be lawful for every tenant or tenants, who shall or may be in possession of any part of said marsh, swamp, or cripple, to bring in his, her, or their charges of moneys paid, and services done, pursuant to the direction of this act, and recover the same from his, her, or their landlords: *Provided always*, that nothing herein contained shall affect or alter contracts subsisting, or which may be made between any landlord and tenant.

Tenants to be allowed for their services.

Sec. 10. *And be it enacted*, That in case of the death or refusal of any of the officers to be hereafter appointed under this act, it shall and may be lawful for the manager or managers to call the company together, at such time and place as they shall appoint in the notice, of not less than five days' given for that purpose; and such of the company as shall meet in pursuance of the said notice, are hereby authorized to choose others to supply the place of the officer or officers so dying or refusing, until the next annual election to be held by virtue of this act.

Vacancies, how filled.

Sec. 11. *And be it enacted*, That if the managers, clerk, assessor, or collector, or any of them, shall neglect his or their, or either of their duties enjoined by this act, or shall refuse to take upon him or them the office or offices for which he or they may or shall be chosen, he or they so neglecting or refusing shall forfeit and pay the sum of ten dollars, to be recovered by action of debt, with costs of suit, by any owner or owners of said meadows who shall or may sue for the same, and to be applied for the use of said company.

Penalty for refusing to perform certain duties.

Sec. 12. *And be it enacted*, That the managers shall receive three per cent. commission for all moneys expended in

Commission on moneys collected.

their hands on the bank; and the clerk shall, for advertising, attending, and making entries, receive the sum of seventy-five cents for each meeting; and the assessor shall, on the assessment of every duplicate, receive the sum of seventy-five cents; and the collector, for notifying and collecting, shall receive the sum of four dollars on every duplicate.

Certain specified acts repealed.

Sec. 13. *And be it enacted*, That an act entitled, "An act to enable the owners and possessors of meadow and tide marsh, lying on the West branch of Stoe creek, in the county of Salem, to erect a bank, dam, and other waterworks across the said creek, in order to prevent the tide from overflowing the same," passed on the twenty-fourth day of May, one thousand seven hundred and eighty-seven, and also, "An act to enable the owners and possessors of marsh, swamps, and cripple, lying on the West branch of Stoe creek, in the township of Lower Alloways creek, in the county of Salem, to erect a bank, dam, and other waterworks, and more effectually to drain and improve the same, and to repeal the law heretofore made for that purpose," be, and the same are hereby repealed.

C. February 19, 1828.

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AN ACT to authorize Esther Finley, executrix of the last will and testament of the Reverend Robert Finley, deceased, to sell and convey real estate.

Preamble.

WHEREAS Robert Finley, late of the state of Georgia, deceased, in and by his last will, dated the twenty-second day of September, one thousand eight hundred and seventeen, after giving a pecuniary legacy to his wife Esther, directed that the rest and residue of his estate should be divided between his said wife and his eight children, in equal shares, and in his said will appointed the said Esther Finley executrix, and John R. Davison executor, which said Esther Finley hath since taken upon herself the execution of the same.—AND WHEREAS the real estate of which the said testator died seized in the state of New-Jersey is not in the said will specifically devised, nor is there a power of sale vested in the said executrix, although it was manifestly the intention of the testator that the same should be sold and converted into money, whereby, and by reason of the infancy of some of the children, no sale can be effected, and the will remains unexecuted.—AND WHEREAS

it is manifestly for the advantage of those interested that the said real estate should be sold, the same not being susceptible of a division—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 Esther Finley, executrix as aforesaid, be, and she is hereby authorized and empowered to make sale of all the real estate whereof the Reverend Robert Finley died seized, situate in the state of New-Jersey, and to make good and sufficient conveyance in the law to the purchaser or purchasers of the same, and to make distribution of the proceeds of said sales, in the manner and proportion designated in the said last will and testament: *Provided always,* that the said Esther Finley, executrix as aforesaid, shall be liable to account in the Orphans' Court of the county of Somerset for the proceeds of the sale of said real estate, in the same manner as if the said real estate had been directed to be sold by said last will and testament.

A. February 22, 1828.

#### AN ACT relative to the Truss-Bridge over Great Timber creek, in the county of Gloucester.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That from and after the passing of this act it shall not be lawful for any person or persons to drive any wagon, cart, sled, or sleigh, or any other kind of carriage or vehicle, or ride, lead, or drive any horse, horses, mule, or mules, or any description of cattle, over or upon the truss-bridge over Great Timber creek, in the county of Gloucester, at a faster gait than a walk; and every person so offending shall forfeit and pay five dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same in the name of the collector of said county, the one moiety to the prosecutor, and the other to the collector of said county, for the benefit of the same: *Provided always,* that this act shall not be construed so as to prevent any physician, midwife, or person or persons going for such physician or midwife, or returning from said errand, riding express by order of any public officer of this state or of the United States, or pursuing a fugitive from justice, runaway servant, or apprentice, from driving or riding over said bridge at a faster gait than

Not to pass the bridge at a faster gait than a walk, under certain penalty.

Proviso.

a walk: *Provided also*, that the board of chosen freeholders of said county shall cause to be fixed, and always kept up, at each end of said bridge, in some conspicuous place, in plain letters, "five dollars fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice the aforesaid fine shall not be incurred.

Penalty for  
injuring the  
bridge.

Sec. 2: *And be it enacted*, That if any person or persons shall wilfully deface such letters, or any of them, as aforesaid, he, she, or they so offending shall forfeit and pay to the collector of said county, for the use of the same, five dollars, to be recovered by action of debt, with costs of suit, by any person who will sue for the same in the name of the collector of said county.

C. February 26, 1828.

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### AN ACT to incorporate the Paterson Manufacturing Company.

Name and style  
of the incorpo-  
ration.

Powers and pri-  
vileges.

Sec. 1. *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, Jabez Colt, and William L. Clark, 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 Paterson Manufacturing Company," for the sole purpose of manufacturing wool, cotton, flax, hemp, and iron, in their several and various branches; 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, implead 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 what kind or quality soever, 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 business, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided at-*

Proviso.

ways, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed at any time 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 on the first Tuesday of July 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 nearest the place 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 superintendants, 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, officers, or superintendants, 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 the first directors shall be John Colt, Jabez Colt, William L. Clark, Elias E. Boudinot, and Joseph Smith, who shall hold their offices until the first Tuesday of July next, or until others are legally chosen.

Number of directors—to be chosen annually.

Meetings to be advertised.

Directors, their duty, &c.

Vacancies, how filled.

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

Amount of stock, and price of shares.

Installments to be paid on penalty of forfeiture, &c.

respectively, all such sums of money by them subscribed, at such times, and in such proportions, as they shall deem proper, under pain of forfeiting the shares of the said stockholders, and all previous payments thereon; if such payments shall not be made within sixty days after a notice 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, and also in one or more newspapers published in the city of New-York.

Stock deemed personal estate, and transferable

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 the 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.

On contingency, when election may be held.

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.

Board of directors; their powers, &c.

Sec. 6. *And be it enacted*, That a majority of 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 the United States or of this state.

Books of account to be kept always open for inspection, &c.

Sec. 7. *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 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.

What number of stockholders may dissolve the incorporation.

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 ipso facto 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. Trustees, &c.

Sec. 9. *And be it enacted*, That this act shall be, and continue in 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. Limitation of the company.

C. & A. February 25, 1828.

### AN ACT to incorporate the Gloucester 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 Samuel Archer, Joshua Haven, John M. Atwood, and John B. Swett, 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 Gloucester Manufacturing Company," for the sole purpose of manufacturing wool, cotton, flax, hemp, and other articles of a similar nature, and dying, 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, tenements, hereditaments, goods, wares and merchandise whatsoever, in any part of this state, necessary or useful for the said corporation to carry on the manufacturing operations above mentioned, and all other real estate which shall have been bona fide mortgaged to the said corporation by way of security, or conveyed to Name of the company, their powers and privileges.

Proviso.

them in satisfaction of debts previously contracted in the course of dealing, or purchased at sales upon judgments which shall have been obtained for such debts: *Provided always*, that the funds of said corporation, or any part thereof, shall not be applied, used, or employed, at any time, in banking operations.

Number of directors.

Time of election to be advertised in one or more papers.

Manner of voting, &c.

President to be elected.

Vacancies, how to be supplied.

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 one year from the first Monday of May in every year; and that the said directors shall be elected on the last Monday of April in every year, at such time and place as shall be directed by the by-laws of the said company; and public notice shall be given of the time and place of holding every such election, not less than ten days previous, in one or more newspapers printed nearest the place where such election shall be made, by such of the 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 the directors; and if it shall happen at 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 plurality of votes appear to be chosen as directors, then the said stockholders herein before authorized to vote at such elections shall proceed to ballot a second time, and, by 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 time, elect an acting manager of the said company, whose duty it shall be to superintend said factory, and have the immediate charge of their operations therein, and 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, such vacancy or vacancies shall be filled, for the remainder of the year in which they may happen, by such person or persons as the remainder of the directors for the time being, or the major part of them, shall appoint; and that the first directors shall be Samuel Archer, Joshua Haven, John M. Atwood, John B. Swett, Arthur G. Coffin, who shall hold their offices until the first Monday of May, one thousand eight hundred and twenty-nine.

Sec. 3. *And be it enacted*, That the capital stock of said

company shall not exceed five 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 so soon as a sufficient portion of the said capital stock shall have been subscribed for and paid; or satisfactorily secured to be paid, to erect the necessary buildings and machinery for putting in operation four thousand spindles, 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 stockholders, respectively, all such sums of money by them subscribed, at such times, and in such proportions, as they shall deem proper, under pain of forfeiting the shares of said stockholders, and all previous payments thereon, if such payments shall not be made within sixty days after a notice requiring such payment shall have been published for that time in one or more public newspapers published in the county where such payment shall be required to be made, and if no newspaper be published in said county, then in the newspaper published nearest the place where such payment shall be required to be made, and also in one or more of the public newspapers printed in the city of Philadelphia.

Amount of capital.

Subscribers to pay, &c. on pain of forfeiture of shares, &c.

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 corporation: *Provided*, that no dividends shall be made to and amongst the stockholders, except from and out of the profits of said corporation: *And provided further*, that, for all debts which in case of the dissolution of the said corporation shall then be due and owing by the said corporation, the stockholders for the time being shall be responsible, in their individual and private capacities, to the extent of their respective interests in the corporate property of said corporation, and no further, in any suit or action to be brought or prosecuted after such dissolution 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 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.

On contingency, when elections may be held.

Sec. 6. *And be it enacted*, That a majority of the directors

By-laws, &amp;c.

for the time being shall form a board for transacting the business of said corporation, and shall have power to make and prescribe such by-laws, rules, and regulations, not repugnant to the laws and 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', servants' salaries and allowances, as to them shall seem necessary, and may, at their discretion, remove or discharge from their employ any manager, secretary, clerk, or other person engaged in said factory, and supply their places by the appointment of others in their stead.

Books of account open to inspection.

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

Transfers, when valid.

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 the purpose.

Factory to be in operation, &amp;c.

Sec. 9. *And be it enacted*, That unless the said company shall locate the said factory or factories in the county of Gloucester, and put the same in operation within two years from the date of this act, the same shall be null and void.

Limitation.

Sec. 10. *And be it enacted*, That this act shall be, and continue in force for thirty years.

C. & A. February 27, 1828.

AN ACT to enable Cornelius S. Van Wagoner, Andrew P. Hopper, and their associates, or the survivor, his or their heirs or assigns, to erect a dam across the river Passaic.

Dam authorized &amp;c. across the Passaic.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for Cornelius S. Van Wagoner, Andrew P. Hopper, John R. Berdan, Rynear Berdan, Garret Van Wagoner, Berny Ryer, and Garret J. Garrison, or the survivor of them, his or their heirs or assigns, to erect a dam across the river Passaic, commencing at a certain point on the land of Andrew P. Hopper, about

one and a half miles from and above the bridge erected over the said river, in the line of the road leading from Paterson to Hackensack, and called and known by the appellation of "the New Bridge," for the purpose of turning so much of the water of the said Passaic river into a canal, (to be cut over their own lands) for the purpose of erecting a water-power for the benefit of such mill or mills or other water-works as shall be hereafter erected by the said Cornelius S. Van Wagoner, Andrew P. Hopper, John R. Berdan, Rynear Berdan, Garret Van Wagoner, Bereny Ryer, and Garret J. Garrison, or the survivor of them, his or their heirs or assigns, and for ever hereafter to use the same for the purposes aforesaid: *Provided always*, that they nor either of them shall enter upon the lands and tenements of any person or persons whatever, without leave in writing first had and obtained of the owner or owners thereof; nor shall any thing herein contained be construed as affecting or taking away the rights or privileges of any person or persons, body politic or corporate whatever, where any such rights or privileges now exist. Proviso.

Sec. 2. *And be it enacted*, That, for the purpose of improving the navigation of the Passaic river from the tide waters to Paterson, under any law now in force, or hereafter to be enacted, the legislature shall have power to authorize the construction of a lock or locks, in the said dam to be erected, at the proper charge and expense of the person or persons erecting or constructing the same, their heirs or assigns: *Provided always*, that in such case the said dam be raised and kept in repair by said person or persons, their heirs or assigns, so as not to lessen the supply of water intended to be secured by the first section of this act, or if the same shall be thereby diminished, that the person or persons so erecting the said lock or locks as aforesaid, their heirs or assigns, shall make full compensation in damages for the same to the said Cornelius S. Van Wagoner, Andrew P. Hopper, John R. Berdan, Rynear Berdan, Garret Van Wagoner, Bereny Ryer, and Garret J. Garrison or the survivor of them or his or their heirs or assigns. Locks may be constructed &c.

C. February 28, 1828.—

**AN ACT to divorce Charity O. Miller from her husband Caleb C. Miller.**

**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 Charity O. Miller and Caleb C. Miller 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, if any there be, shall not be deemed illegitimate in consequence of this act.

C. March 3, 1828.

**A SUPPLEMENT** to the act entitled, "An act more effectually to provide for the removal of all obstructions to the free course of the waters in the river Passaic and its branches, between Cook's bridge and the reef at the Little Falls, next below the turnpike bridge, commonly called Singack 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 managers mentioned in the act to which this is a supplement, or a majority of them, may, and they are hereby authorized to improve and straighten the channel of the Whippany river, between the Rockaway river and Troup's bridge, by making the present channel thereof, where the same may be deemed expedient, wider or deeper, or both wider and deeper, and by opening a new channel or channels for the waters thereof, not exceeding twenty feet in width, and three feet in depth, at such place or places within the limits aforesaid, as the said managers, or a majority of them, may see fit.

Certain improvements authorized.

**Sec. 2. And be it enacted**, That, for defraying the expenses that shall be incurred in making the improvements contemplated in the foregoing section, the said managers, or a majority of them, shall make a fair and reasonable assessment thereof on all those, whether owners or possessors, whose whose lands are subject to be overflowed by the waters of said Whippany river, and who will be benefited by the contemplated improvement, in proportion as well to the quantity of such land each person may own or possess, as to the bene-

Assessments to defray expenses, &c.

fit he may receive therefrom, notice of which assessment shall be given by the said managers, or one of them, forty days before payment shall be required.

Sec. 3. *And be it enacted*, That in all cases of a grievous assessment, or such as shall be so considered, and in the collection of all assessments to be made by virtue of this act, the same proceedings shall be had as directed in the act to which this is a supplement.

C. March 4, 1828.

AN ACT relative to the Fisheries in the waters of the Hudson river, within the limits and jurisdiction of the state of New-Jersey.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the citizens of this state to place and set fishing poles in any of the waters of the Hudson river between the northern boundary of this state and the mouth of Kill Van Kull, to the westward of the middle or midway of the said waters, at any time between the first day of March and the tenth day of June: *Provided*, that the said fishing poles shall not interrupt or interfere with the ferries across the waters of the said river, and shall not materially impede the navigation of the same.

Fishing, &c.  
regulated.

Sec. 2. *And be it enacted*, That it shall not be lawful for any person or persons to set or place any such fishing poles at an earlier period, or for any person or persons placing or setting such poles pursuant to the first section of this act, to permit the said poles to remain placed or set in the waters of the said river at a later period of the year than is for that purpose specified in this act; and every person or persons offending against the provisions hereof shall forfeit and pay, for every such offence, the sum of fifty dollars, to be recovered by action of debt, with costs of suit, by any person who will prosecute for the same: *And furthermore*, every person so offending shall be liable to indictment for a nuisance.

Penalty for violating this act.

C. & A. March 5, 1828.

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

Style of former incorporation altered, and new name established.

Powers, &c. of this incorporation.

Proviso.

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 corporate name and style of the company incorporated by an act entitled, "An act to incorporate the Salem Steam-Mill and Manufacturing Company, in the county of Salem," passed the thirtieth day of November, one thousand eight hundred and twenty-five, be, and the same hereby is altered and changed; and the said corporation shall hereafter be known by the name of "the Salem and Philadelphia Manufacturing Company," and by that name shall have the same succession, the right to make a common seal, and all the rights, privileges, and powers to which the said corporation is entitled under the name of "the Salem Steam-Mill and Manufacturing Company;" and that the directors of said corporation shall have power to employ their capital in any description of manufactures which may be deemed most conducive to the interests of said institution; and the directors of said corporation shall have power to increase their capital stock to a sum not exceeding two hundred thousand dollars: *Provided always*, that the said corporation shall in no wise be exonerated by this act from the performance of all contracts and legal liabilities entered into, or from the payment of its debts; and suits may be instituted by the said corporation against its debtors, and also against the said corporation, upon all contracts made and entered into before the passing of this act; and suits may be instituted, as before the passing of this act, against the corporation, and by the act to which this is a supplement, in the name of the Salem Steam-Mill and Manufacturing Company, upon any contracts or legal liabilities heretofore made and entered into.

C. February 26, 1828.

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AN ACT respecting the last Will and Testament of James Little, late of the county of Sussex, deceased.

Preamble.

WHEREAS the said James Little, in and by his last will and testament, bearing date on or about the twenty-seventh day of August, Anno Domini eighteen hundred and seven-



teen, did, among other things, order and direct his executors, therein named, and the survivors or survivor of them, to sell and dispose of his real and personal estate, and, after payment thereof of his debts and legacies, to lay out the residue of the moneys arising therefrom in the purchase of land in the western or southwestern parts of the United States, where lands are cheap, in trust for the persons to whom, in and by his said will, he gave and devised the same.—AND WHEREAS the said testator did therein afterwards direct the manner and proportion in which the lands so to be purchased should be divided among his grandchildren, in his said will named, to whom he devised the same.—AND WHEREAS the said testator did, in and by his said last will, nominate and appoint his wife Hannah Little executrix, and James Anderson and Daniel Stuart executors, of his said last will—AND WHEREAS the said Hannah Little and Daniel Stuart have both departed this life, leaving the said James Anderson the surviving executor of the said James Little, deceased—AND WHEREAS a suit is now pending in the Court of Chancery of this state, on a bill filed by some of the devisees of the said James Little, against the said James Anderson and others, for a settlement of the estate of the said testator, and for a sale of his real estate.—AND WHEREAS most of the devisees under the said will are now of full age, and all of them would prefer having their respective shares of the said estate in money, than to have the same laid out in lands in the western or southwestern part of the United States—AND WHEREAS doubts are entertained whether the chancellor has power to change or alter the mode of disposing of the funds that may arise on settlement and sale of the said estate—Therefore,

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State; and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the chancellor of this state, in case of a sale of the real estate of the said testator James Little, or of any part thereof, under an order or decree of said Court of Chancery, or otherwise, in pursuance of said will, to order and direct the moneys that may arise therefrom, and all other moneys which, upon a settlement of the accounts of the said estate shall constitute a part of the residue thereof, to be paid into the said Court of Chancery, to abide such order or decree of the said court as may hereafter be made touching the same, in pursuance of this act; and thereupon the said James Anderson, the surviving executor of the said James Little, shall be held discharged from the trust or duty of laying out such moneys in the purchase of lands, as in and by the said will is directed.

Moneys arising on sales, &c. to be paid into the Court of Chancery, and executor discharged from his trust.

Sec. 2. *And be it enacted;* That it shall and may be law-

The chancellor  
authorized to  
distribute the  
moneys, &c. to  
the devisees.

ful for the chancellor of this state, by any order or decree that he may think proper to make in the cause mentioned in the preamble to this act, or upon any petition or petitions that may be exhibited or filed in the said court by the devisees of the said James Little, deceased, or other person or persons who, under the provision of the said will, are or may be entitled to any part of the said money, or of such lands, if the money had been laid out in the purchase of lands, as directed by the said testator, to order and direct a portion or share of the said moneys to be paid to such devisee or devisees, or person or persons, entitled thereto, equal to the share or portion of the lands he, she, or they would have been entitled to under and by virtue of the will of the said testator, if the terms and directions thereof in this behalf had been strictly complied with: *And provided always*, that if any of the said devisees or persons entitled as aforesaid shall be under the age of twenty-one years, or of non-sane memory, then it shall and may be lawful for the chancellor to order and direct the share or part of the said moneys that belongs to such infant or person of non-sane memory to be put out at interest for their use, or paid over to any lawful guardian of such person, or to be otherwise appropriated for his or her benefit, as to the chancellor may seem proper.

Proviso.

C. February 26, 1823.

### AN ACT concerning Escheats.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever the attorney general shall be informed, or shall have reason to suppose that any person hath died seized of any real estate within this state, without making any devise thereof, and leaving no heirs capable of inheriting the same, he shall cause a writ to be issued out of the Court of Chancery, and directed to the sheriff of any county in this state, in the form following:—"The State of New-Jersey to the sheriff of the county of        greeting: Because we are informed that        died seized of divers lands, tenements, and hereditaments in our county of        without making any devise thereof, and leaving no heir capable of inheriting the same, we command you, that, by the oath of twelve good and lawful men in your county, you diligently inquire, what lands, tenements, and hereditaments the said        was seized of at the time of his death, if any, and what estate of inheritance, and when he died, and whether

The attorney  
general to cause  
a writ to issue,  
&c.

Inquisition to be  
made, &c.

he made any, and what, devise thereof, and whether he left any heir; and, if he did, who is his heir, and what is the clear yearly value of such lands, tenements, and hereditaments; and the inquisition which you shall take thereof do you send, under your seal and the seals of those by whose oaths you take the same inquisition, before us, in our Court of Chancery, without delay, together with this writ."

Sec. 2. *And be it enacted*, That it shall be the duty of the attorney general, in every case where an inquisition shall be taken pursuant to this act, to cause notice to be given thereof in one of the newspapers printed at Trenton, in this state, in one of the newspapers printed at the city of Washington, and in one of the newspapers printed in the city of New-York, for the space of six months successively, requiring the persons claiming any interest in the lands described in such inquisition to appear and traverse the said inquisition within twenty days after the expiration of the time limited in the said notice: *And further*, that no judgment shall be given upon the said inquisition until after the expiration of the said twenty days.

To cause the result to be advertised, &c.

Sec. 3. *And be it enacted*, That in all cases in which any such inquisition shall be taken, if the real estate to be affected thereby shall be possessed by any person residing on, or improving the same, it shall be the duty of the attorney general to cause notice of such inquisition to be served on each of the tenants occupying such real estate, at least forty days before any judgment shall be entered on such inquisition, which notice shall set forth the taking of such inquisition, and that judgment will be rendered thereon at the time limited in such notice, unless such tenants shall appear and traverse the same; and if any of the occupants above mentioned, or any other person aggrieved thereby, shall traverse the inquisition taken on the writ by this act directed to be issued, and if any issue shall be joined thereupon, the record thereof shall be sent into the Supreme Court, who shall direct the same to be tried at the next or any subsequent Circuit Court to be held in and for the county in which the lands affected thereby are situate; and on such trial it shall be incumbent on the prosecution in behalf of this state to prove all such matters as are requisite in judgment of law to establish any such escheat, without prejudice to the defendant from the finding of the inquest in any such case; and if the judgment shall be given thereupon for this state, then a writ shall be issued out of the same Supreme Court to the sheriff of the same county, commanding him to seize and take the lands, tenements, and hereditaments whereof the person named in such inquisition shall be found to have died seized, as aforesaid, into his hands, but if no such traverse shall be taken to such inquisition before the end of the

Further proceedings to be had in the premises.

Writ to issue, &c.

Record and proceedings to be exemplified, and filed in the office of the secretary of state.

Treasurer authorized and directed to advertise and make sale of certain lands.

Attorney general to make conveyances.

Compensation to be made by the state for certain services.

Injunction to restrain waste, &c.

term next after the time limited in the second section of this act, then such writ shall immediately thereafter be issued out of the Court of Chancery, commanding the sheriff to seize and take the same lands, tenements, and hereditaments; and upon the return of such writ of seizure, the attorney general shall cause the record and proceedings to be exemplified under the seal of the court out of which the same writs of seizure issued, and deposit such exemplification in the office of the secretary of this state; and the treasurer of this state shall thereupon cause the said lands, tenements, and hereditaments to be sold at public vendue; and he shall give at least six weeks' previous notice of the time and place of such sale, by publishing the same in one of the newspapers printed at Trenton, in this state, and also in three of the most public places of the county where the said lands, tenements, and hereditaments shall lie, for the term of four weeks next preceding the time of such sale, which sale, however, shall be subject to adjournment by the treasurer for any time, in the whole, not exceeding two months; and the treasurer shall, upon such sale, give the purchaser a certificate containing the name of the purchaser, and a description of the bounds of the lands, tenements, and hereditaments purchased, and the price to be paid for the same; and the purchaser shall thereupon, and within thirty days thereafter, pay to the treasurer of this state the sum mentioned in such certificate; and the treasurer shall thereupon endorse a receipt for the same upon such certificate, and, upon producing the same certificate and receipt to the attorney general, he shall make, execute, and deliver, in the name of this state, a deed to such purchaser for the lands, tenements, and hereditaments in the same certificate mentioned, granting and conveying an estate of inheritance in the said lands, tenements, and hereditaments to such purchaser, and to his heirs and assigns for ever; and, upon the production of such deed to the sheriff, he shall deliver the possession of the said lands, tenements, and hereditaments to the purchaser thereof.

Sec. 4. *And be it enacted*, That jurors and witnesses in every case of escheat shall be entitled to the like compensation as is authorized by law for attending in causes commenced in the Supreme Court; and that the expenses of conducting the said proceedings shall be made out by the treasurer, and, when approved of by the legislature, shall be paid by him.

Sec. 5. *And be it enacted*, That it shall be the duty of the attorney general, in case of any waste done or committed on any lands, tenements, and hereditaments which have escheated or may escheat to this state, to apply to the Court of Chancery for an injunction to restrain all such waste; *And further*, that the person or persons committing any such

waste or other trespass upon such property, shall be liable in damages for the same, to be sued for and recovered, in the name of the state, by action of trespass, in any court having cognizance thereof.

C. & A. February 27, 1828.

**AN ACT** to regulate the travelling on the Bridge over the North river, 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 from and after the passing of this act, it shall not be lawful for any person or persons to drive any wagon, cart, or any other kind of carriage or vehicle, except sleighs or sleds, or ride, lead, or drive any horse or horses, mule or mules, or any description of cattle, over or upon the great bridge over the North river at Oystershell Point, in the townships of Shrewsbury and Middletown, in the county of Monmouth, at a faster gait than a walk; and every person so offending shall forfeit and pay three dollars, to be recovered by action of debt, with costs of suit, in any court of competent jurisdiction, by any person who shall sue for the same in the name of the collector of said county, the one moiety to the prosecutor, and the other to the collector of said county, for the benefit of the same: *Provided always,* that this act shall not be construed so as to prevent any physician, midwife, or person, or persons going for such physician or midwife, or returning from said errand, riding express by order of any public officer of this state or of the United States, or pursuing any fugitive from justice, runaway servant, or apprentice, from driving or riding over said bridge at a faster gait than a walk: *Provided also,* that the board of chosen freeholders of said county shall cause to be fixed, and always kept up at each end of said bridge, in some conspicuous place, in plain letters, "three dollars fine for travelling over this bridge at a faster gait than a walk;" and on neglect of such notice, the aforesaid fine shall not be incurred.

Not to drive over the bridge at a faster gait than a walk.

Provide:

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

Penalty for violating the preceding section.

Sec. 3. *And be it enacted,* That it shall not be lawful for any person or persons to make fast to said bridge any vessel,

Certain vessels, &c. prohibited from making fast to bridge.

X

scow, or boat over three tons burden, and any person or persons so offending shall forfeit and pay one dollar for each day the said vessel, scow, or boat shall remain affixed to said bridge, to be recovered in manner, and for the use as aforesaid.

C. February 29, 1828.

**AN ACT** authorizing the enclosure of a certain tract of Woodland situate in the township of Saddle river, in the county of Bergen.

Boundaries of the lands to be enclosed by the owners and possessors.

**Sec. 1.** *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall and may be lawful for the owners and possessors of all that tract of land situate, lying, and being in the township of Saddle river, in the county of Bergen, which said lands are included in the following boundaries, to wit:—beginning on the south side of the public road leading along the small lots and northwest corner of lands of John Berdan, junior, and from thence, running along said road, south, seventy-four degrees and thirty minutes west, twenty chains and thirty-two links, to cleared land of Henry P. Hopper; thence south, fifteen degrees and thirty minutes east, fourteen chains and sixty-eight links; thence south, eighty-two degrees west, five chains and ninety-two links; thence south, four degrees east, four chains and five links; thence north, seventy-four degrees and thirty minutes east, three chains and twenty links; thence south, sixty-three degrees east, seven chains and forty-four links; thence north, eighty-one degrees east, four chains and thirty-three links; thence south, ten degrees and thirty minutes east, three chains and sixty-four links; thence south, seventy-four degrees and thirty minutes west, sixteen chains and twenty-seven links; thence south, twelve degrees and thirty minutes east, nine chains and eight links; thence south, seventy-three degrees and forty-five minutes west, six chains and fifty-seven links; thence south, two degrees and thirty minutes east, six chains and ninety-one links; thence south, seventy-four degrees and thirty minutes west, twenty-two chains and forty links; thence south, fourteen degrees and forty-five minutes east, nine chains and seventy-seven links; thence north, seventy-four degrees and thirty minutes east, nine chains and eighteen links; thence south, eight degrees and thirty minutes east, nine chains and forty-two links; thence north, seventy-

four degrees and thirty minutes east, two chains and seventy-five links; thence south, thirty-seven degrees and thirty minutes east, ten chains and forty-four links; thence north, seventy-four degrees and thirty minutes east, forty-four chains and eighty-four links; thence north, nine degrees west, nine chains and fifty links; thence south, seventy-four degrees and thirty minutes west, twenty-one chains and fifty-seven links; thence north, seventeen degrees and fifteen minutes west, eighteen chains and seventy-five links; thence north, seventy-four degrees and thirty minutes east, ten chains and fifty-five links; thence north, eight degrees east, seven chains and eighty-two links; thence north, seventy-four degrees and thirty minutes east, twenty-eight chains and five links, to the public road leading from Ramapo to Hackensack; thence north, six degrees west, nine chains and five links; thence south, seventy-four degrees and thirty minutes west, eighteen chains and seventy-five links; thence north, five degrees west, seventeen chains and sixty-four links; thence south, seventy-four degrees and thirty minutes west, two chains and thirteen links; thence north, fifteen degrees and thirty minutes west, ten chains, to the place of beginning; to erect such fences and swing-gates, as by the managers herein after named to make the assessment from time to time, as may be deemed proper to enclose the same; and to make the one half of the fences in the line of partition between the other part of the said tract and the land adjoining the same; and that from and after enclosing the same, as aforesaid, no person or persons whatsoever shall be at liberty to drive or let in any horses, cattle, sheep, or hogs, with an intent to run at large on said tract: *Provided*, that nothing in this act contained shall be construed to prevent any person or persons from permitting his, her, or their own, or the cattle, horses, sheep, or hogs of any other person, to run on any part of the said tract already enclosed by him, her, or them, or which may hereafter be enclosed, so long as the same shall be enclosed by him or them by a lawful fence.

Owners, &c. to erect fences &c.

Proviso.

Sec. 2: *And be it enacted*, That if any person or persons, whatsoever, shall drive or let in any horses, cattle, sheep, or hogs within the said tract, after it shall have been enclosed as aforesaid, except as specified in the proviso of the first section, with an intention to run at large, such person or persons shall forfeit and pay the sum of ten dollars; or if they should pull down any fence designedly, or leave open any swing-gate or bars, longer than to pass through, and not immediately put up said fence or bars, and shut up said swing-gate, shall forfeit and pay the sum of five dollars for each offence, to be recovered in an action of debt, with costs of suit, by any person prosecuting for the same.

Certain regulations to be attended to, under penalty, &c.

Managers, their  
duty, &c.

Sec. 3. *And be it enacted*, That Andrew P. Hopper, Cornelius S. Van Wagoner, and Garret J. Garrison be managers, and to continue in office until the first annual meeting, whose duty it shall be to erect fences and swing-gates, or cause them to be made, as shall be lawful and most convenient to the said company to enclose the same; and they and their successors in office shall, from time to time, make such assessments, and make and repair the fences and swing-gates, as shall be necessary to keep the said tract enclosed in good and lawful fence, and superintend the expending of all the money to be received and paid for the purposes aforesaid.

Time of annual  
meeting to  
choose managers  
specified.

Sec. 4. *And be it enacted*, That the first annual meeting of owners and possessors of said tract shall be on the fourth Saturday in March, one thousand eight hundred and twenty-nine, at the house at present occupied by Albert P. Alyea, at Slatterdam, when an election will be held for the choice of three managers, who shall be owners or possessors in said tract, between the hours of twelve and three o'clock in the afternoon; and an election for that purpose shall be held on the fourth Saturday of March, in each year afterwards, at such place as shall be agreed upon by a majority of the said owners assembled at a previous annual meeting between the hours aforesaid; and each owner and possessor shall be entitled to one vote, and no more; and there shall be elected at the same time, three persons, owners in said tract, who shall be a committee to settle with the managers, annually, all their accounts, and report the same to the company at their annual meeting.

Committee to  
be chosen, &c.

Cattle, &c. to  
be impounded.

Sec. 5. *And be it enacted*, That if any horses, cattle, sheep, or hogs shall be found running at large on any part of the tract aforesaid, except as specified in the first section of this act, it shall and may be lawful for any owner or possessor of any part of the said tract to take and drive the same to any public pound in the township of Saddle river; and shall, as soon as may be, make affidavit, stating the same were taken running at large in the said tract; and, in such affidavit, shall state a description of the horses, cattle, sheep, or hogs so taken; which affidavit shall be delivered to the pound-keeper where the horses, cattle, sheep, or hogs are impounded; and the person impounding the said horses, cattle, sheep, or hogs shall be entitled to receive, for every head of horses, cattle, and hogs so taken and impounded, if not exceeding four, the sum of thirty cents, if more than four, the sum of twenty-five cents; and for every head of sheep, the sum of ten cents; and for driving the same to the pound, the sum of twenty-five cents for each head of cattle and for every horse, and ten cents for each head of sheep; to be collected by the pound-keeper of the owner, or from the sale of the said cattle, horses, or sheep; which said sums shall

Pound-keeper,  
his duty.



be the measure of damages to be paid on such occasions; and the pound-keeper is directed to receive such beasts, and to proceed in the same manner after the receipt of the same, as is directed in the case of distress for damages feasant, by the twelfth section of the act entitled, "An act regulating fences," passed the twenty-third day of January, seventeen hundred and ninety-nine; and he shall be entitled to the same fees, and subject to the same penalties for the neglect of duty, as are allowed and imposed in and by the said acts.

Sec. 6. *And be it enacted*, That all damages recovered by virtue of this act shall be appropriated and applied, from time to time, towards making and repairing the fences deemed necessary to enclose the aforesaid tract.

Damages, how appropriated.

Sec. 7. *And be it enacted*, That the managers elected as aforesaid shall, by virtue of this act, be authorized to make an estimate of the part or tract benefited by the said enclosure, to ascertain the number of acres, as accurately as they can, which each individual owns or possesses therein; which shall, by the managers aforesaid, be entered in a book to be kept for that purpose; in which book shall be entered, from time to time, the names of the persons elected to superintend the expenditures of the money assessed for making and repairing fences and swing-gates as aforesaid, and all other proceedings relative to enclosing of the said tract; which book shall be kept by the person elected as aforesaid; and all assessments shall be made according to the first estimate, until the same is altered by a majority of the votes of the owners and possessors of the said tract.

Managers to make an estimate of each owner's property, and enter the same in a book.

Assessments, how appropriated.

Sec. 8. *And be it enacted*, That as soon as any assessment is made, and the sum which each individual is to pay is ascertained, it shall be the duty of the persons in office to demand from each individual his, her, or their proportions, either personally, or by leaving a statement of the sum he, she, or they are to pay with some white person of the family above the age of fourteen years, at their dwelling house; and on failure of payment thereof for thirty days after such demand, which shall and may be proved by the oath of the person making it, unless otherwise interested, it shall be lawful for the managers now appointed, and their successors in office, to sue for and recover the same, in their own names, from each individual so assessed and notified as aforesaid, together with cost of prosecuting for the same, in any court having cognizance of the same.

Amount of assessments to be paid, under certain penalties.

Sec. 9. *And be it enacted*, That the managers shall annually account to the owners for all the moneys which may come into their hands as aforesaid, and pay over all balances remaining in their hands, if any, to their successors, and deliver over the book directed to be kept within ten days after their going out of office, under the penalty of one

Managers to account annually to the owners, and deliver their book, &c. to their successors.

hundred dollars on the defaulter, to be sued for and recovered by their successors, with costs of suit, and to be applied by them, when recovered, to the purpose of making and mending the fences on said tract.

C. February 25, 1828.

## AN ACT to incorporate the Somerville Mining Company.

Preamble.

WHEREAS Peter I. Stryker, by his petition, hath set forth, that he is proprietor, by lease and in fee, of certain tracts of land in the counties of Somerset and Warren, and state of New-Jersey, containing metallic ores and other valuable minerals of various descriptions, and has requested the legislature to pass an act incorporating the said petitioner and his associates, the better to enable them to prosecute the process of mining in general to effect—Therefore,

Name of the company, their powers and privileges.

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That Peter I. Stryker, and such other persons as may be hereafter 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 Somerville 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, hereditaments, goods, and chattels, wares and merchandise, whatsoever, necessary to the object of the incorporation.

Number of directors—to be elected annually.

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 (after the first organization of the said company) be annually elected, on the first Monday of June, at such time and place in the county of Somerset, and 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 at least one of the newspapers printed in the county of Somerset; 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; all elections shall be by ballot, and 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 elect one of their number to be their president; and if any vacancy or vacancies shall at any time happen among the directors, by death, removal, resignation, or otherwise, such vacancy or vacancies shall be filled, for the remaining part of the year in which it may happen, by the president, under the seal of the corporation.

Manner of voting.

Vacancies, how to be supplied.

Sec. 3. *And be it enacted*, That in case an election of directors should not be made on the first Monday of June, as before directed, 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.

On contingency, when election may be held.

Sec. 4. *And be it enacted*, That the capital stock of the said corporation shall not exceed the sum of one 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, or may still be due on the stock they hold, at such time and in such proportion as they shall deem expedient, 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 one of the newspapers printed in the county of Somerset.

Amount of capital.

Instalments to be paid on penalty of forfeiture, &c.

Sec. 5. *And be it enacted*, That a majority of the directors for the time being 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 necessary and proper, touching the management and disposition of all such matters and things as pertain to the concerns of the said corporation.

Quorum.

By-laws, &c.

Sec. 6. *And be it enacted*, That the said corporation shall not use its funds for any other purposes than are herein before expressed.

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 said company; and for all debts which shall be due

Stock deemed personal estate, and transferable

from, or owing by the company, the persons then composing such company shall be responsible, individually, to the extent of their stock, and no further; but this shall not exempt the said corporation; or any estate, real or personal, which they may hold as a body corporate, from being liable.

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

When to be organized, &c. Sec. 9. *And be it enacted*, That whenever fifty thousand dollars are subscribed, it shall and may be lawful for the subscribers to proceed to organize the said company, by the election of officers, in the manner prescribed in the second section of this act.

Contracts binding, &c. Sec. 10. *And be it enacted*, That the contracts entered into by the said Peter I. Stryker for leases for mining purposes, 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.

C. March 3, 1828.

AN ACT TO INCORPORATE THE FRANKLIN MANUFACTURING COMPANY, IN THE COUNTY OF SUSSEX.

# AN ACT to incorporate the Franklin Manufacturing Company, in the county of Sussex.

Name and style of the incorporation. Powers and privileges. Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That Samuel Fowler, and such others as now are, or hereafter may be associated with him, be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Franklin Manufacturing Company, in the county of Sussex," for the sole purpose of manufacturing iron, hollow ware, zinc, cotton, and wool, and other articles, in Franklin, in the 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 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, for the use of the said corporation: *Provided* that the said real estate to be purchased and hold- Proviso. en, shall be such only as is now owned by the said Samuel Fowler, in the county aforesaid, or as may be necessary for the purposes for which this corporation is established.

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 fifty thousand dollars of the said capital stock shall 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. Amount of capital.

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 shall be citizens of the United States; and the said directors shall hereafter be elected on the first Monday in May, 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 a newspaper printed in the county, if there be any one printed therein, or in one or more newspapers printed in the state, nearest the aforesaid works, 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. Number of directors—to be elected annually.

Sec. 4. *And be it enacted*, That Samuel Fowler, David Ford, and Daniel Haines shall be commissioners, whose duty it shall be, at some suitable place in the county of Sussex, 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 Commissioners to open books, &c.

and place of the opening of such book, and also the amount of the first instalment to be then paid, in one 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.

President to be chosen.

Vacancies, how to be supplied.

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 thereafter; and in case of the death, resignation, or inability to serve of the president, or any directors 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.

On contingency, when election may be held.

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, in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

Stock deemed personal estate, and transferable

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 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, 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 have become due, then such stock of any such 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.

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 the 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 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 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, 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 and laws of this state nor of the United States.

Majority of the directors requisite to form a board—their powers, &c.

Proviso.

Sec. 9. *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 transactions of said corporation, which books shall be subject, at all times, to the inspection of the stockholders of the company.

Books of account to be kept always open for inspection.

Sec. 10. *And be it enacted*, That this act shall continue in force for the term of fifty years, and no longer.

Limitation.

A. March 4, 1828.

AN ACT to augment the Fund for the support of Free Schools.

Certain taxes transferred to school fund.

Sec. 1. 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 taxes which may hereafter be received into the treasury from any of the banking, insurance, or other incorporated companies in this state, the capital stock of which now is, or hereafter may be liable by law to be taxed, shall be, and the same are hereby transferred to the fund for the support of free schools.

Sec. 2. *And be it enacted,* That the act entitled, "An act for the augmentation of the fund for the support of free schools," passed the twenty-eighth day of December, one thousand eight hundred and twenty-four, be, and the same is hereby repealed.

C. & A. March 5, 1828.

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A FURTHER SUPPLEMENT to the act entitled, "An act to incorporate the Orange and Sussex Canal Company," passed the tenth day of December, eighteen hundred and twenty-three.

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 Cooper, Elias L'Homedieu, and Michael McMahan be, and they are hereby appointed commissioners to do and perform, with the other commissioners, the several duties and acts prescribed in the first section of the act to which this is a supplement; and that the time for opening the books of subscription for the capital stock of the company intended to be created by the act to which this is a supplement, be, and the same is hereby enlarged and extended unto the first day of June, eighteen hundred and thirty, within thirty days whereafter the said books shall be finally closed; and it shall be lawful for the commissioners of said canal, after continuing the said books open for the space of two days, either finally to close the same or to adjourn and postpone all subscriptions in the said books for such length of time, within the time above limited, as they in their discretion shall think expedient.

A. March 5, 1828.



AN ACT to raise the sum of thirty thousand dollars, for the year of our Lord one thousand eight 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 there shall be assessed, levied, and collected, on the inhabitants of this state, their goods and chattels, and on the lands and tenements within the same, the sum of thirty thousand dollars, money of the United States; which sum shall be paid into the treasury of this state on or before the twentieth day of January, one thousand eight hundred and twenty-nine.

Amount of tax  
to be raised for  
the present  
year.

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

Ratio to be paid  
by the several  
counties.

The county of Bergen shall pay the sum of one thousand nine hundred and forty-nine dollars and eighty cents.

The county of Essex shall pay the sum of two thousand eight hundred and sixty-seven dollars and eleven cents.

The county of Middlesex shall pay the sum of two thousand four hundred and thirty-nine dollars and forty-four cents.

The county of Monmouth shall pay the sum of two thousand seven hundred and ninety-two dollars and seventy-eight cents.

The county of Somerset shall pay the sum of one thousand nine hundred and eighty-two dollars and fifteen cents.

The county of Burlington shall pay the sum of three thousand two hundred and thirty-four dollars and thirty-one cents.

The county of Gloucester shall pay the sum of two thousand five hundred and thirty-four dollars and forty cents.

The county of Cumberland shall pay the sum of one thousand one hundred and eighty-nine dollars and sixty-five cents.

The county of Salem shall pay the sum of one thousand six hundred and seventeen dollars and forty-seven cents.

The county of Cape-May shall pay the sum of four hundred and eighty-four dollars and forty-seven cents.

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

The county of Morris shall pay the sum of two thousand three hundred and fifty-two dollars and five cents.

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

The county of Warren shall pay the sum of one thousand six hundred and thirty-nine dollars and thirteen cents.

Sec. 3. *And be it enacted,* That the assessors of the seve-

Assessments,  
how to be made.

ral townships of this state, to raise the sum of thirty thousand dollars, shall assess and rate the several articles and things hereafter enumerated at the following specific sums:—

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

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

Assessments to  
be made with  
discretion.

Sec. 4. *And be it enacted*, That, in assessing the aforesaid sum of thirty thousand dollars, the following persons, articles, and things shall be valued and rated at the discretion of the assessor, to wit:—all tracts of land any sum not exceeding one hundred dollars by the hundred acres: *Provided always*, that houses and lots of ten acres and under shall not be included in the above valuation, but shall be valued by the respective assessors, at their discretion, having regard to the yearly rent and value thereof, proportioning the same, as nearly as may be, to the valuation of the land aforesaid.

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

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

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

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

All cotton manufactories, any sum not exceeding thirty dollars.

All carding machines propelled by water, any sum not exceeding three dollars.

All furnaces, any sum not exceeding ten dollars.

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

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

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

All papermills, any sum not exceeding eight dollars.

All snuffmills, any sum not exceeding nine dollars.

All powdermills, any sum not exceeding fifteen dollars.

All oilmills, any sum not exceeding nine dollars.

All plastermills, any sum not exceeding six dollars.

All fullingmills, any sum not exceeding four dollars.

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

All tanyards, where leather is tanned for sale or hire, for 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 every single man possessed of a real estate, the tax whereof amounts to the sum above directed\*to be rated, shall be assessed for that estate only: *And provided also*, that any one taxed as a single man, shall not be taxed as a householder.

Every male slave, under the age of sixty years, any sum not exceeding one dollar: *Provided*, no slave shall be taxed who is unable to labor.

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

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

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

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

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

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

Every covered wagon, with a framed or fixed top, any sum not exceeding one dollar.

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

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

Every printing, bleaching, and dying company, any sum not exceeding five dollars.

Every glass factory, where glass is manufactured for sale, any sum not exceeding five dollars.

Sec. 5. *And be it enacted*, That it shall be the duty of every assessor to make and carry out in his tax book, and the duplicate thereof, a fair valuation of all the real estate made liable by law, having regard to the yearly rent and value thereof; and that the amount of the tax assessed in each township, above what is raised from the certainties, shall be levied by a percentage on such valuation.

Assessor, his duty.

Sec. 6. *And be it enacted*, That the said sum of thirty thousand dollars, shall be assessed, levied, and collected in the manner prescribed in the act entitled, "An act concerning taxes," passed the tenth day of June, Anno Domini, one thousand seven hundred and ninety-nine, and the several supplements thereto; and the several officers therein mentioned are hereby required to perform the several duties on

The manner prescribed to be followed, under certain penalties.

them enjoined thereby, under the pains and penalties for neglect of duty imposed by said acts; and the assessors, collectors, and other officers concerned in the assessment and collection of said tax, shall be entitled to the fees and compensation allowed by the before recited acts.

C. & A. March 5, 1822.

**AN ACT** for the relief of the Mechanics Insurance Company, in the county of Essex, and of the New-Brunswick Insurance Company, in the counties of Somerset and 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 twentieth section of the act entitled, "An act to incorporate the Mechanics Insurance Company, in the county of Essex," passed December the twentieth, in the year of our Lord one thousand eight hundred and twenty-four, and the eighteenth section of the act entitled, "An act to incorporate the New-Brunswick Insurance Company, in the counties of Middlesex and Somerset," passed the twenty-seventh of December, one thousand eight hundred and twenty-six, be, and the same are hereby repealed: *Provided always,* that the legislature may hereafter, at their pleasure, re-enact the same.

C. February 16, 1828.

**AN ACT** supplementary to an act entitled, "An act to incorporate a company to extend the Paterson and Ham-burgh Turnpike to the Hudson river," passed February sixteenth, one thousand eight hundred and sixteen.

**SEC. 1.** *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 road mentioned and described in the act to which this act is a supplement, that is to say:—"a road from the east end of Aquacknack bridge, in Bergen county, to the Hackensack and Hoboken turnpike road, in the county of

Alterations to  
be made in the  
road, &c.

Bergen, near the Three Pigeons," may terminate at the margin of the meadow at the foot of Bergen upland, where the said road, described in the said act to which this act is a supplement, intersects the road, lately opened, leading from the said intersection into the Bergen and Hackensack road, to the Five Corners; and that, from the said termination or point of intersection, the aforesaid road, described in the said act to which this is a supplement, may be discontinued; and it shall not be requisite or necessary for the New Barbadoes Toll Bridge Company, incorporated by the said act to which this is a supplement, to keep open, to work, or maintain the said road mentioned and described in the act to which this act is a supplement, furthermore to the termination or intersection aforesaid; but the said company shall be bound to maintain the residue of the said road; and in all other respects the said act to which this act is a supplement, shall be taken and construed as if the said road therein described was limited by the termination or intersection aforesaid, and had been so described in the said act.

Sec. 3. *And be it enacted*, That the time for completing the road and bridges of the said company shall be, and the same is hereby extended to the eighteenth day of February, in the year of our Lord one thousand eight hundred and thirty-five.

Time for completing the road, &c. extended.

A. March 1, 1828.

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## AN ACT to regulate and widen the draws in the bridges over the Hackensack river.

WHEREAS the river Hackensack, in the county of Bergen, might be navigated with advantage by vessels of two hundred tons burthen, but by reason of the bridges over said river, and the narrowness of the draws in said bridges, being but about twenty-four feet wide, the persons interested in the navigation of said river are restricted in the size of their vessels, and subject to many accidents in passing said bridges with the vessels now in use—AND WHEREAS the sides of the draws in said bridges are fastened by iron bolts, by means whereof the vessels passing are much injured—AND FURTHER, that the draws in some of the said bridges are injudiciously placed, and very inconvenient for the passing of vessels; and believing that the navigation of the said river ought to be interrupted no more than absolutely necessary; and that companies who have

Preamble.

erected bridges over said river ought to afford every facility to those persons who navigate the same; and that vessels of much greater burthen would navigate the said river, if not prevented by the narrowness of the draws in said bridges; and that large vessels would be built at Hackensack and elsewhere on said river, provided the same could be passed through said bridges; and also believing that the interests of the companies who have erected said bridges should yield to public convenience—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 companies, and all others erecting bridges over the Hackensack river below tide water, be, and they are hereby enjoined and compelled to place their draws in the most convenient places for the navigation of said river, and to make their draws not less than twenty-eight feet wide, and to fasten the sides of said draws with iron bolts, sunk in the wood, so as to render the said bridges as little injurious to the navigation of the said river as possible; and if the said company or proprietors of the said bridges shall refuse or neglect, for the space of six months, after due notice so to do, from any person or persons aggrieved, such companies or proprietors shall be subject to an action of damage, in any court having cognizance thereof.

New regulations relative to the draws in the bridges over Hackensack river.

Sec. 2. *And be it enacted,* That so much of the acts heretofore passed, defining and determining the width of said draws in said bridges over said Hackensack river, and all other parts of the said acts as come within the purview of this act, be, and the same are hereby repealed.

Part of former acts repealed.

C. March 3, 1828.

## AN ACT for the relief of the Stockholders of the late Delaware and Raritan Canal Company.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That the treasurer of this state be, and he is hereby authorized and required to pay to the managers of the late Delaware and Raritan Canal Company, acting as trustees for the stockholders, or their lawfully authorized agent or agents, the sum of ten thousand dollars, being the residue of the bonus of one hundred thousand dollars heretofore paid by said company to him, together with the interest, if any, that may have accrued thereon.

Treasurer to refund certain moneys, with interest.

Sec. 2. *And be it enacted*, That, upon the payment of the said ten thousand dollars, and the interest, if any, the said managers shall execute a good and sufficient acquittance and discharge of all claims and demands, whatsoever, that the said managers, acting as trustees, as aforesaid, for the stockholders of the said Delaware and Raritan Canal Company, now have, or hereafter may have against the state of New-Jersey, either by reason of the said bonus, or the interest thereon, or damages for the detention thereof, or any other matter, cause, or thing whatsoever.

Managers to execute acquittance, &c.

C. March 3, 1828.

### AN ACT to encourage the raising of money for the purposes of Education.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That from and after the passing of this act, it shall be, and it is hereby made the duty of the presiding officer, at every annual town-meeting which shall be held in the respective townships of this state, to publicly read, or cause to be publicly read, to the town-meeting over which he shall preside, this act, and also the ninth section of the act entitled, "A supplement to the act entitled an act incorporating the inhabitants of townships, designating their powers, and regulating their meetings," passed the twenty-second of May, one thousand eight hundred and twenty.

Presiding officer—his duty.

Sec. 2. *And be it enacted*, That hereafter it shall be lawful for the inhabitants in each of the townships of this state, duly qualified to vote at town-meeting, at their annual meetings, to vote, grant, and raise, in the same manner as other moneys for town purposes are authorized to be raised, such sum of money as the majority of said meeting shall agree upon, to be laid out and expended under the direction of the town committee, in each township, for the erection and repairing of one or more public schoolhouses, or for the establishment of free schools, and their support, as are or shall be, in the judgment of said committee, necessary.

Moneys raised, how to be appropriated.

C. March 3, 1828.

**AN ACT** to change the time of holding certain Courts in the county of Sussex.

**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 Courts of Common Pleas, Orphans' Courts, and Courts of General Quarter Sessions of the Peace, in and for the county of Sussex, heretofore by law directed to be held on the third Tuesday in February, shall hereafter be held on the last Tuesday in January, annually.

C. & A. March 4, 1828.

**AN ACT** to incorporate the Shrewsbury Steam-Boat and Bath Buildings Company, 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 Thaddeus Whitlock, Alexander McGregor, and John P. Lewis, and all such persons as shall be hereafter associated with them for the purpose of erecting and establishing a steam-boat ferry between the township of Shrewsbury, in the county of Monmouth, and the city of New-York, and for the better maintaining and conducting of the Bath Buildings establishment at Long Branch, be, and they are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Shrewsbury Steam-Boat and Bath Buildings Company;" 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 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 vessels, steam-boats, lands, tenements, hereditaments, real or personal estate, whatsoever, necessary for the objects of this incorporation, and for no other purposes.

Name of the company, their powers and privileges.

Amount of capital.

**SEC. 2. And be it enacted,** That the capital stock of said company shall not exceed fifty thousand dollars, divided



into five hundred shares, of one hundred dollars each, to be vested and employed in the purchase or building of one or more steam-boats or other vessels, and in the purchase or building of wharves and store-houses, and also in the purchase of the Long Branch Bath Buildings, and so much land attached thereto as may be necessary for the convenience of the same; that the stock of said company shall be deemed and considered personal property, and shall be transferable in such way as the said company shall direct; and that nothing herein contained shall authorize and empower the said company to use or employ their funds, or any part thereof, for any other purposes, or in any manner whatsoever, not herein expressly authorized.

Stock deemed personal estate, and transferable

Sec. 3. *And be it enacted,* That subscriptions to the capital stock of said company shall be taken under the direction of Joseph Barclay, James West, Henry W. Wolcott, who are hereby appointed commissioners for that purpose, or any two of them, having first given notice for two weeks of the time and place of taking subscriptions, in a newspaper circulating in the county of Monmouth; and that twenty-five dollars on each share be paid to the commissioners at the time of subscribing the same, and the remainder in such instalments, and at such times, as the directors of the said company may determine, they giving four weeks' notice thereof in the Monmouth Journal; and any person, partnership, or body politic failing to pay any instalment so called for by the directors, shall forfeit to the company each and every share on which there shall be a default of payment, and all previous payments made thereon.

Commissioners to open books, &c.

Instalments to be paid on penalty of forfeiture, &c.

Sec. 4. *And be it enacted,* That, as soon as ten thousand dollars shall be subscribed, the said Joseph Barclay, James West, and Henry W. Wolcott shall call a meeting of the subscribers at the house of Mary Brindly, innkeeper, in the village of Eatontown, giving at least two weeks' notice thereof in the Monmouth Journal, and by advertisements set up in three of the most public places in the county; and the stockholders so assembled (each of whom shall be entitled to a vote for every share he or she may hold) shall choose, by ballot, from among themselves, by a majority of the votes present, in person or by proxy, five directors, who shall continue in office until the first Tuesday of January next, or until others are chosen in their places; and the said Joseph Barclay, James West, and Henry W. Wolcott, commissioners appointed as aforesaid, shall be inspectors of the first election of directors of 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 that the directors shall thereafter be chosen annually, on the first Tuesday of

Number of directors—to be elected annually.

January, at such hour and at such place as the board of directors for the time being shall appoint, of which elections public notice shall be given in the Monmouth Journal, at least thirty days immediately preceding such election; and such election shall be holden under the inspection of three of the stockholders, not being directors, to be appointed previously to every election by the board of directors, which election shall be in the manner herein before prescribed.

President to be chosen.

By-laws, &c.

Sec. 5. *And be it enacted*, That the directors first chosen, and those that may from time to time be elected, or a majority of them, shall, as soon as may be after their election, appoint one of their number to be president; and the president and directors for the time being, or a majority of them, shall form a board or quorum for the transacting and conducting the affairs and business of the said company, and shall have power, from time to time, to make, constitute, ordain, and establish such by-laws, rules, and regulations touching the election of directors, president, secretary, and treasurer, not herein provided for, and for the transacting of the business of said company, and the better regulation and government thereof, not repugnant to the laws and constitution of this state or of the United States; and also to appoint a secretary and treasurer, and such officers, agents, clerks, or servants, and employ such workmen, laborers, and artificers, as may be necessary to effect the objects of this incorporation.

Commissioners.

Sec. 6. *And be it enacted*, That John Williams, Obadiah Sairs, and Joseph Barclay, be, and they are hereby appointed commissioners to ascertain the value of the real estate of the said Thaddeus Whitlock, Alexander McGregor, and John P. Lewis, situate at Long Branch, and usually known by the name of "the Bath Buildings," and make report thereof, in writing, setting forth the value of said property, and certify the same under their hands and seals; and the amount so certified shall be paid to the said Thaddeus Whitlock, Alexander McGregor, and John P. Lewis, in stock of said company, or out of the capital paid in, whenever the said Thaddeus Whitlock, Alexander McGregor, and John P. Lewis shall make and tender to the said president and directors of said company a good and sufficient title for the said premises.

Dividends, when to be made.

Sec. 7. *And be it enacted*, That dividends of so much of the profits of the said company, as shall appear advisable to the directors, shall be made and paid to the stockholders, at such stated periods as the directors shall determine: *Provided*, that no part of the capital stock shall be divided during the continuance of this charter.

Books of account open to inspection.

Sec. 8. *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 inspections of the stockholders.

Sec. 9. *And be it enacted*, That this act shall be in Limitation. force for thirty years, and no longer.

C. & A. March 4, 1828.

### AN ACT for the relief of the State Bank at Trenton.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That it shall and may be lawful for the president, directors, and company of the State Bank at Trenton, within three months after the passage of this act, to give notice to all its creditors to present to the cashier of the said bank, at his office, or place to be designated in said notice, in the city of Trenton, a statement in writing of their respective claims or demands against the said bank, and at the same time to deposit with the said cashier the original bills, notes, drafts, or other vouchers issued by the said bank, together with true copies of all other contracts, agreements, securities, or accounts on which the said demands are founded, with a statement of the amount thereof, within six months after the publication of said notice, which shall be published in at least one of the newspapers printed in each of the counties of this state, if any there be, and in two of the newspapers printed in each of the cities of New-York and Philadelphia, and to be continued therein for six weeks successively, once, at least, in each week.

Notice to be given to creditors, by advertising, &c.

Sec. 2. *And be it enacted*, That upon any demand being so presented, and the original bills, notes, drafts, or other vouchers issued by the said bank, and copies of any other contracts, agreements, securities, or account, on which the same is founded, being so deposited with the cashier of said bank, within the time so limited for that purpose, as herein before directed, the said cashier shall give to the creditor so exhibiting such demand, and depositing such vouchers, a certificate thereof, to be numbered and signed by the president, or, in his absence, by one of the directors of the said bank, and countersigned by the said cashier; which certificate shall be conclusive evidence of the presenting such demand, and depositing the vouchers therein specified, which shall be transferable by endorsement.

Cashier to give certificates to creditors, to be signed by the president.

Sec. 3. *And be it enacted*, That once in each year, or oftener, if the said bank shall think fit, and it appears that

When dividends, on certain contingencies, may be made among the stockholders.

To be advertised.

For non compliance, creditors barred from receiving dividend, &c.

When the company may renew their banking operations.

When the directors may withhold certificates, &c.

there are any moneys in hand, to divide, until the said demands of creditors, so presented, shall be extinguished, or until all the available funds arising from the estate and assets of the said bank shall be exhausted, a dividend of the balance or net amount of the moneys so collected, among the said creditors so having presented their demands as aforesaid, ratably and in proportion to the amount of their respective demands; which said dividends shall be paid to the said creditors, or their legal representatives or assigns, of which dividends the cashier of the said bank shall cause public notice to be given, in at least one newspaper printed in this state, one in the city of Philadelphia, and one in the city of New-York, for three weeks successively, once at least in each week.

Sec. 4. *And be it enacted*, That if any creditors shall fail so to exhibit their demand, with the statement, and deposit the vouchers thereof, as prescribed in the first section of this act, within the time so limited as aforesaid, such creditors, and their assigns, and other persons legally entitled to the same, shall be barred from receiving any dividend, as herein provided for.

Sec. 5. *And be it enacted*, That if it should so happen that there is enough produced from the real and personal estate and assets of the said bank to make full payment, and extinguish all the claims and demands of its creditors, and, after paying the same, any residue shall remain, it shall be lawful for the said bank to employ the same in banking operations during the continuance of their present charter, or to divide the same among all the stockholders of the said bank, or their legal representatives, ratably and in proportion to the amount of stock by them respectively held in said bank, as the directors thereof, or the stockholders, at a general meeting to be called for that purpose, in the manner directed in the charter, or a majority in interest of said stockholders, shall determine.

Sec. 6. *And be it enacted*, That whenever it shall appear, to the satisfaction of the said board of directors of the said Trenton State Bank, or the cashier thereof, that the holder of any note, bill, or draft (applying for a certificate on a surrender of the same, in manner aforesaid) shall have obtained possession of the same, or any of them illegally, surreptitiously, or fraudulently, or without a bona fide consideration paid for the same, the said board of directors, or their cashier, shall refuse to grant him a certificate, and leave him to his remedy at law, or in equity, if under such circumstances he be entitled to relief; and, in case of recovery, he, she, or they shall be entitled to his, her, or their dividend on the amount so recovered.

C. March 4, 1828.

AN ACT to provide for the removal of obstructions to the free course of the waters in Parsippany brook, the Scow ditch, and Company ditch, in the township of Hanover.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall be the duty of the managers, to be appointed in manner as herein after mentioned, to assess all the flowed lands on Parsippany brook below the bridge over said brook, near the house of James Lewis, junior, all the flowed lands on the Scow ditch below a certain line dividing the lands of Tobias Boudinot from lands late of Stephen Condit, deceased, and all the flowed lands on the Company ditch, for such sum or sums of money as, in their judgment, may be sufficient to remove all obstructions to the free course of the waters in the said brook and ditches within the limits above mentioned.

Certain property to be assessed, for the purpose of improving the same.

Sec. 2. *And be it enacted,* That the said managers, or a majority of them, shall make a fair and reasonable assessment of all the flowed lands above mentioned, whether in the hands of the owners or possessors thereof, in proportion as well to the quantity of land each person may own or possess, as to the benefit each person may receive therefrom; and they, or one of them, shall give notice thereof to each owner or possessor; and if any owner or possessor shall feel aggrieved by any assessment to be made by virtue of this act, such owner or possessor may apply to Isaac Quinby, esquire, Nathaniel O. Condit, and Samuel Farrand, who are hereby appointed commissioners of appeal, to meet on all lands supposed to be overtaxed, giving at least three days' previous notice of such meeting to the managers to be appointed under this act; and if it shall appear to the said commissioners, or any two of them, that such person or persons are overtaxed, they shall strike off such sum or sums as may appear too much, together with such part of the expense of their attendance as they shall think just and right; and the judgment of the said commissioners, or any two of them, signified in writing, shall be conclusive to the parties; but the expense of ascertaining the quantity of flowed lands each person owns or is possessed of, in cases where the quantity is disputed, shall be paid by the owner or possessor.

Owners, &c. aggrieved, their remedy.

Sec. 3. *And be it enacted,* That if any person or persons shall neglect or refuse, for the space of forty days after notice as aforesaid, to pay the sum or sums on him, her, or them respectively assessed, and shall not, within that time, if they feel themselves aggrieved, procure the said commissioners to meet and determine the same, as herein before provided, or shall refuse or neglect to pay such sum or sums

On neglect, delinquents to be coerced, &c.

as the said commissioners shall adjudge a fair and equitable assessment, together with the expenses of the said commissioners' attendance, or such part of said expenses as they or any two of them may deem just and right, within fifteen days after the said commissioners shall have determined the same, and given notice thereof, then it shall be lawful for the said managers, or any one of them, to make return of the name or names of such delinquent or delinquents, together with the sum or sums by him, her, or them respectively required to be paid, to any justice of the peace of the county where such delinquents may reside, or can be found; which justice of the peace, upon the oath or affirmation of one of the managers, that each and every of the delinquents therein named had been duly notified of the sum or sums by them respectively to be paid, as therein contained, and that the same remains unpaid, shall forthwith issue his warrant of distress, directed to some one of the constables of said county, commanding him to seize upon the goods and chattels of such delinquent or delinquents, and, after five days' notice, by advertisements set up in three public places in said county, to make sale of the same, or so much thereof as may be sufficient to pay the sum or sums required of said delinquent or delinquents as aforesaid, together with costs, to pay forward the same to the managers aforesaid, or one of them, and to make return of his proceedings thereon to the said justice within forty days, and the said justice and constable shall receive the same fees, and be liable to the same penalties, as in other cases of taxation.

Further proceedings to be had in the premises.

Moneys received and expended to be accounted for.

Sec. 4. *And be it enacted*, That the said managers shall keep a book, at all times open to inspection, containing a regular account of all moneys they may have received, and of payments made, and of expenses they may have been at; which accounts they shall lay before, and exhibit to a committee, to be appointed by the owners and possessors of said land, whenever they shall be required so to do; and the said managers shall be liable for all moneys by them received, and not applied for the purpose of clearing the obstructions in the watercourses aforesaid, and shall pay the balance in their hands over to their successors in office; and, in case of neglect or refusal, shall be liable for the same in an action of debt, to be sued for and recovered by any owner or possessor, in his own name, in any court where the same may be cognizable, to be applied to the removing obstructions in the watercourses aforesaid.

Sec. 5. *And be it enacted*, That the owners and possessors of the said flowed lands shall and may, on the fourth Thursday of April next, at three o'clock in the afternoon, meet at the house of Benjamin L. Condit, in the township of Hanover, and may hold all other subsequent annual meetings on

their own adjournments; and when met, shall, by a plurality of votes of those present, choose three persons, being owners of said flowed lands, managers for the ensuing year, and also three persons a committee to examine the accounts of the said managers.

Managers, a committee, &c. to be chosen.

Sec. 6. *And be it enacted*, That any person chosen a manager; in pursuance of this act, who shall accept such appointment, and shall neglect or refuse to perform any duty enjoined on him, shall forfeit and pay the sum of twenty dollars, to be sued for and recovered, in an action of debt, by any person that will prosecute for the same, to be applied to the clearing of the said watercourses; and in case a vacancy happen, by the death, resignation, or otherwise of any one or more of the said managers, commissioners of appeals, or committee, it shall be the duty of the managers, by advertisements set up in two or more public places in the vicinity of said flowed lands, to give at least two weeks' notice of the time and place of meeting of the said owners and possessors, to choose a person or persons to supply such vacancy.

Penalty for neglect of duty.

Sec. 7. *And be it enacted*, That if any person or persons shall cause any obstruction whatever in the said watercourses, or any of them, and shall not remove the same within five days after receiving a notice to that effect from any of the said managers, he shall forfeit and pay twenty dollars, with costs, together with the expenses of removing the same, to be sued for and recovered as aforesaid, and be applied towards clearing of the said watercourses.

Vacancies, how filled.

Penalty for causing obstructions.

Sec. 8. *And be it enacted*, That if the owners and possessors of said lands shall in any year refuse or neglect to meet and elect managers and other officers, in such case the managers and other officers of the preceding year shall continue in office, and shall have the same powers and privileges, and be subject to the same penalties as before, until new ones are chosen.

Managers to continue in office till others are chosen.

Sec. 9. *And be it enacted*, That the commissioners of appeals and managers aforesaid shall receive for their services, one dollar per day; and there shall be allowed for the service of one man and a yoke of oxen or horses, one dollar and seventy-five cents per day; for every additional yoke of oxen, fifty cents; for each laboring man employed in the water, one dollar per day; and for each and every laborer otherwise employed, seventy-five cents per day.

Compensation for services performed.

C. March 4, 1828.

## AN ACT to incorporate the New-Jersey Coal Company.

Preamble.

WHEREAS John B. Thorp, Charles Kinsey, and John De Groot, and others, have associated themselves for the purpose of exploring, digging, and vending coal, and, in order to enable them more extensively to carry their intentions into effect, have presented a petition to be incorporated—  
Therefore,

Name of the  
company, their  
powers and pri-  
vileges.

SEC. 1. 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 become stockholders in said company, shall be, and hereby are ordained, constituted, and declared to be from time to time, and until the first day of July, in the year of our Lord one thousand eight hundred and fifty, a body corporate and politic, in fact and in name, by the name of "the President and Directors of the New-Jersey Coal Company;" and, by that name, they and their successors, until that day, 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 wheresoever, in all manner of actions, suits, complaints, matters, and causes whatsoever; and also, of contracting and being contracted with relative to the purposes and business for which the said corporation is hereby created, as hereafter declared; and that the said corporation shall and may have a common seal, and may alter and change the same at their pleasure; and also, that the said corporation shall be in law capable of purchasing, holding, using, and conveying any real or personal estate and property for the public use of the said corporation: *Provided*, that the real estate so to be holden shall be such only as shall be requisite to attain or promote the objects of this incorporation, or such as shall have been bona fide mortgaged to them by way of security for debts, or conveyed to them in satisfaction of debts previously contracted in the course of their dealings, or purchased at sales upon judgments which shall have been obtained for such debts.

Amount of capi-  
tal.

SEC. 2. *And be it enacted*, That the capital stock of the said corporation shall not exceed one hundred thousand dollars, and a share in said stock shall be fifty dollars.

Stock deemed  
personal estate,  
and transferable

SEC. 3. *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.

Sec. 4. *And be it enacted*, That the stock, property, estate, affairs and concerns of the said corporation shall be managed by seven directors, being stockholders therein, who shall hold their offices for one year from the second Tuesday of May in every year, and until others shall be elected in their stead; and the said directors shall be elected on the second Tuesday of May in each year, at such time of day, and at such place within this state, as a majority of directors for the time being shall appoint; and public notice thereof shall be given, not less than fourteen days previous to the time of holding such election, by an advertisement, to be inserted in at least two of the newspapers published in this state; 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 the said election shall be by ballot, each share of stock having one vote; and the seven persons having the greatest number of votes at such election shall be directors; and if it shall happen at any such election that two or more persons shall have an equal number of votes, then the directors who shall be duly elected, or a major part of them, shall proceed by ballot, and by a plurality of votes, to determine which of the said persons so having an equal number of votes shall be director or directors, so as to complete the whole number, whose office shall begin on the Tuesday next succeeding the day of their election; and they shall on that day, or as soon thereafter as may be, proceed to elect, by ballot, one of their number to be president; and if any director shall cease to be a stockholder, his office shall thereby be vacated; and when any vacancy shall happen among the directors, or in the office of president, by death, resignation, or otherwise, such vacancy shall be filled, for the remainder of the year in which it shall happen, by such person as the remainder of the directors for the time being, or a majority of them, shall appoint.

Number of directors—to be elected annually.

President to be chosen.

Vacancies, how to be supplied.

Sec. 5. *And be it enacted*, That John B. Thorp, Charles Kinsey, and John De Groot be, and they are hereby appointed commissioners; and they, or a majority of them, are authorized to receive subscriptions to the said capital stock, on such day, and at such place in this state, as they shall appoint, giving at least fourteen days' notice of such time and place for receiving such subscriptions, in one of the newspapers printed in this state; and the book for subscription shall be kept open at least three days; and in case the whole of the stock should not be taken up on that day, then the said commissioners, or a majority of them, are authorized to receive further subscriptions, on such other day, and at such

Commissioners to open books, &c.

other place in this state as they shall from time to time appoint, until the whole capital stock of said corporation shall be taken up; and that the said commissioners are hereby appointed inspectors of the first election of directors under this act.

On contingency,  
when election  
may be held.

Sec. 6. *And be it enacted,* That in case it shall 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, or for any non-user, be deemed to be dissolved; but that it shall and may be lawful on any other day to hold an election for directors, on like notice as aforesaid, in such manner as shall be provided for by the laws and ordinances of said corporation.

Majority of the  
directors requi-  
site to form a  
board—their  
powers, &c.

Sec. 7. *And be it enacted,* That a majority of directors for the time being shall be a board or quorum for transacting all 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 and constitution of the United States and of this state, as to them shall appear needful and proper touching the management and disposition of the stock, property, estate, and effects of the said corporation, the duties and conduct of the officers, agents, clerks, and servants employed therein, the election of directors, and all other matters appertaining or relating to the business or concerns of the said corporation; and shall also have power to appoint so many officers, agents, clerks, and servants, for carrying on the business of the said corporation, and with such salaries and allowances, as to them shall seem meet.

No transfer va-  
lid till register-  
ed.

Sec. 8. *And be it enacted,* That no transfer of stock shall be valid or effectual until such transfer shall have been entered or registered in a book or books, to be kept by the said corporation for that purpose.

Instalments to  
be paid on pe-  
nalty of forfeit-  
ure, &c.

Sec. 9. *And be it enacted,* That it shall and may be lawful for the directors of the said corporation for the time being, or a majority of them, to call and demand from the stockholders, respectively, all such sums of money by them subscribed, or to be subscribed, to the capital stock of the said corporation, at such time, and in such proportions, as the said directors, or a majority of them, shall see fit, under pain of forfeiture of their shares, and all previous payments thereon, to the said corporation; always, however, giving at least twenty days' notice of such call and demand in at least two of the newspapers published as aforesaid.

Powers of the  
corporation  
prescribed.

Sec. 10. *And be it enacted,* That the said corporation shall not directly or indirectly deal or trade in buying or selling any stock created under any act of the United States, or in any state, unless in selling the same when truly pledged

by way of security for debts due to the said corporation: And further, that they shall not be interested or concerned in any banking operation or business whatsoever, or in any other business or employment whatsoever, than such as may be proper and necessary for carrying into effect the declared objects of this act; but the said corporation may, notwithstanding any thing herein contained, vest in any public stock of the United States, or of this state, any part of their capital stock actually and bona fide called in and usually employed in the ordinary operations of the said company, and continue the same so vested until the exigencies of the said company contemplated by this act shall require it.

C. & A. March 4, 1828.

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

WHEREAS it appears to the legislature of this state, that Aaron Decker, esquire, was duly appointed a commissioner for taking the acknowledgment and proof of deeds for the county of Sussex, on the tenth day of February, eighteen hundred and sixteen, for the term of five years, and was duly sworn into that office, and acted therein until the said term of office expired, during which time, namely, on the fifteenth day of November, eighteen hundred and twenty, said Aaron Decker, esquire, was duly re-appointed a commissioner, but did not take the oath of office, supposing it unnecessary on such re-appointment, but continued to take and certify acknowledgments and proofs, as he had been authorized to do by virtue of the said commissions, until the thirtieth day of September, eighteen hundred and twenty-five—Therefore,

Preamble.

BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That the several acknowledgments and proofs of deeds and instruments taken and certified by Aaron Decker, esquire, as one of the commissioners for taking the acknowledgment and proof of deeds, in the county of Sussex, between the fifteenth day of November, one thousand eight hundred and twenty, and the thirtieth day of September, one thousand eight hundred and twenty-five, be, and the same are hereby confirmed and declared valid and effectual, in like manner as if the said Aaron Decker, esquire, had not only been appointed as aforesaid, but duly commissioned, and had there-

Former transactions of commissioner legalized.

upon taken the oath of office, as required by law: *Provided nevertheless*, that nothing in this act contained shall be construed so as to affect the rights of any judgment creditor, or bona fide purchaser, or mortgagee for a valuable consideration before the passage of this act.

C. & A. March 5, 1828.

A FURTHER SUPPLEMENT to the act entitled, "An act to ascertain the power and authority of the ordinary and his surrogates, to regulate the jurisdiction of the Perogative Court, and to establish an Orphans' Court in the several counties of this state."

SEC. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That when any executrix, executor, guardian, or other persons shall be cited before any Orphans' Court of any county in this state, as is provided by the eighth section of the act to which this is a supplement, and he, she, or they shall neglect or refuse to give security, as is required by the aforesaid section, it shall then be the duty of the judges of the aforesaid Orphans' Court, by order or decree, to revoke the letter testamentary of such executrix, executor, or guardian and to appoint some other proper person or persons as administrators with the will of such testator or testatrix annexed, which person or persons so appointed, shall, before he, she, or they enter upon the duties of their respective appointments, give bond to the governor of this state, in such sum, and with such security as the said Orphans' Court shall require, conditioned for the faithful performance of their respective duties.

On neglect, &c.  
when letters  
testamentary  
may be revoked.

Certain property  
to be delivered  
over to administrator, &c.

SEC. 2. And be it enacted, That the said executrix, executor, guardian, or other person, whose duties shall cease by virtue of the decree of said Orphan's Court as aforesaid, shall immediately thereafter deliver over to such administrator so appointed, all goods and chattels, moneys and other assets or effects, which he, she, or they may have held as executrix, executor, guardian, or otherwise; and if such executrix, executor, guardian, or other person shall neglect or refuse to deliver over as aforesaid, it shall then be lawful for such administrator or administrators to commence a suit, either at law or equity, for the recovery of the same, with costs of suit.

Sec. 3. *And be it enacted*, That when any surrogate shall audit and state any account, as directed by the thirtieth section of the aforesaid act, he shall audit and state the same, and place the said account on the files of his office, subject to the inspection of any person interested therein, at least twenty days previous to the same being presented to the court for settlement and allowance: *Provided*, that the said act shall not be in force until the first day of June next.

Surrogate, his  
duties prescribed,  
&c.

C. March 6, 1828.

# AN ACT to incorporate a part of the township of Newton, in the county of Gloucester.

Sec. 1. BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same, That such parts of the township of Newton as are contained within the following limits and bounds, that is to say:—beginning at the Pennsylvania line, in the river Delaware, opposite the mouth of a small run of water below Kaighnton, which run is the line between lands late of Isaac Mickle, deceased, and Joseph Kaighn; and running thence east, to the mouth of said run, and then up the same, the several courses thereof, crossing the public road leading to Woodbury from the Camden Academy; thence northerly, along the east side of said road, to the road leading from Kaighnton to Coopers creek bridge; thence along the eastwardly side of said last mentioned road, and the southwardly side of the causey and bridge, to the middle of Coopers creek; thence, down to the middle thereof, to the river Delaware; thence, due north, to the middle of the channel between Petheys Island and the Jersey fast land or shore; thence, down said channel and river, to the nearest point on the line established between the states of Pennsylvania and New-Jersey; thence down said line to the place of beginning; shall, and the same are hereby erected into a city, which shall henceforth be called and known by the name of “the City of Camden.”

Boundaries of  
the city of Cam-  
den.

Name of the  
city.

Sec. 2. *And be it enacted*, That, for the better ordering and governing the said city of Camden, there shall and may be in the said city a mayor, who shall be a resident and freeholder within the corporation, and who shall be keeper of the city seal; a recorder, who, beside the office of recorder, shall, in the mayor's absence, have and execute the several duties annexed to the mayoralty, and any of them;

Style of the officers of the city; their powers, privileges, &c.

four aldermen, five common councilmen, and one town clerk; which mayor, aldermen, recorder, and common councilmen, shall be one body politic and corporate, in deed, in fact, name, and law, by the name, style, and title of "the Mayor, Aldermen, and Common Council of the City of Camden," and by the same name shall have perpetual succession; and they and their successors, at all times hereafter, by the name of "the Mayor, Aldermen, and Common Council of the City of Camden," shall be persons capable, in law, to have, purchase, take, and receive, possess, and enjoy, lands, tenements, hereditaments, liberties, franchises, and jurisdiction, goods, chattels, and effects, to them and their successors forever, or for any other or less estate, and the same to grant, bargain, sell, alien, convey, demise, and dispose of; to sue and be sued, implead and be impleaded, in any court of justice whatever; and to make and use one common seal, and the same to alter and renew at pleasure.

Recorder and aldermen to be, *ex-officio*, justices of the peace, and be appointed by the joint-meeting.

Sec. 3. *And be it enacted*, That the said mayor, recorder, and aldermen shall be justices of the peace, *ex-officio*, within the said city; that the said recorder and aldermen shall be appointed by the Council and General Assembly of this state, in joint-meeting, and, with the mayor, commissioned by the governor of the same, in the same manner as the judges and justices of the peace throughout the same are appointed and commissioned; and shall continue in office for the same time, and be amenable in like manner; one of which aldermen, and one of the common council, shall always be a resident of Kaighnton, and one of each of said officers shall always be a resident of the village commonly called "William Coopers Ferry;" and the said mayor shall be annually selected and appointed from the inhabitants of said city, by a majority of the common council, within six days next after each annual town-meeting, which shall be held on the second Monday in March annually; at which meeting, the common council, and assessor, a collector, and town clerk shall be chosen, by such inhabitants of the said city as shall have the qualifications which entitle a person to vote at the usual town-meetings of townships in this state.

One alderman, &c. to be a resident of Kaighnton, and one of William Coopers Ferry.

Mayor to be annually elected, and selected from the inhabitants of the city.

Sec. 4. *And be it enacted*, That, for the appointment of officers of said city to serve till the first annual town-meeting, the recorder and aldermen be, and they are hereby authorized to call a town-meeting of the electors of said city, at such time and place as they may appoint, they previously giving ten days' written or printed notice thereof in five of the most public places within the county aforesaid; and the common council thus chosen shall select from the inhabitants of said city, in manner directed in the preceding section of this act, a mayor, to serve until another is chosen.

Recorder and aldermen authorized to call town-meeting to appoint a mayor, &c.

Sec. 5. *And be it enacted*, That the mayor, recorder, and aldermen, and common council, or a majority of them, of whom the mayor or recorder shall be one, are hereby authorized, from time to time, and at all times hereafter, to hold a common council within the said city, at such convenient place as the mayor, or, in his absence, the recorder, shall appoint; and to make such by-laws, ordinances, and regulations in writing, not repugnant to the constitution or laws of this state or of the United States, and the same to enforce, revoke, alter, and amend, as to them shall appear necessary for the well ordering and governing of the said city and its inhabitants; to administer all oaths and affirmations incidental and necessary to the execution of their office; and to appoint a city treasurer, marshal, and such other subordinate officers as they may think necessary for the good government of the said city; and, by ordinance, to require such securities from the several officers, as to them shall seem necessary and convenient; and to make, limit, impose, and tax reasonable fines and amercements against and upon all offenders against the laws, ordinances, and regulations of the corporation, made as aforesaid: *Provided always*, that no fine or amercement shall exceed twenty dollars; and all such fines to take, demand, require, and levy of the goods and chattels of each offender, by warrant issued under the hand and seal of the mayor, recorder, or either of the aldermen, directed to the marshal of the said city, who is required and authorized to execute the same; which fines and amercements shall be paid to the said city treasurer, to be appropriated to the use and benefit of the inhabitants thereof: *Provided also*, that every person thinking him or herself aggrieved by the decision of the said mayor, recorder, or single alderman, may immediately appeal to the common council, who are hereby required to hear the cause of complaint, and to do therein what to them shall appear just and reasonable.

The powers and duty of the officers of the city prescribed.

Proviso.

Appeals for grievances to be made to the common council.

Sec. 6. *And be it enacted*, That every officer of said city, before he proceeds to execute his office, shall take and subscribe the oath or affirmation of allegiance to this state; and likewise an oath or affirmation, that he will faithfully discharge and execute such office, according to the best of his knowledge and understanding; which oaths and affirmations may be administered by any person in said county of Gloucester authorized to administer an oath.

Oaths and affirmations of office.

Sec. 7. *And be it enacted*, That the said common council, or a majority of them, may annex such fees to the several offices of the said corporation as to them shall seem necessary and convenient.

Fees prescribed

Sec. 8. *And be it enacted*, That until the said corporation shall provide a suitable place within the same, for the confinement of persons charged with, or convicted of offences

Convicted to be disposed of

subject to their cognizance, it shall be lawful for the mayor, recorder, and aldermen, or either of them, to commit offenders to the jail of Gloucester county, the jailer whereof is hereby required to receive them in like manner as other prisoners for like offences.

Mayor, recorder, aldermen, and common council to license and assess innkeepers.

Sec. 9. *And be it enacted*, That the said mayor, recorder, aldermen, and common council, or a majority of them, in common council met, shall have the sole, only, and exclusive right and power of licensing and assessing every innkeeper, tavern-keeper, and retailer of spirituous liquors, residing within the said city, subject to the same provisions, and in like manner as the same is or may be lawfully done by the Courts of General Quarter Sessions of the Peace in this state.

Vacancies, how filled.

Sec. 10. *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, the aldermen shall meet, and, by plurality of voices, choose one of the inhabitants of said city, who shall have and execute the duties of a mayor; and shall also appoint some fit person, who shall have and execute the duties of recorder, until a mayor and recorder shall be appointed and commissioned according to law; and when any vacancy shall happen in any of the offices herein rendered elective by the inhabitants of said city, the mayor for the time being is required, by advertisements, giving at least five days' notice, to call a meeting of the inhabitants of said city entitled to vote, who, when assembled, may, by plurality of voices, elect the officers requisite to fill such vacancy; which officers so elected shall be sworn or affirmed in manner aforesaid, and shall continue in office until the next annual town-meeting.

Inhabitants, at annual meeting, authorized to raise money &c.

Provide.

Sec. 11. *And be it enacted*, That the inhabitants of the said city, at their annual town-meeting, shall vote such sum or sums of money, as they may think necessary to be raised for the ensuing year, for the opening and repairing highways, and other exigencies of said city; which sum shall be assessed upon the inhabitants by the assessor, agreeably to the law regulating the assessment of the state and county taxes: *Provided*, that after the completion of a town-house and prison in said city, there shall not be assessed in any one year a sum of money exceeding five hundred dollars, unless by a vote of at least two-thirds of the inhabitants, lawful voters, in a regular town-meeting assembled; and all moneys voted to be raised at any town-meeting as aforesaid, shall be collected by the city collector, at such time, and be paid and disposed of in such manner, as the common council shall direct; and if no sum, or one insufficient, shall be voted to be raised, and the interest of the city shall require, the common council may call a meeting of the inhabitants, by advertise-



ments, giving five days' notice, and propose to them the sum, in the opinion of the common council, necessary to be raised; and whatever sum the inhabitants shall, by plurality of voices, vote to be raised, shall be assessed, collected, paid, and applied in manner aforesaid: *Provided also*, that part of the landed property within the bounds of the corporation lying on the north side of Coopers street, from the river Delaware to the east side of the road leading from William Coopers Ferry to Woodbury, thence along the east side of said road to the intersection of the road leading from Kaiginton to Coopers creek bridge, shall be exempted from taxation for and on account of said corporation, except so far as relates to the making and repairs of roads and bridges, whereby the lands so exempted will be benefited: *Provided also*, that if any person or persons shall think him, her, or themselves actually aggrieved by any assessment made as herein before directed, he, she, or they may appeal to the common council, who are hereby to hear his, her, or their complaint, and redress the grievance, if any shall be made to appear.

Certain lands exempt from taxation, with certain specified exceptions.

Grievances, how redressed.

Sec. 12. *And be it enacted*, That the mayor, recorder, and aldermen of the said city of Camden, and each of them, shall be deemed and taken to be a justice of the peace, within the intent and meaning of an act entitled, "An act constituting courts for the trial of small causes," passed the fifteenth of March, one thousand seven hundred and ninety-eight, and of the several acts supplementary thereto.

Mayor, recorder, and aldermen to be deemed justices of the peace.

Sec. 13. *And be it enacted*, That the territorial jurisdiction of the mayor, recorder, and aldermen, and each of them, shall be co-extensive with the limits of the said city, and that they may, in causes depending before them, award writs of subpoena ad testificandum into any county of this state; but the said officers, or either of them, shall not have jurisdiction of any civil action when the defendant or defendants, or one of them, does not reside within said limits.

Their powers prescribed.

Sec. 14. *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 marshal and constables, or either of them, directed and delivered, and also to do, execute, and perform all duties, acts, and things which by the last mentioned acts, and the supplements 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 action, recoveries, penalties, and forfeiture for neglect of duty and misconduct in office, to which the constables of the several townships in this state are liable.

Duty of the city marshal and constables prescribed.

Penalty of non-performance of duty.

Sec. 15. *And be it enacted*, That the mayor, recorder, and aldermen of the said city, for the time being, shall severally

Mayor, recorder,  
er, &c. to con-  
stitute a court.

Style and title  
thereof, and  
times of meet-  
ing.

To have a seal,  
&c.

Court authoriz-  
ed to compel  
the attendance  
of witnesses,  
&c.

This incorpora-  
tion under the  
power of the  
legislature.

This act declar-  
ed to be a pub-  
lic act.

and respectively have all the powers and authorities of justices of the peace of the state of New-Jersey; and the said mayor, recorder, and aldermen, or any three of them, of whom the mayor or recorder shall be one, shall constitute a Court of General Quarter Sessions of the Peace in and for the said city of Camden, with all the powers, authority, and jurisdiction within said city (except the granting of tavern licenses, and excepting also the hearing and determining of appeals in pauper causes) with which the several Courts of General Quarter Sessions of the Peace in the several counties of this state are or may be vested; which court shall be known by and under the style and title of "the Court of General Quarter Sessions of the Peace of the City of Camden," and be a court of record, and hold four stated sessions within said city in each year, one on the first Tuesday of February, one on the first Tuesday of May, one on the first Tuesday of August, one on the fourth Tuesday of October, with power to adjourn from day to day, and to hold special sessions, when deemed by the said mayor, recorder, and aldermen to be necessary; that the town clerk of said city for the time being shall be the clerk of said court, and shall perform the like duties, be entitled to receive 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; and all writs and precepts issuing thereout shall be under the said seal, and tested in the name of the mayor or recorder, and 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.

Sec. 16. *And be it enacted*, That the said court shall have power, in cases pending before them, to compel the attendance of witnesses from any part of this state, by process of subpoena ad testificandum.

Sec. 17. *And be it enacted*, That the powers, privileges, and authorities granted by this act to the said mayor, recorder, and aldermen of said city shall continue and be held by them during the will and pleasure of the legislature of this state, and nothing in this act shall be so construed as to prevent the repealing the same.

Sec. 18. *And be it enacted*, That this act shall be deemed and taken to be a public act, and, as such, shall be taken notice of by all persons and courts of justice within this state.

C. February 13, 1828.

**AN ACT to divorce Richard Brown from his wife Rebecca.**

*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 Brown be, and he is hereby divorced from his wife Rebecca, and that the marriage contract heretofore existing between the said Richard Brown and Rebecca his wife be, and the same is hereby for ever dissolved, as fully as if they had never been joined in matrimony: *Provided nevertheless,* that the issue of the said marriage shall not be deemed illegitimate.

A. March 6, 1828.

**AN ACT concerning the questions of Boundary and Jurisdiction existing between the states of New-Jersey and New-York.**

**WHEREAS** disputes have for many years existed between the states of New-Jersey and New-York, relative to the eastern boundary of this state, and more particularly as the said boundary concerns the Hudson river and the adjacent waters, with the islands in the same—**AND WHEREAS** several unavailing efforts have been made, on the part of this state, to settle the said disputes by amicable negotiation, and as it is important, for the future harmony of the said states, that the said boundary should be judicially ascertained and established—**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 it shall be the duty of the attorney general of this state to institute legal proceedings in the Supreme Court of the United States, in the name, and on behalf of the state of New-Jersey, against the people of the state of New-York, for the purpose of ascertaining and establishing the questions relative to boundary and jurisdiction existing between the said states, as they respect the eastern boundary of this state.

The attorney general's duty prescribed.

**Sec. 2.** *And be it enacted,* That the governor, or person administering the government of this state; be, and he is hereby authorized to employ such associate counsel as he may think necessary and proper, to aid in the conduct of the said proceeding, and the argument of the case on the part of this state.

The governor authorized to employ counsel &c.

And to draw on the treasurer. Sec. 3. *And be it enacted*, That the governor, or person administering the government of this state, be, and he is hereby authorized, from time to time, to draw on the treasurer of this state for the payment of such counsel fees and expenses as he may judge proper and necessary, to be paid out of any money in the treasury not otherwise appropriated.

C. March 6, 1828.

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

Swinging-gates authorized.

Penalty for injuries.

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 private road which is now, or shall be laid out or altered by virtue of the act to which this is a supplement, so as to run upon the line or lines of one or more owner or owners of the soil, it shall be lawful for such owner or owners, or either of them, to hang swinging-gates in the said road; and if any person or persons shall stake, shore, or leave open, or cut, break, or pull down, or destroy any gate (other than such owner or owners of the soil, at whose expense the said gate was hung or put up) he, she, or they shall, for every such offence, forfeit five dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same; and shall also pay the owner or owners of the soil, his or their tenants, all damages which he, she, or they may have sustained thereby, to be appraised by three neighboring freeholders, or a majority of them, which damages, so assessed, shall be recovered by action of debt, with costs.

C. March 6, 1828.

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AN ACT to dissolve the marriage contract between Delilah Rea and Isaac Rea.

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 Delilah Rea, and Isaac Rea, of the township of Amwell, in the county of Hunterdon, be, and the same is hereby dissolved, annulled, and made of no effect, as fully to all intents and purposes, as if they had never been joined in matrimony.

C. & A. March 4, 1828.

AN ACT to authorize the Trustees of Mrs. Hannah Kinney  
to sell 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 it shall and may be lawful for Joseph C. Hornblower and William Pennington, the trustees named in, and appointed by an act entitled, "An act for the relief of Mrs. Hannah Kinney, widow of Abraham Kinney, late of the county of Essex, deceased," passed the third day of December, eighteen hundred and twenty-five, and for the survivor of them, at any time hereafter, to sell and convey, in fee simple, the whole of the real estate now held by them in trust, under and by virtue of the said act; and it shall and may be lawful for the said trustees, and the survivor of them, to sell the said trust estate altogether, or in lots or parcels, at public or private sale or sales, and for the sum or sums of money as in the judgment and discretion of the said trustees, or the survivor of them, may seem best; and it shall and may be lawful for the said trustees, and the survivor of them, to make, execute, and deliver, in their or his name or names as such trustees or surviving trustees, a deed or deeds of conveyance to the purchaser or purchasers of the said trust estate, and to take and receive the consideration money therefor, or good and sufficient security for the same, by bond and mortgage, or otherwise, payable to the said trustees, or the survivor of them, or to their or his order or assigns; and the purchaser or purchasers of the said trust estate, and of every part thereof, receiving such deed or deeds, and paying, or securing to be paid, the consideration money therefor, shall hold the same for ever discharged from the said trust.

The trustees,  
their duties pre-  
scribed, &c.

Sec. 2. *And be it enacted,* That the moneys arising from such sale or sales, or the balance thereof, after deducting and retaining thereout all just, reasonable, and proper charges and expenses of the said trustees, and the survivor of them, in executing the trust, and performing the duties vested in and imposed upon the said trustees by this act, and by the act mentioned in the foregoing section, shall be held by the said trustees, and the survivor of them; in and upon the same trust as the said real estate is now held by the said trustees, and shall be, by the said trustees, or the survivor of them, vested in the United States stock, or in bank stock, or be put out at interest on good security or securities; and the interest and income thereof, as the same may be received from time to time, pay over to the said Hannah Kinney, or permit her to receive the same during her life: *Provided al-*

Moneys col-  
lected, and to  
be invested, &c.

Proviso.

her, the said trustees, or the survivor of them, shall, after her death, pay off and discharge all such debts as may be due and owing from the said William B. Kinney at the time of passing this act, or so much of such debts as may remain unsatisfied before the said trustees, or the survivor of them, shall pay over to the said William B. Kinney the said trust fund; and, in case the said William B. Kinney shall not survive the said Hannah Kinney, then, after her death, the said trust fund shall go and be disposed of in the same manner as the said real estate would have been disposed of by the terms of the trust under which the same is now held, if the said real estate had not been sold.

C. March 6, 1828.

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A SUPPLEMENT to the act entitled, "An act concerning Inns and Taverns."

The sale of spirituous liquors prohibited.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same,* That it shall not be lawful for any sheriff, under sheriff, jailer, or other person whatever, to sell or knowingly permit to be sold in any of the courthouses or jails of this state, any wine, gin, whiskey, cider, spirits, brandy, or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient; and in case any sheriff shall so offend, he shall be deemed guilty of a high misdemeanor, and, on conviction thereof, shall be fined in the sum of one hundred dollars, together with costs of prosecution: and if any under sheriff, jailer, or other person shall so offend, he shall be deemed guilty of a misdemeanor, and, on conviction thereof, be fined in the sum of one hundred dollars, together with costs of prosecution.

Penalty for selling the same, &c.

Sec. 2. *And be it enacted,* That if any sheriff shall knowingly permit any under sheriff, jailer, or other person to sell in the courthouse or jail of the county of which he is sheriff, any wine, gin, whiskey, cider, spirits, brandy, or other ardent spirits, or any composition of which any of the said liquors shall form the chief ingredient, he shall, for every such offence, forfeit and pay the sum of fifty dollars, one half to the use of the person prosecuting for the same, and the other half to the use of the county in which the said offence was committed, to be recovered by action of debt, in any court of competent jurisdiction, with costs of suit.

Sec. 3. *And be it enacted,* That when any suit shall be commenced against any sheriff for violation of the second section of this act, if it shall appear upon the trial that the said offence was committed during the sitting of any of the courts in the courthouse, such fact shall be deemed and taken as conclusive evidence of the knowledge of the said sheriff in that behalf.

Sec. 4. *And be it enacted,* That it shall not be lawful for any under sheriff, jailer, or other person or persons who may occupy the courthouse or jail of any of the counties in this state, to keep the same as a house of public entertainment, and sell, or permit to be sold therein, food or provisions of any kind, after the manner of licensed innkeepers; and if any person or persons shall offend against the provision of this section, he, she, or they shall forfeit and pay, for every offence, the sum of twenty-five dollars, to be recovered by any person prosecuting for the same, one half to the use of the person so prosecuting, and the other half to the use of the county in which the said offence was committed, to be recovered by action of debt, in any court of competent jurisdiction, with costs of suit.

No sheriff, jailer, &c. permitted to sell liquors or food in a courthouse,

Sec. 5. *And be it enacted,* That in any suit which may be brought under this act, the inhabitants of the county in which said suit may be brought shall be deemed and taken as competent witnesses.

Inhabitants competent witnesses.

C. & A. March 6, 1828.

#### A FURTHER SUPPLEMENT to the "Act concerning Sheriffs."

Sec. 1. *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 sheriff shall, by virtue of any writ of execution issuing out of any court in this state, levy on, or take into his possession, any goods or chattels which shall be claimed by notice in writing delivered to said sheriff, by any other person or persons than the defendant or defendants, he shall, immediately upon such claim, delay his sale of the same for the space of ten days, that the said claimant or claimants may, within the said term, apply to one of the judges of the Court of Common Pleas in the county where the goods and chattels were so seized, for a venire to summon a jury of twelve men, as jurors, to try the right of said claimant or claimants to said property; and it shall be lawful for such judge to issue the same, and direct a return

The duties of the sheriffs prescribed, &c.

thereof to be to him made, and to proceed therein as in other cases of trials by jury; but the claimant or claimants shall, in all cases, give at least eight days' previous notice in writing to the plaintiff or plaintiffs, of the time and place of the said trial; and either party shall be entitled to process by subpoena out of the court from which such execution issued, to compel the attendance of witnesses; and the judge before whom such inquest may be held, shall have power to adjourn, upon the application of either party, for a reasonable time, upon good cause shown for such adjournment.

Verdict to be reduced to writing, &c.

Sec. 2. *And be it enacted*, That the verdict of such jury shall be reduced to writing, and signed by the jury and judge before whom the matter shall be tried, and shall be filed in the office of the clerk of the court out of which the said execution issued; and the inquisition so taken shall protect the said sheriff from any action for taking and seizing such property, or delivery thereof, to the claimant; and if the said property shall be found to belong to the said claimant or claimants the said sheriff shall proceed no further with the same; but if it shall be found to belong to the defendant or defendants, he shall proceed to dispose of the same, as is directed in such process; and the costs attending such trial shall be taxed by the said judge, as in other cases, and shall be paid by the plaintiff or plaintiffs at whose suit the said property was taken and seized, if the claimant or claimants obtain a verdict in his, her, or their favor, and by such claimant or claimants if the verdict is found against him, her, or them: *Provided*, that if the plaintiff, upon notice being given to him as aforesaid, shall indemnify the sheriff against the demand of the claimant or claimants, then he shall suspend any further proceedings therein, and proceed to sell.

Proviso.

C. & A. March 6, 1828.

#### AN ACT relative to the Probate of Wills.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That when any will shall have been admitted to probate in any state or territory of the United States, or in any foreign state or kingdom, and it shall become necessary or desirable for the executor or executors named in such will or codicil, or for any of the persons interested therein, to have such will proved and recorded in this state, it shall and may be lawful for any surrogate of any county in this state, upon

Wills admitted to probate in foreign states, &c. may be recorded, &c. in this state.



application made to him for the purpose, and upon filing in his office an exemplified copy of such will, to make an order, that cause be shewn before him at a certain time and place therein to be expressed, not less than thirty days nor more than six months from the time of making such order, why a duly certified copy of such will, and codicil or codicils thereto, if any, should not be filed and recorded in the office of such surrogate, and letters testamentary thereupon be issued to such executor or executors as aforesaid, or letters of administration with the will annexed, as the case may require; which order shall be published in such manner as the surrogate making the same shall direct.

Sec. 2. *And be it enacted*, That if the person or persons making such application shall, at the time and place designated for that purpose as aforesaid, produce before the said surrogate a copy of such will or wills, and codicil or codicils, and shall prove, to the satisfaction of the surrogate, that the same is exemplified and attested to be a true copy thereof, in the manner in which copies of such instruments are usually exemplified and attested in the state, territory, or kingdom where the same shall have been admitted to proof, and that such copy would be received in evidence in the courts of such state, territory or kingdom; and shall also prove, to the satisfaction of the surrogate, that the said order has been duly advertised and published in the manner therein directed; and if no sufficient cause shall appear or be shewn to the contrary, it shall and may be lawful for the said surrogate to record such will or wills, and codicil or codicils, and to file the said copy thereof, and thereupon to grant letters testamentary to the executor or executors therein named, or letters of administration with the will annexed to some person or persons entitled thereto, in the same manner; and which letters testamentary, or of administration with the will annexed, shall be of the same, and of no other force and effect than they would have been if such will or wills, and codicil or codicils, had been produced and proved by the subscribing witnesses thereto, in the usual manner, under the laws of this state.

On certain requisitions, &c. the surrogate authorized to record exemplified copies of foreign wills.

Sec. 3. *And be it enacted*, That the record of such will or wills, and codicil or codicils, when the same shall have been recorded as aforesaid, and duly certified copies thereof, shall be evidence in the same manner, and have the same force and effect, in all courts of law and equity, as such record or copies thereof would have, if such will or wills, and codicil or codicils, had been proved in the usual manner, under the existing laws of this state.

Certified copies of such wills to be admitted in evidence.

Sec. 4. *And be it enacted*, That in all cases where the person or persons applying for probate of any will, in the manner provided for in this act, shall reside out of the state of

Bond to be given to the surrogate.

New-Jersey, it shall be the duty of the surrogate to whom such application is made, before granting the same, to take and receive from such person or persons a bond, with security for the faithful administration of the estate of the testator, in the same manner as is now required by law in case of administrations.

Former act repealed,

Sec. 5. *And be it enacted*, That the act entitled, "An act relative to wills, administrations, and guardianships, proved and granted without this state," passed the ninth day of December, in the year of our Lord eighteen hundred and twenty-five, be, and the same is hereby repealed: *Provided always*, that all proceedings heretofore had and done under and in pursuance of the said act, shall be and continue of the same force and effect as the same would be if the said act were not repealed.

C. March 6, 1828.

### 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 herein after named, the following sums, viz:—

To David I. Christie, James Parker, and Amzi Dodd, for time and expenses attending as a committee, appointed by the House of Assembly, to examine the state lands at Paterson, sixty-two dollars and twenty-five cents.

To Alexander Witherup, for repairs done to state-house windows, five dollars and sixty-four cents.

To David Witherup, for repairs done to, and lock furnished for Assembly room, three dollars and thirteen cents.

To William Gould, for cutting and splitting wood, and so forth, twenty-two dollars.

To Charles Parker, for amount paid by him for improvements made to the state library room and committee room, as per bills rendered, one hundred and eighty-eight dollars and sixteen cents; for expenses paid by him, going to, while at, and returning from Philadelphia, on business for the state, for Lehigh coal, for postage, and for expenses for repairs made to the government house and chancery office, forty-nine dollars and eighty-two cents, as per bills rendered; also, for fifteen cords of wood furnished the state, ninety dollars, making an aggregate of three hundred and twenty-seven dollars and ninety-eight cents.

To Philip F. Howell, for plank and scantling furnished government house, eight dollars and seven cents.

To William Marseilles, for work done government house, seventy-five cents.

To the Secretary of Council, and to the Clerk of Assembly, three cents by the sheet, computing one hundred words to the sheet, in addition to what is allowed by law, for the copy of the minutes made out for the printers.

To George P. Glentworth, for candles furnished Supreme Court, as per bill, one dollar and fifty cents.

To the Governor of this state, for postage on letters at the post office of Trenton and Elizabethtown for the year last past, thirty-six dollars and forty-seven cents.

To Ebenezer Seely, clerk of the county of Cumberland, for a number of certified copies of indictments against Thomas Hand, John West, and others, as per voucher, ten dollars and six cents.

To Richard Stockton, esquire, for his services as a commissioner to settle the question of boundary between this state and the state of New-York, one hundred and fifty dollars; and for clerk hire and postage, fourteen dollars and seventy-two cents.

To John Rutherford, esquire, commissioner as aforesaid, one hundred and thirty-two dollars.

To Theodore Frelinghuysen, esquire, commissioner as aforesaid, one hundred and thirty-two dollars.

To James Parker, esquire, commissioner as aforesaid, one hundred and fourteen dollars.

To Lucius Q. C. Elmer, esquire, commissioner as aforesaid, one hundred and sixty-two dollars.

To Thomas L. Woodruff, for Scotch spring knob lock for the secretary of state's office, two dollars.

To William Kerwood, for letter-box furnished Council chamber, one dollar and fifty cents.

To Jonathan Cauley, for time and expenses attending as an evidence in behalf of the state against William Harrison, nine dollars and seventy-five cents.

To David Davis, junior, an evidence as aforesaid, twelve dollars.

To Samuel Crowley, an evidence as aforesaid, twelve dollars.

To John Waters, an evidence as aforesaid, twelve dollars.

To Micajah Reeve, an evidence as aforesaid, seventeen dollars and twenty cents.

To Elisha Forman, for boards, carpenter work, and painting and lettering two boards for offices, as per vouchers, twelve dollars and forty-three cents.

To David Taylor, for repairs done state-house, and to the yards, gates, and fences of same, fifteen dollars and fifty cents.

To Benjamin Fish, for one ton of Lehigh coal, seven dollars and fifty cents.

To Thomas Cain, for candles furnished Council and Assembly, six dollars and sixty-three cents.

To Scudder & Reeder, for boards furnished for repairs of the state-house, one dollar.

To Martin C. How, for finding and setting glass in state-house, five dollars and sixty-two cents.

To Joseph Justice, for printing bills, reports of committees, and stationary, as per bills, three hundred and one dollars thirty-seven cents.

To George Sherman, for newspapers, printing Governor's proclamation, notice of Court of Appeals, thirty dollars eighty-six cents; and a further sum of fifteen dollars for printing public acts, passed in one thousand eight hundred and twenty-six.

To William L. Prall, for the True American, the sum of forty dollars and fifty-four cents; and a further sum of two dollars for advertising extra term of the Court of Errors.

To John Bellerjeau, for splitting wood for the use of the Council, one dollar.

To Charles Parker, librarian, for two hundred copies of the first and second reports of the Boston Prison Discipline Society, fifty dollars.

To Daniel Fenton, for stationary and other articles furnished the Council and Assembly, fifty-five dollars and sixty-nine cents.

To Daniel Fenton, for two quires of paper, feint lined, and one lead pencil, sixty-eight cents and three-fourths.

To John R. Smith, for andirons, lock, candles, &c. for the use of both houses, eight dollars and twenty-five cents.

To Daniel Coleman, for countersigning checks of the treasurer, for the four last years, and other such duties, of which no compensation is provided for by law, fifteen dollars.

To Daniel Fenton, for nine pieces of tape, forty-six cents.

C. March 7, 1828.

## AN ACT to incorporate the Howell Works 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 P. Allaire, Thomas P. Walworth, and such others as now are, or hereafter may be associated with them, be, and are hereby ordained, constituted, and declared to be a body politic and corporate, in fact and in name, by the name of "the Howell Works Company," for the sole purpose of manufacturing iron, hollow-ware, brass castings, and other articles, in Howell, in the county of Monmouth, 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 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, for the use of the said corporation: *Provided*, that the said real estate to be purchased and holden shall be such only as is now owned by the said James P. Allaire and Thomas P. Walworth, in the county aforesaid, or as may be necessary for the purposes for which this corporation is established.

Name of the company, their powers and privileges.

Proviso.

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

Amount of capital.

SEC. 3. *And be it enacted*, That the stock, property, affairs, and concerns of the said corporation shall be managed and conducted by three 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 ten shares, and shall be citizens of the United States; and the said directors

Directors, their duty, &c.

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 a newspaper printed in the county, if there be any one printed therein, or in one or more newspapers printed in the state nearest to the aforesaid works, 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.

Manner of voting.

Commissioners to open books, &c.

Sec. 4. *And be it enacted*, That James P. Allaire, Thomas P. Walworth, and Sellick Nichols shall be commissioners, whose duty it shall be, at some suitable place in the county of Monmouth, 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 of the first instalment, to be then paid, in two of the public newspapers printed in New-Jersey, and, as soon as the same shall be subscribed, to give a like notice for a meeting of the stockholders, to choose three 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.

President to be chosen.

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 thereafter; and in case of the death, resignation, or inability to serve of the president, or any directors 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.

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 in such manner as shall have been regulated by the by-laws and ordinances of the said corporation.

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 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, 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 have become due, then such stock of any such debtor, or so much thereof as shall be sufficient for that purpose, may be sold by the said corporation, and the proceeds thereof applied toward the satisfaction of such claim or demand.

Stock personal  
estate:

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 the 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 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 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, 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

Quorum.

Powers and pri-  
vileges.

By-laws, how  
made.

to the constitution and laws of this state or of the United States.

Books of account to be kept always open for inspection.

Sec. 9. *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 transactions of said corporation, which books shall be subject at all times to the inspection of the stockholders of the company.

Limitation of charter.

Sec. 10. *And be it enacted*, That this act shall be and remain in force for and during the space of thirty years.

C. March 4, 1828.

AN ADDITIONAL SUPPLEMENT to the act entitled, "An act for the punishment of crimes," passed the eighteenth day of March, seventeen hundred and ninety-six.

Imprisonment may be hard labor, instead of solitary confinement.

Sec. 1. BE IT ENACTED *by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That hereafter when any person shall be convicted of any crime or misdemeanor, for which the court before whom such conviction shall be had, may, by any existing law of this state, sentence such person so convicted to solitary imprisonment in the cells of the state-prison, such court, instead thereof, may sentence such person so convicted to imprisonment at hard labor, the term of such imprisonment not to exceed the term of imprisonment prescribed for the punishment of such crime or misdemeanor in the act to which this is a supplement, or in some other act now in force, in cases where a term of imprisonment is therein limited and prescribed; and in all cases where no term of imprisonment at hard labor is already limited and prescribed, the term of imprisonment not to exceed ten years.

Punishment of second offence.

Sec. 2. *And be it enacted*, That if any offender who shall have been sentenced to imprisonment at hard labor for any other crime than those specified in the seventy-first section of the act to which this is a supplement, shall be convicted of a second offence of a like nature, such offender shall be sentenced to imprisonment at hard labor for any period not exceeding double the time for which said offender might have been sentenced for the first offence.

Prisoners to be kept in separate apartments during night.

Sec. 3. *And be it enacted*, That it shall be the duty of the keeper and assistant keepers of the state-prison to put and keep the convicts confined in the said prison in separate



apartments during the night time, as far as the same is practicable, and prevent, as far as a strict and rigid discipline will enable him, all conversation between and among the said convicts at all times, as well in the night as in the day.

Sec. 4. *And be it enacted*, That all acts and parts of acts coming within the purview of this act, and contrary thereto, be, and the same are hereby repealed.

C. March 7, 1828.

**AN ACT** to compel the attendance of witnesses before judges, commissioners of bails and affidavits, and commissioners under foreign commissions.

Sec. 1. *BE IT ENACTED by the Council and General Assembly of this State, and it is hereby enacted by the authority of the same*, That whenever it shall be lawful and necessary to take any depositions or affidavits to be used on the trial of any cause, or on the argument of any motion, in any court of law or equity of this state, it shall be lawful for the judge or the commissioner of bails and affidavits before whom such deposition or affidavit may lawfully be taken to issue a summons or citation, in the nature of a subpoena, for any person or persons whose attendance before such judge or commissioner may be required by either party in such cause; which summons or citation, subscribed by such judge or commissioner, may be served on the person or persons to whom the same may be directed, in the same manner, and be of the same force and effect, as any subpoena ad testificandum duly issued out of any such court would be.

Judges or commissioners may issue citations to witnesses.

Sec. 2. *And be it enacted*, That in case any commission issued out of any court of competent jurisdiction of the United States, or of any state or territory in the United States, shall be directed to any person or persons, being citizens of this state, authorizing such person or persons to examine or take the deposition or depositions of any witness or witnesses in any cause named in such commission, and the said person or persons, so to be examined under such commission, shall refuse to attend and give his, her, and their testimony before such commissioner or commissioners, it shall and may be lawful for any justice of the Supreme Court of this state, upon application made to him by or on behalf of such commissioner or commissioners, and, upon proof being made of such refusal, to make an order awarding process of subpoena out of the said Supreme Court for such witness or witnesses

How subpoena may be obtained in case witness refuses to attend.

to appear and testify before such commissioner or commissioners; and upon filing such order in the clerk's office of the said Supreme Court, it shall be the duty of the said clerk to issue process of subpoena under the seal of the said court, requiring such witness or witnesses to appear and testify before such commissioner or commissioners.

Subpoena, how served.

Fees.

When witness may be proceeded against for contempt.

Who guilty of perjury.

Sec. 3. *And be it enacted*, That the process of subpoena authorized in the last preceding section, shall be served in the same manner, and be of the same force and effect, as like process in any other case; that any person or persons attending in pursuance of any summons or subpoena authorized by this act, shall be entitled to the same fees, and subject to the same penalties for refusing to attend as witnesses as are by law entitled or subject to in other cases in the Supreme Court of this state.

Sec. 4. *And be it enacted*, That if any person shall wilfully refuse to obey such summons or subpoena as aforesaid, on due proof thereof, made before the Supreme Court of this state, it shall be lawful for the said court to proceed against such witness or witnesses, as for a contempt of the said court, in like manner as for any other contempt of said court.

Sec. 5. *And be it enacted*, That if any person, who shall be sworn and give evidence before any judge or commissioner of bails and affidavits, or before such commissioner or commissioners, under any such foreign commission as aforesaid, shall wilfully and corruptly swear falsely, he or she shall be deemed guilty of perjury, and may be prosecuted and punished accordingly.

C. & A. March 6, 1828.

## RESOLUTIONS.

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### REPORT of the Committee on the South Carolina and Georgia Resolutions.

THE committee to which was referred the resolutions of the legislatures of South Carolina and Georgia in relation to the constitutionality and expediency of promoting American manufactures by means of tariff laws, ask leave to REPORT—

That they have had the same under consideration, and perceive no cause to dissent from the construction which Congress have uniformly given to the constitution of the United States, in relation to this subject. Ever since the organization of the federal government in its present form, tariff laws have been in force, and at different periods subsequently additional laws have been enacted, having for their object, not merely the raising of revenue, but the encouragement and protection of the shipping interest of the country. While this interest was in its infancy, very heavy discriminating duties on imports and tonnage in favor of American ships were imposed, which sometimes operated as an entire prohibition of importation in foreign vessels.

These duties secured the building of American ships, and the employment of American seamen, and rendered permanent and prosperous the commerce of our country: nor were these discriminating laws repealed or modified until this great interest of the nation had acquired such strength as to render them unnecessary. Besides, large sums of money are annually appropriated to extend ample protection to the property and enterprise of our merchants, in every quarter of the world. The constitutionality of these laws has never been questioned.

The committee do not perceive that the power of Congress to extend similar protection and encouragement to manufactures, is in any degree more limited or more doubtful. In fact, this power has been frequently exercised by Congress. The manufacture of many articles has been encouraged and protected by means of duties which have been imposed upon their importation, and these duties have been

imposed avowedly for the purpose of protection to the American manufacturer.

Under these circumstances, your committee are of opinion, that a practical construction has been given to the constitution on this subject, by the successive decisions of the general government, which cannot now be shaken.

If the result to which the committee has arrived be correct, the only remaining question is, the expediency of the further interference of Congress in aid of the agriculture and manufactures of the country.

Experience has shewn that the full protection of manufactures from foreign competition creates a competition in the home market, and the community are supplied with these articles, so protected, without any increase in price. The state of New-Jersey has the means of contributing large quantities of the raw materials of iron, wool, and flax, and has already made very great advances in the manufactures of these and other articles. The cultivation and improvement of these resources have become essential to the prosperity of this state.

Believing that these important interests stand in need of further encouragement and protection, and that it is expedient that such protection should be extended to them, the committee ask leave to submit the following resolutions:—

*RESOLVED, by the Council and General Assembly, That the senators and representatives in Congress from the state of New-Jersey be, and they are hereby requested to use their endeavors to procure the adoption of such measures as shall give effectual protection to the great staples of the United States, and to the manufactures of the same, particularly to those of iron, wool, flax, and hemp, and to such others as Congress, in their wisdom, may deem to require it.*

*Resolved, That the Governor be required to cause a copy of the foregoing resolution to be sent to each of the senators and representatives in Congress from this state.*

C. March 4, 1828.

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*RESOLVED, That there be delivered to each of the commissioners appointed on the part of this state to settle the question of territory and jurisdiction in dispute with the state of New-York ten copies, to each of our senators and representatives in Congress five copies, and to each of the members of the Assembly and Council five copies, of the*

Message of his Excellency the Governor, together with the report of the commissioners appointed on the part of the state of New-Jersey to settle the question of territory and jurisdiction in dispute with the state of New-York.

*Resolved*, That twenty copies be deposited in the public library, for the use of the state, and that the remainder be placed in the hands of the Governor, for distribution to the executives of the several states, and otherwise as he may think fit.

C. March 4, 1828.

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THE committee appointed to make alterations in the Library room, and the furniture thereof, REPORT—

That, in their opinion, the following alterations and improvements are necessary:—

1. To remove the partition in the east side, so as to include the space between the Library and the room adjoining the Council chamber.

2. To erect additional shelves over the book-case in the east side, and to arrange the whole in such way as that a platform may be built to afford access to the books above.

3. To put a cloth on the table, and a carpet on the floor.

*RESOLVED*, by the Council and General Assembly of this State, That Charles Parker be authorized to make the necessary alterations in the Library room and furniture.

C. January 18, 1828.

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*RESOLVED*, by the Council and General Assembly of this State, That this legislature do not concur in opinion with the legislature of Georgia in relation to an alteration of the constitution of the United States, so as to prevent the election of president and vice-president from devolving, in any event, on the House of Representatives.

*Resolved*, That the Governor be requested to transmit copies of the above resolution to the executives of the several states, and to each of our senators and representatives in Congress.

C. March 7, 1828.

**RESOLVED**, by the Council and General Assembly, That the Governor, or person administering the government, be, and he is hereby authorized, on the part of this state, to subscribe for one hundred and twenty-five copies of the map of New-Jersey, constructed by Thomas Gordon.

*Resolved*, That the said maps be distributed as follows:— one to each of the states and territories of the United States; four for the Council chamber, Assembly room, Supreme Court, and State Library; four copies to the Governor, Secretary of State's office, office of Clerk of the Supreme Court, and of the Clerk in Chancery; one for each clerk's office and surrogate's office of each county; one for each member of the present Council; one for each of the colleges and theological seminaries in this state; and the remainder to the several counties of the state, in proportion to their representatives in Assembly, to be distributed as the board of chosen freeholders may think fit.

C. March 6, 1822.

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THE committee to which were referred the preamble and resolutions, from the state of Maine, in relation to the funds which may be appropriated by the general government for objects of internal improvement; and also the resolutions from the state of Connecticut on the same subject, ask leave to report, that they fully concur in the opinion expressed in the preamble to the resolutions from the state of Maine, that if the surplus funds of the United States are to be appropriated to the purposes of internal improvement, the best mode of appropriation will be to distribute these funds among the several states, in proportion to their population, subject to the condition, that they shall be exclusively applied by the state governments to the purposes of internal improvement and general education. Your committee would therefore submit the following resolves:—

*Resolved*, That, if the government of the United States shall think proper, to appropriate a part of its revenue to the purposes of internal improvement, it is the opinion of this legislature, that the funds designed for these purposes ought to be distributed among the several states, in proportion to their population, to be expended under the authority of their respective legislatures.

*Resolved*, That the Secretary of State be, and hereby is directed to transmit a copy of these resolves to each of the senators and representatives in Congress from this state.

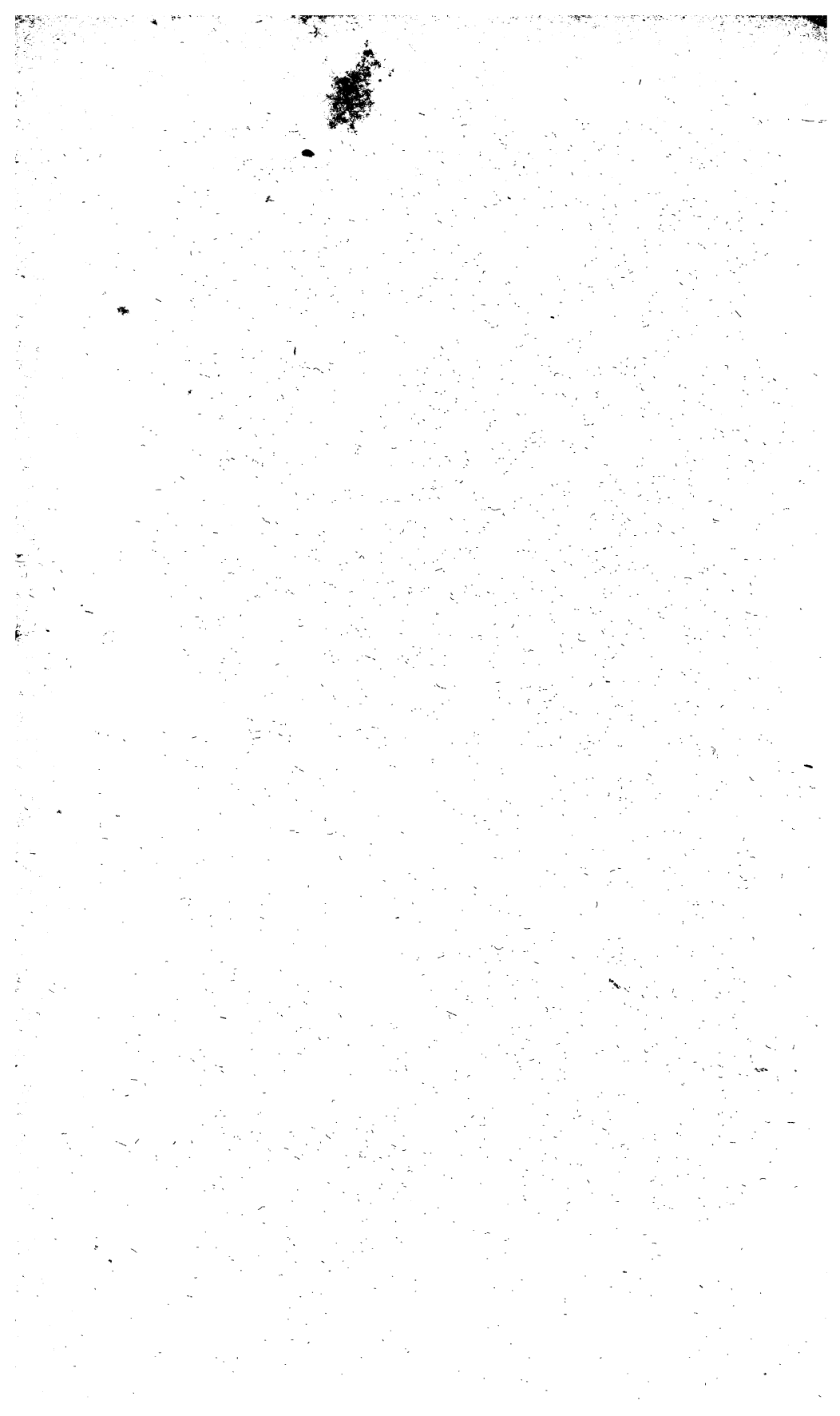
*Resolved*, That his excellency the Governor be requested to transmit a copy of these resolves to the executives of each of the several states.

C. March 5, 1828.

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RESOLVED, That the president and cashier of "the New-Jersey Manufacturing and Banking Company" be required forthwith to make full return to the Secretary of State, under oath, of the stock of the said company, and the manner in which the same is employed; how much specie is in the vault, and what amount has been paid out during the year last past to redeem the notes of the said bank; and how much has been otherwise disposed of, and for what purpose, and where the said specie has been sent; and also a full and true statement of the funds and property of the said company, and of the notes in circulation, and debts due and owing by the said company.

C. February 4, 1828.





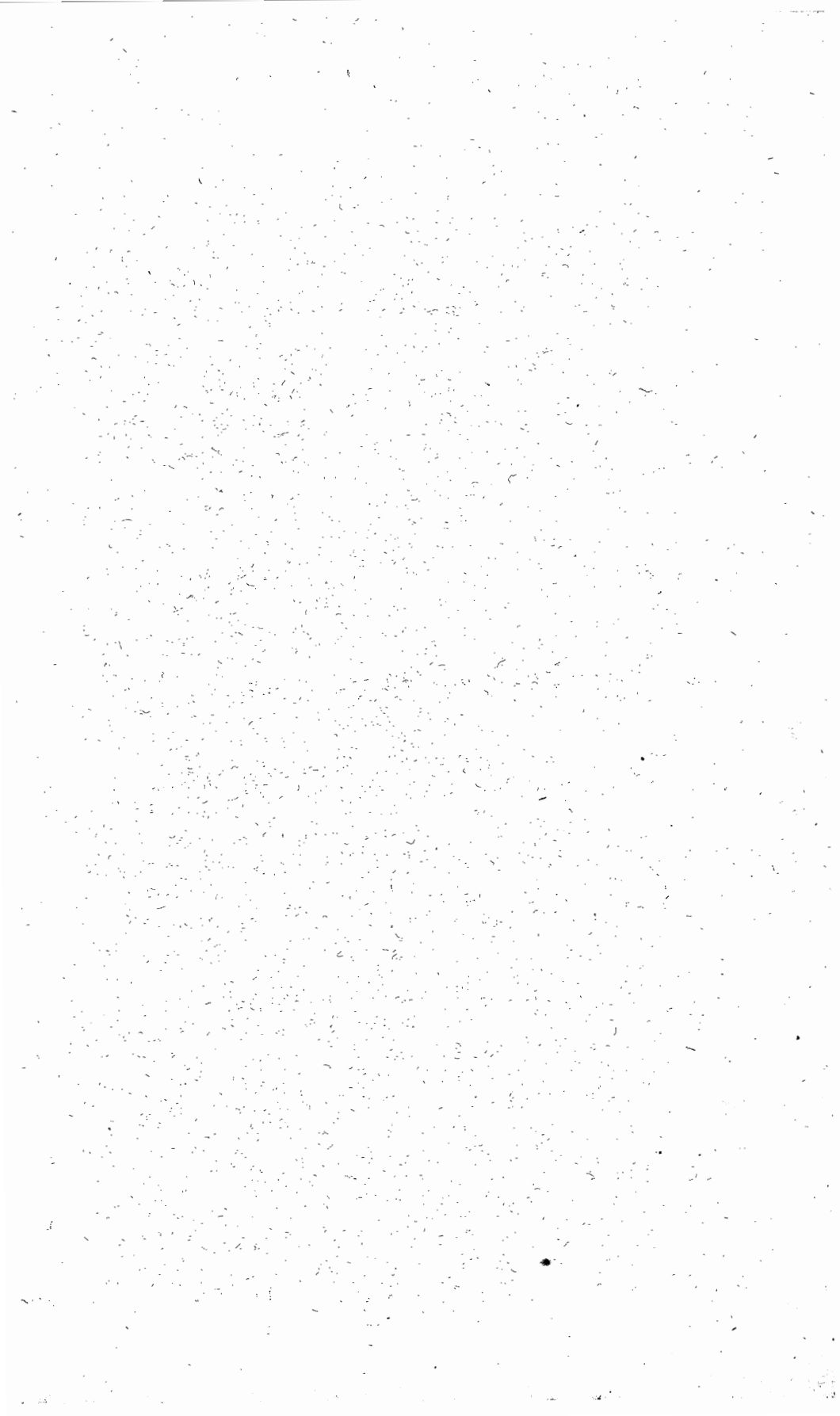
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